

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes for the Special Meeting of August 1, 2002

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, August 1, 2002, at 7:30 p.m. in the first floor meeting room at the Commission Offices in the Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts. At 7:40 p.m., a quorum being present, Richard J. Toole – a Commission member at large from Oak Bluffs, the Chairman of the Land Use Planning Committee and the Hearing Officer that evening – called the Special Meeting to order. On behalf of the Commission and Staff, he thanked Acting Executive Director Irene Fyler for the introduction of air conditioning to the meeting room. (Applause)

[Commission members present at the gavel were: J. Athearn; C. Brown; M. Cini; J. Greene; T. Israel; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; and A. Woodruff. Ms. Ottens-Sargent and Mr. Best arrived at 7:42 p.m., with the former taking her seat at the table and the latter leaving the meeting room almost immediately and returning at 8:12 p.m. after the Moffett Subdivision Public Hearing. Mr. Zeltzer also took his seat at 8:12 p.m. Mr. Donaroma arrived and sat down at 7:50 p.m.]

Public Hearing: Lucia E. Moffett Form A Subdivision (DRI No. 289-1).

Mr. Toole read into the record the Notice of Public Hearing for the Lucia E. Moffett Form A Subdivision in the Town of Edgartown (DRI No. 289-1). *[See the Full Commission Meeting File of August 1, 2002 (the meeting file) for a copy of said notice.]* He then outlined the Hearing procedure.

Applicant Presentation.

Richard Barbini of Schofield, Barbini & Hoehn introduced himself and stated that he was representing the Applicant that evening. He explained that the development was a

Form A subdivision of a piece of property located on the Vineyard Haven-Edgartown Road, bordered on the west by Felix Neck, on the south by Felix Neck and a couple of subdivided lots [*this was later corrected to "north"*], and on the east by existing residential housing.

Mr. Barbini continued that the site comprised 35-plus acres of land located in the R-60 Zoning District in the Town of Edgartown and thus required 50-foot frontage and an acre-and-a-half minimum lot size, not including any rights of way. "So we are proposing to [divide] it into six lots – one big lot of 25 acres, four lots around an existing house that average around two acres, and a one-point-six-acre piece as you just drive into the site," he explained.

At the present time, Mr. Barbini testified, the Applicant was planning to develop five of the lots for sale on the open market. "The sixth lot, which is the 25-acre lot," he related, "is now under option with the [Massachusetts] Audubon Society or Felix Neck [Wildlife Sanctuary], to purchase with the intent that it will be, remain non-developed. There is a signed option on that."

Mr. Barbini went on, "The only stipulation that we'd like to have on the 25 acres [is] to allow us to cut it in half ... or subdivided into two lots. And the reason for that is that if it's not bought by one organization but *two* nonprofit organizations, they have to hold title to their own piece, and that's the only way we can do it. So it's not for any development purposes. It's only for legal purposes."

Mr. Barbini then reiterated the basic elements of the proposal. "And that's it," he concluded.

Questions and Comments from Commission Members.

West Tisbury Selectmen's Appointee Kate Warner corrected Mr. Barbini, noting that the site was bordered by Felix Neck Wildlife Sanctuary on the north, not the south.

Aquinnah Selectmen's Appointee Megan Ottens-Sargent asked, "And also, did you make it clear that the 25 acres abuts the actual entrance into Felix Neck?" Mr. Barbini replied that the 25 acres was along the Vineyard Haven-Edgartown Road and right next to the entrance to the sanctuary, which he pointed to on the site plan. [*See the meeting file for a reduced copy of the plan.*]

"And the property basically follows on this side for a ways the road that goes into Felix Neck," added Mr. Barbini, "so this is a major extension of the Felix Neck property."

Ms. Ottens-Sargent requested that Mr. Barbini describe the restrictions that would apply to the 25-acre piece. "My understanding is that it will be non-developable for housing," answered Mr. Barbini. "No structures?" inquired Ms. Ottens-Sargent. "I don't know

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that," said Mr. Barbini, explaining, "There might be something relating to Felix Neck structures, but no habitable structures to my knowledge. Birdhouses."

"Is it going to be a real, legal Conservation Restriction?" wondered Marcia Mulford Cini, a Commission member at large from Tisbury. Mr. Barbini responded, "If Felix Neck buys it, I'm not sure what they do when they buy a piece of property. I don't know the legalities of Felix Neck or the Audubon Society. I really have no clue on that. But I know it's not for development."

Chilmark Selectmen's Appointee Jane A. Greene referred to the approximately 150 feet of the site that abutted the Vineyard Haven-Edgartown Road and asked if the Applicant would have the frontage to subdivide. "Yeah," answered Mr. Barbini, "even if it wasn't enough up there, it's to be basically added to the piece next to it, so it's more of a lot-line change for Felix Neck. But there *is* sufficient frontage on Vineyard Haven Road for the 25 acres."

Ms. Greene also wanted to know where the four lots would be getting their frontage from. "They have given us approval to subdivide it off the road that leads into the house," said Mr. Barbini. "It's been done two or three times in the past, and we're in front of the Planning Board, asking them to extend that right to use that existing road. So that frontage would be along that existing road."

Andrew Woodruff, a Commission member at large from West Tisbury, asked about the long road cutting through the property on the east side of the site plan. Mr. Barbini explained, "When one of the lots was sold, the person that bought the lot did not want to come into his piece of property through The Boulevard. So he negotiated the purchase of a right of way to serve one lot. So that particular road that goes all the way down through there is only for the purpose of one lot."

James Athearn, a Commission member at large from Edgartown, inquired if there was any story behind the peculiar shape of the Lot 1. "No," replied Mr. Barbini, "in all honesty, it's because of the way the right of way is laid out, and the option agreement on the 25-acre piece stipulated that there's where the one-and-a-half-acre lot would be."

"So that would be sold as a house lot, and I presume the house would be sited at the Boulevard end?" wondered Mr. Athearn. "I would guess that the house would be sited as far back from the Boulevard end as you could get it so it would meet setbacks," responded Mr. Barbini, who elaborated, "There are 10-foot-wide side-yard setbacks, so actually it's almost 80 feet in the back, so ... there could still be a substantial house way back here. It's very deceiving on the size."

Mr. Athearn suggested the idea of the future owners of Lots 2 through 5 getting together to purchase Lot 1 to use it as a rather substantial buffer. Mr. Barbini nodded, but added

that it had been so long since he had visited the site, he was not even certain what was down there on Lot 1.

Ms. Warner wanted to know if any specific buffer zone had been proposed for the residential lots. "We're not proposing anything," said Mr. Barbini. "Any development of lots 2, 3, 4 and 5, I would guess that Felix Neck would have a say in how they're developed as far as buffer zones, et cetera. I've never seen a written agreement, but I'm assuming that would be the case." Mr. Barbini then provided some of the long history of the relationship between Lucia Moffett and the wildlife sanctuary. *[Mr. Donaroma arrived at this point, 7:50 p.m.]*

Tristan Israel, the Tisbury Selectmen's Appointee, asked if any rare species of flora or fauna inhabited the site. Mr. Barbini replied, "My understanding is it's a continuation of the wildlife that's at Felix Neck, and one of the main reasons they would like to purchase this is that it would give the corridor down to their piece that's down at Sengekontacket Pond, that would complete a corridor for the wildlife. And that's one of the major driving forces that they're doing this for."

Mr. Barbini then added: "Is there anything special with the wildlife? I would say nothing different from Felix Neck."

Mr. Woodruff inquired if any other conservation organization had considered purchasing all or part of the 25-acre lot. "No, it's purely optioned to Felix Neck or Audubon Society," answered Mr. Barbini. "They're in a major fund-raising campaign right now that kicked off about two or three weeks ago to purchase this."

Responding to a question from Ms. Ottens-Sargent, Mr. Barbini related how George Moffett, Lucia Moffett's husband, made what Mr. Barbini believed was a gift of the entire piece that became the wildlife sanctuary, which is basically from Mrs. Moffett's house all the way down to the water.

Ms. Ottens-Sargent asked how many new houses could be built on the residential lots. Mr. Barbini replied that the lots were not re-subdividable because they were not 3 acres; so each owner would be allowed a house and a guesthouse. "So, nine total," he said.

Staff Report.

DRI Coordinator Jennifer Rand stated that she had nothing to add. "It's a pretty straightforward DRI," she said. Ms. Rand then explained that the reason the project was No. 289-1 was because the site had been approved by the Commission as a subdivision, but that the subdivision never occurred. "So they're back again with a different lot arrangement," she noted. "But it *is* a Form A. It meets all the Town's zoning requirements."

Another Commissioner Question.

Ms. Ottens-Sargent wanted to know how many houses could be build on the 25-acre lot. "Fifteen at an acre and a half is twenty-two and a half acres," answered Mr. Barbini. "You already have a right of way ... so you can probably have 15 houses plus 15 guesthouses." He added, "It's a substantial piece of land, and one of the few that's left."

Testimony from Town Officials or Boards.

Christina Brown, a Commissioner at large from Edgartown as well as a member of the Town's Conservation Commission, said that the ConCom was "fully in support of this project." She continued, "We've been working with the Land Bank and the Mass. Audubon and Felix Neck for a number of years. This is on everybody's wish list... To add as much of this land as possible to the Felix Neck Sanctuary had been a Conservation Commission open-space objective for a long time."

Testimony from Members of the Public in Favor of the Proposal.

Vito Priore, one of the abutters, spoke as a representative of the Smith Hollow Farm Homeowner's Association, saying, "We support this plan."

Ms. Rand added in the interest of full disclosure that until the week before she had lived in the Smith Hollow Farm subdivision.

There was no response to Mr. Toole's requests for testimony from those opposed to the project or for testimony in general.

More Questions from Commission Members.

Mr. Woodruff wanted to know if the Applicant had ever considered having Lot 4 situated between Lots 5 and 1 for the purpose of creating a longer continuous border. "I'm going to tell you, Andrew, that there was so much discussion as to where these lots were, where every possible conceivable discussion was had," said Mr. Barbini, "and this is what was finally agreed upon by all the parties."

Mr. Athearn expressed the view that the record ought to contain some factual information or confirmation from Massachusetts Audubon on what kind of buffer was planned between Lot 6 (the conservation lot) and Lots 4 and 5.

Alan Gowell, an abutter, stood and said he was **speaking for the Massachusetts Audubon Society as President of the Felix Neck Wildlife Trust**, a body which works with the society and which owns about one third of the sanctuary. "And Mass. Audubon and Felix Neck Wildlife Trust are completely in favor of the plan as presented," he stated.

Mr. Athearn asked Mr. Gowell if there was some sort of arrangement between the Applicant and the Audubon Society involving a right of first refusal. "There's an option to buy the property," replied Mr. Gowell, who added, "We have to raise the money."

Mr. Athearn then inquired if any agreements involving buffers around the residential lots had been made between the Audubon Society and the Applicant. "I can't speak to any fine print in there," responded Mr. Gowell. "I'm not the lawyer that worked, that drew up the option. I can only say that everybody is on board here."

Linda Sibley, a Commission member at large from West Tisbury, wondered if one could assume that the residential lots were located where they were because of the view. "No, they're located the way they are a little bit for view, but they located based on years of negotiation, years and years," stressed Mr. Barbini. But the residential lots were not down by the Vineyard Haven-Edgartown Road, Ms. Sibley pointed out. That's right, replied Mr. Barbini, because Mrs. Moffett's house was at that end of the property.

In addition, Mr. Barbini explained, the acreage locations were based on some "very, very personal reasons, personal things on this property that [Mrs. Moffett] wanted to keep and that she would not sell under any circumstances, okay? There's no way I can explain to you why, but I'm telling you there's a spiritual reason why she has those 9 acres. I'm very serious about it. She was *extremely* insistent about where those lot lines were. That's why they're there."

If the option was not exercised, did the Applicant have a deed restriction on the 25-acre parcel? wondered Alan Schweikert, the Oak Bluffs Selectmen's Appointee. "No, if the option is not exercised, and the option date is, I believe, the first of the year, then it's six lots that she owns," answered Mr. Barbini.

"Okay, so there's no special restriction on the 25 acres?" asked Mr. Schweikert. "No," responded Mr. Barbini, who added that if the Commission wished to include in its Decision that the 25 acres would be conditioned as not buildable, that was fine by him. "If the option doesn't go by, we'll have to come back and try to renegotiate it," he said. "So, as of right now, it's not buildable. If the option isn't exercised, I'm sure we'll be back here."

Ms. Ottens-Sargent asked if a Conservation Restriction would be placed on the 25-acre lot. "No, we're not putting any CRs on it whatsoever at this point in time," answered Mr. Barbini.

Ms. Brown said that her understanding of the proposal was that it was a division with buildable lots and one large unbuildable lot. She thought, she said, that the Commission should consider "the Application in front of us." The "what ifs" and the "might bes" were not relevant at this point, she added. Ms. Greene corrected Ms. Brown, noting that

there would not be one large unbuildable lot but rather two conservation lots. Ms. Sibley refined that further: "It's one large lot that they hope to sell to conservation."

"I think the public statements in this Hearing as well as other publicity things, ... if the Felix Neck falls through, that large lot is going to come back to us," concluded Ms. Brown.

The Hearing Officer asked the Applicant's representative if he wished to sum up; Mr. Barbini said he did not. Mr. Toole then closed the Public Hearing and the Written Record at 8:02 p.m.

Ms. Brown made a **Motion That The Commission Go Into A Special Session Of The Land Use Planning Committee For The Purpose Of Discussing The Moffett Proposal**, seconded by Mr. Israel. By Voice Vote, said Motion carried unanimously.

**Special LUPC Session: Post-Public Hearing Review of the Lucia E. Moffett
Form A Subdivision (DRI No. 289-1).**

Ms. Greene made a **Motion That The Land Use Planning Committee Recommend Approval of the Lucia Moffett Subdivision With The Condition That The Twenty-Five-Acre Lot Could Only Be Subdivided Into Two Conservation Lots And Could Not Be Built Upon Without Returning To The Commission.**

For clarification, Ms. Brown asked if the Motion meant that the Applicant could divide the 25-acre lot in two without coming back to the Commission. "Two conservation lots, yes," replied Ms. Greene, who added, "That was the testimony." Ms. Brown offered a Second.

"I'd like to see a buffer on Lots 4 and 5," said Ms. Warner. Mr. Barbini responded: "I guess the only way I can answer that is, [Lots] 4 and 5 were developed with Felix Neck, where those lot lines are purposefully. It was all laid out so both parties are happy with what's laid out. So why impose a buffer on something that the parties don't even want? I don't understand the reason for it."

Ms. Warner related that as a Planning Board member, she had seen many properties of this kind where the houses were right up against the lot line, as close as they could be. "So it's not the conservation land that it was," she remarked. Ms. Greene suggested that there could be a no-build zone instead of a buffer. Ms. Ottens-Sargent pointed out that an engineer would need to study the lots to decide where the building envelopes should go.

Ms. Brown said that she believed the setback for any building on the lots was 25 feet on the sides. "That doesn't mean you can't clear the land from the building over to the property line," she said. Mr. Barbini recommended that as the Applicant's representative, he offer a 50-foot buffer zone in Lots 4 and 5 on the sides abutting the Felix Neck land.

“So, we accept the Applicant’s offer of a 50-foot buffer,” stated Ms. Greene. No, said Ms. Sibley, the Commission should *impose* the 50-foot buffer.

Mr. Athearn commented that a building envelope would be more flexible than a buffer. He suggested that the Commission put into its Decision a provision that the buyers of the residential lots consult with Felix Neck on the sitings of the structures they planned. Ms. Greene pointed out that this would constitute third-party conditioning. “I would just go with the buffer,” said Mr. Toole.

Ms. Brown observed that if the Commission imposed a 50-foot buffer, which, she assumed, meant no cutting and no building, and that turned out to be topographically awkward, it would be a minor Modification that would return to the Commission after the owners of the residential lots and Felix Neck had worked something out. “We can look at it as a minor Modification,” she emphasized.

“Are we happy with that?” inquired Mr. Toole. No one objected.

Mr. Toole then reiterated the Motion as amended: **That The Land Use Planning Committee Recommended Approval of the Lucia Moffett Subdivision With The Conditions That One, The Twenty-Five-Acre Lot Could Only Be Subdivided Into Two Conservation Lots And Could Not Be Built Upon Without Returning To The Commission, And Two, That There Would Be A Fifty-Foot No-Cut, No-Build Buffer On The Sides Of Lots Four And Five That Abutted The Twenty-Five-Acre Conservation Lot And/Or The Present Felix Neck Wildlife Sanctuary Property.** Ms. Greene and Ms. Brown agreed that this was correct.

Mr. Toole then conducted a Voice Vote on Ms. Greene’s amended Motion, which carried unanimously. Ms. Ottens-Sargent made a **Motion To Return To The Special Meeting And Move To Item Six, Possible Vote**, duly seconded by Mr. Israel.

Oral Vote: Lucia E. Moffett Form A Subdivision (DRI No. 289-1).

Ms. Ottens-Sargent made a **Motion To Approve The Lucia Moffett Subdivision As Conditioned**, seconded by Ms. Greene. There being no further discussion, the Staff Secretary conducted a Roll Call Vote on the Motion, with the following results:

AYES: J. Athearn; C. Brown; M. Cini; M. Donaroma; J. Greene; T. Israel;
M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole;
J. Vercruysse; K. Warner; R. Wey; and A. Woodruff.

NAYS: None.

ABSTAINING: None.

The time was 8:12 p.m.

**New Business: Request to Reopen the Fairwinds Chapter 40B
Subdivision Public Hearing (DRI No. 548).**

[Messrs. Zeltzer and Best came to the table. Ms. Cini left the meeting room for the Fairwinds Reopening discuss and vote. Thus, the Commission members seated for this segment of the Special Meeting were: J. Athearn; J. Best; C. Brown; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.]

James Vercruysse, a Commissioner at large from Aquinnah and the Commission's Chairman, explained that the Fairwinds Chapter 40B Subdivision Applicant had requested that the Commission reopen the Public Hearing for that project, said Hearing having been closed on Thursday, July 11, 2002. He read aloud the necessary Motion: That The Commission Reopen The Fairwinds Subdivision Public Hearing And Written Record And Immediately Continue Said Hearing To A Date Uncertain.

Ms. Rand reported that she had a letter from the Applicant formally requesting the reopening and waiving the time element that had been triggered with the closing of the Hearing on July 11. In the LUPC meeting on July 29, she continued, a fair amount of discussion had taken place, and at that point the Applicant had stated that a substantial change to the project was being proposed and that he wished to return to the LUPC and then to Public Hearing with that revised plan.

Ms. Rand added that if the Motion the Chairman had read aloud carried, then the Applicant would meet with the LUPC on Monday, August 19, and the Public Hearing would be reopened and continued as soon as possible.

Ms. Sibley made the **Motion That The Commission Reopen The Fairwinds Subdivision Public Hearing And Written Record And Immediately Continue Said Hearing To A Date Uncertain**, duly seconded by John Best, a Commission member at large from Tisbury.

After a few questions for Ms. Rand, the Staff Secretary conducted a Roll Call Vote on Ms. Sibley's Motion, with the following results:

AYES: J. Athearn; J. Best; C. Brown; M. Donaroma; T. Israel;
M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse;
R. Wey; A. Woodruff; and R. Zeltzer.

NAYS: None.

ABSTAINING: None.

INELIGIBLE: J. Greene; A. Schweikert; and K. Warner.

The time was 8:16 p.m.

Discussion: Going Into Executive Session To Discuss Litigation.

[Ms. Cini returned to the meeting room. Thus, the Commission members seated for the remainder of the Special Meeting were: J. Athearn; J. Best; M. Cini; C. Brown; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.]

The Chairman related that the full Commission would be going into Executive Session that evening for the purpose of discussing ongoing litigation with the Down Island Golf Club Applicant (DRI Nos. 515 and 543). Responding to a request from the Chairman, Michael Donaroma, the Edgartown Selectmen's Appointee, made a **Motion To Go Into Executive Session**, seconded by Ms. Greene, who added that the session was **For Discussion Of Litigation Only And Not To Return To Regular Session**. "We are going to return to regular session," said Chairman Vercruysse. At that, Mr. Donaroma accepted the first part of Ms. Greene's Amendment.

Mr. Best wanted to know who would be participating in the Executive Session. The Chairman replied that the meeting had been requested by the Oak Bluffs Board of Selectmen and that those in attendance would include the developers, the Board of Selectmen and the Commission. "And it's customary for us to ask our Executive Director," he added.

Mr. Israel queried the Chairman about why the session had to be closed to the public. Noting that the idea of being in Executive Session made him "uncomfortable," he stated for the record that he was opposed to the Motion. "So, you mean you're not going to participate?" asked the Chairman. "No, I haven't decided that," answered Mr. Israel.

Ms. Ottens-Sargent requested that the Chairman summarize Commission Counsel Eric Wodlinger's reasons for recommending the session. Chairman Vercruysse read aloud from M.G.L. Chapter 39, Section 23(B)(3), which stated that a meeting could be held in Executive Session if an open session would have a detrimental effect on the litigating position of the governmental body involved.

The Chairman continued that he had consulted with Mr. Wodlinger around five times over the preceding day and a half and that Mr. Wodlinger had spoken in turn to Oak Bluffs' Town Counsel. Lastly, said the Chairman, he had asked the Oak Bluffs Selectmen if the meeting could be held in open session, and after speaking among themselves and talking to their Counsel, they had decided it would be best to meet in Executive Session. "And I agree with that," Chairman Vercruysse declared.

Mr. Woodruff wanted to know if the Commission was litigating against the Town of Oak Bluffs. The Chairman explained that the Commission was party to litigation on the side of Oak Bluffs in the case involving the Chapter 40B proposal for the Southern Woodlands (DRI No. 555).

Ms. Sibley cautioned that the Executive Session should stick strictly to those issues that could not be discussed in Open Session, that is, the issues related to litigation, and then the Commission should return to Open Session "and perhaps even continue the dialogue in [the] open."

Ms. Greene read from some material she had culled that day from the Internet, which included strategies from Attorney General Tom Reilly in which he had emphasized that the subject of Closed Sessions had to be held to only very specific issues, the discussion of which would have a detrimental effect if addressed openly. Also, she read, these guidelines applied to actual litigation and not litigation being threatened or possible litigation reported in newspaper articles.

Ms. Sibley clarified her position: She was most concerned, she said, that details of the golf course *plan* not be discussed. "We can't be making any decisions anyway," noted Ms. Greene, "because that would have to be in Public Hearing."

Robert Zeltzer, a Commission member at large from Chilmark, asked if the ground rules for the discussion could be announced prior to the Executive Session. "No," responded Chairman Vercruysse, "once we're *in* Executive Session."

Ms. Cini wanted to know who from the Town of Oak Bluffs and who from the Applicant's team would participate in the session. The Chairman requested that those parties, who were seated in the audience, identify themselves. They were: Oak Bluffs Selectmen Richard Combra, Michael Dutton and Todd Rebello; and Corey Kupersmith, the Applicant, as well as a member of his team, Brian Lafferty.

Mr. Israel again objected to having the discussion in Executive Session. Ms. Brown pointed out that the Commission was currently involved in two lawsuits against it by this Applicant and that one of those suits also involved the Town of Oak Bluffs as co-defendant. She agreed with Ms. Sibley, she said, that the discussion should not stray into areas outside the litigation.

Ms. Sibley stressed that since Commission Counsel would not be present, the Commission members would have to be particularly careful about what they said.

The Chairman reiterated that this was not a session in which they would make any agreements. "We're here to talk," he said. "We're at an impasse ... and I expect to leave

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here tonight with all of us having a better understanding of what each other's positions are."

The Staff Secretary conducted a Roll Call Vote on Mr. Donaroma's Motion, with the results as follows:

AYES: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; A. Schweikert; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.

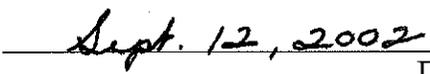
NAYS: L. Sibley.

ABSTAINING: None.

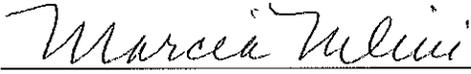
The Commission went into Executive Session at 8:27 p.m. They did not return to the Special Meeting that evening.



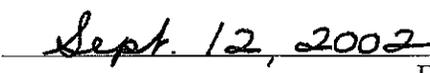
Chairman



Date



Clerk-Treasurer



Date

PRESENT: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.

ABSENT: A. Bilzerian; E.P. Home; J.P. Kelley; C.M. Oglesby; and R.L. Taylor.

[The Staff Secretary prepared these Minutes, using her shorthand notes as well as a tape recording of the Special Meeting.]