



Martha's Vineyard Land Bank Commission

MINUTES
REGULAR SESSION
MEETING OF OCTOBER 28, 2024

11 A Street. Edgartown, Massachusetts

CALL TO ORDER: 3:30 pm

LAND BANK COMMISSIONERS PRESENT AT CALL TO ORDER

Steven Ewing, Frederick Khedouri, Wesley Mott, Sarah Thulin, Nancy Weaver,
Peter Wells

LAND BANK COMMISSIONERS ABSENT AT CALL TO ORDER

Kristen Reimann

STAFF PRESENT AT CALL TO ORDER

Winston Bell, Harrison Kisiel, James Lengyel

PRESENTATION OF THE WARRANT

Warrant no. 2025-19 was made available for the Commission's inspection.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES OF OCTOBER 10, 2024

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 October 11, 2024: \$409,700.00
Revenues for the week ending October 18, 2024: \$778,199.00
Revenues for the week ending October 25, 2024: \$331,080.00

TRANSFER FEE HEARINGS

1. Dennis Hirsch (Town of Chilmark)

The Commission conducted a hearing regarding a failure to make timely payment of a land bank fee. Mr. Mott opened the hearing at 3:33 pm.

Staff summarized the contents of an October 14, 2024 letter from Mr. Hirsch in which he reported that he, by inadvertence, failed to pay the fee when he and his wife purchased a 50% interest in a family corporation. He is seeking a waiver of the penalty and interest on the grounds that he made a good-faith mistake. The fee, which he is prepared to pay, is \$11,000; the interest is \$2,791.60 and the penalty is \$2,750. Mr. Mott closed the hearing at 3:34 pm.

Commissioners debated whether precedent supported a waiver of any of the interest; staff reported that “extraordinary circumstances” — for instance, unusual post-closing events that were unexpected — are the basis for such waivers.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote (1.) to find the fee to be due; (2.) to decline to waive the interest; and (3.) to waive the penalty, upon a finding that there was no attempt to defeat the fee.

2. Dusan Veselinovic (Town of Tisbury)

The Commission conducted a hearing regarding the extinguishment of this “m” exemption (transfer no. 66546). Mr. Mott opened the hearing at 3:35 pm.

Mr. Lengyel summarized the contents of an October 21, 2024 email from Mr. Veselinovic in which he reports that, following his acquisition of his (vacant) land, he determined that it would be “cost-prohibitive” to build a home. He asks if his “m” can be transferred to the next property he will buy, which he intends to contain an pre-existing home. The charges associated with the extinguishment are the \$14,000 fee, \$2,733.26 in interest and a \$3,500 penalty. Mr. Mott closed the hearing at 3:36 pm.

Discussion variously occurred as to (1.) the nature of home construction on the Vineyard, viz., that its difficulties are neither a unique hardship nor unforeseeable; and (2.) the distinction between this situation and that of transfer no. 67225 where the Commission, at its September 30, 2024 meeting, allowed the transferring of an “m”, viz., [a] it transpired that the property in transfer no. 67225 was damaged, whereas the locus is in good condition and can be expected to sell at a profit and [b] more than a year has

elapsed since Mr. Veselinovic purchased his land, as opposed to transfer no. 67335 where only nine months had elapsed.

After discussion and by a motion made and seconded, the Commission voted unanimously in a roll call vote (1.) to find the fee to be due and to decline to transfer the "m"; (2.) to waive 50% of the interest, upon a finding of extraordinary circumstances in that the purchaser did not sufficiently anticipate, at the time of purchase, that it was better for his family situation to purchase an existing dwelling; and (3.) to waive the penalty, upon a finding that there was no attempt to defeat the fee.

NEW BUSINESS

1. Agency Administration: Procurement of Insurance Services

Staff reported that two proposals were received for insurance services, in response to the issuance of a request-for-proposals: (1.) Martha's Vineyard Insurance, dated October 24, 2024; and (2.) USI Insurance Services, dated October 24, 2024. Fiscal officer Janette Andrews is seeking additional information from each and will return with a recommendation. As no action was necessary at this time, the Commission took none.

PUBLIC INPUT

1. Agency Administration: Public Input Session

The Commission conducted its biennial public input session, to take comment on land acquisition priorities or any other matters of interest to the public. The following members of the general public were present: Addison Antonoff (*Vineyard Gazette*), Sharon Cooke, Philip Cordella, Robert Johnston and Marc Rosenbaum. Mr. Mott opened the meeting for comment.

Philip Cordella spoke to (1.) the Blue Barque Preserve farm lease; (2.) the parking area at the county's Eastville Point Beach, opposite the land bank's Doug's Cove Preserve; (3.) the status of the planned razing of the former shop at the Southern Woodlands Reservation, plus the installation of a trailhead there, about which Mr. Kisiel reported that he is beginning the process of seeking permits from the commonwealth's natural heritage department; (4.) the summer use reports and, in particular, the James Pond Preserve report, about which Mr. Lengyel stated that they are expected to be available before the end of the year, following which the Commission will evaluate the effectiveness of the James Pond trailhead policy; (5.) the portion of the Trade Wind Fields Preserve taxiway on the east side of the runway and that this node does not appear to be an active part of the grassland habitat, about which Mr. Ewing drew an analogy with marine fisheries in which areas that are not currently productive but could be

productive are left alone; and (6.) tree cutting on Alpine and Manchester Avenues, which Mr. Kisiel stated involved the town and not the land bank, as the land bank does not own any land there.

Marc Rosenbaum stated (1.) that the James Pond Preserve is "spectacular"; (2.) that without the land bank the Vineyard would be a "difficult and different place" to live; and (3.) that conservation and affordable housing efforts here "coexist nicely."

Robert Johnston stated that he was impressed with the land bank's strategy and accomplishments, and specifically spotlighted the James Pond Preserve.

Mr. Rosenbaum asked about the timetable for opening the Squibnocket Pond Reservation, which Mr. Kisiel supplied.

Hearing no additional comment, Mr. Mott closed the public input session.

ENDORSEMENT OF THE WARRANT

The Commission endorsed Warrant no. 2025-19.

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. Mr. Mott 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. He further announced that the Commission would not reconvene in regular session after the conclusion of the executive session. The Commission entered executive session at 4:16 pm.

certification: 

Kristen Reimann, Secretary