



Malden Community Preservation Committee

Hybrid Committee Meeting

Malden City Hall Room #108

Zoom

August 16, 2023 | 6:00 p.m.

Meeting Minutes

Committee Members in Attendance: Lisa Sulda, *Co-Chair*, Eric Henry, *Co-Chair*, Inna Babitskaya, Brenden Brett, Monique Ching, Kristen Homeyer, Mark Lawhorne

Committee Members Absent: Cameron Layne,

Committee Members Late: Rachael Running, *Vice-Chair*

Daniel Koff, CPC Coordinator

1. Meeting Called to Order

Sulda called the hearing to order at 6:04 p.m. and read the provisions of the Governor allowing remote participation at the meeting.

2. Approval of Meeting Minutes from June 2023

Henry made a motion to approve the meeting minutes from June 2023. Seconded by Ching. Approved 5-0 (2 abstentions).

New CPC members Kristen Homeyer (Conservation Commission) and Mark Lawhorne (Housing Authority) introduced themselves.

3. ELC Application for Supplemental Funding

Sulda introduced Pam Shadley and Alex Pratt to provide a presentation about their Request for Supplemental Funding. Pratt explained that the project has two goals: 1) Improve the park (the purpose of CPA Funds). 2) Improve the parking lot (for safety – to be completed with other sources of funding). Both were intended to happen simultaneously to reduce logistical challenges for the school. The original

plan was to schedule the work so that the parking lot would be built first, and the playground would be built second under one contract. The bids for the entire project came in higher than expected, so the City moved forward with improving the parking lot before the school year started, and is currently figuring out how to reduce costs on the playground and/or see if there are additional funding sources.

Pratt explained that they come to CPC with two requests:

- 1) Allocate additional funding of \$200,000 (or any lesser amount)
- 2) Change in scope. The project that was voted to approve cannot be built given the budget. The City is requesting to conduct value engineering with the community.

Pam Shadley provided a review of how they generate an estimate of probable construction cost, and the reasons why the bids came in 25% above their estimates on this project. Estimates are developed from conversations with vendors, and in researching MassDOT weighted bid averages. The project is put out to bid, and then contractors determine the price of their bid using their own factors; the architects are not responsible for how contractors price the project. The architects called all of the bidders and asked why their bids were high. All bidders explained that the major reason was that labor costs were high. The play equipment, steel, and concrete have also gone up in cost. The architects have been estimating that labor to install the playground would be 1.4% the cost of play equipment but it has gone up to 1.55% cost of play equipment. April to November is the construction season. The bid went out in May, so contractors may have raised their prices since they were not desperate to lock in work at the time.

Pratt noted that members of the steering Committee are present at the meeting: Principal Tamara Lawrence, and Sharon Rose Zeiberg is online.

The Steering Committee is seeking an answer by August so they can engage the community and get the project out to bid before costs escalate further.

Sulda opened the floor for questions.

Brett inquired whether the CPC funds have been expended. Pratt explained that those funds have not been expended since those funds are dedicated to the playground, the work for which has not begun.

Brett inquired as to what elements may be cut. Pratt explained that the gap is approximately \$400,000. They are seeking \$100,000 in CDBG funding, and are requesting \$200,000 from CPC. The gap of \$100,000 would be filled by value engineering, potentially by ordering smaller play equipment. The Tree Warden can cover the cost of the trees. The city cannot commence the work of building (or redesigning and then building) until they know the budget.

Shadley clarified that value engineering is a process in architecture and engineering where pieces of a project are removed or altered to cut costs without cutting the core of the project.

Sulda requested an update on the timeline. Pratt responded that he is seeking an answer by the end of August on the change of scope and budget.

Sulda requested for the Coordinator to remind the Committee of the existing commitments. Koff replied that \$550,000 was awarded to the ELC project in FY23.

Sulda inquired as to the Applicant's process once CPC makes a decision. Pratt explained that the steering committee would be engaged and a community meeting will be held to go over changes to the project. The CPC would be invited to those meetings.

Sulda inquired as to whether other vendors may be brought into the project. Shadley explained that a major cost increase was in the play equipment. Landscape Structures is the vendor that has been used in the past. They have requested quotes from Gametime, another play equipment provider, and their quotes were less expensive, but the quality of equipment is not as nice. The goal is to reduce cost, but not play value.

Sulda inquired as to the community process. Pratt explained that they have had a lot of engagement in the past – at least 20-30 people at each meeting. They can commit to holding at least one more community meeting. Their process would be to meet as a steering committee first to create a preliminary mock up of the options to preserve the core play value given the budget, then they would work with the architect to plan a community meeting.

Sulda inquired if it's possible to hold a community meeting before CPC makes a decision. Pratt explained that they are trying to avoid exploring too many options without knowing their budget as that would add costs for design. Sulda inquired as to how much it would cost to hold this community meeting. Pratt explained that they intend to hold a community meeting in early October.

Pam explained that speed to bid is important to hold costs down. If they can go out to bid in the winter, then they can purchase play equipment before costs go up. She explained that elements can be added into the plan as "add alternates" so they would be installed if there was funding available.

Henry explained that it is difficult to approve additional funding without seeing the change in scope. Pratt explained that it is a chicken and egg situation. Pratt expressed frustration that they are in a position where they are spending more for less. That is the reality this year.

Sulda pointed out that trees were planned to come from the tree warden in the original application, so that would not save on costs.

Sulda called on Rosa, the Tree Warden, to speak. Rosa explained that he has a fund outside of the tree budget that can be applied to the playground to keep it intact. Sulda thanked the tree warden.

Lawhorne inquired as to his confidence in getting \$100,000 from CDBG. Pratt answered that he is very confident.

Lawhorne asked why the City was requesting \$200,000 at this time. Pratt explained that they came to CPC once they decided that they would build the parking lot first.

Sulda inquired as to what would happen if CPC does not make a decision until September. Pratt explained that would push the timeline out a month, pushing the bid out when other bids are out. Since it takes 30 days to bid a project, and play equipment takes four months to arrive, they are already pushing up against the bidding season next spring.

Babitskaya inquired as to whether earmarks or other grants were sought for this project. Pratt expressed that the timeline was difficult for earmarks. Because the playground is school-related, that ruled out other grants.

Babitskaya inquired as to what might happen if the project goes out to bid again and the project comes in over budget. Pratt explained that they have no control over who bids. They only have control over the timeline of when they put bids out. Putting a bid out early means contractors are hungrier, and costs are typically more competitive.

Sulda inquired if the project as currently designed can be put out to bid again. Pratt answered in the affirmative, but they cannot guarantee that the amounts of the bid will change.

Ching inquired as to how much funding is available for new projects. Koff explained that according to the reports submitted to the state, there would be approximately \$2.4 million available for new projects; however the Controller recently informed him that there may only be \$1.7 million available. He is seeking clarity asap. But either way Koff clarified that it is likely that the requests in FY24 will be over \$3m, which will be more than CPC's available funding for new projects.

Ching inquired as to whether an emergency meeting may be called after a community meeting may be held. Sulda answered in the affirmative. She would feel more comfortable voting after CPC has clarity on its budget.

Pratt requested that CPC make a soft decision to say the intention is to award additional funds in the amount of X that engages the community and incorporates their feedback. Then they will be able to hold a community meeting and move forward with the redesign.

Sulda expressed that she would feel comfortable moving forward with this application after CPC sees the requests that come in for FY24.

Henry sought clarification as to the reasons why the project came in at 25% over budget, but the request is for 30% greater than the original allocation. Alex clarified that they have \$350k from CDBG and are seeking an additional \$100k from CDBG, plus the \$550k awarded from CPC.

Pratt agreed to hold one community meeting before going out to bid. He explained that the sooner the CPC decides – even if it's a commitment to award \$0 additional funding – that will help the project move forward – as will a decision on their second request which is to allow the project to deviate from the plan that was presented in September.

Henry expressed that by September the CPC will have more information about its budget.

Henry made a motion to table the petition to allow the petitioner to gain perspective on the community process and to provide CPC the opportunity to get clarity on its financial standing.

Pratt inquired as to what kind of information they can provide in that time. Henry wanted to see a prospective change in scope and more information about community engagement. Pratt clarified they can provide more information about the community process, but not information about what elements may be swapped out.

Pratt agreed to provide more detail as to the community engagement and timeline in advance of the next meeting. Once CPC makes a decision, the City can implement the community engagement plan to explore the changes in scope.

Pratt clarified that to build the full plan that has been approved, it could cost a total of \$1.4m, which would necessitate an additional \$400,000.

Brett expressed that it is difficult to come up with a number for how much to award when CPC has received conflicting reports as to its budget from the Controller.

Henry amended his motion to make a soft commitment of \$0 additional funding, but to allow a change in scope.

Shadley and Pratt confirmed it would be possible to come up with a rough plan based on \$0 in additional funding from CPC.

Babitskaya thought it would be prudent to table the decision entirely.

Henry made a motion to table the paper to hear a proposal from the petitioner about the options that could be presented for the project. Babitskaya seconded. Passed unanimously.

4. Affordable Housing Trust Fund MOU

Sulda summarized that the project was approved in FY23 for \$300,000. The current request to clarify a condition placed on the award that is in front of CPC is unique because CPC has had few affordable housing projects apply. The Affordable Housing Trust was approved to manage the CPC's housing reserve for a one-year pilot period.

Pratt provided an overview of the Affordable Housing Trust's purpose. He explained that because this is a trial period to build trust among the committees. If the project goes well, then the Trust Fund intends to reapply to manage the CPC's housing reserve in future years.

Pratt explained that MRA/OSPCD has been building affordable housing since 1991 when Malden began administering the HOME program on behalf of 8 committees. Unlike HOME funds, Malden CPA funds would only support affordable housing in Malden.

. He clarified that in their experience it takes between 6-18 months from a project's award of funds to the commencement of a project, and another 18 months to 24 months to finish the project. In FY2020 CPC awarded Bread of Life funds to construct affordable housing, and they only broke ground in 2023. Developers of affordable housing use many sources of funding to build projects. The local source of funding is typically the first, and then other sources agree to fund the project as well.

OSPCD is proposing language in the MOU to allow the Trust to have one year from the date of the award by City Council to award the funds to a project, and then the awardee would have three years from the date of the award to expend the funds. HOME funds, the other local funding source for affordable housing, provides four years from the date of award to the time it must be expended.

Sulda summarized that the proposal in front of CPC is to clarify the condition on the award that stated CPC's intent for the award to have a one-year grant period.

Pratt clarified that the developer would only receive funding until a time when the work commences. The Trust would control the funds in a segregated account during the grant period. As soon as the MOU is signed, funds from CPC would be transferred to the Trust. Funds from the Trust to the project would move once invoices would be submitted after the project commences. The Trust would provide CPC with periodic reports about the use of CPA funds.

Sulda expressed that she would like to see responses from MHP and CPA before making a decision.

Babitskaya requested whether this condition would follow for future requests. Pratt explained that assuming things go well, he would not want to wait four years to ask for additional funding. They seek to fund affordable housing as soon as possible. OSPCD does not intend to return to CPC until funds are awarded. In future years, the intention would be to submit an application each year to manage the funds. This is a pilot project during which time each party can see how it works.

Henry inquired as to when the pilot will be evaluated. Pratt explained that they intend to submit quarterly reports, and that they intend to award the funds by May 9, 2024.

Henry inquired as to how many homeowners have benefited. Pratt explained that OSPCD and the Trust funds affordable rental and homeownership projects. Homeownership units usually targets a higher income band (to ensure they can afford maintenance and the mortgage) – at 80-100% AMI. Affordable rental units can target people who make below 80% AMI.

Henry expressed a concern with using AMI in that it takes into account neighboring communities who earn more, so people in Malden need units at a lower AMI.

Pratt expressed that they are trying to build affordable homeownership, but that it only guarantees affordability for 15 years. He expressed that they would not like to use CPA funds for homeownership, and instead have it go towards rental units that could be affordable in perpetuity. Pratt expressed that they intend to fund Affordable Homeownership and Rental units within the next year.

Lawhorne inquired as to how many projects CPC has historically funded. Sulda expressed that CPC has not had a member of the Housing Authority for two years. CPC has funded a rental assistance program through MRA during COVID, a rental assistance program through ABCD, and affordable units through the Bread of Life project.

Sulda clarified that the General Reserve Fund can be applied to any project, so that CPC is still not precluded from funding affordable housing with the Trust Fund.

Ching expressed that the terms of the agreement that is being discussed today is what she voted on. She expressed comfort with providing a longer time frame to expend the funds.

Brett agreed that he would not expect the funds to be spent within one year when he voted for the one-year pilot.

Babitskaya expressed discomfort with the proposal that it will essentially provide them with four years (one year to award, plus three years to spend to spend the funds) when the CPA template MOU states that the term will be three years.

Sulda agreed that four years is a long time.

Pratt pointed out that the one affordable housing project that was approved by CPC in FY20 started drawing down funds in FY24.

Pratt expressed that a hard one-year commitment by CPC to require the Trust to expend funding within a calendar year could be a deterrent to other funders to put their money into the project since they wouldn't consider it a solid commitment.

Brett expressed that he originally agreed to the one-year pilot project expecting to see how the Trust would award the funds within one year. He did not expect them to spend the funds on construction within one year and believes that a requirement as such would be unreasonable.

Ching inquired as to whether CPC places an end date with other MOU's. Koff confirmed that standard MCPC MOU's have a two-year grant period.

Brett made a motion to accept the terms for funds to be awarded within one year, and three years from the date of award to be spent. Ching seconded. Motion passes 6-1.

5. Status Updates on FY23 Awarded Projects

[Taken up as item 4]

Pratt explained that they wanted to talk about two projects: Kierstead and Trafton. They are explaining minor changes that have been made since the project was sent out to bid.

TRAFTON PARK

Shadley presented on the changes and explained that they were able to go with the low bidder on the project (the contractor for Devir Park):

The park will be open in June, the grass in the outfield will not be open until September to ensure that the grass will settle.

A flow test was conducted to ensure that the irrigation will work, and it has passed the requirements.

- 1) Engineers have conducted studies in how to get water to the irrigation and waterbottle fillers and have changed the arrangement.

KIERSTEAD PARK

A little League Field and illuminated walkway are being built.

Changes include:

- 1) Layout of the playground has shifted
 - a. Play elements were rotated to pay for less surfacing which will save on costs.
- 2) Location of utilities have been moved
- 3) A concrete pad will not be poured
- 4) The number of gates has been diminished.
- 5) The height of the fencing has been changed from 12' to 10' and barrier fencing to the height of 20' remains to protect cars. The existing fence is 4' in the outfield.

Bids are due next Wednesday. Not much has changed, and they believe that they will be able to build the approved project.

Pratt agreed to share an updated rendering tomorrow. He clarified that a color ribbon will be added to the fence in the outfield to indicate a home run line.

Sulda inquired as to whether the Little League accepts the change in fence. Pratt clarified that the Little League accepts the change. Brett, a member of the Little League, agreed with the change to see the park built.

Brett expressed a concern that fenced in areas – including baseball fields with continuous fencing - become de facto dog parks. Shalvey expressed that signage will be added explaining the preferred use of the area.

Pratt clarified that these changes were made based on expected increase in costs based on recent experience with ELC and other projects.

Henry thanked Shadley for adjusting the project to fit the expected budget.

6. 15 Ferry Street Off-Cycle Application

Sulda introduced Roberto DiMarco and summarized the application is to move the building at 15 Ferry Street to a new location.

DiMarco offered to provide a full presentation to the Committee. He explained that he is working on behalf of a client that is seeking to move the building to the front lawn of the Malden High School where there is currently a mini house and electronic billboard. His client has already helped the high school move and improve the gardens which were formerly in the subject area. His client has also done extensive work in the building itself, including spending \$150,000 on moving-related costs. As a result, they have discovered that moving the building will cost \$850,000.

DiMarco summarized the client's role in that he is taking on the role of a developer even though his primary occupation is that of a scientist. He is undertaking this project because he wants to move his laboratory to 1 Salem Street. Plans for 1 Salem Street include replicating the historic building that previously occupied the site. In order to reconstitute the historic appearance of the square, they need to move the building out of the way, and then seek to create an historic zone in the city including the relocated building and newly built one.

He clarified that an MOU has been signed by the City saying they would support the application, even though it is coming off-cycle. The new building at 1 Salem Street will include two floors of commercial space, and up to 6 or 7 units of housing for first-time homebuyers. 10% of the units will be affordable (or they will pay into the inclusionary fund).

DiMarco is asking to accept the pre-application off-cycle so he and his client may return to the Committee with a full application.

Sulda summarized that the decision before the Committee is to potentially approve the pre-application to move onto the full application stage.

Sulda inquired as to whether his client would be able to submit an application by September 12th. DiMarco answered in the affirmative.

Brett inquired as to what previously existed at 21 Ferry Street. DiMarco explained 21 Ferry Street was a sister building to 15 Ferry Street that was torn down when the City created a parking lot on the site, long before his client acquired 1 Salem Street.

Ching inquired as to whether they're requesting a grant award to CPC that would support the full costs of the move.

Sulda expressed that it would be good to see other funders in the application.

Babitskaya expressed that they can apply to various funding sources. She confirmed that there are only three Converse buildings remaining, including this one at 15 Ferry Street. She recommended that they speak with the Converse family.

(Running entered the meeting at 8:32pm)

Babitskaya made a motion consider the pre-application as eligible. Lawhorne seconded. Approved 8-0.

7. Election of CPC Officers

Sulda clarified that there are a couple ways that elections may be held. She recommended using roll call vote for elections.

Henry summarized that in the past there was one chair, and that in the past year there have been co-chairs, but that the CPC does not necessarily need to have co-chairs in the future. The ordinance requires CPC to have at least one chair and CPC also votes on a vice-chair.

Running expressed that a chair or co-chair arrangement model could work. She expressed that the vice chair position has been underutilized.

Running made a motion to hold a roll call vote as the procedure to hold elections. Henry seconded the motion. 8-0.

Henry expressed that it was an honor to serve as Co-Chair with Sulda. He expressed that either model could work as checks and balances are helpful.

Babitskaya agreed that having chairs or co-chairs could be successful.

Sulda expressed that it has been her honor to be Chair, and serving with Eric has been an honor. Her term is up in the spring, so she seeks to step down.

Sulda opened the floor for nominations.

Running thanked Sulda for her leadership. Running expressed that she is interested in being a Chair or Co-Chair and to continue Sulda's leadership.

Sulda confirmed that Running has been nominated to serve as Chair.

Sulda nominated Henry for Chair or Co-Chair.

Henry accepted the nomination as Co-Chair.

Sulda inquired as to whether Running would be interested as serving as Co-Chair. Running answered in the affirmative.

Sulda made a motion to vote to approve Rachael Running and Eric Henry to serve as Co-Chairs. Ching seconded. Approved 8-0.

Sulda summarized the position of vice-chair.

Brett nominated Sulda as Vice-Chair. Henry seconded. Approved 8-0.

8. Other Business

The next meeting will be September 20, 2024.

9. Adjournment of CPC Meeting

Brett made a motion to adjourn. Ching seconded. Approved 8-0

Meeting Packet:

August 16, 2023

1. [Annual Timeline Update 2023.07.14](#)
2. [CPA MOU - AHTF FY23](#)
3. [CPC Chair Responsibilities](#)
4. [Trafton Park - Status Update - 2023.07.07](#)

Application for Supplemental Funding - ELC Playground Improvement

1. [011123 ELC-Concept Plan](#)
2. [011123 ELC-Cost Est for Concept Plan](#)
3. [230713 CPC ELC Letter Requesting Supplemental Funding](#)
4. [230713 Supplemental funding request form](#)

Pre-Application for 15 Ferry Street

1. [15 Ferry DD Determ PrefPres 6 6 19](#)
2. [15 Ferry Street - Final Historic Preservation Report](#)
3. [CPC Pre App](#)
4. [Current Paid expenses](#)
5. [Ferry St to Salem St Budget Issued 03-13-2023](#)

6. Historical Commission Correspondence
7. Memorandum Of Understanding with City of Malden
8. MHC PreCPA App Support ltr 5.18.23 15 Ferry