

TOWN OF YARMOUTH
COMMUNITY PRESERVATION COMMITTEE
MINUTES
January 2, 2008
FINAL

PRESENT: Curtis Sears, Tom Roche, Jim Carroll, Hugh Hilliard, Gary Ellis,
Jack Mulkeen, Ed Blackman, and Mary Ann Walsh

STAFF: Jennifer Coutinho

LOCATION: Room A, Town Offices, 1146 Route 28, South Yarmouth, MA

Chairman Sears opened the Community Preservation Committee (CPC) meeting at 3:06 p.m. All members except Mr. Biega were present.

Correspondence: Ms. Coutinho informed the group that she will send out two memos this week based on Town Counsel's opinion of the FY08 applications. Mr. Carroll stated that the Farmer's Market application should be considered under the Community Preservation Act (CPA) historic category because farmers markets are an important part of Yarmouth's history. Mr. Ellis stated that the project would likely not qualify under the historic category for the same reason the Town Common Gazebo was not eligible. He then suggested that the Agricultural Commission solicit companies to purchase a tent with naming rights.

Mr. Hilliard asked for the status of the Housing Assistance Corporation (HAC) buy-down project. Chairman Sears replied that HAC is awaiting a response from the State about the request for Department of Housing and Community Development (DHCD) matching funds. CPA funding is contingent on HAC receiving the State grant.

Vote on Affordable Housing Trust Fund (#34): Mr. Roche made a motion to approve the Affordable Housing Trust Fund application in an amount not to exceed \$236,000 from the fund balance. Mr. Ellis seconded. Vote unanimous (8-0-0). Discussion: Chairman Sears, Ms. Walsh, and Mr. Blackman discussed how the funds could be used to purchase rental properties. Ms. Walsh stated that the Yarmouth Housing Authority (YHA) could manage a rental program because they are familiar with compliance and similar programs.

Vote on Buy-Down Program (#35): Mr. Blackman stated that the Town Trust Fund should consider having the YHA complete independent income verifications because it could be accomplished at a lower rate than the cost estimate. He noted that it would be a service to the Town for a fee, which would increase the strength of the Authority. Chairman Sears stated that the Trust could consider submitting a Request for Proposal (RFP) to interested parties.

Mr. Blackman made a motion to approve the Buy-down Program application in an amount not to exceed \$534,120 from the fund balance. Mr. Roche seconded. Vote unanimous (8-0-0).

Vote on Rental Assistance (#36): The group discussed the rental assistance proposal and whether it would be a revolving fund where deposits would be returned to the Town at some point.

Ms. Walsh stated that the program could lend itself to tenant abuse. Mr. Roche mentioned allocating the funds to the Trust Fund to accomplish the same goal.

Mr. Blackman questioned whether any of the first, last, or security deposit would be returned to the Town when the tenant moves out. He then asked how much impact the program would have on the Town if tenants didn't pay their portion of the rent. He asked how could the program be administered to enable people to rent a home that they normally couldn't rent. He stated that it is unclear if the program would target people who earn 80% or less of area median income (AMI) or other market segments. He said that the program could be set up such that if the tenant didn't have the first months rent, they could work out a payment plan over a three month period.

The CPC also discussed how the rental units would likely not count on the affordable housing inventory. Ms. Walsh recommended that the Trust Fund follow the Housing Assistance Toolbox program whereby the rent payment is supplemented over a twelve-month period. The CPC discussed setting up the program as a revolving fund and how it would function.

Mr. Mulkeen stated that the CPC should have held an in-depth discussion when they met with the applicant. Mr. Ellis stated that the Trust Fund could modify the program and bring it back to the CPC at the next funding cycle.

Mr. Carroll made a motion to not approve the rental assistance application. Mr. Mulkeen seconded. Mr. Blackman stated that Ms. Waygan worked very hard on the community preservation applications and he made a motion to turn down Mr. Carroll's motion and approve the rental assistance application conditionally. Mr. Blackman's motion was not seconded. The original motion carried 6-2-0 with Ms. Walsh and Mr. Blackman voting in the negative.

Vote on Affordable Housing for People with Disabilities (#37): Mr. Hilliard made a motion to approve the Affordable Housing for People with Disabilities application as presented in an amount not to exceed \$40,000 from the fund balance. Mr. Ellis seconded. Vote unanimous (8-0-0). Discussion: none.

Vote on Restoration of Water Pumping Windmill (#38): The CPC discussed the public benefit of the project because it is located on private property. Chairman Sears noted that this is the last known tower of its kind on Cape Cod, it would be open to the public at specific times of the year, and the town would place a restriction on the property. The tower is visible from Old Main Street, Pleasant Street, and Crosby Street.

The CPC discussed the possibility of moving the structure to a town-owned site. It was noted that the property owner would like to keep the structure on his property.

Mr. Roche stated that there would be public access during specific time throughout the year, and property would have a deed restriction in perpetuity. He stated that offering the tower to the public six to eight times per a year is satisfactory. He also noted that, in the event he sold the property, the new owner would have to comply with the deed restriction.

While there is a lack of leveraged funds for the initial project, matching funds are measured by the requirement of the homeowner to complete all future maintenance of the structure.

Mr. Blackman asked if the CPC would consider approving a lesser amount. Chairman Sears stated that, if the CPC approves a lesser amount, it's possible the project couldn't be completed.

Mr. Carroll stated that the structure should be covered on the homeowner's insurance for hurricane damage and that the policy should be written such that if the structure is damaged and the owner decides not to fix it, then the community preservation funds invested in the project would come back to the Town.

Ms. Coutinho stated that she spoke with Mr. McNamara, who informed her that he carries additional insurance for structure on the property. He is looking look into coverage for public access on his property. Mr. Carroll stated to make sure the insurance include the Town as the additional insurer. Mr. Ellis added that the Town of Yarmouth should be listed on the policy.

Ms. Walsh noted that if he defaults on his mortgage or insurance, the Town would have no monetary protection. Chairman Sears stated the restriction is in perpetuity and would apply to the new property owner.

Mr. Roche made a motion to approve the Water Pumping Windmill application in an amount not to exceed \$38,000 from the fund balance subject to a deed restriction on the property. Mr. Blackman seconded. Vote unanimous (8-0-0). Funding is contingent on the following: items: (1) preservation restriction noting that community preservation funds can't be used for maintenance and all future maintenance related to the tower is the responsibility of the homeowner; (2) the preservation restriction shall run with the land in perpetuity; (3) the tower must be open to the public no less than six events per a year as agreed upon by the Town and the property owner; (4) when the site is open to the public, the property owner is responsible for placing a temporary sign, explaining the history of the water windmill and acknowledging that preservation was made possible with a CPA grant; and (5) add the Town of Yarmouth as an additional insured to the insurance policy.

Vote on John Simpkins Façade Improvements and Historic Preservation (#39): Mr. Ellis stated that if the CPC approves funding for the project then the Town should restrict police and fire training to prevent further interior deterioration. He also requested advertising the project and putting the work out to bid.

Ms. Coutinho reported that one of the painting companies provided an update on their original proposal. She spoke to Mr. Lawton who amended the application from \$95,128 to \$98,000.

Mr. Blackman stated that improvements are not preservation but rather to make the building look nice. Chairman Sears stated that there is water damage inside the building. There are preservation issues with the down spouts and some windows.

Mr. Roche referred to the cost estimate and wondered if pressure washing included the bricks and the trim or just the trim. He noted that the exterior bricks of a historic building shouldn't be pressured washed. The CPC agreed to leave the power washing in the application.

The CPC discussed the potential future uses of the building and it was noted that the John Simpkins Review Committee would report to the Board of Selectmen on January 22. They also talked about the future use of the building and the possibility of the new tenant returning the community preservation funds. It was noted that the future use of the building must make financial sense for the

taxpayers. Chairman Sears stated that the funds would serve the purpose of preserving the building at this time.

Mr. Mulkeen made a motion to approve the John Simpkins Façade Improvement and Historic Preservation application in an amount not to exceed \$98,000 from the fund balance. Ms. Walsh seconded. Vote unanimous (8-0-0).

Vote on Historic Record Commitments (#40): Chairman Sears made a motion to approve the Historic Record Commitment application as amended, in an amount not to exceed \$308,000, with \$154,000 from the fund balance and \$154,000 from the FY09 estimated annual revenues of the Historic Reserve. Ms. Walsh seconded. Vote unanimous (8-0-0).

Vote on Captain Bang Hallett House Museum Climatization (# 41): The CPC discussed the Historical Society of Old Yarmouth (HSOY) presentation and the lack of matching funds for this proposal. They reviewed the proposed budget for \$60,973 and reduced the amount to \$45,200 by remove the last two budget items totaling \$15,773 for carpentry labor and contingency costs. While the HSOY funding sources pays for their overhead, the CPC would like them to contribute matching funds for labor and contingency costs.

Mr. Mulkeen made a motion to approve the Captain Bang Hallett House Museum Climatization application in an amount not to exceed \$45,200 from the fund balance for the following items/services: (1) materials – air conditioning and heating system components; (2) custom ductwork; (3) boiler piping; and (4) mechanical labor. Mr. Carroll seconded. Vote unanimous (8-0-0).

Vote on Yarmouth Community Garden (#42): Mr. Blackman made a motion to approve the Community Garden application in an amount not to exceed \$12,750 from the fund balance. Mr. Hilliard seconded. Vote unanimous (8-0-0).

Vote on Yarmouth Housing Authority (#45): Ms. Walsh made a motion to approve the Long Pond Plaza application for bathroom improvements in an amount not to exceed \$121,348 from the fund balance. Mr. Blackman seconded. Vote unanimous (8-0-0).

Open Space Executive Session: A motion was made by Mr. Sears and seconded by Ms. Walsh to convene executive session at 4:44 p.m. and not return to open session under MGL Chapter 39, section 23B, to discuss a possible land acquisition. Roll call was taken: Curtis Sears, yes; Tom Roche, yes; Jim Carroll, yes; Hugh Hilliard, yes; Gary Ellis, yes; Jack Mulkeen, yes; Ed Blackman, yes; Mary Ann Walsh; yes. Vote unanimous (8-0-0).

Respectfully submitted,
Jennifer Coutinho, CPA Assistant

Mary Ann Walsh, Clerk