

841PG794

AMENDMENT TO EASEMENT

THIS AMENDMENT, dated on and as of the 1<sup>st</sup> day of May, 2001, executed by and between the MARTHA'S VINEYARD REGIONAL HIGH SCHOOL DISTRICT COMMITTEE, a corporate body politic (the "Grantor") and ISLAND ELDERLY HOUSING, INC., a Massachusetts corporation (the "Grantee").

## WITNESSETH

WHEREAS, the Grantor executed an Easement, dated January 7, 1991, to the Grantee, which Easement is recorded in the Dukes County Registry of Deeds in Book 591, Page 047 (the "Easement"), which Easement granted to the Grantee access over certain property owned by the Grantor for the benefit of a residential development to be comprised of not more than forty-five (45) one-bedroom dwelling units, each housing not more than two (2) individuals; and

WHEREAS, the Grantor executed an Amendment to Easement dated January 27, 1998, to the Grantee, which Amendment to Easement is recorded with said Deeds at Book 744, Page 612 (the "Amendment"), which Amendment granted to the Grantee access over certain property owned by the Grantor for the benefit of a residential development to be comprised of not more than eighteen (18) additional units, for a total of sixty three (63) units; and

WHEREAS, Grantor executed a Second Amendment to Easement dated May 18, 1999, which Second Amendment to Easement is recorded with said Deeds at Book 820, Page 887 (the "Second Amendment"), which Second Amendment granted to the Grantee access over certain property owned by the Grantor for the benefit of a residential development to be comprised of not more than nine (9) additional units, for total of seventy two (72) units; and

WHEREAS, the Grantee is about to expand, the residential development benefitted by the access granted by the Easement, the Amendment, and the Second Amendment to add fourteen (14) additional units and the parties hereto wish to amend the Easement to provide access to the residential development as so expanded;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Paragraph 2 on page 2 of the Easement is hereby deleted in its entirety and the following substituted in lieu thereof:
  - "2. Said easement may be used only for access to a residential development for persons aged sixty or greater and for handicapped persons of any age, which development shall be comprised of not more than eighty six (86) one bedroom dwelling units, each housing not more than two individuals."

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3. All terms and conditions of the Easement, as amended hereby, are hereby ratified and confirmed and shall be and remain in full force and effect.

EXECUTED as a sealed instrument on and as of the date set forth above.

GRANTOR:

MARTHA'S VINEYARD REGIONAL  
HIGH SCHOOL DISTRICT COMMITTEE

By: *John Rubin*  
Name:  
Chairperson

GRANTEE:

ISLAND ELDERLY HOUSING, INC.

By: *Magaret A. Symons*  
Name:  
President

By: *[Signature]*  
Name:  
Treasurer

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Martha's Vineyard Regional High School  
School Committee Minutes  
Monday, May 7, 2001

Present School Committee Members: Ralph Friedman, Sue Madeiras, Judy O'Donoghue, Linda Coutinho, Gail Palacios, Leslie Baynes, Anna Alley, Amy Tierney

Others present: Dr. Cash, Jonathan Burke, Kevin Carr, Doug Herr, Carlos Colley, Dan Seklecki, Chris Burrell, Katherine Kavanagh, Mike Halt, Jean Loud, Margaret Serpa, Elise Chapdelaine.

The meeting was called to order at 7:07 p.m.

1. Minutes

A motion was made by Amy Tierney to accept the Minutes of April 2, 2001 with amendments. Seconded by Judy O'Donoghue. Vote: 2 abstained 6 in favor to accept the April 2, 2001 minutes. Passed.

2. Student's Report

Elise Chapdelaine reported that the Prom was a huge success. Everyone had a great time. The state science fair took place at MIT and MVRHS was well represented. The Evening of the Arts will take place on May 23 at the high school, samples of art work will be displayed around the school and a Minnesingers concert will take place in the PAC. The Minnesingers performance of excerpts from their Lithuanian trip was a great success. The AP test will take place during the weeks of May 7 and May 14, 2001. Sports are in full swing with a full schedule through the end of the year.

3. Financial Report

Mr. Colley reported that the bank reconciliation has been done through March 31, 2001. He reported that there will be an increase in Blue Cross & Blue Shield Insurance. All staff has been notified of the increase. It was suggested that a Benefits Sub-committee be considered to research all the choices there may be to choose from. A revenue report and expenditure report for all activity through 4/30/01 was distributed to all members.

4. Principal's Report

Mrs. Regan reported on the requests for Foreign Travel for next school year. A vote to approve will be taken at the June meeting. A discussion took place regarding the Additions & Changes to the MVRHS Student Handbook. Each suggested change was gone over line by line, discussed or changed and approved by the members. Mrs. Regan presented the Department Chairmanship Job Description for 2001-2002 to the Committee. This was discussed at length. It was decided that it would be tabled until the June meeting and discussion with the union with regards to the 187-day contract. A draft of The Chemical Health Policy for Athletes was distributed to the committee. A lengthy discussion took place and it was decided that it be brought back to the School Council for a few changes, otherwise it was close to being completed. Mrs. Regan asked the committee to vote on two leaves of absences. The first for Christine Deitz who would like to return to school in pursuit of a Masters' Degree. A Motion was made by Anna Alley, seconded by Amy Tierney to approve a 1 year leave of absence for Christine Deitz. Vote Unanimous. The second request for a leave of absence was from Dr Jean Loud for 1 year to relocate to the South Shore area to assist in the care of her aging parents including her critically ill father. A motion was made by Anna Alley to approve a 1-year leave of absence for Dr. Jean Loud Seconded by Leslie Baynes. Vote: Unanimous

5. Superintendent's Report

Dr. Cash introduced the new representative to the High School School Committee from Oak Bluffs, Judy O'Donoghue who replaced Tim Dobel. He also suggested more public relations should take place next year

when presenting the High School Budget. It was very disturbing that so few staff members were at the meetings and more should be done to prepare for next year.

Dr. Cash reported that the Department of Education met with the district regarding compliances for the Special Education Department, Perkins Grant and Civil Rights matters. They reported that they felt that Martha's Vineyard Regional High School District was not only in compliance but surpassed some of the requirements. They will submit a report to the Superintendent's office by the end of June, once it is reviewed for accuracy the report will be sent back to the DOE reporting on the changes that will be made as recommended by them.

6. Sub Committees

Land use Sub Committee

Mrs. Alley reported that Island Elderly Housing would like a motion to amend the easement previously granted by the high school, this would enable them to build 14 more units at Woodside Village. A motion was made by Linda Couthine Seconded by Lesley Baynes to amend the previous easement granted by MVRHS to Island Elderly Housing permitting use by these additional housing units. All legal costs to amending the easement will be paid by Island Elderly Housing. **Vote Unanimous.**  
 Mrs. Alley reported that Community Services was asking for approval of a short term lease on the 1.1 acres of land abutting the MVCS. The lease would be for 3 years, with the possibility of one additional year, if MVRHS is notified and agrees to the additional year at least 6 months prior to the end of the 3 year lease term. An insurance report was submitted from MVI insurance Group documenting the amount of additional insurance needed. After a lengthy discussion it was decided to table the motion until they hear more from lawyers on both sides.

Members of the MV Arena, Inc. and a representative from the soon to be officially formed 501-C3 private non-profit, Martha's Vineyard Skatepark Association, discussed with the Land Use Subcommittee the possibility of amending the current 20 year lease which MV Arena, Inc. has with MVRHS for a parking lot. The Arena personal would like to sublet a 60' x 120' piece of the lot to the MV Skatepark Association to allow a skateboard park to be erected, with removable units. It would be fenced in, supervised, and rules and regulations provided as part of the sublease with the Arena. The MVRHS's attorney has advised that it is possible to do this, but the MVRHS would still have some liability in this situation. There was some discussion about the feasibility of this plan, and school committee members advised the Land Use subcommittee to continue to work with the Arena members to find a way to work out a possible amendment to the current lease.

Mrs. Alley asked for a motion to move forward with regards to the current lease and sub leasing of the Martha's Vineyard Arena land. A motion was made by Leslie Baynes to move forward with the lease and sub leasing of the MVA land. Seconded by Sue Maderias. **Vote Unanimous**  
 Mrs. Alley brought up the Aquatic Center, She presented a letter from them stating it would be impossible for them to give the high school any free swimming time, therefore the subject was tabled.

Mrs. Alley reported that the MV Aquatic Center, Inc. met with the Land Use Subcommittee. Mrs. Alley distributed copies of a letter from a member of their board which gave an update on their recent feasibility study and their contention that the aquatic center would not be able to provide the MVRHS with any free hours at the pool due to the difficulty of funding this project. The general consensus of the School Committee was that there would have to be some kind of benefit to the students, beyond its mere existence and their ability to pay to utilize the facility or the School Committee would not be able to allow a long term lease of land, and the state legislature would not allow it without some direct benefit to the students. Discussions between the Aquatic Center and the Land Use Subcommittee will continue when the Aquatic Center is ready to respond to this communication.

The meeting adjourned at 10:25 p.m.

Respectfully Submitted,  
*Rose Cappucci*  
 Rose Cappucci  
 Secretary

Edgartown, Mass. July 11, 2001  
 at 3 o'clock and 30 minutes P.M.  
 received and entered with Dukes County Deeds  
 book 841 page 794

Attest:  
*Doranne E. Powers* Register