



Grafton Affordable Housing Trust

Grafton Memorial Municipal Center
30 Providence Road
Grafton, MA 01905

2015
MAY 18
RECORDS TOWN CLERK
GRAFTON, MA

Minutes of Meeting March 30, 2015

A meeting of the Grafton Affordable Housing Trust was held on Monday, March 30, 2015 in the Finance Committee Meeting Room of the Grafton Memorial Municipal Center.

Present: Chairman Edward Prisby, Vice Chair Deborah Kochevar, Clerk Charles Pratt, Members Peter Adams and Dan Crossin. Staff present: Assistant Town Planner Ann Morgan.

Guests Present: Lisa Kelley, Mary Romaneic, Town Administrator Timothy McInerney, Assistant Town Administrator Doug Willardson (joined the meeting at 8:35 p.m.), Town Planner Joe Laydon (joined the meeting at 8:35 p.m.), Selectman Brook Padgett, Selectman Bruce Spinney

Chairman Prisby called the meeting to order at 7:05 p.m.

Mr. Prisby noted two people from the Massachusetts Housing Partnership were present to discuss items with the Trust and that the agenda items would be taken out of order to accommodate them.

3A. Update from the Chairman

It was relayed to Mr. Prisby that, in the opinion of the Town Administrator, the funds from Pulte law suit are not clearly designated to go to the Affordable Housing Trust as part of the settlement. Pulte did not admit to exceeding the profit limits as described in the regulatory agreement in pursuit with Massachusetts State Law.

1. Action Item – 13 Buttercup Lane – Citizen’s Housing and Planning Associations (CHAPA)

CHAPA has notified the Town that the unit owner is going to sell the unit and have requested that the Board of Selectman take action on its right of first refusal. This unit falls under the old universal deed rider. The Trust noted that their standard recommendation is to have CHAPA work to locate an eligible buyer instead of the Town taking on that task.

Motion to recommend that the Board of Selectmen turn down its right of first refusal, to require CHAPA assist the owner in finding an eligible affordable buyer, and to direct staff to submit a memorandum of said recommendation made by Mr. Adams, seconded by Mr. Crossin. Motion passed unanimously.

3D. Presentation – Massachusetts Housing Partnership (MHP)

Laura Shufelt and Kirsten Snow from MHP made a presentation on what services MHP provides such as training for running lotteries, providing technical support to the Trust and the Zoning Board of Appeals, and the use of Community Preservation Act funds in light of the new Anti-Aid Amendment to the Community Preservation Act.

MHP also provides grants for some pre-construction services i.e. site feasibility studies.

2. Discussion – Pulte Homes Settlement Agreement

Town Administrator Tim McInerney discussed a memo dated March 13, 2015. Many of the idea's came from settlement with Pulte trying to get more money from them. Master Plan is one proposed use of the funds. The towns current Master Plan is fifteen years old. Mr. Adams stated that he did not agree that any of the settlement funds should be used for this purpose.

The Pulte funds (approximately \$889,000) are in a separate account and the use of funds would have to be voted out of that account at Town Meeting. The Town to release the Affordable Housing Trust rights in such settlement agreement with Pulte with out contact the AHT. The Board of Selectmen were represented by Brook Padgett and Bruce Spinney. Mr. Spinney asked if the BOS could vote for a direct transfer of funds to the Trust or do we need to propose funds be transferred at the May Town Meeting? Chairman Prisby and the Town Legal Counsel disagree with the interpretation of the law. Ms. Kochevar asked if any thought was put into coming to the Trust before the situation escalated to which the answer was no. Mr. Spinney noted that he would speak with Town Counsel to determine if the transfer of funds requires Town Meeting vote or if it transfer could be authorized directly by the Board of Selectmen. He noted that he would work to develop sample draft warrant article to transfer the settlement funds to the Trust if need be.

3. New Business

- 123 Ferry Street – 40B Project – Staff noted that the developer, Brian McCann, is interested in discussing a buy down program to add four additional units of deed restricted affordable housing within this project. Staff was instructed to invite the developer to attend the next meeting to discuss further.

- J.M. Goldson – Jennifer Goldson, a consultant who has experience in developing action plans for affordable housing, was unable to attend tonight's meeting. She can assist the Trust in producing a ready list of buyers for affordable units. She will be able to attend the next meeting.

4. Old Business – Litigation Discussion

Chairman presented a legal opinion that states that the Town does not have the right to use funds and that these funds should have been directly transferred to the Trust. This opinion was given to the Chairman as a favor among colleagues. The Trust discussed various ways to proceed to obtain those funds including seeking additional legal review and drafting correspondence to the Board of Selectmen.

Motion to retain the services of Attorney Micheal Whay in an amount not to exceed \$7,500 to represent the Trust's position to the Board of Selectmen made by Mr. Pratt. Motion failed due to a lack of a second.

The Trust agreed not to send the Town the legal opinion prepared by Attorney Whay as Selectman Spinney would speak with Town Counsel to determine if the funds could be transferred to the Trust without Town Meeting vote.

It was noted that there will be a joint meeting with the Trust and the Board of Selectmen on April 7, 2015 to further discuss the matter. Staff was instructed to post the meeting on behalf of the Trust to ensure compliance with the Open Meeting Law.

5. Executive Session – None.

6. Adjournment

Motion to adjourn the meeting made by Mr. Adams, seconded by Mr. Crossin. Motion passed unanimously. The meeting was adjourned at 9:15 p.m.



Charles Pratt, Clerk

