

The meeting was held on Wednesday 28 April 2010 in the Auburndale Community Library at 375 Auburn Street, Auburndale, Massachusetts.

Attending members of the Community Preservation Committee (CPC): Nancy Grissom, Walter Bernheimer, Zack Blake, Leslie Burg, Michael Clarke, Steve Fauteux, Dan Green, Thomas Turner.

Guest speaker: Stuart Saginor, Executive Director, Community Preservation Coalition.

Program manager Alice Ingerson served as recorder.

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

UPDATES from the COMMUNITY PRESERVATION COALITION

Saginor spoke about the Coalition's current work and the current, proposed amendment to the Community Preservation Act. The Coalition includes the 7 nonprofit organizations still represented on the steering committee. It became a membership organization in 2002, and added 4 representatives of CPA communities, and a couple of at-large slots on the steering committee.

The Coalition's services to its members include technical assistance, the website, an email newsletter, CPA advocacy and legislation, regional conferences and training, public relations and promotion. The Coalition finds that publicity, especially negative publicity, about any CPA project or community affects all CPA communities, but especially nearby ones. Two conferences are upcoming: in May in Northhampton and next fall in Bridgewater.

The website will be re-launched this summer, with a much deeper technical assistance database that includes CPC bylaws or ordinances from all CPA communities, all Dept. of Revenue advisory letters, and every project from every CPA community.

Saginor suggested that legislative work was probably the biggest benefit for Newton.

The Coalition has worked on 6 amendments to the CPA since it was first passed. Among other changes, these amendments allowed the use of CP funds for historic resources that had not been acquired with such funds in the first place; added documents and artifacts to the definition of historic resources in the Act; and allowed land to be purchased at appraised rather than only at assessed value.

Other legislative work by the Coalition includes lobbying against what they see as proposed negative amendments to the CPA, including the following examples: One bill would have required each CPA community to re-adopt the Act every 5 years. Another would have channeled into the state CPA trust registry fees collected only in communities that have already adopted the CPA. A third would have allowed a local legislature to transfer money directly from its community's CP Fund to a new local tourism fund, without a recommendation from the local CPC. One perhaps surprising proposal would have used the state CP trust fund to subsidize the price of Massachusetts-produced milk to keep dairy farmers in business and preserve working farmland.

Senate Bill 90, the positive bill for which the CP Coalition is now advocating, is a response to current conditions, in which very few cities have adopted the CPA, almost no new communities are adopting it, and many communities are considering reducing their surcharges or revoking their adoption of the CPA. The Coalition feels that stagnation of the program is not good for CPA communities in general, and that the current state match is not enough to keep the program healthy and growing.

The proposed amendment addresses the state match, the lack of cities signing up, and the inability to rehabilitate recreation land not acquired or created with CP funds. This last measure is particularly important to cities. The amendment would raise deeds fees to support a minimum 75% state match; would allow communities to contribute local funds from sources in addition to the basic property tax surcharge; and would allow for rehabilitation of older recreation facilities.

In response to a question from Nancy Grissom, Saginor explained that a 100% match would not be possible, but below that, the Coalition felt that the higher the proposed match, the better. Grissom worried that the proposed new registry of deeds fees would be too high. Saginor explained that the \$20 fee that

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goes toward the state CP trust fund has never been changed since the Act was first passed. The amendment would raise it only to \$40 to provide the state funds needed now, and would set a maximum for the future of \$70. The increased fee would be a very tiny proportion of the statewide average \$390,000 real estate transaction, though the Coalition recognizes that any increase in the fee is sensitive, and that the amount would be larger in communities with higher real estate values, such as Newton.

Nancy Grissom asked about reactions from the general realtor community. Saginor acknowledged that most real estate and construction organizations had lobbied against the CPA in the first place. The Coalition believes that most of the real estate community is now in favor of keeping and strengthening the CPA, however, because they feel these public investments protect or enhance property values. At the September 2009 hearing, there were 3 hours of supportive testimony, which is very unusual, and no negative testimony. That the real estate industry chose not to testify against the amendment seemed significant.

The part of the amendment allowing use of sources other than local property tax surcharge was designed by the Metropolitan Mayors Coalition, of which Newton is not a member. The recreation piece of the current amendment was drafted by Newton's former Associate City Solicitor Gayle Smalley and former City Solicitor Dan Funk.

The Committee on Community Development and Small Business recommended the bill in November 2009, and the bill is now before the Ways and Means Committee. The legislature must pass it by July 2010, and the Coalition is hopeful that this can happen. At a minimum, the Coalition hopes to get a favorable vote from Ways and Means in this session.

In response to questions from the Committee, Saginor noted that Newton's Rep. Kay Khan has been very supportive, as has Sen. Cynthia Creem. Rep. Ruth Balser is fairly supportive but still has some doubts about the bill. The Coalition is meeting with Rep. Peter Koutoujian in a couple of weeks. His district is largely in Waltham, and the Waltham CPC has been a great supporter of the Coalition. Saginor suggested it would not hurt for the Newton CPC to thank any of these legislators for supporting the amendment, and to remind them of the program's importance to Newton.

Bernheimer asked how many of the 143 CPA communities have joined the Coalition. Saginor explained that all new CPA communities receive a complimentary membership for their first year, since they have no administrative budget until their second year. Of all CPA communities that have had the program for more than a year, only 3 have not joined the Coalition.

He also noted that the current Act does not require any minimum surcharge. Currently, Essex, Manchester, and Northfield have surcharges of only 0.5 percent, but in late May Manchester is voting on whether to increase their surcharge to 1.5 percent. Since the program began, Amherst, Chelmsford, and Lincoln have increased their CPA surcharges; Ayer and Northfield have decreased theirs.

Mike Clarke asked whether forbidding the use of CP funds for maintenance, but allowing their use for rehabilitation, might not create an incentive to defer maintenance. Saginor acknowledged that this could happen, but felt that no community would ever make this an explicit strategy or policy. Clarke agreed, but felt that in practice this happens a lot. Saginor responded that there was really no way to avoid this.

Saginor also noted that the Coalition occasionally heard proposals that the Act should allow CP funds to be used to maintain any assets created with CP funds in the first place. However, the legislature sees the prohibition on maintenance as a "firewall" and would never agree to this, because of the relationship of the Act to Proposition 2 ½. The CPA is the only legislation that allows communities to increase property taxes beyond the limits in Proposition 2 ½ without an override. Saginor acknowledged that the current and proposed provisions in the CPA for using CP funds to rehabilitate historic and recreation resources that were not created with CP funds may come close to crossing that line, but said that the Coalition recognizes that laws evolve, and feels that these provisions make sense.

Nancy Grissom asked whether the Coalition had a system of legislative alerts that would allow supporters to send automatic emails to the legislature. Saginor reported that the Coalition really has not had to do much of this kind of mass communications work, but has instead been able to stop negative changes primarily with behind-the-scenes meetings and lobbying. Leslie Burg felt that phone calls are best, emails

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are a last resort. Saginor said that an in-person constituent visit is the most powerful way to reach a legislator.

Saginor then asked for suggestions and feedback. In particular the Coalition knows that the minimum 75% state match may be re-negotiated at the last-minute, leaving no time to consult the Coalition's member communities. Wally Bernheimer thought a guaranteed minimum of 50% would be good.

In response to a question from Nancy Grissom, Saginor indicated that the amendment's proposed \$70 maximum deeds fee would be more than sufficient to provide the proposed 75% minimum state match. He was not sure how the \$70 cap had been arrived at.

Dan Green asked why the amendment allowed funding the rehabilitation of playing fields but prohibited funding for artificial turf. Saginor explained that only 3-4 CP-funded projects have ever used artificial turf, and that it is very controversial. Most playing field projects tap multiple funding sources, so the legislature proposed to allow the use of CP funds for any aspect of such a project other than the artificial turf itself, including drainage improvements, environmental mitigation, etc.

In response to a question from Zack Blake, Saginor said the Coalition's new website had a target date of summer 2010 to be up and running.

The Committee thanked Stuart Saginor for his presentation and information.

VOTE Steve Fauteux moved, and Walter Bernheimer seconded, paying Newton's fiscal 2010 Coalition membership dues of \$7500.

The motion passed by a vote of 8 in favor, 0 opposed.

COMMITTEE BUSINESS

OPEN SPACE PLAN

The Committee discussed several minor changes and corrections to Michael Clarke's draft letter encouraging the City to complete its next *Open Space & Recreation Plan* & related initiatives. The sense of the meeting was that the letter should go out as amended, over Nancy Grissom's signature as CPC Chair.

EVALUATION of STAFF

Nancy Grissom reported trying to contact Dolores Hamilton, the City's Director of Human Resources, to get some standard information that would help the CPC review Alice Ingerson's performance. Zack Blake offered to provide copies of information related to employee performance reviews in state government, and asked Ingerson to provide a copy of her last full job description.

Dan Green noted that customer satisfaction might be a useful metric for staff evaluation, and suggested that all members of the Committee should rate Ingerson's performance individually.

PROJECT & PROGRAM EVALUATION

Ingerson had sent the Committee a memo suggesting that any celebration of the CPA's 10th anniversary in Newton (fall 2011) include a neutral, third-party review and evaluation of long-term project results. Zack Blake asked Ingerson to request guidance on how to conduct such an evaluation, and what it might cost, from Stuart Saginor and the Community Preservation Coalition.

Ingerson recalled the part of her memo pointing out that such an outside evaluation would be a brave thing for a public program to do, since it might uncover weaknesses as well as strengths. Wally Bernheimer felt the proposed evaluation would be worth that risk, because it would help the Committee ask better questions about future proposals.

Bernheimer also suggested that all previous CPC members and project managers or leaders be invited to an anniversary forum or celebration. Ingerson suggested holding such a forum in the War Memorial

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Auditorium of City Hall, and asking project managers to put up posters or other displays about their projects' results around the edges of the room.

SITE/PROJECT SIGNAGE

The signs subcommittee (Zack Blake, Dan Green, and Nancy Grissom) reported on their meeting. Green said one of the vendors his company works with estimated that wooden signs 2x3 feet, with the lettering routed out rather than just printed or painted on, would cost \$350-400 each. Similar, printed plastic signs would cost about \$150 each. Alice Ingerson indicated that the Committee would probably need to solicit at least 3 independent bids before it could commission such signs.

Nancy Grissom passed around 6 pictures of CPA site signs in other communities, from a past Community Preservation Coalition newsletter article. Stuart Saginor offered to send additional pictures of signs.

The subcommittee recommended erecting signs at all projects still underway, and making this a requirement for all new projects, with signage costs included in the recommended project funding. They directed Alice Ingerson to work with each project manager to determine where each sign will be installed.

Grissom also reported that the subcommittee thought the logo should be redesigned through a community contest, in time for the 10th anniversary. She asked for volunteers to form a committee to plan and manage the contest and other anniversary activities. Dan Green offered to chair such a committee; Grissom agreed to stay involved, and Leslie Burg offered to help as much as she could.

Ingerson pointed out that signs with the new logo could not be available for some time. In response, Zack Blake and Dan Green suggested commissioning less expensive, plastic signs immediately for certain project sites: Angino Farm, Veteran House, the Burying Grounds, Lexington St., the History Museum, and Warren House.

VOTE Walter Bernheimer moved, and Tom Turner seconded, commissioning a total of 5-8 plastic signs with the current logo.

Zack Blake moved, and Bernheimer seconded, delegating to the signs subcommittee the authority to approve the design for these signs.

The proposal was adopted by a vote of 8 in favor, 0 opposed.

MARCH MINUTES

VOTE No members suggested corrections to the draft 17 March 2010 minutes. Zack Blake moved and Michael Clarke seconded their approval.

The minutes were approved by a vote of 7 in favor, 0 opposed, and 1 abstention by Dan Green, who had not attended the March meeting.

FISCAL 2009 ANNUAL REPORT

Walter Bernheimer felt that all pie charts should be removed from the report. The committee accepted this suggestion.

Nancy Grissom asked Alice Ingerson to double-check the residential tax rate listed in the draft report; she suspected the number was correct for 2009, but it was mislabeled as the 2008 rate.

Leslie Burg asked Alice Ingerson to avoid labeling documents as drafts by using "watermarks" in the middle of the pages.

VOTE Michael Clarke moved and Dan Green seconded approval of the report as amended.

The report was approved by a a vote of 8 in favor, 0 opposed.

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PROPOSAL REVIEW PROCESS

Nancy Grissom reported that before the vote on the CPC's funding recommendation for Veteran House, at the most recent Board of Aldermen Finance Committee meeting, Alderman Ruthanne Fuller had commented on how well the Aldermanic review process had worked in this case. Grissom felt that this was indirectly a comment on the work of the CPC, which had not asked many of the questions later raised by the Aldermanic committees. Grissom asked for feedback on whether the CPC itself should analyze proposals in greater detail before voting on them. In particular, should the CPC probe more deeply the financial and management capacity of the proposal sponsor, or the pros and cons of requirements imposed by other funding sources for the project?

Leslie Burg felt the answer to these questions was no; the CPC does not need to delve into these issues, given its charge. Tom Turner felt it was primarily the responsibility of the proposal sponsor to defend the project, the CPC should not be evaluating the capacity of the project manager or project finances.

Wally Bernheimer agreed with Turner that the proposal sponsor should be the primary presenter at Board committee meetings, and with Burg that the CPC does not need to explore sponsors' financial capacity in detail. However, he felt that the CPC should evaluate the management capacity of each proposal sponsor or manager.

Michael Clarke suggested that the CPC needed to do careful "due diligence," so that the Board would see the CPC's funding recommendations as careful.

PROJECT & PROPOSAL UPDATES

Alice Ingerson reported that the CPC could apparently expect to receive soon from Historic Newton the revised workplan and budget for the Historic Burying Grounds projects, which it had first requested in May 2008 and had been due by December 2008.

She also noted that she had contacted the Wellesley CPC about coordinated consideration of the Charles River Lower Falls Bridge proposals for each side of the river. The Wellesley CPC chair had been very open to this suggestion, but asked to be contacted again in early May, once Wellesley's town meeting was over.

OFFICERS FOR FISCAL 2011

Chair Nancy Grissom had discussed this with Vice Chair Wally Bernheimer. Given the scarcity of members with more than a year's service on the Committee, both were willing to serve in their current roles for one more year, but felt new officers must be elected after that.

The Committee agreed to choose its fiscal 2011 officers at its June 2010 meeting, with terms to begin in the fall of 2010.

MEETING SCHEDULE

For the next scheduled meeting, on 19 May 2010, Nancy Grissom noted that she had a conflict, and Wally Bernheimer was out of town. Given no pressing business, the Committee agreed to cancel its May meeting, and meet next at the Auburndale Community Library on 16 June 2010.

Mike Clarke seconded Steve Fauteux's motion to adjourn, which was approved by 8-0.

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

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