

Observer Corp

LWV

### **Community Preservation Committee**

#### **Background:**

The Plymouth Area League of Women Voters supports the Community Preservation Act (CPA). Here is our position:

*The Community Preservation Committee enacts the regulations of the Community Preservation Act (MGL Chapter 44B), which allows communities in Massachusetts to place a surcharge of up to 3% on property taxes. A minimum of 10% of the funds must be allocated to affordable housing, 10% to historic preservation and 10% to land conservation. An additional 5% can be set aside each year for administrative costs. The remaining 65% may be allocated to one or more of the general purposes in accordance with local priorities. The Community Preservation Act permits cities and towns to establish a restricted fund from which monies can be appropriated only for:*

- a) The acquisition, creation and preservation of open space.*
- b) The acquisition, preservation, rehabilitation, and restoration of historic resources*
- c) The acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use.*
- d) The acquisition, creation, preservation and support of community housing.*
- e) The rehabilitation and restoration of open space or community housing that is acquired or created using monies from the fund.*
- f) A municipal affordable housing trust.*

*All of the towns that comprise the League of Woman Voters of the Plymouth area have adopted the Community Preservation Act.*

Our local League support for the CPA was stated publicly in a letter dated May 2, 2002 that Mary LeSueur sent to The Old Colony Memorial.

5/2/02

Editor  
OCM  
Long Pond Road  
Plymouth, MA 02360

Dear Editor:

The Plymouth Area League of Women Voters urges voters to vote YES on Question 2, the acceptance of the Community Preservation Act (CPA). Communities that participate in the CPA are spending tax dollars that are raised on the registry fees collected at the Plymouth Registry of Deeds and other registries throughout the state. Our neighbors, Wareham and Duxbury, are among a number of South Shore participants.

The 1.5% surcharge on an annual tax bill for a median valuation of \$179,000 would be approximately \$38.00. This investment would return in matching funds over \$1,000,000 for the town next year. The monies must then be spent to protect and preserve historic buildings like Memorial Hall, purchase open space and choose sites to build mandated affordable housing, instead of leaving it to others.

Decisions for these choices would be made by a 9 member community preservation committee composed of representatives from our conservation, planning, historic and housing boards as well as from the Board of Selectmen and 4 community members. Their decisions would require the approval of town meeting.

The passage of the CPA would provide Plymouth with a rare opportunity at minimal cost to invest wisely in its future. The League heartily endorses this ballot question!

Sincerely,

Mary LeSueur  
President, Plymouth Area League of Women Voters  
Telephone # 508-746-4252

The Community Preservation Committee is made up of 9 members.

William Keohan, Chair, Appointed by the Select Board, Term 6/30/24

Joan Bartlett, Vice Chair, Appointed by Select Board, Term 6/30/23

Allen Hemberger, Clerk, Appointed by Select Board, 6/30/24

Karen Buechs, Appointed by Select Board, 6/30/25

Randy Parker, Conservation Committee

Michael Tubin, Historic District

Russell Shirley, Housing Authority

Birgitta Kuehn, Planning Board

John Mahoney, Select Board

The Community Preservation Committee has met on the following dates since I decided to join Observer Corp of the LWV

December 22, 2022

December 29, 2022

January 3, 2023 with the Select Board

January 9, 2023

January 10, 2023 with the Select Board

January 12, 2023 with the Town Officials

**December 22, 2022, Center for the Arts, North Street (in person and Zoom)**

Present: In person: Bill Keohan, Chair, Joan Bartlett, Vice Chair, Allen Hemberger, Clerk, Michael Tubin, , John Mahoney, via Zoom: Karen Buechs, Birgitta Kuehn, Randy Parker and Russell Shirley.

This was the first CPC meeting I attended.

The meeting began with an update on articles that have been voted on at previous Town Meetings that are awaiting completion and final disbursement of CPA funds, filing restrictions and additional CPA oversight.

Articles: **Approved by Fall Meetings 2022.** Progress is being made on all of these projects.

9A: Open Space Water Protection: Darby Pond

9B: Historical Exterior Restoration: Spire Theater for Performing Arts

9C: Open Space Stephens Lane: Estuary Protection

9D: Historical 1857 Plymouth Foundry Restoration: Water Street

The agendas of the meetings following the December 22 meeting revolved around the new town policy, that Articles for the Annual Town Meeting be submitted by December 21, 2022 at 4 PM. All members of the CPC had received on November 20<sup>th</sup> an email with a copy of the new policy from the town manager, Derek Brindisi.

The policy directed all participants to submit their articles for Spring Town Meeting by December 21, 2022. A copy of this policy is available on the Town of Plymouth website.

It became evident the committee had not met the deadline for submission for the Spring Annual Town Meeting. Even though the deadline had passed, the CPC voted to recommend to Spring Town Meeting the following articles:

**Proposed Articles for 2023 Spring Special and Annual Town Meeting.**

Article 16 A: Open Space Land at Morton Park and Town Brook off Billington Sea Street

Article 16 B: Reduce the Borrowing Authorization for Spring Town Meeting Stephens Field

Article 16 C: Annual account set-a-side for Housing, Historical and Open Space, Fiscal Year 2024

Article 16 D: Administrative Account/Finance Report Account Balances.

This vote was contingent on review of the articles by the assessor's office and the finance department as it relates to the language referencing lots and plots of land and the CPA accounts. (The CPC Chair meets with the Finance Director to determine whether or not the article is more appropriate for the special spring town meeting or the annual town meeting.) The articles were submitted by that evening by email. (Subsequently, Bill Keohan was notified by the Assistant Town Manager, Brad Brothers, that they were late and would not be accepted because the deadline was December 21, 2022 at 4 PM.)

**December 29, 2022, 4:45 PM: Meeting via Zoom**

All in attendance via Zoom except for John Mahoney, representative of Select Board

The CPC met via Zoom on December 29, 2022. At this meeting the committee voted to send the Select Board a letter dated December 30, 2022 and indicate that the CPC would comply with the new deadline policy and send the appropriate article 16 A to the Spring Special Town Meeting. Articles 16 B, C and D would go to the Annual Fall Town Meeting. **The Special Town Meeting Warrant closes February 3, 2023, 4 PM.**

**January 3, 2023, 6 PM:, Select Board Meeting, Town Hall, Great Hall,**

Agenda item: Community Preservation Committee Warrant Article Request

The 9 member CPC was present in person at this meeting. Bill Keohan, Chair of the CPC read the following letter:



# TOWN OF PLYMOUTH

26 Court Street  
Plymouth, Massachusetts 02360  
(508) 747-1620

Friday December 30, 2022

Dear Chairwoman Cavacco and the Members of the Select Board,

The Community Preservation Committee would like to thank you, for your invitation to attend your meeting on January 3rd.

The Community Preservation Committee met Thursday December 29th to discuss the status of the CPA Articles for the Spring Town Meeting.

The CPC voted not to request special relief from the new deadline policy for the Annual Town Meeting and will move the appropriate CPA Articles to the Special Town Meeting and the Fall Town Meeting.

The Town Warrant opening and closing process has always had a deadline and it had been the past practice of the Town to offer a placeholder on the warrant. Since the Town Manager has announced the deadline would be enforced and no placeholders would be offered the CPC is fully supportive of this initiative.

The CPC commends the Town Manager on this new policy and we support it. We believe that having all the information in on time will give the residents, Town Manager and Staff ample time to review the final language on the warrant. The CPC believes that this policy will greatly enhance transparency of important public documents which elected and appointed boards, committees and Town Meeting Members will have to review and vote on.

The CPC is scheduled on Thursday, January 12th to meet with the Town Manager and Staff to discuss better ways of communicating as well as the implementation to the CPA. We invite and welcome you and your input. Feel free to attend or forward your concerns.

Thank you,

The Community Preservation Committee

John Mahoney, Select Board and member of the CPC felt that all the articles should be put in the Annual Spring Meeting. He was concerned that the CPC would not have enough funds to carry out their mission. Finance Director, Lynne Barrett assured him that the CPC would be able to meet obligations. There was a vote taken to bring the matter back to the next Select Board meeting on January 10, 2023.

**January 9, 2023, 6 PM, Town Hall, Ropewalk Room**

In-Person: Bill Keohan, Chair, Allen Hemberger, Clerk, Karen Buechs, Russ Shirley, John Mahoney, Zoom: Birgitta Kuehn, Mike Tubin, Randy Parker. Absent: Joan Bartlett

Article 16A has to do with land acquisition, 20 acres more or less on Billington Street. This acquisition would link the Crawley Woodland Preserve with Town owned Morton Park. The CPC and Town have been meeting with the owners for over 7 years. The land has been in the family since 1959. They would like to negotiate with the CPC the sale of this property. It would go into conservation and cease to be cranberry bogs. This would enhance the Northern Part of the Wishbone trail, a trail that would go from the headwaters of Town Brook, connecting with the Town Forest and the State Forest.

A motion was made, seconded and passed to recommend 16A to the Spring Special Town Meeting Warrant and to move 16 B and 16 C to the Fall Town Meeting. The CPA also agreed, regarding 16 D (administrative article), that if it is the pleasure of the Select Board ,and if it can be legally placed on the Spring Annual Town Meeting Warrant, the Community Preservation Committee has no objections.

**January 10, 2023, 5:30 PM, Select Board Meeting, Town Hall, Great Hall,**

All 9 members of the CPC in person present at the meeting in the Great Hall, Town Hall.

Community Preservation Warrant Article Request, tabled from 1/3/2023

After much discussion by the Select Board, a motion was made by John Mahoney, Select Board representative to the Community Preservation Committee, that Article 16 A be placed on the Special Town Meeting Warrant and Articles 16 B, C and D go on the Annual Spring Town Meeting. Placing Articles on the Annual Town Meeting Warrant would require a waiver from the Select Board as the Warrant had closed December 21, 2022. The motion did not carry: 3 nay votes: Cavacco, Helm and Quintal, 2 yay votes Mahoney and Bletzer.

Russ Shirley, Housing Authority representative to the CPC spoke for the committee and voiced that the CPC would stay with its recent vote: that is, Article 16 A would be put on the Special Town Meeting Warrant. (Warrant closes February 3, 2023 at 4 PM.) Articles 16 B, C and D would go on the Fall Annual Town Meeting. The vote of the CPC was to abide by the Town Manager’s new policy and not request any special consideration.

**January 12, 2023, 6 PM, Community Preservation Meeting with Town Manager and Staff, Town Hall, 1820 Court Room, live on PACTV and recorded**

All CPC members present in person except Russ Shirley.

Speakers: Lynne Barrett, Finance Director for the Town of Plymouth: Lynne works closely with the CPC chair. The finance department takes care of the record keeping for the CPC. The Chair and Finance work closely on policies and procedures. Jeanette White, Finance Department handles all payments of bills. The department tracks expenditures, records and contracts. On an annual basis the department provides the revenue balance. Most land acquisitions are placed on the Special Town Meeting Warrant.

Handouts from Ms. Barrett included (1) Community Preservation Fund – Available Funds and (2) CPC Fund: Fiscal 2024 Sources & Uses of Funds and spreadsheet

Derek Brindisi, Town Manager handed out to the CPC (1) Kopelman and Paige, P.C.: Reasons for Convening Executive Session (M.G.L.Chapter 39, 23B) and (2) Chapter 41: Community Preservation Committee

Mr. Brindisi's rationale for attending this meeting was to open the lines of communication and improve collaboration. His concerns were that people need more help completing the CPC applications. He would like paid staff more involved with the process. Information is missing from articles when submitted, and more public hearings would be useful. He invited the Community Preservation Committee to look at the Town website to try to make the application process more user friendly. The CPC has its own attorney. Mr. Brindisi would like the CPC to use the town's counsel. Retired attorney Ed Russell voiced his concerns about using the town's attorney. He felt the CPC having its own counsel prevented any conflict of interest.

At this point, for the benefit of the PACTV audience, Birgitta Kuehn suggested that each CPC member present, state their name and what part of the town they represent. There are 3 at large appointed by the Select Board, as well as members from the following: Conservation, Planning Board, Historic Commission, Select Board and Housing Authority.

Kelly McElreath, Town Clerk: New Policy for all town committees - agendas and minutes to go through the Clerk's Office. According to the Open Meeting Law a meeting must be posted 48 hours before the meeting. Weekends and holidays do not count. Zoom meetings must be recorded, and require written minutes and roll call votes.

David Gould, Director of Department of Marine and Environmental Affairs works closely with the CPC. Mr. Gould had a few suggestions: Have an applicant meet with the committee. If an application gets approved, provide involved parties with updates and explanations if there are delays, budget requests or permit issues. If an applicant is denied, reach out to the applicant, meet in person and explain why it was denied. Sometimes if an applicant knows what the application lacked, he/she can amend the application.

Brad Brothers, Assistant Town Manager: Reviewed the new Town Meeting Warrant Policy. In the past, applicants could submit an article as a placeholder and get the remainder of the information in later. This created a problem, because if the documents were submitted late, the Select Board and Advisory and Finance Committee often did not have enough time to thoroughly read all the material related to the article.

The formal meeting was ended. The CPC had a short meeting to allow them to plan for a follow up meeting with the Town Manager.

Bill Keohan, Chair of the CPC, informed the committee that there was an article on the 2023 Annual Town Warrant to demolish the Great Hall at Hedges Pond.

#### HISTORY:

2007 FALL ANNUAL TOWN MEETING: Article 16: *Hedges Pond Recreation Area*

Acquire land for preservation and recreation in Cedarville. Includes a 30-acre pond surrounded by 113 acres of woodland, beach and campground and provides a needed recreation area for southern Plymouth. In the summer the Recreation Department plans to run a summer camp there which includes an environmental education program. **OS** \$3,150,000. (open space)

At the time this land was purchased CPC funds were also used to stabilize the Great Hall. Mr. Keohan will check with the finance department to see how much was spent and what repairs were made to the building. The Great Hall is a three-season structure. Mr. Tubin, Historic Commission felt it should

also be brought before his commission for a possible demolition delay to the building. Mr. Keohan will invite Barry DeBlasio, Director of Community Resources, to the next meeting to discuss this matter. Both Mr. Keohan and Mr. Tubin felt it would have been courteous to involve their respective committees in the initial discussions regarding the demolition of the Great Hall .

The meeting was adjourned and the date for the next meeting was not decided. It will be listed on the Town website under Meetings.

Sincerely,

Ginny Davis, Observer Corp for the Community Preservation Committee