

**Community Preservation Committee  
Town of Dennis  
Thursday, September 13, 2012  
6:30 P. M. – Town Hall**

1) **Call to order:** Meeting convened at 6:38 P. M. with a quorum of 6 out of 8.

**In attendance:** Henry Kelley, Frank Dahlstrom, Dorria DiManno,  
Juan Donlin, Diane Rochelle, and Chris Foley

**Guest:** James McCarthy, Dennis Conservation Trust

2) **Welcomed new member** – Dr. Chris Foley

3) **Minutes of August 16, 2012**– Frank moved to approve as corrected; Juan seconded.

NOTES FOR CHANGES - ELAINE:

- Agenda item #6 – In the sentence that includes the words “both Sheryl and Dorria ...”  
strike the word “don’t”

- Agenda item #7 – In the sentence that includes the words “Henry to contact...” strike  
the word “applicant”

Chris Foley was welcomed as the newest member of CPC.

3) **Town Counsel–Historical Society application.** Feedback on the Dennis Historical Society (DHS) application, for which CPC asked for an opinion on whether or not it qualifies for funding. CPC again referred it back to Town Counsel, and Sheryl probably has no news to report on this yet. Henry talked to Peter Howes, and gave him a copy of what Town Counsel gave to CPC, and informed him that Sheryl will make a further inquiry on our behalf. Peter sent an e-mail with some further information he wanted Town Counsel to be aware of; Henry sent that to Sheryl to be forwarded to Town Counsel if Sheryl thought that was appropriate.

Diane offered the following information, based on a discussion from the previous CPC meeting,  
**re:** What would happen to the digitized records if DHS no longer holds them. DHS is a 501C3, must have a dissolution clause; the records would have to go to the town if DHS no longer holds them. If Town money (as in CPC funds) goes to an organization that’s not part of a municipal structure, they get the money on the condition that the recipient agrees to guarantee that public interest will be perpetuated.

4) **McNeill Affordable Housing** – Dorria read two emails forwarded from Sheryl McMahon, one from Attorney David Reid, and one from developer Kevin McNeill as to why he is not at this meeting. (ELAINE -- ATTACH TO FINAL MINUTES?) Henry commented that CPC has been assured by Kevin regardless of the outcome of the litigation, he has other legal access to the property and that he is going ahead regardless of the outcome of the litigation. If that is the case, CPC needs to know why he is not beginning the site work now, even as a gesture of good faith.

**DORRIA'S NOTE:** *There was an extended discussion about the project and CPC funding. The following notes reflect the key points of that discussion. Please review them carefully to ensure that I have interpreted your comments accurately.*

Chris asked about the possibility of beginning the site work without the permit: Henry stated that there is a building on the property that needs demolition, and that work could have been done or at least started. Kevin had informed CPC that on Sept. 1, the site work would begin, but that has not happened.

Frank D. suggested that CPC wants a real/verifiable commitment from the bank, and that beginning the site work would be viewed as a good step and a sign that the project is going to happen.

Chris offered that CPC should not wait for Kevin to come to them, but rather CPC should send a letter saying the conditions, and if what is proposed doesn't happen by a certain date, CPC will vote to determine if they want to retract the funds.

Juan stated that CPC should bring Kevin in, not send a letter, to have him explain.

Diane noted that the bank made good faith gesture and not a guarantee. If the current trial makes him choose a different access road, does he have to come back for a new special permit from the Planning Board?

Henry said that CPC won't take any action on this issue at this meeting, although we are having a discussion about it. He believes we are still in same position we have been for months/years. This is a good and worthy project, facing extraordinary hurdles, but CPC learned from the applicant that he had been avoiding communication with the CPC for a period of time because the economic times were not good for a project like his. But when Kevin did appear, he assured the CPC that the communication problems were behind him, and he was committed to doing the job. Each time Kevin has appeared, he has had a new timetable for the steps. If he can develop the property regardless of the results of the litigation, why doesn't he proceed to develop?

Group agreed that CPC had said previously it wasn't a pressing problem because CPC didn't have any other housing requests, but now we do, and there are significant demands for the CPC money.

Juan said that CPC needs to bring Kevin in, and the issue needs to come to an end soon.

Frank suggested that if litigation and permitting, etc., are going to go on for another year, CPC should probably just pull the money now, and ask him to re-apply in the next round.

Diane stated that as long as he is in litigation, the bank is not going out on a limb – so Kevin is not going to complete the plans, or anything else that will jeopardize the project. And – right now, there's no timeline on the completion of the project.

CPC discussed: What does demolition on the site show the CPC?

Henry responded that it shows us that there is something tangible. In lieu of that, CPC have only commitments that do not get met. Henry referred to MA statute that said an applicant could proceed at his own risk, even while under litigation.

Diane noted that if the construction is contingent on bank financing – so even if law allows Kevin to proceed at his own risk.

Henry suggested that CPC invite Kevin to attend the next meeting and advise him that we intend a wide-ranging discussion with serious considerations about options. It needs to be clear that CPC continues to be concerned about the long delays, and we are interested in timelines that will help us make a decision about our continued support of your project. Chris volunteered to draft the letter. Elaine to handle the communication aspects of circulating the letter for comments.  
NOTE TO ELAINE/ALL: ADD TO CPC E-MAIL LIST: cfoley1234@comcast.net

#### **4) Town Accountant – Funds Available Report**

Henry shared that he has been working with Town Accountant on available funds, and the total is better than it appeared last time. Available for any purpose has risen from approximately \$35,000 to over \$300,000. The extra \$300,000 opens up our options for fall CPC recommendations.

The Town's debt service, much of which is CPC and Land Bank, was bonded at a relatively higher rate than now. Town has been able, working with bank, to rewrite the debt schedule at lower interest rates. It helps CPC in that in our fiscal 2013 budget, this rewrite hadn't yet occurred so the appropriation for debt service last spring was higher than it now needs to be. Additionally, in rewriting the bond obligation, the premium (one time only) works to our benefit. So there is \$26,740 that we will not need. If CPC wants to, we can go back to Town Meeting in the fall to revise the CPC funding request downward. It was suggested that because it's such a small amount, we should probably just leave it for now.

#### **5) All Pending Applications – schedule discussions and final vote:**

Diane had a question about the HAC rental application, and who was eligible to apply for Dennis rentals, because 3 of the 4 groups listed on the application are not necessarily Dennis residents. Also, new CPC changes seem to be encouraging CPCs to fund regional projects, not just Dennis residents. She further noted a math error on case management (which CPC already knew about). There is some concern about the three-year commitment period, and the case management estimate may be on the low side because people may not be able to swing three-year commitments because they often have very fragile jobs.

Henry noted that CPC did discuss this with the applicants, and we can discuss it again.

Frank had some questions about the requirement that units have to be "habitable." Does HAC have definition of "habitable"? The application also states there is no guarantee of quality –

another question area. He also asked about the provision for no collusion between the renter-  
rentee, stating that we need clear definitions.

Henry said if we decide to fund this, we assume the applicant will enforce the program. They are asking us to trust them and give them the money to carry it out – CPC needs to understand how this works. CPC could place restrictions that say any units we subsidize must be in the Town of Dennis.

CPC will have all applicants come back for as broad-ranging discussions as needed, which will precede the votes on each.

Town Meeting: November 13; CPC work should be completed one month before that date.

**Suggested timetable:**

September 26: all 5 applicants invited; (DCT – will go first)  
CPC may be able to vote on all that night, and then should meet again as soon as possible.

Will reserve October 4 if needed, i.e., if CPC does not vote on all five for final votes. Henry will contact all applicants for September 26 and ask them also to reserve October 4 if needed.

CPC will send a letter to Kevin McNeill, requesting that he come to CPC on October 11.

October 11: Any final CPC discussions and votes as needed (DCT will be first again)

Henry reported that he got back to James McCarthy about fund for demolition on the Grassy Pond property, and that the Town no longer accepts demolition material, and that S&J Exco accepts demo material. James is working on how to handle this without changing the CPC share.

**Next meeting:** September 26, 2012 at 6:30 pm, Dennis Town Hall

**Meeting adjourned:** 7:54 pm