

BROOKLINE ADVISORY COMMITTEE
Subcommittee on Planning and Regulation
January 17, 2019 Meeting

Report on Requests for Reserve Fund Transfers Relating to Newbury College

The Planning and Regulation Subcommittee of the Advisory Committee held a public hearing in Room 103 of Town Hall, at 6:00 pm on January 17, 2019, to discuss, take public comment and vote upon two requests for Reserve Fund Transfers. Attending were P&R Subcommittee members Steven Kanen, Chair, Lee Selwyn and Carol Levin, and Advisory Committee member John Doggett, who was added to the Subcommittee for consideration of these requests; Neil Wishinsky, Chair of the Select Board, Allison Steinfeld, Director, Planning and Community Development Department and Melissa Goff, Deputy Town Administrator; as well as several members of the public (see attached sign-in sheet).

Neil Wishinsky made a presentation regarding the request for a Reserve Fund Transfer for \$8,000 to fund a Special Town Meeting called as a result of a citizen petition requesting that a Special Town Meeting be held to consider the acquisition of the Newbury College site for an elementary school. Mr. Wishinsky stated that there would be a Second Special Town Meeting on the same date called by the Select Board because the Select Board believes that the scope of the citizen petition request was too narrow as it only focused upon a vote for an elementary school at the Newbury College site. The Second Special Town Meeting would likely encompass two warrant articles: one containing a broad authorization to purchase the Newbury College campus property and a second warrant article relative to a collective bargaining contract.

Melissa Goff reviewed the costs related to the holding of the Special Town Meeting, tentatively scheduled for April 9, 2019, which are estimated to be \$8,000.

Following discussion, the Planning and Regulation Subcommittee voted 4 to 0 to recommend that the Advisory Committee approve a Request for a Transfer of \$8,000 from the Reserve Fund to fund a Special Town Meeting called as a result of a citizen petition.

The discussion next turned to the request for a Reserve Fund Transfer of \$150,000 to fund the work of the newly formed Newbury College Acquisition Advisory Committee (the "Newbury Committee") to study and report back to the Select Board concerning the possible acquisition by the Town of all or part of the Newbury College site.

Mr. Wishinsky made a presentation of the estimated cost components of the \$150,000 request, including costs relating to an appraisal, a title search, a Phase One environmental study, architectural planning services, a test fit for a school and outside legal services.

Following a discussion of the cost components, a discussion next ensued regarding the Charge of the Newbury Committee that had been approved by the Select Board (Attached). During that discussion, Mr. Wishinsky reported that Newbury College was in the process of selecting a

broker for a sale of the campus. He said that he expected that a broker would be selected by the end of January and that a bid package would go out sometime thereafter.

A lengthy discussion and debate ensued as to whether the Charge was too broad in scope to make it possible for the Newbury Committee to react quickly to a bid opportunity from the Trustees of Newbury College. In particular, there was concern expressed that the part of the Charge requiring a preliminary assessment of possible uses could result in a lengthy analysis of all possible uses of the site that could delay the Newbury Committee from quickly responding to a fast-moving bidding process. Some members of the Committee and some members of the public expressed the view that the Newbury Committee should focus centrally on how to accomplish an acquisition with the view that determining a precise purpose in advance was not necessary because the site was so valuable and unique and that its value could be further enhanced by the Town's ability, unlike another purchaser, to implement any necessary zoning.

Mr. Wishinsky responded to a number of questions and comments, including an email from Sergio Modigliani, which was read into the record. Mr. Wishinsky stated that he understood the concerns raised as to scope but that the process could be delayed by two weeks if the Advisory Committee were to suggest revisions to the Charge at its meeting scheduled for Tuesday, January 22, and that the Newbury Committee has already scheduled its first meeting on Wednesday, January 23. He also noted that the existing Charge, while requiring a preliminary assessment of possible uses, explicitly states that the Newbury Committee will not be advising the Select Board on the ultimate use of the property, which will be determined through a future planning process should there be a successful acquisition.

The Subcommittee considered a number of suggestions, including the suggestion of Mr. Modigliani that the project be separated into phases, with funding to be released in tranches upon completion of each phase. The Subcommittee concluded that such restraints would hamper the flexibility of the Newbury Committee and could actually cause delay when speed and nimbleness were required. The Subcommittee also believed that Mr. Wishinsky clearly heard the concerns expressed at the meeting with regard to the scope of the Charge and, in fact, he said he would request that the Select Board clarify the Charge accordingly at its meeting on January 22, including changing the phrase "Preliminary Assessment of Possible Uses" to "Preliminary Identification of Possible Uses". On that basis, and given existing time constraints, the Subcommittee concluded that it would not recommend any revisions to the Charge for consideration by the Advisory Committee.

There was also a discussion on financing a potential acquisition and how the Town could fashion a bid to be an effective bidder. It was concluded that the Newbury Committee and the negotiating team would need to find those solutions based on how events proceeded.

Following further discussion, the Planning and Regulation Subcommittee voted 4 to 0 to recommend that the Advisory Committee approve a Request for a Transfer of \$150,000 from the Reserve Fund to support the work of the Newbury College Acquisition Advisory Committee and costs incident to any potential transaction.