

Wayland Municipal Affordable Housing Trust Fund
August 31, 2017
Selectmen's Meeting Room, Wayland Town Building

MINUTES: EXECUTIVE SESSION
APPROVED FOR RELEASE

Trustees Present: Mary Antes, Brian O'Herlihy, Stephen Greenbaum, Susan Weinstein
Trustees Absent: Mike Staiti, Bob Duffy

At 7:32 pm, executive session convened upon the proper motion by M. Antes, seconded by S. Weinstein. The vote by roll call was as follows:

M. Antes: Yes
S. Greenbaum: Yes
B. O'Herlihy: Yes
S. Weinstein: Yes

B. O'Herlihy reported that the contract price for 11 Hammond Road is \$390,000. The appraisal was for \$435,000 despite the failed septic. The due diligence period ends on September 3.

There is an issue with termite damage. B. O'Herlihy reported that Trustee M. Staiti arranged for contractors to examine the situation. He had noted that portions of the sills and ceiling joists were eaten through significantly. The eyeball estimate is that it would be \$5,000-\$6,000 to replace the damaged sills and reinforce the damaged joists, but B. O'Herlihy and M. Staiti are concerned about additional damage in the house framing. M. Staiti had requested from the seller another week for due diligence until 5pm on Friday, September 8. He was led to believe that the extension will be approved.

There is also some lead paint and asbestos-containing material, so B. O'Herlihy will seek to negotiate a reduction in the purchase price.

There is an issue regarding infringement on the easement providing access to the property, which has been reduced with the construction of curbing and parking in the CVS lot. There are minor title issue cleanups for the seller to address, according to town counsel.

This is a landlocked lot with a preexisting nonconforming structure. The Trustees would need to pursue approval under Chapter 40B in order to add units to property, but there is an issue whether additional units would exceed the intended scope of the easement, which might need to be litigated, adding cost and time. If any Trustees are in favor of purchase because of the prospect of building additional units, there might be some reason for reconsideration.

B. O'Herlihy spoke with Mrs. Martino of 9 Hammond Road, who inquired about future development on the property. The Martinos do not seem inclined to share the cost of paving the easement in front of their house. It is unclear whether the Town would plow Hammond Road.

The tentative closing date is September 14, 2017.

S. Greenbaum commented that he has experience in all of these matters. He believes that the Trust would prevail on the question of overburdening the easement because there is not enough effect on the easement. There is legal precedent that objects placed in an easement can't obstruct the easement's purpose. Easements can get moved but the relocation cannot interfere with the basic purpose of easement. He wondered whether he or the town counsel should talk with the CVS general counsel's office.

B. O'Herlihy has also been looking into creating a long-term lease relationship with the Wayland Housing Authority. Such an arrangement would not need to go through an RFP process because of the WHA's close relationship to the town. WHA Executive Director Brian Boggia has also been working on this. The WHA Board of Commissioners is expected to have an executive session on September 7, 2017.

There is also the possibility of using this property as a group home. If that were done, then each bed (as opposed to each unit) would count as an affordable housing unit.

Additional questions that were raised:

- Would the Trust purchase the property in its own name or should the Trustees create a limited liability company ("LLC") to take title?
- If an LLC, would that affect the exemption from real estate tax?

S. Weinstein moved that the Trustees exit executive session; S. Greenbaum seconded.

Roll Call Vote:

M. Antes: Yes

S. Greenbaum: Yes

B. O'Herlihy: Yes

S. Weinstein: Yes

M. Staiti and R. Duffy were absent. There were no votes in opposition or abstentions. Motion carried, 4-0.

The Trustees exited the executive session at 8:30pm