

AFFORDABLE HOUSING TRUST BOARD & THE SELECT BOARD

JOINT MEETING

Minutes

August 15, 2023.

The Affordable Housing Trust Board (AHTB) met jointly with the Select Board on August 15, 2023 at 4:30 PM in the Nauset Room at Town Hall and via Zoom. Real-time public access was provided by Orleans Channel 18 on the Town website.

Attending for the AHTB were Chair McClennen, Vice Chair Mathison, Clerk Ghory, Katie Wibby, Tom Jurkowski, Henry Brehm, Michael Herman, and Matt Cole was on Zoom.

Attending for the Select Board were Chair Herman, Mr. Mathison, Mr. Galligan and Ms. Reed. Mr. Mathison was absent but sent a written statement to be tabled. Director of Planning & Community Development George Meservey and Community Housing Manager Marsha Allgeier also attended.

Call to Order. Mr. McClennen called the AHTB meeting to order at 4.32pm. Mr. Herman called the Select Board meeting to order.

AHTB and Select Board to review and vote to approve the RFP for 66-76 Route 6A.

Mr. Meservey addressed changes made to the previously submitted draft of the RFP for 66-76 Route 6A. The property has been appraised at \$5million. Town Counsel has made some alterations to the draft Land Disposition Agreement (LDA).

Ms. Allgeier pointed out some specific changes made to the RFP. Mr. McClennen spoke about a revision in tone to the opening paragraph the document to better attract the largest number of developers. There was substantial discussion around whether or not to specify a desire for affordable housing for those making up to 80% AMI or whether that could be detailed later in the RFP document. Ultimately, there was consensus that in areas reflecting tone, not specific requirements, it was *not* essential to set the affordable criteria. The first section should seek creative and "primarily affordable housing." Subsequent sections would provide greater definition. Additionally, it was noted that requirements could be mentioned at the pre-bid mandatory visit.

Both Boards discussed whether to invite more than one developer for the site, but it was agreed that would complicate things. The main developer can, if desired, create a co-venture. It was decided by consensus that specifics about rental terms and prohibitions to short-term rentals would be included in the LDA. Property management should be local as opposed to remote.

Both Boards assessed the pros and cons of passive house standards versus passive house certification. RFP bidders will need to be made aware the Town of Orleans is considering the Specialized Opt-in Energy Code at the next town meeting. The town expects each submission to meet passive energy certification and the RFP will include language stating: "the prososal must take full advantage of the Cape Light Compact MassSave Energy Efficiency Program."

Mr. Herman shared the following statement from Mr. Runyon:

Since I cannot attend Tuesday's meeting or connect remotely, I want to register that if I was present, I

would be voting against approval of the draft RFP. My reason is based solely on the choice to sell the property vs. using a long-term ground lease. The RFP specifies this in section 4.6.

The reasons to choose a sale over the ground lease have been expressed as:

1. It is simpler and cleaner.
2. It relieves the Town of some undefined future burden of responsibility.

In other words, using a ground lease will be a bit harder. Some degree of additional work is likely, but that burden is greatly outweighed by the value of retaining ownership of 5+ acres in the middle of our downtown. The use of long-term ground leases is a common and long established business practice that all prospective bidders will understand. While it is easy to dismiss the issue because a 75-99 year time horizon is beyond the life expectancy of all current Orleans voters, we have a responsibility to imagine what the value of ownership would be to the poor souls managing our future Town and to give them all the resources we can.

Orleans today is land poor, a situation unlikely to change. In our downtown, the Town owns only the Library and the Old Firehouse. As a general policy, it would be wise for the Town to retain ownership and control of all its properties. It is impossible to know what needs the Town will be facing in 99 years, but a fundamental approach to planning is to hold on to all possible options.

I understand that there is hope that home ownership might be part of this housing project and I share that hope. If this emerges in any developer proposals, it can be accommodated by applying the ground lease only to the portion of the property that will be rentals and convey ownership to the home ownership portion. While this may be harder, I don't think that being 'harder' is sufficient reason to give up ownership of such a valuable property.

Please include this communication at the Tuesday meeting and make it part of the public record.

Thank you,

Mefford Runyon

It was agreed a draft LDA should be included with the RFP. Town Counsel will ensure all language and terms are appropriate to provide the Town Manager, as Chief Procurement Officer, ultimate discretion in selecting (or rejecting) a bid to recommend.

Mr. Mathison moved to approve the draft of the RFP for 66-76 Route 6a as written with the modifications as discussed and subject to final approval by town counsel. Mr. Galligan seconded the motion. All present for the Select Board voted Aye. Motion carried: 4-0-0.

Mr. Jurkowski moved to approve the draft of the RFP for 66-76 Route 6a as written with the modifications as discussed and subject to final approval by town counsel. Mr. Ghory seconded the motion. Vote by roll call: Mr. Cole, Ms. Mathison, Mr. Herman, Ms. Wibby, Mr. Ghory, Mr. Brehm, Mr. Jurkowski and Mr. McClennen voted Aye. Motion carried: 8-0-0.

Mr. Mathison moved that Kevin Galligan and Michael Herman serve as Select Board members on the RFP Review Committee. Ms. Reed seconded the motion. All voted Aye for the Select Board. Motion carried: 4-0-0.

Mr. Herman moved that Ms. Wibby and Mr. McClennen serve as AHTB members on the RFP Review Committee. Ms. Mathison seconded the motion. Vote by roll call: Mr. Cole, Ms. Mathison, Mr.

Herman, Ms. Wibby, Mr. Ghory, Mr. Brehm, Mr. Jurkowski and Mr. McClennen voted Aye. Motion carried: 8-0-0.

Ms. Reed moved to adjourn the meeting of the Select Board. Mr. Galligan seconded the motion. All voted Aye. Motion carried: 4-0-0.

Select Board meeting closed at 5pm. Mr. Herman left the meeting at about 5pm.

Updates about Pennrose and 107 Main Street. Mr. McClennen briefly summarized progress that Pennrose is making toward a closing in about two months. A decision regarding ARPA funds from Barnstable is still pending. Mr. McClennen provided a short summary of actions from David Quinn of HAC regarding 107 Main St. A project manager has been assigned for closing. There has been an architect review of plans. Investigation into modular construction continues. 107 Main Street is also awaiting news of funding from Barnstable County ARPA funds.

Review and vote to approve payment of invoice for \$230 to NorthStar for heating/cooling services at Old Colony Way.

Ms. Mathison moved to approve payment of the invoice for \$230 from Northstar Heating and Cooling as submitted by Mr. Meservey for Old Colony Way. Mr. Brehm seconded the motion. Mr. Jurkowski, Mr. Ghory, Mr. Brehm, Ms. Wibby, Ms. Mathison, Mr. Cole, and Mr. McClennen voted Aye. Motioned carried: 7-0-0.

Discussion and possible vote re: committee organization

Mr. Ghory moved to select Alan McClennen as chair. Mr. Jurkowski seconded the motion. Mr. Jurkowski, Mr. Ghory, Mr. Brehm, Ms. Wibby, Ms. Mathison and Mr. Cole voted Aye. Mr. McClennen abstained. Motion carried: 6-0-1.

Mr. Brehm nominated Alexis Mathison for the role of Vice-Chair. Ms. Wibby seconded the motion. Ms. Wibby moved to close the nominations and appoint Ms. Mathison Vice-Chair. Mr. Brehm seconded the motion. Ms. Wibby, Mr. Jurkowski, Mr. Brehm, Mr. Ghory, Mr. Cole, and Mr. McClennen voted Aye. Ms. Mathison abstained. Motion carried: 6-0-1.

Ms. Mathison nominated Ward Ghory as Clerk. Ms. Wibby seconded the nomination. Mr. Brehm moved to close the nominations and vote for Mr. Ghory as clerk. Ms. Mathison seconded the motion. Mr. Jurkowski, Ms. Wibby, Mr. Brehm, Mr. Cole, Ms. Mathison and Mr. McClennen voted Aye. Mr. Ghory abstained. Motion carried: 6-0-1.

Approve minutes of July 18 and August 1, 2023 joint meetings with Affordable Housing Committee.

Ms. Mathison moved to approve the minutes of July 18, 2023 with one change. Mr. Brehm seconded the motion. Mr. Ghory, Mr. Brehm, Ms. Mathison, Mr. Cole, Mr. Jurkowski and Mr. McClennen voted Aye. Ms. Wibby abstained. Motion carried: 6-0-1.

Ms. Mathison moved to approve the minutes of August 1, 2023 as written. Mr. Brehm seconded the motion. Mr. Ghory, Mr. Brehm, Ms. Mathison, Mr. Cole, Ms. Wibby, Mr. Jurkowski and Mr. McClennen voted Aye. Motion carried: 7-0-0.

Adjourn AHTB meeting.

Mr. McClennen advised that the Attorney General had approved Article 60 to amend the bylaw to enable the Affordable Housing Trust to service attainable housing as well. This matter still requires passage of the Home Rule petition.

Ms. Mathison moved to adjourn the AHTB meeting. Mr. Brehm seconded the motion. Motion carried by consensus: 7-0-0.

Meeting closed at 5.50pm

Respectfully submitted,
Jennifer Fountain