



The Town of Barnstable
Affordable Housing Growth & Development
Trust Fund Board
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Mark S. Ells, Chairman

Friday, June 24, 2022
Affordable Housing Growth & Development Trust Fund
Fund Board Meeting APPROVED Minutes
9:00 A.M.

Pursuant to the passage of legislation extending certain COVID-19 measures adopted during the state of emergency, this meeting was closed to the public.

Alternative public access to this meeting was provided by utilizing a Zoom link or telephone number, both provided in the posted meeting notice.

Board Member Attendees: Acting Chairman Andy Clyburn, Wendy Northcross, and Mark Milne. Mark Ells (absent) and Laura Shufelt (absent).

Other Attendees: Senior Attorney Charlie McLaughlin; Elizabeth Jenkins, Director, Planning & Development; David Anthony, Director, Asset Management; Jillian Douglass, Affordable Housing Trust Administrator, Planning & Development; Ellen Swiniarski, Community Preservation Committee Coordinator, Planning & Development; and Jake Dewey.

Call to Order

With a quorum present, Chair Clyburn called the meeting to order at 9:00 a.m. and stated that today's meeting is recorded and in accordance with M.G.L. Chapter 30A, s 20 he must inquire whether anyone is recording this meeting and to notify the Chairman that a recording is being made. No one came forward.

Member Introduction

By roll call (present): Mark Milne (yes), Wendy Northcross (yes), and Andy Clyburn (yes). Mark Ells (absent) and Laura Shufelt (absent).

Public Comment:

None.

Topics for Discussion

1. Approval of minutes for the 6-10-22 Trust meetings.

Motion was made by Wendy Northcross and seconded by Mark Milne to approve the June 10, 2022, meeting minutes as submitted. Roll call vote: Wendy Northcross (yes), Mark Milne (yes), and Andy Clyburn (yes). Motion carries.

2. Town Manager's Recommendation for Re-Appointment of Trust Board Members with Staggered Terms.

Jillian Douglass had prepared and distributed a draft resolve that will need to receive approval from the Town Manager, Mark Milne, and the Town Attorney before being forwarded to the Town Council for placement hopefully on the next Town Council agenda, July 21, 2022. She noted that Trust members are allowed to continue to serve until they are reappointed or replaced. The Trust members present confirmed that the proposed staggered expiration terms are acceptable to them.

3. Trust Administrator's Updates/Follow Ups (Jillian Douglass)

a. Potential Leads and Applications

Jillian noted that Ryan, Elizabeth, and herself had two meetings this week with a potential applicant. She shared that this applicant has another pending issue they are working through, however staff is assisting where they can, to keep the application moving forward.

Jillian noted additional discussions regarding town parcels had come up in relation to Phinney's Lane and noted this may be a topic for a future discussion as it requires broader discussion of the town's inventory of parcels and how the Trust will proceed. She said Ryan, David, and she have questions regarding procedural or legal advantages or disadvantages that could come from projects that are undertaken by the trust instead of directly by the town and what are the benefits or downside to either approach. All agreed that the Trust should seek a legal opinion as well as an analysis of what pathway makes the most sense for creating affordable housing, noting however that this may need to be undertaken parcel by parcel. It was agreed that the details of a housing development at the DAV parcel will be sorted out first before looking into the next project. There was brief discussion regarding the Mitchells Way parcel and previous research for this parcel. It was concluded that the Mitchells Way parcel will likely be included, along with many other town parcels, for internal review for future uses. Also discussed was the inclusion of available town parcels on a future Trust agenda in order to determine the role and process for the trust in deciding the disposition or acquisition of parcels.

Jillian said that Amy Harwood had produced some great digital and hard copy and is working with the Warren Group to have those positioned for July August and September.

4. Housing Coordinator's Update

Elizabeth Jenkins said that the Housing Committee will be holding a special meeting to kick off the process next month. She noted that the housing production plan is the state process used to determine how the town is going to meet its affordable housing obligation. She said that the Trust will be engaging in this discussion and kept updated on the process.

5. Topics for Future Meetings/Agendas

a. Scheduling of Discussion of Town Parcel Inventory/Collaborations

Andy Clyburn said that Jillian, Ryan, and David should meet regularly and bring back something to the Trust when it is felt appropriate. David noted that the first Trust meeting date that he is available is July 22, 2022, meeting.

b. Scheduling of discussions on Real Estate Tax Exemptions, Abatements, and Incentives (DHCD Gateway Cities HDIP/HD Zones)

Jillian said this was placed on the agenda for scheduling as a future agenda item.

c. Scheduling of Discussions on Real Estate Transfer Tax Legislation (H.1377)

Jillian noted this item could also be scheduled as a topic for a future agenda, noting the Trust requires direction as to whether this is legislation that should be recommended for the Town. There was discussion regarding what position and role the Trust could take if, after gathering information, they decide to support or offer commentary. Jillian noted that if members wanted to know more about this, it would be good to have a summary or to have someone speak to the Trust as to what it represents. She said that the groups that are advocating the bill may want to make a statement to the Trust to gain support noting that Trusts in other towns frequently make recommendations to their Towns. Mark Milne said that perhaps the role of the Trust should be to review the legislation and provide a recommendation to Town Council. He said it appears that general legislation is being created here that would allow local communities to adopt a 2% property transfer tax at the local level, however it would require the Town Council's approval for the Town to adopt. He said it is presently sitting in the Committee on Revenue, as it was recently referred to them and will likely sit there for a year before action. Wendy noted in the coming months it may be worth asking Representative Fernandes and other advocates for more details of the pros and cons of the bill.

For a future agenda item, Attorney McLaughlin noted that there are many properties upside down in terms of what is owed in taxes and the value of the property. It appears that no one is representing the property owners to resolve this. He suggested that Deb Blanchette, who he has previously had discussions with, could provide a report and discussion with the Trust regarding possible deed in lieu of tax foreclosure which is a much more expeditious process than foreclosure. He noted that the Trust has funding available to stabilize the properties that could be added to the Town's inventory.

Andy said that the update on the Phinney's Lane DAV parcel should be placed on the July 22, 2022, meeting noting that it may also be a good time to expand the discussion. He said he would be very interested in what Laura Shufelt and Attorney McLaughlin see are the pros and cons of the Trust taking property versus the Town using its existing processes. Elizabeth Jenkins, to onboard Jillian and to get her expertise experience, mentioned that there have been several robust meetings on the possibilities of the DAV project. Elizabeth said that ultimately, the questions like the ones just discussed need to be answered. She noted that, Jillian, Ryan, and herself had been working on an RFP if it were decided to go through the Town route. Jillian added that either process, whether it is the Town or the Trust, will need to follow the Chapter 30B process for the disposition of land which could take 2 months to complete

Attorney McLaughlin said that in one Trust applicant's discussion with Jillian, it was noted that there are real difficulties with availability of agents assisting developers with compliance with fair advertising and assessment of the eligibility of applicants seeking affordable housing. There are units built and ready to rent however they cannot be rented until they comply with the statutory process to do so adding 4-5 months. Wendy suggested that Barnstable County has an advisory committee to help shape recommendations relative to the use of ARPA funds that are going to be received. She said the County is looking at regional challenges in a prioritized manner

and thought if the Trust or Town provided a concrete suggestion like this one that could be used to unlock housing it could be considered.

Andy Clyburn noted that the last five Trust meetings have had the minimum quorum and suggested that the Trust look at a different day of the week other than Friday for the summer meetings. Jillian will reach out to members to ascertain a day and time that works for everyone with Wednesday being a strong possibility. Elizabeth Jenkins noted the pending decision of the legislature regarding extension of the ability to meet remotely after July 15, 2022, saying that unless they act, the Trust meetings will need to be held in person after July 15, 2022.

Adjournment

Motion to adjourn was made by Wendy Northcross and seconded by Mark Milne. Roll call vote: Wendy Northcross (yes), Mark Milne (yes), and Andy Clyburn (yes). Meeting adjourned.

List of documents/exhibits used by the Board at the meeting:

Exhibit 1 – Affordable Housing Growth and Development Trust Fund Board Agenda 6/24/2022.

Exhibit 2 – Draft minutes for the 6/10/2022 Affordable Housing Growth and Development Trust Fund Board meetings.

Exhibit 3 – Draft Resolve Confirming Reappointments to the Affordable Housing/Growth & Development Trust Fund Board.

Exhibit 4 – House Legislative Act No. 1377- Empowering cities and towns to support affordable housing with a fee on certain real estate transactions if it is adopted.

Respectfully submitted,
Ellen Swiniarski
CPC Coordinator
Planning & Development