

**BOARD OF
SELECTMEN
MEETING
MINUTES**

January 21, 2020

Town Hall

Chairman Stephen A. Matellian; Selectman Brett A. Simas; Selectman Maureen Dwinnell, Town Manager, Derek S. Brindisi; Executive Assistant, Sandra Hakala

CALL MEETING TO ORDER

Chairman Matellian opened the meeting at 7:00 p.m. lead the pledge of allegiance and reviewed the agenda.

MINUTES

Motion #1: Motion made by Selectman Simas to approve the Regular Session Meeting minutes of December 17, 2019 as amended striking lines 122-127 and approving December 14, 2019 and January 7, 2020 as written

Second: Selectman Dwinnell, Unanimous: Chairman Matellian.

INVITED GUESTS

Discuss CHAPA Universal Deed Rider

David Gasser, Program Manager to discuss whether the Town of Upton would like to permit CHAPA implement this policy.

“Citizens' Housing and Planning Association (CHAPA) is the Monitoring Agent for Samreen Villa, a Chapter 40B development in the Town of Upton. CHAPA's role is to monitor compliance with the Comprehensive Permit, Regulatory Agreement, and property deed riders governing the affordable housing restrictions. This often involves working with homeowners who wish to sell or refinance their properties.

The affordable units at Samreen Villa were sold to homeowners with deed riders in use at the time of development. Beginning in 2006, all affordable units in Chapter 40B developments began using the Universal Deed Rider (UDR), developed by DHCD. The UDR has several benefits over older, development-specific deed riders, including to help retain the unit on the Town's Subsidized Housing Inventory.

Under the current deed rider for Samreen Villa, if a property is marketed for 120 days, but no income-eligible buyer has been found to purchase the unit, the owner is allowed to sell the unit on the open market to any purchaser at fair market value free of all deed rider restrictions. While the Town receives the difference between the unit's affordable price and the fair market price, the unit is now market-rate and no longer part of the Town's affordable housing inventory.

Unlike the current deed riders at Samreen Villa, the UDR ensures that the Chapter 40B unit remains in the Town's Subsidized Housing Inventory in perpetuity. The UDR provides that if no

41 income-eligible buyers have been found after 90 days of marketing, the owner may sell the unit
42 to a non-income eligible buyer at the affordable price, as long as the buyer accepts the deed
43 rider restrictions with the unit. Any future resales will then once again be governed by the deed
44 rider, requiring an affordable marketing period for income-eligible buyers to purchase the unit
45 at an affordable price.

46

47 The UDR also allows the deed restrictions to survive a foreclosure on the unit. The current deed
48 rider is extinguished if an eligible mortgagor forecloses on the property, again removing the
49 unit from the Town's inventory of affordable units. The UDR contains provisions allowing the
50 affordable housing restrictions to remain in place even if a mortgagor or condominium
51 association forecloses.

52

53 The UDR also provides advantages to current owners and future affordable purchasers. Current
54 owners would not have to pay an appraisal fee or hire a real estate broker if no income-eligible
55 buyer is found. For future affordable buyers, the UDR has a more robust affordability
56 guarantee, requiring the Maximum Resale Prices for units to be affordable to appropriately
57 sized households earning 70% of the Area Median Income. Additionally, Fannie Mae and
58 MassHousing will not underwrite new loans for affordable properties that do not use the
59 newest form of the UDR, causing financing issues for some affordable purchasers.

60

61 Previously, the Town permitted CHAPA to work with Chapter 40B sellers and buyers at Samreen
62 Villa to switch to the UDR if no income-eligible buyer was located during the affordable
63 marketing period rather than selling to an ineligible buyer free of the deed restrictions. While a
64 step in the right direction, this policy has led to several units still being subject to the original
65 deed riders.

66

67 If the Town agrees, CHAPA would like to work with all affordable unit owners at Samreen Villa
68 to switch to the UDR. When an affordable property is refinanced or sold CHAPA would follow
69 the owner's existing deed rider for the sale or refinance but provide a UDR to be recorded with
70 the new mortgage or new unit owner's deed. The UDR would then control the unit's affordable
71 housing restrictions moving forward. We believe this is a "best practice" that benefits the
72 Town, affordable unit owners, and future income-eligible buyers."

73

74 **Motion #2:** Motion made by Selectman Dwinnell to authorize CHAPA to implement the policy
75 and accept 120 days on the Universal Deed Rider.

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77 Second: Selectman Simas, Unanimous, Chairman Matellian.

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79 **DISCUSSION ITEMS**

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81 **Building Committee Election**

82 In accordance to the Upton General By law, Chapter 17, Building Committee

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84 "Section 1 A Building Committee shall be appointed and act as the Official Town Agent on major
85 construction projects. When preliminary studies are approved by a vote at a Town Meeting for
86 a major new building, construction or renovation project, a Building Committee shall be
87 appointed by the Board of Selectmen, Town Moderator, and the Department Head for which
88 the project is directed to review the results of the study and make their recommendations at
89 the next appropriate Town Meeting. The Board of Selectmen, the Moderator and the
90 Department Head shall each have one vote: totaling three votes. The appointments shall be by
91 a majority vote of the above three entities. The recommendations should include a request for
92 a detailed engineering study if the Committee deems it necessary; the engineering study should
93 be done prior to any action on the project.

94
95 Section 2 This Building Committee should include five members who have expertise in
96 architecture, construction, accounting, engineering and/or other related fields; if possible, it
97 should also include members who are familiar with and are concerned with the Town's historic
98 and environmental character.

99
100 Section 3 This Building Committee shall, as the Official Town Agent, oversee the project (if
101 project is approved) to its conclusion, and shall make public progress reports at least semi-
102 annually, these reports shall indicate if the project is on schedule and within
103 budget. The Committee shall also act as liaison between all parties to assure that all local and
104 state codes are met."

105

106 The election followed:

107

108 The Moderator nominated James Brochu, seconded

109

110 Department Head, aye
111 Board of Selectmen, aye,
112 Moderator, aye

113

114 The Board of Selectmen (Brett) nominated Mike Howell, seconded

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116 Department Head, aye
117 Board of Selectmen, aye,
118 Moderator, aye

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120 The Board of Selectmen (Maureen) nominated Paul Flaherty, seconded

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122 Department Head, aye
123 Board of Selectmen, aye,
124 Moderator, aye

125

126 Board of Selectmen (Steve) nominated Justin Pollard, seconded

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128 Department Head, aye
129 Board of Selectmen, aye,
130 Moderator, aye
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132 The Department Head (Janice) nominated Steve Rakitin, seconded
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134 Department Head, aye
135 Board of Selectmen, aye,
136 Moderator, aye
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138 The Moderator nominated Jay Rodrigues, seconded
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140 Department Head, aye
141 Board of Selectmen, aye,
142 Moderator, aye
143
144 The Board of Selectmen (Brett) nominated Dee Hakala, seconded
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146 Department Head, aye
147 Board of Selectmen, aye,
148 Moderator, aye
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150 Steering Committee

151
152 Passed over until next meeting once resignations are received.

153
154 Motion to Approve Various Grants

155
156 **Motion #3:** Motion made by Selectman Simas to accept \$90,249.52 in Federal Funding from the
157 Department of Homeland Security.

158
159 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.
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161 **Motion #4:** Motion made by Selectman Dwinnell to accept the matching EMPG funds of
162 \$2700.00.

163
164 Second: Selectman Simas, Unanimous, Chairman Matellian.

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166 **Motion #5:** Motion made by Selectman Simas to accept \$3,400.00 provided through the
167 Firefighters Turnout Gear Program for the purchase of hoods and gloves.

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169 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.

170
171 Discuss Mendon and Pleasant Street Intersection

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173 **Motion #6:** Motion made by Selectman Simas to approve the purchase and installation of four
174 stop signs as described at Mendon and Pleasant Street Intersection.
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176 Second: Selectman Dwinnell, Unanimous, Chairman Matellian.
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178 *Discuss Request from COA – Fuel Funding*
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180 The Board will further the discussion at a future meeting.
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182 **ADJOURN MEETING**
183 **Motion #7:** At 9:00pm Selectman Simas made motion to adjourn.
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185 Second: Selectman Dwinnell, Unanimous: Chairman Matellian
186
187 Respectfully submitted,
188
189 Sandra Hakala
190 Executive Assistant