

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

Minutes of Meeting

June 17, 2020

Zoom Meeting

Recording available online: <https://youtu.be/5t1RsdrBR4Q>

PRESENT: Peter Pingitore – Chairman, Artie Crocker – Vice Chairman, Joe Barnes, Chris Gerstel, Rick Zimbone, Robert Dermody, Laura Dorfman, Paul Alpert

STAFF: Carys Lustig, Staff Liaison, Kristen Wright, Recording Secretary

GUESTS:

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 7:30 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.

Chairman's Updates

Mr. Pingitore stated that he has been appointed to the Committee by the Moderator and was sworn in by Town Clerk on June 16th,

Review of Potential Church Funding Conditions

Mr. Pingitore discussed the business terms that were originally presented by Rick Zimbone and opened the floor to the Committee to further discuss the points.

Mr. Crocker asked about the payback provision and it being made in perpetuity. Mr. Barnes stated that he agrees with a sunset clause and the entity should not be held liable for repayment after 5 or 7 years. Mr. Dermody stated that he agrees that we should have a sunset clause, but it should be longer than 5 or 7 years and consider the value of the materials that would be purchased. Mr. Crocker suggested 20 or 25 years for the sunset clause. Mr. Pingitore stated that when speaking to a member of the Select Board they were interested in a sunset clause. Mr. Zimbone stated that upon thinking about this provision further, in 20 to 25 years, the value of \$100,000 would be negligible. Mr. Alpert stated that he is questioning this provision as the intent of funding is to preserve the building, not the monies spent to preserve the building. Mr. Alpert continued to state that if the building is sold and used for a different use, but the historic nature is continued to be preserved, the Town would not need to be paid back. Mr. Pingitore stated that the original intention of the agreement was to ensure that the historic nature of the building would be preserved as well as access to these buildings for the public. Ms. Lustig added that access to the public and the benefit to the public is external in nature so as long as the exterior remains preserved, ownership may not be a larger concern, whereas if the work to be performed was to the interior of the building, then ownership may be more significant.

Mr. Pingitore began discussion on the second bullet point of the document, which is more inline with Ms. Lustig's point about limiting changes to the exterior of the structure. Mr. Zimbone stated that perhaps Town Counsel could combine bullet points 1 and 2.

Mr. Pingitore asked Mr. Zimbone to walk the Committee through the third bullet point. Mr. Zimbone stated that there are Town procedures to protect the interest of the Town. Ms. Lustig stated that we do

not pay in advance, we reimburse using invoices. Mr. Zimbone stated that the intention was to ensure the project was completed, and not just paid as the invoices are generated. Mr. Pingitore stated that due to the type of project this should be brought up as an express concern. Ms. Wright stated that in past projects, the invoices were reimbursed in line with the portions of the project that could be funded by the CPC, which in some cases were completed before the end of the project due to the timeline in which the project had to be completed.

Mr. Zimbone stated that the fourth bullet point pertains to ensuring that before the project is funded by the CPC that all other monies are available for the project. Ms. Lustig stated that she will discuss potentially combining bullet points 3 and 4 with Town Counsel.

Mr. Zimbone stated that the fifth bullet point was about public access. Mr. Pingitore stated that this was something Town Counsel advised the CPC to keep simple. Mr. Pingitore stated that Town Counsel wanted to ensure that there would not be an entanglement between the Town and these entities. Mr. Pingitore stated that the two projects before the Committee today are churches that open their doors to the public everyday and the provisions would be for the outside façade of the buildings which are always accessible by the public. Mr. Pingitore stated that some good faith language may be inline with what the Committee was trying to achieve. Mr. Dermody stated that he agreed that the exterior of the façade is accessible and benefits the Town daily. Mr. Dermody stated that the churches have also been very welcoming to the people in the Town to use the building as well. Mr. Alpert stated that previously one of the churches were asking for funding for an historic clock, in which as this type of agreement would be of great use in a case like that. Mr. Alpert stated that currently, with the two projects before us that this type of agreement may not be necessary.

Mr. Zimbone stated that the sixth bullet point was to hold the Town harmless in the event that there are any disputes with the project. Mr. Pingitore stated that generally the projects funded are for Town projects sponsored by the Town. Ms. Lustig stated that indemnification is a standard part of the contracts and that she would look into it.

Mr. Pingitore opened the general discussion about the proposed agreement. Ms. Dorfman suggested that the amount funded should be taken into account with regards to the claw back provision. Mr. Pingitore stated that he and Ms. Lustig will discuss the agreement with Town Counsel.

Discussion on Follow-up to Emery Grover

Mr. Pingitore opened discussion about the Emery Grover project as presented last meeting. Ms. Lustig stated she met with the Superintendent and the project managers and they have moved forward with submitting a finalized plan. Ms. Lustig stated that they are trying to determine the funding contributions. Ms. Lustig stated that they would be applying for design funding in the FY22 cycle which will be submitted to the Committee for consideration in December 2020. Ms. Lustig stated that the Superintendent would like to present to the Committee again and she suggested that he present after the October Town Meeting, perhaps at the first meeting of the CPC for the FY22 cycle so the Committee can work through the FY21 process which is occurring a bit later this year. Mr. Pingitore asked Ms. Lustig for an update on the financials. Ms. Lustig stated that the concern is on the state match, however the CPA estimated that funding maybe at 13%. Ms. Lustig stated that there was some legislation passed that allow for some money initially earmarked for CPC to be diverted to cover some of the other state shortcomings. Ms. Lustig stated that Mr. Davison would not have a significant update for the Committee on those items until August and his intention is to present to the Committee at that time.

Mr. Pingitore stated that the Committee should review both the final draft submitted by the School Committee and the questions that have already be identified. Mr. Pingitore stated that if Committee members have additional questions to add they should send them to Ms. Lustig. Mr. Zimbone stated that the amount that the state matches is going to significantly impact how much we can fund in future projects. Mr. Zimbone asked that before the analysis of scenarios is completed that Mr. Davison identify the amount of assumed funding that the Committee is working with. Mr. Crocker stated that there is a responsibility among the funding that we grant under the CPA and a responsibility to the Community. Mr. Crocker continued that while Needham is generally speaking ‘wealthy’ Town, it is not suitable to assume that we will be operating as we have previously and asking what alternatives were considered and ensure that we are being fiscally responsible. Ms. Lustig added that the role of the CPC in this project is maintaining Emery Grover as a historic building and the focus of the application should be whether or not the building is a good investment of the CPC to retain this historic structure. Mr. Zimbone stated that the CPC is the CPA funding for the Town. Mr. Zimbone further stated that the question should be is the value significant enough to support the historical significance of Emery Grover. Mr. Zimbone stated that the historical value is with only the exterior façade and any other items do not fall within the scope of supporting the historical aspect of the project. Mr. Pingitore stated that the CPA statue does have specific language to make a project economically valuable to maintain the historical features of the building because if it isn’t economical, then there is no reason for them to maintain the historical aspect of the building and demolition could be more cost effective in the long run. Mr. Dermody asked what the dollar value spent on Town Hall was. Mr. Dermody is in favor of saving this building and believes the Committee should look at the entire cost analysis of the project and determine the funding amount that is appropriate under the CPA statue. Mr. Dermody shared concern that the CPC funding should not be a simple bank account used to fund projects around Town, and that the CPC should determine how the money should be allocated to best serve the interests of the intended CPA statue. Mr. Barnes stated that he would like to receive an updated list of projects that the Town has in line so that discretion can be used as funding decisions are being made. Mr. Zimbone stated that when bonding is used to fund a project, the Committee is committing the Town to collect CPA funding for the number of years that the bond exists. Mr. Zimbone stated that he takes issue with committing the future generations with the burden. Mr. Crocker agrees with Mr. Zimbone’s comments and notes that the Town chooses which projects are prioritized and if Town Meeting knew what the upcoming projects were that they may chose to vote differently when using CPC funding on a project.

Liaison Updates

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 stated that he reached out to Reverend Daryn asking about funding during the pandemic. At the time of this meeting no response had been received. Mr. Dermody will follow up before the July meeting.

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

Mr. Barnes stated that he reached out to a member of the First Parish Church. Mr. Barnes stated that they are still committed to the project. Ms. Dorfman asked if they had received PPP money and Mr. Barnes stated has received money from the CARES funding. Mr. Pingitore thinks it is more important

to determine if they are still receiving revenue. Mr. Dermody stated that enough time has elapsed that we should request updated financial statements.

FY2020-03 Needham Community Farm – Growing Bed Area Expansion

This request is for \$6,000 for the expansion of a growing area of the Community Farm under Recreation.

Liaison – Mr. Gerstel

No updates were presented.

FY2020-04 Needham Conservation – Trail Identification – Design

This request is for \$6,000 for design funding to design a cohesive trail identification system with signing for all trails in Needham under Open Space and Recreation.

Liaison – Mr. Pingitore

No updates presented.

FY2020-06 Needham DPW & Park and Recreation – Claxton Field Light & Skin Renovation

This request is for \$101,500 for design funding to design field light improvements as well as evaluate the conditions of the field skins under Recreation.

Liaison – Mr. Crocker

No updates presented.

FY2020-07 Needham DPW & Park and Recreation – Resurface Synthetic Track at DeFazio

This request is for \$160,000 for construction funding to resurface the track at DeFazio field under Recreation.

Liaisons – Ms. Dorfman and Mr. Alpert

No updates presented.

Approve Minutes

Mr. Pingitore made a motion to approve the May 13, 2020 minutes and Mr. Gerstel seconded. The roll call vote was as follows: **Alpert:** aye, **Barnes:** aye, **Crocker:** aye, **Dermody:** aye, **Dorfman:** aye, **Gerstel:** aye, **Zimbone:** aye, **Pingitore:** aye. Motion passes 8 – 0. Mr. Barnes stated that the minutes are very detailed, and the Committee thanked Ms. Wright.

Any other issues not reasonably anticipated by the Chair within 48 hours

Mr. Pingitore stated that in some communities that have been impacted by the COVID pandemic, Ms. Dorfman has noted that CPC funding has been used under the Community Housing bucket for temporary community rental assistance programs. Ms. Dorfman stated that within her role at the bank that some communities have used CPA funds to support people that are struggling with rental assistance. Ms. Dorfman realizes that this has impacts outside of the CPC and would like to discuss it further at the next meeting. Mr. Pingitore stated that this will be a discussion item at a future meeting. Mr. Pingitore stated that the grant application would need to be submitted to be considered. Ms. Lustig stated that she reached out to the Finance Director and it was confirmed that this would need to be approved by Town Meeting and it could be presented at the October Special Town Meeting. Ms. Lustig stated that she also spoke to the Planning Director Lee Newman who supervises the Town's Housing Specialist to see if this they could apply for this type of funding. Ms. Lustig will have more information at the next meeting.

Adjournment

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Mr. Alpert made a motion to adjourn the meeting at 9:11PM. Mr. Crocker seconded the motion. The roll call vote was as follows: **Alpert:** aye, **Barnes:** aye, **Crocker:** aye, **Dermody:** aye, **Dorfman:** aye, **Gerstel:** aye, **Zimbone:** aye, **Pingitore:** aye. The meeting adjourned at 9:11PM

Respectfully submitted,

Kristen Wright
Recording Secretary