



City of New Bedford

Community Preservation Committee

City of New Bedford
Jon Mitchell, Mayor

Department of Planning, Housing & Community Development
Patrick J. Sullivan, Director



Community Preservation Committee

Meeting Agenda

- Welcome and Introductions
- Overview of the City's CPC
 - Review of Legislation
 - Key Responsibilities
 - Eligible Projects
 - Review of CPC Binders
 - Public Meeting Considerations
 - Organizational Considerations Going Forward
- Financial Conversation
 - Surcharge level/Revenues Collected
 - Projections and Expectations for 2017
- Next Steps
 - Establishment of Meeting Calendar
 - CPA 101 with Statewide Community Preservation Coalition



Community Preservation Committee

Welcome and Introductions

CPC MEMBERS				
NAME	CONTACT	REPRESENTING	APPOINTMENT	TERM EXPIRES
DENNIS AUDETTE	phishgills@aol.com	Conservation Commission	07.21.2016	April 2019
JESSICA BAILEY	jessicadbailey@hotmail.com	General Public	05.26.2016	April 2019
DIANE BERUBE	daberube@comcast.net	Park Commission	05.26.2016	April 2017
JANINE DA SILVA	Janda44@hotmail.com	Historical Commission	05.26.2016	April 2019
COLLEEN DAWICKI	c.dawicki@gmail.com	Planning Board	05.26.2016	April 2018
SYLVIA GOMES	s.gomesv@gmail.com	General Public	05.26.2016	April 2018
ARTHUR MOTTA	artmotta@comcast.net	General Public	05.26.2016	April 2017
ROSS NUNES	rossnunes@yahoo.com	General Public	05.26.2016	April 2017
TIM WALSH	timwalsh84@yahoo.com	Housing Authority	06.23.2016	April 2018



Community Preservation Committee

Welcome and Introductions

Primary Staff Support to the CPC:

City of New Bedford Chief Financial Officer

Ari Ski, CFO

Ari.ski@newbedford-ma.gov

Department of Planning Housing and Community Development

Patrick J. Sullivan, Director

Patrick.sullivan@newbedford-ma.gov

Jennifer Clarke, Deputy Director Planning/Community Development and Acting City Planner

Jennifer.Clarke@newbedford-ma.gov

Anne Louro, Historic Preservation Planner

Anne.louro@newbedford-ma.gov

Edward Bates, Neighborhood Planner

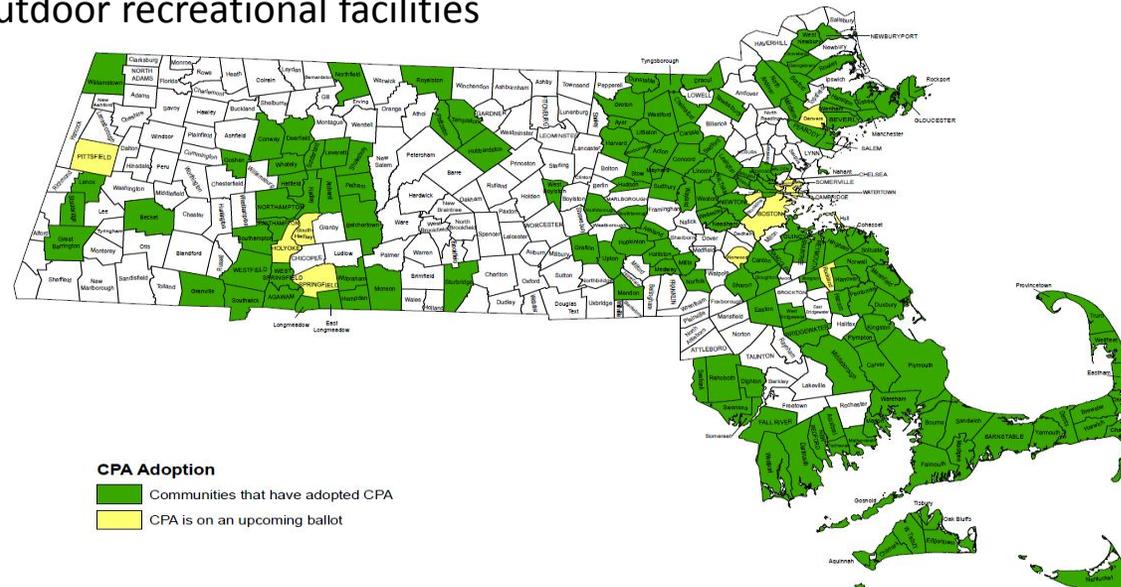
Edward.Bates@newbedford-ma.gov



Community Preservation Committee

Overview of the City's CPC

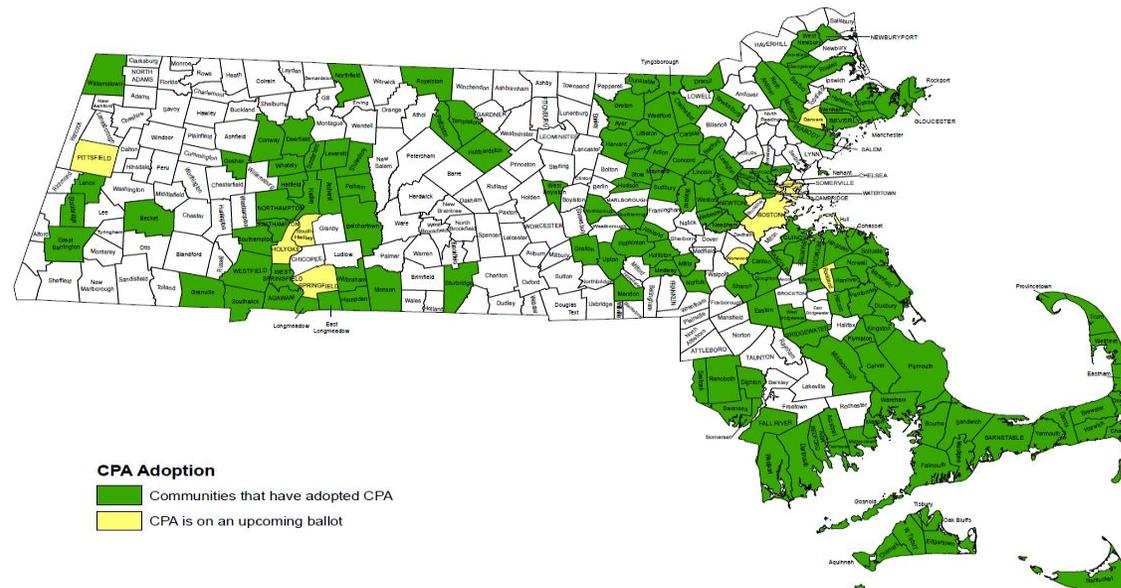
- **Review of Legislation—the Community Preservation Act (CPA)**
 - ✓ Massachusetts state law (MGL Ch. 44B) passed in 2000
 - ✓ Considered a “smart growth” tool
 - ✓ Enables cities and towns in MA to raise funds and create a local dedicated fund to:
 - Preserve open space
 - Preserve historic sites
 - Create affordable housing
 - Develop outdoor recreational facilities



Community Preservation Committee

Overview of the City's CPC

- **Review of Legislation—the Community Preservation Act (CPA)**
 - ✓ New Bedford adopted the program through a ballot question in November 2014.
 - ✓ Ordinance created/adopted in the City of New Bedford on January 28, 2016



Community Preservation Committee

Overview of the City's CPC

- **Review of Legislation, Continued**

- ✓ CPA is financed by a voter-approved property tax surcharge along with matching funds from the statewide CPA Trust Fund.
- ✓ The CPA Trust Fund provides annual matching funds, distributed according to a formula that ranges from 5% to 100% of what is raised locally. In FY 2017
- ✓ Recording fees at the State's Registries of Deeds fund the CPA Trust Fund, along with any additionally authorized funding sources, (i.e. funds from the State's budget surplus).
- ✓ The CPA surcharge is paid by residential and commercial property owners annually (included in real estate tax bills). The first \$100,000 of taxable value is exempt. On the remaining value's assessed property tax, the City of New Bedford levies a surcharge of 1.5%.



Community Preservation Committee

Overview of the City's CPC

- **Review of Legislative Obligation**

- ✓ Each community that adopts the Community Preservation Act is required to establish a Community Preservation Committee (CPC) to administer the program.
- ✓ New Bedford's CPC consists of nine (9) volunteer members: four (4) members of the general public appointed by the Mayor, and (5) five required members from each of the following municipal committees:



Community Preservation Committee

Overview of the City's CPC

- **Review of Legislative Obligation**

- ✓ Committee members serve three-year terms, but initial appointments to the committee have been staggered.
 - Officers: The Committee may annually elect one of its members to serve as chairperson and may elect such other officers as it deems appropriate.
 - Rules and Regulations: The Committee may adopt procedural rules and establish any subcommittees as it deems appropriate.



Community Preservation Committee

Overview of the City's CPC

- **Key Responsibilities**

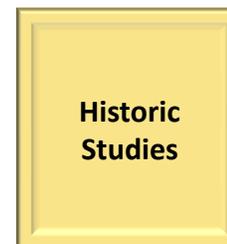
- 1. Develop a community preservation plan**

The first responsibility of the CPC is to study the needs, possibilities and resources of the community with regards to community preservation. The CPC must meet and consult with other municipal boards and committees to get their input, and must hold at least one public hearing annually to get input from the general public.

Following its research, the CPC is responsible for developing a local CPA plan to guide its decision-making on CPA project proposals.

The CPC updates this plan and asks for public comment annually to reflect desired changes in goals or emphasis. This Plan also outlines the process by which the CPC will solicit, review, and recommend proposals for CPA funding, including the application package.

Existing Resources



Community Preservation Committee

Overview of the City's CPC

- **Key Responsibilities**

- 2. Review and Recommend CPA Projects**

- The second responsibility of the CPC is to accept project proposals from the community, and conduct a thorough review of them, with the aim of selecting the most compelling projects for recommendation to the City Council.

- Once the CPC has voted on a slate of projects to recommend, along with the specific dollar amounts and CPA funding sources it recommends completing them, it forwards these to the City Council.

- 3. Keep Records And Report On The CPA Budget**

- The third responsibility of the CPC is a record keeping and budgetary responsibility. It is required to keep records of all CPC meetings, proposals, and recommendations, and to submit a CPA budget annually to the City Council.



Community Preservation Committee

Overview of the City's CPC

- **Key Responsibilities of the City Council**
 - ✓ Approve expenditures from CPF
 - ✓ Can approve, reduce, or reject funding amounts recommended by CPC
 - ✓ Cannot increase recommended funding amounts
 - ✓ Cannot fund a project without CPC recommendation



Community Preservation Committee

Overview of the City's CPC

- **Eligible Projects**

	OPEN SPACE	HISTORIC	RECREATION	HOUSING
ACQUIRE	YES	YES	YES	YES
CREATE	YES	NO	YES	YES
PRESERVE	YES	YES	YES	YES
SUPPORT	NO	NO	NO	YES*
REHABILITATE and/or RESTORE	YES, if acquired or created with CPA funds	YES	YES	YES, if acquired or created with CPA funds

* Housing Support: Provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to entities that own, operate or manage such housing, for the purpose of making housing affordable.



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Overview of the City's CPC

- **Eligible Projects**

- ✓ Community Preservation Act funds must be used for community preservation purposes that have a public benefit.
- ✓ Community Preservation is defined in Chapter 44B, section 2 as “the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources and the creation and preservation of community housing.”
- ✓ In addition, a portion of the funds may be used for recreation purposes.



Community Preservation Committee

Overview of the City's CPC

- **Eligible Projects**

- ✓ The Community Preservation Act requires that at least 10% of each year's Community Preservation revenues be spent or set aside for each of the three Community Preservation categories.
- ✓ The categories are **Historical, Housing and Open Space**. The remaining 70% is available for spending on any one or more of the categories as proposed by the Committee at City Council Meeting.



Community Preservation Committee

Overview of the City's CPC

- **Eligible Projects**

- ✓ The Committee may recommend spending none of the monies or a partial amount of the monies. In any case, the 10% set aside for each category must either be used or reserved for future funding for that specific category.
- ✓ Beyond these required allocations, New Bedford City Council decides, based upon the CPC's recommendations, how much of the remaining 70% of the funds, if any, should be spent on the three approved categories.
- ✓ The spending mix for the remaining 70% of the Fund can be modified each year, and any monies not appropriated remain in the Fund for future distribution



Community Preservation Committee

Overview of the City's CPC

- **Eligible Projects**

Key Spending Rules:

Must spend or reserve at least 10% of the annual revenue on:

- ✓ Community housing
- ✓ Historic resources
- ✓ Open space (including recreation)

A maximum of 5% of annual revenue may be used for administrative and operating expenses.



Community Preservation Committee

Overview of the City's CPC

- **Eligible Projects**

Other Allowable Uses:

- ✓ Principal and interest payments on bonds and notes
- ✓ Borrowing expenses (i.e., preparation, issuance, marketing)
- ✓ Expenses related to property acquisition (i.e., appraisals, closing fees, title searches)
- ✓ Eminent domain damages
- ✓ Matching funds for state or federal grants for CP purposes

Restrictions

- ✓ Cannot replace existing funding
- ✓ No spending on maintenance
- ✓ No spending on artificial turf



Community Preservation Committee

Overview of the City's CPC

- **Eligible Projects**

HISTORIC RESOURCES

- ✓ The acquisition, preservation, rehabilitation and restoration of historic resources:
- ✓ Historic resources are historical structures and landscapes including “a building, structure, vessel or real property, document or artifact that is listed or eligible for listing on the state register of historic places or has been determined by the Historical Commission to be significant in the history, archeology, architecture or culture of the town.”



Community Preservation Committee

Overview of the City's CPC

- **Eligible Projects**

COMMUNITY HOUSING

- ✓ The acquisition, creation, preservation and support of community housing: The CPA defines community housing as “low and moderate income housing for individuals and families, including low and moderate income seniors.”
- ✓ Community Housing is defined as Housing that is created to benefit households that do not exceed 100% of Area Median Income as defined by HUD.

Household Size:	<u>1 Person</u>	<u>2 Person</u>	<u>3 Person</u>	<u>4 Person</u>	<u>5 Person</u>	<u>6 Person</u>	<u>7 Person</u>	<u>8 Person</u>
Income Level:	\$39,270	\$44,880	\$50,490	<u>\$56,100</u>	\$60,588	\$65,076	\$69,564	\$74,052



Community Preservation Committee

Overview of the City's CPC

- **Eligible Projects**

OPEN SPACE

- ✓ The acquisition, creation and preservation of open space. Open space, as defined by the CPA, “shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.”



Community Preservation Committee

Overview of the City's CPC

- **Eligible Projects**

RECREATIONAL USE

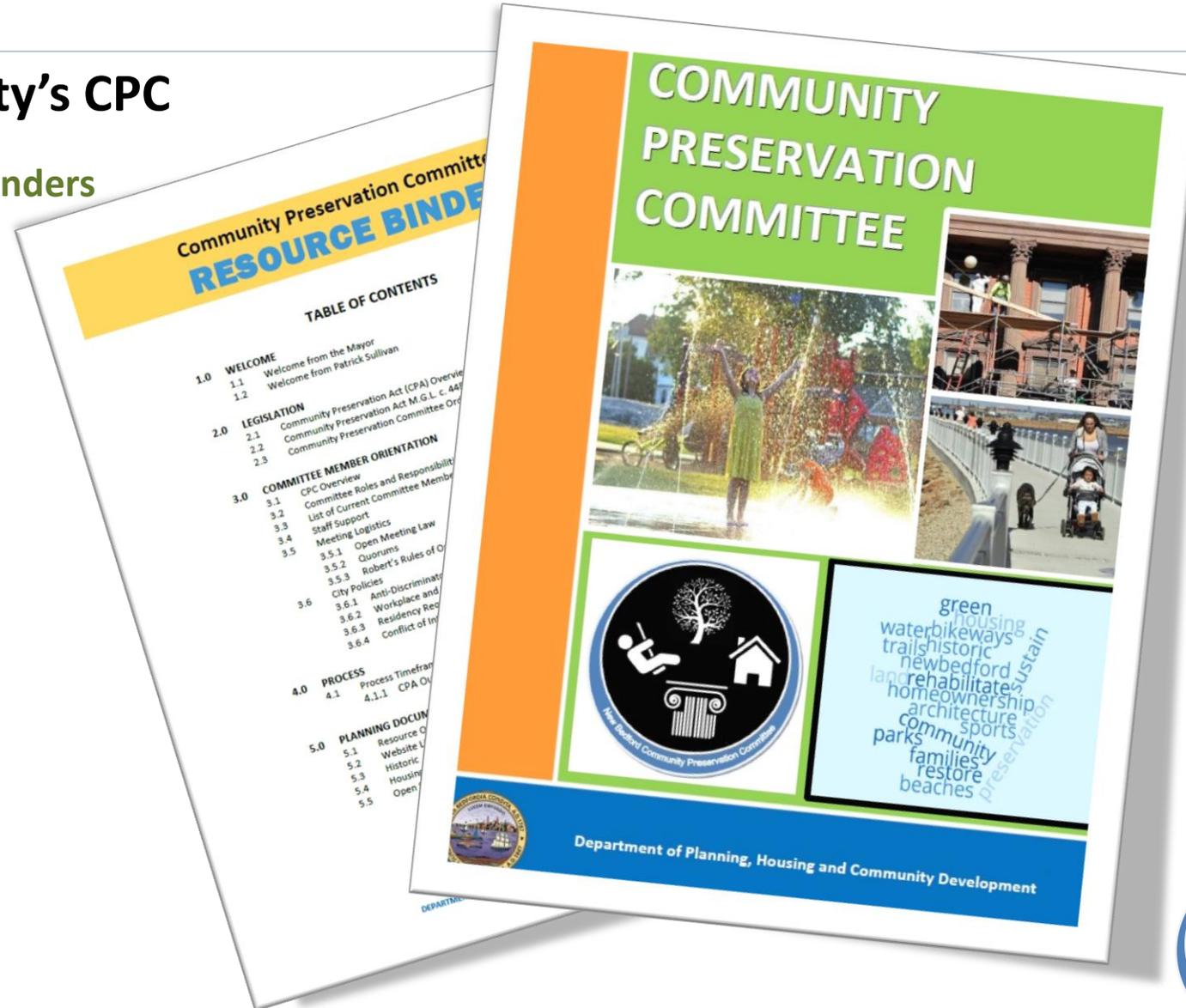
- ✓ The acquisition, creation, preservation, rehabilitation and restoration of facilities or land for recreational use:
- ✓ Recreational use is defined in the CPA as “active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field.”
- ✓ Recreational use shall not include horse or dog racing or the use of land for a stadium, artificial turf field, gymnasium or similar structure.



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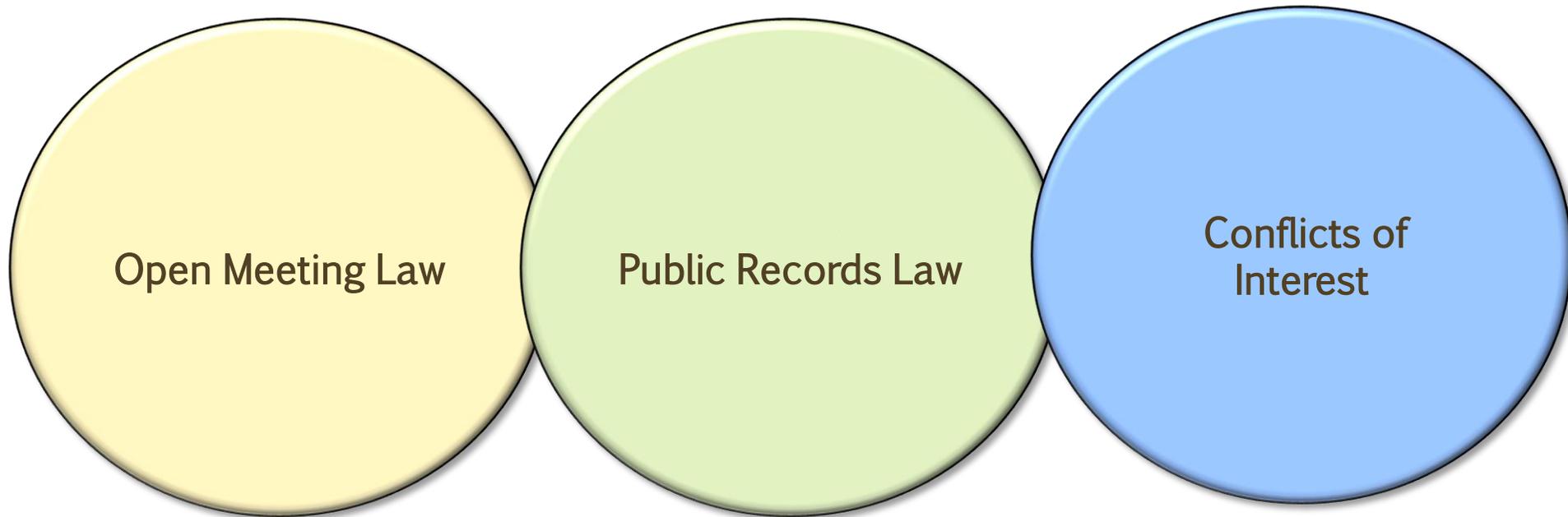
- Review of CPC Binders



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Overview of the City's CPC

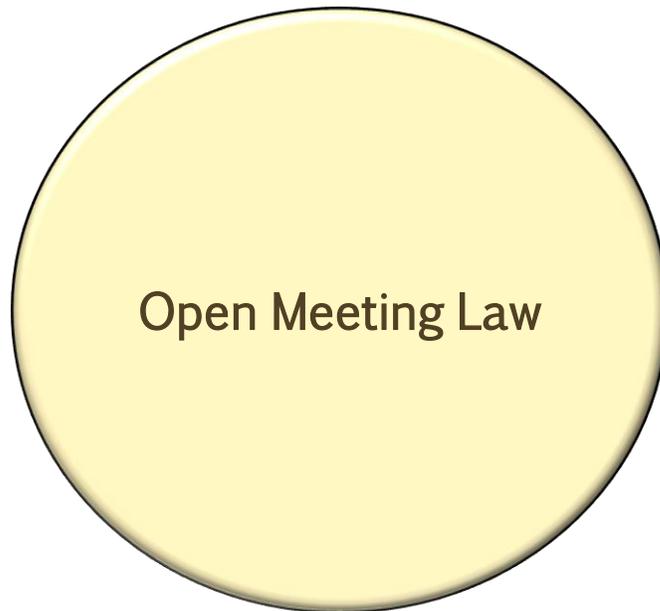
- **Public Meeting Considerations**



Community Preservation Committee

Overview of the City's CPC

- **Public Meeting Considerations**



What you need to know...

- The Open Meeting Law under MGL is intended to ensure transparency in deliberations on which public policy is based.
- As a public body deliberating on public issues, the CPC is subject to Open Meeting Law requirements.
- Agendas, notices, etc. are therefore posted at City Hall and are uploaded to the city website in addition to being sent to each Committee member, City Councilor and the Mayor's Office.

Keep in mind...

- Because of the Open Meeting Law a quorum of the Committee's membership cannot meet to discuss any Committee business without first properly posting notice under the law.



Community Preservation Committee

Overview of the City's CPC

- **Public Meeting Considerations**



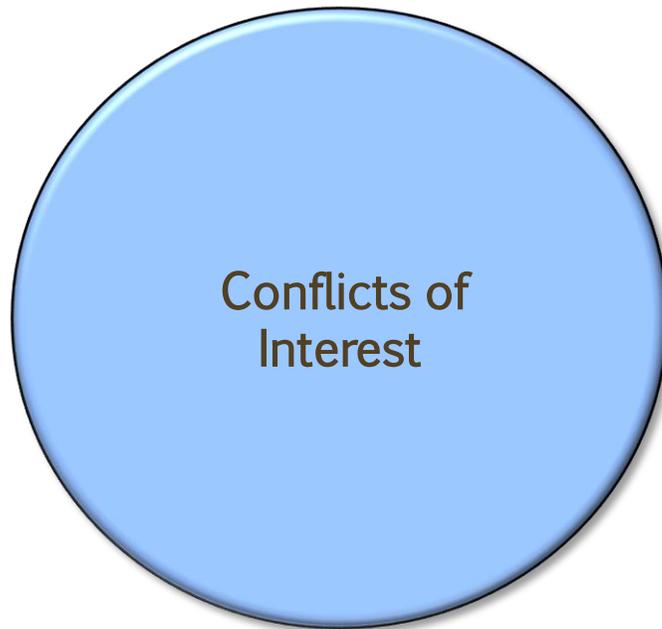
The Massachusetts Public Records Law requirements were recently modified across several categories, including stricter response timeframes, limits on the assessment of fees, and measures for the award of legal fees.



Community Preservation Committee

Overview of the City's CPC

- **Public Meeting Considerations**



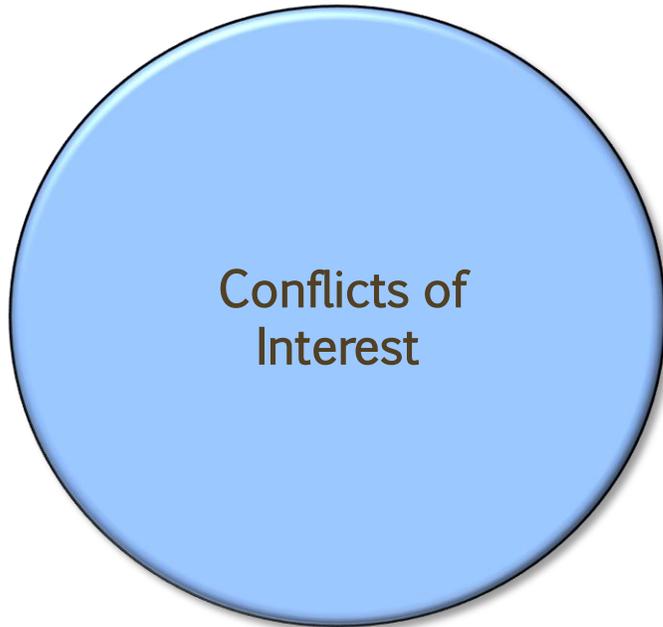
The purpose of the [Conflict of Interest Law \(MGL c.268A\)](#) ("the Law") is to protect the public interest by regulating situations where public and private interests intersect. A Community Preservation Committee member is considered a municipal employee (or, possibly, a special municipal employee) as defined by the Law.



Community Preservation Committee

Overview of the City's CPC

- **Public Meeting Considerations**



Key considerations

- As a CPC member you are very likely to serve on more than one municipal board.

Question: If you serve on a board that is deliberating on the same project on which the CPC is deliberating, is this a conflict?

Answer: Generally no, because you are considered a special municipal employee acting in the public interest – not the private interest.

But remember...

a municipal employee is prohibited from participating in public matters that have a financial interest to themselves, their family, a business entity they are involved with, or an employer.



Community Preservation Committee

Overview of the City's CPC

- **Organizational Considerations Going Forward**
 - ✓ Electing Officers
 - Chair
 - Vice-Chair
 - Clerk
 - ✓ Housekeeping
 - Taking minutes
 - Posting meetings



Community Preservation Committee

Overview of the City's CPC

- **Organizational Considerations Going Forward**

- ✓ Determining Operational Protocols

- Procedural Rules**

- CPA legislation (MGL c.44B)
 - Quorum (a majority of members--5) required to meet
 - Majority vote of entire committee required for approval of any action
 - New Bedford CPC Ordinance
 - Term is 3 years but initial terms have been staggered
 - Members can serve 2 consecutive terms



Community Preservation Committee

Overview of the City's CPC

- **Organizational Considerations Going Forward**

- ✓ Determining Operational Protocols

Procedural Rules

- Vacancies filled by body that designated the outgoing member
- Board/commission affiliation must maintain affiliation to remain on CPC
- Chair/Vice-Chair/Clerk
- Election of officers annually
- Member can serve as chair for no more than 2 consecutive years
- Committee may elect other officers, adopt procedural rules and regulations and establish subcommittees if it so chooses



Community Preservation Committee

Financial Conversation

- **Surcharge Level/Revenue Sources**
 - ✓ **Annual**
 - Surcharge revenue (1.5% levy on property taxes with exemptions)
 - City appropriation into CPF (discretionary, up to surcharge revenue)
 - State trust fund distribution
 - ✓ **Non-recurring**
 - Proceeds from borrowing
 - Proceeds from sale of property acquired with CPA funds
 - Interest
 - Damages and penalties

A word about the state trust fund...

- Matches total city funding (surcharge revenue + city appropriation)
- Match rate was 19% in FY 2017
- 156 Communities eligible in FY 2017
- State required to release distribution amount by November 15th of each year
- New Bedford will receive it's first distribution in ?????



Community Preservation Committee

Financial Conversation

- Anticipated Financials for FY16

	FY16
<u>Revenue</u>	
Surcharge Revenue:	\$ 854,812
State Formula 19%:	\$ 162,414
Total Revenue:	\$1,017,226
<u>Expenses</u>	
Administrative:	\$ 50,870
Balance:	\$ 966,356



Community Preservation Committee

Financial Conversation

- **Anticipated Financials for FY16**

Revenues	\$1,017,226
10% Historic Resources	\$ 101,723
10% for Community Housing	\$ 101,723
10% for Open Space including Recreation	\$ 101,723
UNRESTRICTED BALANCE	\$ 712,057

- ✓ The Community Preservation Act requires that at least 10% of each year's Community Preservation revenues be spent or set aside for each of the three Community Preservation categories.
- ✓ The remaining 70% is available for spending on any one or more of the categories .
- ✓ The Committee may recommend spending none of the monies or a partial amount of the monies. In any case, the 10% set aside for each category must either be used or reserved for future funding for that specific category.



Community Preservation Committee

Next Steps...

- **Establishment of Meeting Calendar**
 - Regular Committee meetings currently scheduled for the last Wednesday of the month at 6.30pm
- **CPA 101 with Statewide Community Preservation Coalition**
 - Training with Stuart Saginor





City of New Bedford

Community Preservation Committee

City of New Bedford
Jon Mitchell, Mayor

Department of Planning, Housing & Community Development
Patrick J. Sullivan, Director

