

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

**Minutes of Meeting
September 16, 2020
Zoom Meeting**

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: Carl Franceschi, Tom Jacob

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 7:42 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 Updates

Mr. Pingitore stated that he consulted with the Finance Committee to discuss the articles that will be addressed at Town Meeting. Mr. Pingitore shared a document with notes from this meeting and will discuss them further during the discussion of each individual project later in the meeting.

Financial Review

Mr. Pingitore reviewed Article 16 that was previously discussed at an earlier Select Board meeting that shows the financial overview for CPC assuming all articles are approved at Town Meeting. Mr. Alpert asked where the funds allocated to the Administration budget move to if they are not spent. Mr. Pingitore stated that they go in the general unreserved funds.

Discussion on Vote

Mr. Pingitore opened the discussion about receiving a legal opinion in regard to both FY2020-01 and FY2020-02.

Mr. Alpert stated that he does not believe that the legal opinion will be necessary as this is a costly procedure. Mr. Alpert stated that if the decisions are challenged then we should engage legal council to defend the result of this committee and Town Meeting.

Mr. Barnes agreed with Mr. Alpert and stated that this committee has completed detailed research and that the formal legal opinion is not necessary at this time.

Mr. Crocker stated that this committed has done its due diligence and does not believe that a formal opinion is necessary.

Ms. Dorfman stated that due to fact that this committee has received legal advice, while moving forward with the standard due diligence process of the committee, and that a formal opinion is not necessary.

Mr. Gerstel agreed with the other committee members and does not believe a formal legal opinion is needed in regard to these two projects.

Ms. Kirk stated that the information that has been presented it quite through and has no additional questions.

Mr. Dermody stated that he does not have any comments to add.

Mr. Zimbone stated that he does not have any comments to add.

Mr. Barnes stated that there have been recent newspaper articles regarding other projects for religion-based entities that have been awarded CPC funding and they have been received very well by the Town.

Mr. Pingitore stated that this committee sought out Town Council to discuss proposals FY2020-01 and FY2020-02 considering other litigation, namely the Kaplan case. Mr. Pingitore stated that we can ask Town Council if the committee is within the parameters of the Kaplan case without receiving the formal opinion letter.

Mr. Dermody asked why it is legal to provide Town funding for religious-based institutions.

Mr. Pingitore stated that it is mainly legal because it is illegal to not provided funding in line with the establishment clause from the US Constitution.

Ms. Dorfman stated that use of funds for this purpose is listed within our CPA statue and by-laws.

Mr. Crocker stated that use of these funds is to provide historic preservation of structures within the town on the behalf of the community.

Ms. Kirk stated that St. Joseph Church just completed a large renovation, and they did not apply for any funding and perhaps they did not apply because they do not meet the historic based requirement.

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. Pingitore called for a resolution regarding approving this proposal to be heard on the Town Meeting floor for funding approval.

Mr. Crocker moved to **recommend funding** of the First Baptist's request of **\$90,200** for the restoration and preservation of its historic and street facing front porch from the **General Reserve fund**. The motion was seconded by Ms. Dorfman and the floor was open for discussion on the motion.

Mr. Zimbone asked if this is a fixed amount or a percentage of the total cost of the project. Mr. Pingitore stated that using a percentage of the total cost may complicate things and work with the good faith numbers and provide a fixed amount.

Ms. Lustig stated that in the past the appropriations have been a fixed amount and have not adjusted the number once funded regardless of the end cost of the project. Ms. Lustig stated that there is not a process and the Town does not have the infrastructure to administer a project with a sliding cost. Mr. Dermody stated that having a set amount will be easier to discuss at Town Meeting.

Mr. Zimbone stated that the feedback from Finance Committee asked for the rationale of funding between proposals FY2020-01 and FY2020-02 as they are similar in nature but have a different percentage of funding for each overall project.

Mr. Barnes stated that he did speak to the proponent for the FY2020-02 project and the proponent stated that the funding request they submitted was determined after they completed research that many requests that were made were for approximately 75% of the total project cost.

Mr. Pingitore stated that during our due diligence for proposal FY2020-02 that question was also asked and that other Town's may fund at that rate but this committee made a point last year when the proponents of FY2020-01 came to the committee, the committee told them at that time that the committee needed to see a significant funding from the proponents themselves.

Mr. Alpert stated that by addressing the agreement on the floor of Town Meeting that it opens the door for it to be discussed and open for a vote on the Town Meeting floor.

Mr. Dermody stated that he agrees with Mr. Alpert and that the agreement should not be addressed in the warrant.

The roll call vote was as follows: **Alpert:** abstain, **Barnes:** aye, **Crocker:** aye, **Dermody:** aye, **Dorfman:** aye, **Kirk:** aye, **Gerstel:** aye, **Zimbone:** aye, **Pingitore:** aye and the motion passed 8-0-1.

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. Pingitore opened the discussion regarding proposal FY2020-02.

Mr. Alpert stated that he is in favor of this request but recommends \$50,000 in funding considering the other proposals that the Committee has seen and feels that this amount would better align with other decision made by this committee.

Mr. Dermody stated that he agrees with Mr. Alpert and would be in favor of that amount of funding.

Mr. Zimbone asked to have the breakdown of funding for this proposal as some items listed were more in line with maintenance instead of restoration of the building.

Mr. Barnes stated that the proponent is working to continue to preserve this historic building. Mr. Barnes understands the logic from other Committee members and removing the painting to satisfy that the committee would be funding for preservation of the property that is not affiliated with maintenance.

Mr. Alpert stated that after the discussion of the committee he recommends the funding amount of \$50,000.

Mr. Barnes asked why the cost of the painting and the contingency numbers would not be deducted from the estimated project cost. Mr. Barnes also shared that other contributions have been made solely by the proponent in previous projects that are related to this one.

Mr. Pingitore stated that the previous contributions would be an objective consideration when determining the amount of funding for the project, which if funded at \$50,000 would be over 50% of the estimated project costs.

Mr. Dermody stated that his concern in funding for this project is that proposal FY2020-01 and FY2020-20 will be compared by members of Town Meeting and having concise reasoning on how the funding amounts were determined is simple and easy to understand.

Mr. Alpert moved to **recommend funding** of the First Parish's request in the amount of **\$50,000** for the preservation of its historic steeple (Bell Tower) from the **General Reserve fund**. The motion was seconded by Mr. Gerstel. The roll call vote was as follows: **Alpert:** aye, **Barnes:** aye, **Crocker:** abstain, **Dermody:** aye, **Dorfman:** aye, **Kirk:** aye, **Gerstel:** aye, **Zimbone:** aye, **Pingitore:** aye and the motion passed 8-0-1.

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

Mr. Pingitore opened the discussion regarding proposal FY2020-03.

Mr. Gerstel stated that this is a great project for the community and provides a great community benefit.

Mr. Gerstel moved to **recommend funding** of Needham Community Farm's request in the amount of **\$6,200** for the expansion of a growing area of the Community Farm from the **Open Space reserve fund**. The motion was seconded by Ms. Kirk. 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 and the motion passed unanimously 9-0.

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

Mr. Pingitore opened the discussion regarding proposal FY2020-06.

Mr. Zimbone stated that from the Finance Committee that this request is for design funds and the future costs for construction are noted to be \$974,000.

Mr. Dermody asked if this committee could expect a funding request for construction in the future.

Mr. Alpert shared a concern with all projects that are submitted by Park and Recreation. Mr. Alpert stated that the study must be completed but the funding for the construction should be considered differently.

Mr. Crocker stated that he believes that this is the time to complete the design of this project.

Mr. Dermody asked what the implications would be if the project was not approved.

Mr. Pingitore stated the Parks Superintendent Mr. Olsen shared in his presentation that there are safety concerns when it comes to this site.

Mr. Gerstel added that the site was the old dump and that the field is shifting, and it does have safety concerns not just for sports groups but the adjoining playground and quarry area.

Mr. Zimbone stated that he supports this proposal but agrees with Mr. Alpert's logic and for the future consideration of this construction that ample information is shared on how the Town will save money in the future as well as how it will address the safety concerns.

Mr. Gerstel stated that the cost to operate the lights and the maintenance of the lights are administered and covered by the Park and Recreation user fees.

The committee discussed the outline of this project.

Mr. Crocker moved to **recommend funding** of Needham DPW and Needham Park and Recreation's request in the amount of **\$101,500** for design funding to design field light improvements as well as evaluate the conditions of the field skins from the **General Reserve fund**. 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 and the motion passed unanimously 9-0.

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

Mr. Pingitore opened the discussion regarding proposal FY2020-07.

Mr. Alpert stated that he believes this project should be deferred a year.

Mr. Gerstel stated that it is time to complete this project now to extend the overall life of the track. Mr. Gerstel further stated that pushing the project could result in a more expensive project in the future.

Ms. Dorfman stated that on the proposal that was received with recommendations of funding. Mr. Gerstel stated that there is a time of year is a consideration and the project would take the track offline for a minimum of 3 weeks. Ms. Dorfman asked if approved could it be done in late fall.

Mr. Dermody asked how many more years until we must build a new track. Mr. Gerstel stated that we should get another 10 years of the track. Mr. Dermody stated that the new CPC cycle will begin in 10 weeks and asked if the project could wait for that funding cycle. Mr. Gerstel stated that if the project is not funded until May of 2021, that the funding might be available until summer and the bidding process may exceed the timeline to complete the project in fall of 2021.

Mr. Zimbone discussed the different seasonal uses and shared that he agrees with the project but wonders if it cannot wait until Fall of 2021.

Mr. Crocker stated that he thinks that it is a good project but while walking the track and speaking with passive recreation users thinks the project can wait a year.

Mr. Barnes stated that he thinks that Parks Superintendent Olsen is a very creditable applicant and believes that the project is warranted and also that he can see the need for the project to be completed.

Ms. Dorfman shared concerns with the optics of the project as the proposal that was presented shares a timeline that supports the completion of the project in FY22.

Mr. Alpert stated he feels that the optics to submit this project are better for this year after looking at the forecast for future projects.

Mr. Dermody stated that his thought process on this vote will allow Town Meeting to vote on spending this money.

Ms. Dorfman asked if it was possible to allocate the funding for this project for next year. Mr. Pingitore stated that for this project that may not be possible.

Mr. Crocker stated that there is no question regarding the recommendation that has been received by Parks Superintendent Olsen. Mr. Crocker stated that he believes that this project can wait.

The committee discussed the timeline and the proposal that was submitted as part of the due diligence.

Mr. Pingitore moved to **recommend funding** of Needham DPW and Needham Park and Recreation's request in the amount of **\$160,000** for construction funding to resurface the track at DeFazio field from the **General Reserve fund**. The motion was seconded by Mr. Gerstel. The roll call vote was as follows: **Alpert:** nay, **Barnes:** aye, **Crocker:** nay, **Dermody:** nay, **Dorfman:** nay, **Kirk:** aye, **Gerstel:** aye, **Zimbone:** nay, **Pingitore:** nay and the motion did not pass 3-6.

FY20-10 – Needham Housing Trust - Emergency Rental Assistance Program

This request is for \$100,000 for an Emergency Rental Assistance Program under Community Housing. *Liaisons – Mr. Zimbone and Ms. Dorfman*

Mr. Pingitore opened the discussion regarding proposal FY2020-10.

Mr. Pingitore discussed a main point from the Finance Committee regarding this proposal as to why the funding request was not for more money to support more community members in need. Mr. Pingitore stated that the committee relies on the applicants to request the amount of funding that they require, and the amount requested was the source of all previous discussions by this committee.

Mr. Alpert did not have any questions or comments about this proposal.

Mr. Barnes did not have any questions or comments about this proposal.

Ms. Dorfman stated that the administrative costs of the program would be covered within the requested \$100,000.

Mr. Crocker shared that he was not sure if it would go far enough but the need for this program is evident.

Mr. Dermody asked if the administrative costs would be out of the \$150,000. Mr. Alpert stated the entire estimated amount is \$150,000 and \$17,000 of that would be allocated to the administrative costs.

Ms. Dorfman supports this project and thinks that it may not go far enough but it will help some community members in need.

Ms. Kirk agreed with Ms. Dorfman.

Mr. Gerstel stated that he supports this proposal and that it will add great community benefit to help those in need.

Mr. Zimbone asked if this committee could fund the entire cost of the estimated project cost of \$150,000. Mr. Pingitore stated he had reservations about increasing to \$150,000 but perhaps \$120,000 to include the administrative costs outside of the requested \$100,000. Mr. Zimbone asked if this would impact the funds that the Needham Housing Authority could use to support the housing projects.

Mr. Alpert shared concerns regarding the funding of this project. Mr. Alpert proposed that the additional \$20,000 come out of the General Reserve and not the Community Housing funding. Mr. Alpert further shared that he would like some assertion that the other funding source would still fund \$50,000 for this project.

Mr. Pingitore moved to **recommend funding** of Needham Housing Trust's request in the amount of **\$120,000** for an Emergency Rental Assistance Program, **\$100,000** from the **Community Housing fund** and **\$20,000** from **General Reserve fund**. 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 and the motion passed unanimously 9-0.

Mr. Pingitore stated that videos for these articles will need to be recorded and each proposal can have 15 minutes total. Mr. Pingitore stated that having the proponent recording some of the information would be helpful on top of a presentation from the CPC liaisons.

Ms. Lustig reviewed who would be presenting on behalf of each proposal and stated that the members should discuss why the proposal was deemed eligible and why the CPC recommends the funding of the project.

Ms. Dorfman asked if another meeting to prepare for Town Meeting should be called to ensure that details are not missed.

Approve Minutes

Mr. Alpert made a motion to approve the July 8, 2020 minutes and Mr. Dermody seconded. The roll call vote was as follows: **Alpert:** aye, **Barnes:** aye, **Crocker:** aye, **Dermody:** aye, **Dorfman:** aye, **Gerstel:** aye, **Kirk:** aye, **Zimbone:** aye, **Pingitore:** aye. Motion passes 9 – 0.

Mr. Alpert made a motion to approve the August 12, 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, **Kirk:** aye, **Zimbone:** aye, **Pingitore:** aye. Motion passes 9 – 0.

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

None presented

Adjournment

Mr. Gerstel made a motion to adjourn the meeting at 10:57PM. Mr. Dermody 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 10:57PM

Respectfully submitted,

Kristen Wright
Recording Secretary