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Barney S. Heath
Director

Community Preservation Committee

MINUTES

10 September 2019

The meeting was held on Tuesday, 10 September 2019 starting at 7:00 pm in Newton City Hall Room 204.

Community Preservation Committee (CPC below) members present: chair Mark Armstrong, vice chair Dan Brody, and members Byron Dunker, Beryl Gilfix, Susan Lunin, Robert Maloney, and Jennifer Molinsky (who left the meeting at 9 pm). Member Rick Kronish participated remotely during the meeting's executive session. Member Peter Sargent was absent.

Community Preservation Program Manager Alice Ingerson served as recorder.

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

Newton Community Preservation Committee Remote Participation Policy

Alice Ingerson proposed the following policy:

The Newton Community Preservation Committee (CPC) will consider on a case-by-case basis requests from its members to participate in any CPC public meeting or executive session by phone, on condition that such participation also comply with the requirements in the Massachusetts Attorney General's regulations [940 CMR 29.10](#), as implemented for Newton by Executive Order 1 on 14 September 2012.

No more than one CPC member may participate remotely in any given meeting, and all remote participation requests must be approved by a majority of the CPC members present in person at the affected meeting, through a formal vote. The CPC members present in person may also revoke their approval if a clear phone connection cannot be established with the member participating remotely.

VOTE Susan Lunin moved, and Robert Maloney seconded, adoption of this policy. The policy was adopted by a vote of 7-0 (members Peter Sargent and Richard Kronish absent).

Proposals & Projects

[PUBLIC HEARING Newton Conservators Kessler Woods conservation restriction funding](#) (open space, South Newton) - \$15,000 requested for costs associated with accepting this CPA-required restriction on land acquired with CPA funds in 2003-04

Ted Kuklinski, President of the Conservators, summarized the Conservators' obligations for monitoring the uses and environmental conditions of land subject to conservation restrictions they hold. These monitoring reports are archived for future reference. Ingerson explained that the Kessler Woods conservation restriction is almost ready for recording, with all state approvals granted and only the final, formal City approvals still to complete. She also noted that the City as the underlying landowner would have a legal obligation to resolve any violation of the property boundaries that the Conservators might find through monitoring.

No members of the public asked to speak on this hearing item.

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.*

In response to Maloney, Kuklinski said the Conservators believed this request would be adequate for monitoring this conservation restriction in perpetuity.

Jennifer Molinsky asked about the Conservators' use of the CPA funds. As a member of the Conservators' board, Dan Brody explained that these funds would be used only for monitoring and enforcing CPA-funded land restrictions. He also explained that he would abstain from the vote on this funding.

VOTE Molinsky moved, and Lunin seconded, a motion to recommend the requested funding for a grant to the Conservators. The motion was adopted by a vote of 6-0, with Brody abstaining (Sargent and Kronish absent).

Allen House (historic rehabilitation, West Newton) - project progress report required by CPA grant agreement

This presentation is available on the CPC's [Allen House project webpage](#), from this link: [10 September 2019 -- interim progress report to CPC](#).

Adrienne Hartzell, Managing Director of the Newton Cultural Alliance, reminded the CPC that in January 2019 the City Council had appropriated an additional \$600,000 in CPA funds based on the CPC's recommendation, which restricted this funding to use for the project's geothermal heating and cooling system.

She showed photos of the construction's progress, including: demolition and excavation, removal of all nonstructural interior walls, rebuilding or adding structural supports, including a steel beam, and foundation walls where needed, which was in most locations; restoration of the only fieldstone foundation wall that could be restored; working around a duck who had nested in the foundation during excavation (but later moved her ducklings to a nearby pond); framing of basement spaces for the mechanical systems, green room, catering kitchen, and restrooms; drilling and connecting the 16 geothermal wells, each 500 feet deep, to each other as well as to interior systems and ductwork; building the pad and shaft for the elevator from the basement to the second floor, allowing for stops at 5 different floor levels. One boiler and oil tank have been retained as a backup for the geothermal system.

In response to Beryl Gilfix, Hartzell said she expects the building to be closed up so the contractors' focus can move to interior work before winter weather arrives.

Maloney was concerned that the large percentage of work remaining in some categories might exceed the 16% remaining of the construction contingency. Hartzell acknowledged that change orders had used most of the contingency, but she was optimistic that the project had now seen the last of its major, unforeseen conditions. The project team is cutting other costs incrementally to balance things out, including eliminating a proposed 7-foot deep sunken garden. The contractor is reluctant to identify a completion date, but Hartzell believes it will be mid-to-late spring 2020.

Committee Business

The Committee discussed two topics with Director of Planning & Development Barney Heath: updates to the City of Newton ordinance creating the CPC and recruiting a new staff person to succeed Ingerson when she retires in mid-January 2020.

Mark Armstrong summarized a brief discussion of two drafts of the ordinance, one submitted by the docketing City Councilors and one submitted by the Mayor, by the City Council's Zoning & Planning Committee (ZAP) in late August. ZAP will tentatively resume this discussion on October 2 (**both drafts are appended to these minutes**).

There was broad agreement on most proposed changes, including eliminating the current ward residency requirements for the Mayor's 4 CPC appointments and substituting the broader goal of ensuring that the CPC represents Newton's full diversity as a community. In response to Ingerson, Heath explained that the Mayor had also proposed to extend term limits for CPC members from 6 years to 9 years, because it can be difficult to find good candidates for this Committee. Ingerson felt this might require the CPC to revise its current system for officers, in which no CPC member serves more than 1 year as vice chair, followed by 1 year as chair.

Molinsky, Lunin and Armstrong supported the Councilors' proposed language emphasizing that CPA funds should be used to leverage other, non-CPA funding. Gilfix preferred the Councilors' proposed version in its entirety. Armstrong thought the other Councilors at the ZAP meeting supported the requirement for leveraging. He and Brody also thought leveraging could be achieved through the CPC's funding guidelines, rather than through the ordinance.

Heath said the Mayor preferred the shorter, basic language from the state statute, which she felt was already quite strong. The Mayor also preferred not to include the Councilors' proposed language discouraging the substitution of CPA funds for the City's General Fund as a source of financial support for City projects.

For staff positions funded as part of the CPC's administrative expenses, the Councilors had proposed to require CPC "approval" of hiring decisions. Heath emphasized that all drafts of the ordinance required CPC participation in the hiring process but that the Mayor preferred to require approval of hiring decisions only by the City department. If any additional approval were required, the Mayor preferred it to be by the City Council, to avoid setting a new precedent for staff positions associated with City boards and commissions. The Council is already required to approve some hiring decisions, such as for City department heads.

Armstrong thought it would be difficult to enforce a requirement for CPC approval of hiring decisions. Brody noted that an earlier draft of the ordinance, requiring participation by the full CPC in hiring decisions, would have required conducting interviews in full public meetings. Armstrong and Brody agreed to convey the CPC's views of the current ordinance drafts to the docketing Councilors.

Heath said he would prefer to resolve the hiring approval issue before posting CPC staff position, but he also believed the position could now be posted at any time. Molinsky and Brody asked whether the Planning Dept. would accept the CPC's draft job description, in which the CPC staff person is shown as reporting to the Director of Planning and Development, as had been the case from 2007 through 2015.

Since 2016, the Planning Dept. organizational chart has shown the CPC position reporting to the Director of Housing & Community Development, who reports to the Director of Planning & Development. In practice, Heath felt Ingerson had been reporting to both himself and the CPC, but he thought the organizational chart used since 2016 reflected the additional supervision her successor would need.

Brody, Buzz Dunker and Gilfix emphasized that the placement of the CPC staff position should avoid appearing to favor any one of the resources that CPA funds could support, in this case housing. Gilfix said that although housing proposals might often be the most expensive, the CPC did not necessarily consider them more important than other proposals. Armstrong thought the job description mattered more than the reporting relationship but agreed that this relationship sent an important signal to the public about the independence and impartiality of CPC funding decisions.

Heath said he was open to alternative reporting relationships, including having the CPC staff person report to the Deputy Director of Planning and Development, to avoid adding another direct report for the Director himself. Ingerson noted that, though she had reported to the Director when she was hired in 2007, her predecessors had been based on the planning side of the Planning & Development Dept., and CPA files were still located on that side of the department's computer network.

Proposals & Projects – Executive Session

300 Hammond Pond Parkway ("Webster Woods")

Maureen Reilly Meagher (342 Quinobequin Road), who was attending the meeting as an informal observer for the League of Women Voters of Newton, asked if the CPC could provide an update about the potential Webster Woods project. She knew this project would be expensive and was concerned that no information had yet been shared with the public about it. Armstrong said the CPC shared this concern.

VOTE Following the policy adopted earlier, Lunin moved, and Molinsky seconded, authorizing CPC member Rick Kronish to participate in the executive session remotely, by phone. The motion was adopted 7-0.

Following instructions from the City of Newton Law Dept., Armstrong requested a roll call vote of the CPC to enter into an Executive Session in accordance with the provisions of Massachusetts Chapter 30A, sec. 21(a)(6) for the purpose of considering the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the City's negotiating position regarding the potential acquisition of real property rights for the protection of open space at 300 Hammond Pond Parkway/Webster Woods. Executive sessions are closed to the public.

At 8:20 pm, the following roll call vote was held to begin an executive session:

ROLL CALL VOTE to begin executive session	Yes	No
Armstrong	1	
Brody	1	
Dunker	1	
Gilfix	1	
Kronish (participating remotely)	1	
Lunin	1	
Maloney	1	
Molinsky	1	
TOTALS	8	0
Sargent (absent)		

At approximately 9 pm, the following roll call vote was held to adjourn the executive session and resume the public session:

ROLL CALL VOTE to adjourn executive session and resume public meeting	Yes	No
Armstrong	1	
Brody	1	
Dunker	1	
Gilfix	1	
Kronish (participating remotely)	1	
Lunin	1	
Maloney	1	
Molinsky	1	
TOTALS	8	0
Sargent (absent)		

Kronish left the meeting at the end of the executive session.

Committee Business (continued)

Before Molinsky left the meeting, she and Ingerson briefly reported on their July discussion of CPA funding priorities with the Planning and Development Board (P&D Board). Overall, the P&D Board was highly supportive of the CPA program and the CPC. Most of its members saw housing as an important CPA priority. One member felt the CPC's current guidelines were not stringent enough in discouraging the substitution of CPA funds for regular City funding of City projects, such as repairs required by deferred maintenance.

Lunin and Ingerson also reported on their similar July discussion with the Conservation Commission, which had focused primarily on using CPA funds for land acquisition. Ingerson had asked whether any improvements on conservation land already in public ownership might be potential future proposals to the CPC. She had pointed

out that CPA funds could be used to make trails on conservation land more accessible for those with limited mobility. As the commission's staff, Chief Environmental Planner Jennifer Steel had seemed to feel the commission's annual operating budget could fund most such improvement projects.

Ingerson briefly proposed a revised Fy20 program budget with a slight increase in total revenue, from \$4,107,858 to \$4,313,046. As Newton's CPA surcharge is 1%, the revised budget calculated surcharge revenue as exactly 1% of Newton's budgeted Fy20 real estate tax levy. The revised budget also calculated the expected state match based on Newton's final, year-end local surcharge revenue for Fy19. Neither the Fy20 budgeted tax levy nor final Fy19 surcharge revenue had been available for the CPC's March 2019 approval of the original budget. The revised budget also corrected the budget lines for health and dental insurance, as the original budget had inadvertently included employee rather than employer contributions for these. Ingerson has not used these benefits, but she thought the Fy20 budget should include a half-year of them for her successor.

VOTE Based on a motion by Gilfix, seconded by Lunin and Maloney, the revised budget was approved by a vote of 6-0.

Discussion of a revised funding forecast for the program was deferred to a future meeting. Ingerson asked CPC members to think about what they would see as the right balance between optimism and pessimism in the forecast's assumptions about both future surcharge revenue, especially revenue due to new development beyond the 2.5% annual tax levy growth limit set by Proposition 2 ½; and future state revenue, reflecting the recently authorized increase in Registry of Deeds fees for the state's Community Preservation Trust Fund.

Ingerson briefly presented the history of outdoor classroom project at Cabot Elementary School, where CPA funds had been granted directly to the school's parent-teacher organization. Partly because the parents had little prior experience with public procurement, the project took longer to complete than originally anticipated. A few years after project completion, maintenance of the plantings began to decline. Finally, the school's recent expansion had required relocating the project. Out of the many original decorative and educational features designed by the school's students, the only one still visible in the new location is a small area of granite, "amphitheater-style" seating.

Ingerson felt the issues faced by this project were fairly typical for projects proposed and managed entirely by volunteers. She suggested that if the CPC still wished to see itself as a source of "venture capital" for such projects, they should also accept that these projects might often have fairly short lifespans.

VOTE Based on a motion by Lunin, seconded by Armstrong, the Committee approved the minutes for 9 July 2019 as submitted by a vote of 5-0, with Maloney abstaining because he had not attended that meeting, and with Sargent, Kronish and Molinsky absent.

Lunin's motion to adjourn the meeting, seconded by Armstrong, was approved by a vote of 6-0 at 9:20 pm.

Newton CPA Program Planning & Evaluation



- ◆ **proposed update of Newton ordinance creating the Community Preservation Committee**
(~~as of 5 pm, 21 August 2019, as proposed by City Council docket item sponsors~~)

Updated online 29 August 2019 to include both the version proposed by docketing City Councilors and the version proposed by the Mayor, Planning Dept. and Law Dept.

- ◆ **draft job description/announcement for CPA program staff position,**
to be filled January 2020

Note: Current program manager Alice Ingerson has announced her intention to retire in mid-January 2020.

The updated job description for her successor will be finalized and posted in fall 2019, to give the Planning & Development Dept. and the CPC adequate time to fill the position by January 2020.

This position is entirely funded from the CPC's administrative budget, which may use no more than 5% of each year's new CPA funds.

The CPC's Fy20 administrative budget also includes funding for temporary, post-retirement training or other assistance from Alice Ingerson, on a consulting basis.



Zoning & Planning and Public Facilities Committee

Agenda

Joint Meeting

City of Newton

In City Council

Monday, August 26, 2019

CPC staff note: The only portions of this agenda/packet distributed/projected at the CPC meeting on 10 September 2019 are those about the CPA ordinance.

**6:30pm-Note early start time
Room 205**

**7:00pm
Council Chamber**

Items Scheduled for Discussion:

Chair's Note: *The Zoning and Planning Committee will discuss the following 3 items in room 205 from 6:30-7:00. Immediately following, the Committee will move to the Chamber and begin a joint meeting with the Public Facilities Committee to discuss items #143-19 and the related item #13-19. The Public Facilities Committee is invited to remain for the discussion relative to items, #14-19 and #245-19.*

#275-19 Appointment of Carol Todreas to the Urban Design Commission
HER HONOR THE MAYOR appointing CAROL TODREAS, 89 Windsor Road, Waban, as a member of the URBAN DESIGN COMMISSION for a term to expire August 15, 2022.

#276-19 Appointment of Robert Linsky to the Urban Design Commission
HER HONOR THE MAYOR appointing ROBERT LINSKY, 99 Walnut Hill Road, Newton Highlands, as a member of the URBAN DESIGN COMMISSION for a term to expire August 15, 2022.

#191-19 Ordinance amendment relative to Community Preservation Act and Committee
COUNCILORS LAPPIN, ALBRIGHT, CROSSLEY, LEARY AND DOWNS requesting amendments to Chapter 7, Section 81 of the City of Newton Ordinances, to better define the membership of the Community Preservation Committee, to clarify oversight, and to include City approval procedures required by the 2012 update to MGL Chapter 44B, Section 5(d), the Community Preservation Act.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



Memo

August 22, 2019

Subject: Docket item # 191-19 – CPA ordinance revision
From: Susan Albright, Deb Crossley, Andreae Downs, Cheryl Lapin, Alison Leary

Alice Ingerson, the Community Preservation Program Manager, will be leaving the city this year. One of her final goals was help us update our CPA ordinance. Newton was one of the earliest cities to adopt the CPA and our ordinance was written in the very early days of implementation. The rules for CPA membership with pairing of required expertise in a certain area with residency in a particular Ward have proven to be difficult, making it hard to find members who could serve. We decided to propose changes to this as well as a couple of other areas. Primarily these are: to create a mandate that there be CPC participation in the development of job descriptions of CPA-funded administrative staff, and to give the CPC a role in selecting CPA-funded staff. We look forward to a discussion on the proposed draft of a new CPA ordinance for Newton. Attached is the proposed draft ~~as well as a redlined version of the existing ordinance in 7-80.~~

CPC staff note: Redlined version of existing ordinance omitted for 10 September 2019 CPC meeting.

**ARTICLE VIII.
COMMUNITY PRESERVATION COMMITTEE**

Sec. 7-80. Establishment, duties and organization.

- (a) The Newton community preservation committee ("CPC") is hereby established to carry out the functions and duties of such a community preservation committee as provided in General Laws chapter 44B, the Community Preservation Act, including
- (1) The community preservation committee shall study the needs, possibilities and resources of the city regarding community preservation.
 - (2) The community preservation committee shall make recommendations to the city council for funding of projects that involve open space, historic resources, land for recreational use, and community housing and that meet the other requirements in General Laws chapter 44B, including that such funds shall not be used for maintenance.
 - (3) To the greatest degree possible, this fund shall be used to augment or make whole projects that otherwise may not be possible to achieve or preserve. Projects should use CPA funds to leverage other resources, and should not be targeted as a fund to substitute for the General Fund.
- (b) The community preservation committee shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate. (Ord. No. W-66, 11-19-01; Rev. Ord. 2007, § 2-350)
- (c) The CPC and city council shall evaluate all requests for project funding from the community preservation fund in the same manner, in accordance with the goals of the Community Preservation Act and the guidelines and procedures established by the CPC.
- (d) The CPC shall meet annually with the city council, separately from review of project funding recommendations and the annual budget, to review the status of the community preservation fund, Newton's community preservation program, and the ordinance. The city council may request additional meetings with the CPC as needed.

Sec. 7-81. Composition, eligibility, terms of office, term limits.

- (a) The committee shall consist of nine members, as follows:
- (1) The conservation commission, planning and development board, housing authority, historic commission, and parks and recreation commission shall each designate one of its members, who may be one of their alternate members, to serve as a member of the community preservation committee (the "statutory members").
 - (2) The remaining four members (the "appointed members") shall be appointed by the mayor with approval of the city council in accordance with section 7.1. The appointed members shall include at least one citizen who has expertise or demonstrated interest in open space, at least one citizen who has expertise or demonstrated interest in recreation, at least one citizen who has expertise or demonstrated interest in historic preservation and at least one citizen who has expertise or demonstrated interest in affordable housing. In making such appointments, the mayor shall be guided by the goals that the committee's overall membership includes persons with relevant professional expertise and represents the diversity of

the City's residents and neighborhoods.

- (3) No appointed member shall be an employee or elected official of the City.
- (b) Members shall serve for terms of three (3) years or until their successors shall take office. Appointments shall allow for staggered terms.
- (c) No person shall be eligible to serve as a member for more than three (3) consecutive full terms.
- (d) When an appointed member removes his or her residence from the City he or she shall be considered thereby to have resigned from the committee.

CPF staff note:
Current limit is 2 terms (6 yrs).

Sec. 7-82. Mechanisms for legislative approval or veto.

- (a) The CPC shall transmit recommendations for expenditure of community preservation funds to the city council and shall provide a copy of such recommendations to the Mayor.
- (b) The city council shall refer each CPC funding recommendation to appropriate council committees, including the finance committee, for review.
- (c) After receiving a project funding recommendation from the CPC, the city council may approve appropriations from the community preservation fund for an amount up to and including that recommended by the CPC; may vote not to appropriate the recommended funds; or may hold the item and return the funding recommendation to the CPC for revisions.
- (d) The city council may also condition its approval of community preservation funds on the availability of such additional non-community preservation funds as have been designated by their authorizing bodies for application to the project.

Sec. 7-83 Administration and operations

- (a) In response to the annual program budget proposed by the CPC, the city council shall make appropriations from the community preservation fund as it deems necessary for the CPC's administrative and operating expenses, including staffing. Such appropriations shall not exceed 5 per cent of the annual revenues in the community preservation fund.
- (b) City departments hosting staff positions funded by CPC administrative and operating expenses shall collaborate with the CPC in finalizing job descriptions and organizational structure for said positions. The CPC Chair and up to one other appointed member of the CPC shall participate in the hiring process and shall have final approval of the Community Preservation Program Manager or any other CPC-funded staff.

Sec. 7-84 The provisions of this Article shall be interpreted and applied at all times consistently with the provisions of Chapter 44B of the General Laws, as Chapter 44B may be from time to time amended, and with the provisions of any relevant general or special law.

Secs. 7-85—7-89. Reserved.

CPC staff note: Preferred wording above might be: "funded as CPC administrative and operating expenses" ...

Administration’s Preferred Text

ARTICLE VIII. COMMUNITY PRESERVATION COMMITTEE

Sec. 7-80. Establishment, duties and organization.

- (a) The Newton community preservation committee (“CPC”) is hereby established to carry out the functions and duties of such a community preservation committee as provided in General Laws chapter 44B, **the Community Preservation Act, including,**
 - 1. The community preservation committee shall study the needs, possibilities and resources of the city regarding community preservation.
 - 2. The community preservation committee shall make recommendations to the city council for funding of projects that involve open space, historic resources, land for recreational use, and community housing and that meet the other requirements in General Laws chapter 44B, including that such funds shall not be used for maintenance.
 - 3. **Community preservation funds shall not replace existing operating funds, only augment them.**
- (b) The committee shall annually elect one of its members to serve as chairperson and may elect such other officers, adopt procedural rules and regulations and establish any subcommittees as it deems appropriate. (Ord. No. W-66, 11-19-01; Rev. Ord. 2007, § 2-350)
- (c) **The CPC and city council shall evaluate all requests for project funding from the community preservation fund in the same manner, in accordance with the goals of the Community Preservation Act and the guidelines and procedures established by the CPC.**
- (d) **The CPC shall meet annually with the city council, separately from review of project funding recommendations and the annual budget, to review the status of the community preservation fund, Newton’s community preservation program, and the ordinance. The city council may request additional meetings with the CPC as needed.**

CPC staff note:
This language is from the CPA statute.

Sec. 7-81. Composition; eligibility, **terms of office, term limits**

- (a) The committee shall consist of nine members, as follows:
 - (1) The conservation commission, planning and development board, housing authority, historic commission and parks and recreation commission shall each designate one of its members, who may be an alternate member, to serve as a member of the committee (the “statutory members”).
 - (2) The remaining four members (the “appointed members”) shall be appointed **by the mayor with approval of the city council** in accordance with section 7-1 of the city ordinances. The appointed members shall include at least one citizen who has expertise or demonstrated interest in open space, at least one citizen who has expertise or demonstrated interest in recreation, at least one citizen who has expertise or demonstrated interest in historic preservation and at least one citizen who has expertise or demonstrated interest in affordable housing. ~~In making such appointments, the mayor shall be guided by the goal that the membership of the committee include persons with professional expertise in real estate, finance, architecture and law.~~ **In making such appointments, the mayor shall be guided by the goals that the committee’s overall membership includes persons with relevant professional expertise and represents the diversity of the City’s residents and**

Administration's Preferred Text

neighborhoods.

(3) No appointed member shall be an employee or elected official of the City.

~~(b) There shall be a ward residency requirement for the appointed members. One appointed member shall be appointed from ward 1 or 2; one from ward 3 or 4; one from ward 5 or 6; and one from ward 7 or 8. In order to qualify, an appointee must be a resident of such ward on the effective date of the appointment. An appointed member who subsequently removes his or her residence to another location in the city may continue to serve for the remainder of the term. However, an appointed member who removes his or her residence from the city shall be considered thereby to have resigned from the committee. (Ord. No. W 66, 11 19 01; Rev. Ord. 2007, § 2 351)~~

(b) Members shall serve for terms of three (3) years or until their successors shall take office. Appointments shall allow for staggered terms.

CPF staff note: Current limit is 2 terms (6 yrs).

(c) No person shall be eligible to serve as a member for more than three (3) consecutive full terms.

(d) When an appointed member removes their residence from the City they shall be considered thereby to have resigned from the committee.

*** CPF staff note:** Plural "They" doesn't match singular "an appointed member" but avoids the hierarchy implied by putting either gendered pronoun first: "he or she" vs. "she or he." See another option below.

~~(a) Members shall serve for terms of three (3) years or until their successors shall take office. However, in order to provide for staggered terms, the initial appointments shall be as follows:
(1) Statutory members: The planning and development board shall designate one member for a one (1) year term. The parks and recreation commission and historic commission shall each designate one statutory member for a two (2) year term. The housing authority and the conservation commission shall each designate a statutory member for a three (3) year term.
(2) Appointed members: Two appointed members shall be appointed for a one year term; one appointed member shall be appointed for a two year term; and one appointed member shall be appointed for a three year term. (b) No person shall be eligible to serve as a member for more than two (2) consecutive full terms. For purposes of this clause, the initial one (1) and two (2) year appointments shall be deemed not to constitute full terms. (Ord. No. W 66, 11 19 01; Rev. Ord. 2007, § 2 352) Editor's note—Ord. No. W 66 provided that sections 2-350 through 2-352 take effect on January 1, 2002.
Secs. 7-83—7-89. Reserved~~

Sec. 7-82. Mechanisms for legislative approval or veto.

(a) The CPC shall transmit recommendations for expenditure of community preservation funds to the city council and shall provide a copy of such recommendations to the Mayor.

(b) The city council shall refer each CPC funding recommendation to appropriate council committees, including the finance committee, for review.

(c) After receiving a project funding recommendation from the CPC, the city council may approve appropriations from the community preservation fund for an amount up to and including that recommended by the CPC; may vote not to appropriate the recommended funds; or may hold the item and return the funding recommendation to the CPC for revisions.

(d) The city council may also condition its approval of community preservation funds on the availability of such additional non-community preservation funds as have been designated by their authorizing bodies for application to the project.

Sec. 7-83 Administration and operations

*** CPC staff suggestion:** Members who remove their residence from the City shall be considered thereby to have resigned from the committee.

Administration's Preferred Text

CPC staff note:
The CPA statute says "... expenses of the **community preservation committee.**" But if "program" is preferred, this should probably say "community preservation program" rather than "CPC program."



- (a) In response to the annual program budget proposed by the CPC, the city council shall make appropriations from the community preservation fund as it deems necessary for **the administrative and operating expenses of the CPC program**, including staffing. Such appropriations shall not exceed 5 per cent of the annual revenues in the community preservation fund.
- (b) City departments hosting staff positions funded **through the CPC administrative and operating funds** shall collaborate with the CPC in finalizing job descriptions and organizational structure for said positions. The CPC Chair and up to one other appointed member of the CPC shall participate in the **hiring process for the Community Preservation Program Manager.**

OR

|

*

- (b) City departments hosting staff positions funded **through the CPC administrative and operating funds** shall collaborate with the CPC in finalizing job descriptions and organizational structure for said positions. The CPC Chair and up to one other appointed member of the CPC shall participate in the **hiring process for the Community Preservation Program Manager.** **The city department hosting the Community Preservation Program Manager shall notify the City Council of the person selected to fill this position; that selection will become effective 30 days from the date of the first regularly scheduled city council meeting after notice of the proposed selection is filed with the city clerk, unless the city council within said 30 days shall reject such selection.**

Sec. 7-84 The provisions of this Article shall be interpreted and applied at all times consistently with the provisions of Chapter 44B of the General Laws, as Chapter 44B may be from time to time amended, and with the provisions of any relevant general or special law.

Secs. 7-85—7-89. Reserved.

* **CPC staff note:** The Administration is concerned that giving the CPC the right to approve hiring decisions for this staff position will set a precedent for other City boards & commissions to request the same right for City staff positions that support them. The alternative requiring City Council approval is based on an existing precedent: the Council is required to approve the Mayor's hiring decisions for City department heads.