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Community Preservation Committee

MINUTES
30 April 2014

Candace Havens
Director

The meeting was held on Wednesday 30 April 2014 at 7:15 pm in Room 209 of Newton City Hall.

Community Preservation Committee (CPC below) members present: chair Joel Feinberg, vice chair Jim Robertson, Leslie Burg (arrived 7:30 pm), Mike Clarke, Beryl Gilfix, Tom Turner, Laura Fitzmaurice, and Don Fishman. Member Dan Green was absent.

Community Preservation Program Manager Alice Ingerson served as recorder.

Committee Business

Joel Feinberg and Alice Ingerson provided brief updates on current & anticipated proposals.

Feinberg explained that the working sessions for the City Archives Strategic Plan and City Hall Veterans' Artifacts proposals had been postponed to the next meeting, to give the City Clerk and City Archivist, as the sponsor of these two proposals, more time to submit the additional information requested by for each proposal at their public hearings in February, specifically: more evidence of interdepartmental support within City government for the archives plan, and more evidence of community support for the veterans' artifacts proposal. To date, for the archives project only a single very short additional email had been received, and for the veterans' artifacts only a single letter, from a visitor to City Hall. Ingerson noted that City Archivist Nancy Kougeas had worked hard to solicit additional letters for both projects, but her position is slightly less than half time, so her time is very limited.

Ingerson reported that the most significant obstacles to further progress for the Allen House proposal were clarifying the City's procurement policy, and therefore the cost of complying with that policy, , and determining the uses of the building, and therefore the Newton Cultural Alliance's (NCA) operating budget and final specifications for capital improvements to the building. Comments by the City's Chief Financial Officer and Chief Procurement Officer at some recent City meetings suggested that the policy currently posted on the CPC's website is not entirely accurate, so Ingerson has requested written corrections so the published policy can be updated. The Newton Cultural Alliance is still working on changes to their program for the building, and expects to be ready for a working session in June or July. Feinberg said that the CPC was prepared to resume discussions whenever the NCA was ready.

For the City Hall Accessibility proposal, Ingerson reported that Ted Callahan of the Public Buildings Dept. was working on what he had characterized as a "pre-proposal" in response to the CPC's request for the estimated total cost of making the War Memorial wing of City Hall accessible, including not only an elevator but an accessible exterior entrance and restrooms. Callahan had also indicated that Public Buildings believed the City's Design Review Committee and the relevant historic preservation bodies (Newton Historical and Massachusetts Historical Commissions) would not approve the exterior elevator, for which the CPC had requested an estimate. Beryl Gilfix, Mike Clark, and Laura Fitzmaurice asked Ingerson to re-emphasize the CPC's request for at least a rough estimate for an exterior elevator. Jim Robertson, Leslie Burg and Feinberg all agreed that the CPC's primary goal as expressed at the public hearing was to see an estimated cost for creating full accessibility, rather than

first installing an elevator and then seeking additional funds for other improvements required to meet accessibility requirements. Mike Clarke noted that a concern about this proposal was that it included essentially no matching funds from non-CPA sources.

Ingerson reported that she believed a full proposal for the Waban Hill Reservoir would not be ready for a public hearing with the CPC until after July. Ingerson understood from Katy Holmes in the Planning Dept. that the engineering assessment has been largely done but is not ready for publication. The property's value has not yet been appraised, but the state legislation allows the property to be sold only to the City of Newton and sets no deadline for Newton to determine its acquisition funding source. Clarke noted that the Parks & Recreation Commission had voted to accept this acquisition only with a maintenance plan and maintenance funding.

The minutes for 20 March 2014 were approved by a vote of 8-0, as moved by Leslie Burg and seconded by Beryl Gilfix.

Final Report for 54 Eddy Street (housing)

Josephine McNeil, Executive Director of the project's sponsor CAN-DO (Citizens for Affordable Housing Development in Newton), narrated some photographs showing improvements made to the 2-unit, 5-bedroom building, including a new high-efficiency heating system and kitchen renovations for both units, and a new, additional $\frac{3}{4}$ bathroom in the 3-bedroom unit, which occupies the 2nd and 3rd floors. Both units are now occupied by formerly homeless who meet the income restrictions in the original proposal (80% and 50% of the area median income). One family has two autistic children, which had made it especially hard for them to find permanent housing.

McNeil noted that the project had used both CDBG and CPA funds, as well as a private foundation grant and a loan from the Village Bank. Of the \$255,000 in CPA funds, \$11,427.69 remained unspent and would be returned to Newton's Community Preservation Fund. Following a comment by Feinberg, McNeil suggested that housing projects should always be evaluated on per-bedroom rather than per-unit costs, so comparisons could be based on the number of people housed. She felt the City's new procurement policy, which had applied only partially to this project, had increased the project's soft (management and carrying) costs by about \$6,500, partly by lengthening its timeline.

The Committee congratulated McNeil on completion of the project and thanked her for the report, which will be added to the project's page on the CPC website.

Current Proposals - Working Sessions & Possible Funding Votes

Farlow Park

CPA request \$476,780, total cost \$582,380

Feinberg thanked the Friends of Farlow Park for providing materials in the Committee's packet responding to the CPC's key concerns from the prior working session on 20 March 2014, particularly covering maintenance costs for the proposed pond and bridge improvements: written confirmation that the City would dedicate to the maintenance of Farlow Park any savings from substituting a well for the MWRA system as the water source for irrigating the Underwood School Playground; and a commitment by the Friends to incorporate as a permanent nonprofit, to raise community funds both for capital improvements and maintenance, and to hold these non-City maintenance funds for future

use. On behalf of the Friends, Keith Jones requested that the CPC vote on whether to recommend funding for the project at tonight's meeting.

In response to Gilfix, Jones confirmed that the Friends of Farlow Park had filed the required paperwork with the federal government to become an officially recognized 501(c)3 nonprofit organization.

Gilfix, Burg and Clarke were concerned that the updated 10-year operating budget included in the packet for this meeting was an average annual cost over the next 10 years, rather than as intended by the CPC proposal instructions, a year-by-year operating budget predicting increases over 10 years for particular expenditure categories. In response to Clarke, Ingerson noted that the submitted operating budget did detail the anticipated uses of the operating budget.

In response to a question from Ingerson, Feinberg suggested that the Committee saw the \$30,000 operating reserve as a minimum, in contrast to the Friends' proposal in the meeting packet to raise "up to" \$30,000 for this purpose.

In response to a question from Feinberg, Jones acknowledged that the Newton Corner Advisory Committee (NCAC) for Newton's CDBG program had recently recommended using \$75,000 from that program for the Farlow Park project. This recommendation was not included in the CPC's meeting packet and must still be approved by the Planning & Development Board, because these funds had originally been approved for other uses. If these CDBG funds were not approved, the Friends would solicit donations to make up that sum so the project could be completed. In response to Robertson, Jones also noted that if approved, these CDBG funds would reduce the community donations rather than the CPA funds needed.

Feinberg noted that spending CDBG funds for construction would impose federal Davis-Bacon wage requirements for the entire project, but using CDBG funds for design would not have this effect. Ingerson noted that only about \$45,000 was labeled as "design" in the budget as submitted. Jones felt that budget implicitly included at least \$75,000 of design costs, such as for the irrigation system, but Carol Schein (Open Space Coordinator, Parks & Recreation Dept.) explained that the irrigation system had already been designed.

Ingerson explained that any CPC funding recommendation for the project would only be forwarded to the Board of Aldermen once the total project cost had been confirmed, to ensure that a change in that total would not lead to a revised request for additional CPA funding.

Apart from this potential impact on total project costs, Ingerson asked whether the Committee cared about the balance of non-CPA sources. Feinberg felt the sources of the project's non-CPA funding did not really matter. Burg felt that this project was not an appropriate use of CDBG funds, which were intended to benefit low- and moderate-income households, because few such households lived within comfortable walking distance of Farlow Park.

Robertson was disappointed to see the proposed shift from private fundraising to CDBG for \$75,000 of the \$90,000 in non-CPA funding listed in the proposal. He felt that the Friends should be required to raise a minimum of \$90,000 in private donations. Feinberg, Gilfix and Burg agreed that the CPC did not see CDBG and funds from "community sponsors" as interchangeable, in part because they had been listed on separate lines in the original proposal.

On behalf of the Friends, Jay Walter felt that even with \$75,000 of CDBG funding, the total funds that would have to be raised from community sponsors should be enough to demonstrate to the CPC and the City the neighborhood's strong support for the project. As chair of the NCAC, Richard Belkin

explained that there were really no other projects before that committee, and that CDBG funds had already been used for another park in a lower-income part of Newton Corner. He reported that 15 out of 16 attendees at the most recent NCAC meeting, including residents of the neighborhood's lower-income areas north of the Massachusetts Turnpike, had enthusiastically supported allocating the \$75,000 to Farlow Park. Jones also felt that many lower-income households lived west of Centre Street and south of the turnpike in Newton Corner, near Farlow Park. Jones noted that the Friends had considered but rejected the idea of not requesting the \$75,000 in CDBG funding until after a CPC vote, because they believed a NCAC vote in favor of this funding would demonstrate neighborhood support for the project to the CPC. Jones and Jay Walter felt strongly that the CPC should not impose any requirements on the balance among sources for the project's non-CPA funding. Jones reported that at open office hours just before this meeting, Mayor Warren had responded carefully to a request for his view of CDBG funding for Farlow Park but had stated that he looked favorably on the project.

As another member of the Friends, Maureen Mercer O'Hare felt that this discussion of CDBG funding had taken attention away from the central issue of CPA funding for the project. Based on her past success with fundraising in Newton Corner, she was confident the neighborhood could raise the required funds to complete the project, with or without CDBG funding. Belkin said the CPC could leave an important legacy in Newton Corner by recommending the requested CPA funding.

In response to a question from Jones, several members of the Committee confirmed that the CPC resolution would assume the provisions for control and use of the \$30,000 operating reserve as stated in the Friends' submission: "These monies will be held in [the Friends'] account to be used for the following: (1) Cost overruns; (2) Future projects such as plantings and other ancillary needs such as new benches; (3) Emergency Maintenance, if Friends of Farlow Park determines the City of Newton has failed to fulfill its maintenance commitment." Members of the committee agreed with Ingerson that holding these funds was a primary reason why the CPC had asked the Friends to become a permanent 501(c)3. In response to Ingerson, Jones and Walter agreed that these funds could be called an "operating reserve."

In response to a question from O'Hare, Ingerson explained that any CPA funds appropriated by the Board of Aldermen would be held in a specific account for this project until the other funds needed had been raised. These CPA funds would be fully committed and could not be spent on anything else while the fundraising proceeded.

Committee members then discussed for several minutes whether the operating reserve would be the funds left over from the \$89,000 from "community sponsors" after covering any gap between the combination of CPA and CDBG funding and total project capital costs; or whether instead the operating reserve must be a minimum of \$30,000. Robertson, Burg and Robertson felt the resolution should require the latter.

Feinberg summarized the resolution as supporting the requesting \$476,780 in CPA funding with the following conditions: a minimum \$30,000 operating reserve, to be held by the Friends of Farlow Park; at least \$89,000 from community sponsors, as distinct from either CDBG or CPA funding, for capital costs; with the understanding that the \$89,000 could include the \$30,000; and that no CPA funds would be released until all other funds required to complete the project's capital improvements as proposed have been raised.

Gilfix and Clarke felt that the Friends of Farlow Park should be required to keep the operating reserve at \$30,000, replacing any funds spent. Clarke also felt that the Parks and Recreation Dept. should be

required to commit to certain “performance standards” for park management, so they would be careful about committing to capital projects they could not then maintain. After some discussion, the Committee as a whole agreed it was not appropriate to require additional future fundraising for operating support beyond the current minimum \$30,000.

Newton resident Guive Mirfendereski felt it was inappropriate to require residents to raise funds in addition to their regular taxes and CPA surcharge for the maintenance of Farlow Park. Robertson, Clarke and Feinberg said the CPC had required similar non-CPA matching for other projects. Robertson noted that the non-CPA match for Farlow Park was a much smaller proportion of current and anticipated future costs than the Parks & Recreation Dept. had proposed, and the CPC had required, for the Newton Highlands Playground. Clarke noted that private groups regularly raise the funds required to maintain and renew many playing fields in City parks.

In response to a question from Robertson, Ingerson noted that the CPC would have a chance to correct any errors in her understanding of the conditions included in their funding vote when commenting on her draft of their funding recommendation to the Board of Aldermen. Substantive changes or additions to those conditions would require further discussion at a public meeting of the CPC.

VOTE Clarke moved, and Robertson seconded, a motion to recommend that \$476,780 be appropriated from Newton’s Community Preservation Fund for the Farlow Park Pond and Bridge project, to be released once the Friends of Farlow Park raise from non-CPA sources all additional funds required to complete the project and to create an operating reserve of not less than \$30,000, to be held by the Friends; with at least \$90,000 of non-CPA funds raised from community sponsors and the Newton Corner Neighborhood Association, as shown in the fall 2013 proposal.

The motion was approved by a vote of 8-0.

Ingerson asked that the Committee pause so the proposal sponsors could applaud this result, which they had worked toward for the past 9-plus years.

Historic Burying Grounds;

CPA request \$208,007, total cost \$276,210

Cindy Stone summarized how the revised proposal responded to the concerns the CPC had expressed at the public hearing for this proposal. Frank Nichols of the Engineering Division in the City’s Dept. of Public Works was now listed as the project manager, rather than Stone herself. In consultation with Forestry Director Marc Welch, the tree work that the CPC had felt was mostly maintenance had been reduced to the two trees that must be carefully removed in order to repair tombs, because these trees were actually growing through tombs.

Ingerson summarized changes in the project budget and CPA request, which included significant cost and scope reductions for the tree work.

Stone also noted that the proposed tomb repairs had been prioritized, and that Historic Newton would pursue a \$50,000 grant from the Massachusetts Historical Commission (MHC) for the lower-priority tombs. If that MHC grant is received, it would be used for this additional work. In the meantime, any CPA funds received would be used for the most urgent repairs. Stone explained that the scope of work had been broken down as much as possible for bidding purposes, so as much of the work would be done as allowed by the funds appropriated.

On behalf of Historic Newton’s Burying Grounds Committee, Harry Lohr described the continuing effort by volunteers to maintain all three burying grounds. During Newton Serves the preceding Sunday, volunteers at each site had shared their sense that all three burying grounds looked better now than they ever had. Lohr also felt the Parks and Recreation Dept. was now doing a better job of

maintaining the sites than it had in the past. The results of this CPA funding should last at least a century.

In response to Ingerson, Stone could not estimate how many more years or dollars of CPA funding might be requested for the Burying Grounds, but she felt work at the South Burying Ground was now complete, except for a fence; and the current proposal would nearly complete all the work needed at the East Parish Burying Ground.

Stone noted that others present included Carl Cohen, Board President of Historic Newton, as well as Sheila Donahue and Marietta Marchitelli of that organization's Burying Grounds Committee.

Alderman Brian Yates endorsed Frank Nichols as the project manager, based on his work for previous, CPA-funded work at the South Burying Ground, and on the Newton Upper Falls Greenway, which did not use CPA funds.

Clarke felt a detailed maintenance plan should be a condition of additional CPA funding of restoration at these sites. Ingerson projected the year-by-year 10-year operating budget from the original proposal, which included primarily Parks & Recreation Dept. staff time for grass mowing and removal of fallen leaves and shrubs; Historic Newton staff time for site monitoring; and the imputed value of volunteer time for site cleanup, including pickup of trash and fallen branches, and hand trimming of vegetation around tombs and gravestones. To prevent a repeat of damage caused in the past, Parks and Recreation now keeps mowers and string trimmers farther from the stones and tombs.

In response to Fitzmaurice, Burying Grounds committee member Jane Galli explained that one future phase of the project was intended to provide more inviting fencing and access points to all the burying grounds, including replacement of the current chain link fences. In response to Ingerson, Stone noted that the preservation listserv had recently included a discussion of keeping fences at historic cemeteries clear of vegetation.

Gilfix and Clarke described the late Thelma Fleishman's critical contributions in drawing attention to Newton's Historic Burying Grounds when they had been virtually abandoned.

VOTE Burg moved, and Gilfix seconded, a motion to approve the \$208,700 of CPA funding requested for this project, subject only to the usual conditions for regular reporting and return of any unspent funds to Newton's Community Preservation Fund.

The motion was adopted by a vote of 8-0.

Ingerson noted that the Committee appeared to be on a path toward approving all funding requests submitted in fy14. Feinberg pointed out, however, that the CPC had asked for significant revision or additional work on several proposals, so if funds were eventually approved for these projects, those funds would be appropriated in fy15 at the earliest.

The meeting was then adjourned by committee consensus at 9:20 pm.