

THE MARTHA'S VINEYARD COMMISSION

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*Martha's Vineyard Commission
Minutes for the Regular Meeting of
December 16, 1999*

The Martha's Vineyard Commission (the MVC or the Commission) held its Regular Meeting on Thursday, December 16, 1999 at 5:30 p.m. in the second floor meeting room at the Commission Offices in the Olde Stone Building, New York Avenue, Oak Bluffs, Massachusetts.

At 5:36 p.m., a quorum being present, Richard J. Toole, Chairman of the Commission and the Selectmen's Appointee from Oak Bluffs, opened the Regular Meeting.

Item #3: Approval of Meeting Minutes.

Mr. Toole asked the Commission members present to consider the Meeting Minutes of December 2, 1999, which had been distributed to them the week before. He asked if anyone had any revisions to propose.

Tristan Israel, the Selectmen's Appointee from Tisbury, requested that in sentence 1 in paragraph 4 on page 2 the word "interrupted" be changed to "interjected." *[The original sentence was: "Halfway through reading the Notice, Mr. Donaroma was interrupted by Tristan Israel, the Selectmen's Appointee from Tisbury, who disclosed that his son was a member of the Wampanoag Tribe." The Commission Secretary, Pia Webster, believes that Mr. Israel meant for the sentence to read: "When Mr. Donaroma was halfway though reading the Notice, Tristan Israel, the Selectmen's Appointee from Tisbury, interjected that he wished to disclose that his son was a member of the Wampanog Tribe."]*

Linda Sibley, a Commission member at large from West Tisbury, made a Motion to Approve the Minutes with Mr. Israel's amendment, duly seconded. The voice vote went as follows:

AYES: J. Best; C. Brown; M. Cini; J. Early; T. Israel;
M. Ottens-Sargent; L. Sibley; R. Toole;
J. Vercruyssen; R. Zeltzer; and A. Gallagher.

NAYS: None.

ABSTAINING: J. Greene; L. Jason, Jr.; and M. Lazerow.

Item #4: Reports.

Mr. Toole noted that he had "nothing earthshaking to report," so he offered no **Chairman's Report**.

Christina Brown, a Commission member at large from Edgartown, provided the **Land Use Planning Committee (LUPC) Report**, describing the committee's meeting on Monday, December 13. They had met that evening with representatives for the Roth Rogers subdivision in West Tisbury (DRI #516). Ms. Brown explained that the Commission had already approved a preliminary plan for the subdivision (DRI #480). In that Decision, the Commission had recommended some changes for the final plan, including some protective measures for the frost bottom and an emergency-vehicles-only way to the Watcha Path. Therefore, Glenn Provost, a surveyor and an agent for the Applicant, had made those changes to the preliminary plan and had presented them to the LUPC.

Also on the agenda had been a meeting with the Spiegel House Applicant (DRI #517), but at the Applicant's request this had been postponed until late January. There was a brief discussion of exactly which house this one was (the last house on the left on the North Road just before the Chilmark town line, set back from the road a little ways), as well as of the importance of a site visit before the Public Hearing.

Regarding the **Vineyard Haven Harbor DCPC Committee**, John Best, a Commission member at large from Tisbury, reported that "my phone has not been ringing." Jo-Ann Taylor, a Commission Staff member, confirmed that there had been no requests for exemptions so far.

Leonard Jason, Jr., the County Commission representative, delivered the **Chilmark Building Cap DCPC Committee Report**, announcing that they had one application for a building permit in Chilmark. "It's been there for a while," he added.

Ms. Sibley, a member of the **West Tisbury Building Cap DCPC Committee**, provided that committee's report. The West Tisbury Building Inspector had informed her that the Town did have a number of pending new applications, but that the Town had not planned under their regulations to issue any permits in the month of December, notwithstanding

the moratorium. (It had not been budgeted for.) Furthermore, the Building Inspector had not as yet heard from anybody who was interested in an exemption.

There followed a brief discussion of the Continued Public Hearing that had taken place on Tuesday, December 14, regarding the West Tisbury building permit cap bylaw. John Early, the Selectmen's Appointee from West Tisbury, reported that the article had, in fact, been postponed indefinitely, that is, until the next Special Town Meeting, which would probably be scheduled for the middle of January.

Jane A. Greene, the Selectmen's Appointee from Chilmark, said that the **Aquinnah DCPC Committee** had not met since the last Full Commission Meeting.

Marcia Mulford Cini, a Commission member at large from Tisbury, reported that the **Affordable Housing Subcommittee** had met on December 7, when they had looked at commercial side of the affordable housing policy. The revised policy, in draft form, had already been submitted to Commission Counsel Eric Wodlinger for his evaluation, she said. Ms. Cini also had with her that evening some copies of the fifth draft of the reworked policy, which she distributed to some of the Commission members. Finally, Ms. Cini said, she wished that all member who were able to would attend the next meeting of the subcommittee on January 11, 2000 at 5:30 p.m. in the Commission Offices, when she expected that the everything would be "wrapped up."

Mr. Early noted that the **Planning and Economic Development Committee** had not met since the last Full Commission Meeting. Neither had the **Cell Tower Study Group** met, reported Michele Lazerow, a Commission member at large from Oak Bluffs. Regarding cell towers, Ms. Greene did want to say that "we have agreed that we're going to try to get cell companies down here and see what they're proposing."

Charles Clifford, the Commission's Executive Director, delivered a brief **Legislative Update**. The legislature was in limbo, he said, and wouldn't start meeting until after the first of the year.

Mr. Toole reminded the Commission members about the **Tisbury site visits** on January 2, 2000, at 1 p.m., beginning at the site of the former Coca-Cola distribution center. The following week, on January 9 at 1 p.m., a visit would be paid to the site of the proposed Sears Building in West Tisbury.

Ballot Vote: Martha's Vineyard Commission Officers for the Year 200.

Mr. Toole read aloud a letter from Michael Donaroma, the Selectmen's Appointee from Edgartown, who was unable to attend the Regular Meeting that evening. *[See the Meeting File of December 16, 1999 for a copy of this letter.]* In his letter Mr. Donaroma expressed support for Michael Colaneri, a Commission member at large from West

Tisbury, who had been nominated for the position of Vice Chairman of the Commission. Mr. Donaroma had also enclosed with the letter his absentee ballot.

There was a brief discussion of whether or not an absentee ballot should be valid. Mr. Clifford remarked that although proxy votes were not permitted, the issue of an absentee ballot for the election of Commission Officers had never been raised previously. He added that there was no prohibition of it in the Commission Bylaws, nor was it prohibited by the enabling legislation, Chapter 831. Mr. Clifford had confirmed this with Commission Counsel. Therefore, the decision of whether or not to accept Mr. Donaroma's ballot was up to the Commission members present.

Mr. Toole asked for a Motion to accept Mr. Donaroma's absentee ballot. Ms. Greene made such Motion, duly seconded by Mr. Early. In response to Mr. Toole's request for discussion, Mr. Israel expressed the hope that "this will apply to everybody." Ms. Brown clarified that such an allowance for absentee ballots would apply only to the election of Commission Officers. A brief discussion ensued. Then Mr. Toole conducted a voice vote, which was unanimously in favor of accepting Mr. Donaroma's absentee ballot.

AYES: J. Best; C. Brown; M. Cini; J. Early; J. Greene;
T. Israel; L. Jason, Jr.; M. Lazerow; M. Ottens-Sargent;
L. Sibley; R. Toole; J. Vercruysse; R. Zeltzer; and A. Gallagher.

NAYS: None.

ABSTAINING: None.

Then Mr. Clifford passed out the blank ballots to the Commission members present, and said members voted. As the votes were being tallied by Ms. Webster, the members had a discussion about the Commission budget.

Discussion: Commission Budget.

Regarding the budget, Mr. Toole noted that there would be a "substantial increase" in the assessments to the Towns, unless something unforeseen happened up at the State House. Ms. Greene explained that the assessment would be about two and a half times as much as the previous one.

Mr. Israel expressed his concerns about the many increases that were already expected to added to the tax bills in Tisbury. He suggested that the members look over the figures carefully and be able to justify all budget items. As the Clerk-Treasurer of the Commission, Ms. Greene offered to speak to the justification: "The fact is, we have no money coming from the State this year, and it's either lay off all the Staff, shut the doors, or we're going to have to go to the Towns and ask for the money."

John Best, a Commission member at large from Tisbury, thought it wise to get the budget "out in the open" as soon as possible and to begin discussion on it, possibly even to hold public meetings in the Towns. Ms. Greene remarked that, in legal terms, the Commission did not have to go to the Towns for any public input. They would, as was the regular practice, meet with the respective Finance Committees of each Town. A discussion followed about how to approach the Towns.

James Vercruysse, a Commission member at large from Aquinnah, asked if there were guidelines as to how much the assessment could be increased each year. Mr. Clifford replied that the amount levied could not exceed .036 percent of the latest equalized valuation for each Town. *[See Section 4 of Chapter 831.]* "We have never asked for that and probably never will," noted Ms. Greene.

In response to a request from Ms. Cini, Mr. Clifford provided some of the history of the assessments to the Towns. He explained that funds for the Commission used to be a line item on the State budget. With no funds forthcoming from the State, the Executive Committee had requested that he work out a budget that was not dependent on the State, which was what he had done.

Mr. Israel suggested that the budget be brought not only to the Finance Committees of the Towns, but to their Boards of Selectmen as well. Ms. Brown said that in Edgartown it would be helpful to have some text to go along with the budget that would describe the projects the Commission had been working on, as well as those that the Commission would be addressing in the coming year. Included in the text should be some thoughts on the role of the Commission in the community, she added.

Mr. Best remarked that action should also be taken on the State level. "I'd like to ... see that we're doing everything within our power to keep the lines of communication open with the State. And if we've got to go up there and knock on doors, [we should] do it," he said

The discussion of the budget wound down. Then Mr. Toole announced that the Executive Committee and the Finance Committee would be meeting on Thursday, January 6, 2000 at 6:00 p.m. at the Commission Offices.

Election Results.

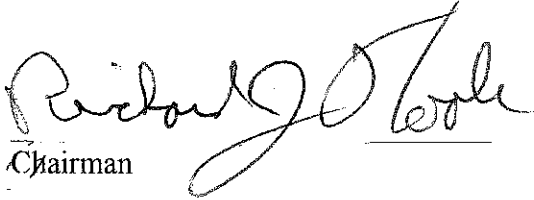
The results of the election of Commission Officers for the year 2000 were:

Chairman:	Richard Toole - 14 votes
	Leonard Jason, Jr. - 1 write-in vote

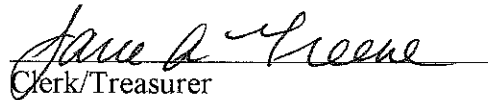
Vice Chairman: Marcia Mulford Cini - 10 votes
Michael Colaneri - 5 votes

Clerk/Treasurer: Jane A. Greene - 15 votes

Mr. Toole asked for a Motion to Adjourn, which was offered and duly seconded. The Regular Meeting adjourned at 6:09 p.m.


Chairman

FEB 7, 2000
Date


Clerk/Treasurer

FEB 7, 2000
Date

PRESENT: J. Best; C. Brown; M. Cini; J. Early; J. Greene;
T. Israel; L. Jason, Jr.; M. Lazerow; M. Ottens-Sargent;
L. Sibley; R. Toole; J. Vercruysse; R. Zeltzer; and A. Gallagher.

ABSENT: M. Colaneri; M. Donaroma; B. Hall, Jr.; T. Henson, Jr.; and
M. Bolling.

*Summary of Revisions to the
Meeting Minutes of December 16, 1999
Proposed by Commission Members
in the Meeting of January 6, 2000*

[An excerpt from the Meeting Minutes of the Special Meeting of January 6, 2000 follows immediately. It describes the revisions (if any) requested by Commission members with regard to the Minutes of December 16, 1999.]

Page 3, Paragraph 1, Sentence 1:

Replace the sentence as written with the following: *"(The Town had not 'budgeted' any permits for the month of December."*

Page 5, Entire Section Entitled "Election Results":

Replace the entire section as written in the Meeting Minutes of December 16, 1999 with the following:

"The results of the election of Commission Officers for the year 2000 were then announced. The results announced by Richard Toole were:

<i>Chairman</i>	<i>Richard Toole - 15 votes</i>
<i>Vice Chairman</i>	<i>Marcia Mulford Cini - 10 votes Michael Colaneri - 5 votes</i>
<i>Clerk/Treasurer</i>	<i>Jane A. Greene - 15 votes.</i>

The following morning it was discovered that Secretary Pia Webster had failed to notice a write-in vote for Chairman. Therefore, the actual election result for Chairman (as opposed to the one announced during the Regular Meeting) was as follows:

<i>Chairman</i>	<i>Richard Toole - 14 votes Leonard Jason, Jr. - 1 write-in vote."</i>
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