

Oak Bluffs Community Preservation Committee

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Oak Bluffs, MA

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Joan Hughes, Chairman
Jevon Rego, Vice Chairman
Amy Billings
Stephen Durkee
Charles Rock
Abe Seiman
Alison Shaw
James Westervelt
Adam Wilson
Margaret Knight, Admin. Ass't

Oak Bluffs Community Preservation Committee

Regular Meeting, February 6, 2012, 7:00 p.m. CPC/Conservation Office

CPC Present: Joan Hughes, Steve Durkee, Jevon Rego, Alison Shaw, Jim Westervelt, Amy Billings, Adam Wilson, Abe Seiman, Charles Rock

Also Present: Margaret Knight, CPC Ass't, taking minutes.

General Business

FinCom: Jevon said Adam, Joan, Amy, and he had attended the FinCom meeting on Feb. 2. Joan made a presentation, meeting some resistance, but didn't get into the question of what kind of oversight FinCom has on CPC. They didn't vote on any proposals at the time. Jevon hoped a letter could be sent to them saying what the CPC feels re: their oversight. Amy suggested sending them a description of what the CPC does. There needs to be some education for new FinCom members. Joan read an email from Stuart Saginor of the Coalition saying town counsel could be consulted, suggesting the two committees need to work together for the good of the town, and that even if the FinCom votes against a proposal, the town meeting is still given the opportunity to approve it. Joan said that several FinCom people feel CPA should not exist, and any money should be used only for town property. She didn't think they understood what the CPA is, and so was concerned about how FinCom would make recommendations. Jevon said he also found some people opposed to CPA, and maybe a letter should be sent saying the town passed the CPA for funding these kinds of projects; that is its mission and what towns people voted for. Steve questioned if they were voting their personal beliefs rather than the merit of the project. Alison said they shouldn't vote against a project because they're against CPA. Amy said some new members are following their job to cut money but may not be aware of other town issues. Jevon said they see money being spent on things like fixing stained glass windows when they're scraping for pennies to fix potholes, but this is what legislation is for. Joan said there is education needed, and if there is a negative recommendation from FinCom, there will be a need to explain the purpose of CPA at town meeting. Charles said he thought people with a negative attitude about CPC are in minority, that more than a dozen communities where rescission of CPA vote came up, it was turned down. Also, two out of the three CPA categories would probably never be funded through town budget. Jim said FinCom is given broad powers to look at town budget, but there is no reference in CPA legislation about need to go before FinCom. He said the CPC is making recommendations regarding the Community Preservation Fund, which is a special,

separate fund. Alison said Stuart says relationship between the committees varies in different communities, and that working together doesn't necessarily mean they should vote on projects. Adam said sometimes FinCom gets away from its role as advisory, and that he doesn't think this FinCom understands this is a separate fund, that there is the difficulty when the town is scraping pennies. Steve said there had never been problems before last year, that proposals had been presented in past, and FinCom supported them. Alison said she was worried about them having a vote because it appears as a recommendation. Jevon said Kathy Burton said it was better to deal with FinCom issue now, and would like to see a letter crafted re: parameter of legislation. There was a discussion of the need for more education re: CPA and what projects are, including at town meeting. **Adam will work on handout for voters, and slide show presentation for town meeting.** He said every year there's a need to explain what CPA is about. Abe, who is a FinCom member, said five of the more leadership-type people who are long-time members were not at FinCom meeting, making barely a quorum, and there might have been a different reaction. Abe said he didn't think CPC needed FinCom's approval. FinCom is trying to get control over budget, trying to get only one budget for town rather than two separate.

Affordable Housing: Abe said there wasn't a quorum at the last Affordable Housing Committee meeting, for which he is chair, and the next meeting will be March 1. Joan said she had gotten the sense from Kathy that there would be an answer re: the three aff. hous. proposals before March. She said they wanted the CPC to put them on the town meeting warrant, but CPC hoped the Trust would fund them. If AH came back with other specific projects they could be funded in another year. Amy asked if there was confusion about using some of this money. Joan said Kathy thought projects could be paid for out of AH Trust Fund money but the CPC should put projects on the warrant. She said AH member Ewell Hopkins didn't feel that way, that he wanted to keep the money for future projects. Since warrant is due Feb. 20, before next AH meeting, the projects are back to the CPC. Jevon suggested that, based on confusion and time frame, CPC re-evaluate funding the projects as normally would, and work with AH in down time, so as to keep from shortchanging applicants. Amy said in the long run, it would benefit the AH to have the previously voted CPA money for use anytime. Joan said she felt the CPC should vote to fund the rental assistance now, and that the housing inventory and the roof could be taken up in March by the AH Trust. Jevon agreed. Steve said CPC voted to recommend them all, but voted to refer to AH Trust. Joan said a distinct vote could be taken on rental assistance proposal. Jim suggested voting on all three and then writing a letter to AH Trust regarding future applications. **A vote was taken on request for rental assistance for \$132K. Vote was unanimous in favor of funding it, with Abe abstaining. 8-0-1** This will go on the Annual Town Meeting warrant.

Joan said there would be a couple things on Special TM: Niantic Park money, Pacific Ave money [both to return funds to CPC], and small amount for administrative expenses.

Regarding other two community housing proposals (Lagoon Heights roofing and housing inventory), Joan suggested sending them to AH, not because there's no money or because the CPC doesn't support them, but because they are logical projects for them to start with. Discussion about redundancy if AH takes the projects to town meeting; it's their decision. There's a need to set precedence for how affordable housing projects are funded. Charles proposed **a motion: regarding Island Housing Trust request for funds for housing inventory, to maintain the action taken by CPC at Jan. 9 meeting to table the request and advise applicant to apply directly to Affordable Housing Trust. Vote unanimously in favor: 8-0-1 Abe abstaining.**

Joan said Abe has been appointed to CPC representing affordable housing, so committee has full complement now.

Joan brought up next affordable housing project, Lagoon Heights roof. In answer to Steve's question about issue of timing for the project, Jevon said it actually could be funded sooner if they went to the AH Trust for the money. Amy said target date was July, 2012 on application. Joan said she'd like to see Trust

handle maintenance issues, that there is a need for taking care of the housing after it's been built. Charles said precedence had been set that CPA funds could be used for similar purposes. He made **a motion regarding the Dukes County Regional Housing Authority application for \$45K that CPC maintain its Jan. 9 action to table it, and refer it to the Oak Bluffs AH Trust for further action. Vote was unanimously in favor. 8-0-1 Abe abstaining.**

In response to Amy's question about future AH applications, there was discussion that the Trust will have to come before the CPC with an application for any future project they want money for. They will have to answer to the CPC regarding the benefit of any project they're asking money for. Jim said they could also request general funds, for projects that may come in. Joan said the CPC could put the request before the town meeting, that the mechanism for funding AH projects is in place.

Jevon clarified that Abe is allowed to vote on affordable housing projects that come before CPC, that there is no conflict with his being on the AH committee. It might be appropriate that he abstained because he wasn't part of original application discussions. Abe said he couldn't consult with the AHC because they aren't scheduled to meet until March. It was made clear that Abe didn't need to consult with AHC and could vote as he saw fit.

Frye Property: Amy expressed concern that the CPC might not think this project is worth it. She said Mr. Frye won't accept the \$280K, and that he probably won't come back with \$295K, so since the CPC voted only \$300K it may not work out. Joan said the old assessment was \$313K and the new one is \$188K. Amy said they haven't had a chance to tell owner. Alison asked about Joan's discussion with Jim Dunn and Chuck Sullivan. Joan said it's legally buildable, with zero setbacks. There is one existing side exit but that building has legal front and back exits. Air conditioners are in someone else's yard, though. Adam said the lot would require major engineering and architectural plan to put up a building in that space. Amy said Mr. Frye needs to understand this; he was supposed to have counter offer by Friday, but it wasn't together yet. Richie tried to get an appraisal but it hasn't happened. Amy said even if someone rented the space as is, say for a vendor, they'd have to go before boards, get permits. Jim suggested leaving money in the CPC Open Space fund, and if an offer worked out, it could go before a special town meeting. Joan suggested leaving it as it is for town meeting, and that the amount could be amended down, say to \$200K. Amy said she's not sure Mr. Frye understands the value of his property. Alison said she'd be arguing for reducing the amount, and that in a year he may be ready to take whatever he can get, if there's a way to set the money aside. Jevon said doors into alley were probably not legal according to Chuck, that a building could be built but at great cost. He asked, in regards to warrant articles due by Feb. 22, whether a decision needed to be made at this time. He suggested they table the decision until the next meeting. Joan said she'd like to keep the money available, that if it's put in Open Space fund it may not be possible to get it back, and that Bob wants to limit number of special town meetings. Joan said amount could be reduced at town meeting, or withdrawn. She said there was leeway in timing for ATM articles in terms of dollar figures. Abe asked if Mr. Frye would know about the \$300K CPA funding. It won't be public except in minutes until the warrant comes out. Abe thought he might want to get rid of property because of tax cost. **Amy said she would talk with Richie and see if they could meet with Mr. Frye.** Alison brought up concern that it's too much \$ but that Mr. Frye might accept at \$280K; Amy said it still will go before the town meeting and could be voted down or reduced. In answer to Jevon's question if the Parks Dept. has \$20K if the price comes in at \$220K, Amy said didn't know, that Parks has had to pay some unplanned bills. She said they couldn't determine if Mr. Frye really wants or needs to sell it. Charles asked if Parks had explored matching funds for acquisition of a park. Amy said this had never come up before, she could ask Nicole to explore it. Joan suggested CPC leave issue as is and revisit it at the next meeting.

Discussion of copier and need for repairing it. Copier was bought with CPA funds and is used by all of town hall; next town hall copier should be paid for by town.

Joan brought up presentation to public of this year's projects. **Adam said he would start working on a letter.** In response to Amy's question if all projects go before town, it was stated that just the ones approved by CPC. Joan said she'd like to put Frye property on TM floor, as educational. Amy said Parks is looking for other money to fix the basketball courts. Alison said CPA rules will shift at some point, and the OB CPC would want to give money for it. Adam said he thought Senate bill to allow money for renovating parks will be approved because it will encourage more cities to vote for CPA in their communities. Jevon brought up issue of CPA money not being allowed for repairing Niantic Park, saying town counsel has said rental assistance also doesn't qualify, but every year the CPC votes it in. Adam said there's been no court case (like the Newton case re: spending money on rehabilitating parks) and that town counsel has said other towns have found ways to say rental assistance is not proper use of funds. Jim reminded people about the threat of lawsuit regarding Niantic Park. Alison said CPC has basically been told it can do anything it wants until someone sues. Joan said town counsel says if you think you're likely to get sued, don't vote it. Amy asked when things change from maintenance to safety issues. Alison said safety is still not a criteria for open space, but being historic changes things. Jim thought safety could be brought up as an issue. Joan said she'd rather not see anything that controversial at TM, that it would be hard to explain enabling legislation at TM when people would just be thinking about whether they wanted basketball or not.

Last meetings minutes: Alison made corrections. Minutes accepted as corrected; Charles, Abe, Adam abstaining. In response to Charles' question if CPC ever got letters of historical significance re: MV Museum and Trinity church applications, Alison responded yes.

Joan asked if anyone had a problem with changes to the Letter of Agreement. Charles said changes will probably come once CPC starts using it. Next issue is public education of projects for TM.

Next meeting is on Wednesday, February 22 because of holiday on Feb. 20. Meeting was adjourned at 8:25 p.m..