

**Town of Kingston  
Community Preservation Committee**

MINUTES  
November 10, 2009

Chairman Dalton opened the meeting of the Community Preservation Committee held on November 10, 2009 at 7:01 pm in room 101 at the Town House, 26 Evergreen Street, Kingston, MA.

Present: Craig Dalton, Pine duBois, John LaBrache, Ken Moalli and Paul Ricci

Absent: Vickie Benassi and Mathew Hamilton

Arrived Late: David Gavigan and Marilyn Kozodoy

Chairman Dalton welcomed new Community Preservation Committee member, Paul Ricci.

7:03 Town Administrator-Jill Myers

Ms. Myers reviewed 2 options to clarify the Preservation Restriction issue with the Reed Community Building. She stated after speaking to Town Counsel, they feel the vote at Town Meeting was not sufficient for a third party to hold the Preservation Restriction. Two options:

1. Take the issue back to Town Meeting and vote to have a third party hold the Restriction, most likely the Jones River Village Historical Society .
2. Create a more generic 30 year binding Restriction to be held by local Historic Commission. It does not need state sign off and can be renewed before the 30 year expiration. Town Counsel believes a Town Board can hold a restriction on a Town property.

Mr. Dalton indicated we can pay the contractor bill with the stipulation that there will be a Deed Restriction and it will come up before Town Meeting again.

Ms. Myers clarified that there was no specific indication of who would hold the Restriction at the last Town Meeting vote and you need to a specific mention of the third party in the vote. She also indicated the contractor complied with the contract and we are obligated to pay the bill.

Mr. Dalton inquired if Ms. Myers would be willing to write a letter for Town Meeting. Ms. Myers stated she could have Town Counsel draft a letter.

Mr. Dalton stated we have had the generic Restriction before and this type is not very helpful. He would like to see the first option used.

Ms. duBois indicated there seems to be a conflict to have the local Historic Commission hold the Restriction over the Town when they are appointed by the Town.

Upon motion by Ms. duBois and seconded by Mr. Moalli, following discussion and a 5-0-0 vote, it was

VOTED: to pay Meadows Construction Co. for a bill dated 10/14/09 in the amount of \$51,262.00, based on a pledge to resolve the Restriction issue at next Town Meeting.

Upon motion by Ms. duBois and seconded by Mr. Moalli, following discussion and a 5-0-0 vote,  
It was

VOTED: to pay The Patriot Ledger for a bill dated 10/25/09 for RFQ for the Frederic C. Adams Heritage Center project in the amount of \$213.36

Mr. Moalli presented a bill to cover application printing expenses in the amount of \$57.00 and requested to have it paid from CPA Administrative funds.

Ms. duBois requested general conversation on this issue since the CPA guidelines to applicants states the CPC will not pay for costs of application.

Upon motion by Mr. LaBrache and seconded by Ms. duBois, following discussion and a 4-1-0 vote,  
It was

VOTED: to deny payment of printing costs related to the Recreation Commission applications.

Review of Habitat for Humanity payment. Mr. Dalton wants to make sure Town Counsel reviews and rules the mortgage deed as sufficient to ensure Affordable Housing in perpetuity.

The Accountant would like to have material receipts in order to back up the payment. Habitat is currently putting these receipts together.

7:23 David Gavigan arrived

Upon motion by Mr. Moalli and seconded by Mr. Gavigan, following discussion and a 4-0-2 vote,  
It was

VOTED: to accept the minutes of October 13, 2009 as corrected

Mr. LaBrache and Mr. Ricci abstained

Frederic C. Adams Heritage Center Committee-Project Progress Update

Members in attendance: Daune Frey, Tom Bott, Verna Dalton, Brian McWilliams, Rui Santos and Barbara Douglass

Daune Frey, Committee Chair stated they had intentions of getting proposal out to bid and in construction at this point. The past Architect and Museum Planner were at conflict and this has stalled progress.

7:25 Marilyn Kozody arrived from Conservation Commission meeting

Tom Bott, Town Planner, stated there were problems getting plans from Architect and they decided to drop that firm and renegotiate for new Architect. Bids went out late August, they selected a firm and went to negotiate when it was discovered there was a mistake in the RFQ and it must go back out to bid.

The financials in the new application are based on the last Architects estimates. The Committee indicated they could have new numbers within 30 days to the CPC.

Mr. Dalton thanked the Committee for all of the time they have put into this project.

#### Holmes/Watson Boatyard

Ms. duBois has been in conversation with Massachusetts Historical Commission and their letter states that the Preservation Restriction is all set and can move forward to Kingston Historical Commission.

She also reported the project does not require a Chapter 91 permit but the Army Corp does require one. They will also be going before the Conservation Commission.

The process will be for the Historic Commission to sign off the Restriction on Thursday, then to BOS to sign off and then to MHC.

Upon motion by Mr. LaBrache and seconded by Ms. Kozodoy, following discussion and a 6-0-1 vote, It was

VOTED: to release payment of \$40,000 to Jones River Landing Environmental Heritage Center after the Board of Selectmen have signed off.

Ms. duBois abstained

#### Triphammer Park

Ms. duBois reported that Jones River Watershed Association will front the due diligence money as long as the CPC will back them up if the Town pulls out of the project. The only reason that would happen is if there is hazardous waste on the property or a problem with the title commitment. They have already paid for survey and title commitment. They have contracted ECS to do Phase I assessment of hazardous waste. They have submitted all closing documents and appraisal is the only thing still outstanding. Goodwin/Proctor is pursuing the Conservation Restriction. The due diligence was capped at \$10,000 but is going to be less than that. The survey was \$2500.

#### Discussion of New application projects:

Larson/Leigh Road-Mr. LaBrache reported we could foreclose on the properties indicated but there would be costs involved.

Mr. Dalton reminded members to look to the future and not necessarily spend all available CPA money every year.

Opachinski Fields-Mr. Dalton spoke to the Coalition on this and there is a ruling on this in Newton. If you're preserving fields even if they weren't purchased with CPA money but the fields would not survive if the money was not spent, then you can fund the project.

8:14 Ms. Kozodoy and Ms. duBois left meeting to return to Conservation Commission meeting.

#### Meeting Schedule:

December 2, 2009 7 pm – quick meeting

December 9, 2009 7 pm – 4 projects interviewed

7:15-Brentwood Park  
7:45-Town Report  
8:00-Larson/Leigh Road  
8:30-Reed Terrace

December 15, 2009 7 pm- 3 projects interviewed

7:15-Frederic C. Adams  
7:45-Powder House  
8:15-Bradford House

December 17, 2009 7pm-2 projects interviewed

7:15-Opachinski Fields  
7:45-Calista Property

Site walks: November 14, 2009 at 9 am to include Calista, Larson/Leigh Road and Brentwood Park  
December 5, 2009 at 9 am to include Reed, Adams, Powder House and Bradford House

Possible Future Meeting Dates:

January 5, 2009 if everyone can attend – email will go out  
February 2, 2009 for possible public hearing date

Project Liaisons were established as follows:

Larson/Leigh Road-Ken Moalli  
Town Report-John LaBrache  
Frederic C. Adams-Mathew Hamilton  
Powder House-Marilyn Kozodoy  
Bradford House-John LaBrache  
Reed Terrace-Craig Dalton  
Opachinski Fields-David Gavigan  
Brentwood Park-Pine duBois  
Calista Property-Pine duBois

Mr. Dalton reported there was a request from the Kingston Housing Authority for a 30 day extension of the application deadline.

Mr. Gavigan hates to deny this request because Affordable Housing is so important and it's the one area where we haven't spent much money but the schedule doesn't allow an extension. It was also noted that many of these projects could have Affordable Housing wrapped into them.

Upon motion by Mr. Moalli and seconded by Mr. LaBrache, following discussion and a 5-0-0 vote, it was

VOTED: to deny the extension request and continue with current policy.

Mr. Dalton inquired why this Committee doesn't have a Treasurer.

Mr. Moalli stated the bylaws do not require a Treasurer.

Mr. Dalton believes this position would be helpful to decipher financial reports.

Mr. LaBrache indicated those reports will always come from the Treasurers' Office and he will provide them as long as he is on the Committee.

Mr. Moalli would like to see a point person who could provide those reports on each project at each meeting.

Upon motion by Mr. Moalli and seconded by Mr. Gavigan, following discussion and a 3-2-0 vote, it was

VOTED: to create a position of Treasurer for the Community Preservation Committee

Mr. LaBrache and Mr. Ricci voted in the negative

Nominations for Treasurer: John LaBrache

Upon motion by Mr. Moalli and seconded by Mr. Gavigan, following discussion and a 4-1-0 vote, it was

VOTED: to close nomination and elect John LaBrache as Treasurer

Mr. Ricci voted in the negative

Mr. Dalton requested updated financial progress reports for all projects indicating amounts allocated and amounts spent.

Upon motion by Mr. Moalli and seconded by Mr. Gavigan, the meeting was adjourned at 8:45 pm

**Future Meetings:** December 2, 2009 at the Town House, Room 203 at 7pm  
December 9, 2009 at the Town House, Room 203 at 7pm  
December 15, 2009 at the Town House, Room 200 at 7 pm  
December 17, 2009 at the Town House, Room 203 at 7 pm

Respectfully Submitted,

Priscilla W. Brackett  
Secretary