

Oak Bluffs Community Preservation Committee
P.O. Box 1327

Oak Bluffs, MA

02557 – 1327



Joan Hughes, Chairman
Jevon Rego, Vice Chairman
Amy Billings
Marie Doubleday
Stephen Durkee
Bo Fehl
Charles Rock
Alison Shaw
James Westervelt
Margaret Knight, Admin. Assis't

Oak Bluffs Community Preservation Committee Minutes

January 25, 2016, 7:00 p.m.

Present: Joan Hughes, chair, Jevon Rego, vice-chair, Amy Billings, Marie Doubleday, Alison Shaw, Bo Fehl, Charles Rock, James Westervelt

Also Present: Margaret Knight, CPC admin. assistant, Peter Bradford, Maura McGroarty,

The meeting was opened at 7:00 p.m.

Minutes:

The minutes from CPC meeting on January 11, 2016 were approved; Marie abstained.

Other business/ Updates

Amy said there's a 95% chance that Parks will be pulling the application for the beach mat [Boardwalk to Beach Wheelchair at Pay Beach], which is before the CPC now, if Mark Barbadero approves a trial year of using a mat rather than constructing a boardwalk to the beach wheelchair. Amy said they would rather pay for the mat from the Parks funds. She said if the mat fails, they will come back next year.

Amy said they are hopeful the bids on the stairs to the beach project work out because the original RFP went out with the wrong dollar figure.

Marie said she submitted a revised application from the AHC.

Joan said in January after Brian Hughes withdrew his legal demands asking the CPC to cease giving any CPA money for church renovations, town counsel issued a dismissal to end the legal process of Brian's original suit. After that, the CPC received a letter from Venable LLP, a law firm in Washington, D.C., asking for copies of any historical preservation applications for funds for buildings where religious services are held, for fy2015 and subsequent years, on behalf of the Americans United for Separation of Church and State. On consultation with the Community Preservation Coalition, Stuart said the law firm has sent the letter to other towns in the state. Joan said Stuart alluded to a 2013 letter from DOR responding to the Americans United group [which states that once the State CPA Trust's funds are distributed to a community, it's up to the community to ensure spending complies with the laws] and a 2003 memo from the Justice Department

that said these grants for historic preservation of churches could be made because the grants were for a secular purpose, available to a broad class of potential recipients, and were administered in a neutral manner.

There was discussion of whether the Tabernacle is a church. Bo said until about 5 years ago, you had to be recommended by a minister in order to buy a cottage in the Campground. Jim said he thinks the Tabernacle application for the benches and chairs is acceptable, but the stained glass renovation projects are iffy because they are inside a church, which is not as open as the Tabernacle is to secular programs. Jevon agreed the benches and chairs are a clearer use of CPA funds than the other grants. Joan said Barney will probably be back for more money after he finishes the grants already approved. Jim said the church would have to make a case for its uses that are not religious.

Discussion of 2015 project applications (continued from 1/11/16 meeting):

Oak Bluffs Affordable Housing Trust

Marie said the AHC met and voted to change the application as presented. She said in the Nov. STM it was voted to transfer the resident homesite lots to the Trust, and the thought was to title search and septic engineer all the homesite lots and three other town-owned pieces of land recommended by the assessor as having the clearest titles. Marie said the OB AH Trust approved \$4,000 toward Towanticut, but now the idea is to do the title search and then the septic work, in order to know what is best to move forward with. She said there is a push to do rentals so they will look at some of the larger plots of land. With at least 6 units, she said, there is a greater possibility of getting money from outside the town. Peter said they are only planning to see which lots have insurable titles, and would not be clearing the title. He said then they would decide on which ones to do septic engineering and surveying. He said they can go back to the Trust if they need more funds.

Marie confirmed the request is for \$61,130. Alison said this project now sounds more like what the committee was asking for. Jevon said it would be nice to clear up some titles and know what direction the AHC can go in in the future. Marie said there can be a deadline for getting outside funding which she wouldn't want to see the town miss. Peter said they will do an RFP for all the properties for the title researches before they do an RFP for surveying and septic engineering, as stated in the application timeline. Marie confirmed that the money would go into the Trust. Peter said if the CPC recommends the project to give the money to the AH Trust, they would go to the Trust and ask them to sponsor the application. Marie said she is concerned with the bookkeeping because the AHC has no administration help. Alison said this can be a test run as to whether the Trust will spend the money rather than having it sit there.

Jim said the CP Coalition says the Trust has to follow the rules of CPA when it receives a CPA grant. He said there should be a grant agreement detailing the specific project or initiative, or that the funds should be used only for CPA-eligible expenses, and should say within what timeframe the funds must be used; and an agreement should discuss reporting and say what the funds will be able to pay for. Charles questioned why the AHC hasn't moved forward already with using their available funds. Marie said they don't want to have to wait until the next funding period if they have a chance to move forward with a project. Peter said they want to keep some seed money to do some design, to be able to go out and look for funding if they can. Jevon said he is in favor of this project, but said the available money hasn't been used in 5 years. Joan said the CPC is

looking to fund affordable housing, but that the committee has been frustrated with the lack of action.

Historical Lantern Replacement

Alison said the Friends of Oak Bluffs voted to pay for two of the proposed lanterns, which would have plaques. She said originally she asked them because the project needed the money, but now, with the revised budget, she said the gift shows broader support for the project. Joan said the figure should be updated by the next meeting in February.

Tree Inventory

Margaret said the new estimate from Sara Bradford is \$6,900, which now does not include the parks but does include 20' onto private property. Alison said, after talking it over with Amy, they decided not to include the parks. In answer to Alison's question about contacting the tree warden, Maura said she talked to him months ago, and that he supports the project but doesn't want to be involved. She said he would like to do the canopies in other areas of town as well. Alison said she'd like to add a 20% contingency amount to the estimate.

Boardwalk to Beach Wheelchair

Amy said she is almost positive this application will be withdrawn but needs to confirm with the building inspector that the mat is all right. She said they are going to try a temporary mat that they install themselves, and that costs \$2,000 to \$3,000. She said Parks will pay for the mat that will be needed when the stairs get built. If the mat doesn't work, they would come back to ask for CPA funds for a boardwalk.

Coastal Eco-system Service Evaluation

Joan said Liz found a major corporation in Cambridge, Abt, that does this work, and that Oak Bluffs would be one of the first small towns dealing with them. She said the cost would be between \$50,000 and \$60,000, and there would be a precise figure by early February. Jevon said getting an evaluation of various assets would help in getting future grants. Joan said having a figure of what was being protected would have helped the North Bluff project. She said it would help in selling projects, as well as getting funding.

Invasive Species in Eelgrass

Joan said this was not an Oak Bluffs specific problem. Jevon said Dave is pro-active in dealing with these kinds of things. He said, whether or not it should be a project involving more towns, he didn't think it qualified for CPA funds. Joan suggested asking Dave what he had to say about the project qualifying. Charles said it might be a health department issue. Joan said it's also just a study which doesn't have a further CPA application, and is more science for science's sake. Jevon said the only category it could possibly come under is preservation but didn't think this referred to one's body.

Oak Bluffs School Athletic Fields Study

Marie questioned whether there a problem with the limited public access. Jevon said that was discussed with the High School track project (that was approved).

Alison said grants have been given to the M.V. Museum and Trinity Church, which limit access. Margaret said there is nothing in the CPA law requiring public access.

There was some discussion that this should be in the school budget. Joan said the school was not planning to raise money for doing the actual work. Marie said the school might be trying to get this done without increasing the school budget. Amy wondered if the CPC would be willing to fund the work if the design were done. Jevon said the CPC is not supposed to be funding studies unless it intends to fund the work. Amy said the school would probably never get the project done if they had to come up with all the funds to do the actual work, but might fund a study if they could come back and ask for some part of the funds for the work. Jevon said the argument could be made that Parks, or town money, should have covered the Niantic renovation, and also used for preserving town documents, and that it could be said for all the CPA projects. Joan said athletic fields are always the ones that get the money rather than the arts department, and that the school should decide what its priorities are. Marie agreed, but said there is use by the public in the summer.

Maura said the school budget is squeezed in this town, and that they will have to maintain whatever is built. She said soccer and lacrosse groups will be asked for money because they use the facilities multiple times in the week. She said the work should be funded through capital improvements rather than through the school budget. Joan said the CPC has not put a lot of money into affordable housing, and they need to decide which larger projects it agrees to support. In response to Maura's question as to whether the committee does not want to fund the same project year after year, Joan said they want applicants who look for other sources of funds, who will do fundraising, and for whom a grant would be seed money. Amy said she would like to see the school get started cleaning up the fields, to the point where they can be played on. She said a soccer field in OB is needed. Maura said a soccer field can't be done because of when seeding happens, so it may end up being a smaller project. Jim said if the CPC funds this application, they need to be prepared to fund future work. Maura confirmed it was not part of the school's request to the Capital Improvement Committee.

Parks Accessibility Study:

Amy said this is what Liz needs to do to get the town in compliance. Joan said this came out of the revised open space plan, that universal access is now needed, and there is no plan for that. Amy said the building inspector is on top of handicap access in town. She said when they planned for stairs to Pay Beach, they didn't know that they would have to provide handicap accessibility to the beach. She said they are still fighting about Niantic Park playground surface with the State as far as being acceptable for wheelchairs.

Sailing Camp Park Trails:

Joan said this would finish the Sailing Camp trails project, and that they would ask for help in designing signs.

Kuehn's Way, cont.:

Jim said the original CPA legislation says "Real property interests acquired by this chapter shall be owned and managed by the city or town..." and that this application is for the purchase of the property, so the CPC shouldn't be doing it. Margaret referred to an email from Stuart which said "the town isn't buying the land, it is merely making a grant to help IHT create affordable housing." Jim said, in the application, IHT is using the money to purchase the land. Marie said there is a precedence, with the Water Street and upper State Road apartments, that the towns that contributed received a priority to access an

apartment for someone who lived or worked in the town. Joan said the language Philippe used in the application was legally correct for CPA eligibility. She said he has already paid for the property. Charles said Stuart also mentioned the anti-aid amendment, and suggested the CPC ask Michael about both issues. Amy questioned why the island couldn't ask for regionally funded projects to count as affordable housing in more than just the town where the project is being done. Marie said there is presently an island-wide housing work production group, and that they are trying to see if the state would accept a work production document that was island-wide. Peter said the presumption is that if OB helps fund affordable housing in other towns, when OB does a larger project, other towns will help OB, and that would be a wash on the 10% AH requirement. Jim asked if the town should be using tax-payers' money to fund affordable housing in other towns. Jevon said the theory is that the other towns would subsidize an OB project another year, but that using OB funds for another town's project means that money isn't available to do an OB project. Jim said he didn't think they should be spending CPA money to buy land in another town. Joan said it's worth asking Michael, but the bigger question is whether they want to spend money on AH outside OB, which is why the AH Trust was started. In answer to Maura's question about comparing how much AH money island towns are spending in other towns, Alison said OB hasn't spent any in another town. She said this project is so large and unique, that they are looking at it differently.

Jim said he would like to make a policy about how much CPA money could be used for regional projects, like Chilmark has. Charles suggested, if they do give the money, they make a condition that IHT make a serious effort to do some AH in OB. Marie said they are very interested in doing something in OB. Joan questioned whether the IHT umbrella would be used for an OB project, or their own, as some people have a philosophical difference with IHT. Jim questioned what would happen if IHT goes out of business, as far as money given outside the town. Joan said there is currently a professional organization to run rentals, but it could be a problem if they weren't there. Marie said some homeowners who got soft loans through Island Housing Fund, which basically doesn't exist anymore, are having problems in refinancing. The meeting was adjourned at 8:30 p.m.

The next meeting was scheduled for Monday, February 8 at 7:00 p.m. [rescheduled to 2/22 due to storm]