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Candace Havens
Director

Community Preservation Committee

MINUTES

28 February 2012

The meeting was held on Tuesday 28 February 2012 in Newton City Hall, Room 202.

Community Preservation Committee (CPC) members present: Leslie Burg, Joel Feinberg, Wally Bernheimer, Zack Blake, Michael Clarke, Nancy Grissom, Thomas Turner, Dan Green (arr. 7:20 pm).
Absent: Jim Robertson.

Program manager Alice Ingerson served as recorder.

Committee Chair Leslie Burg opened the meeting at 7:07 pm.

COMMITTEE BUSINESS

Program Finances

Alice Ingerson provided a brief review of currently available funds, of the funding forecast through fy17, and of discussions at prior Committee meetings and 10th anniversary events about whether & how the Committee should set basic guidelines for allocating funds among the CPA-eligible resources, which could then be revised periodically. Chair Leslie Burg urged Committee members to think carefully about this issue in preparation for a longer discussion at a future meeting. Ingerson's presentation is attached at the end of these minutes.

PROPOSALS & PROJECTS

MYRTLE VILLAGE, 12 and 18-20 Curve Street, West Newton (housing)

Shelby Robinson and Howard Haywood presented the project's context in the Myrtle Baptist Church neighborhood, where significant numbers of homes were taken by eminent domain in the early 1960s for Mass Turnpike construction, and which was added to the National Register of Historic Places in 2008. They also introduced the rest of the project team: Myrtle Village LLC as the developer, Newton Community Development Foundation as the development consultant, and Angelo Kyriakides as the architect. The project would use a combination of private, federal (CDBG) and CPA funds to produce 7 units of affordable housing, ranging from 1 to 3 bedrooms, for households from 50 to 85 percent of the area median income, including 1 fully wheelchair-accessible unit and two "visitable" units. This presentation is online from the "Proposals & Projects" page of the Program website (www.newtonma.gov/cpa).

The chair then called on the public for comments.

website www.newtonma.gov/cpa

contact Alice E. Ingerson, Community Preservation Program Manager

email aingerson@newtonma.gov *phone* 617.796.1144

Mr. Michael Lepie noted that he had been following affordable housing in the City for several years, and was especially interested in the dollars and cents. He asked who would receive the various fees listed in the development budget, for: project manager, architectural services, development consultant, and developer fee, and asked what happened to the developer fee if the project ran over or under budget. He believed that this fee was sometimes taken from project grants before other project costs were paid. He also asked why some of the units in the Myrtle Village project would not count toward the state (DHCD) affordable housing inventory.

The project team answered these questions as follows: Angelo Kyriakides is both the project manager and the architect; he will provide the design and manage construction. Newton Community Development Foundation (NCDF) is the development consultant and will steer the proposal through the funding and permitting process. Myrtle Village, LLC will receive the developer fee, which will be “at risk” to cover any project costs that exceed the budget. Any part of the fee retained will go into the project or to support future LLCs formed for other affordable housing development projects in the neighborhood; none will go back to Myrtle Baptist Church. All units in the project will eventually count on the state affordable housing inventory, but any units designated for current tenants – to meet the City’s non-displacement policy goals – would be added to that inventory once the current tenants left, when new tenants for those units could be selected by lottery.

Andrea Kelley shared comments from the League of Women Voters, which supported the proposal because it fit both Newton’s *Comprehensive Plan* and the CPC’s *Funding Guidelines & Priorities*. The League’s committee of readers endorsed the proposed mix of units, its “smart growth” location; its architecture -- which they felt fit in with the neighborhood; and its balance of funding sources. They felt the church parking lot was under-utilized, and hoped the Zoning Board of Appeals would approve its proposed use to provide off-site parking for this project. They were glad to see Newton Community Development Foundation involved. They felt the 8% developer fee was low. The League readers urged the project to aim for affordability in perpetuity, for all units. The League’s questions were: could the \$300/unit annual replacement reserve be increased; why were the per-unit construction costs so high, given the project’s low acquisition costs; would it be cheaper to demolish the existing buildings and use all-new construction – and would this option be allowed by the Newton Historical Commission; would the project would seek an Energy Star or LEED rating; and could more private funds be raised toward the project.

In response, NCDF Board member Bob Engler explained that the project team considered the budget reasonable for both construction costs and replacement reserves. He explained that any developer fee retained by the LLC could be used to supplement the budgeted replacement reserve, as needed. Architect Angelo Kyriakides explained the project’s “green” features, including the use of renewable, recyclable, and repairable flooring and kitchen counters, Energy Star appliances, and insulation that will exceed Newton’s new “stretch” energy code.

Fran Godine said the Newton Congregations interfaith organization, which has members all over the city, wholeheartedly supported the project.

Rob Caruso, co-chair of the Commission on Disability, said the Commission also supports the project, which reflects careful thought and provides both accessibility and visitability, which are important.

Phil Herr reported that the Housing Partnership applauded this project, and that the project team had been very responsive to the Partnership’s questions. They feel this project sets a standard that other projects will find difficult to match.

Rob Muollo, Housing Planner for the City, reported that the Planning & Development Board had approved CDBG funding, contingent on guaranteeing the project's affordability in perpetuity via a regulatory agreement involving the state Dept. of Housing & Community Development, and on providing the off-site parking through an easement rather than a lease.

In response to a question from Dan Green, Ingerson explained that as noted in the proposal, the project would require a Comprehensive Permit, to provide exceptions to current zoning for both land use and parking requirements.

Wally Bernheimer asked for clarification about the project's budget assumptions for replacement reserves and vacancy rates. Engler explained that these assumptions were based on those used by the Mass Housing Partnership, a state agency that funds affordable housing. In response to Bernheimer's request, Jeanne Strickland of NCDF agreed to provide a copy of the articles of organization for Myrtle Village LLC, to clarify the relationship between the LLC and Myrtle Baptist Church.

At Mr. Lepie's request, the CPC chair called on him a second time but asked that he keep his additional comments short. He also felt that the project should cover its own replacement and maintenance costs, and noted that Warren House, an apartment building operated by NDCF, had received CPA funds for the preservation and rehabilitation of its roof. Wally Bernheimer felt that the Warren House project and this housing project were not comparable.

Ingerson reminded the Committee that they needed to identify the key outcomes they expected from a CPA grant, as guidance to staff and the project manager; unlike minor changes to the project, changes in those key outcomes would require CPC approval. She also noted that if the CPC recommended and the Board of Aldermen voted to appropriate CPA funds, that commitment would be contingent; no CPA funds could be released until the project had its Comprehensive Permit.

Bernheimer moved recommending the requested \$938,063 of CPA funding for this project, subject to a requirement to double the replacement reserve in the operating budget, and a corresponding reduction in the net operating income to the LLC. Members Dan Green and Joel Feinberg endorsed this suggestion. Engler explained that the replacement reserve was slightly higher than the industry standard, and felt that it was important to retain flexibility, rather than pre-commit funds to specific purposes 20 years in advance. He also felt that much of this project would be new construction, which should not need major items replaced within the first 20 years. Members Zack Blake and Leslie Burg preferred giving the LLC the flexibility to decide how to use its operating income. Green suggested that the CPC require any positive difference between budgeted and actual maintenance in a given year be put into the replacement reserve.

Joel Feinberg confirmed that the budget showed an amortizing mortgage for 25 years at a fixed-rate. He felt the project could be refinanced that far in the future. Engler agreed, and confirmed that if the actual loan interest rate was lower than the budgeted 6%, the savings would go into the project.

Feinberg suggested that the CPA grant agreement require perpetual affordability, a larger replacement reserve, and an annual accounting of project income and costs, with continued monitoring and enforcement. Engler and Muollo explained that the project's CDBG funding was contingent on a three-way regulatory agreement among the LLC, the City that would require perpetual affordability. The City will hold a mortgage to ensure compliance and will monitor the project annually. Engler also noted that the state will require an annual audit of the project's finances by a certified public accountant, with a copy sent to the City.

VOTE Dan Green seconded the motion by Wally Bernheimer to recommend the requested \$938,063 of CPA funding for this project, subject to the usual conditions in CPC recommendations for all housing projects.

The Committee approved the motion unanimously, 7 to 0.

Member Jim Robertson was absent. Member Thomas Turner is also a member of Myrtle Baptist Church and therefore stepped back from the table and did not participate in the discussion or vote on this item.

Ingerson will circulate a draft recommendation to all CPC members for correction before forwarding it to the Board of Aldermen.

The chair closed the public hearing at this point, and the committee took a 5-minute break so the many people who had come strictly for this item could leave the room.

COMMITTEE BUSINESS continued

Meeting on the CPA and Newton's Capital Improvements Plan

Chair Leslie Burg reported on the February 27th meeting she, Feinberg, and Ingerson had attended with the Mayor, Newton Chief Operating Officer Bob Rooney, and Newton Planning and Development Director Candace Havens to talk about the City's capital needs and the CPA. Nancy Grissom pointed out that she and Wally Bernheimer had a similar meeting with the Mayor and Mr. Rooney a couple of years ago.

In response to a question from Ingerson, the Committee re-confirmed that all future projects for City-owned resources should come through the CIP, rather than as separate, individual proposals. At the meeting with the Mayor, Burg had asked the City to present a 2-3 year multi-project list or "program" pre-proposal to the CPC. Burg felt the City staff understood that limited funding was available. The Mayor had suggested making the December 2012 final 10th anniversary event a gala and inviting a prominent guest speaker, such as the governor. The Mayor wanted to present Newton's CPA program as a statewide model, and to draw a larger audience. Blake and Burg felt the event should also highlight the key role played by staff in Newton's program.

Bernheimer felt that the CPA should not be just a source of funding for City projects, but should reserve funds for other purposes, such as the presentation made by CPC member Michael Clarke to the Parks and Recreation Commission about the sole remaining building from the Newton almshouse, off Winchester Street. Such a project might never rise to the top of the City's capital priorities. Burg felt the City's new Capital Improvements Plan was very well done, but that the CPC did not have to fund everything the City presented. She had emphasized at the meeting that the chair and vice-chair could not make commitments on behalf of the Committee.

Schedule for Off-cycle Pre-proposal (Civil War Monument)

Ingerson asked whether the CPC was willing to discuss an expected individual pre-proposal for the City-owned Civil War Monument at its March 27th 10th-anniversary event. After some discussion, the Committee agreed to hold that discussion at 7 pm and start the anniversary presentation at 7:30 pm. All members agreed with Blake's suggestion that this would be the last individual, off-cycle pre-proposal for a City project to be considered; all future proposals must come through the CIP, as part of an annual list or program.

Biennial Report for Fy11-12

After discussion, the Committee agreed to Ingerson's proposal to publish a combined biennial report for fy11 and fy12, rather than the traditional separate annual report for each year, because so few projects had been funded in each of those two years – in fy12 by the Committee's deliberate choice, to allow time for longer-range planning inspired by the program's 10th anniversary.

Fy13 Program Budget

Ingerson then presented a draft fy13 program budget, which is attached at the end of these minutes.

VOTE Wally Bernheimer moved and Nancy Grissom seconded approval of the draft budget, which was approved by a vote of 8-0.

Blake noted that the state match might decline more than forecast in the draft budget, but Bernheimer and Grissom thought the real estate market was picking up, and forecasts based on current data might turn out to be too pessimistic.

Preservation Guidelines

Grissom shared draft portions of the preservation design guidelines now being completed with partial funding from the CPC's administrative budget. She announced that there would be a public meeting about these guidelines on March 29th, and that the project should be completed soon after that date.

December 2011 & January 2012 Minutes

Nancy Grissom moved and Michael Clarke seconded approval of the minutes, with corrections noted by Dan Green, for 6 December 2011 & 24 January 2012. The minutes were approved unanimously by all members who had been present at each meeting.

By Committee consensus, the meeting was adjourned at 9:05 pm.

28 February 2012
Community Preservation Committee

Funding Overview



Newton, Massachusetts
Community Preservation Program
www.ci.newton.ma.us/cpa

updated 26 January 2012, A. Ingerson

City of Newton, Massachusetts Community Preservation Fund		Fiscal 2012
AVAILABLE FUNDS		approved fy12 budget
REVENUE		
local CPA surcharge		\$2,412,317
state matching funds		\$517,766
additional local revenue:		
fund balance		\$4,231,027
TOTAL REVENUE		\$7,161,110
EXPENDITURES		
PROGRAM ADMINISTRATION & DEBT SERVICE		
program administration <i>(max 5% of current-yr funds)</i>		(\$145,472)
debt service for Kessler Woods <i>(final payment in fiscal 2014, allocated to use 100% of open space reserve + some funds from general reserve)</i>		(\$540,750)
debt service for 20 Rogers St. <i>(final payment in fiscal 2017, allocated 100% to recreation / general reserve)</i>		(\$317,156)
TOTAL Program Administration & Debt Service		(\$1,003,378)
AVAILABLE FUNDS after program administration + debt service		\$6,157,732
NEW PROJECT APPROPRIATIONS by Board of Aldermen		
in FISCAL 2012		
Open Space Plan		(\$4,000)
TOTAL New Appropriations		(\$4,000)
AVAILABLE FUNDS after new appropriations to date		\$6,153,732

updated 26 January 2012, A. Ingerson

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CPC RECOMMENDATIONS PENDING with Board of Aldermen	
Museum Archives <i>(construction funding request)</i>	(\$461,602)
TOTAL Recommendations Pending	(\$461,602)
AVAILABLE FUNDS if all pending recommendations were funded in full	\$5,692,130
Pre-PROPOSALS & PROPOSALS submitted to CPC	
Myrtle Village Pre-Proposal	(\$938,063)
TOTAL Proposals Submitted	(\$938,063)
AVAILABLE FUNDS if all submitted pre- & full proposals were funded in full	\$4,754,067

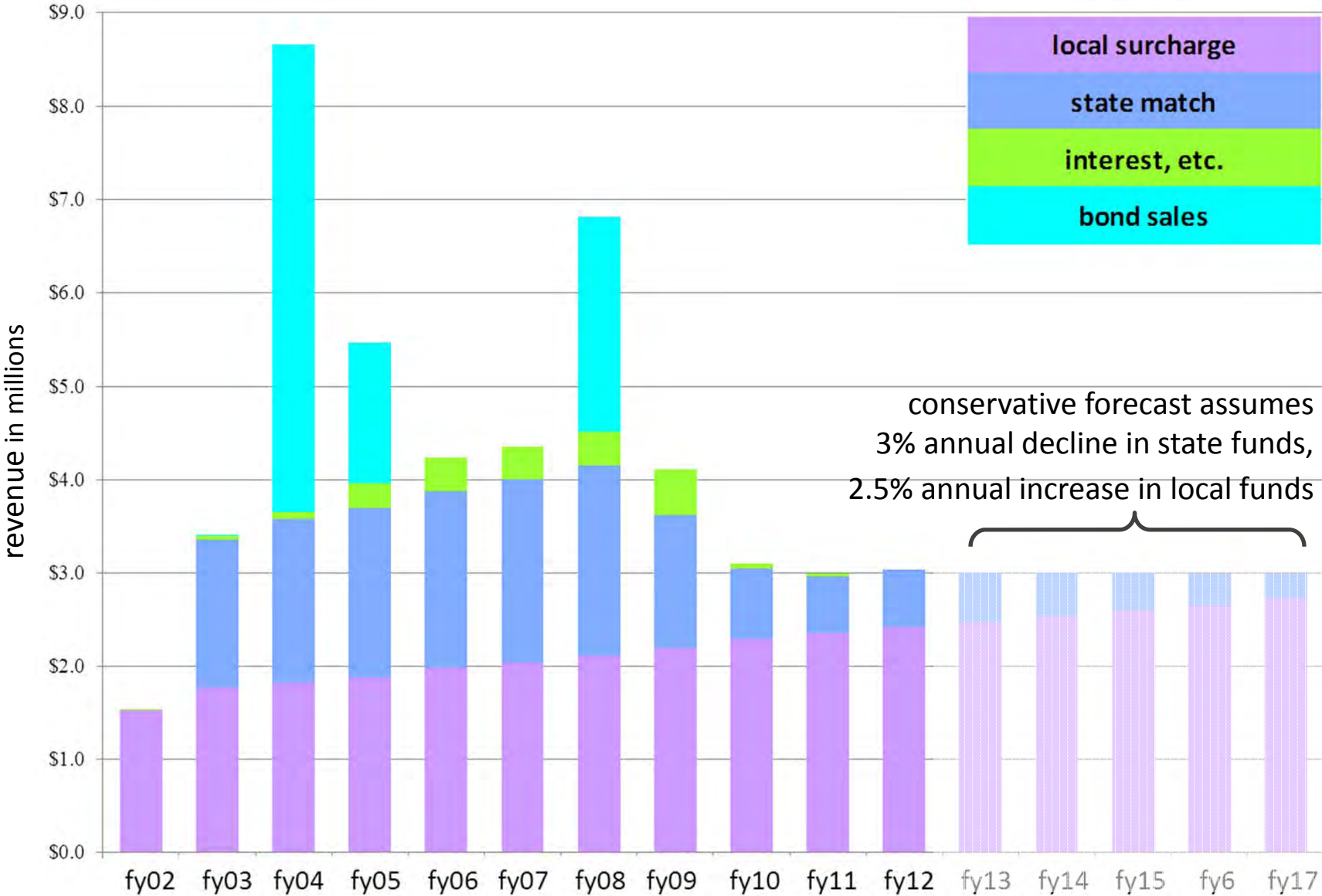
one-time only
fund balance

updated 26 January 2012, A. Ingerson

City of Newton, Massachusetts Community Preservation Fund	Fiscal 2013	Fiscal 2014	Fiscal 2015	Fiscal 2016	Fiscal 2017
FUNDING FORECAST	<i>Projected using conservative assumptions: Local revenue increasing 2.5% per year; state match declining 3% per year, from 23.5% in fy13 to 12.5% in fy17. State funds available each year are a percentage of the previous year's local revenue.</i>				
REVENUE					
local CPA surcharge	\$2,472,625	\$2,534,441	\$2,597,802	\$2,662,747	\$2,729,315
state matching funds	\$566,894	\$506,888	\$468,872	\$402,659	\$332,843
TOTAL REVENUE	\$3,039,519	\$3,041,329	\$3,066,673	\$3,065,406	\$3,062,159
RESERVES					
Current-year Reserves					
affordable housing (10%)	\$303,952	\$304,133	\$306,667	\$306,541	\$306,216
historic resources (10%)	\$303,952	\$304,133	\$306,667	\$306,541	\$306,216
open space (10%)	\$303,952	\$304,133	\$306,667	\$306,541	\$306,216
general (total revenue net of required 10% budgeted reserves, 5% program admin & debt service)	\$1,144,563	\$1,175,114	\$1,712,337	\$1,722,670	\$1,730,122
EXPENDITURES					
PROGRAM ADMINISTRATION & DEBT SERVICE					
program administration (max 5% of current-yr funds)	(\$151,976)	(\$152,066)	(\$153,334)	(\$153,270)	(\$153,108)
debt service for Kessler Woods - from open space reserve	(\$303,952)	(\$304,133)	\$0	\$0	\$0
debt service for Kessler Woods - from general reserve	(\$221,173)	(\$204,367)			
debt service for 20 Rogers St. - from general reserve (final payment fy17)	(\$306,000)	(\$293,250)	(\$281,000)	(\$269,844)	(\$260,281)
TOTAL Program Administration & Debt Service	(\$983,101)	(\$954,616)	(\$434,334)	(\$423,114)	(\$413,389)
AVAILABLE FUNDS after program administration + debt service	\$2,056,418	\$2,087,512	\$2,632,339	\$2,642,292	\$2,648,769

annual
new funds

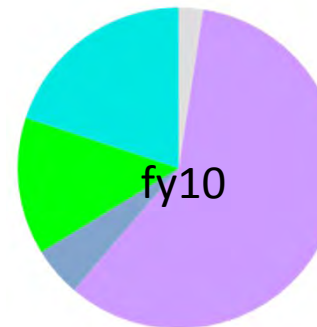
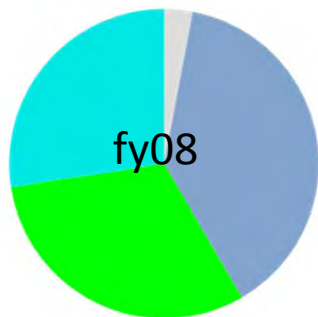
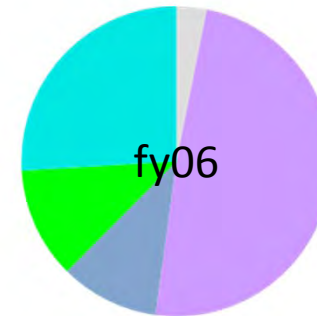
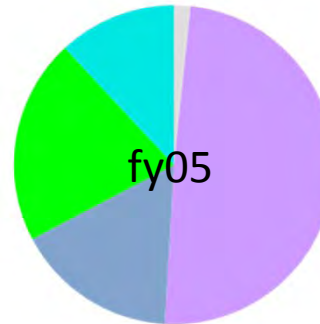
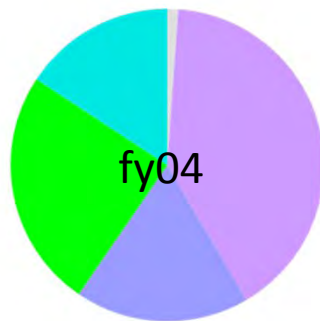
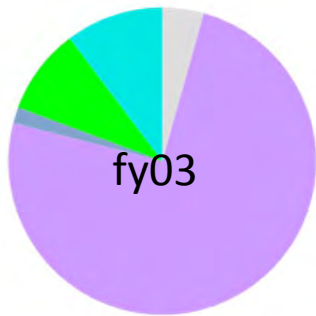
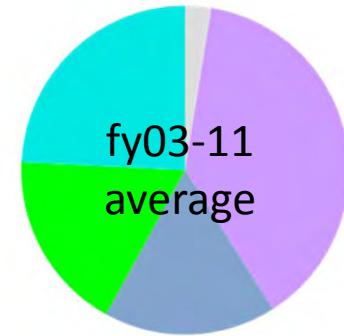
Newton's CPA Funds



How has Newton used the CPA?

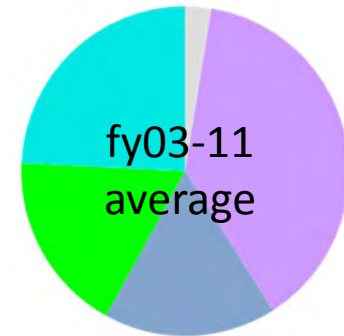


What's the right balance for the next 10 years?



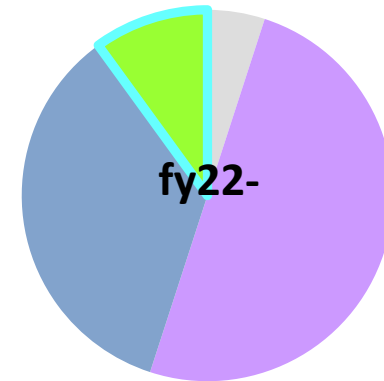
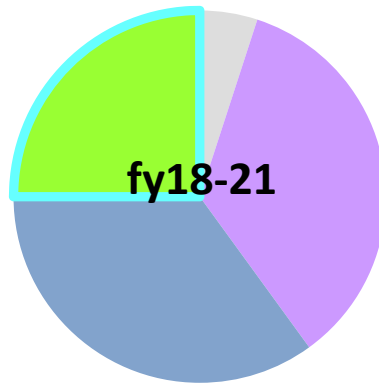
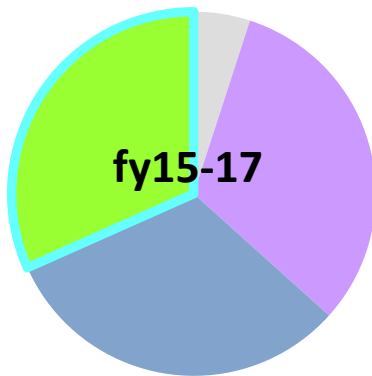


What's the right balance for the next 10 years?



STARTING POINT FOR DISCUSSION

(presuming proposed amendment to CPA does not pass, so open space & recreation funds are mostly used for acquisition)



“even thirds” allocation among:

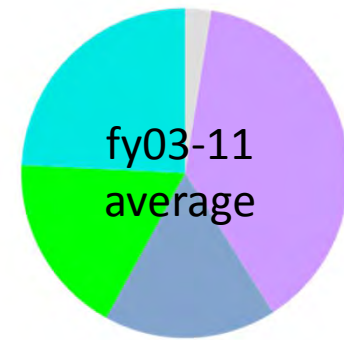
- open space / recreation
(annual \$500k Kessler Woods debt service ends fy14; \$300k annual Crystal Lake debt service ends fy17)
- affordable housing
- historic resources, including CIP projects

- 25% annual contribution to open space / recreation reserve, until it reaches \$2.5-\$3 million
- 30-35% for affordable housing
- 30-35% for historic resources, including CIP projects

- 10% to open space / recreation reserve *(statutory minimum – if reserve is spent down, go back to 25% annual contributions for a while?)*
- 40-45% for affordable housing
- 35-40% for historic resources – once all eligible CIP projects are completed, consider funding private historic resources?

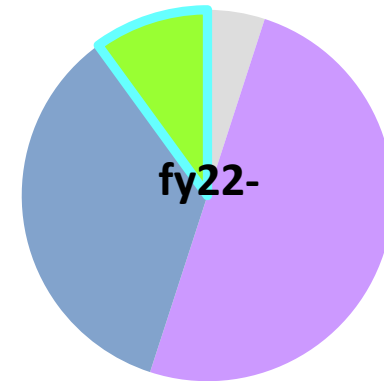
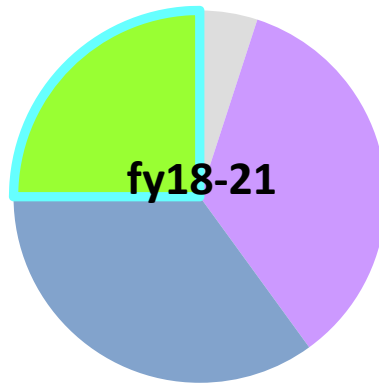
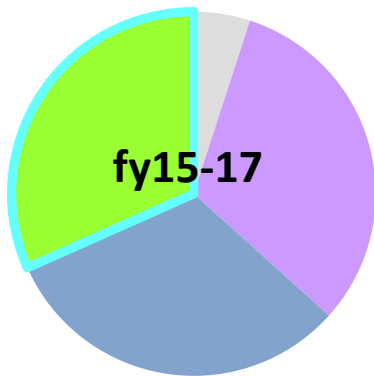


What's the right balance for the next 10 years?



STARTING POINT FOR DISCUSSION

(presuming proposed amendment to CPA does not pass, so open space & recreation funds are mostly used for acquisition)



FUND BALANCE
about \$1.5m each
in each slice

ANNUAL NEW FUNDS
about \$680k
in each slice

- 25% annual contribution to open space / recreation reserve, until it reaches \$2.5-\$3 million
- 30-35% for affordable housing
- 30-35% for historic resources, including CIP projects
- 10% to open space / recreation reserve (*statutory minimum – if reserve is spent down, go back to 25% annual contributions for a while?*)
- 40-45% for affordable housing
- 35-40% for historic resources – once all eligible CIP projects are completed, consider funding private historic resources?

Recent Inquiries Received by Program Staff

for large potential projects that may not appear in the City's
Capital Improvement Plan or Recreation & Open Space Plan

- **Allen House (West Newton)** *acquire historic house & grounds for a mix of uses (affordable housing, park, cultural center)*
- **Andover-Newton Theological School (Newton Centre)** *rehab privately owned historic bldgs sometimes used for public purposes*
- **Aquinas College (Newton Corner)** *currently for sale; acquire & develop as park land, mix of affordable/market-rate housing & cultural center*
- **90 Grove Street (Auburndale)** *rehab church-owned historic parsonage & carriage house as affordable housing*
- **Needham Street rail trail (Upper Falls)** *If MBTA transfers or leases right-of-way to City, fund conversion to trail*
- **Waban Hill Reservoir (Chestnut Hill)** *if MWRA transfers to City, convert (by filling) for a mix of uses (affordable housing, park, other)*
- **Walker Center (Auburndale)** *rehab private, historic ecumenical conference center/bed & breakfast*
- **Wyman Street (Waban)** *retire mortgage on Newton Housing Authority units being held at City's request for interim & emergency housing (fires, domestic abuse, etc.)*

Recent Inquiries Received by Program Staff

for large potential projects that may not appear in the City's
Capital Improvement Plan or Recreation & Open Space Plan

- **Allen House (West Newton)** *acquire historic house & grounds for a mix of uses (affordable housing)*

- **Andover** *some bldgs*

- **Aqueduct** *affordable of*

- **90 G** *affordable as*

- **Need** *convenient und*

- **Wab** *uses (mix of*

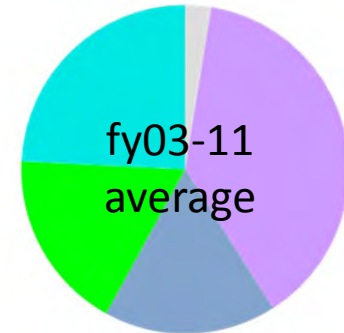
- **Walk** *breakfast*

- **Wyn** *City's request for interim & emergency housing (fires, domestic abuse, etc.)*

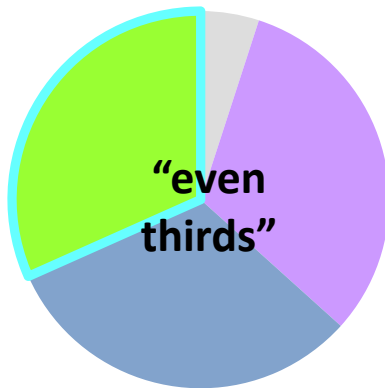
None of these potential projects
has reached the pre-proposal stage
or has real costs attached yet,
but some could involve \$ millions.



What's the right balance for the next 10 years?



Rather than this:



ANNUAL NEW FUNDS
about \$685 in each slice

should next few years aim for this?



ANNUAL NEW FUNDS
about \$515K in each slice

with one-fourth for "other"?
(community-sponsored, unanticipated, or multi-resource projects)

28 February 2012
Community Preservation Committee

Proposed FY13 Budgets: Full Program & Program Administration



Newton, Massachusetts
Community Preservation Program
www.ci.newton.ma.us/cpa

City of Newton, Massachusetts COMMUNITY PRESERVATION FUND Program Budget	Fiscal 2012 Actual	Fiscal 2013 Proposed
REVENUE		
local CPA surcharge <i>(fy13 projected to grow 2.5% from projected fy12)</i>	\$2,412,317	\$2,472,625
state matching funds <i>(fy13 as 23.5% of projected fy12 local revenue; vs. fy12 state match of 26.6% for certified fy11 local revenue).</i>	\$625,763	\$566,894
TOTAL REVENUE	\$3,038,080	\$3,039,519
EXPENDITURES		
PROGRAM ADMINISTRATION & DEBT SERVICE		
Program Administration <i>(fy13 as 4.7% of current-yr funds, vs. 5% max.)</i>	(\$146,253)	(\$142,857)
Debt Service: Kessler Woods <i>(open space - amt due after dedicating entire open space reserve to this debt service; final payment fiscal 2014)</i>	(\$236,942)	(\$204,548)
Debt Service: 20 Rogers St. <i>(recreation; final payment in fiscal 2017)</i>	(\$317,156)	(\$293,250)
BUDGETED RESERVES		
Community Housing Reserve <i>(10%)</i>	(\$303,808)	(\$303,952)
Historic Resources Reserve <i>(10%)</i>	(\$303,808)	(\$303,952)
Open Space Reserve <i>(10% - apply entirely to debt service for Kessler Woods through fy14)</i>	(\$303,808)	(\$303,952)
General Reserve <i>(all remaining funds not used for debt service or admin.)</i>	(\$1,426,305)	(\$1,487,008)
TOTAL EXPENDITURES	(\$3,038,080)	(\$3,039,519)

Newton, Massachusetts COMMUNITY PRESERVATION PROGRAM

Program Administration	Fiscal 2012 <i>APPROVED BUDGET</i>	Fiscal 2013 PROPOSED BUDGET	<i>Notes</i>
PERSONNEL <i>(after budget approval, funds can only be transferred among these lines, or from these lines to non-personnel costs, by Board order)</i>			
Program Manager	\$90,001.43	\$90,473.00	<i>Unhide rows above to see detail.</i>
Work by Other Depts.	\$7,500.00	\$7,500.00	<i>For project mgmt/ tracking assistance from Planning & Development staff & required staff support for use of City-owned mtg spaces outside City Hall.</i>
Transfer to General Fund (work by Engineering staff)	\$7,500.00	\$7,500.00	<i>For mgmt/tracking assistance with projects that involve construction.</i>
SUBTOTAL Personnel	\$105,001.43	\$105,473.00	
OTHER <i>(after budget approval, funds can be transferred among these lines, or to new lines in this category, w/o Board approval)</i>			
Consultants	\$42,000.00	\$26,500.00	<i>Fy12 includes \$12,000 of fy11 funds forwarded for Newton Historical Commission's Historic Preservation Guidelines. Funds from this line can be transferred to other categories below for special 10th anniversary projects.</i>
Advertising/ Publications	\$1,500.00	\$0.00	<i>Funds transferred to "printing" for 10th anniversary projects.</i>
Dues & Subscriptions	\$7,500.00	\$7,500.00	<i>CP Coalition dues.</i>
Office Supplies & Equipment	\$1,000.00	\$1,500.00	<i>Fy12 YTD includes all equipment & supplies for 10th anniversary projects. Fy13 allows for possible replacement of desktop computer with laptop.</i>
Postage	\$400.00	\$400.00	<i>City of Newton mailroom</i>
Printing	\$400.00	\$1,000.00	<i>City & outside printing services. Fy12 color inserts for 25,000 water bills cost \$1,458.</i>
SUBTOTAL Other Expenses	\$52,800.00	\$36,900.00	
TOTAL All Expenses	\$157,801.43	\$142,373.00	

NOTES for fy13

As of 23 Jan 2012, fy13 maximum 5% of projected current-year revenues allowable for program admin. is estimated \$151,976. **Proposed fy13 admin. budget above is approximately 4.7%.**