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Minutes 04/23/2008

Affordable Housing Task Force
April 23, 2008

Members Present: John Griffin, John Hurd (arrived 6:25), William Burke, Anne DiNoto, David Levy, Christopher Loreti, Nick Minton, Patricia Worden
Absent: Jim Doherty, Diane Harrington
Also present: Laura Wiener

1. Call to Order

The meeting was called to order at 6.16 p.m. by Chairman John Griffin.

2. Minutes

Upon a motion of Dr. Worden and seconded, that the minutes of January 3 be accepted.

Mr. Levy offered an amendment to the motion that the second paragraph of Section 3 be changed to include the names of Task Force members who had agreed with the statements in paragraph 3 of the minutes. It was decided to amend the minutes to show that Patricia Worden, John Griffin and William Burke had expressed the sentiments in paragraph 2.

Mr. Levy then offered an amendment which was approved that in paragraph 5 of Section 3 the words "for private donations" should be added so that the paragraph now reads: "Mr. Levy said that since there is no dedicated funding stream and since he thinks that the Trust Fund would be in competition with the Housing Corporation of Arlington (HCA) for private funds, he is opposed to an Affordable Housing Trust Fund for Arlington."

Mr. Griffin asked Mr. Burke to withdraw his statement in the minutes that "a conflict of interest may exist for Mr. Levy, since he is Executive Director of HCA." Mr. Burke said that he made the statement. He did not want it removed. He definitely feels that there is a conflict of interest in more than one aspect of this Task Force and that he, William Burke, represents only the people of Arlington. He said that had the position and vote of the Task Force been presented to the Board of Selectmen properly in accordance with the 5-3 vote of the Task Force supporting the warrant Article and pointing out that the AHTF should be replaced by the Arlington Affordable Housing Trust Fund then the recommendation of the Board of Selectmen might have been for favorable action instead of the No Action vote that the presentation elicited. The Selectmen's No Action vote probably occurred because the AHTF representatives told the Selectmen that they didn't really want favorable action instead of presenting the opinion of the majority in the 5-3 vote supporting the Municipal Affordable Housing Trust Fund

The motion of Dr. Worden to approve the minutes as amended was voted, 6 Yes, 1 No, 1 abstention.

Dr. Worden moved and it was seconded that the Minutes of February 28 be approved.

The minutes of February 28 were voted unanimously.

3. Warrant Article Update

Affordable Housing Trust Fund

Dr. Worden moved and it was seconded that the AHTF would approve a substitute motion she had drafted for Article 19 of the Warrant for the Annual Town Meeting.

Mr. Griffin said that he had submitted two Arlington Affordable Housing Trust Fund (AAHTF) Articles for the Annual Town Meeting one of which was subsequently removed. It was expected that John Maher would have contributed to the drafting of these articles. He said Laura Wiener and he had met with the Finance Committee and who were apparently concerned about liability issues in that:

1. The Trustees could hire assistants and pay employees without oversight by the Board of Selectmen which might result in salaries and pension liabilities for the Town.
2. They also said that the Town might have liability in property ownership issues of the Trust Fund if a property they purchased decreased in value.

Those were the two largest concerns of the Finance Committee.

Mr. Griffin also said that they also talked to John Maher, Stephen Gilligan, and the Board of Selectmen and thought that, instead of creating an Affordable Housing Trust Fund, an account could be set up as with some other accounts with oversight by the Board of Selectmen.

Mr. Hurd said that in a first meeting with John Maher about the Trust Fund his opinion was that we do have the ability to create an account without Trustees.

He said that later at a second meeting John Maher said that we should create a Trust Fund without Trustees. This would be another Fund which would be strictly under the Board of Selectmen like CDBG. He said that AHTF would be allowed to make recommendations to the Selectmen. He said that this should wait for a year during which appropriate language could be found to bring an article for this next year.

Chris Loreti asked who would be empowered to disburse money from such an account.

Mr. Hurd said that it would be under the jurisdiction of the Board of Selectmen.

Laura Wiener said we are creating it to do that.

Dr. Worden said that an affordable housing trust fund should have been set up years ago since it is specified in the affordable Housing Bylaw (Section 11.08 of the Town's zoning Bylaw). She said that according to information she has received from DHCD the only mechanism whereby earmarked funds can be protected for affordable housing is by setting up the Affordable Housing Trust Fund in accordance with Chapter 44, Section 55C. By contrast funds designated for one purpose can unfortunately be removed for inappropriate use by Selectmen or others whereas the Trust Fund, earmarked for affordable housing enabled by statute, prevents that.

Mr. Loreti pointed out that Mr. Hurd's planned account with no Trustees would remove Town Meeting from any oversight and put the decisions solely in the hands of the Board of Selectmen. Mr. Loreti pointed out the importance of control of the funds – avoidance of the Trust Fund consistent with Chapter 44, Section 55C would result in a situation like CDBG where Town Meeting makes no decision and the Board of Selectmen controls all disbursements.

Mr. Hurd said that he would not support any article with a Board of Trustees. He felt that AHA, HCA and AHTF should be the groups involved.

Mr. Loreti pointed out that Mr. Maher could be asked for changes that could be used to address the liability concerns of the Finance Committee. He also asked under what authority the Board of Selectmen could disburse these funds.

Mr. Hurd responded that in his opinion the AHTF opinion would be given consideration.

Mr. Loreti said that apart from CDBG the Board of Selectmen do not have spending authority and this would be an attempt to get more. The Finance Committee also would be interested.

Mr. Burke pointed out that the AHTF should be discharged as it has already completed its charge and so there would be no increase in the number of affordable housing groups since AHTF could simply be replaced by the Trust Fund.

Dr. Worden moved and it was seconded that, after the presentation of the Annual Report of the AHTF at the ATM of 2008, a request be made to discharge the AHTF. The motion failed 6-1-1.

Mr. Griffin pointed out that it would be very difficult to be successful with a substitute motion after the negative decisions of the Finance Committee and the Board of Selectmen.

Dr. Worden said that Mr. Maher had been asked – if Laura Wiener had followed AHTF's instructions to do so – to give us advice as to how to draft the Article to eliminate liability issues or other potential problems but that we had received no such advice. She said that Mr. Maher has a responsibility to respond in a timely manner to such requests and could still provide us with the advice we need to devise an article acceptable to both the Board of Selectmen and the Finance Committee even though he is departing next month.

Mr. Loreti said that he thought Dr. Worden should discuss a substitute motion with John Maher.

4. Adjourn

On a motion by Ms. Dinoto and seconded it was voted to adjourn at 7:45 p.m

Respectfully submitted,

Patricia B. Worden
Secretary