

Regular Meeting
Cambridge Redevelopment Authority

Wednesday, November 14, 2012 at 5:30 pm
Cambridge Public Library
449 Broadway
Lower Level Community Room

DRAFT MEETING MINUTES

Present

The Chair, Kathleen Born, called the meeting to order. She was joined by Vice-Chair Margaret Drury. Also present were members Christopher Bator, Barry Zevin, Conrad Crawford, Acting Executive Director Susan Glazer, and counsel Jeffrey Mullan.

Public Comment

Steve Kaiser

The speaker stated his belief that there is no doubt that Mr. Tulimieri has done something improper, but he is concerned that Mr. Tulimieri is the only person being blamed for what has gone wrong. He also stated concern that Mr. Tulimieri has a tremendous amount of institutional memory that might now be lost. The speaker proposed that the Authority offer Mr. Tulimieri a deal where there is clawback of certain compensation and a grant of immunity in exchange for Mr. Tulimieri's continued assistance. The speaker stated that he believes that the Authority budgets are inconsistent. He stated that he reviewed the cashflow for 2012, which showed no correlation to the amount left at the beginning and the end of the year. The speaker suggested that the Authority redo annual budgets since 2009. Regarding proposed Amendment No. 8, the speaker suggested that the Authority make clear what went wrong with the original amendment prior to adoption. He also questioned how, without a quorum, the Authority could make the approvals that it did between 2010 and 2012.

Heather Hoffman

The speaker stated her belief that problems with the Authority's ability to assemble a quorum arose prior to 2010. She stated that she believes that only two Cambridge residents were on the Board, beginning some time in 2004. She further stated that she thinks Amendment No. 8 is arguably illegal. The speaker stated that when the Kendall Square Urban Renewal Plan expired, the parts of the Cambridge Zoning Ordinance that formerly did not apply as long as that Plan was in effect, would have applied. She believes that this calls into question whether Mr. Tulimieri had power to approve the Microsoft signs. She stated that the citizens of Cambridge spoke loudly and clearly that we didn't want these signs. She argued that this was not the Authority's mistake, and that the Authority should now own up to the mistake of its former Executive Director, and correct it. The speaker complimented the Authority for its willingness to be independent in the past, unlike, in her opinion, most agencies in the City.

Tom Stohlman

The speaker stated that he looked at all of the Authority budgets and thinks that they reflect a straying from the Authority's purpose. He expressed the opinion that the Authority should go back to its basic purpose of buying blighted land and improving it.

Minutes and Reports

1. **Motion:** To approve the minutes of the most recent regularly scheduled meeting of the Authority held on October 17, 2012.

Vote: Approved. All in favor.

Communications

None.

Reports, Motions and Discussion Items

2. **Report.** On Trial Balance as of October 30, 2012; CD Schedules/All Cash; and Cash Flow 2012.

Ms. Born reported that restructuring the finances of the Authority is a difficult task and that Ms. Glazer is working toward that goal with very capable city staff. Ms. Glazer reported that the Authority likely has substantial funds on hand, but she is still trying to reconcile some of the numbers. She stated that she still is not clear on the Authority's exact amount of monthly income, and hasn't found files that state the answer.

Ms. Born also reported that the Authority is looking for ways to save money. Ms. Glazer reported that she is considering administrative cutbacks to save money, such as canceling subscriptions, phone and other bills. Ms. Born stated that looking forward, the budget and expenditures are going to depend in large part on the Authority's size and mission following this transition.

3. **Motion:** To receive Finance Committee Report on Trial Balance as of October 31, 2012; CD Schedule/ All Cash; and Cash Flow 2012.

Vote: Approved. All in favor.

4. **Report.** From the Acting Executive Director.

Ms. Glazer reported that she met with representatives from the Urban Renewal Division of the Executive Office of Housing and Community Development to inform them that the Authority still is moving forward with executing and completing the Urban Renewal Plan. She informed the representatives that the Board planned to consider Amendment No. 8 to the Kendall Square Urban Renewal Plan. Ms. Glazer reported that the representatives agreed that this was a proper action.

Ms. Glazer also reported that she plans to make the Authority Web page more robust. She is uploading many historical documents to the Web page, so that citizens can better understand what occurred at the Authority in recent years. Ms. Glazer reported that she still is gathering information regarding Authority contracts. She stated that a letter went to each of the contractors that had been used by the Authority for various services, requesting copies of contracts, when

they expired, outstanding funds, and other relevant information. Many contractors have responded, but Ms. Glazer still is compiling that information. During the discussion, it was noted that the Authority has informed all of its third party contractors that the contracts are no longer in force and effect and that specific work must be authorized in advance by the Executive Director.

5. **Report and Discussion.** On Transition Planning (Kathy Spiegleman).

Ms. Spiegleman presented a memorandum that provides a list of people that she has spent time interviewing. She also conducted a series of best practice interviews with representatives from other redevelopment authorities, including the Boston and Worcester Redevelopment Authorities, the lead developer for the North Point project, a former planning director in Milwaukee and Denver, and others. Ms. Spiegleman reported that when Redevelopment Authorities believe they have finished work in a designated urban renewal area, they often move to related issues, such as job creation and other regionally connected issues. Ms. Spiegleman reported that she still is interviewing, and will provide a summary of her report at the next Authority meeting. She stated her belief that the Authority needs to create an agenda for its future role, whether it be connecting Kendall Square more to city-wide initiatives, expanding its conception of development to include open space and transportation infrastructure and/or focusing on new large-scale projects, such as redevelopment of the Volpe site, or small-scale projects like arts activities or a winter farmer's market. She stated that the Authority should facilitate a discussion about introducing more housing in Kendall Square and also plan for new breakthroughs in the culture of "innovation" and not to "sit on its laurels."

Discussion. Mr. Crawford asked how the Authority would accomplish these bigger goals if it did not generate new revenue. Ms. Spiegleman stated that, based on her research, authorities that did not have a continuing stream of revenue often transition out of existence. Mr. Bator asked if, at the end of Ms. Spiegleman's review, the Board will be presented a series of alternative models or modes of operation to consider. Ms. Spiegleman responded yes, and that her transition report would also include a recommendation.

6. **Report.** On Retaining Special Counsel.

Mr. Bator reported that the Authority received recommendations for counsel who are considered experts in conducting investigations. Three were interviewed and the clear favorite was Donnelly, Conroy and Gelhaar. The Authority was impressed with the firm's experience and the description of its anticipated approach to this engagement. A scope of services was executed and the firm was retained. The 37 boxes of paper files and all electronic files that Foley Hoag attorneys collected from the Authority offices have been sent to Donnelly, Conroy and Gelhaar. The firm already has gone through most of the paper files. Mr. Crawford stated that Mr. Gelhaar has considerable experience doing this kind of work. He reported that Mr. Gelhaar understands that the Authority's core concern is the personnel issues that arose when the Authority lacked a quorum, and that the firm will follow the information and facts wherever they lead. He also stated that the Board members are mindful of the fact that the people involved in this investigation have long and distinguished careers at the Authority.

7. **Discussion:** Fiscal year 2013 budget proposal.

Ms. Born reiterated that the FY 2013 budget is in progress and Ms. Glazer is working hard toward its completion.

8. **Discussion and Motion:** Amendment to Kendall Square Urban Renewal Plan.

Discussion. Ms. Born announced that a motion is on the agenda to adopt proposed Amendment No. 8 and ratify prior amendments. Mr. Mullan explained that the reason for the Amendment is that the Authority's March 2010 meeting was void. One of the items that was considered and adopted at that void meeting was Amendment No. 8. Amendment No. 8, as now before the Authority, would do three things: (i) extend the termination date of the Kendall Square Urban Renewal Plan by 10 years from August 10, 2010 to August 10, 2020; (ii) provide a one-time extension of maximum GFA on Parcel 3, currently occupied by the Broad Institute, consistent with the Cambridge zoning ordinance; and (iii) allow biotechnology manufacturing uses at a GFA that will accommodate the Broad Institute's expansion. Mr. Mullan explained that the Amendment lines up with the Zoning Ordinance, meaning that, as drafted, the expansion matches precisely what the City Council adopted when it amended the Zoning Ordinance. This is different than the way that the Board had considered Amendment No. 8 at the void meeting in March of 2010. That void Amendment would have simply expanded the GFA by 300,000 square feet. Mr. Mullan explained that Item No. 4 in the proposed Amendment No. 8 includes language that would confirm all amendments to the Urban Renewal Plan, which is a typical convention. The Amendment also would ratify most recent amendment to the development agreement which accommodated Broad. Mr. Mullan stated that generally the revised Amendment No. 8 has the same effect as that passed at the void March 2010 meeting, but that it takes advantage of the fact that it can line up with the zoning, which was put in place after Amendment No. 8 was considered the first time.

Ms. Born asked why this measure was denominated Amendment No. 8, when there is no Amendment No. 7. Mr. Mullan responded that, in the past, the Board considered and did not advance an Amendment No. 7. Mr. Mullan suggested that the Board publish a copy of the Urban Renewal Plan, noting that Amendment No. 7 never advanced.

Ms. Born also asked whether confirming and ratifying prior amendments to the Urban Renewal Plan is written into the motion to adopt Amendment No. 8. Mr. Mullan explained that the provision adopting and confirming all prior amendments is written into the Amendment as Item No. 4. Mr. Mullan also noted that the never-passed Amendment No. 7 and the void Amendment No. 8 from the March 2010 meeting are not confirmed and ratified by virtue of Item No. 4 of the revised Amendment No. 8.

Motion: To adopt Amendment No. 8 to the Kendall Square Urban Renewal Plan.

Vote: Approved. All in favor.

9. **Report.** On status of design review and submission of minutes of recent design review meeting(s) for Connector Project.

Ms. Born reported that the design review committee is comprised of herself and Mr. Zevin, but that Ms. Glazer and Roger Booth from the Community Development Authority also are involved, as is Larry Bluestone, a long-time urban design consultant. Ms. Born stated that the committee has been productive. The most recent meeting focused on the arcade that is located in the "Connector" at the Main Street level. The committee has turned around the design to feel "less corporate." The committee has been asked by Boston Properties to put off any formal approvals until after the New Year. Ms. Born also noted that the committee has been unable to receive any design input from Google. Ms. Born reported that she does not expect construction on the interior rooftop garden to start until summer. The committee will be reporting back in January.

Mr. Zevin stated that he is unsatisfied with the lack of response from Google. Ms. Born said that she made some requested changes to the interior layout of the Google project and the only assurance that she received was that Google would “place it in circulation.” Ms. Born stated that Google is on the record that a major stairway is going to be in center of the space and that it would be good to see design of interior layout. Mr. Crawford stated that if the next round of design proposals is more than marginally different, the Authority would need to address that. Mr. Zevin reported that Google has not stated what type of signage is necessary, and that the Authority should discuss the issue with the people at the Department of Community Development.

Other Business

The February 20 meeting was rescheduled to February 27.

Adjournment