

The meeting was held on Wednesday 17 March 2010 in Newton City Hall, War Memorial Auditorium.

*Attending members of the Community Preservation Committee (CPC):* Nancy Grissom, Leslie Burg, Thomas Turner (excused himself at 8:30 pm), Walter Bernheimer, Zack Blake, Joel Feinberg, Steve Fauteux, Michael Clarke.

Program manager Alice Ingerson served as recorder.

Current Committee Chair Nancy Grissom opened the meeting at 7:10 pm.

### **WORKING SESSION on CITY HALL – HISTORIC ART PROPOSAL**

Nancy Grissom noted that of the 3 estimates submitted, the 2 higher ones were from conservators with stronger conservation credentials. Her sister is a professional conservator and recommended using someone with such credentials.

Wally Bernheimer knew Jim Wright, who had done some work for him and came recommended by the Museum of Fine Arts. Bernheimer also recognized, however, that the amount to be spent and qualifications of the conservator might be adjusted to the value of the painting.

David Olson said no appraisals had been done of any City-owned paintings. The City does not carry insurance, it is self-insured. He agreed that two of the conservators contacted had much better credentials, but noted that Mr. Sirdevan had restored the Civil War prints that until recently hung outside the City Clerk's office, and as a Newton resident, was willing to give the City a better price.

Leslie Burg thought that although Mr. Sirdevan's presentation was less formal than the others, and only one described the process in great detail, the process proposed by all three conservators was essentially the same. She therefore had no objection to using Mr. Sirdevan, if David Olson knew his work. The lower-cost proposal seemed acceptable, given that the painting involved is not a Renoir or a Rembrandt.

Steve Fauteux agreed, and was comfortable with the lower estimate if David Olson was.

Olson said for cost reasons, he would go with the lowest estimate. He also noted that the treatments proposed by all 3 conservators were reversible, so if the results were not acceptable, the work could be undone. However, he did not anticipate that happening. In response to Committee questions, Olson also acknowledged that he could not necessarily provide half of the total payment in advance of the work, as requested by Mr. Sirdevan, but would negotiate that payment process. The consultant could invoice the City for early expenses as they were incurred, including transportation or materials.

VOTE Leslie Burg moved recommending the requested amount of funding, \$5,200.  
Steve Fauteux and Michael Clarke seconded the motion.

Funding was recommended as requested by a vote of 8-0, with no abstentions.

David Olson thanked the Committee and encouraged them to view the new exhibit in the hallway outside the City Clerk's office in City Hall, consisting of digital prints from some of the atlas pages that the previous, CPA-funded City Archives project had scanned and posted online.

### **COMMITTEE BUSINESS**

Leslie Burg noted typographical or grammatical errors on pp. 1, 2, 5 and 6 of the draft 24 February 2010 minutes.

VOTE Wally Bernheimer moved approval of the minutes with the noted corrections.  
Michael Clarke seconded the motion.

The minutes were approved as corrected by a vote of 8-0.

Alice Ingerson asked for a show of hands of Committee members who had completed the online training course required by the state Ethics Commission. All members present confirmed that they had done so.

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#### SCHEDULE FOR STILL-PENDING PROPOSALS

Nancy Grissom reminded the CPC that at their February meeting, they had decided to resume discussion of the proposal for the Charles River Lower Falls Bridge in the fall. She suggested that the Newton CPC ask the Wellesley CPC, through Alice Ingerson, if they could coordinate joint consideration, or at least a simultaneous schedule, for this proposal. She also suggested that Alice ask the Law Dept. to provide an opinion on the eligibility of the “enhancements” in the proposal, including interpretive signage.

Steve Fauteux and Leslie Burg agreed with the suggested schedule.

Leslie Burg thought the response received from the proposal’s advocates in Wellesley to the objections that had been raised in Newton was useful and very systematic.

Nancy Grissom thought it would take a while for the directly state-funded work on the bridge to be bid, etc.

Zack Blake agreed with the arguments for coordinating with Wellesley, where if the CPC recommended funding, it could be appropriated at the earliest at a fall town meeting.

Michael Clarke was not in disagreement. But he noted that if the Wellesley proponents were trying to get private contributions to the costs of the project, the Newton proponents should do the same. Clarke believed that those opposed to the project would not change their minds in response to any new information.

George Kirby of the Newton Bicycle-Pedestrian Taskforce asked whether fall construction of the project’s Newton component would still be possible, if the Newton CPC did not resume its discussions until fall. He noted that if all costs on the Wellesley side were paid privately, that component of the project might be completed before the fall, before the Wellesley CPC deadline and without any Wellesley CP funds.

Walter Bernheimer said that if this was happening, the Newton CPC would consider resuming its discussion of the proposal earlier. Other members agreed with this. Bernheimer asked Mr. Kirby to keep the Newton CPC informed of project developments through Alice Ingerson.

Leslie Burg clarified that a fall working session could be held in early September or October 2010. The Newton CPC would not resume its consideration of this proposal on the same schedule as the brand-new ones due by 15 October 2010, for which the earliest public hearing would be held in November and the earliest possible Committee vote would be in December.

#### RECENT LAW DEPT. RULINGS ON PROPOSAL ELIGIBILITY

The sense of the meeting was that, based on the Law Dept. opinion they had received stating that the proposal was not eligible for funds under the CPA, the Committee would not consider the proposal for Historic Preservation Design Guidelines from the Newton Historical Commission.

Nancy Grissom asked about sending some official, formal notice of this decision to the Historical Commission. In response to Alice Ingerson’s question, Joel Feinberg and Wally Bernheimer proposed that the letter refrain from offering any advice about whether and how the proposal might be modified to make it eligible for funding under the CPA. The Committee asked Alice Ingerson to draft the letter, and have it approved by the chair and vice-chair before she sent it to the Historical Commission.

Ingerson reminded the Committee that she had shared this Law Dept. opinion with the Historical Commission, but that she did not automatically share such opinions with proposal sponsors – the Committee had to authorize it, as the Law Dept’s client, if the Law Dept. labeled the opinion “confidential.” She noted that the Law Dept. had always advised that such opinions could be shared only by the client, including city commissions or Aldermen. In response to a question from Wally Bernheimer, Steve Fauteux advised that this practice came under “attorney-client privilege,” under which the client controlled distribution of the document. Confidentiality in this sense did not mean that the client could not distribute the document to others.

In that context, Nancy Grissom repeated the request from Historic Newton that the 2005 study of space needs for the Jackson Homestead Museum, distributed in the Committee’s pre-meeting packet, should be

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treated as confidential and not distributed to anyone other than Committee members. It would not be posted on the CPC website, for example.

#### FISCAL 2011 PROGRAM GOALS & PROCEDURES

For the fiscal 2011 funding round, members of the Committee saw no need to revise existing procedures or forms. Alice Ingerson asked whether, in light of several discussions this year about accessibility, they would like to add an item about this issue to their short-term funding *Priorities*. Accessibility was already highlighted in their long-term *Funding Guidelines*.

Nancy Grissom thought this might fit well under the “overall” priorities, and the Committee asked Ingerson to work it into that section. The language suggested was: “In reviewing each proposal, the CPC will consider whether it can promote wider accessibility for people with disabilities.”

Michael Clarke, Wally Bernheimer and Nancy Grissom offered to draft a letter to the Mayor encouraging updating of the now-expired *Open Space Plan*, on behalf of the CPC, and circulate it for Committee comments.

Nancy Grissom summarized her recent half-hour meeting with the Mayor. They had reviewed current and future/potential proposals. Grissom had shared with the Mayor the fall 2009 list of future possible proposals. The Mayor had a special interest in possible openings on committees and commissions, but there are no openings on the CPC in the immediate future.

Grissom also informed the Mayor that the CPC would welcome proposals for overall assessments, such as the one currently proposed for all city buildings and the one the Committee had recently encouraged for the City’s archival collections. Zack Blake thought that these assessments would require initiative from the Mayor’s staff.

#### EVALUATION of PROPOSALS, PROJECTS & STAFF

Alice Ingerson indicated that she felt this year’s staff memos and proposal packets were too long, and as a result had not supported effective proposal evaluation as well as they might have. Wally Bernheimer had not found the size of the packets this year burdensome. Leslie Burg expressed a preference for receiving all materials in print, though Zack Blake favored saving paper and providing more information online. The sense of the meeting was to continue current practices.

Ingerson also emphasized that the Committee’s leverage is greatest before it recommends funding. Many proposals and sponsor presentations focus on information that might persuade the CPC or the Board of Aldermen to support the project. Once a project has been funded, however, funded departments or organizations sometimes modify or distance themselves from prior project descriptions or promises, especially oral ones. She urged the CPC to impose any requirement about which they cared deeply as a condition for sending their funding recommendation to the Board, rather than later, as a condition for the Board’s funding vote, or for the release of funds.

Steve Fauteux asked Alice Ingerson to alert the Committee in advance to any concerns she had about the description or presentation of each proposed project, or about the sponsor’s management capacity. Michael Clarke noted that it was important for CPC recommendations to note and include important conditions, even if they had been met before the recommendation was forwarded to the Board, as a way to make sure they could be and were enforced later on.

Ingerson suggested that, based on past experience, many “stuck” or problematic projects had begun with design or planning grants, accompanied by a warning from the CPC that they were not thereby committing to funding project implementation. She felt it was best not to fund plans or designs if the Committee had serious doubts about the full project.

Wally Bernheimer and several other members noted that the most effective way to reinforce the Committee’s willingness to separate planning from implementation would be by action, rather than words – by declining to recommend funding for implementation of a project for which they had supported funding a plan or design. Bernheimer believed in funding plans; there is too little master planning and prioritizing

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in the City. Things are proposed in almost random order, making it all too easy to fund something that is in the end a lower priority, simply because it is submitted before something that is a higher priority. He noted that just because the Committee had not received many proposals did not mean it should recommend every proposal submitted.

Leslie Burg noted that the Mayor was starting a new approach toward capital planning, to establish clearer long-term priorities

Finally, Ingerson reminded the Committee any proposal they recommended to the Board had to go to a full Board vote, unless it was withdrawn by the sponsor. All proposals are referred to two or more Board committees, but even unanimous negative votes from each of those Board committees do not end consideration of the proposal, the full Board must vote on it. From the record, it appears that the Board has actually turned down very few CPC recommendations in the program's entire history, though they have often asked for modifications in recommended proposals before agreeing to vote on them.

#### PROPOSED AMENDMENT TO THE CPA

Leslie Burg spoke to Senator Creem's staff about the funding provisions in the proposed amendment to the CPA. Wally Bernheimer suggested the Committee ask Community Preservation Coalition Executive Director Stuart Saginor about this when he attended the Committee's April 28<sup>th</sup> mtg. Nancy Grissom expressed her concern about raising registry of deeds fees.

#### UPDATES ON CURRENT PROPOSALS & PROJECTS

Ingerson provided the following updates on pending proposals:

- ◆ MUSEUM ARCHIVES - Supplemental: The Board's CCP would consider this on 23 March 2010, Public Facilities on 7 April 2010, and the Finance Committee on 12 April 2010. A separate request for construction funding will be submitted once the final design is approved. The CPC was asking the Board to vote "no action necessary" on the remaining originally recommended funds for the project as a whole, since it would now be phased.
- ◆ MUSEUM COLLECTIONS: The Mayor's Office is working with Public Works and Historic Newton on this, so the CPC's recommendation has not yet been docketed with the Board.
- ◆ VETERAN HOUSE (2148-50 Commonwealth Avenue - housing): The Board's CCP would consider this on 23 2010, and the Finance Committee would take it up on 12 April 2010.

She also provided updates on several active, funded projects:

- ◆ ANGINO FARM BARN and CITY ARCHIVES – Combined: The full Board voted to approve both of these projects on first call (without debate) on 15 March 2010.
- ◆ 192 LEXINGTON STREET: The final details of the property acquisition are being worked out, and a grant agreement for the CP funds is being drafted by Newton Law Dept.
- ◆ DURANT-KENRICK HOMESTEAD: Fundraising continues to meet full project needs. A grant agreement and historic preservation restriction are being drafted.
- ◆ FARLOW PARK Historic Pond Restoration Study: All participants including the contractor (Weston & Sampson) met to confirm final scope and tentative schedule for pond safety study & specifications. The final report is expected by May 2010.
- ◆ HISTORIC BURYING GROUNDS: Historic Newton is conferring with its new consultant on revised workplan and budgets, before putting construction out to bid. Before further work can be done, the organization is supposed to submit a revised workplan and budget to the CPC for approval, since remaining funds are inadequate to cover all work listed in the original proposal.
- ◆ WARREN HOUSE Historic Preservation: This project is proceeding well, and should be complete in May 2010.

Chair Nancy Grissom adjourned the meeting at 8:30 pm.

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