

**Town of Kingston
Community Preservation Committee**

MINUTES
May 11, 2010

Chairman Dalton opened the meeting of the Community Preservation Committee held on May 11, 2010 at 7:06 pm room 203 of the Town House in Kingston, MA.

Present: Pine duBois, Don Ducharme, Marilyn Kozodoy, John LaBrache, Ken Moalli, and Paul Ricci
Arrived Late: David Gavigan
Absent: Mathew Hamilton

Public Attendees: Wendell Chamberlain, Brian McWilliams, Diane Piorier, and Sia Stewart

Mr. Moalli opened the hearing by reading the Public Hearing Notice

Mr. Dalton informed the public 8 projects were being funded.

Bradford House-This project was approved by the Committee for funding of \$39,000. It was noted a Preservation Restriction will be required. There were no public comments for questions.

Powder House-This project was approved by the Committee for funding of \$35,000. It was noted deed rights to the building would need to be obtained by the Library Board of Trustees.

Brian McWilliams spoke in favor of the project. He had obtained letter from Ken Brack stating his commitment to donate the Powder House to the town after 6/25/10 when he takes ownership.

Mr. Moalli asked how firm the \$35,000 figure was. Mr. McWilliams stated the numbers are not solid. They will be looking for assistance from some Town Departments, i.e. Highway Dept.

Sia Stewart noted Mr. Brack would prefer for the Town to take the whole building which may be cheaper. They are still unsure if they can come to agreement with David Holmes but noted if they don't, the Powder House would be \$1,000 less in payment to Holmes and possibly less in moving costs.

Town Reports-This project was approved by the Committee for funding of \$1800. There were no public comments or questions.

Reed Terrace-This project was approved by the Committee for funding of \$75,000. There were no public comments for questions.

Frederic C. Adams Heritage Center-This project was approved by the Committee for funding of \$500,000. There were no public comments or questions.

Leigh/Larson Road-It was noted the appraisal for these properties was just received and came to a total of \$129,500.

Upon motion by Mr. Ducharme and seconded by Ms. duBois, following discussion and a 7-0-0 vote, it was:

VOTED: to fund the Leigh/Larson project for a total of \$134,000; including \$129,500 for purchase price, \$3,000 for closing costs and \$1,500 for a Conservation Restriction.

It was announced to the public the Leigh/Larson Road project was approved by the Committee for funding of \$134,000.

Ms. Poirier requested the appraisal be released to her.

Calista Property-It was noted a correction to the original appraisal had just been received.

7:25 pm Mr. Gavigan arrived

Mr. LaBrache noted the Town Meeting article does not have language in it that speaks to borrowing so the option of borrowing to fund this project is problematic. He added there are two options. There is the possibility of a Special Town Meeting to address this one project with borrowing or to purchase it over 2 years. He noted Town Counsel is not comfortable with the second option since the Town may not vote through the second year of funding.

Mr. LaBrache noted the updated appraisal is now \$920,000.

Ms. duBois noted the borrowing article is a 2/3rds vote and the 2 year option is a majority vote. She inquired if the borrowing article was on the Special Town Meeting (STM), could the 2 year payment option remain on the regular Town Meeting. Mr. LaBrache stated if it passes at the STM, they just won't move it at the Annual Town Meeting.

Mr. Dalton stated the Calista family has not agreed to number yet.

Mr. LaBrache stated the Committee will need to vote to request the Selectmen put article on the Special Town Meeting warrant for Calista.

There was discussion about the final number for the Calista project.

9:40 Mr. Gavigan left the meeting.

Ms. duBois questioned the Conservation Restriction costs. She stated the Wildlands Trust will write the restriction.

Mr. Dalton stated the Historical Commission will take care of the Preservation Restriction.

Mr. Dalton encouraged the Committee not to limit the amount of money set aside for this project. If the number comes in lower, the money doesn't have to be used but will be set aside.

Mr. LaBrache pointed out any unused money will not be available until project is closed out. He also noted there will not be enough money to pay if off evenly over 2 years and the Calistas will have to agree to this. Mr. LaBrache will put together numbers.

In speaking about the LAND grant application, which deadline is in July, Mr. Dalton stated Maureen Thomas, Conservation Agent, has agreed to help with grant application. Ms. duBois pointed out that Conservation has to be the applicant. Ms. duBois will make sure the grant application gets filed as well as the Open Space plan. She noted the second appraisal needs to be done within 6 weeks.

Upon motion by Ms. duBois and seconded by Mr. Ricci, following discussion and a 6-1-0 vote, it was:

VOTED: to fund the Calista Property project in the amount of \$936,000 including purchase price, closing costs, Conservation Restriction and a second appraisal.

Mr. Dalton voted in the negative

It was announced to the public the Calista project was approved by the Committee for funding of \$936,000. It was noted a Conservation Restriction and a Preservation Restriction will be required. There were no public comments for questions.

Hall Property-This project was approved by the Committee for funding of \$152,500 including closing costs. There were no public comments or questions.

Mr. Dalton indicated the Conservation Restriction money will have to come out of the Administrative Fund.

Mr. Moalli is willing to approach KYSO for donation.

Mr. LaBrache pointed out the Assessors documentation on this property: Assessed value=\$11,400 and Appraised value=\$296,400. He stated it is his understanding that one of the Assessors is upset that there is not appraisal being done on this property. He added since this property is under Chapter 61, the town had first right of refusal on it whenever it went on the market.

Ms. duBois stated the first right of refusal has a limited time on it and expires after something like 90 days. She added there was another buyer willing to pay \$250,000.

Mr. Dalton added the Town would not have had the money to buy the property unless it went through the CPA process.

Mr. Dalton pointed out the motion needs to read both a Preservation Restriction and a Conservation Restriction are needed on this property.

Mr. Dalton referred to a memo from the Recreation Commission stating they agree to be responsible for maintenance of property.

Mr. Moalli stated the maintenance will be rolled into the current maintenance agreement for complex. Addressing the paintball lease issue, Mr. Moalli stated all agreements to date are verbal. The Recreation Commission has a system in place for groups to run an activity. They pay a fee to the Town. The paintball activity would fall under the same guidelines as far as fees and liabilities are concerned.

Mr. Dalton questioned public access to the property during the paintball activity. Mr. Moalli assured the Committee the Recreation Commission will work through all of these issues with Town Counsel and the Town Administrator.

Ms. Kozodoy stated there seem to be immediate interest in addressing the issue of mosquitoes breeding in the tires on the property. The issue has been brought to the attention of the Board of Health.

8:15 Mr. LaBrache left the meeting

Upon motion by Mr. Moalli and seconded by Mr. Ricci, following discussion and a 6-0-0 vote, it was:

VOTED: to close the public hearing

Upon motion by Mr. Ducharme and seconded by Ms. Kozodoy, following discussion and a 6-0-0 vote, it was:

VOTED: to pay the Patriot Ledger for a bill dated 4/25/10 from the CPA Administrative Fund in the amount of \$35.37.

Upon motion by Mr. Moalli and seconded by Mr. Ducharme, following discussion and a 6-0-0 vote, it was:

VOTED: to request the Board of Selectmen place a CPA borrowing article for the purchase of the Calista property on the June 1, 2010 Special Town Meeting Warrant

Upon motion by Mr. Moalli and seconded by Mr. Ricci, the meeting was adjourned at 8:19 pm.

8:23 pm – The meeting was reopened by Chairman Dalton. Present: Ms. duBois, Ms. Kozodoy, Mr. Moalli, and Mr. Ricci.

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

VOTED: to release the appraisal of the Leigh/Larson Road properties to project applicant and involved parties.

Upon motion by Mr. Ricci and seconded by Ms. Kozodoy, the meeting was adjourned at 8:25 pm.

Respectfully Submitted,

Priscilla W. Brackett
Secretary