

**House Bill 1803 – An Act Relative to the Rose Kennedy Greenway  
Testimony to Joint Committee on Transportation  
March 12, 2012**

My name is Matthew Conti and I live in Boston's North End neighborhood. I am also the volunteer editor of the community website, NorthEndWaterfront.com. I want to thank the committee for assisting in my video taping these proceedings so I can post it for others that cannot be here today.

I support the proposed legislation as a good first step and ask the committee to improve the bill as I outline below. **The State Legislature created the Rose F. Kennedy Greenway Conservancy and now it has to fix it.**

The Greenway is public land and the State cannot abandon it. The public/private model can work, but the State must put in the proper controls.

**The Conservancy is not working in its current form.** Over the past four years, I have attended nearly every public meeting held by the Greenway Conservancy since the 2008 legislation went into effect. I have published dozens of articles, both praising and criticizing various aspects of the Conservancy. I have reviewed the Greenway's financials. I have issued comment letters to the Conservancy, including information requests. I have met with Conservancy staff, MassDOT as well as local elected officials.

I have no special interest, business or political ties. This is my first ever testimony at the State House. My only agenda is to see thriving community parks for the North End, Waterfront and other neighborhoods abutting the Greenway managed by an open and fair organization.

I love the Greenway. I thank the State for creating it after the destruction of the Big Dig. It is important to note that almost everything on the Greenway today was created by the State and its agencies. The fountains, the structures, the gardens, the pathways ... the parks themselves were all created under the direction of State agencies, not the Conservancy.

So what has the Conservancy accomplished? Despite all its funding and political support, the Conservancy has very little to show for itself.

**Let me tell you where the Conservancy has failed over the past several years.**

1. **Misuse of public funds** - The Conservancy's misuse of public funds is well documented on my website and the general media. We have seen money wasted on excessive compensation, high-paid consultants, public relations firms, large administration expenses and fundraising that costs more than it brings in. Unfortunately, there are many details that we do not know about the Conservancy. Its published financials consolidate line items in what appear to be

operational categories. Frankly, we might not ever know where the money has gone because there is little transparency, even to the State.

For example, it took years of asking questions to find out what was being spent on basic maintenance, which is roughly \$500,000 per year. When we finally found that out, the obvious question became, where were the millions being spent? Over \$14 million of public funds has been contributed to the Conservancy and the State continues to be responsible for half of its current operational budget, up to \$5.5 million.

2. **The basic truth is that the Conservancy spends more than 10x per acre in comparison to other public parks.** The Conservancy hired a consultant to justify its costs by cherry-picking its benchmarks, ignoring obvious comparisons such as the Esplanade, also a State park, the Public Garden among many other world-class Massachusetts parks in favor of controversial ventures in New York City or Chicago. Please do not be fooled by this deception.
3. **Lack of Transparency** – The Conservancy’s level of transparency is wholly insufficient, even for a non-profit 501c(3) organization. The lack of open meeting requirements has resulted in the Conservancy’s public meetings revealing only what has already been decided in private.
4. **Lack of Community Interaction** – Several years ago, the Executive Director of the Conservancy spoke at a neighborhood meeting. It did not go well. Residents were starting to catch on to the fact that the staff had no intention of working with the community. Most questions were deferred until a later time, which never happened. Since then, there has been almost no interaction between the Conservancy and the North End neighborhood. To us, it appears the leadership is more concerned with satisfying the needs of out-of-state tourists than the people who engage with the parks on a daily basis.
5. **Lack of Rest Rooms** – The Conservancy can find money for \$3 million carousels and six figure salaries. Why cannot it find a way to put one public restroom on 13 acres of the Greenway? They have said that restrooms are ugly. They do not understand that it is naïve to build attractions without basic services. At the end of the day, it is the neighborhoods that will bear the brunt of these tourists and college kids urinating in our alleys and sidewalks.
6. **North End Fountains Have Not Been Maintained** – They are also falling down on basic maintenance items. For example, the Conservancy has decided not fix the North End fountains. Half of them have not worked in three years after an underground vault was flooded. They want the State to pay for the repair instead of using their precious private money. This type of decision-making shows the Conservancy is more interested in a series of trophies than maintaining the parks.
7. **Failure to pursue the development of the ramp parcels** - The Conservancy was supposed to be the catalyst to bring the public and private entities together

to support four non-profit developments, including museums and recreational facilities to the Greenway. These developments would cover the scars known as the ramp parcels created by the Big Dig. Although the Conservancy is not the only one at fault regarding this failure, they have not helped the situation by instead focusing on needless luxuries.

8. **Lack of Public Priorities** - Speaking of luxuries, for its first significant development on this public land, we learned last year that the Conservancy had decided to build a \$3 million custom carousel. This struck me as odd because there already is a nice carousel in place. Why would the Conservancy give this up to embark on a huge capital campaign for little incremental benefit?

There was no discussion, no debate, and no justification. Many of us would have liked to discuss other options, such as restrooms, playgrounds, tot lots, gardens, recreational infrastructure or public art. But it was too late because we were told after the decision had been made.

To make matters worse, despite being bolstered by a \$1.5 million private anonymous donation, the Conservancy came to the taxpayer once again. This time through MassDevelopment which is paying \$250,000 toward what will be a very nice, but largely irrelevant, permanent feature on public land that the community will have to live with for the next generation.

9. **Occupy Boston** - The Conservancy even stuck its fingers in determining how and when Occupy Boston should be welcomed and when they should be removed. An organization with little public accountability and transparency should not be determining how public protests should be held on State land.
10. **Where is the community involvement?** As a neighborhood reporter, my neighbors tell me they love the parks and open space that was created. Many wonder why the Conservancy has not engaged them or their neighborhood groups. And of course, the current leadership has a knack for creating bad headlines despite three public relations firms.

Community events happen in every park in the North End and Waterfront, almost on a weekly basis. But, you rarely see a neighborhood groups or non-profits using the Greenway. It has enacted in high event fees, even for non-profits. Instead of being fair and open, they have pushed away the neighborhoods and the public they are supposed to be serving.

**I have thought long and hard about where the Conservancy has gone wrong.** After all, there are plenty of public/private partnerships that work exceptionally well. There are strong Friends groups nearby such as at the North End's own Christopher Columbus Park or the Public Garden and Boston Common. There are also highly regarded Conservancies, including one for the State-owned Esplanade. There are environmentally focused non-profits, such as the esteemed Boston Harbor Association.

Many of these non-profits have well-paid executives and many of them receive public money. They work efficiently well. The Esplanade Conservancy recently commenced a long-term planning process, something the Greenway Conservancy has failed to do.

When I attend the meetings of these other non-profits, it is a completely different environment where questions are encouraged and debate is constructive. But at the Greenway Conservancy, the meetings are unpleasant and contentious. Even the Board members rarely ask questions. Instead they simply act as cheerleaders for decisions that have been previously made in private. Those of us who ask questions have been publicly scolded and largely ignored. Many others have simply given up because the organization is so uninviting.

At the end of the day, it is the community that suffers from the mismanagement of these public parks. As a result, the legislature must take forceful action now.

**How do we fix this?** Fortunately, the remedy is clear. Accountability and transparency brings checks and balances. The legislation proposed by Representative Michlewitz and Senator Petrucci is a solid first step.

**1. I support giving the citizens group; known as the Greenway Leadership Council, GLC, veto power over the Conservancy's annual budget.** This will at least provide some oversight. I further suggest the GLC should also have veto power on compensation and contracts over a certain size, perhaps \$100,000.

**3. I support the proposed legislation's requirement for compliance with the Open Meeting Law.** But again, this does not go far enough. The Conservancy should also comply with the State's Public Record Law and Freedom of Information Act requirements. The Conservancy will say that it needs to protect its anonymous donors. Maybe. Maybe not. As a 501c3, the group can apply the Public Records Law with that one exception, if it is truly required.

**4. I support an increase in the size of the Board and Leadership Council. The more eyes and ears, the better.** Successful non-profits benefit from very large boards, often 40-50 people strong that bring a diversity of voices and enough human power to ask questions and take part in the oversight functions. The Conservancy's Board and GLC should include many more community members. Their website shows a paltry 16 Board members and 10 GLC members. Candidates for the Conservancy's Board should also be approved by the State's regulator, MassDOT, and vetted for conflicts of interest.

**5. MassDOT, as the regulator, should perform annual audits.** The agency should also approve Greenway Conservancy compensation and procurement processes.

**6. If Friends or community groups wish to work with the Conservancy on certain parcels of the Greenway, this should be encouraged.** Currently, the Conservancy's use and event guidelines make that nearly impossible. The

Conservancy should not be allowed or incentivized to make money from community events on the parks. Their current guidelines are not consistent with public use.

**7. Private money, once inside the Conservancy, should be subject to the same scrutiny as public money.** Why? Because it is being used on public land. The Conservancy justifies spending programs such as the \$3 million carousel because they are largely privately funded. Regardless of funding, it is the public that has to live with the results of these programs and developments.

**In conclusion, we all know that public/private partnerships can work effectively, when the right incentives and oversight are put into place.** We also know that neither the State, MassDOT, nor DCR are currently equipped or funded to take on enormity of managing the Greenway.

Under no circumstances should the Conservancy be privatized, through a Business Improvement District or other mechanism. This is completely inappropriate for public land.

I reiterate that I love the Greenway and want to see it properly managed. I demand the State live up to its promise and obligation to take care of these parks, especially after the decades of destruction caused to the surrounding communities, including mine, as a result of the Big Dig.

Accountability and transparency is the remedy for what ails the Greenway Conservancy. Only then will these parks justify the taxpayer funds that manage them and serve the public that uses them.

Thank you for your consideration of my comments on this crucial legislation.

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