



Community Preservation Committee Meeting Minutes April 12, 2022

1. Call to Order

Meeting called to order at 7:02 p.m. by Chair M. Justin Barrett, Jr.

2. Roll Call

Present: Chair M. Justin Barrett, Jr., Vice Chair Erika Oliver Jerram, Clerk Dan Melnechuk, Bill Doyle, Loretta McClary, Amanda Thibodeau, Sean Wilson, Bob LeBlanc (joined at 7:05 p.m.)

Absent: Tom Creonte

3. Meeting Minutes

Motion made by Ms. Oliver Jerram to approve the meeting minutes of March 15, 2022, seconded by Ms. Thibodeau. All in favor. Motion passed.

4. New Business

A. Guest Speaker

1. Community Preservation Coalition Presentation

Stuart Saginor, Executive Director of the Community Preservation Coalition, which is a non-profit based in Boston whose sole purpose is to support all of the towns and cities in MA that have adopted the Community Preservation Act, gave a presentation to the committee (the slides can be found on Waltham's Community Preservation Committee's website). As of today, 188 cities and towns have adopted the CPA. The state match money comes from fees charged on documents filed at the Registries of Deeds. Mr. Saginor noted that not all projects are eligible for CPA funds, even if they fall under one of the four categories. For example, oral histories or digitizing historical documents would not qualify. Ms. Oliver Jerram asked for an example of the Support category. Mr. Saginor replied that if someone wants to test a site for contamination to see if you could build affordable housing, that is a support activity. He stressed that anytime a piece of property is acquired with CPA funds, it is clearly stated in Chapter 44b, Section 12a of the Community Preservation Act legislation that a permanent restriction needs to be placed on the asset, approved by the state agency in charge of that category, and held by a third party. One would have a flawed title and be out of compliance if the restriction has not been approved by the appropriate state agency and filed at the Registry of Deeds. Mr. Saginor suggested using money from the CPC's administrative account to hire an attorney who specializes in these restrictions. Mr. Barrett pointed out that the

document would need to still go through the City's Law Dept., which does not agree with the ultimate contract. Mr. Saginor stated that this is a violation of the law. Waltham is ineligible for any grants that come from EEA. They will not give us a land or park grant if there are any conservation restrictions that have not been filed. Mr. Doyle asked about the difficulty of finding an entity to hold the restriction. Mr. Melnechuk noted that there are two properties that had conservation restrictions written by a professional lawyer, submitted to the Law Dept., the Law Dept. pulled out a bunch of important sections, sent it to the state, the state required the deleted sections be put back in, and nothing has happened since. Mr. Doyle understood that, but how can they find an entity such as the Land Trust to hold the CR for a property such as the Fernald. Mr. Saginor stated that the Fernald is going to be very difficult, and recommended focusing on the easier properties first. There needs to be a culture to adhering to the law and the city has to get used to it, and they're going to have to get comfortable with being told by the state what can and can't be in that document. When the CPA was adopted, the citizens of Waltham approved the entire law. Mr. Saginor also suggested that the CPC set aside money for an endowment (a one-time payment of funds) for an entity such as the Land Trust to hold a restriction. Lastly, Mr. Saginor noted that no other CPA community accepts applications on a rolling basis like Waltham does; it becomes a first-come, first-served approach. Almost every CPC takes in their applications once or twice a year, looks at how much money is available, determines what their priorities are, then matches the projects to those priorities. Waltham isn't able to prioritize projects if we're taking in applications throughout the year.

B. Next Meeting: May 10th. Mr. Barrett noted that the next CPC meeting will be the annual public input hearing. It was decided that the meeting would be held via Zoom.

5. Old Business

A. Account Balances Total: Mr. Barrett stated that the total amount available among all of the CPA accounts is \$4,582,293.

B. CPA Restrictions Discussion: Mr. Melnechuk suggested that it be brought up at the public input hearing that Waltham is in violation of CPA law. Mr. Barrett would prefer to wait and he will ask Atty. Diana Young to draft the conservation restrictions, then present them to the state, and let the state send them back to the CPC. The CPC would then forward the restrictions to the Law Dept. and Mayor for signatures. He would like to put together a letter from the committee, then send it to the mayor to make her aware of the violation.

6. Adjourn

Motion made by Mr. Doyle to adjourn, seconded by Mr. LeBlanc. All in favor. Motion passed. Meeting adjourned at 8:20 p.m.