

The meeting was held on Wednesday 21 October 2009 in Newton City Hall, Cafeteria.

Attending members of the Community Preservation Committee (CPC): Nancy Grissom, Zack Blake, Stephen Fauteux, Joel Feinberg, Leslie Burg, Michael Clarke, Dan Green (arr. 7:15 pm).

Program manager Alice Ingerson served as recorder.

Former Committee chair Joyce Moss also attended the first part of the meeting.

Current Committee Chair Nancy Grissom called the meeting to order at 7:10 pm.

COMMITTEE BUSINESS

17 JUNE 2009 MINUTES

Zack Blake moved approval of the minutes, Steve Fauteux seconded the motion.

The minutes were unanimously approved.

THANK YOU to Joyce Moss

Nancy Grissom thanked Joyce Moss for her service as chair. Moss said she had enjoyed being chair, but also praised the Committee's tradition of rotating the chairmanship annually. She also hoped the CPC would maintain its independence, which seemed important from the statutory point of view. She then left the meeting.

INTRODUCTION of NEW MEMBERS

Nancy Grissom introduced herself as the chair and as the Mayor's appointee for historic resources.

Mike Clarke introduced himself as the Mayor's open space appointee. He is an alternate member of the Parks and Recreation Commission, a Board member of the Newton Conservators, and a member of the City's volunteer Bicycle Pedestrian Taskforce. He reported having consulted the City Solicitor about the current Charles River Lower Falls Railroad Bridge proposal, cosponsored by the Conservators and Bicycle-Pedestrian Taskforce. The Commission and Solicitor agreed that since neither of these organizations stood to benefit financially if the proposal were funded, any potential conflict of interest was resolvable, and Clarke could therefore vote on that proposal.

Leslie Burg introduced herself as the appointee of the Planning & Development Board, and asked Ingerson to correct her records to show that she lives in Ward 3.

Zack Blake introduced himself as the Newton Historical Commission's appointee, and noted that he works in the state Department of Revenue's Division of Local Services, which among many other roles advises communities on the implementation of the Community Preservation Act.

Joel Feinberg introduced himself as the Mayor's appointee for affordable housing, and an attorney who has worked professionally on many projects in that field.

Steve Fauteux introduced himself as the Mayor's recreation appointee.

Dan Green introduced himself as the Conservation Commission's appointee, and noted that he is also a Board member for the Newton Conservators.

STAFF UPDATES on current proposals & projects

In response to a question from Joyce Moss, Alice Ingerson explained the "general cash reserve" adopted by the CPC as a program priority in June 2009. As stated in the published *Priorities*, the goal is "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 (\$2 million)." This reserve is informal and can be drawn on for appropriations at any time, for any CPA-eligible purpose, through the usual process of a CPC recommendation followed by an appropriation made by the Board of Aldermen. Joyce Moss then left the meeting.

Alice Ingerson reported that the Board of Aldermen had voted on 5 October 2009, by 22-1 (Lad. Harney voting nay, and Lad. Colette absent), to appropriate the \$2,046,000 that the CPC had recommended for the construction of community housing at 192 Lexington Street, Auburndale.

In response to a request from Ingerson, Steve Fauteux briefly explained recent changes in the state ethics law. Penalties were increased for certain kinds of violations. The law requires disclosing potential or apparent conflicts of interest for all aspects of public service, not simply for voting. The state will distribute by the end of the year a summary that all public employees, including volunteers serving on official commissions, must sign to acknowledge receipt. In the spring of 2010, the state will require all employees and commission members to take an online training course and test, to show that they have familiarized themselves with the law. In response to audience questions, Fauteux also noted that citizens could contact the State Ethics Commission by phone or online for information about how to file a complaint.

FISCAL 2010 PROGRAM OVERVIEW & PLANNING

AVAILABLE FUNDS

Alice Ingerson noted that a regularly updated summary of currently available funds is both distributed to Committee members and posted on the *Reports* page of the program website. Currently, there is about \$4 million available for grants. She also drew members' attention to several footnotes about how this total was calculated, and offered to answer any questions CPC members might have.

PROPOSED NEW PROCESS for CONSIDERING "SUPPLEMENTAL" REQUESTS

Chair Nancy Grissom explained that supplemental funding requests were those received after a proposal had already received significant funding based on a prior CPC recommendation. She summarized the staff proposal to shorten the funding process somewhat for these requests, but also to consider these requests only once a year, at the same time as new proposals. Grissom asked if any members had questions.

Ingerson added that her memo to the Committee had recommended that the CPC reserve the right to determine on a case-by-case basis whether a request should be treated as supplemental, or instead as a revised full proposal, without setting a fixed threshold or criteria -- either by amount of funding or types of changes to a project -- for making that determination.

VOTE Dan Green moved, and Steve Fauteux seconded, approval of the new process as proposed.

The new process was unanimously approved. It will be posted on the *Guidelines & Forms* portion of the program website, and distributed to the Board of Aldermen and Mayor.

CONTINUING ISSUES

Nancy Grissom summarized this staff memo on a number of continuing issues facing the program, including: allowable uses of funds, the statutory roles of the CPC and Board of Aldermen, setting funding priorities, improving the proposal preparation & review process, increasing funds from other sources leveraged by CP funding, and both short-term management and long-term monitoring of funded projects.

Grissom noted that, although this memo was first presented to the CPC about 18 months ago, the issues remain substantially the same. Several had arisen in the course of the CPC recommendation and Board consideration of funding for the 192 Lexington Street housing project.

Grissom asked for any questions or comments from Committee members.

Dan Green thought that encouraging submission of more "one-pagers" would help sponsors to prepare more complete, viable proposals. Ingerson noted that she thought this was already happening; all of the new proposals received these year were substantially complete, and many of their sponsors had worked first on one-pagers.

Joel Feinberg asked whether there was a distinction between items that could be funded by CP funds vs. from the city's general capital budget. Ingerson explained that CP funds were by definition capital funds, since they could not be used for maintenance or routine operating costs. As a result, any project that was

eligible for CP funds could also be funded by general capital budget funds, but the reverse is not true. The preservation, restoration, or rehabilitation of most public buildings and landscapes in Newton, which were acquired or created before the CPA was adopted locally, are currently eligible for CP funds only in the historic resources category. This creates special pressure for funding through that category. In response, in June 2009 the Committee adopted more explicit criteria and requirements for proposals in this category.

Feinberg also asked who represented the CPC before the Board of Aldermen and their committees on behalf of CPC-recommended projects. Grissom explained that this role was usually taken by members most involved in the particular project. On 192 Lexington Street, for example, this had included the chair, the housing representatives on the CPC, and herself, as a resident of that neighborhood. Grissom said that at the time of future proposal votes, she would ask the CPC to identify those members who would follow through on the proposal if recommended.

Ingerson then explained briefly the contents of the packets that each member would take home from the meeting. These contained 1 copy each of all new proposals, of submitted one-pagers that had not yet become full proposals, and her list of potential future proposals (including projects for which one-pagers had been promised but not yet submitted). She emphasized that none of the one-pagers or potential future proposals had been submitted in a form on which the Committee could vote, but were provided simply to assist that Committee in implementing its adopted goal of considering future as well as currently proposed uses of CP funds when making its recommendations.

In response to the meeting calendar distributed to Committee members and posted online, Dan Green asked Ingerson to correct the calendar to show the 7 April 2010 meeting date.

Steve Fauteux asked Ingerson if rooms other than the Cafeteria were available for Committee meetings. Alice Ingerson explained that the only other room available in City Hall on the Committee's scheduled meeting dates was the War Memorial Auditorium. Committee members agreed that the Cafeteria was preferable, but asked Ingerson to set up future meetings so that the Committee and speakers were located near the door, away from the noise of equipment in the Cafeteria kitchen.

RECESS

Steve Fauteux proposed, Mike Clarke 2nded, and the CPC unanimously agreed to take a brief recess until the representatives for the 2 supplemental requests were in attendance. Nancy Grissom announced that the working session would resume after 10-15 minutes.

WORKING SESSION: SUPPLEMENTAL REQUESTS

BRIGHAM HOUSE

Art Cabral introduced himself as staff from the Public Buildings Dept. He noted that the original proposal had not anticipated the amount of fire alarm work that would be required by Fire Dept., or the full costs of making the bathrooms comply with requirements imposed by Inspectional Services.

Nancy Grissom noted the request was for \$15,250, and that the project has been completed. She also noted that there was a high number of change orders for this project. Cabral explained that the request was for the net amount of change orders and for associated work by the project architect, minus a credit for some work not done and remaining funds.

Fauteux asked how these items would be paid for if the CPC did not recommend supplemental funding. Cabral explained that the costs would have to come from the City's general funds.

Leslie Burg asked whether the Fire Dept. had not noted these requirements when meeting earlier with the project architect. Cabral said that such signoffs were quite hard to obtain. In response to a question from Grissom, Cabral explained that the changes were not a result of changes in the fire code. Burg said it would be helpful to find a way to make sure this does not happen again. Cabral said the Public Buildings Dept. is creating a booklet of what the Newton Fire Dept. really requires, above and beyond the building code, to help it predict such costs more accurately in the future.

Grissom noted that most of these invoices were from January 2009 or before. Cabral acknowledged that the Public Buildings Dept. should have submitted the supplemental request earlier. Alice Ingerson explained that delays in starting the project probably contributed to the overruns. Budget cuts over the past few years have significantly reduced the number of staff positions in the Public Buildings Dept., as in most City departments. On this and other projects, the CPC had responded to community and Board of Aldermen questions about project delays by allocating a portion of its own administrative budget to paying for project oversight and management assistance, billed on an hourly basis, from CPA Engineer Frank Nichols, in the Dept. of Public Works.

Mike Clarke asked why the installed smoke detectors cost \$250 each. Cabral explained that this included installation costs for the outside contractor, and that all City buildings are required to use a specific brand of smoke detector. Grissom noted that commercial detectors are more expensive. Clarke asked Cabral to commit the Public Buildings Dept. on the record to submitting no further, future requests for more sophisticated detectors for this project.

VOTE Steve Fauteux moved that the request be approved as submitted, under the new supplemental requests process. Berg seconded the motion.

Feinberg abstained from voting, on the grounds that he was not convinced that these costs should not have been paid for from some other funding source, or costs predicted more accurately.

He felt uncomfortable being put in the position of voting to cover costs that had already been incurred.

The request was approved by a vote of 6 in favor and 1 abstention.

HISTORIC NEWTON - MUSEUM ARCHIVES

As background, Alice Ingerson explained that in fiscal 2009 the CPC had recommended \$359,400 of total funding for this project, including \$2,000 for City of Newton legal services. Nancy Grissom noted that the Board of Aldermen had appropriated only \$37,500 of the recommended total to date, for design work.

Since the cover memo for the supplemental request did not mention the exact amount of supplemental funding requested, Alice Ingerson asked for clarification of this amount, and for reference provided Art Cabral with a copy of the materials that the CPC had received from his department.

Cabral said that the overall budget for the project had increased from \$394,500 to \$678,138. The additional request for CP funds was the difference in total funding, minus some additional contribution from the Museum's own funds. Museum would contribute \$134,000 of non-CP funds to this project, including the contributed \$13,164 for collections cataloguing.

Nancy Grissom noted that this increased request represented a change in scope.

Museum director Cindy Stone agreed, and explained that the multi-purpose classroom had always been on the Museum's wish list, but had been left out of the original proposal and would be paid for with funds raised privately as part of Historic Newton's capital campaign. These funds were not earmarked for any specific line item. The architects hired with the already appropriated CP funds had pointed out to Museum and Public Buildings staff that the museum's handicapped access was no longer up to code. Plans to remedy that had increased the scope of the project.

Leslie Berg asked if the CPC could get an overview of the total project, with a breakdown of the sources and uses of the projects. Dan Green asked that the new presentation clearly distinguish changes in cost from changes in scope.

Alice Ingerson asked for clarification about the relationship between this revised proposal and the new proposal just submitted for 3-dimensional collections storage. Stone said the two proposals were unrelated.

Historic Newton Board member Jonathan Kantar noted that costs were more clearly specified and justified in the supplemental or revised proposal than in the original fiscal 2009 proposal, which was based on broad estimates rather than detailed architectural design work. Stone explained that Historic Newton had been unable to meet the 14 October 2009 deadline to submit a full new proposal, because it had taken all year to get the initial design work funded and then done.

Nancy Grissom summarized the CPC's request for a full presentation of the project at its 16 December 2009 meeting. This presentation should break down the costs for each project component, to the extent possible distinguishing changes of cost for components included in the original CPC recommendation from changes of scope or additions to the project. Alice Ingerson should give the deadline for that meeting packet to Cindy Stone and Art Cabral.

WORKING SESSION:
CURRENT PROPOSAL

CHARLES RIVER LOWER FALLS BRIDGE CONVERSION

Nancy Grissom reported that she and Zack Blake had attended a site visit in the rain on Sunday 18 October 2009, which they found informative, and encouraged members who had not seen the site can find and visit it on their own. Joel Feinberg had arrived early for that site visit and walked the site on his own.

George Kirby of the Bicycle Pedestrian Taskforce displayed a poster about that Taskforce's general work, which included two photos of this project site, along with an artist's conception of the off-road greenway, and a photo of existing conditions on the bridge. The Taskforce had worked on this proposal with the Newton Conservators, Wellesley Natural Resources Council and Wellesley Trails Committee. These groups combined their contributed funding with funding from the state Dept. of Conservation and Recreation (DCR) to produce the design for the project. Kirby said the project would create recreational land and uses in an area that is not available for those uses now, and provide additional opportunities for walking to shopping and church services.

The original proposal had envisioned contributions to a total of \$400,000 in construction costs of: \$200,000 from DCR, \$100,000 from Wellesley, and \$100,000 from Newton. In spring 2009, DCR found that the bridge would cost more than this. Kirby explained that the state agency plans to fund the full cost of converting the bridge for pedestrian use under the Accelerated Bridge program. DCR is seeking permits from the Newton Conservation Commission, and will be ready after that to put the bridge conversion out to bid.

DCR currently estimates the bridge conversion will cost nearly \$600,000 rather than the original estimated \$200,000.

Nancy Grissom asked who owned the land on the Wellesley side, and Mike Clarke asked who in Wellesley would control the land after the project was done. Robert White of Wellesley's Trails Committee responded that the Wellesley selectmen control that land, which is owned by the town. The area would be maintained by the town's Dept. of Public Works.

Kirby clarified that DCR owns all land on the Newton approach to the bridge, and all maintenance on that side would be done by DCR.

Joel Feinberg asked about the status of funding on the Wellesley side. Robert White explained that the Wellesley CPC's recommendation for funding of an interim path would be presented and voted on at Wellesley town meeting in April 2010. The Wellesley CPC expected to forward its final funding recommendation, based on the final design for the park, for a vote at Wellesley town meeting in the spring of 2011.

Kirby said DCR had been a model citizen in terms of community contacts, holding several community input meetings last March 2009 and over the summer. At those meetings, he noted that neighbors asked DCR to design the path so that it would have a minimal impact on the abutting properties, including the owner of the shed that currently rests on DCR land. Grissom noted that in the list of estimated costs, one involved moving a shed. She was aware that some residents of the neighborhood hoped that the abutter's garden and shed would not have to be moved.

Kay Khan said that DCR planned to go back to the community at a meeting for another round of design revisions, after meeting with the Newton Conservation Commission in November.

Grissom noted that the next opportunity for the CPC to review the proposal and perhaps vote, after the Conservation Commission's meeting, would be at its 16 December 2009 meeting.

In response to questions from Grissom and other members of the CPC, Kirby explained specific items in the list of preliminary cost estimates. The types of interpretive materials anticipated for this project were like the granite marker posts and wayside signs along other portions of the Upper Charles River Reservation, which is marked by granite posts with a blue heron. Kirby explained that a whistle post was a replica of a signal previously required by railroads. Grissom noted that a detailed description of these project elements might be necessary for the Law Dept. to determine whether these would be eligible for CP funding. In response to a question from Kirby about what specific types of interpretive exhibits would be eligible for funding under the CPA, Grissom explained that final details would have to be submitted to the Law Dept for an opinion. A funding request listing "typical" interpretive exhibits that might be used in the design would not be adequate for such an opinion.

Grissom also noted that matching funds from non-CP sources could be used for project elements not eligible for CPA funds. Alice Ingerson noted that in the past, however, some courts had been unwilling to distinguish among specific line items or elements in a project when ruling on whether the project was an eligible use of CPA funds.

In response to a question from a member of the audience, Kirby explained that DCR did not have any funds budgeted for improvement of the approach to the bridge on the Newton side. Without CP funds, this portion might be left unimproved.

Nancy Grissom asked for an updated project schedule including all portions, as well as a final design and budget. She noted that the CPC could not vote on the proposal or forward a recommendation to the Board of Aldermen without this detailed information.

Zack Blake asked for as much detail as possible on what the final park will look like in Wellesley, since the main selling point of the proposal was connecting people to the river and to the Wellesley trails system.

Kirby said DCR could not yet offer details beyond those in the preliminary cost estimates its landscape architect had submitted to the Newton CPC in August 2009, for its September 2009 meeting (this meeting was canceled and all agenda items rescheduled for October). Kirby explained that DCR plans to bid the work on the bridge this fall, but had not provided a final design to the sponsors of the Newton proposal or the CPC because CP funds were not being requested for the bridge. In response to a suggestion from Kirby, Grissom noted that an appropriation could not be recommended on a "not to exceed" basis.

Neighborhood resident Ruth Levens noted that DCR ownership of the Newton approach to the bridge had not been confirmed legally. Nancy Grissom and Leslie Berg responded that in a memo to the CPC, the Newton Law Dept. had accepted the deed and plan provided by DCR as evidence of its site ownership.

Neighborhood resident Elaine Murray asked what kind of input would be accepted from taxpayers on this proposal, particularly objections on the basis of safety and commercial incursion into a residential area.

Grissom explained that the CPC would schedule another working session once the additional information requested was received, possibly in December. That meeting would be a public meeting, at which the CPC Chair could choose whether to call on members of the public. The CPC might or might not be read to vote on the proposal at that meeting. If the CPC forwarded a funding recommendation to the Board of Aldermen, that recommendation would be discussed at the meetings of two or more Board committees. Generally, these were also public meetings, at which the committee chair could call on members of the public at his or her discretion. Grissom also encouraged the public to share their comments on the final design with the DCR at the community meeting that project proponents had explained the agency was committed to holding.

Joel Feinberg expressed his sense based on reading community letters and emails about the proposal that opponents would be opposed to it, regardless of the final design. Some neighbors present said that this might not be the case.

Mike Clarke moved adjournment. Leslie Berg seconded the motion, which was unanimously approved.

Chair Nancy Grissom adjourned the meeting at 9:15 pm.