

**MINUTES  
COMMUNITY PRESERVATION COMMITTEE  
HYBRID PARTICIPATION  
January 18<sup>th</sup> 2023**

**OPENING:** The regular scheduled meeting of the Community Preservation Commission opened at 7:04 via Hybrid. Chairperson Chris Pratt announced the date of the meeting and that it was hybrid. He had the present members announce their names.

**ATTENDANCE**

Chris Pratt, Chairperson	(Elected)	Present
Jeanne Reed, Vice Chairperson	(Park & Rec)	Present
Joanne Horacek	(Housing Authority)	Present
Cassandra Bach	(Historical Commission)	Absent
David Spina	(Planning Board)	Present
Dave MacWilliams	(Conservation Commission)	Present
Bryan Walker	(Elected)	Present
John Whalley III	(Elected)	Present-Zoom
Beth Thomas	(Elected)	Present
Sabrina Pooler	Coordinator/Secretary	Present

**PUBLIC COMMENTS**

Gene Theroux of the Southwick Cemetery Commission and David Pierce of 34 Bugbee Road expressed their support for the bronze memorial restoration project submitted by Mr. Sutton of Southwick Buildings and Grounds.

**NEW BUSINESS**

**Project Application: Housing Authority- Flooring Replacement- Depot Court**

**Daniel Kelly- Southwick Housing Authority Managing Agent**

Mr. Daniel Kelly, the Southwick Housing Authority Management Agent, began presenting his project by first telling the committee that the Southwick Housing Authority was incorporated in 1970 and completed in or around 1973. He believes the flooring is the original flooring, pictures of the flooring are in the application. Mr. Kelly also supplied pictures of the Westfield facility flooring, which is vinyl planking, the type of flooring he wishes to install in Depot Court. Mr. Kelly says that this new flooring is easier to take care of and less slippery, and for health and safety reasons it would enhance the property. Approximately 5200 square feet of flooring would be replaced. The estimated cost of the project, which was prepared in June of 2022, is \$50,248.00. The Housing Authority is asking for \$45,000 and they will pay for the difference in cost.

Committee member Dave MacWilliams asked how many residents were residing at Depot Court. Mr. Kelly responded saying that there are 48 units at Depot Court, as well as 8 units in the building behind Depot Court, and 6 single family homes in the area. He estimates there are around 65 residents. Committee member Beth Thomas asked if Mr. Kelly knew if the flooring was asbestos based, concerned that the price would actually be higher if this was the case. Mr. Kelly said Mr. Wagner (of Wagner Rug and Flooring) did not mention the floor was asbestos based when he did the assessment of the project. Mr. Kelly said he can confirm whether or not it is. Committee member John Whalley III asked if the tile was going to be removed or if the new flooring was going to be laid down on top of the old flooring. Mr. Kelly confirmed that the tile was going to be removed. Mr. Whalley said that Mr. Kelly would have to know if it was asbestos or not. Mrs. Thomas added that the price would at least triple if it was asbestos based. Mr. Kelly said he is aware of the situation, he will check to see if it is asbestos base and let Coordinator Pooler know.

Committee member Bryan Walker said that any project over \$50,000 would need to have three sealed bids. Chair Chris Pratt clarified that the applicant is only asking for \$45,000.

A motion was made to accept the floor replacement project for \$45,000.

Motion: Dave MacWilliams      Second: Jeanne Reed

The vote was a unanimous yes.

**Project Application: Southwick Buildings and Grounds- Restoration of Bronze Memorial Plaques**

**David Sutton- Southwick Buildings and Grounds**

Mr. David Sutton began his presentation by noting the work that has previously been done to the Town's Veterans Memorial, noting that the last major project to be done is to restore the bronze plaques which are at extreme disrepair and if something isn't done soon we will lose them. He said there is someone who restores the bronze plaques, by not removing any of the bronze but cleaning the plaque, down to the bronze layer and puts a three-part sealant on it of oxidation inhibiting lacquer. The only maintenance after that would be a good cleaning from turtle car wax. This will protect the plaques for generations.

Committee member David Spina noted that on the application one of the plaques states the recommendation of removing the finish with a light laser and application of historic patina. He asked the applicant what historic patina is. Mr. Theroux explained that it is a historic patina that you would normally see on sculptures. Mr. Theroux continues and says that the light laser leaves no damage, that it can remove paint off of paper. Mr. Sutton explains that this treatment is also recommended for the two large plaques at the front of the memorial as well as the plaque at the bicentennial at the old cemetery.

Coordinator Sabrina Pooler stated that this application was submitted after the application deadline and asked what should the Committee do about it. Chair Chris Pratt responded saying that the Committee never agreed to an opening date so if we don't have an opening date, how can there be a closing date. He continues with saying that he believes the Committee needs both in order for there to be a valid closing date. He suggests the Committee revisit the process and revise as necessary. Ms. Pooler reiterates, saying that the deadline is not valid this year. Chair Pratt responded saying that he believe so.

A motion was made to accept the project (for \$16,500).

Motion: John Whalley III Second: Beth Thomas  
The vote was a unanimous yes.

Committee member Jeanne Reed asked what the timeline was for the project was. Mr. Theroux stated they are hoping to have the project done in July. Mrs. Thomas asked if they could notify the Committee when it was being done because she would be interested to see it. Mr. Pratt suggested a video be made so the Committee could put it on their website. Mr. Theroux added that he would like to capture a before, during and after photo to show the process. Mrs. Thomas said that if this can be captured and shown to the town it would be a wonderful thing.

**Project Application: Southwick Park & Recreation- Whalley Spray Park**

**Robert Levesque- R. Levesque Associates**

Mr. Rob Levesque from R. Levesque Associates presented the project of a spray park at Whalley Park. He has been working with John Whalley III, Mr. Sutton from Southwick Building and Grounds as well as others on this project. He acknowledged the comments that the DPW Director Randy Brown had sent to the Park and Recreation (See Attachment A). Mr. Levesque stated that Mr. Brown is not wrong as far as water usage, that these types of facilities can utilize quite a bit of water if they are not managed properly. This particular facility being proposed would use approximately 63 gallons per minute, if everything was on at the same time. This is a lot of water however, usually these spray systems are not functioning all at the same time. What typically happens is children need to tap the button/sensor and this will engage the water to flow from the system. Depending on the system, it will go off independently or in concert based on choreographed order. The system can be crafted in such a manner that it can reduce the water usage by one half or one third. Mr. Levesque continues with saying that there has been discussion about the temperature outside, for example if it is under 70 degrees outside then the water would not be turned on. Also, typically spray parks are not utilized in the morning hours and there is also the consideration of having the park be on only after school hours or when school is out. So there are ways to manage the water usage. Mr. Levesque said that he has managed water usage pretty well in other areas. Site Specific, a company he worked with at the public spray park in Westfield, ran some numbers on the equipment, on the install, as well as some miscellaneous work related to the spray park such as the septic system, water lines, plumbing, bringing the water line to the spray park. This in combination with the spray park designer, who gave a solid install number as well as miscellaneous items that are folded into the probable cost gives us the total asking number for the project. Mr. Levesque said he is here tonight to answer any technical questions in regards to the project.

Committee member Dave MacWilliams stated that he likes the idea of a spray park, that it draws a lot of people to the park. His only concern is the fact that recently every year our town has had a water ban. Has anyone had a conversation with DPW about 68 gallons a minute coming out of the spray park and what the impact will be on the rest of the community? Committee Members Beth Thomas and Joanne Horacek were in agreement about the concerns of our recent water bans. Mr. Levesque stated that no one has contacted the DPW and that they were in the infant stages of the project. The idea was to get a number (price) to see if it was palatable. He continued with saying he can certainly communicate with Randy Brown, that he just saw the letter today (See Attachment A). Coordinator Pooler said she never received the letter. Committee member Jeanne Reed stated she didn't want to interrupt before but she has the letter and she can make copies for everyone.

Mrs. Thomas stated that if both the CPC and the town's people approve this project and it is (for example) August 6th with a temperature of 101 degrees Fahrenheit and there is a water restriction in

place, the spray park would have to be shut down and everyone in town is going to be mad. Mr. MacWilliams stated that there are some exemptions to the water restrictions and this might fall under it.

Committee member John Whalley III stated that the previously proposed Carvana business was going to use much more water than the spray park and no one at town hall had a problem with that. Mrs. Thomas said she agrees with Mr. Whalley but the last thing she wants is for the town to do something good, or for Mr. Whalley to do something good and then the town needs to shut off the water and the park can't be utilized. Mr. Whalley asked if the water line from Westfield to Southwick on College Highway was ever completed. No one had a definitive answer. Mr. Levesque said that this is a real concern and that he believed there are creative ways to be able to utilize a spray park and that with proper care, the lifespan of a spray park could possibly be up to 50 years. He continues with saying that based on previous discussions with the DPW Randy Brown, he believes that the current water issues will be resolved with some infrastructure improvements within the next couple of years. The estimate of water usage for this project is based off of 6 hour usage per day but that it is not typically how the spray park should be run. Chair Pratt added that yes the park can be managed to not run 6 hours a day, especially if we are anticipating a shortage of water. Coordinator Pooler asked who would manage the spray park. Jeanne Reed said that Park & Rec would manage it.

Committee member Bryan Walker asked if the water can be reused for irrigation. Mr. Levesque said that there have been some discussions on if the water after usage would be considered effluent or drainage, that it is something he is looking into. Worst case scenario would be that the water would be put into the septic system type of situation. He mentioned the very large subsurface drainage systems located under the parking lot, so there are places where the water can go. If it isn't a board of health issue, they would consider watering the lawn with the water after it has been used in the spray park. It is something to consider.

Mrs. Thomas asked if lifeguards are a requirement. The reason for asking is that we currently have a town beach that sometimes cannot be open because we are short on lifeguards. Mr. Levesque said that the two spray parks in Westfield that he designed and has brought his children to do not have lifeguards. He doesn't believe that they are manned in anyway. There isn't any puddling beyond a quarter of an inch in these systems.

Cindy Sullivan, director of Par & Rec, said that she spoke with the water department in the week prior about the water usage and the number came from Cindy Mack who stated 63 gallons per minute and they estimated that number based on five hours of usage for 92 days a year. She continues with saying that Westfield has four water parks and for each of their parks the water usage is three times more than what Park & Rec is predicting because the Westfield parks have a pouring water park, not a misting water park, which is what is being proposed at Whalley Park. Park & Rec tried to estimate the water usage as best as they could and that is why they received a letter from the DPW director with their concerns. While she was going through the application process she talked with different departments and assured them that they would be going through the proper channels to get approval and to have discussions to try and get the project completed. The water commissioners have asked to meet with Park & Rec to discuss the project further. She believes this project is a great idea in theory and that Whalley Park is a beautiful, well used park. The reason they came up with 5 hours is that it is not just afternoon hours the spray park would be used. Whalley Park is open until 9:00 or 10:00 at night, with lights on, games happening, and in August it is 100 degrees (Fahrenheit).

Chair Pratt read DPW Directors letter into the record (See Attachment A).

Mr. MacWilliams said that looking at the project in regards to the CPC guidelines, he thinks it is a great project. He doesn't think it is up to the CPC to make the determination if there is enough water for the project. He continued and made a motion to approve the project.

A motion was made to approve the project (for \$269,000).

Motion: Dave MacWilliams Second: Bryan Walker

The vote was a unanimous yes.

(See Attachment A)

### **OLD BUSINESS**

#### **Review new CPC Application Forms- members to discuss, review, and vote on new application forms**

Chair Pratt stated that he believes that the Committee needs to re-look at the CPC application in regards to the yearlong process. Possibly creating a calendar for the year. He thought that the committee needed a start date to receive project applications as well as an end date (deadline). Committee member Joanne Horacek said she always thought the start date was after the annual town meeting. Committee member Jeanne Reed recalled that last year they had to accept an application because the deadline was incorrectly written on the website. Chair Pratt said he did check the website and the date was posted correctly this year, but there was never a start date listed. Committee member Bryan Walker added that if an application is submitted between January 1st and the annual town meeting there is a possibility that it will not make the warrant article for that annual town meeting. Committee member David Spina said that there really is no guarantee that a project application will make it to town vote, that there could be many questions that need to be answered. The Committee continued to discuss the topic and agreed that further research should be done on what other communities are doing.

Coordinator Pooler continues to work on the new application forms and this meeting she showed the committee the procurement law guideline that she created for the CPC Application Guideline (see attachment B). While reviewing the document under the 'Contracting Professional Services' section, Committee Member Dave MacWilliams noted that regardless of how much money the applicant asks from the CPC, the applicant still needs to abide by the procurement law. An example being if the project is over \$50,000 yet the applicant asks CPC for \$45,000, the applicant is still responsible for sealed bids. He continues with saying that the CPC does not need to get the sealed bids (or other applicable documents), but the applicant needs to make sure they do their due diligence by following the procurement laws. Committee member Beth Thomas then asks if the committee members can vote on a project if they have not provided quotes or sealed bids to the CPC. Mr. MacWilliams responded by saying he doesn't believe it is the CPC's responsibility to legislate that. Chair Pratt added that this guideline lets people know what they are supposed to do. The Committee continued to discuss the topic.

(See Attachment B)

#### **Review Dave MacWilliams' Mock up of CPC sign**

Committee Member Dave MacWilliams updated the Committee on the CPC signs. He is in possession of the signs and materials to make the frames, he is just waiting on the wood to dry out before

building/painting the frame. He said that he will probably have the signs finished by the next CPC meeting.

### **Community Preservation Plan Updates**

Coordinator Pooler has begun working on the Open Space and Park & Rec section of the CPC Plan and sent it off to both the Conservation Commission and Park & Rec CPC representatives to review. The Conservation Commission will review the plan in their next scheduled meeting.

### **ROUTINE BUSINESS**

#### **Review Mail**

Coordinator Pooler presented an e-mail from the Community Preservation Coalition's Executive Director Stuart Saginor, answering her inquiry on using CPC funds for cemetery headstone replacements. Chair Pratt read the document to the Committee members stating that you cannot create anything new in the historic category for CPA and replicas are not permitted. The verbs available in the historic category are acquire, preserve and rehabilitate. (See Attachment C).

The Committee received the Community Preservation Coalition's annual membership dues request of \$1750. Chair Pratt read the document to the Committee members. (See Attachment D)

A motion was made to renew the Community Preservation Coalition membership.

Motion: David Spina    Second: Joanne Horacek

The vote was a unanimous yes.

The Committee received a letter from the Town Administrative Assistant/Select Board asking for the submission of the 2022 annual report of the Community Preservation Committee. The submittals are due by February 6th 2023. Chair Pratt read the document to the Committee members. (See Attachment E). Coordinator Pooler stated that the next CPC meeting will not be until February 15th, after the submittal deadline. The Committee members agreed to have Chair Pratt approve the 2022 annual report in lieu of the Committee.

A motion was made to approve Chair Pratt to represent the Committee in approving the 2022 annual report.

Motion: Beth Thomas    Second: Joanne Horacek

The vote was a unanimous yes.

#### **Minutes Approval: December 21, 2022**

A motion was made to accept the meeting minutes as amended.

Motion: Dave MacWilliams    Second: Bryan Walker

The vote was a unanimous yes.

#### **Adjourn meeting**

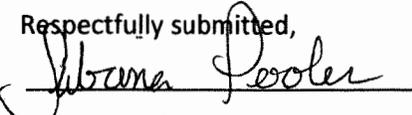
A motion was made to adjourn the meeting.

Motion: Dave MacWilliams    Second: David Spina

The vote to adjourn the meeting was a unanimous yes.

The meeting is adjourned at 8:25 PM.

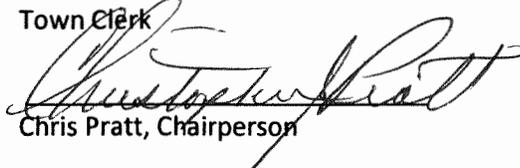
Respectfully submitted,



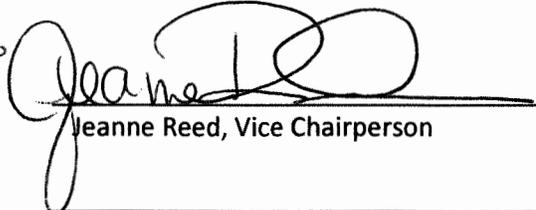
Sabrina Pooler, Community Preservation Committee Coordinator

cc:

Select Board  
Town Clerk

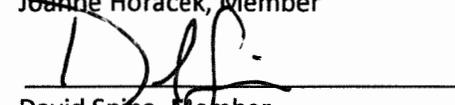


Chris Pratt, Chairperson



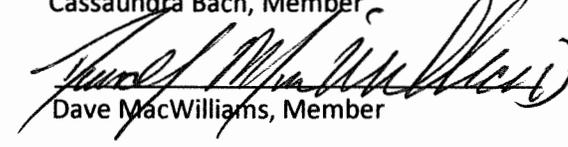
Jeanne Reed, Vice Chairperson

Jeanne Horacek, Member

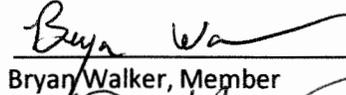


David Spina, Member

Cassandra Bach, Member

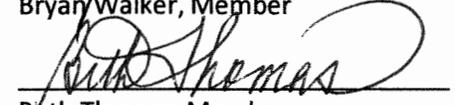


Dave MacWilliams, Member



Bryan Walker, Member

John Whalley III, Member



Beth Thomas, Member

2/16/2023

Date



# Town of S

454 COLLEGE HIGHWAY SOUTHWICK, MA 01077

## Department of Public Works

Telephone (413) 569-6772 Fax (413) 569-5001

January 18, 2023

To: Park and Recreation Commission

From: Randal Brown, P.E., NGICP, DPW Director

Re: Whalley Park Spray Park

Dear Park and Rec,

DPW was recently made aware that Park and Rec is proposing to construct a spray park at Whalley Park. DPW is concerned that this project is being advanced without any input or coordination from other Town departments that may be impacted, including the Water Department. The application to CPC states that the total usage at approximately 18,900 gallons/day and 1.748 million gallons/year, which would make the spray park one of if not the biggest water user in Town. Further analysis should be performed to verify if the water system can accommodate a large water demand at this location.

As such, DPW requests that the Park and Rec attend a future meeting with the Water Commissioners to discuss this project in more detail. Please reply back to me to discuss further.

Sincerely,

Randal Brown, P.E., NGICP  
DPW Director

The procurement laws are multiple state statutes that deal with various aspects of municipal procurement including building construction, public works construction, design services, supplies, services, and real property. Prevailing wage laws may also apply for construction projects undertaken by public entities.

There are three main CPA categories where the procurement law is applicable: capital improvement projects, the purchase of real property, and contracting for professional services. Each adhere to different procurement laws.

Capital Improvements

This spreadsheet generally describes how procurement laws may apply to your capital improvement law.

Property Owner	Project Administrator	Do Procurement & Prevailing Wage Laws Apply?
Municipality/State/Other Public Entity	Municipality/State/Other Public Entity	YES
Municipality/State/Other Public Entity	Community Group (e.g., PTO, friends group, neighborhood association, etc.)	YES
Private entity (non-profit organization, private citizen, etc.)	Private entity	NO
Municipally owned and leased by private entity	Private leasing entity	Possibly- seek opinions from municipal counsel or Attorney General's Office

Acquisition of Real Property

Acquisitions of real property interests under CPA are exempt from MGL c.30B, but you must get an appraisal prior to acquiring any real property interest. Note: the municipality cannot appropriate more than the appraised value to acquire the real property interest.

Contracting Professional Services

Professional Services include: hiring a housing consultant, planner, appraiser, landscape architect, etc.

Under \$10,000	no bids required
\$10,000-\$49,999	three quotes must be solicited
\$50,000-\$50,000+	sealed bids, or proposals are required