



COMMUNITY PRESERVATION COMMITTEE

MINUTES OF REGULAR MEETING

Thursday, April 9, 2015

Chairman Warren Messier called the meeting to order at 7:04 p.m. with Vice-Chairman William D. Raus, Tim Gillespie, Betty Slade, Janet Jones, and Anne Brum. James Coyne, Elizabeth Collins and Richard Lambert were absent.

Westport Youth Athletic Association – Playing Fields Update.

Bob Grillo reported that there is no new activity. The contractors and excavators have been on site, but it has been too muddy to work.

Westport Youth United Soccer – Sanford Road Soccer Fields – Peter Brown

Peter Brown was present to give an update. Spring soccer was to commence two weeks ago, but there was still snow to be moved and the ground is too wet. The next portion of the project will be to strip the loam to put in gravel for the parking lot. They have been parking on the grass up to now. Mr. Brown has one bid now and is expecting two more in the next few days. He asked to know what was left in funding. The accountant's summary states there is 15K from FY13 and another 70K in FY15.

Update on Beach Avenue.

Elaine Ostroff was present and gave an update. Ms. Slade clarified that this is about handicapped accessibility at Town Beach on Beach Avenue. Ms. Ostroff stated that like many other projects that happen outdoors, this has been significantly delayed. On April 6 the topographical survey was begun by CLE Engineering for the existing conditions. Once they have this data, CLE can create the preliminary design. The intent is to have an existing conditions plan within the week and then they will produce the dune crossing plan by the end of April/beginning of May. It is hoped that a public meeting will be planned before Town Meeting. Mr. Messier asked that Ms. Slade coordinate with Ms. Ostroff to prepare the ATM handout. She stated that she is working with the Land Trust and met recently concerning placing the mats down on the Land Trust Beach Ave property.

After the approval of the preliminary design environmental permitting will commence. No work can be done in the Beach Avenue area until September 30 as per NHESP (Natural Heritage Endangered Species Program).

Some items need to be cleared with the Conservation Commission (ConCom) because there is a period of time where the piping plovers and possibly other endangered species are nesting. There cannot be any activity during this time. Ms. Ostroff stated that the Audubon has not recognized that there is any plover activity. Ms. Slade stated that The Lloyd Center and Audubon should coordinate with ConCom as it is ConCom's requirement that there be no activity. Ms. Ostroff will get clarification about the no activity period of time.

She spoke with Sarah Quintal, who is in charge of the Buzzards Bay Coalition (BBC) Dune Restoration Project. They have put out an RFP for project engineers and bids are due April 20th from which a design firm will be selected and a kick off meeting will be scheduled in early May. The BBC would like the Commission on Disability to be a part of that kick off so that the accessibility needs can be further expressed to the design team and incorporated into the design process.

Ms. Slade asked who will be a project manager once Ms. Ostroff has left. Ms. Ostroff stated that she will let the CPC know. Tim Gillespie is the CPA liaison for this project.

Annex update: hall/stairwells, gym, handicap accessibility.

Mr. Gillespie stated that he worked out a sketch to show where roof runoff can be diverted away from the building. The sketch indicates laying pvc pipe underground towards the back of the building. Mr. Gillespie stated a small back loader would be all that would be needed for the ground work. The work is necessary in order to rehabilitate the gymnasium. The water seeping into the gym is roof run off going into old in-ground pipes that have deteriorated over time. This restoration will allow the work in the gym to begin. Mr. Messier stated that the stairwells on the second floor also need to be finished being painted. The Sheriff's office is supposed to come back but this needs coordinating so that staging and other equipment can be arranged. Mr. Gillespie will follow up on this.

Follow up to SMAST researchers suggestions at the March 19th meeting.

Mr. Gillespie gave a summary of the presentation. He stated that the presentation indicated the areas where highest levels of nitrogen are. The findings were that the high levels are coming from the Route 6 area north of the old dam. The next step is to find what is causing the elevated nitrogen and how to keep it from Bread and Cheese Brook. He noted that there are different models that could be run, but there is still some work to be done before that. Ms. Slade reaffirmed that Mr. Gillespie is the CPC project director for this. Ms. Jones motioned the Mr. Gillespie be the project manager. Seconded by Mr. Raus. The vote was unanimous with all in favor.

Appraisal – Camara property – update.

Mr. Messier stated that he had spoken to Giroux & Co and they will be performing the appraisal on the property. Mr. Messier stated that Mr. Giroux stated this should have been done during July-September and not during this period of bad weather. The appraisal work is being finalized now and Mr. Messier will make it available as soon as it is delivered. The CPC members will need to review it once it is available before town Meeting. The specific request is to have the highest and best use of the property that is sufficient to cover the cost of the conservation restriction.

Discussion of CPC recommendations for Town Meeting.

Members re-reviewed the projects and Mr. Messier asked that the Accountant look it over and approve funding sources. The term the accountant wants amended is Estimated Fund "Revenue" instead of Estimated Fund "Balance".

Annual Town meeting handouts – update.

Ms. Slade stated that the summaries were approved by their respective project manager. Ms. Slade stated that she spoke with Moderator Steve Fors to ask if it were proper to reserve any presentation after a hold is potentially called at Town Meeting. The other option is also to make the presentation first. The CPC has right to speak first after a hold. All the interested parties should be at the meeting including non-residents with permission by the Moderator.

Grant agreements, deed restrictions, contracts and procurement rules for private projects.

Ms. Slade provided a copy of Town Council guidance on these issues. She stated that there is a need to coordinate with the Town Administrator so that everyone (TA & CPC) is working with the same knowledge. She noted, as an example, all the issues that came up with the Oscar Palmer Farm. The issue is with private projects. These are allowed as long as they have a public purpose. This needs to be established based on the anti-aid amendment requirements that no public money be used for private projects. A grant agreement is also necessary along

with the demonstrated public purpose. Although it is not stated, a grant agreement is needed between the town and the project manager. What is a private project - one with a private resource involved - like the Handy House or the Grange. It doesn't mean that the managers (such as WYAA) are private and it does not make the project private as in the Town Farm which is a Town asset. It is up to the CPC to establish what the public purpose is. It could be a deed restriction, or a sign, or open to the public a few days a year.

This is different in the case of procurement.

If the resource is private, then it is not subject to procurement regulations and does not include prevailing wages. Prevailing wages are an aspect of procurement – and therefore not applicable. Only Town owned resources are subject procurement and to prevailing wages.

In most CPC's, the CPC helps arrange the contract and the CPC follows through with the projects, and although CPC does not need to, it does help the town managing the projects.

There has to be an agreement between the TA & CPA on how contracts are to be effectuated. She is suggesting following up with the Town on what CPC's roles are and that the CPC will help the TA write up bids and help manage it.

With private projects, it is a violation of the anti-aid act to pay the contractors directly. The money should always go to the owners, and they in turn pay the contractors. This was not done with the Oscar Palmer Farm. This needs to be done properly in the future and the CPC should have a sheet written out that is provided to the applicant in advance. Some project applicants in the past were confused and will be coming back to CPC. For example, if purchasing a building, there needs to be a deed restriction or grant agreement. Ms. Slade suggested writing it up carefully and submitting it to the TA for review and to confirm that the BOS are satisfied with the procedures.

It's important with payment - the payment goes to the private group/applicant. CPC has been paying the contractors. This should be going through the Administrator. Also, if a project is in 2 parts – i.e. a private party using their own funds and CPC funding: the private funding is of no business to CPC. The amount that CPC is interested in is the CPA funding request.

Charlie Appleton, VP WRWA and in charge of the Head Garage project. They were not thinking about prevailing wage, and if they knew they were required to have it, they would have asked for more. He does not seem to be getting a clear message from the TA. He was told that they are subject to prevailing wage. Ms. Slade stated that its CPA funding for private project and there is no need for prevailing wages.

The Head Garage, and the Bell School are not subject to prevailing wages. With regards to the Head Garage, CPC is only funding the building exterior.

Yvone Barr, VP of the Westport Historical Society asked if CPC is willing to pay the Historical Society and not the individual contractors for the work that is anticipated on the Bell School. It was stated that the private project with public purpose is not subject to prevailing wage requirements. But the CPC bidding process must be abided by. They are in the process of drafting a scope of work and an RFP. This project is not subject to prevailing wages.

Ms. Slade stated that as is noted in Town Counsel documentation, once Town Meeting has appropriated funds as CPC has recommended – weather to expend those funds falls on the Chief Executive Officer. An agreement needs to be made with the TA and CPC so that there is a clear understanding.

Minutes

March 12, 2015

Members unanimously approved and Ms. Brum abstained because she was absent.

Correspondence.

None.

Invoices.

None.

Next meeting

Annual Town Meeting May 5, 2015 6:00 p.m. Westport High School.

Regular Meeting - June 11, 2015 at 7:00 p.m. at Town Hall.

Adjournment

Members unanimously adjourned at 8:45 p.m.

Submitted by Lucy R. Tabit