

April 21, 2008

The special joint work session meeting of the Town Council of the Town of Newton and the Newton Planning Board was held on the above date at 6:00 p.m. Present were Mr. Elvidge, Mr. Diglio, Mr. Storm, Mr. Ricciardo, Mayor Unhoch and Town Manager, Eileen Kithcart.

Mrs. Millikin called the roll for the Newton Planning Board as follows: Chairwoman McCabe, Mayor Unhoch, Mr. Ricciardo, Ms. Kithcart, Mrs. Fowler, Mr. Le Frois, Mr. Caffrey. Mr. White, Mr. Vandyk were excused. Also present were Mr. Cory Stoner, PE, of Harold Pellow and Associates.

Mayor Unhoch the following declaration that “in accordance with the Open Public Meetings Act, notice of this special work session meeting was given to the two newspapers of record and posted on the official bulletin board on April 17, 2008”.

Ms. Kithcart read a prepared statement. “The adoption of the Urban Vision Plan by the Newton Town Council on January 27, 2007, which was based on community consensus and endorsed by the Newton Planning Board laid the foundation for the Town’s structuring of its program for redevelopment and rehabilitation for the betterment of our Town. A working group was established, known as the Redevelopment Team, who is represented by the Town Council, Town Administration, the Planning Board, the Redevelopment Planner, the Town Planner and Town Engineer as well as Redevelopment Counsel. The Team has met consistently over the past 14 months at least monthly, sometimes twice per month and has spent considerable time in thought, discussions, conference calls, research and conceptual review formulating what we consider to be a viable strategy for revitalizing the areas in Town that have been the subject of concern for not only our Public Officials but the adjacent neighborhoods and the public at large. Newton is proud of our little Town and wants to make it even better, not just for us sitting here, not just for the downtown district, not just for the areas being studied, but for the entire community as a whole.

The purpose of tonight’s special joint meeting of the Town Council and Planning Board is to clarify for ourselves as Public Officials, the intent of the redevelopment process here in Newton, the role each one of us plays in our respective Governing Body or Planning Board position and the responsibility we have to our taxpayers and community for carrying out a meaningful, purposeful and successful process in accordance with every aspect of redevelopment law. Those not able to attend tonight will be provided with an audio of the meeting to afford them the same valuable information.

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Before I introduce Mr. Scotland, the Planning Board will be acting on a resolution relative to our Master Plan update, the process of which has been running congruous to our redevelopment efforts and also incorporates the concepts of the Town's Vision Plan."

Mrs. Marge McCabe, Chairwoman of the Planning Board, requested discussion regarding the execution of an agreement with Jessica Caldwell, PPP, AICP.

Mr. Le Frois addressed his concern regarding the lack of language pertaining to the scope of professional standards in accordance with State Statue. After a brief conversation among the two boards, Mr. Stoner, PE, advised that he would insure language was added to the contract to include "incompliance with the standards set forth by Statue for Professional Planners".

Upon motion of Mr. Ricciardo, seconded by Ms. Kithcart and carried, to authorize the execution of an agreement with Jessica Caldwell, PPP, AICP of Harold E. Pellow & Associates, Inc. for Planning Services relative to the Master Plan Update and Mrs. Millikin called the roll for the Planning Board.

Mr. Le Frois	Yes	Mrs. Unhoch	Yes
Mr. Ricciardo	Yes	Ms. Kithcart	Yes
Mr. Caffrey	Yes	Chairwoman McCabe	Yes

Ms. Kithcart introduced Mr. Glenn Scotland, Esq. of McManimon and Scotland for Redevelopment Counsel. Mr. Scotland made a lengthy presentation regarding the redevelopment process. Mr. Scotland clearly outlined the two step process under redevelopment. Step One is the designation of an "area in need of redevelopment" and Step Two is the "redevelopment planning process". The handouts outlined the two bodies involved, Town Council and Planning Board, during the "designation

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process”, with the assistance of the experts and professionals, known as the “stakeholders”. At the end of the whole process the Town Council adopts the redevelopment plan by Ordinance.

The members of the Town Council and members of the Planning Board addressed several questions, for clarity, which was addressed by Mr. Scotland.

Mr. Scotland made some recommendations to both boards. He suggested that any properties not needed in the “area in need of redevelopment” been eliminated early in the process.

Mr. Scotland advised that the Planning Board is “charged” with determining planning and zoning issues, and is under State Statue. It was noted that the Planning Board is the proper place for public to appear in order to address their property issues, which may appear in the “area of need of redevelopment”. The Town Council can accept or with reasons, override the Planning Board recommendations to the “plan”.

Ms. Kithcart addressed the concern of the fear of “eminent domain” and was advised by Mr. Scotland that “eminent domain” is not a criteria of the Planning Board and therefore he suggested that a statement advising that it is “irrelevant” and could not be addressed by the Planning Board.

Mayor Unhoch declared the meeting opened to the public.

Mr. Edward Bodner, Smith Street, Newton, questioned how the Planning Board determines which properties can be eliminated if there is “no plan” established yet? Mr. Bodner noted that his property has been eliminated from the “area in need of redevelopment” already, but addressed his concern that after the “plan” is developed, that his property could be then “taken”. The governing body explained that since Mr. Bodner’s property

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has already been “eliminated” from the “area in need of redevelopment”, his property would never be “taken” because the “area in need of redevelopment” has already been established.

There being no one else from the public to be heard, upon motion of Mr. Storm, seconded by Mr. Ricciardo and carried, the meeting was adjourned at 7:39 p.m.

Respectfully submitted,

Lorraine A. Read, RMC
Municipal Clerk