

Approved 9/29/21

Town of West Tisbury
Community Preservation Committee (CPC)
Meeting Minutes – August 25, 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, Ted Jochsberger, Cheryl Lowe, John Brannen, Mary Sage Napolitan, Doug Ruskin, John Rau

Others: Sara Fuschetto, Administrative Assistant

Old Business:

The Committee introduced themselves and the board they represent to Sara Fuschetto, the new Administrative Assistant.

The Committee reviewed the minutes from the May 26 and June 23, 2021 meetings. Cheryl Lowe asked if the Committee had any changes or corrections to the May minutes. On a motion made by Beatrice Phear, seconded by John Brannen, the Committee approved the May 26 minutes as presented. Doug Ruskin was absent and abstained. A note was made that Doug Ruskin would be abstaining from votes involving Kuehn's Way or any Island Housing Trust project.

The June meeting minutes included voting in Sara Fuschetto's hire to Administrative Assistant and a vote for the Harbor Homes funding request. Mary Sage Napolitan and John Rau were mistakenly listed as not present. Doug Ruskin abstained from the Harbor Homes funding request. Mary Sage Napolitan noted the Committee had advocated how to pay the incoming administrative assistant. The Committee discussed implementing Sara Fuschetto's pay grade at the highest level possible. On a motion made by Doug Ruskin, seconded by Beatrice Phear, the Committee approved the June 23 minutes as amended with a unanimous vote.

Present for May 26 meeting: Cheryl Lowe, Ted Jochsberger, Bea Phear, John Rau, Mary Sage Napolitan, John Brannen. Doug Ruskin abstained.

Present for June 23 meeting: Cheryl Lowe, Ted Jochsberger, Bea Phear, John Rau, Mary Sage Napolitan, John Brannen, Doug Ruskin.

New Business:

The Committee introduced themselves and the boards they represent to Sara Fuschetto, the new Administrative Assistant.

Cheryl Lowe opened the discussion to reappointments. Bea Phear said she has already been reappointed with the Planning Board, as mentioned in the May 26 minutes. John Brannan, Conservation Commission, confirmed his reappointment. Jeffrey Dubard, Affordable Housing, was not present to confirm his reappointment. Ted Jochsberger, Dukes County Regional Housing Authority will confirm with David Vigneault to confirm his reappointment approval. Cheryl mentioned that Ted would have also been reappointed as liaison to the CPC committee.

The Committee had received a Request for Funds from the Island Autism Center project. The Island Autism Center had submitted this request for \$100,000 and since it was above the \$10,000 threshold, the full committee needed to review the invoice. Cheryl Lowe indicated that formal policy should be implemented for any request for funds over \$10,000 so we don't have to research prior policy consideration. Bea Phear moved that all requests for reimbursements from grantees below \$10,000 be approved by the liaison and the chair, and all requests for reimbursements above \$10,000 be approved by the full committee. John Rau seconded, and the Committee unanimously voted yes on formal policy on requests for \$10,000 and above.

Cheryl Lowe directed the discussion back to the Island Autism request, and John Brannen asked if we have all documentation for the buying of the property. Bea Phear said the purchase has gone through. John Rau asked about the relationship to Island Housing Trust and asked if Doug Ruskin could speak to that. Doug said we could obtain documentation from Phillipe, and that the Finance Committee was simply a lender and loaned them money to bridge the time until CPC funds were available. John Brannen inquired if the Island Housing Trust money is then returned to the Finance Committee. Doug Ruskin confirmed yes, and said that is why he isn't voting. John Brennan clarified that the money goes through the Island Autism Center to the Island Housing Trust. Bea Phear said the Island Autism Center is our applicant, and as such we pay them the money for the purchase of the property and then they can pay off their lenders.

Bea Phear moved that we approve the Island Autism Center payment. John Rau seconded the motion. Ted Jochsberger, Cheryl Lowe, John Brannen, and Mary Sage Napolitan approved, with Doug Ruskin abstaining.

John Rau said we have a copy of the deed for 550 Lamberts Cove Road for the Island Autism Center, and this is a deed adopting affordable housing restrictions. John Rau asked if we required them to keep this as an autism center in perpetuity, or just for affordable housing. John Brannen believes it was just as affordable housing. Bea Phear confirmed we had wanted to keep this flexible in the case of the Island Autism Center dissipating, or as Cheryl noted, if

there weren't enough applicants to the program at some point in the future. In this case we could keep it as affordable housing.

Cheryl Lowe opened the discussion to the Island Housing Trust Old Courthouse rental housing.

John Rau asked the Committee to consider the case of the Vineyard Trust allegedly overpaying itself on bills submitted to the Old Whaling Church and the Flying Horses Carousel. John Rau said we should have more strenuous due diligence in effect when we pay someone out sums over a certain dollar amount. He suggested any time we see a bill like this from a grantee, we should stipulate that we would like to see the back up. It was agreed that better documentation is necessary, as well as a phone call or email to the company/entity of service to confirm the price of the bid. Doug Ruskin said he would go even further and request proof of payment. As he understands it, CPC funds are not released until the transaction is completed and therefore, we are reimbursing rather than collecting. What should be requested is a proof of payment, and the deed for Island Autism is effectively proof of payment because they could not get the deed unless the transaction closed. Cheryl Lowe clarified that in the case of the vendors on the transaction detail for Island Housing Trust, we would get the bills for the different line items as well as proof that they were paid. Doug Ruskin suggested we should formalize this with a motion and a policy. John Rau asked if this would apply to bills only above \$10,000, or to any charge. Doug Ruskin said in his opinion, all bills. John Rau moved that we adopt a policy that all requests for reimbursement must include copies of all bills that are part of the requests for reimbursement and proof of payment of those bills. Cheryl Lowe asked if we wanted to include phone calls to the vender as well, but it was felt proof of payments would suffice. Doug Ruskin asked if we want to list what a proof of payment should consist of, such as electronic fund payments. Cheryl Lowe said we could add electronic funds transfer payments to the motion. Ted Jochsberger said he is in favor of the policy but expressed concern that we were implementing this motion for this year when this was not our policy until this point. Bea Phear recalled the reimbursement form already states the original invoices were necessary for submission. The Committee had difficulty accessing the CPA website to confirm as the website was down. Bea Phear said to Ted's point, this is a reasonable request, and if the request could not be met it suggests a bigger problem. John Rau agreed with Bea, John and Doug. Ted Jochsberger said he assumed Island Housing Trust has records of expenses paid and proof of payments, but we might not be able to implement this in the case of other groups where we have not yet approved funds. John Brennan said he doesn't feel this would be a burdensome request. Ted clarified that it is not burdensome, but it might not be ethical. Cheryl Lowe said we have in the past gone back and not approved invoices because we were waiting for another piece of information. She said we try not to do that, especially if we know a grantee is on a timeline, but we have said we cannot approve because of lack of documentation. Doug Ruskin said this is quite ethical, especially considering recent events. He said we could send a letter to every open project and let them know we are voting in this policy now. Cheryl said this would be a good idea. Bea said we could attach language that invoices and proof of payment will be required to the Request for Funds form. Doug Ruskin said the form doesn't state proof of payment.

Motion amended to include proof of payment to include canceled checks or electronic transfers. Cheryl Lowe, Bea Phear, John Rau, Mary Sage Napolitan, Doug Ruskin, and John Brennan voted yes. Ted Jochsberger abstained. Sara Fuschetto will present a draft to attach to the existing Request for Funds form. Cheryl asked if we need to go back and find the list of payments made for Old Courthouse Road, and it was agreed we need to send the request back to Phillippe so they can provide proof of invoicing. Sara Fuschetto will send the request back to Phillippe and ask that it be sent back with proof of payments made and the coordinating invoices. Doug Ruskin asked that we give notice to all contacts with open projects right away so we minimize inconvenience. Cheryl offered to review wording with Sara before we send out. The Island Housing Trust will not receive a vote until next month.

The Committee reviewed the Field Fund irrigation project, which was included with invoicing from Bettencourt but not proof of payment. It was agreed that the Request for Funds should be returned with proof of payment. Doug Ruskin expressed concern with the high pricing of the list items in the invoicing. He researched selected higher priced items from the invoice and found a marked difference. Cheryl Lowe agreed, the pricing of items on the island are more expensive and there is a certain amount of markup for a Vineyard project. There was concern expressed whether anyone is reviewing the itemized prices, and if it is the Committee's fiduciary responsibility to review the pricing. John Brennan asked whether the grantee is required to put the job out for three bids before choosing the contractor because of the amount. Doug Ruskin said they are a private entity, so no. Ted Jochsberger asked if we could require grantees to have three bids going forward. John Rau suggested we add to the wording in the cover letter to the Request for Funds form, asking if the grantee has sought the better bid from several contractors. Ted Jochsberger asked if there was anything in the CPA rules that would require this. John Rau said we could ask for justification on the pricing. John Brennan said this was a slippery slope. Mary Sage Napolitan said it seemed more appropriate for the vetting of the pricing to be reviewed at the beginning of the project approval rather than when we were paying out for it. Cheryl Lowe said that in the past the CPA has determined the project too expensive, so the awarded grant was reduced. We have already decided the amount of money we will give for this project, so we can't retroactively make this decision. Doug Ruskin said perhaps we could request careful attention on the pricing going forward. Mary Sage Napolitan asked if it is our responsibility or the applicant responsibility to follow up on this. John Brennan asked where in the process should we insert ourselves in the interest of due diligence, but it doesn't hurt to say something in the beginning of the process. Doug Ruskin volunteered to draft wording on the issue. After further discussion on research and responsibility, Cheryl Lowe asked Sara Fuschetto to get proof of payment on the invoicing. Next month the Committee will revisit approval. Cheryl Lowe asked Doug Ruskin to draft wording. John Brennan signed off.

Cheryl Lowe opened the discussion to the liaison chart. Doug Ruskin said that Jeffrey DuBard is the liaison for Old Courthouse Road, which is an Island Housing Trust project. Jeffrey DuBard is now on the board of Island Housing Trust. Doug Ruskin said he would send an email following up on this. Cheryl said we would revisit the liaison chart next month.

Cheryl Lowe read a letter of thanks addressed from Heidi Dietterich for her work in the position as Administrative Assistant to the Community Preservation Committee.

Cheryl Lowe asked if we want to go back to in person meetings at Howe's House in September. Doug Ruskin said the Health Department said we are not able return to in person meeting at this time.

With no further business, the Committee voted unanimously to adjourn at 6:23 pm.

Respectfully submitted,

Sara Fuschetto
Administrative Assistant