



# Martha's Vineyard Land Bank Commission

MINUTES  
REGULAR SESSION  
MEETING OF OCTOBER 28, 2019

167 Main Street. Edgartown, Massachusetts

CALL TO ORDER: 2:00 pm

LAND BANK COMMISSIONERS PRESENT AT CALL TO ORDER

Pamela Goff, Richard Knight, Jr., Wesley Mott, Kristen Reimann, Sarah Thulin,  
Nancy Weaver

LAND BANK COMMISSIONERS ABSENT AT CALL TO ORDER

Mary Robin Ravitch

STAFF PRESENT AT CALL TO ORDER

James Lengyel

OTHERS PRESENT AT CALL TO ORDER *(and not cited elsewhere herein)*

None

PRESENTATION OF THE WARRANT

Warrant no. 2020-12 was made available for the Commission's inspection.

PUBLIC INPUT

None

APPROVAL OF THE AGENDA

By a motion made and seconded, the Commission voted unanimously to approve the agenda as written.

APPROVAL OF THE MINUTES OF OCTOBER 21, 2019

By a motion made and seconded, the Commission voted unanimously to approve the minutes as amended.

COUNTY AND LAND BANK COMMISSION TREASURERS' REPORTS

None

*Commissioner Mary Robin Ravitch joined the meeting at this time.*

TRANSFER FEE REVENUES

Revenues for the week ending October 25, 2019: \$275,700.00

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 reconvene in regular session after the conclusion of the executive session. The Commission entered executive session at 2:05 pm.

RETURN TO REGULAR SESSION: 3:02 pm

NEW BUSINESS

1. Agency Administration: Fiscal Year 2019 Audit

The Commission reviewed a draft of its financial statements, prepared by O'Connor and Drew, for the fiscal year ending on June 30, 2019. Fiscal Officer Cynthia Krauss was present for the following discussion.

Questions were asked, whose answers staff supplied. After discussion and by a motion made and seconded, the Commission voted unanimously to accept the audit as presented.

Mrs. Krauss recommended that the land bank join the county's OPEB (other post-employment benefits) fund; the Commission annually allocates money for its own internal OPEB fund but, because it is not part of the county system, such cannot be acknowledged in the land bank audit and therefore OPEB appears as an unfunded liability when in fact it is being funded. After discussion and by a motion made and seconded, the Commission voted unanimously to calendar this matter for a February 2020 discussion. Mrs. Krauss departed the meeting at this time.

2. Blue Barque Preserve (Town of Chilmark)

Staff reported that the following bids were received for an agricultural lease here: (1.) Brian Cioffi, dated October 18, 2019, for haying and pasturing; and (2.) Wagner Pereira, dated October 18, 2019, for haying, pasturing and cropland. Commissioners reviewed the standards contained in their *Public use of land bank properties* policy governing the review of proposed leases. Land superintendent Ian Peach was present for the following discussions.

Mr. Peach recommended that the lease be granted to Mr. Cioffi, as he is the current lessee and has effectively used the leasehold during his term. Citing Mr. Cioffi's list of activities on and improvements to the premises, Mr. Knight noted that he has invested much in the property. After discussion and by a motion made and seconded, the Commission voted unanimously (1.) to accept the staff recommendation; and (2.) to enter into its standard lease with Mr. Cioffi.

*Commissioner Sarah Thulin departed the meeting at this time in order to avoid any possible appearance of conflict-of-interest.*

3. Little Field Preserve (Town of West Tisbury)

Staff reported that a single bid was received for an agricultural lease here: (1.) Wagner Pereira, dated October 18, 2019, for haying, pasturing and cropland. Current lessee Fred Fisher III reports having been ill and therefore unable to submit a bid.

Discussion occurred. Mrs. Goff stated that, despite Mr. Fisher's having missed the deadline, the land bank should avoid transferring to someone else "someone's perfectly seeded hayfield" — she recommended that the land bank find an alternative spot for Mr. Pereira and listed a number of options.

After discussion and by a motion made and seconded, the Commission voted unanimously to defer any action until such time as Mr. Peach can confer with Mr. Pereira as to the situation and the various other options.

*Mrs. Thulin returned to the meeting at this time.*

4. Chappy Point Beach (Town of Edgartown)

The Commission discussed its lease with the Martha's Vineyard Shellfish Group, Inc. for the beach-house here, most recently discussed at its March 4, 2019 meeting. The lease is due to expire at the end of the year.

Commissioners reviewed an October 23, 2019 staff memorandum that includes a draft update of the lease incorporating a punch-list of necessary repairs. The punch-list was drawn from an October 4, 2019 report prepared for the land bank by Vineyard Land Surveying and Engineering (VLSE).

Mr. Knight stated that he had site-visited the property — he described a building whose maintenance history was serpiginous and of only adequate workmanship — and wondered why the land bank, if it valued the building, did not undertake the maintenance itself. Mrs. Goff replied that the land bank would have long ago undeveloped the beach-house and renaturalized

the peninsula had not the Shellfish Group requested to use it as a spat nursery; she noted that the land bank, additionally, has not maintained the house because there is no rent, which is ordinarily a landlord's fund for property upkeep. Mrs. Thulin reiterated her overall interest in investing in new land acquisitions rather than buildings.

A motion was made and seconded to enter into a five-year lease here calling for the Shellfish Group to manage the beach-house in a "safe and usable condition" and with the understanding that the land bank aspires ultimately to undevelop the property. Ms. Ravitch stated that if "safe and usable" is to be left to the lessee to define she will still have concerns about liability; Mr. Peach responded that VLSE's October 4, 2019 report found the building to be structurally sound. It was agreed that the "safe and usable" standard will be operationalized in the lease via a punch-list to be composed by Mr. Peach.

Mrs. Thulin called for a vote on the pending motion; it carried unanimously.

5. North Neck Highlands Preserve (Town of Edgartown)

The Commission reviewed an October 23, 2019 staff memorandum regarding the replacement of beach-access stairs here. It noted that three quotes were sought, one received: (1.) Sebago Dock and Lift, Inc., \$15,560.75, plus \$4,650 for installation.

After discussion and by a motion made and seconded, the Commission voted unanimously to select the sole bidder. Staff will (1.) seek to simplify the design to the maximum extent possible, for aesthetic reasons; and (2.) participate in the installation, for pedagogical purposes so that it will be equipped to install and/or maintain these stairs in the future. Commissioners accepted Mr. Peach's recommendation to install stairs only on the southerly access at this time and to determine in the future whether a northerly set would be indicated.

6. Tashmoo Preserve (Town of Tisbury)

The Commission discussed the vote of its Tisbury Town Advisory Board, at its October 21, 2019 meeting, to recommend that the land bank issue an invitation-to-bid for revetment removal — layered, as prudent, to address contingencies such as re-use of the stone — in order to determine whether such removal is or is not reasonably affordable.

After discussion and by a motion made and seconded, the Commission voted unanimously (1.) to accept the Board's recommendation; and (2.) to direct staff to implement it.

7. Agency Policy: Hunting on Land Bank Properties

Staff reported that the Tisbury Town Advisory Board, at its October 21, 2019 meeting, voted to hold a public hearing to take comment on whether to allow deer-shotgun hunting at the Ripley's Field Preserve, Tisbury Meadow Preserve and Wapatequa Woods Reservation. As no action was necessary, the Commission took none.

8. Agency Land Management: Purchase of Equipment

Mr. Peach reminded Commissioners that \$15,000 had been allocated in this year's budget for a livestock-transportation vehicle that would also serve as a multipurpose truck. He said that the staff focused on a used vehicle, thinking that a new vehicle would not be necessary. He presented three quotes, listed in ascending order by price: (1.) Mark Clements, \$11,000 for a 2007 GMC Sierra; (2.) Jacob's Auto Sales, \$14,950 for a 2009 GMC Sierra; and (3.) Absolute Auto Sales, \$14,995 for a 2007 GMC Sierra.

After discussion and by a motion made and seconded, the Commission voted to accept the lowest bid.

9. Agency Land Management: Edgartown Trail Agreements

Staff reported that the Edgartown selectmen recently approved and signed two trail agreements with the land bank, one at the Pennywise Preserve and the other at the Three Ponds Reservation. This matter had been most recently discussed by the Commission at its September 9, 2019 meeting.

After discussion and by a motion made and seconded, the Commission voted unanimously to authorize Mrs. Thulin to execute the agreements, which she did.

10. Agency Land Management: Planning Subcommittee

Mr. Knight stated that the institution had long emphasized land acquisition over property management and that he believes that Mr. Peach and the crew could accomplish more if they had more tools at their disposal; he recommended the chartering of a subcommittee that would examine this question and report back with ideas.

After discussion and by a motion made and seconded, the Commission voted unanimously to constitute such a subcommittee, comprising Messrs. Mott and Knight and Mrs. Goff, with the staff to assist.

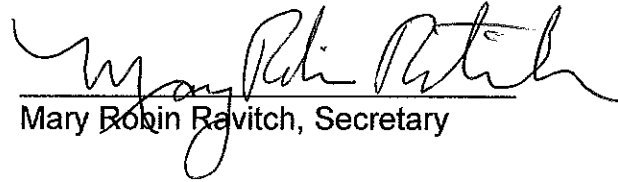
ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2020-12.

ADJOURNMENT

By a motion made and seconded, the Commission voted unanimously to adjourn.  
4:16 pm

certification:

  
Mary Robin Ravitch, Secretary