

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes for the Special Meeting of January 10, 2002

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, January 10, 2002, 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 7:35 p.m., James R. Vercruysse – Commission Chairman and a member at large from Aquinnah – called the Special Meeting to order.

[Commission members present at the gavel were: J. Athearn; J. Best; C. Brown; M. Donaroma; J. Greene; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse; K. Warner; A. Woodruff; and R. Zeltzer. All of these members remained for the entirety of the Special Meeting.]

An Appeal from County Commissioner Robert Sawyer re: SSA Public Forum.

Chairman Vercruysse noted that County Commission member Robert Sawyer of Tisbury had a request for the Martha's Vineyard Commission. Mr. Sawyer related that he and Chilmark Selectman Warren Doty had arranged for a public meeting on Steamship Authority issues at 7:00 p.m. on Wednesday, January 23, at the Performing Arts Center. He then distributed a draft meeting format. *[See the Full Commission Meeting File of January 10, 2002 (the meeting file) for a copy.]*

“Our rationale was this,” explained Mr. Sawyer. “We’re both elected officials on each side of the so-called fence ... and we both came together with great concern for the divisiveness and all the aspects of the horrible things going on that we put under the SSA umbrella.”

Mr. Sawyer continued that he and Mr. Doty had concluded that what was desperately needed in this discussion was public input. With the intention of putting the meeting together as quickly as possible, he said, they had foregone the option of having it

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sponsored by the League of Women Voters and thus were requesting that the Martha's Vineyard Commission sponsor, co-sponsor or take some role in the event. He emphasized that the occasion would be "a true public forum. The structure is going to be strict in that it is not meant to put any public officials up to speechify. Nobody's going to get up there on their soapboxes and talk for 15 minutes." It was his hope, he said, that at the end of the meeting there would have emerged a true sense of how the public really felt about the various Steamship Authority issues.

Their first choice for a moderator, Mr. Sawyer went on, was Pat Gregory of West Tisbury, whom he saw as "somebody who could run a meeting well and could be above the fray, so to speak." Mr. Gregory's participation was not definite at this point, he added, since he was currently abroad.

Staff Secretary Pia Webster explained that in this case "sponsorship" meant the use of her services for drawing up agendas, for instance, and making other arrangements. One possibility, she said, was for the Commission to host a reception for Messrs. O'Leary and Turkington.

Chairman Vercruysse wondered who was going to pay for the Performing Arts Center. Mr. Sawyer answered that the cost would be two or three hundred dollars and that it was hoped the school would show some leniency for such an appropriate community use of the center. John Best, a Commission member at large from Tisbury, wanted to know, if the high school chose to charge them, would Mr. Sawyer be able to get a sponsor other than the Commission to pay for that? "We're not looking to you for money," stressed Mr. Sawyer. "We'll deal with that issue one way or the other. There're enough of us who are willing to come up with a few dollars if we have to."

Megan Ottens-Sargent, the Aquinnah Selectmen's Appointee, clarified with Mr. Sawyer what the Commission's sponsorship would involve. Mr. Sawyer reiterated what he had said earlier. "What are you expecting our role to be?" asked Jane A. Greene, the Chilmark Selectmen's Appointee. Mr. Sawyer responded, "What would you like it to be?" Ms. Greene then said, "No, I think you're coming to us and saying you want us to be part of this. What are you envisioning us to be?"

"Any role you want," answered Mr. Sawyer. "There's only one limitation ... that Warren [Doty] and I have, and it's the only one and I suspect you'll all agree with it, and that is we won't step out of controlling the structure because what we've created, it's so important that it be a true public forum and not a soapbox for people to get up and make speeches." Chilmark Commission member at large Robert Zeltzer pointed out that a competent moderator would be able to do that.

Christina Brown, a Commission member at large from Edgartown, inquired if the All Island Selectmen's Association or the Duke County Commission had been approached about this. In addition, had Representative Turkington and Senator O'Leary been invited? "We did not approach the All Island Selectmen nor did we approach the County

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Commission," replied Mr. Sawyer. "The reason, quite frankly, is [that] both of these entities have a great deal of divisiveness about this matter, and all we would be doing would be adding fuel to the fire and debate and discussion and who's going to run it. So we felt it was best not to go to these two groups." Mr. Sawyer added that Messrs. Turkington and O'Leary would be at the meeting to answer questions if asked, but not to speak.

Ms. Brown also wanted to know if anyone from the Steamship Authority had been approached. Nobody had been approached, answered Mr. Sawyer, only because he and Mr. Doty still had not finalized the format. He then added, "I have no doubt that whoever we want from the Steamship Authority would happily be there." The Staff Secretary noted that her talks with SSA employees in the management office had led her to believe that they were enthusiastic about the idea of a public forum.

Linda Sibley, a Commission member at large from West Tisbury, agreed that such a forum needed to happen and that a neutral role for the Commission in facilitating it would be appropriate. "But at the same time, I think it's way too late, given the level of organization that's already been achieved, for us to be called a sponsoring organization," she remarked. She suggested that possibly the event handout could indicate something like, "Thank you to the Martha's Vineyard Commission for providing staff support for this process, something like that."

Responding to a question from Ms. Ottens-Sargent about the Nantucket deficit, Mr. Sawyer said, "In this structure, which we feel is so important, it's got to be a totally public forum. But on the other hand, it is not intended for somebody or several people to get up there and talk about how important it is to have a double-ender in Vineyard Haven Harbor. That's not what we need this public forum for."

Addressing another question from Ms. Ottens-Sargent, Mr. Sawyer noted that he and Mr. Doty were not inviting any guest speakers *per se* but would try to have in attendance appropriate people, like Senator O'Leary and Representative Turkington, to answer questions from the public. "But there won't be a head table of, you know, illustrious guests," he said.

Ms. Ottens-Sargents asked if Martha's Vineyard Board of Governors member Kathryn Roessel would attend. Mr. Sawyer replied that it was likely Ms. Roessel would attend, but only to answer questions if called upon to do so. What about J.B. Riggs Parker, the former representative to the Board of Governors? inquired Ms. Ottens-Sargent. "Everybody in the public is invited," responded Mr. Sawyer, who went on, "We don't want speeches. We may have to have a couple of introductions just to kick off the issues. But it will be structured very carefully. Warren [Doty] and I are committed that whatever we do, we'll show no bias one way or the other on the issues. We really want the public input."

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West Tisbury Selectmen's Appointee Kate Warner voiced the position that the Commission should not be involved in or sponsor the forum since the MVC had not been involved previously, the MVC had not discussed it, and the MVC had enough problems of its own. In addition, Ms. Warner did not think there should be any kind of reception at the Commission Offices. "I think Commissioners should go to hear about the issues, but that is the extent of it," she said.

Michael Donaroma, the Edgartown Selectmen's Appointee, said that he agreed with Ms. Warner. "I think once we get involved, it's going to get more complicated," he remarked.

Mr. Sawyer explained that they had chosen January 23 for two reasons: that would allow two editions of each Island newspaper to go to press before the event; and Wednesday nights did not have many competing meetings going on. He emphasized that any role the Commission played would be tantamount to stating, "This is a really important hearing and we encourage this hearing."

Mr. Zeltzer objected to the fact that Mr. Sawyer was asking the Commission to sanctify this event yet had made clear that the Commission was to have nothing to say about the shape the forum would take. "My view on that is that that's not what we're here for and not what we're going to do," he declared, "and if it is helpful and the body feels we ought to provide some support, that's fine. But I certainly would not be an official sponsor in that kind of circumstance." Mr. Zeltzer added that should the moderator that Mr. Sawyer had in mind not be able to attend, Everett Poole of Chilmark was capable of running a good meeting.

"Well, I think it's a great idea," remarked Richard Toole, a Commission member at large from Oak Bluffs. "I think the more opportunities the public have to ask questions and respond to their elected officials, I think the better the process will work. I don't have any problem with the Commission providing logistical support if they have the time."

"I have a problem with this altogether," said Ms. Greene. "I think we should stay out of it. It's not something that's appropriate for us to be getting into. I have a serious problem with our Staff getting involved in it, and we have Down Island golf course to deal with, our Staff has other things to do, and if we end up giving a Staff member out for two weeks to put this together, we're losing two weeks of time, and we're paying that Staff member to be working for the Commission. I agree with Kate [Warner]. I think it's inappropriate for us to be involved at all."

Andrew Woodruff, a Commission member at large from West Tisbury, had this to say: "I don't think that it's so inappropriate. It's just the timing's wrong and the way this has evolved."

Mr. Best commented, "I kind of feel the same way. It's not inappropriate. It's just that I feel we would not be able to get involved in it to the extent that we would want to to

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make sure that we felt good about it. But the other side of it is, I feel that if we ever do take a position on this, then we damn well better have a public forum or Public Hearing before we do. I say *if* we ever do. I'm not saying we will. This *is* a planning issue."

As far as using the forum as an opportunity to meet with Messrs. O'Leary and Turkington, Mr. Best added, such an occasion "would not have to have anything to do with this, nothing at all. Pia [Webster] or someone on Staff could say, 'You guys coming over early? Would you like to come to the Commission for a half hour before this thing?' It doesn't have to have anything to do with it, and I wouldn't pass up an opportunity to meet with two reps if they were available."

Ms. Warner made a **Motion That The Martha's Vineyard Commission Stay Out Of The Steamship Authority Forum For Now**, seconded by Mr. Zeltzer.

Ms. Brown said she wanted to add to the Motion That As An Organization The Martha's Vineyard Commission Stay Out Of The Forum But That Individually As Elected Members Of the Commission They Should Participate. No second to that amendment was offered.

Ms. Sibley observed that the whole situation had become one of such wild divisiveness that the mere fact of having a forum would somehow inflame passions. "And therefore because we didn't initiate, unfortunately it would be at our peril to really sponsor or endorse or anything else like that because it's bad enough to get in trouble because of something you thought up..." She agreed with Ms. Brown that the Commission members should attend the forum.

Some discussion followed regarding the content of the Motion. Ms. Warner then clarified and amended it: **That The Martha's Vineyard Commission Supported The Event But Was Not In A Position To Sponsor It**. Mr. Zeltzer seconded said Amendment.

Ms. Ottens-Sargent wanted to know if Mr. Sawyer believed he had enough technical support to put on the event and if he needed such support from the MVC. "We'd love whatever logistical help we can have," answered Mr. Sawyer. "It's a big undertaking. We've got some volunteers, and I can't turn away help." Ms. Ottens-Sargent asked Ms. Warner if her Motion precluded providing technical or logistical support. "No, I think we should just stay out of it," replied Ms. Warner

By voice vote, the members voted as follows: seven Ayes (J. Athearn; J. Best; C. Brown; L. Sibley; K. Warner; A. Woodruff; and R. Zeltzer); three Nays (M. Ottens-Sargent; R. Toole; and J. Vercruysse); and two Abstaining (M. Donaroma and J. Greene).

"Could somebody tell me very simply what you just voted?" inquired Mr. Sawyer. He wondered if they meant they were endorsing the notion of a Public Hearing. No, answered several Commission members at once. "We support the idea, but we're not

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going to sponsor as an organization this event," explained Ms. Warner, adding, "No, do not say that the Martha's Vineyard endorses." "But [the MVC] supports the notion of the Public Hearing? Is that a fair statement?" asked Mr. Sawyer. "Just leave us out of it," said Ms. Greene, whose thought was echoed by Ms. Warner and Mr. Zeltzer.

Messrs. Vercruyssen and Toole argued briefly that the Commission should support the idea of a public forum. Ms. Sibley countered, "No, we did not agree to have our name appear anywhere." Mr. Sawyer thanked the Commission members for their attention. The time was 7:59 p.m.

Nomination: New Joint Transportation Committee Member.

Mr. Best proposed that Mary Snyder, a former transportation planner in Boston who now lived in Tisbury, be invited to join the Joint Transportation Committee as an ex officio member. "She's quite unbiased, and she knows what's going on in Boston better than anyone I've talked to in transportation," he noted. "Okay, I'll talk to David [Wessling]," said Chairman Vercruyssen. Ms. Sibley endorsed the idea of inviting Ms. Snyder.

Discussion/Vote: Fiscal 2003 Commission Budget.

Commission Administrator Irene M. Fyler passed along the apologies of Marcia Mulford Cini, the Finance Committee Chair, who was unable to attend that evening because she was obliged to attend a public meeting elsewhere. Ms. Fyler referred the members to the draft budget in their packets. *[See the meeting file for a copy.]*

Ms. Fyler went over the newly formatted budget: the left-hand column was the budget for Fiscal 2002 (the current fiscal year); the center column contained actual expenses for Fiscal 2001; and the third column was the projected budget for Fiscal 2003.

At the bottom, Ms. Fyler continued, were the totals for each of those years, the grants and contract monies being subtracted from those totals, and the estimated seven-Town share of the budget. Comparing the Fiscal 2001 local share to the share for Fiscal 2003, the Administrator noted that this was a 2.4 percent increase. "So basically we're only seeing an increase of \$12,000, more or less?" inquired Mr. Best. "Yes," answered Ms. Fyler.

Ms. Fyler proceeded to the other side of the draft budget sheet, where there was listed a breakdown of the individual Town assessments, divided into two areas: planning and economic development; and regulatory (DRIs and DCPCs). Also on that page was a breakdown of the local assessments by Town by fiscal year. "If your Town has gone up or down," she explained, "it's because of the fluctuation in equalized valuation."

Chairman Vercruyssen noted that this budget had been recommended by the Finance Committee. Ms. Fyler added that it had been endorsed as well by that committee.

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Mr. Zeltzer had a "crystal ball"-type of question: Recognizing the current economic situation with the State, did Ms. Fyler anticipate that the Commission would have a shot at any more grants for 2003? "Not at this point," replied Ms. Fyler.

Ms. Greene made a **Motion To Approve The Budget As Drafted**, seconded by Ms. Warner. Mr. Best wanted to know where the funds would come from if more money had to be spent for a new Executive Director. "More than seventy thousand?" asked Ms. Fyler. "You mean for the process?" wondered Mr. Zeltzer. "I don't mean the process. I mean if we need more money to hire someone," said Mr. Best. "We're not going to," responded Ms. Greene. Ms. Fyler said, "That was what the Finance Committee agreed upon."

Ms. Brown wanted to know where the \$70,000 figure had come from. Ms. Fyler answered that it had come from a survey of similar positions available in the current job market. Mr. Best observed that his Town had basically found it next to impossible to find a Town Administrator at that salary.

By voice vote, Ms. Greene's Motion carried unanimously. Ms. Greene commended Ms. Fyler for "a very nice job." Mr. Zeltzer made a Motion To Thank Ms. Fyler For An Excellent Job, duly seconded.

Update: Meeting of the Three Commissions.

The Staff Secretary announced that Comprehensive Planner William G. Veno had missed his ferry and so had asked her to find out which Commission members intended to go to the meeting of the Cape Cod, Nantucket and Martha's Vineyard Commissions on Friday, January 25, from 10:00 a.m. to 3:30 p.m. at Barnstable Town Hall. Those attending, she added, could take the ferry to Woods Hole, where they would be provided transportation to Barnstable. Ms. Brown and Ms. Sibley said they intended to go. Ms. Warner and Ms. Greene said they could not go. The Staff Secretary proposed to call the members individually the following week to find out about their plans. The time was 8:10 p.m.

Approval of Meeting Minutes.

Ms. Greene made a **Motion To Approve The Full Commission Meeting Minutes Of November 29, 2001**, duly seconded. Said Motion carried unanimously. The **Minutes of December 6, 2001** were approved with 10 Ayes, no Nays and two Abstaining. The **Minutes of December 20, 2001** were approved with 11 Ayes, no Nays and one Abstaining. Ms. Brown thanked the Staff Secretary for the thorough job she did on the Minutes. "Here! Here!" said three other Commission members. The time was 8:15 p.m.

Announcements.

Mr. Zeltzer announced that there would be a luncheon to honor departing Executive Director Charles W. Clifford, to take place on Sunday, February 3, at noon at the Harbor

View Hotel. It would include an open cash bar from noon until 12:30, followed by a full sit-down luncheon, he said, and the event would end before the start of the Super Bowl festivities. The cost would be \$30 per person (with the checks made out to the "Testimonial Committee"), the Staff point person would be Christine Flynn, and the deadline for responding to the invitation was January 28 at 5:00 p.m. Mr. Zeltzer related that one of the people involved had expressed the opinion that without Mr. Clifford the Commission would no longer be in existence.

Ms. Fyler reminded the Commission members to fill out and hand in their disclosure statements.

Reports.

For his **Chairman's Report**, Mr. Vercruysse spoke briefly on a subject he had brought up the month before – the idea of asking Mr. Clifford to agree to continue to act as the Executive Director, signing on from month to month, until a new Executive Director had been hired. An agreement had been drawn up, he said, and it had been amended, approved and signed by Mr. Clifford. Said agreement would be reviewed again by all parties involved at the end of the month, he concluded.

There ensued a brief discussion concerning the possibility of there being an Interim Director, as had been mentioned in the Full Commission Meeting of December 6, 2001. *[See page 3 of those Minutes.]*

Chairman Vercruysse also reported that the **Search Committee** had met that evening to review some of the applications for the Executive Director position. The deadline for this round of the process was January 15, he said. Responding to a question from the Chairman, Ms. Fyler said that the advertisement for the position had run in *The Boston Globe*, the American Planning Association journal *Planning*, the *Vineyard Gazette*, and *The Martha's Vineyard Times*.

Reporting on the **Finance Committee**, Chairman Vercruysse noted that the Fiscal Year 2003 budget had been approved by the full Commission that evening.

Ms. Sibley pointed out that the **Island Highway and Harbors Infrastructure DCPC** had expired and should be taken off the Reports list.

With regard to the **Wild and Scenic North Shore DCPC**, Ms. Sibley announced that MEPA would be holding a meeting at the site of the Rattner pier proposal on Friday, January 18, at 11:00 a.m. regarding the Superseding Order of Conditions and Waterways License requested by Mr. Rattner. Commission DCPC Coordinator Jo-Ann Taylor would attend, said Ms. Sibley. "The relevant issue is that they're going ahead with his application for a Superseding Order of Conditions even though we denied the project," she remarked.

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Ms. Greene proposed that the Commission send in some sort of comment to MEPA that the Application had been denied because of the DCPC. That's being done, said Jennifer Rand, the DRI Coordinator. A brief discussion followed.

Julia Wells, Senior Writer for the *Vineyard Gazette*, wanted to know how MEPA could ignore the moratorium on development mandated by the Designation of the DCPC. Ms. Rand answered that MEPA appeared to be putting the Commission in the same class as a local board, whose authority could be superseded.

Mr. Donaroma provided the **Chappaquiddick Island DCPC Report**, relating that for the April Town Meeting the Planning Board was bringing forth a building permit cap proposal. The board had also requested that the Selectmen appoint a Chappaquiddick Affordable Housing Advisory Committee, he said, and the DCPC work groups had been developing a definition for detached bedrooms.

Mr. Donaroma also reported that the Conservation Commission would hold a Public Hearing on a proposed increase in the Shore Zone from 100 feet to 200 feet, with accompanying height restrictions depending on how far from the shore a house would be situated. A brief discussion followed.

Ms. Sibley mentioned the Public Hearings regarding the **Menemsha-Nashaquitsa Ponds DCPC** and the **Wild and Scenic North Shore DCPC** on January 24 at the Chilmark Community Center. Mr. Best reported that at a meeting the previous evening, the Tisbury Planning Board had unanimously endorsed that Town's regulations for the latter DCPC. Mr. Zeltzer pointed to the "particularly nice job" Ms. Taylor had done in separating out the boundary and Guidelines issues for the Menemsha-Nashaquitsa Ponds DCPC Staff Report.

Ms. Rand reported that the **Land Use Planning Committee** would meet on Monday, January 14, for their first Post-Public Hearing Review session on the Down Island Golf Club proposal (DRI #543). Responding to a question from the Chairman, Ms. Rand noted that all documentation requested of the Applicant had been submitted and that a few more pieces of correspondence from members of the public had come in.

Ms. Greene asked if Commission Counsel was coming down to meet with the Commission. Ms. Rand indicated that they would address that on Monday.

Offering the **Planning and Economic Development Committee Report**, Ms. Sibley spoke of the invitation to Acting SSA General Manager Wayne Lamson to meet with the committee on February 21. At their next PED meeting – on January 17 – they would discuss possible topics for the meeting with Mr. Lamson. There had been some discussion, she said, about the possibility of starting the Full Commission Meeting of February 21 at 6:00 p.m. rather than having Mr. Lamson meet only with the committee members.

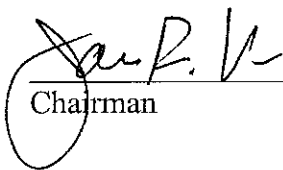
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Ms. Sibley also reported that the PED Committee had also been talking about the status of the various building permit caps in the Towns.

Ms. Rand announced the **public presentation by Cape Wind Associates** on Tuesday, January 15, at 6:30 p.m. in the Baylies Room of the Old Whaling Church.

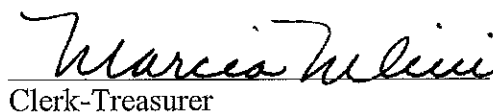
Ms. Warner said a few words about the amount of paper that was generated by the Commission. She suggested that the MVC develop a policy that would allow them to use less paper. A discussion ensued, and it was agreed that the Chairman and Ms. Warner would come up with some recommendations.

Ms. Greene made a Motion to Adjourn, duly seconded. The Special Meeting adjourned at 8:48 p.m.

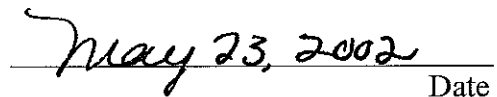


Chairman

Date



Clerk-Treasurer



Date

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

ABSENT: A. Bilzerian; M. Cini; E.P. Horne; T. Israel; J.P. Kelley;
C.M. Oglesby; K. Rusczyk; R.L. Taylor; and Roger Wey.

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