

Town of Chilmark
SPECIAL TOWN MEETING
September 27, 2010

MODERATOR: Everett H. Poole
TOWN CLERK: Jennifer L. Christy
REGISTRARS: Susan M. Heilbron, Marie Mercer(Temporary Appointee)
CONSTABLE: Daniel Bryant
TELLERS: Kimberly Cottrill & Robin Smith

At the close of voter registration on August 25, 2010 there were eight hundred and seventy-seven (877) registered voters in the Town of Chilmark. With one-hundred and four (104) voters present at the Special Town Meeting, 12% of the total number of registered voters, the Moderator called the meeting to order at 7:35 p.m. Constable Daniel Bryant attested to the posting of the warrant. The Moderator recognized Selectman Warren Doty. Selectman Doty stood and recognized the dedicated service of the late Russell Walton to the Town of Chilmark. Mr. Doty noted Russell Walton's many contributions to the town, most notably as Conservation Officer. Mr. Doty invited all to attend a gathering to honor and remember Rusty at the Chilmark Community Center on October 9, 2010.

ARTICLE 1. Read by the Moderator, moved and seconded. The article was opened for discussion. Selectman Doty was recognized and described the Board of Selectmen's process, since the fire in Menemsha, to replace the ruined carway/dock. Selectman Doty said the BOS consulted with Kent Healy, engineer, considered many plans and support a solution involving a concrete construction. Selectman Doty noted the advantages to a concrete construction: stability, accessibility for large vehicles, and protection for electrical conduit. Selectman Doty noted the U.S. Coast Guard has not completed any plans for repair or restoration. Selectman Doty noted that carway/dock could be replaced by next summer if this article is passed. Jay Lagemann was recognized and asked how passing this article would affect insurance reimbursement. Selectman Frank Fenner was recognized and noted that insurance reimbursement is in Article 2. Edward Miller was recognized and asked whether the order of the articles or the passing of this article would jeopardize reimbursement from the state or any other body. Selectman Jonathan Mayhew stated that he did not think any insurance reimbursement would be jeopardized but that the town should proceed now to have the dock replaced in time for next season. The Moderator noted that this article would require a 2/3rds vote to pass. The Moderator stated Article 1 comes to a vote.

Article 1 passed unanimously.

ARTICLE 2. Read by the Moderator, moved and seconded. Executive Secretary Timothy Carroll was recognized and asked to amend the article. Mr. Carroll asked to replace the words, "transfer from available funds in the treasury the sum of \$27,000.00", with "raise and appropriate the sum of \$25,192.22." Moderator read the amendment. Moderator called for a vote on the amendment.

Amendment to Article 2 was passed.

The Moderator read amended article. Article 2, as amended, was moved and seconded. The Moderator asked if there was any discussion on the amended article. There was no discussion. Moderator called for a vote on Article 2, as amended.

Article 2, as amended, passed unanimously.

ARTICLE 3. Read by the Moderator, moved and seconded. The article was opened for discussion. Executive Secretary Timothy Carroll was recognized and asked to amend the article. Mr. Carroll asked to replace the words, “state or federal assistance and available funds in the treasury, and to take any other action related thereto”, with “the sum of \$140,522.35 and \$59,477.65 from available funds in the treasury.” The Moderator read the amendment. The Moderator called for a vote on the amendment.

Amendment to Article 3 was passed unanimously.

The Moderator read amended article. Article 3, as amended, was moved and seconded. The Moderator asked if there was any discussion on the amended article. There was no discussion. The Moderator called for a vote on Article 3, as amended.

Article 3, as amended, passed unanimously.

ARTICLE 4. Read by the Moderator, moved and seconded. The Moderator noted that the article would require a 2/3rds vote to pass. The article was opened for discussion. Selectman Fenner was recognized and asked to amend the article. Selectman Fenner asked to amend the article to say, after the words, “Tea Lane Farm House”, the following, “following the development of a plan that will be approved by the Chilmark Board of Selectmen, the Chilmark Historical Commission and the Chilmark Community Preservation Committee.” The amendment was read by the Moderator and was moved and seconded. The article, as amended, was:

Article 4. To see if the town will vote to appropriate the sum of \$300,000 to fund a restoration and repair of the Tea Lane Farm House following the development of a plan that will be approved by the Chilmark Board of Selectmen, the Chilmark Historical Commission, and the Chilmark Community Preservation Committee and prepare the farm for a tenant farmer; and that to meet this appropriation, transfer \$85,000.00 from the Historical Preservation Reserve Fund; \$75,000.00 from the Community Preservation Budgeted Reserve Fund; \$90,000.00 from available funds in the Treasury; and \$50,000.00 from the general Stabilization Fund.

The Moderator asked if there was any discussion. Christopher Murphy was recognized and stated it was not necessary to move quickly on this project. He also noted that anything that is done to the Tea Lane House/Property should come back to the town to be decided. Mr. Murphy stated that the town needs to move ahead slowly and look at all options carefully. Selectman Fenner was recognized and noted the extensive work the Tea Lane Farm Committee, BOS and the Chilmark Historical Commission has done to examine the various options for Tea Lane Farm House. Selectman Fenner stated his desire to preserve the house and his desire to do the work quickly so that the town does not have to wait another year to install a tenant farmer. Pamela Goff was recognized and stated she was torn on this issue. Mrs. Goff stated she wants the work done, but to a certain standard. Mrs. Goff read a history of the house and argued that the house should be restored as a piece of history. Mrs. Goff

suggested that the Martha's Vineyard Preservation Trust be consulted. Mrs. Goff asked the town to consider amending the article to indicate the committee who makes the restoration plan consult the Martha's Vineyard Preservation Trust. Judie Jardin was recognized and asked where the \$90,000 would come from. Timothy Carroll was recognized and stated the \$90,000 would come from free cash. Judie Jardin was recognized and asked what the current free cash amount was and whether it was certified. Timothy Carroll was recognized and stated, "Yes." Emily Day, Town Accountant, was recognized and stated that the free cash amount was about \$413,000. Judie Jardin was recognized and asked why free cash was not in other articles. Selectman Doty was recognized and stated that the Selectmen had thought more free cash would be spent in previous articles. Christopher Murphy was recognized and expressed doubt that a farm would succeed. Mr. Murphy stated that a farmer would not make a living farming this land. Mr. Murphy urged the town to defeat the article. The Moderator noted that the town was just voting on the amendment and the amendment needed a majority to pass. Selectman Doty was recognized and stated the BOS considered selling the farm, among other possibilities, and proposed that there is a new model of agriculture on the island that involves a two-income family. Selectman Doty described the arrangement of one family member employed outside of the farm, at a stable, benefited job, while the other family member works the farm. Selectman Doty stated that he wanted a person with their "feet in the dirt". Leonard Jason, Jr. was recognized and asked to make an amendment to the amendment. Mr. Jason read the proposed amendment to the amendment. The Moderator asked for the amendment to the amendment in written form. Edward Miller was recognized and asked who the committee is and could the town hear from a member. Selectman Doty was recognized and stated he was the chairman of the Tea Lane Farm Committee, a seven member committee. Mr. Doty, noted the members of the committee: Richard Smith, Rebecca Miller, Rodney Bunker, Mitch Posin, William Meegan, Brian Cioffi, and Warren Doty. The Moderator discussed the amendment with Leonard Jason, Jr. The Moderator stated he will entertain Leonard Jason, Jr.'s motion for an amendment after disposing of the current amendment. The Moderator stated we are amending Article 4 as printed in the green sheet provided to voters. The Moderator asked if there was any more discussion. Pamela Goff was recognized and asked to amend the article. The Moderator stated that he will entertain amendments one at a time. Rebecca Miller was recognized and asked who will develop the plan. The Moderator read the amendment wording stating the entities that would develop plan. Rebecca Miller was recognized and asked how many people are decision-makers. Jane Slater, chairman of the Chilmark Historical Commission, was recognized and stated that the primary concern of the CHC is the house, not the farm. The Moderator asked the Selectmen to explain the parcel being considered. Selectman Doty stood to explain number of acres, Land Bank portion and requirements of the intermunicipal agreement with the Land Bank. The Moderator read the amendment. It was moved and seconded. The amendment to Article 4 came to a vote. The Moderator declared the **amendment was carried**. The Moderator accepted the amendment from Leonard Jason, Jr. The Moderator asked Mr. Jason to read the article, with his amendment. Mr. Jason read amended article:

Article 4. To see if the town will vote to appropriate the sum of \$30,000 to fund a plan to restore and repair the Tea Lane Farm House that will be approved by the Chilmark Board of Selectmen, the Chilmark Historical Commission, and the Chilmark Community Preservation Committee in consultation with the Martha's Vineyard Preservation Trust and prepare the farm for a tenant farmer. Said plan to be brought back to the next Annual Town Meeting. To meet this appropriation, transfer \$30,000 from available funds in the Treasury.

The Moderator asked if anyone wanted it read again. No one requested a re-reading. Selectman Fenner was recognized and stated that putting the plan on hold was not a good idea. The Moderator asked to have the amendment seconded. It was moved and seconded. Eric Glasgow was recognized and stated there would be little interest in the project if the farmer did not have equity in the property. Kristin Maloney was recognized and stated that the article has to do with restoring the house. Jay Lagemann was recognized and asked for clarification on exactly what the article focused on: house or farm with tenant farmer. Selectman Doty was recognized and stated an intermunicipal agreement was signed and approved by Town Meeting in 2001 to have a working farm with a tenant farmer there. The Moderator brought the amendment to a vote. The Moderator asked for a standing vote and directed all in favor to rise. Tellers, Kim Cottrill and Robin Smith, counted. The Moderator asked all to be seated and directed all those opposed to please rise. Ms. Cottrill and Ms. Smith counted.

The Moderator declared the **amendment carried, 61-29.**

The Moderator read Article 4, as amended:

Article 4. To see if the town will vote to appropriate the sum of \$30,000 to fund a plan to restore and repair the Tea Lane Farm House that will be approved by the Chilmark Board of Selectmen, the Chilmark Historical Commission, and the Chilmark Community Preservation Committee in consultation with the Martha's Vineyard Preservation Trust and prepare the farm for a tenant farmer. Said plan to be brought back to the next Annual Town Meeting for approval. To meet this appropriation, transfer \$30,000 from available funds in the Treasury.

It was moved and seconded. Selectman Doty was recognized and thanked all who have worked on the farm plan and those who were involved in the clean-up of the Silva Farm. Janet Weidner was recognized and stated we should support article, as amended. The Moderator called for a vote. The Moderator stated the article appears to be carried and asked if anyone questioned this. No one questioned the Moderator.

Article 4, as amended, was carried.

ARTICLE 5. Read by the Moderator, moved and seconded. The article was opened for discussion. Executive Secretary Timothy Carroll was recognized and asked to amend the article. Mr. Carroll asked to strike the words, “/transfer from available funds in the treasury.” The Moderator read the amendment. Judie Jardin was recognized and stated that \$40,000 is voted for the reserve fund at the Annual Town Meeting and the town should hold our expenses to that amount. Ms. Jardin asked for a description of the reserve fund expenses. Mr. Carroll was recognized and listed Tea Lane Farm start-up costs, water leak repair and costs for the payroll system data program. The Moderator called for a vote on the amendment.

The Moderator stated amendment to Article 5 appeared to be carried. The Moderator asked if anyone questioned that amendment to Article 5 passed. No questions were asked. The Moderator read amended article. Article 5, as amended,

was moved and seconded. The Moderator asked if there was any discussion on the amended article. There was no discussion. The Moderator called for a vote on Article 5, as amended.

Article 5, as amended, was carried.

ARTICLE 6. Read by the Moderator, moved and seconded. The article was opened for discussion. Executive Secretary Timothy Carroll was recognized and asked to amend the article. Mr. Carroll asked to strike the words, “/transfer from available funds in the treasury.” The amendment was moved and seconded. Moderator read the amendment. The Moderator called for a vote on the amendment.

The Moderator stated amendment to Article 6 was carried.

The Moderator read the article, as amended. The Moderator asked if there was any discussion on the amended article. There was no discussion. The Moderator called for a vote on Article 6, as amended.

Article 6, as amended, was carried.

ARTICLE 7. Read by the Moderator, moved and seconded. The article was opened for discussion. No discussion occurred. The Moderator called for a vote.

Article 7 passed unanimously.

ARTICLE 8. Read by the Moderator, moved and seconded. The Moderator noted that this article required a 9/10ths vote to pass. The article was opened for discussion. A voter was recognized and asked why bills from last fiscal year are not paid with last year’s surplus. Selectman Doty was recognized and explained the bill for Tri-Town Ambulance was submitted on July 15, 2010, after the fiscal year had ended. Mr. Doty noted that there was not surplus in the Tri-Town Ambulance department. Executive Secretary Timothy Carroll was recognized and asked to amend the article at the request of the Tri Town Ambulance Chief. Mr. Carroll asked to replace the dollar amount with, “\$3,164.93.” The Moderator read the amendment. Judie Jardin was recognized and inquired about the philosophy behind some articles funded from available funds and others through appropriations. Ms. Jardin asked to make an amendment to the article to say “take from available funds in the treasury” instead of “to raise and appropriate.” The Moderator called for a vote on the first amendment and stated that the vote on the amendment does not require a 9/10ths vote to pass. The Moderator called for a vote on the amendment.

The Moderator stated amendment to Article 8 is carried.

Judie Jardin was recognized and amended article to say, “take from available funds in the treasury” instead of “to raise and appropriate.” Mr. Carroll was recognized and explained that the decision to take from available funds or to raise and appropriate depends on whether the expense is non-recurring or recurring. Selectman Doty was recognized and explained the allocation of free cash or available funds is a mix and match process. The Moderator read amendment. The amendment was moved and seconded. The Moderator called for a vote on the amendment. **The Moderator stated amendment to Article 8 appears to be lost.**

The Moderator asked if there was any discussion. There was no discussion. The Moderator stated the amendment was lost. The Moderator read Article 8, as amended.

The Moderator reminded the voters that this vote required 9/10ths to pass. The Moderator called for a vote.

Article 8, as amended, passed unanimously.

ARTICLE 9. Read by the Moderator, moved and seconded. The article was opened for discussion. Executive Secretary Timothy Carroll was recognized and asked to amend the article. Mr. Carroll asked to insert the following words after the word “walkway” and before the phrase, “at Lucy Vincent Beach”, “and fund the state mandated removal of debris from the Piping Plover habitat.” The amendment was moved and seconded. Moderator read the amendment. The Moderator asked if there was any discussion. Elizabeth Lewenberg, president of the Chilmark Pond Association, was recognized and inquired as to why the hay bales need to be removed. Kristin Maloney, chair of the Beach Committee, was recognized and stated that the town was just considering the amendment. The Moderator called for a vote on the amendment.

The Moderator stated amendment to Article 9 was carried.

The Moderator read the article, as amended. The article was moved and seconded. The Moderator asked if there was any discussion on the amended article. Nan Doty was recognized and asked what was meant by state-mandated removal and whether this meant the work done would be unfunded mandate. Kristin Maloney was recognized and explained the state of Lucy Vincent Beach after recent storms and the steps the Beach Committee has taken to mitigate the erosion damage and accrual of flotsam & jetsam from neighboring properties, including stairways. Mrs. Maloney explained that the Massachusetts Department of Fish and Wildlife does not appreciate the efforts of the Beach Committee and has required the town to remove all hay bales and plantings as they adversely impacted habitat for protected animals. Mary Jane Pease was recognized and reminded voters of Rusty Walton’s phrase, “beach accretion.” Mr. Carroll was recognized and said the state would have the right to require removal of accreted items if the town moved the debris in an effort to stabilize the beach accretion. Mrs. Maloney was recognized and stated this was year one of a five year plan to restore the Lucy Vincent Beach and also noted that stairways on neighboring properties could be tagged so that owners would have to pay for removal once the stairway washed down to LVB. The Moderator called for a vote on Article 9, as amended.

Article 9, as amended, was passed.

ARTICLE 10. Read by the Moderator, moved and seconded. The Moderator stated this article required a 9/10ths vote to pass. The article was opened for discussion. No discussion occurred. The Moderator called for a vote.

Article 10 passed unanimously.

The Moderator asked if anyone had any more business to bring before the voters. No one brought further business. The Moderator declared the meeting dissolved at 9:17 p.m.

A true record. Attest:

Jennifer L. Christy
Town Clerk
September 30, 2010