

Mayor Duehay asked Mr. Drisdell if the changes to the home rule petition were reviewed by the Inspector General. Councillor Sullivan also asked if the changes were reviewed by the Co-Chairs of the Legislature. Mr. Drisdell responded that meetings will be scheduled so that all concerns can be addressed.

Councillor Triantafillou questioned the rededication language in Section Six. Mr. Drisdell responded that rededication of the site is not required for the project and the language to rededicate is incorporated into the body of the act. The act requires the Public Health Commission and the City Council to return the unused portion of the land to the Water Board. Councillor Triantafillou asked if this is acceptable to the Water Board. Mr. Drisdell responded in the affirmative.

Councillor Triantafillou asked if the "not-for-profit" corporation in Section Seven will be bound by the same laws as the Public Health Commission. Mr. Drisdell responded in the affirmative.

In response to a question on the process by Councillor Triantafillou, Mr. Drisdell stated that the Inspector General needs to review the changes to the home rule petition once more. Councillor Triantafillou asked if this will be done before the City Council adopts the home rule petition. Mr. O'Brien stated that this is the commitment.

Councillor Sullivan asked about the time line. City Manager Robert W. Healy responded that meetings will be scheduled in the next two weeks. He expects to put this matter on the Agenda for the City Council meeting of February 22, 1999.

Deputy City Manager, Richard Rossi introduced a memo from Paul Ryder, Director of Recreation, offering alternatives to Lusitania Field. **ATTACHMENT C.** Mr. Rossi stated that the only site for a full size soccer field is Donnelly Field. A softball field will be taken out and a 320' x 210' full size soccer field will be built, he said. There will be new turf, new irrigation, benches and goal posts, he said. Mr. Rossi stated that the East Cambridge Little League meeting on February 2, 1999 supported this plan. A copy of Donnelly Field modifications is attached as **ATTACHMENT D.**

Mr. Ryder, Director of Recreation, stated that users of the softball field could be moved to other softball fields throughout the City. Youth soccer is played during the week and on Saturdays and adult soccer is played on Sundays, he said.

Mr. Rossi stated that the Eastern Massachusetts Women's Soccer League does not want the Lusitania Soccer Field removed. A communication was received from Kathleen M. Genova, President, Eastern Massachusetts Women's Soccer League and was made part of this report. **ATTACHMENT E.**

Councillor Sullivan asked Mr. Rossi if the City will be picking up another youth field. Mr. Rossi responded in the affirmative. At Danehy Park, he said, one-half of

the parking lot will be taken to build a 6-on-6 field. A 6-on-6 field will be built at Neville. A full size soccer field will be built on Donnelly, and Lusitania will be closed. This is what the Health and Hospital Committee asked us to come back with, he said.

Councillor Russell asked if all concerns were satisfied. Mr. Rossi stated that the City has not satisfied all concerns. This new field will be used by adults, he said. Mr. Ryder stated that adults will use the field on Saturdays and Sundays. During the week, he said, the soccer field will be used by the youth soccer.

Councillor Davis asked about the use of fields by Cambridge residents versus non residents. Mr. Ryder responded that Danehy Park is the only field that can be used by non-Cambridge residents. Mr. Rossi informed the committee that there was a \$500,000 grant from the state to build Danehy Park. Acceptance of the state grant precludes Cambridge from restricting park use to City residents, he said.

Councillor Triantafillou introduced a communication received from School Committeeman Joseph G. Grassi expressing his opposition to moving the adult soccer field from Lusitania Field to Donnelly Field. **ATTACHMENT F.** Mr. Rossi stated that he was confused because meetings were held with the Little League Board. The Board was in support of the plan on February 2, 1999.

Councillor Russell asked if Lusitania Field was originally planned to be a temporary soccer field until Danehy was completed. Mr. Rossi responded in the affirmative. Mr. Healy stated that when Danehy Park was completed, the Water Board continued to allow the City to use Lusitania Field. Councillor Russell inquired if this prevents the City from looking for open space in East Cambridge. Mr. Healy responded in the negative.

Mr. Rossi stated that if the MDC would allow Cambridge to maintain Magazine Beach for Cambridge use, the City would restore and renovate Magazine Beach. Mr. Healy stated that the City will continue to search for open space. Construction to build the new assisted living facility cannot take place until Neville Manor is scheduled, Mr. Healy said.

Councillor Triantafillou asked when Lusitania Field will be closed. Mr. Rossi stated that it is closed now.

Councillor Triantafillou asked how many softball fields there are in the City. Mr. Ryder responded that there are eleven.

Councillor Sullivan stated he received complaints about the adults at Glacken. Mr. Rossi stated there were complaints about adults leaving trash at Glacken. Councillor Sullivan asked Mr. Ryder if you find an offending team, what do you do? Mr. Ryder responded that the Recreation Department suspends the team.

Councillor Sullivan asked what is the time line for the tax credits. Mr. O'Brien stated that a certificate of occupancy is needed by December, 2001. He further stated that Neville Communities, Inc. schematic is needed by on or before April 1, 1999. The schedule is really in jeopardy, he said. We need to get the home rule petition approved as soon as possible, he said.

Councillor Sullivan stated that four to five years ago there were 760-770 nursing home beds. He asked Mr. O'Brien how many beds are there today. Mr. O'Brien stated there are 400-450 beds. Councillor asked Mr. O'Brien that if Neville Manor closed, what would be the bed count? Mr. O'Brien responded that the bed count would be 69 beds per thousand.

Councillor Sullivan asked when will CASCAP's Harvard Street assisted living units be open. Mr. O'Brien stated in June.

Councillor Triantafillou opened the meeting to the public.

The committee heard from Representative Alice Wolf who informed the committee that the deadline for the legislature is June, but does not apply to home rule petitions. She stated that the concern is to have a petition that will get through the Legislature. She informed the committee that Stephen Tolman was appointed Co-Chair of the Local Affairs Committee and will be an asset.

The committee heard from Anne Strong, 44 Cottage Street, who asked about the adult soccer games played on Sunday, Monday and Wednesday nights. Mr. Ryder responded that these games would not be affected. Ms. Strong asked about the status of the new plan with the neighbors of Donnelly Field. Mr. Rossi stated that a capital plan will be submitted and then a design plan and a community process. Ms. Strong asked what if the community is opposed. Mr. Rossi stated that the neighborhood has asked the City to do Donnelly Field over. There will be people who will complain, he said. Ms. Strong stated there used to be a soccer field on Hoyt Field. Mr. Ryder responded that the City went through a community process at Hoyt Field and at the Frisoli Youth Center. Mr. Rossi stated that he has faith in the community process and to achieve this goal the City will embrace soccer. Ms. Strong asked how would the adult soccer players get a guarantee. Councillor Triantafillou stated that it may be hard to get a guarantee on this process. Ms. Strong stated that she has a range of concerns, such as:

- Will this plan fly in the neighborhood, and
- Will users of Lusitania be pitted against youth soccer.

She further stated that we need to meet to address our concerns. All parties need to be brought together to address their concerns.

The committee heard from Cari Hoffman, 100 Reed Street, who asked why the removal of Lusitania soccer field was a requirement to the Neville Manor Plan. There

was no reason to remove Lusitania, she said. She informed the committee that soccer players were never part of the process and the reasons for the removal are sparse. The City is decreasing the amount of a soccer field, she said. Her communication to the committee is attached. **ATTACHMENT G.**

Mr. Rossi stated that he was under the impression it was acceptable if the City opted to replace the soccer field at Lusitania with a soccer field at Donnelly. Ms. Strong stated that people are upset because there was substitution. Councillor Triantafillou stated that she was confused because she was under the impression that a substitution for Lusitania would be acceptable. Ms. Strong stated that this was better than the original plan but not as acceptable as adding to field space.

The committee heard from John Kernochian, 34 ½ Shepard Street, who stated that Magazine Beach is not a good place for soccer because the balls go into the water. He further stated that youth soccer uses so much field space and these will be less field space if a field is eliminated. Since 1980 three soccer fields were added at Danehy, but five fields were taken out of commission, he said.

The committee heard from Lois Kessin, 11 Cogswell Avenue who submitted a written communication. **ATTACHMENT H.** She stated that she was opposed to the elimination of Lusitania Soccer Field.

The committee heard from Mr. Nelson, 35 Walden Street who stated that he is a coach of youth soccer. He hated to see a field taken out of use, he said. He informed the committee that someday there may be a Neville Manor Team.

Councillor Sullivan submitted a communication from Lawrence W. Frisoli who stated his opposition to the elimination of Lusitania Soccer Field in conjunction with the Neville Manor Nursing Home proposal. **ATTACHMENT I.**

The committee heard from Louise Weed, Co-Chair, Fresh Pond Master Plan Advisory Committee, who stated that the plan was to look at the Reservation as a whole. The committee is trying to make this area available for everyone, she said.

Mr. Kernochian asked the committee why is there not room for a soccer field at Fresh Pond and the other points of views. Councillor Triantafillou stated that there was a mistake made by not including soccer players in the decision making process. Ms. Weed responded that Shippen Page attended the Fresh Pond Advisory meetings and he is involved with soccer as well as a member of Fresh Pond Advisory Committee. Councillor Triantafillou informed Mr. Kernochian that everyone in the City hears you and wants to accommodate your needs. This meeting, she said, is a way to redouble our efforts. At Neville Manor there will be two 6-on-6 fields and Glacken Field will be renovated, she said. She stated she was hearing that this proposal is unacceptable. She stated that the Neville Manor proposal can be either scuttled or it can be moved forward.

Ms. Strong stated that all want to see the Neville Manor Project happen, but the adult soccer players are in a tug of war with people who do not want Neville Manor proposal to happen. Our late arrival in the process is also a concern, she said. She urged the City to schedule meetings with the soccer players to give the soccer players a quick version of this two-year planning process. Ms. Ellen Semonoff, Assistant City Manager for Human Services, stated that the Fresh Pond Advisory Committee will be happy to meet with the soccer players. Ms. Strong asked how soon could this meeting take place. Ms. Weed responded the meeting could be held the first Wednesday of the month.

Ms. Strong stated that she heard people did not want anything built at Fresh Pond. Ms. Weed responded that people did not want an increase to the footprint.

Councillor Sullivan stated that he is not willing to put this matter off for three weeks and lose the project at Neville Manor. This proposal has been framed as a soccer verses nursing home assisted living facility. We will side with the Neville Manor, he said.

He requested that the adult soccer players work with the City to find additional open space and to site additional fields.

Councillor Russell asked if there is going to be a new irrigation system for the neighbors on Berkshire Street. Mr. Rossi responded that there will be a new drainage system, new turf and a new irrigation system at Donnelly. Councillor Russell stated that the City did a good job finding additional space. She stated that this week has been a rough week. On Monday there were people losing their homes, on Tuesday she attended a meeting concerned with problems with the Senior prescription program and on Wednesday the Ordinance Committee heard concerns from people on the living wage proposal.

Councillor Davis stated that this proposal has gone through enough. The City has to fund more open space and the City Council needs to make a commitment. Especially with a Green Ribbon Committee coming aboard, the City needs to do more.

Mr. Kernochian urged taking Lusitania out during the Neville Manor Project and putting it back temporarily. If there is no need for this field then take it out, he said. Ms. Weed suggested there be soccer players and softball players on the Green Ribbon Committee.

Councillor Toomey stated that everyone wants the Neville Manor Project and opens pace. He stated it was upsetting that the City is solving the Lusitania problem by putting an adult soccer field at Donnelly. He is concerned with the configuration of Donnelly Field. He does not want the field looking like a prison with fences inside of fences. Lusitania Field, he was told, would be restored when he met with Mr. O'Brien

eleven months ago. He supports Lusitania Field being retained. He stated that the Donnelly Field neighborhood was not consulted. The soccer permits are issued from 8:00 a.m. to dusk.

Mr. O'Brien stated that he never indicated that Lusitania was going to be restored as a soccer field and that the recommendation was that Lusitania be restored to its natural habitat. Councillor Toomey stated that he disagreed.

Vice Mayor Galluccio stated that all parties concerned worked hard to resolve this issue. Soccer players, he said, were not represented. All potential uses should be put on the table, he said. He stated that if the City is appointing committees to make decisions, the City needs to make sure there is representation of all parties. He further stated he would support a new adult soccer field at Donnelly Field. Glacken Field, he said, needs attention. The two new youth soccer fields at Danehy and Neville Manor are good news. Vice Mayor Anthony D. Galluccio stated he supports Neville Manor. Affordable Housing is the number one priority, he said.

Mr. Ryder informed the committee that the Eastern Massachusetts Soccer League has always received field space in the time they requested.

Mr. Rossi stated that the Fresh Pond Advisory Committee is a group of citizens. They conduct open meetings. They will be developing a plan for Fresh Pond and public hearings will be held on this plan. This plan will be a draft plan that will have a community process. The City Manager will then make a recommendation to the City Council.

Ms. Strong asked if there was any way to mention that Lusitania Field be replaced by a full size soccer field in the home rule legislation. Councillor Triantafillou stated that this is not addressed in the home rule. She stated that the issue of additional soccer fields will remain on the City's agenda.

At this time Councillor Sullivan again submitted his order.

ORDERED: That the Chairs of the Health and Hospital Subcommittee, Elder Affairs Subcommittee and Finance Committee be appointed for the purpose of setting up a meeting with the co-chairs of the State Legislative Committee on Local Affairs and our legislative delegation for the purpose of taking action on the Neville Manor Home Rule Petition.

The order was adopted on a voice vote of six members.

Councillor Triantafillou inquired of the City Manager when the City would have input from the legislature on the home rule petition. Mr. Healy responded he would like to have this matter before the City Council on February 22, 1999. Mr. O'Brien stated that Representative Parente's office called to meet on February 25, 1999.

like to have this matter before the City Council on February 22, 1999. Mr. O'Brien stated that Representative Parente's office called to meet on February 25, 1999. Councillor Sullivan suggested submission on March 1, 1999 so that it will be ready by March 15, 1999. Mr. O'Brien stated he would be ready on March 1, 1999.

Councillor Triantafillou submitted the following communications:

- Representative Jarrett Barrios. **ATTACHMENT J.**
- Albe Simenas, Chair, Cambridge Conservation Commission.
ATTACHMENT K.
- Daniel J. Wuenschel, Neville Communities, Inc. together with responses to testimony of William Schneiber and John Moot. **ATTACHMENT L.**

The meeting was adjourned at six o'clock and fifty-five minutes p.m.

For the Committee,


Councillor Katherine Triantafillou
Chair

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Cambridge Law Department
January 20, 1999

AN ACT RELATIVE TO THE REDEVELOPMENT OF THE MAYOR
MICHAEL J. NEVILLE MANOR NURSING HOME

SECTION 1. The general court desires to permit certain uses of a portion of land adjacent to the Fresh Pond Reservoir in the city of Cambridge consistent with existing uses thereof. By Chapter 225 of the Acts of 1925 the general court, by a two-thirds vote of each branch, authorized the city of Cambridge to use a portion of the Fresh Pond Reservoir, land originally taken and acquired by the city for water supply purposes, for the site of a City Home, and in 1928, with Cambridge Water Board approval, the City Council transferred the land to be put in use for a City Home, and the site has since 1928 been continuously used for City Home purposes and is currently the site of the Mayor Michael J. Neville Manor Nursing Home.

SECTION 2. The deferred operation of this act would tend to defeat its purpose, which is to enhance opportunities for access to affordable and high quality adult services, including nursing home care and mixed-income assisted living, for the residents of Cambridge, and surrounding communities; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 3. The following words, as used in this chapter, shall, unless the context clearly requires otherwise, have the following meanings:

"Assisted Living Facility," A facility which provides room and board and provides, directly

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Cambridge Law Department
January 20, 1999

by employees or through arrangements with another organization, assistance with activities of daily living for elderly residents.

"City," the City of Cambridge.

"City Manager," the city manager for the city of Cambridge.

"Commission," the Cambridge Public Health Commission.

"Corporation," Neville Communities, Inc., a not-for-profit corporation incorporated under chapter 180 of the general laws and selected after public solicitation by the Commission as the owner and operator of the Project, which corporation's Board of Directors consists, or will consist upon substantial completion of the Project, of representatives of the following agencies:

- Cambridge Housing Authority
- City of Cambridge
- Cambridge Public Health Commission
- CASCAP, a 501(c)(3) not-for-profit service and housing agency

The Board of Directors will consist of five (5) members with Cambridge Housing Authority having two representatives, the City of Cambridge having one representative, the Cambridge Public Health Commission having one representative, and CASCAP having one representative. The Corporation will at all times be controlled by a public entity or entities. The Corporation includes any entity controlled by the Corporation or any successor entity to the Corporation, and engaged in the activities in furtherance of the purposes contemplated by this act.

"Nursing Home," a facility currently or prospectively defined as such by the Department of Public Health, or any successor agency, pursuant to chapter 111 of the general laws.

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Cambridge Law Department
January 20, 1999

"Project," the redevelopment of the Mayor Michael J. Neville Manor Nursing Home, located on the Project site, adjacent structures and the Project site upon which they are situated into a new nursing home and/or mixed-income assisted living facility, and the operation thereof.

"Project Site," the real property transferred by the Cambridge City Council on January 31, 1928 from the Cambridge Water Board to the Cambridge Board of Public Welfare bounded and described as follows:

Beginning at a point in the southeasterly line of Concord Avenue said point being at right angle to a point in the northeasterly line of Concord Avenue three hundred fifty-five and eighty-eight hundredths (355.88) feet southeasterly from the angle in the northeasterly line of Concord Avenue at Smith Place; - thence southwesterly one hundred ten (110) feet, more or less, by a line making an angle of ninety (90) degrees with Concord Avenue, said line being twenty (20) feet distant southeasterly from the easterly corner of the barn of the Water Works buildings; - thence westerly one hundred twenty-three (123) feet by a line to a corner, said line making an angle of one hundred thirty (130) degrees with the line above described as being one hundred ten (110) feet long; - thence southwesterly two hundred sixty-eight (268) feet to the tangent point of a curve by a line, said line making an angle of one hundred twelve (112) degrees with the line above described as being one hundred twenty-three (123) feet long; - thence in a general southerly direction one hundred sixteen (116) feet along a curve of one hundred (100) feet radius to its other tangent point, said tangent point being seventy-five (75) feet northeasterly from the northeasterly line of the Pond Drive; - thence southeasterly along a line fifteen (15) feet to the tangent point of a curve, said line being seventy-five (75) feet distant northeasterly from and parallel to the northeasterly line of the Pond Drive; - thence in a general southerly direction one hundred eighty-three (183) feet along a curve of eight hundred feet (800) feet radius to its other tangent point, said curve being seventy-five (75) feet distant easterly and parallel to the easterly line of the Pond Drive; - thence southerly fifty-eight (58) feet to a corner along a line parallel to and seventy-five (75) feet distant easterly from the easterly line of the Pond Drive; - thence southeasterly three hundred (300) feet to a corner, said corner being five hundred seventy-five (575) feet southwesterly from the southwesterly line of Concord Avenue; - thence northeasterly five hundred seventy-five (575) feet to the

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Cambridge Law Department
January 20, 1999

southwesterly line of Concord Avenue, said line being at right angle to Concord Avenue and one hundred (100) feet southeasterly from the southerly wing of the proposed main building; - thence northwesterly along the southwesterly line of Concord Avenue six hundred twenty-two (622) feet to the point of beginning. Containing three hundred fifty-nine thousand twenty-eight (359028) square feet, more or less. All above measurements are given as being more or less.

The above described parcel of land is shown upon a plan entitled "HOME FOR THE AGED AND INFIRM OF THE CITY OF CAMBRIDGE", drawn by Charles R. Greco, being Plot Plan Number 1 and on file in the office of the City Engineer of Cambridge, Mass.

SECTION 4. Notwithstanding any other general or special law to the contrary, the provisions of sections twenty through twenty-three of chapter 40B of the general laws relative to a so-called comprehensive permit shall apply to the development of the Project in its entirety, thereby permitting a single unified application for any necessary permits, approvals (with the exception of Water Board approval as it may apply to this Project) and zoning relief to the zoning board of appeals of the city.

SECTION 5. Notwithstanding any other general or special law to the contrary, the following uses of the Project site shall be permitted under the laws of the city and the commonwealth: Nursing Home, Assisted Living Facility, local water board or other municipal use related to the care and maintenance of Fresh Pond, and all other uses specifically related thereto.

SECTION 6. The total square footage of building footprint for all buildings on the Project Site shall not exceed 51,034 square feet, and the total usable floor area in said buildings shall not exceed 150,000 square feet. Upon final design of the Project all specific portions of the Project Site not required for the Project shall be identified by metes and bounds and the Corporation, the

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Cambridge Law Department
January 20, 1999

Commission and the City shall take all necessary steps to return full control and ownership of said portions to the City, and the City shall take all necessary steps to dedicate said portions for water supply purposes and return them to the care and supervision of the Cambridge Water Board.

SECTION 7. The corporation shall be subject to the same general or special laws that apply to the Commission, pursuant to section twelve of chapter 147 of the acts of 1996 as existing on this date, regulating the procurement of services, supplies and materials, and methods for procuring design and construction services, relative to the development or the ongoing operation of the Project.

SECTION 8. The provisions of services to the corporation, or actions taken on behalf of the corporation, or actions in relation to transactions between the corporation and other public entities represented on the board of directors of the corporation, by any individual otherwise subject to chapter 268A of the general laws, shall not be deemed to violate the provisions of sections seventeen, eighteen, nineteen, twenty and twenty-three of chapter 268A of the general laws.

sharing resources...building community

Jill Howell
Assistant City Manager

To: Richard Rossi/Deputy City Manager

From: Paul Ryder/Recreation

RE: Soccer Field Summary

Date: February 9, 1999

City of Cambridge

Commissioner for
Persons with Disabilities

The following is a summary of action taken to potentially replace the Lusitania Soccer Field at another Cambridge site:

Commissioner of Health

* An investigation of other open space sites in Cambridge was initiated. The criteria established was to look for sites that were physically large enough to incorporate an adult size soccer field and that any existing uses that might have to be relocated could be done within existing city recreation resources. The only site available that met the criteria was Donnelly Field.

City of Cambridge

Commissioner for
Children, Youth and Families

* A preliminary site feasibility plan for Donnelly Field was undertaken in order to determine where different recreational uses could be sited and how they would affect each other. In addition, a summary of associated capital improvements was developed which would include: (1) new drainage, irrigation, regrading, fencing, storage/concession building and field lighting for both existing East Cambridge Little league fields, (2) removing existing softball field and relocating current use to other city softball facilities, (3) moving one of the existing two basketball courts to another on-site area, (4) building a regulation size soccer field, that could be utilized by youth and adults, on remaining field space with the necessary regrading, drainage, irrigation and resodding requirements.

City of Cambridge

* Meetings were then scheduled with representatives from East Cambridge Little League, Eastern Massachusetts Women's Soccer and Cambridge Youth Soccer. The meeting with representatives from East Cambridge Little League was held on Wednesday, January 27, 1999 in which the preliminary site plan was reviewed. The meeting resulted in positive feedback and was further reviewed by their Executive Board which is illustrated in the attached letter of support from the East Cambridge Little League. A meeting with

City of Cambridge





CITY OF CAMBRIDGE

Law Department

Donald A. Drisdell
Deputy City Solicitor

To: Robert W. Healy, City Manager

Date: January 14, 1999

Re: ***Neville Manor—Changes to Home Rule Petition***

I have been drafting several changes to the original Home Rule Petition for the Neville Manor site. These changes are the result of the public process, a meeting with the Chair of the Local Affairs Committee for the House of Representatives, and a meeting with staff of the Inspector General's office. The changes accomplish the following:

1. **Section 1** of the original petition included a vote under Amendment Article 97 of the Massachusetts Constitution to permit the proposed uses. Given the intervening discovery of documentation of the metes and bounds of the Neville site created in 1927, this vote is no longer necessary, and will be deleted from the petition. Section 1 will be redrafted to make explicit reference to the actions by the legislature and the City during the 1920's whereby the current Neville site was transferred from the Water Board to be used for a City Home.

2. **Section 3** will be redrafted to include a new definition of the "**Corporation**" to explicitly identify the new not-for-profit corporation that will control the new facility. The new definition will provide explicitly that the Corporation will at all times be controlled by a public entity or entities. This change responds to questions raised by the Inspector General's office regarding proposed exemptions from some provisions of the conflicts of interest law. The exemptions are included in the petition to make it possible for public employees to serve on the Board of Directors of the new Corporation. The definition will expressly identify the parties that will form the Board of Directors of the new Corporation, specifically:

Cambridge Housing Authority
City of Cambridge
Cambridge Public Health Commission
CASCAP, a not-for-profit service and housing agency

3. **Section 3** will also include a new definition of an "**Assisted Living Facility**."

4. **Section 3** will redefine “**Nursing Home**” generally as defined by the Department of Public Health.

5. **Section 3** will redefine “**Project Site**” by incorporating the specific metes and bounds of the current Neville Manor site as created by the City Council in 1927.

6. **Section 6** will retain the restriction on the total square footage of building footprint allowed on the site and the limitation on the total usable floor area permitted on the site. In addition, Section 6 will provide expressly that upon final design of the Project all portions of the current Neville site not required for the Project shall be identified by metes and bounds, re-dedicated for water supply purposes, and returned to the control of the Water Board.

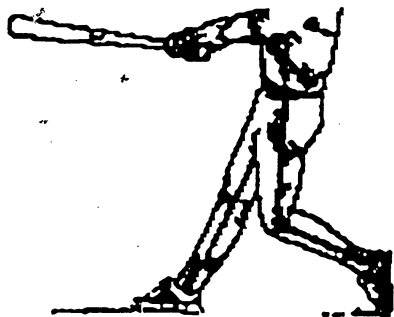
7. **Section 7** (formerly Section 6) of the original petition will be substantially redrafted to emphasize that the new, not-for-profit Corporation will be regulated by the same general and special laws that apply to the Cambridge Public Health Commission.

representatives from Eastern Massachusetts Women's Soccer League and Cambridge Youth Soccer occurred on Monday, February 8, 1999. In summary, the Cambridge Youth Soccer representative expressed positive support for the site plan because siting a soccer field at Donnelly Field would assist in their goal of attracting participants from East Cambridge to their program. The representatives from Eastern Massachusetts Soccer League, although cautiously supportive of the site plan, still expressed their continued desire to have Lusitania Field remain as an adult size soccer field. If Donnelly Field was accepted and funded through the capital budget process, detailed design specifications with community and user input could be developed in FY00 with construction scheduled for FY01.

In conjunction with the Donnelly Field feasibility plan, other steps that we would plan to take are:

- * Allow Cambridge adult soccer use of Russell Field.
- * Renovation of Glacken Field as part of the Fresh Pond Master Plan.
- * Continued dialogue with the Metropolitan District Commission for use of Magazine Beach fields by Cambridge residents.

EAST DIVISION



February 1, 1999.

Richard Rossi
City of Cambridge
Assistant City Manager
Cambridge, MA 02140

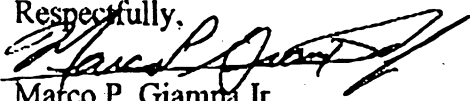
Dear Mr. Rossi:

I want to thank you for spending the time with me last week to explain the proposal for Donnelly field. The initial plan drawings were very exciting. I met with my executive board this past weekend to show them the proposal and to get some input from them. They were also very excited.

We would like to meet again to discuss some issues with the proposal regarding bathrooms, a concession stand and storage areas but I think that meeting can wait until the project is further along. We also have some concerns regarding the availability of alternate sites for practices since the Soccer field will eliminate one of our practice facilities. However, I believe that we can resolve this issue relatively easily with the allocation of Ahern field to our program. Lastly, we would like to have a representative on the planning committee.

I want to commend you and your team for having the foresight to address the issues at Donnelly field. We are very excited that our local leaders would take a "can do" approach to a promise made by the state to allocate funds for the renovations of Donnelly field. It is definitely a long time coming. With all this said, I would like to conclude by stating that you have the full support of myself and the members of East Cambridge Little League. We truly look forward to working with you and the planning committee.

Respectfully,


Marco P. Giampa Jr.
President

Marco Giampa
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ATTACHMENT D

YORK STREET

EXISTING SIDEWALK

APPROX. LIGHT POLE LOCATION (TYPICAL)

POTENTIAL LOCATION FOR BASKETBALL COURT RELOCATION

FRISOLI YOUTH CENTER

EXISTING CHILDREN'S PLAY AREA

SCHOOL

RETAIN EXISTING FENCING AND BENCHES

APPROX. LIMITS

POTENTIAL AREA FOR BASKETBALL COURT RELOCATION OR AREA FOR ARTIFICIAL TURF PRACTICE AREA FOR SOCCER KICKING

EXISTING CHAIN LINK FENCE

SLIP WALK

SKINNED WARNING TRACK

SKINNED WARNING TRACK

PROP. LIGHT POLE (TYP.)

RETAIN EXISTING FENCING & BENCHES

PROPOSED OUTFIELD FENCE AT 200 FT.

PROPOSED OUTFIELD FENCE AT 200 FT.

PROPOSED OUTFIELD FENCE AT 200 FT.

PROPOSED OUTFIELD FENCE AT 200 FT.

PROPOSED OUTFIELD FENCE AT 200 FT.

PROPOSED OUTFIELD FENCE AT 200 FT.

EXISTING CHAIN LINK FENCE

PROPOSED STORMWATER CONTROL AREA

BERKSHIRE STREET

EXIST. CONC WALK

EX. PARKING

EXIST. PARKING

PARKING

EXISTING BASKETBALL COURT (RELOCATE?)

EXISTING BASKETBALL COURT (TO REMAIN)

EXISTING SOFTBALL DIAMOND TO BE REMOVED

EXISTING WALK



SPORTS FIELD MODIFICATIONS

DONNELLY FIELD

SCALE 1" = 20'-0"

JAN 1999

ATTACHMENT E

EASTERN MASSACHUSETTS WOMEN'S SOCCER LEAGUE

To: Katherine Triantafillou, Chairperson
Subcommittee on Health and Hospitals, Cambridge City Council
From: Kathleen M. Genova, EMWSL President
Date: February 11, 1999
Re: Neville Manor Proposal and Lusitania Soccer Field

via telecopier, (617) 349-4287

I would appreciate it if you would please read this Memorandum during the public comment period at tonight's Subcommittee meeting, and share copies with the other members of the Subcommittee and the City Council. Thank you for your anticipated cooperation.

I am the President of the Eastern Massachusetts Women's Soccer League and reside at 6 Kelly Road in Cambridge. More than sixty-five Cambridge women are registered players in the EMWSL, and Cambridge also has an "over forties" women's team playing in a different league.

As I previously have advised the members of the City Council and this Subcommittee, as well as other City representatives, the EMWSL is deeply concerned about the future of Lusitania and the improvement of fields throughout Cambridge, particularly since the women in the EMWSL historically have been given playing time on only the fields which are in the worst condition. Our concern is genuine, particularly with respect to the reinstatement of Lusitania.

As I explained in prior correspondence, despite the abysmal condition to which Lusitania had been permitted to deteriorate, the EMWSL's players very much enjoyed playing in the serene atmosphere of the Fresh Pond Park, an area where our children safely could accompany us to games and enjoy the relatively fresh air on the side lines, surrounded by trees and peaceful views of the Pond. As I also explained, and as I believe the City has acknowledged, the EMWSL and the other members of the adult soccer community were not informed until the eleventh hour of the quid pro quo agreement between those persons in favor of revamping Neville Manor and those persons interested in trying to recreate the entire Fresh Pond Park as passive recreational, supposedly "natural," space. For want of better terms and with no disrespect intended, I will call those two groups "the Hospital Folks" and "the Nature Folks" respectively.

As I understand it, and as I believe nobody contests, the Hospital Folks, people whose overriding concern is something other than soccer, bargained away the Lusitania soccer field so that the Nature Folks, people whom I am advised vehemently had opposed the plans for revamping Neville Manor because they believe the Fresh Pond Park should be a passive recreation nature preserve, would cease opposing the Hospital Folks' plans for Neville Manor.

Katherine Triantafillou, Chairperson
Subcommittee on Health and Hospitals, Cambridge City Council
February 11, 1999
Page 2

In this bargain, the Hospital Folks received the Nature Folks' agreement not to oppose the addition of a new building at Neville Manor – a building whose footprint is *no larger* than the collective footprints of buildings to be removed as part of that plan – while the Nature Folks got the Hospital Folks' permission to eliminate the Lusitania soccer field and abutting space – approximately two acres in size – that are not even part of or contiguous to the Neville Manor complex.

It was only after this bargain was made – and only after having been assured previously by the City's representatives that Lusitania would be re-established as a soccer field after the waterworks project is completed, that the members of the adult soccer community first learned that the future of Lusitania as a soccer field was uncertain. At that time, I and other members of the Cambridge adult soccer community appealed to you, the members of the Subcommittee, the other members of the City Council, and the City Manager's office to take into consideration the concerns of the adult soccer community and to work to preserve Lusitania as a soccer field.

Thus, it greatly disturbed and concerns me to read in today's *Cambridge Chronicle* that our City Manager, Robert Healy, stated as follows:

“This is the only city I know of that caring for 171 elderly people is being held hostage to a rocky soccer field. ... Really, where are your priorities? ... You can't have nirvana in a city that's this land poor. So to say that you can't support the Neville Manor proposal unless Lusitania stays in existence as a soccer field is the most disingenuous piece of public bullshit I've ever heard of.”

Mr. Healy's statements are offensive, to put it mildly, and it is my fervent hope that the members of this Subcommittee and the City Council do not share them. Further, although I believe it generally is not constructive to seek to attribute blame in such a manner, if such is to be done, let it at least be done accurately. For the record, it is the Nature Folks who seek to hold the Neville Manor plan “hostage” to the issue of Lusitania's future, not the soccer folks.

The adult soccer community did not – and do not – seek in any way to ask the City to marry the issues of Lusitania's future and the revamping of Neville Manor. Indeed, we believe there is no legitimate reason for those issues to be tied together. Rather, it is the Nature Folks who tied these issues together – using Lusitania as a bargaining chip in negotiations with people, the Hospital Folks, who had no reason whatsoever to care about the future of that field; thus, it is not surprising that the Hospital Folks bargained away Lusitania's future.

Moreover, Mr. Healy's profane dismissal of the genuineness of the soccer community's interest in Lusitania because Lusitania is a mere “rocky soccer field” is ironic. Lusitania became a “rocky soccer field” over time, and it did so on Mr. Healy's watch. Thus, it is inappropriate for Mr. Healy to use that result of the dereliction of his duties as a rationale for dismissing the concerns of interested citizens. Lusitania field is in one of the most lovely settings around, it is a

Katherine Triantafillou, Chairperson
Subcommittee on Health and Hospitals, Cambridge City Council
February 11, 1999
Page 3

pleasure to spend time there, and it was heartbreaking to see the deplorable condition to which the City permitted it to deteriorate.

It also is distressing to see Mr. Healy trivialize the value of having sufficient fields in Cambridge on which adult women may play soccer (such role models certainly are important for our children, particularly the girls), and one of the few reasons why members of Cambridge's minority community living in East Cambridge travel across town to enjoy the pleasures of the Fresh Pond Park, an area which should not be reserved for only the "passive recreation" past-times enjoyed by the upper middle class communities located near it.

Finally, as I believe you all are aware, the Assistant City Manager, Richard Rossi, and a representative of the Recreation Department, Paul Ryder, have been working with the members of the adult soccer community to try to respond to our concerns; and we are grateful for their efforts. In particular, my understanding is that Mr. Rossi and Mr. Ryder have been working on plans to remove a softball/baseball field at Dunnelly Park and put in a soccer field. Although I would prefer this field to be in addition to, and not in replacement of, Lusitania, I respectfully would urge the City Council not to consider the Dunnelly Park field as a replacement for Lusitania *unless and until* all interested neighborhood and community groups, including but not limited to the School Committee which I understand had been developing independent plans to use the softball field for the Rindge & Latin girls' softball team, are given an opportunity to express their views.

Further, in light of the hostility to the soccer community's concerns expressed by Mr. Rossi and Mr. Ryder's superior, Mr. Healy, I respectfully would urge the members of the Subcommittee and the City Council as a whole to divorce the inappropriate marriage between the issues of Lusitania's future and the revamping of Neville Manor, and to memorialize in a binding City Council vote any proposed solution to the City's crisis of too few soccer fields, for it would be too easy for Mr. Healy to override Mr. Rossi and Mr. Ryder's informal representations.

If you have any questions, please contact me at 617-354-4644.

Thank you for your consideration of this submission.



ATTACHMENT F

CAMBRIDGE SCHOOL COMMITTEE
454 BROADWAY
CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH G. GRASSI
393 CAMBRIDGE STREET
CAMBRIDGE, MA 02139
(617) 491-5240
FAX (617) 491-7865
EMAIL: jgrassi1@aol.com

February 11, 1999

Katherine Triantafillou, Chair
City Council Council
Health & Hospitals Committee
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Madam Chair:

I am writing to express my concerns and opposition to a proposal to move Lusitania Soccer Field from Fresh Pond to Donnelly Field. I can only state that this will have negative impacts to all users of the field as well as the community. The approach is to remove a softball diamond and replace it with a soccer field to be used primarily by adults. Even if the diamond is left in some awkward configuration, adult soccer is not a compatible use with a youth use due to the fact that there is a severe damage on field conditions due to the aggressive play of adults.

The softball diamond proposed to be lost is utilized by East Cambridge Little League t-ball and farm leagues on Saturday mornings. The Cambridge Schools Athletic Department is moving the girls softball program to Donnelly field and other sites this spring. This plan is part of the effort to meet the needs of youth across the City to increase access and participation in athletics. This has been in the discussion stages for the past year and representatives of the Cambridge Recreation Department have been involved in formal discussions since December.

The plan includes Donnelly to be utilized as the site for the varsity, Ahern for the junior varsity and Gore Street for the freshman. This limited amount of fields, the fact that East Cambridge little league has hundreds of participants and needs the remaining two fields at Donnelly for practices and games. Complicating the issue is Cambridge Girls Softball serves girls ages 6 - 14 and uses Gore Street for evening games and the t-ball league on Saturdays. The league is planning to expand two more teams this spring and will need additional playing fields. Please keep in mind Cambridge Youth Soccer utilizes all these fields during these times and during other available time slots.

As you can see, making all the youth sports organizations work it is a delicate dance of scheduling. The relationship is fragile and needs to be strengthened not pushed to the limits. Losing this softball, baseball, youth soccer, and multi-purpose field will only have a negative

Page 2 of 2

impact on youth sports in the community. It is being lost to some adults who only have interests in passive open space at Fresh Pond and others such as adult soccer players many who do not reside in the City of Cambridge.

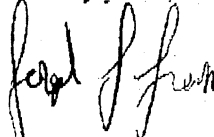
The real issue here is creating more recreation space for all residents both adult and youth. Fitting additional use such as passive meadows into soccer field and moving that field into existing space used primarily by youth is shortsighted and simply does not make sense. The common sense approach is to have an adult soccer field in a location that adults can gain easy access. A perfect example is the present location of Lusitania Field. Access is difficult due to the volume of traffic on Fresh Pond Parkway thus it makes sense to dedicate the use for adults. Valuable field space in the middle of a community, such as Donnelly, must meet the needs of youth and the community as a whole. The present site of Lusitania Field is the best location for adult soccer given the constraints of open space in Cambridge.

I also want to add that in the context of Health and Hospitals, the true strategy should be consistent with healthy children and preventative medicine. The goals of Cambridge Health Alliance should focus on keeping adults and children healthy which includes lifelong physical activity. The neighborhoods in eastern Cambridge consist of residents of poorer socio-economic status who tend to be from immigrant backgrounds. I feel that given the points mentioned above, moving Lusitania Field to Donnelly is inconsistent with the mission of the Cambridge Health Alliance.

Communities and constituencies are being pitted against each other as a winner-take-all strategy. This strategy is often used and leads to one final conclusion on all issues. The weakest, poorest constituency gets taken advantage of and decisions are not made in their best interest. I ask the City Council to look out for one of the poorest communities and one that will not be at the meeting this evening in mass and one that will not be present behind closed doors to lobby their position. Please guard the interests of our youth.

Thank you for your time and attention to this very important matter. I feel confident that you will provide the needed leadership on this issue.

Sincerely yours,



Joseph G. Grassi

2-11-99

As a parent of three very different children, I have been involved in many of the schools in Cambridge. I have not seen their students use Fresh Pond, Black's Nook, or any of the parks at the Reservation, probably because of limited access. Instead, schools like the Fitzgerald are building gardens and ponds on site, or sending students to orchards or farms. I am not convinced that another pond is needed for educational purposes

The Reservation's Educational Programs were used by Tobin school children, however. The parent who told me this also told me that, in a study performed in part by students, it was runoff from the golf course which bore responsibility for most of the pollution of Fresh Pond.

Is Clean Water the primary goal?

Who is naive enough to believe that removal of a soccer field will impact the current pollution in any significant way when more than ten times that area is landscaped as a golf course?

Is pleasing people important?

Birdwatchers and treesavers are already pleased with Fresh Pond. So are golfers. So are we.

Some want more ponds. Some want 18 holes.

We'd like more playing fields.

But at least we all have some of what we like.

Our opponents seem to be in denial of the fact that the only way to keep large monied factions from promoting other construction in the area is to keep the open areas popular among all the citizenry.

I leave it to You --our popularly elected representatives-- to decide which plan is best.

Mayor, Councilors -- Don't expect solutions to come from the people who work for you.

The manager, assistant city manager, directors and committee members have not been elected to lead our city, and cannot be expected to represent its residents. Here is the process they have provided: Verbal promises are meaningless. People are divided up into marginalized groups that appear inconsequential. Threats and extreme demands turn unpopular ideas into required compromises. Pleading for what we want means we're holding people hostage. Fear paints us into a corner, that corner being Donnelly Field.

This reminds me of the story of Solomon trying to decide which of two mothers to give a baby to. Both argued, "It's mine," so Solomon suggested cutting the baby in half. When the real mother saw her baby's life threatened, she chose to give up her dear child. When our leaders were told by government officials that the Neville Manor plan, which many people agree is needed, was threatened by the retention of Lusitania soccer field, they felt as fearful and powerless as a woman before a king. But giving up Lusitania is not something any of us do willingly. If it's rocky, that's because it has not been properly maintained. It is a dream of a field, spacious, far enough from water, surrounded by shade, protected from wind, accessible by public transportation, and close to the Ground Round in case we're lucky enough to have reason to celebrate.

I've heard that the pond will be "fabulous". To us, it is the graveyard of our dreams.

**This pond, which will cost so much, could become a nightmare. What guarantees do you have that a pond, outside the fenceline, on loose-packed soil, won't drag pollutants down faster and without the filtration of topsoil? None.
If it ain't broke, don't fix it!**

Tell the state legislature: "Look! We're tearing down a decrepit trailer and an old building ... We haven't changed the existing footprint!!!

'Open space' cannot be a reasonable argument."

The use of the space in Fresh Pond Reservation (or in Donnelly Field, for that matter) can be argued elsewhere; it should have no place in the decisions around Neville Manor.

Do you see Fresh Pond as a place for nursing care and passive use, or a place bustling with happy, active people "having a grand old time"?

"Having a grand old time"... A major opponent of Lusitania soccer field described the players at Fresh Pond Reservation as "having a grand old time"... as if it were one of the most criminal things somebody could do at a park!!!!

You can either accept the wholly unsupported assertion that the pond plan is expected to attract many people and you agree that pleasing the populace is important,

OR

You can admit that the pond plan is a way to limit the number and type of people who are welcome to Fresh Pond.

*Cari Hoffman
100 feed St.*

ATTACHMENT H

My name is Lois Kessin and I live at 11 Cogswell Ave. Being a soccer player is a part of my life. Thirty years ago I was among the students and residents of Cambridge who wrote the rent control law. I stood on street corners and knocked on doors to gather signatures needed to put the bill on the ballot. My concern then as it is now is that Cambridge remains a racially and economically diverse city.

I am incredibly upset that other soccer players and I are being touted as the people delaying the Neville Manor plan. We are not against assisted living and health care for the elderly. We are not against Neville Manor. We question why the removal of Lusitania Field is a part of the master plan. Is it because in order to have low-income elderly housing we need to remove another questionable group of people?

The problem is that we were not represented on the Fresh Pond Advisory Committee. That committee devised a plan that eliminated a soccer field that has been in use for over 40 years. This field was used and maintained by the immigrant and other diverse populations of this city. Did the committee contact any of the East Cambridge Social Clubs, the Mass. Soccer Association which includes the women's league? No, they did not. And in fact when an adult soccer person asked to be put on the committee, access was denied.

This really smacks of lack of representation. Cambridge has a reputation of fairness. The committee's lack of adult soccer representation is anything but fair to the soccer community and the community as a whole.

FRISOLI AND FRISOLI
ATTORNEYS AT LAW

797 CAMBRIDGE STREET
CAMBRIDGE, MASSACHUSETTS 02141

(617) 354-2220
Facsimile (617) 354-6939

FRANK J. FRISOLI, JR.
LAWRENCE W. FRISOLI, P.C.

KATHARINE M. BERLIN

February 11, 1999

Francis H. Duehay, Mayor
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mayor Duehay:

I am writing to you to register my opposition to the current proposed plan to eliminate Lusitana Soccer Field in conjunction with the Neville Manor Nursing Home proposal. The process by which this proposal has developed is tragically plagued by the exclusion of the Adult Men and Women Soccer Community. The physical location of Lusitana Soccer Field is outside the legal boundaries of the Neville Manor proposal and should be excluded from the proposed home rule petition similar to pending issues concerning the golf course, dog walking on Fresh Pond, jogging on Fresh Pond, etc.

For well over twenty (20) years as a citizen, taxpayer, and member of the City Council, I have heard one administration after another tell the City Council there is no money to plant grass on the soccer fields where the children, teenagers and adults of Cambridge play soccer. Now the administration plans to spend Thousands of dollars to build a swamp (its technically called a "meadow") at the Lusitana Soccer Field location to appease a very small group of individuals. There is not Twenty Thousand (\$20,000.00) Dollars to plant grass on the dust bowl Cambridge Commission or Fifteen Thousand (\$15,000.00) Dollars to plant grass on the Sacramento Street Field but there is thousands of dollars to build a swamp!

The current administration proposal to create a soccer field at Donnelly Field sometime in the future to allegedly replace Lusitana is reflective of the decades of unfulfilled hollow promises to the Soccer Community by the City of Cambridge. The Donnelly Field location does not allow sufficient space between the soccer field and existing baseball fields or adequate space for fans/parents to safely watch the matches. The construction of the

Francis H. Duhay, Mayor
February 11, 1999
Page 2

field is also predicated upon acceptance by the neighborhood. More than twenty-five years ago, I personally played soccer at Donnelly Field until the field was removed by the City because the abutters to Donnelly Field did not appreciate the soccer crowded Sunday afternoons in front of their homes.

In addition, the current proposed soccer field at Donnelly is used by Pop Warner Football and softball. No new athletic field space is being created.

I know of no one in the soccer community who is opposed to the Neville Manor proposal and no one in the soccer community who logically believes the construction of a new Neville Manor must be coupled with the ongoing City policy of neglect and abandonment of athletic facilities within Cambridge.

The City of Cambridge is blessed with the services of Paul Ryder and Kevin Clarke who each year accomplishes the impossible tasks of administering field permits. This City Council should demonstrate the moral integrity and commitment to the adult male, women and youth soccer community to separate Lusitana Soccer Field from the Neville Manor proposal, leave the future of Lusitana Soccer Field to a later date, and vote to create a full-size soccer field in East Cambridge with a suitable design and location.

Very truly yours,



Lawrence W. Frisoli

cc: Members of City Council



Draft

The Commonwealth of Massachusetts

House of Representatives

State House, Boston 02133-1054

ATTACHMENT J

Mr. David Balfour
Metropolitan District Commission
20 Somerset St.
Boston, MA 02108

Dear Mr. Balfour,

I am writing you with respect to the Metropolitan District Commission (the "MDC") and an important opportunity in Cambridge.

As I have already explained to Ms. Bernadette O'Malley, the City of Cambridge (the "City") is interested in assuring operations and maintenance responsibilities at the Magazine Beach park. An agreement to effect this transfer would not have the City take title to the property, but only take on those management responsibilities. The swimming pool facility at the park would remain the sole responsibility of the MDC, and be excluded from any agreement between the parties.

The relevant duties contemplated as part of this transfer are summarized on the attached Exhibit A. As part of the agreement, the City will pay for the operations and maintenance costs of the park with municipal funds. Exhibit B itemizes these costs in detail.

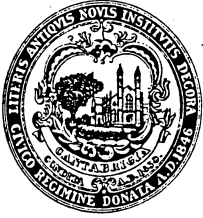
Ms. O'Malley expressed concern about preserving the mission of the metropolitan park system. Specifically, she indicated that any transfer should guarantee that the park would remain open to residents from other town and cities. Indeed, the City will assume scheduling responsibilities for the park, but would continue to make available park space to all corners.

Because this transfer will save the Commonwealth important funds, I view it as a priority. I have submitted legislation to direct the transfer. Nonetheless, it is my hope to resolve the matter on the agency level, and leave the MDC with the ability to help frame these agreements and direct the cost/savings to other deserving projects.

I look forward to the opportunity to meet with you and discuss this matter. I am

Sincerely yours,

Jarrett



CITY OF CAMBRIDGE

57 INMAN STREET, CAMBRIDGE, MA 02139 • TEL (617) 349-4680

CONSERVATION COMMISSION

February 11, 1999

The Honorable Katherine Triantafillou
Cambridge City Council
City Hall, 2nd Floor
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Triantafillou,

I am writing to express the Cambridge Conservation Commission's resolute support for the comprehensive site plan recently recommended to the City Council by the Neville Manor Site Plan Advisory Committee. As you know, the Conservation Commission has a strong interest in the future of the Fresh Pond Reservation, including the redevelopment of facilities at Neville Manor. The Commission's primary interest is in protecting the quality of Fresh Pond's public water supply as well as its surrounding wetlands and natural areas, while providing a valuable recreational resource for the public. It is our belief that the final recommended Neville Manor Site Plan is in agreement with both of these goals.

As Chair of the Conservation Commission, I served on the Neville Manor Site Plan Advisory Committee, which met two to three times per month for six months to develop a consensus siting proposal. A diverse array of interests were represented on this committee and taken into account in the identification and evaluation of a wide range of alternatives. On November 12, 1998, the committee voted to approve a final proposal which includes a new site for the nursing home, the removal of Water Department buildings and staging yard, creation of a youth soccer field, use of best management practices to protect the watershed, return of Lusitania Field to a natural state, and other elements which facilitate public access to and enjoyment of Fresh Pond Reservation.

A great deal of analysis and discussion has resulted in this recommended site plan for Neville Manor. The Conservation Commission hopes that the plan will be supported in its entirety by the Subcommittee on Health and Hospitals, and ultimately approved by the City Council, with each element recognized as a critical piece of the whole.

Sincerely,

A handwritten signature in cursive script, appearing to read "Albe Simenas".

Albe Simenas
Chair

Neville Communities, Inc.

Cambridge Housing Authority

CASCAP, Inc.

a 501(c)(3) not-for-profit

ATTACHMENT L

Honorable Katherine Triantafillou
Chair, Committee on Health and Hospitals
BY HAND

RE: Neville Manor

Dear ~~Chairperson Triantafillou:~~ *Katherine*

Enclosed please find for your information and use responses to written testimony submitted on the above-referenced project by Mr. William Schreiber and Mr. John Moot, respectively.

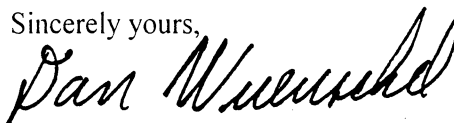
Testimony submitted by Mr. Schreiber and Mr. Moot at the January 14, 1999 City Council Health and Hospitals committee hearing on the proposed redevelopment of Neville Manor contained a number of concerns regarding the proposed project. Neville Communities, Inc. (NCI) has compiled the enclosed information to supplement materials shared previously in attempts to address concerns on the project through private meetings with concerned citizens, various correspondence, and public meetings.

Below is a summary of the information enclosed in the enclosed package and the format in which it is being transmitted:

- Summary. The ensuing page includes a brief general summary of concerns and their corresponding responses based on Neville Communities, Inc.'s assessment of the main issues underlying the many points raised in the testimony submitted by Mr. Schreiber and Mr. Moot. These issues encompass three areas: location of Neville Manor as a site for assisted living and skilled nursing; the need for affordable assisted living and skilled nursing in Cambridge; and financial and legal questions.
- Individual responses. The general summary is followed by a set of individual responses to questions and concerns in the respective testimony. As concerns were dispersed throughout the testimony's narrative, responses have been organized to begin with a brief summary of the concern in question, accompanied by an excerpt from the testimony to help ensure an accurate characterization of the concerns as they were articulated.

It is, finally, worth reiterating that most of the ensuing information has been shared previously in some form, most recently and prominently at two public information workshops held in November, 1998. As is indicated in the enclosed responses, Neville Communities, Inc. recognizes and acknowledges that critics of the Neville Manor project who fundamentally object to any building activity on the Neville Manor site will likely not regard the information which follows as either completely relevant or as responsive to the concerns being raised. We transmit the information nonetheless, however, in the spirit of addressing concerns of individuals and parties with questions asked in good faith about a complex and important proposal. Thank you for your consideration.

Sincerely yours,



Daniel J. Wuenschel

President, Neville Communities, Inc.

**SUMMARY OF RESPONSES TO TESTIMONY SUBMITTED TO CAMBRIDGE CITY
COUNCIL COMMITTEE ON HEALTH AND HOSPITALS JANUARY 14, 1999**

Testimony submitted by Mr. William Schreiber and Mr. John Moot at the above-referenced committee hearing on the proposed redevelopment of Neville Manor contained a number of concerns regarding the proposed project. Neville Communities, Inc. (NCI) has compiled the information below to supplement materials shared previously in attempts to address concerns on the project through private meetings with concerned citizens, various correspondence, and public meetings.

In NCI's estimation the various comments and concerns contained in the testimony submitted can be categorized as belonging to three general areas. Below are the concerns and the most basic points of response to them.

- **The need for affordable assisted living and skilled nursing care in Cambridge.** Testimony questioned the need for assisted living and skilled nursing in the City of Cambridge. Specific information on these areas is included in the ensuing responses. Underlying this specific data is the expressed policy goal of the Cambridge City Council that is the basis of the Neville Manor project: the provision of affordable care accessible to Cambridge's elder residents. This was the goal of the Request for Proposals to which NCI responded, and the reason for NCI's involvement in the project.
- **The location of Neville Manor as a site for assisted living and skilled nursing.** Testimony characterized the current proposal as involving the loss of park land. Following a 1925 vote of the state legislature, the Cambridge City Council voted in 1928 to remove 8.3 acres from Fresh Pond Reservation for the purpose of establishing a home for the elderly and infirm, a use which has continued uninterrupted for the past seventy years. The current proposal would site a new building in an area of the site 50 feet from Concord Avenue not visible to or from Fresh Pond, and would *add* half the current Neville Manor site to the Reservation as green open space previously not accessible to the general public.
- **Financial and legal questions.** Mr. Schreiber and Mr. Moot have raised numerous questions as to the financial stability and legal basis for the Neville redevelopment proposal that are discussed individually herein. In this regard generally, NCI notes that its proposal is based not only on careful and thorough analysis, but that this analysis is itself grounded in more than one hundred years of experience and expertise in the development and operation of affordable housing and health care provision that NCI collectively brings to the Neville Manor project. Prior to the project's financial closing, this analysis and the expertise on which it is based will be further assessed, tested, and scrutinized by multiple public and private funding entities that will engage in complete due diligence of the project's financial stability before any funding for the project is actually secured.

The information follows the order in which concerns were raised in the testimony submitted. As concerns were dispersed throughout the testimony's narrative, responses have been organized to begin with a brief summary of the concern in question, accompanied by an excerpt provided to help ensure an accurate characterization of the concerns as they were articulated. This itemized set of responses is preceded below by a brief general summary of concerns and responses based on Neville Communities, Inc.'s assessment of the basic issues underlying the many points raised in the testimony of Mr. Schreiber and Mr. Moot respectively. This information largely repeats the information summarized above, but is included with each response so that each may serve as a 'stand-alone' document.

**RESPONSE TO TESTIMONY SUBMITTED TO CAMBRIDGE CITY COUNCIL COMMITTEE
ON HEALTH AND HOSPITALS JANUARY 14, 1999**

Testimony submitted by Mr. William Schreiber at the above-referenced committee hearing on the proposed redevelopment of Neville Manor contained a number of concerns regarding the proposed project. Neville Communities, Inc. (NCI) has compiled the information below to supplement materials shared previously in attempts to address concerns on the project through private meetings with concerned citizens, various correspondence, and public meetings.

The information follows the order in which concerns were raised in Mr. Schreiber's testimony. As concerns were dispersed throughout the testimony's narrative, responses have been organized to begin with a brief summary of the concern in question, accompanied by an excerpt from Mr. Schreiber's testimony to help ensure an accurate characterization of the concerns as they were articulated. This itemized set of responses is preceded below by a brief general summary of concerns and responses based on Neville Communities, Inc.'s assessment of the basic issues underlying the many points raised in the testimony itself.

In NCI's estimation the various comments and concerns contained in Mr. Schreiber's testimony can be categorized as belonging to three general areas. Below are the concerns and the most basic points of response to them.

- **The need for affordable assisted living and skilled nursing care in Cambridge.** Mr. Schreiber questions the need for assisted living and skilled nursing in the City of Cambridge. Specific information on these areas is included in the ensuing responses. Underlying this specific data is the expressed policy goal of the Cambridge City Council that is the basis of the Neville Manor project: the provision of affordable care accessible to Cambridge's elder residents. This was the goal of the Request for Proposals to which NCI responded, and the reason for NCI's involvement in the project.
- **The location of Neville Manor as a site for assisted living and skilled nursing.** Mr. Schreiber consistently characterizes the current proposal as involving the loss of park land. The Cambridge City Council voted in 1928 to remove 8.3 acres from Fresh Pond Reservation for the purpose of establishing a home for the elderly and infirm, a use which has continued uninterrupted for the past seventy years. The current proposal would site a new building in an area of the site 50 feet from Concord Avenue not visible to or from Fresh Pond, and would *add* half the current Neville Manor site to the Reservation as green open space previously not accessible to the general public.
- **Financial and legal questions.** Mr. Schreiber raises numerous questions as to the financial stability and legal basis for the Neville redevelopment proposal that are discussed individually herein. In this regard generally, NCI notes that its proposal is based not only on careful and thorough analysis, but that this analysis is itself grounded in more than one hundred years of experience and expertise in the development and operation of affordable housing and health care provision that NCI collectively brings to the Neville Manor project. Prior to the project's financial closing, this analysis and the expertise on which it is based will be further assessed, tested, and scrutinized by multiple public and private funding entities that will engage in complete due diligence of the project's financial stability before any funding for the project is actually secured.

Neville Communities, Inc. recognizes and acknowledges that critics of the Neville Manor project who fundamentally object to any building activity on the Neville Manor site will likely not regard the information above or that which follows as either completely relevant or as responsive to the concerns being raised. The information is provided and submitted in the spirit of addressing concerns of individuals and parties with questions asked in good faith about a complex and important proposal.

Executive Summary

Concern. The testimony indicated that issues previously raised in regard to the project have not been addressed: *“The new proposal meets none of the objections to the project that were previously voiced [by the legislature] and it should therefore be rejected.”* (Pg. 1)

Since last spring NCI and the Cambridge Health Alliance have made a concerted effort to respond to the concerns raised by the state legislature’s Local Affairs Committee. A partial listing of the concerns raised by the committee and the steps undertaken to address them is provided below. A more detailed summary was provided to the general public at two public information meetings held November 19, 1998.

Site definition

- ***Concern:*** Ambiguities over the definition of the Neville Manor site and under whose jurisdiction the site fell. (Due in part to the prior absence of a conventional ‘metes and bounds’ description of the site.)
- ***Response:*** The location of a metes and bounds survey defining the site and transferring its control from the Water Board to the City (from the minutes of the Cambridge Water Board meeting of February 14, 1928) clarified the issue of site control and the potential need for state action in this regard. Roughly half of the 8.3 acre site will be added back to the reservation as green, vegetated open space.

Need for a more fully-developed plan

- ***Concern:*** Committee members expressed concern that the project was not sufficiently defined to warrant legislative consideration and approval last spring. (The plan had been open-ended in order to allow flexibility in siting the facility.)
- ***Response:*** Since last July the Site Plan Advisory Committee convened by the City Manager has had the opportunity to consider these siting issues. At this point drawings indicating the location of a new skilled nursing facility and other components of the Advisory Committee’s recommendation have been completed.

Archaeological issues

- ***Concern:*** Site had been identified as a possible location of a Native American burial ground. (Survey hadn’t been possible last spring in absence of a specific site plan.)
- ***Response:*** Field work for the survey was completed in November, 1998 in accordance with requirements of Massachusetts Historical Commission; a draft report has been submitted to MHC. There are no Indian burial remains on the site.

Affordability protections and other assurances

- ***Concern:*** Permanence of affordability commitments for the assisted living facility, as well as protections in the event that the project encounters financial difficulty. (Project opponents at last spring’s Local Affairs hearing indicated that tax credits required affordability for only 15 years.)

- *Response:* Neville Communities, Inc. has always committed to maintain the facility as affordable in perpetuity, and will be required to do so by several financing and regulatory agreements, and by the Cambridge Health Alliance under the terms of its ground lease. The ground lease between the Cambridge Health Alliance and the assisted living facility also will require that affordability survive any change in ownership of the facility.

Project composition and 'for-profit' involvement

- *Concern.* Concern was expressed over control of the project and particularly Prism Health Group's involvement.
- *Response.* Neville Communities, Inc. is a non-profit organization whose Board will be fully and exclusively comprised of public entities (Cambridge Housing Authority, Cambridge Health Alliance, the City of Cambridge) and a non-profit organization (CASCAP). The single for-profit firm involved in a development role on the project is Affirmative Investments, which is working in this capacity as a financial consultant to the project.

Prism Health Group is no longer involved with the project. A manager for the skilled nursing facility is in the process of being selected and may or may not be a for-profit organization; in any event, it will have no ownership role whatsoever in the project. Such an arrangement is standard both in the skilled nursing and affordable housing fields.

Statutory issues

Members of the Local Affairs Committee focused primarily on two statutory components of the legislation, regarding conflict of interest issues and procurement practices.

- *Concern.* The Commonwealth's Inspector General had expressed concern about sections of the legislation which propose exemptions from specific sections of state conflict of interest laws.
- *Response.* The legislation has been amended to include the names of the agencies which will be represented on the board of directors of the new corporation. This change was made at the suggestion of representatives in the Inspector General's office; representatives with whom we met on this issue stated that their concerns could be addressed by the fact that public entities would control the new corporation. They suggested that inclusion of the names of these agencies in the legislation would sufficiently address their previously stated concerns.
- *Concern.* Concern was expressed that the legislation sought, for the new corporation, broad exemptions from public bidding and procurement requirements.
- *Response.* This concern has been addressed through changes to Section 7 (formerly Section 6) of the legislation to emphasize that the new, private not-for-profit corporation will be regulated by the same general and special laws that apply to the Cambridge Public Health Commission, a public authority.

In addition to these changes, a more detailed point-by-point summary of changes to legislation has been prepared and is available for review. Information on legislation revisions also was previously made available at the public workshops held November 19, 1998. Staff from Neville Communities, Inc., the Cambridge City Manager's office, Cambridge Health Alliance, and the City Law Department were available to discuss these and other issues at these workshops.

Concern[s]. Several concerns involving siting issues were articulated in the executive summary, some of which do not appear in the same form in the testimony and are therefore included here: *“These assertions [that a new building is needed to cure the deficit; that additional assisted-living facilities are needed in Cambridge, and that these should be located close to the nursing home] are totally unsupported in the documentation so far made available...”* (Pg. 1)

Issues regarding the need for, and appropriate location of, assisted living in Cambridge are taken up separately below. As to the need for a new building, Neville Communities, Inc. has not claimed that a new building is a central element of ‘deficit reduction’. NCI has indicated consistently that multiple architectural feasibility analyses of the current building have indicated that it does not make sense, from either an economic or architectural standpoint, to renovate the building for continued use as a skilled nursing facility.

The reasons for this are two-fold, beginning with the fact that Neville Manor was not originally designed or built for use as a skilled nursing facility. While the building’s lay-out, room sizes and corridor widths pose inherent problems, inefficiencies, and prohibitively high costs for skilled nursing purposes, the building lay-out lends itself very efficiently for use as assisted living. This is consistent with the fact that Neville Manor was originally constructed to serve as a home for the aged and infirm - a residential use - rather than the institutional care associated with skilled nursing care.

Concern. This section concerned the appropriateness of locating an assisted living facility at Neville Manor: *“...Fresh Pond seems particularly unsuitable for assisted living for most prospective residents because of lack of neighborhood stores and restaurants and because of very heavy traffic on Concord Avenue...”* (Pg. 1)

NCI disagrees with this assertion on several grounds. By objective standards and general practice, immediate proximity to shopping and restaurants are not central criteria in the siting of assisted living facilities. Residents of assisted living, by definition, require some level of assistance with activities of daily living, including cooking and shopping. This is in part why elders opt for assisted living. Residents of any assisted living facility are most likely to be transported to restaurants and shops regardless of their proximity, as often they would need assistance returning with groceries or packages. Few sites are located precisely next to neighborhood restaurants and shops.

NCI further disagrees with the premise underlying the statement above, that Neville Manor is a remote or inaccessible location. While residents may not be inclined or able to walk to a neighborhood store or restaurant on their own, living at Neville Assisted Living would mean their home is easily accessible to anyone in Cambridge, most importantly Cambridge-based relatives and friends. This, rather than shopping or restaurant proximity, is a key fact in the quality of life associated with one’s housing situation. Due to the current shortage of affordable assisted living units in Cambridge (discussed further below), Cambridge elders who need assisted living presently are left without a viable option through which they can continue to live in their city of residence.

In NCI’s view, the Neville Manor site is an exceptional location for assisted living precisely because of its proximity to Fresh Pond. As articulated in past correspondence on the project and discussed further below, the Neville site has allowed Cambridge’s senior citizens access to a peaceful and beautiful site for over 70 years. It is, in Neville Communities, Inc.’s view, a positive feature and strength of the plan that this access would be preserved, and indeed enhanced, under the current proposal.

On a final related point, NCI would comment on a statement made several times that CASCAP's involvement in the development of assisted living on Harvard Street in mid-Cambridge reflects an inconsistency in what constitutes an appropriate site for housing of this kind. The location of assisted living at Neville Manor and on Harvard Street reflects the simple fact that some individuals prefer a quiet and natural surrounding while others opt for a more active, urban environment. In the best case scenario, Cambridge residents, young and old, would be provided with a variety of options and afforded the opportunity to make personal choices about where they ultimately reside.

Concern. An additional concern pertaining to siting issues was that: "...no case whatever has yet been made that the best way to solve the problem is for the public sector to erect and operate new buildings in our only large park..." (Pg. 1)

In regard to the role of the public sector, several individuals and parties have alternately criticized the Neville Manor project for prolonging public sector involvement in the operation of Neville Manor, and for introducing private sector resources in redeveloping the facilities. We believe the project involves the best of each of these sectors, by combining a private non-profit's access to private capital resources with a public-spirited concern for the provision of high-quality compassionate care. Characterizations that focus inaccurately on private for-profit ownership or question why the 'public sector' is involved misapprehend both the reason for the project, and the means by which it is being developed.

As to location of the project, the testimony asserts repeatedly that the project is located in the city's 'only large park.' Such a description is fundamentally inaccurate: in 1925 the City Council and Massachusetts State Legislature saw a sufficiently compelling need for service to the city's needy residents that they voted to authorize construction of a home for the 'aged and infirm' at Fresh Pond; in 1928 the City Council formally transferred 8.3 acres for this use from the Water Board to the City. The current Neville project therefore does not involve the taking of park land. To the contrary, the proposal would return roughly 4 acres of open space previously inaccessible to the public, in exchange for siting a building in an area that is currently a wooded thicket entirely inaccessible for public use, and not visible to or from Fresh Pond. In both a legal and practical sense, no park land is being taken.

It is, finally, important to note that if the new skilled nursing facility is not built, the Neville Manor site will remain occupied by three outmoded structures that would be removed under the current proposal: the administration building housing Neville Manor's boiler plant; the original care taker's house overlooking Black's Nook and Fresh Pond, and the trailer housing the Maynard ecology program.

Concern. Regarding financial issues, the executive summary notes that: "...the financial plan for the project has many question marks... the expected break-even operation is merely a pious hope; should this not prove possible then the percentage of 'affordable' beds must be reduced, the city must pick up the tab, or the project must be closed down."

Each of the claims above is inaccurate for reasons reviewed below, all of which have been previously shared in extensive detail at heavily-advertised and well-attended public meetings. Before reviewing the individual points made, however, it is worth responding to the general assertion that the project's financial plan is in any way based on general expectations rather than rigorous analysis.

The development and financial plan for Neville Manor's redevelopment was assembled by partners who collectively bring a total of over 100 years of experience and expertise in the development, construction and financing of affordable housing. Cambridge Housing Authority, established in 1935, owns and

manages approximately 2,700 units of affordable housing for elders, families, and special needs households, and administers roughly 2,000 more units through a variety of leased housing programs. CASCAP is a Cambridge-based non-profit organization with 25 years of experience and expertise in the development and management of high quality housing and delivery of housing-related supportive services. Affirmative Investments, Inc. (AI) is a fifteen year old development and financial consulting firm with particular expertise in the financing of affordable housing, assisted living, and supportive services. AI has facilitated the financing and development of more than \$350 million of affordable housing nationwide representing over 3,500 units, including development of a \$9.1 million financing package for the Cohen Florence Levine Estates, a 69 unit mixed income assisted living facility in Chelsea, MA.

It is worth noting that in addition to being the product of a breadth and depth of experience, the project proposal will also be subject to the review of multiple entities, public and private, who will not fund the project if its funding pro formas are not financially sound and economically viable. NCI has shared freely information on project finances with individuals and organizations with legitimate concerns in this regard. At the same time, NCI is uncertain questions on the financial viability of the project can ever be fully satisfied when submitted by parties whose concerns are based mainly on the location of the project.

As to other issues raised regarding what happens in the unlikely possibility the project were to experience financial difficulty: none of the scenarios stipulated in Mr. Schreiber's testimony are necessarily true. Public documents shared previously have clearly stipulated that affordability guarantees would survive any financial difficulty, so that affordable beds (or units) would not be reduced under such circumstances. Nor is it necessarily the case that 'the city must pick up the tab': any number of scenarios, in which an alternate assisted living or skilled nursing provider could assume control of the project, could obviate the need for direct city or Cambridge Health Alliance involvement.

Testimony

Concerns included in the body of testimony submitted to the City Council are excerpted below with corresponding information in response to the points raised.

Concern. The first concern articulated in the testimony concerned the actual need for the redevelopment of Neville Manor into affordable assisted living and skilled nursing: "...Proponents of the project have never produced a document that clearly demonstrates the need for the facilities, the reasons for locating them in a park-like area such as Fresh Pond, or the justification for the idea that the nursing home and the assisted living facility need to be adjacent to provide a 'continuum of care.'" (Pg. 2)

Discussion of the need for skilled nursing in Cambridge and affordable assisted living should begin with the fact that NCI responded to a Request for Proposals (RFP) calling for the redevelopment of Neville Manor. This RFP was the product of five years of strategic planning and study involving Cambridge health care officials and municipal representatives. These efforts were summarized in documents provided at previous public meetings, including the public workshops held in November, 1998.

As mentioned above and outlined in documents distributed at prior meetings and workshops, the project RFP was based on a five year strategic planning effort that called for the redevelopment of Neville Manor (and in fact recommended construction of a new facility). Underlying this need is the stated policy and priority of the Cambridge City Council that affordable skilled nursing accessible to city residents is a resource that should continue to be provided in the city. In light of this policy, NCI regards

its role as consistent with the will of the City Council in developing a proposal to continue a long-standing history of care for the needy at the Neville Manor site.

With this as background, the fact is that the need for assisted living is growing at the same time the need for skilled nursing remains substantial, particularly in light of declining resources of this kind in the city. Information of each is provided below.

Assisted Living -- Need Indicators

- There are approximately 4,900 Cambridge citizens over 75 years of age. It is estimated that approximately 70% of this group are considered low to moderate income, resulting in 3,430 income and age eligible elders. Of these 3,430 income and age eligible elders, approximately 1,098 (32%) have mobility or self-care limitations. (1990 US Census Data; State Data Center at Massachusetts Institute for Social and Economic Research; ADS Consulting Study for CPHC, 1996)
- Over the next thirty years this elderly population is expected to grow dramatically. The number of adults 65 and over is expected to level off through 2005, and then will increase substantially as the baby boomers enter the over 65 cohort. In Massachusetts it is expected that the over 65 population will increase by 17% between 2005 and 2015 and by 30% between 2015 and 2025. (Administration on Aging Statistics)
- Many Cambridge elderly live in housing owned and managed by the Cambridge Housing Authority (CHA). A total of 880 individuals currently living in CHA conventional and leased housing are over 75 years of age, representing 17% of the Authority's total population. (Cambridge Housing Authority, Planning and Information Department)
- The assisted living facility proposed for Neville Manor is a response primarily to the overwhelming need for such care: 1) for low and moderate income elders, and 2) for those with memory impairment. There are currently 225 units of assisted living in Cambridge. Twenty one additional units are scheduled to open at Harvard Place in 1999. Of these 246 units, only 37 (15%), are available to low or moderate income elders; only 14 (6%) are available to those who are memory-impaired. While only 15% of Cambridge assisted living units are available to low and moderate income elders, this income group constitutes approximately 70% of the city's elders. (State Data Center at Massachusetts Institute for Social and Economic Research)

Skilled Nursing -- Need Indicators

The fact that the state has 'a surplus' of skilled nursing beds has been cited as reason not to provide a skilled nursing facility in Cambridge. It is important to remember, in discussing need indicators relative to skilled nursing care, the disparity between need in Massachusetts in general and Cambridge specifically. A second point concerns the fact that the closing of several facilities in Cambridge in the past year reflects the importance of retaining skilled nursing care in the city in a time of diminishing resources. Information on each of these points is presented below.

- There are currently four nursing homes operating in Cambridge. With Neville Manor at the projected level of 100 beds, there will be a total of 443 nursing home beds in the city. Given current statewide utilization rates (approximately 6.5% of 65+ people utilize skilled nursing care), there is an estimated need for 654 nursing home beds in Cambridge.
- Two years ago, the total was 761, before Youville Hospital (140 beds) and Cantabridgia Nursing Home (99 beds) announced plans to close. In addition, the number of beds at Neville Manor has

decreased from 179 beds and is projected to be 100 at the completion of the proposed project. With the closure of Cantabridgia, there is a total loss of 318 beds -- a 42 percent reduction.

- According to Massachusetts Institute for Social and Economic Research (MISER), the population of Cambridge residents 75 and over (the heaviest users of nursing home services) was estimated to be 4,957 in 1996. The number of nursing home beds per 1,000 persons 75 years of age and older is therefore 89.4 -- a significantly lower ratio than either state or national numbers. Without Neville Manor's 100 beds, the figure would be significantly lower, at 69 nursing home beds per 1,000 persons 75 years of age and older.

Regarding the need to locate both the assisted living facility and the skilled nursing home on the same site, NCI believes the continuum of care concept to be a tremendous benefit to the residents of the two Neville facilities proposed for the site. The logic of such an approach is outlined below, and in our view represents a compassionate and enlightened approach to elder care.

One of the original intentions of the continuum was to ease the often traumatic transfer, whether temporary or permanent, to another living environment. Older adults faced with a change in their health status often face the prospect of being uprooted suddenly from their home, placed in an acute care setting, transferred to a rehabilitative facility and then either returned eventually to the home or placed in a new, more restricted environment. These transitions can occur multiple times in the later years of an individual's life and can take a very real toll on functioning and spirit.

The continuum proposed at Neville Manor affords an opportunity for an assisted living resident, after an acute care episode, to be returned to a familiar setting while recuperating or working toward returning to home. The proximity of one's home allows physical and occupational therapists to easily ascertain one's readiness for return to independence by allowing home visits; typically a luxury for isolated facilities. It also affords the opportunity for an assisted living resident who faces a change in mental acuity, to transfer to a new apartment within the same facility in order to receive the necessary care to remain in the residence.

If a permanent placement is ultimately necessary, the individual remains in close proximity to friends and staff, and remains in the familiar surroundings of the campus. The comfort and reassurance of having a continuum of care available on one site, so that an individual's changing needs can be addressed without the need of displacement, is a tremendous benefit for elders and families. NCI also anticipates a common scenario involving couples, where one of the couple needs specialized dementia care or skilled nursing care, and the other is able to live with minimal daily supports. Ordinarily, the couple would need to be separated - an experience that is traumatic both for the individuals directly involved and their families. The ability for both to remain together in close proximity we believe is a compassionate, humane, and positive feature of the proposed project.

Concern. Regarding need issues specific to Neville Manor, the testimony submitted suggested that a reduced census at Neville Manor may mean a lack of need for continued skilled nursing: "...it appears that Neville Manor itself has actually seen a decline in demand for admission in recent years, since the administration, of its own accord, has reduced the occupancy of the current building from 179 to less than 100, again without any public complaints."

NCI does not regard the lack of 'public complaint' as indicative of a lack of skilled nursing need. Occupancy levels at Neville Manor have been reduced to facilitate transition to a new, smaller facility.

As has been pointed out previously, there is considerable anxiety among residents as to the future of skilled nursing care (a point Cambridge Health Alliance has been criticized for making in previous correspondence by William Schreiber), and continued expressions of need by various members of the public at large. More to the point, the number of beds reflects the array of choices currently available to elders - including assisted living - and is in our estimation a strength of the project rather than a liability. To criticize the project for addressing a need proportionate to the nature and extent of actual demand, rather than simply replicate the number of existing skilled nursing beds, does not seem entirely logical.

Concern. Another set of concerns relates to ‘project assumptions’, based on an understanding that: *“...when Neville Manor was first built, it was common to put the poor, the elderly infirm, lunatics, orphans and prisoners out of sight in remote locations such as Fresh Pond... this idea has long since been abandoned.”* (Pg. 3)

NCI has a very different understanding of the history of care for the infirm and elderly at Neville Manor from the one articulated above. This understanding is based in part on an assessment of Neville Manor’s history by the Cambridge Historical Commission that clearly characterizes the siting and construction of Neville Manor as an enlightened break from the kind of care like that described above, which had in fact preceded Neville Manor at places like the ‘poor farm’ site located in extreme north west Cambridge between 1851 and 1927. In describing the social policy history of Neville Manor, Historical Commission director Charles Sullivan wrote in July, 1998 that:

The Neville Manor complex is significant at the state level in the field of social policy, as a rare surviving example of a municipal facility built specifically for the care of the elderly. It represents the change in municipal care of the indigent from the poorhouse model to the infirmary approach, *and documents the extraordinary level of care Cambridge offered its poor at a relatively early date.* (Emphasis added; memo prepared by Charles Sullivan, Executive Director, Cambridge Historical Commission)

The City Council’s desire to respond to the evolving needs of the elderly at Neville Manor can be considered an extension of a policy dating back to the building’s original construction, when Fresh Pond was identified as an appropriate location at which to provide a needed resource in the city. The current proposal is fully consistent with this historic mission and indeed may be regarded as an extension of it.

Concern. Mr. Schreiber’s testimony contained several specific points on siting issues, including the observation that, *“The site committee received particularly inappropriate advice...about the proper (or usual) location of medical facilities. At one of the public meetings it was stated that most large hospitals are located in parks, based partly on presumed practice in New York City... as a former New Yorker, I know positively that most hospitals in New York are located on city streets...”*

NCI does not presume to speak for the city administration on the work of the Site Plan Advisory Committee and the work of Carlone & Associates in providing consulting services to that body. We would note, however, our high regard for, and confidence in, Mr. Carlone’s work. As a point of interest, we would also note that Mr. Carlone is himself a former New Yorker, who combines his own personal experience with twenty-five years of professional experience in the practice of urban design.

Concern. Also in regard to siting issues, an assertion was made that, *“...a quiet nearby side street would be quite suitable [as a nursing home site].”* (Pg. 4)

Neville Communities, Inc. respectfully disagrees with this contention on practical grounds and in concept. CHA's and CASCAP's collective experience in the development of affordable housing in Cambridge strongly indicates that the likelihood of finding an acceptable location for a 100 bed nursing home on a 'nearby quiet side street' is exceedingly remote. At the same time, in recommending the siting of a skilled nursing facility on the current Neville site -- as it is historically and legally defined -- the city is preserving and continuing an *existing* use without any net gain in traffic or parking impact to the neighborhood itself or the city in general. As stated previously above, the siting of such a use does not impact existing park land, either in legal or practical terms. The proposal as currently structured instead adds roughly 4 acres of previously inaccessible land for park use, and uses an area of the Neville site cut off from Fresh Pond to site the skilled nursing facility.

Concern. Also cited in this connection is a concern on project costs: *"The capital costs for the new structures and their equipment will be more than \$100,000 per resident, for which sum it might well be possible to buy an apartment for each and every [resident]."* (Pg. 4)

While the costs cited above is by no means insubstantial, they are in fact in line with and typical of affordable housing developed in Cambridge (the closest basis for comparison, given that no new skilled nursing beds have been recently constructed). At the same time, the suggestion to acquire individual units overlooks both the services associated with skilled nursing and assisted living, and also the fact that studio apartments units in Cambridge are themselves selling for substantially over \$100,000. Most fundamentally, the recommendation overlooks the legitimate desire of Neville Manor residents who wish to remain in a location they have come to know and enjoy.

Concern. Also emphasized is the, *"legendary propensity of such [no loss operating budget] predictions to be overly optimistic."* (Pg. 5)

Affirmative Investments has been responsible for the financing for 3,500 units representing 60 projects without a single foreclosure. It is difficult to respond more specifically to the statement above without any documentation to support the claim of unrealistic projections.

Concern. Also regarding financial management matters, the testimony submitted states that, *"The recent failure of the Youville nursing home, which surely was as well managed as the new facility would be and was equally eligible for most of the government subsidies, may reveal the underlying financial problem."*

The primary reason Youville Nursing Home was closed is that it received revenues appropriate for a free-standing nursing home while carrying costs of a hospital affiliated nursing home. Neville Manor, by contrast, will be a free-standing nursing home that does have to cover hospital-related costs. NCI is unclear on how Mr. Schreiber can compare the financial management of Youville to NCI before NCI has assumed responsibility for Neville Manor.

In closing, the most fundamental and candid response to financial questions like those raised above -- that focus solely on what can go wrong: the possibility of funding decreases, shifts in health care trends and other potential scenarios -- is that concrete answers to hypothetical questions, based on theoretical scenarios, by definition cannot be fully addressed. In light of this fact the alternatives are two-fold: go forward with a sound, carefully developed proposal based on careful planning by an array of experienced and qualified parties, or delay in the hope of addressing an array of questions that by their very nature and design can never be fully satisfied or resolved.

Neville Communities, Inc. submits that the time to act is now. Indeed, the federal low income housing tax credits allocated to the project in 1999 come with binding and explicit deadlines for project completion. We believe the current proposal responds to the overwhelming majority of community concerns and legitimate questions, and addresses the City Council's expressed desire for continued provision of affordable health care to the city's elder residents in a way that continues the historic and enlightened mission of the Mayor Michael J. Neville Manor. The City Council in its wisdom has already once expressed its intent to follow this example of compassionate care for the city's senior residents in need of such care. NCI believes at this point the proposal approved last year is only improved, and urges its approval in the interests of the facility's residents and the proposal's continued viability.

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**RESPONSE TO TESTIMONY SUBMITTED TO CAMBRIDGE CITY COUNCIL
COMMITTEE ON HEALTH AND HOSPITALS JANUARY 14, 1999**

Testimony submitted by Mr. John Moot at the above-referenced committee hearing on the proposed redevelopment of Neville Manor contained a number of concerns regarding the proposed project. Neville Communities, Inc. (NCI) has compiled the information below to supplement materials shared previously in attempts to address concerns on the project through private meetings with concerned citizens, various correspondence, and public meetings.

The information follows the order in which concerns were raised in Mr. Moot's testimony. This itemized set of responses is preceded below by a brief general summary of concerns and responses based on Neville Communities, Inc.'s assessment of the basic issues underlying the many points raised in the testimony itself.

In NCI's estimation the various comments and concerns contained in Mr. Moot's testimony can be categorized as belonging to three general areas. Below are the concerns and the most basic points of response to them.

- **The location of Neville Manor as a site for assisted living and skilled nursing.** Mr. Moot characterizes the current proposal as involving the loss of park land and green space. The Cambridge City Council voted in 1928 to remove 8.3 acres from Fresh Pond Reservation for the purpose of establishing a home for the elderly and infirm, a use which has continued uninterrupted for the past seventy years. The current proposal would site a new building in an area of the site 50 feet from Concord Avenue not visible to or from Fresh Pond, and would *add* half the current Neville Manor site to the Reservation as green open space previously not accessible to the general public.
- **The need for affordable assisted living and skilled nursing care in Cambridge.** Mr. Moot questions the need for assisted living and skilled nursing in the City of Cambridge. Specific information on these areas is included in the ensuing responses. Underlying this specific data is the expressed policy goal of the Cambridge City Council that is the basis of the Neville Manor project: the provision of affordable care accessible to Cambridge's elder residents. This was the goal of the Request for Proposals to which NCI responded, and the reason for NCI's involvement in the project.
- **Financial and legal questions.** Mr. Moot raises numerous questions as to the financial stability and legal basis for the Neville redevelopment proposal that are discussed individually herein. In this regard generally, NCI notes that its proposal is based not only on careful and thorough analysis, but that this analysis is itself grounded in more than one hundred years of experience and expertise in the development and operation of affordable housing and health care provision that NCI collectively brings to the Neville Manor project. Prior to the project's financial closing, this analysis and the expertise on which it is based will be further assessed, tested, and scrutinized by multiple public and private funding entities that will engage in complete due diligence of the project's financial stability before any funding for the project is actually secured.

Neville Communities, Inc. recognizes and acknowledges that critics of the Neville Manor project who fundamentally object to any building activity on the Neville Manor site will likely not regard the information above or that which follows as either completely relevant or as responsive to the concerns being raised. The information is provided and submitted in the spirit of addressing concerns of individuals and parties with questions asked in good faith about a complex and important proposal.

Siting Issues

Concern. The first concern expressed in regard to this issue pertained to the perceived loss of park land by the construction of a new facility on the site. *“No building should be built in the Fresh Pond Reservation...This important park land should remain forever as park land.”*

The assertion that Neville Manor is park land located in the Fresh Pond Reservation is fundamentally inaccurate. In 1925 the Cambridge City Council and state legislature saw a sufficiently compelling need for service to the city's needy residents that they voted to authorize construction of a home for the 'aged and infirm' at Fresh Pond; in 1928 the City Council formally transferred 8.3 acres for this use from the Water Board to the City. The current Neville project therefore does not involve the taking of park land on Fresh Pond Reservation. To the contrary, the proposal would return roughly 4 acres of open space previously inaccessible to the public, in exchange for siting a building in an area that is currently a wooded thicket entirely inaccessible for public use, and not visible to or from Fresh Pond. In both a legal and practical sense, no park land is being taken. Instead, roughly 193,000 square feet of green open space would be added to the reservation under the current proposal.

It is, finally, important to note that if the new skilled nursing facility is not built, the Neville Manor site will remain occupied by three outmoded structures that would be removed under the current proposal: the administration building housing Neville Manor's boiler plant; the original care taker's house overlooking Black's Nook and Fresh Pond, and the trailer housing the Maynard ecology program.

Concern. Another issue raised in the testimony regarding siting issues, was that *“[alternative] sites may take time to find, but they could be spread out in the neighborhoods where the residents would feel more at home.”*

Based on their collective experience in the development of affordable housing in Cambridge, CHA and CASCAP suggest that the likelihood of finding an acceptable location either for a 100 bed nursing home or a number of 'alternative sites' is exceedingly remote. At the same time, in recommending the siting of a skilled nursing facility on the existing Neville site -- as it is historically and legally defined -- the city is preserving and continuing an *existing* use without any net increase in traffic or parking impact to the neighborhood itself or the city in general.

The current Neville Manor site has been home to frail elders for over 70 years. The idea that they would feel "more at home" in another neighborhood or, as others assert, in a more urban setting, is a subjective judgment with which NCI disagrees. Such a recommendation overlooks the legitimate desire of existing Neville Manor residents who wish to remain in the location they have come to know and enjoy. NCI believes that the existing Neville Manor site is an exceptional location for skilled nursing and assisted living precisely because of its proximity to Fresh Pond. The Neville site has allowed Cambridge's senior citizens access to peaceful and beautiful surroundings for over seventy years. It is, in Neville Communities, Inc.'s view, a positive feature and strength of the plan that this access would be preserved, and indeed enhanced, under the current proposal.

Project Need

Concern. A concern expressed with respect to this issue was the need for a new nursing home at a time when the elderly care industry is perceived to be shifting away from long-term care facilities: *“The construction of a new nursing home in this time of shrinking demand seems precarious.”*

This quotation and similar concerns expressed elsewhere regarding “shrinking” demand confuse an important and basic distinction between *shifts* in demands and shrinkage in demand. The Neville Manor proposal represents a thoughtful, responsive, and appropriate response to shifts in health care that emphasize the importance of offering a range of housing and health care options to aging adults. This shift in demand, and the continuum of care developed in response to it, is fundamentally different from what some describe as a shrinking demand for elder care provision. Such a description ignores major demographic trends regarding the aging of the ‘baby boom’ population cohort.

Over the next thirty years the elderly population is expected to grow dramatically. The number of adults 65 and over is expected to level off through 2005, and then will increase substantially as the baby boomers enter the over 65 cohort. In Massachusetts it is expected that the over 65 population will increase by 17% between 2005 and 2015 and by 30% between 2015 and 2025 (Administration on Aging Statistics).

A discussion of the need for skilled nursing in Cambridge should also note the fact that NCI responded to a carefully conceived Request for Proposals (RFP) calling for the redevelopment of Neville Manor. This RFP was the product of five years of strategic planning and study involving Cambridge health care officials and municipal representatives. These efforts were summarized in documents provided at previous public meetings, including informational workshops held last fall.

The RFP is also consistent with the stated policy and priority of the Cambridge City Council that affordable skilled nursing accessible to city residents is a resource that should continue to be provided in the city. In light of this policy, NCI regards its role as consistent with the will of the City Council in developing a proposal to continue a long-standing history of care for the needy at the Neville Manor site. The proposal for Neville Manor was developed within this framework and is now being considered at a time when the need for skilled nursing is highlighted by the declining skilled nursing resources in the city. As described below, the closing of several facilities in Cambridge in the past year reflects the importance of retaining skilled nursing care in the city in a time of diminishing resources.

- There are currently four nursing homes operating in Cambridge. With Neville Manor at the projected level of 100 beds, there will be a total of 443 nursing home beds in the city. Given current statewide utilization rates (approximately 6.5% of 65+ people utilize skilled nursing care), there is an estimated need for 654 nursing home beds in Cambridge.
- Two years ago, the total was 761, before Youville Hospital (140 beds) and Cantabridgia Nursing Home (99 beds) announced plans to close. In addition, the number of beds at Neville Manor has decreased from 179 beds and is projected to be 100 at the completion of the proposed project. With the closure of Cantabridgia, there is a total loss of 318 beds -- a 42 percent reduction.
- According to the Massachusetts Institute for Social and Economic Research, the population of Cambridge residents 75 and over (the heaviest users of nursing home services) was estimated to be 4,957 in 1996. The number of nursing home beds per 1,000 persons 75 years of age and older is therefore 89.4, which is significantly lower than both state and national numbers. Without Neville Manor’s 100 beds, the figure would be significantly lower, at 69 nursing home beds per 1,000 persons 75 years of age and older.

Concern. Another concern relating to the need for skilled nursing beds was: “*There has been no visible evidence of an inadequate supply [of nursing home beds] in Cambridge. When Youville closed*

its large nursing home, there was no visible hardship...Because there is a surplus of beds in the state, the patients could have found places elsewhere, not too far from home for visitors."

NCI does not regard a lack of 'visible hardship' as indicative of the absence of a continued need for skilled nursing. As has been pointed out previously, the current and future needs for skilled nursing care is well understood by health care specialists and others familiar with the aging of the 'baby boom' population cohort. While frail elders are not, generally speaking, an empowered and mobilized group, there is considerable anxiety among residents at Neville Manor and other elders in the city, as to the future of skilled nursing care in Cambridge.

As to the assertion that, "patients could have found places elsewhere, not too far from home for visitors", NCI fundamentally disagrees that senior citizens of Cambridge should be expected and required to move from their own community at a time when they most need the support of friends and family nearby. Rather, their home should be easily accessible to Cambridge-based relatives and friends. This is a key fact in the quality of life associated with one's housing situation.

Concern

Regarding the perceived decline in demand for such care, an additional comment raised in the testimony was: *"If the decline in demand continues for ten or twenty years, this proposed new facility might be empty...what can you do with a building with its use restricted by State legislation to nursing or assisted living."*

Again, the older adult population is expected to grow approximately 30% over the next thirty years. See the information provided above on demand for a detailed description of the current and future need for nursing home care in Cambridge.

The restricting of the site to use for elderly care was included precisely to meet concerns among some that the use of the site at some point in the future could be converted to an alternative use such as residential or office. The restricting of the use in the legislation for elderly care would prevent this from ever occurring. The site will be permanently dedicated to care of the elderly which is a need likely to remain.

Concern

A comment offered as an alternative to building a new facility was to use the existing Youville facility: *"The city must figure out a way to utilize the empty space at Youville."*

This option was actively pursued through a series of meetings held between the CPHC and senior leadership at Youville Hospital. Both parties concluded that such a collaboration was not viable for reasons specific to Youville's financial circumstances and operational structure.

Concern. Regarding the need to locate both the assisted living facility and the skilled nursing home on the same site, the following comments were included in the testimony: *"No adequate evidence has been presented to make the case for placing the nursing home near the assisted living...The nursing home can stand alone."*

While it is of course possible for the nursing home to stand alone, NCI believes the continuum of care concept to be a tremendous benefit to the residents of the two Neville facilities proposed for the site. The logic of such an approach is outlined below, and in our view represents a compassionate and enlightened approach to elder care.

One of the original intentions of the continuum was to ease the often traumatic transfer, whether temporary or permanent, to another living environment. Older adults faced with a change in their health status often face the prospect of being uprooted suddenly from their home, placed in an acute care setting, transferred to a rehabilitative facility and then either returned eventually to the home or placed in a new, more restricted environment. These transitions can occur multiple times in the later years of an individual's life and can take a very real toll on functioning and spirit.

The continuum proposed at Neville Manor affords an opportunity for an Assisted Living resident, after an acute care episode, to be returned to a familiar setting while recuperating or working toward returning to home. The proximity of one's home allows Physical and Occupational Therapists to easily ascertain one's readiness for return to independence by allowing home visits; typically a luxury for isolated facilities. It also affords the opportunity for an assisted living resident who faces a change in mental acuity, to simply transfer to a new apartment within the same facility in order to receive the necessary care to remain in the residence.

If a permanent placement is ultimately necessary, the individual remains in close proximity to friends and staff, and remains in the familiar surroundings of the campus. The comfort and reassurance of having a continuum of care available on one site, so that an individual's changing needs can be addressed without the need of displacement, is a tremendous benefit for elders and families. NCI also anticipates a common scenario involving couples, where one of the couple needs specialized dementia care or skilled nursing care, and the other is able to live with minimal daily supports. Ordinarily, the couple would need to be separated - an experience that is traumatic both for the individuals directly involved and their families. The ability for both to remain together in close proximity we believe is a humane, compassionate, and positive feature of the proposed project.

Concern. An additional concern pertained to the necessity to locate the two facilities together and the constraints that placed on the Site Advisory Committee. *"The principle laid down to the Site Selection Committee that the nursing home must be within a mile of Neville unreasonably restricted options. The site selection should be redone without that constraint."*

The Site Selection Committee participated in a city-wide search for an alternative site. The first phase of the site review included a thorough review of properties identified throughout the city in relation to the current siting efforts for a main library. The second phase included the more contiguous sites. The Site Selection Committee, representing a wide range of constituencies, agreed that none of these sites were practical or appropriate alternatives.

Financial and Legal Issues

Concern. The first concern on this subject pertained to risk associated with the project: *"With the demand for nursing homes in decline and federal and state financial support insecure, Cambridge would be taking an unreasonable risk."*

In regard to the role of the city, several individuals and parties have alternately criticized the Neville Manor project for prolonging public sector involvement in the operation of Neville Manor, and for introducing private sector resources in redeveloping the facilities. We believe the project involves the best of each of these sectors, by combining a private non-profit's access to private capital resources with a public-spirited concern for the provision of high-quality compassionate care. Characterizations

that focus inaccurately on private for-profit ownership or question why the 'public sector' is involved misapprehend both the reason for the project, and the means by which it is being developed.

The development and financial plan for Neville Manor's redevelopment was assembled by partners who collectively bring a total of over 100 years of experience and expertise in the development, financing, and construction of affordable housing. Cambridge Housing Authority, established in 1935, owns and manages approximately 2,700 units of affordable housing for elders, families, and special needs households, and administers roughly 2,000 more units through a variety of leased housing programs. CASCAP is a Cambridge-based non-profit organization with 25 years of experience and expertise in the development and management of high quality housing and delivery of housing-related supportive services.

Affirmative Investments, Inc. (AI) is a fifteen year old development and financial consulting firm with particular expertise in the financing of affordable housing, assisted living, and supportive services. AI has facilitated the financing and development of more than \$350 million of affordable housing nationwide representing over 3,500 units, including development of a \$9.1 million financing package for the Cohen Florence Levine Estates, a 69 unit mixed income assisted living facility in Chelsea, MA.

It is worth noting that in addition to being the product of a breadth and depth of experience, the project proposal will also be subject to the review of multiple entities, public and private, who will not fund the project if its funding pro formas are not financially sound and economically viable. NCI has shared freely information on project finances with individuals and organizations with legitimate concerns in this regard. At this point in the project, NCI does not feel compelled to continue to respond to questions on the financial viability of the project submitted by parties whose opposition is based not on genuine financial concerns, but rather on the location of the project.

Regarding the financial stability of federal and state sources, it is important to note that no such sources are ever guaranteed to be absolutely secure in perpetuity. If projects were consistently stalled by such hypothetical scenarios, a myriad of innovative and worthy projects would never move forward. NCI feels that given the current and continued need for such a project, the considerable progress made to date and the increasing pressure on existing Neville Manor residents and families, the greater risk lies in *not* moving forward in a timely manner to enable the project's implementation.

Concern. The testimony submitted suggested that the monthly operating deficit was the driving force behind the development of this project: "*The stated purpose of this project is to eliminate a \$2 million a year operating deficit...wage rates would be cut 25%.*"

The purpose of this project is to continue the existing mission of Neville Manor by providing affordable assisted living for low and moderate income elders of Cambridge and to continue to provide skilled nursing care in a compassionate and contemporary fashion. This cannot happen as long as the operation runs a structural deficit and is housed in an outmoded and obsolete facility.

With respect to the current wage and benefit package, any suggestion that wages have been estimated to decrease by 25% is inaccurate and without foundation. Cambridge Health Alliance has publicly acknowledged that the new owner of the facility will need to adjust the wage and benefit package in the future, if the facility can successfully operate in the future. Negotiations have been held with the existing union but no agreement has been reached at this point. The ultimate alternative is closure of the facility.

Concern. The testimony raised the concern that the existing union contract with Neville Manor employees may present an obstacle to changing the wage and benefit structure of the employees: *“The ability to reduce the wages... may be blocked by the 1996 legislation that established the CPHC”*

The employees of the new skilled nursing facility will be employees of NCI, not the CPHC.

Concern. The testimony noted that low income housing tax credits are very competitive and difficult to obtain: *“Low income tax credits is [sic] budgeted for \$3.4 million, but this is not certain. Competition for these funds is severe.”*

NCI has received its allocation of tax credits for this project. Mr. Moot is correct in his assertion that the competition for low income housing tax credits is severe. Tax credits are given by the state to projects that are considered worthy and that are capable of being financed and developed. The fact that the project has already received an allocation of tax credits speaks to the strength of the project and the state’s belief that the project can be successfully financed, developed, and operated.

Concern. Testimony submitted concerned what happens to the project in the event that the project encounters financial difficulty: *“Will this financing plan work out? If not, what happens?”*

The most fundamental and candid response to financial questions like this -- that focus solely on what can go wrong: the possibility of funding decreases, shifts in health care trends and other potential scenarios -- is that concrete answers to hypothetical questions based on such scenarios by definition cannot be fully addressed. In light of this fact the alternatives are two-fold: go forward with a sound, carefully developed proposal based on careful planning by an array of experienced and qualified parties, or delay in the hope of addressing an array of questions that by their very nature and design can never be fully satisfied or resolved.

As to other issues raised regarding what happens in the unlikely possibility the project were to experience financial difficulty, guarantees that the project will remain affordable will be included in the ground lease for the project. Public documents shared previously have clearly stipulated that affordability guarantees would survive any financial difficulty, so that affordable beds (or units) would not be reduced under such circumstances. Should such provisions be unrealistic, financing for the project will not be secured in the first place.

Concern. In regard to the Section 8 program, the testimony states: *“..The estimated rental income in the budget are the maximum possible, neither realistic nor appropriate for this project. How sure are we of those subsidies from Section 8 and GAFC in years ahead?”*

NCI is very confident that these subsidies will be maintained for the long term, a position that will be further assessed by the underwriting of lenders and equity investors. The 39 low income units at Neville Manor are targeted at very low income residents who will have incomes of less than \$10,000 per year in order to be eligible for both Section 8 subsidies and for the Group Adult Foster Care program. These low income tenants will receive SSI payments, which are currently \$616 per month. In total, they will pay only \$185 a month for rent and \$278 for food and amenities. The balance of the revenue for the unit will come from the Section 8 subsidy, which is administered by the Cambridge Housing Authority to pay for housing costs, and from the Group Adult Foster Care

program, which is administered by the Division of Medical Assistance, to pay for services. Both agencies are committed to their programs.

Concern. Also regarding responses in the event of financial difficulty: *“What happens if the assisted living develops operating losses? CASCAP and the Housing Authority, both creations of the City, must cover the losses. How?”*

The statement referencing the organizational structure of CASCAP and the CHA is fundamentally inaccurate. Neither organization is a creation of the City. The CHA is an Authority, created under state statute and it receives its funding from the state and federal government, not the City of Cambridge. CASCAP is a 501 (c) (3) not-for-profit corporation governed by a board of directors independent of the city. The City is not financially responsible for either organization.

With respect to potential operating losses, funding sources will not provide capital if they believe that the project is not financially viable. Further, funding sources will ensure that the project will be sufficiently capitalized so that in the unlikely event losses were incurred, the project will have the resources to meet obligations. Affirmative Investments, Inc. (AI) has a 15 year proven track record of consulting on affordable housing and assisted living projects, and has facilitated the financing and development of more than \$350 million of affordable housing nationwide representing over 3,500 units, including development of a \$9.1 million financing package for the Cohen Florence Levine Estates, a 69 unit mixed income assisted living facility in Chelsea, MA.

Concern. The first concern regarding this issues was: *“Has the ENF (Environmental Notification Form) been filed?”*

An ENF is not required for this project.

Concern. Regarding the current moratorium on building new nursing homes: *“There is a state moratorium on building nursing homes... Existing facilities may file for replacement. Has this been done and a permit granted?”*

A Determination of Need application has been prepared and submitted to the appropriate office.

Concern. Regarding selection of parties involved with the project: *“Will the contract for management of the nursing home need to be resubmitted for bid because Prism Health Group has withdrawn as part of the Neville Community Partners team?”*

Neville Communities Inc. (NCI) is initiating a competitive selection process to select a manager for the skilled nursing facility. The organization selected will have no ownership role whatsoever in the project.

Concern. Without naming an actual concern, the testimony asks: *“What are the terms of the arrangement between CPHC and NCP...and among the members of NCP?”*

CPHC and NCI will enter into a ground lease that will allow NCI to secure financing for the project. The salient terms of the ground lease have been previously shared and detailed. Information on these terms is detailed in the public information distributed at the community workshops held on November 19, 1998.

CPHC and Neville Community Partners entered into a development agreement in 1997 which defines in detail the terms by which each party agrees to participate in the redevelopment efforts. In broad terms, this document defines each party's expectations regarding development efforts, including benchmarks, and defines the ultimate board composition of Neville Communities Inc. (NCI), the 501(c)(3) organized to undertake the actual development of the site. Of 5 board seats on NCI, 1 will be held by CPHC, 2 by the CHA, 1 by CASCAP, and 1 by the City of Cambridge.

Concern. Again without naming a particular concern, the testimony questions: *"How are profits figured?"* and, *"What share goes to each of the for-profits, or is each on a contract?"*

Neville Communities Inc. as a 501(c)(3) organization will not generate any profits from this project. Any excess cash flow from operations after paying all operating expenses, debt service, and operating reserves, will be channeled back into the project to fund future improvements and/or be applied toward deferred development fees.

Affirmative Investments, the only for profit organization involved in the development process, will receive a percentage fee based on the financing package. Again these fees are set by regulatory and funder requirements and are consistent with industry standards.

Concern. Regarding financial issues: *"If there is an operating loss, who absorbs the loss and what percentage of it?; If there is an operating deficit, the NCP will be responsible for raising the funds to cover losses. From where?"*

NCI will be responsible for the operations of both facilities. If there is an operating loss, NCI will be responsible for the operation of both facilities and will be adequately capitalized to weather fluctuations in operating income. Again, all project pro formas will be fully reviewed by potential funders and financing agents to confirm this position.

Concern. Regarding operating projections: *"If the income of the residents in these [assisted living] units averages less than \$500 per month each, will Section 8 and GAFC make up the difference now? And for the foreseeable future?"*

NCI is very comfortable that these programs will be strong for the foreseeable future. NCI's proposed rent for studios is \$682 per month and for one bedrooms is \$803 per month. Section 8 residents will pay 30% of their income for rent. The balance will be paid by the Section 8 program, administered by the Cambridge Housing Authority. The full Group Adult Foster Care supplement of \$1,025 will be paid to the facility to provide services for low income seniors who meet the program guidelines.

Concern. Mr. Moot makes the statement that, *"The NCP does have two for profit members."*

Neville Community Partners is the term used to describe the original joint venture partnership, (including CHA, CASCAP, Affirmative Investments and Prism Health Group) which joined together to undertake the initial development process. Prism Health Group is no longer involved with the project. The single for-profit firm involved in a development role on the project is Affirmative Investments, which is working in this capacity strictly as a financial consultant to the project. Neville Communities, Inc. (NCI) is the non-profit organization which will ultimately own and oversee the operations of both facilities. The NCI Board will be fully and exclusively comprised of public entities (Cambridge Housing Authority, Cambridge Health Alliance, the City of Cambridge) and a non-profit organization (CASCAP).

Concern. Regarding financial issues: *“If it does go bankrupt, who will then own the building?”*

In the unlikely event of bankruptcy, the City and the Cambridge Health Alliance would maintain control of the site and its use through the ground lease and the sub-lease. Any lender that would take control in a bankruptcy situation would be forced to comply with the stated purpose and affordability demands of the sub-lease and City Council vote that limited the square footage that could be built on the site. Should the terms of the lease be rejected by the parties taking the project over, the project would revert back to the Cambridge Health Alliance and the City of Cambridge. If the terms are accepted, then the project will continue under the same restrictions and conditions.

Concern. Also: *“If the new owner does not wish to use the building for a nursing home, does he [sic] have any options?”*

The use of both buildings is restricted through the home rule petition, the ground lease, and the sub-lease. The buildings could only be re-leased as assisted living and skilled nursing facilities.

In summary, Neville Communities Inc. believes that the current proposal responds to the majority of community concerns and legitimate questions and addresses the City Council’s expressed desire for continued provision of affordable health care to the city’s elder residents in a way that continues the historic and enlightened mission of the Mayor Michael J. Neville Manor. The City Council in its wisdom has already once expressed its intent to follow this example of compassionate care for the city’s senior residents in need of such care. NCI believes at this point the proposal approved last year is only improved, and urges its approval in the interests of the facility’s residents and the proposal’s continued viability.

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CAMBRIDGE ATHLETIC ALLIANCE

84 Sherman Street
Cambridge, MA 02140
617-576-1280

Dear Sirs:

We of the Cambridge Athletic Alliance would like to state our current position regarding the Neville Manor Project and especially the disposition of that hot topic Lusitania field. We would like to note that, as we said when we belatedly first learned about this, that we have no desire to oppose this project.

As the city manager's introductory letter says, especially this last weekend, there has been some good progress made toward a solution that will satisfy the athletic community.

Furthermore we would like to note that as we understand it there is no mention in the home rule petition of the disposition of Lusitania field.

Therefore with the assumption that the city will continue to act in good faith to compensate athletics for the loss of a field and will continue to take a long look at just why it is necessary to eliminate this field, we would like to say that we are happy to wish the Neville Manor Project well in its journey through the state legislature. As we said before we had no desire to be mixed up in this in the first place.

Before I finish I would like to clarify some of the things we would ask and hope the City would look at in the coming months regarding Lusitania.

Some of you may not understand why we were not satisfied with the offer of Donnelly Field being turned into a soccer field.

The reason is because it still results in the net loss of one large playing field. After Lusitania is eliminated, even if Donnelly becomes a soccer field, Cambridge will be still be short one badly needed playing field.

We would ask and hope also that before the City acts it takes a long look at how badly the field is needed. By our calculations, for example in the fall after school time slot, there are around 15 teams of various sports trying for only 5 or 6 time slots, and this will only get worse.

We wish Neville Manor well and we ask and hope that the City will continue its good faith negotiations with us.

Thank-you.


Tom A. Kernechan

Consent Communication #24

A communication was received from John A. Kernechan, Cambridge Athletic Alliance, relative to the Neville Manor Project, especially the disposition of Lusitania Field.

In City Council March 15, 1999

Referred to

Committee Report #1



City of Cambridge

Agenda Item No. 14

IN CITY COUNCIL

March 15, 1999

ORDERED: That the City Council go on record petitioning the Massachusetts Great and General Court to enact the Home Rule Petition entitled: ***AN ACT RELATIVE TO THE REDEVELOPMENT OF THE MAYOR MICHAEL J. NEVILLE MANOR NURSING HOME.***

In City Council March 15, 1999.

Adopted by a yea and nay vote:-

Yeas 8; Nays 0; Absent 0; Present 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury
City Clerk

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

The undersigned, citizens of Cambridge , respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

**AN ACT RELATIVE TO THE REDEVELOPMENT OF THE MAYOR
MICHAEL J. NEVILLE MANOR NURSING HOME**

Petitioners are requested to sign names and addresses legibly.

<i>26 St. Aubrey, Mayor of Cambridge</i>	<i>26 LAWELL ST. CAMBRIDGE</i>
<i>Chas. D. Sullivan Vice Mayor</i>	<i>30 Normandy Ave Cambridge</i>
<i>Henrietta Davis</i>	<i>120 Chestnut St Cambridge</i>
<i>Kathleen Y. Born</i>	<i>3 Walnut Avenue, Cambridge</i>
<i>Sheila T. Russell</i>	<i>5 Hawthorne Park, Cambridge</i>
<i>Katherine Triantafyllou</i>	<i>90 Reed St. Cambridge</i>
<i>Joseph E. Allen</i>	<i>344 Harvard St, Camb.</i>
<i>Michael A. Sullivan</i>	<i>5 Concord Ave Cambridge</i>



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ACT RELATIVE TO THE REDEVELOPMENT OF THE MAYOR MICHAEL J. NEVILLE MANOR NURSING HOME

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The general court desires to permit certain uses of a portion of land adjacent to the Fresh Pond Reservoir in the city of Cambridge consistent with existing uses thereof. By Chapter 225 of the Acts of 1925 the general court, by a two-thirds vote of each branch, authorized the city of Cambridge to use a portion of the Fresh Pond Reservoir, land originally taken and acquired by the city for water supply purposes, for the site of a City Home, and in 1928, with Cambridge Water Board approval, the City Council transferred the land to be put in use for a City Home, and the site has since 1928 been continuously used for City Home purposes and is currently the site of the Mayor Michael J. Neville Manor Nursing Home.

SECTION 2. The deferred operation of this act would tend to defeat its purpose, which is to provide accessible, affordable and high quality nursing home care and mixed-income assisted living, for the residents of Cambridge, and surrounding communities; therefore it is hereby declared

to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 3. The following words, as used in this chapter, shall, unless the context clearly requires otherwise, have the following meanings:

"Assisted Living Facility," A facility which provides room and board and provides, directly by employees or through arrangements with another organization, assistance with activities of daily living for elderly residents.

"City," the City of Cambridge.

"City Manager," the city manager for the city of Cambridge.

"Commission," the Cambridge Public Health Commission.

"Corporation," Neville Communities, Inc., a not-for-profit corporation incorporated under chapter 180 of the general laws and selected after public solicitation by the Commission as the owner and operator of the Project, which corporation's Board of Directors consists, or will consist upon substantial completion of the Project, of representatives of the following agencies:

- Cambridge Housing Authority
- City of Cambridge
- Cambridge Public Health Commission
- City of Cambridge Affordable Housing Trust Fund Board

The Board of Directors will consist of five (5) members with Cambridge Housing Authority having two representatives, the City of Cambridge having one representative, the Cambridge Public Health Commission having one representative, and the Affordable Housing Trust Fund Board with one representative who shall be appointed by the City Manager. The Corporation will at all times be

controlled by a public entity or entities. The Corporation includes any entity controlled by the Corporation or any successor entity to the Corporation, and engaged in the activities in furtherance of the purposes contemplated by this act.

"Nursing Home," a facility currently or prospectively defined as such by the Department of Public Health, or any successor agency, pursuant to chapter 111 of the general laws.

"Project," the redevelopment of the Mayor Michael J. Neville Manor Nursing Home, located on the Project site, adjacent structures and the Project site upon which they are situated into a new nursing home and/or mixed-income assisted living facility, and the operation thereof.

"Project Site," the real property transferred by the Cambridge City Council on January 31, 1928 from the Cambridge Water Board to the Cambridge Board of Public Welfare bounded and described as follows:

Beginning at a point in the southeasterly line of Concord Avenue said point being at right angle to a point in the northeasterly line of Concord Avenue three hundred fifty-five and eighty-eight hundredths (355.88) feet southeasterly from the angle in the northeasterly line of Concord Avenue at Smith Place; - thence southwesterly one hundred ten (110) feet, more or less, by a line making an angle of ninety (90) degrees with Concord Avenue, said line being twenty (20) feet distant southeasterly from the easterly corner of the barn of the Water Works buildings; - thence westerly one hundred twenty-three (123) feet by a line to a corner, said line making an angle of one hundred thirty (130) degrees with the line above described as being one hundred ten (110) feet long; - thence southwesterly two hundred sixty-eight (268)

feet to the tangent point of a curve by a line, said line making an angle of one hundred twelve (112) degrees with the line above described as being one hundred twenty-three (123) feet long; - thence in a general southerly direction one hundred sixteen (116) feet along a curve of one hundred (100) feet radius to its other tangent point, said tangent point being seventy-five (75) feet northeasterly from the northeasterly line of the Pond Drive; - thence southeasterly along a line fifteen (15) feet to the tangent point of a curve, said line being seventy-five (75) feet distant northeasterly from and parallel to the northeasterly line of the Pond Drive; - thence in a general southerly direction one hundred eighty-three (183) feet along a curve of eight hundred feet (800) feet radius to its other tangent point, said curve being seventy-five (75) feet distant easterly and parallel to the easterly line of the Pond Drive; - thence southerly fifty-eight (58) feet to a corner along a line parallel to and seventy-five (75) feet distant easterly from the easterly line of the Pond Drive; - thence southeasterly three hundred (300) feet to a corner, said corner being five hundred seventy-five (575) feet southwesterly from the southwesterly line of Concord Avenue; - thence northeasterly five hundred seventy-five (575) feet to the southwesterly line of Concord Avenue, said line being at right angle to Concord Avenue and one hundred (100) feet southeasterly from the southerly wing of the proposed main building; - thence northwesterly along the southwesterly line of Concord Avenue six hundred twenty-two (622) feet to the point of beginning. Containing three hundred fifty-nine thousand twenty-eight (359,028) square feet,

more or less. All above measurements are given as being more or less.

The above described parcel of land is shown upon a plan entitled "HOME FOR THE AGED AND INFIRM OF THE CITY OF CAMBRIDGE", drawn by Charles R. Greco, being Plot Plan Number 1 and on file in the office of the City Engineer of Cambridge, Mass.

SECTION 4. Notwithstanding any other general or special law to the contrary, the provisions of sections twenty through twenty-three of chapter 40B of the general laws relative to a so-called comprehensive permit shall apply to the development of the Project in its entirety, thereby permitting a single unified application for any necessary permits, approvals (with the exception of Water Board approval as it may apply to this Project) and zoning relief to the zoning board of appeals of the city.

SECTION 5. Notwithstanding any other general or special law to the contrary, the following uses of the Project site shall be permitted under the laws of the city and the commonwealth: Nursing Home, Assisted Living Facility, local water board or other municipal use related to the care and maintenance of Fresh Pond, and all other uses specifically related thereto.

SECTION 6. The total square footage of building footprint for all buildings on the Project Site shall not exceed 51,034 square feet, and the total usable floor area in said buildings shall not exceed 150,000 square feet. Upon final design of the Project all specific portions of the Project Site not required for the Project shall be identified by metes and bounds and the Corporation, the Commission and the City shall take all necessary steps to return full control and ownership of said portions to the City, and the City shall take all

necessary steps to dedicate said portions for water supply purposes and return them to the care and supervision of the Cambridge Water Board.

SECTION 7. The corporation shall be subject to the same general or special laws that apply to the Commission, pursuant to section twelve of chapter 147 of the acts of 1996 as existing on this date, regulating the procurement of services, supplies and materials, and methods for procuring design and construction services, relative to the development or the ongoing operation of the Project.

SECTION 8. The provisions of services to the corporation, or actions taken on behalf of the corporation, or actions in relation to transactions between the corporation and other public entities represented on the board of directors of the corporation, by any individual otherwise subject to chapter 268A of the general laws, shall not be deemed to violate the provisions of sections seventeen, eighteen, nineteen, twenty and twenty-three of chapter 268A of the general laws.



City of Cambridge

Agenda Item No. 14

IN CITY COUNCIL

March 15, 1999

ORDERED: That the City Council go on record petitioning the Massachusetts Great and General Court to enact the Home Rule Petition entitled: ***AN ACT RELATIVE TO THE REDEVELOPMENT OF THE MAYOR MICHAEL J. NEVILLE MANOR NURSING HOME.***

In City Council March 15, 1999.

Adopted by a yea and nay vote:-

Yeas 8; Nays 0; Absent 0; Present 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury
City Clerk

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts
in General Court assembled.

The undersigned, citizens of Cambridge , respectfully
petition for the passage of the accompanying bill or resolve, and/or for legislation

**AN ACT RELATIVE TO THE REDEVELOPMENT OF THE MAYOR
MICHAEL J. NEVILLE MANOR NURSING HOME**

Petitioners are requested to sign names and addresses legibly.

200 St. Andrew, Kings of Cambridge	27 LOWELL ST. CAMBRIDGE
Anthony D. Sullivan Vice Mayor	30 Normandy Ave Cambridge
Haroldetta Davis	120 Chestnut St Cambridge
Kathleen Y. Born	3 Walnut Avenue, Cambridge
Shula T. Russell	5 Hawthorne Park, Cambridge
Katherine Triantafyllou	90 Reed St. Cambridge
Joseph E. Russo	348 Harvard St, Camb.
Michael A. Sullivan	5 Broad Ave Cambridge



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ACT RELATIVE TO THE REDEVELOPMENT OF THE MAYOR MICHAEL J. NEVILLE MANOR NURSING HOME

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The general court desires to permit certain uses of a portion of land adjacent to the Fresh Pond Reservoir in the city of Cambridge consistent with existing uses thereof. By Chapter 225 of the Acts of 1925 the general court, by a two-thirds vote of each branch, authorized the city of Cambridge to use a portion of the Fresh Pond Reservoir, land originally taken and acquired by the city for water supply purposes, for the site of a City Home, and in 1928, with Cambridge Water Board approval, the City Council transferred the land to be put in use for a City Home, and the site has since 1928 been continuously used for City Home purposes and is currently the site of the Mayor Michael J. Neville Manor Nursing Home.

SECTION 2. The deferred operation of this act would tend to defeat its purpose, which is to provide accessible, affordable and high quality nursing home care and mixed-income assisted living, for the residents of Cambridge, and surrounding communities; therefore it is hereby declared

to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 3. The following words, as used in this chapter, shall, unless the context clearly requires otherwise, have the following meanings:

"Assisted Living Facility," A facility which provides room and board and provides, directly by employees or through arrangements with another organization, assistance with activities of daily living for elderly residents.

"City," the City of Cambridge.

"City Manager," the city manager for the city of Cambridge.

"Commission," the Cambridge Public Health Commission.

"Corporation," Neville Communities, Inc., a not-for-profit corporation incorporated under chapter 180 of the general laws and selected after public solicitation by the Commission as the owner and operator of the Project, which corporation's Board of Directors consists, or will consist upon substantial completion of the Project, of representatives of the following agencies:

- Cambridge Housing Authority
- City of Cambridge
- Cambridge Public Health Commission
- City of Cambridge Affordable Housing Trust Fund Board

The Board of Directors will consist of five (5) members with Cambridge Housing Authority having two representatives, the City of Cambridge having one representative, the Cambridge Public Health Commission having one representative, and the Affordable Housing Trust Fund Board with one representative who shall be appointed by the City Manager. The Corporation will at all times be

controlled by a public entity or entities. The Corporation includes any entity controlled by the Corporation or any successor entity to the Corporation, and engaged in the activities in furtherance of the purposes contemplated by this act.

"Nursing Home," a facility currently or prospectively defined as such by the Department of Public Health, or any successor agency, pursuant to chapter 111 of the general laws.

"Project," the redevelopment of the Mayor Michael J. Neville Manor Nursing Home, located on the Project site, adjacent structures and the Project site upon which they are situated into a new nursing home and/or mixed-income assisted living facility, and the operation thereof.

"Project Site," the real property transferred by the Cambridge City Council on January 31, 1928 from the Cambridge Water Board to the Cambridge Board of Public Welfare bounded and described as follows:

Beginning at a point in the southeasterly line of Concord Avenue said point being at right angle to a point in the northeasterly line of Concord Avenue three hundred fifty-five and eighty-eight hundredths (355.88) feet southeasterly from the angle in the northeasterly line of Concord Avenue at Smith Place; - thence southwesterly one hundred ten (110) feet, more or less, by a line making an angle of ninety (90) degrees with Concord Avenue, said line being twenty (20) feet distant southeasterly from the easterly corner of the barn of the Water Works buildings; - thence westerly one hundred twenty-three (123) feet by a line to a corner, said line making an angle of one hundred thirty (130) degrees with the line above described as being one hundred ten (110) feet long; - thence southwesterly two hundred sixty-eight (268)

feet to the tangent point of a curve by a line, said line making an angle of one hundred twelve (112) degrees with the line above described as being one hundred twenty-three (123) feet long; - thence in a general southerly direction one hundred sixteen (116) feet along a curve of one hundred (100) feet radius to its other tangent point, said tangent point being seventy-five (75) feet northeasterly from the northeasterly line of the Pond Drive; - thence southeasterly along a line fifteen (15) feet to the tangent point of a curve, said line being seventy-five (75) feet distant northeasterly from and parallel to the northeasterly line of the Pond Drive; - thence in a general southerly direction one hundred eighty-three (183) feet along a curve of eight hundred feet (800) feet radius to its other tangent point, said curve being seventy-five (75) feet distant easterly and parallel to the easterly line of the Pond Drive; - thence southerly fifty-eight (58) feet to a corner along a line parallel to and seventy-five (75) feet distant easterly from the easterly line of the Pond Drive; - thence southeasterly three hundred (300) feet to a corner, said corner being five hundred seventy-five (575) feet southwesterly from the southwesterly line of Concord Avenue; - thence northeasterly five hundred seventy-five (575) feet to the southwesterly line of Concord Avenue, said line being at right angle to Concord Avenue and one hundred (100) feet southeasterly from the southerly wing of the proposed main building; - thence northwesterly along the southwesterly line of Concord Avenue six hundred twenty-two (622) feet to the point of beginning. Containing three hundred fifty-nine thousand twenty-eight (359,028) square feet,

more or less. All above measurements are given as being more or less.

The above described parcel of land is shown upon a plan entitled "HOME FOR THE AGED AND INFIRM OF THE CITY OF CAMBRIDGE", drawn by Charles R. Greco, being Plot Plan Number 1 and on file in the office of the City Engineer of Cambridge, Mass.

SECTION 4. Notwithstanding any other general or special law to the contrary, the provisions of sections twenty through twenty-three of chapter 40B of the general laws relative to a so-called comprehensive permit shall apply to the development of the Project in its entirety, thereby permitting a single unified application for any necessary permits, approvals (with the exception of Water Board approval as it may apply to this Project) and zoning relief to the zoning board of appeals of the city.

SECTION 5. Notwithstanding any other general or special law to the contrary, the following uses of the Project site shall be permitted under the laws of the city and the commonwealth: Nursing Home, Assisted Living Facility, local water board or other municipal use related to the care and maintenance of Fresh Pond, and all other uses specifically related thereto.

SECTION 6. The total square footage of building footprint for all buildings on the Project Site shall not exceed 51,034 square feet, and the total usable floor area in said buildings shall not exceed 150,000 square feet. Upon final design of the Project all specific portions of the Project Site not required for the Project shall be identified by metes and bounds and the Corporation, the Commission and the City shall take all necessary steps to return full control and ownership of said portions to the City, and the City shall take all

necessary steps to dedicate said portions for water supply purposes and return them to the care and supervision of the Cambridge Water Board.

SECTION 7. The corporation shall be subject to the same general or special laws that apply to the Commission, pursuant to section twelve of chapter 147 of the acts of 1996 as existing on this date, regulating the procurement of services, supplies and materials, and methods for procuring design and construction services, relative to the development or the ongoing operation of the Project.

SECTION 8. The provisions of services to the corporation, or actions taken on behalf of the corporation, or actions in relation to transactions between the corporation and other public entities represented on the board of directors of the corporation, by any individual otherwise subject to chapter 268A of the general laws, shall not be deemed to violate the provisions of sections seventeen, eighteen, nineteen, twenty and twenty-three of chapter 268A of the general laws.



City of Cambridge

Agenda Item No. 14

IN CITY COUNCIL

March 15, 1999

ORDERED: That the City Council go on record petitioning the Massachusetts Great and General Court to enact the Home Rule Petition entitled: ***AN ACT RELATIVE TO THE REDEVELOPMENT OF THE MAYOR MICHAEL J. NEVILLE MANOR NURSING HOME.***

In City Council March 15, 1999.

Adopted by a yea and nay vote:-

Yeas 8; Nays 0; Absent 0; Present 1.

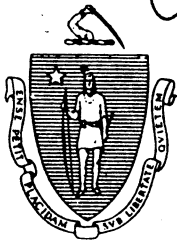
Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D Margaret Drury
D. Margaret Drury
City Clerk

Original Text with Amendments



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY-NINE

AN ACT

RELATIVE TO THE REDEVELOPMENT OF THE MAYOR

MICHAEL J. NEVILLE MANOR NURSING HOME

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

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SECTION 2. The deferred operation of this act would tend to defeat its purpose, which is to ~~enhance opportunities for access to affordable and high quality adult services, including~~ *provide accessible, affordable and high quality* nursing home care and mixed-income assisted living, for the residents of Cambridge, and surrounding

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communities; therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 3. The following words, as used in this chapter, shall, unless the context clearly requires otherwise, have the following meanings:

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"City," the City of Cambridge.

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"Corporation," Neville Communities, Inc., a not-for-profit corporation incorporated under chapter 180 of the general laws and selected after public solicitation by the Commission as the owner and operator of the Project, which corporation's Board of Directors consists, or will consist upon substantial completion of the Project, of representatives of the following agencies:

- Cambridge Housing Authority
- City of Cambridge
- Cambridge Public Health Commission
- *CITY OF CAMBRIDGE AFFORDABLE HOUSING TRUST FUND BOARD*
- ~~CASCAP, a 501(c)(3) not-for-profit service and housing agency~~

KT.

The Board of Directors will consist of five (5) members with Cambridge Housing Authority having two representatives, the City of Cambridge having one representative, the Cambridge Public Health Commission having one representative, and ~~CASCAP having one representative~~ *THE AFFORDABLE HOUSING TRUST FUND BOARD* with one representative who shall be appointed by the City Manager.

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will at all times be controlled by a public entity or entities. The Corporation includes any entity controlled by the Corporation or any successor entity to the Corporation, and engaged in the activities in furtherance of the purposes contemplated by this act.

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City of Cambridge

MASSACHUSETTS

In City Council 3/15, 1999

Agenda #14 - Home Rule - Neville Mann

	YEA	NAY	ABSENT	PRESENT
Ms. Kathleen L. Born	✓			
Ms. Henrietta Davis	✓			
V. Mayor Anthony Galluccio	✓			
Mr. Kenneth E. Reeves	✓			
Ms. Sheila T. Russell	✓			
Mr. Michael A. Sullivan	✓			
Mr. Timothy J. Toomey, Jr.				✓
Ms. Katherine Triantafillou	✓			
Mayor Francis H. Duehay	✓			

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City of Cambridge

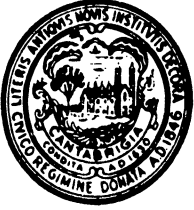
MASSACHUSETTS

In City Council 3-15, 1999

Mgr's Agenda #14 Home Rule Petition on
Neville Mann

YEA	NAY	ABSENT	PRESENT	
✓				Ms. Kathleen L. Born
				Ms. Henrietta Davis
✓				V. Mayor Anthony Galluccio
✓				Mr. Kenneth E. Reeves
✓				Ms. Sheila T. Russell
✓				Mr. Michael A. Sullivan
			✓	Mr. Timothy J. Toomey, Jr.
✓				Ms. Katherine Triantafillou
✓				Mayor Francis H. Duehay

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CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307



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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 15, 1999

To The Honorable, The City Council:

Enclosed please find the revised Home Rule Petition for the Neville Manor Project for City Council adoption and forwarding to the Legislature. Much work and effort has gone into the revisions in order to address the concerns raised by the Committee on Local Affairs last June and also to achieve resolution of the open space issues. Members of the City Council, local delegation and staff have met with Chairwoman Parente to brief her on the changes. The Law Department has had the changes reviewed by the Inspector General's Office and they have "no objections" to the legislation as submitted.

In order to keep the financing pieces in place and on time, this home rule legislation must begin the legislative process now or risk the termination of the project due to loss of financing mechanisms. While the issue of the soccer field replacement is not fully resolved, progress is being made. In accordance with City Council Order No. 54 of February 22, 1999 on community meetings relative to the Donnelly Field solution, staff has begun and will continue this work. However, time is critical and I strongly urge the passage of this petition now, as this other work continues.

I would like to thank all the parties that have worked so hard to make this worthwhile project more viable and look forward to its success.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
enclosure

Consent Agenda #14

S-16/8

Relative to the revised Home
Rule Petition for the Neville
Manor Project.

In City Council March 15, 1999

Amended

Home Rule Petition Adopted

8-0-0-1.