



Community Preservation Committee

Regular

~ Minutes ~

36 Court Street
Springfield, MA 01103
<http://www.springfieldcityhall.com>

Kathy Calvanese

Tuesday, January 4, 2022

6:00 PM

Virtual Meeting (Zoom)

I. Minutes

Springfield Community Preservation Committee

Regular Meeting

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Due to the Covid-19 Pandemic and pursuant to the Governor's Executive Order concerning the Open Meeting Law, the Springfield Community Preservation Committee will continue to meet remotely until further notice. A video recording of this meeting can be viewed here: <https://www.facebook.com/SpringfieldCommunityPreservationCommittee/> <<https://www.facebook.com/Springfield%20CommunityPreservationCommittee/>>

Public comments can be mailed to Community Preservation Committee, City Hall Room 412, 36 Court Street, Springfield, 01103 or e-mailed to cpc@springfieldcityhall.com <<mailto:cpc@springfieldcityhall.com>>

The SCPC will host an application workshop on February 1st before the regular meeting. Please use the registration link found on the SCPC Facebook page or the SCPC city webpage. Applications and instructions will be available later this week.

Present:

Robert McCarroll, Chair (Springfield Preservation Trust) - Juanita Martinez (Conservation Commission Representative) - Gloria DeFillipo (Planning Board Representative) Clinton Harris (Park Board) Lamar Cook (Neighborhood Representative) - Rhonda Sherrill - (Neighborhood Representative) Quorum present.

Not present: Ralph Slate (Neighborhood Representative) - Willie Thomas (Housing Authority Representative)

Agenda

Approve Minutes of November 9 and December 7
Anti-Wage Theft Policy
REO/Prevailing Wage
~~Project Contract Extension Requests~~
2022 Application Instructions and Cover Page
Administrator's Updates
Historic Homes Program
Other Matters
Next Meeting-February 1

Minutes approved for November 9, 2021 and December 7

Clinton made the motion to accept the minutes of November and December. Juanita seconded the motion. All in favor and as usual we will do a roll call.

All in Favor: Juanita Martinez: - yes, Clinton Harris: - yes, Gloria DeFillipo: - yes, Lamar Cook: - yes, Rhonda Sherrill: - yes, and Robert McCarroll: is yes.

Anti-Wage Theft Policy

We met in November with Lisa Clauson and City Councilor/ State Representative Orlando Ramos. Orlando spoke to us about the fact that the city has a wage theft ordinance that applies to Municipal Projects and given that CPA deals with Municipal and Private Projects he wanted us to have our own policy. Lisa explained to us what wage theft was and the consensus was we wanted to move forward with adopting something. Kathy Breck from the law department and Lisa and one of her co-workers have been working on it. They are here tonight to present us with a Fair Wage Compliance. We want to adopt it as an actual certificate that the applicants will sign, stating that they understand that there is a fair wage requirement. Kathy Breck introduced herself as the Deputy City Solicitor from the City Law Department. Tonight we are talking about the Fair Wage Compliant Certificate. We ask the applicants to fill out the certificates, making them take ownership of the possibility if there is wage theft or a variety of different kinds of wage theft. There are so many different ways in which workers may or may not be paid properly and may not be classified properly. Sometimes, contractors and subcontractors don't carry appropriate insurance, they don't pay for workers compensation. This certificate is to put the applicant on notice if they get a grant from the CPC and they hire contractors and subcontractors, both will be responsible for these wage theft type violations. It requires that the grantee not hire folks that have been in violation of these types of standards and laws in the last five years. If an applicant is awarded a grant then they would have their contractors and their subcontractors sign the same document. In the second paragraph it has to be signed under the pains of penalties and perjury. It gives it additional weight and the person has to sign on the bottom. There are a number of various sections that describe the various laws of Massachusetts. The contractors and subcontractors have to comply with a construction project. Bob mentioned we were not able to complete closure on the potential penalties if something were to happen. Whether the grantee would forfeit their entire grant after we pay all the money. We are having conversations about that second piece. We hope to bring it to you in February. We want to give you this document so it can be posted and be included in the application.

Ralph stated that since the CPC is sort of the recommending body for the City Council to award funds, why would the contractors and the applicants sign the contracts or agreements with us rather than the City Council? The Community Preservation Committee or City Council, contractors and subcontractors would enter into agreements with folks that get the grants. Ralph then stated that the person who is applying for a Community

Preservation Grant has to fill this out and sign it under the pains and penalties of perjury. If they are awarded the grant and if they receive the money they will comply with all the restrictions. It will be their responsibility to make sure that their contractors and subcontractors will comply with them. Kathy stated that the CPC will have oversight and compliance with the contractual terms. It is the Community Preservation Committee that is why it is drafted that way. Ralph then asked if the CPC was then responsible for verifying and overseeing this? Kathy responded by stating we are still working on that aspect of it. We want to get into the compliance certificate for the applicants and everyone will be on notice if it applies to them. It only applies to folks that are getting a grant that is over \$50,000. These are the responsibilities that they will undertake if they do get a grant.

Lisa stated that she would like to speak out because it is in keeping with the City Council's policies. The City Council has already passed ordinances and policies, putting wage theft protections on projects that get city contracts or they give tax relief to.

Clinton Harris asked how will the applicants know if these contractors or subcontractors may have been in violation? Lisa may have some insight. She and the Carpenter's Union attorney have articles and documentations and studies that were developers that are doing these projects. Lisa, would you like to weigh in on that? The Attorney General has one with everyone that they have sighted, or a wage theft violation. There is also a website where the division of accidents and insurance maintains contractors that have been sighted for not having Workers Compensation. It is possible to check those and also the idea that each contractor is self declaring through signing the agreement that they have not had a violation. It is the general contractor who would sign it. Each of their subcontractors would be giving this document to that subcontractor who would have to sign and swear on whether they had some violations in the last five years or not. Frankly, there are hundreds of thousands of contracts that have never had a violation. The idea is when there are some taxpayer funds involved in a project that is taking extra care to make sure that a grantee who is open for the project is ensuring that contractors on their projects are not one of those with a recent violation. Lisa then stated that the City of Springfield has passed an ordinance around it's own city contracted work but also private work that is getting tax relief. In that case their recipient of their tax relief is the developer who would sign committing that any of their subcontractors were not signing. They have checked on it but each contractor they hire is going to be doing the affirmation on whether or not they have had a violation. The way the city ordinances for the tax relief work is that they would put that there is a penalty payback if wage theft has happened on the tax relief. They would pass it into that contract. The developer would put it into the contract with the general contractor who then would be liable if there is wage theft. Any general contractor is going to put that into the contract with their subs. If the sub

contractor is caught cheating it's workers and there is a penalty, they are responsible for that amount. That is how it works with other committees. The policy with the certificate that Kathy sent out has that. That was the way to make sure that any homeowners were getting exempted because a homeowner getting a grant from the CPC would be a smaller amount for them.

Robert then asked Ralph if he got his draft copy of the compliance certificate? Ralph stated that he did get the Compliance Certificate. Robert stated that at this point he would like a motion that we adopt the Fair Wage Compliance Certificate, as something we will be including it in the applicants packet. Ultimately there will be Fair Wage Compliance wording put into the contracts of those folks. The City Council ultimately votes on the fund. Ralph made the motion and Gloria second the motion.

All in Favor: Ralph Slate: - yes, Gloria DeFillipo: - yes, Clinton Harris: - yes, Juanita Martinez: - yes, Lamar Cook: - yes, Rhonda Sherrill: - yes-, Robert McCarroll: yes

Robert stated that Kathy will return next month so that we can talk about what are the penalties if indeed someone is found guilty. I want to thank Lisa and Cathy Breck who got this to us.

Robert then stated that Karen sent out in her packet the draft 2022 application instructions and cover pages. Robert then asked Karen to go over the changes that you are recommending.

2022 Application Instructions and Cover Page

The Committee discuss the changes on the application that will provide clarity for the applicants.

At this time Robert took a motion to approve the instructions as modified. Clinton then made the motion to approve the instructions as modified. Juanita second the motion.

All in Favor: Clinton Harris: - yes, Juanita Martinez: - yes, Rhonda Sherrill: - yes, Gloria DeFillipo: - yes, Lamar Cook: - yes, Ralph Slate: - yes, Robert McCarroll: - yes.

Robert then stated the application will include the adopted Fair Wage Compliance Certificate in the instructions.

Administrator's Update (Karen Lee):

David Finn is moving to Tennessee and will need to be replaced as the SHC representative. Alvin Allen will present the request at the next Springfield Historic Commission meeting.

Robert then stated that Vinnie Walsh asked the commission to send us a new representative for the remainder of David's term which is the end of April. They can choose to reappoint that person or appoint someone else for a new three-year term.

There are five contracts left requiring signatures for the current cycle; East Springfield Library, The Kilroy House, Byer Street, Main Street, Classical High and the Drama Studio. I expect over the next couple of weeks we should have everything signed.

Historic Homes Program:

Ralph suggested that since the planning department did not put in an application to continue the program this past cycle, and since we received more money from the state trust fund that we might consider going to the City Council with an off cycle recommendation to continue the Historic Homes Program. Ralph was going to have a discussion with the Planning Board Department to see if they wanted to continue the program and if not we would take over the program and Karen would be the point person. Robert then asked Ralph to tell us what he knew so far.

Ralph stated that he spoke to Phil Dromney and he is not interested. There were about twenty- eight applications that came in last year and they wound up giving out about ten or twelve (final 8 awards). The bottom line is that he wasn't interested. Bob let me ask you didn't I see something from the Community Preservation Coalition that there is even more money coming in? Bob stated yes but we have not yet received the figure as to how much. The state ended the last fiscal year with a budget surplus. I think it was about ten million dollars deposited in the state trust fund. We could make that part of it right now, we have a hundred and sixty thousand dollars more from the state that we had budgeted for. We would use that as the reason if we choose to undertake this project. By the time we go to the City Council and we find out that we have extra money we could choose to increase the amount of giving it to our own program. Ralph stated that the only question that I have is if we are going to administer it? Knowing that we have some hurdles such as the RFP's. Do we have to put in an RFP for that if it's around ten or fifteen thousand dollars to administer it? Robert stated that this is a question we would have to ask Procurement. Ralph asked Karen do you have availability? Karen responded that she did. The last time that we took a vote when Ralph floated this idea we were in agreement with him. This should not be a McKnight local Historic District but be available to owner occupants in any of the local Historic Districts.

Ralph began by stating that two years ago the office of housing put in an application to create a pot of money. It was a pilot program for the McKnight Local Historical District to give homeowners funds to do window repair or painting their Historical Properties. Basically it came out to be if someone was making 100% of the median income they got about a 45% reimbursement of projects. There was a cap of \$25,000 awarded. Basically, that would mean if you needed your house painted you would get about \$12,000 reimbursement for your painting project. The city got in about twenty or twenty four applications and they wound up doing a lottery and they had eight people that did the work. This was a new program and three of the projects got close to being completed and the rest will be done this current cycle. Karen then stated that there is the third that is just about finished. There are two others and they have their banners up. We as the CPC would put in an application and we would vote on it and we would go to the City Council to decide if we would administer the program.

Ralph then stated that I believe they asked for three bids. They asked for three proposals, which is the big challenge. If it's a tiny little house and we want to make sure that it is a legitimate situation. The way to do that is to hire three bids.

Robert then stated that the homeowner can select their contractor. However, the bottom line is we could choose the middle contractor who has a cost of \$20,000 to paint the house and they choose to go with the high end contractor who is charging thirty. We are not necessarily giving them more than \$20,000. We want to do this in a fair way. Robert then stated why don't you have a chat with Bob Demusis to see how they handle it. Getting those extra estimates is simply an idea to get a range of costs. Ralph said that he was looking into whether they must have to have a full detailed description of the proposed work and a copy of one estimate from a qualified and licensed contractor. Then it states that two additional estimates are required if the project is selected. That is why we will have a conversation with the Office of Housing. Robert then added that the next thing that I would raise is besides expanding to all Historic Districts I think we need to expand the eligible categories. I would hope that besides window repair and painting we would be looking at roofs and porch work for people who have substantial deterioration with their porches. With windows you can't replace your windows, you have to fix them. Even with a porch, you can't take the porch off. The roof, although it is certainly critical to a house, it is a little bit harder to justify getting somebody for a roof replacement. If they weren't in a Historic District it's the same roof. I'm happy that if we expand the deteriorated porches we can always add roofs at a later date. Ralph stated that in my years in the Historical Commission we never required someone to replace a slate roof because a slate roof would probably be seventy or eighty thousand dollars to replace. What we did was we verified that the roof was bad then we said we can replace it with asphalt. Karen then asked what if they wanted to replace it with slate? Shouldn't they be allowed to do that if they want to pay for the balance? Ralph then stated that you are basically giving money to people just because they live in a Historic District. I think if you are going to value the Historic District and allow certain people to repair a roof and they

can verify and qualify for it and are willing to pay the difference, I think it is a good option. Ralph stated that the point I was trying to make was that I was always comfortable with the program because there are additional costs of having a house in a Historical District. By including roofing what we are then saying is we are not compensating people for extra costs. Living in a Historic District we are compensating them because they are in a Historic District. Robert stated that he wanted to take Gloria's suggestion and we will have a sub-committee discuss this. Ralph you will be on the committee because it is your idea and Karen you would be administering it and I will be on it. Rhonda then stated that she would like to join the committee. Robert asked Karen to do a doodle poll for the three of us and let's pick a date where we can have a zoom discussion. We can report back as a full committee next month. Robert stated that Alvin is willing to join us to share his expertise. Check with Alvin and we will put him on the doodle poll. In the meanwhile Karen, check with the Office of Housing as to how they ran their Home Improvement Program.

Off Cycle Requests

We will make the decision next month whether to take an off-cycle application based on the information provided. The next meeting will be a lengthy one. Please register in advance because we are using a different login.

Robert then stated that if someone else has something to bring up I will entertain a motion to adjourn. Ralph made the motion to adjourn and Gloria second the motion. All in favor of adjourning? All were in favor of adjourning. Robert stated that we will see you at our workshop. When the workshop is over we will continue with the regular meeting.