

**COMMUNITY PRESERVATION COMMITTEE
TOWN OF NEEDHAM, MASSACHUSETTS**

**Minutes of Meeting
March 30, 2022**

LOCATION: Hybrid Meeting, Charles River Room, PSAB, 500 Dedham Avenue, Needham
Committee members and members of the public may attend in-person or remotely

PRESENT: Peter Pingitore, Chair, Joe Barnes, Robert Dermody, Reg Foster,
Jeanne McKnight, Vice Chair, Chris Gerstel, Hank Haff

REMOTE: Artie Crocker, Laura Dorfman, Rick Zimbone

STAFF: Cecilia Simchak, Kristen Wright

P. Pingitore called the meeting to order at 7:00 p.m. and completed a roll call for Committee members and staff, the results of which are noted above. P. Pingitore reviewed meeting rules and disclosed that the meeting, which was conducted in-person and via Zoom, was also being recorded.

CHAIR'S UPDATES

P. Pingitore provided an update regarding his consultation with the Finance Committee. The Finance Committee expressed concerns regarding accountability controls for grants awarded to non-town applicants. In that regard, P. Pingitore anticipates there may be a need to hire a professional to assist Town Manager in reviewing and authorizing the draw-down requests by grantees, as well as vetting applications prior to recommending projects for funding. He anticipates requesting that the CPC use its administrative budget next year to pay for the costs of those professionals. He further expressed the importance of obtaining regular updates on funded projects.

The Finance Committee requested that the Needham Housing Authority and Needham Community Farm appear before them on the night they are going to vote. There was a discussion amongst the Committee regarding the application process, including the current practice of having applicants respond to written questions from Finance Committee versus appearing in person.

CPA FINANCIAL SUMMARY

Discussion regarding the report provided by Dave Davison that outlined three different scenarios for CPC funding keeping two things in mind: dealing with anticipated large requests from the Needham Housing Authority in FY2023 and FY2027 and balancing that with options for funding the Emery Grover renovation (full cash grant versus cash and debt). D. Davison's recommendation is that the CPC recommend funding the \$6M Emery Grover request with \$2M in cash and \$4M in debt.

R. Zimbone feels that this analysis does not differ much from the one the Committee has been discussing all along. He agrees with D. Davison's recommendation because it provides the Committee with the greatest flexibility going forward into the third, fourth, and fifth year of the analysis and will allow the CPC to be more nimble down the road.

A. Crocker questioned the impact to the Town if the CPC does not provide the full \$6M in funding for Emery Grover. R. Zimbone stated that the Town does not have available cash to fund this project. If the CPC does not provide the \$6M requested, the Town would have to take the additional burden on as debt.

It is also possible the Town may have to borrow money to cover inflation costs associated with the project.

P. Pingitore stated that the Committee received a spreadsheet late in the day that showed the cost projections for Emery Grover have increased from \$20.8M to \$22.8M

VOTE ON APPLICATIONS & WARRANT ARTICLES

1. FY23-05 – Emery Grover Renovation Project (Article 24)

This request is for \$6,000,000 under Historic Preservation for renovation of the Emery Grover School Administration Building. R. Dermody provided an update, sharing that the current project estimate reflects a \$2M increase in construction costs. The total project cost is now \$22,875,000. Hank Haff was present and reported that the cost estimators were seeing a 1% per month increase. He is also seeing increases with other Town projects so the plan is to maintain a 20% contingency for Emery Grover due to the volatility in the market.

R. Dermody asked if the increase in construction costs would impact the amount requested from the CPC. P. Pingitore stated that the request had not changed and remains \$6M.

R. Foster asked if there was a formal review by Town Counsel regarding eligibility of the project. P. Pingitore responded that Town Counsel reviewed all of the CPC warrant articles and expressed opinions only on those articles that he felt were not eligible for funding under the CPA.

P. Pingitore moved to recommend CPC funding of \$6,000,000 for the School Department's request for Emery Grover Renovation project under historic preservation, with \$2,000,000 transferred from free cash and \$4,000,000 via the issuance of debt. C. Gerstel seconded the motion. The roll call vote was as follows: J. Barnes (aye); R. Dermody (aye); R. Foster (aye); C. Gerstel, (aye); R. Zimbone (aye); J. McKnight (aye); L. Dorfman (aye); A. Crocker (aye); Pingitore (aye). Motion passes 9-0.

R. Dermody will present this Article at Town Meeting.

2. FY23-07 – High School Tennis Court Design (Article 22)

This request is for \$50,000 under Recreation for a design and feasibility study with respect to improvements to the High School Tennis Courts. J. Barnes was asked if pickleball lines would be drawn on the courts. C. Gerstel confirmed that pickleball lines would not be drawn on the high school tennis courts as these courts are intended for competitive tennis only.

P. Pignitore raised the issue of maintenance with the Finance Committee, specifically how a lack of maintenance may have contributed to the degree of degradation these courts have suffered. The Finance Committee will address the maintenance issue. P. Pignitore also brought the high replacement cost to the attention of the Select Board (potential \$1.5M). The Select Board indicated that there will be future discussion regarding sharing the cost of that between Town revenue and CPC revenue.

A. Crocker stated that the CPC should be cautious about funding requests for projects if a lack of maintenance lead to a request for capital funding. R. Foster suggested that the CPC application process include a vetting of the applicant's ability to provide/ensure future maintenance as well as the applicant's

historical track record of maintaining projects. R. Zimbone felt it is incumbent upon the committee to ensure the Town has a specific line item for maintenance on any project from the Town's ongoing capital plan that comes before the CPC for funding.

P. Pingitore moved to recommend CPC funding of \$50,000 for the Park and Recreation Department request for the Needham High School Tennis Court Design project under recreation which will be transferred from CPA free cash. J. Barnes seconded the motion. The roll call vote was as follows: J. Barnes (aye); R. Foster (aye); R. Dermody (aye); J. McKnight (aye); C. Gerstel, (aye); R. Zimbone (aye); L. Dorfman (aye); A. Crocker (aye); Pingitore (aye). Motion passes 9-0.

J. Barnes will present this Article at Town Meeting.

3. FY23-09 – Boat Launch (Article 23)

This request is for \$285,000 under Recreation for the construction of a new boat launch to improve access to the Charles River. C. Gerstel reported that the Park and Recreation Department is withdrawing this application.

4. FY23-11 – Construction of Raised Growing Beds (Article 21)

This request is for \$200,000 under Open Space for the construction of 150 raised growing beds at the Needham Community Farm (NCF) for lease by the public, and for work to provide increased site accessibility. P. Pignitore stated the Finance Committee raised questions centering on the issue of fees being assessed first, because there are no controls over the fees, and second, because there was a question of whether the revenues generated by fees should remain with NCF or be paid to the Town. Joe Leghorn provided written responses to the Finance Committee questions stating that fees are necessary for the sustainability of the program. NCF was willing to cap increases in fees to COLA for the term of the property lease, which is anticipated to be ten years. P. Pignitore shared that another Finance Committee member suggested that NCF should raise its own funds. Leghorn shared that 65% of NCF funds come from donations. Furthermore, soil testing has shown that nothing can be grown in the soil at that site, as it is comprised of construction refuse. There is no way to use that property as a community farm unless the soil cap is removed or raised beds are installed.

R. Foster asked about the Farm implementing this project in two funding phases given the large expansion that this project represents. P. Pingitore explored that scenario with NCF, but given the fixed construction costs for the access path and fencing, as well as the volume discount they will receive from purchasing 150 growing beds at once, they did not see any economic benefit to doing the project in phases.

R. Zimbone shared that he intends to vote against the project. NCF is an independent 501(3)(c) organization run by a group of well-meaning volunteers, but there is no demonstrated evidence that they have the capacity or ability to manage this expansion. He was concerned that they may not be attuned to the issues they will face with what is essentially the development of a new business, marketing and selling 150 new beds. The Town is offering them a lease of the land for \$1.00 which is already a subsidy.

A. Crocker is in support of the project. The CPC has funded successful projects for non-town organizations in the past. Although this is an expansion of NCF and its business model, it is not an expansion of the work involved, as the lessees of the growing beds will do the work to maintain their area. It also puts land to use that would otherwise be unused.

J. McKnight acknowledged that NCF is a volunteer organization, but felt that it is a long and well established non-profit. She was impressed with the materials that were submitted, including financial reports and proposed budget, as well as the applicants that presented to the Committee. J. McKnight inquired if the ten-year license agreement for the land could be a condition of the grant and/or would be in place by the time of Town Meeting. P. Pignitore stated that he has seen a draft of the license agreement and is optimistic that it will be final by then.

J. Barnes feels that NCF is a benefit to the town. NCF proponents were able to answer all questions and provide documentation to the Committee's satisfaction.

P. Pingitore moved to recommend CPC funding of \$200,000 for the Needham Community Farm request for the construction of 150 raised growing beds under open space which will be transferred from CPA open space restricted funds. C. Gerstel seconded the motion.

R. Foster moved to amend P. Pingitore's motion to add the following language: "subject to a grant agreement that requires the execution of a mutually agreed-upon multi-year license for the NCF property at Pine Street, and grant amounts to be released pursuant to a mutually agreeable project plan." R. Zimbone seconded the motion. The roll call vote was as follows: J. Barnes (nay); R. Dermody (nay); R. Foster (aye); J. McKnight (nay); R. Zimbone (aye); A. Crocker (aye); L. Dorfman (nay); C. Gerstel (nay); Pingitore (nay). Motion fails 3-6.

J. Barnes moved to amend R. Foster's amendment to recommend funding subject to a grant agreement that includes a multi-year licensing agreement between the Town and NCF. R. Dermody seconded the motion. The roll call vote was as follows: J. Barnes (aye); R. Dermody (aye); R. Foster (aye); J. McKnight (aye); R. Zimbone (aye); A. Crocker (aye); L. Dorfman (aye); C. Gerstel (aye); Pingitore (aye). Motion passes 9-0.

R. Dermody moved to amend P. Pignitore's original motion to recommend funding subject to a grant agreement that includes a multi-year licensing agreement between the Town and NCF. P. Pignitore seconded the motion. The roll call vote was as follows: J. Barnes (aye); R. Dermody (aye); R. Foster (aye); J. McKnight (aye); R. Zimbone (aye); A. Crocker (aye); L. Dorfman (aye); C. Gerstel (aye); Pingitore (aye). Motion passes 9-0.

R. Zimbone moved to approve Article 21 as amended. The roll call vote was as follows: J. Barnes (aye); R. Dermody (aye); R. Foster (aye); J. McKnight (aye); R. Zimbone (aye); A. Crocker (aye); L. Dorfman (aye); C. Gerstel (aye); Pingitore (aye). Motion passes 9-0.

Artie Crocker will present this Article at Town Meeting.

5. Increasing CPC Allocation for Community Housing Restricted Funds (Article 15)

P. Pignitore moved to recommend that the FY2023 contribution to the Community Housing Reserve be increased from 11% to 22%. R. Zimbone stated that the increase will have to be voted on annually, and reminded the committee that D. Davison's financial projections assume that the allocation will continue to be 22% for the foreseeable future. The roll call vote was as follows: J. Barnes (aye); R. Dermody

(aye); R. Foster (aye); J. McKnight (aye); R. Zimbone (aye); A. Crocker (aye); L. Dorfman (aye); C. Gerstel (aye); Pingitore (aye). Motion passes 9-0.

R. Zimbone will present this Article at Town Meeting.

6. Appropriation of Community Preservation Funds Supplement (Article 16)

The Town received state matching funds for 2022 in an amount higher than anticipated. As a result, the appropriations to the Historic Preservation and Open Space reserve categories were insufficient to satisfy the 10% requirement. Similarly, in connection with the CPC's goal of allocating 20% of actual CPA receipts to the Community Housing reserve, additional funds must be transferred to the Community Housing reserve to bring the 2022 allocation to 20%.

R. Foster moved to approve the transfer of supplemental funds from the general reserve to the Historic Preservation reserve in the amount of \$29,067; from the general reserve to the Open Space reserve in the amount of \$24,375; and from the general reserve to the Community Housing reserve in the amount of \$48,749. J. McKnight seconded the motion. The roll call vote was as follows: J. Barnes (aye); R. Dermody (aye); R. Foster (aye); J. McKnight (aye); R. Zimbone (aye); A. Crocker (aye); L. Dorfman (aye); C. Gerstel (aye); Pingitore (aye). Motion passes 9-0.

P. Pingitore will present this Article to Town Meeting.

7. FY23-01 – Needham Housing Authority Existing Conditions Survey/Reports (Article 19)

The request from NHA is for \$123,632.00 under Community Housing for existing condition property surveys with respect to the renovation and modernization of four buildings at Seabeds Way, six buildings at Capt. Robert Cook Drive, and the redevelopment of the sixty High Rock Estates bungalows into sixty duplexes.

Town counsel, Chris Heap, issued a written opinion regarding eligibility of this project on 3/28/22 indicating that the only element of the survey that was eligible for CPA funding concerns High Rock Estates. The NHA provided a written rebuttal the morning of 3/30/22. Town Counsel's final opinion remained unchanged and issued via email that same afternoon. R. Foster stated that he was not aware of the email and was not prepared to respond to it. There was discussion regarding the timing and communication of Town Counsel's opinion. P. Pingitore clarified for the Committee that Town Counsel had verbally communicated his opinion on 3/25/22 and that P. Pingitore spoke with R. Foster that day to advise him of same. R. Foster requested that this timing and communication issue be placed on a future meeting agenda for further discussion. P. Pingitore shared that going forward, he would like to provide applications to Town Counsel upon receipt to address issues of eligibility earlier in the process.

The High Rock Estate portion of the survey totaled \$81,978. R. Zimbone moved to recommend funding of \$81,978 for the Needham Housing Authority's request for the High Rock Homes Survey under Community Housing with the full amount transferred from the Community Housing reserve. R. Dermody seconded the motion. The roll call vote was as follows: J. Barnes (aye); R. Dermody (aye); C. Gerstel, (aye); R. Zimbone (aye); J. McKnight (aye); L. Dorfman (aye); A. Crocker (aye); R. Foster (aye); Pingitore (aye). Motion passes 9-0.

C. Gerstel will present this Article at Town Meeting.

8. FY23-02 – Needham Housing Authority Linden-Chambers Pre-Development (Article 18)

This request is for \$1,386,000 under Community Housing for preliminary design required to obtain zoning relief and complete other due diligence for redeveloping the Linden-Chambers properties, consisting of 152 units of housing for seniors and disabled.

P. Pingitore moved to recommend CPC funding of \$1,386,000 for the Needham Housing Authority's request for pre-development work related to Linden-Chambers under Community Housing which will be transferred from CPA Community Housing reserve. C. Gerstel seconded the motion. The roll call vote was as follows: J. Barnes (aye); R. Dermody (aye); R. Foster (aye); J. McKnight (aye); C. Gerstel (aye); R. Zimbone (aye); L. Dorfman (aye); A. Crocker (aye); Pingitore (aye). Motion passes 9-0.

L. Dorfman will present this Article to Town Meeting.

9. FY23-03 – Needham Housing Authority (Purchase of East Militia Heights Drive Property)

This request is for \$1,826,000 under Community Housing to purchase twelve three-bedroom single-family homes situated on 3.5 acres of land. R. Foster reported that the Needham Housing Authority is withdrawing this application.

10. FY23-04 – Needham Housing Authority (Funding for NHA Ass't Executive Director) (Article 17)

This request is for \$97,500 under Community Housing to support 50% of the cost of a two-year position during the MRI's pre-development period.

Town Counsel reviewed this project to determine its eligibility for funding under the CPA and issued a written opinion indicating that it was not eligible. The NHA submitted a rebuttal; however, Town Counsel's final opinion remained unchanged. R. Foster noted his disagreement with this opinion.

L. Dorfman noted that the job description that was provided contained language consistent with Town Counsel's rationale. A. Crocker felt that the intent behind staffing this position was to supplement the work needed to implement NHA's capital plan, and the intent behind this request for funding was correct and should be funded. J. McKnight felt that the language of the application could be interpreted differently from Town Counsel's interpretation. R. Zimbone reviewed Town Counsel's opinions and NHA's rebuttal, as well as NHA's references to similar projects in other towns that were awarded CPA funds. He concluded that the position outlined by the NHA differed from the projects in the other towns; therefore, he was comfortable with Town Counsel's opinion and will vote against this application.

R. Foster moved to recommend CPC funding of \$97,500 for the Needham Housing Authority's request for staffing the Assistant Executive Director Position to support the preservation and redevelopment of affordable housing in Needham, under Community Housing, which will be transferred from the Community Housing reserve. A. Crocker seconded the motion. The roll call vote was as follows: J. Barnes (nay); R. Dermody (nay); R. Foster (aye); J. McKnight (nay); C. Gerstel (nay); R. Zimbone (nay); L. Dorfman (nay); A. Crocker (nay); Pingitore (nay). Motion fails 8-1.

ISSUES NOT REASONABLY ANTICIPATED BY THE CHAIR WITHIN 48 HOURS

None.

ADJOURNMENT

J. Barnes made a motion to adjourn the meeting. C. Gerstel seconded the motion. The roll call vote was as follows: **Zimbone:** aye; **McKnight:** aye, **Dorfman:** aye, **Crocker:** aye, **Foster,** aye, **Barnes:** aye, **Gerstel,** aye, **Dermody:** aye, **Pingitore:** aye. Motion passes 9-0.

Respectfully submitted,

Lauren Spinney
Administrative Coordinator