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Community Preservation Committee

MINUTES

12 September 2013

Candace Havens
Director

The meeting was held on Thursday 12 September 2013 at 7:05 pm at the Newton Senior Center, 345 Walnut Street, Newtonville.

Community Preservation Committee (CPC) members present: Leslie Burg, Jim Robertson, Nancy Grissom, Thomas Turner, Michael Clarke, Don Fishman (arr. 7:25 pm).

Also attending: from the Newton Parks and Recreation Department, Commissioner Bob DeRubeis and Open Space Coordinator Carol Schein; and from the Friends of Farlow Park, Chairman Keith Jones.

PRE-PROPOSAL

Farlow Park

Carol Schein noted that the Parks and Recreation Dept. had submitted a revised pre-proposal for this site, adding the restoration/rehabilitation of the bridge to the original pre-proposal's restoration of the historic ornamental pond. The revised pre-proposal includes only construction for the pond, but both design and construction for the bridge. Schein is listed as the project manager for now, but if the project were to be funded, the Parks Department would hire an independent, contracted project manager. DeRubeis noted that the Parks and Recreation Commission had previously approved only the pond restoration, but would discuss the bridge the following Monday. Such approvals normally require two of the Commission's monthly meetings, but in this case might take a bit longer.

Leslie Burg commented that the project description section on page 1 of the pre-proposal was a well-written history of the site, but asked that page 1 in the full proposal provide instead a succinct description of the concrete work to be done with CPA funds.

In response to Jim Robertson, Schein and Keith Jones noted that the previously appropriated CPA funds for the site had funded a safety study for the pond. After surveying ornamental ponds in many other historic landscapes around the Northeast, including the Perkins School for the Blind, the consultant found none with fences. DeRubeis noted that there were no fences around other bodies of water in Newton near schools and playgrounds, such as Cheesecake Brook. Jones explained that the Mayor's Community Development Block Grant (CDBG) Newton Corner Advisory Committee had recommended setting aside \$10,000 for a fence around the parking lot and tot lot at Eliot Church, which includes the Parkside Nursery School, but for now, the nursery school director had indicated she preferred not to have such a fence, for visual reasons.

In response to Nancy Grissom, Keith Jones and Jay Walter explained that Walter had created a preliminary design for the bridge on behalf of the Friends of Farlow Park. The design called for a concrete and steel bridge, intended to be maintenance-free. Ingerson urged the Parks Department to confirm with the Newton Law Department whether the bridge was considered a "vertical structure," and thus subject to the City's designer selection and design review process, or a "horizontal structure," which could be designed under one of the City's standing "on-call" contracts with an engineering firm. In either case, she wondered if the only way for the Friends of Farlow Park to ensure that a specific design would be built was for them to donate the design and engineering work after funding that work privately. This raised several issues. For example, the new bridge

needed to differ from the historic one not only by being wheelchair-accessible, but perhaps also by ensuring its railings had no open spaces large enough for children to put their heads through. After further discussion, the sense of the meeting was that it was best not to rely on “donated engineering,” but for the Friends of Farlow Park to play a strong advisory role in designing the bridge.

Ingerson noted that the CPC’s *Funding Guidelines* discouraged requests for construction funding that were not based on completed designs and professional cost estimates. In this case, those prerequisites were available for the pond but not yet for the bridge. Walter urged the CPC to consider a single funding request for all phases of the project. Schein thought the bridge design could be bid out/contracted for separately, then construction for both features could be bid as a single contract.

In response to Grissom, Jones explained that the limited maintenance/operating budget in the pre-proposal covered one pump to serve both the historic pond and irrigation for the Underwood School playground. DeRubeis said the Parks and Recreation Dept.’s operating budget includes funds to replace similar pumps on a rotating basis at their facilities throughout the city. This would be the 20th well/pump combination on their list.

Grissom and Burg agreed that the pre-proposal’s \$11,000 in non-CPA funding, including \$10,000 of CDBG funds, seemed low. In response to Grissom, Ingerson confirmed that the CPC could make release of any CPA funds appropriated for the project contingent on meeting a specific fundraising target for non-CPA funds, as they had for the Durant-Kenrick project. Jones felt comparisons with Durant-Kenrick were inappropriate, because that project had raised over \$2 million and had hired a professional fundraiser. Jones also felt the Friends of Farlow Park could not raise non-CPA funds until the CPC not only agreed to consider a full proposal but gave the full project a “green light.”

Grissom, Robertson, and Burg felt at least 20 percent of project costs could probably be covered by non-CPA funds. They encouraged the Friends to include in the full proposal, for further discussion, a fundraising target they felt was reasonable. Jones believed the CDBG Newton Corner Advisory Committee could find additional federal funds for the project, since many members of that Committee also belong to the Friends of Farlow Park. Maureen O’Hare Mercer explained that 20 years ago, the neighborhood had raised \$150,000 for the Underwood Playground, more than had ever been raised before for a school playground anywhere in the City. At that time, many nearby owners were restoring and upgrading their historic homes, but many of those projects have now been completed, with a resulting increase in neighborhood property values. Mercer felt the neighborhood’s fundraising capacity had probably also increased. Robertson and Burg were glad to hear this, as it agreed with their own assessment.

In response to Ingerson, Jones acknowledged that donations to the Friends of Farlow Park could not be tax-deductible, because that group is not a 501(c)3 nonprofit; nor is the Newton Corner Neighborhood Association. He thought donations might be solicited instead to a special account of the Underwood School Parent-Teacher Organization, which is a 501(c)3.

Burg clarified that, unless the Friends of Farlow Park included members from well outside the immediate neighborhood, the CPC would like the “community contacts” on page 2 of the full proposal form to list at least 2 people who were not Friends of Farlow Park. Jones noted that the Friends still have the same 8 members as in 2004, 5 of whom were present at tonight’s meeting. Jones also explained that the Friends had begun soliciting new letters to address the CPC’s request for evidence of support from outside the neighborhood. Burg explained that the CPC appreciated this effort but could not read new letters at tonight’s meeting. Mike Clarke noted that the Newton Conservators Board had voted the previous evening to support the project. Grissom suggested

soliciting the support of Aldermen other than those representing Ward 1, and from the Newton Historical Commission. Jones noted that the Friends had already made many past presentations to City departments and other organizations. Burg understood that the prospect of repeating this work might be discouraging, but she noted that many people – including new CPC members – needed this information because the project was new to them. For example, Grissom remembered being excited when she first saw a proposal for this project, but since she was now leaving the CPC, she could not vote on the new proposal.

Burg pointed out that the neighborhood's efforts to have the pond and bridge restored long predated Newton's adoption of the CPA, as shown by a quote Ingerson had included in the pre-meeting packet, from the neighborhood's 1982 nomination to the National Register of Historic Places.

Robertson agreed that the project could be "terrific," though he was not sure winter skating was realistic. He would be more comfortable supporting the project with something like 80 rather than 100 percent CPA funding. In response to Robertson, DeRubeis explained that although Farlow Park is not his department's highest recreation priority per se, it is their highest historic landscape priority, largely as a result of the neighborhood's years of effort and support.

Finally, the Committee reviewed and confirmed Ingerson's draft list of attachments required for a Farlow Park full proposal. The CPC agreed that the proposal did not need to submit the usually required historic resources attachments, as the project's CPA eligibility had already been established by its previous proposals and CPA funding. Ingerson encouraged the proposal team to approach the City's Commission on Disability and the Newton Historical Commission for approval, if needed, and if not, then for letters of support.

VOTE In response to a motion by Grissom, seconded by Clarke, the Committee voted 6-0 to consider in the fall 2013 funding round a full proposal for Farlow Park that responds to the issues raised in tonight's discussion, including a target amount of non-CPA matching funds.

PROGRAM PLANNING & EVALUATION

Program Finances Ingerson distributed a new version of the "available funds" report, which she includes in each CPC meeting packet and posts on the website (from *Reports & Presentations – Current Status Reports*). The new report provides a 3-year context for pending funding requests and decisions, including comparisons with the CPC's target ranges and cumulative totals for the percentage of funds allocated to each CPA-eligible resource. She felt that the primary benefit of these percentages might be encouraging applicants with a long list of pending proposals, such as the City's Parks and Recreation Dept., to "triage" their requests before submitting them to the CPC. Robertson commented that the Committee should not really focus on the year-by-year balance among resources, but on the long-term trends.

Ingerson also reported that in August she had asked Newton's Chief Financial Officer, Maureen LeMieux, in August, for her advice on debt financing and expected interest rates. Since fy14 is the last year of debt service for Kessler Woods, Ingerson thought the Committee might want to consider debt financing for a few new projects, even if the Community Preservation Fund had adequate cash on hand for direct funding. However, LeMieux had advised spending the Fund's cash on hand first, then bonding future projects only when or if that was necessary.

The Committee then discussed whether and how it could decide how much of the current, relatively large fund balance to allocate in this next funding round, versus how much of it to retain for future

use. Robertson noted that, in the absence of clear long-range priorities from proposal sponsors, the Committee simply had to assume that the proposals in front of it were each sponsor's highest priorities. Ingerson noted that the Board of Aldermen had strongly criticized the suggestion in the *CPC Funding Guidelines* that sponsors combine individual projects into multi-year plans or "programs." Robertson noted that it would save time and money to hire a single, contracted manager to handle several projects. Burg agreed, but felt the Aldermen would not support this.

Funding Conditions for City Projects Ingerson also reported that, in another August meeting, the Newton Law Dept. had approved the inclusion in CPC recommendations for funding to City departments a few basic "conditions" that had traditionally been included in recommendations for funding to private organizations, including: expected major project outcomes, which could only be changed with the explicit approval of the CPC; a completion deadline and procedure for granting extensions; prerequisites for the release of CPA funds (such as meeting a specific target for non-CPA funds raised); and submission and presentation of a final report to the CPC as a prerequisite for drawing down the final 10 percent of grant funds.

Procurement Policy for Private Grantees The Committee then discussed the draft procurement policy included in the packet, requiring private organizations receiving Newton CPA grants to bid and purchase goods and services through the City's Purchasing Dept., even if the purchases would be made with non-CPA matching funds. Ingerson felt that the Purchasing Dept.'s intention had probably been to require the City Law Dept. to write all "grant agreements" between the City and the grantees, rather than all "contracts" between the grantee and its contractors, as stated in the draft. If the Chief Purchasing Officer agreed, she would make this change before posting the policy on the CPC website. Turner, Burg, Grissom and Robertson expressed concern that the new policy would make projects more expensive, increase the public funds requested, and make it more difficult for community groups to raise any private, non-CPA funds required by the CPC as a match for CPA funding. Grissom worried that the Purchasing Dept. might not have adequate staff to manage all of this work.

In response to Robertson, Ingerson said that the first proposals to be affected by the policy would be Myrtle Village, Allen House, and the next CAN-DO housing proposal. By sense of the meeting, the Committee agreed to assess the policy's impacts, positive or negative, based on the experience of these projects. Ingerson pointed out that the policy allows grantees to propose for approval by the Purchasing Dept. alternative, lower-cost or lower-impact ways of achieving the policy's goals. It also requires accepting the "lowest responsive and responsible bid," which makes it very important for grantees to write their requests for bids carefully, to screen out unqualified bidders.

Review Process for Housing Proposals Burg and Ingerson reported on two meetings convened by Candace Havens, the City's Director of Planning and Development, about potential changes in Newton's review process for affordable housing proposals. These meetings had included representatives of the Newton Housing Partnership, the Fair Housing Committee, and the Planning and Development Board, as well as Joel Feinberg, Leslie Burg and Ingerson for the CPC. Much of the discussion had focused on possible requirements for direct notification of abutters, community meetings, and the submission of written public comments. No specific new policy had yet been proposed, but Havens had suggested that the Planning & Development Board consider keeping its public hearings on housing proposals open for approximately 1 month, for the submission of written comments, prior to voting on whether to recommend the use of Newton's federal funds.

Ingerson noted that the public was notified in multiple ways of all potential and submitted proposals to the CPC. The minimum time between notice of a pre-proposal discussion at a CPC public meeting, and a full Board vote on whether to appropriate funds recommended by the CPC, is about 8-10 weeks. The average time is closer to 4-6 months. Turner, Grissom, Robertson, Burg and Clarke all expressed concern about adding any steps to the CPC process that are not required by the Community Preservation Act, that could be time-consuming and expensive for proposal sponsors, and that could make program administration more complex.

In advance of receiving any specific new policy for consideration, Ingerson asked the Committee to think about whether it would want to implement such a new policy for housing proposals only, or for all proposals. Using the same process for all proposals seemed fair but might also have differential impacts. For example, direct notification of abutters might encourage more active participation by project opponents for housing proposals, but by project supporters for historic resources, recreation or open space proposals.

COMMITTEE BUSINESS

Ingerson noted that the Board of Aldermen had recently approved the Mayor's appointment of Beri Gilfix as Nancy Grissom's successor on the CPC (historic resources, ward 3 or 4). The Committee thanked Grissom for her more than six years of dedicated service.

In the context of the housing process meetings above, the CPC agreed by sense of the meeting to hold a joint public hearing with the Planning & Development Board on the revised proposal for **Myrtle Village (housing)**, subject to the P&D Board's agreement. The hearing was tentatively scheduled for 4 November 2013. The CPC also canceled its regular meeting on 14 November 2013.

Election of CPC officers for Fy14

VOTE In Feinberg's absence, Burg noted that he had volunteered to serve as CPC chair for 2013-14, and that Robertson had agreed to serve as vice chair. Burg nominated, and Fishman seconded, this slate, which was elected unanimously, 6-0.

Minutes for 24 July 2013 After Grissom's motion was seconded by Robertson, these minutes were approved as submitted by a vote of 6-0.

The meeting was adjourned by committee consensus at 8:40 pm.