

Town of Ayer
Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432

Minutes for 1/4/2012 - Approved 2/1/12

Location: Town Hall, 1st Floor

Members present: Alene Reich (AR) [Historical]- Chair, Janet Providakes (JP) [Housing], Beth Suedmeyer (BS) [At Large], Sarah Gibbons (SG) [Parks & Rec.], Jess Gugino (JG) [ConsCom]- Clerk

Not present: Gary Luca (GL) [BOS], Mark Fermanian (MF) [Planning Board], Scott Houde (SH) [FinCom], Vacancy [At Large]

APAC taped: NO

7:08 PM – Open Meeting

- **Current Project: Bonnet Realty Project Agreement**
 - David Maher, Director of Economic Development for Ayer, and Robert France, of Bonnet Realty, appeared to review the ‘Community Preservation Act Grant Agreement’ for the Fletcher Building renovation.
 - Mr. France said the renovation work would take 4-5 months and officially began today, 1/4/12.
 - Ayer’s Town Counsel (Kopelman & Paige) put together the Grant Agreement.
 - Mr. France said the ongoing procedure would be for work to be performed, an invoice for that work submitted, validation of that work by the Clerk of Works (i.e. that work was done in accordance with the specifications and plans), and finally the Town issuing the proportionate amount of payment for the work performed.
 - The Fletcher Building, when finished, will display a permanent plaque acknowledging the contribution to the building by CPC as well as other contributing sources (i.e. Dept. of Housing and Community Development [DHCD]).
 - Mr. Maher said the renovation plans allow for both oversight and transparency.
 - The gatekeepers for the release of CPC funds will be Sue Provencher, of the Office of Economic Development, and the Clerk of the Works, Don Bucchianeri.
 - Mr. Maher noted Sue Provencher’s 100% rating from DHCD for work done in the past, and said she was well-equipped to know the process in order to protect the Town’s interests.
 - Re section 10, JP asked who in the Town would have the right to enter and inspect.
 - The answer was the Clerk of Works, who is hired by the Town and reports to the Town.
 - AR clarified that wording in section 10 meant that if work cost less than planned, the Town was under no obligation to use all of the allotted funds.
 - Re section 14, AR asked if the project had been reviewed by the Historic Commission.
 - Mr. France said this, as well as environmental clearance, was a condition of DHCD approval.

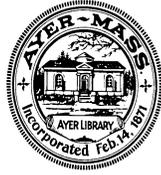


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- JP pointed out that the photocopy of the notarized ‘Acceptance by Commonwealth of Affordable Housing Restriction’ was inaccurately dated by the notary public (October 27, 2012 rather than October 27, 2011).
- AR said she was concerned about the wording in section 2 (c) indicating the historic preservation restriction would be in force only for “a period of twenty years.”
 - Preservation restrictions typically do not employ time limitations.
 - In addition, AR said the document under review was a Grant Agreement, therefore not really a Preservation Restriction as had been expected by CPC.
 - BS agreed, saying the use of CPC funds for historic preservation was generally understood to be ‘in perpetuity’.
 - BS added that the Grant Agreement was also weak on details as to exactly what features of the building are being historically preserved.
 - AR asked for additional details re plans for the Fletcher Building’s historical preservation.
 - Mr. France said there is a set of plans that details all of that information.
 - AR said the issues raised did not reflect problems with the project per se but rather with how Town Counsel was setting up the Grant Agreement.
 - The legal document presented was a different document than CPC expected.
 - AR expressed her appreciation, however, that this agreement was being presented to CPC before work had really commenced and funds been dispersed.
 - AR said that if a specific time period of ‘twenty years’ was not included, and if at the end of the project a ‘Preservation Restriction’ was put in place, she wouldn’t have had questions about the agreement.
 - Mr. France said that Rick LeFertz would be better able to address some of these questions.
- It was also noted that section 2 (c) referred to an attached ‘Exhibit A’ (the “Preservation Restriction”) which appeared to be missing.
 - Mr. France said the “Preservation Restriction” language needs to be attached.
 - AR said Exhibit A should also reference the plans and specs.
- Audience member George Bacon asked if the Historical Commission would have the opportunity to review the Preservation Restriction as they would be the entity to hold the Restriction on behalf of the Town.
 - The Historical Commission meets next on 1/11/11, which Mr. France noted.
 - Mr. Maher said he would like to have the issues raised addressed by then.



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- AR told Mr. Maher that Town Counsel should have the right ‘Preservation Restriction’ language on file because of the previous renovation project of the Pleasant Street School.
 - Mr. France clarified that the Historical Commission would be looking in particular to review a Preservation Restriction attached as Exhibit A to the Grant Agreement.
- **Other Business**
 - AR said Community Preservation Coalition Executive Director Stuart Saginor was unable to attend CPC’s meeting in February, but that he was doing a training presentation in Maynard on 1/23/12 to which Ayer CPC members were welcome to attend.
 - The presentation will be in Maynard Town Hall at 7 p.m.
 - AR and/or JP will send out an email reminder with suggestions for carpooling possibilities.
 - For discussion at CPC’s next meeting, AR will put together a draft of the suggested timeline and protocol which future applications to CPC should follow.
 - BS asked if Mr. Saginor could be asked by email for further information about appropriate Town Warrant language for CPC articles.
- **Approval of Minutes**
 - JP moved to approve the minutes for 12/7/11 as amended; BS 2nd.
 - Motion approved unanimously.
 - A backlog of previous draft minutes needing approval was deferred to the next meeting.
 - JG will circulate another email with the drafts attached.
- **8:27 PM – Adjourn Meeting**
 - JP moved to adjourn; AR 2nd.
 - Motion approved unanimously.