



Meeting Notes
April 6, 2009
6:00 PM – 8:00 PM
Dudley Public Library
65 Warren Street

RSMPOC Members Present: Darnell Williams, Beverly Adams, Norman Stenbridge, Daniel Richardson, Marilyn Lynch, Joseph Cefalo, Charlotte Nelson, Frank Williams, Jorge Martinez; Michael Miles, Donovan Walker, John Barros, Dorothea Jones; Elected Officials: Councilor Chuck Turner, Councilor Michael Flaherty, Councilor Sam Yoon, Representative Byron Rushing; BRA: John Palmieri, Brenda McKenzie, Hugues Monestime, John Dalzell, Maria Faria, Tai Lim, Ted Schwartzberg

Darnell Williams (RSMPOC Chair)

Calls the meeting to order at 6:00 PM and thanks those in attendance. States that committee members have been together for years and serve with no compensation, meeting every month. Asks members to introduce themselves and runs through ground rules and agenda, then welcomes elected officials.

States that a regular meeting in November the RSMPOC decided to send a letter to the Director of the BRA regarding the lapsing of the P3 designation. The group also tried to outline the timeframe of when that decision was made by the BRA. In January RMPOC members, elected officials and Elma Lewis representatives met with the BRA. There was a spirited discussion and reasons offered why the designation was lapsed.

He adds, another letter was sent on February 25th, requesting a meeting to outline the BRA's protocol. The group also asked for technical assistance for all parcels under the RSMPOC jurisdiction. BRA Director wrote back responding to concerns and the RSMPOC subsequently went through financial training to aid in understanding the financial feasibility of projects. The Director also responded to desire to further discuss lapse of designation and is attending tonight to discuss this issue.

John Palmieri (BRA Director)

Thanks the RSMPOC for the introduction and invitation to explain the work that went into the decision that allowed the designation to lapse. On June 21st, 2007 tentative designation was granted to Elma Lewis for design, to allow them to present plans for a full designation at a later date. Through a rigorous review by BRA staff and RSMPOC, the mixed use development anchored by an important cultural center was tentatively designated. Typically such temporary designations last 270 days, but because it was

large site the BRA determined 360 days would be more appropriate. There were several expectations in the agreement to be met over that year: demonstration of financing (sources of debt and equity), a site plan, site evaluation and environmental testing.

BRA staff identified a number of problems in making sure those key tasks were performed. At 12 months it was clear that a lot of key tasks were not meet. A one year extension requested. Staff determined that 3 month extension should be granted. At the end there was a lack of evidence that the work had been achieved. At that point, Elma Lewis asked for several other months. The BRA Board granted one more month. Each extension was based on a BRA Board decision.

As a tentative designation, it was understood that if the developer failed to get the job done, they would lose status as an automatic consequence. The BRA determined that the developer had not moved forward with the project. The developer faced debt and equity challenges that they had not shown progress in overcoming. While the developer talked about financial partners, there was no partner identified. We let the designation lapse.

We had a follow-up meeting in my office with the developer and Councilor Turner and OC members to explain what we did, answer questions and listen to comments. We now want to take a hard look at Parcel P3, and given what is good for the community and the current climate, to work with the RSMPOC to look at what's best for this site, then issue a new RFP and work with the neighborhood. Elma-Lewis is invited to be included in the proposals that we would consider.

There have been claims made about special interests- that couldn't be further from the point. That is not in play. We are looking to working with the community to determine a project that is best for the site. I am happy to take questions.

Darnell Williams

Recognizes Bob Terrell of the Roxbury Neighborhood Council and Clarence Jones, Chair of BRA Board. He asks the Oversight Committee for questions.

Joe Cefalo (RSMPOC)

This has happened before, with last two directors: 1. an apparent lack of transparency and communication between BRA and OC. The OC found out about the lapse after the fact. Once it goes through the planning process with BRA, it goes to the BRA's economic development side and it's like it goes into a black hole. Sometimes we bring in developer, once it's underway, but it's not from economic development.

Part of the RSMPOC is that the project selection has to be made by the Project Review Committee (PRC) which includes OC members and community members. The PRC is the entity that really needs to know what is going on. I don't know if we can continue for five more years.

John Palmieri

You can count me as a director to make sure that we satisfy your need for information- I will ensure my office serves that need.

John Barros (RSMPOC)

I don't have enough information on the performance of designee meeting deadlines. But as a committee member I don't feel we had enough involvement in this decision. It was presented as a passive lapse, but to me it's a de-designation. The OC was involved in the designation, but not the de-designation.

To me it seems there was a decision that the BRA was no longer going to work with the community and it had enough information and clout to make a decision on its own. We need to fix our partnership and work with the BRA and move things forward. We may pick a new developer, but we need to walk that journey together.

Michael Miles (RSMPOC)

Thanks the Director for coming. Asks to outline more specifically how the decision was made to allow the designation lapse. We are faced with challenges in the market, there are some visible projects sitting dormant. How was this decision reached without the input of this committee?

John Palmieri

Criteria that were in the designation agreement: Required evidence of financing (identifying equity funds, typically 20%, and bank debt, to compliment equity), working drawings (to frame out schematically what the developer wants to do on the site. Not detailed, but outlined). The schedule is critical, especially outlining the financing component.

Most Developers typically begin the Article 80 process, these issues, design and site testing. None of that happened.

Councilor Turner

Ask that the development team have time to respond those points

Darnel Williams

States that RMPOC members must ask questions first.

Beverly Adams (RSMPOC)

I've been in this community a very long time. There are others who have been here a long time. Others are transient members of the community. This and other parcels have been in this state for many years. I don't know what the rush is, but this committee said they wanted this parcel developed in the manner of that proposal. We expect the BRA to support us in this and not oppose us. There is a perception of the BRA in this community, now would be a good time to change it.

Dan Richardson (RSPOC)

To the Director: it's interesting that we followed all directions in the Master Plan, from BRA staff and the community, and worked diligently on their behalf. The PRC worked very hard and worked with BRA. They developed recommendation based on information given to them by BRA staff and came back to the Oversight Committee with it. It is ironic that 18 months later we're being told the information is incorrect.

He next asks to make a motion.

Darnell Williams

Advises to hold on his motion until we hear from community.

Charlotte Nelson (RSMPOC)

We've really wrestled with this. We've all heard this timeline: five years. We're hearing now a new proposal for a new timeline with a very key piece of land in the city. How can the BRA and the Mayor make this a win win situation for our community?

John Palmieri

As I stated earlier, we commit ourselves to working with the Oversight Committee for a new plan, to craft a new RFP and would certainly welcome Elma Lewis to come back.

Michael Miles

Relative to other projects on the BRA plate, of comparable size, how has the city responded to other projects? Have they been compliant with deadlines or have they granted extensions as they have with this one on other ones?

John Palmieri

That is very broad, we control dozens and dozens of projects. There are developers that fail and we let the designation lapse. There are other developers that do meet deadlines and other requirements and bring their projects through the Article 80 process.

If you have questions about specific project I can get back with answers. All projects are unique, but overall this is how we proceed.

Darnell Williams

Recognizes EJ Walsh, President of Elma Lewis Partners

EJ Walsh (Elma Lewis Partners)

On October 24th, a letter was addressed to Tai Lim of the BRA, with a potential financial structure with Urban America out of New York. The issue that they had is that this project is during a downturn. When that happened, we engaged Jones Lang LaSalle to be our investment banker and develop our capital structure.

We reached out to 122 potential financial partners and narrowed to it short list, including a firm affiliated with Goldman Sachs. We worked with them over the summer to develop a plan. We communicated this in writing to the BRA.

We wrote to the BRA requesting a license to enter the site and didn't hear back. We did head back we were expected to work in only 3 months. We submitted to the BRA in writing a request for additional time. On October 7th, 2008, an equity firm backed by Goldman Sachs wrote to Brenda McKenzie expressing interest in backing Elma Lewis for P3. This is consistent with an August 20th, 2008 letter which is attached. It asks for sufficient time to complete due diligence and preparations to reach a final agreement. It states they expect to enter to into a letter of intent by Thanksgiving. This is evidence that was submitted to the BRA before the designation lapsed.

I put to you as a community: how can we hear from the BRA that we have done nothing when we have heard from well capitalized partners that they are interested.

Dennis Tourse (Elma Lewis Partners)

I want to place on the record some documents, an affirmative marketing plan draft that was submitted to Joanne Cox (Fair Housing Board) and Maria Faria (BRA) on 9/19/2007. I would like to have this placed on the record.

Other documents: A paragraph from memo to Janet Carlson (BRA) on October 19, 2007 asking her to expedite draft since the clock is ticking and asking her to e-mail draft as soon as possible. Then a series of e-mails between her, my consultant, Water and Sewer, and other city representatives. You would have thought the BRA would have urged their sister organizations in the city to expedite our treatment. There is also a series of e-mails up to June 13, 2008 from Janet Carlson. Please also find a draft license agreement e-mail in which Janet Carlson states that the agreement is being simultaneously sent to BRA staff, and she therefore reserves the right to change it.

Margaret Burnhan (Chair of the Board of the National Center of African American Artists)

Submits documents to the RSMPOC Chair sent by Mr. Walton related to communications with BRA and financial partnerships.

Has been chair for over 5 years. This has been our agenda since the death of Ms. Lewis, and before her passing for at least five years. We hired experts long before we submitted to the BRA. It was an exciting and difficult proposal to pull off.

We as a board have hired a number of consultants: architects, financial experts who have consulted throughout the five year process. I went to the site when I was able to get in. But we weren't able to get in until long after we needed to do so. It is not in line with BRA treatment of developers of other sites, even in good times, and these are not the best of times.

We're not asking for anything that we don't think is due to us as a community organization that has invested time, energy, dreams and a good deal money thus far.

Mr. Barry submits additional correspondence from 2009 pertaining to financing

Darnell Williams

States he can allocate 10 to 15 additional minutes to questions.

Mike Arnold (Community Member, Savin Hill)

I think that the Boston herald Article raised a lot of serious obligations about how things are done in Boston.

Darnell Williams

Asks him to ask a question

Mike Arnold

States that the Mayor should be here.

Paula Anne Ross (Community Member, Member of National Center)

The BRA needs to understand that the Director has been stabbed in the back by his staff because they lied and want to keep their jobs

This city stood on the back on the National Center; it is your turn to serve them. The Center was the reason why gang violence was leveled in this city.

Bruce Bickerstaff (PRC member)

Regarding process: an agreement coming out of the Master Plan was to set up a plan to come out of RSMPOC, then the PRC, to be vetted by the BRA. What was wrong with the RFP as it was and why was it not discussed up to this point? To the BRA: what should be changed with this going forward? What happened where the process was derailed? How do we rework it within the tenants and agreements of the Master Plan?

John Palmieri

The RFP was very broad, but it did generally capture the community's goals. The proposals were allowed to be open ended. Maybe we need to be more specific- we can do a better job of framing the requests. We're in a position now to evaluate how best to achieve the community goals rather than continue a project that is unlikely to see the light of day as a development project.

India Fortlock (Community Member, Roxbury)

I don't see the mayor

Darnell Williams

Keith Williams, his representative is here.

India Fortlock

We need to see if we can get a way to get him here. He has been chipping away at our historical landmarks for the last 10 years. I've had enough. We need to vote him out of office

Darnell Williams

You're making a political statement. Please, raise a question or take your seat.

Michael Flaherty (City Council)

This is a classic example of the rules of the game changing depending on who the players are. The project enjoys overwhelming community support. Because they missed some arbitrary deadlines, the city and the BRA stomped the life out of this project. The role of the BRA is to support the community. I urge the developer to work with RSMPOC to get this project back on track

How is this different than Hayward Place? It was designated in 2003, and was not necessarily community supported, and now it's a parking lot. How is it different than Filenes, Harvard or the South Boston waterfront?

John Palmieri

The other projects have gone through the Article 80 process. They've been vetted. Filenes is a sad example of where things are these days with a project that has already received financing. These projects have already been vetted by the BRA, this project is different.

Scotland Willis (Community Member)

I echo what Councilor Flaherty said. I spoke to librarian, who has have given us until 7:45 so that we may have more time.

We have a set of priorities. I grew up here. This process is a priority to me as well. In light of the documentation that has been submitted, are you able to respond to these documents directly?

In light of the current economy, it seems like there should be circumstances where exceptions are made. Is there an opportunity to recover this process, because we're looking at a potentially shovel ready project?

John Palmieri

This does not fit the definition of a shovel project. It's actually far from shovel ready.

In April of 2007 the RSMPOC notified the development team, and in June they received official tentative designation. The development team knew well ahead of the economic problem. The letter of interest they received from a potential partner was a very soft commitment. For the first twelve month period we didn't see any progress.

On the question of site access agreement: I'm not familiar with the dates and the arguments

Maria Faria (BRA)

On March 5th we got an e-mail from the development team that they want to enter the site and we had many meetings with consultant. On an e-mail, the team asked us to draft the agreement and stated they wanted to enter the site in June 2008 when there would be

fewer cars on the site. When the draft license agreement was sent, we asked them to go ahead and review. We felt they were not able to enter the site to survey because they did not have the financial backers to fund the surveys of the site.

Kevin McRae (Community Member)

How can we redesignate Elma Lewis, what would the process be?

John Palmieri

I've come here to explain why the lapse occurred, so I wouldn't see any merit in an action that would reconsider the vote. We're recommending a new RFP and having them respond to the RFP.

Sam Yoon (City Council)

Given that the Director's explanation hasn't satisfied the community or the Board to date, how do you expect the process would have any legitimacy going forward?

John Palmieri

I would argue that we've gone through a very serious process and reached a conclusion. I hope the RSMPOC and the community will consider what we presented. If the RSMPOC won't let us consider a new plan and new RFP, I doubt we'll get very far because agreed to work with the community

Scotia Jackson (relative of Elma Lewis)

How can you not do something of this value?

John Palmieri

We've taken this action to identify a more viable way to get development done. We have a fear that nothing will get done for 10 years

David Price (Neustra Comunidad)

I am hearing there is not only lack of understanding about designation benchmarks, but also about the equity needed to get there. Once you get tentative designation it takes about \$300,000 to move on from there. Was there an explicit discussion between RMPOC, Elma Lewis and the BRA about what is needed?

John Palmieri

At that time I was not with the BRA, but I would like to think that the developers understand implicitly, if not explicitly, that developers have an obligation to come to us with a development program.

Darnell Williams

We'll get back to you.

John Spears (Community Member, architect)

I would like to see a list of developers that have been de-designated since November, 1st 2008 so that this community does not feel it is all alone.

Mr. Baker (Community Member)

The question is whether or not the Mayor and the BRA have any understanding of the work that Elma Lewis School of Fine Art has done in this community? There have been many people that have come through this school and gone on to success. This is not only about a building, but an institution and a legacy.

Darnell Williams

We have a timeframe we need to adhere to.

John Palmieri

We'd like to honor her memory, and that's important. Whichever project goes forward I would like to think it would pay honor to her memory

Dennis Tourse (Elma Lewis)

I want to repeat what I've said before; we do not believe we've been de-designated. We do not believe the process has been lapsed. We would like to move forward with the BRA. We do not believe that we've been de-designated by the BRA

Alex Eldig (Community Member, Allston Brighton)

600 people wrote letters to the BRA. When will the BRA be responsive?

Sara Anne Shaw

What do you mean by inner-city development, this is in the city of Boston?

John Palmieri

This is an in city redevelopment, as opposed to suburban or Greenfield development. These projects require special sensitivity to environmental issues, land use, zoning and other sensitivities.

Darnell Williams

Asks for anything else before adjourning.

Dan Richardson

Reads motion the following motion:

"To send back to the BRA Board for their consideration the P3 extension for reconsideration."

Seconded by Marilyn Lynch (RSMPOC)

Darnell Williams

Asks if there is discussion.

Beverly Adams

Mr. Jones, do have anything to say on that?

Darnell Williams

That's an out of order procedure.

Charlotte Nelson

Asks to see the motion.

Michael Miles

If this is approved I would like a formal invitation to this body and community for them to hear the BRA Board, if the BRA Board discusses it

Motion passes: 11 yes, 0 no and 1 abstention.

Chair entertains a motion to end meeting

Meeting ends.