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**Community Preservation Committee**

**MINUTES**

8 September 2016

The meeting was held on Thursday, 8 September 2016 at 7:00 pm in City Hall Room 205.

Community Preservation Committee (CPC below) members present: chair Jim Robertson, vice chair Jane Sender, and members Beryl Gilfix, Jonathan Yeo, Don Fishman, Peter Sargent, and Rick Kronish.

Current Newton Historical Commission (NHC) member Mark Armstrong attended as an observer. He is considering volunteering to succeed the NHC's previous appointee to the CPC Laura Fitzmaurice, who resigned from her CPC appointment following the July 2016 CPC meeting.

Community Preservation Program Manager Alice Ingerson served as recorder.

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

**COMMITTEE BUSINESS**

**election of CPC officers for 2016-17**

On behalf of the committee, Jane Sender thanked Jim Robertson for his service and leadership on the Committee, including two years as vice chair and one year as chair.

Robertson said that, following the Committee's current normal practice, Sender as current vice chair was willing to serve as the next chair. He called for nominations for a new vice chair. Hearing none, Robertson nominated Jonathan Yeo, who had agreed to serve. The Committee elected Sender as chair and Yeo as vice chair for 2016-17 by a vote of 6-0 (Rick Kronish arrived slightly after this vote).

**staff review of program finances and anticipated proposals**

Ingerson reported on her annual meeting with the City's *Capital Improvement Plan (CIP)* team. As in past years, she had explained that the total cost of the projects listed as CPA-eligible in this 5-year plan was greater than the funding predicted in the CPC's five-year funding forecast, and that the *CIP* allocated significantly less for affordable housing and open space acquisition than suggested by the CPC's target allocations in the *Community Preservation Plan*. She hoped the next edition of the *CIP* would more closely reflect the CPC's funding forecast and target allocations.

Ingerson also noted that a widely publicized upcoming community meeting was being held, with several elected officials and City staff, for one of the larger projects in the *CIP's* CPA section, a new bathhouse for Crystal Lake, currently listed for approximately \$5.5 million of CPA funding. To date, over \$4 million of CPA funds have been invested at Crystal Lake, all for land acquisition. The state Dept. of Revenue has advised that indoor facilities at the lake would be CPA-eligible only if they are directly required to support outdoor swimming. In its past funding decisions, the CPC had also indicated that significant non-CPA funding, through community fundraising or from other sources, would be a condition for additional CPA funding at Crystal Lake.

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Rick Kronish noted that the only CPA funding listed in the Community Preservation Plan for open space acquisition was the \$5 million 'placeholder' Ingerson had created. In response to his question about Webster Woods (300 Hammond Pond Parkway), Ingerson reported that the City had recently sought quotes for an appraisal of this land, as part of its ongoing conversation with Boston College.

Ingerson also pointed out that the final payment for the last remaining debt-financed CPA project, the acquisition of 20 Rogers Street at Crystal Lake, would be made in the current year, Fy17. She felt the program could support some new debt-financed projects, though she would also recommend dedicating something less than 30% of each year's funds to debt service.

The packet for this meeting included several financial reports that are regularly updated on the CPC's website: currently [Available Funds](#), a 5- and 10-year [Funding Forecast](#), and the [Community Preservation Plan](#), which compares the funding forecast and the CPC's target allocations to the list of known potential future proposals. In response to questions from Robertson and Sender, Ingerson said the current balance shown in the Comptroller's annual report to the state, also included in the packet, includes all funds not yet spent, including funds appropriated for projects still in progress. Ingerson omits these already-committed funds from the Committee's own [Available Funds](#) report.

In reviewing the [Active Projects](#) report, which is also regularly updated online, Ingerson noted that the Parks & Recreation Dept. had received 8 bids for the Newton Highlands Playground project. In short, more work might be completed with the available CPA funds than originally anticipated. She also reported that the WPA mural project was proceeding. She had visited the conservator, Hartmann Fine Art, in Carlisle, Pennsylvania. On his recommendation, the School Dept. had agreed to split the existing panels into smaller panels, which would be joined in the final installation. This would allow the mural to be moved from Pennsylvania already mounted to rigid panels, and to be moved through interior doors or to a new location easily and safely in the future, if needed.

### **approval of CPC minutes from 13 July 2016**

With noted corrections, Robertson moved and Sender seconded approval of the minutes as submitted. The minutes were approved 6-0. Peter Sargent abstained because he had not been a CPC member as of July.

### **working session on CPA and non-CPA funds**

Absent member Mike Clarke had asked to discuss possibly requiring written letters of commitment for non-CPA funding of City projects, as a condition for recommending CPA funds. Member Rick Kronish had asked the CPC to address the contrasting need to commit CPA funds early, to satisfy matching funds requirements for non-CPA funding. Kronish and Peter Sargent cited both low-income housing tax credits (LIHTC) and state historic tax credits as examples.

Ingerson explained that CPA funds appropriated for any non-City project go into a project-specific City account controlled by the Planning & Development Department. These CPA funds cannot be spent on any other project. Planning & Development then acts as the CPC's agent in executing and administering a legally enforceable grant agreement that includes the CPC recommendation's specific conditions for the initial or phased release of CPA funds, such as documenting the commitment of all non-CPA funding needed to complete the project; recording a permanent affordability or historic preservation restriction; submission of a final report to the CPC; and a completion or spending deadline, based on the details of the specific project, with provision for extensions by the CPC in response to a written request from the grantee. If a project has not moved forward after several extensions, the CPC can also decide against further extensions and instead require the funds to be returned, for use in new appropriations.

Jim Robertson said the CPC understood that CPA funds need to be “first in” for certain projects, partly to leverage funds from other sources. Robertson felt that the additional control offered by grant agreements gave the CPC a greater sense of comfort about recommending CPA funds early for non-City projects, before all needed non-CPA funds were confirmed.

Kronish and Sargent noted that the tax-credit process for housing projects might require a “first in” CPA commitment to last at least 3 years. Ingerson said this was comparable to some other CPA-funded projects. CPA funds for the [Durant-Kenrick](#) project had been released only 4 years after initial commitment, after Historic Newton had raised not only the non-CPA funds required by the CPC but also additional non-CPA funds they felt were needed to complete the project. Ingerson thought it might take just as long to raise the non-CPA funding required to release the full \$2 million in CPA funding now committed to the [Allen House](#) project.

In response to the discussion at the CPC’s July meeting about a submission schedule for the Newton Housing Authority’s Jackson Road project, Ingerson suggested adding to the CPC’s proposal guidelines the option for pre-proposals to request off-cycle consideration of a full proposal when the sponsor can demonstrate that this will help to leverage significant non-CPA funding. The Committee asked Ingerson to provide draft language for this change, for approval at the October meeting.

Ingerson then explained that CPA funds for City projects are appropriated directly to the control of the City department with custody of the funded asset. Ingerson monitors the draw-down of CPA funds and periodically updates the project’s status for the CPC’s online [Active Projects report](#), but the CPC cannot really impose or enforce conditions for the release of these funds. In this situation, Robertson shared Clarke’s concern that the CPC may lose the opportunity to leverage funds from other sources by making CPA funds “first in.” Beri Gilfix supported being much stricter about the use of CPA funds for City projects.

Ingerson summarized the options for City projects that the CPC had discussed in the past. These included voting on the CPA recommendation but not docketing or forwarding it to the City Council, until all promised non-CPA funds were confirmed. In all recent discussions, however, the CPC had preferred the third option of recommending less funding than requested, especially if the original request listed CPA as the sole or nearly sole funding source. This option should require finding additional funds from non-CPA sources, without delaying the CPC recommendation.

Ingerson noted that once a CPC recommendation is submitted to the Council, a City department can still opt to reduce the project’s scope to the work that can be done solely with the recommended CPA funds. By sense of the meeting, members agreed that this was not currently a major concern, and that the CPC could always take such past decisions into account when considering future requests for similar projects or from the same City department.

Ingerson suggested that CPC agreement to consider future requests was also the Committee’s primary leverage for obtaining final project reports from City departments. Grant agreements for non-City projects make receipt of this report a condition for releasing the final 10% of the CPA grant.

The Committee adjourned by consensus at 7:55 pm.