



CITY OF WATERTOWN

Community Preservation Committee

Remote via Zoom

Mark Krackiewicz, Chair
Jason Cohen, Vice Chair
Jonathan Bockian
Bob DiRico
Dennis J. Duff
Allen Gallagher
Jamie O'Connell
Elodia Thomas
Matthew Walter

The Community Preservation Committee of the City of Watertown will hold a public meeting in accordance with the Acts of 2022 suspending provisions of the Open Meeting Law, G. L. c. 30A, § 20. This meeting has only opportunities for remote participation with public access provided as follows:

ACCESS INFORMATION:

- A. The meeting will be recorded by WCATV (Watertown Cable Access Television) and aired later.
- B. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/91525442843>
- C. The Public may join by phone: (888) 475-4499 (Toll Free); ID: 915 254 42843 #
- D. Public may comment prior to the meeting via email: lhandy@watertown-ma.gov

COMMUNITY PRESERVATION COMMITTEE MEETING

THURSDAY, MAY 19, 2022 AT 7:00 PM

REMOTE VIA ZOOM

AGENDA

- 1. Call to Order
- 2. Acceptance of 2022-4-21-Draft-CPC-Minutes
- 3. FY 2023 CPA Budget Allocation
- 4. Committee Discussion
 - A. Draft Annual Update
 - B. 103 Nichols Avenue Project Discussion Continued
 - C. Updated Proposal for Application Tips
- 5. Coordinator Update
 - A. Draft Grant Agreements
 - B. Subscription to Online Form Platform
- 6. Adjournment



CITY OF WATERTOWN

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Matthew Walter

Draft Meeting Minutes: Thursday, April 21, 2022, held remotely via Zoom at 7PM.

Committee Members Present: Mark Krackiewicz, Chair; Jason Cohen, Vice Chair; Jon Bockian; Bob DiRico; Dennis J. Duff; Allen Gallagher; Jamie O'Connell; Elodia Thomas; and Matthew Walter.

Others Present: Lanae Handy, Community Preservation Coordinator; Anthony Palomba, City Council; Michael Lara, Watertown Housing Authority; Michael Albano

1. Call to Order

Mark Krackiewicz called the meeting to order at 7PM and stated the meeting was being held remotely according to the Acts extending the Governor's Emergency Order and waiving certain provisions of Open Meeting Law. Mark then requested a roll call and Lanae Handy called the roll.

2. Acceptance of 2022-3-16-Draft-CPC-Minutes

Elodia Thomas requested a change to a statement about Irving Park on page two. The change would replace the statement "Greg committed to repaving the streets bordering the park" with "Greg committed to repaving the sidewalks bordering the park."

Motion: Jason Cohen moved to approve the minutes with the amendment discussed and agreed upon. Elodia seconded the motion.

Vote: Mark Krackiewicz, Jason Cohen, Jon Bockian, Bob DiRico, Dennis J. Duff; Allen Gallagher, Jamie O'Connell, and Elodia Thomas voted in favor. Matthew Walter abstained.

3. Committee Discussion

A. FY 2022 Funding Recommendation to City Council

During the discussion about the FY 2022 Funding Recommendation, Jamie O'Connell asked why there was a difference between the standard funding conditions listed for the two projects. Lanae agreed to add the same standard funding conditions to each project funding recommendation.

Committee members also advised stronger language in one of the specific funding conditions for the City Hall Paintings project to read: "The City shall not dispose of, sell, relocate, or alter the paintings without the notification and approval of the CPC

and Watertown Historical Commission.

Motion: Dennis J. Duff moved to approve and forward the FY 2022 Funding Recommendation to the City Council with the amendments discussed and agreed upon. Elodia seconded the motion.

Vote: Mark Krackiewicz, Jason Cohen, Jon Bockian, Bob DiRico, Dennis J. Duff; Allen Gallagher, Jamie O'Connell, Elodia Thomas, and Matthew Walter voted in favor.

B. Proposed CPA Application Procedures

Mark explained that this proposal on the application procedures came about after a subcommittee to review application forms for possible changes never got underway. He views the proposal as an accentuation of current application procedures. Jamie asked where the proposed information would be located. Elodia had some ideas that she shared with Lanae about putting together a tip sheet for each funding category to be presented in the application workshop. The tip sheet would inform potential applicants of the items they should think about in developing their project and what could be funded according to the Department of Revenue Informational Guideline Release (IGR). She also pointed out committees are not well-informed about the resources available in the form of free workshops on historic preservation.

1. The following items were proposed during the discussion on the historic preservation projects section:
 - Mark suggested, adding “where applicable” after the language “Encourage the engagement of a specialist...”
 - The fact that many proposed items are already in the Application Manual indicates applicants and the public need to be better informed. To address this shortcoming and the issue of where to emphasize these items that are already in the Application Manual, Elodia again proposed the creation of a tip sheet. Jamie suggested posting examples of successful projects on the CPC webpage and labeling the items found in this document common missteps.
2. In discussing complex construction projects Mark said that some projects could be implemented in two phases and when projects are complicated, applicants could request funds for planning first. Jamie considered the two-stage approach a good idea because it was difficult to review construction projects without plans and other details. Elodia stated it would depend on the size of the project. Her example was that a large park project could be funded for a design phase and construction could be funded in a second phase. Jason noted the Irving Park project was compact enough to be implemented in one phase. Dennis had concerns about granting \$100,000 to \$200,000 for planning funds.

Jamie, Jon Bockian, and Matthew Walter agreed that the CPC could use their judgement to determine whether projects were sound, but reasonably in need of some planning funds. Elodia said there were so many items that may be funded as part of the planning phase, and Jamie pointed out it is was merely a list of possibilities.

The committee discussed the topic of determining project eligibility and raised the following issues:

- whether eligibility should be a simple determination avoiding the discussion of project quality.
- conditions being placed on projects at the eligibility stage being problematic.

During the conversation, Elodia brought up issues concerning the 103 Nichols Ave. project and Jason suggested getting through the agenda before discussing the project.

3. In the discussion on off-cycle applications related to phased projects, the following comments were made:

Jamie was in favor of allowing applicants to apply for construction funds off-cycle to maintain project momentum. Jason said funding in two phases went hand in hand with off-cycle review. Elodia emphasized the list of items that could be funded in phase one was too lengthy and the information should be included in the application workshop. Jon suggested removing due diligence from the list. He also didn't think the current off-cycle application policy addressed a phased project approach.

4. Mark noted that last year the CPC viewed project eligibility forms as to whether projects were eligible or ineligible. He would like to expand that review to include comments to shape projects and give constructive feedback. Dennis didn't think the CPC should require specific items that force applicants to spend money because it could leave the CPC open to being sued if the project does not get recommended for funding. Elodia proposed forming a subcommittee to perform an initial review of applications. Jon was dubious about bringing the quality of projects into the eligibility discussion. However, he was in favor of giving applicants more time to prepare their applications.

There was a brief discussion about applicants having site control for their project to be eligible. Members talked about whether the issue of site control was clear cut or a matter of definition without reaching a resolution to the issue. Mark thought the eligibility determination step could provide an opportunity to guide applicants as to what should be included in their full application. Dennis asked whether it was the CPC's job to lead and assist applicants. Committee members agreed it was appropriate for Lanae to provide technical assistance and feedback to applicants similar to planning department staff.

C. Preservation Plan Update Outline

Mark asked committee members to look through the plan for possible updates and forward them to Lanae. Jamie reported she went to the Conservation Commission meeting and there were no updates. Jason said he didn't expect anything from the Planning Board either.

4. Coordinator Update

A. Housing Consultant

Mark spoke about meeting with the housing consultant candidate, mentioning the consultant had worked on both the project development and financier sides of projects. Jon asked about the availability of Larry Field and Mark noted Larry thought hiring a consultant was a good idea. Lanae reported that the meeting with Christine Gimbel Rogers was an initial conversation, and Christine would be happy to meet with a small group of committee members to answer their questions.

B. Community Survey Distribution

Lanae spoke about her efforts to promote the survey and that over 100 surveys had been completed. Elodia mentioned promoting the survey to individual committee, board, and commission members to seek project ideas and asking Jeanne (Ostroff) to share the information in a city Facebook post. Lanae pointed out Jeanne had posted

on Facebook and tweeted about the survey. Elodia also suggested publicizing the project funding recommendations in the Watertown News.

Elodia wanted to talk about 103 Nichols Ave. Mark said it would be on the May meeting agenda. Elodia requested all the materials sent by Michael Lara be distributed to the CPC. Jamie stated the item was not on the agenda and the CPC should not discuss the matter. Jason proposed a special meeting to discuss the 103 Nichols Ave. project process. Lanae would find a date for the special meeting.

5. **Adjournment**

Motion: Dennis moved to adjourn the meeting and Elodia seconded.

Vote: Mark Krackiewicz, Jason Cohen, Jon Bockian, Bob DiRico, Dennis J. Duff; Allen Gallagher, Jamie O'Connell, Elodia Thomas, and Matthew Walter voted in favor.

Vote on FY2023 CPA Budget Allocation

The CPC requests the City Council to appropriate and transfer from the Fiscal Year 2023 Community Preservation Funds which total **\$3,700,000**, the following funds: 5% amounting to **\$185,000** for the administrative expense of the Community Preservation Committee, 10% to the community housing reserve totaling **\$370,000**, 10% to the historical preservation reserve totaling, **\$370,000**, 10% to the open space/recreation reserve totaling, **\$370,000**, and 70% to the undesignated fund balance totaling, **\$2,405,000**.

Draft FY 2022 CPA Program Update

Introduction

The Watertown Community Preservation Committee (CPC) is pleased to report on the year featuring its first application cycle in 2021/2022. This update provides a financial statement of CPA funds, describes projects recommended for funding to the City Council, highlights project ideas generated through a community survey, and presents the FY 2023 application process schedule. Each year, the CPC will report on updates to City needs and inform the public of those changes as well as the most recent projects recommended for funding.

Community Preservation Committee 2021/2022

Mark Krackiewicz, Chair
Jason D. Cohen, Vice-Chair
Jonathan M. Bockian
Bob DiRico
Dennis J. Duff
Allen Gallagher
Jamie O'Connell
Elodia Thomas
Matthew Walter

Lanae Handy, Community Preservation Coordinator – lhandy@watertown-ma.gov

CPA Fund – Financial Statement (placeholder until Tom provides latest figures)

BEGINNING CASH BALANCE	FY2018	FY2019	FY2020	FY2021	YTD
ACTUAL REVENUE:	\$	\$ 1,899,397.28	\$ 4,362,055.08	\$ 7,000,176.82	
CPA SURCHARGE	\$ 1,899,397.28	\$ 2,080,870.63	\$ 2,163,099.54	\$ 2,511,802.87	
STATE REVENUE		\$ 367,395.00	\$ 498,767.00	\$ 625,041.00	
INTEREST REVENUE		\$ 14,392.17	\$ 23,474.26	\$ 34,927.16	
TOTALACTUALREVENUE	\$ 1,899,397.28	\$ 2,462,657.80	\$ 2,685,340.80	\$ 3,171,771.03	
ACTUAL EXPENDITURES:					
PERSONNEL					
PURCHASED SERVICES					
SUPPLIES					
OTHER					

ENDING CASH BALANCE	\$	\$	\$	\$
CARRYOVER PURCHASE ORDER	\$	.	\$	\$
ESTIMATED REVENUE				
SPECIFIC RESERVES				

FY 2022 Funding Recommendations

This year, the CPC completed its first funding cycle and made two funding recommendations to the City Council. These are strong projects that should serve as models for applicants seeking to apply for CPA funding and help to prompt more project ideas.

Historic Preservation: City Hall Geographical Paintings

The CPC recommended a grant of \$33,000 to the Historical Society of Watertown to restore and conserve two paintings that flank the lobby of City Hall. Each will be protected by a barrier constructed of wooden and metal rails.

Open Space/ Outdoor Recreation: Irving Park

The CPC recommended a grant of \$294,195 to the Department of Public Works to rehabilitate Irving Park with new plantings, seating, bollard lighting, a granite border, safety fencing, and accessible walkways.

Needs Assessment

The CPC contacted members of City Boards, Commissions and Committees requesting them to identify changes in Watertown's needs, resources, opportunities, and priorities since the Community Preservation Act 5-year Plan 2021-2025 was adopted on June 3, 2021. In addition, the Committee distributed a survey to the wider community soliciting their ideas for community preservation projects. The survey questions and demographics of respondents are appended. 167 people completed the survey.

There were no new needs or priorities reported by municipal bodies. Survey respondents reiterated the desire for acquisition and preservation of open space through the creation of parks and conservation of remaining natural areas. Developing more walking paths and bike trails, enhancing connectivity between green spaces, rehabilitating existing parks, and providing more opportunities for passive recreation continued to be of high importance. Survey respondents also cited the critical need to create affordable housing.

Project Ideas from Survey

Open Space

- Create a large urban meadow
- Create a park where the North Library branch now stands

Outdoor Recreation

- Install unique play structures in parks (all the playground equipment is the same in city parks)
- Add splash pads to playgrounds
- Create a small-scale bike obstacle park in space north of Greenough Blvd.
- Improve the area around Dealtry Pool

Community Housing

- Create intergenerational affordable housing
- Create mixed developments of affordable housing with live-work space for artists, studios, performance rehearsal space, galleries, and retail shops
- Add affordable senior housing to 104 Main Street project
- Increase the number of affordable units in new developments

Historic Preservation

- Preserve documents and photos held by Historical Society of Watertown
- Restore and landscape older cemeteries
- Support preservation activities of Armenian Library and Museum of America
- Preserve mill buildings

Resource and CPA Guideline Updates

- **Arsenal Park Improvements underway**
- Watertown Municipal Affordable Housing Trust formation likely official over the summer
- Housing units on the Subsidized Housing Inventory increased from 1,171 to 1,233 units, amounting to 7.94% of the city's total housing units.
- Affordable Housing Income Limits increased

Household Size	Moderate-Income (<100%)	Low-Income (<80%)
One Person	\$84,560	\$67,648
Two Person	\$96,640	\$77,312
Three Person	\$108,720	\$86,875
Four Person	\$120,800	\$96,640

Plans for FY2023

Through the opening application round, Committee members and staff learned that project applicants could benefit from more information in order to produce quality project proposals. To meet this objective, the CPC will highlight examples of high-quality applications and provide information on practical application tips during application workshops and by posting supplemental application materials on the CPC webpage. In addition, the CPC intends to reach out to the wider community and encourage residents to think creatively about potential projects they can sponsor or promote to City department staff. In short, the CPC would like to see a wider variety of viable projects from all funding categories and aid the effort through robust community education and program marketing.

Appendices

I. Application Process Schedule

July/August	Application Workshops
August	Project Eligibility Form Due
September	Eligibility Notification
December	CPA Funding Application Due
January/March	CPC Application Review and Project Presentations
March/April	CPC Deliberates and Votes on Funding Recommendations
April/May	CPC Recommendations submitted to City Council for Approval
May/June	Grant Agreements Executed

Append Proposed Application Tips

Read Application Manual for further information and visit <https://www.watertown-ma.gov/352/Community-Preservation-Committee> for deadlines.

II. Append FY 2022 Recommendations to City Council

III. Append Survey Results (Data Graphically and add table of raw data-project ideas)

1.

Have you heard about the CPA and/or the CPC in Watertown?

[More Details](#)

Yes	129
No	38

2.

How have you heard about the CPA? (Select all that apply)

[More Details](#)

City/CPC Website	46
Watertown News	72
Public Event (Forum, Webinar, Faire on the Square)	30
Email	54
Social Media (Facebook, Nextdoor)	17
CPC Meeting	20
WCA-TV	2

Word of Mouth	42
This Survey (This is the first time I heard of the CPA)	3
Other	20

3.

Are there specific open space projects that you would like to see supported by CPA funds?

[More Details](#)

110

Responses

Latest Responsesundefined

Latest Responses

"Continue to evolve public paths and parks."

"Clean up in the Charles River near Pleasant Street and Howard Street at the bridge where there are many turtles during the warm months. There is lots"

4.

Are there specific outdoor recreation projects that you would like to see supported by CPA funds?

[More Details](#)

114

Responses

Latest Responsesundefined

Latest Responses

5.

Are there specific housing projects that you would like to see supported by CPA funds?

[More Details](#)

97

Responses

Latest Responsesundefined

Latest Responses

"multi-family affordable housing for families"

"This is the most important area in my opinion. Whatever can be done to increase the number of affordable housing opportunities in Watertown"

"If it means helping people to stay in their homes, then yes. I worry about older people who have lived in their homes and raised their family in thei"

6.

Are there specific historic preservation projects that would like to see supported by CPA funds?

[More Details](#)

68

Responses

Latest Responsesundefined

Latest Responses

7.

How are you connected to Watertown?

[More Details](#)

Live	157
Work	31
Other	5

8.

How long have you lived in Watertown?

[More Details](#)

Less than 1 year	3
1-3 years	10
4-9 years	40
10-14 years	29
15-20 years	14
Over 20 years	65

9.

Which voting district do you live in?

[More Details](#)

A - District Councilor Nicole Gardner	35
B - District Councilor Lisa J. Feltner	31
C - District Councilor Vincent J. Piccirilli, Jr.	39

D - District Councilor Emily Izzo	23
I'm not sure which district I live in.	21
I don't live in Watertown.	3

10.

Do you rent or own the home you live in?

[More Details](#)

I'm a renter	21
I'm a homeowner	138

11.

How many people are in your household?

[More Details](#)

1	41
2	73
3	20
4	18
5 or more	7

12.

How would you describe your household? (Select all that apply)

[More Details](#)

Household with no children	77
Household with children under 18	33
Household with young adult(s) 19 or older	13
Household with senior(s) aged 65 or older	60
Household with senior(s) with disabilities and/or mobility limitations	8
Household with person(s) with disabilities and/or mobility limitations	12
Other	4

13.

What is your age?

[More Details](#)

Under 18	0
19-24	0
25-34	15
35-49	42
50-64	33
65-75	47
75 or older	16

14.

What is your approximate household income?

[More Details](#)

Under \$50,000	9
\$50,000 - \$74,000	13
\$75,000 - \$99,000	17
\$100,000 - \$150,000	27
Over \$150,000	52

15.

Are you Hispanic or Latina/o?

[More Details](#)

Yes	3
No	148

16.

Which group do you most identify with?

[More Details](#)

Asian	4
Black or African American	2
Native American	1
White or Caucasian	139
Other	5

Proposal for Application Tips

For Historic Preservations Projects: Be sure to emphasize the historical significance of the resource you seek to preserve or restore. Consulting with the Watertown Historic Commission and Watertown Historical Society can help you buttress your case, even if the resource is on the National Register or within an Historic District. Don't forget to show how the proposed work will comply with U.S. Secretary of the Interior Standards for the Treatment of Historic Properties. In this respect, it would be helpful to identify early on the potential historic preservation specialists to be used.

For Complex Projects with Many Elements and/or Major Construction: Consider a two-stage application in which the first phase would include an application for planning funds to cover the initial costs of project development. Once that work is completed, a follow-on request for construction funding could be made. The first phase funding might cover environmental, historic preservation, and other assessments; preliminary or conceptual architectural or landscape design; legal or zoning analyses; conceptual cost estimates; and public participation.

Don't Lose Project Momentum: The CPC may consider a request for off-cycle review to keep projects moving forward if both a CPA funded first phase planning effort and a full application for construction funding have been completed. Under this scenario, applicants do not necessarily wait a full year for the consideration of the full and final application.

Take Advantage of CPC Help: Watertown's CPA Coordinator is available to help applicants navigate the application process and advise on ways to strengthen project proposals. As the Community Preservation Committee reviews applications, either in the eligibility phase or later, suggestions may also be offered for improving the project and its chances for approval.



**CITY OF WATERTOWN
COMMUNITY PRESERVATION ACT
GRANT AGREEMENT**

PROJECT #		AWARD AMOUNT	\$33,000	CONTRACT #	
FUND#				VENDOR #	

PROJECT NAME	1630 and 1930 City Hall Geographical Paintings				
PROJECT LOCATION	149 Main Street				
GRANTEE	Watertown Historical Society				
CONTACT PERSON	Joyce Kelly				
MAILING ADDRESS	31 Warren Street, Unit 1-3, Waltham, MA 02148				
EMAIL	joycekel@aol.com				

PROJECT DESCRIPTION

The Historical Society of Watertown proposes to stabilize, repair, and preserve the two 7'6" x 5'6" paintings that flank the city hall lobby: one depicting a map of the town in 1630 (the year of its founding) and the other an aerial view of Watertown in the 1930 Tercentenary year. The project includes:

- Treatment of the paintings to remove and reduce the appearance of scratches, tack holes, abrasions, and grime.
- Removal of the existing frame elements (some sections are missing) prior to dismounting paintings and refurbishing the remaining frame sections using metal leaf over gesso.
- Fabrication and installation of a protective barrier, composed of a wooden top rail as well as black steel rails and posts, with an attached plaque containing painting name, description, and acknowledgement of the CPA funding award.
- Maintenance of the paintings through biannual dusting and monitoring of ambient humidity levels.

GRANT FUNDING CONDITIONS

1. The City shall not dispose of, sell, relocate, or alter paintings without the notification and approval of the CPC and Watertown Historical Commission. If the paintings are sold or disposed of, CPA funds appropriated for this project should be returned to the Watertown Community Preservation Fund.
2. The transport contractor and conservators shall provide the City with Certificates of Insurance demonstrating an appropriate amount of coverage for damage to or loss of property. The City shall be named as an additional insured on these certificates.
3. The Watertown Historical Society agrees to document and appropriately archive the preservation methods and materials used to restore the paintings.
4. The Watertown Historical Society agrees to monitor the maintenance of the paintings prescribed by the conservator and performed and logged by the Department of Public Buildings (biannual cleanings and humidity tracking).

GRANT AGREEMENT WITH HISTORICAL SOCIETY OF WATERTOWN, INC.

This Grant Agreement, entered into this day _____ of **2022**, BY AND BETWEEN: a non-profit corporation, duly organized and in existence under the laws of the Commonwealth of Massachusetts, with its principal office and place of business at 28 Marshall Street, in the City of Watertown, and Commonwealth of Massachusetts, (hereinafter referred to as the GRANTEE) and the CITY OF Watertown, a municipal corporation, duly organized and in existence under the laws of the Commonwealth of Massachusetts, with its principal office and place of business in 149 Main Street, in the City of Watertown, and Commonwealth of Massachusetts (hereinafter referred to as CITY), acting by and through the Community Preservation Committee (hereinafter referred to as the CPC). The purpose of this Grant Agreement is to implement the following grant award:

Project Name: **1630 & 1930 CITY HALL GEOGRAPHICAL PAINTINGS**

Project Location: **149 MAIN STREET, WATERTOWN MA 02472**

Project Description: **CITY HALLS 1630 & 1930 GEOGRAPHICAL PAINTING RESTORATION AND PRESERVATION**

Grantee Address: **28 MARSHALL STREET WATERTOWN, MA 02472**

This Grant Award is subject to the following terms and conditions:

1. **Award.** Subject to the terms of this Agreement, the City of Watertown agrees to award the Grantee the amount of **\$33,000** for the above referenced Project.
2. **Project Application.** The Project Application submitted to the Watertown CPC, as may be amended by conditions of the CPC upon award, is incorporated herein by reference.
3. **Project Scope of work.** The Grantee acknowledges that any changes to the project from what was approved by City Council and from what was represented in the Project Application and during the project selection process in relationship to the use of CPA funds must be approved in advance and in writing by the CPC. Work which is outside of the scope of City Council's CPA funding approval for the project will not be reimbursed.
4. **Term.** The term of this Grant Agreement is from the date of approval by City Council **May, 2022 or the execution of this agreement** (the "Commencement Date") until **August 31, 2023** (the "Completion Date"). All work described herein or in any materials incorporated by reference must be completed no later than the Completion Date unless the Watertown CPC grants an extension for good cause shown. Excess funds or funds not utilized pursuant to this Agreement must be returned to the Community Preservation Fund and will be made available for future appropriation to other recipients.
5. **Budget.** Grantee shall not expend any grant funds unless sufficient sources of funding have been secured to complete the Work as detailed in the budget included in the approved project application. If the Watertown CPC determines that funds have been spent on goods or services not included in the Project

Budget or otherwise not authorized under the CPA and this Grant Agreement, the Grantee shall be responsible for repayment of such funds to the CPA Fund.

- 6. Disbursement of Funds.** The Grantee hereby acknowledges and expressly agrees that all disbursements of grant funds to the Grantee shall comply with the CPC Grant Disbursement Process outlined in the Community Preservation Committee Application Manual and the Grant Disbursement Schedule. Invoices shall be submitted to the Community Preservation Coordinator in accordance with Project's key milestones as agreed upon by the CPC and Grantee prior to the commencement of work on the Project. The disbursement schedule as approved by CPC is attached hereto. A minimum of 10 percent of the grant amount shall be held for final disbursement to the Grantee after the Project is completed in accordance with the Agreement and the CPC has approved the work on the Project after its completion. The Grantee shall monitor the maintenance, (by the City), of improvements, which are the subject of this Grant Agreement, for a period of ten (10) years from the date the Grantee signs the Grant Agreement. **Disbursement of grant funds will commence _____.**

- 7. Reports.** The Grantee shall provide the Watertown CPC with a Project Status Report, **using the Project Report form**, every THREE (3) MONTHS or in accordance with key project milestones agreed upon by the CPC and Grantee in advance until the Completion Date, which shall detail the progress toward completion of the Work. A Project Closeout Report, including digital photo documentation and video documentation of the Project where appropriate, is due within THIRTY (30) days after the Completion Date. The Project Closeout Report shall be completed, **using the Project Closeout Report form**, to the satisfaction of the Watertown CPC, which approval shall not be unreasonably withheld. All documents, including but not limited to photographs, videos, etc., submitted to the CPC shall become the property of the CITY and shall be available for use by the CITY and available to the public under the Massachusetts Public Records Law.
- 8. Project Liaison.** The Community Preservation Coordinator will serve as liaison for the CITY on the Project being funded by this Agreement. The Grantee shall cooperate with the Project Liaison, including providing access to the Project site at reasonable times and with reasonable notice. The Project Liaison shall serve as the agent of the CPC for the purpose of monitoring Project compliance with the terms of this Agreement and shall periodically report to the CPC at its regularly scheduled meetings. The City, through the CPC and its Project Liaison, may periodically evaluate the performance of the Grantee to determine whether the Grantee has complied with this Agreement and has a continuing capacity to carry out the funded activities in the manner required pursuant to this Agreement. If it is determined that the Grantee has not complied with this Agreement or is unable to carry out the funded activities going forward, the City may notify the Grantee and terminate this Agreement in accordance with Section 17, below.
- 9. Records and Monitoring.** The Grantee agrees to maintain such records with respect to Project work being funded by this Agreement as are kept in the normal course of business and such additional records as may be required by the City for a period of six (6) years. Said records shall be available for inspection by the City during normal business hours and as often as the City may deem necessary. The Grantee shall make available all such records and documents as requested by the City for audit and/or monitoring. The City shall be entitled to examine and make copies of such records and may audit all contracts, procurement records, invoices, materials, payrolls, personnel records, conditions of employment, and all documents relating to all matters covered by this Agreement, provided said record does not contain proprietary information of the Grantee.

10. Community Preservation Committee Conditions. The Grantee shall comply with all additional conditions placed on the project by the CPC as outlined under the Grant Funding Conditions on page 1 of this grant agreement.

11. Compliance with Laws and Agreement. Grantee understands and agrees that projects funded through this Award are made pursuant to and must comply with the requirements of the Community Preservation Act, M.G.L. c. 44B. The Grantee shall comply with all applicable federal and state laws, regulations and city ordinances, including, where applicable, adherence to State procurement requirements and procedures. Grantee also agrees to comply with all requirements of this Grant Agreement.

12. Permits and Licenses. It is the obligation of the Grantee to obtain all permits and licenses necessary for implementation of the Project. No local permit or license is waived by the award of this Grant.

13. No Liability of City. The City and CPC do not accept any liability whatsoever for any acts, omissions or errors associated with the Project. The Grantee shall indemnify, defend (with counsel acceptable to the City, whose acceptance shall not be unreasonably withheld), and hold harmless the City of Watertown, its officers, agents, employees, and representatives, successors and assigns, and the CPC from and against any and all claims, suits, actions, liabilities, losses, damages, costs and expenses (including attorney's fees and expert's fees) of any nature arising from or in connection with any act or omission resulting in any way from the performance of Grantee, its agents, officers, employees, contractors, or subcontractors under this Agreement.

The extent of this indemnification shall not be limited by any obligation or any term or condition of any insurance policy. The obligations set forth in this paragraph shall survive the expiration or termination of this Agreement.

14. Community Preservation Act Acknowledgement. Upon commencement of the Project, Grantee agrees to post, in an appropriate location mutually acceptable to the parties, a *temporary* sign (provided by the CPC) stating that the Project was funded through the City of Watertown's Community Preservation Act. Grantee shall also identify that the Project was funded through the City of Watertown Community Preservation Act in its written materials about the Project, including press releases, brochures, etc. Grantee must include acknowledgement of CPA funding in a *permanent* sign or other form of public display acknowledging project funding sources and benefactors.

15. No Assignment. This Grant Agreement may not be assigned to another party by Grantee without the prior written consent of, and subsequent written agreement with, the City of Watertown.

16. Default and Termination. In the event of any dispute, claim, question or disagreement arising from or relating to this Grant Agreement or the breach thereof, the parties shall use their best efforts to settle the dispute, claim, question or disagreement. To this effect, they shall consult and negotiate with each other in good faith, and recognizing their mutual interests, attempt to reach an equitable solution satisfactory to both parties.

If the parties are unable to reach a solution and the CPC alleges that the Grantee has failed to fulfill its material obligations set forth under the terms of this Agreement, the CPC shall deliver written notice to the Grantee indicating such. Upon the Grantee's receipt of said notice, the Grantee shall immediately

cease to expend any additional funds in connection with this Agreement, and the Grantee shall have thirty days, or such reasonable time as agreed upon by the parties, to cure the breach. If after such time the Grantee fails to cure the breach, the CPC shall have the right, in its sole discretion, to terminate this Grant Agreement upon written notice to the Grantee.

Notwithstanding the foregoing, failure or delay in performance by Grantee due to Acts of God or other causes factually beyond its control and without its fault or negligence, as determined by the CPC, shall not be deemed a breach of this Agreement, provided Grantee provides immediate notice of such to the CPC or Project Liaison.

17. Return of Funds.

- a. Upon completion of the Project, any funds awarded to the Grantee under this Agreement and not yet expended shall be returned forthwith to the City without further expenditure thereof.
- b. If the City determines that funds have been spent on purposes not included in the Grantee's application for CPA funds or otherwise not authorized by the CPC and/or under the CPA, the Grantee shall be liable to repay these funds to the City within 30 days of being notified of their unauthorized expenditure.
- c. In the event this Grant Agreement is terminated pursuant to the provisions of Section 17 hereof, any funds granted to the Grantee under this Grant Agreement and not yet expended shall be returned forthwith to the City without further expenditure thereof.
- d. If this Grant Agreement is terminated as a result of negligent or intentional acts or omissions of the Grantee, the Grantee shall be liable to repay to the City the entire amount of funding provided under this Agreement, and the City shall take such steps as are necessary, including legal action, to recover said funds.
- e. In the event the City is required to take legal action under this Grant Agreement, the Grantee shall be liable for all costs incurred or expended by the City for the enforcement of this Grant Agreement, including but not limited to reasonable attorney's fees and court costs.
- f. All returned funds shall be deposited into the CPA Fund and shall be made available for future grants to other recipients.

18. Notice. Any and all notices, or other communications required or permitted under this Grant Agreement, shall be in writing and delivered by hand or by certified mail, return receipt requested, or by other reputable delivery service to the parties hereto at the following addresses:

If to the Grantee:

Contact information specified on the face of this Grant Agreement.

If to the CPC:

CPA Coordinator

Department of Development and Community Planning

City of Watertown

149 Main Street Room

Watertown, MA 02472

19. Severability. If any term or condition of this Grant Agreement or any application thereof shall to any extent be held invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality,

and enforceability of the remaining terms and conditions of this Grant Agreement shall not be deemed affected thereby.

20. Entire Agreement. This Agreement, together with all Attachments, Appendices and Addenda (if applicable), along with the Application and any other materials incorporated by reference, constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by both the City of Watertown and the Grantee. The Agreement is executed as of the date set forth.

The below signatory acknowledges and avers that he/she has the authority to execute this Agreement on behalf of Grantee. Signed and sealed by the undersigned parties.

Grantee: Historical Society of Watertown, Inc.	City of Watertown, Massachusetts
By: Marilynne K. Roach Title: President	By: Title:
Community Preservation Committee	Watertown City Council
By: Mark Krackiewicz Title: CPC Chair	By: Mark S. Sideris Title: Council President
CERTIFIED that funds are available	APPROVED as to Form and Legality
By: Thomas J. Tracy Title: City Auditor	By: Title: City Attorney

TAX COMPLIANCE CERTIFICATION

Grant Project #:

Grantee: **HISTORICAL SOCIETY OF WATERTOWN, INC.**

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes reporting of employees and contractor and withholding.

Signature

Name of Recipient

Federal Tax ID #

Date



**CITY OF WATERTOWN
COMMUNITY PRESERVATION ACT
MUNICIPAL PROJECT
MEMORANDUM OF AGREEMENT**

PROJECT #		FUND #		AWARD AMOUNT	\$294,197
PROJECT NAME	Irving Park				
PROJECT LOCATION	Irving Park North/Irving Park South				
GRANTEE	Department of Public Works				
CO-GRANTEE					
CONTACT PERSON	Gregory St. Louis				
MAILING ADDRESS					
TELEPHONE#	617-972-6420	EMAIL	gstlouis@watertown-ma.gov		

PROJECT DESCRIPTION

The DPW proposes to rehabilitate Irving Park to improve passive recreational opportunities and the overall appearance of park through: Installation of 6" vertical granite curbing around the park perimeter, repaving of the sidewalk around the park; installation of a paved central gathering area; installation of six benches, six low level bollard lights and low fencing at park ends; top-dressing and overseeding of lawn as needed; and installation of shrubs, trees, and perennial planting beds (featuring plants that attract pollinators).

GRANT FUNDING CONDITIONS

1. The City/DPW agrees to install granite curbing and repave the sidewalks surrounding Irving Park, bordering streets of Irving Park North, Irving Park South, Irving Street, and Royal Street prior to commencement of park construction.
2. The City/DPW agrees to bring the final design and budget before the CPC for review and approval.
3. The City/DPW agrees to have existing park trees evaluated and cared for by an arborist
4. In its maintenance of trees and shrubs, the City/DPW agrees to perform naturalistic pruning and avoid shearing.
5. The City/DPW agrees to install an appropriately scaled bike rack in or bordering the park.

This Memorandum of Agreement (“MOA”) is entered into this [DATE] day of [MONTH], [YEAR] by and between the City of Watertown’s Community Preservation Committee (“CPC”) and the Department of Public Works (“Department”) subject to the following terms and conditions:

1. **Project Scope of Work.** City Council has allocated these CPA funds only for the use specified in the CPC Recommendation provided to and approved by the Watertown City Council. Any material changes to the project from what was represented during the project selection process in relationship to the use of CPA funds must be approved in advance and in writing by the CPC. In making its decision, the CPC will determine whether the new CPA funding use is consistent with the City Council approval, and if it is not, it will require further approval by City Council. Any project work funded from other (non-CPA) sources is not subject to this process.
2. **Project Liaison.** The CPA Coordinator shall serve as the Project Liaison for the MOA. The Project Liaison shall serve as the agent of the CPC for the purpose of monitoring project compliance with the terms of this MOA and shall periodically report to the CPC regarding the progress of the project funded by this MOA and compliance with the terms of this MOA.
3. **Compliance with Laws and MOA.** The Department understands and agrees that Projects funded through this MOA are made pursuant to and must comply with the requirements of the Community Preservation Act, M.G.L. c. 44B. The Department also agrees to comply with all requirements of this MOA. The Department shall comply with all applicable federal and state laws, regulations, and city ordinances, including, when applicable, adherence to State procurement requirements and procedures, which in any manner affect the performance of this agreement.
4. **Permits and Licenses.** It is the obligation of the Department to obtain all necessary permits and licenses for implementation of the Project. No local permit or license is waived by the award of this funding.
5. **Replacement of City Funds:** Consistent with the provisions of M.G.L. c. 44B. Section 6, CPA funds set aside may be expended in any city or town. The community preservation funds shall not replace or reimburse existing operating funds, only augment them.
6. **Record Keeping.** The Department shall retain any and all records associated with utilization of the grant funds and kept in the normal course of business, and such additional records as may be required by the CPC for a period of six (6) years. Should the Project have multiple funding sources, the Department shall track specific expenditures of the CPA funds separate from other funding sources. The CPC shall have full and free access to such records and may examine and copy such records. The Department further agrees to meet with the CPC or its designee from time to time, upon reasonable request, to discuss expenditures of the Funds.
7. **CPA Funds Disbursement:** All expenditures for goods and services for Municipal Projects funded through the City of Watertown Community Preservation Act shall be made in accordance with the financial practices and policies of the City of Watertown.

8. **Signage:** If the project involves construction or restoration work, the Department will erect a temporary sign recognizing that Community Preservation Act Funds have been used to complete this work. The CPC will provide sign specifications. The sign can be installed on an existing fence or wall, or using posts, and should remain in a visible location while the CPA funded work is underway. Any articles, website postings, or project announcements should also note the *Watertown Community Preservation Act* support for this project. If permanent signage is installed at the project site, the CPC will require the CPA funding contribution be noted.
9. **Project Updates:** Every THREE (3) MONTHS until the Completion Date or in accordance with project key milestones as agreed upon by the CPC and Department prior to project commencement. The Department shall provide the CPC with a completed Project Report Form which details the progress toward completion of the Work. The CPC requires notification by email to the CPA Coordinator when a project has commenced and again when it is completed. The CPA Coordinator may contact the Department periodically to check on the status of a project or schedule a site visit to document any completed work.
10. **Project Completion:** Once the project is complete, a final site visit will be conducted and/or the CPC will request copies of any completed studies, photos, or other materials for its files. Whenever possible, projects should be completed within one (1) year following the execution of this MOA. A Project Closeout Form is required for submittal within thirty days of project completion.
11. **Unused CPA Project Funds:** In the event the total cost of the project is less than the award amount, or if the project is terminated prior to its completion, any unexpended CPA funds that have been awarded to the Department for the project shall be returned to the CPA Fund Balance.
12. **Term.** The term of this Grant Award is from the date of approval by City Council [DATE OF APPROVAL] (the "Commencement Date") until December 31, 2022 (the "Completion Date"). All work described in this MOA must be completed no later than the Completion Date unless the Watertown CPC grants an extension in writing for good cause shown.

If no Project funds have been expended by the Department for the Project within six (6) months of the Completion Date and are not expected to be expended prior to the Completion Date, the Department must present a request for a term extension to the CPC, providing a Project Update comprised of a revised timeline and revised scope of work to confirm that funds are still required for the Project as recommended by the CPC and approved by the City Council. If the Department does not comply with the submission of a Project Update or the CPC does not approve of the Project Update, the CPA funds shall be returned to the CPA Fund account from which the Funds were originally appropriated.

Funds not utilized on the Project must be returned to the Community Preservation Fund and will be made available for future appropriation to other recipients.

14. Breach: In the event the CPC alleges that the Department has failed to fulfill its obligations under the terms of this MOA, the CPC shall deliver written notice to the Department indicating such, and the Department shall have ninety (90) days, or a reasonable time as agreed by the parties, to fulfill its obligations. In the event the Department requires additional time to fulfill its obligations under the MOA and demonstrates a good faith effort to do so, the Department and the CPC may, by written mutual agreement, extend the term of the MOA.

If, after reasonable notice, the Department fails to fulfill its obligations under the MOA, the CPC shall have the right, in its sole discretion, to terminate this MOA. Upon receipt of notice of such termination, the Department shall refund all undisbursed Funds, and such Funds shall be returned to the CPA Fund account from which the Funds were originally appropriated. Notwithstanding the foregoing, failure or delay in performance due to Acts of God or other causes factually beyond Grantee's control and without fault or negligence shall not be deemed a breach of the MOA if immediate notice of such is given to the CPC.

15. Severability. If any term or condition of this MOA or any application thereof shall to any extent be held invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this MOA shall not be deemed affected thereby.

16. Entire Agreement. This Agreement, together with all Attachments, Appendices and Addenda (if applicable), constitutes the entire agreement between the parties hereto, and may be amended only in writing duly executed by both the CPC and the Department.

MUNICIPAL PROJECTS DISBURSEMENT PROCESS

Each Municipal Department receiving CPA funding will work directly with the Purchasing to set up any Purchase Orders or to complete any bidding requirements necessary for a municipal project. Each Municipal Department must have a pre-disbursement meeting

- Once the CPA appropriation is approved by the City Council, the Community Preservation (CP) Coordinator will coordinate with the City Auditor to create a budget for the project under the CPA Fund equaling the amount approved by the City Council. The City Auditor will provide the appropriate Department contact with access to these funds. The Department is responsible for submitting a detailed budget to the Auditor in order to establish the necessary line items for the Project. The Department will follow all City of Watertown processes and procedures for encumbering and spending CPA funds.
- Once a Purchase Order has been authorized by the City Auditor, the Department shall submit that information to the CP Coordinator and all invoices associated with that Purchase Order may then be paid once the CP Coordinator approves the expense as an allowable CPA spending purpose. Remember to send ***copies*** of all invoices to the CP Coordinator for approval and the project files.

- Municipal Departments are requested to contact the CP Coordinator at the start of their project and to forward any RFP or bid documents for a project to the CP Coordinator for inclusion in the CPA project files. Site visits may be scheduled periodically during the course of a project in order to document the work for the CPC project files.
- At least 10% of the grant funds shall be retained for final disbursement. The final disbursement shall only be made upon determination by the CPC that the Grantee has complied with all applicable terms of the Grant Agreement.

The below signatory acknowledges and avers that he/she has the authority to execute this Agreement on behalf of Grantee and Co-Grantee.

Grantee: Department of Public Works By: Title:	Community Preservation Committee By: Mark Krackiewicz Title: CPC Chair
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