



Martha's Vineyard Land Bank Commission

MINUTES
REGULAR SESSION
MEETING OF JANUARY 23, 2023

via remote technology

CALL TO ORDER: 3:00 pm

LAND BANK COMMISSIONERS PRESENT AT CALL TO ORDER

Steven Ewing, Pamela Goff, Wesley Mott, Kristen Reimann, Sarah Thulin, Nancy Weaver, Peter Wells

LAND BANK COMMISSIONERS ABSENT AT CALL TO ORDER

None

STAFF PRESENT AT CALL TO ORDER

Janette Andrews, Harrison Kisiel, James Lengyel

OTHERS PRESENT DURING THE SESSION

Philip Cordella, Sharon Cooke, Paulo DeOliveira, Thomas Humphrey (*Vineyard Gazette*)

PRESENTATION OF THE WARRANT

Warrant no. 2023-32 was made available for the Commission's inspection.

APPROVAL OF THE AGENDA

Hearing no proposed additions, Mrs. Goff declared the agenda approved as printed.

APPROVAL OF THE MINUTES OF JANUARY 9, 2023

By a motion made and seconded, the Commission voted in a roll call vote five in favor, none opposed and Mr. Ewing and Mrs. Reimann abstaining to approve the minutes as written.

COUNTY AND LAND BANK COMMISSION TREASURERS' REPORTS

None

TRANSFER FEE REVENUES

Revenues for the week ending January 13, 2023: \$447,212.15

Revenues for the week ending January 20, 2023: \$542,360.00

NEW BUSINESS

1. Agency Land Management: Disposition of Surplus Equipment

Mr. Kisiel reported that the following items are no longer useful or practical, owing to age and/or extent of needed repairs: (1.) a 2017 Bobcat toolcat model 5610; (2.) a 2012 Bobcat toolcat model 5600; and (3.) a 2011 Bobcat toolcat model 5600. He recommended that the Commission declare them surplus and issue a request-for-proposals (RFP) for their disposition.

Discussion occurred as to details. Mrs. Reimann asked Mr. Kisiel to speculate as to how much they might net; he conjectured "upwards of \$60,000."

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to accept the staff recommendation.

2. Agency Land Management: Trail Construction Standards

The Commission continued, from its December 19, 2022 meeting, its discussion of trail improvements performed by staff on various properties.

Discussion occurred. Ms. Weaver recommended that the staff turn its attention to the escarpment stairs at the Southern Woodlands Reservation. Mrs. Thulin asked for Mr. Kisiel's reasoning in having repaired as he did the path at the south head of the Aquinnah Headlands Preserve. Mrs. Goff asked for woodchips on flat surfaces, preventively, and noted that waterbars are ineffective, as the water rises and then overtakes the hurdle; Mr. Kisiel stated that he prefers trenching, followed by regular digging-out. As no action was necessary, the Commission took none.

3. 167 Main Street (Town of Edgartown)

The Commission reviewed a draft protocol, prepared by staff, for the disposition of this property. This matter had been most recently discussed at the Commission's December 19, 2022 meeting.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote:

- (1.) to declare the property surplus and available for disposition, upon a finding that its value, based on an analysis of comparable sales, is \$1,550,000, and subject to the following restrictions:

- [a] the buyer must be a government agency or a non-profit organization with an official 501(c)(3) designation; and
- [b] the minimum price is \$1,550,000, to be paid in full at the time of closing; and
- [c] in the case of a non-profit organization, such organization shall
 - [i] have been chartered prior to January 1, 2023; and
 - [ii] perform duties determined by the commission to serve an essential public purpose, with special consideration given to those organizations with a demonstrated track record of successfully performing such duties on Martha's Vineyard; and
- [d] the deed shall carry a rider calling for the buyer, if the property is disposed of by such buyer within twenty (20) years of the closing, to remit to the land bank fifty percent (50%) of the portion of the future disposition price that exceeds the sum of \$1,550,000 plus the cost of all documented capital improvements; and
- [e] the land bank shall choose the bid that the commission believes best to serve the public interest, which may not necessarily be the highest bid; and
- [f] the land bank reserves the right to decline any and all bids that it determines not to be in the public interest; and

- (2.) to refer to counsel the drafting of an RFP meeting these terms and the terms of any applicable commonwealth laws; and
- (3.) to issue the RFP, after having received the approval of the disposition from [a] the Edgartown Town Advisory Board and [b] the Massachusetts secretary of energy and environmental affairs, if necessary.

4. Pennywise Preserve (Town of Edgartown)

The Commission reviewed a draft letter, prepared by staff, addressed to neighbors Bruce and Ruth Donohue. It would authorize them to open (dawn) and close (dusk) the preserve's trailhead gate, to forestall after-hours mischief. It duplicates a like letter sent on October 22, 2012 to neighbors Richard deTucci and Eldon Willoughby for the same purpose; they have each since moved. Integral to both letters is an emphasis that the permission

is experimental and will be revoked if not properly carried out.

This matter had been most recently discussed at the Commission's October 1, 2012 meeting.

The Commission discussed how long the current problems have been occurring; Mr. Kisiel replied that they are rather recent, as they hadn't earlier taken place in his five-year tenure with the institution. Mr. Ewing asked if this would wholly block the trailhead from dusk to dawn; Mr. Kisiel answered in the affirmative.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to approve the letter.

5. Priestess Pond Preserve (Town of West Tisbury)

Mr. Lengyel reported that abutter Thomas Bena had informed him that the Martha's Vineyard Commission (MVC), in reviewing his application as Stillpoint Martha's Vineyard, Inc., had asked for a draft policy as to how Stillpoint's guests may or may not use the abutting land bank preserve. The land bank staff, in conjunction with Mr. Wells as West Tisbury commissioner, prepared a January 20, 2023 summary, which Commissioners reviewed at this time.

Noting that the land bank's trailhead slots are to be located within the Stillpoint parking area, Mr. Wells stated that it may be prudent to seek to relocate them as a free-standing land bank trailhead farther down the Stillpoint Meadows Road. Ms. Weaver observed that she believes that trailheads are more successful when they are located nearer to public roads, as oversight deters misconduct.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to approve the statement. Mr. Lengyel is to deliver it to the MVC, for its information.

Commissioner Steven Ewing departed the meeting at this time in order to avoid any possible appearance of conflict-of-interest.

6. Tisbury Meadow Preserve (Town of Tisbury)

Mr. Kisiel reported that he had been approached by a member of the public about the possibility of leasing a portion of this preserve's field for agriculture. He noted that the individual is Mr. Ewing's daughter-in-law. Commissioners discussed whether to issue an RFP to solicit proposals for this purpose.

(Commissioners discussed, generally, the impact of mushroom-farming on

land, citing as an example one such quondam farm near the Peaked Hill Reservation.)

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to direct staff to issue the land bank's standard RFP for this use.

Mr. Ewing returned to the meeting at this time.

PUBLIC INPUT

None

ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2023-32.

EXECUTIVE SESSION

By a motion made and seconded, the Commission voted unanimously in a roll call vote to enter executive session for the purpose of discussing the purchase, lease, exchange or value of real property. Mrs. Goff stated that the subjects to be discussed are the purchase or value of real property and declared that an open meeting may have a detrimental effect on the negotiating position of the Commission. She further announced that the Commission would not reconvene in regular session after the conclusion of the executive session. The Commission entered executive session at 3:47 pm.

certification: 
Nancy Weaver, Secretary