

Oak Bluffs CPC Meeting
10/16/07
Oak Bluffs Library 2nd floor conference room

Members Present: Stephen Durkee, Chairman, James Westervelt, Joan Hughes, Charles Rock, Harvey Beth, Cheryll Sashin, Peter Martell and Mike Marchant.

Also present: Adam Wilson, Zoning Administrator and Administrative Assistant to the CPC

The meeting began at 10:05am

Adam handed out a report of current expenditures for approved projects. Charles asked if the 50K in the line item for the Affordable Housing Committee was meant for the Denniston project or for the old library conversion or both. Committee members discussed how the money was to be spent for the various affordable housing projects the AHC wants for Oak Bluffs. Harvey and Charles talked about the appropriation of funds for affordable housing funds.

-Joan asked about the current estimate of funds available for next April's Town Meeting. Adam said that the million dollar + estimate does not include money for projects already approved but not yet spent.

-Adam told the committee the town had received the matching grant from the state (386K). It was sent in October 12th.

-Committee Members discussed the possibility of a town meeting in November but then Town Administrator Michael Dutton came in and first said there is no special scheduled for the town in November. He said there possibly could be one in January.

-Michael talked to the committee about 30B procurement issues and municipal contracting. He said the Department of Revenue takes the position that any town department that uses CPA funds for a project it has to bid out. If a department project involves the hiring of vendors and more than 5K is to be spent, there should be 3 bids. He also talked about the open questioning of procurement for a project like the E. Chop Lighthouse restoration; a project that involved a private entity doing work on a structure that is owned by the federal government.

-Michael talked with the committee about establishing a clerk of the works format so that invoices for a restoration project like the lighthouse can be reviewed before large lump sum payments are made.

-Adam explained that RFP's have been coming to the Committee for sign offs before going to the Accountant's office. Michael said that's fine but not a requirement since the CPC is only a recommending body and not set up to do oversight as well. He said that Adam, as the Administrative Assistant to the CPC, can act as the Procurement Clerk in keeping track of expenditures and preventing any cost over runs.

-Cheryll asked Adam if he was keeping copies of all invoices received. Adam said he has every one of them copied and on file.

-Steve asked if there should be language about 30B procedures that goes either with the application process or the approval process. Michael said it depends on the group and their proposal. Harvey asked Michael if the auditor's review looks at a sampling of a Town Department's 30B procurement, can the CPC get some samples of invoice expenditures so that the Committee knows if procurement was done properly. Harvey thought the Committee should have some assurances that spending is done correctly, even though the report would be after the fact.

-Michael said there will be a need for the Committee to submit a prepared administrative budget for the next fiscal year. He said the CPC will get the necessary paperwork to give back to the FinCom as part of the overall town budget review.

-Harvey talked about the Newton Decision and how that may impact the review of projects currently submitted. He asked Michael what Town Counsel's opinion is on the Middlesex judge's opinion and what guidance they might have with regards to future projects.

Michael said Ron Rappaport will be at the Selectmen's meeting the 23rd at 5:00 pm to talk about the issue. Michael said he thought it was a weak decision and doesn't have a whole lot of factual information to back up the opinion and the City of Newton will probably appeal. Michael said the DOR

will look at the case as one where the City of Newton was using funds to rehabilitate existing facilities and fields. He said the DOR still thinks the creation of playing fields on unimproved land is still good use of CPA funds. Michael gave Committee Members several scenarios of how funds could be used involving unimproved land. He said the Veira Park ball field is still looked at as being acceptable but because it has become so political, it remains on the fence about its applicability.

-Harvey asked about an application received for the Sailing Camp and will it qualify for funding because it is town owned and it appears the request is for rehabilitation. Michael says he doesn't think so but the application needs to be reviewed to see if there is a way for it to qualify. Stephen said it's possible the application can qualify under a different category. Joan said the application is about space in the building that's never been used. Joan said they are trying to work within the gray area of what's new. Peter said the wording in an application is what's important in order for a project to be properly recommended.

Steve asked what the Newton recreation project requested. Adam handed out information about the project he obtained from the City of Newton web site and the funding it was looking for with their CPA.

-Joan talked to the Committee about how the land for the Sailing Camp was acquired through the Conservation Commission and not the Town. Peter recalled that the Town did pitch in some money towards the land acquisition.

-Michael said the CPA language clarifies that if a property is bought with CPA money, you can use CPA money to fix it. There appears to be a limitation on how CPA money can be used on a recreational opportunity not bought with CPA funds.

-Harvey spoke of the need for all projects needing legal review so an opinion could be in place on the validity of each. Michael said that all projects from last year were reviewed by counsel and were given the go ahead in spite of their questionable appropriateness with the CPA.

-Committee members discussed at length the legal loopholes that CPA funded projects can be subjected to. The discussion centered on where the legal opinion comes into question when debating about the validity of the CPC application.

-Steve asked if within the administrative budget, there is the inclusion of legal expenses should the Committee need to defend itself in a lawsuit. Michael thought that if such were the case, the CPC would not be using its money to hire lawyers, the Town would use Rappaport's Office.

-Michael said this will be the last year of 100% state match. After this there will be state match but not the full amount. Michael then left the meeting.

-Adam handed out RFPs to be signed. He said unless the Committee requests a procedural change, he would still follow the Town's financial team procedure of having each RFP signed off by 4 -5 Committee Members.

Mike made a motion that future request for payments's would only need the Administrative Assistant's signature for approval before being processed by the Town Accountant. Steve seconded.

The Committee voted 8 – 0 to relinquish oversight of vendor payments to the CPC's Administrative Assistant.

-Adam talked with Committee Members about an administrative miscue that occurred with the Parks Department and a landscape vendor for work already done in Hartford Park. The Committee talked about how people can report how their projects are progressing. Harvey thought that the Financial Team should get a report from each project and its progress and if completed, a statement that remaining funds can be released back into the CPA fund. The subject of projects that have money still remaining was talked about and the strategy involved with projects still having money but will be requesting more was reviewed.

-Stephen moved on to the strategy of how the new applications should be reviewed. The consensus of the group was to start the meetings and dedicate one meeting for housing, one for the seawall and one for the Tabernacle's request of 600K. Harvey said no application should be turned down because it is asking for so much money. Joan said the Committee should make sure the applicant is asking for money in good faith.

-Joan began a discussion about funding that is to be spread out over several years. The Committee talked about how a project could be allocated money over several years and coming back to the committee each year for additional funds.

The Committee worked on establishing a schedule of interviews for the applicants. By consensus, the Committee decided that every applicant should be invited to meet with the Committee and present its project idea. Thursday, November 6th's meeting would be dedicated to the various applications dealing with community housing. November 20th's meeting will be for historic and open space/recreation proposals.

-Charles stated he would not be able to attend the 1st November meeting.

The Committee by consensus decided to meet December 4th and the 11th instead of the 18th.

The Committee discussed the amount of notification needed to let the public know. Members talked about how much notification the public should have and where to place the information for public dissemination.

The Committee went back and forth on the venue format and how much public involvement and comment should be allowed.

Mike made a motion that for one year only an ad should be placed in newspapers promoting the November meetings. Harvey seconded.

The Committee voted 5 – 3 to advertise the November meetings in the newspaper.

-Charles asked about the 3 applications that are open space/recreation related possibly going to Town Counsel before being reviewed by the committee. Mike said the Committee should review each application to determine if they like the proposal before sending it to counsel for an opinion on applicability. Harvey said the Committee should hear from the applicants first because they may have already had their proposal legally checked. Joan said that as far as the Sailing Camp proposal goes, the application was reviewed by Michael Dutton and was opined to go forward. Joan thinks that the onus is on the applicant to make sure that their proposal qualifies.

Steve talked about the fast track the Committee should pursue in getting recommendations done before Committee members become unavailable.

Minutes from the September 18th meeting were reviewed. A motion was made and seconded to accept the minutes as presented.

The Committee voted 5 – 0 – 3 to approve September 18th's minutes.

Adam asked that anyone wanting to attend the CPC conference November 10th should e-mail him by Friday so he can register them for the event.

The meeting adjourned at 11:40 am.