The Town of Barnstable

Affordable Housing Growth & Development
Trust Fund Board
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Mark S. Ells, Chairman

Friday, May 2, 2025
Affordable Housing Growth & Development Trust Fund
Board Meeting Minutes
9:00 A.M.

Alternative public access to this meeting was provided by utilizing a Zoom link or telephone number, both provided in the posted meeting notice.

Board Member Attendees: Andy Clyburn, Mark Milne and Laura Shufelt.
Mark Ells (absent)

Other Attendees: Jillian Douglass, Trust Administrator, Planning & Development; Corey Pacheco, Senior Planner, Planning & Development; Ellen Swiniarski, Community Preservation Coordinator, Planning & Development. Special Counsel, Attorney Robert Galvin, Jr.

Call to Order
With a quorum present, Chairman Ells called the meeting to order at 9 a.m. and stated that today's meeting will be recorded and rebroadcast via Xfinity Channel 8 or high-definition Channel 1072. It may also be accessed via the Video on Demand section on the Town of Barnstable's website. In accordance with MGL Chapter 30A, s. 20, the Chair will inquire whether anyone else is recording the meeting and, if so, please make your presence known. No one came forward.

Member Introduction
By roll call (present): Laura Shufelt (present), Andy Clyburn (present), Mark Milne (present). Andy Clyburn will chair the meeting.

Public Comment
None.

Topics for Discussion

1. **Planning and Reporting Updates**
   a. 2025 Application to Community Preservation Committee (CPC) for $2.5M in CPA funds-

Administrator Douglass reported that she had attended Community Preservation Committee's 4/28/25 meeting to briefly review the Trust's 2024 Year-End Report and answer questions regarding the Trust's Letter of Intent to apply for a transfer of $2.5M in Community Preservation Act funding. She noted that CPC accepted and spoke favorably

about the Letter of Intent and a more detailed presentation will be made at the CPC Application stage.

Ms. Douglass explained that two members of CPC expressed interest in being more involved in the Trust's activities and awards. One of the members noted that because there is a vacancy on the Board and the CPA funds are the main source of funding for the Trust, that consideration should be given for a CPC member to be appointed to serve as a Trust Board member. Laura Shufelt noted that at the April 28, 2025, meeting, CPC members also commented regarding amending the inclusionary ordinance to allow for a higher percentage of affordable units, noting that this is not under the Trust Board's purview. There was discussion regarding the attendance of Trust Board members at a future CPC meeting to support the CPC Application for the transfer of the funds to the Trust.

2. **Project Updates**

   a. **Bratt, LLC – 199 Barnstable Road**
   Administrator Douglass shared that Special Counsel Galvin has been working with the grantee's Attorney Bernard Kilroy to finalize legal instruments and schedule the formal loan and grant closing. Bank Five's Vice President of Commercial Lending Charles DeSimone III has been coordinating with the Town Treasurer to set up a fiduciary escrow account and payment requisition process to allow for periodic payment of grant funds toward incremental project "construction milestone" costs.

   b. **Copacabana Realty Investment Corporation- 11 Potter Avenue**
   Administrator Douglass noted that Attorney Kilroy is also representing Carlos Barbosa for this project and Bank Five is also the lender for the renovation work proposed at 11 Potter Avenue. That funding is proposed as a 2nd Mortgage (not a construction loan), and therefore we may need to come up with an alternative arrangement for grant fund re-imbursement of developer costs and payments. Attorney Galvin and Attorney Kilroy are working on finalizing the legal instruments for the Grant.

   c. **Housing Assistance Corporation- 268 Stevens Street CommonWealth Builder (CWB) Condominium project**
   Administrator Douglass noted that the Town's Legal Office needs to review ensure there is compliance with the CommonWealth Builder (CWB) program from the Town's side. Laura Shufelt noted that the one issue remaining that does not comply with the Trust bylaws is the survival of foreclosure provision, explaining that the CWB program units do not survive foreclosure. Laura said that the Trust bylaws would need to be amended because the CWB deed restrictions include a calculation for the foreclosure payment that cannot be changed. Laura said in the event of a foreclosure, she would hope the Trust would have first right of refusal and noted that in her experience, she has witnessed too many units lost to foreclosure. Ms. Douglass confirmed that an amendment of the Trust Rules and Regulations to allow for deed restrictions that to not survive foreclosure is needed and Laura said that this allowance would need to be limited and program specific. Attorney Galvin agreed that the bylaws would need to be amended, saying that there is no good solution under which units will survive a foreclosure. He noted that the Trust's security is typically behind another financing program, and this would likely be the

case for any CWB program unit. He noted there is always the possibility of a risk and that is one of the reasons the Trust has implemented cost certifications before providing funds. Laura also noted that before the Trust disburses funds, an updated proforma is needed. Attorney Galvin said this requirement has been included in the two current grant agreements that are now being negotiated. Attorney Galvin agreed that the "bylaw" should ultimately be amended, but that the Trust Rules and Regulations now allow for CWB applications.

3. **Board Appointments/Re-Appointments** –
Administrator Douglass reminded the Trust Board members that it is time for appointments to be renewed. Andy Clyburn noted that the Town Manager as Chair has been working diligently to fill the existing vacancy on the Trust Board. It was decided that this item would be postponed to the next meeting when Chair Ells is in attendance.

4. **FYIs**
   a. **Shared Regional Housing Services Office** –
Jillian Douglass shared that the Barnstable Planning & Development Department staff had sent detailed information to the County regarding the scope of work and services that the Town of Barnstable would need. She said that a response has not yet been received. Andy Clyburn noted that this is a topic that the County is presenting at the Town Manager meeting next Thursday and said that Director Jim Kupfer also has a meeting early next week with Mr. Dutton to discuss the Town's comments so hopefully there will be some movement next week on this. Senior Planner Corey Pacheco noted that he will be attending the meeting with Jim Kupfer to discuss Barnstable's needs and the office the program will be administered from. Mr. Pacheco said that presently it is his understanding that this service will be considered as a consulting service. Laura noted that if the town is going to request being designated as a seasonal community, this would require some additional monitoring. She said that if the County has not anticipated this in their scope, the town will be responsible for monitoring those. Corey Pacheco noted that the largest portion of the scope of services needed by the Town of Barnstable is for the County to provide robust monitoring for the Town of Barnstable. He assured that the seasonal communities designation monitoring will be mentioned in discussions with the County.

5. **Matters Not Reasonably Anticipated by the Chair**
None.

6. **Approval of Minutes from the 4/4/2025 Trust meeting.**
This item was postponed to the next Trust meeting.

7. **Topics for Future Meetings/Agendas**
   - Laura Shufelt shared that she will be able to provide an update to the Trust Board regarding seasonal communities staffing and the working groups saying that there should be new information available within the next two weeks. She said she would be happy to share the requirements and the tools that would be available.
   - Preparation in advance of the review of the CPC Application for transfer of funds.
   - Trust Board appointment and reappointments discussion.
   - Draft proposed by-law amendment for Trust consideration – Attorney Galvin
   - Updated Trust financials for review.

Next Scheduled Meeting – Friday, June 6, 2025, at 9:00 am

8. **ADJOURNMENT (Roll Call)**

   The motion of Laura Shufelt was seconded by Mark Milne to adjourn the meeting. Roll Call Vote: Laura Shufelt (yes), Mark Milne (yes), Andy Clyburn (yes). Meeting adjourned.

List of documents/exhibits used by the Board at the meeting:
Exhibit 1 – Affordable Housing Trust Fund Board Meeting Agenda for May 2, 2025.
Exhibit 2 – Update Memorandum – Administrator Jillian Douglass – May 1, 2025
Exhibit 3 – Recorded Amended Declaration of Trust – Affordable Housing Growth and Development Trust Fund Board.

Respectfully submitted,
Ellen M. Swiniarski
Community Preservation Coordinator
Planning & Development Department