

HAMILTON COMMUNITY PRESERVATION COMMITTEE

Minutes of the Meeting

Teleconference

September 2, 2021

Members Present: Chair Jay Butler, Robert Preston, Kim Dietel, Rick Johanson, and Sherry Leonard

Members Absent: Richard Boroff and Shawn Farrell

Coordinator: Laurie Wilson

Other Town Staff Present: Town Counsel Thomas McEnaney

Call to Order and Roll Call

Chair Jay Butler called the Community Preservation Committee (CPC) Zoom meeting to order at approximately 7 p.m. with a quorum present and took a roll call. Five members were present. Absent were Shawn Farrell and Richard Boroff. Per instructions from Town Counsel Thomas McEnaney, Mr. Butler announced the meeting was being recorded. Neil Zolot of the *HW Chronicle* and John McGrath of the Finance and Advisory Committee (FinCom) were also in attendance.

Introduction of new CPC Coordinator Laurie Wilson

Mr. Butler introduced Ms. Wilson who starts her position as Assistant to the Town Manager/CPC Coordinator next Tuesday and has been working part-time for the Town Manager since the end of June. Mr. Butler clarified that Ms. Wilson will also serve as the Affordable Housing Trust (AHT) and Hamilton Historic District Commission (HHDC) coordinator.

Committee Vacancies—ConCom and HHDC reps

*Appeared on the agenda, but not discussed.

Approval of Meeting Minutes of Aug. 12, 2021

Robert Preston made a motion that the CPC accept the minutes of the previous meeting. Rick Johanson seconded the motion. A roll-call vote was taken with “yays” from Mr. Butler, Mr. Preston, Sherry Leonard, Mr. Johanson, and Kim Dietel, (5-0) unanimous among those present.

Committee Member Reports

Ms. Leonard, rep. to the Council on Aging and Housing Authority, reported a Garden Party will be held for seniors at 2 p.m. on Sept. 11, celebrating seniors who live in Hamilton.

Continue review of eligibility and funding request grant applications for 550 Highland St. Dodge House Preservation Roofing Project

Kevin Kaminski, curator of the Dodge House, was present for the discussion. Mr. Butler reported on the steps he'd taken since the last CPC meeting when the item was tabled for the purpose of gathering more information. He had reached out to HHDC Chair Scott Clements who did not provide much input as he said he had not been approached about any demolition or additions to the structure in part or in whole and the property is outside the Historic District. Mr. Butler also contacted Stuart Saginor of the Community Preservation Act (CPA) Coalition.

- Mr. Saginor knew of Mr. Kaminski's situation and had spoken with him in the past as Mr. Kaminski asked Mr. Saginor and the Coalition Office to support his effort to overturn the law that allowed Hamilton to assess him property taxes. While he personally sympathized and supported the idea of changing the law, he said he did not feel it was appropriate for the Coalition Office to participate in those activities and does not support reimbursing Mr. Kaminski for past property taxes levied and paid under that law, much less using the CPA as a means of providing that reimbursement.
- Mr. Saginor said he believes there are two different types of historic preservation—that which is being done by a nonprofit, an individual, a municipality, or by the State vs. that being done by an individual under the Massachusetts DCR [Department of Conservation and Recreation] Historic Curatorship Program with which he was very familiar. He personally did not think the CPC had a role in supporting historic preservation under the latter; however, he noted there was no rule against it.
- Mr. Saginor was very familiar with the MA DCR Historic Curatorship Program and pointed out that the agreement between the Curator and the DCR requires the Curator to spend his own money to preserve and maintain the property in return for a rent-free lease. While he did not think it was a good idea, he made it clear that there were no rules against Hamilton CPC's consideration of the grant request. Mr. Saginor also was emphatic that the State was a terrible protector for historic preservation.
- When asked if an individual had ever been given a CPC grant, he noted a situation in Cambridge regarding historic preservation of privately owned, older historic homes located within that community's Historic District. Recognizing the public benefit of fixing up several homes so as to make the Historic District more aesthetically pleasing, some grants were approved to serve the public good. He pointed out that this was allowed under the MA Anti Aid Amendment to the MA Constitution. The grant recipients were required to sign a 30-year historic preservation restriction agreement for the property that would be passed on to new owners if the property were sold.
- Taken from the Community Preservation Coalition website: Despite the wording of the Anti-aid Amendment, there is a way to make a grant of public money to private organizations. The key concept to understand is that public funds are prohibited from being used for private purposes. Any expenditure of public funds must be used to advance a public purpose.

- When asked if a CPC ever approved a grant for historic preservation of a State-owned property, Mr. Saginor was not sure, but he said that if the said property were to lie within a community Historic District, it might be appropriate as it would serve the public good. He could not cite an example.
- When asked if a CPC grant could be approved for work already done, he said he was aware of only one instance where it was done, and that was in Monson after a tornado several years ago where several historic municipal buildings were damaged and needed immediate emergency repair. The local CPC subsequently approved grants for reimbursement.
- Finally, in recognizing that the real reason for the grant request was to provide some monetary reimbursement for past property taxes that Mr. Kaminski felt were improperly collected yet done so legally by the Town, Mr. Saginor noted it was not the intention of the CPA program to be used in such a manner and further suggested that any decision made by the Hamilton CPC would reflect on the committee and the CPA program in general.
- Mr. Saginor asked to be notified as to what was finally decided.

Town Counsel Tom McEnaney said he agreed with Mr. Butler's comments as related to his reporting the conversation with Mr. Saginor. He said, in his opinion, the CPC had the discretion to grant the application provided a historic preservation restriction be placed on the property that would be in effect for at least 30 years. He said Mr. Kaminski had sent an email indicating he thinks there is at least one historic restriction already recorded on the property, but in reviewing the records on the Registry of Deeds website, the firm (KP Law) didn't find any. As Town Counsel, Mr. McEnaney said he would insist that any grant awarded be subject to a historic preservation restriction.

Mr. Butler said he and his wife had visited Bradley Palmer State Park on Aug. 20 and stopped by the headquarters building to inquire about the Dodge House. Uniformed park employees were not familiar with the Dodge House per se, but did know of Mr. Kaminski, and seemed to indicate they thought the Dodge House was private with no public access. Mr. Preston said if the CPC were to approve the grant and put it on the warrant for Town Meeting, community members would want to know how the money spent would impact their lives and the life of the community. He said if State authorities and park rangers didn't know anything about the Dodge House, he didn't necessarily see the community good. He also did not like setting a precedent of paying for work that was already done.

Mr. McEnaney clarified that Town Counsel did not look at the specifics of the project or make any value judgement. The firm just looked at the issue generally to see if it were OK to use CPC funds if the project qualified. Mr. Butler said, at this point, the CPC was concentrating on eligibility. If the project didn't pass eligibility, the rest of the conversation was moot.

Mr. Johanson said he felt that while the project is eligible to be considered, the nature of the request doesn't match up with the true purpose of how they are supposed to spend CPC funds.

Mr. Butler said he had similar feelings and wasn't comfortable about some of the precedents they'd be setting if they approved the grant.

Mr. Kaminski spoke briefly, stating this grant application was not his idea and that it had come from the Board of Selectmen (BOS). He said it was up to the CPC to make the determination and he would not be offended or upset if they said no. He said he felt the CPC had been put in a tight spot and that the decision was theirs.

Mr. McGrath commented it would be potentially palpable to spend money if the property was clearly complying with the common good on a go-forward basis rather than retroactive basis. Also, if the property were clearly publicized as a resource to the community, it would raise his appetite to recommend that the project be considered, but as proposed now, he said he wouldn't feel comfortable. Mr. Butler noted that if the CPC were to approve the project and move it to Town Meeting, the FinCom would be commenting on it prior to the Town Meeting vote.

Decision:

Mr. Preston made a motion that the project is NOT, as currently constituted, eligible. Mr. Johanson seconded the motion. A roll-call vote was taken with "yays" from Mr. Preston, Ms. Leonard, Mr. Johanson, Ms. Dietel, and Mr. Butler, (5-0) unanimous among those present. The project was found NOT eligible.

Mr. Kaminski and Mr. McEnaney left the meeting.

Review of Open Grants

- **Town Hall Renovation, Addition, and Preservation Project:** Mr. Butler said that while the project was currently being discussed by various boards and committees, no plan has been put forward to get a new set of quotes and bring it back to Town Meeting. The project remains in limbo with \$4M in approved grants pending another Town Meeting vote, a positive ballot vote, and construction starting by Nov. 15, 2022.
- **Patton Park Tennis Court Renovations:** Recreation Director Sean Timmons received formal bids and is about to sign a contract for \$28K to resurface the tennis courts. Since the CPC-approved grant was \$32K, he will be refunding the difference back to the CPC. Mr. Timmons is also planning to resurface the basketball courts for \$5K, but that money will come from the Revolving Fund. Work is expected to start somewhat soon.
- **First Congregational Church of Hamilton, Belfry and Clock Tower Renovation:** The director of operations at the Church said they are on schedule with American Steeple and expect work to begin in 2022. Regarding the historic restoration restriction agreement, church officials and the BOS have signed the document, but signatures are still outstanding from the HHDC because the Commission has not met for several months.

Update on the Hamilton Wenham Regional School District Athletic Facilities Improvement Working Group

The Working Group, formed in early May, has only had two meetings. Mr. Butler said he received an email from Chair Tom Geary, who has only received one quote for adding four tennis courts and upgrading the softball field. No other company has shown any interest so Mr. Geary will be contacting State officials to see if he may proceed with only the one quote.

Mr. McGrath asked a general question about whether projects were time-bound. Mr. Butler said yes, most of the time grants have a restriction that work has to start within two years. He explained what would happen regarding the Town Hall project. Mr. Butler noted that the costs of construction materials are now going down, so perhaps someone might seek out new quotes. Ms. Wilson commented that she knew the project was still in discussion. Mr. Butler said he was on the Town Hall Building Committee and the committee was dormant. Ms. Wilson said the strategy was to reduce the cost to the taxpayers. Mr. Butler said only 17% of the voters had cast a ballot on the Town Hall project and there was only a 71-vote differential. Marketing and getting out the vote was needed, as well as or perhaps someone to get behind an effort to increase the surcharge from 2% to 3%. Ms. Leonard clarified with Mr. Butler that the effort would be about a three-year process.

Mr. Preston said he didn't think people understood there would be a way to opt out from the tax increase if they met certain income requirements.

Ms. Leonard said she agreed the CPC should not take on the charge itself for getting the signatures for a petition to get a warrant article for a surcharge increase on the Town Meeting warrant, and suggested that perhaps it could come from the marketing power of the Turf Field Working Group. She said she could envision people talking about it at athletic events, gathering the signatures, and educating people.

Ms. Dietel agreed with Ms. Leonard and commented that people need to be educated about Hamilton's tax rate, which she said isn't really that high compared with other towns. She said the taxes are high because the home values in Hamilton are high. There was a discussion of property taxes overall. Mr. Butler said the conversation about raising the surcharge was a complicated discussion to have with people because of having to explain the math involved with the State match, etc.

Ms. Wilson said she was on the FinCom at the time Hamilton adopted the CPC and it was only recently that she learned the State was giving much more money to towns with the 3% surcharge as opposed to the 1% or 2%. Mr. Preston said Hamilton should try and learn something from its sister Town of Wenham, which increased its surcharge as a way to renovate its town hall. Ms. Leonard said someone needs to get the ball rolling and then the education will happen after that. She said she had felt that the Town Hall project would pass, but then the discussion on the school budget had shifted the vote because people mistakenly felt that the turf field and schools were

also competing for the funds. Mr. Butler said he will continue to put out the surcharge increase idea to the Working Group.

It was noted by Ms. Wilson for the record that the American Legion was working hard to get back up and running.

The next CPC meeting will be the second Thursday of October.

Adjournment Roll Call

Mr. Preston made a motion to adjourn the meeting at approximately 8:15 p.m. Ms. Leonard seconded the motion. A roll-call vote was taken with “ayes” from Mr. Preston, Ms. Leonard, Mr. Johanson, Ms. Dietel, and Mr. Butler, (5-0) unanimous among those present.

Prepared by:

 12/9/2021
Mary Alice Cookson **Date**
Minutes Secretary

Respectfully submitted as approved at the 12/9/2021 meeting.
Laurie Wilson, Coordinator

Documents Discussed at Meeting:

- Meeting Minutes of Aug. 12, 2021, Mary Alice Cookson
- CPC Grant Application for the Dodge House Northside, Kevin Kaminski

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2021 AUG -9 PM 12: 52

TOWN OF HAMILTON

APPLICATION FOR COMMUNITY PRESERVATION FUNDING

Date: Aug 9 2021
Project Title: Dodge House Northside
Name of Applicant: KEVIN LAMMINEN
Name of Organization: DCR Historical/Cultural Program
Address: 542 Highland St.
Telephone: 917-855-4624

Email: _____

CPA Category (circle all that apply): Open Space Historic Preservation
Recreation Community Housing

CPA Funding Requested: \$ 19,000 Total Project Cost: \$ 17,800 - 20,000

Please attach answers to the following questions. Include supporting materials as necessary.

- 1. Project Description:** Please give a detailed project description, including specific objectives.
- 2. Goals:** How does this project accomplish the goals of CPA? (See the Guidelines for Project Submission for general criteria.)
- 3. Timeline:** What is the schedule for project implementation, including a timeline for all critical milestones? Will this be a multi-year or multi-faceted project? If so, the proposal should be submitted in two phases; phase one for the initial study or engineering, followed by phase two for project completion.
- 4. Budget:** Please provide a full budget including the following information, as applicable. (NOTE: CPA funds may not be used for maintenance)
 - a. Total project cost with itemization of major components.
 - b. Additional funding sources. Please include those that are available, committed, or under consideration including fundraising, other grants, etc.
 - c. Describe the basis for your budget and the sources of information you used, including evidence detailing that the lowest bid has been received.
- 5. Support:** Have the appropriate Town Boards and Commissions expressed support and/or approved the project? What is the nature and level of community support for this project? Please provide evidence that you are qualified and eligible to undertake the project.

Appendix VIII: CPC Application Forms

TOWN OF HAMILTON

APPLICATION FOR

COMMUNITY PRESERVATION ELIGIBILITY

Date: Aug 9, 2021 Project Title: Dodge House Northside

Name of Applicant: KEVIN KAMINSKI

Name of Organization: DCR Historic Center Program

Address: 550 HIGHLAND ST.

Telephone: 917.855.4624

Email: KEVINKAMINSKI@TOWNOFHAMILTON.COM

CPA Category (circle all that apply): Open Space Historic Preservation

Recreation Community Housing

CPA Funding Requested: \$ 15,000 Total Project Cost: \$ 17,800 - 20,000

Project Description: Please provide a brief project description below. Include a brief description of how your project accomplishes the goals of the CPA and include an estimated budget. Please include supporting materials as necessary.

Restoration STATE OWNED ASSET.

Restoration Northside

Wooden roof

LEAK to roof
UPPER & LOWER SIDING
REPAIRED & ORIENTED

SEE ATTACHED LIST

NOTE: This application enables the CPC to review the request to ensure eligibility and offer guidance. If eligible, an Application for Funding must be completed. 40

Question # 1.

This particular project concerns the restoration of the Northside roofs, siding, and exterior baseboard, and possible sill repairs. This includes complete tear-off of existing asphalt singles, sheathing repairs, Water & Ice membrane, copper flashing, felt papering, purlin system installation, cedar Perfection* shingles with 5 ½ " exposure, new fascia, two chimneys re-flashed, siding repairs, siding primed and finish coats, painting of new shingles on lean to, venting material applied to cedar roof, windows restored.

Answers to question 2 can be found in the attached documents: DCR Commissioner Leo Roy's letter to BoS Chairman William Wilson dated Nov. 14, 2017 & The National Historic Preservation Act of 1966, sections 1 & 2 (16 U.S.C. 470)

Other questions

#3. Timeline: Nov 1st 2020 to Nov 1st 2021

#4. Budget: \$17,800 to \$20,000 est. requesting \$15,000

This is part of my approximate \$300,000 project which would have cost the state more than \$600,000 to perform with tax dollars.

Major components: cedar shingles \$2,000+


Contracted Labor/roof	\$7,800
materials purlin & ply & misc.	\$3000
siding materials & labor.	\$2500
Subtotal	\$15,800
Projected Total	\$17,800 - \$20,000 (including dendrochronology survey)

#4b All funding for this project to date has come from our personal finances. Now that the tax status is clearly recognized, we planned to apply for energy grants hoping to make this a Net-Zero colonial.

#4c. As a "selected" curator I have passed all of these concerns during the vetting process.

As to the "lowest bid" my contractor, a preservation specialist, recommended by the The chair of Boston AIA, was thousands of dollars less than ANY local contractor, none of whom understood the workings of a purlin system/cold roof.

#5. I believe the BoS, TM & citizens of Hamilton would support this request. Once again, as the selected curator, by the DCR, enrolled in its Historic Curator Program, I am vetted & capable.


8/9/2021



November 14, 2017

The Honorable William B. Wilson
Selectman, Town of Hamilton
Hamilton Town Hall
577 Bay Road
P.O. Box 429
Hamilton, MA 01936

Dear Chairman Wilson,

This letter comes to you following a request by the Chair of the Department of Conservation and Recreation (DCR)'s Stewardship Council to provide information to the Town regarding the public benefits provided to the Commonwealth by DCR's Historic Curatorship Program.

The Historic Curatorship Program was established in 1994 to address decades of deferred maintenance on some of the agency's threatened but unused and historically significant properties. The program preserves these vulnerable public assets by partnering with individuals and groups possessing the vision, experience and resources to invest in rehabilitation, management and maintenance services in return for a long-term lease. Over \$21 million in private funds has been leveraged toward the preservation of twenty-three of the state's historically significant properties. The program has become a national model, inspiring other government entities to add this innovative public-private partnership to their preservation toolbox.

Put simply, the sole purpose of the program is to provide a public benefit to the citizens of the Commonwealth by preserving public assets for future generations. The program was created to specifically address the agency's operational and resource preservation constraints while striving to meet its mission to "protect, promote and enhance our common wealth of natural, cultural and recreational resources for the well-being of all." DCR has neither the funding or the reuse needs to accomplish this task for all of its priority historic buildings, and for those few properties determined significant enough, and appropriate for reuse, outside investment and occupancy is the only feasible option.

Cultural resource preservation is mandated by DCR's mission as well as by Article 97 of the Massachusetts Constitution. Article 97 provides a right of the people to "clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment" and identifies as a "public purpose" the government's protection of natural and cultural resources. In addition, DCR is also mandated to preserve its historic resources by Massachusetts General Law Chapter 9, Sections 26 through 27C (as amended by St. 1988, c. 254.)

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

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Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

Matthew A. Beaton, Secretary, Executive
Office of Energy & Environmental Affairs

Leo Roy, Commissioner
Department of Conservation & Recreation

Tangible public benefits provided by the program include:

- Relieving DCR of over \$21 million of deferred maintenance on 23 properties across the Commonwealth, transforming unsafe eyesores and legal liabilities into valuable park assets that compliment or enhance the visitor experience. Investment comes in the form of the initial rehabilitation costs, as well as the important ongoing maintenance.
- Increased public access to historic properties through the public access requirement, as well as additional programs and services and informal assistance and interactions with park visitors
- Increased security to unstaffed areas of the park. The presence of the Curators has significantly minimized incidents of fire, vandalism and animal infiltration, which burdens park staff and negatively impact the surrounding community.

Without Curators many of these resources would be lost to the Commonwealth and the communities of which they are an integral part. DCR takes its cultural resource conservation mission seriously and the Curatorship Program has played a significant role in preserving landmark properties for the benefit of the public. These buildings are owned by the people of Massachusetts, and as Commonwealth property, should not be subject to municipal taxation. Please feel free to contact Kevin Allen, our Historic Curatorship Program Manager, with any questions.

Sincerely,



Leo P. Roy
Commissioner