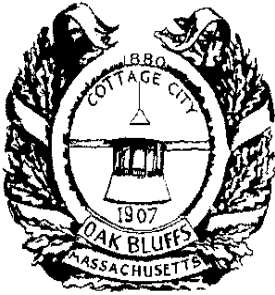


Oak Bluffs Community Preservation Committee

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Oak Bluffs, MA

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

Oak Bluffs Community Preservation Committee

Regular Meeting, January 23, 2012, 7:00 p.m. CPC/Conservation Office

CPC Present: Joan Hughes, Steve Durkee, Jevon Rego, Alison Shaw, Jim Westervelt, Amy Billings

Also Present: Margaret Knight, CPC Ass't, Steve Auerbach, FinCom, and Abe Seiman, Affordable Housing Committee and FinCom.

General Business

The minutes from the CPC meeting on Jan. 9, 2012 were corrected for spelling and approved unanimously, with Amy abstaining.

During the discussion, mention was made that the North Bluff Landscaping project had been withdrawn.

Joan said the Selectmen were meeting the next day to discuss the referral of the affordable housing applications to the Oak Bluffs Affordable Housing Trust. **Jevon**, who **agreed to go to the meeting**, spelled out the CPC position that the CPC wants to see the Trust utilized, that it was created for this purpose, that the Affordable Housing Committee is better suited to making decisions along this line. The CPC is hoping these projects can be funded by the Trust as the CPC is not opposed to them. The Trust currently has \$300K appropriated from CPA funds. Jim said it's the Aff. Hous. Committee's specialty, and they have their priorities, what they want to use the money for. Joan said the \$300K is still in CPC account. Jevon said CPC would like to see all three projects applied for this year (aff. housing inventory, new roof on Lagoon Heights apartments, and rental assistance, totalling about \$183K) year referred to the Trust, and would like to see movement happen on them soon so the projects aren't jeopardized. Joan said the CPC funded the Trust with \$200K originally, and then another year for \$100K.

Alison asked about the procedure for future applications, wondering if the community housing applications would come to the CPC, and then if the Trust would apply to the CPC. Joan said CPC would tell people the Trust will make affordable housing decisions, and applicants should notify them, and then the Trust will have to ask for enough money to cover them. In discussion: the Trust should know about what applications there are well ahead of time; for last minute applications, the Trust also has, or would have, money; the Trust can ask for money besides funds to cover applications. Joan said lots of applicants are known people; they can get used to the procedures. Jim said most are already in communication with the Affordable Housing Comm. Joan said once Trust is functioning, people would apply directly to the Trust. The Trust would have to do CPC

paperwork. Jim said applicants can talk to the Trust, and if there's not enough money in Trust, they could apply to CPC. Jevon said the Trust would be carrying a balance, in theory. Jim said the Trust should be asking for funds every year. Steve Auerbach asked what other sources the Trust has for funds. Jim said other grants, matching funds. Alison said the Trust should notify people, make their own deadlines, and inform the CPC. Jevon said they're better suited for making those decisions than the CPC. Jim said when the Trust applies to the CPC, they can ask for a specific amount depending on what applications they want to fund. Abe asked about the need for all five towns to fund housing inventory applied for from Philippe Jordi. Joan said he's already started work, that Philippe already owns the software. Steve asked about other grant money – there was no other money besides the \$300K from CPC

Steve Auerbach asked about the Frye property, saying that some people felt a low offer should be made, but others said the Parks Dept had offered \$280K. He wondered if the Dept had the authority to make an offer. Amy said the offer was made through Bob W., that they had told Mr. Frye they didn't have the money presently, and were looking for it through CPC. She said his tax assessment is \$319K so she doesn't know what will happen now if he comes back with a counter offer of \$325 (since the CPC voted to fund it at \$300), but he knows that if the CPC funds the purchase, it can happen in the spring after Town Meeting. Steve A. said it seemed like a lot of money. Amy said Frye was looking for \$600K, that it's commercial, but that since he's an OB resident maybe would want to keep it open space. Joan said Bob had agreed to work with Richie to find a ballpark price, that there was nothing binding. They were just looking at possibilities. Amy said they hadn't heard back from Frye, that he was talking to family members. Jevon asked about the time frame. Joan said Bob can't make a real offer because there isn't the money, and that this was to see if there was interest. Amy said Mr. Frye didn't know how much Parks was asking from the CPC, but made an offer expecting a counter offer. Jevon asked if this was an article that could be debated on town floor, that it has two parts: supporting the purchase, and supporting the price. Joan and Alison said they didn't think the dollar amount could be amended on Town Meeting floor. **It was agreed to seek an answer from Michael Goldsmith or the Community Preservation Coalition [The amount can be amended down but not up.].** Jevon said it would be a shame if the counter offer came in at \$310 and killed the purchase. Joan said the agreed upon amount could be a negotiating point. There was a discussion of the worth of property, and it's value if it had a building. Amy had found valued amount on Vision Appraisal. **Joan said she would ask assessor Sarah Lolley for present assessed value.[Current assessed value found to be \$188,100]** Alison said property may be worth less because of the need for setbacks. **Joan said she could have a discussion with Jim Dunn and Chuck Sullivan to see what could be put there.**

Joan said the CPC had been asked to come to the Feb. 2nd FinCom meeting to talk about the projects supported by CPC. Steve A. said in the past the FinCom hadn't found out about projects until the last minute, so in last year the ATM warrant they didn't support any of them. Steve A. said he intended to be impartial and let the other members bring up questions. Joan said there is a thought in the Coalition that since the CPA money is not part of the regular budget, the FinCom has a limited ability to comment on the projects. Jim said the FinCom legislation to review all town spending is many years old, and the CPA legislation only about 10 years, which may be part of the confusion. He said the CPC charge is to recommend this money separate from the town budget, and that some members feel it's not for FinCom to review. Alison said FinCom traditionally either rubber stamped or didn't say anything, and only recently is weighing in. Steve A. said his experience on FinCom is only two years, but his understanding is that FinCom is a financial reviewing body for the citizens, not that they have veto power but that they're supposed to weigh in. Amy said she thought a lot of people look at FinCom recommendations, that they have a big influence in the vote. Jevon said he thinks FinCom's evaluation isn't based on whether they like a project or not, but based on its legality, the procedural way CPC got to its decisions. Steve D. said he has gone before FinCom other years. Steve A. said he wanted to emphasize that FinCom doesn't have the veto power. Jevon said their recommendations would affect the vote

at Town Meeting. Alison said it's not FinCom's place to determine legality. Jevon asked what FinCom is weighing in on; Jim said that's the CPC's role to decide on the projects. **Joan said she would ask Stuart Saginor of CPCoalition about this.** Steve A. said if Stuart says FinCom doesn't have right to review, it will be ok with him.

Jim said it was similar when the CPC wanted to hire an administrator, that the CPC has its own budget and the power to hire anyone they want. The CPC went before the selectmen as a courtesy, and they said to wait, that they wanted to get someone from town hall. After waiting a year, with Steve doing the job, the CPC put an ad in the paper. Amy said she thought it was helpful to have FinCom here to give opinions. Abe, FinCom vice-chair, is trying to work with town to resolve issues, trying to work on budget throughout the year, to get Selectmen to look at their opinions. FinCom's Feb. 2 meeting is at 4:00 in upstairs meeting room at Library

Other General Business:

Joan said in Feb. or March **the CPC needs to have a public meeting**, advertised, for public education. Adam has put together a letter in the past and mailed it to the town along with the warrant and other items. Joan said she'd like to do that again. Alison asked who would be sending out the whole packet, said it was Adam who did it before for other than CPC business. Joan said she thought CPC could go to town administrator with the idea after figuring it out. Steve said in the past it was Adam and Liz D. who did the actual mailing work. **Joan said she'd check in with Adam.** Jevon suggested the envelope stuffing could be a community service project for the jail. Amy asked about printing out address labels; Joan said assessor's office can print them out. DaRosa's has printed the letter in the past. There was a discussion of the copy machine purchased by CPC, now used by all town depts. Joan also mentioned the presentation at the town meeting, which Adam can do. Jevon mentioned email re:overdue bath house bills, and issue of communicating with Mashek MacLain. Joan said she had to go see Nicole. Amy said Landscape will be paid out of Parks' general fund – they were under contract for the rain garden in Waban. Joan asked if there were any more bills; Amy said no, and that they'd been told it was part of the original agreement. She didn't know Nicole hadn't seen these bills before. Alison asked why a display was needed about the rain garden, she'd rather read about it in the paper. Joan said she'd like it better if the sign related to the planting.

Jevon asked about correspondence with Mashek MacLain. Joan said she wasn't sure CPC would ever get anywhere with it. Jevon said CPC doesn't really know what happened, that they may have saved the project. He said Ken had said to come in, and they could tell the CPC exactly what happened. Alison and Joan suggested Mashek MacLain should come in and talk to CPC. Joan said it could wait until after the public hearing and town letters. Amy said it should be while it's still fresh in their minds. Jevon said CPC has a fiscal responsibility to figure out what happened, and everyone else involved is gone.

Letter of Agreement draft (based on Falmouth's):

Joan said the Agreement is what a successful applicant would receive first. Jevon asked about withdrawal of North Bluff Bathhouse Landscaping. Friends of Oak Bluffs said they could fund it themselves with donation of plants from Mark Crossland. The project doesn't need to be withdrawn because it hasn't been on the town meeting warrant. Jevon said the CPC will be taking a more pro-active role in stewarding projects in the future. Joan said the Letter lays out responsibilities of the applicant and CPC. Steve A. said this kind of thing will help to make there be less need for future town review and opinions. Jevon said the bathhouse project looked like CPC wasn't doing its job, but at the time, it wasn't its job. Joan said after consulting with other towns, most other CPC's feel there should be a memorandum of agreement with those receiving grants. Joan said we're giving out serious money, and need to follow it.

Joan said there needs to be one point person one each application. Jim said if someone leaves, that organization needs to return to CPC with new information. Steve mentioned the Veira ball field, and its many changes. Jevon asked if the move to Leonardo Park made its applicant become Parks. Amy said she didn't know, that there was some question of waste water. Joan said she'd like there to be a time limit on money,

that if a project changes too radically, the applicant should come back. Jim said the CPC should check in with the baseball project. That money is still allotted. Steve asked how much they'd already spent. Joan said the grant was \$200K and they have spent nearly \$50K, that the bids came in higher than the money granted. Joan said this is an example of one that the CPC should have the ability to call back in. Jevon said the time frame would be different for each project. Amy asked if there's a financial limit on how much can be spent before the project proceeds. Joan said this letter will make a grantee set out a budget, with every item tied to a phase of the project. Joan said in past CPC has given money that doesn't correlate to its original purpose – that the CPC is not a checking account. Jim asked if CPC will meet after town meeting on these issues. Joan said people can't be asked to sign this until after town meeting vote.

Liaison: Joan said she'd like to see a person from the CPC acting as liaison for each project. For example, if it's a historical project, ask Alison, or construction than Joan or Jevon could be liaison. Jevon said if a CPC member is part of the applying agency/dept., then it should be a different person. Joan said a working knowledge would be important. Abe said one problem is that pieces of projects come from different organizations; there should be a collective way of approving the entire project. Amy said CPC had decided to stay away from group projects.

Regarding time frame in #4, Jevon said maybe there should be a form that gets filled out at specific points in the project. Also CPC admin is available now for communication. Steve asked how something like the MV Museum will draw funds; Joan said not as a lump sum. Jevon said each project would have different parameters. Joan said this year is good for figuring things out because there aren't many projects this year.

Joan mentioned checking grantee's RFP, and making sure procedures are followed – town admin can be asked to look at it if there are questions. Joan said #3 of the **Project Implementation Procedures** is important: they have to do what they say they'll do. Jevon said in reference to being a liaison, one of CPC member's terms could be up, but the liaison change would be an internal one. Jevon said #5 should say applicant's project manager. No need for stamped certification. CPC admin and appointed liaison will review and verify the info. When a bill comes in, liaison would be asked to come to look at it, but that it will still be signed by three members. Joan said in summer, an email can inform members there are bills to be paid. #6 as far providing project updates, people are advised they will be required. #7 applicant's project manager will do update. Jevon said initially there's the applicant, which may be a different person than the applicant's project manager. Alison said it should be their responsibility to appoint one, a go-to person (which might be the applicant); ie project manager for MV Museum might be Nancy Kelly. #9 Jevon said speaking from Charles' perspective, he wondered about restrictions if the Frye property ever got sold. Joan said it should be known that it needs to be in perpetuity since it won't have a conservation restriction like most open space property. Jim said it's preserved once it's designated a park; Joan wondered how it becomes a Park. Jim thought something extra needs to be done by the Parks Dept. to designate it. Jevon said **CPC should check on how to guarantee the original purpose in perpetuity.[will follow through with this as needed for specific projects]** Joan said it's a question for Stuart Saginor. Steve asked what would be allowed if it's bought as open space and becomes a park; ie. would a comfort station or kiosk be allowed. Amy said there are strict regulations on what you can do in a park, but it's a matter of who fights you on it – could request it stays designated a park. Abe asked about a performance bond. Joan said that would be something specifically for a bid to a contractor. Non-collusive regulation is needed to be part of LOA.

Jevon asked about having a public meeting before applications were due, to help people with their applications. Steve said one used to be scheduled when the town still had summer taxpayer's meetings; it was like a meet and greet. Jevon said lots of people don't understand the CPA legislative guidelines. Alison said in the past there have been lots of town-sponsored applications because of financial desperation. Jim said the CPC is supposed to have a town public hearing once a year, to listen to people say what they want. Alison said CPC could be more pro-active; if an idea came along CPC could find correct body to apply. CPC could

help facilitate applications. Jim said maybe someone would try to get more open space projects happening. Amy said people might not know CPC could buy an undersized lot. Jevon said there weren't enough qualified applicants this year. Joan said the problem is getting people to come to a meeting; what would get them there. There was a question of how other towns do it. Stuart Saginor came to talk in W. Tisbury one year; Steve said he might be trying to come down this summer. Alison said CPC itself could have a brainstorm about ideas at some meeting. Jevon said there may be other better applicants out there that haven't come in, more education of CPA is needed. Joan said there could be a meeting of how to apply, and about the more successful projects, to help people understand the legalities of the CPA. Alison said the Friends of Oak Bluffs could come in with an application to replace the railing along Sea View Ave. Jevon asked about projects still in the works like Sunset Lake and Leonardo. Joan said Sunset Lake project needs to go out to bid, is still a viable group, but no one knows how to put out a bid. She told them to come and work with Liz and her. Joan said the money was for resource assessment and permitting, and included the School Street garage. Jevon said committee should reconvene on open projects. Steve said this spring bids for Leonardo came back too high. Question of what CPC should do, when does it become a new project. Alison said someone needs to come in and inform the committee.

Next meetings are Feb. 6 and 20. Meeting adjourned at 8:50 p.m.