

TOWN OF LAKEVILLE

Community Preservation Committee Meeting Minutes December 13, 2023

On December 13, 2023, the Community Preservation Committee held a meeting at 7:00 PM at the Lakeville Police Station, 323 Bedford Street. The meeting was called to order at 7:07 PM by Chairman Nancy Yeatts. Community Preservation Committee Members present were Nancy Yeatts, Paula Houle, Susan Spieler, Kathleen Barrack, and John Lucey. Absent were Nancy LaFave, Barbara Standish, Michele MacEachern, and Amy Knox. Also present, Marc Resnick, Town Planner. LakeCAM was recording the meeting for broadcast.

Budget Report

Chairman Yeatts presented the Year-To-Date Budget Report showing the state match of \$46,812.00 deposited into the CPA account. The fund has taken in \$110,000 so far this year which is not cumulative. Ms. Yeatts will ask the Town Accountant to include the total from last year. The report presented shows what has been taken in and the amount spent of \$65,000 that was approved at town meeting but is not reflective of what is left over from last year. The total amount in the Preservation fund for this fiscal year is \$171,269.15.

Community Preservation Coalition dues/discussion/possible vote

Chairman Yeatts presented the Community Preservation Coalition Dues bill of \$875. Mr. Resnick commented that although the coalition is good at lobbying technical advice, he felt it's far from accurate. He referenced an email that Ms. MacEachern sent to the coalition asking a question about applications which he felt the response was entirely inaccurate. Mr. Resnick is getting a written opinion from Town Counsel to explain the land acquisition process. He felt the director of the coalition gives out misinformation and expresses his opinion as a matter of fact. Ms. Yeatts distributed a copy of the email response to Ms. MacEachern which was not included in the packet but had been emailed to members previously. Two things he felt were inaccurate were that the application for land acquisition must come from the Conservation Commission and secondly it must be owned and controlled by the Commission. Neither the DOR guidelines nor local plans, which communities need to follow, have those restrictions. He said it varies from community to community how applications are submitted, and land acquisition projects are owned and managed by the community. There needs to be a Conservation Restriction placed on the property, which the DOR guidelines require, but who owns it and what entity controls it is not specified nor who can assist and/or submit an application on behalf of someone. He felt some of the work by the coalition is fine but since we have a bill he thought the committee should know his feelings. Ms. Houle stated officially the coalition doesn't make the rules. Mr. Resnick confirmed the coalition does not make any rules, they are an advocacy and technical assistance organization which manages one statue, one type of program but have given out misinformation in his opinion. Ms. Barrack asked what the email question was, and Ms. Yeatts stated the original question was the Wildlands Trust is doing Step 1 and plans on helping the person selling the land to do Step 2. Ms. Yeatts felt that Wildland Trust shouldn't be doing Step 2 because they aren't the buyers. The Select Board would be the buyers asking for the money and oversee land purchases. Ms. MacEachern emailed the coalition for guidance, but Mr. Resnick looked up the DOR rules. Ms. Spieler called a point of order since agenda item 3 was being discussed and not voting on approving the payment of the dues. Ms. Yeatts asked the board to postpone voting on the dues when we have a full board. Mr. Lucey asked what Third Sector New England is and are they a non-profit. The coalition now operates as a fiscally sponsored program of Third Sector New England. They are funded by the state and collect dues from the CPA communities. They are subject to government related rules for public records request and maintaining records because they are funded by the state. Mr. Resnick is not happy with the coalition as they have one job to represent the CPA and give advice based on the Act and DOR regs and other cases that have gone through and it's inaccurate. He has spoken to other communities that have CPA and have expressed the same frustrations. He's not sure what the value to the community is to pay the dues but understands they try to lobby which might be worth something. Mr. Lucey stated that it seems the primary focus is housing and he's not sure that will be the biggest issue in Lakeville.

A motion was made by Mr. Lucey and seconded by Ms. Spieler, it was:

VOTED: to postpone voting on the dues until the next meeting.
Unanimous vote

Application for Eligibility Determination/Step 1/land acquisition 1 Elliot Way discussion/possible vote

Step 1 application for 1 Elliot Way was presented to the Committee and a vote needed to determine eligibility for CPA funding. The exact amount and how much land to be purchased by the town is not yet known. The owner is having the property surveyed and then will make a proposal to the town. The owner wants to keep the house and 10 acres and sell 30 acres to the town. The town needs a survey, get the land appraised and go through the steps. Wildlands Trust is working with the property owner in the land acquisition which has a conservation easement on abutting property, so they have an interest in protecting this land as well. This property abuts Vigers Conservation Area on Pickens St. which is owned by the town. Ms. Yeatts felt the Select Board should be the entity asking for the money to purchase the property and not Wildlands Trust. Wildlands Trust plans to go to the Select Board once they have the survey, appraisal, and the number. Wildlands Trust will assist Mr. Chistolini and submit it to the Select Board for their approval to move forward with the purchase. If the Select Board approves the purchase, then it will go to Town Meeting for the residents to approve. Wildlands Trust does not assist in funding but since there is a conservation restriction on land abutting, they will put a conservation restriction on the acquisition and then have volunteers to help with a trail system.

A motion was made by Mr. Lucey, and seconded by Ms. Spieler, it was:

VOTED: to accept as an eligible project
Unanimous vote

Approve Minutes of August 1, 2023, August 15, 2023, and October 17, 2023

Ms. Spieler had some comments to make about the minutes. She emailed three sets of minutes to Ms. Yeatts as her first submittal as secretary. Ms. Yeatts looked them over and said they looked good, but she had some questions and would email them over the weekend. Nothing was received over the weekend, so Ms. Spieler emailed her asking for her comments. Ms. Yeatts felt it needed more content, so Ms. Spieler made a second edit to the minutes of August 1st and sent them to Ms. Yeatts. At this point, Ms. Yeatts told her not to bother because she and Cathy Murray, the Planning Board Clerk, were reviewing them together and would send their revisions. Ms. Spieler asked the question who is paying Cathy Murray for her time since she is a town employee and is she being paid for doing the minutes. Ms. Yeatts stated at the last meeting Ms. Spieler should speak to Lillian Drane, the town clerk, to get an outline. Ms. Spieler used the format of another committee as a template and went to Ms. Drane after the fact but was never given an outline. Ms. Yeatts spoke to Ms. Drane and was told when deciding or making a recommendation to approve money at town meeting that as chairman Ms. Yeatts should go over them and put more content about the money. Ms. Spieler felt Ms. Yeatts should have worked with her to make the revisions rather than go to Cathy Murray for assistance. Ms. Yeatts mentioned the Planning Board is our town support and it doesn't make any difference who pays Cathy. Mr. Resnick stated that Cathy wasn't being paid to do the minutes and was asked to provide an example. She is available to provide support or answer questions regarding any meeting. Ms. Yeatts said she didn't have time to get together with Ms. Spieler and Cathy Murray to make the revisions and just had them done and that's the end of it.

A motion was made by K. Barrack and seconded by P. Houle, it was:

VOTED: to accept the minutes of August 1st.

Vote: P. Houle-aye; K. Barrack-aye; N. Yeatts-aye; J. Lucey-abstain; S. Spieler-nay.

Ms. Spieler stated the minutes were still incorrect as the second set of edits she made were missing from the version that N. Yeatts and Cathy Murray produced. Ms. Barrack asked Ms. Spieler what information was missing. Ms. Spieler stated that under the section of CPA budget year ending budget reports/CP1 & CP2 filings/CP3 filing/discussion on page 1 the first line, "The Year End Budget was read by Member S. Spieler showing the fund has \$220,502.99, with \$215.55 delinquent payments, interest \$389.73," what was missing was "for a total of \$226,077.17 minus expenses of \$1100 minutes, \$180 for advertising, \$49.99 offices supplies, \$875 coalition dues.

A motion was made by P. Houle, seconded by K. Barrack, it was:

VOTED: to accept the minutes of August 1, 2023 as amended
P. Houle-aye; K. Barrack-aye; N. Yeatts-aye; S. Spieler-aye; J. Lucey-abstain

A motion was made by P. Houle, seconded by K. Barrack, it was:

VOTED: to accept the minutes of August 15, 2023
P. Houle-aye; K. Barrack-aye; N. Yeatts-aye; S. Spieler-aye; J. Lucey-abstain

A motion was made by P. Houle, seconded by K. Barrack, it was:

VOTED: to accept the minutes of October 17, 2023
Unanimous in favor

Mr. Lucey commented that it's no more a thankless and tedious job being an unpaid minute taker and he would hope we could work together to make it easier for the person that took that responsibility on.

Ms. Yeatts agreed and said we had a professional person taking the minutes before and as chair she just wanted to make sure we are following the rules.

Review scheduling for next meetings

Ms. Yeatts stated our next meeting was previously scheduled at the last meeting for January 10th so we need to schedule some further meetings. Mr. Lucey stated he can never attend on Tuesday nights, but Thursdays are good for him. It was decided to meet on Thursday, February 1st. The committee will need to look over the plan to see if any changes need to be made before we hold a public meeting. Ms. Yeatts stated we will need to decide at the January 10th meeting when to hold the public hearing. She stated that from the survey that was sent out, senior housing was high on the list.

A motion was made by J. Lucey and seconded by K. Barrack, it was:

VOTED: to adjourn the meeting at 7:49 p.m.
Unanimous in favor

Presented at meeting

Coalition Email

Hi Michele:

I just found this second email from you with a copy of the applications. It looks fine. It's a step 1 application (to determine eligibility) as opposed to a project that will have multiple phases. That makes perfect sense, so no alarm bells on the "Step 1" application.

Will there be any structures on what you are potentially buying (like the house, barns, shed or cell phone tower). If so, that would be a huge red flag that needs to be handled very carefully. I'm guessing that you are just buying the open space piece, correct?

One other thing to consider: When the Step 2 application comes in, the proper Town Department to submit that application is the Conservation Commission (not the Select Board, the property owner or Wildlands). All conservation land acquired by a town has to be under control of the Cons Com, so they are the ones actually acquiring it for the town and they will have care, custody and control of the land. So the application should come from them. Anyone else can prepare the application (it's common for the Land Trust to work on that), but the Cons Com should vote to approve the application and their name should be in the applicant slot.

Best,
Stuart

Stuart Saginor, Executive Director

