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Minutes of the Commission Meeting Executive Session Held on July 7, 2022 Remote Zoom Meeting

IN ATTENDANCE

Commissioners: (P= Present; A= Appointed; E= Elected)

P Jeff Agnoli (E-Edgartown)	P Kate Putnam (A-Edgartown)
P Trip Barnes (6:13 pm E-Tisbury)	P Ben Robinson (E-Tisbury)
P Christina Brown (E-Edgartown)	P Doug Sederholm (E-West Tisbury)
P Jay Grossman (6:17 pm E-Chilmark)	- Linda Sibley (E-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P Brian Smith (A-Oak Bluffs)
P Michael Kim (A-Governor; voting)	P Ernie Thomas (A-West Tisbury)
P Joan Malkin (Chair; A-Chilmark)	P Christine Todd (A-County)
- Greg Martino (A-Tisbury)	P James Vercruyssen (Vice-Chair; E-Aquinnah)
- Katherine Newman (A-Aquinnah)	

Staff: Adam Turner (Executive Director), Alex Elvin (DRI Coordinator), Lucy Morrison (Executive Asst/DRI Admin).

Others: Johanna Schneider, Hemenway & Barnes, Legal Counsel to the MVC

Chair Joan Malkin called the meeting to order at 6:00 p.m. and explained that the purpose of the meeting was to enter into Executive Session to discuss the pending litigation involving the Harbor View Hotel and in connection therewith to review a proposed modified DRI 614-M7 Harbor View Modifications Decision, and that the Commission would not be returning to open session.

Fred Hancock moved to enter into Executive Session with Adam Turner, Alex Elvin, Lucy Morrison and Johanna Schneider also present. **Doug Sederholm** seconded the motion. A roll call vote was taken regarding the motion (which carried), and each Commissioner also confirmed that they were alone and that no one else could hear the meeting.

Trip Barnes entered the meeting at 6:13 and confirmed that he was alone and not within earshot of any other individual.

Jay Grossman entered the meeting at 6:17 and confirmed that he was alone and not within earshot of any other individual.

Johanna Schneider, legal counsel to the Commission, presented a discussion of the litigation, the MVC's litigation position, and the relative benefits of a settlement, and walked through the prospective settlement with the Commission, including the modified decision.

At the meeting, the Commissions reviewed the following document: DRI 614-M7 Modified Harbor View Hotel Modification Decision 2022. The following aspects of the proposed modified decision in particular were discussed by Commissioners present:

- Specific provisions relative to changes to project phasing and completion, including the required time frame for completion.

- Proposed changes to the square footages of the proposed buildings, with a focus on the spa. The square footage of the spa was proposed to be slightly reduced, the treatment rooms limited, and the number of people eligible to use the spa was redefined to only include hotel guests and their friends
- A proposed provision to extend the approval in the event that the project could not proceed due to litigation.

Doug Sederholm moved to approve the modified decision. **Christina Brown** seconded the motion. Roll call vote in favor: *J. Agnoli, T. Barnes, C. Brown, J. Grossman, F. Hancock, K. Putnam, , B. Smith, E. Thomas, C. Todd, J. Vercruyse, and Chair J. Malkin.* Commissioner *B. Robinson* voted to reject the settlement.

The meeting was adjourned at 6:57 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- DRI 614-M7 Modified Harbor View Hotel Modification Decision 2022

Chairman

Date

Clerk-Treasurer

Date