

**COMMUNITY PRESERVATION COMMITTEE**  
*Record of Public Meeting*      **19 August 2010**

*Newton, Massachusetts*  
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The meeting was held on Wednesday 19 August 2010 in Newton City Hall Room 222.

Attending members of the Community Preservation Committee (CPC): Nancy Grissom, Walter Bernheimer, Zack Blake, Thomas Turner, Steve Fauteux (left at 7:55 pm).

Program manager Alice Ingerson served as recorder.

Current Committee Chair Nancy Grissom opened the meeting at 7:05 pm.

**7:05 PM**      **EXECUTIVE SESSION** with Angela Smagula of the City of Newton Law Dept., to discuss litigation related to the acquisition of 20 Rogers Street.

VOTES      At 7:05 pm Wally Bernheimer's motion to go into executive session was seconded by Steven Fauteux and approved unanimously.

At 7:15 pm Zack Blake's motion to end the executive session was seconded by Wally Bernheimer and approved unanimously.

**7:20 PM**      **SPECIAL FUNDING POLICIES & REQUESTS**

20 ROGERS STREET Supplemental Funding

Angela Smagula presented the Mayor's request for supplemental funding of \$452,000 to satisfy the terms of the late June 2010 court decision adjusting the purchase price for 20 Rogers Street, which the City had acquired with CP funds and using the power of eminent domain. Smagula explained that the request included enough to cover accrued interest to December 2010, should funding approval require that much time.

In response to a suggestion from Wally Bernheimer, Steve Fauteux explained that interest accruals on court judgments do not necessarily track current market interest rates.

Bernheimer thought that the CPC would have voted to recommend the now-contemplated total expenditure of \$2.7 million from the CP Fund for this purchase, had that been the amount of the original 2007 request. He strongly supported the project, but noted that the Mayor had not made any effort to look for other sources of funding, in contrast to the Committee's current policy of requiring leverage for CP funds. Smagula explained that the Mayor felt the original purchase was worth the higher amount.

Steve Fauteux asked what would happen if the Committee did not vote to recommend the additional funding. Smagula said she would explain to the Mayor that this was the Committee's decision. Zack Blake thought the City simply did not have the funds available from any other source.

Bernheimer suggested that the Committee at some point would need to say no to a major City funding request, to get the point across that the City cannot take CPA funds for granted. The Mayor and the Board of Aldermen should work harder to find other sources of funding. Bernheimer also noted that the CPA surcharge was a supplement to the tax rate for special purposes, and that the voters had not adopted it to maintain or improve existing City properties that are underfunded. Zack Blake supported Bernheimer's points.

Nancy Grissom noted that the Committee's pre-meeting packet included an email from absent and therefore non-voting member Mike Clarke supporting the request. She then summarized comments she had received by email just before the meeting from CPC member Dan Green, also absent and therefore non-voting. Green supported the request. He would have favored making more on-street parking around Crystal Lake a condition for further CP funding of this project, but believed that request was not practical at this point.

VOTE      Zack Blake moved recommending the requested amount of funding for the requested purpose. Steve Fauteux seconded the motion. The motion passed unanimously, 5-0.

Members present expressed their agreement with absent member Dan Green's wish that there could be more public parking at Crystal Lake.

Alice Ingerson asked Smagula to convey to the City Solicitor the Committee's hope that the Mayor and Law Dept. would contact the Board of Aldermen to explore the possibility of a shortened process for considering this CPC recommendation, to minimize interest costs and therefore the total amount of CP funding required.

#### ADMINISTRATIVE FUNDING for SPECIAL PROJECTS

Nancy Grissom noted that the CPC needed a process for allocating administrative funding to special projects, since individual administrative expenditures do not require Aldermanic approval and administrative funding is subject to different constraints than project funding, under the Community Preservation Act.

Alice Ingerson then summarized her staff memo on this issue, which was part of the Committee's pre-meeting packet. The CPA itself limits administrative expenditures to a maximum of 5% of current-year funds; and that Dept. of Revenue, as the sole state agency currently interpreting the CPA, has limited the use of administrative funds to the work that the Act requires of each CPC, and has ruled that unspent administrative funds from one year cannot be carried forward to the next year for administrative use, but must be returned to the pool of grantable funds.

Drawing on the language of the CPA, Ingerson summarized the required work of the CPC itself as: studying the community's needs, resources and opportunities for CP-eligible resources; making funding recommendations to the Board of Aldermen; and keeping accurate public records of how CP funds were spent. She recommended justifying all expenditures of administrative funds by spelling out how they helped the CPC meet one or more of these 3 obligations. Ingerson also noted that the 5% for program administration was an upper limit, and that the Newton CPC had always aimed to spend less than this on program administration, in order to maximize grantable funds. Finally, she noted that the Board of Aldermen needed to approve the Committee's administrative budget each year, and might in the future – as it had in the past – question lines in that budget that the Aldermen felt were too vague, or not strictly necessary to allow the CPC to meet its obligations under the CPA statute.

To deal with these issues, Ingerson's staff memo envisioned a program of administrative "mini-grants." By analogy with regular project grants, this program would announce to all possible applicants the total funding available and the process that would be used to allocate these funds. The memo also recommended soliciting public comment on each proposed use of these funds.

In addition, Ingerson's memo also recommended limiting the total available for such uses, so the Committee could allocate funds to these uses early in each fiscal year. Otherwise, she felt special projects could be funded only after the Committee had received each year's regular project proposals, and knew what it needed to spend to evaluate those proposals; for example, by commissioning outside or second-opinion appraisals, financial feasibility analyses, cost estimates, etc. Zack Blake disagreed with this recommendation, and believed that the Committee should not set any arbitrary limits on special project funding.

Ingerson also noted that two years earlier, she had suggested creating a program of "mini-grants" from administrative funds, which proposal sponsors could request to hire grants consultants to help them identify non-CP sources of funding and obtain that additional funding. At that time, the CPC had rejected the idea of administrative "mini-grants" because the Committee felt such a program would be too time-consuming.

Ingerson then explained that, after writing her memo, she had come to feel it might be better to use a more collaborative process for administrative special projects, rather than create a competitive process by analogy with the one used for regular project funding. Through a collaborative approach, the CPC could discuss continuously with its appointing commissions and boards, as well as with nonprofits and City departments, new and improved ways of meeting the CPC's obligations under the Community Preservation Act. A few special projects for that purpose could then be included as line items in each year's administrative budget. These projects could then be discussed and approved at the public meetings through which the CPC developed and the Board of Aldermen reviewed that budget.

Zack Blake, Wally Bernheimer, and Nancy Grissom all endorsed this less formal approach, in preference to voting on and announcing a policy and amount of available funds that would encourage many, competing requests for administrative funds. Blake and Bernheimer thought the CPC should think of the process as hiring consultants – which in some cases might be groups rather than individuals – to help it do its own work more effectively.

After further discussion, the sense of the meeting was that the CPC should continue to make case-by-case decisions about using its administrative funds for special, one-time projects, and should not set aside any specific amount of funding or create a new, formal process for this purpose.

#### HISTORIC PRESERVATION GUIDELINES

Special Project Proposed by the Newton Historical Commission

Brian Lever, the City of Newton's Senior Preservation Planner, and Dave Morton, Secretary of the Newton Historical Commission (NHC), summarized the proposed project, which had been described in the Committee's pre-meeting packet. Lever displayed the map of officially designated historic properties, districts, and landmarks in Newton, and noted that many of Newton's historically significant properties were not protected through any official designation or regulation.

The proposed guidelines would be used by all the City bodies involved in making decisions about changes to all of the City's historic properties. These bodies include the City's 5 historical commissions – the citywide NHC and four local district commissions, plus the CPC as a funder.

Newton's only existing guidelines for this purpose are only 2-plus pages long. Lever showed examples of the much more detailed guidelines used by other communities. The cost to produce these more detailed guidelines had varied from about \$2,000 to multiple thousands. NHC will request from the Massachusetts Historical Commission (MHC) a 60 percent match for the requested \$12,000 of CPC administrative funding. The project will also leverage other resources, including the time from preservation architects who serve as volunteers on the City's various historical commissions, and time from professional staff such as Lever, who are paid through the City's General Fund budget.

Nancy Grissom and Zack Blake reminded the Committee that they are both members of the Newton Historical Commission, but neither has any personal stake in this project. Both felt they had no conflict-of-interest issues in discussing or voting on the project. The Committee as a whole agreed.

Alice Ingerson distributed a letter of support for the project from Donald Lang, Chair of the Newton Historical Commission, which had arrived too late for the pre-meeting packet but had been emailed to all members of the CPC.

Ingerson also noted that as a volunteer, she had chaired the committee of volunteers, staff, and Aldermen who wrote the chapter of Newton's 2007 *Comprehensive Plan* entitled "Planning for and with History." She felt the proposed project was an example of the approach called for by that chapter, which emphasized community education and incentives not only as alternatives to regulation and public acquisition as tools for historic preservation, but also as needed to make regulation and acquisition themselves work effectively.

Wally Bernheimer asked Lever about the timeline for getting the final guidelines. Lever said the MHC would accept a pre-proposal in November 2010, then on that basis invite a few final proposals that will be due in January 2011, with final funding decisions announced in April. Based on his prior experience with the City of Newton's procurement process, he estimated that if MHC funding were confirmed by April 2011, a contract with a consultant to produce the guidelines could probably be signed by August 2012. At any stage, if the MHC turns down Newton's request for these funds, the Newton Historical Commission would also withdraw its proposal to the CPC.

Ingerson asked whether the City's various historical commissions had made a binding commitment to use any guidelines that were produced. Lever responded that all the commissions have written letters of support, but that they cannot commit to adopting guidelines they have not yet seen.

Ingerson also expressed her hope that, although the title of the project was "Historic Preservation Design Guidelines," the guidelines produced would follow the CPC's current historic resources

proposal instructions in acknowledging and seeking to preserve features other than design, per se, including features that are significant for their economic and social history associations.

In response to a question from Nancy Grissom, Lever confirmed that the guidelines would be posted online, and would be a living document, which could be modified or expanded later. Dave Morton noted that the proposed guidelines were a good start, but might not be the only work ever done on this front.

**VOTE**              Zack Blake moved to set aside \$12,000 of CPC administrative funds for the proposed project. Steve Fauteux seconded the motion, which was unanimously approved.

**8:15 PM            PROGRAM PLANNING & OUTREACH**

Given the small attendance of CPC members at this meeting, Nancy Grissom proposed to postpone until the Committee's September meeting the previously announced discussion of planning for the program's 10<sup>th</sup> anniversary in 2011-13.

Alice Ingerson and Nancy Grissom reported that temporary site signs had been designed and should be erected at 3 of the 5 planned sites in August (192 Lexington Street, 2148 Commonwealth Avenue, and Angino Farm) and at the other 2 sites in early September (Durant-Kenrick Homestead and Jackson Homestead/Newton History Museum).

**8:20 PM            OTHER COMMITTEE BUSINESS**

Zack Blake seconded Wally Bernheimer's motion to approve the minutes of the Committee's 16 June 2010 meeting as submitted by Alice Ingerson. The minutes were unanimously approved.

Alice Ingerson summarized the handout in the pre-meeting packet on recent changes in public meetings law. She noted that any meeting of a duly constituted subcommittee now required a publicly posted agenda and minutes, with the same advance notice, public attendance, and public records requirements as a meeting of the full Committee. Wally Bernheimer pointed out that discussion of issues by email should not be completely ruled out, but that members should always remember that their emails are public records.

Nancy Grissom reported that she, Wally Bernheimer, and Alice Ingerson were working on a revised approach to program staffing, based on Ingerson's analysis of the gap between available resources and current expectations. Any suggestions they produced would be presented to the full Committee for discussion, revision or adoption in the fall of 2010, so that discussion could inform the Committee's approach to its fiscal 2012 administrative budget. Ingerson noted that this discussion and the fiscal 2012 administrative budget would both be critical to the success of any special activities planned for the program's 10<sup>th</sup> anniversary.

Ingerson also summarized the information in the pre-meeting packet about ad rates for the *Newton Resource Guide*. The upcoming edition of this guide was going to be mailed to all households in Newton; another edition was not planned until 2012-13, at the earliest, so she wondered if the Committee might wish to purchase an ad, in addition to its two free listings. After discussion, the sense of the meeting was that a paid ad was unnecessary.

Chair Nancy Grissom adjourned the meeting at 8:25 pm.

*See also attached list of materials distributed in the pre-meeting packet or at the meeting. All materials are public records and are available upon request.*

PRE-MEETING PACKET MATERIALS Available On Request

(\*\* items are posted permanently online, please contact staff for assistance in finding these)

- ◆ fiscal 2010 year-end financial reports
- ◆ fiscal 2011 available funds \*\*
- ◆ staff memo on administrative project funding
- ◆ excerpts from June 2010 Newton Open Meetings Manual
- ◆ 20 Rogers Street – supplemental funding request, emails from absent & non-voting CPC members Mike Clarke and Dan Green \*\*
- ◆ Newton Historical Commission – administrative project proposal for Preservation Guidelines \*\*
- ◆ Newtonville design charrette – one-pager (pre-proposal)
- ◆ Newton Heritage Landscapes – final report \*\*
- ◆ 16 June 2010 draft minutes
- ◆ 2010 CPC mtg schedule \*\*
- ◆ 2011 CPC mtg schedule (proposed)
- ◆ ad rates for new *Newton Resource Guide*