

**West Tisbury Affordable Housing Committee  
Dec. 20, 2022 Minutes**

**Present:** James Klingensmith, Jeffrey Dubard, Larry Schubert, Rise Terney, Ivory Littlefield, Amy Upton

**Absent with Regrets:** Mike Colaneri and Alex Bullen

**Also Present:** Rhonda Conley, Members of Island Housing Trust (Keith McGuire and Philippe Jordi)  
Attorney Caroline Flanders, Simon Bolin, Kanta Lipsky, Laura Silber, Sara Rosenthal and other members of the public

Terney made a motion seconded by Dubard to accept the minutes of Oct. 10, 2022 as written.

**VOTE FIVE YES 0 NO 1 ABSENT**

Schubert made a motion seconded by Terney to accept the minutes of Nov. 29, 2022 as written.

**VOTE 5 YES 0 NO 1 ABSTAIN**

**INVOICES**

Conley presented an invoice of \$1,338.00 from Town Counsel for work on the covenant of 229 Old County Rd. and the resale of 15 Rock Pond Rd. **Dubard made a motion seconded by Schubert to pay Town Counsel invoice of \$1,338.00. VOTE 5 YES 0 NO 1 ABSENT**

**ANNOUNCEMENT AND CORRESPONDENCE**

**Appreciation Letter:** Klingensmith presented a letter to Ted for all his work with the committee and regrets that he was stepping down from the committee. He asked that members stop in the Town Hall lobby and sign such letter.

**Request Time Off:** Conley asked that she be permitted to take time off from Dec. 21 to Dec. 31 for the holiday. Schubert stated that the committee chair should make decision involving her request. Klingensmith agreed to let Conley have the time off.

**NEW BUSINESS**

**Budget:** Klingensmith led a discussion of the new budget for the upcoming year. He stated as the work load increases for the Administrator Assistant that the hours should be increased by ten (10) hours per month. He also suggested that the committee should take steps to make this a half time position. He stated that he would follow up with the Personnel Board.

**New Position and Budget:** Schubert stated that if a new position is being suggested that legally it would have to be advertised to fill. Schubert would prefer to increase the hours to 50 a month and not create a half time position. Upton would like to keep it the way it is with an increase of hours to 60 per month. Terney questioned the being in office time need as Conley is doing work at home and on weekends. Reasonable time in the office is important. Conley stated that she is in the office Tues. afternoons 2 to 6 or 8 PM and Thurs. morning 8:30 to 12. Conley stated that it is rare to have any office visits from anyone. She may get one a year.

Klingensmith is wanting and asking for half time position placing the hours at 20 hours per week. Schubert suggested to increase the hours to 60 without making a half time position. Later make a different position. **Dubard made a motion seconded by Schubert to increase the Personal Services on the Budget 60 hours a month and withdraw half time request. VOTE 6 YES 0 NO**

Terney asked that Klingensmith find out about half time such as overtime from the Personnel Board.

**Schubert made a motion seconded by Dubard to increase the Expenses to \$3,200.00 as noted**  
Professional and Technical Services-- \$150.00, Professional and Technical (training seminars)- \$600.00,  
Communication-Postage/Shipping- \$75.00, Communication-Notices/Ads- 1,600.00, Office Supplies-  
\$100.00, Travel- \$675.00. Legal Services- \$6,000.00. Legal Services was separately voted. **Dubard made**

*a motion seconded by Upton to increase the legal budget to \$6,000.00 as other projects are developing and older affordable housing is being put under newer covenants or transferring hands.*

**VOTE 6 YES 0 NO**

*Upton made a motion seconded by Dubard to go forward with submitting the budget with changes requested with total budget-\$40,618.40. VOTE 6 YES 0 NO*

## **ONGOING BUSINESS**

**15 Rock Pond Rd.:** Schubert and Littlefield did an inspection of the home (see attached report). Christy Phillipps is due back Dec. 23rd and Klingensmith suggested when she returns that a walk through is done with her. He suggested no movement forward until then. Terney asked Schubert for a summary of his inspection. Schubert stated that some present building codes would not be enforced with older homes that were built before these present codes. Examples he gave was a 20-year-old home that the grade of the lot has changed and would not meet present code but would not be punished for such. Where an unsound roof is concerned needed repairs would have to be addressed.

**401 State Rd.:** McGuire(IHT Rep) updated the committee on finding a design company. He believed an agreement would be reached by next week (12-27). The company has walked the grounds and looked over the property. He hopes that the designers will join the Jan. 24th AHC meeting. Klingensmith said there is a possibility that the committee may need to meet more often as this project progresses.

**Short Term Rental Tax:** Dubard spoke to the concept he set forward at the Nov. 29th meeting (see attached). He proposed 75% of town short term tax be given to the Affordable Housing Trust. Schubert asked questions as to how much is in trust now and what can that money be spent on. He also said there will be push back as others will be vying for public funds usage. Terney agreed with Schubert that the AHC should hone in on the whole package and ask for 100% of the tax. Dubard stated that a warrant article needs to be submitted. ***Upton made a motion to move forward with warrant article while Littlefield asked about approaching the Select Board. Upton made a motion seconded by Dubard to ask the AHT to ask for 100% of the short-term rental tax from the Select Board with a town warrant request which would need to be voted upon every year at town meeting. VOTE 6 YES 0 NO***

Ruskin stated that having to renew the warrant every year would be a good selling point. Dubard will work on talking points and present to others.

**Alternate AHC members:** Klingensmith introduced two possible candidates (Kanta and Simon Bollin) for the open positions on the committee. Kanta has served on several committees (Ancient Paths, Byways Committee). She stated she is interested and excited with what is going on with the AHC and believes she is ready to be on the committee.

Bollin having going through the homesite building process is very interested. He feels that the AHC is important and one who has went through the process could be an asset.

Schubert suggested that there be a discussion in 2 weeks (**actually** 3 weeks) Jan. 10th. of who takes positions. Upton reported that Alex Bullen may need to quit as she cannot come regularly. This time is tough for her. Upton will follow up on Bullen status.

Adjourned at 7:58P.M.

The next AHC meeting will be Jan. 10, 2023 at 6:30 P.M. via zoom.

See agenda for zoom information.

**Approved Jan. 10, 2023**

## **Attachments**

15 Rock Pond Rd. Inspection Report is posted separately  
1 Budget

**Town of West Tisbury**  
**FY 2024 Budget Request Submission**

Submitted by (Department/Committee):           Affordable Housing Committee

Name of Person Submitting                   James Klingensmith (Interim Chair)

Date Approved by Department/Committee   \_\_\_\_\_

**Narrative:**

Please give a brief narrative explaining any significant changes to your department/committee expected to occur in FY 2024 and the budgetary impact of them. This should include any changes to revenues (fees and grants).that will offset the net cost to the town. Especially note any proposed changes to your department or committee staffing . **Also describe any major accomplishments or information on the activities of your department/committee that would be helpful to the Selectmen and Finance Committee. . (Feel free to do as separate attachment)**

**Personal Services**

The need for more hours 60 instead of 40 per month due to the increase of work involved in general (the load of correspondence, various housing organizations, affordable homeowners and the public). Other needs this year are for document revisions to bring up to date, attendance at training seminars for affordable housing and a new and ongoing project (401 State Road, Accessary apartments, etc.). Calculated by Town Accountant to be \$31,418.40.

**Expenses**

**Professional & Technical (services): \$150.00** As a new project is in progress and may require these services the committee is asking for a small amount in case of need

**Professional & Technical (training/seminars): \$600.00** As things change such as affordable housing laws and housing banks, the necessity to stay in touch with the present standards and rules are of importance.

**Communication-Postage: \$75.00** As accessory apartments are monitored by the Affordable Housing Committee a need for postage to send affirmation of the use of the apartments every year is needed.

**5346-Communications-Notices/Ads-\$1,500**

**5420-Office Supplies: \$100.00** Though this has not been part of budget over the years the need is now due to the increase in office material use

**5490-Food and Food Supplies-\$75.** For Training Travel

**5710-Travel: \$600.00:** Due to the need to attend training and seminars

**5305-Legal Services-\$6,000.00**

Anticipate increase in Legal needs with current Projects and completing some old projects. Also need for unanticipated or unforeseen needs. This is an increase of \$1,100 from where we are now.

**Attachment 2 15 Rock Pond Letter**



**TOWN OF WEST TISBURY**

AFFORDABLE HOUSING COMMITTEE

P. O. Box 278

West Tisbury MA 02575-0278

508-696-0102

[affordhouse@westtisbury-ma.gov](mailto:affordhouse@westtisbury-ma.gov)

September 15, 2022

Christy Phillipps

Via E-mail ([coastit@gmail.com](mailto:coastit@gmail.com)) and Certified Mail

*Re: 15 Rock Pond Road, West Tisbury*

P.O. Box 242

West Tisbury, MA 02575

Dear Ms. Phillipps,

As outlined in a letter from the West Tisbury Affordable Housing Committee dated July 27, 2022, the previous and continuing rental of the property you own at 15 Rock Pond Road, West Tisbury (the "Premises") constitute a default and violation of the Affordable Housing Deed Rider, by and between you and Island CoHousing, LLC and its assignees and designees, the Town of West Tisbury (the "Town") and Dukes County Regional Housing Authority ("Monitoring Agent"), dated April 12, 2000 and recorded in the Dukes County Registry of Deeds in Book 795, Page 9 (the "Deed Rider"). Clause 7 of the Deed Rider provides, in relevant part:

**"The Property shall not be leased, refinanced, encumbered (voluntarily or otherwise) or mortgaged without prior written consent of the Monitoring Agent [DCRHA]... Any rents, profits, or proceeds from any transaction described in the last preceding sentence which transaction has not received the prior written consent of the Monitoring Agent shall be paid to and be the property of the Monitoring Agent."** (Emphasis added).

You have been renting the Premises without permission from the Monitoring Agent since at least 2018 (and you have rented the Premises since as early as 2006). The Monitoring Agent approved a rental for a period of six months over the winter of 2019-2020 (contingent upon you providing the Monitoring Agent information necessary to income certify the tenant, which information was never produced), with the agreement that you would thereafter sell the property as you did not intend to live at the Premises. That approval from the Monitoring Agent expired in or around May of 2020. Since May of 2020, you have continued to rent the Premises without permission from the Monitoring Agent. It is my understanding that the rent collected has been in the amount of at least \$1,550.00 per month.

The Deed Rider grants the Town broad authority to enforce the terms of the Deed Rider. Pursuant to such enforcement rights, this letter serves as a demand letter, requesting that you pay all rents collected pursuant to the unauthorized renting of the Premises to the Monitoring Agent. No later than October 1, 2022, please deliver a certified or bank check in the amount of \$43,400.00 representing the total rent collected at the rate of \$1,550.00 per month from June 2020 through September 2022. (If rent has been increased or decreased over the years, please let me know so we can adjust this figure accordingly). By October 1, 2022, please deliver the check payable to "Dukes County Regional Housing Authority" via hand delivery to Town Hall, c/o Jennifer Rand, Town Administrator.

If the Town does not receive the foregoing funds by October 1, 2022, the Town has instructed Town Counsel, cc'ed here, to file a complaint with the Dukes County Superior Court seeking collection of the same.

Sincerely,

Chair

West Tisbury Affordable Housing Committee

cc: Town Counsel, Ronald H. Rappaport ([rrappaport@rrklaw.net](mailto:rrappaport@rrklaw.net))

Select Board: Jennifer Rand, Town Administrator ([TownAdmin@westtisbury-ma.gov](mailto:TownAdmin@westtisbury-ma.gov))

Dukes County Regional Housing Authority, David Vigneault ([david@housingauthoritymv.org](mailto:david@housingauthoritymv.org))

### **Attachment 3**

#### **Short Term Tax**

**Short Term Rental Tax:** Dubard led a discussion into allocating short term rental taxes into affordable housing. His reasoning is that the area's greatest problem is housing. He wanted the okay of the committee to move forward in pertain those monies through a warrant asking for 75% of such tax. He stated that he has explored this with Chilmark who is interested. He is hoping to get a consensus of all island towns. The one catch he found is that this warrant article would not be in perpetuity but would need updated and voted every year.

Schubert requested that Dubard have a document to look at and discuss at the next meeting to draft a warrant article. Schubert, after committee discussion, AHC approach the Select Board for discussion.

Schubert stated at present the funds all go into the town general fund to help offset taxes. How much the tax brings in will need to be discovered. Select Board will want clear numbers on use in general funds and what passes at town meeting will need the figures replied Schubert.

It was asked that this be put on agenda for next meeting.

Upton asked about the concept of short term. Dubard explained that it is about zoning and restrictions of housing and funding of housing through other means besides CPC funds.

Ruskin said this is not for Housing Bank which is still in legislation but for towns who should be in charge. Points need answers: need to know current funds, present usage, support for all money on affordable housing or a percentage. Schubert suggested to maybe invite Select Board for numbers. Producing funds for building purchases and renovations. Dubard stated he will work on a draft article and thanked everyone for their opinions.