

Fwd: Use of E&D funds for MVRHS field project

Adam Turner

Wed 10/28/2020 1:52 PM

To: Alex Elvin <elvin@mvcommission.org>;

 1 attachment

Track Design MVRHS Invoices Paid - 10-16-2020, received DEC, 10-19-20.pdf;

Sent from my iPhone

Begin forwarded message:

From: Diana Conway <dianaconway@outlook.com>

Date: October 28, 2020 at 1:25:37 PM EDT

To: doug.ruskin@gmail.com, greg orcutt <orcuttgreg@gmail.com>, fincom@oakbluffsma.gov, krisandbill@comcast.net, Fincom@edgartown-ma.us, dlb02539@gmail.com, rhannemann@comcast.net, giltaft@vineyard.net, allensrugg@gmail.com, rpgaffey@hotmail.com, mm1746@gmail.com, mtaus@mvyps.org, mikesuat@gmail.com, taylorlynninc@aol.com, vicki.divoll@gmail.com, jynelldesigns@yahoo.com, baynes47@comcast.net, fincom@westtisbury-ma.gov, melarsen1103@gmail.com, crattet@gggcpas.com, tankermate@gmail.com, douglas.finn@gmail.com, planningboard@oakbluffsma.gov, Adam Turner <turner@mvcommission.org>, Lucy Morrison <morrison@mvcommission.org>

Subject: Use of E&D funds for MVRHS field project

Dear Members of the All Island Finance Committee,

I am writing to share Superintendent Matt D'Andrea's response to my email inquiry on E&D funds and the MVRHS field project. I don't believe any of you were cc-ed on it.

In response to my original question dated October 1, 2020, Mr. D'Andrea confirmed in an email dated October 19, 2020, that the MVRHS has used the \$350,000 of approved E&D funds to design the field house, tight tank, and second field, in addition to the track and plastic infield. My reading of events and terms leads me to conclude this use of funds exceeded what was approved. Mr. D'Andrea, however, makes the curious assertion that the towns' approval of specifically worded warrant articles (separate from the general appropriation process) were "nonbinding."

My understanding is that while the language across towns varied slightly, the basic content was the same. Specifically, the West Tisbury warrant reads:

ARTICLE 1: To see if the Town will vote, pursuant to 603 CMR 41.05 (5) Amendments to Approved Budgets, to approve the Martha's Vineyard Regional High School District School Committee's vote to use three hundred fifty thousand dollars (\$350,000) of Excess & Deficiency funds to secure the services of an owner's project manager and a landscape architect to design an athletic track and synthetic infield at the Martha's Vineyard Regional High School campus in Oak Bluffs. Approved funds can only be used for the stated purpose."

It is somewhat disturbing that beyond the apparent unauthorized use of funds there was a 19-day delay in responding to my initial request for what should be standard records. Mr. D'Andrea's response appears to have omitted all of you-- the Finance Committee members. For your reference I include the document provided by Mr. D'Andrea, attached, and my exchange with Mr. D'Andrea and Mr. Friedman, below. I believe I captured all the emails in our thread.

In closing I will note that after over 13 years of advocacy on the issue of synthetic versus grass fields I am now president of a non-profit focused on the issue --Safe Healthy Playing Fields Inc. I am more convinced than ever that these surfaces are five-time losers akin to a bad relationship: They get overheated, they are toxic, they are expensive and carry hidden costs, they create a high rate of injury, and they are impossible to dispose of. In the interest of full disclosure: I am a seasonal resident, Vineyard Haven homeowner, and neither I nor SHPFI have any interests, financial or otherwise, with any aspect of sports fields—grass or otherwise.

I leave it to you to determine the acceptability of this expenditure.

Best,
Diana Conway

Diana E. Conway
10600 River Road – Potomac MD 20854
60 Dudley Street – Vineyard Haven MA 02568
dconway@erols.com<mailto:dconway@erols.com>
240-997-0404

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From: Matthew D'Andrea<mailto:mdandrea@mvyps.org>
Sent: Monday, October 19, 2020 1:29 PM
To: dianaconway@outlook.com<mailto:dianaconway@outlook.com>
Cc: Mark Friedman<mailto:mfriedman@mvyps.org>
Subject: Request for Information

Dear Ms. Conway,

Thank you for your patience while we researched your questions and collected relevant information to shed light on your concerns. Per your request for the accounting of these funds, we have included all invoices paid to date related to the design of this project (see attached). These invoices total \$304,506.66.

Consistent with the approvals received by both the School Committee and the Towns, the Martha's Vineyard Regional High School (MVRHS) has used the \$350,000 for the design of Phase I of the Huntress Associates Master Plan for the MVRHS athletic fields, which includes the field house, tight tank, and second field.

It might be helpful to understand that pursuant to M.G.L. c. 71, §34 and section (f) of 603 CMR 41.05, with respect to a school district's budget or amended budget, while the local appropriating authority may make nonbinding recommendations on the use of appropriations, they may not limit the authority of the school committee to determine expenditures

within the total appropriation. Indeed, once such a budget or amended budget has been approved, the School Committee would have had the power to use the funds for any school-related purpose and not simply for contracts and expenditures related to the athletic fields project.

Many people have worked to develop this comprehensive plan for the athletic fields which will benefit the island's youth for years to come. We have strived to have an open public process, to engage respected experts for advice, and to work with local officials and community members along the way. As we have learned during this process, there is a great deal of variation in athletic fields throughout the country, and we have listened to all voices while developing what we believe is the most responsible and safest project for our island. I appreciate your interest and look forward to the Martha's Vineyard Commission and Oak Bluffs Planning Board reviews of our project, where I hope the public can learn more, and we can, in turn, listen to their feedback in the hopes of making this the best project for our youth and island.

Sincerely,

Matthew T. D'Andrea,
Superintendent of Schools

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Matthew D'Andrea, LP.D.
Superintendent of Schools
Martha's Vineyard Public Schools

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From: Matthew D'Andrea <mdandrea@mvyps.org<mailto:mdandrea@mvyps.org>>

Sent: Friday, October 16, 2020 12:48 PM

To: Diana Conway <dconway@erols.com<mailto:dconway@erols.com>>

Cc: rsmith@mvyps.org<mailto:rsmith@mvyps.org>; Mark Friedman <mfriedman@mvyps.org<mailto:mfriedman@mvyps.org>>; sdingley@mvyps.org<mailto:sdingley@mvyps.org>; doug.ruskin@gmail.com<mailto:doug.ruskin@gmail.com>; greg orcutt <orcuttgreg@gmail.com<mailto:orcuttgreg@gmail.com>>; fincom@oakbluffsma.gov<mailto:fincom@oakbluffsma.gov>; krisandbill@comcast.net<mailto:krisandbill@comcast.net>; Fincom@edgartown-ma.us<mailto:Fincom@edgartown-ma.us>; dlb02539@gmail.com<mailto:dlb02539@gmail.com>; rhannemann@comcast.net<mailto:rhannemann@comcast.net>; giltaft@vineyard.net<mailto:giltaft@vineyard.net>; allensrugg@gmail.com<mailto:allensrugg@gmail.com>; rpgaffey@hotmail.com<mailto:rpgaffey@hotmail.com>; mm1746@gmail.com<mailto:mm1746@gmail.com>; mtaus@mvyps.org<mailto:mtaus@mvyps.org>; mikesuat@gmail.com<mailto:mikesuat@gmail.com>; taylorlynninc@aol.com<mailto:taylorlynninc@aol.com>; vicki.divoll@gmail.com<mailto:vicki.divoll@gmail.com>; jynelldesigns@yahoo.com<mailto:jynelldesigns@yahoo.com>; baynes47@comcast.net<mailto:baynes47@comcast.net>; fincom@westtisbury-ma.gov<mailto:fincom@westtisbury-ma.gov>; melarsen1103@gmail.com<mailto:melarsen1103@gmail.com>; crattet@gggcpas.com<mailto:crattet@gggcpas.com>; tankermate@gmail.com<mailto:tankermate@gmail.com>; douglas.finn@gmail.com<mailto:douglas.finn@gmail.com>; planningboard@oakbluffsma.gov<mailto:planningboard@oakbluffsma.gov>; turner@mvcommission.org<mailto:turner@mvcommission.org>; morrison@mvcommission.org<mailto:morrison@mvcommission.org>

Subject: Re: Request for documentation --time sensitive

Thank you.

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From: Diana Conway On Behalf Of Diana Conway

Sent: Friday, October 16, 2020 12:01 AM

To: mdandrea@mvyps.org<mailto:mdandrea@mvyps.org>; rsmith@mvyps.org<mailto:rsmith@mvyps.org>; Mark Friedman <mfriedman@mvyps.org<mailto:mfriedman@mvyps.org>>; sdingley@mvyps.org<mailto:sdingley@mvyps.org>

Cc: doug.ruskin@gmail.com<mailto:doug.ruskin@gmail.com>; greg orcutt <orcuttgreg@gmail.com<mailto:orcuttgreg@gmail.com>>; fincom@oakbluffsma.gov<mailto:fincom@oakbluffsma.gov>; krisandbill@comcast.net<mailto:krisandbill@comcast.net>; Fincom@edgartown-ma.us<mailto:Fincom@edgartown-ma.us>; dlb02539@gmail.com<mailto:dlb02539@gmail.com>; rhannemann@comcast.net<mailto:rhannemann@comcast.net>; giltaft@vineyard.net<mailto:giltaft@vineyard.net>; allensrugg@gmail.com<mailto:allensrugg@gmail.com>; rpgaffey@hotmail.com<mailto:rpgaffey@hotmail.com>; mm1746@gmail.com<mailto:mm1746@gmail.com>; mtaus@mvyps.org<mailto:mtaus@mvyps.org>; mikesuat@gmail.com<mailto:mikesuat@gmail.com>; taylorlynninc@aol.com<mailto:taylorlynninc@aol.com>; vicki.divoll@gmail.com<mailto:vicki.divoll@gmail.com>; jynelldesigns@yahoo.com<mailto:jynelldesigns@yahoo.com>; baynes47@comcast.net<mailto:baynes47@comcast.net>; fincom@westtisbury-ma.gov<mailto:fincom@westtisbury-ma.gov>; melarsen1103@gmail.com<mailto:melarsen1103@gmail.com>; crattet@gggcpas.com<mailto:crattet@gggcpas.com>; tankermate@gmail.com<mailto:tankermate@gmail.com>; douglas.finn@gmail.com<mailto:douglas.finn@gmail.com>; planningboard@oakbluffsma.gov<mailto:planningboard@oakbluffsma.gov>; turner@mvcommission.org<mailto:turner@mvcommission.org>; morrison@mvcommission.org<mailto:morrison@mvcommission.org>
Subject: Request for documentation --time sensitive

Hi Matt,

Thank you for touching base.

I am ccing the All Island Finance Committee, with whom I've been in contact as they work to understand the financial issues around this project.

As I wrote in my original email of October 1 I believe the warrant language on using the \$350,000 of E&D funds was clear. It was to secure the services of an owner's project manager and a landscape architect to design an athletic track and synthetic infield. The final sentence in the warrant article read: "Approved funds can only be used for the stated purpose."

My question to you was and remains: What funds were used to pay for the design of the field house, tight tank, and second playing field?

I believe a responsive accounting for the designated \$350,000 of E&D funds would have to document how and when it was spent. The guidance I have received is that if in fact the final sentence of the warrant article was violated – and we do not know that for certain – then it would be the towns' responsibility to hold the school to account.

As I hope you'll agree, this request has become even more time-sensitive. My original email (attached) is dated October 1 and the MVC project review starts on 10-19-20—literally just days away. I would be grateful for quick access to this public information ahead of that meeting.

Thank you,

Diana

PS, I feel compelled to draw your attention to the surge of NFL injuries attributed to synturf fields. The injuries were so shocking in number and pattern that they led to an unprecedented call from the NFL Players' Association for all fields -practice and game- to be grass. Commentators, coaches and athletes are widely quoted saying the synturf is dangerous. One headline cited the 49ers as being "afraid" of their field. If the NFL with its staggering resources cannot keep synturf as safe as grass, what are the chances a public school system or parks department can best them in that effort?

Diana E. Conway

10600 River Road – Potomac MD 20854

60 Dudley Street – Vineyard Haven MA 02568

dianaconway@outlook.com<mailto:dianaconway@outlook.com>

240-997-0404

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From: Matthew D'Andrea <mdandrea@mvyps.org<mailto:mdandrea@mvyps.org>>
Sent: Thursday, October 15, 2020 8:03 PM
To: dianaconway@outlook.com<mailto:dianaconway@outlook.com>
Cc: Mark Friedman <mfriedman@mvyps.org<mailto:mfriedman@mvyps.org>>
Subject: Request

Hi Diana,
We are working on answering your questions. I hope to have the information for you either tomorrow or early next week.
Thanks,
Matthew D'Andrea

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Matthew D'Andrea, LPD.
Superintendent of Schools
Martha's Vineyard Public Schools
<Conway letter to Mark Friedman re E^0D funds^J 10-1-20.docx>

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From: Diana Conway
Sent: Friday, October 2, 2020 7:22 PM
To: Mark Friedman <mfriedman@mvyps.org<mailto:mfriedman@mvyps.org>>
Cc: mdandrea@mvyps.org<mailto:mdandrea@mvyps.org>; rsmith@mvyps.org<mailto:rsmith@mvyps.org>; sdingleddy@mvyps.org<mailto:sdingleddy@mvyps.org>
Subject: RE: Time sensitive: Question on source of funds spent for MVRHS track project

Thanks Mark,
I look forward to hearing from you—
Happy Friday, Diana

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From: Mark Friedman <mfriedman@mvyps.org<mailto:mfriedman@mvyps.org>>
Sent: Friday, October 2, 2020 7:21 PM
To: Diana Conway <dianaconway@outlook.com<mailto:dianaconway@outlook.com>>
Cc: mdandrea@mvyps.org<mailto:mdandrea@mvyps.org>; rsmith@mvyps.org<mailto:rsmith@mvyps.org>; sdingleddy@mvyps.org<mailto:sdingleddy@mvyps.org>
Subject: Re: Time sensitive: Question on source of funds spent for MVRHS track project

Hello Diana,

Thank you for your email. We will look into your request and get back to you.

Be well,
Mark

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From: Diana Conway
Sent: Thursday, October 1, 2020 2:06 PM
To: mfriedman@mvyps.org<mailto:mfriedman@mvyps.org>
Cc: mdandrea@mvyps.org<mailto:mdandrea@mvyps.org>; rsmith@mvyps.org<mailto:rsmith@mvyps.org>; sdinglely@mvyps.org<mailto:sdinglely@mvyps.org>
Subject: Time sensitive: Question on source of funds spent for MVRHS track project

Dear Mr. Friedman,

I write as a Tisbury property owner, and a person with some familiarity with the costs of synthetic turf fields and associated projects.

My question is time-sensitive because of the upcoming MVC hearings.

I understand that in 2019 the MVRHS received approval from the towns to use \$350,000 to secure the services of an owner's project manager and a landscape architect to design an athletic track and synthetic infield. The final sentence in the warrant article read: "Approved funds can only be used for the stated purpose."

My question to you is: What funds were used to pay for the design of the field house, tight tank, and second playing field?

The guidance I have received is that if in fact the final sentence of the warrant article was violated – and we do not know that for certain – then it would be the towns' responsibility to hold the school to account. Prior to involving the town, I wanted to ask you directly. To answer my question authoritatively I request that you share the accounting for the designated \$350,000 of E&D monies, showing how and when it has been spent.

Thank you in advance for your prompt reply. I would be grateful for your guidance on who can answer this question definitively, if you are not in a position to do so.

Kind regards,
Diana Conway

CC: Superintendent D'Andrea, Assistant Superintendent Smith, Principal Dinglely

10600 River Road – Potomac MD 20854
60 Dudley Street – Vineyard Haven MA 02568
dianaconway@outlook.com<mailto:dianaconway@outlook.com>
240-997-0404

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