

The hearing and meeting were held on Wednesday 16 December 2009 in Newton City Hall, Room 209.

Attending members of the Community Preservation Committee (CPC): Nancy Grissom, Zack Blake, Leslie Burg, Thomas Turner, Walter Bernheimer, Joel Feinberg (arr. 7:10 pm), Michael Clarke, Dan Green (arr. 7:12 pm), and Steve Fauteux (arr. 7:15 pm).

Program manager Alice Ingerson served as recorder.

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

MEETING FORMATS

Grissom clarified the two meeting formats that would be used this evening:

At a public hearing, the public is entitled to speak. The CPC Chair calls on each member of the public who has signed up on the circulating clipboards. Each speaker is limited to 3-5 minutes.

At a public meeting or CPC working session, the public is welcome, but the CPC Chair chooses whether and when to accept public questions or comments.

COMMITTEE BUSINESS

MINUTES of the 18 November 2009 CPC Meeting

VOTE Leslie Burg moved approval, Michael Clarke seconded.
The minutes were approved by a vote of 7-0.

PUBLIC HEARING:

CITY HALL HISTORIC ART - new proposal

Proposal summary: Restore for display the original 1870s oil portrait of Newton's first mayor, James F. C. Hyde. Location: 1000 Commonwealth Avenue, Newton Centre, MA 02459. Sponsor/Manager: David Olson, City Clerk. CP funds requested: \$5,200. Total project cost: \$5,200.

David Olson presented a slide show illustrating a few of the hundreds of historic artworks owned by the City of Newton, which are scattered through various public buildings across the city. Many are fragile or in need of repair. Some paintings are currently in the storage room of the Veterans Office at City Hall, including artwork moved there from public schools when they were closed, leased, or sold for new uses. Some artworks are in the City Clerk's vault in the basement of City Hall, where they were moved from their original locations elsewhere in the building. Some are still on display, including historic photographs of the first Common Council, Mayor, and Board of Aldermen hanging in the Aldermanic Chamber. The Library owns a large collection, including a marble bust of Unitarian minister Francis Hornbrook, which has cracks and stress fractures in its pedestal base.

In the future the City Clerk and other City departments plan to request CPA funds to inventory and assess this entire collection of art work held by the City.

In the meantime, the portrait of Mayor Hyde is worth singling out because it is of Newton's first mayor and was painted by a well-known artist. It was donated by Hyde's daughter, in the 1930s at about the time when the present City Hall was built.

The portrait originally hung in City Hall Room 209, but was damaged when it was repeatedly but temporarily removed to allow the wall to be used for projecting presentations. The painting needs to be removed from its stretcher so that it can be cleaned, remounted to a new linen backing, have rips and tears filled in, and be revarnished. The frame also needs to be restored before the painting is put back into it.

Possible final locations for restored portrait include the Aldermanic Chamber, where it would be hung high enough on a side wall to be out of the way but could still be seen easily by a broad public; or the Mayor's office, which is an appropriate location, but not as visible to the public.

Anne Larner, President of Historic Newton's joint boards, reported that they had reviewed this proposal and strongly endorsed it.

Wally Bernheimer asked for an estimate of the number of historic art objects owned by the City. Olson explained that there was no real inventory, but he estimated that at least 200 works of art were stored in the Veterans Office and that the School Dept. has an extensive collection of artwork stored in the attic of its administrative building, the Education Center. The Library's collection is fairly well-documented and extensive, and other works had been conserved by Historic Newton at the Jackson Homestead. There is historic art in almost every one of Newton's public building.

Nancy Grissom felt that an inventory would be a good project to submit for CPA funding. Jackson Homestead curator Susan Abele noted that some paintings had been lost during the relocation and closing of buildings, such as schools, and an inventory would help to keep that from happening again.

In response to a question from Dan Green, Olson explained that the estimated cost to repair the portrait of Mayor Hyde had been provided by an individual conservator, but that if the project were funded, he expected to put it out to bid. In response to Alice Ingerson's comment that competitive bidding would not be required, based on the project's low cost, Olson noted that he preferred to use bidding, as it often reduced final costs.

In response to questions from Wally Bernheimer, Olson explained that the portrait had never been appraised, and was self-insured by the City of Newton.

Andrea Kelly summarized the comments of the League of Women Voters proposal reading committee, although Olson's presentation at this hearing had already answered some of their questions. They felt the project was important and, based on Olson's past performance with CP-funded projects, would be well managed. As just one of what they expect will be multiple proposals for historic city artworks, they wondered how this particular one was chosen; felt the estimated cost was high and wondered if the work would be competitively bid; and whether volunteer help could be used to reduce costs.

Nancy Grissom and Wally Bernheimer felt that the estimated cost seemed unreasonably low, especially given the poor condition of the painting and the frame.

Bernheimer requested that Olson solicit some additional estimates before the CPC voted on the project at a future working session, to make sure the requested funding would be adequate. Olson noted that there are a limited number of conservators available to hire locally for such work, and soliciting more estimates would reduce the pool of qualified bidders too much, as anyone who submitted a pre-funding estimate would not be allowed to bid on the project if it were funded. He felt the current estimate was not too low, and that it would not be a worthy use of public funds to spend more than the estimated amount on this particular painting.

Nancy Grissom and Alice Ingerson suggested that one or two museum curators be asked to review and confirm that the current estimate was reasonable, since they would not be able to bid on the project themselves.

PUBLIC HEARING:
MUSEUM COLLECTIONS - new proposal

Proposal summary: Create a dedicated, stand-alone collections storage facility within the envelope of the historic Crafts Street stable. Location: 90 Crafts Street, Newton Corner, MA 02458. Sponsor/Manager: Cynthia Stone, Director, Historic Newton, and Nick Parnell, Public Buildings Commissioner. CP funds requested: \$30,000. Total project cost: \$35,000. Other funding: \$5,000 in private donations (\$2,500 in hand, remainder to be raised).

The presentation was made by a team of representatives for Historic Newton. In addition to Executive Director Cindy Stone, the team included Curator Susan Abele, former director Duscha Weiskopf, and Board members Marietta Marchitelli, Jay Walter, Treff LaFleche, Carl Cohen, Anne Larner, and Jonathan Kantar.

Stone explained that the Newton History Museum and Newton Historical Society had now combined under the new identity of Historic Newton. As far as they are aware they are the only collector of 3-dimensional historic objects [in Newton]. Historic Newton has a collections policy explaining what can be acquired and why, and how objects can be de-accessioned; and a collections plan, that tells what kinds of objects they collect. The collections include over 12,000 items, including tools, clothing, furniture, etc.

Many of these items have a social history significance. As an example, Stone cited a portrait of a conductor on the steam railway who was so dedicated to preserving the railroad's record of on-time arrivals that he once made the passengers get out and remove snow from the line, to keep the train on time.

The presentation showed Board volunteers documenting the collection, and museum educators using objects from the collection – such as a chamber pot – in school programs; and illustrated several sample objects from the collection, such as a magic lantern and its slides. Both the permanent Newton history exhibit and the temporary ones, such as the current one about toys, do include some of the best items in the collection, both permanent history of Newton exhibit and temporary exhibits, such as current toys one.

The presentation illustrated that these objects are currently packed very tightly in existing storage spaces, making it difficult to examine or study them, or remove and return them for temporary exhibits. Many delicate objects are stored on the Jackson Homestead's top, attic floor, and had to be moved out while the roof was being replaced. Other objects are stored in cabinets under the permanent exhibit in the basement, where there are water problems. Staff workspaces are very tight in the Jackson Homestead, and paintings that are not formally on display are "stored" by hanging in staff workspaces or spaces where the public passes by, exposing these painting to potential damage. For lack of storage space, Historic Newton has not been actively collecting additional objects for at least a decade. Board member Marietta Marchitelli emphasized that the museum is simply out of space.

The American Association of Museums (AAM) has said that this situation must be corrected for the museum to be re-accredited. Stone noted that only 700 museums out of the country's total 17,000 museums are accredited, and that accreditation helps with fundraising, grants, etc.

Several years ago museum architect Larry Bauer did a space needs study for the museum, estimating the collections storage space that would be required to meet accreditation standards. Combined with the CP-funded Museum Archives and Museum Exterior projects, a new Museum Collections storage facility would ensure that all of the Museum's collections are well cared for and well-preserved. The current proposal is for a planning grant rather than for design, as they do not know the dimensions that are needed or possible for such a storage space.

To meet those standards, Historic Newton plans to move its object collections out of the Jackson Homestead Museum into a secure, climate-controlled storage space elsewhere, specifically, into a purpose-built storage facility on the second floor of the Crafts Street Stable, which also houses Dept. of Public Works equipment and operations. Objects would be brought out from storage for the public to see; the public would not be invited into this storage space, but the space would include staff workspace for collections care. Historic Newton believes this would be a good place to put the Museum's objects collection. Weiskopf noted that the Crafts Street Stable is near the Jackson Homestead, and it would be easy for staff to travel between the two. Stone explained that the Commissioners of Public Works and Public Buildings support this use of the stable.

Nancy Grissom asked whether Historic Newton had explored the possibility of using other spaces that are already climate-controlled. Stone noted that they had been unable to find any. They had considered the now-closed Newton Corner Branch Library or the Carr School, currently used as the Newton Cultural Center. The former building is divided up into small rooms, which makes it hard to adapt for climate control. The School Dept. may need to use the Carr School as swing space during school construction projects. Historic Newton is looking for city-owned space that would be available to them at no cost.

Andrea Kelly reported that the League of Women Voters liked the comprehensive approach taken to this proposal, including the support expressed by the Departments of Public Works and Public Buildings. They felt the budget lacked detail, and wondered whether the project could use City employees or volunteers to reduce planning costs. They believe that the relationship between Historic Newton as the tenant and

Public Works as the landlord will need to be outlined carefully, to clarify whether Historic Newton will pay rent, and who will cover maintenance, utilities, and insurance costs.

In response to the League comments, Stone explained that Historic Newton's intention was not to pay rent. They had invited Public Works to put someone on the team for the planning grant. They also felt there was only a limited role for volunteers in this project: museum volunteers are wonderful, and the architects on Historic Newton's Board have done much initial work at no charge, but paid consultants would be required, at some expense, to get to biddable and buildable specifications. Jonathan Kantar noted that existing City staff did not have the capacity to do this work, which must be procured through a public competitive bidding process. Treff LaFleche, speaking as an architect, felt that the plan had to be drawn up by someone who would be accountable for performance, not by volunteers or City employees without the necessary skills.

Wally Bernheimer asked about the City's longer-term intentions for this facility, and how this proposed use might affect future uses of the building, or its possible resale.

Stone referred to the Public Works Commissioner's letter explaining that DPW actively uses the bottom floor now, but not the second floor. She felt that the museum's proposed use of the second floor would not conflict with the building's current uses by DPW. The museum's collections are now accessible to the public only via exhibits, or when a staff person brings something out of the collection for examination. The public does not have direct access to the collections now, and will not have direct access in this proposed location either.

Nancy Grissom expressed two different concerns about the building. Since snow plows and other equipment are now stored on the first floor, that floor presumably contains gasoline, salt, etc. She was concerned about having collections stored above these materials. Also, this building is historic and is being put on the national and state Registers of Historic Places, and some of the remaining inside features are historically significant. She asked whether Historic Newton had looked at how those significant features might be affected by this proposed use.

Stone explained that Historic Newton did not anticipate that its proposed use of the building would have any impact on those features. The public cannot now see those interior features, this re-use would not reduce public access or visibility. At the same time, this request was just for a planning grant, and the planning process could consider all these questions.

Jonathan Kantar noted that the collections could be in a purpose-built "box" inside the existing building. The "box" would be somewhat temporary, so that if at some point it had to be removed, it could be. Stone confirmed that the construction of the proposed storage facility would be reversible. Jay Walter noted that the proposed use would have minimal impact on either the interior or the exterior of the building, which has just a few pieces of DPW equipment stored in it now. More active use by Historic Newton would actually help to defend this historic building.

Joel Feinberg asked whether Historic Newton was considered part of City government, and what kind of formal agreement would be required for this use, including assigning responsibility for insurance, etc. The division of responsibilities between Historic Newton and Public Works would need to be clarified in advance. Dan Green was also concerned about people going in and out of the building, insurance costs, etc.

Jonathan Kantar reported that Historic Newton had reviewed this space with Larry Bauer, an architect who specializes in museum buildings, and talked about many of these concerns. Bauer felt that they could be addressed fairly easily.

Nancy Grissom asked whether Historic Newton could provide a ballpark cost estimate for actually building this possibly temporary facility, and how they planned to fund the construction. Kantar noted that such an estimate could not be provided now, but would be one product of the planning grant. Stone said that Historic Newton anticipated requesting additional community preservation funds for the construction costs. She pointed out that the Museum Archives project, which is currently being revised significantly, was an example of what happens when initial planning is not funded separately: initial cost estimates must be extensively revised during the project.

Grissom asked how Historic Newton had arrived at its \$30,000 funding request for the planning grant. Stone said the request was based on advice from architects on Historic Newton's Board, and from Public Buildings Commissioner Nick Parnell.

Dan Green, speaking as a builder, felt it should be possible to provide a very rough early construction cost estimate now, to help the Committee judge the overall project, even if the estimate was only to the nearest half-million dollars.

In response to a question from Wally Bernheimer, Stone confirmed that architects on the Historic Newton Board could not bid on the project. Historic Newton has strict conflict of interest policy which would rule this out.

Nancy Grissom asked whether Historic Newton could rent a facility for less than it would cost to build one. Kantar felt this could not be clarified until a plan was produced, using the requested planning grant.

Stone and others reported that they had explored and could explore additional suggestions for use of nearby space not owned by the City.

Zack Blake requested that, before a working session was scheduled for this proposal, Historic Newton provide the CPC with the collections policy and collections plan, and a brief overview of AAM accreditation requirements. Ingerson asked whether Historic Newton could also provide the portion of the previous AAM accreditation report, in which the AAM reviewers had noted that re-accreditation would be conditional on improving the museum's collections storage.

Dan Green asked whether CP funds could be used to rent storage space. Alice Ingerson noted that this seemed enough like "routine operating funds" that the Law Department might need to rule on whether it would be an allowable use of CP funds.

PUBLIC MEETING:
HISTORIC NEWTON CURRENT PROJECTS & FUNDRAISING

CAPITAL CAMPAIGN

Treff La Fleche, chair of Historic Newton Capital Campaign, gave this presentation. The goal of the campaign is to further the mission of presenting the City of Newton as a museum, providing historical education, and fostering civic engagement, using all of Historic Newton's resources, especially its two main museum sites:

1. The Durant-Kenrick Homestead was the home of Edward Durant, a member of one of the earliest groups to challenge British taxation policy and raise the possibility of separation from Britain. The current owner has offered to donate this property to Historic Newton. The capital campaign is raising funds to acquire, renovate, and expand the property by adding an education wing and staff offices.
2. The Jackson Homestead, where the Archives Preservation & Access project, a new classroom addition, and a new entrance would help to manage larger group visits and improve accessibility.

The Capital Campaign is a wonderful opportunity to make good use of CP funds by leveraging them through private donations. The first wave of the campaign has obtained donations from the core donor groups, with 100 percent participation by the current Historic Newton Board and by the Durant/Avery family. Historic Newton is now in the process of seeking donations from its Museum Council, a larger group, and from the neighbors of the Durant-Kenrick Homestead. The campaign will only go public after all of these groups have participated. Historic Newton is pleased to have achieved in the first, completed phase and the second phase, still underway, many of the campaign's overall goals.

Board president Anne Larner continued the presentation by summarizing numbers included in the Capital Campaign brochure recently mailed to the CPC.



Capital Campaign Financial Progress

as of December 3, 2009

Objectives

| | |
|--|--------------------|
| Durant-Kenrick Homestead and Grounds | \$4,616,400 |
| Restoration and Endowment | |
| Jackson Homestead | \$912,900 |
| Archive Restoration and Facilities Expansion | |
| Total Goal | \$5,529,300 |

Raised to date

| | | | |
|--------------------------------|--------------------|--|------------------|
| <i>Previously raised</i> | | <i>Gifts Toward Match</i> | |
| Community Preservation Act | | Newton Historical Society Board | \$343,685 |
| Durant-Kenrick | \$2,787,500 | Durant Family Members | \$362,000 |
| Jackson Homestead Archives** | \$357,400 | Mass Cultural Facilities Fund | \$218,000 |
| Other Previously Raised | \$463,000 | Corporations and Foundations | \$16,000 |
| Total Previously Raised | \$3,607,900 | Other Individuals | <u>\$34,665</u> |
| | | Total Raised towards \$900,000 CPA Goal | \$974,350 |

| | |
|-------------------------------------|--------------------|
| Total Raised to Date | \$4,582,250 |
| Total Remaining to be Raised | \$947,050 |

** Pending final approval by Board of Aldermen

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In response to a question from Nancy Grissom, Larner noted that not all funds shown as raised were in hand, but the report only counted signed, legally enforceable pledges, not promises made without signed pledge forms. She pointed out that this was traditional in managing a nonprofit capital campaign, since the organization's auditors would require it to produce the pledge forms.

DURANT-KENRICK HOMESTEAD

In response to a question from Wally Bernheimer, Larner noted that they expected to complete all fundraising for the Durant-Kenrick Homestead project by the end of calendar 2010. Cindy Stone noted that Historic Newton itself was prepared to accept ownership of this property now, but needed to complete some other steps first, including permitting and zoning for its new use as a more active, public museum. Larner noted that Historic Newton had met the deadlines set by the CPC in its funding recommendation to the Board of Aldermen, as referenced in the Board order appropriating CP funds for this project. Carl Cohen, Board member and chair of Historic Newton's Durant-Kenrick Transition Committee, noted that although the required matching funds had now been raised, public fundraising would continue for the project until its full needs and goals were met.

Nancy Grissom asked whether Historic Newton had considered using the Durant-Kenrick property to address its collections needs, since they were already adding a new classroom to the original historic home.

Stone noted that it would not be appropriate to put an addition the size of the contemplated collections storage facility on this property. Treff LaFleche commented that a large addition would overwhelm and undermine the integrity of the house as a historic object.

Cohen reported that Historic Newton's Durant-Kenrick Transition Committee now meets every 2 weeks. This committee is working with the Avery (Durant) families to create a legally binding contract for the donation. To ensure that the contents of the house and its external integrity will be maintained, they have begun putting together an inventory of the house and its contents, identifying what can be displayed on

site or instead needs to be moved elsewhere. They are meeting with City staff to work on zoning and permitting. They have hired a well-known historic landscape architect to create a preliminary landscape plan for the grounds, that will balance new plantings and preservation of existing historic vegetation. The committee has also begun studying the use of historic houses by other organizations in the region. They have formed a construction subcommittee to vet the process, including reviewing and hiring of architectural and construction firms, and distributed an RFP for architectural services. They have already done significant outreach but are planning more outreach to immediate neighbors.

On the project timeline, proposals in response to the architectural services RFP are due on Dec 17th, they expect to review 6 or so proposals and to have executed a contract by the end of January 2010, to produce construction documents by the summer of 2010, begin construction in the fall 2010, and have the restored and expanded property ready for public use about 1 year after that. They believe that this schedule is realistic, barring any unforeseen events during the meetings and hearings with City committees and departments.

Cindy Stone noted that Historic Newton has also applied for a National Endowment for the Humanities grant to bring in a team of humanities specialists, with Ph.D.'s, to help plan the program of interpretation for this site.

In response to a request by Nancy Grissom, Stone agreed to provide the CPC with a copy of the RFP and the contract with the Avery (Durant) family, but asked Alice Ingerson to remind her of this request.

MUSEUM ARCHIVES

Curator Susan Abele made this presentation. The CPC in fiscal 2009 recommended \$359,400 of funding, as requested by Historic Newton, to rehabilitate the original stable wing of the 1809 Jackson Homestead, which houses the Museum's research collection & archives, so as to preserve the existing archival collections, allow for future collections expansion, and enhance public access. To date, the Board of Aldermen has appropriated \$37,500 of that recommended total, for design services.

The original plan had been to create a new accessible lobby, reconfigure the existing accessible entrance, and expand the space dedicated to the archives, to protect the collection and create usable workspace. As the curator, Abele feels the interior reconfiguration suggested by the architects is excellent and will work very well.

As Historic Newton explored options and requirements, however, they began to see the need for a truly universal entrance. The original project plan envisioned moving and reinstalling the existing accessible lift, which could be grandfathered but falls far short of current accessibility standards. The project architect also found that the current accessible bathroom does not have an adequate turning radius under current standards, and needs to be redone. The cost of a revised, expanded project also triggered new accessibility requirements.

The project architect has currently outlined two options for ramps on the parking lot (east) side of the building, one with a 1:12 grade and one with a 1:20 grade. They have consulted with Don Lang, an architect who currently chairs the Newton Historical Commission and also the statewide access board, in developing these options. Both options involve installing a new exterior door in the south-facing wall of stable wing. Both plans both offer ways to relieve the historic room at the northeast corner of the 1809 house from having to serve its current function as a direct, exterior public entrance and group gathering space.

Nancy Grissom asked whether the revised project included the new classroom on the back seen in some versions of the plans. Cindy Stone said it did not. Although final decisions are yet to be made, they may have learned that it would not be possible to add this classroom to the building. The Inspectional Services Department had advised Historic Newton that adding the classroom would trigger requirements for additional bathrooms and other improvements that would reduce programming space and not be financially feasible.

In summary, Abele noted that Historic Newton would be coming back to the CPC with a revised budget and perhaps looking for more funds. They are currently approaching the Mayor's Committee for People with Disabilities to request approximately \$40,000 of CDBG funds for improving accessibility.

On behalf of the Committee, Nancy Grissom asked that Historic Newton submit a full revised proposal, rather than a simplified "supplemental request," for this project, and present that proposal at a public hearing

MUSEUM EXTERIOR PRESERVATION

Cindy Stone reported that this project, funded in May 2009, has mostly completed the painting of the Jackson Homestead's exterior. The storm windows have been removed and are being reglazed off site; the same process will be used for the shutters. Some work will need to be finished in the spring, but there has been great progress since work began in November. The new roof is on.

In response to a question from Nancy Grissom, Stone confirmed that the removal of lead paint had not been part of this project.

HISTORIC BURYING GROUNDS

This presentation was given by Historic Newton Board member Marietta Marchitelli. She reported that repairs and restoration of the headstones have been completed for all three historic burying grounds. Tree-related problems have been addressed, although there may be additional tree problems to be specified and completed during work to repair and restore the tombs. Walking tours were offered in several of the burying grounds in the summer and fall. Community cleanup days for volunteers were held in connection both with the spring Newton Serves event and in the fall. The Norumbega Lodge of the Freemasons does a cleanup on their own as well, twice a year. Second Church members were especially involved.

Historic Newton's Burying Grounds Committee recently received a report from the consulting structural engineers about tomb restoration at all three sites, but the committee needs to meet with the engineers to agree on a budget and prepare an RFP for the actual repair and restoration work. She showed photographs to document the need for significant repairs at some of the tombs.

Nancy Grissom asked what the colored marker flags were for in the West Burying Ground, on Cherry Street. Marchitelli said they might mark headstones that had been repaired, or might be related to the engineers working on the tomb specifications now. She would have to look at the site to be sure.

In response to a question from Grissom, Cindy Stone explained that not all appropriated funds had been spent. Once the Burying Grounds Committee has met with the consulting engineers, they will come up with the budget for final work, submit a revised overall budget and schedule, and bid out this remaining work.

In summary, Stone presented for all current and contemplated major Historic Newton projects, a timeline and list of project managers, as follows:

| | Estimated CPA Timeline | | | | | | | | | | | | | | | | | | | |
|--------------------------------|------------------------|---|---|---|--------|---|---|---|--------|---|---|---|--------|---|---|---|--------|---|---|---|
| | FY2009 | | | | FY2010 | | | | FY2011 | | | | FY2012 | | | | FY2013 | | | |
| | S | F | W | S | S | F | W | S | S | F | W | S | S | F | W | S | S | F | W | S |
| Archive Project | | | | | | | | | | | | | | | | | | | | |
| Obtaining Planning Funding | X | | | | | | | | | | | | | | | | | | | |
| Planning with Architects | | | | | X | X | X | | | | | | | | | | | | | |
| Obtaining Construction Funding | | | | | | | X | X | | | | | | | | | | | | |
| Construction | | | | | | | | X | X | X | | | | | | | | | | |
| Prepare for Opening | | | | | | | | | | | | | | | X | | | | | |
| Museum Exterior | | | | | | | | | | | | | | | | | | | | |
| Construction / Implementation | | X | X | X | | | | | | | | | | | | | | | | |
| Durant Kenrick | | | | | | | | | | | | | | | | | | | | |
| Transition Activities | | | | | | X | X | X | | X | | | | | | | | | | |
| Receive Property & CPA Funds | | | | | | | | X | | X | | | | | | | | | | |
| Construction | | | | | | | | | | X | X | X | | X | X | X | X | X | X | X |
| Interpretation / Exhibitions | | | | | | | | X | | X | | | X | X | X | X | X | X | X | X |
| Grounds | | | | | | | | | | | | | | | X | X | X | X | X | X |
| Burying Grounds | | | | | | | | | | | | | | | | | | | | |
| Specifications for Tombs Dev. | | | | | | X | X | | | | | | | | | | | | | |
| Implementation | | | | | | | | X | X | | X | | | | | | | | | |
| Interpretation | | | | | | | | | X | X | X | X | | | | | | | | |
| Object Storage | | | | | | | | | | | | | | | | | | | | |
| Obtain Planning Funding | | | | | | | X | X | | | | | | | | | | | | |
| Planning | | | | | | | | | X | X | X | | | | | | | | | |
| Implementation Funding | | | | | | | | | | X | X | X | | | | | | | | |
| Construction | | | | | | | | | | | | | X | X | X | X | | | | |

Historic Newton CPA Projects Management

| CPA Projects | HN Supervising Board Committee | Management |
|--|--|---|
| <u>Conservation/Storage</u> <u>Object Collection</u> | <i>Building and Grounds</i> <i>Collections Committee</i> | Cindy Stone Public Buildings Architect TBD |
| <u>Archives Project</u> | <i>Building and Grounds</i> | Susan Abele Public Buildings Durkee Brown |
| <u>Jackson Homestead Exterior</u> | <i>Building and Grounds</i> | Cindy Stone Public Buildings CSS Architects |
| <u>Durant-Kenrick</u> | <i>Durant-Kenrick Transition</i> <i>D-K Construction Sub-Com.</i> | Cindy Stone HN Owner's Rep. Architect TBD |
| <u>Restoration of Historic</u> <u>Burying Grounds</u> | <i>Burying Grounds Committee</i> | Laura Costello Frank Nichols, engineer Structures North |

Alice Ingerson pointed out that Frank Nichols' work on Historic Newton projects had been billed by the hour to CPC's administrative budget rather than project appropriations. Nichols is the CPA Project Engineer.

On behalf of Historic Newton, Stone thanked the CPC and CPA for funding all these projects, some of which have been needed for over 3 decades now.

RECESS

The CPC took a 10-minute recess before taking up the next item of business.

WORKING SESSION:

VETERAN HOUSE proposal for community housing at 2148 Commonwealth Avenue, Auburndale

Proposal summary: Create deed-restricted, permanently affordable rental housing for two families in an existing 2-family house in Auburndale. Location: 2148-50 Commonwealth Avenue, Auburndale, MA 02466. Sponsor/ Manager: Josephine McNeill, CAN-DO. CP funds requested: \$360,000. Total project cost: \$950,000. Other funding: \$300,000 CDBG, \$50,000 Federal Home Loan Bank, \$35,000 CCC Legacy Fund, \$40,000 Charlesbank Homes, \$175,000 Village Bank.

Alice Ingerson distributed two pieces of information about the project that had not been submitted in time for the pre-meeting packet: a 14 December 2009 email from Mr. Michael Lepie, and a series of emails between Mr. Henry Korman and CAN-DO Executive Director Josephine McNeil about possible requirements for accessibility.

After CPC members took several minutes to read these documents, member Joel Feinberg summarized Mr. Korman's emails as concluding that because the project has only 2 units, it does not create any legal fair housing issues for accessibility, despite being on an essentially hilly site, because those standards must be addressed on a citywide basis. Josephine McNeill explained that this 2-family house had been purchased because its price was reasonable, and CAN-DO decided to try to serve the population of homeless veteran families, after the purchase was made.

Dan Green and several others members felt that, based on Mr. Korman's emails, a unit in this project might have to be made accessible if one of the tenants chosen through a fair-housing selection process needed such modifications.

Josephine McNeil summarized language from the Section 504 regulations/Uniform Accessibility Standards about "undue financial burden," noting that if the cost of providing full accessibility exceeds 15 percent of the total cost of all other alterations, then such access need not be provided, but the standard-setting or funding agency should develop a schedule to provide the required accessibility over a 5-year period. She felt that this meant that CAN-DO as the developer would not be required to provide full accessibility in this project, but that would be the responsibility of the City of Newton. In this case, the project architect estimated that making both floors of each of these 2-floor units, plus the bathrooms and kitchens, fully accessible, would cost an additional \$150-\$180,000. The planned renovations would only cost \$100,000. She felt that this project could be exempted from providing full accessibility under the "undue financial burden" language.

Nancy Grissom noted that the first floor of the first- and second-floor unit could be accessible from the driveway. McNeil noted that the standards required that the entire unit be made accessible, to be considered an "accessible unit," thus raising the issue of an undue financial burden.

Feinberg asked for further clarification of Mr. Korman's advice for CAN-DO to develop a "contingency plan." It sounded to him like no contingency plan would be possible for this property, and McNeill agreed.

Zack Blake suggested that if there was a citywide responsibility to meet accessibility standards, the City of Newton would have to find another, fully accessible unit elsewhere for a family needing such access, if one were chosen as a tenant for this project. Dan Green agreed that Mr. Korman's opinion was that Section

504 did not apply because the project only had 2 units, but that ADA and U.S. Dept. of Housing and Urban Development rules forbidding discrimination based on accessibility needs did apply.

McNeill said that ADA does not usually apply to residential buildings. She read Mr. Korman's emails as suggesting that the use of CPA funds on any housing project imposed a requirement for the City to ensure that there was an adequate number of accessible, affordable units throughout the City, regardless of their funding sources. She acknowledged that an inventory of all affordable units in Newton did not exist with full information on accessibility, but felt that if an inventory were done, it would show that a significant number of the city's deed-restricted affordable units were already fully accessible, and this responsibility was being met. She also felt that such an inventory would show that a significant number of these units were currently occupied by people who did not really need full accessibility.

Dan Green asked Alice Ingerson to request a review of this issue for this project by the City of Newton Law Dept. Alice Ingerson noted that this request might not be met quickly, given the current transition in City government and restaffing in the Law Department, but she would submit it.

Several members suggested that, rather than delay a vote on this proposal until that review was received, the CPC state in its funding recommendation that release of CP funds for this project would be conditional on receiving a review from the City Law Department clarifying that the project complied with all applicable legal requirements for accessibility, without any renovations beyond those described in the original proposal.

In response to a question from McNeill, Dan Green clarified that the CPC's concern was to ensure that the project could be completed as proposed, and occupied, without having to request funds for additional renovations, if a tenant with access needs were ultimately chosen.

Wally Bernheimer and other members asked McNeill to clarify the tenant selection process. She explained that the Veterans Administration (VA) distributes the vouchers, then the voucher holder is referred to a participating housing authority, which determines that the person is qualified, and that qualified person then goes shopping for a unit with their voucher.

In response to a question from Bernheimer, McNeill confirmed that CAN-DO would describe the project and the units to the VA, then the referred voucher holders would inspect the units and decide if they would like to live there. These units are for families. The VA had informed CAN-DO that there are currently 10 chronically homeless veterans with families in this Greater Boston voucher program, none of whom at this point have mobility or accessibility requirements. The VA says only 7 percent of veterans in general have these requirements.

Dan Green said he would still feel better with a legal opinion on the project's exposure to any requirement for additional renovations to provide full accessibility. Feinberg noted that generally, a 2-unit rental housing project would not be required to provide full accessibility.

McNeill said that if homeless veterans families could not be found who wanted these units, CAN-DO would rent the units to homeless families without members who were veterans.

Nancy Grissom then recognized Mr. Michael Lepie, who promised to keep his comments brief. He distributed to all members of the CPC a new letter opposing this project, dated 16 December 2009. He stated that this project had been presented to the Newton Housing Partnership on 14 October 2009 as a home for two disabled veterans. He had read through all materials in the CPC packet and dissected it and found some flaws. He did not understand why this site was chosen, as there are many other two-family houses for sale in the city. This house is on top of a mountain, and anyone with a minor handicap would find this a serious problem. Mr. Lepie then offered to answer any questions the CPC might have about his letter. He recommended that the CPC visit the site for this project in person. Members Leslie Burg and Nancy Grissom noted that they had visited the site, and the CPC had seen the building's floor and site plans, and photographs, in the proposal submission.

Zack Blake asked if CAN-DO could share commitment letters or other written commitments for the non-CP funding sources listed in the proposal. McNeil reported that CDBG funds have been committed, as had Federal Home Loan Bank of Boston funds. CAN-DO is waiting to hear from the two private foundations mentioned in the proposal.

In response to a question from Joel Feinberg, McNeill explained that the total developer fee, combining the amounts for this purpose from all funding sources, would be 12.5 percent. In the past, CAN-DO has not sought the maximum allowable developer fee, but that has led to the organization's current, admittedly difficult financial position. The Planning and Development Board and Housing Office have encouraged CAN-DO to include a full fee in its project budgets from now, to improve the underlying financial position of the organization.

Bernheimer noted that the organization had only \$40,000 in current assets and \$1 million in current liabilities, but understood that its survival is based on depreciation, so its cash flow works. He noted that it would not take a large adverse event to put the organization in financial jeopardy. McNeill explained that this had indeed happened, with two projects that had combined market-rate and deed-restricted affordable units, in the recent past. In the 5-unit project with 3 affordable units, and in the 6-unit project with 4 affordable units, the market-rate units sold for significantly less than had been anticipated in the original project budgets, so the income from these projects was \$400,000 less than anticipated.

Bernheimer noted that the cash flow on the Veteran House project looked acceptable, but asked for confirmation of the anticipated rental income, and how long that income might be expected to continue. McNeill said those projections depended on continued funding of the VA voucher program.

Grissom then recognized Maryan Amaral. She apologized for being out of the room during the earlier discussion of accessibility, but was concerned that this project for veterans would not be fully accessible. She had consulted with state staff, specifically the director of the Massachusetts Office on Disability, about whether federal funds could be used for a program like the VA voucher program if the program was available only to people with specific types of disabilities. She had been told such programs had to provide what is called "programmatically accessible," and cannot serve a population with only specific disabilities. She believed that unequal access to this building could be seen as "discrimination by design," which is not permitted.

Grissom noted that in the CPC's earlier discussion of this issue, they had agreed to make the release of funds for this project under any CPC funding recommendation contingent on a legal opinion confirming that the project was in compliance with all applicable legal requirements for accessibility.

In response to questions from Wally Bernheimer, McNeill explained that this was CAN-DO's only ongoing development project, but that the organization was also hoping to work on a larger project in partnership with the Boston Veterans Administration, in response to a Notice of Housing Funds Availability (NOFA) from the federal Department of Veterans Affairs, that would create several fully accessible, purpose-built units. She noted that it is usually more cost-effective to provide full accessibility through larger projects and new construction.

Grissom then recognized Andrea Kelly, representing the League of Women Voters. She asked how the units would be used if there were ever no demand for them among homeless veteran families. McNeill and CPC member Joel Feinberg clarified that the units would be permanently deed-restricted to tenants meeting the proposed income qualifications.

McNeill then noted that discussions about funding housing projects often focused on bricks and mortar, but did not give enough attention to the people being served. In its 16-year history, CAN-DO has served over 75 families, most of whom have very low incomes, people who would otherwise never have access to a community like Newton, who have benefited from the Newton schools. CAN-DO's work improves the life-chances of these people, and especially of their children.

Feinberg noted that housing for low- and moderate-income people had to be heavily subsidized, because these tenants could not afford to pay market-rate rents in Newton. This level of subsidy was reflected in the development budget.

VOTE Leslie Burg moved that the CPC recommend funding for this project of \$362,500, including \$2,500 for City of Newton legal costs, for the purpose of developing two units of affordable housing at 2148-55 Commonwealth Avenue in Auburndale, targeted for homeless veterans with families, as described in the original proposal submitted on 14 October 2009, but making the final release of funds to CAN-DO contingent on the following two conditions:

1. Receipt by the CPC of a written opinion of counsel from a City of Newton attorney, or a qualified private attorney paid for with CPC administrative funds, that if the project were developed, marketed, and rented as outlined in the original proposal, it would be in compliance with all applicable legal fair housing and accessibility requirements.
2. Receipt by the CPC of written confirmation from funders who have committed additional, non-CP funds to the project, in the total amount listed in the proposal, if not from the exact sources listed in the proposal.

Michael Clarke seconded the motion.

The motion was adopted unanimously.

For new CPC members, Ingerson and Grissom summarized the process from this point: based on the meeting discussion and vote, Ingerson drafts a CPC funding recommendation, which is circulated to all members for final corrections and approval before it goes to the Board of Aldermen. The Board then uses its own process, which to date has usually included referral to two of its committees, the Committee on Community Preservation and the Finance Committee, which report back on the item before the full Board votes on whether to appropriate the recommended funds.

WARREN HOUSE Project Updates

The presentation was made by Jeanne Strickland, Executive Director of the Newton Community Development Foundation, Olga Vaysman (now Hathaway) from Gale Engineering, and Matthew Yarmolinsky, the owner's representative on this preservation and rehabilitation project.

The Board of Aldermen appropriated on 15 June 2009 the \$1,080,000 that the CPC recommended for this project. NCDF received 5 competitive bids for the project, and signed a contract with W. S. Aiken, out of Chelsea, MA. The bid price was \$950,240, plus taxes for a total of \$978,603. With a 15 percent contingency of \$142,500, the total hard costs are expected to \$1,121,103. The project is now about 65 percent complete, and about 27 percent of the appropriated funds have been released for reimbursement requests to date. The next requisition, just submitted by the contractor on 16 December 2009 for \$297,918. Contingency funds of \$43,724 have been used to date.

Update on PRESERVATION RESTRICTION & GRANT AGREEMENT

The grant agreement does require that the mortgage be subordinated to the preservation restriction. Until this past week, the mortgage holder, the Massachusetts Housing Finance Agency (Mass Housing), had declined to accept this subordination. However, today, NCDF had spoken with Tom Perry at Mass Housing, and bond counsel at Mass Housing had spoken with attorney Eileen McGettigan in the City of Newton Law Department. Mass Housing advised that they would now be willing to subordinate the mortgage to the preservation restriction. This subordination will be confirmed in writing to Alice Ingerson to convey to the Committee.

Ingerson thanked Strickland for this information, since she had been very concerned about having approved the release of some funds before this provision of the grant agreement had been satisfied. In response to Ingerson's request, Grissom advised on behalf of the Committee that no further funds should be released until written confirmation of the mortgage subordination had been received.

In response to a question from Ingerson, Strickland confirmed that the anticipated total cost of the 100 percent scope of work on Warren House would be about \$3 million, including work on the interior, and that after the \$1,080,000 grant of CP funds, most of this work would be funded through refinancing and from non-CPA funds.

In relation to previous discussions at the meeting, Strickland also pointed out that all the deed-restricted, affordable units at Warren House are fully accessible.

PROPOSED USE of CPA FUNDS for EXTERIOR LIGHTING of the CUPOLA

The presenters distributed before-and-after photos of the restored windvane atop the cupola. It had been partially torn apart, but the contractor had a skilled metalworker on his crew who was able to restore it and make it fully functional again.

NCDF would like to light the cupola at night, to make it more visible to the public, but for cost reasons needs to do this work while the scaffolding constructed for the current, CP-funded work is still up. Estimated installation costs would be \$8100 as part of phase 1. The light fixtures would be attached to the skylight frame, and be the same dark bronze color.

Alice Ingerson distributed to the CPC the proposal, cost estimates, and sketches for this proposed change of scope, received late in the previous week from NCDF and emailed to the CPC, along with a staff memo from Brian Lever, Newton's senior preservation planner, outlining his concerns about the proposal. Ingerson explained that such relatively minor changes of scope to already funded projects were usually handled by staff, occasionally in consultation with the CPC members representing the fundable resources involved.

However, since NDCF had already asked to appear before the CPC to clarify the status of the required preservation restriction, she had suggested that they bring this request to the CPC itself. She and Brian Lever had not been inclined to approve the request. She was also concerned that, since the CPC had asked NCDF to use its best efforts to find additional funds for the project, and to return some of the appropriated CP funds to the Newton Community Preservation Fund, the CPC might prefer that these funds be returned rather than spent on an expanded scope of work, however minor.

In response to a question from Wally Bernheimer, Yarmolinsky reported that the estimated annual operating costs of this lighting would be \$200 a year. In response to a question from Steve Fauteux about the number of hours the cupola would be lit each night, Yarmolinsky reported that the lights would be on a timer.

Dan Green had worked with Ripman Lighting, the consultant used by NCDF, and respected that firm, but was concerned about light pollution and the "dark skies" impact of lights pointed upward. Olga Vaysman/Hathaway reported that in the opinion of British Heritage, the type of installation proposed does not produce light pollution.

Michael Clarke asked whether a historic preservation argument could be made for this proposal. Bernheimer agreed that the real question was whether this would be a legitimate use of CPA funds. In response to Ingerson's comparison the amount requested for this lighting would pay for the entire proposal heard earlier that night, to restore the portrait of Mayor Hyde, Clarke said he would rather spend these funds on the portrait.

Ingerson noted that Lever's memo suggested that a preservation argument was difficult to make for this proposal, and suggested that the proposal was essentially for an aesthetic enhancement.

Green suggested that the wiring and conduits could be installed now, with CP funds, but the CPC could require that the fixtures be paid for from other funds, and installed later. Yarmolinsky estimated that the costs would break down as 1/3 each for wiring, electrical engineering, and fixtures.

Leslie Burg felt it would be a shame to lose the opportunity to do this work while the current scaffolding was still up.

VOTE Dan Green moved approval of the request to use CP funds to cover the costs for a lighting consultant and installation of the conduit and junction boxes and timer for the exterior lighting of the Warren House cupola, to a maximum of \$5,500 of CP funds, with the final design to be approved by City of Newton preservation planner Brian Lever, to ensure minimum impact on the building's historic character.

Wally Bernheimer seconded the motion.

The motion was approved by a vote of 7 in favor, 1 abstaining (Tom Turner), and 1 opposed (Michael Clarke).

OTHER COMMITTEE BUSINESS

The Committee asked Alice Ingerson to poll them by email on whether to schedule their February 2010 meeting on either the 3rd or 24th, noting that meeting space is currently booked for the earlier date.

Ingerson reminded the Committee that the tentative agenda for their 20 January 2010 meeting included:

- (1) working sessions on current proposals for the Angino Farm Barn, City Archives-Combined, and for the Charles River Lower Falls Bridge Conversion, the latter contingent on receiving before the agenda deadline final versions of the information the Committee requested at its October 2009 meeting, and
- (2) their administrative budget for Fiscal 2011.

She also noted that she would be asking the Committee to conduct its second-ever evaluation of their staff in the spring of 2010.

In response to Ingerson's request for guidance, the Committee asked her to schedule items for future CPC meetings only after first verifying the receipt of information that satisfied CPC requests or requirements related to those items, and to discontinue her past practice of scheduling items based on promised or intended submissions.

Chair Nancy Grissom adjourned the meeting at 10:05 pm.