COMMUNITY PRESERVATION COMMITTEE
TOWN OF NEEDHAM, MASSACHUSETTS

Minutes of Meeting
August 12, 2020
Zoom Meeting
Recording Available: https://youtu.be/abus3hTa7nc

PRESENT:	Peter Pingitore – Chairman, Artie Crocker – Vice Chairman, Joe Barnes, Chris Gerstel, Rick Zimbone, Robert Dermody, Laura Dorfman, Paul Alpert, Penny Kirk
STAFF:	Carys Lustig, Staff Liaison, Kristen Wright, Recording Secretary
GUEST:	David Davison, Christopher Heep, John Bulian, Tom Jacob, Stacey Mulroy

Mr. Pingitore completed a roll call for all members of the Committee and members of staff and the results of the roll call are noted above. Mr. Pingitore called the meeting to order at 7:32 PM via a Zoom Meeting. Mr. Pingitore reviewed the rules of the meeting that was being conducted remotely and online inline with Governor Baker's order regarding Public Meetings. Mr. Pingitore covered meeting ground rules for the meeting.

Re-Organization Vote
Mr. Pingitore opened the nominations for Chairman.

Chairman:
Mr. Barnes nominated Mr. Peter Pingitore as Chairman and Mr. Gerstel seconded the motion. The vote was unanimous 8-0 with Mr. Pingitore abstaining.

Vice-Chairman:
Mr. Alpert nominated Mr. Artie Crocker as the Vice Chairman and Mr. Gerstel seconded the motion. The vote was unanimous 8-0 with Mr. Crocker abstaining.

Guest: Special Counsel Christopher Heep
Mr. Heep introduced himself as Needham's Special Town Counsel and reviewed the draft agreement between the Town and two of the non-Town proponents.
Mr. Pingitore asked if the requirement regarding the provision in paragraph 1 regarding the 'Standards for Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of Historic Properties codified in 36 C.P.R. Part 68". Mr. Pingitore asked Special Counsel Heep to look over the proposals and to indicate whether or not he felt the language was necessary for the two proposals.
Mr. Pingitore asked if the statement within paragraph 3 if it was required for it to state that the funds "will be made available for future appropriation to other recipients".
Mr. Pingitore asked if the level of oversight outlined in paragraph 4 was necessary. Mr. Heep stated he can revise the paragraph to include the current process.
Mr. Pingitore asked if paragraph 5 was necessary as the Committee had determined that it may create further entanglement between the Town and the proponent that prior Town Counsel had advised the Committee against. Mr. Heep stated that if it was not something the Committee was interested in including that it can be removed. Mr. Pingitore stated that the same principal would apply to paragraph 6. Mr. Heep agreed that including aspiration language that highlights the proponent continuing with

current access to the community should be included if that is was the Committee would like to see. Mr. Pingitore stated that the same would apply to paragraph 7.
Mr. Pingitore questioned the language in paragraph 11, subsections d and e. Mr. Hee
p stated he would take a look and combine them if necessary. Mr. Pingitore asked about a sunset provision on the items within those two subsections.

Mr. Alpert had no additional comments as he has recused himself from discuss of one of the proposals that this agreement may apply.

Mr. Barnes stated his question was addressed by Mr. Pingitore regarding the sunset clause and that he had no further questions.

Mr. Crocker stated that he had no additional comments and that this agreement would also be a good starting point for any future agreements that would need these provisions in the future.

Mr. Dermody offered a revision to paragraph one in which the entire title of "The Secretary of the Interior's Standards for the Treatment of Historic Properties" as all types of changes, preservation, rehabilitating, restoring, and reconstruction of historic building are included in the larger document and that it should be left in paragraph 1 as it would cover any type of work. Mr. Dermody added that this looks to be a complete agreement.

Ms. Dorfman asked if anyone knew, and if it was common knowledge among contractors, what the standards referred to are. Mr. Pingitore stated that this was a great question that may not have an answered tonight, but we can agree that it should be in the agreement. Ms. Dorfman asked if someone would be check in on the project as it is being completed. Mr. Zimbone stated that the Charles River Center received some funding for construction, but he was unaware how it was monitored. Mr. Davison stated that the proponent would rely on their architect to ensure the contractor would be following the specifications and standards as outlined in the agreement. Mr. Davison stated that this construction would be completed under a Town Building Permit and the Building Department would oversee the construction in compliance with their permit. Mr. Heep stated that reports could be requested from the architect in either the middle or at the end of the project stating their compliance to the agreement.

Mr. Gerstel stated that he did not have any questions.

Ms. Kirk stated that she did not have any comments.

Mr. Zimbone stated that he did not have any comments or questions.

Mr. Dermody asked if the proponents have been to the Historic Commission regarding the project. Ms. Dorfman stated she would follow up with the Historic Commission. Mr. Heep will inquire if this should be included in the agreement.

New Application for Consideration
Mr. Pingitore provided an overview and open up the discussion about the new application that has been submitted from the Needham Housing Trust and its eligibility.

Mr. Barnes stated that due to other Town's using their CPA funding to support the type of application that he agrees that it is eligible.

Mr. Alpert stated that the statute specifically notes rental assistance as being eligible and would find it eligible. Mr. Alpert added that the application supports a worthwhile cause.

Mr. Crocker stated that the statute allows it and he agrees that it is eligible. Mr. Crocker asked if this funding would be used to pay administrative fees. Mr. Pingitore stated that the process would be administered by a third party and that the question about how much the fees would be to facilitate this project would be a due diligence question if the application was deemed eligible.

Mr. Dermody thanked the proponents that put the application together quickly. Mr. Dermody agrees that it falls within the statues and seconded Mr. Crocker's question about the payment of administrative fees.

Ms. Dorfman agrees that the application is eligible and supports this application.

Ms. Gerstel supports this application and finds it to be eligible.

Ms. Kirk stated that this would not apply the Needham Housing Authority properties as those residents have their rent adjusted to their amount of income.

Mr. Zimbone stated that it was an emergency application and supports the eligibility of the application.

Mr. Zimbone moved to find FY2020-10, a request for $100,00 for and Emergency Rental Assistance Program under Community Housing, eligible for CPA funding. **The motion was seconded by Mr. Alpert.** The roll call vote was as follows: **Alpert:** aye, **Barnes:** aye, **Crocker:** aye, **Dermody:** aye, **Dorfman:** aye, **Kirk:** aye, **Gerstel:** aye, **Zimbone:** aye, **Pingitore:** aye. **The motion passes 9-0**

Guest: Assistant Town Manager/Finance David Davison to Review Finances

Mr. Pingitore welcomed Assistant Town Manager/Finance David Davison. Mr. Davison discussed the current finances and estimates for the FY21 budget. Mr. Davison stated that the state aid is still undetermined and will remain that way until after the October Town Meeting is concluded. Mr. Davison advised the committee that these distributions should remain as listed and help appropriate enough monies to the funding reserves identified by the CPA.

Mr. Zimbone asked about the debt service that was included with Emery Grover and where the number presented was derived from. Mr. Davison stated that the figure was based on assumptions from a few years ago with a 40% allocation of CPA funding and did not come from the current figures from the School Committee. Mr. Pingitore stated that the CPC will be taking on the Emery Grover after Special Town Meeting in the next session and we hope to have better figures for the due diligence when that application has been received and is being discussed.

Mr. Zimbone asked where the number shown as 'Available for Debt Services' on the document is derived from. Mr. Davison stated that under the act the Town can only pledge the collected surcharges to be used for debt service as the community cannot make an assumption of the level of state aid that will be received in any given year. Mr. Davison stated that looking at the surcharge and estimating those figures out in future years, after delegating the 10% that is allocated to the three specific funding items annually, the remaining 70% could be available for debt services. Mr. Davison stated that from that figure the known figures are subtracted that are known for committed projects already allocated for debt services.

Mr. Pingitore thanked Mr. Davison for his presentation to the Committee.

Update on Withdrawal of 3 Applications without Prejudice

Mr. Pingitore stated that the Select Board is trying to get through Town matters expeditiously. Mr. Pingitore stated that the Town has indicated that they will be withdrawing the applications. Ms. Lustig stated that it is believed that these three projects would not be impacted by potentially receiving funding in May 2021 instead of October 2020. Ms. Lustig stated that the track project can only be completed in the fall. Ms. Lustig continued to state that for the Claxton request that is a design request and if the funding was received in October, there is a chance that there would not be enough information to come before the CPC with an application for construction, based off the design, for May of 2021. Ms. Lustig stated that the trail design project does not have a specific deadline and therefore can wait.

Mr. Gerstel stated that the withdrawal of these projects is new information to the Park and Recreation, and it has not been presented to the Park and Recreation Commission on whether they will support them being withdrawn.

Mr. Zimbone asked if there is a safety issue in terms of the track as this would push the project out two years. Mr. Gerstel stated that it may be a safety issue as we are seeing the track used more and more and the track is already two years past the point that it should have been resurfaced to ensure the full life span of the track is achieved.

Mr. Alpert stated that when the planning board holds their public hearings, they hold a business meeting after the public hearing has concluded.

Mr. Alpert further asked why the articles were being withdrawn without prejudice. Ms. Lustig stated that the applicants would like to make it known that they plan to resubmit.

Mr. Pingitore discussed the next steps for these articles including how we will proceed to the Public Hearing.

Liaison Updates and Further Discussion

FY2020-01 First Baptist Church - Front Porch Preservation & Restoration

This request is for $126,233 for the restoration and preservation of its historic and street facing front porch under Historic Preservation.

Liaisons – Mr. Dermody and Mr. Zimbone

Mr. Dermody provided a brief update. Mr. Dermody stated that he received communication from the Select Board to ask the proponent to withdraw their article of the basis of trying to keep Town Meeting to one day and that he does not feel comfortable asking a proponent that has proceeded with the due diligence of the committee and the Town to withdraw the article. Ms. Lustig stated that there was a longer discussion at the Select Board meeting on August 6 where these articles were discussed. Mr. Pingitore stated that the liaison should inform the proponents that the request has been made by the Select Board.

Mr. Alpert stated in response to Mr. Zimbone's question that the Planning Board has not been approached to withdraw any articles from the October Town Meeting.

Mr. Barnes had no questions.

Mr. Crocker asked if the project was started before the funding from CPA was secured, CPA could not fund it. Mr. Pingitore confirmed.

Mr. Gerstel had no specific questions, however stated that he agreed with Mr. Dermody's point that he does not see the point to having a short Town Meeting and not providing the opportunities for the proponents to be heard.
Ms. Kirk agreed that this project should not be withdrawn as there is a real and identified need.
Ms. Lustig stated that when the liaisons are approaching the proponent to mention the agreement discussed tonight that is now a public document. Mr. Dermody will reach out to the proponent to discuss both the ask and the option to withdraw and the previously discussed agreement.
Mr. Zimbone stated that he would like to communicate back to the Select Board that the entire CPC made a good faith effort in the Spring to move all the articles to the Fall in order to have them discussed and voted in the Fall. Mr. Zimbone stated that the Committee has met with and vetted the projects and sincerely believes that the committee needs to fulfill its obligation on behalf of the proponents.

FY2020-02 First Parish Church – Steeple Preservation
This request is for $75,000 for the preservation of its historic steeple (Bell Tower) under Historic Preservation.
Liaisons – Mr. Dermody and Mr. Barnes
No further updates from the proponents were presented. Mr. Barnes shared that the proponents have completed every task asked of them and answered every question. Mr. Barnes stated that agrees with the other members of the committee and does not want to feel rushed through any article members at Town Meeting. Mr. Barnes will present the draft agreement and the option to withdraw their application until next spring.
No other comments were presented.

FY2020-03 Needham Community Farm – Growing Bed Area Expansion
This request is for $6,200 for the expansion of a growing area of the Community Farm under Recreation.
Liaison – Mr. Gerstel
No updates from the proponents were presented. Mr. Gerstel will present the option to withdraw their application until next spring.

Preparation for Public Hearing & Town Meeting
Mr. Pingitore stated the committee will make the recordings for each of the articles that are voted forward. Ms. Lustig estimated that those would have to be addressed about two weeks before Town Meeting. Mr. Dermody asked how the Public Hearing would be executed. Ms. Lustig stated that the Needham Channel would be live streaming the meeting, and that we would solicit as many questions ahead of time as possible. Ms. Lustig stated that the proponents would present their slides via Zoom and questions would be taken from the public. Mr. Barnes asked when the Committee would discuss the funding. Mr. Pingitore stated that the meeting on September 16 will be the final voting meeting for these applications.
Mr. Zimbone asked if the amounts could be determined prior to the warrant going to print so an amendment at Town Meeting. Ms. Lustig stated that the formal vote cannot be held before the consultation with the Finance Committee. Mr. Alpert stated that the vote cannot be held before the conclusion of the Public Hearing as the public input should be included in the deliberation of voting on the applications.

<u>Any other issues not reasonably anticipated by the Chair within 48 hours</u>
Mr. Alpert stated that a liaison has not been selected for the new application. Mr. Pingitore nominated Ms. Dorfman and Mr. Zimbone to be co-liaisons on this application. The Committee agreed and Ms. Dorfman and Mr. Zimbone were appointed as liaisons for application FY2020-10.

<u>Adjournment</u>
Mr. Alpert made a motion to adjourn the meeting at 10:10PM. Mr. Gerstel seconded the motion. The roll call vote was as follows: **Alpert:** aye, **Barnes:** aye, **Crocker:** aye, **Dermody:** aye, **Dorfman:** aye, **Kirk:** aye, **Gerstel:** aye, **Zimbone:** aye, **Pingitore:** aye. The meeting adjourned at 10:10PM

Respectfully submitted,

Kristen Wright
Recording Secretary