

Date: November 17, 2009

From: Joseph T. Maguire, Chairman
Community Preservation Committee (CPC)

Cc: William W. Durkee Jr.
CPA Program Manager

Subject: Minutes of the November 17, 2009 CPC/CPA Public Meeting

A. Called to Order 7:00 PM – The Chairman Joseph T. Maguire noted the presence of a quorum. He requested the Clerk call the meeting to order.

B. Roll Call - Clerk

Present: Joseph Salvo (Clerk of the CPC), Joseph T. Maguire (Chairman), M. Justin Barrett (Vice-Chairman), Carl Zinnell. Absent: Scott Hovsepian. Note: Member Hovsepian arrived during the meeting and joined in the deliberations.

C. Minutes: (Clerk)

1. Minutes of the October 6, 2009 CPC Meeting. A Motion to approve the Minutes was made by Member Zinnell, second by Member Barrett, and approved unanimously.

D. New Business

1. Announcements (Chairman)

1a. Massachusetts Senate Bill 90 (SB90) – Approved by the Joint Committee on Community Development and Small Business.

1b. House Bill No. 3799

The Chairman noted the Joint Committee had approved Senate Bill 90 as written, and added a provision for clarifying the CPA Community Housing verb “Support” which is known as House Bill No. 3799. These two Bills will be combined in the House as a new Bill No. when the legislature reconvenes. The Chairman noted that the CPC was gratified to hear of the progress of these Bills. Further, a letter of thanks for the support of Senator Fargo, Representative Stanley and Representative Koutoujian was sent to each of them pursuant to the Motion of the CPC. Affirmation of the belief that the CPA is a “good thing” is being upheld through the actions of the Waltham Statehouse delegation. The Program Manager worked hard to notify the delegation of these benefits and attended the Statehouse hearing. The Bills have four major benefits:

- The State Match would be made in the future at a 75% level rather than fluctuating.
- A small business exemption of \$100,000 is a new option.
- City Funds from the current 2% surcharge up to the 3% maximum would be matched for CPA Recreation expenditures.

- Recreation spending could be made in the future without having spent CPA funds originally to acquire or create the Open Space on which they are located.

Additionally, the CPA verb "Support" will now allow spending in a variety of ways which the Waltham Law Department has previously refused to accept. The CPC is not a Housing Department itself, but does allow Applications from bodies like the Housing Authority, the Housing Division of the Planning Department, and local development agencies such as WATCH.

2. CPC Allocations (Chairman) Since the Program Manager has met with the Treasurer- Collector and Auditor to discuss the issues involved with the Allocations he will review them prior to the CPC votes.

2a. (Clerk/Manager Durkee) CPC Allocation of the 2009 CPA State Match Funds (\$729,210). This is a routine annual requirement. After the City has collected the 2% surcharge, the State sends a Match which must be allocated by the CPC into the mandatory categories. The amounts of the allocations are then sent to the City Council in the next day or two in order to allow the Council to act prior to the time the tax rate is set. Along with the cover letter, the amounts for this Recommendation for the 2009 State Match funds are shown in the distributed documents. The Motion will be written by the Clerk to include the amounts as shown and read can be attached as such (attached). The Treasurer's letter informing the Auditor and CPC of the receipt was also distributed (attached). The CPC does have the right to change the allocations from the previous percentages used, but were prepared based on the 10% per mandatory categories (Historic, Housing, Open Space), 5% for Administrative purposes, and the 65% balance available for the mandatory categories and Open space Recreation. The Chairman defined the Motion required to be the amounts as read and shown on the Recommendation and a roll call to be required. A Motion was made to accept the amounts shown and read by Member Zinnell, second by Member Barrett, and passed unanimously.

2b. (Clerk/Manager Durkee) CPC Allocation of the 2009 CPA Fund Balance Unreserved (\$865,414). In the distributed documents is an Email from the Auditor explaining that there were amounts from Surcharge underestimates and interest which had not been previously allocated (attached). The cover letter and Recommendations showed the amounts and were read as for the previous item (the 2009 State Match) (attached). The allocations were made in the same manner as previously. A Motion was made to accept the amounts shown and read by Member Barrett, second by Member Zinnell, and passed unanimously.

The Chairman noted this was a significant "windfall" of near \$1,000,000 and unique circumstance due to the conservative estimates of the past and interest paid on unused CPA funds. Only one previous balance of a smaller amount of interest was allocated.

2b. (Clerk/Manager Durkee) CPC Allocation of the Estimated 2010 CPA

Surcharge Funds Balance (\$2,094,000). The State allows the CPA to spend an estimated amount for the 2010 surcharge if that amount is included in the recap sent to the DOR before the Waltham real property tax rate is set. Both the CPC and the Council have to approve the estimate. This avoids having to wait for the actual amount of the Surcharge to be collected. At the end of FY 2010, the actual amount collected will be reconciled with the estimate. The Assessor must use a formula and worksheet which were distributed for both years 2009 and 2010 (attached). If one looks at the FY 2009 worksheet, one sees the Surcharge estimate and a written amount for the actual collections were out of balance with the estimate being about \$300,000 too high. The Assessor and Auditor agree that the worksheet leads to an unrealistic revenue amount. Therefore, the Assessor added an extra line under Abatements on the 2010 worksheet to account for a flaw. Since there are only about eleven of the 142 CPA communities that grant the maximum CPA residential Surcharge abatement of \$100,000 as Waltham does, the Assessor added that line. The Assessor and Auditor suggested that the CPC and Council should be even more conservative and perhaps the 2009 Surcharge estimate of \$2,094,000 would be acceptable. The Recommendation distributed was allocated for that amount (attached). It was agreed to ask the CPC to use the conservative Surcharge estimate to avoid a problematic repayment in the future. The amount in the Recommendation as distributed was allocated in that amount of \$2,094,000 (attached).

Note: Member Hovsepian arrived and was recorded as now present.

The Chairman noted that each year of the CPA the amount of the Surcharge collection had increased from the original \$1,700,000 by approximately \$100,000 to the present amount which would indicate that \$2,094,000 appears to be a safe and responsible estimate.

The allocations were made in the same manner as previously. A Motion was made to accept the amounts shown and read by Member Zinnell, second by Member Barrett, and passed unanimously.

In concluding remarks, manager Durkee stated that the previous approximation of the Surcharges and State Matches would now be about \$16,000,000 of which the surcharge will be about \$10,000,000 and the State Matches \$6,000,000.

E. Old Business (Clerk/Program Manager). For information purposes the successful City Council actions on four recent CPC Recommendations were read. The debate in the Long Term Debt Committee and Council did resolve these four Applications which were expedited by having the applicants, CPC, and the Law Department "on the same page".

1. Historic - 21 Lexington St. – Handicap Access Elevator.

The Application and CPC Recommendation of October 6 were approved by the City Council Long Term Debt Committee (LTDC) on October 19 and a Council Appropriation on October 26. This Application request for \$300,000 is for the purpose of installing the handicap access elevator previously known as 25 Lexington St.

2. Historic - Wellington House – Completion of Phase 1 and II.

The Application and CPC Recommendation of October 6 were approved by the LTDC on October 19 and a Council Appropriation on October 26. This Application request for \$300,000 is for implementation of the remaining construction phases.

3. Historic - St. Mary's Rectory – Windows Restoration.

The Application and CPC Recommendation of October 6 were approved by the LTDC on October 19 and a Council Appropriation on October 26. This amended Application for \$63,850 is for the implementation of the project.

4. Historic - St. Charles Church – Exterior Restoration.

The Application and CPC Recommendation of October 6 were approved by the LTDC on October 19 and a Council Appropriation on October 26. This amended Application for \$160,000 is for the implementation of the project.

5 Announcements. (Chairman). SB 90 Waltham Coalition. Ellie Muter – Waltham CPA Volunteer. Ellie Muter, Lexington resident, was invited to introduce herself and describe her CPA work. Ellie Muter reiterated she is an MA Candidate in the Department of Urban Planning, Community Development, and Environmental Policy at Tufts University. She applied to a position at WATCH. They wanted to have a “report card” on the CPC and its progress. She has visited the CPC/CPA Office and has begun to visit CPA offices in other cities and towns to understand how they implement the CPA. She offered to stay and assist the Waltham CPC program until May. After discussions with Newton and Lexington there are things which these communities can learn from each other. The legal process is an issue. Newton allocates a budget for their legal Department, while in Lexington it is part of their “flow chart”. Legal costs and budget are simply a part of the CPC program. Waltham is fortunate to have approved the CPA. Other communities derived their CPC Plan from their Comprehensive Plan for Open space, Historic Preservation and Affordable Housing. A Master Plan for each category of allowed spending created with the Planning Department would be similar to what is done elsewhere. It is a useful reference for applicants and Recommendations. Lexington has restrictions for every Recommendation except for their Town projects. Lexington starts their list of CPA prioritized projects by looking at their annual Capital projects Plan in the Finance Department. They look for Town projects where CPC funds can be used before any others. Affordable housing projects have been mentioned as difficult to accomplish everywhere.

The Program Manager pointed out Mrs. Muter had found several similarities in the CPA within Waltham, Newton and Lexington. The Chairman pointed out that Waltham has a Legislative Master Plan which is read for guidance for every Application. Although the Plans of adjoining towns were reviewed at the inception of the Waltham CPA they may have now been updated. Newton did not have a low income Housing Plan at the time. Any information which Mrs. Muter can provide would be of assistance. The annual CPC review of its Plan was completed and should be acted upon at a CPC meeting soon.

Member Zinnell pointed out that the Plan has not been the problem but rather the diversion of Recommendations by the Council to the Law Department, then back to the Council and through the Mayor. Internal communications within the City Departments has been the problem. When all parties recognize the good of the CPA and embrace it to implement projects and just get them done it works. The Law Department is too “nit-picking”. The process takes “forever” and the Applicants give up. It is a question whether those problems can be resolved.

F. Correspondence (Program Manager) and Miscellany

1. Backlogged Applications. Applicants call frequently asking for updates on the progress of their projects. New applicants such as the homeowner on Charles St. that called today inquire about CPA eligibility. The Charles St. owner would like to find a means of preserving the historic home together with an affordable housing developer such as WATCH and creating a “pocket park – “greenspace”.

H. FOR THE GOOD OF THE COMMITTEE. Member Zinnell suggested “Have a good Thanksgiving!”.

I. ADJOURN

The Motion was made by Member Barrett to adjourn, second by Member Zinnell, and passed unanimously.