

City of Newburyport
City Council
Brown School Ad Hoc Committee
December 15, 2022
DRAFT MEETING MINUTES

Chair Vogel called the meeting to order at 7:05 PM.

Roll Call

Council/Committee members:

- *In Attendance:* Councilor Bruce Vogel (Chair); Councilor Jennie Donahue (*arrival noted at 7:09 pm*); Councilor Constance Preston; Councilor Sharif Zeid.
- *Absent:* Councilor Byron Lane

Ex Officio (*non-voting*) members:

- *In Attendance:* Andrew Port, Planning Director; Madeline Nash, Co-Chair, Newburyport Affordable Housing Trust; Karen Wiener, Member, Newburyport Affordable Housing Trust; Christine Madore, Facilitator, Massachusetts Housing Partnership (MHP)
- *Absent:* Mayor Sean Reardon, Drew Shapiro (*Designee of Mayor Reardon, to be replaced due to recent appointment to the Affordable Housing Trust*)

Chair Vogel asked if Committee members had enough time to review the draft meeting minutes for approval this evening?

“Yes” and Motion to approve by Councilor Preston, second by Councilor Zeid. 3 yes (*CP, SZ, BV*), 2 absent (*BL; JD had not yet arrived*). Motion passes.

Facilitator Christine Madore welcomed Committee members and noted the importance of open and respectful discussion, and consideration of varied points and perspectives of input. She then reviewed her December 15, 2022 meeting handout with two primary areas of focus:

1. January goal/timeline to reach consensus on:
 - a. a preferred solicitation approach (i.e. Request for Proposals or “RFP” vs. Request for Expressions of Interest or “RFI”) – with a summary of pros/cons for each
 - b. a preferred community engagement plan
2. Review and recap of previously stated Redevelopment Goals and Values, including:
 - a. Housing options for a range of incomes with preference for older adults
 - b. Space for community-oriented use (not restricted to just residents within the building)
 - c. A financially feasible project that allows the City to remain fiscally solvent
 - d. A development approach that includes a robust community engagement process

Councilor Zeid expressed concern regarding the need to align timelines and expectations being discussed now with the original Council Communication (*COMM00432_09_12_2022*) which

outlined the Committee's original charge and a draft timeline for its anticipated process and final report to the Mayor/Council in February.

Facilitator Madore acknowledged the need to circle back on this question either at tonight's meeting, or at the next meeting in January, to confirm the preferred process and timeline moving forward.

Chair Vogel reminded Committee members that the originally outlined timelines were both rough approximations and aspirational in nature, and offered to report back to the full Council in January regarding the Committee's status and progress to date, in order to confirm the Council's preference regarding any adjustments to the timeline and/or process moving forward.

Councilor Donahue suggested that if necessary the original draft timeline could simply be pushed back to allow sufficient time for the Committee's work after February 2023.

Facilitator Madore commented on her role in assisting Committee discussions of relevant factors and consensus building overall, but deferred to the Council and Committee regarding any preferred process or timeline adjustments moving forward, noting that clarity on these expectations would allow her to better assist the Committee in its work.

Councilor Zeid indicated that he had less concern regarding the exact timeline as he did for the process and outcomes to be achieved overall.

Facilitator Madore concurred with Councilor Vogel's earlier suggestion for a January update and report to the Council, allowing this loop to be closed with consensus amongst the Council. She then further summarized the pros and cons of using a traditional RFP process vs. a more streamlined RFI process (to obtain input on feasibility from potential developer/non-profit partners).

Councilor Zeid asked about the legal requirements for issuance of an RFP vs. an RFI.

Karen Weiner offered support for an RFI process this time (as compared to an RFP last undertaken in 2017) and the information it would provide City officials on the financial feasibility of various redevelopment scenarios.

Facilitator Madore responded that a Council vote (of surplus property and authorization for disposition) should be mobilized prior to the issuance of an RFP solicitation (which is a formal procurement/disposition process).

Councilor Preston and Madeline Nash both offered support for an RFI process to better inform the City on potentially feasible options, working with developer/non-profit partners, noting that an RFP process might be too rigid without further advanced input on financing/market viability.

Facilitator Madore referenced several RFP and RFI examples, as potential templates or models for the City's use, which she had brought to the meeting. At the request of Councilor Preston she agreed to make these available electronically for further review by members of the Committee.

Facilitator Madore further elaborated on the pros and cons of making solicitations by RFP and/or RFI, emphasizing that a streamlined and properly drafted RFI could give helpful guidance from prospective outside partners on what would make for a subsequent/successful RFP, which could include more definitive terms for any formal disposition and redevelopment program.

Madeline Nash asked how a price proposal would be considered in an RFI as compared to an RFP. Facilitator Madore noted that she had not seen that level of specificity or definitive requirements included within an RFI.

Madeline Nash followed up by commenting that the City should probably not be looking for substantial revenues on disposition of the property, if City officials want to ensure the viability of an affordable housing redevelopment program, noting that many communities consider “donating” the municipal land or building in question in order to lower development costs and ensure the financial viability of the project.

Facilitator Madore confirmed that an RFP would need to include sealed price proposals, to be evaluated as part of the formal selection process.

Director Port offered support for an RFI process given the low burden and obligation for the City, and the helpful input City officials would obtain from potential partners via this solicitation. Councilor Vogel agreed.

Councilor Zeid acknowledged the potential benefits of an RFI, but noted that the quality or success of any RFI or RFP would be largely dependent on the substantive terms or parameters outlined within the City’s solicitation. Recalling the Council’s Ad Hoc Committee on Market Landing Park Expansion (created to oversee a long schematic design development process) he suggested that it may take several months to debate and reach consensus amongst the Council on appropriate terms or parameters for an RFI, even if that was a preferable route moving forward. Councilor Zeid then asked what obligation(s) the City would have to partner with an RFI respondent during a subsequent RFP process for formal disposition. Facilitator Madore clarified that the City would not be under any legal obligation to continue with any particular RFI respondent, and that there is no requirement for a disposition order prior to issuance of an RFI, but that she had confidence in the Committee and other City officials to continue making meaningful progress in the months ahead whatever the desired terms may be.

Director Port added that an RFI would not be sufficient process to continue with formal disposition of the property (as an effort in information gathering from prospective partners) but that an RFP would then be needed to facilitate a formal disposition. In contrast, an RFP could fulfill the formal requirements for procurement/disposition under applicable state statutes, but would necessitate a Council Order confirming designation of surplus property and authorization for disposition.

Councilor Zeid recapped the City’s prior RFP process (circa 2017) and the delays at that time between School Department surplus designation, and subsequent “acceptance” by the Council, allowing a path forward for surplus designation (by the City, rather than just the School Department itself) and any disposition process from there.

Karen Weiner asked whether an RFI needed to indicate whether the City is willing to dispose of the property for a reduced value (to facilitate financial feasibility for the desired redevelopment program). Facilitator Madore noted that this level of specificity was not required in an RFI, but that such detail may be helpful to respondents, and that the City would need to decide what level of detail to provide at the time of RFI solicitation.

Councilor Zeid offered that issuing an RFI was a policy decision in the sense that substantive terms or parameters may be outlined therein for acceptable redevelopment scenarios. Facilitator Madore emphasized that none of the terms or parameters included within an RFI solicitation would be binding upon the City moving forward.

Chair Vogel emphasized the importance of working hard to reach relative consensus on any related RFI or RFP terms (for disposition and redevelopment), since the alternative could be years of further stagnation and lack of progress with respect to the Brown School building and property.

Facilitator Madore reviewed a listing she had prepared of redevelopment projects throughout the Commonwealth which involved affordable housing and adaptive reuse of a former school building, indicating that a few of these contemplated/facilitated adaptive reuse of a gym space.

Madeline Nash noted that this information on past projects of a similar nature, while helpful to a degree in exploring comparable efforts elsewhere, could also be considered an “apples to oranges” comparison when measured against the Brown School, since every property and the relevant parameters pertaining to each (e.g. size, scale, existing conditions, and other key parameters) might be very different. As such, the feasibility of one project on this list would not necessarily mean that the same path or parameters could be followed for the Brown School with any certainty of success, or financial viability in particular.

Karen Wiener suggested that an RFI might offer baseline parameters for the property in question (e.g. existing zoning) but that it may be beneficial to receive responses from those suggesting further flexibility on the presumed baseline terms.

Director Port further emphasized the potential benefits from allowing RFI responses that explain how a change to any baseline expectations might make for a feasible and financially viable redevelopment project, assuming the respondent did not believe the existing baselines (i.e. City presumptions to date) were workable. He recommended including the baseline information, terms and goals, but also asking respondents to clarify where (if at all) they felt the City’s earlier assumptions/parameters for redevelopment needed to be modified for feasibility and financing purposes. Councilor Preston agreed with allowing some flexibility in the RFI responses.

Councilor Preston asked whether or not those projects listed on Facilitator Madore’s spreadsheet, wherein a gym space was not preserved, meant that this space was effectively converted into viable space for housing units in the overall scheme. Chair Vogel, Director Port and Facilitator Madore agreed to review the listing and gather more helpful details the City could glean from these example projects (e.g. RFI/RFP framework and/or how gym space may have been handled).

Councilor Zeid expressed concern that the City/Committee not kick the can down the road regarding the establishment of suitable RFI terms or parameters. Councilor Vogel suggested that the Committee was capable of focusing on that level of detail in order to make meaningful progress in the coming months.

Councilor Preston noted that some neighborhood input is already available (and could be solicited again, given the passage of time), but that seeking further developer/non-profit input via an RFI process, as discussed this evening, would provide other equally valuable information moving forward since it would help the City to ensure a viable adaptive reuse program grounded in market feasibility.

Councilor Zeid noted the varied perspectives currently expressed amongst members of the Council regarding the highest and best use (on redevelopment) of the Brown School property and that without confirming greater consensus, an RFI solicitation written too broadly might not assist the City to settle on more definitive terms for redevelopment as originally contemplated here. He then asked who was the presumed body setting the terms for an RFI solicitation here.

Chair Vogel committed to updating the full Council in January, and coordinating with the Council President and other members, regarding the desired process for this Committee beyond January's meeting(s).

Motion by Councilor Preston to take a Committee vote on issuance of an RFI (vs. RFP) process as the preferred path and next step moving forward, second by Councilor Donahue. 3 yes (*CP, JD, BV*), 1 no (*SZ*), 1 absent (*BL*). Motion passes. Councilor Zeid clarified that he was not opposed to issuance of an RFI per se, but that he has concerns about reaching consensus on the details to be included within such an RFI, before taking a definitive vote in relation thereto.

Chair Vogel suggested that the Committee, and Council, still has time to focus on that level of detail for any RFI to be issued. Facilitator Madore added that tonight's vote spoke only to the preferred process moving forward (i.e. RFI vs. RFP), rather than the specific parameters to be included within such a solicitation.

Councilor Preston suggested that the Committee could make further progress in January by reviewing other example RFIs, and then focusing more closely on those parameters to be included within Newburyport's own RFI for adaptive reuse of the Brown School property.

Facilitator Madore recapped her summary of Redevelopment Goals and Values (from the handout noted earlier), which may provide a partial framework for the City's RFI solicitation moving forward.

Councilor Preston suggested that the process and timeline might benefit from a consolidated January meeting in lieu of two meeting nights. Facilitator Madore acknowledged the concern but reminded Committee members about the difficulty of taking on too much in one evening, or maintaining focus during meetings that last several hours into the night. Chair Vogel and Facilitator Madore agreed to work together on the next meeting agenda(s) and areas for focus and Committee discussion.

Councilor Zeid asked again that the Chair revisit the Committee's timeline and charge in January to ensure that the now preferred timeline and process discussed this evening comports with the Council's charge and expectations. Councilor Vogel agreed to follow-up accordingly.

Adjournment

Motion to Adjourn by Councillor Zeid, second by Councillor Preston. 4 yes (*CP, SZ, BV, JD*), 1 absent (*BL*). Motion passes.

Meeting adjourned at 8:14 PM

Respectfully submitted –
Andrew R. Port, Director of Planning & Development