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Candace Havens
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Community Preservation Committee

MINUTES

11 October 2012

The meeting was held on Thursday 11 October 2012 at 7:00 pm in Room 222 at City Hall.

Community Preservation Committee (CPC) members present: Leslie Burg, Joel Feinberg (arr. 7:20 pm), Nancy Grissom, Thomas Turner, Jim Robertson, Dan Green. Absent: Wally Bernheimer, Michael Clarke. Also present: Newton Farm Commission Chair Rick Lipoff and Newton Community Farm, Inc., Board President Peter Barrer. Program manager Alice Ingerson served as recorder.

Committee Chair Leslie Burg opened the meeting at 7:10 pm.

Burg reminded the audience that the public hearing on the Eddy Street housing proposal was no longer on the agenda because it had been postponed at the sponsor's request. The CPC will provide ample public notice if and when this hearing is rescheduled.

PROPOSALS & PROJECTS

61 Pearl Street (Housing) – Final Report

CAN-DO Executive Director Josephine McNeil thanked the Committee for recommending funding for this project, about 2 years ago. The long time frame was due in part to the time needed to relocate the tenants residing in the building, which took about 6 months. The project was finished and fully rented as of 22 September 2012. The tenants are all formerly homeless families: one came through transitional housing from Second Step, an organization that assists families experiencing domestic violence, and two are veterans, one of the Vietnam War and one of the war in Iraq and Afghanistan. CAN-DO now has a regular relationship with the Veterans Administration and is confident that participants in the Veterans Affairs Supportive Housing (VASH) voucher program are being kept informed of housing opportunities available through CAN-DO. The families are very happy to be living in Newton. Three children now live in the building permanently on the 1st and 2nd floors, and the 3rd-floor unit houses a blended family, with a parent who has part-time child custody.

In response to a question from Jim Robertson, McNeil explained that the building was de-leaded, as a requirement of the federal funding.

Although the 1st-floor unit is wheelchair- accessible, the stove top was modified after initial installation, based on the building inspector's comments about accessibility requirements. The building has ramps at both the front and the rear as means of egress in case of fire, though the building code only requires one ramp. However, no prospective tenants needed wheelchair accessibility, so some features and equipment such as railings for the ramps and grab bars for the roll-in shower were left in storage. If a future tenant uses a wheelchair, these features will be added, and the garbage disposal will be removed, to provide pull-up room at the kitchen sink.

McNeil noted that some wheelchair features make units less desirable for tenants without that need. For example, the increased turning room in the bathroom left no room for cabinets. Leslie Burg noted that she had spoken to the Fair Housing Committee about the need for a more systematic assessment of both the current need for and current supply of fully wheelchair-accessible affordable housing, as a basis for future funding decisions.

Despite some delays and architectural and engineering costs slightly higher than the original budget, the overall project came in on budget. Unlike some previous projects, CAN-DO did not need to use any of its developer fee for either soft costs, such as mortgage loan interest or taxes, or construction. A small amount of unspent funding was added to the project's replacement reserve, as previously urged by the Newton Housing Partnership and the CPC. The budget even accommodated an expansion of the project's landscaping beyond its original plans.

McNeil then passed around photographs of the completed building and site, prior to tenants moving in. Both the final report and photos will be posted on this project's page of the CPC website.

In response to a question from Michael Lepie, McNeil said the state Dept. of Housing and Community Development would count all 3 units toward Newton's total on the SHI - subsidized housing inventory.

Angino Farm Barn Interior – Supplemental Funding Request

Public Buildings Sustainability Project Manager Maciej Konieczny gave a presentation summarizing the project's past history, current plans and budget. The final cost estimate based on the 90% completed design significantly exceeded the funds appropriated, based on the original budget. That original budget is now 3 years old, so Public Buildings added a 3% increase per year for construction cost inflation. The original estimate was also somewhat optimistic and did not fully anticipate all the structural and code requirements associated with turning a building never inhabited by people or into a habitable building. For example, historically the barn had simply used electrical service extended from the farmhouse. It now needs its own, separate service through an underground conduit from the street, as well as a sprinkler system and new lower bay doors.

After revising the project's design and phases to minimize the cost of work to be done with public funds, Public Buildings arrived at its current request for \$180,000 in supplemental funding. This request includes \$30,000 to hire an on-site clerk of the works/owner's representative, since all of the department's staff project managers are already overcommitted with other projects.

In response to a question from Burg, Peter Barrer, president of the board for the private farm operator, Newton Community Farm, Inc., felt that the plan for very efficient boilers, the already heavily insulated outer walls, and the current cost of gas heat all supported the new operating budget's estimate of \$1,400 per year for heating costs.

In response to questions from Robertson and Alice Ingerson, Konieczny said that a total of about \$350,000 of work on the building would now be done with private funding, including \$230,000 of work already done on the barn exterior, and an additional \$120,000 of work on the interior. For the kitchen, the requested public funding will cover rough-in but not final finishes, cabinets, and appliances. The concrete terrace in front has also been deferred for private fundraising. It may be constructed with public funds, if the results of public bidding allow for that. In response to a question from Joel Feinberg, Konieczny said the budgeted contingency funds might also be used to complete the kitchen.

Nancy Grissom thought that, given the overall increase in project costs, Public Buildings should be required to ask CPC permission before using public funds, including the contingency funds, for items that the new, revised plan anticipates completing with private funds. Joel Feinberg and Dan Green agreed. CPC member Jim Robertson disagreed, as did Farm Commission Chair Rick Lipof, who asked the CPC to allow appropriated public funds to be spent on these additional items automatically, without requiring specific additional CPC approval.

VOTE Grissom moved recommending the requested \$180,000, subject to requiring Public Buildings to request the CPC's permission to spend any of the appropriated public funds on any item identified as an add-alternate or deferred for private funding in the current budget and plan.

Dan Green seconded the motion.

The motion was adopted by a vote of 6-0.

After the vote, Leslie Burg recognized Jon Regosin for comments. Regosin noted that he had been the founding president of Newton Community Farm, Inc. and had signed NCF's first licensing agreement with the City. When many people considered it infeasible to run a Community-Supported Agriculture Farm on such a small site, and considered the property too expensive to purchase for this purpose, the CPC had worked diligently with the proposal sponsors at many meetings to arrive at the final, successful proposal. Regosin felt that the current distribution of pre-paid shares in the farm's produce did not live up to the expectations created during that original proposal process, because shares were not as widely advertised and available as other Newton Community Farm programs and activities. Regosin had suggested making shares more widely available, or guaranteeing that some portion of shares would be reserved for new people each year. Ideally, Regosin would like to see these proposed changes made a condition for the requested supplemental funding.

Lipof felt Regosin's suggestion was inappropriate and that the CPC's scope of decisionmaking did not extend to farm operations. The Farm Commission and Newton Community Farm, Inc. both agreed that the current system for distributing shares was fair. In response to questions from CPC members, including Robertson and Grissom, Lipoff and Barrer explained that there was currently no waiting list for farm shares, and that everyone who registered was able to purchase a share.

Robertson and Burg both suggested that if Regosin wished, he could still raise this issue through a letter to either of the Aldermanic committees that would consider the CPC recommendation. After a brief discussion, the CPC decided not to revisit its recommendation vote in response to Regosin's comments. At this point, members of the public and City staff who had come solely for the Angino Farm item left the room.

The CPC then continued its discussion of the general issue of the public benefits provided by public-private partnerships, such as the one for Angino Farm. Ingerson noted that this issue had been discussed at past CPC meetings and was complex. For example, the original 2-year operating license granted to Newton Community Farm had probably not provided sufficient incentive for NCF to invest in the farm's land or facilities. The farm's obvious success to date depended clearly on NCF's willingness to assume full responsibility for all operating costs. On the other hand, the Farm Commission had later approved a 20-year term for NCF's operating license. Over time, very long partnership agreements might amount, in practice, to privatizing a public resource.

PROGRAM PLANNING

New Funding Guidelines – Continued CPC Working Session

Burg recognized Andrea Kelley, who read the League of Women Voters' letter of comments on the draft *Guidelines* into the record. The full letter is attached to these minutes, but included suggestions for revision to: specify objective requirements that will be used to determine whether a pre-proposal will lead to CPC consideration of a full proposal; eliminate the proposed use of target allocations to balance funding among the eligible resources; ensure that CPA funds are not used for projects that result from deferred maintenance; reconsider the principle of encouraging the maximum feasible use of non-CPA funds, on the grounds that too much reliance on private funding could lead to the de facto privatization of public assets or resources (see discussion of public-private partnerships, above); and clarify whether proposals for the purchase of partial real estate rights, as well as in-fee acquisition of real estate, would be considered on a rolling basis.

In an extensive discussion that followed the outline of the draft new *Funding Guidelines*, the Committee as a whole agreed that the draft should be revised as follows:

1. Use existing City-wide plans to guide funding decisions.

Eliminate the phrase "City-wide" and rewrite the section heading and body, and the *Guidelines* as a whole, to prevent the potential misunderstanding that the new *Guidelines* will automatically favor projects initiated by City government over projects initiated by community groups (supported by Grissom, Green, Feinberg, Robertson and by Wally Bernheimer at a previous meeting; opposed by Burg, who felt the existing wording was acceptable). Green suggested "community-wide" as a substitute for the current phrase. As necessary to make the proposal instructions consistent with these goals for revision, eliminate or modify the requirement in the current proposal instructions to cite published plans.

2. Balance the allocation of funds across all eligible resources and allowable uses.

Robertson, Burg and Feinberg favored keeping target allocations to encourage long-term planning and budgeting and to build reserves for future projects with timing that cannot be perfectly predicted, especially for real estate acquisition. Grissom opposed the target allocations, but if they were kept, supported showing them as ranges, as suggested by Robertson. Green suggested adding an additional sentence to emphasize the allocations' flexibility. After discussion, the Committee agreed to eliminate the word "allocation(s)" and rewrite in other ways as necessary to prevent the misunderstanding that these targets will guarantee either an absolute minimum or maximum of funding for any resource, either in any given year or over time. The Committee generally supported the ranges suggested by Jim Robertson: 3-5% for program administration, 25-40% for affordable housing, 17.5-30% for open space and recreation land acquisition, and 12.5-20% for open space and recreation land rehabilitation.

The Committee then discussed the discussion made by Bernheimer at a previous meeting to avoid creating an "acquisition reserve." Ingerson suggested reverting to the current policy, of retaining about one year's worth of new funding for any future major project, to help minimize the need for debt financing. Grissom was concerned about whether the targets would apply only to new funding, or to the fund balance as well. Robertson suggested eliminating the word "reserve," since the cushion for future projects was really the entire fund balance. Following a suggestion by Feinberg, Robertson and Grissom supported eliminating the phrase 'acquisition reserve' and using a new version of the language in the CPC's current *Fy10-12 Funding Priorities*, which state that "The CPC [aims] to reduce the need for debt financing and prepare for future major projects by building up a cash reserve of

approximately one year's revenue." The Committee agreed that funds held in reserve could be used for any 'future, unique opportunity' involving any CPA-eligible resource. For privately owned resources, the Committee also agreed to eliminate the word 'strong' in the goal of providing 'strong public benefits,' so the CPC could consider proposals providing any level of public benefit (supported by Burg, Green and Grissom).

3. Support proposals with a high benefit/cost ratio and probability of success, based on their sponsors' demonstrated capacity for project management and long-term maintenance.

Green supported the suggestion made by Bernheimer at a previous meeting to rewrite this goal and the first sentence of this section to avoid implying that benefits will be measured in any quantitative way. Burg agreed, though she felt it was possible to do non-quantitative cost-benefit analysis.

Pre-Proposal and Proposal Process: Ingerson noted that as staff she was not able to vet pre-proposals or proposals, because she could not determine which of their multiple requirements the Committee would actually enforce for any given project. Unless a project was clearly ineligible under the CPA, her response to every inquiry was to encourage submission and discussion of a pre-proposal directly with the Committee.

Grissom and Feinberg both supported the suggestion made by Bernheimer at a previous meeting to eliminate the words "invite" & "invitation" and make other compatible changes in wording to eliminate any sense of "noblesse oblige" by the CPC and to prevent the possible misunderstanding that the CPC would automatically recommend funding for any full proposal that it agreed to consider. The Committee suggested using some version of Bernheimer's alternative language: "Those pre-proposals which the Committee decides merit further consideration will move to the full proposal stage, although moving to that stage is not a guarantee of final approval," and/or language in the CPC's current stated goals for pre-proposal discussions, which are to: discourage proposals that cannot be made eligible, practical, or compelling; strengthen promising proposals that are premature, incomplete or poorly presented; and encourage the prompt submission of proposals that are ready for full review.

Schedule and Deadlines: The Committee agreed to clarify that sponsors of projects involving the acquisition of real estate rights must request consideration of their full proposals on a rolling basis, that such consideration will not be automatic.

Proposal Requirements: Burg suggested moving most detailed requirements into the *Proposal and Project Handbook* (instructions and forms). Feinberg, Robertson, Burg and Grissom supported Ingerson's suggestion to make this section a short summary of the goals behind the full requirements, including only the headings from the first draft, to help the CPC : evaluate the eligibility of each proposal under the CPA; consider whether and how the proposal addresses broad community needs or priorities; judge the sponsor's management and financial capacity; and anticipate other major obstacles to or prerequisites for the project's success. Only proposal writers will read the full instructions, so having a summary in the *Guidelines* will show that the full instructions are not an arbitrary list of requirements, and help people understand how the CPC evaluates proposed projects.

4. Evaluate Projects to Ensure Accountability and Improve Future Projects

No revisions were proposed in this section.

The Committee then discussed with League of Women Voters' representative Andrea Kelley some points from the League's letter on the new draft *Guidelines*. Ingerson, Burg, and Grissom noted that, although the CPA forbids funding for maintenance, it was very difficult to draw a hard-and-fast line

between preservation and maintenance. Ingerson noted that it was important to track past projects, so that if a previous CPA-funded roofing project, for example, were not maintained adequately, the CPC would not recommend funding for another roof on the same building with the same owner.

In response to the League's question about the criteria would be applied to pre-proposals, Grissom, Robertson, Burg and Ingerson noted that the same criteria would be applied to pre-proposals as were applied to full proposals. Grissom noted that the League probably had not read the full proposal instructions recently. Ingerson said that she would follow the same process as she had the last time the CPC revised its *Guidelines*: once there was a final new version, she would review and rewrite the proposal instructions to match, and would encourage both the CPC and the League to identify potential improvements in the instructions, especially deletions, if any were possible.

At Dan Green's urging, the Committee thanked the League for their letter on the new draft *Guidelines*.

At Ingerson's request, the Committee designated Burg and Robertson as a subgroup to revise the draft *Guidelines* based on tonight's discussion and to proposed any further revisions they felt were needed in response to the final results of the CPC's online community survey (closed 9 October 2012) or further written comments received by the end of the public comment period on 19 October 2012. The revised draft *Guidelines* will be included in the pre-meeting packet for the CPC's next meeting on 14 November 2012, at which the Committee as a whole will make any final revisions and vote to adopt a final version of the new *Guidelines*.

COMMITTEE BUSINESS

CPC Officers: Nancy Grissom nominated Leslie Burg as chair and Joel Feinberg as vice-chair for a second year, through 2012-13. Burg and Feinberg agreed to serve again if elected. Dan Green seconded both nominations, and the current slate of officers was re-elected by a vote of 6-0.

Approval of minutes for 19 September 2012: Nancy Grissom moved and Dan Green seconded approval of the minutes as submitted. The minutes were approved by a vote of 5-1, with Burg abstaining because she had not attended that meeting.

Based on a motion by Grissom seconded by Green a motion to adjourn was adopted by a vote of 6-0. The meeting was adjourned at 9:05 pm.

- The presentation on the Angino Farm barn is online from the webpage for that project site, linked to the 'Proposals & Projects' page of the program website, www.newtonma.gov/cpa.

Attachments:

- CPC process/schedule for new *Guidelines*
- League of Women Voters letter commenting on draft *Guidelines*, presented at this meeting



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Candace Havens
Director

Community Preservation Committee
MEMORANDUM

date: orig. 18 June 2012; updated 11 October 2012
from: Alice Ingerson, Community Preservation Program Manager
to: Community Preservation Committee
about: **process for producing new *Funding Guidelines***

Public mtgs highlighted.

June 26	CPC finalized goals, schedule & assignments for new <i>Guidelines</i> :
	<ul style="list-style-type: none"> ♦ Make <i>Guidelines</i> shorter and less ambiguous: 3-5 pages max. More like most private foundations' guidelines! ♦ Divide key sources among all CPC members for critical review/extracting a 1-2 pp. bulleted list of best ideas (sources included current <i>Guidelines</i>, other relevant City plans, Happy 10th minutes, survey results to date).
July 20	Deadline for CPC members' bulleted best ideas lists.
Aug 8	CPC <i>Guidelines</i> discussion -- Alice then created 1 st draft & circulated by email for corrections.
Aug 27	Alice posted 1 st -draft <i>Guidelines</i> online & began outreach for comments.
Sept 19	Public hearing on 1 st -draft <i>Guidelines</i> ; further CPC discussion.
Oct 3	Public comments on 1 st -draft <i>Guidelines</i> at Happy 10 th for South Side.
Oct 9	Alice closed community survey (online since November 2011).
Thurs Oct 11	Further CPC discussion of 1 st -draft <i>Guidelines</i> and comments to date. Small CPC working group formed to write 2 nd draft.
Oct 19	Alice emails summary of full survey results to CPC & closes out email/mail comments on 1 st -draft <i>Guidelines</i> .
by Oct 25	Alice emails summary of email/mail comments on 1 st -draft <i>Guidelines</i> to full CPC.
Nov 2	Fy13 full proposal deadline; CPC working group sends 2 nd -draft <i>Guidelines</i> to Alice.
by Nov 9 (will try for earlier)	Alice distributes new proposals & 2 nd -draft <i>Guidelines</i> to CPC (watch for a packet on your porch).
Wed Nov 14	CPC revises & votes on final <i>Guidelines</i> , schedules public hearings for new proposals.
Thurs Nov 22	<i>Thanksgiving</i>
Thurs Nov 29	LIBRARY WRAP-UP: CPC summarizes & answers questions about its year-long community process & final <i>Guidelines</i> .

website www.newtonma.gov/cpa
contact Alice E. Ingerson, Community Preservation Program Manager
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LEAGUE OF WOMEN VOTERS NEWTON

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October 11, 2012

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Leslie Burg, Chair
Community Preservation Committee
1000 Commonwealth Ave
Newton, MA 02459

Dear Chairwoman Burg and Committee members:

The *Draft Newton CPC Funding Guidelines*, issued August 28, 2012, are yet another example of the fine and thoughtful work that the League of Women Voters of Newton (LWVN) has come to expect from your discussions.

For example, in **Section 1**, our readers particularly liked the items you highlight for attention: accessibility, durability of funded assets, decisions based on City plans and public participation; **Section 2**: saving for future land acquisitions, encouraging longer-term planning, and encouraging multi-resource projects; **Section 3**: focusing on long-term investments and the ability of stewards to provide maintenance without further CPA funds.

We also applaud the *proposal requirements* outlined on page 3, particularly the focus on probability of success and the presence of the project priorities in two City-wide plans (particularly the Comprehensive Plan), ensuring broad community support and, of course, meeting the legal requirements. Along with you, we have learned of the need for good project management and the difficulties faced by Newton's overstretched City staff when presented with new projects to oversee.

However, LWVN feels that there is room for improvement in two main areas. First, regarding the pre-proposal process, the League would like to see a list of objective requirements on which each pre-proposal will be judged, and that this list is either in the body of the Guidelines or in an appendix that is referred to in the main document. This gives the submitting organizations a very clear idea of what is required to receive an invitation. While many organizations are already experienced in applying for CPA funds, this would greatly help those new to the process.

Secondly, LWVN feels strongly that the minimum allocation of funds as required in the original law is all that is needed as a guideline for the disbursement of funds. By adding target allocations for each of the four allowable areas without regard to the actual proposals each year, the current CPC is encumbering future CPCs and making today's priorities those of future years as well. It could also lead to a situation where a mediocre proposal is funded over far superior proposals simply because of the target allocation as proposed in these guidelines.

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LEAGUE OF WOMEN VOTERS NEWTON

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While we recognize that, with the recent changes to the CPA, there is a temptation for municipalities to raid the fund for their own pressing needs, we fully support the independence of the CPC in making the decisions that benefit the community as a whole, and not just divert funds into the maintenance projects listed on the City's Capital Improvement Plan (CIP).

Further:

- If the CPA is used to fund CIP risk-based priorities, will that mean that it can be used to fund deferred maintenance? Is that wise?
- Are there safeguards to ensure that rehabilitation does not become a back door for the CPA funding the City's operating budget?
- Will the Committee's encouragement that project proponents "raise the maximum possible funding from non-CPA sources" open the door to a Daly Rink-type situation, where public properties are maintained and run by private entities that then restrict public access? How will the Committee ensure that does not happen?
- We applaud the rolling acceptance of real estate proposals to minimize the risk of missing opportunities. Our question is whether that also applies to conservation restrictions or only to outright purchases?

As we have said before, we deeply appreciate the CPC's hard and thoughtful work in adhering to the CPA and preserving Newton's valuable open space, historic resources and recreation assets, while expanding Newton's stock of affordable housing. The CPC continues to be a model for excellent volunteer engagement and government openness and process. We look forward to your deliberations in the future.

Yours,

A handwritten signature in blue ink that reads "Anne Borg". The signature is fluid and cursive.

Anne Borg
Co-Presidents
League of Women Voters, Newton

A handwritten signature in blue ink that reads "Sue Flicop". The signature is fluid and cursive.

Sue Flicop