



Martha's Vineyard Land Bank Commission

MINUTES
REGULAR SESSION
MEETING OF APRIL 26, 2021

via remote technology

CALL TO ORDER: 3:01 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 Kiesel, Cynthia Krauss, James Lengyel, William Veno

OTHERS PRESENT DURING THE SESSION

Philip Cordella

PRESENTATION OF THE WARRANT

Warrant no. 2021-48 was made available for the Commission's inspection.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES OF APRIL 5, 2021

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 April 9, 2021: \$318,316.68

Revenues for the week ending April 16, 2021: \$683,182.00

Revenues for the week ending April 23, 2021: \$374,150.00

NEW BUSINESS

1. Agency Policy: Personnel and Staffing

The Commission conducted a second-reading of proposed amendments to this policy regarding its administrative assistant and wildlife ecology intern positions; the first-reading took place at its April 5, 2021 meeting.

Staff reported that, upon further consideration owing to the intern's housing benefit, it would be better for this position to be placed on the hourly rather than the salary scale; the spot that most closely matches the Commission's April 5 decision as to wage for this position would be hourly grade A step 5, which is \$17.50 per hour. After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to amend this policy by assigning the wildlife biology intern position to hourly grade A. The step for the incoming employee will be step 5.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to amend this policy by reassigning the administrative assistant position from grade 9 to grade 10.

2. Agency Administration: Fiscal Year 2022 Budget

The Commission discussed a suggestion made at the time of the adoption of its fiscal year 2021 budget, viz., that in the future the land bank seek its workers' compensation insurance from MIIA, as do at least some of the towns, rather than continue to use MEGA.

In attempting to do so, fiscal officer Cynthia Krauss learned (1.) that MIIA supplies quotes and policies only for an agency's full insurance portfolio; and (2.) that only so-called chapter 258 entities are eligible to receive such quotes and policies. Counsel reports that a determination as to 258 status will involve research and, in addition, may result in a negative conclusion, as the 258 statute excludes from its definition of eligible public employers any constituted as a "body politic and corporate" — which is precisely how the land bank is defined. The land bank would be spending money on legal research in order to gain possibly less expensive insurance — and then could find that it is not eligible for such insurance.

Discussion occurred. Mr. Ewing stated, as an employer who pays it, that worker's compensation insurance is expensive (in his case, marine contracting) but that land bank rates are apt to be relatively low. Mr. Wells stated that he generally doesn't want to be forced to obtain all insurance

from a single entity; he asked if Mrs. Krauss was satisfied with the land bank's current insurance arrangement. She replied that Martha's Vineyard Insurance coordinates insurance for the land bank and goes out to bid each year on each policy (except for health insurance, which is handled differently). Ms. Weaver supported maintaining the current status but keeping all of this in mind for the future.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to decline to pursue the 258 option, on the grounds that the land bank (1.) is inapt to qualify; and (2.) is satisfied with its current arrangement.

3. Doug's Cove Preserve (Town of Oak Bluffs)

Mr. Lengyel reported that planner William Veno, at the Oak Bluffs Town Advisory Board's April 20, 2021 meeting, presented the commonwealth's plan for the installation of a shared-use path along the Beach Road involving this preserve and that the Board, following the presentation, voted (1.) to inform the Commission that it supports the plan; and (2.) to recommend that it proceed to execute any necessary documents to effect same, subject to review by land bank counsel.

The commonwealth is requiring a number of permanent and temporary easements on the preserve and is arranging for a so-called Article 97 conversion, which requires legislative approval. In the meantime it is seeking from the land bank a license and related instruments which would allow the project to proceed in advance of the legislative action. The Commission had most recently discussed this matter at its August 10, 2020 meeting.

Mr. Veno reminded Commissioners of the concerns they raised during their 2020 site-visit of the project area and reported that the commonwealth responded to each: (1.) cedars currently screening the trailhead will be replaced on a 1:1 basis; and (2.) control measures will be installed to address the historic erosion in the area.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote (1.) to accept and concur with the Board's recommendations, subject to plan approval by the commonwealth's environmental affairs secretary; and (2.) to authorize Mr. Lengyel to execute any necessary licenses and like instruments and documents.

4. Tashmoo Preserve (Herring Creek Road)

The Commission discussed the vote of its Tisbury Town Advisory Board, at its April 2, 2021 meeting, to recommend that the land bank use the beach-cottage here, if necessary, for summer ranger housing in 2021 and only 2021

(1.) provided that all due precautions are taken to ensure that such use does not disturb the land bank's neighbors; and (2.) with an averment that it remains the land bank's intention to undevelop this property and renaturalize its dune.

Mr. Lengyel reported that the sellers of the beach-cottage were polled and do not object; and that the abutting landowners were informed. Ms. Weaver wondered about the availability of summer staff housing in 2022 and Mr. Kisiel stated that he believed that it was too early to know if there would be any difficulties.

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

PUBLIC INPUT

None

ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2021-48.

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. Thulin 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 3:31 pm.

certification: Wesley T. Mott
Wesley Mott, Secretary