



Martha's Vineyard Land Bank Commission

MINUTES
REGULAR SESSION
MEETING OF NOVEMBER 16, 2020

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

James Lengyel

OTHERS PRESENT DURING THE SESSION

Peter Cook, Philip Cordella, Terre Young

PRESENTATION OF THE WARRANT

Warrant no. 2021-25 was made available for the Commission's inspection.

PUBLIC INPUT

1. Agency Administration: Public Input

Terre Young stated that she was present to attend the upcoming "m" hearing, as it may address a larger issue as to domicile timetable extensions.

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 NOVEMBER 9, 2020

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 November 13, 2020: \$409,245.82

TRANSFER FEE HEARINGS

1. Ethan Buchanan (Town of West Tisbury)

The Commission conducted a hearing on Mr. Buchanan's request for a second one-year extension of the timetable by which he must domicile on his "m" property (transfer no. 57951). Mrs. Thulin opened the hearing at 3:04 pm.

The Commission reviewed the contents of an October 31, 2020 letter from Mr. Buchanan in which he (1.) reports difficulty in keeping building on track given competition arising from the virus-induced "construction surge"; and (2.) recommends that the land bank consider amending its transfer fee regulations so as to give "m" claimants more flexibility in meeting the exemption's timetable. Mrs. Thulin closed the hearing at 3:06 pm.

After discussion and by a motion made and seconded, the Commission voted unanimously to grant a second one-year extension, such extension to terminate on October 13, 2021.

NEW BUSINESS

1. Agency Policy: Transfer Fee Regulations

The Commission reviewed Section 4.16 (12) of its transfer fee regulations, printed below:

The Commission may, at public hearing, extend by one year the two-year period by which all claimants of the "m" exemption must make the property their permanent domicile. This shall only occur when the Commission has determined that circumstances outside of the Purchasers' control have interfered with their ability to domicile there permanently. If, after this one year, a Purchaser still has not permanently domiciled on the property, a second one-year extension may also be permitted, in the Commission's discretion. No further extensions shall be permitted.

Apropos of whether a contemporary squeeze in the island construction

sector, resulting from a virus-stimulated real estate market, militates for a revision to this section of the regulations, discussion occurred as to (1.) the silence of the land bank statute on this subject, which is why it is addressed solely as a regulatory matter; (2.) how the current policy of two one-year extensions creates a potentially questionable situation where "m" claimants may end up residing on their properties for just a single year of the "m" quinquennium; (3.) the possibility, if deemed allowable by land bank counsel, of extending the compliance timetable in exchange for a commensurate extension of the "m" lien; (4.) the difficulty, under ordinary island conditions, of meeting the "m" terms on vacant properties, such difficulty to have been exacerbated by the virus; (5.) the importance of recognizing that many "m" claimants since land bank inception have met the "m" terms without relief, sometimes at great personal inconvenience and hardship, such that any amendments to the policy should be fair to them as well as fair to those seeking mitigation; (6.) the general imperative for public institutions to be flexible in unusual circumstances; and the like.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote to direct staff to compose a draft revision of Section 4.16 (12) reflecting the above; submit it to counsel for review; and return to the Commission with the result.

PUBLIC INPUT

1. Agency Administration: Public Input

Philip Cordella spoke to the land bank's recent revenues; budget; and warrants.

Terre Young asked whether her daughter, whose "m" exemption will up for review in January, should sooner or later inform the Commission of its status; Commissioners agreed that she should do so sooner.

ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2021-25.

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 3:26 pm.

certification:


Wesley Mott, Secretary