



Meeting Notes  
November 17, 2008  
6:00pm-8:00 PM  
Central Boston Elder Services  
2315 Washington Street, Roxbury

**RSMPOC Members Present:** Darnell Williams, Beverly Adams, Frank Williams, Norman Stenbridge, Daniel Richardson, Marilyn Lynch, Joseph Cefalo, Donovan Walker, John Barros, Michael Miles, Virginia Davis, Dorothea Jones, Charlotte Nelson; Elected Officials: Chuck Turner, Michael Flaherty; RNC: Julio Henriquez; BRA: Brenda McKenzie, Hugues Monestime, John Dalzell, Jonathan Greeley, Ted Schwartzberg, Jeong Jun-Ju.

Darnell Williams (OC) called the meeting to order. He welcomed John Barros back to the Oversight Committee after a leave of absence to work on a political campaign. He then asked Oversight Committee members to review meeting notes from the last three meetings.

Julio Henriquez (OC) noted that in the October 6<sup>th</sup> meeting notes "Kendrick Johnson" should be corrected to read "Kerrick Johnson".

Darnell (OC) asked that the October 15<sup>th</sup> meeting notes be amended to note that Charlotte Nelson was attending a Dudley Vision meeting and that Darnell Williams was attending a Haitian community relief fundraiser at the time of the meeting. He also noted that a statement on page 6 was incorrectly attributed to him.

Darnell also noted that, contrary what is stated on page 5 of the October 27<sup>th</sup> meeting notes, he had seconded the motion to adjourn, rather than making the motion himself. He then moved to approve the meeting notes as amended, asking if there were any nays or extensions.

Donovan Walker (OC) stated he hadn't finished reading the notes.

Darnell (OC) stated the motion carries and asked Hugues Monestime for an update on the Draft Parcels 9 & 10 RFP.

Hugues Monestime (BRA) replied that additional updates were made to the notes and printed copies of the RFP had not yet arrived at the meeting.

Darnell (OC) asked to move onto the next agenda, an update on Parcel P-3 from Brenda McKenzie.

Brenda McKenzie (BRA) thanked the committee for hosting her. I am the Economic Development Director for the BRA, new to Boston and new to this parcel. As many people have heard, the designation for Elma Lewis has lapsed after two extensions that have gone through this body and the Board. The provisions as related to partnerships and financing plans were not met on time and, therefore, the designation has lapsed. The lapse is without prejudice, meaning it has nothing to do with the plans, so anyone can reply to it.

Darnell (OC) called on Councilor Turner to speak. He noted that members of the Oversight Committee are given the privilege to speak first as a means of order. Councilor Turner is an ex-officio member.

Councilor Turner stated that he is really disappointed at the fact that the BRA would come back to re-advertise this issue. One of the key issues from the master planning process was that developers of color have the opportunity to move forward with projects. We are aware of the destruction of credit. The Winn project, which has received subsidies, is not being asked to de-designate. You have no right to come into a community and de-designate. If we let the BRA get away with this, we should all walk away from the master planning process.

The BRA needs to be careful about recommendations made to the committee. A recommendation was made to leave Parcel 8 out and we see what happened.

Joseph Cefalo (OC) stated that he agreed with Council Turner. He would like to hear from the developers. It's up to us as designators pursuant to the Master Plan to decide if they should continue, rather than have the BRA arbitrarily and capriciously determine and present to us. In this economic climate you'd be lucky to have anyone respond. The BRA has made determinations that we are not aware of as a community and it's not right.

Darnell (OC) recognized Senator-Elect Sonia Chang-Diaz in the audience.

Brenda (BRA) stated that we are trying to follow a fair and open process. Timeline and performance measures were brought to this body and committee: they were not met.

Dennis Tourse (Elma Lewis) replied that he vigorously disagrees. We want the opportunity to present and not in the last 10 minutes. If we have to go to court we will go to court. What you're trying to do is extend this dialogue past 8:00.

Darnell (OC) stated that the committee will not deny the opportunity to speak.

Julio (OC) noted that since the issue predates Brenda McKenzie, he would like to explain how the issue started: there was an understanding that the developers were seeking a 30-day extension last time you presented. My last understanding was that you would come back to explain why they wouldn't qualify for an extension. The decisions we make here effect the community – we have a process that has time and time again been violated. In

the case of Parcel 8 we want to know what authority approved the removal of that parcel from the queue. I ask you to tell me why they didn't qualify for a 30-day extension.

Brenda (BRA) stated that this would have been the third extension. The development team could not show progress in financing and partnership agreements.

Donovan (OC) stated that as a PRC member and Oversight Committee member, he has been involved in the process since the beginning. Internally the BRA extended it without coming to us, then pulled out without asking us to approve. We don't deserve harsh criticism from the community that should be on the BRA. We've been at this for two and a half years. He also would like to reopen the minutes. Also, the PRC of Parcel P-3 should be consulted: those members need to be given the consideration they were given in the first place.

Beverly Adams (OC) stated that her perspective is new, but it's not our place to shut down the community when they are directly affected, despite protocol.

Darnell (OC) replied that the point is well taken. We'll open for comments from the extended floor.

Thomas Ikeler (Jones Lang LaSalle) introduced himself, noting that he represented Jones Lang LaSalle, based in Washington DC, but with a large presence in Boston. He has been involved for about a year and he's here to speak about the financial feasibility of the project, and how the project fits in globally with the absence of credit.

We appreciate the resources Elma Lewis brings as a developer, but as part of the process we need to make sure this is feasible based on our own underwriting. I have a deep background in what is feasible in development. Before taking this on, we had the feeling it's a feasible project. Elma Lewis has created a well crafted project with community support. We first went to the equity market in August of 2007. We were already beginning to feel hesitancy from investors that would otherwise be interested. Up until several weeks ago there was still a lot of interest.

Goldman Sachs Urban Investment Fund, as well as another fund they support had a high level of interest. With Lehman failing, debt and equity markets seized everywhere. Premiere projects seized up and there are projects not getting financed. A week after Lehman, Goldman Sachs said we are a perfect fit for their fund, but they were incapable of proceeding due to disturbances internally and in the outside economy. It has put an absolute stop on financing these sorts of developments: I respectfully request the BRA reconsider the approach they are trying to take.

Dennis Tourse (Elma Lewis consultant) stated that he would like to review what has happened. On May 27, 2008 a 1 year extension was requested. On June 23, 2008 the BRA Board granted a 90 extension. On August 21, 2008 a 90 day extension was requested. On September 9, 2008 the BRA board voted to extend for a 30 day period. On September 12, 2008 the above resolution was sent to Elma Lewis.

I assume the resolution submitted was adopted by the board. We have received oral communications, but not written. We have not received anything from the board. The letter included the following requirements: availability of capital, final working drawings (not usually requested at this time) and financial plans. When we got it we realized we couldn't reply. On October 7<sup>th</sup> we requested an extension. We met with two members of the RSMP Oversight Committee, BRA staff and Brenda McKenzie. Before the lapse on October 21<sup>st</sup>, we asked for the status of the extension. We didn't receive any formal reply, and then informally we were de-designated. Ordinarily, if something happens and they are de-designated, it usually goes to the board.

The BRA Director failed to comply with the verbiage of the amendment. Therefore, we believe that we are still the designated developers. We feel strongly that the committee is in strong support of the project. We believe that in order to be de-designated, it needs to be approved by the board.

Tom Ikeler (Jones Lang LaSalle) stated many other major developments are on hold: the Filenes project; Fan Pier, 15 years planning, now on hold. It was reported last week that a major tenant for Fan Pier can't move because the developer hasn't received financing. Waterside Place: 1.1 million square feet on the South Boston waterfront: dead in the water. South Station tower: dead in the water. Why is it that projects Downtown and at the South Boston waterfront are allowed to continue indefinitely. The BRA has supplied Article 80 permits that are conditional on staying on schedule, but they haven't stopped them and city permits haven't been withdrawn. Why have they stopped it here? This is an important project for the City of Boston and the local community. Has the board voted on this project?

Brenda (BRA) replied that earlier extensions in June and September didn't require board action. Without board action in this case, the designation automatically lapsed.

Councilor Flaherty stated that the BRA has been changing the rules based on who is playing. In earlier parts they started asking what was wanted in the community and now the rules have been changed and the rug has been pulled out from under it after years of work on the process. I stand behind the proponent. The BRA has changed the rules in the middle of the game and I've seen it not just here, but across the city.

Bob Terrell (Roxbury Neighborhood Council) stated that the RNC took a unanimous vote to stand in support of the designated developers of Parcel P-3 and state that the developers shouldn't be held accountable for one of the worst collapses since the 1920's. All major projects across Boston have been affected. They should not be de-designated because the credit markets have frozen. I am led to believe that there is a political invisible hand at work here. I ask for the two Councilors to hold a public hearing to review which projects are designated and de-designated and why.

Bruce Bickerstaff (audience) asked: since the action, or non-action, taken by the BRA Board, what are the options now?

Brenda (BRA) replied that the options moving forward will be determined by this body (the oversight committee). Because it is public land, the process has to be competitive.

Council's opinion is that it couldn't be brought back to the development team automatically: it must be a competitive designation process.

Julio (OC) asked if it is traditional to ask the developer for a full set of drawings at this stage of the process.

Brenda (BRA) apologized and stated that she was not here when the rules were set upon in June, but that is what was set up.

Hugues (BRA) continued that at the time the RFP was issued in 2005, all the submission requirements were specified.

Dennis Tourse (Elma Lewis) stated it would take \$8 million to get final working drawings.

Hugues (BRA) stated the BRA did not ask for a full set of working drawings: what we asked for was a set of drawings for (he was cut-off)

David Lee (Elma Lewis architect) stated that the issue came up in early meetings with the BRA. Even in pre-designation meetings they were asking for hefty stuff. \$8 million doesn't seem unreasonable for a project like this.

Dan Richardson (OC) stated that it is not normal they would ask for drawings prior to Article 80. There are a number of architects in the room that can back that up. We have been in a process for 4 years. We have been stopped 4 or 5 times, all by the City, allegedly to make the process clearer. I think it's totally offensive for Brenda to have to be here to take a hit for the BRA. The BRA Director or the Mayor should be here since this is a very special parcel. We've been accused of dragging our feet, but it was the City that stopped the process 4 times, and if that hadn't happened we would have made it under the wire when there was still credit available. Recognize that this is a violation of a public trust. There is no precedent for asking for working drawings before Article 80.

Councilor Turner stated that he would be glad to work with Councilor Flaherty, and proposed a motion for the Oversight Committee's consideration:

- The Roxbury Strategic Master Plan Oversight Committee rejects the message that has been sent that the project has been terminated and that is a form of discrimination.
- The Roxbury Strategic Master Plan Oversight Committee will not do any work on the Master Plan until the Parcel P-3 designation has been resolved in a way that allows the current development to move forward.

To the Board: you have the right to say to the BRA, we will not do anything until you move forward. It's not enough to vote that you are rejecting the concept. You should vote that you won't do anything regarding the Roxbury Strategic Master Plan.

Joe Cefalo (OC) stated that he would like to amend Councilor Turner's motion:

- To affirm the vote of the Oversight Committee designating Elma Lewis, LLC as the developers of Parcel P-3.
- Refuse to issue another RFP for Parcel P-3.

Michael Miles (OC) suggested, with regard to other parcels, the Oversight Committee wouldn't want to put them on hold.

Charlotte Nelson (OC) noted that just as much hard work has gone into Bartlett as Parcel P-3. We're not saying we want to shut down the active project of Bartlett Yard.

Councilor Turner stated the language fix suggested for the resolution made it much clearer.

Dennis Tourse (Elma Lewis) began to discuss the September 12, 2008 letter.

Darnell (OC) interrupted to note that a motion was being discussed, and that the conversation would return to the topic of the letter later.

John Barros (OC) stated, I speak in favor of the motion. There have been actions that have gone on in our name. It is important. This is to the Mayor: we have too much hard work to do around violence, education and other issues to play around in games with the City. I don't understand the disrespect for all the process to go this way. I apologize, Brenda, that you're the messenger hearing all this.

Donovan (OC) noted that he supports Joe's perspective.

Norman Stembridge (OC) asked: in terms of RFP's we're working on, does that mean we'll no longer work on them?

Virginia Davis (OC) stated, I'd like to extend that the BRA inform us when the BRA meets to discuss this issue, in a timely manner.

Darnell (OC) called for a vote on the amended resolution, worded as follows:

- To affirm the vote of the Oversight Committee of the designation of Elma Lewis as the proposed developers of Parcel P-3.
- Refuse to issue another RFP for Parcel P-3, but continue to move forward with work on other parcels.
- The BRA shall inform the Oversight Committee in a timely manner when the BRA meets to discuss Parcel P-3.

The resolution was unanimously approved.

Darnell (OC) acknowledged Mel King in the audience.

Donovan (OC) stated, we requested 9 months ago that the entire committee meet on this issue. The Executive Committee met with the BRA, but not the whole body. This committee is committed to the community: please understand we're not the enemy. I do support everyone here. We need to step up: we've got nothing in the ground there.

Charlotte (OC) noted that she has also been concerned about getting out the message to the larger community. It's incumbent on the BRA to get the word out to the community

on what they did with the parcel and why. Minutes from the meeting should be posted in the library and ads should be taken out in newspapers.

Darnell (OC) gave the floor to Dennis Tourse and asked if the discussion could subsequently move to Bartlett Place LLC.

Dennis Tourse (Elma Lewis) stated: I have two comments. First, the BRA is held to the standard of due process. If the terms and conditions of the tentative designation have not been met by the required time then the designation is rescinded by the specified date. The BRA Director can't be arbitrary and capricious. I know that the BRA cannot make an arbitrary and capricious decision – I've been a lawyer for over 35 years. I request this body appear before the BRA Board, not the BRA staff. They missed the window because they didn't do it right.

My second point, to address Mr. Monestime's comment about working drawings to be part of the RFP: just so it's clear, the BRA did say it in the September 12<sup>th</sup> letter. The following items were mentioned: evidence of equity and lending, partnership, drawings and specifications. They mean final working drawings that were referred to earlier.

Brenda (BRA) stated that the standard set for this team to meet was approved by the board in June. The September letter was re-hashing what the board said.

Michael (OC) asked the development team, if you were to get an extension, how long would you need? We need to know what you plan to do.

Tom Ikeler (Jones Lang LaSalle) replied, the essence of your question is when the credit market will open up. Nobody truly knows the answer to that question. Optimistically, it will be in the next 10 to 12 months.

Dennis Tourse (Elma Lewis) stated: we would require a reasonable time period after the credit markets have returned to normal.

Tom Welch (Elma Lewis) added that the architectural plans go on after the Article 80 process so that you know what to draw after the community has input.

Dennis Tourse (Elma Lewis) stated that there have already been drawings submitted to the BRA that are a matter of public record. We can say the effort and diligence is unabated.

Darnell (OC) read excerpts from the October 6<sup>th</sup> meeting notes, quoting Mr. Tourse on the development team's anticipated schedule. Then he noted that the Oversight Committee must ensure the timeline is not open-ended.

The chair then called a two minute recess before moving on the Bartlett Partners LLC agenda item.

David Price (Nuestra CDC) introduced his team that will be presenting on Bartlett Yard: Eugene Clerkin of Bank of America CDC and Ellen Sahee, Environmental Consultant.

Eugene Clerkin stated: since the last presentation, we've been looking at the financial feasibility of this project. We also entered into a dialogue with the MBTA. We still feel very committed to the project – there is no question that the economic times have called us to revisit some the terms with the MBTA, but we are planning to move forward.

Ellen Sahee noted that the good news from an environmental perspective is that there is no news. We've found very little and what we found doesn't pose any threat to human safety at this time.

Eugene Clerkin stated: we expect 500 to 800 thousand dollars of remediation. We expected the worst, but this is so little, it won't even qualify for Brownfields funding. We will still have to have some soil removed from the site.

Julio (OC) asked if the environmental test results have been submitted to the RSMPOC as required. He also asked how deep the borings went.

David Price (Nuestra) replied that the testing is done, but the reports aren't done. We will get a report to this body when it is complete, but we wanted to present these results now.

Ellen Sahee added, we set up a grid and went down 3 feet with borings. In hot spots we went deeper until was clean. For wells went down to the level of groundwater.

Virginia (OC) asked, given the time that the Bartlett Yard was used as a bus depot, did you consider going deeper? She also asked if abutter will be notified when soil is removed.

Ellen Sahee replied, there was already a lot of remediation work done on the site by the MBTA. When we did find contamination, we went deeper. There are a number of notifications we need to do when we remove soil.

David Price (Nuestra) added that abutters will be notified.

Dorothea Jones (OC) asked how deep the deepest hotspot was tested.

Ellen Sahee replied 5 feet. When there was no groundwater we kept drilling until we got to bedrock at 35 feet.

Bruce Bickerstaff (audience) asked how much the basic footprint of the building has changed.

Eugene Clerkin replied: we're still morphing it because of the economic situation. We are down to 275 units of housing, 35,000 SF of commercial/retail space and maybe some of the space will become swing space such as mixed live/work artist housing.

Bruce Bickerstaff (audience) asked about the issue of phasing: will you come to us with phasing questions?

Darnell (OC) stated that would go to the Project Review Committee first.



Janine Dowling (audience) asked, is this a LEED certified building?

Eugene Clerkin replied, it is actually a development, a series of buildings, but it is part of the LEED pilot program.

John Dalzell (BRA) noted that the RFP reflects that the building should be LEED certifiable, and that is reviewed by the Article 80 process. This provision is consistent with BRA's usual goals.

Virginia (OC): asked, due to the fact that there are many underground springs there, with the digging, is any of that going to effect existing springs.

Eugene Clerkin replied, we have looked at the cost of construction in terms of underground parking and that was not feasible, so we're going to stay close to the surface. We will address that further during the Article 80 process.

Julio (OC) asked, to the BRA, why was Parcel 8 taken out, and by whose authority was it taken out.

Dorothea (OC) stated, I think the Mayor, BRA and City Council should receive a formal letter notifying them of our vote.

Donovan (OC) added, I would like a meeting in December to discuss this matter in house. And I would like something in the RFP regarding community benefits. I got notified of the de-designation through community members only on Friday, yet the Executive Committee has met with the BRA, but not us.

Darnell (OC) stated, I believe that was in the meeting minutes we sent on Friday.

Dan (OC) moved to end the meeting.

Darnell (OC) accepted.

Meeting was adjourned.