



Meeting Notes
September 17, 2007
6:00pm-7:45 PM
Shelburne Community Center
Washington Street

RSMPOC Members Present: Norman Stenbridge, Barbara Barrow-Murray, Joe Cefalo, Donovan Walker, Marilyn Lynch, Daniel Richardson, Charlotte Nelson, Jorge Martinez, Reggie Jackson, Beverly Adams, Elected Officials: Senator Dianne Wilkerson, City Councilor Chuck Turner; RNC: Julio Henriquez; Public: 30

Dan Richardson (OC Vice-Chair) opened the meeting and welcomed everyone... The meeting notes were passed unanimously.

Traffic Model Update

Jim Fitzgerald (BRA) provided an update with a map. All summer long the traffic consultants have been working on developing the model. They will ultimately be able to map the existing AM and PM conditions. This will allow the model to be utilized testing future scenarios. Does anyone have any questions?

Dorothea Jones (OC) asked why we can't get a written document to review.

Jim (BRA) replied that the next step, presenting things like traffic volume and levels of service. The consultants are working with BTM to approve the model.

Dorothea (OC) wants to know when that will be done.

Jim (BRA) replied that they will be meeting in the next two weeks. It may be possible to have some information for October, but more likely November.

Dorothea (OC) stated that the OC has been waiting and needs to get the model. It will affect our work on RFPs.

Jim (BRA) replied that this is a tool to test future development scenarios. He anticipated an active working session when it is completed.

Donovan Walker (OC) asked why it was not approved.

Jim (BRA) clarified that the BTM is working to ensure the information is correct.

Donovan (OC) urged moving forward without the delay, the OC's time is valuable.

Jim (BRA) stated that all his work is done; the BTM is just working to make sure that everything is accurate. The model is an intensive computer model. Traffic counts were done in spring and the model was built during the summer.

Reggie Jackson (OC) asked if further delays were anticipated.

Jim (BRA) replied that this was the third model he had worked on. This is the hard part. The BTM has not had problems with previous models and the majority of the work is done.

Reggie (OC) asked for a timeframe.

Jim (BRA) was confident that the November meeting could be a working session on the model.

Barbara Barrow-Murray (OC) asked for a written schedule.

Dorothea (OC) asked how the OC could hold a working session without information. She requested that the OC receive some information ahead of time. We need to be able to ask intelligent questions.

Hughes Monestime (BRA) stated that one of the agencies who funded the traffic model is the BTM. August was a busy month for everyone. We are waiting for BTM to review the model. But, we did want to update you on the progress tonight.

Jim (BRA) offered to get the OC information ahead of a working session on the model.

Barbara (OC) asked for a schedule. Jim (BRA) replied that they could get one to the OC in a few days.

Julio Henriquez (RNC) asked how the counts were done.

Jim (BRA) replied that the counts were done in the spring before school was out. The counts were not done in summer.

Darnell Williams (OC Chair) asked what would be ready in November.

Jim (BRA) that the model should be ready to test future scenarios by then.

Darnell (OC) asked when the OC would have data for their use.

Jim (BRA) replied that he would be able to provide the existing conditions as soon as the BTM approved it, hopefully within a few weeks. This will include the level of service at all intersections. He would relay the OC's urgency to the BTM.

Darnell (OC) hoped that the existing conditions could be ready in two weeks.

Joe Cefalo (OC) stated that the OC is charged with creating RFPs for both parcels. As part of this work, this information needs to be included, especially for the upcoming RFPs. It is also will be helpful during the Article 80 processes.

Charlotte Nelson (OC) asked about the key points of the model.

Jim (BRA) displayed the geography of the model on a map.

Darnell (OC) asked what the OC was getting in two weeks.

Julio (RNC) felt there were gaps and asked about Parcel P-3.

Jim (BRA) replied that we will be able to test that with the model.

Jorge Martinez (OC) asked if the model would allow for testing of different amount of buildout. Can we see the difference?

Jim (BRA) replied that that would be possible.

Jorge (OC) suggested providing documents for the OC and an outline ahead of time.

Reggie (OC) suggested a detailed list of what the OC would be receiving.

Jim (BRA) replied that the existing conditions could be provided ahead of time on paper. This will give you numbers on each intersection in Roxbury.

Reggie (OC) asked about other aspects.

Jim (BRA) added that it would include Levels of service, traffic speeds, queue lengths, and volume.

Darnell (OC) stated that they would be moving on to the next agenda item and there would be time to get audience input at the end.

Bartlett Yard

Darnell (OC) stated that he knew the PRC had been meeting.

1. Dan (OC) stated that PRC co-chair Michael Miles (OC) had a conflict tonight. He introduced Rodney Singleton, Thelma Toles, and Mark Sullivan as PRC members present this evening. He commended the PRC for their work. He hoped to quickly get this recommendation in writing so the RNC could get it. We have recommended that Bartlett Yard LLC move forward with caveats. The vote was 7-2-2 in favor.

Senator Diane Wilkerson (OC) stated that the recommendation is in response to the RFP, why ask the OC?

Dan (OC) replied that the recommendation is from the PRC to the OC.

Darnell (OC) stated that the criteria were whether or not the RFP was met by the developer.

Dan (OC) stated that it was the PRC's job to examine the RFP. Notes of this public process have been taken. There were a number of questions raised and answered by the potential developer.

Darnell (OC) replied that there were two thresholds, the first compliance with the ARFP and the second one financial.

Joe (OC) stated that the RFP went out with a minimum bid price of \$4 million. Bartlett Yard LLP was the only response. TRA has already evaluated whether or not this proposal met the financial requirements. The PRC then reviewed the submission with regard to the density, parking, and building site issues. The PRC did vote to move forward with this proposal to the OC and MBTA.

Senator Wilkerson (OC) asked for the recommendation in writing.

Darnell (OC) replied that it would be provided, but he was unsure of the timeframe.

Dan (OC) stated that the PRC is asking the OC to move forward and that you will get the recommendation in writing.

Darnell (OC) asked about the timeframe. Dan (OC) replied that it would be tomorrow.

Darnell (OC) asked who would write it. Dan (OC) replied that he would write it with Michael.

Charlotte (OC) stated that everyone received the RFP. There should be no vote until we have a written recommendation.

Dan (OC) stated that the PRC worked as quickly as possible and got it done. Given the urgency, we brought you this recommendation. There are notes describing this process and we will get you a written recommendation tomorrow.

Joe (OC) replied that there is document in draft form. We asked the developer a number of questions and they answered all of them. We will use the questions we developed and the BRA notes to put it together.

Darnell (OC) asked for a motion.

Dan (OC) motioned for the OC to accept the recommendation of the PRC to move forward with the recommendation to the OC and RNC indicating that the PRC was in favor of the proposal as it was written. There will be a written recommendation available shortly. Joe (OC) seconded the motion.

Senator Wilkerson asked for clarification.

Dan (OC) stated that this is a PRC recommendation to the OC. The OC can choose to accept or not.

The OC voted unanimously to accept the recommendation.

Joe (OC) stated that the other remaining issue is that the MBTA inserted language into the RFP after it had left the hands of the OC. It was not previously discussed. There is a 1% fee levied by the MBTA on the sale of market rate housing in perpetuity. This has never been previously raised. We asked the MBTA about this and the PRC received a letter telling us to mind our own business and that the MBTA is self-funding.

Darnell (OC) stated he was confused.

Joe (OC) stated that the PRC felt the development met the requirements of the RFP as created by the OC. We are asking the OC to take a position asking the MBTA to remove this requirement. We hoped to use the elected officials to do this. This fee is in Section 7 of the RFP, on p39.

Donovan (OC) asked if the developer was aware of the fees.

Joe (OC) said that he believed they were.

Darnell (OC) deferred to the elected officials.

Joe (OC) added that the 1% fee was only on the resale of the units.

Councilor Turner (OC) stated that he is not a state official and the MBTA looks to the state for its authority. I will bring this issue to the city council. It poses an unfair burden developing MBTA land in the city.

Joe (OC) motioned asking the OC to work with the elected officials in petitioning the MBTA to remove the 1% transfer fee from the requirements of the Bartlett Yard RFP. Dan (OC) seconded the motion.

Darnell (OC) asked if there was a discussion.

Senator Wilkerson (OC) asked if the developer addressed this issue.

Joe (OC) replied that the developer raised the issue to the PRC. There was another financial clause that did not apply. This is a market rate resale fee.

Marilyn Lynch (OC) stated that Bank of America CDC is backing this.

Donovan (OC) stated that the developer team is not affected and that this hurts people investing in the area.

Senator Wilkerson (OC) stated that there was no cost to the developer. What does the OC want me to do? I'm glad to talk to the MBTA, how does the BRA feel?

Councilor Turner (OC) had no problem asking the MBTA to remove the provision. It is ok vote as a second motion.

Darnell (OC) felt that was his concern.

Councilor Turner (OC) felt there were two issues. The first is that the OC process was violated and it is a betrayal of trust. The second is that the MBTA is negatively affecting development in our community.

Donovan (OC) felt that he was at a crossroads. He is looking out for Roxbury. This says it is ok to pick on Roxbury residents. I would not have voted on this and I am upset with Nuestra.

Jorge (OC) had a different perspective. Bartlett Yard LLC has a good track record. The avoided the other charge, a \$10/sf charge on market rate housing and spoke up about the other clause. The answered the RFP to do the development. The PRC looked at this as politics and an issue we do not have the clout to address. But the elected officials do. He disagreed with Donovan and the Bartlett Yard LLC put forth a development based on the RFP.

Norman Stembridge (OC) stated that he had attended the ZBA meetings and we knew this needed to be dealt with.

Dorothea (OC) agreed with Jorge. We felt we needed state leadership.

Darnell (OC) asked the committee and felt he would have rather heard these issues before voting. Does this preclude us from reporting to the BRA until it is resolved?

Senator Wilkerson (OC) stated that the OC has accepted the report, nothing else. No vote ever taken had this clause in it. No assumptions should be made. This will only work if the OC and City Council object as well. I need PRC and OC votes to point to. She commented that this was unacceptable by the MBTA.

Norman (OC) stated that this written recommendation will reflect that.

Darnell (OC) Joe stated...

Joe (OC) restated his motion.

Barbara (OC) asked what the BRA knew.

Hugues (BRA) replied that the BRA discovered this at the same time as the PRC. This was not a BRA RFP.

Barbara (OC) asked why it was not addressed.

Hugues (BRA) replied that this was not our RFP. The OC should address this issue. We are awaiting the OC to approve or disapprove this project. This is an MBTA policy.

Julio (RNC) felt that this was going backwards. The RFP was vetted by the OC. Why even vote to accept?

Dan (OC) felt that there were two issues. The first is that the developer responded to the RFP. During the process, questions were raised and the BRA was unaware. We spoke about the MBTA actions and expected the recommendation to have caveats to address this. Hence Joe's second motion. The second is that the development team is bidding on a contaminated piece of land. We wanted the MBTA to take responsibility for cleaning the land. Our issue is that as the PRC, can we get the developer access to the land.

Councilor Turner (OC) felt that there has been a full discussion of the topic.

Reggie (OC) called the question.

The motion passed 9-0-2.

Charlotte (OC) asked the PRC how they would put their recommendation in writing.

Dan (OC) stated that it was in writing in the notes.

Darnell (OC) stated that there was a discussion, but not votes.

Joe (OC) stated that there was a motion in the 9/13 notes.

Councilor Turner (OC) put forth a 3rd motion that the BRA Board motion to ask the MBTA to withdraw its 1% tax. The BRA and OC were not informed until the MBTA added this clause later and placed it in the MBTA Bartlett Yard RFP.

Dan (OC) made this motion and Joe (OC) seconded it.

Darnell (OC) asked for a discussion.

Senator Wilkerson (OC) suggested a second approach. This letter indicates that the BRA inquired about this issue in July on behalf of the PRC. The BRA has used a similar policy. There are other projects where the state has cleaned the site. I do not blame the development team, but they could easily resolve this issue. This is the dirtiest site owned by the MBTA; The MBTA never disagreed to deliver a clean site. We still need a vote before we can go forward.

Joe (OC) stated that procedurally, we hoped to approve the developer and resolve the issue. We did not want to slow the process.

Senator Wilkerson (OC) stated that it was the PRC's role to evaluate this proposal's responsiveness to Sections 3 and 4 of the RFP.

Dan (OC) replied that they attended one meeting as said as much.

Joe (OC) withdrew his motion. But, the PRC still wants this to go forward, giving the developer the benefit of the doubt.

Dan (OC) felt that this should be sent forward with caveats. We also hoped that the Governor's staff would intervene.

Councilor Turner (OC) felt it was a mistake to not force the BRA to speak on this issue. He knew of no development in Roxbury that had these transfer fees. It is appropriate to ask them to take a position.

Donovan (OC) as the OC, we need to come together on this issue with this parcel. This was supposed to go through the OC process. We are looking out for Roxbury. This is more than just Senator Wilkerson. We need to meet as an OC. I feel like we did not look out for our constituents.

Dan (OC) there is a number of things that we could do. The PRC will make a recommendation and address the other issues. As the PRC co-chair, I am asking the OC for guidance.

Darnell (OC) stated at minimum, the recommendation should include the opposition to the transfer fee.

Joe (OC) stated that they determined that the proposal was responsive to the RFP. That is our recommendation. We are asking the OC to accept this. The other issue is the RFP itself. There are portions of the RFP not supported and instituted without our knowledge. They need to be taken out. The OC should explore all avenues here to eliminate this fee.

Senator Wilkerson (OC) felt that the BRA Board should vote. In the urban development realm, it would be good to have the BRA with us. This time, the MBTA changed things. We are working with an RFP not approved by the OC, affecting the economic viability of the project.

Darnell (OC) asked what the collective guidance was for the PRC.

Dan (OC) felt that the Senator put it well. If key documents change without our knowledge, all bets are off. Dan offered to reconvene the PRC

Joe (OC) disagreed that the PRC should be brought back together. The PRC fulfilled its task and the charge is now on the OC to take a position. The OC was not aware of the document changes.

Joe (OC) motioned that the OC withhold recommendation of a developer for Bartlett Yard until the MBTA removes the 1% transfer fee from the RFP. Dan (OC) seconded.

Darnell (OC) asked for a discussion. Charlotte (OC) noted that two motions had already been approved.

Darnell (OC) stated that the RFP was changes without the OC's consent.

Barbara (OC) added without consent to the motion.

Kairos Shen (BRA) asked that the BRA Board not be asked to act. The BRA Board has never voted on the RFP.

Joe (OC) stated that the OC would not act until the conditions were met.

Julio (OC) that the transfer fee was a direct violation of the OC process.

Senator Wilkerson (OC) brought up that there was still no written recommendation from the PRC. We will accept it when we get it. Her concern is the transfer fee.

Kairos (BRA) stated that the BRA Board has not acted on this RFP at all. Additionally, the BRA staff was unaware of the changes to the financial section. He did suggest that the Director and Mayor could ask for the fee to be removed, but was unsure that there was a board action.

Senator Wilkerson (OC) asked if the BRA Director could address this. She added the language into a new motion.

Motion that the RSMPOC withhold recommendation of a development team for MBTA Bartlett Yard until the MBTA removes the 1% transfer fee from the RFP and further requests that the Acting Director of the BRA stand with the community in asking the MBTA to remove this action from the RFP.

The OC unanimously voted to approve this motion.

Darnell (OC) responded that the chair only votes in the event of a tie. He then asked about next steps. Parcel 9 and 10 would be cluster, 8 on its own.

Donovan (OC) added that he had been attending meetings for the Dudley Vision project and urged that they hold monthly meetings. A PRC has not yet been designated.

Meeting Adjourned