

## **Community Preservation Committee**

### **December 3, 2015 Meeting Minutes**

Held at Shutesbury Town Hall Technology Room

Meeting opened at 5:57 p.m.

Members Present: Chairman Donald Fletcher, and members: Leslie Bracebridge, Lina Avis Scott, Jim Aaron, Allen Hanson and Susan Essig.

Members Absent: Rita Farrell

Minutes of October 15, 2015, meeting were approved as written.

#### **Subjects Discussed:**

(1) Due Diligence Guidelines drafted by Chairman Fletcher. The guidelines were developed to ensure that the Community Preservation Committee completes a reasoned and thorough review of each Determination of Eligibility application. The process intends to solicit information from each CPC member and to illicit the reasons may or not be eligible for CPA funds. Divergent viewpoints would be discussed at a subsequent meeting to be scheduled shortly thereafter -- this process could result in an extension of the timeline for applications for community preservation funding. Voted approved.

#### **(2) Discussion of three Determination of Eligibility applications:**

(i) Shutesbury Community Church -- first floor accessibility. Considerable time was spent discussing this application. The more detailed version of the Department of Revenue Allowable Use chart for CPA funds. (The simplified version of the table appears in the Shutesbury Community Preservation Plan). CPC members described their different interpretations of eligibility based on the guidelines for capital improvements for historically significant buildings. Based on this discussion and the CPC Due Diligence Guidelines, Chairman Fletcher will seek additional information and guidance from the Massachusetts Community Preservation Coalition. The CPC discussed eligibility questions that Chairman Fletcher would ask the Coalition. The CPC voted to designate Chairman Fletcher, after the receipt of the response from the Coalition, to decide to move to the next step in the CPC due diligence guidelines, that is, to request a legal opinion regarding the eligibility of this proposed project from Town Counsel. A subsequent CPC meeting was scheduled for December 17, 2015. Eligibility vote postponed.

#### **(ii) Running/Walking Track Construction at Shutesbury Elementary School.**

Committee members confirmed that this proposal sought to create a recreation asset. Eligibility voted approved.

#### **(iii) Playground Repairs and Replacement Structures at Shutesbury Elementary School.**

Committee members confirmed that this proposal sought to acquire, create and restore recreation resources. Eligibility voted approved.

- (3) Calendar for future CPA meetings for the 2015-2016 period combined with a discussion of proposed subjects for each meeting including a May, 2016, meeting for the purpose of debriefing and preparing for the next period.
- (4) The CPC web page on the Shutesbury website was discussed. Allen agreed to review the need for and to make needed revisions.
- (5) During the next CPA meeting the minutes from September 17, 2015, and December 3, 2015, will be reviewed and approved.

Votes Taken:

- (i) Draft due diligence guidelines approved.
- (ii) October 15, 2015, meeting minutes approved.
- (iii) SES Running/Walking Track Construction - approved as eligible.
- (iv) SES Playground Repairs and Replacement Structures proposal - approved as eligible.
- (v) CPC meeting scheduled for December 17, 2015 at 6:00pm in Town Hall.

Minutes Recorded by: Susan Essig

12/3/2015

Approved 12/17/15

## **Community Preservation Committee**

### **Due Diligence Guidelines for review of Determination of Eligibility Applications**

**Approved: December 3, 2015**

#### **Guidelines:**

Each CPC member will review and determine independently whether and specifically why each application may or may not be eligible to receive CPA funds. Eligibility criteria as detailed in the Department of Revenue's Allowable Use of Funds chart will be used.

Members will share and discuss their respective interpretations.

If there are different opinions of whether a proposal is eligible, then the specific difference will be described in detail. The desired outcome of the discussion will be to detail the specific differences as accurately and completely, as possible

The CPC will have an initial vote on the different interpretations.

If substantially different interpretations of eligibility continue, then the CPC will schedule an additional meeting. Between CPC meetings additional information will be gathered including from the Community Preservation Coalition and approved CPA projects in communities statewide. The CPC will complete the written request to the Community Preservation Coalition. Information gathered from these two sources will be considered at the subsequent CPC meeting. The CPC understands that neither of these sources will provide information that is necessarily definitive.

If two or more CPC members disagree with the interpretation endorsed by the remaining CPC members present, then the CPC will request a written determination by Town Counsel. The CPC's written description of the different interpretations will be sent to Town Counsel along with the other information gathered. The CPC will vote to authorize the use of CPC administrative funds to pay for the Town Counsel's opinion/decision.

At a subsequent meeting the CPC will vote on whether the proposed project is eligible based on the opinion of Town Counsel.

Note: When the determination of eligibility has been delayed to resolve differences, then the deadline for submission of the final the application for the proposed project.