

**Hamilton Affordable Housing Trust**  
Teleconference

June 4, 2020

HAHT Members Present: Chair Russ Tanzer, Rosemary Kennedy, William Massos, Marnie Crouch, and David Smith

Other Town Staff Present: Director of Planning & Inspections Patrick Reffett

*\*This meeting was teleconferenced via Zoom with all of the above participants remaining at home.*

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Chair Russ Tanzer opened the Hamilton Affordable Housing Trust (HAHT) online meeting at 6:01 p.m. with a quorum present and took a roll call. All HAHT members were present. Town Manager Joe Domelowicz was not present.

**REVIEW AND APPROVE THE LAST TWO HAHT MEETING MINUTES – APRIL 23 & APRIL 28**

Mr. Tanzer noted two typographical errors: on page 3 of the April 23 minutes, “Ms.” needed to be changed to “Mr.” and the heading for the April 28 set was incorrectly labeled. Otherwise he said they were fine as did Rosemary Kennedy and David Smith.

**Decision:**

Marnie Crouch made a motion to approve the two sets of meeting minutes (April 23 and April 28, 2020) as noted. Ms. Kennedy seconded the motion. A roll call vote was taken with “ayes” from Mr. Tanzer, Ms. Crouch, Ms. Kennedy, William Massos, and Mr. Smith, (5-0) unanimous for April 23 and (4-0) for April 28. *\*Mr. Smith was absent for the April 28 meeting so could not vote on that set.*

**HABITAT FOR HUMANITY FULL UPDATE**

Mr. Tanzer asked Habitat for Humanity’s Executive Director Don Preston for an update on the deed restriction situation for the two homes previously built by Habitat on Asbury Street. *[Because the deed restrictions hadn’t been recorded/reported properly, the two homes are not currently counted toward Hamilton’s Subsidized Housing Inventory (SHI).]* Mr. Tanzer had forwarded a copy of a Confirmatory Deed and Affordable Housing Deed Rider for the couple living at 270 Asbury Street to the Trust members. Ms. Kennedy said she only just received it within the last 20 minutes and had looked it over quickly. The document was for one of the units; she wanted to know where the other one was and if they had been executed. Mr. Preston explained the other document was identical except with the other homeowner’s name filled in. He explained the document was a draft and said there is a lawyer handling this who is requiring the whole package that includes the deed restriction.

This was not done with Habitat's previous lawyer who had left and had prevented them from closing on the mortgage. He said it was frustrating as they have funds tied up and are paying interest. He said what they were looking at was a draft that would be filled in and go to the Institution for Savings. He said the lawyer drafted it in consultation with both entities (the couple who owned the one home and the woman who owned the other) and there should be no surprises. Mr. Massos said he had personal knowledge of Kurt James, the attorney handling the case [second attorney] and said he was a good attorney. He added he was surprised the title was transferred without the deed restrictions in place. Mr. Preston said the Institution for Savings and the Home Consortium would be reviewing the package.

Director of Planning & Inspections Patrick Reffett had a question about whether the homeowners fully understood they were expected to commit to the deed restriction on the property and were ready to sign the document. Mr. Preston said yes and if they didn't sign they would be replaced by other homeowners. Mr. Massos said something to the effect of "but don't they already own the property?" Mr. Preston replied the homeowners did sign the document, but it didn't deal with the deed restriction; now they need to sign the deed restriction and were ready to sign it. Mr. Massos asked if there were anything in writing to acknowledge that. He noted the Trust had given money toward the Habitat project with the understanding it would be deed-restricted in perpetuity. He again expressed surprise the title was allowed to transfer and said it was something to remember going forward—to put the deed restriction in the title. Mr. Preston said there was a deed restriction when they took the property, but they had the obligation to use the DHCD (Department of Housing and Community Development)'s deed restriction. Mr. Reffett asked if setting the deed restriction aside, there were other elements required by the DHCD for them to be SHI-compliant. Mr. Preston said he believes just the deed restriction. Mr. Reffett said he needed to be sure as the Town could not afford any other slipups.

Mr. Tanzer asked about the timeline. Mr. Preston said Attorney James was working on the draft. He wasn't sure how long the Home Consortium's review would take, but said the homeowners were aware the document was coming for their signatures and then it would go to the Registry of Deeds. Mr. Tanzer asked if the DHCD had to be involved again. Mr. Preston didn't think so. Ms. Kennedy asked how long they had been trying to resolve the issue. It was noted that April 29, 2019 was the original date of the deed. Mr. Tanzer expressed concern over the 10 Habitat for Humanity units now in process and with making sure they are handled correctly.

Ms. Crouch said Habitat for Humanity may or may not have a malpractice claim against their first attorney if the whole thing were to fall apart and should keep that in mind. She brought up a couple of edits she saw needed in the draft document: In the beginning of the document it says: "For consideration paid, being less than One Hundred Dollars (\$100.00) Dollars" and near the end of the document it says "no consideration has been paid." Also, in two instances it referred to "Chapter 183 A" (with a space before the "A") and in another it read "Chapter 183A" (no space).

Mr. Reffett said his concern was that Mr. Preston confirm there are no other outstanding issues.

NEW BUSINESS

Mr. Tanzer said he would like them to hold the next meeting on Wednesday or Thursday evening of next week and announced he will be resigning his post effective that date. He is moving to New Mexico for retirement. He has served on the Trust for four years, lived in Town for seven, and said he will miss the community.

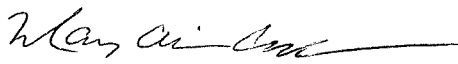
Capital Committee member Jack Lawrence, 105 Rock Maple Ave., commented he hopes the project/endeavor with Gordon-Conwell Theological Seminary will happen. He said Mr. Tanzer had done a wonderful job and will be missed. Mr. Tanzer said he will put the topic of Gordon-Conwell on the next agenda for discussion.

Affordable housing advocate Anna Siedzik, 227 Highland St., asked if there had been any further movement on a previous discussion of property owned by Peter Britton. Mr. Tanzer said no. Ms. Siedzik also asked if there will be other HAHT openings to fill terms that may be expiring. Mr. Tanzer said he would check and put that on the next agenda. He said the Trust needs to be populated with people who will do the work, which is difficult and in some instances, thankless. He said his experience had been good and that although members didn't always agree they marched forward and left the meetings as friends.

MEETING CLOSED (ADJOURNMENT)

Mr. Massos made a motion to adjourn the meeting at 6:28 p.m. Ms. Kennedy seconded the motion. A roll vote was taken with "ayes" from Mr. Tanzer, Ms. Crouch, Ms. Kennedy, Mr. Massos, and Mr. Smith, (5-0) unanimous.

Prepared by:

  
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Mary Alice Cookson  
Minutes Secretary

6-4-2020  
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Date