



City of Westfield

COMMUNITY PRESERVATION COMMITTEE

Community Preservation Committee Meeting Minutes
May 10, 2018 – 6:30 pm, Room 201
Westfield Municipal Building,
59 Court Street, Westfield, MA

Members attending:
Members absent:

Staff attending:

William Carellas(Alt)
Cheryl Crowe
Kate Deviny(Alt)
Cynthia Gaylord
Daniel Kelly
Joe Muto
Vincent Olinski (Alt)
William Porter
Thomas Sharp
Michael Tirrell

Jay Vinskey
Christine Fedora

Chairman Sharp called the meeting to order at 6:30P.M.

1. Public Participation

Sharp asked if there was anyone in the room who would like to address the committee? There being no one heard the Committee proceeded to the next item on the agenda.

2. Review and Approval of (4-11-18) Minutes.

Sharp asked if everyone had an opportunity to review the minutes and asked if there were any comments, additions, or corrections? There being none. Member Gaylord MOTIONED, seconded by Member Crowe. All in favor. MOTION passes.

3. Review of Pending Applications

- Stanley Park (historic) – Western Avenue- \$85,000.00

Planner Vinskey summarized the prior meeting regarding Stanley Park's request. At the last meeting there was discussion regarding a temporary 30 year restriction on the property rather than keeping it in perpetuity, as typically required. The Board agreed to the limited restriction feeling that it would be adequate for the City, it will not have to go through the state process, it will only be the local committee; prior to moving forward the Committee noted they wanted to see the language.

Bob McKean noted he appreciated the special meeting and that he is privileged to be back here. He further noted the Board of Director's held a meeting and they accepted the 30 year term-limited restriction. Barbara Brain, Donna Herman, Angela Doran and Harry Rock members of the Stanley Park Board were also in attendance.

Chair Sharp asked if there would be something put on the deed to reference the legal descriptions as suggested by the City's law department? Mr. Rock noted he didn't understand what this meant? Chair Sharp suggested they have their attorney speak with the City's law department. Mr. Rock noted he didn't see the need or reason for adding this as he felt this had been resolved at the last meeting, he felt there was a good document in place, adding they have moved forward and done their due diligence.

Planner Vinskey reviewed the response received from the City Solicitor's office (S. Reed January 18 memo) regarding the Stanley Park CPA request. He noted the Park has had this information too.

First the Community Preservation Act, does not require a perpetual deed restriction unless the funds are used to purchase a real property interest. However, with that being said, in respect to historic resources, the committee's purpose is to evaluate the historic resource will be preserved. The request in this case is for \$85,000.00 but the proposed local only restriction is only for 20 years, The committee will need to decide if that is an adequate amount of time to justify the investment of \$85,000 of public funds.

In addition, the Anti-Aid amendment to the MA Constitution generally prohibits the granting of public funds to private entities unless those funds are used to advance a public purpose. It is widely accepted that the preservation of historic resources is a public purpose, but it is duty of the committee to determine if the assurances or covenants agreed to by the grantor, in this case, the Park, are sufficient to protect the public interest. In some cases, a preservation restriction is put in place which does just that. There are, however some communities that choose a threshold amount as a matter of policy for those instances where a preservation restriction is not required a matter of course. It is my understanding that the committee does not have a policy on this specific matter and has asked this department to advise on the sufficiency of the proposed assurances.

- 1. The document needs to identify the Park's interest in the property with a properly identified deed reference as well as a legal description.*
- 2. The document does not affirmatively identify what is historically significant about the two buildings on which they are proposing to put the restriction. For example, are they on the National or State Registry of Historical places, or has the Historical Commission determined the structures to be significant in the history, archaeology, architecture of culture of the city. Furthermore, I would suggest that a baseline document be provided depicting the existing conditions, historical records and any photographs.*
- 3. The Park states that they will maintain and address normal wear and tear but will not be responsible for damage due to fire, vandalism, infestation, weather or any other cause. It is the advice of this office that the general language in the MA Historical Commission model restriction documents be used which reference the "Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historical Buildings. Promulgated by the Secretary of the Interior as well as a requirement for inspection, limitations on alternations, and notice and approval provisions for any alternations.*

4. *The document should also contain a provision that the Park record the restriction as well as a clause that the property is not encumbered, which would also need to be independently verified.*
5. *The provision added by the Park that they have a tight to payback the CPA grant is not advisable as, in each fiscal year, the community must spend or reserve at least 10% of the annual revenues in the fund for each of the act's community preservation purposes: open space, historic resources and affordable housing. The Committee would need to confirm with the City's Auditor who can work with the DOR regarding the effect of a repayment of those funds.*

After reviewing the opinion from City Solicitor the Board felt that they should require a historic preservation restriction in a form and manner acceptable to the City Solicitor (addressing above comments), be required as a condition of funding; the document the Park provided was inadequate. The CPC also felt a 30 year term limited restriction would suffice rather than the permanent state approved restriction, but the restriction language needs to be more appropriate. It was also noted that any rehabilitation work involving CPA funds must comply with the Secretary of the interior's rehabilitation standards for the Treatment of Historic Properties.

Vinsky noted he had provide several examples of suitable restriction language to the park over the past months. He also noted the CPC is not the final say; the application still has to be presented to the Council. Board felt they should adhere to the advice of the legal department and let them work out the legal issues.

Chairman Sharp noted he understood what was being said and felt in the interest of not delaying this project they should move forward and have the project proceed to the next step. He further noted the Board could approve and ignore the concerns in order to move it along more quickly and approve conditionally and let the attorneys work out the details on these issues.

Member Tirrell agreed with Chair Sharp and felt the legal concerns should be the concerns of the Board as well as the Park. Vinsky noted the CPC is not typically involved in the details of deed restriction language.

Chair Sharpe MOTIONED to approve the agreement submitted by Park , but allowing a time-limited preservation restriction (30 year) and subject to addressing the 5 issues as outlined in the memo be Once resolved, it could be send to the Council for their review/approval.

Member Gaylord seconded.

Member Terrell inquired if the legal department is involved in writing or reviewing the grant agreement? Vinsky informed him it is 90% boiler plate; there is a section at the end to add conditions.

Member Gaylord noted issue #2 regarding the Historical Commission it has been presented to the Commission and it has been found to meet their requirements.

Chair Sharp asked Dan Call if he would like to address the Board?

Dan Call - Thanked the Committee for their support in regards to the Columbia Greenway he also noted he grew up in Westfield and he can't count how many times he's visited Stanley Park. He

supports the funding of the Park from the CPC funds. Member Gaylord noted she agreed but the legal aspect has to be covered.

Further discussion? All in favor, unanimous. Funding sources: Undesignated 35,000 historical 50,000

- Down Payment Assistance Program (housing) – 77,625.00

Peter Miller-Director of Community Development - addressed the Committee regarding the First Time Homebuyers Program/ Down payment Assistance Program, Westfield has Community Development Block Grant Funds to allow for Homeownership but noted the reason he is here seeking CPC funding is because Westfield does not receive as much funding as other communities as it is based on a federal formula.

Typically the CDBG funds have been used mostly towards affordable rental projects, Our House Project, Moseley Apartments which will be coming up. The City would like to help with home ownership in Westfield. He and Jay Vinsky are currently working with the Law Department to create a program which will help allow the City to assist homeowners with up to \$5,000 each.

He briefly reviewed some of the guidelines regarding the income limits. This will allow the people to participate by making it more manageable to afford the funds for the down payment rather than taking the funding out of their funding to afford the mortgage. The program is being set up based on HUD's regulatory requirements. His hope is to do 15 loans, over 5 years. He further noted if the people own the home over 5 years the loan would be forgiven; if it is sold prior to 5 years a portion of the loan would be repaid. It was also noted one of the requirements of the program would be to attend a homebuyers education class, the cost of the home has to be less than \$195,000.00, and the applicants also have to qualify under income guidelines. He further noted the closing costs, appraisals will be included in the amount, it has to pass the HUD housing quality standard, the homes cannot be fixer uppers, there has to be a full housing inspection from an inspector.

Vinsky noted he found that other municipalities have used CPA funds this way. Chair Sharp supported the idea. Member Crowe MOTIONED seconded by Tirrell to approve the Homebuyers Assistance Program in the amount of \$77,625.00 as outlined in the application. All in Favor. Funding sources: Housing balance.

- Elks Lodge Building (historic) – 56 Franklin St – request has been withdrawn; so noted.

4. Review/adoption of Community Preservation Plan

Having held their annual public meeting, The Committee reviewed the CPC Plan, without changes. Member Gaylord MOTIONED, seconded by Member Porter to readopt the Community Preservation Plan. All in Favor. Vinsky to update dates.

With no other business, the meeting was adjourned at 7:57 pm.