

West Newton Armory JAPG  
Notes from December 12, 2019 Meeting  
Newton City Hall  
6:00-8:00 pm

JAPG Members in Attendance: Barry Abramson, Larry Bauer, Kelley Brown, Mitch Fischman, Jonathan Katz, David Koven, Anita Lichtblau, Ted Hess – Mahan, Sue Parsons  
Others in Attendance: Amanda Berman, Eamon Bencivengo, Barney Heath, Andrew Lee, member of the public

Introduction by Barney Heath

Barney welcomed the JAPG members and asked Andrew Lee, City Attorney to provide an overview of the Real Property Reuse Process as it relates to the Armory, as well as a summary of the Commonwealth's Open Meeting Law.

Reuse Process, Open Meeting Law, and Conflict of Interest Law Review by Andrew Lee

Usually in the City Reuse Process the City already owns the specific property in question. However, the City does not own the Armory as it is owned by the State. In order to obtain the Armory property, the City must first determine that Armory's future use. There are two options for future use, which are limited by special legislation currently before the State House. These are: 1) purchase for affordable housing for \$1.00

2) purchase for a public use for a price to be determined.

The Reuse Process is already underway. In September, the Council's Reuse Committee made the initial determination to make the Armory available for lease. Upon this determination, the JAPG was formed. On December 2, the City Council approved the 9 members of the JAPG. The task of the JAPG is to recommend a future use of the Armory in a written report to the Reuse Committee within 180 days, which is May 30, 2020. Upon Report submission, the Reuse Committee will hold a public hearing and then make its recommendation to City Council. Council will then vote and submit its recommendation to Mayor for a final decision.

Andrew provided more detail on the special legislation. If affordable housing is determined as the Armory's future use, the City can purchase the Armory for a nominal amount and lease the Armory to a third-party for a nominal amount. The units will be restricted by affordable housing covenants. The second option allows the City to purchase the Armory for general municipal purchases. DCAMM will conduct an appraisal to determine the Armory's fair market value. DCAMM will then include a discount into the final price based upon the final use. If the City does not purchase before June 30, 2020, DCAMM can sell the Armory to a third-party. However, this deadline can be extended with DCAMM.

Discussion of Open Meeting Law

It's purpose to ensure transparency of public meetings. All communication ideas and actions involved in the JAPG process must be in open meeting open to the public. This communication pertains through any medium (email, text, phone, etc.) among a quorum.

### Conflict of Interest Law

For purposes under this law, JAPG members are considered employees of the City. Make sure your duties and actions are not interfered with by private interests.

### Questions to Andrew's presentation:

If the City leases the Armory, can it lease the Armory to a third-party for a higher price? The answer is no. The City can only lease to a third-party for a nominal fee; the same price the City purchased it from DCAMM.

Can be the building be leased or does it have to be ground lease? The City can execute a ground lease if it is leased to a third party.

Affordability range required for the units if the Armory were to be used for housing is at or below 80% AMI.

How will residents be selected for the housing units? A lottery will be held. A lottery process is required for the City to place the units on the City's SHI.

### Staff Introduction Presentation by Eamon Bencivengo

Eamon gave a status update on the Special Legislation pending at the State House. The Legislation has been referred to a Joint Committee where a public hearing was held in November. It is awaiting a vote out of Committee.

Eamon gave an update on the Housing Choice Grant application submitted by the Planning Department in June of 2019 to fund a consultant to perform a pre-development feasibility analysis to determine whether affordable housing is a suitable use for the Armory. Staff will release an RFP if a grant award is made. If an award is made, the consultant conducting the feasibility analysis will examine information pertinent to the JAPG's work: design consideration, environmental concerns, financial resources. Staff hope the consultant would begin work in March if an award is made by January 2020.

### Questions/Comments to Eamon's Presentation

There are funding resources available to the City to contribute towards the Armory if affordable housing is determined to be best use: CDBG, HOME, CPA, and Inclusionary Zoning funds.

If housing is determined as the best use, it must be 100% affordable. It cannot be split with any market rate units.

The only other City Department to express interest in using the Armory is the Clerk's Office as a repository for City archives.

Although it may be more cost effective to build new affordable housing instead of converting the Armory, there is not a strong pipeline of affordable housing sites or projects identified.

The involvement of MHC may not be known until a use is identified. Any restrictions in a MOU between the City and MHC would be based upon the final use.

#### Upcoming Meetings

Eamon Bencivengo will contact DCAMM for an Armory site visit for the JAPG in the first week or two in January.

Real Property Reuse Committee Public Hearing on the futures uses of the Armory is set for January 23 at 7:00 p.m.

Set next JAPG meeting in January and invite Josh Morse, Public Buildings Commissioner, to speak. Meeting to start at 7:00 p.m. on January 21.

#### Nomination of Chari and Vice Chair

Nomination by Jonathan Katz for Ted Hess – Mahan as JAPG Chair. Second by Larry Bauer. Unanimous approval. 7 in favor, 1 abstain

Nomination by Kelley Brown for Sue Parsons as JAPG Vice Chair. Second by Jonathan Katz. 7 in favor, 1 abstain.