



# Martha's Vineyard Land Bank Commission

MINUTES  
REGULAR SESSION  
MEETING OF JUNE 26, 2023

via remote technology

CALL TO ORDER: 3:00 pm

LAND BANK COMMISSIONERS PRESENT AT CALL TO ORDER

Pamela Goff, Wesley Mott, Kristen Reimann, Sarah Thulin, Nancy Weaver

LAND BANK COMMISSIONERS ABSENT AT CALL TO ORDER

Steven Ewing, Peter Wells

STAFF PRESENT AT CALL TO ORDER

James Lengyel, Julie Russell

OTHERS PRESENT DURING THE SESSION

Sharon Cooke, Philip Cordella, Paulo DeOliveira, Thomas Humphrey (*Vineyard Gazette*), Eunki Seonwoo (*Martha's Vineyard Times*)

PRESENTATION OF THE WARRANT

Warrant no. 2023-52 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 JUNE 5, 2023

By a motion made and seconded, the Commission voted unanimously in a roll call vote to approve the minutes as written.

COUNTY AND LAND BANK COMMISSION TREASURERS' REPORTS

None

TRANSFER FEE REVENUES

Revenues for the week ending June 9, 2023: \$278,282.50

Revenues for the week ending June 16, 2023: \$245,886.40

Revenues for the week ending June 23, 2023: \$26,600.00

## NEW BUSINESS

### 1. Agency Administration: Receipt of Gift

Staff reported that the land bank had received a \$72 gift from Robert and Patricia Ivry, in honor of Richard Kazis. After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to accept the donation, with gratitude.

*Commissioner Steven Ewing joined the meeting at this time.*

### 2. 167 Main Street (Town of Edgartown)

The Commission continued, from its June 5, 2023 meeting, its discussion of the disposition of its office, in particular (1.) a June 15, 2023 letter from the Dukes County Commission in which it offers to convey to the land bank, in exchange, two vacant lots (tax parcel nos. 45-59 and 45-85) comprising 1.5 acres at Katama Farm in Edgartown and/or, prospectively, the county-owned portion of the Eastville Point Beach in Oak Bluffs; and (2.) a June 21, 2023 letter from the town of Edgartown in which the selectors offer "support for acquiring the ... property ... for the requested price of \$1,550,000," subject to town meeting approval. The letter indicates that the town meeting might not consider this matter until the spring of 2024.

Counsel reports that the uniform procurement act permits intragovernmental conveyance of property without a bidding process, subject to certain procedural details.

Discussion occurred. Mrs. Thulin stated that she was pleased that the town is considering the property for staff housing and that she would prefer for the land bank to receive funds (town) rather than a swap (county). Mr. Ewing stated that he believes (1.) that the town's interest trumps the county's request; (2.) that he would like a base price lower than \$1,550,000 and that he sought the input of a local realty company, which posited current fair market value at \$1,600,000; and (3.) that the land bank should be sensitive to the housing component here.

Mr. Lengyel noted (1.) that the land bank has an exemplary record in working to create affordable housing; (2.) that an appraisal, however well reasoned, is at core an opinion and that the market alone sets value; and (3.) that the land bank received, in the spring of 2022, an unsolicited signed offer bearing a price of \$2,000,000, such that the land bank is offering a \$500,000 discount to the town. Mr. Mott stated (1.) that he believed that open marketing would yield a price in excess of \$2,000,000; and (2.) that he is

mindful that the land bank has "bills to pay." Ms. Weaver reported that she is pleased that the town is considering affordable housing and noted that the town has funds for such a purchase.

Mrs. Goff pointed out that a seller who is willing to enter into an open-ended agreement that might not come to fruition is "giving a lot"; she added that the land bank is being practical and thoughtful to the extent that its fiduciary responsibilities will allow. Similarly, Ms. Weaver noted that, if the town meeting does not act until 2024, the land bank will be paying the bills for the building during that time.

Mrs. Reimann stated that she supported the town's proposal and that the properties offered for swap by the county "are not the right fit" for the land bank. Mr. Ewing stated that the subject was "not the money" but more the "recognition and respect for the need for housing." Mr. Lengyel noted that the land bank, in its myriad cooperative acquisitions involving affordable housing, has always been careful, for legal reasons, to avoid pricing that would appear to be a subsidy.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote (1.) to approve the sale of the building to the town for \$1,550,000, based on its January 23, 2023 vote to declare the property available at such price, and to impose no restrictions, with the understanding that the town meeting may not be able to consider the proposal until the spring of 2024; and (2.) to decline, respectfully, the county's proposal.

After additional discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to authorize its chairman, vice-chairman and/or secretary-treasurer to execute a contract with the town of Edgartown, such contract to include all standard contingencies as are satisfactory to land bank special counsel plus an extra contingency related to town meeting approval.

Mrs. Goff stated that she recognized that county ownership of the building was also a sound idea, as the registry of deeds serves all towns and that Main Street is a fitting location for such use.

3. Agency Administration: All-Island Trail Planning

The Commission reviewed a draft letter, prepared by staff, to the Martha's Vineyard Commission (MVC) regarding the Old Meshacket Road ancient way, which is part of an application for a development-of-regional-impact. The letter encourages the MVC to accept the developer's offer of a public trail easement in the way.

Ms. Weaver stated that she was surprised that the MVC was apparently ready to decline the offer. She added that abutters' objections underlay the MVC action; she noted that she abuts a land bank path and was initially uncertain about it but that she sees that she benefits more than anyone else. Mrs. Goff echoed these comments; a land bank trail crosses her property and her family uses it "as much as the general public."

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote (1.) to approve the letter; and (2.) to direct staff to post it.

4. Agency Administration: All-Island Acquisition Planning

The Commission reviewed a draft letter, prepared by staff, to the National Fish and Wildlife Foundation in support of a grant application due to be submitted by the MVC. The purpose of the grant is to identify and prioritize salt-marshes for protection, by assessing factors such as nearby infrastructure; the current status of marsh health; and projections for marsh migration.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote (1.) to approve the letter; and (2.) to direct staff to post it.

5. Agency Land Management: Surplus Asset

The Commission discussed its 2007 GMC 2500 pickup truck, used by the property management crew. A replacement vehicle has been purchased, rendering this vehicle — which runs but has rust and mechanical issues and whose repair would exceed its value — surplus.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote (1.) to declare this vehicle surplus; and (2.) to direct staff to issue an invitation-for-bids for its disposal.

6. Agency Land Management: Research Request

The Commission reviewed a June 22, 2023 request from Samuel Gurney to conduct a survey of fish species at the following properties, in conjunction with BiodiversityWorks: Blackwater Pond Reservation, Bliss Pond Farm, Little Duarte's Pond Preserve, Manaquayak Preserve, Paint Mill Brook Preserve, Priestler's Pond Preserve and Squibnocket Pond Reservation.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to approve the request, provided (1.) that all work is coordinated with ecologist Julie Russell; (2.) that the land bank receives all data as soon as they are available; (3.) that Mr. Gurney agrees

to indemnify the land bank; and (4.) that, with respect to Bliss Pond Farm, he seeks and obtains permission from owner Julianna Flanders, as the land bank's interest there is limited to a conservation restriction.

PUBLIC INPUT

None

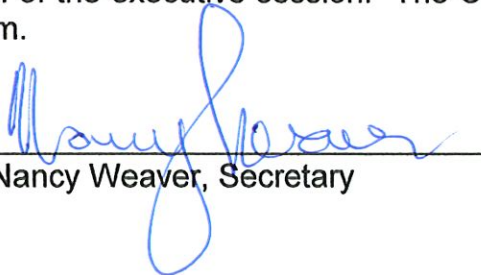
ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2023-52.

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 3:37 pm.

certification:

  
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Nancy Weaver, Secretary