



CITY OF NORTHAMPTON, MASSACHUSETTS

**AD-HOC FLORENCE COMMUNITY CENTER
RE-USE COMMITTEE**

Mayor David J. Narkewicz

Douglas Loux, Florence Congregational Church

Tom Smith, Florence Civic & Business Association

Maureen Scanlon, communications professional with an office in Florence
Rich Cooper, State Street Fruit Store, Deli, Wines & Spirits & Cooper's Corner
&

City Council Finance Committee

Council President William Dwight

Councilor Marianne LaBarge

Councilor David Murphy, Chair

Councilor Eugene Tacy

Mayor's Office

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MEETING MINUTES

Tuesday, February 26, 2013

5:00 p.m.

City Council Chambers

Present: All members of Ad-Hoc Florence Community Center Re-Use Committee
Joseph M. Cook, City's Chief Procurement Officer
David Pomerantz, City's Central Services Director
Ken Danford, North Star
Penny Burke, Northampton Community Arts Trust & Northampton Center for the Arts
Florence Community Center tenants
City residents

1. Call to Order

City Councilor David Murphy, Chair, called the meeting to order at 5:01 pm.
He announced that the meeting was being videotaped.

2. Public Comment

City Councilor David Murphy, Chair, asked Emily Fox to open the public comment portion of the meeting by reading into the record the letter dated 2/18/13 to the Re-Use Committee and to City Councilors from the Florence Community Center Tenants Association. *See Attachment 1*. No one else in the audience wished to speak.

3. Approval of past meeting minutes

Approval of the minutes from the 11/27/12 and 1/22/13 meetings was moved by Councilor LaBarge, seconded by Councilor Tacy, and voted unanimously in the affirmative.

4. Discussion of Draft Request for Proposals

City Councilor David Murphy, Chair, announced that the existence of the draft RFP assumes that the Re-Use Committee will make a recommendation to the Mayor and City Council to surplus the Florence Community Center building. Because that vote is not on tonight's agenda, that vote of recommendation to surplus the building will take place at the next meeting on March 28. Once the City has decided to surplus the building, the RFP will be developed and finalized. Councilor Murphy introduced Joseph M. Cook, City's Chief Procurement Officer, to explain briefly the RFP process.

Joe Cook: Massachusetts General Laws, Chapter 30B, SECTION 16, spells out what must appear in any Request for Proposals. *See Attachment 2.*

An RFP for sale of land is much easier than one for sale of goods and services. However, it is up to you, therefore, to spell out exactly if and how you wish the building to be utilized. It spells out how to advertise the RFP, which I will handle. You must decide what restrictions to want to put on the use of the property in the future and what do you want to see in the way of a developer for the property. City Council must vote, but I expect Councilors to give due weight to this Re-Use Committee's recommendation. The rest of the RFP is very standard purchase and sale agreement language. I will ask the City Solicitor to review that P&S language to comply with the latest regulations.

The main thrust of the RFP is maintaining a level playing field. You can't specify in the RFP that you are interested in historical preservation and small business incubation and then award the building to an aerospace manufacturing company. If you don't specify an element in the RFP you may not look for it when you make the award. Who will make the actual award?

Mayor David Narkewicz: The Re-Use Committee recommends that the building be declared surplus and the City Council votes to approve. Once declared surplus the building falls under the control of the Mayor in consultation with the City Property Committee to carry out that order.

Councilor Tacy: Since the building is not listed on the Historic Register, any historical preservation restriction would be placed by us willingly?

Joe Cook: Planning Board granted site plan approval of the property last year. Part of that approval required the filing of a historic preservation restriction; that filing has not taken place yet. We could go back before the Planning Board and seek site plan approval without that historic preservation restriction, stating we no longer needed the uses granted under that restriction.

Mayor David Narkewicz: Please allow me to offer some background context. In April 2012 City Council passed an ordinance covering historical buildings, schools and churches. The ordinance cleared the way for some commercial use of churches in residential zones. A group of parishioners of St. Mary's R.C. Church, who hoped the Vatican would reopen the church, then

sued the City of Northampton to reverse the ordinance change. I emphasize the policy argument: Central Business District did not allow downtown residential development. If a developer came forward willing to preserve the historical structure of the downtown church and not tear it down, but only if residential use were allowed, the new ordinance allowed that discretion to the Planning Board. Because we had uses such as lessons and classes in the Florence Community Center building not in compliance with OI (Office Industrial) zoning, Central Services Director David Pomerantz then sought and received site plan approval from the Planning Board; a condition of that site plan required the filing of the historic preservation restriction. The City could surrender site plan approval to Planning Board but that would mean some of the current FCC building uses would not be allowed. And that would leave it to the future developer of the FCC to seek whatever restrictions would be needed.

Council President Bill Dwight: Without the historic preservation restriction, preexisting uses in the FCC building no longer are in compliance, and in potential jeopardy but subject to appeal. That would put the burden on the future building developer to go before the Planning Board and make the case that the existing tenants are not a burden to the building's use. Historic preservation in this case means preserving the building envelope and silhouette?

Joe Cook: Yes.

Councilor Tacy: This does not change any zoning; FCC remains OI?

Mayor David Narkewicz: Yes.

City Councilor David Murphy, Chair: I supported that 2012 zoning change because such structures as schools and churches often exist in residential neighborhoods. The entire Clarke School campus was zoned educational so without that exemption there could be no business or any use other than educational/religious. The Florence Community Center is different; already under the new zoning created by Council, a developer could proceed without a special permit.

City Councilor David Murphy, Chair, polled the Re-Use Committee to see how many members are concerned mainly about the historical and architectural preservation of the FCC building vs. how many members are more concerned with the building's re-use and the functions that go on in the building. To date we have not heard that the building is a unique architectural gem.

Maureen Scanlon described the building as a great piece of public architecture standing in the entranceway to walk-friendly residential Florence.

Council President Dwight, Councilor Tacy and Rich Cooper agreed.

City Councilor David Murphy, Chair: We are able to foresee that some non-profit organizations will bid. The higher we set the bar, the more expensive it becomes to maintain the building. If our concern is primarily the building's use, some of the restrictive historic elements that drive up the cost tremendously are not appropriate here.

Committee consensus:

Preserve the building's architectural envelope and silhouette but allow for modern improvements such as energy-efficient windows without a cumbersome historic preservation permit process. The Planning Director's historic preservation language in the draft RFP was deemed too restrictive, more suited for downtown Northampton, and not needed for this gateway school structure.
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Committee consensus:

(a) the building not be demolished, and
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(b) reasonable care be taken by the developer to preserve the general architectural appearance without hampering the developer's efforts to make the building energy efficient and its uses financially feasible.
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Joe Cook: You also will need to decide whether or not you want a PILOT (Payment in lieu of taxes) clause to be part of the agreement. If so, the PILOT runs in perpetuity. The building will be assessed as if it were on the tax rolls and the terms of the PILOT payment spelled out in a side agreement. The PILOT payment is income flowing into the City's general fund but does not become part of the City's tax levy.

Other criteria and our rules for the award would be listed on the RFP instructions page; they may simply be listed with no need to assign points or percentages, and no need to arrange the attributes in order of importance.

Councilor Marianne LaBarge: If a few contractors are interested in bidding to purchase the FCC building and pay the 5% down payment and then don't sign the agreement, does the City keep that 5%?

Joe Cook: If the winning bidder refused to sign the agreement, then yes, that 5% down payment would become City property.

Maureen Scanlon: Is it our task to investigate whether a bidder has the financial resources to maintain the property?

Joe Cook: You don't have to assess that. But if you do, we could ask the bank to issue a statement of financial backing.

City Councilor David Murphy, Chair: But then that degree of financial backing becomes an RFP criterion that must be evaluated for every bidder before making our award. A smaller and newer non-profit company could find itself competing against a company with some very deep pockets.

Mayor David Narkewicz: One of the ironies of the appraiser's report is that he mentioned the best use of the building to be live/work artist space, a use that does not conform to the building's zoning. Only with a special permit could that occur.

NOTE: Joe Cook agreed to collate all comments, suggestions about desired use, and any historic preservation restrictions.

He then will incorporate them into a workable draft RFP.

Send suggestions by Friday, March 8 to: jcook@northamptonma.gov

Maureen Scanlon: May we learn the names of the 2 potential bidders mentioned tonight that have toured the building?

Council President Bill Dwight:

- Ken Danford of North Star center for community-based learning in Hadley, and
- Penny Burke of the Northampton Community Arts Trust and by extension the Northampton Center for the Arts.

Susan Wright, Finance Director: If this Committee decides not to use the more restrictive historic preservation language, does it mean that the Planning Board does not allow the uses that went with the hypothetical special permit? What we craft as less restrictive uses have no guarantee of meeting Planning Board approval. How can we expect anyone to bid on something that may require future Planning Board approval?

Joe Cook: I raised that point with the planning director, who said that the language before you in tonight's draft RFP has been approved by the Planning Board. Bidders under the current language have a high degree of certainty of their use being approved. If we change the language and make it weaker, there is no assurance. I would want to wait until we had all the necessary approvals before issuing the RFP, uncertainty being the enemy of bidding.

City Councilor David Murphy, Chair: In the meantime we certainly can make known to the planning director that we find the historic preservation language too restrictive for this building.

5. Next Meeting

Tuesday, March 28, 2013

5:00 pm

City Council Chambers

Agenda:

- Vote by the Re-Use Committee on whether or not the City should surplus the Florence Community Center building; and
- Review the draft of an RFP that incorporates the criteria submitted to Chief Procurement Officer Joe Cook

6. Adjourn

Council President Dwight moved to adjourn, seconded by Councilor Tacy.
The meeting adjourned at 6:00 pm.

Respectfully submitted,
Corinne Philippides, Mayoral Aide
March 4, 2013

ATTACHMENT 1

February 18th, 2013

To: Mayor David Narkewicz, the members of the Northampton City Council, and the members of the Florence Community Center Re-Use Committee,

We, the Tenants Association of the Florence Community Center are writing to strongly urge you to give your highest attention and consideration to Requests for Proposals (RFPs) for the Florence Community Center that feature a multi-use scenario wherein the arts organizations and small businesses that currently occupy the Center are allowed to continue their residence in the building, enabling them to continue to serve the thousands of people from Brattleboro to Boston, from Hartford to the Berkshires, who already pass through these doors on a weekly basis.

The Florence Community Center (FCC) is a remarkable conglomeration of artists, performers, movement therapists, a radio station, Habitat for Humanity, Casa Latina, and many other small businesses who are uniting to create a new vision for the Center. The arts are a proven economic stimulus for any community, and we stand ready to apply our significant talents and resources in helping the building thrive as a much-needed arts and community center in Florence. As residents of Northampton continue to spread west into Florence to live, we see FCC as the perfect site for developing a hub for the arts and community in this “western front” of Northampton. Especially as we see arts and community spaces in Northampton continue to disappear, we feel strongly that FCC offers an important opportunity to preserve and enhance the vibrant cultural climate of Northampton.

The Florence Community Center Tenant’s Association is prepared to help any prospective buyer of the building who supports these goals. Some ways that we have already begun to support this effort:

- Reaching out to individuals and organizations that might be interested and in a position to donate financial and/or organizational resources to the project.
- Outreach to other artists and community groups that could fill the empty rental spaces, bringing the building to full occupancy.

- Organizing a Tenants Association to work more efficiently and effectively to support this effort in a variety of ways.

Thank you for your attention. We are excited by the prospect of transforming the Florence Community Center into a vital and vibrant center for arts. There are no other spaces like FCC in our area, and with increased marketing of the space combined with the ample parking, we are certain that many more artists and community members will be drawn to use the building (and then patronize local businesses).

In closing, please consider, in your decision-making process, giving preference to those prospective buyers who will support and encourage our vision of making the Florence Community Center even more of a destination for arts and small businesses than it is at present. All citizens of Northampton will benefit from this action.

Thank you,

Florence Community Center Tenants Association:

Studio Firenze: Nancy Stark Smith, Carolyn Shakti Sadeh, Javiera Benavente, Lesley Farlow, Jenny Ladd, Mary Ramsay, Emily Fox and Megan Frazier

Debja Steinberger's Movement Innovations

Sylvie Tardif, Piano Studio

Jeannie Hunt, Visual Arts and Education

Justina Golden, Profound Voice Voice Studio

Richard Hardie, Katie Kealing and Dara Benton: Woodworking shop

Steve Unkles: Audio-Visual Archives, Media Production and Preservation

Rona Leventhal: Storyteller

Michelle Ryan: Florence Yoga

Shang Shung Institute for Tibetan Studies

Valley Free Radio

Mass Commercial Cleaning

Casa Latina

Habitat for Humanity

ATTACHMENT 2

MGL CH. 30B UNIFORM PROCUREMENT ACT

Section 16. Real property; disposition or acquisition

- (a) If a governmental body duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the governmental body shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property.
- (b) The governmental body shall determine the value of the property through procedures customarily accepted by the appraising profession as valid.
- (c) A governmental body shall solicit proposals prior to:
- (1) acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding twenty-five thousand dollars; or
 - (2) disposing of, by sale or rental to any person, real property or any interest therein, determined in accordance with paragraph (b) to exceed twenty-five thousand dollars in value.
- (d) The governmental body shall place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality. The governmental body shall publish the advertisement at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for opening proposals. The advertisement shall specify the geographical area, terms and requirements of the proposed transaction, and the time and place for the submission of proposals. In the case of the acquisition or disposition of more than twenty-five hundred square feet of real property, the governmental body shall also cause such advertisement to be published, at least thirty days before the opening of proposals, in the central register published by the state secretary pursuant to section twenty A of chapter nine.
- (e) The governmental body may shorten or waive the advertising requirement if:
- (1) the governmental body determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their property; provided, however, that the governmental body shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or
 - (2) in the case of a proposed acquisition, the governmental body determines in writing that advertising will not benefit the governmental body's interest because of the unique qualities or location of the property needed. The determination shall specify the manner in which the property proposed for acquisition satisfies the unique requirements. The governmental body shall publish the determination and the reasons for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the governmental body executes a binding agreement to acquire the property.
- (f) Proposals shall be opened publicly at the time and place designated in the advertisement. The governmental body shall submit the name of the person selected as party to a real property transaction, and the amount of the transaction, to the state secretary for publication in the central register.
- (g) If the governmental body decides to dispose of property at a price less than the value as determined pursuant to paragraph (b), the governmental body shall publish notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received.
- (h) This section shall not apply to the rental of residential property to qualified tenants by a housing authority or a community development authority.
- (i) Acquisitions or dispositions of real property or any interest therein pursuant to this section between governmental bodies and the federal government, the commonwealth or any of its political subdivisions or another state or political subdivision thereof shall be subject to subsections (a), (b) and (g).