

Select Board Meeting
Working Session
Town Office Building, 7 Brattleboro Road
May 1, 2023
Meeting Minutes

In attendance: Bill Glabach, Glenn Caffery, Katherine DiMatteo, Liz Kidder, Beth Kuzdeba, Brian Mc Hugh from Franklin County Regional Housing and Redevelopment Authority (FC HRA), Donna MacNicol (legal counsel).

Chair, Bill Glabach, called the meeting to order at 9:05 am. Brian McHugh had not yet arrived, so agreed to move to agenda item #2.

Fire Chief applications: Only one application has been received, Nik Adamski. Nik is not present due to work commitments and was not invited because this meeting is a review of the applications that came in.

Brian McHugh arrived.

Community Development Block Program – Leyden has participated 7 times, the last time was 2006. Money originally comes from HUD to States and then to local municipalities. Franklin County HRA administers the grant. Smaller towns partnered with other towns – regional approach. \$24M in loans as Franklin County. The grant money has been used to do accessibility work on municipal buildings, only type of work that can be done on municipal buildings – did the ramp and elevator installation for the Leyden Town Hall. Primary the grant is for low interest loans to eligible homes/individuals – 80% of median income of Franklin County is economic criteria. Can be used for all types of things: septic systems, wells, water heaters, roof, heating systems, lead paint work (houses built prior to 1978). Apply through FC HRA and they do a site visit/analysis, work write-up, goes out to bid to qualified contractors. If there is a code violation, this has to be corrected to get the loan. The money is in a revolving loan fund – deferred payment loan that is recorded against the property. The funding mechanism changed in 2009, changed to 50/50: 50% paid back when you sold the house, remaining 50% would be paid back over 15 years. When the loan is paid back, 2% goes back to the State.

Usually part of a regional grant. Money loaned out, paid back when person sells the house and goes into the revolving funds. \$99,000 in the fund right now for Leyden and still available for loans. Loan cap \$40,000 or \$50,000. Historic preservation, or for failed well or septic system can get the \$50,000, otherwise \$40,000 maximum. A waiver request can be sent to the State to exceed those limits. 24% administrative charge from FC HRA leaving \$75,000 to be loaned out. Forms are available and guidance documents, step by step procedures at www.fcr.hra.

\$298,000 in current outstanding loans for Leyden. \$93,000 came from the revolving loan fund and stays there to be re-loaned. All that are out there are 100% payback at time of sale because of the dates associated with those loans. It's a lien against the house. The remaining \$200,000 can come back as discretionary funds if 5 years from close out of grants but all the money is in loans right now. We elected to have all the funds stay in the revolving loan fund in 2013. Appeals to have loans forgiven – Leyden has

allowed this in our agreement. Town can have a representative on the FC HRA forgiveness committee but not a vote.

FC HRA has asked that Leyden agree to extend the current contract for 1 year; contract was for 10 years and is due to be reconsidered. FC HRA needs to bring contract up to new regulations and requirements, and rewritten to allow more flexibility as a home repair program but agency needs this year to rewrite and present to the State for approval. Wants to put together a program that is the same for all towns.

Owners solicit bids, FC HRA does cost estimates, help with the bids, write up contracts, loan closing, record mortgage against the property, inspection of work in progress, contractors bill FC HRA, work with the contractors, works with municipal permitting required – See it all the way through. Service the loan. No money out of pocket from homeowners for the loan. Can borrow money to relocate if the project requires them to move out of the house while work is done, for example lead paint removal.

Accounting sent out once a year to the town, usually in February and March. FC HRA has the discretion to declare emergencies on a house. The State does not want to see a pattern of emergencies, want to see that the program is bringing houses up to code. Need to have a waiting list of people to strengthen grant application to the State – make a case that there is a need. Grants are submitted at the beginning of March and are worked on for 3 months prior. Money is spent at the end of year after awards are received and contracts are signed. Town can put out a campaign to identify needs of towns. Begin to work with FC HRA in summer to work on contract for 2024. Want to couple Leyden with other towns for grant because the points are based on low to moderate income levels. Weighted average used by the State.

There are also accessibility – aging in place programs that FC HRA can help with. They are the local rehab agency for Mass Housing programs, and Home Modification Loan Program.

Motion: Glenn moved to extend contract through January 2024 for Housing Rehab Revolving Loan Fund Program from the FC HRA. Katherine seconded the motion. Approved unanimously.

Septic System Repair Program - originated in 1995 DEP program, could be loans or a betterment program. Leyden has a loan program, and a contract was signed again in 2012. Had a bank that was a pass through – Bank of Western Mass. FC HRA had a small role, \$800 to administer. The Board of Health made a recommendation on applications for the funds. Leyden and FC HRA can't find the original contract with DEP. Current contract automatically renews unless voted and notified otherwise. In 2020 auditors recommended closing the account and money went into Leyden's free cash. The DEP money was intended to be loaned out, so money needs to go back. \$83,000 of loans got paid back, loans were in the town's name, loans were paid back to the bank in the town's name.

FC HRA does have applications for this program – the town needs to set up a relationship with a bank. Applications approved by the Board of Health. Town needs to decide the cap and how to work with the Board of Health, for instance what are the income qualification guidelines. The objective of the program is environmental so anyone could qualify. Those that qualify as low or moderate income could request that status for ranking in the program. This would facilitate priority in the application process and terms

of the loan. Elderly, head of household, disability are other ranking criteria can be considered for point ranking systems. Contacting DEP might be helpful. MGL 310 CRM 14.00 regulation which was the regulation for this program became a reserve line in the law in 2016. Katherine will look into it. The SB thanked Brian and he left the meeting.

Fire Chief Application: Do we want to interview? The appointment would be for one year. Don't have a contract written. Glenn suggested we meet with Nik and appoint him when the contract is ready. Liz has drafted a contract that can be reviewed then approved by SB and negotiated with Nik. Legal counsel should review the contract as well. Glenn will contact Nik and confirm the time for Monday, May 8th agenda.

Moving Funds: In the middle of May we can begin the process. Accountant prepares summary of where accounts are over or under. SB and Fin Com approve the transfer of money from this account to that account as submitted by the accountant. Not an immediate need. Use of free cash requires a Special Town Meeting. Appropriate before new fiscal year if free cash has been certified.

Legal Counsel:

Anti-aid amendment states that the town can't use public funds for non-profits. If everyone is paying their share, then a town committee and a non-profit can co-sponsor. Have we set a policy for discriminatory application of fee waivers and engagement with non-profit organizations? Should set up guidelines for partnerships. Co-sponsoring can get you in trouble. Could change policy to address costs for partial days. Could limit fee waivers to certain types of events. Maybe revolving fund for town hall rental fees – better accounting of costs and revenues. Some expenses are difficult to calculate just for an event. Water for church comes from the same well as the Town Hall. Is there a deed that states that the church has a right to the well? Did the church reserve the right to the well when they gave the land to the Town for the Hall. Research covenants in the gift. Ask Historical Commission. The 1930s was the year of the land gift. Well may have been drilled in the 1960s. Our intention is to continue the water rights for the Church.

Donation Receipt Form: Donna noted that some gifts are for specific use, why make it broad (sole discretion of town) in the form. Don't use this form for restricted gifts. Maybe limit to in-kind donations or unrestricted. Trusts, for instance, for libraries are set up for specific purposes and ownership. (What are the parameters for the Leyden library?) Change to designate unrestricted in-kind or monetary or restricted. Glenn will edit.

New positions: NE towns are decentralized. SB hires Fire chief who hires others, SB hires police chief and all police personnel, SB hires highway personnel, Trustee hire librarian and others library staff. Murky about other committees, commissions, and boards especially those that are elected. Temporary tax collector, town clerk, treasurer are hired/appointed by SB, assistants are hired/managed by the people holding the position. MGL Chapter 41, Section 23A states that a vote or bylaw is needed for executive secretary or town administrator. MGL Chapter 41, Section 108N has broader language.

Review of Personnel Policies

Completed review with legal counsel. Katherine will complete edits as discussed and Glenn will review.

Motion: Glenn made a motion to enter executive session according to MGL Chapter 30A, Section 21 for the purpose to discuss strategy with respect to collective bargaining or litigation if an open meeting and to consider the purchase, exchange, lease, or value of real property. Katherine seconded the motion. The Chair declared that these topics may have a detrimental effect on the bargaining or litigating and negotiating position of the public body. Aye Glenn, Aye Bill, Aye Katherine. Approved unanimously.

Meeting reopened 2pm

Bill left the meeting.

Glenn and Katherine discussed agenda items for May 8th SB meeting.

Motion: Glenn moved to adjourn the meeting at 2:20pm Katherine seconded. Approved unanimously.

Respectfully submitted,
Katherine DiMatteo