

Community Preservation Committee minutes of meeting on February 24, 2016

Present-Bea Phear, Gary Montrowl, Glenn Hearn, Cheryl Lowe, Tara Whiting

Also Present-Graham Houghton-rep. the West Tisbury School, Bruce Stone-Town Accountant and Prudy Burt-WT taxpayer

Absent- Lesley Eaton, Scott Stearns, Dale Julier and Sean Conley

Bea asked if anyone objected to rearrangement of the order of the agenda to accommodate Graham, Bruce and Prudy, in attendance to discuss the West Tisbury Playground project. There were none, so Bea asked Graham to proceed with his presentation.

New Business:

Graham presented the school's application for CPC funding to replace the "Big Toy", at the playground. He apologized on behalf of the school for the late application in the fall. He presented pictures of the apparatus which will, according to the figures presented by the school, cost \$295,000. He stated that they are looking for any or all of \$160,000 to supplement the \$110,000 raised by private donations and \$40,000 to be raised and appropriated by Chilmark and Aquinnah at their Annual Town Meetings. If the project is approved by the West Tisbury CPC, they will request that the Public Petition (Article XX for \$160,000) be amended so that funding would be from CPA rather than from the town's general fund.

Bea asked if there was a quote available. Graham said that he didn't have a written quote but that the cost is \$295,000. Gary asked about options to pick and choose what is installed now with the possibility of updating the equipment in stages. Graham said he could email Donna and request that information for the committee.

Bea explained the frustration of the CPC, citing that there had been no follow up to their request for a more modest plan. She also cited that the school had missed the deadline to timely file an application and now the project was being presented as an "emergency".

Bruce explained that the amount of funding requested from Chilmark and Aquinnah is based on the Island regional formula which uses the numbers of students from each town to account for costs for the WT School budget. He stated that the Board of Selectmen had turned down the school's request for an ATM warrant article for two reasons; 1) the playground is a viable and appropriate use of CPC funds and the Board recommended utilizing these funds and 2) the town is very close to reaching the levy limits imposed by Proposition 2 ½ already. He further stated that if the Public Petition were to pass, the town would have to vote a \$150,000 override. He said that if the override did not pass, the town would need to cut budgets by \$150,000. He stated that Donna Lowell-Bettencourt, West Tisbury School Principal had come to the Capital Improvements Committee to discuss the playground and was asked to seek CPC funding first.

Bea mentioned that she was told that the equipment was "condemned" and asked Graham if this was true. He said that the equipment was still usable but that it had been patched and repaired many times and was basically "beyond its shelf life".

Bea went over the following options; 1) Prop. 2 ½ override 2) Budget cuts 3) CPC funding of the project via an amendment to the Public Petition on Town Meeting floor.

Tara brought up the fact that the school has put the CPC in a difficult position, stating that they have had two years to work on this project with the CPC. She expressed frustration with the school for leaving this as an “emergency” that now has to be dealt with.

Bruce explained that the town is down to only \$50,000 in reserve funding and that utilizing available CPC funding for this project would relieve the already overburdened taxpayers.

Pam cited the fact that CPC funding could not address the many maintenance issues that the school is facing but that it can be used for Open Space/Recreation at the school.

Bruce mentioned that the school has been making great fundraising efforts in an attempt to decrease the burden on West Tisbury taxpayers.

Prudy expressed her frustrations as a taxpayer, saying that when the Board of Selectmen said no to a warrant article for the project, the school should have respected that out of fiscal responsibility to the townspeople. She asked if the school could step back, remove the Public Petition warrant article, and go through the appropriate process to obtain regional CPC funding.

Bea said that this is a possibility

Gary stated that pushing the project back to 2017 may not be addressing the issue, i.e.; the scope and cost of the project. He suggested, as a member of the Fincom, that any taxpayer relief that CPA funding would allow may justify this use of funds.

Glenn made a motion to fund the project in the amount of \$50,000. There was no second to the motion.

Tara clarified that \$110,000 was raised in private funding and that she is in favor of alleviating the tax burden as long as the language used in amending the Public Petition is very specific.

Bea stated that the project is eligible and that the children should have a safe and adequate playground. She added that in her opinion, it is a good use of CPC funds.

The Committee then discussed approving the project with the contingency that the additional funding necessary to complete the project be in place prior to the use of CPC funds.

Gary made a motion to fund \$145,000 for the project contingent upon the school raising the remaining \$150,000 from other sources prior to release of the funds. Cheryl seconded the motion. The motion was approved unanimously.

Prudy suggested that the school have a concrete site plan for taxpayer review at the ATM so that they are fully aware of what they are voting on.

Graham agreed. The committee thanked him for coming to represent the school.

Gary brought up the fact that the entire island community will benefit from the improvements at the playground.

The use of CPA funding for the Fire Station Lots Affordable Housing project was discussed, along with whether money should be handed over to the Affordable Housing Trust so that it is available for their use without having to wait for a town meeting. Bruce stated that the language in the upcoming Request for Proposals, (RFP), could include reference to funds available after a Town Meeting. Glenn said he thought that having money readily available was prudent while various members cited the desire to have control over where the funds were being spent so as to ensure CPA eligibility.

Prudy commended the CPC for their thorough deliberation regarding the school playground issue.

Minutes:

The minutes of the meeting on January 27, 2016 were reviewed and approved with 2 abstentions; Tara Whiting and Cheryl Lowe.

Invoices:

The following invoices were approved for payment;

Dukes County Regional Housing Authority-RA-March \$5,785.00

Martha's Vineyard Times-\$500.00

Administrative Assistant Payroll-\$1,440.76

County of Dukes County Windows Phase II-\$3,100.06

County of Dukes County Electrical Upgrade-\$1,826.06

Correspondence was reviewed

It was clarified that Bea, Pam and Bruce would meet to collaborate on the wording of the Public Petition Amendment, send it to town counsel for review and then put it on the agenda for the March meeting. The CPC could then take a vote on the amendment.

The meeting adjourned at 6:45 pm

Respectfully submitted,

Pamela Thors

Administrative Assistant



Church & State

Mass. Church Gets New Windows Courtesy Of The Taxpayers

January 2014
People & Events

A Massachusetts court has ruled that it's not a violation of the state constitution for a church to receive taxpayer money to finance a restoration project, including its stained-glass windows.

Trinity Methodist Church opened in Oak Bluffs on Martha's Vineyard in 1879, and it remains an active congregation to this day. As will happen with old buildings, it's overdue for some repairs, and its stained-glass windows are in need of restoration.

Oak Bluffs officials allocated \$32,000 in tax funds under a program called the Community Preservation Act to help refurbish the church. The money comes from a surcharge on local property taxes.

Ten area residents didn't approve of this plan, and they sued to block public funds from being handed over to a church. They noted that although Trinity Methodist is an old building, it's not a museum. It holds worship services every Sunday morning.

Superior Court Judge Richard T. Moses ruled in November that blocking the church from getting the money "wouldn't be in the public interest," the *Vineyard Gazette* reported.

In handing down the ruling, Moses overlooked the Massachusetts Constitution, which calls for strict church-state separation.

"No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned," reads that document in part.

It goes on to say, “[N]o such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society.”

The lead plaintiff in this case, Brian P. Hughes, told the *Gazette*: “There seems to be no end in sight. One can imagine that eventually every old church in Massachusetts will seek to maintain its physical structure with public monies. There is a significant difference between a sectarian entity raising money voluntarily from the general public to preserve an historic church and compelling citizens to maintain a church through taxation.”

In a “Wall of Separation” blog post, Americans United Assistant Communications Director Simon Brown said the town needs to find a way to restore the church with private funds.

“If Trinity Methodist Church is so beloved by its community, then those individuals who want to fix the church’s windows should find a way to repair them – with their own money,” he said. “If the community won’t pay for the restoration voluntarily, then maybe the community doesn’t value the church as much as some people would claim.”

Issues:

Constructing and Refurbishing Buildings Used for Religious Activities

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