



CITY OF PITTSFIELD

COMMUNITY PRESERVATION COMMITTEE, CITY HALL, 70 ALLEN STREET, RM 205, PITTSFIELD, MA 01201

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**MINUTES
COMMUNITY PRESERVATION COMMITTEE
MONDAY, JANUARY 22, 2018
6:00 P.M. CITY HALL, COUNCIL CHAMBERS**

Chair Conant called the meeting to order at 6:00 p.m. in the City Council Chambers of City Hall. Those in attendance are noted below.

Chair Conant informed all in attendance that according to MGL Chapter 30A, Section 20, their voices are being recorded and their picture is being taken.

1) ROLL CALL

Members Present

James Conant, Chair
John Dickson, Vice-Chair
Thomas Cracolici
Alexandra Groff
Sheila Irvin
George Moran
Simon Muil
Danielle Steinmann

Members Not Present

Shirley Edgerton

Also Present

Cornelius Hoss, City Planner

A quorum was present.

2) MINUTES

- **DECEMBER 11, 2017**

Mr. Muil made a motion to approve the minutes. It was seconded by Mr. Moran and it was approved unanimously.

3) REVIEW OF ELIGIBILITY APPLICATIONS

- **DECISIONS ON CPA ELIGIBILITY**

Mr. Hoss gave a brief overview of the meeting with Stuart Saginor from the Community Preservation Coalition. Last week Chair Conant and Mr. Hoss had a call to go through all the applications and a general overview from the previous meeting. Stuart recommended that

moving forward, that this was advertised that the project is eligible they'd be invited to move forward with funding and to try to stick to those parameters. Chair Conant stated that this was a good learning process for us and if we want to adjust next year, we can make those adjustments then. Mr. Hoss stated that this phase is not just about whether a project is eligible or not but in communicating with each applicant. The opportunity now, after reviewing what was prepared for each project, what are some of the questions you'll have, what are some of the things you will need to see? Last week's memo was a first attempt, after reviewing all the applications, what are some things the Committee would expect to see for a complete funding application to be considered. Recreation and Open Space, that was the easier one to decide whether a project was eligible or not. But then you'll see under the comments, most of these projects involve city property, but it wasn't the city that was the applicant. Really making sure that if someone is completing a funding application, that they can demonstrate this project is actually feasible. Some of these projects are already deemed Historically Significant but some still require that designation from the Historical Commission. Some of the communications you'll be having with the Applicant are, your project is eligible but you'll need to demonstrate X, Y and Z. The Historical Commission has to sign off that this is historically significant. There needs to be some public good that this committee can demonstrate. Whether or not the project involves private property. That's the common theme going through these projects. As we go through, have some idea of what you want to request. Most of these applications will be eligible, so this is your opportunity to let them know what's expected so they can decide whether they can or want to proceed. That's the general overview for your consideration.

Seeing no questions for Mr. Hoss, Chair Conant then read each application and a yes/no vote as to eligibility was taken on each, with a portion of time for debate or discussion.

Berkshire Athenaeum: For historic preservation, the application requests \$20,000 to restore and digitize five works of art from the Herman Melville collection. This application is eligible for funding subject to determination from the Pittsfield Historical Commission that the project is historically significant.

Mr. Dickson would be interested in knowing what the public access to the paintings will be. He gets a sense that they are not publically displayed now. What is the intent for further public display of the art works?

Steinmann had a question about the sources of matching funds, in addition to what was in the memo. It seems the majority is supported by a grant from the NEH. Are the matching funds coming from the NEH grant, or are those funds coming from another source. And her sense is, by digitizing them it would make the art more accessible. But that's a good question.

Seeing no further debate or discussion, Chair Conant called for a vote. It was approved unanimously.

Berkshire Community College: The application requests \$75,000 related to the construction of a proposed turf field. As stated in the application, the funds will not be used to purchase the actual material. This has been deemed eligible for funding.

At this point, Chair Conant noted that the communications to the Applicants would not be read out loud at the time. That would be sent to each Applicant. He further clarified that his goal for tonight's meeting was to determine eligibility, and then the letter would be sent out as discussed. If they were not eligible, the appropriate letter would be sent, and then we would go from there. If additional information is needed for the application, it can be added now, during debate and discussion.

Mr. Muil noted the turf field project was eligible because it specifically said it would not be used for purchasing the turf material. But the project is for a turf field, so he thought it would not be eligible. If there's no turf field there, it's just a slab of dirt. Mr. Hoss noted that the funds can be used to fund everything else involved with constructing the field at least that is what has held up so far. As the legislation and how it's worked out in various cases over the last decade. The only ineligible piece is the turf itself. If the commission feels it doesn't want to support turf fields at all, they can do that. But under CPA, what they propose is eligible.

Seeing no further debate or discussion, Chair Conant called for a vote. It was approved unanimously.

Berkshire Environment Action Team: The application requests \$5,000 for the removal of invasive species and trail maintenance in Burbank Park. The removal is considered Restoration, therefore is eligible. Maintenance, under CPA guidelines, is not eligible for any project.

Seeing no debate or discussion, Chair Conant noted the Commission will send a letter to the Applicant stating the removal is eligible, but the maintenance is not eligible. If they wish to proceed they will need to resubmit an adjusted amount. Mr. Hoss noted that, on the procurement side, but some of the feedback, these types of projects may be subject to prevailing wage. There are a few other applications that have similar potential issues. Regarding the communications with the Applicant, they should have a clear picture before submitting a funding application. It may turn out \$5,000 is not sufficient if they have prevailing wage.

Seeing no further debate or discussion, Chair Conant called for a vote. It was approved unanimously.

Berkshire County Historical Society: The application requests \$8,800 to allow the Historical Society to complete the restoration of its historic stone walls in the vicinity of Holmes Rd. The project had been deemed eligible for funding subject to the determination of the Pittsfield Historical Commission that the walls are historically significant and the project serves a public good. Mr. Dickson recused himself.

Seeing no debate or discussion, Chair Conant called for a vote. It was approved unanimously, with one abstention.

Berkshire Mountain Pickleball: The application requests \$80,000 for the creation of Pickleball courts at Lakewood Park. The project has been deemed eligible for funding, but the Applicant is not. In this case, this group would have to go through the city's Parks Department as the lead sponsor. They would have to do that at the next phase. If they don't do that, their application will no longer be considered. The Applicant must be a legal 501(c) non-profit. They would have to demonstrate that, and he does not believe they are able to.

Mr. Muil asked, assuming they're not, if they have come to the Parks Commission for backing, is there any point in them doing that, they would no longer be the lead group on that proposal. Chair Conant noted Jim McGrath would be the point person. Mr. Hoss noted there were 4-5 other applicants in this situation will need to work with Mr. McGrath. They could potentially be the Applicant, but they will need some city blessing. They're not the owner, they cannot accept the money. A formal 501(c)3 would be able to be the main Applicant and look more favorable, though there would need to be a marriage with the city since its city property. For groups, if they are a private enterprise, they need to be a bona fide organization, then with the support of the city,

that non-profit can move forward, all things being equal. Mr. Hoss wants everyone to be involved, but how do you marry that with a project that is feasible.

Mr. Dickson asked what would be needed from the city or the Parks Committee. Would they need letters from both, or would Jim McGrath just take over the project. Mr. Hoss noted a desire for consistency. Is the project programming in? We have a 5yr capitol improvement plan the city publishes and updates every year. Is this a project supported by something the city has programmed in? Is there support? Does the city have that level of readiness? I'm not sure what form it's to come in, but ideally, going to Jim McGrath to determine which are ready to move forward, there needs to be that level of support.

Mr. Muil noted the only differ between the Action Team and the Pickleball project, the Action Team is non-profit. What they're doing may or may not be part of the 5yr plan. Based on what Mr. Hoss said, if it's not included in the 5yr plan, the only difference is the non-profit status.

Mr. Hoss noted it's complicated; there are a number of things going into it. Can the project be accomplished with those funds? If other funds are needed, are they available? Mr. Muil noted we're just talking about eligibility. Mr. Hoss noted that, for these purposes, BEAT is mainly maintenance; it's not a capitol project, but restoration. Chair Conant clarified that CPA funds cannot supplant city funds. If Pickleball is capitol funded from the city, and they're asking for CPA funds, they couldn't get them. That's why they need the city. Mr. Muil suggested that if it's not part of the plan, the city won't put in funds, they may not even be on the radar. This applies to other applications. If they're not on the 5yr Plan, we'll never be able to give out funds. What BEAT is talking about, it's not on the 5yr Plan. Mr. Dickson noted the Plan is not a commitment to funding, it's just a plan.

Mr. Hoss noted there are levels of support that have to come from the city. They will need to sign off on the usage. There are levels of approval needed. If it's not in the Plan, it could still happen. That is part of what is looked at.

Seeing no further debate or discussion, Chair Conant called for a vote. It was approved unanimously.

Berkshire Theatre Group: The application requests \$175,000 related to restoration of the Thaddeus Clapp House. The application is eligible for funding, subject to a determination by the CPC that the project serves a public good. The Historic Commission has already deemed this property significant in the preparation of the Park Square Historic District application.

Seeing no debate or discussion, Chair Conant called for a vote. It was approved unanimously.

Brattle Farm: The application requests \$94,000 to restore the central chimney, install period flooring, replacement of the wooden shake roof and restoration and/or replacement of exterior doors, windows and clap boards. This application is at least partially subject to eligibility, subject to a determination of the historical significance by the Pittsfield Historical Commission, and determination by the CPC that the project serves a public good.

Seeing no debate or discussion, Chair Conant called for a vote. It was approved unanimously.

Department of Community Development: The application requests \$10,000 for the preparation of a management plan for Onota Lake. After review with the Community Preservation Coalition, the primary link to the lead of the project's eligibility is planning for the eradication of invasive species. However, given the city already has an ongoing management program for

invasive weeds, the request would be considered to supplant, using CPA funds, to potentially replace funding provided previously and regularly by the city. Given the lack of clarity whether the plan would lead to a capitol project eligible for CPA, this project has been deemed ineligible.

Mr. Dickson asked if this was from the city and not from The Lake Onota Preservation Association. They originally talked about development of a plan but this is not for the development of a plan. Mr. Hoss noted the application was for a lake management plan, the primary purpose of that was the discussion of invasive weeds. That's when we had a discussion with Stuart. That's the tricky thing about how CPA funds can be used. If the city wasn't dealing with the invasive weeds, this would probably be an eligible project. But since the city is already investing in treatment, even if the city is not providing the needed dollars to totally solve this problem, because we've made that significant investment over the years, this becomes supplanting. Mr. Dickson asked if they were allowed to go forward, deeming it partially eligible though questionable; could they then come back and change the whole nature of the application to make it not a plan, not invasive species removal? Mr. Hoss commented that this is one of those things that are up to this body. As part of that review, if you want to allow for adjustment, theoretically yes. This isn't like a design or engineering project where you have an idea of the end game. This is so open ended. This was based largely on the assistance with the Coalition this appears to be an ineligible project, but if you want to allow that, this is your call. Mr. Dickson is skeptical of the eligibility. Chair Conant supports Stuart's recommendation, as he sees many of these applications. Ms. Irvin commented that if the city already has a management plan, this would be a case of supplanting that plan. It might be incumbent on this group to step back and look at a different kind of plan. Chair Conant suggests that letting people resubmit, then everyone would resubmit. We are not in a position to do that. We are on a timeline, we have to wrap this up by May and have to be mindful of that.

Ms. Steinmann asked Mr. Hoss, as part of the review, you looked at the city's current budget year and what they're paying for. For example, Burbank Park also called for removal of invasive weeds but that's not something that the city is doing in Burbank but that is something they're doing in Onota. Mr. Hoss noted we have a financial investment in weed management in the lakes. In the parks, there is an ongoing effort, but it's largely a volunteer effort, from what he's followed on social media. If the city were paying for the activity then yes, what they're proposing would be supplanting. The city is not paying for that now. That's the difference.

Seeing no further debate or discussion, Chair Conant called for a vote on supporting the recommendation of ineligibility of the proposal. It was approved unanimously.

Department of Community Development: The application requests \$200,000 for the ongoing restoration of the Springside House. The project is eligible for funding. The property is listed on the National Registry of Historic Places, meeting the requirements of historical significance.

Mr. Dickson would like to know the plans for the uses of this building in their final application.

Seeing no further debate or discussion, Chair Conant called for a vote on supporting the recommendation of eligibility of the proposal. It was approved unanimously.

First Church of Christ: The application requests \$65,000 to fund painting and repair of the trim of the bell tower of the church. This project may be eligible for funding subject to a) determination that the project serves public good and b) the upcoming court decision on whether religious uses are eligible for CPA funds. The property is a contributor to the Park Square Historical District. Historical significance has been determined previously by the Historical Commission.

Mr. Muil felt this should not be eligible, as this is repair and maintenance. Mr. Hoss noted Mr. Saginor's comments on the three churches that have applied for funds. If this was in the fall when most communities were going thru the eligibility and funding process, the recommendation from the Community Preservation Coalition to communities was, deem the Applicant ineligible or not allow them to move forward with the caveat that, depending on how the court decision plays out related to funding religious institutions, if the decision deems them eligible they are welcome to reapply. But given the court decision is expected soon, it's really up to this body to decide how to handle this. If deemed eligible, this is one of the things to put in the letter; that all three projects are moving forward at their own risk. At any day this decision could come down. We don't know what it will mean for the use of CPA funds.

Mr. Muil suggested the three churches be tabled till next year. It is not a great use of their time or funds to put them into the churches, and then told they're ineligible before the court case is decided. Mr. Dickson would like to confirm whether painting is maintenance. Mr. Hoss noted that Stuart explained that in some cases something may seem like maintenance and may seem ineligible, but in the larger scheme of things, when it's an overall "restoration" project, when brought all together, it could be. That is your decision to make. Generally, that's how it's viewed with a lot of CPA projects. Is this a capitol project? That's the threshold.

Seeing no further debate or discussion, Chair Conant called for a vote on supporting the recommendation of funding of the proposal. It was deemed not eligible by the board unanimously.

Mr. Hoss asked for clarification for the notification letter. Is it because of the lack of clarity regarding the legal action? It would be helpful for ineligible projects, if they potentially are eligible in the future, they should know that. In reality, the next application period will probably 8-9 months from now. Ms. Steinmann suggested adding in the memo under "A"; declare the project ineligible at this time with the recommendation that pending the outcome of the legal action, the applicant is invited to reapply. Mr. Dickson would also add questions about whether the painting is maintenance rather than restoration. Mr. Irvin pointed out they refer to more than painting. That is a point to be aware of; what does the restoration consist of, that's a question we'll have.

Friends of Pontoosuc: The application requests \$129,000 for restoration of public beach at the southern edge of Pontoosuc Lake. The project is eligible for funding, the Applicant is not. If they are going to go through with this application, they will need to go through the Parks Department. Mr. Dickson recused himself as a member of the Group. Ms. Irvin asked if the group, unlike Pickleball, was a recognized group. Chair Conant noted that if it moves forward from this point, it has to go through Jim McGrath and the Parks Department; otherwise it will not go through. Mr. Hoss noted that if you see a funding application in a case like this, it's likely the city will have to take the funds because the organization cannot. We'll need to know there's an entity that has a financial capacity to take the funds and manage the project.

Ms. Steinmann suggested that, in future applications, we include a clause that asks for submission of their organization status as a 501(c)3, so we don't need to question.

Seeing no further debate or discussion, Chair Conant called for a vote on being eligible for funding. It was passed unanimously, with one abstention.

Greenagers: The application request \$5,000 for trail repair and maintenance in Springside Park. This project is partially eligible for funding.

Seeing no debate or discussion, Chair Conant called for a vote on being partially eligible for funding. It was passed unanimously.

Nicholas Russo: This application requests \$10,000 for the development for an eastside greenway, largely consisting of protected bike lanes installed primarily on city streets. The primary purpose of the bike lanes, as it relates to the CPA, is for transportation, which is not eligible under CPA. If the proposed project were for constructing a bike path on property not within the city ROW, it would possibly be eligible. But as written, this project is not eligible for funding, as is the Applicant.

Seeing no debate or discussion, Chair Conant called for a vote on the project being ineligible for funding. It was passed unanimously.

Nicholas Russo: This application requests \$5,000 for the development of a parklet. The project may be eligible, but the Applicant is not. The Community Preservation Coalition suggested this could be considered ineligible due to the lack of information.

Mr. Hoss noted that while the eligibility application is supposed to be simple for people to fill out, there needs to be some level of detail to illustrate that it's feasible. The description is vague. If the application specified a location, it might be eligible, but it does not. It's really up to the Commission. There's no location and a lack of specifics.

Mr. Dickson added that for the future, if he reapplies, some of this looks very good. He'd be very interested in seeing them somewhere, but it needs more specifics. Ms. Steinmann complimented on the level of creativity and innovation not to be discouraged, but more detail is needed.

Seeing no debate or discussion, Chair Conant called for a vote on the project being ineligible for funding. It was passed unanimously.

Pellerin Field Committee: The application requests \$47,000 as part of Phase 2 activities at the Buddy Pellerin Field at Clapp Park, including restoration of the baseball field and associated structures. The project has been deemed eligible for funding, but the Applicant is not eligible.

Mr. Muil asked if the Field Committee was a registered non-profit. Mr. Hoss made the assumption they are not. The group needs the backing of the Parks Commission, but the project is eligible.

Mr. Hoss noted that, depending on the project, some require city administration to sign off; some require the Parks Commission to sign off. There are those levels of approval that need to happen. Parks Commission, the Historical Commission, because they are the bodies that oversee the ideals of the areas, it will be up to them if they want to review all the projects under each category and if they do, try to prioritize them to provide recommendations back with funding applications. Neither body needs to weigh in, but might be a way to prioritize projects they want to see come to fruition.

Mr. Dickson mentioned this discussion may be moot. After the deadline, he saw an article where they received a huge grant from the state. Mr. Hoss noted this may complement those efforts. There are bigger plans. There might be an opportunity of the Parks Commission, if they want to see it as an overall rehabilitation or new vision for Clapp Park, this may be a project they want to support.

Seeing no debate or discussion, Chair Conant called for a vote on the project being eligible for funding. It was passed unanimously.

Pittsfield School Department: The application requests \$206,350 for improvements to the athletic facilities at Taconic High School. The project includes restoration of the running track, new fencing and new dugouts on the baseball field.

Mr. Dickson asked about the timing of the project. If the school is not completed, would they be eligible to receive funding. Mr. Hoss noted that the track was staying put and the project is moving forward in the fiscal year where the Commission is recommending funding.

Seeing no debate or discussion, Chair Conant called for a vote on the project being eligible for funding. It was passed unanimously.

St. Joseph's Church: The application requests \$60,000 for the restoration an iron fence that fronts North St. This project may be eligible for funding subject to a) determination from the Historical Commission of historical significance, b) that the project serves public good and; c) the upcoming court decision on whether religious uses are eligible for CPA funds.

Mr. Dickson noted that the Commission should do with this the same as was done with the other churches, pending litigation.

Seeing no debate or discussion, Chair Conant called for a vote on the project being ineligible for funding. It was passed unanimously.

Ms. Steinmann asked whether fences are usually included as part of the historical landscape around the building. It's an 1874 fence. As part of the Historical District, wouldn't that automatically be considered being historically significant? Mr. Dickson did not think it was automatic, but it does relate to the historic landscape of the property. It would be a discussion. The Historical Commission did just mention this in the previous meeting. The discussion is just beginning.

Springside Park Conservancy: The application requests \$100,000 for remediation and restoration of Springside Pond. The project may be eligible but the Applicant is not. Given the lack of detail, the Community Preservation Coalition advised the Commission could deem this project ineligible.

Seeing no debate or discussion, Chair Conant called for a vote on the project being ineligible for funding. It was passed unanimously.

Whitney Center for the Arts: The application requests \$102,000 to replace and restore the slate roof at the Thomas Colt House. If the Commission decides this project serves a public good it is eligible for CPA funds. This project was previously deemed historically significant by the Historical Commission as part of the application of the national register for the Park Square Historical District.

Mr. Dickson added that whether we deem it a public good, this building is open to the public and used by many organizations. Ms. Steinmann noted that the organization is a 501©3.

Seeing no further debate or discussion, Chair Conant called for a vote on the project being eligible for funding. It was passed unanimously.

Zion Lutheran Church: The application requests \$84,000 in relation to the replacement of the primary roof structure. This project may be eligible for funding subject to a) determination from the Historical Commission of historical significance, b) that the project serves a public good and; c) the upcoming court decision on whether religious uses are eligible for CPA funds.

Mr. Muil noted this should be treated as the other churches.

Seeing no further debate or discussion, Chair Conant called for a vote on the project being ineligible for funding. It was passed unanimously.

Mr. Hoss asked that procedurally the Commission entertain a motion second to confirm all those decisions, to verify the responses.

Chair Conant asked for a motion that all actions taken tonight on all these projects were approved by the CPA Committee. Mr. Dickson made the motion, seconded by Mr. Muil, with no discussion or debate. It passed unanimously.

Mr. Hoss asked to discuss next steps. This will be an aggressive schedule to get this completed by early May. Based on the decisions made tonight, it'll clear for us to move forward crafting the letters, with some flexibility by staff to get them printed, get reviewed by the Chair and send them out to all 20 applicants. We want to do that as soon as possible. With a March 5th submission deadline, that will give you about a week to review the funding applications initially to see if there are any glaring omissions, in advance of setting up interviews in April. We may need two or three meetings in April, not knowing how complete the applications will be. That will give time to get through all the applications, make funding recommendations, then get paperwork ready to go the council so they have enough time to do whatever they have to do, including potential interviews if they want to do that.

4. ADJOURNMENT

Mr. Muil made a motion to adjourn at 7:00pm, seconded by Mr. Dickson. It was approved unanimously.

Submitted by Ted Kozlowski, Committee Clerk

