

Approved 3.13.2013

COMMUNITY PRESERVATION COMMITTEE
MEETING MINUTES
FEBRUARY 13, 2013, 7 P.M.
SETH VENTRESS BUILDING
SOUTH RIVER STREET, MARSHFIELD

ATTENDANCE

CPC Members: Tom Whalen, Chair, Tim Russo, Kerry Richardson, Brian Wall, David Paliotti. Absent: Karen Horne, Kevin Cantwell.

Others Present: Don McAleer, Advisory Board, Robert Galvin, Town Counsel.

1. Call to Order

MOTION: Tom Whalen made a motion to open the meeting at 7:07 p.m. Motion second by Kerry Richardson. All in favor.

MOTION: Tom Whalen made a motion to go into executive session and return to open session at 7:10 p.m. to discuss CPC litigation. Motion second by Kerry Richardson. Roll Call: Tom Whalen, yes, Kerry Richardson, yes, Tim Russo, yes, Brian Wall, yes, David Paliotti, yes. Absent: Karen Horne, Kevin Cantwell.

MOTION: Tom Whalen made a motion to come out of executive session and return to open session at 7:37 p.m. Motion second by Brian Wall. Roll Call: Tom Whalen, yes, Kerry Richardson, yes, Tim Russo, yes, Brian Wall, yes, David Paliotti, yes. Absent: Karen Horne, Kevin Cantwell.

2. Open Space Guidelines

- Tom Whalen asked about the word proponent in the Open Space guideline changes written by Robert Galvin.
- Robert Galvin said the proponent could be the town, a seller, or anyone with a good idea for a land purchase.
- Brian Wall asked if CPC should get an appraisal for each open space project.
- Tom Whalen said CPC would like to have a better idea of the costs of having a survey done.
- Robert Galvin said CPC could set a not to exceed price.
- Tom Whalen asked about the Open Space position on real estate appraisals that the only person who can look at it is the chair of Open Space.
- Brian Wall referenced the Goggin property purchase and said it would have been nice to have read the appraisal.
- Tom Whalen said he sees the appraisals because he serves on Open Space and it would be nice but he can't share them.

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- Robert Galvin said Susan Caron didn't want the process to become political so she did not share them.
- Tom Whalen said he is not sure the selectmen see the appraisals but he thinks it is an important document because Open Space makes a decision on this.
- Tom Whalen said when Susan Caron did something it was always done right so it will be a learning curve for Open Space without her.
- Robert Galvin said no appraisal is needed for eminent domain and he hasn't seen that in a real estate acquisition.
- Tom Whalen asked if when considering Chapter 61 land the real estate appraisal has to be shared.
- Robert Galvin said when using the appraiser you can give your opinion but it doesn't have to be written, an appraiser is subjective.
- Robert Galvin said the town should have a relationship with an appraiser with senior appraiser credentials; he said the Commonwealth of Massachusetts uses Gayle.
- Kerry Richardson said Open Space should discuss and share appraisals with the chair of CPC. Kerry Richardson said he would not want to be in the position of having knowledge that accidentally is heard by another party.
- Tom Whalen said our negotiating process is flawed, the town administrator used to come before CPC.
- Robert Galvin said you need someone who is flexible, a point person, sometimes this is Jay Wennemar.
- Tom Whalen said if we set a price that ends up being the price.
- Tom Whalen said we aren't the only people buying land, DPW and other departments buy land, shouldn't we have one person negotiating for the town.
- Robert Galvin said all purchase and sales contracts come through his office.
- Brian Wall said it's hard if you have conservation negotiating the price.
- Robert Galvin said purchasing land for a cemetery or general purposes is important.
- Brian Wall asked who would drive these changes and if we vote on it do they have to follow it?
- Robert Galvin said CPC would have to adopt a policy that makes more sense for CPC to have.
- Tom Whalen said Rocco Longo was supposed to speak to the selectmen after Susan (Caron) left.
- David Paliotti said it makes sense for the town counsel to do this if Bob is negotiating legal terms.
- Robert Galvin said things often come up late in a deal as when he was negotiating the Pratt deal.
- Tom Whalen asked what the board thinks of future negotiations.
- Kerry Richardson wants to get together with other boards to negotiate something for buying property.
- Robert Galvin said reps are needed from each group but you don't want a committee.

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- Robert Galvin said an appraisal is debatable as to being required, it is completely up to the committee.
- Tim Russo said he doesn't want to spend any time rehashing what open space has already done and create conflicts.
- Tom Whalen asked about contingencies 21A and 21E.
- Brian Wall said the current application has a timeline, site visit requirements. Brian Wall said we don't want to vote on it if neighbors don't want it, how do we incorporate that.
- Robert Galvin said you can't go public until you negotiate.
- David Paliotti said why do we need past property appraisals.
- Tom Whalen said Scituate sometimes pays in excess of property appraisals.
- Robert Galvin said the Pembroke DPW paid \$1 million instead of \$900k which was the appraisal price because they felt the appraisers hadn't done a good job.
- Robert Galvin said state procurement laws say you aren't supposed to exceed the proposal.
- Tom Whalen said he will discuss with Open Space.
- Robert Galvin said they should make presentations.
- Robert Galvin said surveys are expensive; Open Space acquisitions want conservation restrictions and enough money should be included to have it surveyed.
- Tom Whalen said it makes sense to have all purchases surveyed; Robert Galvin said Pembroke wouldn't buy a 280 acre land parcel without it being surveyed and found a 30 x 40 shed on the property.
- Brian Wall asked if open space should do the appraisals.
- Tom Whalen said Carolina Hill is a problem because it has not been surveyed and we don't know what we own.
- Kerry Richardson said do we need to put this on an agenda about who has control over the project after town meeting?
- Tom Whalen said CPC was told by Rocco, Marzelli and the Selectmen that once ATM meets, CPC is out of it.
- Robert Galvin said most projects will come under Brian Adams.
- Brian Wall said it's not the land acquisitions, it's the projects.
- Robert Galvin said your job is probably just to make the recommendations to town meeting; he said he thinks the statute says the Treasurer is responsible.
- Kerry Richardson said that it is incumbent on CPC to insist that there is oversight.

3. Blacksmith Shop and Peregrine White Updates

- Tom Whalen said a contract has been drafted for the Blacksmith Shop and a letter has been sent to the Peregrine White abutters.
- Tom Whalen said Peregrine was originally for sale for \$1 million and open space rejected the project, now they are selling three building lots.
- Tom Whalen said Jay Wennemar wouldn't do it (the appraisal) so it was sent to Rocco.
- Tim Russo said they have been pushing this land forever.

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- Tom Whalen said we made a deal with them (Peregrine White Farm owners) before, CPC turned down Biagini property and he feels the same about this, we don't buy building lots.
- Brian Wall said that he thinks we need to get it before town meeting in good faith.
- Tom Whalen said that Open Space looked at about 200 acres of land last year and bought 37 acres. Open Space does look at a lot of land.

4. Minutes to Approve

MOTION: Tom Whalen made a motion to approve the minutes of January 9, 2013. Motion second by Brian Wall. Roll Call: Tom Whalen, yes, Tim Russo, yes, Brian Wall, yes, David Paliotti, yes. Abstain: Kerry Richardson. Absent: Karen Horne, Kevin Cantwell.

MOTION: Tom Whalen made a motion to approve the minutes of January 16, 2013. Motion second by Kerry Richardson. Roll Call: Tom Whalen, yes, Tim Russo, yes, David Paliotti, yes. Abstain: Brian Wall. Absent: Karen Horne, Kevin Cantwell.

4. Affordable Housing Update

- Tom Whalen updated the CPC about the Affordable Housing application being changed to \$383,000.
- Tom Whalen said \$214,000 will go into another project, not conversions.
- Tom Whalen said he will talk to town counsel about an undesignated balance.
- Tom Whalen said he thinks the program is only marginal, there have been 12 conversions in seven years. Tom Whalen said we need to look at some other programs.

MOTION: David Paliotti made a motion to adjourn the open meeting at 9 p.m. Motion second by Tim Russo. Roll Call: Tom Whalen, yes, Kerry Richardson, yes, Tim Russo, yes, Brian Wall, yes, David Paliotti, yes. Absent: Karen Horne, Kevin Cantwell.

Respectfully submitted,

Carolyn Shanley, CPC Administrator

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