



Town of Southwick
454 COLLEGE HIGHWAY, SOUTHWICK, MA 01077
Community Preservation Committee
Telephone (413) 569-6056 - Fax (413) 569-5284
Town Web Site: www.southwickma.org



Minutes

January 31, 2019

ATTENDANCE: Bob Horacek, Chairman
Chris Pratt, Vice Chair
David Gunn
Karen DeMaio
John Whalley III
Joanne Horacek
David Sutton
Sue Fox

ABSENT Maria Seddon

OTHERS IN ATTENDANCE: See Attachment

Mr. Horacek officially opened the Business meeting at 6:30 p.m.

A MOTION was made by Mr. Whalley and seconded by Mrs. Horacek to accept the October 11th minutes as amended.

(Vote- For- 7, Abstain- 1- Mr. Sutton)

A MOTION was made by Mr. Horacek and seconded by Mr. Whalley, to accept the March 29, 2018 minutes as amended. The motion was passed. (Abstain-2- Mrs. Fox and Mrs. Horacek)

Public discussion:

Marcus Phelps of 28 Depot Street, wanted to mention there was little documentation on an updated Open Space Plan. (Please see attachment)

Alum treatment

Mr. Grannells, Chairman of the Lake Management Committee, came forward to discuss an Alum treatment for the lakes. LMC requested \$850,000 from various sources in the town. (See attachment) Mr. Grannells believes the state should pay for it, which it has been approved, yet you have to get it. If the town pays for it, they won't have the money in time to get the job done. It's critical timing for the treatment of the lake, it needs to be done between April 1-15th. Otherwise the alum will not sink to the bottom and do its job. The lake is approximately 14,000 years old and has a very thick layer of sediment on its floor. February 15th is the release deadline for money. There is only two licensed treatment contractors in the country who do this kind of

treatment, one in Nebraska and one in Massachusetts. We need to advertise and get them in the window for the proper treatment to work.

North Pond Project

Mr. Hubbard of Franklin Land Trust had come forward to update the committee on the North Pond funding.

He noted that they have raised \$3.35 million from various sources of the \$5 million goal. FLT is hoping that the committee will contribute the \$500,000 in order for the state to possibly contribute additional funds. The Commonwealth stated that they need to know if this is moving forward or not by March 1st or they will pull their funding.

Mr. Hubbard had also sat down with the Board of Selectman in December of 2018. He stated that the Board was committed to the project and it was a priority to them. They did not discourage FLT to continue trying to get additional funding from CPC.

Ms. Preston came forward to show support for FLT, and brought extra information on North Pond. One of the goals of the older master plan, which was written by the people and committees, was to save this piece of North Pond. Mr. King, son of the late Mr. King, wrote a letter in regards to Kings Beach and why it should be preserved. (See attachment)

Mrs. DeMaio asked Mr. Hubbard where the owner of the property stands on negotiating with the piece of land. Mr. Hubbard stated that she is still standing strong and was told by a developer, which may be right or wrong, that it is worth \$10 million. Mrs. DeMaio stated that she was concerned that the appraised value of the land was \$3.2 million and the committee can not pay over market value. Mr. Pratt interjected and explained that the money that the committee will contribute, will be for preserving and not just for the land cost. Mr. Hubbard also noted that FLT will not pay more than market value because it is pond front.

Mrs. Fox had questioned that if the committee does commit to what FLT is asking for, what if it still wasn't enough to satisfy the land owner. Mr. Hubbard stated that, with our additional funds gets it closer to the \$5 million, making it more comfortable to go back to the land owner and re-negotiate.

Mr. Grannells had noted that if the committee doesn't vote for the extra funds, that there will be a mammoth problem returning all the funds that were donated. He also stated that if you build homes around the lake, there are no sewers. It is over our aquifer which supplies our drinking water.

Mr. Whalley had stated that Mr. Hubbard and he had a conference call with the land owner asking her to go to her accountant to see if there would be a benefit for doing a bargain sale. She agreed to do that. Mr. Whalley would call in the next few days to see what the response was.

Mr. Pratt commented that the CPC isn't here to vote to appropriate the money, but letting the people decide. The CPC is the stake holder in guiding, and he believes the people had voted for the CPA to preserve the land. Mr. Pratt also stated that the alum treatment is like a Band-Aid, but if you preserve and take care of the surroundings of the lake, you will be protecting the lake. He also mentioned that even if this project goes through, there will still be enough money to pay for other projects.

Public comment

Deborah Herath of CRC. Her committee has contributed to saving North Pond and wanted to support going to town meeting for the tax payers.

Mr. Horacek wanted to give the committee more time to talk more about this project at a later date. Several members were in disagreement, as well as the residents. Mr. Hubbard spoke up

and stated that the application was given in October and that the CPC hasn't met since then and that the FLT has a deadline. We can't put this off, you need to vote this evening!

Mr. Horacek stated that a 50% increase in funding was not what the town signed up for. But several members and the residents disagreed. One of the residents spoke up and stated that at the last CPC meeting, Mr. Horacek stated that the CPC will have a decision at the next meeting.

A MOTION was made by Mr. Whalley and seconded by Mr. Pratt to commit the \$500,000 to go to town meeting in February and get the town's people to decide to commit.

(4- For- Mr. Sutton, Mr. Gunn, Mr. Pratt, Mr. Whalley) (4-Against-Mrs. DeMaio, Mrs. Fox, Mr. Horacek, Mrs. Horacek). The motion didn't pass.

North Longyard APR Project

Barbara Hopson from the Mass Dept of Agriculture came to discuss the North Longyard APR project.

This is a property that is on a cooperative agreement with the government for an agricultural preservation restricted program. One of the requirements of the program at the state and federal level, if the appraisal is over a year old, they have to do a supplemental appraisal to keep it current. The original appraisal was done in February of 2017. They had a supplemental appraisal done on November of 2018. As a result of 3 comparable sales, it had increased the value significantly of the fair market value. It's an automatic process done by the state. The MDA gets reimbursed for the cost. This isn't the land owner that is asking for more money, but the state and federal government. The MDA made an offer on the original appraised value, and went to town meeting last Spring. They voted for a 10% contribution. The value at the time was \$445,000, where the town approved \$44,500 and the Commonwealth committed \$400,500. The fair market value increased by \$230,000, based on comparable sales. The offer that was accepted by McLaughlin was based on the original appraisal. The Commonwealth can not increase the MDA's share at this time, where the MDA can not go any higher. The program takes three years once they receive the application and then you can't apply again for another three years if the first one fails. So that would be a six year waiting time for the land owner. Mrs. Hopson stated that they'd like to close this project by June 30, 2019.

Mr. Horacek had asked Mrs. Hopson if she had spoken to Mr. McLaughlin and what his desire might be and she wasn't sure. The property is still a farming property and they really have no interest in selling it. Mr. Horacek invited Mr. McLaughlin in for the next meeting.

Powder Mill Playground Project

Jeffrey Houle and Erin Fahey-Carrier of STGRSD came to discuss the renovation of the current playground. They hired an architect to create the vision of the new prospective playground. The playground currently isn't age appropriate and ADA accessible. It needs to have new drainage and updated equipment. (See attached) STGRSD is requesting \$232,000 from CPC.

Discussion: Mrs. DeMaio asked how long do the students have for recess. Mrs. Fahey-Carrier responded about 2 hours in different group intervals. Mrs. DeMaio also brought up a point that the STGRSD is only going to the Southwick community and not the other communities who also use this school. Mr. Houle replied that the Playground would be owned by the town of Southwick. They will be bonding an additional \$100,000 from the three communities. Mrs. DeMaio had mentioned that she saw in the paper where the school was going to move the playground to the other side of the property and the STGRSD received estimates between \$100,000-\$200,000 how did it explode to the anticipated costs you show here. Mr. Houle stated that this project includes the parking lot and correcting the drainage issues as well as the

playground. Mr. Whalley had asked why they need a shaded learning space. Mrs. Fahey-Carrier responded that they will be using it for outdoor lab work and projects since it will fit 4 picnic tables underneath. It'll be considered like an outdoor classroom. It will also be good for picnics and birthday parties for town residents. Mr. Horacek stated that he's been looking at this playground for years and would love to do something about it, but the price had gone up substantially. Mr. Gunn asked if the STGRSD had to phase it, what would it be. Mr. Houle responded that it would be the parking lot and the drainage to be the first phase, which is the majority of the cost. Mrs. Horacek asked if the committee can go lower than what they asked. Mr. Horacek stated that we can offer any amount the committee wants. Mrs. Fox stated that the parking lot and flooding issue needs to be taken care of. Mr. Horacek agreed and stated that it was their first phase anyways. Mr. Pratt cautioned if that is relevant to CPC funding or just the playground, that the STGRSD is using the playground to get their drainage and parking lot fixed. Mrs. DeMaio reiterated her statement about the STGRSD to go to the other three towns involved, since the other towns stated they just use their funds on their cemetery, so the funds are there for the school, and they are all CPC towns.

A MOTION was made by Mrs. Horacek to approve \$140,000 and seconded by Mr. Whalley. Vote was unanimous.

Westfield Housing Authority

Dan Kelly, Executive Director of the Westfield Housing Authority, came to discuss the outstanding balance on a project that was approved for renovation on 12 Depot Court. The project was approved for \$26,950 to paint 8 hallways and 8 entranceways that have 3 floors. They found more damage with roof leaks that needed to be repaired. The actual project only cost them \$23,600, but they had to spend \$1,750 to repair the roof and a few other issues. Mr. Kelly submitted the bills to the Treasurer. The \$23,600 got paid for, but the remaining \$1,750 was not in the original project description, so the Town did not pay for that. Mr. Kelly is requesting that the CPC to pay for the remaining balance.

A MOTION was made by Mrs. Horacek to approve the funds and seconded by Mrs. DeMaio. The vote was unanimous.

Community Preservation Coalition dues

A MOTION was made by Mr. Horacek to table the discussion on the Community Preservation Coalition Program dues for the next meeting. It was seconded by Mrs. DeMaio. The vote was unanimous.

Atty. Ben Coyle and Atty. Dave Berson of Bacon and Wilson

Discuss legal aspects of being a CPC member and answer any questions of the committee

Discussion: Mr. Pratt questioned Atty. Coyle, if every meeting that they should table a vote for Vice Chair that was on the Agenda. Atty. Coyle stated that you need to organize the committee once a year. Mr. Pratt didn't understand why a new Vice Chair needed to be appointed, since he just got the appointment less than a year ago. Mr. Horacek stated that it was because the Vice Chair position was vacant and needed to be appointed. Atty. Coyle noted that Mr. Pratt was to fill the rest of the term that was vacated. Then it is up for re-election. Mr. Horacek stated that each meeting, there wasn't a full committee to be able to vote, and that's why the Vice Chair vote kept getting tabled.

The Agenda is created by the Chairman and if another member wants to add something to the agenda and the Chairman is refusing to add it, then the next meeting it can be voted on and added to the next Agenda as new business. Not everything that gets put on the Agenda is approved by the committee, it's approved by the Chair. Mr. Pratt stated that the October 4th Agenda was not approved by the Chair, which was Mr. Whalley at the time. Atty. Coyle re-stated, there was an action taken at a meeting that a member disagreed upon, and there should have been a vote taken that it shouldn't have been on the Agenda to begin with. Mr. Pratt agreed with that statement. Atty. Coyle stated that the correct action to take place, is a motion to reconsider the action that was taken from a prior meeting, and it should be done at the next meeting. And if it can't be done, then it needs to be addressed and have it undone. If the Chairman disagrees, then it needs to be voted on to be put on the next Agenda. Mr. Whalley asked if being Chairman on the Finance Committee and also the CPC Committee is a conflict of interest. Atty. Coyle stated that it is not. Atty. Coyle had contacted the Ethics Commission. The law pertains, if there is a financial benefit that the member would receive of the board, that someone else wouldn't receive. He affirmed that the Chairman of this committee or the Finance Committee, does not receive any compensation. Mr. Pratt questioned about moral and ethics? Atty. Coyle replied The Chairman is one vote and one vote only. Mr. Berson discussed the responsibilities as a member of the CPC committee and gave the committee a tabbed manual. (See manual)

A MOTION was made to table the Vice Chair vote by Mr. Horacek and seconded by Mrs. Horacek. (5- For- Mr. Horacek, Mrs. Horacek, Mrs. Fox, Mr. Gunn, Mrs. DeMaio, 2- against, Mr. Pratt, Mr. Whalley, 1- abstention- Mr. Sutton)

Since there was no more business to discuss,

A MOTION was made by Mr. Whalley and seconded by Mrs. DeMaio to adjourn. The motion passed unanimously.

Respectfully submitted,

Cindy DeMay
Secretary - CPC

Bob Horacek, Chairman

Chris Pratt, Vice Chairman

John Whalley III

David Gunn

David Sutton

Karen DeMaio

Joanne Horacek

Susan Fox

Maria Seddon