



Community Preservation Committee

Regular

~ Minutes ~

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

Kathy Calvanese

Tuesday, March 1, 2022

6:00 PM

Utilizing Remote Collaboration Technology

I. Call to Order

6:00 PM Meeting called to order on March 1, 2022 at Utilizing Remote Collaboration Technology, (Online), Springfield, MA.

Attendee Name	Title	Status	Arrived
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II. Public Portion

Springfield Community Preservation Committee

Remote Meeting March 1, 2022 6:00 p.m.

Due to the ongoing COVID-19, pandemic; as it relates to the Open Meeting Law requirement, the Springfield Community Preservation Committee will continue to meet remotely until further notice. Meetings are held at 6.00 p.m. on the first Tuesday of every month. The minutes and the agenda for all meetings are available on the Meeting Portal of the City website.

Meetings are recorded and available on the committee Facebook page: <<http://fb.me/SpringfieldCommunityPreservationCommittee>> <<http://fb.me/SpringfieldCommunityPreservationCommittee>> to join a remote meeting, telephone: 413-530-1268 by 4:00 p.m. the day before the scheduled meeting. Send written public comments to: Springfield Community Preservation Committee, City Hall Room 412, 36 Court Street, Springfield, MA, 01103 or e-mail cpc@Springfieldcityhall.com

Applications for CPA grant funding may be dropped off in Room 25 (Elections Office) between Monday March 28 until Thursday March 31st. You may also mail applications to the above address.

Present:

Robert McCarroll - Chair - (Springfield Preservation Trust), Ralph Slate - (Neighborhood Representative)

Gloria DeFillipo - (Planning Board) - Juanita Martinez - (Conservation Commission) - Clinton Harris - (Park Board) - Willie Thomas - (Housing Authority) - Rhonda Sherill - (Neighborhood Representative) -

Judith Crowell - (Historical Commission Representative)

Agenda

Approve Minutes of February 1

Anti-Wage Theft Policy

Project Contract Extension Requests: 174-184 Maple Street

Administrator's Updates

Historic Homes Program

Other Matters

Next Meeting-Discuss changing from April 5 to April 12

Motion to approve the minutes

February 1, 2021 by Juanita. Gloria second the motion. A roll call vote was taken. **All in Favor:** Juanita Martinez: yes - Ralph Slate: yes - Judith Crowell: - yes - Rhonda Sharrell: - yes - Lamar Cook: yes - Clinton Harris: yes - Gloria DeFillipo: - yes Robert McCarroll: -yes

Anti-Wage Theft Policy

Kathy Breck Deputy City Solicitor for the City of Springfield Law Department, Attorney Soris. and Mr. Payne were present on behalf of the union and as advocates of the fair wage compliance process.

Attorney Breck was asked to take a look at a prior fair wage compliance certificate that was approved by the committee a couple of months ago for addition to grant contracts for eligible projects. This requirement is waived for contracts over fifty thousand dollars and are not given to city departments for city projects. The grantee will need to sign the certificate to certify that any contractor, construction manager or subcontractors hired will certify compliance; have not been debarred or found in a violation of wage hours and other employment law or other requirements over the past five years.

They will need to forward a copy of the Workers Compensation Insurance and that contractors are properly classifying the workers on the job and not call them independent contractors when they are actually employees. If the grantee fails to comply with the terms and conditions it may be grounds for termination of the grant agreement. Robert asked if this certificate applies only for construction but not a study. If that is indeed the case perhaps the easy solution is right in the second line it says: *It is incorporated by reference and all SCPC construction grant contracts* if that's the intent. Kathy felt that it was the intent but on occasions where other types of grant requests, say a consultant was hiring someone to assist them with a project, or has employees on a project and if classified as such, they would be in compliance. If you choose to qualify the certificate as limited to construction projects [as a committee], you can absolutely do that.

Ralph then stated that it's really about classification. If an independent contractor picked up [an artifact] that's okay if they are classified properly, as long as they are not illegally classified as a contractor when they should be employed. It is not prohibiting contractors, it is prohibiting people that you are doing business with from using illegal means to hire people with lower wages. Kathy stated it is hard to imagine a situation where someone is going to pick something up and bring it to you that it would be a violation. Ralph then stated that he was trying to bring

up the point that someone can't be a contractor who isn't properly classified. Karen suggested the committee should not give up their discretion to waive this policy in a particular situation if, in their judgment, it doesn't make sense or would create an undue burden. Kathy then stated that we can absolutely and certainly bridge that with having it apply only to construction or demolition or construction type work. We can absolutely do that if that's your desire.

Robert stated that after four years of CPA we have either had construction contracts or study contracts. Rather than come up with a policy that may fit something that may come in at some point I would rather cross that bridge when that specific unusual item comes in and gets an award. So I am comfortable saying that this is for construction contracts. Kathy stated that typically with a study it's done by historical consultants, architects, or engineers and they're not really using contractors or subcontractors. From what Attorney Sora and Lisa Clausson have been telling us that really the wage violations tend to occur between the construction contractor and the sub-contractors. It's more of construction, demolition, home improvement type work. Robert then stated that for example, most of the contracts for studies have been given to the municipal departments. We are already subject to fair wages. One that does come to mind however is we gave money to the Museum Association to fix the tile roof on Hilroy House to study the best way to deal with damaged stucco. That is an example of study done by a non-municipal group and it was handed in by an architect who went to various environmental labs for testing. I suppose that at some point they could be hiring who they weren't properly paying, but I think that is going to happen a lot less. I guess I would look for the folks in the carpenter union to say that if they have any experience with violations with fair wage policy coming from study expenditures as opposed to construction type expenditures.

Attorney Christopher Soris stated that violations are primarily out of the construction industry because of the problem of illegal classification wage theft. It does occur in other industries and has become an epidemic in the construction industry. Someone mentioned that the original intent of the proposal was to apply construction in the construction contracts. I don't think the Unions would have any objections to having it apply to other types of arrangements but the terms and the intent of this proposal was to address the epidemic of wage theft in this classification in the construction industry. Christopher stated that the proposal bars the use of independent contractors. I think that what Mr. Slate stated it does not prohibit the use of independent contractors. There are rules about when somebody hires somebody to do something whether they're an employee or to be treated as an employee they can be treated as independent contractors. There is a legitimate independent contractor arrangement; this policy would have no effect on that.

Robert then asked if there were any other questions and asked for a motion to adopt what Kathy has drafted as wording to be inserted into our contracts and then if someone wants to amend it and put in a new or another word we can have a discussion on that. Let's have a motion first to adopt the contract addendum regarding fair wage compliance. Ralph made the motion that we adopt regarding fair wage compliance. Rhonda second the motion. Robert then stated that we will take the vote on the primary motion which is to adopt the wording that Kathy Breck has given us that came from the certificate that Lisa gave us to add to our contract so our fair wage compliance will require applicants to certify and cascade down to subcontractors if they are lucky enough to become grantees. Ralph Slate: yes - Rhonda Sharrell: yes - Juanita

Martinez: yes - Clinton Harris: yes - Judith Crowell: yes - Gloria DeFillipo: yes - Lamar Cook: yes - Robert McCarroll: yes Willie Thomas: abstained. We will add the certificate to contracts that are awarded this year.

Project Contract Extension Requests: 174-184 Maple Street

Robert stated Robert Robarge cannot be with us tonight. He will be on next month's agenda.

Administrators Update:

Karen, Juanita and Bob did a final walk-through of the Springfield Museum and Kilroy House projects. The invoices are ready for reimbursement. In the park progress reports that the committee received, a few projects were highlighted.

Godfrey Triangle: Ten trees will be planted in the spring, The remaining funds of approximately sixty eight hundred will be returned to the CPA account. They have expressed their intent to work with the Indian Orchard Citizens Council and submit another grant through the irrigation.

The Dog Park Study: will have a final location for the park and the Thomas J. O'Connor Center will partner in maintaining the park and use it for snap training and dog adoption events.

The Indian Orchard Water Study The vendor GCA has completed the existing condition and water quality study. A draft of the conceptual plan for recreation use is expected in March. Hopefully, we can follow up.

The Spanish American War Memorial Monument is a complete final report. The bottom line will cost approximately \$70,000 to restore the monument, the concrete apron, the brick paving and landscaping. There is a small balance of \$1,770 of unused funds that will be returned to the CPA account.

The Marshall Roy Walking Path the pandemic has contributed to the increased costs and the Department of Parks Building Recreation Management stated that it cannot complete the project without an additional contribution from the CPC of at least \$130,000. The original grant was \$101,550.00. The report did not mention investigating other funding sources besides the CPA.

The Marshall Roy Splash Pad received funding in the last cycle in 2021 the Parks Department plans to save some money and time by using the same design firm to incorporate both the splash pad and the walking path. The splash pad grant was \$209,300.00.

Ralph asked if Parks is returning some money from the Godfrey Triangle project because they couldn't do everything; miscalculated their budget or if a cost overrun? Karen stated that there was another funding source listed but it doesn't appear to have been used. Robert said there are two different issues. With Godfrey Triangle they did some of the work, spent some of the

money and now they tell us that they can't afford to do anything else. For the Splash Pad, they haven't spent the money and they will be applying again this year. Karen will forward a summary of the budget and invoices paid for the Godfrey Triangle to the committee. Also, the irrigation and the lighting of the flagpole wasn't done out of the budget. We did have the discussion and reminded Parks that trees are included in the plan and to use funds remaining.

Parks stated in the quarterly report that the walking path would require additional funding. Kathy Brown of the Neighborhood Council contacted Robert to discuss. Next year we'll require quarterly reports to be sent to the appropriate neighborhood council to keep them apprised of the project. The costs have gone up with every project due to Covid-19 and we have to be even handed. The McKnight Neighborhood received an additional \$30,000.00 and we have seen extensions for projects that may also increase costs.

Historic Homes Program

As was discussed and voted on last month, since the office of Planning and Economic Development is not interested in continuing to administer the Historic Home Program, the committee agreed to fund and run the program. We received more money from the Commonwealth contribution this year than we had expected and it leaves a surplus of \$234,640.00 that we can allocate for the HHP and recommend to the City Council a special off-cycle recommendation.

Robert asked for a motion. Ralph made the motion that we designate for this historic homes program the \$234,640.00 from the designated fund balance. Juanita second that motion. Ralph Slate: yes - Juanita Martinez: yes - Clinton Harris: yes - Gloria DeFillipo: yes - Judith Crowell: yes Rhonda Sherell: yes - Lamar Cook: yes - Willie Thomas: yes - and Robert McCarroll: yes

Robert then stated that his understanding of the financial order will be ready for the city clerk tomorrow and it will be on next Monday's City Council's agenda. Marcus Williams has agreed to sponsor it. Robert then

stated that the other discussion we have tonight is, how to operate the Historic Homes Program.

At the last meeting we agreed to expand the program to seven local districts and include house painting, window work and porch work as an eligible activity. We voted to use the same income scale as a guide for eligibility but tonight we will discuss alternatives. Under the first program, eligible applicants were chosen in a lottery system and were qualified by income. Karen sent a proposal to the committee and asked that we consider a more targeted program where the home is chosen (or is the "applicant") rather than the homeowner.

Karen. In this proposal, there is not an income qualification but rather a set of restrictions, primarily a soft mortgage where a percentage of the loan is forgiven each year until year five when it turns into a grant. If the goal is to restore our homes, streets and neighborhoods and get universal participation, we should consider the worthiness of the house and not the homeowner. The overall owner contribution rate using an income scale in the first HHP was about 10% (where some people paid zero and others paid more). It would be easier to manage

the next HHP if the program had universal appeal and every participant paid 10% of the cost and no one was excluded.

Ralph disagreed and stated the funding should go only to people who need it. As we open this up in Forest Park the percentage would not be ten percent. McKnight is a poor section of the city. There are more people who are in need at McKnight than there are in Forest Park. It could be up to fifty percent percent if not higher. I just find it unacceptable that we would give those people money to paint their house. Rhonda asked for clarity. Ralph stated we created a sliding scale and you got a ninety five percent reimbursement if you made sixty percent of the area median income. So if you made thirty four thousand dollars or less you got a 95% reimbursement. You were paying for those people because they needed the help. If you made over one hundred fourteen thousand dollars, you are just a single person, you didn't get any reimbursement. If you are making one hundred fourteen dollars why should we give you a lot of money to paint your house? That's offensive to me. I see your point that we should be preserving the houses but I don't feel the reward should go to people who are not keeping up their house if they can afford to do so.

Karen stated the larger picture is being lost. We are making judgments on our neighbors and deciding solely on income if they can or cannot afford to paint their house without any exclusions for other factors (health, loss of job, student loans, cost of housing, etc). When you look at the data it came to ten percent contribution, why not just use this % as a baseline for everyone? We restore what we can each year until the work is done.

Ralph stated that we are opening it up to every single district. If someone is retired and has a lower income they are certainly welcome to apply for the income. If they are in Colony Hills and they are making three hundred thousand dollars a year and their house is in rough shape they don't get any money for that because they are expected to paint their house.

Robert then stated that Ralph and Karen are not going to agree. So what I would like to do was to hear some other committee members as to whether they favor having a sliding scale for assistance based on income versus not having any sliding scale for assistance.

Juanita stated that she agrees with Ralph. I don't think it would look right to the people of Springfield who are paying and spending their tax money to give somebody who is making a lot of money to paint their house, when there are people whose property will deteriorate because they don't have any money. They live in this house because it is really the only place that they can live in because the mortgage has been paid for years, and now can't repair the porch. I feel it's the choices people make if they bought this older house.

Willie. I'm inclined to agree with Juanita and Ralph.

Rhonda. A person who is lower income will not see an increase unless they win the lottery or have a life insurance policy. That property is going to continue to be deteriorating because they don't have the resources available to get the loans. I am inclined to agree with Juanita and Ralph and that is my position at this point.

Judith began by stating I just want to make a comment. My home is in the Historic District. As you all know, whenever you have to do something on the outside of the house it has to be within the confines of what it was from the beginning. We have been living here probably twenty years and yes we have painted as a combined income. We can't do many of the local programs. One thing we have to do is our basement windows. We have been told that it is going to cost us anywhere from seven hundred to nine hundred dollars to create the same exact basement windows from when the house was built. We have purposely put that particular project off because we have seven or eight windows and we can't afford that. We do have a son in school and I myself am in school. There are people whose income is at a certain level they can't afford to do so.

Lamar. Judith stole my thunder. Why can't we take an application on a case by case? If each person applied we could look at the application and their needs. The need of the house and the individual and then we can go from there. Karen stated that the need for the house is the priority because the name of the program is Historic Homes. Restoring the homes in a Historic District is the objective of this program. However, we can have that done and maintain the budget that we have without an invasion of people's privacy. The program should include people, the seven districts are to include everyone. Now we are looking at a way to exclude people. The only way they are excluded is that their house doesn't qualify and we are asking for a ten percent homeowner contribution which is about what we received last year. I would suggest why won't we try it this year? Then compare the two programs and make an assessment next year.

Gloria. I don't see it as an invasion of privacy when people have to provide documentation. When I needed a new heating system I had to go for a loan. I had to provide documentation. If you want to

have your child in a daycare that has a sliding fee schedule, you have to provide documentation. I have concerns about giving someone ninety percent. Somehow I feel that we could take a part of what Karen is saying and parts of what Ralph is saying and meld them to come to a compromise.

Robert stated that there could be a middle ground between what Ralph said and what Karen said. What happens if this program we provide automatically half the cost and you pick up the other half. If you cannot afford your other half there is no interest which means if you are CPA and income eligible we will give you a loan for up to the second half. That money at some point will come back to us. If you're willing to paint your house and put in half the money, we don't

have to ask for any income stuff. If you need additional assistance beyond fifty percent we ask for income verification for the no interest loan.

Karen stated that we have never given out a loan, and it sounds like you're suggesting grants to developers but loans for homeowners, is that fair?

Gloria stated that I understand this for historical homes. What about the person who lives in Pine Point and they need their house painted and they can't afford it and this house isn't in a Historical District they are out of luck. I understand that CPA has the provision under historical law. If you choose to live in a historical neighborhood there are ramifications that you have to be prepared to take on and we can provide some of the assistance to you and it requires some documentation. Yes, okay I could swallow that. But I still have a problem with the rest of Springfield that gets nothing.

Juanita stated that the Historic fits because that is part of CPA but the other doesn't fit. There are people who live in Historic Homes and know the expense of living in a Historic House. There are a large portion of people who live in Historic Homes because it has been passed down and now they are living there because it is the cheapest to live at the moment because they inherited this house.

Robert then stated that he wanted to wrap this up because I am not sure whether we are ever going to come to terms. I suggest that we have a motion. A vote of Yes to continue the program as run last year or a No vote will remove the income scale from the requirements. We can have further discussions if the motion passes or if it fails we talk about either Karen's total suggestion or something in between. Gloria made the motion and Juanita second. Gloria: DeFillipo: yes - Juanita Martinez: yes - Ralph Slate: - yes Clinton Harris: - no Judith Crowell:- no- Rhonda Sherell: yes - Lamar Cook: - no Willie Thomas: -yes Robert McCarroll: - is yes.

This year we will continue the program using the same guidelines and we can always have this discussion next year if the City Council approves our recommendation.

March 31st is the deadline for applications and Juanita and Bob will make arrangements for everyone to receive the hard copy applications. Karen will send the digital copies.

Our next meeting is on April 5th and a Doodle poll will go out to select a second date in April for applicant interviews. This is the time that we may have a special meeting as we normally have three meetings for applicants and then meet in May for the last group before deliberating on the applications come June.

Motion to Adjourn: Juanita and Gloria - all were in favor