

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes for the Regular Meeting of July 19, 2001

The Martha's Vineyard Commission (the MVC or the Commission) held its Regular Meeting on Thursday, July 19, 2001, at 7:30 p.m. in the first floor conference room at the Commission Offices in the Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts.

At 7:43 p.m., a quorum being present, James Verduyze – a Commission member at large from Aquinnah as well as the Chairman of the Commission – called the Special Meeting to order. *[Commission members present at the gavel were: J. Athearn; J. Best; C. Brown; M. Donaroma; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; L. Sibley; R. Toole; J. Verduyze; and A. Woodruff. Ms. Warner arrived at the Meeting at 8:32 p.m.]*

Public Hearing: Dukes County Administration Building Addition (DRI #544).

Chairman Verduyze handed the gavel to Richard J. Toole, a Commission member at large from Oak Bluffs, Chairman of the Land Use Planning Committee (LUPC) and the Hearing Officer that evening. Mr. Toole read into the record the Notice of Public Hearing for the Dukes County Administration Building Addition Development of Regional Impact (DRI #544). *[See the Full Commission Meeting File of July 19, 2001 (the meeting file) for a copy of said notice.]* He then explained the Hearing procedure.

Christina Brown, a Commission member at large from Edgartown, announced that she was abstaining from participation in this Hearing because she is a member of the Retirement System. *[Ms. Brown remained in the room, but did not participate in any discussion or deliberations.]*

Applicant's Presentation.

County Engineer Steven Berlucci, who was representing the Applicant, introduced himself and explained that he had been asked by the County Manager to design an addition to the present Administration Building to accommodate an office for the Dukes County Retirement System. He related that an addition had already been put on the right

side of the building and that at 1,100 square feet, said addition had not triggered the DRI Checklist. At 20 feet wide and 40 feet long, he pointed out, the proposed (second) addition crossed the 2,000-square-foot threshold and so had been referred to the Commission by the Building Inspector.

Mr. Berlucchi continued that the Administration Building was located at the airport across from the Hot Tin Roof. Using a site plan, he described the orientation of the building. The proposed addition, he said, would be located on the south side of the building, which was a simple one-story, wood-framed, shingled structure; the proposed addition, he noted, would be similar in size and construction. The building was located 200 feet from West Tisbury Road, and this distance provided for the recreational easement required by the Town of Edgartown Zoning Bylaw. It was 65 feet from Airport Road, which was the entrance to the Martha's Vineyard Airport, he said.

Surrounding the building were existing trees and shrubs, Mr. Berlucchi went on, and when the trees were in leaf, the building was not visible to people driving by on either road. The traffic on the road to the building itself (said road was paved and then turned to dirt) would be light, consisting only of people who had business with the County, he explained, since the Hot Tin Roof was no longer offering live entertainment.

Mr. Berlucchi went over the lighting plan. On the current building, he related, the lighting consisted of 150-watt double lights set off by motion which could also be switched on if Public Hearings were conducted after dark. The addition would be lighted the same way, he said, and there would be handicapped access to either side of the building via a porch.

As for the parking plan, Mr. Berlucchi testified that the Applicant was proposing a bituminous parking area in the back, since the only parking now existing was the entrance driveway to the County Administration Building. They had considered using a vacant parking lot across from the Hot Tin Roof, he added, but because of some "ludicrous" rules, they would have to pay rent to the airport for that, even though the land was owned by the County. So the County Manager had decided not to lease the second parcel.

Mr. Berlucchi explained that a bituminous surface was required for the proposed parking area because elderly and handicapped people would be using the lot. (There would be two handicapped parking spaces.) "That's about it," he concluded.

There were no questions from Commission members at that point.

Staff Report.

DRI Coordinator Jennifer Rand noted that the Applicant's request was "pretty straightforward." A question raised in LUPC about the new parking area had been answered by Mr. Berlucchi, she said, and the surrounding uses were an office and an

antique shop. Since the County was a government agency, there had been no affordable housing contribution offer, she added.

The correspondence received included a letter from the Conservation Commission, indicating that there were no environmental issues, Ms. Rand continued. In addition, the Martha's Vineyard Airport Wastewater Treatment Facility Operator had written that there would be no negative impacts, she said, and a single letter of support had come in from a member of the Retirement Board.

Mr. Berlucchi then said that he had been asked by the LUPC to supply the Minutes from the County Commission meeting wherein the addition had been approved, and he had submitted that. Ms. Rand confirmed this.

Testimony from Public Officials.

Noreen Mavro, Dukes County Treasurer and Chairman of the Retirement Board, explained that the Retirement System Administrator had always been part of the County Courthouse and that when the County Administration had moved to the airport, the Retirement System Administration had gone with them. "There have always been crowded situations," she continued, "and we're looking for a place where we can sit with potential retirees and they can discuss their issues with some confidentiality and not be where there's just a bunch of traffic and that sort of thing. And so we're just looking for some space off to the side to do that and to operate."

County Commissioner John Alley noted, "Well, it's pretty much all been said. But since I drove down here, I'm going to say something." Essentially, he said, the Retirement System had been part of the County Courthouse for a long time. With the County Administration Offices now at the airport, he added, it would be a great advantage to have the addition for the Retirement System offices. "And I think you can trust all of us that it'll be a tasteful, one-story building," he concluded.

There was no testimony offered from members of the public in favor of or in opposition to the proposal, nor was there any general testimony.

Questions/Comments from Commission Members.

The only Commissioner comment came from Chilmark Selectmen's Appointee Jane A. Greene, who said, "It's long overdue." Mr. Toole closed the Public Hearing and the Written Record at 7:54 p.m.

LUPC Review: Dukes County Administration Building Addition (DRI #544).

Ms. Rand suggested that the Commission carve out five minutes from the present Meeting for a review by the Land Use Planning Committee of the proposal just heard.

West Tisbury Commission member at large Linda Sibley made a Motion to Suspend the Regular Meeting, duly seconded; said Motion carried unanimously by voice vote.

As LUPC Chairman, Mr. Toole retained the gavel. Ms. Greene made a Motion That the LUPC Recommend an Approval by the Full Commission of the County Administration Building Addition as Presented. Said Motion was seconded by Megan Ottens-Sargent, the Aquinnah Selectmen's Appointee.

John Best, a Tisbury Commissioner member at large, asked about the location of the parking lot. Using the site plan, Mr. Berlucchi showed him Airport Road (the airport entrance road) and how the parking lot would be set back 65 to 70 feet from that road. The area between Airport Road and the lot as well as the area between West Tisbury Road and the lot were covered with trees and brush, he said. He elaborated that there was a stretch of grass maintained by the airport next to Airport Road, but that still left around 35 feet of trees.

James Athearn, a Commission member at large from Edgartown, indicated that the building and the parking lot would be visible from the roads about six months of the year. Thus, he suggested that some evergreen screening be planted by the Applicant, similar to that being carried out at the Transfer Station down the road.

Ms. Greene pointed out that the Commission was now out of Public Hearing. "We can't do this," she said.

Ms. Sibley offered the opinion that the building and parking lot would not be "obnoxiously visible," even when the leaves were gone, since there would remain a substantial number of tree trunks. She recommended that the Commission tell the Applicant that "it might be nice for them to throw in a handful of evergreen trees."

Mr. Toole then conducted a voice vote on Ms. Greene's Motion, which carried unanimously, with 12 Ayes, no Nays and none Abstaining.

Ms. Sibley made a Motion, duly seconded, to Leave LUPC Session and to Return to the Regular Meeting. Said Motion carried by voice vote.

Discussion/Vote: Dukes County Administration Building Addition (DRI #544).

Chairman Vercruyse took the gavel. Edgartown Selectmen's Appointee Michael Donaroma made a Motion to Move to Item 6, Possible Vote: Dukes County Administration Building Addition, duly seconded. Ms. Greene made a Motion to Approve Said Application as Presented, duly seconded. There was no discussion.

MVC Executive Director Charles Clifford conducted a roll call vote on Ms. Greene's Motion, with the following results:

AYES: J. Athearn; J. Best; M. Donaroma; D. Flynn; J. Greene; T. Israel;
M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse; and
A. Woodruff.

NAYS: None.

ABSTAINING: None.

RECUSALS: C. Brown.

Public Hearing: Federal FY 2002-2007 Transportation Improvement Program.

[The time was 8:00 p.m. The Commission members seated for the TIP Public Hearing were: J. Athearn; J. Best; C. Brown; M. Donaroma; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse; and A. Woodruff.]

Mr. Toole read into the record the Notice of Public Hearing for the Federal Fiscal Years 2002-2007 Transportation Improvement Program (TIP). *[See the meeting file for a copy of said notice.]*

Staff Report.

For the benefit of the new Commission members, **David Wessling, the Commission's Transportation Planner**, provided some background on what the TIP was. He described it as a listing of all road projects, bike path projects, bridge projects and so forth that qualified to receive Federal or non-Federal aid. Tonight it was the Commission's task, he continued, to give information to the State as to how they wished to prioritize the projects being proposed for the Vineyard.

[For the purposes of this Hearing – and since there was no standing committee constituted at the time – the Commission served as the Joint Transportation Committee that evening. See the meeting file for a copy of the TIP.]

Mr. Wessling explained that the projects listed in the TIP were “financially constrained,” with the Martha's Vineyard region receiving \$.03 for every \$10 in the State program. This meant, he said, around \$139,000 for the fiscal year 2002. “The first year is supposed to be real money,” he stressed, “and the list for that year, 2002, is an agreed-to list of projects. Any project on the list has a very high probability of getting done. That's the long and short of it.”

Referring the members to a yellow sheet, Mr. Wessling related that this was a letter from the Massachusetts Highway Department (MassHighway) commenting on the draft TIP for the Martha's Vineyard Region. *[See the meeting file for a copy of the letter.]* Most of the comments, he said, concerned the first spreadsheet page of the TIP, entitled “Section

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1: Federally Funded Projects: Fiscal Year 2002.” The first comment from MassHighway was that the targets had not been adhered to for non-CMAQ projects.

Mr. Wessling then recounted how he had sent letters to all the Towns asking for input on formulating the TIP. He had received, he said, only three responses: one from Oak Bluffs concerning a bicycle path on Eastville Avenue; a long list of projects from the Martha's Vineyard Regional Transit Authority (VTA); and a request from the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (the SSA or the Authority).

Mr. Wessling returned to the MassHighway letter. What it was asking of the Joint Transportation Committee, he explained, was to make one of three possible decisions: to leave the list the way it was; to cut back the amount of money to make it fit; or to take the money from the road projects and apply that money to the other projects.

Questions and Comments from the Commission Members.

Ms. Ottens-Sargent wanted to know more about the Oak Bluffs bicycle path proposal. Mr. Wessling explained that the project would complete the two sides of the triangle from the end of County Road (near the hospital), down Eastville Avenue past the VFW building to New York Avenue. That was budgeted for \$39,200, he said. This figure was contradicted by Laurence Mercier, Superintendent of the Edgartown Highway Department (seated in the audience), who said that the correct figure was \$64,617.

County Commission representative Daniel L. Flynn confirmed with Mr. Wessling that a total of \$139,000 was available for the Martha's Vineyard Region and that the projects being proposed for 2002 were \$73,125 over the funding targets. So, Mr. Flynn continued, the JTC would have to knock off the bicycle path and the highway projects if they wanted the VTA's vehicle acquisition request to be fulfilled. He had always thought, he said, that the infrastructure should be built prior to the vehicle that traveled it; so it made sense to him to prioritize the highway projects.

Ms. Sibley pointed out that the difficulty was, if mass transit was not funded, then more cars would be using the infrastructure, which would mean more damage to that infrastructure, which in turn would mean more highway projects. She stated that she would have to know the specifics of the highway projects before she could decide which should have priority.

Mr. Flynn remarked that over the years there had been a give-and-take between the Island Highway Departments and the VTA. In the past, it seemed to him, many road-building projects had been “put on the back burner” while the VTA had increased its fleet of vehicles. “And I think that we neglected, to some extent, the infrastructure of the roads,” he commented.

Ms. Brown noted that her assumption was that the TIP funds were not the only funds – or even the major funds – used to support highways, vehicle acquisition, bicycle paths and

so forth. She wanted to know what percentage of the whole of the aid that the Island got was represented by the TIP. Mr. Wessling replied that the target amount of Federal aid for fiscal 2002 was \$139,000. The non-Federal aid, or Cherry Sheet money, was something else, he added.

Ms. Brown reworded her question: "What proportion is the TIP money of the whole that's needed and spent for transportation on the Island?" Mr. Clifford explained that the Towns received Chapter 90 money. What Mr. Wessling was presenting in the TIP, he said, was all the *Federal* money the Island would receive. Mr. Mercier asked if he could speak.

Testimony from Laurence Mercier, Edgartown Highway Superintendent.

Mr. Mercier introduced himself as the Highway Superintendent for the Town of Edgartown, and he distributed copies of a document entitled *Developing the TIP Budget – Federal Funding Only: Federal Fiscal Year 2000X*. [See the meeting file for a copy.] He explained that the projects for the Martha's Vineyard Region listed on the TIP spreadsheet that Mr. Wessling had passed out amounted to \$61 million.

Of that total, Mr. Mercier continued, \$1,743,000 was devoted to highway projects; \$6,274,000 was devoted to VTA projects; and \$53,000,000 was devoted to the Steamship Authority. "Now we all know there are not that kind of funds out there," he remarked. "We're talking about a measly couple of hundred thousand dollars there."

Mr. Mercier then went through a chart on the first page of the document he had distributed, which broke down the TIP budget and showed how out of \$500 million of Federally authorized funding, most of that (\$445 million) would go to the "Big Dig" and only 0.31 percent times 89 percent of that \$445 million, or \$139,000, would go toward Vineyard projects.

As far as Chapter 90 money went, Edgartown had received \$117,000 from that fund last year, continued Mr. Mercier. As for the so-called Cherry Sheet money, he said, in Edgartown this went back into the General Fund and was normally spent on the school system. The bottom line was, he stressed, that "the Town of Edgartown has never seen a penny from the TIP Program, not one cent."

Mr. Mercier went on: "Most of the money has gone to the VTA over the years. When I sat on the Joint Transportation Committee with Dan [Flynn], the first year it [the VTA] was in business, I believe, we sat there and we said, 'We're trying to start the Transit Authority. The money should go to the Transit Authority for the first few years.' Well, when I came in tonight, I asked David [Wessling] to give me the breakdowns on what the Towns had gotten and what the VTA had gotten. Well, the Statewide Contract Assistance Program for '98, '99 and 2001, they [the VTA] got \$1,458,000... And the Federal highway funds they've gotten in the year 2000 [are] \$1,100,000."

Regarding Ms. Sibley's comments on infrastructure, Mr. Mercier explained that the VTA buses were 50 feet long and 12 feet wide and that there were plenty of places where the Highway Departments had to redesign the corners to accommodate the buses. "So I think that's not a good argument," he said.

More Questions and Comments from Commission Members.

Ms. Sibley clarified what she had meant to say earlier about infrastructure "What I mean is, it matters what we're doing with this money," she said. "If, as David [Wessling] says, one of these things is for a bicycle path for which there are no plans, [then] how can we put that as a higher priority than a bus if it's not even feasible?"

Under highway projects, Ms. Sibley continued, all she was asking for were for specifics on those projects. "If they are what you're talking about – if they're clearly essential, if they are repairs of something or redesign of something which isn't adequate to meet the size of the vehicles or a repairable road that's in the condition that the old back road was in before it got redone – then do it," she concluded. "That's what I'm here for," said Mr. Mercier.

Responding to a comment from Tisbury Selectmen's Appointee Tristan Israel, Mr. Mercier contended that although the \$4 million spent to repair the Edgartown-Vineyard Haven Road (the back road) was government money, it had not been TIP money. Mr. Clifford disagreed, noting that it had, in fact, been TIP money.

Mr. Israel also wanted to know why the Town Highway Departments had not submitted requests for any TIP money. "Because we're all frustrated," replied Mr. Mercier, "and I decided I was going to come tonight and vent a little of my frustration. We sat here for many years and saw all our money go to the VTA." That was why, he added, he had not put in plans that year. "You get sick of sitting down and going through the paperwork," he remarked.

Chairman Vercruyse observed that this was apparently a complicated matter, and he was hoping just to get a recommendation that evening and then move on. "Because this is really a lot bigger thing than we can really get into tonight," he said. Mr. Mercier suggested that in the future the JTC concentrate on small, well-planned projects – since they were not talking about much money in the first place – or a single big project.

Mr. Clifford explained that the Commission administration tended to feel every bit as confused and frustrated as Mr. Mercier. "They change the rules every year," he said. "They change the dollar numbers every April." Both Islands were taking a beating on the TIP Program, he added.

The discussion continued. West Tisbury Commission member at large Andrew Woodruff asked if it was too late for a Town to put in a plan. "It's too late," said an unidentified person. Mr. Woodruff also wanted to know who allocated the TIP money.

"Boston," replied Mr. Clifford, who explained that the State Highway Department told each region what it would receive and then the Highway Superintendents scrambled around trying to get their projects on the list.

So what is our role this evening? wondered Mr. Woodruff. Mr. Wessling answered that it was up to the Commission to set the priorities. Mr. Clifford noted that no matter what the Commission set as priorities, if the State did not agree, it would not allocate the funds.

And if we set a priority this evening, would someone try to design a plan around that priority within the next month? inquired Mr. Woodruff. "I don't think it's feasible," replied Mr. Clifford. A discussion about the complexities of the system ensued. *[Ms. Warner arrived at this point, 8:32 p.m.]*

Mr. Best offered the opinion that to prioritize without any knowledge of what these projects were made no sense, and he asked Mr. Wessling to provide whatever details were available on the projects listed.

Mr. Wessling explained that the bicycle path project had been submitted by Richard Combra, Jr., of the Oak Bluffs Highway Department. The project, he said, would complete the two sides of the triangle from the end of County Road (near the hospital), down Eastville Avenue past the VFW building to New York Avenue. However, as far as Mr. Wessling knew, no engineer had come up with detailed plans yet. "And the VTA wants buses?" asked Mr. Best. "One bus," answered Mr. Clifford.

A discussion followed concerning what would happen if the Commission voted to prioritize the highway and bicycle path projects, neither of which had definite plans. Ms. Sibley posed this question: "If we choose the bus and get the money, isn't that better than choosing the highway and not getting the money?" Messrs. Mercier and Toole agreed that this would make sense, at least for this year.

The discussion continued for some minutes until Chairman Vercruyssen remarked that he did not think they could be expected to understand the TIP in such a short span of time. He suggested that they go with what appeared to be the recommendation (the bus) and continue on to the next Agenda item.

Mr. Israel presented the idea of allowing more time the following year so that they could better judge the projects. Mr. Clifford proposed that he ask David Luce of MassHighway to come down at some point to explain the TIP Program, say, in September or October.

Ms. Brown noted that although she understood Chairman Vercruyssen's point, she was reluctant to recommend the vehicle acquisition because there were no specifics offered. She was concerned, she said, about continuing to have large diesel-fueled buses on the road. "They're using propane," said Ms. Greene. "Yes, but I want to hear that in their proposal," responded Ms. Brown. "The buses they just bought are diesels," interjected

Mr. Mercier. Mr. Clifford explained that the TIP stated simply "bus acquisition"; that was all the JTC could stipulate.

Ms. Sibley stated that she understood that the JTC could not design the bus as such. "But if we're getting asked to make a priority, let's pretend there were plans," she said. "We're being asked to choose whether we want the bus or a particular highway project, and the bus is of a design that we find not beneficial to Martha's Vineyard, which might influence us and have us say, 'We want the highway project,' or vice versa. If we're voting on anything tonight and we're prioritizing where the money's supposed to go, we could make a much more informed decision if we know what the specifics are."

Ms. Sibley then suggested that if the JTC did not have to vote that evening, they should get the VTA to the Commission Offices to tell them what that agency wanted to do with the money, continuing the Hearing until then. She added that in view of the frustration expressed by Mr. Mercier, the Commission should encourage the DPW heads to come in and work with Commission Staff.

Ms. Greene made a Motion That the JTC Go Forward With the Bus, duly seconded by Mr. Athearn. Ms. Greene pointed out that it was better that the Island not lose the funds. In addition, she said, it was not appropriate for the Commission to tell the VTA how to buy a bus. Regarding the Highway Superintendents, she continued, she agreed with Ms. Sibley that this was a good idea. However, she added, they did not have their plans on the table, and the TIP had to be submitted shortly. "For next year, great idea," she remarked. Mr. Toole pointed out that they were still in Hearing.

Mr. Flynn recommended that since the Program did not have to be submitted until September, the JTC should give the Town of Oak Bluffs the opportunity to bring in the plans for the bicycle path. He also suggested that they reconstitute the JTC as a standing committee separate from the Commission. He asked Mr. Mercier if he would join. "Sure," replied Mr. Mercier. Mr. Flynn's recommendations were discussed.

Mr. Wessling clarified for the members that they would not lose the money if they delayed submitting the list. Mr. Clifford explained how projects could be held on the list for a number of years. In addition, he said, they could be "amended hourly." After more discussion, it was agreed that Mr. Wessling would make some telephone calls to the Towns and try to flesh out some other projects before the Commission voted on the TIP.

Mr. Clifford then went over who the members of the reconstituted JTC might be: the three Down-Island Highway Superintendents; the VTA Administrator; one Selectman from Up Island or someone from Up Island with some knowledge of transportation issues; a representative of the Wampanoag Tribe of Gay Head (Aquinnah); a representative from Island Transport; and one or two Highway Commissioners. Ms. Greene pointed out that some of the Up Island Towns had Highway Superintendents. Mr. Toole then continued the Public Hearing to a date uncertain. The time was 8:55 p.m.

Mr. Mercier inquired about the \$300,00 contained in Representative Delahunt's Rural Roads Initiative bill. "Nothing has been done," responded Mr. Clifford. "Not a nickel has been spent. MassHighway has refused to sign a Memorandum of Understanding and spend the money ..." A brief discussion ensued.

Mr. Sibley then suggested that the Commission Chairman, in consultation with the other signatories on the TIP Program document, appoint a new Joint Transportation Committee.

Approval of Meeting Minutes.

[Mr. Donaroma had left the Regular Meeting by this point. Thus, the Commission members seated for this segment of the Meeting were: J. Athearn; J. Best; C. Brown; D. Flynn; J. Greene; T. Israel; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse; K. Warner; and A. Woodruff.]

Ms. Greene made a Motion to Approve the Full Commission Meeting Minutes of June 21, 2001, as Written, duly seconded. No revisions or corrections were offered, and by voice vote said Motion carried, with seven Ayes, no Nays and five Abstaining.

Discussion/Vote: Windfarm Golf Practice Facility Modification (DRI #432M-2).

[Mr. Israel, who was ineligible to vote, left the meeting room for the Windfarm Golf deliberations as well as those which followed for the Carroll's Realty Trust DRI. Thus, the Commission members seated for this segment of the Regular Meeting were: J. Athearn; J. Best; C. Brown; D. Flynn; J. Greene; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse; K. Warner; and A. Woodruff.]

Chairman Vercruysse made the point that it was important for the Commission members to frame their Decisions in terms of a project's benefits and detriments as stipulated in Sections 14 and 15 of Chapter 831.

Mr. Toole reported that the Land Use Planning Committee had recommended unanimously to deny the Windfarm Golf Practice Facility Modification (DRI #432M-2). Mr. Wessling commented, "I think it was a reluctant Denial." "That could be," said Mr. Toole, adding, "We were certainly all sympathetic towards the Applicant."

Mr. Flynn stated that personally he did not have any problem with the Applicant's proposals. However, he said, he would not vote to approve due to the testimony offered by Elisha Smith, "because I feel that his concerns and the concerns of him as a working farmer and the immediate proximity [of the facility]. I went back to his testimony and I said, 'Look, I think the Applicant needs to make peace with his neighbor, and once that's done, I'd be satisfied...'" He reiterated that the fact that a working farm was being affected adversely was definitely a detriment to consider.

Ms. Sibley pointed out that this detriment came under Section 15(c), that is, that the proposed development would adversely affect other persons and property. Ms. Brown read aloud the entire clause from Chapter 831: "... (c) the proposed development will favorably or adversely affect other persons and property, and if so, whether, because of circumstances peculiar to the location, the effect is likely to be greater than is ordinarily associated with the development of the types proposed..."

Ms. Sibley also observed that she was "a little puzzled," since the Application had three parts. The proposal to hold functions on the property, she continued, would very clearly have an adverse impact on the neighbors, who were already experiencing a considerable adverse impact from the facility. The least detrimental proposal, she said, was the food service. In between those two was the proposal to store boats in the parking lot off-season, although she did have concerns that if the parking lot was substantially filled by boats relatively early in the fall, this might affect the original business adversely.

Mr. Athearn said that he favored approving the expansion of the food service, since it would not adversely affect the community. He continued, "And I really liked hearing Dan [Flynn] say that the working farm has value that the community should respect, because, of course, I'm a farmer. Elisha [Smith] and I go back a long way." Regarding the boat storage, this too stood for an Island value, that one could store maritime articles in public view, he observed.

Kate Warner, the West Tisbury Selectmen's Appointee, stated that although she realized the Hearing had not been about the nets, the members of the public who had come to the Hearing had spoken about them. "And I think if we are indeed a regional organization that listens to our constituency, we need to deal with this," she remarked. "So if we allow certain things, we should allow them saying, 'In the meantime, before you get approval, you're going to deal with this. The nets [are] both unsightly and unsuccessful at keeping the balls within the property. And if you can't do that, you're not meeting the conditions of the first [Decision].'"

[Note: There had, in fact, been two earlier Decisions regarding the Windfarm property: DRI #432 in 1996, wherein the original operation was approved with conditions; and DRI #432M in 1999, also approved with conditions, wherein the Applicant had requested a Modification that would allow him to raise the height of the nets to prevent golf balls from landing on Mr. Smith's property.]

Ms. Greene pointed out that, unfortunately, the Decision had not mentioned anything about the nets' being effective at keeping the golf balls off the neighboring property. Chairman Vercruysse explained that the reason for the first Modification (DRI #432M) was to remedy the errant golf ball problem and that it had not worked. Ms. Warner responded, "I guess I want to know what position we're in to deal with it, since that was primarily why people came out [to the Public Hearing]. I feel we have a responsibility to look into that."

Mr. Toole commented that he also felt this was "all about the nets, and I'm afraid this is about the viability of the business. And if we approve these proposals, it may make it more viable. If we don't approve these proposals, he may go out of business. It turned out the Commission made a mistake. It wasn't our fault. It wasn't the Applicant's fault. He was just given bad information. The problem is, the nets are uglier than sin, and it's unfortunate, but I guess that's the wrong location for that project."

Ms. Greene suggested that since everyone was talking about the nets, perhaps the Executive Director should ask Counsel if this was something the members could address during the current Modification Application process. Ms. Warner agreed that they needed to gather information.

Ms. Brown remarked that for the record she did not think the Decision was about the nets. "The nets are an issue. There's no doubt about it," she said. She agreed that the expansion of the food service would not attract many more people and that boat storage belonged on the Vineyard. "But I think that the increase in activity is in the events," she said, "and I don't think this is the appropriate place to increase having public events ... It's a fairly rural area of the Island."

Mr. Woodruff wondered if the Commission should be backpedaling or trying to make up for bad decisions in the past. His concern about the boat storage, he continued, was strictly about aesthetics – the screening trees currently in place were not particularly healthy, he noted. The food service expansion was a "no-brainer," he said, while the idea of holding functions there was not a good one. He recommended that the food service be approved as well as the boat storage, so long as the latter was screened with more landscaping.

Mr. Greene pointed out that the Commission's Master Plan addressed the issue of the boat storage and that the Island was in desperate need of such storage. As far as the food service expansion was concerned, she continued, there was a reason for it – to attract more people to his business. "And we've got a problem – which we know about very well – with the abutting property," she said, "and by allowing the food, attracting more people to come there, more people to hang out, you're sending more balls into Elisha [Smith]'s yard."

Ms. Sibley remarked that although she had voted against the net extensions, she was not sure – even if Counsel told her she could – that she could vote to take them down as a condition of this Approval. "I think that would send a message," she declared, "not only to this Applicant, but to everyone else that, 'Don't dare ever come back to the Martha's Vineyard Commission for any kind of change,' for fear that we'll start messing with something that was already dealt with."

Regardless, Ms. Sibley went on, the Applicant might be able to do something about the color of the nets and the landscaping. For instance, shade trees were supposed to have been planted on the little island in the middle of the property. And although she

understood Ms. Greene's concern about the food service, she said, her gut feeling was that this was simply for the people who were already there driving balls. In fact, she pointed out, Island Cove Mini-Golf had expanded its food service, and that had not led people to park there simply to buy ice cream.

Chairman Vercruyse said his thought on the nets was that the Applicant should come back with another Modification that would solve that problem. Ms. Greene suggested that 50 percent balls could be used that would not go as far. A discussion developed about the nets and errant balls. Mr. Woodruff pointed out that aside from Mr. Smith's testimony, the Commission really did not know exactly how many balls were clearing the nets.

Mr. Flynn said that he was hesitant to authorize sending this matter go to Counsel. "If we voted not to do this," he observed, "that would give the Applicant a greater incentive and a message from us to deal with the immediate abutter, recognizing ... that these things aren't really that detrimental to the neighborhood ... And that's why I'm voting to deny it, to offer an opportunity to let the Applicant come back after doing some person-to-person contact." "I don't think Elisha will talk to him," remarked Ms. Greene. "That's unfortunate," said Mr. Flynn.

Ms. Sibley stated that she was not comfortable with the idea of a third party becoming part of the Commission's judgment. Instead, she agreed more or less with Chairman Vercruyse, she said, and she suggested that as a condition of Approval of part of the proposal, the Applicant be required to make certain modifications to his operation that would solve his problems with Mr. Smith. "I see that as an incentive," she added.

Chairman Vercruyse wondered, assuming that the Application was approved by the Zoning Board of Appeals, would it need a Special Permit from the Town? "The boat storage requires a Special Permit," replied DRI Coordinator Rand. The Board of Health was involved with the food issue, she said, although she did not think a permit was necessary. As for the events, the Town had to issue a separate permit for each event, she noted, and if alcohol was served, a police detail had to be brought in.

Ms. Warner returned to the question of what the Commission's recourse was with regard to the golf ball problem. Executive Director Clifford responded that the Commission could issue a Certificate of Noncompliance against the property; go to court; or go to the Town and have the Town go to court.

Chairman Vercruyse said that he agreed with Mr. Woodruff that the Commission needed some sort of independent analysis, since the information they had about the golf ball problem had come from an interested party, Mr. Smith. Ms. Warner commented that going to court did not strike her as an intelligent way to go about handling this.

A discussion ensued about whether or not to continue the deliberations after more information had been submitted. Ms. Warner and Ms. Sibley proposed that a condition

be imposed that a measurable amount of improvement to the golf ball situation had to be achieved before the Applicant could go ahead and expand the food service and store the boats off-season. Ms. Greene said she thought that this approach could lead to trouble. "That's almost a Denial with conditions," noted Chairman Vercruysse. Mr. Flynn stated that he had no objection to continuing the deliberations in another Meeting. Ms. Ottens-Sargent and Messrs. Toole and Vercruysse took the position that the Application should be voted on that evening.

Ms. Brown made a Motion to Move to Item 6, Possible Vote, seconded by Mr. Best. Next, she made a Motion to Approve the Food Service Expansion and the Boat Storage as Proposed, But With Additional Screening, and to Deny the Holding of Events on the Grounds That They Would Increase the Activity on the Site. Mr. Athearn seconded that Motion.

Ms. Greene argued against allowing the expansion of the food service. Ms. Sibley offered the opinion that it would be "cleaner" to deny the Application and for the Applicant simply to come back with a new proposal rather than to approve only part of the proposal before them. Mr. Toole and Ms. Ottens-Sargent expressed agreement with Ms. Sibley.

Mr. Clifford then conducted a Roll Call Vote on Ms. Brown's Motion, with the results as follows:

AYES: J. Athearn; C. Brown; and A. Woodruff.

NAYS: J. Best; D. Flynn ("with regret"); J. Greene; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercrusse; and K. Warner.

ABSTAINING: None.

Next, Ms. Greene made a Motion to Deny, seconded by Mr. Toole. Ms. Greene offered the opinion that the detriments of the proposed modifications far outweighed the benefits and that the Applicant would have an opportunity to return to the Commission with a better plan, perhaps a plan that would address some of the issues discussed in their deliberations.

Ms. Ottens-Sargent said that she agreed with Mr. Toole's observation that even partial approval would make the Applicant's business more viable and that this was not necessarily a good thing to do. The golf balls going over the nets affected Mr. Smith adversely, and anyone who passed the nets was affected adversely by their unsightliness, she added. "So, do we really want to make the business more viable without seeing that mitigated?" she asked.

Ms. Sibley proposed that it was reasonable to require some sort of solution to the golf ball situation from the Applicant before the modifications were approved. Mr. Flynn

noted that if the Applicant did come back, Commission Staff should find out from an independent source the measure and degree of the golf ball problem.

Then Mr. Clifford conducted a Roll Call Vote on Ms. Greene's Motion, with the following results:

AYES: J. Athearn; J. Best; C. Brown; D. Flynn; J. Greene;
M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse;
K. Warner; and A. Woodruff.

NAYS: None.

ABSTAINING: None.

The time was 9:52 p.m.

Discussion/Vote: Carroll's Realty Trust (DRI #532).

[At this point, Mr. Flynn and Ms. Ottens-Sargent, who were ineligible to vote on the Carroll's Realty Trust DRI, left the Regular Meeting. Mr. Israel, also ineligible, remained outside the meeting room. Thus, the Commission members seated were: J. Athearn; J. Best; C. Brown; J. Greene; L. Sibley; R. Toole; J. Vercruysse; K. Warner; and A. Woodruff.]

Mr. Toole reported that the Land Use Planning Committee had voted to recommend Denial of the Carroll's Realty Trust Development of Regional Impact (DRI #532), despite the fact that Mr. Clifford had labored over a draft Written Decision that contained a painstakingly defined Approval. "We thought it would be cleaner," said Mr. Toole. *[See the meeting file for a copy of the draft Written Decision.]*

Ms. Greene made a Motion to Move to Item 5, Possible Discussion, duly seconded. She then posed this question: "You're going to deny a local business the right to work and make money and bring us our food and bring us our freight, so we can pay an off-Islander to bring us all of our goods? Is that what you're trying to do?"

Ms. Greene explained that by approving the Application, the Commission would be allowing the Applicant to go forward, clean up their site and get in compliance with the demands of the Building Inspector. Moreover, the Applicant could then go to the Zoning Board of Appeals to get properly permitted for all the operations on the site, she said.

Ms. Sibley acknowledged that the Applicant appeared to be trying to clean up his site. However, she continued, she had found the Application to be "perilously vague," since the Commission members could not really determine what they were approving. "The cleanest thing to do is to deny and to encourage them to come back with a clearly

formulated Application that is similar to what we would expect from a new commercial use," she said.

Ms. Sibley also pointed out that while her business actually depended upon Carroll's Trucking and while she would like to help them make this commercial property viable, she did not think the Commission should do that by approving an Application that was so vague.

Ms. Warner wanted to hear more of Ms. Greene's point of view. All the Commission had seen the Applicant present were landscaping improvements and a new façade for the main building, she said. "He didn't discuss himself the unpermitted businesses that are there," observed Ms. Warner, nor had the Applicant made a detailed presentation on, for instance, exactly where the trailers would be situated, something that the Commission would demand of any other Applicant.

Ms. Greene noted that if Ms. Warner had wanted to know exactly what the Applicant intended to do, she should have asked him in Public Hearing. Ms. Warner responded that she had asked the Applicant about this during the site visit. Ms. Greene pointed out that that was not taped public testimony taken in Public Hearing.

Turning to the draft Written Decision, Ms. Greene explained that what it would accomplish would be 1) to clean up the areas referred to in the Cease and Desist Order from the Building Inspector; and 2) to keep an Island business in business. She reminded the members that one of the elements the Commission had to look at was a project's economic benefit to the Island. "And if you deny this and that trucking company gets shut down, it's going to affect every single person on this Island," she declared.

Mr. Best disagreed that a Denial would shut down the business. He pointed out that what Mr. Carroll needed permits for was not the Cash and Carry or the trucking business, but the United Parcel Service operation on the site. "The things that might go out of business," he said, "would probably go out of the business whether we approve this as written or deny it. That may be U.P.S. being there. That may be the trucks in front of the building."

Chairman Vercruyse stressed that approving the draft Written Decision would "make something happen" on the Carroll's site. If the Commission were to deny the Application outright, he said, things would continue as they had previously. "Eventually, it's going to come back here, and we're going to be in exactly the same position," he remarked. "I think that this allows the Town to continue acting in a strong way."

Mr. Best countered, "If we approved this, [that] would allow him to do the things he wanted to do, and if he decides not to do the things he wanted to do, is that any different a situation than if we denied it? In other words, is he going to be compelled to do anything else if he decides not to do the things we require?"

Mr. Clifford remarked that this was one of the more complicated cases he had ever dealt with. The Town believed, he said, that the Application to the Zoning Board of Appeals was for the unpermitted uses. But, according to the Building Inspector, Mr. Clifford stressed, the Applicant thought that he was sent over for "the gussying-up of the site."

The ZBA at this point felt they had the situation in control, Mr. Clifford continued, and what the draft Written Decision did was to give the Town control. A Denial, on the other hand, would prevent the ZBA from making everything on the site legal, he explained. For instance, he said, with the Approval as written, the ZBA could consider an Application for the proper permitting of the U.P.S. operation, which it would then send up to the Commission for further review as a DRI.

Ms. Warner suggested that Mr. Clifford add to Condition 1(b) the wording "or current unpermitted expansions" immediately following the phrase "for any planned or future expansion." "Otherwise, you'd be implying that the U.P.S. operation is neither 'planned' nor 'future,'" she observed. Mr. Clifford agreed to the addition.

Ms. Sibley agreed that Condition 1(b) was key, and she expressed concern that this condition might be found to have "some sort of loophole by some clever attorney." If she could feel confident that, one, the condition would ensure that the Applicant would have to apply separately for permits for any unpermitted uses or expansions and two, he would come back before the Commission, she could consider agreeing to the draft Written Decision.

"If people feel really confident that the constructive way to move this toward solution is to approve it with [these] kinds of conditions," declared Ms. Sibley, "I would only ask that we ask ourselves very, very carefully whether in fact we will have an opportunity for another level of review where we can require of them the same scrutiny that we would require of anyone else."

Ms. Greene pointed out that Condition 1(b) covered the Commission's position because the second part of the condition stated that the Applicant had to come back for DRI review. She did express concern, however, that the word "immediately" was used in the first part of the condition, then was followed by reference to future expansions. "You can't immediately file for future expansions if you don't know what they are," she noted.

Mr. Athearn wondered if the issue of the number of trucks and exactly by how much Carroll's had expanded since zoning had been established could be addressed somehow in the Written Decision. Regarding Ms. Greene's comment about "immediately" and "future," Ms. Warner suggested that Condition 1(b) could be split into two parts, stating the Applicant should immediately apply for all current unpermitted uses in the first part and that they must apply for the proper permits for any future expansion in the second.

Ms. Brown observed that this was a well-written Decision because it referred in the beginning to what the Applicant had applied to the Commission for, that is, landscaping

and mitigation. So in approving the draft Written Decision, she said, they would be approving the Applicant's mitigation measures and sending the Application back to the ZBA to address the unpermitted uses. Basically, then, we would be putting the ball back into the Town's court? asked Mr. Woodruff. Right, responded Ms. Brown.

Ms. Sibley suggested that Mr. Clifford should make the Written Decision a little more "redundant." So, for instance, on page 2 in the paragraph immediately preceding the "Facts" section, she would like to see language that reiterated that this Approval was only for the mitigation proposals and not for the uses on the site. "Basically, you want a disclaimer," noted Mr. Clifford. "Yes, I do," replied Ms. Sibley. "No problem," said Mr. Clifford.

Ms. Greene made a Motion to Move to Item 6, Possible Vote, duly seconded. Ms. Greene then made a Motion to Approve with Conditions, With the Document Drafted by the Executive Director Amended as Suggested in the Commission's Discussion That Evening. Ms. Brown seconded that Motion. Mr. Clifford clarified with Ms. Sibley, Ms. Greene and Ms. Warner what the amendments to the draft Decision were (see above), and Ms. Warner added that the words "expansions" and "uses" both had to be used in Condition 1(b).

Mr. Clifford then suggested that the Commission approve both the Oral and Written Decisions with their vote, since the full Commission would not be meeting the following week and the 60-day deadline would be up before the next Special Meeting. The members agreed to this, with Ms. Greene amending her Motion accordingly and Ms. Brown amending her second.

Mr. Clifford conducted a Roll Call Vote on Ms. Greene's Motion, with the following results:

AYES: J. Athearn; J. Best; C. Brown; J. Greene; J. Vercruysse;
K. Warner; and A. Woodruff.

NAYS: None.

ABSTAINING: L. Sibley; and R. Toole.

Concurrency Vote: Black Dog Bakery/Café Modification (DRI #522M).

[Mr. Israel returned to the meeting room. Thus, the Commission members seated for this segment of the Regular Meeting were: J. Athearn; J. Best; C. Brown; J. Greene; T. Israel; L. Sibley; R. Toole; J. Vercruysse; K. Warner; and A. Woodruff.]

Mr. Clifford referred the members to a letter from Douglas R. Hoehn as agent for the Applicant regarding the request of the Black Dog Tavern Company to eliminate Condition 2(f) of Commission DRI Decision No. 522. Said condition required that a

fence be constructed around the railroad car "display" that had been approved. What the Commission had to consider that evening, said Mr. Clifford, was whether or not this Modification required a full Public Hearing.

Mr. Best made a Motion That the Proposed Modification Was Insignificant and Did Not Require a Full Public Hearing and That the Modification to the Decision Be Allowed. Ms. Brown seconded said Motion.

Mr. Israel argued for opening up the Modification for a full Public Hearing. The Applicant had testified that the work on the railroad car would be completed by the end of May, he explained, and all the Applicant had done so far was to paint the railroad car. The Applicant had pointed out to him, continued Mr. Israel, that the way the Written Decision had been worded, all he had had to complete by May 31 was the painting of the car. "Our intent was that *all* this stuff was to be done by May 31," he said, and now the Applicant was claiming that he had two years to complete the work.

Secondly, emphasized Mr. Israel, for the past two weeks, a Black Dog Catering truck had been parked in front of the Bakery/Café where parking and a park were supposed to be. But tonight, because of the Concurrency Vote, he supposed, the truck had been moved. Mr. Israel went on: "All I'm saying is, if I had a chance again, based on what's going on there, I would not [approve]. I feel bad that it was my vote, that I voted for that train. I now feel like I was sold a bill of goods that wasn't so true."

Lastly, said Mr. Israel, driving by on numerous occasions, he had seen teenagers and young children up on the train, hanging off the train, jumping off the train, crawling up underneath it, and so forth. There were supposed to have been steps and a chain to keep people from doing that, he noted. "So if they want to come back here and open it up, let's take our chances on the train again," he concluded.

"I basically agree with Tristan [Israel]," said Ms. Sibley. The Commission's intent had clearly been that all of the work was supposed to have been done almost immediately, she said. What she thought had happened, she continued, was that the Applicant had twisted the meaning of the boilerplate statement inserted at the end of every Written Decision that the Applicant had two years from the date of the Decision to begin substantial construction.

That language would have meant something quite different, Ms. Sibley pointed out, if the railroad car had not already been in place when the DRI was heard. "They have now turned it into 'You have given us two years to finish this project,'" she said, adding, "Our fault. We didn't read it carefully enough. We didn't anticipate that somebody would try to drive a train through a loophole."

Ms. Sibley stressed that the condition in question had been written into the Decision because of safety concerns mentioned more than once during the Hearing process. "I

don't think you can pass that off totally – totally – as the liability of the owner," she remarked.

Mr. Toole commented that he did think the Applicant had a "credibility issue." "On two occasions," he related, "I've seen people sitting up on the back of that train having pictures taken. There's just no effort [to keep them off]. And that was discussed. It came up in Public Hearing."

Ms. Greene suggested that the Commission not take the Modification to Hearing, in which case the Modification could not be granted. Mr. Israel responded, "My point is, I'd be more than willing to open up the Hearing ... because at this point I'd say, 'Let's look at the stuff you haven't done and let's get rid of the train.' It should never have been there in the first place." "That's not an option," said Ms. Greene. "Of course, it's an option," said Mr. Israel.

Reading from her notes, the Staff Secretary pointed out that Mr. Best's Motion was That the Proposed Modification Was Insignificant and Did Not Require a Full Public Hearing and That the Modification to the Decision Be Allowed. She confirmed with Mr. Best that that, in fact, had been his Motion. Mr. Best explained that his reasoning was that he had never considered the train car a safety issue.

Chairman Vercruyssen then conducted a vote by raised hand on Mr. Best's Motion. The results were five Ayes, four Nays and one Abstaining (Ms. Warner).

Ms. Sibley then made a Motion That the Commission Send a Letter to the Black Dog Applicant Stating That the Commission Had Approved This Modification and Further Stating That the Commission Believed That Their Failure to Perform on the Rest of the Conditions, Which Were Conditions of Their Keeping the Car on the Spot, Meant That They Were Not in Compliance and That They Were Misreading the Decision. Said Motion was seconded by Mr. Israel and carried unanimously by voice vote, with 10 Ayes, no Nays and none Abstaining.

Correspondence: Letter from Ralph Graves.

Chairman Vercruyssen read aloud a letter dated July 14 from Ralph Graves, a leader of the Call For Action group, that proposed raising money for the Commission from the private sector for nonpolitical purposes. *[See the meeting file for a copy of the letter.]* "That letter is fraught with peril," remarked Ms. Greene, pointing particularly to Mr. Graves' reference to the recent charges of conflicts of interest. This could be perceived, she noted, as fundraising against the Down Island Golf Club Applicant. "I think we'd best stay away from that," she added.

Mr. Best made a Motion to Respond to Mr. Graves' Letter, Since He Had Stated That July and August Were Important Times to Raise Funds. "I think that a letter like this, and considering all the activities that this group undertook, deserves a response," he said.

*Martha's Vineyard Commission
Regular Meeting of July 19, 2001: Page 22*

"That response should say we cannot take immediate action on this and simply that the dialogue should be pursued." The Motion was seconded.

Chairman Vercruysse suggested that the letter in response could mention specifically that the Commission could not be perceived as being on one side or the other with regard to development issues. But there were other things, like the videotaping of the Commission Meetings, that could be supported by private funds, he said.

Ms. Greene returned to Mr. Graves' mention of the conflicts of interest. She declared, "By putting that in there, that's saying, 'We're going to give you money to help those people who are being ...'" Before she could finish, Ms. Sibley interrupted and said, "That isn't what he says." Ms. Greene disagreed.

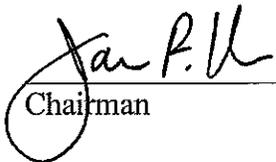
Mr. Israel recommended that the Commission could suggest that such donations could possibly be accepted after the Down Island Golf Club DRI process had been completed. Mr. Athearn commented that it seemed to him that there were, in fact, projects for which the Commission could take private sector money. Ms. Brown agreed.

After more discussion, it was agreed to write a response thanking Mr. Grave for his offer and stating that the Commission was looking into ways to accept his offer in the future.

Possible Discussion: Tisbury Service Center Modification (DRI #489-1M-3).

[Ms. Warner and Ms. Greene, who were not eligible to vote on the Tisbury Service Center DRI, left the Meeting at this point. Thus, the Commission members remaining were: J. Athearn; J. Best; C. Brown; T. Israel; L. Sibley; R. Toole; J. Vercruysse; and A. Woodruff.]

The Commission moved on to a consideration of the Tisbury Service Center Modification (DRI #489-1M-3). However, since there was no quorum either for deliberations or for the Meeting itself to continue, the Regular Meeting was adjourned at 10:40 p.m.



Chairman

9.20.01

Date



Clerk/Treasurer

9.20.01

Date

ATTENDANCE

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

ABSENT: A. Bilzerian; M. Cini; E. Horne; J.P. Kelley; C.M. Oglesby;
K. Rusczyk; R.L. Taylor; R. Zeltzer.

These Minutes were prepared by Staff Secretary Pia Webster using her shorthand notes as well as a tape recording of the Regular Meeting.]

***Summary of Revisions to the
Meeting Minutes of July 19, 2001
Proposed by the Commission Members
in the Meeting of August 23, 2001***

[An excerpt from the Meeting Minutes of August 23, 2001 follows immediately. It describes the revisions requested by the Commission members with regard to the Meeting Minutes of July 19, 2001.]

Page Para. Sent. Proposed Revision

1	4	1	Delete the words "sat on the Retirement Board" and substitute "is a member of the Retirement System." The sentence then reads: "Christina Brown, a Commission member at large from Edgartown, announced that she was abstaining from participation in this Hearing because she is a member of the Retirement System."
5	7	3	Delete the word "their" and substitute "the Commission's". The sentence then reads: "Tonight it was the Commission's task, he continued, to give information to the State as to how they wished to prioritize the projects being proposed for the Vineyard."
6	4	4	Delete this sentence and substitute instead the following: "This figure was contradicted by Laurence Mercier, Superintendent of the Edgartown Highway Department (seated in the audience), who said that the correct figure was \$64,617."