

CITY OF NEWTON

IN BOARD OF ALDERMEN

COMMITTEE ON COMMUNITY PRESERVATION REPORT

TUESDAY, MARCH 29, 2005

Present: Ald. Linsky (Chair), Lennon, Hess-Mahan, Sangiolo, Yates, Parker (Vice Chair), Vance, and Lappin

Also Present: Ald. Danberg, Ald. Baker; Stephen Fauteux (CPC), Doug Dickson (CPC Chair), Martha Horn (Environmental Planner), Susan Lunin (Conservation Commission),

Reappointment by His Honor the Mayor

#83-05 STEPHEN FAUTEUX, 71 Elmhurst Road, reappointed as a member of the Community Preservation Committee (representing Ward 1 or 2), with expertise in the area of recreation; said term of office to expire on 2/16/08.

ACTION: **APPROVED 7-0 (Parker not voting)**

NOTE: The Committee was joined by Mr. Fauteux who presented his background and desire for re-appointment to the Community Preservation Committee (CPC).

Mr. Fauteux represents Wards 1 and 2 on the CPC and sits as the designated expert in the area of recreation. Mr. Fauteux, a lawyer by profession, expressed his enjoyment in serving on the CPC, noting particularly the wealth of expertise of his colleagues on the CPC. In the course of the ensuing discussion with Committee members, Mr. Fauteux opined on a number of issues, including his support for CPA funding of a master park plan and potential recreational facilities (e.g. pool) at Newton South, if it met the legal standards governing the CPA.

He cited Kessler Woods as the most obvious achievement of the CPA and the Grace Church proposal as the most difficult vote he has had to make. He is inclined to oppose funding of renovation of purely religious institutions, although that presumption is not an irrebutable one.

Alderman Yates moved approval and the Committee voted 7-0 (Ald. Parker not voting) in favor of approval.

REFERRED CMTE. ON COMM. PRESERV. AND FINANCE COMMITTEE

#111-05 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$30,700 be appropriated from the Community Preservation Fund for purposes of funding the Flowed Meadow Improvement Project, Phase 3 (Planning and Design).

ACTION: **APPROVED 7-0 (Parker not voting)**

NOTE: The Committee was joined by CPC Chair Doug Dickson, city environmental planner Martha Horn, along with Susan Lunin from the Conservation Commission, and Anatol Zuckerman.

Aerial views of the property were displayed for the Committee. CPC Chair Dickson noted that this project incorporates five phases and followed from a master plan completed in 2000. The first phase was completed in advance of CPA funding, largely through the efforts of the Eagle Scouts. Bids to complete Phase 2, previously funded by the CPA in the amount of \$75,000, were delayed but are now out.

Martha Horn indicated her anticipation that the project would be completed by this fall, including the installation of kiosks of the entrances and signage, as well as improvements to the trails and observation areas.

Chairman Dickson noted that this phase involves a study following from the master planning that was done between 1998 and 2000 integrating all the elements of the area. The design/engineering study includes a boardwalk connecting Lexington Street to Wabasso Street and an entrance gateway on Lexington Street. Mr. Zuckerman pointed out that the proposal would include the production of geotechnical construction documents, particularly in respect to the borings to determine the placement of pilings to support the boardwalk, and, in response to an inquiry from Alderman Vance, include structural, architectural and landscape designs.

Alderman Danberg noted that the Dolan Pond project ran into increased costs because the pilings needed to be set further down. Ms. Horn indicated that Dolan Pond was very wet and that this site had lots of peat.

Alderman Hess-Mahan thought doing a study in this instance represented a good use of CPA monies and may result in a savings.

Chairman Linsky endorsed the idea of doing a site tour and CPC Chairman Dickson indicated that he would check with the Conservators as he helped in organizing their spring walks.

Alderman Sangiolo moved approval and the Committee voted 7-0 (Ald. Parker not voting) in favor of approval.

REFERRED TO CMTE. ON COMM. PRES. AND FINANCE COMMITTEE
#130-04(2) **COMMUNITY PRESERVATION COMMITTEE** recommending that the sum of \$50,000 that was appropriated through Board Order #130-04, pertaining to the Houghton Garden Fence Project, be converted to a grant (with no repayment).

ACTION: **APPROVED 7-0 (Parker not voting)**

NOTE: The Committee was joined by CPC Chair Doug Dickson, city environmental planner Martha Horn, and City Comptroller David Wilkinson. Members of the Friends of Houghton Garden and the Garden Club that garden at the site were also present.

CPC Chairman Dickson reminded the Committee that the issue before it involved the conversion of the previously approved \$50,000 loan contained in the first proposal to a grant.

Martha Horn represented to the Committee that in the interlude following the last Committee meeting she had followed up on the prospect of additional sources for grants and concluded that no new grants were available for landscaping. Moreover, the Historical Commission has apparently determined that the entire frontage of the gardens requires fencing.

Comptroller Wilkinson stated that the \$50,000 loan portion cannot be released without a reasonable expectation of payment. Alderman Hess-Mahan noted that the Forte Park project was not funded as a loan/grant but as a grant, a portion of which was refunded when the city received state grant reimbursement.

Committee Chair Linsky asked Ms. Horn whether the city could still apply for the state grant even if the loan was converted. Ms. Horn replied in the affirmative but added that she was disinclined to spend the requisite amount of effort in submitting a new proposal given the relatively remote chances of approval. In polling other Committee members on this issue, the general sentiment was that such an effort would not be requested by the Committee.

Nevertheless, Alderman Sangiolo, in moving approval to convert the loan to a grant, offered a caveat that urged additional efforts to continue efforts to procure more outside funding. Alderman Vance responded that numerous CPA projects had been approved without the amount of matching funds accompanying this proposal. President Baker, in noting his appreciation for Alderman Sangiolo's motion, stated his preference that the vote as to converting the loan to a grant be clean of any additional requirements. It was then clarified that Alderman Sangiolo was not proposing a condition but rather a sentiment. Other Committee members, including Alderman Lappin and Lennon concurred and expressed their support for the loan conversion.

On Alderman Sangiolo's motion to approve, the Committee voted 7-0 in favor of converting the previously approved loan to a grant.

REFERRED TO CMTE. ON COMM. PRESERV. AND FINANCE COMMITTEE

#112-05 ALD. LAPPIN requesting discussion of policy guidelines/conditions for the approval of CPA projects involving matching grants in the event that the grants are not obtained.

ACTION: **NO ACTION NECESSARY 8-0**

NOTE: The Committee was joined by CPC Chair Dickson and city Comptroller Wilkinson on this item.

Alderman Lappin began the discussion by suggesting that the Houghton Garden proposal made her believe that a policy was needed in respect to setting out expectations or requirements for outside funding components to CPA proposals but wasn't sure how we could do it either through making it a condition of the funding or otherwise. Chairman Linsky noted that Gayle Smalley of the Law Department suggested that section 14 of Massachusetts General Law chapter 44B explicitly provided for CPA funding to be supplemented by other state grants.

Alderman Hess-Mahan, in speaking with Comptroller Wilkinson before the meeting, concluded that he wasn't sure if there was a policy answer. He felt that while those seeking CPA funding could be granted smaller sums and then come back to the CPC for additional funding, he didn't want to saddle proponents with having to come back twice.

Comptroller Wilkinson believed that language in board orders could provide the necessary authority to convert forgivable loans. In response to Alderman Lappin's question as to whether the insertion of that language might have negatively affected those, like Martha Horn, seeking additional funding, Comptroller Wilkinson opined that such forgivability would not be necessarily reportable. Of key significance to him was knowledge of what the Board had in mind in advance of his releasing any monies.

CPC Chair Dickson concurred that we typically operate under the notion that this distinction is important to state funders when it typically was not. Rather, such funders typically focus on whether up-front monies are in place. In response to Alderman Danberg's question as to whether state funding tends to follow a certain rule of thumb (such as the \$40K/\$50K split in the Houghton Pond project), CPC Chair Dickson indicated that it varied year-to-year. Alderman Lennon raised a concern if the numbers from the proposal were 'wishy-washy' as between loan and grants to which Alderman Hess-Mahan responded that the key distinction was how much of the monies were forgivable and that explicit language is needed either in respect to the terms of the loan or in a board order (or both). Alderman Sangiolo suggested that language regarding potential reversion of CPA monies is better placed in the loan than the board order. Comptroller Wilkinson noted that sometimes loans are incorporated by reference in board orders.

Alderman Vance asserted that if it did not matter to the state, the question is not necessarily one of a general policy but instead comes down to deciding each CPA proposal on its merits as to whether we want to commit CPA monies in a project or not.

Alderman Lappin raised a concern that if loans were made explicitly forgivable would it have the effect of undermining incentives for CPA recipients to get additional sources of funding. Alderman Hess-Mahan added a similar concern that the system could be 'gamed'. In response, CPC Chair Dickson opined that the chances of 'gaming' the system were limited due to the CPC's oversight. In respect to Houghton Gardens, for example, the CPC believed that the chances of getting additional grants was not 100% but that it was worth taking. If there was a truer sense of possible gaming the CPC might take a different approach (such as multi-phasing). Alderman Lappin offered that if matching funds were made a mandatory, the vote on Houghton Gardens may have been different.

Vice-Chair Parker saw this as a policy choice and that there should be a presumption requiring matching funds unless waived. Alderman Yates expressed that such a policy was totally unrealistic and unfair. Alderman Lappin added that it might cause the CPC to have to prove a negative.

Alderman Lappin moved No Action Necessary and the Committee voted to approve her motion 8-0.

Alderman Vance moved adjournment which was unanimously adopted by the Committee. The meeting adjourned at approximately 9:40 PM.

Respectfully Submitted,

Stephen M. Linsky, Chair