

Martha's Vineyard Land Bank Commission

MINUTES
REGULAR SESSION
MEETING OF SEPTEMBER 11, 2023

via remote technology

CALL TO ORDER: 3:00 pm

LAND BANK COMMISSIONERS PRESENT AT CALL TO ORDER

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

LAND BANK COMMISSIONERS ABSENT AT CALL TO ORDER

Kristen Reimann

STAFF PRESENT AT CALL TO ORDER

Harrison Kisiel, James Lengyel

OTHERS PRESENT DURING THE SESSION

Philip Cordella, Thomas Humphrey (*Vineyard Gazette*)

PRESENTATION OF THE WARRANT

Warrant no. 2024-11 was made available for the Commission's inspection.

APPROVAL OF THE AGENDA

Hearing no proposed additions, Mr. Mott declared the agenda approved as printed.

APPROVAL OF THE MINUTES OF AUGUST 28, 2023

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

COUNTY AND LAND BANK COMMISSION TREASURERS' REPORTS

None

TRANSFER FEE REVENUES

Revenues for the week September 1, 2023: \$394,200.00

Revenues for the week September 8, 2023: \$190,148.60

NEW BUSINESS

1. Agency Land Management: Purchase of Equipment

The Commission discussed two prospective purchases described in a September 6, 2023 staff memorandum.

The first concerned the possible purchase of a mini-skidsteer and its implements, for which \$65,000 was budgeted. The bids, in descending order by price, were: (1.) Toro of Middleborough, model TX1000, \$69,217.50; (2.) Kubota of Carver, model SCL 1000, \$61,967.36; and (3.) Bobcat of Bourne, model MT100, \$53,788.21.

Mr. Kisiel recommended the low bidder. Mr. Ewing asked if Bobcat of Bourne had resolved its earlier difficulties; Mr. Kisiel reported that a transition in management had occurred and that the company is much more reliable now. After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to accept the staff recommendation.

The second concerned the possible purchase of a tractor for the grazing program, for which \$43,000 was budgeted. The bids, in descending order by price, were: (1.) John Deere of Raynham, model 4066R, \$54,264.85; (2.) John Deere of Raynham, model 50607E, \$52,951.86; (3.) Kubota of Carver, model L6060, \$51,345.84; and (4.) Kubota of Carver, model MX5400, \$41,737.

Mr. Kisiel recommended the L6060 from Kubota of Carver rather than the low bid, owing to the "better functionality" of the L6060 plus "significantly better ergonomics" that match the current land bank tractor. Adequate surplus is likely to be available in the *land management expenses* category of the budget to fund the extra expense. After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to accept the staff recommendation.

2. Chilmark Pond Preserve (Town of Chilmark)

The Commission reviewed a September 6, 2023 staff memorandum regarding overgrowth that is encompassing the electrical line that serves both the preserve's cottage and an abutting private property owned by the McCreery and Sheehy families. They solicited a price from Beetlebung Tree Care for clearing and have proposed that they and the land bank each pay \$3000 of Beetlebung's \$6000 bid.

Mr. Kisiel described the work as "tough and precarious;" the trees are so tall that, in their context, the land bank equipment cannot handle them. He added that he believed soliciting additional quotes to be unnecessary, as the

price is competitive and the company has promised a quick turnaround.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to pay its share here.

3. Wompesket Preserve (Town of West Tisbury)

The Commission reviewed a draft relocation-of-easement agreement, prepared by land bank counsel, between itself and Merry Farm LLC. The land bank owns a right-of-way that Merry Farm wishes to relocate; Massachusetts case law (*MPM Builders, LLC v. Dwyer*) permits same, provided that the relocated way supplies the same utility as the original.

Commissioners reviewed the contents of the agreement and a draft exhibit. Questions were posed as to (1.) the multiple uses permitted in the new way (viz., "all purposes in which ways and streets may now or hereafter be used in the town of West Tisbury"); (2.) the slope in the area and therefore the need for proper runoff management; (3.) the difference between the current and the future route; and related items.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote (1.) to approve the document, amended to show throughout the proper width of the way, and subject to Mr. Kisiel's having approved of the way siting; and (2.) to refer this matter to counsel to arrange for the posting of the bond.

PUBLIC INPUT

None


ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2024-11.

ADJOURNMENT

By a motion made and seconded, the Commission voted unanimously in a roll call vote to adjourn. 3:37 pm.

certification:



Nancy Weaver, Secretary