



## Edgartown Yellow House Committee Meeting Minutes

AUGUST 1, 2017

### I. CALL TO ORDER:

Chris Scott called to order the meeting of the Yellow House Committee at **3:30pm** on **Tuesday, August 1, 2017, at the Edgartown Town Hall Meeting Room.**

### II. ROLL CALL:

The following persons were present:

**MEMBERS:** JAMES CARTER  
CAROL FLIGOR  
CHRIS SCOTT  
GAIL CROTEAU  
JIM SHANE  
MJ LOOK

**ABSENT:** GENE SISCO

**OTHER:** Ron Rappaport  
Margaret Serpa  
Bricque Garber (Historic)  
Juliet Mulinare (Procurement)

### III. OPEN ISSUES:

1. Mr. Scott determined that all Committee members had been sworn in and that a quorum was present.
2. The Committee welcomed Mr. Rappaport, legal counsel, to the discussion regarding the RFP for the Yellow House. Mr. Rappaport informed the Committee that there had been extensive discussions about the applicability of c. 149 (Construction Bid Law) and Prevailing Wage leading up to the taking by eminent domain, but those conditions would not apply to this project. He told the Committee that the length of the lease and the level of involvement the Town has with the re-construction will be the determining factors. The longer the lease and the less the Town is involved, the further this work is from c. 149 statutes. With that said, Mr. Rappaport advised the Committee that State Officials will not make an determination about this until the lease has been drafted.
3. Mr. Shane inquired as to whether this would be a land lease or a property lease. Mr. Rappaport said firmly that this will be a land lease.
4. Ms. Croteau asked about the improvements made to the building and whether those would come back to the Town at the end of the lease or whether the developer would have to remove them. Mr. Rappaport stated that these terms would be drafted into the lease; all improvements made to the building will remain after the lease ends.
5. Mr. Scott commented that Pam Dolby had informed him that there would be some areas of the land that would not be included in the RFP, the areas that will be used for

the Open Space, and the parking area. The three elements of this project (Yellow House, Open Space and Parking) are all funded differently and the land area to be included with the Yellow House portion of the project will be clearly spelled out in the RFP.

6. Mr. Shane inquired about the small studio house also on the property. Mr. Scott said that it will need to be discussed.
7. Mr. Rappaport reminded the Committee that they cannot specify any use for the building in the RFP.
8. Ms. Look asked if a more general specification for use could be applied, such as “retail” or “affordable housing”. Mr. Rappaport said a specification of that nature would be acceptable.
9. Mr. Scott mentioned that the idea is to keep as much of the original building as possible, that the reconstruction would be more of a rehab than a rebuild. This is the approach the Historic District will want to see.
10. Ms. Croteau asked about the level of specificity for the interior of the building. Mr. Rappaport responded that other than meeting code, the Committee should not make any limitations in this area.
11. The Committee discussed the potential of limiting the possible creativity of developers by being too specific. Mr. Scott stated that suggestions could be made or certain options could be given a higher rating during evaluation. The Committee should determine if there is any type of business that will not be allowed and make that clear in the RFP.
12. Mr. Scott asked Mr. Rappaport how the financial comparison between proposals will be handled. Mr. Rappaport informed him that this has not been determined yet, and that he and Ms. Mulinare will have to compile this information for the RFP.
13. Ms. Look asked about the payment of property taxes and whether this will fall to the developer. Mr. Rappaport said that was a question for the Assessor’s Office.
14. Ms. Look mentioned that this undertaking would be very costly for the developer and asked what the incentive was for them to take this on. Mr. Rappaport said that the Town would like to generate enough revenue to at least cover the property taxes, but the lease terms will be included as part of the proposal.
15. Mr. Scott asked if the RFP will have requirements for the developer as well as the building itself. Ms. Mulinare said yes, there will be minimum threshold criteria that a developer has to meet in order to be considered an eligible proposer.
16. Ms. Cook asked about the two phases of the project, the first being the rehab of the building and the second being the lease/use of the building, and whether the same person would be responsible for both phases. Mr. Rappaport said the Town does not want to be involved in leasing the space after reconstruction is completed, that will be the responsibility of the proposer.
17. Ms. Garber informed the Committee that once the land/lease area has been defined, the Historic Board typically looks at applications that preserve the historic box and everything else is subordinate. The first step is to define the boundaries of the leased space.
18. The Committee discussed the amount of space the Town needs for Open Space, and if this were to be included in the RFP, who would maintain it. A member of the public suggested that the Open Space be incorporated into the RFP to give the developer as much room as possible to work with. Mr. Shane commented that a possible future expansion of Town Hall should be considered.
19. Ms. Serpa informed the Committee that half of the property will be devoted to Open Space.

20. Mr. Shane inquired about whether the number of parking spaces has been defined.
21. The Committee discussed the applicability of CPC funds to the work. Mr. Rappaport said anything that comes from the CPA is deed restricted.
22. Ms. Fligor commented that the plan for the Open Space should be brought to the Beautification Committee. Mr. Scott asked Ms. Fligor what she thought the role of the Beautification Committee should be in determining the design of the Open Space and Ms. Fligor stated that she thought it should be kept separate from the RFP and reviewed by the Beautification Committee.
23. The Committee asked about an official site plan and Ms. Garber informed them that one has not yet been drafted.
24. Another member of the public suggested that the next step in this process should be determining the length of the lease and what the Town wants to see there. Until then, there's not nearly enough information for developers to start consulting architects and formulating plans.
25. Mr. Scott stated that the Committee needs clarity before the next meeting as to whether the Town wants to be responsible for the Open Space or whether it should be included in the RFP.
26. A member of the public inquired about when proposers will be allowed to walk through the building. Mr. Scott responded by suggesting that question be directed towards the Selectmen as the Town assumes liability for anyone that enters the building. He then recognized the importance of providing access to the building to potential responders. Mr. Rappaport stated that the Town was still a ways away from allowing site visits by appointment.
27. A member of the public inquired about compliance with State law, archaeological site testing and construction bid law. Mr. Scott reiterated the information given earlier, that as long as the Town did not offer specific requirements for the use of the building, it would not be subject to the construction bid laws. All other required testing will be performed.
28. Mr. Shane said the next step in this process should be to put together a document that contains all the information that is already known, this will be the best way to determine which blanks need to be filled in.
29. Mr. Scott asked the Committee to review the information about comparative criteria given to them by Ms. Mulinare and to come to the next meeting ready to discuss. Ms. Mulinare agreed to send out additional information for the committee to review via email.
30. Mr. Scott asked Ms. Mulinare to inform the Selectmen that the Yellow House Committee will likely continue to meet on Tuesday afternoons and to ask for some guidance in determining the Open Space issue.
31. Ms. Garber mentioned that the ZBA will need to approve any use of the building that's not retail (it has been designated for retail so any change would have to be approved.)
32. In conclusion, Mr. Scott noted that the opportunity to develop the Yellow House is very appealing and a maximum public benefit of the space will be a priority. He asked the other Committee members to bring their ideas for use of the building, as well as their thoughts on minimum threshold criteria for the developer, to the next meeting, scheduled for Tuesday, 8/8/17 at 3:30pm.
33. Mr. Scott adjourned the meeting at 4:55pm.