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Community Preservation Committee

MINUTES

12 March 2019

The meeting was held on Tuesday, 12 March 2019 starting at 7:00 pm in Newton City Hall Room 204.

Community Preservation Committee (CPC below) members present: chair Peter Sargent, vice chair Mark Armstrong, and members Dan Brody, Byron Dunker, Beryl Gilfix, Susan Lunin, Robert Maloney and Jennifer Molinsky (arrived 7:10 pm). Member Rick Kronish was absent.

Former CPC chair Joyce Moss attended the full meeting. City of Newton Chief Operating Officer Jonathan Yeo attended portions of the meeting, as noted below.

Community Preservation Program Manager Alice Ingerson served as recorder.

[Blue, underlined phrases](#) below are links to additional information online.

Proposals & Projects

[Historic Burying Grounds](#) – Historic Newton request to spend \$8,690 of remaining \$84,000 in previously appropriated CPA funds to repair damage caused by tree fall at South Burying Ground (Winchester Street, Newton Highlands)

Lisa Dady, Historic Newton’s Executive Director, and Harry Lohr, who chairs the organization’s Historic Burying Grounds Committee, summarized this request. A heavy crane was required to remove the fallen tree, which damaged several gravestones. Site remediation, including the removal of dangerous trees and trees that were damaging graves or tombs, was the first step taken at all three historic burying grounds (including East Parish, at Cotton and Centre Streets, and West Parish, at Cherry and River Streets) 15 years ago. Many of the gravestones and tombs at all three sites have since been professionally restored, thanks to CPA funding, some other grants, and many hours of volunteer labor.

In response to a question from Susan Lunin, Lohr explained that Newton’s Director of Urban Forestry Marc Welch periodically and proactively identifies other trees that need attention.

Peter Sargent thought the presentation was clear, and the reason for spending the funds made sense. No other CPC members had questions about the request.

VOTE Based on a motion by Beryl Gilfix, seconded by Robert Maloney, the request was approved by a vote of 8-0.

In response to Alice Ingerson’s question about potential future requests for the historic burying grounds, Dady said that the rusted chain link fence at the South Burying Ground is now an eyesore, which abutters on all sides would like to see demolished or replaced. There is no historic documentation of a fence at the site, so a new fence would simply have to be appropriate and must be funded as historic “rehabilitation” – for public safety or protection of the site --rather than as a historic “restoration.” The stone retaining wall at the base of the fence is original and historic, however. Repairing it might involve a new CPA funding request.

website www.newtonma.gov/cpa

contact Alice E. Ingerson, Community Preservation Program Manager

email aingerson@newtonma.gov phone 617.796.1144

*Minutes
continue on
next page.*

City Hall Exterior Stairs (historic rehabilitation) – Newton Public Buildings Dept. pre-proposal for \$214,500 of architectural services, as the first part of an estimated \$2,332,000 CPA request including construction

Rafik Ayoub, Project Manager in the Public Buildings Dept., summarized the pre-proposal. Both staircases are badly deteriorating. Some of the granite steps have dislocated over the years, and the joints between them must be restored and repointed. At the War Memorial Auditorium, the lowest step is now 12-13 inches above ground level. The limestone side walls are so badly deteriorated in some places that they must be replaced, but at the least they need to be repointed and rewashed. The granite bases of the flagpoles are separated and have also moved over the years. Snow and salt have exacerbated the damage.

All 16 steps (at the War Memorial) and 10 steps (at City Hall) must be removed, so the concrete slabs beneath them can be restored and waterproofed. RDA (Raymond Design Associates), one of the City's on-call architects, provided the cost estimates in the pre-proposal. RDA will design the project specifications and oversee construction. The project will also require an evaluation by structural engineers.

As the main electrical service for City Hall is below the front stairs, the work there is particularly urgent. Public Buildings is asking the CPC to consider this proposal "off-cycle," ahead of the regular annual funding round for 2019, so design work can be completed in time for construction in spring 2020.

In response to Ingerson, Ayoub confirmed that the final design and construction bidding may not be completed in time for Public Buildings to submit a construction funding request to the CPC by the early October deadline for fall 2019 annual funding round. Public Buildings may request off-cycle consideration of that request as well.

Ingerson asked about the statement in the RDA proposal that "when the entire supporting structure is exposed if it is determined that there is the need for extensive structural redesign and replacement, we will submit a supplemental fee to cover the costs for additional structural engineering." Ayoub explained that the slab under the City Hall stairs is visible from inside the building and appears to be in good shape, but he agreed that the full proposal could include as an attachment the as-built plans for the stairs alone. Armstrong agreed that RDA's estimated scope of work was probably reasonably accurate and emphasized that the CPC did not need as-built plans for the building as a whole.

In response to Jennifer Molinsky, Ayoub explained that Jini Fairley, the City's ADA Coordinator, would help in evaluating options for improving accessibility. Since the building is listed on the National Register of Historic Places, the architect will also meet with the Newton Historical Commission and the Massachusetts Architectural Access Board (MAAB). The current estimate includes the potential cost for a ramp at the City Hall side. The War Memorial side of the building already has a new fully accessible entrance and new elevator.

In response to questions from Sargent and Molinsky, Ingerson said the CPA statute specifically allows CPA funding to make historic buildings accessible under the federal standards for historic rehabilitation. Current preservation practice sometimes favors visibly modern rather than "faux historic" additions. For example, when Public Buildings requested CPA funding for a second elevator at City Hall, the CPC suggested adding a modern elevator on the outside of the building, to avoid disturbing interior historic fabric (the City ultimately completed the new interior elevator without CPA funding). Finally, she noted that MAAB could partially waive accessibility standards, if there was no feasible way to add accessibility while preserving key historic features.

Sargent felt that this nearly \$2.4 million proposal did not fit the CPC's current funding guidelines because it proposed to use only CPA funds. Byron Dunker, Susan Lunin, Dan Brody, Robert Maloney and Mark Armstrong agreed. Armstrong thought some of the needed work was normal maintenance, repairing the building as the City might repair any other building. Dunker felt this project would take funds away from other potential CPA projects. Maloney felt that since most City business was conducted at City Hall, the lion's share of the funding for the stairs should be regular City funds. Lunin believed the stairs had probably been deteriorating for a long time, and that the current sense of urgency could have been avoided had the problems been addressed earlier.

Brody agreed with Sargent that the stairs belonged in the CPC guidelines' category of "core public resources," which the City would have to rehabilitate even if Newton did not have the CPA, and which the guidelines therefore considered "not usually appropriate for CPA funding." Armstrong thought the stairs might fit this category's one exception, allowing CPA funding for the cost difference between historically appropriate and lowest-cost repairs.

Summarizing all members' comments, Sargent suggested that the CPC would be willing to consider an off-cycle proposal requesting 100 percent CPA funding for the project's architectural services but would only be willing to consider a construction funding request with a relatively small role for CPA funding. Molinsky favored considering CPA design funding only if there was a plausible plan for non-CPA funding of construction. Brody also supported inviting an off-cycle proposal for initial design funding only if that proposal included a plan using a large portion of non-CPA funding for construction.

Ingerson noted that CPA funds had been used for an earlier, less in-depth [assessment of the War Memorial Stairs in 2006-07](#). Because that assessment had not been followed by final design or construction, and was now quite outdated, she felt the current project had to start over from scratch.

Armstrong felt that the CPC should not consider CPA funding for initial design work if the project would only move forward if the CPC also recommended 100 percent CPA funding for construction. Dunker and Brody agreed. After a brief further discussion, Armstrong and Maloney proposed considering a full proposal only for initial architectural services, excluding final construction documents and construction administration. Armstrong felt it was unnecessary for this partial design funding to include a contingency.

Ayoub asked the CPC to consider the full architectural services request, contingent on a promise from Public Buildings to report back to the CPC before proceeding to each next step in the design process. Sargent, Dunker and Armstrong felt it was more appropriate to consider only partial design funding until the CPC knew whether the City would consider investing non-CPA funds in the project.

Ingerson explained that any full proposal invited by the CPC would be due by Friday April 12 for a public hearing on Tuesday May 14, or by Friday May 10 for a public hearing on Tuesday June 11. All CPC members agreed that the project architect need not attend this hearing.

VOTE Armstrong moved, and Brody seconded, considering an off-cycle full proposal for \$68,250 in initial design services and a preliminary estimate, excluding final construction documents, bidding and construction administration, on condition that the proposal include a clear plan for significant non-CPA as well as CPA funding of later project phases. The motion was adopted by a vote of 8-0.

Note: When he rejoined the meeting after this vote, Chief Operating Officer Jonathan Yeo indicated that this project might not move forward if the CPC was unwilling to consider 100 percent CPA funding for all phases. Given the City's current and anticipated costs for roads and retirement benefits, he felt this was also true for many other CPA-eligible City projects.

Committee Business

commitment of \$5,100 in Fy20 CPC administrative funds for continued legal work on conservation restrictions for past CPA-funded land acquisitions

VOTE Based on the staff recommendation submitted for the canceled February meeting, Armstrong moved, and Sargent seconded committing an additional \$5,100 from the Committee's Fy19 administrative consulting line to the work by Catherine Farrell, a former member of the Newton Law Dept., on completing the conservation restrictions required by the Community Preservation Act for past CPA-funded land acquisitions in Newton. The motion was adopted by a vote of 8-0.

approval of program budget for fy20

Ingerson distributed an updated budget based on the state Dept. of Revenue's recently announced estimate of an 11.5% state match for fy20, versus the 10% match in the budget she had mailed to the CPC. Regardless of which budget the CPC decided to adopt, Ingerson also recommended submitting a revised budget for City Council approval next fall, based on both Newton's budgeted total real estate tax levy for Fy20 and Newton's final Fy19 local CPA revenue.

Sargent emphasized that this year, the Committee wanted to budget the full allowable 5 percent for its administrative costs so it could ask Ingerson to work temporarily, on a part-time consulting basis, after her projected retirement in mid-January 2020. Ingerson said both budgets she had given the Committee included more than adequate funds for this purpose. Sargent suggested adopting the newer budget because it reflected the most recent information provided by the state.

VOTE Based on a motion by Beryl Gilfix, seconded by Armstrong, the Committee adopted the newer, attached Fy20 budget by a vote of 8-0.

Note: When he rejoined the meeting after this vote, COO Yeo said he felt the type and amount of transitional assistance provided by Ingerson after her retirement should be determined by her successor. Ingerson was confident that only a small portion of the funds that the adopted Fy20 budget made available for her temporary consulting services would actually be needed. She also emphasized that any CPA funds budgeted but not spent for this purpose in Fy20 would go back into the Community Preservation Fund, for allocation to future projects.

continuing discussion of program planning, staffing & outreach

On current projects, Lunin reported that demolition had begun at the Auburn Street project, which she had strongly supported. For 300 Hammond Pond Parkway/Webster Woods, Brody reported that said the Executive Committee of the Mayor's advisory panel had met recently, a meeting of the full panel was planned soon, and Boston College had begun work on a salt storage facility in the rear parking lot.

Ingerson had submitted to the Committee a suggested list of other Newton boards, commissions and nonprofits for the conversations about Newton's CPA-eligible needs that the CPC had agreed to plan at their January 2019 meeting. She also suggested that each meeting involve only herself as staff and the CPC member who also served on the other board, so no member would have to attend extra meetings: Molinsky for the Planning & Development Board, Dunker for the Parks & Recreation Commission, Lunin for the Conservation Commission, and Armstrong for the Historical Commission. After a brief discussion, the Committee endorsed the proposed list of meetings.

Sargent and Armstrong also agreed to accept the League of Women Voter's invitation to talk about the CPA and Newton's CPA program on the League's NewTV program in spring 2019. If the League's invitation for two half-hour programs still stood, Sargent suggested focusing one program on what CPA had already accomplished in Newton, and the other on future CPA-eligible needs and potential projects.

Sargent and Armstrong briefly summarized their meeting on January 14 with COO Yeo and Planning & Development Director Barney Heath about the upcoming Fy20 staff transition. Sargent encouraged CPC members to send him suggestions or edits for the CPC staff job description, which he had distributed by email. Armstrong thought serious work on this description would begin in the summer.

Armstrong said the CPC officers had asked at the January 14 meeting about basing the CPC staff position in a City dept. less likely than the Planning Dept. to submit CPA funding requests, to minimize potential conflicts of interest. As examples, they had suggested the Law Dept. or the City Clerk's office. However, Heath had argued persuasively that the position should remain in the Planning Dept. In response to Molinsky, Sargent and Armstrong were not sure where this meeting had left the CPC's suggestion that it would be more appropriate for its staff person report to the Planning & Development Director, as had been the case before 2015, than to the Director for Housing and Community Development within the Planning Dept., as it now does. Ingerson was

concerned that the current reporting relationship might suggest to the public and City Council that the CPC or City government generally intended to privilege housing as a use of CPA funds over other possible uses. Some City Councilors with whom she and former CPC chair Joyce Moss had met shared this concern.

Lunin was concerned that if the CPC's and community's expectations were not set out clearly, and if the new staff person was not supported to meet those expectations, the CPC staff position might turn over frequently. Other CPC members thought defining the best location and reporting relationship for this position within City government were important for staff retention.

In response to Molinsky's request at the January meeting for Ingerson's suggestions about how to improve Newton's CPA program, Ingerson reported learning through conversations with her counterparts in other CPA cities that many other CPA programs required CPC or CPC staff approval for payment of invoices from CPA funds appropriated for municipal projects. This is how Newton manages CDBG funding for City projects, and Ingerson felt it might be wise to do the same for CPA-funded City projects. Newton's current practice of appropriating CPA funds to the direct control of City departments has allowed departments to use those funds inappropriately in a few cases (for example, spending funds appropriated for recreation on housing-related project expenses), and has also made it difficult to get final reports to the CPC. In contrast, grant agreements allow the CPC to enforce detailed schedules and requirements for releasing CPA funds appropriated for non-City projects, and to make the final release of funds contingent on submission of a final report. Sargent and Dunker thought the suggested change for City projects made sense but that it would be difficult for a new CPC staff person to propose and implement. As an alternative, Armstrong suggested that the CPC could enforce accountability by considering only relatively small amounts of funding at a time for City projects, much as it had agreed to do at this meeting for the City Hall stairs project.

Ingerson also reported that in many other communities, the CPA ordinances required the CPC to review the ordinance periodically and suggest changes or updates. She thought this would be a helpful addition to Newton's CPA ordinance.

Finally, Ingerson shared her concerns about several recent City government decisions or actions that seemed minor, when considered one at a time, but that in combination seemed to de-emphasize the CPC's role in the CPA program. She and Moss encouraged the Committee to work closely with the City Council to support and highlight the CPC's statutory roles in program budgeting and project funding. Sargent noted that in his time on the CPC, the Committee had only met with the Council to discuss particular funding recommendations, never the CPA program as a whole. In addition to the annual budget meeting with the Council's Zoning and Planning Committee (ZAP), Ingerson said she would ask that committee's chair about scheduling at least one broader discussion of the CPA program in 2019, with ZAP and other interested Councilors. She suggested that the CPC request one or two such program meetings with the City Council each year, going forward.

approval of minutes for 8 January 2019

Based on a motion by Armstrong, seconded by Lunin, the Committee approved the minutes for 8 January 2019 with corrections as noted, by a vote of 8-0.

The Committee adjourned by consensus at 8:30 pm.

Attachments:

- ◆ Fy20 CPA program budget as adopted
- ◆ Follow-up correspondence re: City Hall Stairs pre-proposal

This budget was adopted by the Newton Community Preservation Committee on March 12, 2019 by a vote of 8-0, with 1 member absent.

| City of Newton, Massachusetts Community Preservation Program Budget | Fiscal 2019 budgeted | Fiscal 2020 approved by CPC 12 March 2019 |
|---|-------------------------|---|
| REVENUE | | |
| local CPA surcharge | \$3,062,574 | \$3,394,845 |
| state matching funds | \$253,970 | \$352,196 |
| undesignated fund balance (<i>"lagged" state funds --funds above the amount in prior-year budget confirmed too late to include in that year's budget</i>) | \$240,424 | \$360,816 |
| TOTAL REVENUE | \$3,556,967 | \$4,107,858 |
| EXPENDITURES | | |
| PROGRAM ADMINISTRATION & DEBT SERVICE | | |
| Program Administration | -\$160,044 | -\$205,075 |
| Debt Service (<i>none currently, but Fy20 may have to include issuance and initial principal + interest payment for open space acquisition</i>) | | \$0 |
| BUDGETED RESERVES | | |
| Community Housing Reserve (<i>10% of annual new funds</i>) | -\$355,697 | -\$410,786 |
| Historic Resources Reserve (<i>10% of annual new funds</i>) | -\$355,697 | -\$410,786 |
| Open Space Reserve (<i>10% of annual new funds</i>) | -\$355,697 | -\$410,786 |
| General Reserve (<i>all annual new funds not budgeted for debt service, program administration or restricted reserves</i>) | -\$2,329,833 | -\$2,670,426 |
| TOTAL EXPENDITURES | -\$3,556,967 | -\$4,107,858 |

| Newton, Massachusetts COMMUNITY PRESERVATION PROGRAM | | |
|--|-------------------------|---|
| Detail for Program Administration | Fiscal 2019 budgeted | Fiscal 2020 approved by CPC 12 March 2019 |
| PERSONNEL | | |
| Program Manager(s) - (<i>1 yr salary + benefits for current staff, anticipating 0.5 year current staff + 0.5 yr new staff</i>) | \$118,794 | \$133,925 |
| Work by Other Depts. | \$3,500 | \$6,000 |
| SUBTOTAL Personnel | \$122,294 | \$139,925 |
| OTHER | | |
| Consultants (<i>anticipating part-time transitional assistance from retired staff</i>) | \$24,250 | \$50,000 |
| Advertising/ Publications | \$500 | \$2,500 |
| Audiovisual Equipment | \$500 | \$500 |
| Computer Software | \$500 | \$500 |
| Computer Supplies | \$500 | \$1,000 |
| Dues & Subscriptions | \$7,900 | \$7,900 |
| Office Supplies & Equipment | \$500 | \$500 |
| Postage | \$600 | \$1,000 |
| Printing | \$1,500 | \$500 |
| Signs | \$1,000 | \$750 |
| SUBTOTAL Other Expenses | \$37,750 | \$65,150 |
| TOTAL All Expenses | \$160,044 | \$205,075 |

From: Peter Sargent <sargent@mhic.com>
Sent: Thursday, March 14, 2019 1:03 PM
To: Jonathan Yeo <jyeo@newtonma.gov>; Alice Ingerson <aingerson@newtonma.gov>; Mark Armstrong <mark@oma-architect.com>
Cc: Maureen Lemieux <mlemieux@newtonma.gov>; Barney Heath <bheath@newtonma.gov>; Jini Fairley <jfairley@newtonma.gov>; Joshua R. Morse <jmorse@newtonma.gov>
Subject: RE: Discussion on Funding High Priority Accessibility Projects

also forwarded 3 April 2019
to Rafik Ayoub by Alice Ingerson

Hi Jonathan (et al):

Thank you for your email. We are in complete agreement that the CPC's work would benefit from a deeper understanding of the priorities, both current and longer term, that the City hopes to engage with the CPC as a partner. We would be more than happy to schedule such a presentation and Q & A you propose at the next CPC meeting on April 9th, or at the convenience of City staff.

However, it is equally important to relay our concerns. The City Stairs pre-proposal, as presented, anticipates utilizing only CPA funding approved by the CPC for this approximately \$2.4 million effort. This is not consistent with CPC's clearly stated priority to leverage, to the greatest extent possible, CPA funding with other sources of capital to leverage our limited resources to be used for affordable housing, historic preservation, open space and recreation.

In the Community Preservation Plan adopted by the CPC on April 3, 2018 Section 3 reviews the CPC's criteria for deciding what is "not only CPA-eligible but also CPA-appropriate". "Special public resources" are the highest priority for CPA funding, but with at least 30% non-CPA funding. However, the CPC considers the City Hall and War Memorial stairs more as a "core public resource," for which the City would be obligated to perform the targeted repairs/renovations even if Newton had not adopted the CPA, and which is not necessarily appropriate for CPA funding. Thus, we would expect that the ongoing maintenance of this core asset should be reflected, somewhere, in the City's capital needs program.

While we are of course sympathetic to stretched budgets, and scarce resources, the CPC cannot be perceived by either the administration, or the citizens of Newton, as a default resource for long neglected repairs/renovations.

That said, CPC is empathetic to this request. The guidelines recognize that "a project may need a relatively high share of CPA funding in its initial phases (such as design) in order to raise funds primarily from non-CPA sources for its later phases (such as construction)". Thus, after considerable conversation, we voted to have Rafik return to CPC off-cycle to seek funding for specific 'early stage' costs associated with architectural work. We were clear, however, that a request to CPC for only CPA funding for this project would likely not be favorably considered. Other sources of funding must be identified such that CPA funding remains an important "gap filler".

Sincerely,
Peter Sargent – Chair
Mark Armstrong – Vice Chair

From: Jonathan Yeo <jyeo@newtonma.gov>
Sent: Tuesday, March 12, 2019 8:59 PM

To: Alice Ingerson <aingerson@newtonma.gov>; Peter Sargent <sargent@mhic.com>; Mark Armstrong <mark@oma-architect.com>

Cc: Maureen Lemieux <mlemieux@newtonma.gov>; Barney Heath <bheath@newtonma.gov>; Jini Fairley <jfairley@newtonma.gov>; Joshua R. Morse <jmorse@newtonma.gov>

Subject: Discussion on Funding High Priority Accessibility Projects

Hello CPC folks,

Sorry I missed the middle part of the meeting when the Public Buildings Department brought forward the request to address historic City Hall's stairs (front and War Memorial) and accessibility. From our brief discussion it sounds like there is sentiment on the committee against funding the project. It also seems clear that there is not a solid understanding of the city's current and future finances, and therefore a great reluctance to address public buildings issues. What I might suggest is finding a time, possibly in the 9-6 timeframe, for CFO Maureen Lemieux to give the full committee a presentation on the city's finances and answer questions. Included in that meeting could be our Commissioner of Public Buildings Josh Morse, Accessibility Director Jini Fairley, and myself to help answer questions. I think this could strengthen the committee's overall understanding of the city's finances and how CPC's funding relates to critical historic, accessibility, housing, open space and recreational projects.

Thank you,
Jonathan