

**TOWN OF ORLEANS
COMMUNITY PRESERVATION COMMITTEE**

**Minutes
February 9, 2023, 4:30 p.m.**

A hybrid meeting of the Community Preservation Committee (CPC) was held in the Nauset Room of Town Hall and via Zoom beginning at 4.30pm on February 9, 2023. Real-time public access was provided by Orleans Channel 18 on the Town website and cable television.

Attending for the CPC were Chair W. North, Vice Chair B. Alper, Clerk Christie, Ms. Gaskill, Ms. Francolini, Mr. Ellis, Mr. Crabtree, Mr. Lipman and Mr. Galligan.

1. Call to Order – The chair called the meeting to order at 4.30pm. Mr. North shared that a thank you for membership was received from the Community Preservation Coalition. The Historic Commission shared a recent vote from their committee meeting. An email was received from Tom Daley amending some of the figures for the grant application for Veteran’s Park (see below). The French Cable Museum offered some options for funding of the grant application submitted (see below). A revised estimate for figures (email attached below) for the Village Green Walkway was received which Ms. Francolini discussed later in the meeting.
2. Public Comment:
Mr. Higgins from the Veteran’s Day & Memorial Committee spoke about the need to improve accessibility and enhance Veteran’s Memorial Park and referred to the ongoing support for the park from CPC. He spoke on behalf of Veterans and others regarding specific monuments, relocations and necessary improvements and the need to “keep the momentum going.”
Mr. Sosner also spoke about Veteran’s Memorial Park and discussed the Town of Orleans’ support for the project, the fit of the project to CPC criteria for recreation, and whether the current location was “dedicated” park land. (See attached email opinion shared from the State’s peak body, the Community Preservation Coalition)
3. Discussion and Vote to Recommend Grant Applications for FY24 excluding bonding for the old Firehouse Project – The committee members began their review of grant applications by ensuring legal concerns had been correctly addressed, town ownership or support confirmed, and by considering the grants that offered phases to be funded such as Veteran’s Park, the Academy Playhouse, and the Village Green Walkway. It will be necessary to check with Town Counsel that the title to the land used for the Veteran’s Memorial Park identifies the land as designated park land as protected by deed.

Ms. Gaskill stated she wanted to reconsider the Veteran’s Park grant application at the meeting because she said there was no dispute among CPC members with the plan or the intent of the project. A protracted discussion followed. Several committee members said it was challenging to reconcile the figures submitted for the project. Ms. Christie noted that pledged donations to the Veteran’s Park charitable body seemed to be contingent on CPC

funding. It was noted there is no visibility to the pledges made. Ms. Christie later suggested funding just the first 3 items on the revised budget list from Mr. Daley (see email below) for a total of \$147,500. Lipman said it would be nice to support the project in some way for it to move forward. Mr. Galligan pointed out the park project met a number of CPC criteria. He said the feasibility of the project being implemented was supported by credible firms donating to the project. Ms. Francolini stated: "I would like the project to go forward but it is not ready." Mr. Alper said he felt less confident in the management of the project. Mr. North acknowledged the park is a "very important civic space." Overall, the committee felt there was a need for public discussion about the project and perhaps a more cogent and detailed application.

Ms. Gaskill moved to continue the discussion of funding the grant application for \$275,000 for the Veteran's Park project. Mr. Galligan seconded the motion. It was clarified that the grant application was, in fact, still part of the consideration so no motion was needed to this effect. The motion was withdrawn. Discussion continued.

Ms. Francolini moved the CPC withhold recommendation of the Veteran's Park project for funding at the Spring Town Meeting 2023. Mr. Alper seconded the motion. Voting was by roll call. Mr. Lipman, Ms. Christie, Mr. Ellis, Mr. Alper and Ms. Francolini voted AYE. Mr. Galligan, Ms. Gaskill and Mr. Crabtree voted NO. Mr. North abstained. The motion carried: 5-3-1.

The CPC also discussed the grant application from the Academy Playhouse and agreed that the first three priorities listed in the grant totaling \$128,265 would be included for consideration with the other grant applications for recommendation by the CPC. Ms. Francolini explained the revised total request for the Village Walkway grant was \$35,000 which would enable the project to get through both the design and bidding stage. This is the amount to be considered for recommendation by the CPC.

Discussion turned to the crisis in affordable housing and how to best support the need for housing while balancing the demands of other worthwhile projects. The committee considered reducing the sum for the Orleans Affordable Housing Trust Board and/or the POAH/Juniper Hill grant application.

Mr. Galligan moved the CPC recommend funding the grant application for the POAH/Juniper Hill project for \$20,000. Mr. Lipman seconded the motion. All voted AYE in favor of the motion. Motion carried: 9-0-0.

Mr. Alper read a statement in response to comments made to and/or about him at another meeting. In particular, he clarified the responsibility of any CPC member to seriously weigh each application submitted for grant funding to ensure it meets the Anti-Aid Amendment, constitutionality, and legal requirements of the Community Preservation Act. Legal advice and historic advice received by the CPC does not constitute a decision of the CPC but serves to inform committee members. He said he had posed questions at the previous CPC meeting not because he opposed a project but rather to ensure an application conformed to the

necessary standards. Mr. Alper said he encourages and welcomes all CPC members to carefully question and consider every grant application as part of their deliberation process.

Discussion moved to the CHO grant application to restore the balcony railing at the Meetinghouse. The applicant had suggested the project could be delayed and a number of members stated that the project could be removed from consideration for the upcoming grant season.

A spreadsheet showing each grant applicant and the grant project amounts was displayed and reviewed by the Committee (see below)

Mr. Galligan moved the CPC recommend the following projects for approval leaving an unallocated surplus in the budget of \$172,610.

REC	Village Green Walkway	TOWN	\$ 35,000.00	Phase I Accessible walkway design/bid at Village Green
HIS	Snow Library Preservation Assessment	TOWN	\$ 8,050.00	Preservation assessment of historic collection
HOUS	Juniper Hill, POAH	WLLFT	\$ 20,000.00	Development of 46 affordable housing units, Juniper Hill, Wellfl
HOUS	AHTB	TOWN	\$ 500,000.00	General funding for affordable housing trust fund initiatives
HIS	Federated Church	private	\$ 8,000.00	Restoration of historic organ at the Federated Church
HOUS	LCHI	private	\$ 7,500.00	CDP LCHI workshop
HIS	Select Board Old Firehouse	TOWN		PENDING VOTE - Rehabilitation of 44 Main Street
REC	Veteran's Memorial	NP/TOWN	\$ -	Veteran's Memorial Park Phase I
OS	Open Space	TOWN	\$ 12,000.00	Administrative funding for valuations and acquisition
HIS	Orleans Historic Commission	TOWN	\$ 7,500.00	Early Nauset Hist. Pres. -Archeologic survey, Native American sil
HIS	Orleans Historic Commission	TOWN	\$ 7,500.00	Enhanced Historic Prop. Research & Documentation
HIS	French Cable Museum	private	\$ 36,750.00	Restoration of siding, trim & antique instruments
REC	Putnam Farm Picnic Tables	TOWN	\$ 4,000.00	2 Picnic tables for Putnam Farm
OS	Tonset Rd Acquisition	TOWN	\$ -	WITHDRAWN - Acquire 22 Tonset Road for conservation
HIS	CHO	private	\$ 55,000.00	Planning for CG36500 Boat House protection – Eng.& Arch. Exp.
HIS	CHO	private		POSTPONED - Meetinghouse Balcony Railing
RecHIS	DPW Bandstand	TOWN	\$ 29,500.00	Phase I Bandstand Historical Renovation & Design
HIS	NW Schoolhouse	private	\$ 58,978.00	Repair spouting, fire suppression and kitchen
HIS	Academy Playhouse	private	\$128,265.00	Phase II, Priority 1&2&3 renovations

<i>Projected debt service (open space)</i>	\$ 413,753.00
Est. Available Funds after debt service	\$ 1,120,659.00
Housing	\$ 527,500.00
Open Space	\$ 12,000.00
Recreation (inc mixed grants)	\$ 68,500.00
Historic	\$ 310,043.00
Admin. Expenses	\$ 30,000.00
BALANCE after grants:	\$ 172,616.00

Mr. Lipman seconded the motion. All voted AYE in favor of the motion. Motion passed: 9-0-0.

4. Discussion and Vote to Recommend Bonding for the Firehouse Grant Applications for FY24 – Mr. Ellis summarized the findings of the Historic Commission (see email below) and noted that progress had been made to align the design with appropriate Department of the Interior standards. The Historic Commission did express concern that the expense of the Firehouse project might influence or limit funds available for future CPC applications. Committee members discussed the proportion of the Firehouse grant application that was historic renovation. Although the majority of the project does not fit the historic renovation criteria for the CPA, Mr. Galligan noted the facility is heavily used and part of Orleans' culture. He pointed out it pays for itself. Some members suggested partial funding of the grant total would signal support for the project. Other members stated they would like the townspeople to decide themselves on the cost/value of the project.

Mr. Alper moved CPC funds should not be used for the Firehouse project. Ms. Christie seconded the Motion. The vote was by roll call. Mr. Ellis, Mr. Crabtree, Mr. Alper, Mr. Lipman, Ms. Christie, Ms. Francolini and Ms. Gaskill voted AYE. Mr. Galligan and Mr. North voted NO. The motion passed: 7-2-0.

5. Discussion and Possible Vote on extended Historic Consultant Services. The vote on this matter will be deferred until the end of the financial year.

6. Discussion and Vote regarding Administrative Expenses Budget for FY24.

Mr. Crabtree moved the CPC recommend \$30,000 for Administrative Expenses in FY24. Mr. Galligan seconded the motion. All voted in favor of the motion by saying AYE. Motion passed: 9-0-0.

7. Discussion re: the Draft of Warrant Articles – A draft of the warrant article will be prepared.

8. Consider next actions- Mr. North has been asked to present to the Finance Committee in March and will forward the recommendations of the CPC to the Select Board for their consideration. The next meeting of the CPC will be on March 2, 2023 at 4.30pm.

9. Updates on ongoing projects – This matter was deferred until March 2, 2023.

10. Approval of Minutes of Feb 2, 2023

Mr. Galligan moved to approve the minutes of Feb 2, 2023 with a minor amendment. Mr. Alper seconded the motion. All voted AYE in favor of the motion. Motion passed: 9-0-0.

11. Adjourn

Mr. Alper moved to adjourn the meeting. Ms. Francolini seconded the motion. Meeting adjourned by consensus.

*Respectfully submitted,
Jennifer Fountain*

ADDENDA for Item 1 and Item 4
Email of Historic Commission decisions:

OHC Motions

Inbox

Walter North

Wed, Feb 8, 4:59
PM (3 days ago)

Motion by Historical Commission on Firehouse application compliance with SOI Standards:

The Historical Commission finds that the Old Firehouse application can be deemed nearly compliant with the SOI standards. The applicant has committed to addressing the outstanding issues, and our finding is contingent on these issues being resolved. This opinion is based on drawings dated 3/11/2022 with a print date of 2/2/2023 as amended by the presentation to the Historical Commission on 2/8/2023. ??? Vote 5-0-0

Advisory opinion by OHC to CPC of the Firehouse application:

??

??The Historical Commission advisory opinion to the CPC on the financial implication of the Firehouse application to the CPC.?? The Historical Commission would like to express our deep concern about the size of the grant request (2.4 million) to the relative historic preservation value of the project vs other potential usages of the funds for historical preservation,?? and the impact that funding this project would have on future historic preservation applications on both a year by year basis for 20 years and a cumulative basis.?? Vote 5-0-0.

Jennifer Fountain

Wed, Feb 8, 5:22
PM (3 days ago)

Dear CPC members,
Please find an email forwarded showing the recent decision/opinion of the Historic Commission re: the old Firehouse.

Regards,
Jennifer

For Item 1, 3

Email from T Daley re: revised figures for Veteran's Park Grant application

VMP Cost Estimate

Inbox

Wed, Feb 8, 1:02
PM (3 days ago)

Tom Daley

Good Afternoon

In order to give some additional assurance and to triple check the construction cost estimate Russ Kleekamp the design engineer and I just confirmed the following cost estimate that we request the CPC funds for. The estimate is as follows:

1. Mobilization:	\$20,000
2. Record Drawings:	\$5,000
3. Concrete Sidewalks:	\$122,500
4. Irrigation:	\$25,000
5. Electrical:	\$25,000
6. Loam and Seed:	\$50,000
7. Contingency:	<u>\$27,500</u>
 Total:	 \$275,000

In addition, the above work does not touch any monuments and therefore no historical issues are raised. The project in our opinion can be funded under the recreational category. It is our understanding that fundraising will pay for the other amenities discussed by others. Thank you for your consideration.

Jennifer, if you could please share with the committee it would be highly appreciated.

Thomas E. Daley, P.E.

Director of Public Works &
Natural Resources
40 Giddiah Hill Rd.
Orleans, MA 02653

Wed, Feb 8, 1:37
PM (3 days ago)

Jennifer Fountain

I am forwarding an estimate from Tom Daley re Veterans Park.

Jennifer

For Item 3 email of revised budget for Village Green Accessible Walkway grant application

----- Forwarded message -----

From: **Tom Daley** >

Date: Fri, Feb 3, 2023 at 3:15 PM

Subject: engineering estimate information for Village Green Walkway

As requested \$35,000 gets the following:

Design Phase: \$22,000
(Final Plans and Spec's, Cost Estimates)

Bidding Phase: \$13,000
(Q&A, Addenda, Pre-bid mtg., Bid opening,
bid review and recommendation)

Thomas E. Daley, P.E.

Director of Public Works &
Natural Resources
40 Giddiah Hill Rd.
Orleans, MA 02653

For Item 1 and 3 – Revised estimates for the French Cable Museum received by email

French Cable Station Museum FY 2024 Proposal

Inbox

Wed, Feb 8, 2:42 PM (5
days ago)

M Hartford

to Stephanie, Walter, me, Duane, Joe, #1

Hi Stephanie

We were reflecting on the way things turned out at the last CPC meeting where there were actually still funds available at the end of the evening, and we wanted to reach out to you with yet another proposal.

We all are aware that it will be more costly to paint the exterior of the building over two years instead of just doing it all at once. We would like to ask for the full amount to paint the exterior and keep the original proposal intact. However, if you think it has a better chance of passing without the \$4K for archiving, we could sacrifice that if it would allow us to paint the whole building.

Here are the options:

1. Our initial proposal

Painting.....\$32,750
Trim replacement.....\$ 4,000
Archiving.....\$ 4,000
total.....\$40,750

2. Stick with the cuts we made at our presentation:

Painting.....\$16,375
Trim replacement.....\$ 2,000
Archiving.....\$ 4,000
total.....\$22,375

3. Save money in the long run by getting the painting completed all at once and give up archiving this season

Painting.....\$32,750
Trim replacement.....\$ 4,000
Archiving..... -0-
total.....\$36,750

Please don't hesitate to call me/us with any questions or suggestions.
Thanks so much
Meri

Meri Hartford
Memento at Artworks!

For Item 3 – Feedback/opinion via email from the Community Preservation Coalition regarding the Veteran’s Park grant application.

Sun, Feb 5,
9:53 PM

Stuart Saginor

to me, Chase

Hi Jennifer:

This project involves both the rehabilitation of existing historic monuments and the creation of new ones, along with the creation of park amenities. As such, to qualify for CPA funding, the project should be broken into two budgets; one for the historic portions and the rest as a recreation project.

HISTORIC PROJECT - REHAB of EXISTING MONUMENTS:

I’m assuming that the existing monuments are an historic resource according to the definition in the CPA legislation, so the work to rehabilitate them is considered an historic project. As with all CPA historic projects, that means all the work must adhere to the Secretary of Interior’s Standards for Rehabilitation:

[The Secretary of the Interior's Standards for the Treatment of Historic Properties](#)
communitypreservation.org

It's the job of the CPC to ensure that the project has a system in place to review the plans for the existing monuments and ascertain the work adheres to the Standards. Hiring an historic preservation consultant as part of the project team would be the best way to do that. Alternatively, the Historic Commission could handle that role if they are qualified to do so.

RECREATION PROJECT - NEW CONSTRUCTION FOR MEMORIALS AND PARK AMENITIES:

As for the other two elements of the project (new memorials and new park amenities), the historic category of CPA does not allow you to "create" anything new. See the allowable use chart:

[Is Our Project Allowable?](#)
communitypreservation.org

To expend CPA funds on these two elements of the project, you would have to consider it a recreation project. CPA Recreation projects must take place on dedicated recreational land, such as a park. So, if the land in question is a dedicated park the project could proceed as "rehabilitation of land for recreational use." Installing memorials and other park amenities (benches, walkways, lighting, plantings) is allowable so long as the land is officially a park.

Since this site was used for general municipal buildings in the past, it's unclear if the land is truly dedicated permanently as parkland. Before approving the project, you should examine the 1952 vote to turn the land into Veterans Memorial Park. If the Town Meeting vote makes it clear that the land should be dedicated to park purposes, then the new memorials and park amenities would be a fine use of CPA land. However, if the land was not permanently dedicated to park purposes in 1952, a Town Meeting vote should be taken to do so just prior to the Town Meeting vote to appropriate CPA funds. Check with Town Counsel on the proper way to ensure that the land is dedicated parkland, protected by Article 97. Here's some additional information on Article 97 and why CPA projects must take place on dedicated parkland.

[The-Evolving-Interpretation-of-Article-97-Smith-v-Westfield](#)
PDF Document · 232 KB

Best,
Stuart
Stuart Saginor
Executive Director
Community Preservation Coalition