

PUBLIC NOTICE POSTING REQUEST
COMMUNITY PRESERVATION COMMITTEE
TOWN OF WEST TISBURY, MASSACHUSETTS

DATE: May 26, 2021 **Time:** 5:30 pm
LOCATION: Virtual Meeting via ZOOM – Please see Page Two of Agenda to join
PURPOSE: Regular Meeting
REQUESTED BY: Heidi Dietterich

All meeting notices must be filed and time stamped in the Town Clerk’s Office and posted on the Municipal Bulletin Board 48 hours prior to the meeting. (In accordance with Chapter 303 Acts of 1975.)

AGENDA

Call to Order

Old Business:

1. Review Minutes of April 28, 2021 Meeting, p. 3
2. Search Committee Update

New Business:

1. Review CPC Membership and Terms, p. 5
2. Review of Town Meeting, MV Shellfish Group--Warrant Article, p. 6
3. Liaison Chart Update
4. Receive Project Budget History

Adjourn

Time will be reserved for topics the chair did not reasonably anticipate.

Next Meeting Scheduled: August 25, 2001 – 5:30 pm – Howes House

West Tisbury is inviting you to a scheduled Zoom meeting.

Topic: Community Preservation Committee

Time: May 26, 2021 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/91049723975?pwd=d2x2aW5XTnA5QVArVklRVmdBeFc1Zz09>

Meeting ID: 910 4972 3975

Passcode: 000249

One tap mobile

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+16465588656,,91049723975#,,,,,0#,,000249# US (New York)

Dial by your location

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+1 646 558 8656 US (New York)

+1 301 715 8592 US (Germantown)

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Meeting ID: 910 4972 3975

Passcode: 000249

Find your local number: <https://zoom.us/j/ab0LX0nUin>

Town of West Tisbury
Community Preservation Committee (CPC)
Meeting Minutes – April 28, 2021, 5:30 pm
Virtual Meeting via Zoom

The meeting was called to order by Chairman Cheryl Lowe, at 5:32 pm.

Present: Bea Phear, John Rau, Ted Jochsberger, Doug Ruskin, Cheryl Lowe, Jeffrey DuBard, Mary Sage Napolitan

Others: Heidi Dietterich, Administrative Assistant, Ashley McKenna, MVCMA

Old Business:

The Committee reviewed the minutes from the March 26, 2021 meeting. Cheryl Lowe asked if the Committee had any changes or corrections to the minutes. On a motion made by John Rau, seconded by Beatrice Phear, the Committee approved the minutes, with Doug Ruskin abstaining.

At the March 26 meeting, there was an interruption on the zoom platform, causing the meeting to adjourn without completing the agenda, the meeting was called to order again on a second zoom call. With all the same attendees at the second meeting, the Town Clerk suggested the items unfinished on the agenda be reviewed at this April 28 meeting for clarity.

The Committee reviewed the Angela Aronie letter, which had been sent out. There has been no response from Ms. Aronie. On a motion made by Doug Ruskin, seconded by Beatrice Phear, the Committee unanimously approved the letter. The Committee then reviewed the West Tisbury CPC policy on Affordable Housing. On a motion made by Doug Ruskin, seconded by Beatrice Phear, the Committee unanimously approved the policy.

A review of the Charter School request to change the use of appropriated funds from the warrant article's definition as approved at the 2020 Town Meeting had been addressed. The Charter School could not change the use of these funds. Dietterich had sent correspondence to the School and they will be applying for additional CPC funding in the Fall of 2021.

New Business:

The Committee reviewed the proposed 2021-22 CPC meeting dates. No changes were made to the proposed dates.

Liaisons to Town meeting projects were reviewed. Town Meeting is scheduled for May 18, 2021, 5:00 pm, at the Tabernacle. Beatrice Phear said the applicants should be ready to address questions, but not give any presentations. This keeps Town Meeting shorter, and also, the public trusts the CPC's recommendations to the Town and there is no need for applicants to make an additional presentation. John Rau indicated he may not be able to attend Town meeting. Doug Ruskin asked if a project that was being recommended had a citizen ask that it be funded at a higher amount, what would happen, and is that allowed? The Committee asked Dietterich to follow up with the Town Clerk or Town Moderator to address this question.

The Committee then received a letter of resignation from the Administrative Assistant, Heidi Dietterich. The Committee shared their regret at this news. Moving forward, the Committee set up a Search Committee, to include Jeffrey DuBard, Beatrice Phear, John Brannen, Ted Jochsberger and Cheryl Lowe. Dietterich was to let Jen Rand know as soon as possible. Bea Phear asked that the Committee think about any person they might know that might be qualified and interested in the position.

With no further business, the Committee voted unanimously to adjourn at 6:08 pm.

Respectfully submitted,

Heidi Dietterich
Administrative Assistant

**Town of West Tisbury
Community Preservation Committee
Membership List – March 2021**

<u>Name</u>	<u>Term</u>	<u>Email/Address</u>	<u>Phone</u>
John Brannen Cons. Comm.	2018-2021	brannjv@gmail.com PO Box 752 West Tisbury, MA 02575	508-696-7776
Nancy Dole Hist. Dist. Comm.	2019-2022	nlouisedole@gmail.com 69 Rogers Path Vineyard Haven, MA 02568	508-693-3304 508-742-8695
Mary Sage Napolitan At Large	2021-2024	mscnapolitan@gmail.com 153 Oak Lane West Tisbury, MA 02575	774-563-0809
Doug Ruskin Fin Com	2020-2023	doug.ruskin@gmail.com PO Box 1185 West Tisbury, MA 02575	508-687-9301
Ted Jochsberger DCRHA	2018-2021	tjochsberger@aol.com PO Box 1165 West Tisbury, MA 02575	508-687-9746 917-856-5150
Jefrey DuBard Affordable Housing	2018-2021	jbdubard@me.com 301 South Gate Road West Tisbury, MA 02575	617-817-1668
Cheryl Lowe At Large.	2020-2023	clowe@mvinurance.com PO Box 3 West Tisbury, MA 02575	774-563-0525
Beatrice Phear Planning Board	2018-2021	beaphear2@gmail.com PO Box 1029 West Tisbury, MA 02575	508-693-3791
John Rau Parks & Rec.	2020-2023	jrau@raulaw.com 29 Sachem Circle West Tisbury, MA 02568	561-310-6749
Heidi Dietterich Admin. Asst.		cpa@westtisbury-ma.gov PO Box 278 West Tisbury, MA 02575	774-563-0121 c. 508-696-0100 x120

Revised: 3/19/21

Email correspondence regarding MVSG warrant article #44 – dated 5/15/2021

Hello Committee—

Ron Rappaport's office contacted me yesterday afternoon around 3:00 pm. Apparently, Michael Goldsmith had reviewed the MV Shellfish Group's request for CPC funding back in November and had deemed it ineligible—his comments are below. His offices did not let us know of that determination at that time. After hearing from Mr. Rappaport, I asked Heidi to contact Stuart Saginor's office and he responded around 8:00 pm Friday evening. He was in 100% agreement that the Shellfish Group's project is ineligible. With all the consideration given to this at the CPC meetings, it is too bad we were not aware of this determination until late yesterday.

This timing does not allow the committee to meet before Town meeting to discuss this. That being said, the CPC's recommendation to fund the warrant article #44 for the MV Shellfish project needs to be withdrawn. I will contact the Town Moderator and let him know prior to Town Meeting.

Doug as liaison is contacting Emma Green-Beach about this, so she will be aware of what has happened.

If you have any questions or concerns about this, please let me know.

Best regards,

Cheryl Lowe

Comments from Michael Goldsmith:

You and various other administrators have asked whether the proposed project/application from the MV Shellfish Group to replace the seawater lines at the John T. Hughes Hatchery qualifies for funding under the Community Preservation Act (G. L. c. 44B)(the "CPA"). The application seeks open space/recreational use funds. Although a worthy project, I am constrained to conclude that I do not think it is CPA eligible.

Section 5(b)(2) of G. L. c. 44B provides that town meeting (after CPC recommendation) can approve the use of CPA funds for the "acquisition, creation, preservation, rehabilitation and restoration of land for recreational use." "Rehabilitation" is defined broadly, "includ[ing] the replacement of . . . facilities [on land for recreational use] which make the land or the related facilities more functional for the intended recreational use." (E.g., playground equipment qualifies because it allow children to use *that particular playground* for exercise.) The definition of "real property" also includes "appurtenant structures and fixtures".

The problem is that, here, CPA funds are not going to be used to make the land or fixtures themselves where recreational activities take place to be more functional for recreational use. The applicant states that the beach used by the public is owned by the Land Bank and that the Hatchery itself is not open to the public, except for a limited number of professionals. The purpose of the project is to improve the related fixtures so that seed can be propagated for recreational pursuits on *other* lands or areas, presumably to which the public has access. The asset itself is not "land for recreational use". Unfortunately, in my view, the application does not meet the statutory language.