

LINCOLN HOUSING COMMISSION

Minutes

Thursday, January 5, 2023 7:00 p.m.

Members present via Zoom: Allen Vander Meulen, Chair; Rachel Drew; Victoria Benalfew; Terry Perlmutter, COA&HS Liaison; Jennifer Glass (Liaison from Selectboard). Evan Gorman, Vice-Chair joined the meeting while it was in progress.

Also present: Peggy Elder (our new Housing Commission Assistant, as of December, 2022); Dan Pereira, Lincoln, MA Assistant Town Administrator; Elizabeth Rust, Director, RHSO.

Absent: Donald Fonseca, Affordable Housing Tenant Liaison.

NB: Rakesh Karmacharya resigned from the Commission effective December 28, 2022.

The meeting was called to order at 7:05pm by Chair Allen Vander Meulen as a virtual meeting pursuant to Gov. Baker's March 12, 2020 order, as extended on June 15, 2021 with the Governor's signing of Senate Bill #2475, suspending certain provisions of the Open Meeting Law.

1. Commission Membership Changes and Prospects

Commission Member Rakesh Karmacharya resigned from the Commission effective December 28, 2022. Allen and the Commission conveyed their best wishes to Rakesh, thanking him for his willingness to return to serve on the commission a second time, following the resignation of former commission member Keith Gilbert.

Victoria Benalfew was congratulated on her new position as a town employee: replacing Elaine Carroll as the Building Department's and Board of Health's Administrative Assistant. Victoria will resign from the Housing Commission as soon as a replacement is confirmed. Until then she will remain on the commission with no responsibilities other than being present as a voting member to ensure we have a quorum at each meeting. She will recuse herself if there are votes presenting a possible conflict of interest.

In response to the notices posted by Peggy, four people expressed interest in joining the Commission. The four potential candidates include: Julie Brogan (former Library Trustee); Gary Davis, long a volunteer on behalf of the town in many capacities; Bob Bicknell, a resident of The Commons and formerly a part of Lexington's affordable housing support community; Jared LaLiberte; and possibly Donald Fonseca.

However, Jennifer Glass and Tim Higgins have recommended that they just run for office instead of being appointed. The elections are in a couple of months; and a person appointed to fill a vacancy must stand in the next election. In this situation, it is better and simpler for everyone to just leave the two seats vacant for the next few weeks.

Rachel asked if we could invite those interested to attend a Housing Commission meeting before the election. Allen will do so. In response to a further question from Rachel, Allen said that candidates must run for a specific slot on the commission. Victoria's term officially ends this year, so the person running to fill her position will be running for a three year term. Rakesh has two years remaining in his term, so the person running for his position will need to run again two years from now.

Peggy noted that Gary Davis has subsequently withdrawn his name from consideration for appointment.

Towards the end of the meeting it was decided that Allen will provide Peggy with the list of candidates he is aware-of, and Peggy will contact each of them to inform them that if they are still interested, they should pull papers for the election. (We will also invite them to attend a Housing Commission meeting to better understand what they'll be getting themselves into!)

<Evan Gorman joined the meeting at this point.>

2. Rethinking the Housing Commission's Structure

Allen shared the results of his investigations into the history of the development of the Housing Commission's current structure and responsibilities. There is one Act establishing the commission (Massachusetts Acts of 1979, Chapter 359, Section 2: "*An Act Authorizing The Town Of Lincoln to Provide Housing for Persons of Low and Moderate Income and Others.*") And a subsequent act passed to detail the commission's structure and how and when members are appointed (1990 Acts and Resolves of the State of Massachusetts; Chapter 127: "*An Act Relative to the Lincoln Housing Commission*").

The 1979 act established the commission's size (5 seats). The second act (1990) lays out the current structure of the commission (3 members, each with a three year term, i.e., 1 is elected each year; and 2 members appointed to five year terms by Lincoln's Select Board). Both Acts will need to be amended or replaced to accomplish our intended reorganization.

Allen, with heavy input from Jennifer, Terry Morgan (of the Lincoln Foundation), and Liz Rust (of the RHSO), has drafted two proposed motions for the 2023 Town meeting to (hopefully) accomplish the intended goal of a commission that better represents and empowers the many constituencies and voices within Lincoln's Affordable Housing Community.

The first motion amends the 1979 Act to specify that the commission may have up to seven members, instead of a membership fixed at five.

The second motion replaces the 1990 Act such that all members will be appointed by the Select Board (instead of 3 elected and 2 appointed, as it is now). Their terms will be three years each. It also specifies that one of the Commission's members will be nominated by the Council on Aging & Human Services; with a second member, chosen to represent those living in affordable housing in Lincoln, nominated by the Council on Aging & Human Services in consultation with the Housing Commission. (All nominees must have their appointments confirmed by the Select Board.)

Jennifer Glass asked the commission to consider whether the two "special representative" positions in the draft are needed (*i.e., an Income Restricted Housing representative, and one representing the Council on Aging*). Rachel replied that while we could make 2 of the commission's 5 existing positions serve these purposes, we still – as a commission - find ourselves with a very broad range of responsibilities and also relationships that need to be maintained. It is currently a stretch for the commission five members to fill seats or act as liaisons in the numerous Lincoln committees/subcommittees/task forces/etc. and tasks for which our work and mission have relevance. We are also a "working commission" with ongoing duties such as coordinating maintenance and recertifications. Expanding the commission by up to two more members will reduce the workload each individual member must carry.

Jennifer Glass confirmed that the Warrant for the 2023 Town meeting is now open, and will close on January 30. We have two “placeholders” in the warrant for these motions, and we will have to nail down the motions as much as we can before the warrant closes. The language will need to be reviewed and approved by Town Counsel, and we will need their advice on how best to structure the motion (or motions), since we are attempting to accomplish two separate but strongly linked changes: both of which need Town Meeting approval, but only one of which may need State (legislative) approval. While the article must be finalized by the time the warrant closes, the language of the motion (made under the article) can evolve as long as it does not change the sense of the article itself.

After further discussion and clarification, the draft language was referred to Dan Pereira for review and revision by Town Counsel. The Counsel’s revised draft will be presented to the Commission for approval at our next meeting. The commission agreed that our next meeting will be held a week early (January 25th) so that the draft can be reviewed by us and approved before the 2023 Town Meeting Warrant is closed.

Evan noted that having a Housing Commission meeting on January 26th will conflict with a CPC meeting that evening that Allen and Evan must attend. ***Therefore, the commission members all agreed that the date for the next full Housing Commission Meeting will be changed to Wednesday, January 25th at 7:00pm.***

3. Recertifications

Elizabeth and Victoria both agreed at all work related to completing the recertifications and utility allowances is completed for those tenants that have submitted all of their paperwork, and the notification letters can therefore be sent out. Liz states that the remaining issue is how the new rental rates compare to the rates the tenants have at present. The RHSO does not have complete information on this. *(This is at least in part due to difficulties faced in doing recertifications plus the several rent reductions and freezes approved by the commission at various times during the COVID shutdown and associated state-mandated rental freeze.)* She is concerned that some tenants might not be prepared for how much their rent will increase after such a long period of time with no changes. She suggested the commission should consider possible courses of action in anticipation of how tenants might react.

Allen noted that this possibility of large and challenging increases has been a concern of the Commission’s for quite some time. He also observed that proactively offering reductions is tantamount to admitting that the recertification process is flawed or unfair. Also, such accommodations, if not thoughtfully implemented, might create more imbalance as well as a perception of unfairness. However, this does not mean that we cannot (or should not) be compassionate if the need arises. The tenants must tell us if they need relief. We cannot offer help preemptively; and doing so for some tenants would be unfair to those we don’t help. Rachel suggested we point out that rates have not changed in three years.

At the close of the meeting, Victoria volunteered to coordinate with Liz Rust to determine what remains to be done to finish the recertification process, and will inform Allen of that status.

4. RHSO Status Update

Liz Rust reported that the RHSO has recently hired two new employees to fill existing vacancies within their organization. The new staff will resolve the large backlog of work that could not be done.

The RHSO has been very busy with the Battle Road Farm (BRF) situation, the new septic system being the biggest (but not only) challenge – just as a new septic is also a problem for Minuteman Commons. Terri Morgan of the Lincoln Foundation has been doing a great job helping residents and especially affordable unit tenants deal with the large increases in condo fees and assessments being experienced as a result of these large projects.

Roughly 2/3rds of the Affordable units that come up for sale at BRF are challenging to sell. Issues include the sale price exceeding what is “Affordable”, deferred maintenance problems, outdated layouts and décor, the high fees, and do on. Those that cannot be sold with the income restriction are eventually released from the restriction and sold at market rate. The Town of Lincoln gets a percentage of the “windfall profit” from such sales; which is then given back to the Lincoln Foundation for use in helping the remaining affordable tenants improve (or remain in) their homes.

5. Housing Commission Administrative Support Stipend

Allen provided some background on this issue: Several years ago, Tim Higgins approached the commission and asked the Housing Commission to provide an annual stipend to Elaine in recognition of all the overtime she was putting into supporting us over and above her regular 40 hour per week salary. At that time, the Commission approved a stipend for Elaine of \$5,000 per year, to be paid-for out of the Housing Commission’s Revolving Fund.

Dan Pereira appeared before the commission this evening to request that this stipend be continued for whoever is our Administrative Support in the future (i.e., not to a specific person, as it was for Elaine).

Allen said he is not opposed to the stipend in principle, but is wondering whether the Revolving Fund is the best source of funds for this purpose, given its limited income stream (rentals) and primary purpose (maintenance of town owned housing units). Allen is also concerned, given the limited inflow of funds, whether this is sustainable in the long term. However, some analysis will need to be done before a long term solution is proposed.

Rachel therefore moved that ***the Housing Commission continue to provide the \$5,000 stipend for Administrative Support for the next year out of the Housing Commission’s Revolving Fund. This will be reviewed by the Commission again next year, once the Town Administration provides the Commission with recommendations for an appropriate long term funding mechanism.*** Evan seconded. Roll Call Vote: Victoria – aye; Evan – aye; Rachel – aye; Allen – aye.

6. Housing Choice Work Group Status Update

Rachel reported that the group has submitted certification to the State (as required before the end of January, 2023), that Lincoln is working on compliance with the Housing Choice Act.

The group has begun work on its outreach plans. Now that certification is complete, the workgroup needs to begin soliciting input and ideas on how best to comply with the Housing Choice Act. This

will eventually result in a Town Meeting vote for a zoning proposal that provides for such compliance. This town meeting vote will need to be in March of 2024. Possible outreaches include forums, mailings, in person and virtual meetings, etc.

7. State of The Town Presentation

Rachel reported on her analysis of the feedback from the SOTT presentation. In general, people know something needs to be done and that it is expensive to live in Lincoln. It was recognized that new housing will need to be built, but there is quite a wide range of (and often conflicting) opinions as to what such housing will look like, or where it might be built. Rachel pointed out this reflects the ongoing challenge the town faces in terms of defining and achieving general (large) goals when individual opinions as to what can and should be done are far from homogenous.

8. 2014 Housing Plan Revision?

These concerns about providing a clear picture of what the facts are with regards to the state and future of affordable housing in Lincoln led to a discussion of the need to update the 2014 Housing Plan. Rachel has looked at the plan and agreed that it needs updating, but said the Census figures she needs to do some of those updates are not yet available (given the delays in issuing that data, may well be irrelevant or outdated by the time they are released). Further, she noted that much of the work in writing that plan appears to have been done by an outside consultant. All agreed that the document is so huge, and revising it is such a major effort, that it is not something the Housing Commission can do on its own. Allen mentioned that the late Pam Gallup, longtime chair of the HC, felt that the plan should be revisited and revised every five years or so, which clearly has not been done.

Jennifer pointed out that the MAPC supplies grants for efforts such as this, and suggested we apply to them for such a grant.

9. Applications for ARPA and CPC Funding - Update

Allen reviewed the funding request, which has been presented to both the ARPA committee and CPC as a \$257,775.00 request for the funding of three projects (Rectify 75 Tower Driveway and erosion issues, \$32,000; 65 & 75 Tower Radon Remediation, \$5,000; new Heat Pumps for all units, \$137,800; Contingency, \$12,275). We have told the town that we hope some of these costs can be funded under ARPA, which will be immediately available and with fewer restrictions; but that it is clear the majority will need to be funded through CPC funds.

Allen emphasized that calling the work at 75 Tower “Landscaping” is not an accurate depiction: the work is intended to address serious erosion and maintenance related issues; and does not provide for any significant cosmetic improvements to the shrubbery or yard. We do not have a solid quote for the Lot Survey or Landscape Architect: Allen put in an estimate of \$5,000.

At the time of the meeting, we did not have a final recommendation or quote for the Radon Remediation. This project is the one most likely to be paid-for out of ARPA, but could also be funded from our Revolving Fund. (NB: a final recommendation and estimate were received following this meeting, in the amount of \$5,000 for both properties.)

We will (probably) qualify for the Mass Saves rebates for the new heat pump systems. These rebates usually cover roughly the cost of the equipment, meaning we'd be paying just for the installation costs (more or less). However, whether we'd actually qualify at the time we submit our rebate application, the availability of such rebates, the amount of them, and when we'd actually receive the money, are all open to question. Therefore, it is not possible to account for these rebates within the funding request. We will inform the CPC (or ARPA) of any such rebates when received, and ask them how they wish to dispose of the funds (e.g.: deposit them into the Housing Trust, place into the CPC's Housing Reserve account, etc.).

It was also noted that the new heat pump systems will include central air conditioning. This will be a major benefit to the tenants, who have relied upon window air conditioners, which are not as efficient, and which they have had to procure and pay-for on their own.

Because of the likelihood of a large rebate from Mass Saves, as well as decline labor and materials costs since these quotes were provided, we are very confident that this application will be more than sufficient for funding all of the proposed projects.

10. IDEA Status Report

With Rakesh's resignation, we no longer have a representative working with the IDEA Group. Jennifer therefore reported on the status: the work with the new consultants is progressing well, and the group plans to distribute a baseline survey on or about January 17th that will go out to all members of the town's staff, boards, and committees. In February, a kickoff event will publicize and educate the community on the effort, and will also launch a public survey.

<Rachel Drew left this meeting at this point. Victoria's presence ensured we still have a quorum for the evening's final votes.>

11. COA&HS Liaison Status Report

Terry Perlmutter had additional items to report beyond what had already been discussed.

12. Housing Liaison Status Report

Donald Fonseca is out of town, and so was unable to present a report this evening. Donald requested an email address be created as a point of contact between him (and his successors) and the those in affordable housing here in town. That address has been assigned, and is HousingLiaison@LincolnTown.org. It should be operational soon.

13. Community Center Building Committee Update

Evan reported that he attended the most recent meeting. The agenda was huge, with a lot of minutiae related to preparing for the RFP, none of which seemed relevant to the Housing Commission at this time. Dan Pereira reported the RFP will be issued next week, and the process should soon become much more interesting.

There was a question as to whether Victoria should remain as a co-liaison to the CCBC. Both Allen and Dan feel it is inappropriate for Victoria to continue in this role, since she is now a town employee. Her continued presence on the Commission is only intended to ensure a quorum for votes.

14. Annual Report

Allen will be writing this within the next few days.

15. Approval of December 1 HC Meeting Minutes

The draft minutes needed one correction to Terri Morgan's name, which had been spelled incorrectly (it had been incorrectly spelled with a "y" instead of "i" at the end).

Victoria moved to approve both sets of minutes as corrected. Evan seconded. Roll Call Vote: Victoria – aye; Evan – aye; Allen – aye. The motion was approved unanimously.

16. Other Business

No other business.

17. Adjournment

Victoria moved to adjourn. Evan seconded. Roll Call Vote: Victoria – aye; Evan – aye; Allen – aye. The motion was approved unanimously and the meeting adjourned at 9:04pm.