

**Draft Chilmark Board of Selectmen October 4, 2011 Meeting Minutes**

**Present:** Frank Fenner, Warren Doty, Jonathan Mayhew, Tim Carroll, Jonathan Revere, Jane Slater, Christine Flynn, Melanie Becker, Judy Jardin, Clarissa Allen, Frank Yeomans, Melinda Defeo, Claire Rabbitt, Brian Cioffi, Jim Hickey, Remy Tumin.

At 7:30 chairman Fenner called the Board of Selectmen meeting to order in the Town Hall meeting room.

Minutes:

August 26, 2011 minutes were reviewed. Mr. Fenner moved to approve minutes as written. Mr. Doty seconded the motion. **SO VOTED: 2 Ayes, 1 Abstain**

*Mr. Mayhew was not present at the 8.26.11 meeting.*

September 20, 2011 minutes were reviewed, amendments were made. Mr. Fenner moved to approve minutes as amended. Doty seconded the motion. **SO VOTED: 3 Ayes**

At 7:35 pm Chairman Fenner opened the Public Hearing for the FY2012 Community Development Strategy.

Christine Flynn presented the draft to selectmen for public hearing. What follows is the amended draft from this discussion at public hearing:

**Chilmark 2011 Community Development Strategy - DRAFT**

Chilmark is a community of 866 year-round residents located on the Island of Martha's Vineyard, Dukes County, Massachusetts. Known for its rolling hills, sweeping roadside vistas, stone walls, rural landscapes and fishing village, Chilmark has all the advantages of small town living. The town values its historic structures, seashore, ponds, streams, wetlands, open fields, farms, and working harbor. To grow sustainably, the town must integrate protection of these sensitive environmental resources with responsible development of residential and commercial areas, and care for the physical and economic well being of all citizens.

Chilmark has produced this planning document to guide the development of its community, in concert with our Island neighbors. The six towns on the Island of Martha's Vineyard have long been committed to regional planning. Created in 1974, the Martha's Vineyard Commission (MVC) is charged with safeguarding the Island's "natural, historical, scientific, and cultural" characteristics from inappropriate or harmful development while at the same time promoting sound local economies. In 2010, the MVC published the Island Plan that was a comprehensive planning document with community input from the six Island towns.

Chilmark along with the five other municipalities on Martha's Vineyard seek to implement sustainable growth strategies in four areas: open space, housing, transportation and economic development. This Community Development Strategy centers on these four concentrations and contains input from numerous constituencies as well as planning documents and other studies. This document draws on the guidance of the 1985 Master Plan (as amended in 1992, 2002, and 2007), the 1996 Open Space Plan that are continually reviewed and currently in the process of

being updated. The Board of Selectmen solicited the input from the Affordable Housing Committee, in addition to the Dukes County Regional Housing Authority and the Martha's Vineyard Commission. The guidance from the planning documents in addition to the input from local and regional boards was essential to produce the 2011 Chilmark Community Development Strategy which will be reviewed and updated annually.

**Background:**

Economic Development encompasses many regional issues that affect the Island of Martha's Vineyard. Issues such as housing, transportation, infrastructure, and the environment all play a role in the Island's ability to attract and sustain businesses, tourists, and the cultural continuity of the community. Economic Development and Affordable Housing are two interrelated and fundamental concerns on the Vineyard. Much of the local economy is driven by seasonal residents and visitors but in order for the Island to retain its economic vitality it is imperative that the Island preserve and protect its natural resources and the environment in addition to providing safe, decent, and affordable housing rental and homeownership options for its workforce. Today seasonal residents (second homeowners) and hundreds of thousands of short-term visitors come to the island attracted by the unique natural, historical, and cultural values that define the beauty and character of Martha's Vineyard. As a seasonal and vacation destination, the number of people on the Island changes dramatically from the peak season to the off season. It is estimated that the year-round population of 16,460 (US Census 2010) swells to about 75,000 during the peak summer months of July and August.

Vineyard towns are financially dependent on seasonal residents and second homeowners because they pay property taxes but do not require the most costly of services - education. However visitors do require higher levels of some town services, emergency services in particular. The extreme fluctuations from peak season to the winter season place severe strains on the Island's infrastructure facilities for water, sewer, solid waste, and especially the Island's road network. The tourist and seasonal nature of the Vineyard poses significant challenges to the Island towns to be able to balance the needs of a growing and aging year-round population while accommodating the needs of a seasonal population.

**Objective One: Open Space and Recreation**

The Chilmark Open Space and Recreation Plan identified 146 acres of the town as protected open space. The town's major focus moving forward will be the establishment and protection of buffer zones between developed areas and open space, including public access to waterways and roadside green belts. Water quality is a key issue. The town is dedicated to protecting surface water, watersheds, and public well zones through conservation protection and education of the public on issues such as nitrogen loading, run off, Title V, and management of vegetation and invasive species. These programs will continue under the direction of the Wetlands Protection Act and Chilmark Wetlands Protection By-law. The town has identified sensitive parcels for additional conservation protection, including open space in under served areas.

Current work with the Martha's Vineyard Land Bank, Martha's Vineyard Commission, Dukes Conservation District, Martha's Vineyard Shellfish Group, Martha's Vineyard Agricultural Society, and private land owners include:

- A. Develop Management Plan to address invasive species in Squibnocket Pond
- B. Continue to support and work with the Squibnocket Pond District Advisory Committee and Chilmark Pond Association to review development projects in

- nitrogen sensitive watersheds.
- C. Continue to provide town funding to participate in the Massachusetts Estuaries Project for Tisbury Great Pond and eventually Squibnocket and Menemsha Ponds will be added to the study.
  - D. Evaluate impacts of private septic systems within the Chilmark Pond Watershed
  - E. Continue to provide town funding for Shellfish Propagation Program and Martha's Vineyard Shellfish Group
  - F. Continue to support trial mussel farm off of coast of Chilmark
  - G. Continue to support the Dukes County/Martha's Vineyard Commercial Fishermen and Menemsha Fisheries Development Fund and all their programs
  - H. Strengthen the viability of local agriculture and sustainable food systems. Consider adopting a Right to Farm By-law
  - I. Continue to support groups such as the Dukes Conservation District, Water Alliance, and Agricultural Alliance.
  - J. Develop bike paths connecting existing paths in West Tisbury and Aquinnah to Chilmark. Utilize paths as a safe alternative transportation system.

*Sustainable Development Principles: Protect Land and Eco-systems, Use Natural Resources Wisely, Plan Regionally.*

**Comment [EU1]:** There is one Chilmark ancient way that is a part of the Special Ways DCPC. This sentence was in all six towns' Community Development Strategy.

### **Objective Two: Housing**

In recent years, the towns and non-profit organizations have had great success in addressing various segments of Island's housing needs. In the year 2000, a very successful community housing forum helped catalyze significant public interest in housing affordability and resulted in the creation of several community housing organizations. Since 2001, there are more than 20 organizations and committees committed to addressing the Island's housing needs. In 2001 and 2005, there have been two housing needs assessment studies. In 2001 Chilmark and Aquinnah adopted the Community Preservation Act at the full 3% surcharge on property taxes, while in 2005 the four remaining towns adopted the CPA. Over the last 25 years, the towns and non-profit housing entities have created 608 subsidized housing (rental and homeownership) units on Martha's Vineyard and 404 of those units qualify for the Commonwealth's Subsidized Housing Inventory.

Much has been accomplished within the last five years. There are now more housing options for working people that didn't exist a few years ago. But while there are more market and subsidized rental and ownership opportunities available, many households are unable to take advantage of these opportunities because of the 2007 - 2009 economic recession. With the past economic recession and current unstable economy, the demand for housing those earning less than 80% of the Area Median Income has become much greater along with a small but growing homeless population. Many individuals and families have had incomes reduced or have lost a job, therefore, those individuals and families are unable to meet lenders' and potential landlords' requirements. This is especially true for those with fixed, or with low and moderate incomes that are in increasingly distressing situations trying to meet monthly housing payments, childcare costs, and basic life needs on Martha's Vineyard not to mention needed critical home repairs and septic improvements.

The challenge for working people with lower means to purchasing a single-family home is further exacerbated by limited housing options. According to the 2000 Census, ninety-one percent of the Vineyard's housing stock are detached, single-family homes, creating a shortage of rental housing and of multi-unit housing that could serve the needs of younger people starting out and older residents who can no longer maintain a home. Current zoning allows multi-family development within a small portion of the Island with very limited infrastructure for water and wastewater. The town of Chilmark does not have a public water or sewer system with the exception of the Menemsha Fishing Village. Development within the town has been at a low density and the probability of the town installing water or sewer systems is highly unlikely. The majority homes are on private wells and private septic systems and the on-going maintenance and upkeep of these septic systems are not only costly but also poses serious environmental impact to the Island's sole source aquifer for drinking water while threatening the health of the coastal ponds. One option for the town to better manage the nitrogen loading problem is to establish a Septic Repair Program for homeowners.

Continuing effort is still needed to allow the Vineyard to respond to the pressing housing needs that are simply not met by the private market. This should favor creating more affordable housing units, either with existing housing stock or through new construction. The Vineyard should also look for ways to help affordable housing projects, deal with zoning regulations, the costs of wastewater treatment, energy efficiency, home and septic repairs in addition to other objectives identified by Island towns.

Participating in the Community Development Block Grant program for affordable housing rehabilitation has become a priority for the town of Chilmark. Income eligible residents can apply through the program to rectify code and safety violations in their homes. A true advantage of the program is the ability to rehabilitate existing housing stock which is in keeping with sustainable growth objectives espoused by the town. The CDBG's Childcare subsidy programs have enabled many Island families to continue working or seek employment opportunities which have had a direct benefit to sustaining the year-round workforce and the Island's economy. The Town of Chilmark recognizes the importance of supporting low and moderate income residents to ensure future sustainability within its workforce and a growing elderly population. The town has done and will continue to do the following to promote affordable housing:

- A. Participate in DHCD's Community Development Block Grant Septic Repair Program
- B. Participate in DHCD's Community Development Block Grant Rehabilitation Program
- C. Participate in DHCD's Community Development Block Grant Childcare Subsidy Program
- D. Continue with the development of Middle Line Road Project which is a town initiated housing project. The project consists of 12 units: 6 rental and 6 homeownership units.
- E. Support the newly created Chilmark Municipal Affordable Housing Trust Fund
- F. Continue to review and update Chilmark's Zoning By-laws in order to promote affordable housing
- G. Continue to provide financial support for the Administrative Services of the Dukes County Regional Housing Authority through CPA Funds

- H. Continue to provide financial support for the Dukes County Regional Housing Authority's Rental Assistance Program through CPA funds
- I. Utilize designated CPA funds to do an Island-wide Housing Needs Assessment Study.
- J. Continue to work with other Island towns, entities, the Dukes County Regional Housing Authority and the Martha's Vineyard Commission as well as other affordable housing groups to address the Island's affordable housing needs.

*Sustainable Development Principles: Expand Housing Opportunities, Advance Equity, Concentrate Development and Mixed Uses, Plan Regionally*

### **Objective Three: Economic Development**

Tourism and the second home industry is the Island's economic base. Therefore the town should formulate Economic Development strategies that support tourism and development/service sector industries without degrading the town's natural resources and rural character. The town of Chilmark has taken key steps in promoting the local economy sustainably in areas of aquaculture, commercial fishing, and farming. This includes providing residents with the support they need to actively participate in the workforce, such as childcare subsidies, and find ways to insure that there are adequate workers to support year-round and seasonal businesses.

The town has supported Island commercial fishermen by establishing the Dukes County/Martha's Vineyard Commercial Fishermen's Association in 2009. The Association is an advocacy group for local commercial fishermen in dealing with state and federal fishing regulations as well as responsible for conducting education and out reach programs to the general public. In 2009, the town of Chilmark in conjunction with West Tisbury is participating in a Trial Mussel Farm Program to cultivate mussels within town coastal waters off shore. The town has supported the preservation of active farmland through agricultural and conservation restrictions. . The town has also made plans to re-activate and preserve agricultural land at Tea Lane Farm by leasing the property and home site to a qualified farmer.

Since the recession, the unemployment rates for the past three winters ('09, '10, and '11) have exceeded double digits which peaked in January 2010 at 13.4 (January 2011 13.2%) percent surpassing Massachusetts' rate at 9.5 and the US's rate at 9.7 for that month. Island businesses struggle to cope with the past recession and unstable global economy which has been felt more acutely in areas of retail, construction, and hospitality because of the Vineyard's visitor based economy. The spending habits of year-round, seasonal residents and visitors have changed dramatically. Chilmark has taken proactive steps to in response to the Island's high seasonal unemployment rates and the demise of the construction industry.

In 2009, the town sponsored a workshop with the Massachusetts Division of Capital Assets and Management (DCAM) in an effort to create job opportunities for Island contractors and sub-contractors. The town set a priority of hiring members of the local workforce and business community when opportunities arise particularly for Municipal Development Projects like the Middle Line Road Affordable Housing Project. The town is also seeking ways to assist working parents or those looking for employment with childcare subsidies.

It is important for the town to ensure it has adequate infrastructure for a growing year-round population. The town's water, solid waste, public facilities, and roads are placed under tremendous pressure during the summer months. The town's public facility buildings such as the town hall, police, fire, library, and school buildings will need repairs and on-going maintenance as well as the town's road network and harbor. The town received state and federal funds to rebuild Menemsha Harbor which last summer had a catastrophic fire that destroyed the US Coast Guard Station and several town owned docks for commercial fishermen. As mentioned previously, Chilmark does not have public water or sewer services. Chilmark and the entire Island is facing a critical problem protecting its water resources because of the nitrogen loading primarily from residential septic systems. One option to better mitigate the nitrogen loading problem is to establish a Septic Repair Program.

The Chilmark Planning Board has also pursued an interest in reconciling protection of the town's rural character with the promotion of emerging alternative energy generation technology projects. The town is actively working with an island-wide work group to create regulations for the development of wind turbines while safeguarding nearby residents and significant community resources. A solar energy project is being investigated at the Town's Transfer Station. The town of Chilmark is represented on the Cape Light Compact (CLC).

The Cape Light Compact has been instrumental in providing stable energy prices to residents of Chilmark. CLC's energy efficiency programs such as energy audits, lighting, and energy retrofits in town buildings, rebates for the purchase of energy efficient appliances, and conservation education in the schools has resulted in a town-wide energy savings. To ensure economic and environmental viability of town residents, particularly those with low and moderate incomes, the town will continue to expand these initiatives. The Planning Board continues to promote the expansion of energy efficiency and renewable energy technology in town buildings, town affordable housing projects i.e. Middle Line Road project, and within the community at large.

*Sustainable Development Principles: Concentrate Development, Mixed Uses, Plan Regionally, Use Natural Resources Wisely, Increase Job and Business Opportunities*

#### **Objective Four: Transportation**

As an Island, Martha's Vineyard faces unique transportation challenges. By continuing our partnership with our neighboring towns, Chilmark can resolve some of these issues. The Martha's Vineyard Regional Transit Authority (VTA) provides transit services to the six Island towns and has surpassed ridership in excess of 1 million passengers this past year. The VTA also offers year-round specialty medical transport and weekly van service off-island to Boston area medical services. Voters in Chilmark expressed interest in expanding the VTA routes to include Middle Road and Tabor House Road to have town-wide coverage of public transit.

The Island Councils on Aging have also worked to alleviate transportation issues for senior citizens by offering Taxi service from the Woods Hole Ferry Terminal to medical facilities in Falmouth, Mashpee, and Sandwich. The town has also worked to alleviate traffic congestion and parking needs during the summer by considering parking alternatives in the Peaked Hill area. The town in the past has considered expanding its bike paths to encourage non-vehicular

transportation. The town also works with the VTA and MVC on regional transportation issues through the Joint Transportation Committee.

*Sustainable Development Principles: Plan Regionally, Concentrate Development, Provide Transportation Choices, Use Natural Resources Wisely, Advance Equity*

Development Priorities:

1. Secure Community Development Block Grant (CDBG) Funds to assist income eligible homeowners to make necessary repairs to their homes while retaining the existing affordable housing stock.
2. Seek CDBG grant funds to assist income eligible residents with needed childcare costs while providing a more stable year-round workforce.
3. Seek CDBG grant funds to help curtail nitrogen loading into Squibnocket and Menemsha Ponds by encouraging the town to create Septic Repair Program. Continue to participate in the Massachusetts Estuaries Project.
4. Continue to work on plans to development Middle Line Road Affordable Housing Project.
5. Continue to work with state agencies like the MA Division of Capital Assets and Management to promote Island economy.
6. Continue to support the town's Shellfish Propagation Program
7. Support the Trial Mussel Farm Project
8. Support the Dukes County / Martha's Vineyard Commercial Fishermen's Association and Menemsha Commercial Fisheries Development Fund
9. Update and revise zoning by-laws to promote Affordable Housing and Historic Preservation
10. Establish advisory committee to guide plan's treatment of natural resource preservation, water quality, coastal hazards, public access, beach access, shell fishing, erosion and beach nourishment.

At 7:52 pm chairman Fenner closed public hearing. Mr. Doty moved to approve the CDS with the amendments that have been made during this public hearing. Mr. Mayhew seconded the motion. **SO VOTED: 3 Ayes**

OPEB:

Melanie Becker the town's treasure presented the selectmen with the Other Post Employment Benefits information. There are some decisions to make tonight that Mrs. Becker can bring to the next meeting of the Dukes County Pooled OPEB Trust.

After discussion with the treasurer Mr. Doty moved to join Dukes County Pooled OPEB Trust, and execute agreement. Mr. Mayhew seconded the motion. **SO VOTED: 3 Ayes**

Mr. Doty moved to appoint Melanie Becker the Trustee of the DCP OPEB for Chilmark. Mr. Mayhew seconded the motion. **SO VOTED: 3 Ayes**

OPEB Continued...

Mr. Doty moved to appoint Executive Secretary Tim Carroll as an alternate trustee to the DCP OPEB. Mr. Mayhew seconded the motion **SO VOTED: 3 Ayes**

Mr. Mayhew moved to join the Actuarial Study and to pay our share. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Massachusetts Estuary Project:

Selectmen received a request from Ronald Samimy of UMASS Dartmouth for the town of Chilmark to commit to pursue town funding the MEP. Mr. Fenner said we need to have a better explanation of the State match and the complete budget, but to create a letter of commitment for the town to pursue funding its match.

Mr. Doty said upfront that UMass Dartmouth has given us many reasons to lack faith that the MEP for Chilmark will be completed on time. Dissatisfaction was expressed. Mr. Fenner said keep the opportunity for a state match and invite Ronald Simimy to the next Selectmen's meeting October 18, 2011.

Mr. Doty moved to write a letter to support to pursue town matching funds. Mr. Mayhew seconded the motion. **SO VOTED: 3 Ayes**

Tea Lane Farmhouse:

The Selectmen's office received a letter from Beth Ann Hiller who "implored" the selectmen to keep the Tea Lane Dairy Farm as a gem of the Vineyard.

There was lengthy discussion about the future of the Farmhouse at Tea Lane Farm and what the next steps to take will be. The result of the Special Town Meeting on September 26, 2011 was voting down article 1 which was the funding for the Farmhouse. Mr. Fenner concluded that the selectmen have submitted questions to town counsel Ron Rappaport for answers that will aid in decision as to the steps to take. The selectmen hope to have these questions answered some time next week, and will schedule a meeting to discuss this with counsel.

Special Town Meeting Review:

Chairman Fenner gave recap and the outcome of the Special Town Meeting. *The following is the town Clerk Jennifer Christy's approved minutes from STM held 9/26/11*

***Town of Chilmark***  
***SPECIAL TOWN MEETING***  
September 26, 2011

MODERATOR: Everett H. Poole  
TOWN CLERK: Jennifer L. Christy  
REGISTRARS: Susan M. Heilbron, Judy G.L. Mayhew  
CONSTABLE: Marshall E. Carroll, III  
TELLERS: William Meegan & Carol Shweder



At the close of voter registration on September 16, 2011 there were eight hundred and sixty-three (863) registered voters in the Town of Chilmark. With eighty-four (84) voters present at the Special Town Meeting, a little less than 10% of the total number of registered voters, the Moderator called the meeting to order at 7:35 p.m. Constable Marshall E. Carroll, III attested to the posting of the warrant. The Moderator Everett Poole recognized the late Constable Daniel Bryant for his service to the Town of Chilmark. Mr. Poole noted the void at the front of the room because of the absence of Danny Bryant. Mr. Poole said that Danny was a very good friend and he missed him very much. He asked for everyone to observe a moment of silence in honor of Mr. Bryant. There was a moment of silence.

**ARTICLE 1.** Read by the Moderator, moved and seconded. The article was opened for discussion. Judith Jardin was recognized. Ms. Jardin expressed concern with the phrase “to remain in public ownership in perpetuity” that appears on the background summary provided for town meeting, but does not, as she recalls, appear on the deed. She pointed out that this stipulation was not mentioned before and she feels townspeople, from what she has heard, are unaware of this stipulation. Ms. Jardin further noted that the phrase was not noted in the warrant article when it was originally presented to the town. Ms. Jardin continued and mentioned the different economic climate that the town is experiencing now compared to 2001, when the Town originally purchased Tea Lane Farm. Ms. Jardin noted the high cost of renovating one house for one family. Ms. Jardin feels it is very unlikely that anyone would be able to handle the expense and responsibility of living in the house and farming the land. Next, Ms. Jardin reminded the voters of her recommendation to the town, when she was Treasurer, to establish a Capital Planning Committee. Ms. Jardin again recommended the establishment of a committee. This committee would, Ms. Jardin stated, allow all town departments to submit their capital needs to them for consideration. This committee, Ms. Jardin noted, would assess the needs and provide a plan to the town of capital expenditures for the future so that townspeople would have an idea of all areas in need while they are considering large capital expenditures at town meeting. Last, Ms. Jardin noted the town’s purchase of the Engley property and the apparent inaction on that project. Ms. Jardin concluded by making a motion to indefinitely postpone Article 1. This motion was seconded. The Moderator called for a voice vote and stated the motion to indefinitely postpone Article 1 appears to be carried. Mr. Poole stated, “Defeat of Article 1 appears to be carried.” Sam Feldman asked for a hand count. Mr. Poole asked for all those in favor of indefinitely postponing to please rise. Tellers, William Meegan and Candy Shweder, counted those in favor. Mr. Poole asked all those opposed to indefinitely postponing to please rise. The tellers counted.

**The Moderator stated the motion to indefinitely postpone is carried, 48-15.**

**ARTICLE 2.** 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, “Article 8”, with “Article 9” and to replace the year “2011” with “2010.” The Moderator read the amendment and asked if there was any discussion. Jim Feiner was recognized and began to speak, but not on the subject of the particular amendment. The Moderator asked Mr. Feiner to wait until the amendment to the article was voted on. The Moderator called for a vote on the amendment.

**The Moderator declared the amendment carried.**

The Moderator called for discussion on Article 2. Mr. Feiner was recognized and acknowledged Selectman Frank Fenner and Frank LoRusso for monitoring and “steering the ship” so well. Mr. Feiner stated that without Mr. Fenner’s and Mr. Lo Russo’s help the town would not have been able to get the project done as well as it has. Selectman Doty was recognized and explained that the financing costs for the Middle Line Road rental duplex project were expected to be higher, but they were not and so money is available in the financing budget that can be transferred to the landscaping budget. Mr. Doty explained what was left to do in landscaping at Middle Line. There was no more discussion. The Moderator brought the article to a vote.

**Article 2, as amended, was carried 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, “Article 8”, with “Article 9.” The Moderator read the amendment. The amendment was moved and seconded. The Moderator asked if there was any discussion. The Moderator called for a vote on the amendment.

**The Moderator declared the amendment carried unanimously.**

The Moderator called for discussion on Article 3, as amended. Selectman Doty was recognized and noted that the town still expects to receive reimbursement for the costs of the Menemsha Pier Connector reconstruction. Mr. Doty also noted that the transfers in this article would allow the town to enter into a long-term bond with a better interest rate. The Moderator asked if there was any more discussion on the amended article. There was no discussion. The Moderator called for a vote on Article 3, as amended.

**Article 3, as amended, was carried unanimously.**

**ARTICLE 4.** Read by the Moderator, moved and seconded.. The article was opened for discussion. There was no discussion. The Moderator declared,

**Article 4 passed unanimously.**

**ARTICLE 5.** Read by the Moderator, moved and seconded.. The article was opened for discussion. There was no discussion. The Moderator declared,

**Article 5 passed unanimously.**

**ARTICLE 6.** Read by the Moderator, moved and seconded.. The article was opened for discussion. There was no discussion. The Moderator declared,

**Article 6 passed unanimously.**

**ARTICLE 7.** Read by the Moderator, moved and seconded. The article was opened for discussion. Frank Yeomans was recognized and inquired as to whether the Harbormaster has the use of a town boat in times of emergency. Selectman Fenner was recognized and noted the Harbormaster does have access to a boat, the town-owned boat used by the Shellfish Department. There was no other discussion. The Moderator called for a vote and declared,

**Article 7 is carried.**

**ARTICLE 8.** Read by the Moderator, moved and seconded. Executive Secretary Timothy Carroll was recognized and made a motion to amend the article. The motion was seconded. Mr. Carroll asked to replace the words, “appropriate from the Wetlands Protection Fund” with “Raise and Appropriate.” The amendment was moved and seconded. The Moderator read the amendment and asked if there was discussion. Ms. Jardin was recognized and asked for background information on why we would switch the request from the Wetlands Protection Fund (WPF) to raise and appropriate. Mr. Carroll was recognized and replied the warrant was worked out to have a nearly neutral effect on the tax rate. Mr. Carroll continued to say this change would work within the numbers and not raise the tax rate by this town meeting. Mr. Carroll also noted that some have questioned whether this expenditure can be legally made from the WPF for the specific purposes of this restoration plan. Mr. Carroll also noted changing the article through the amendment tonight would allow the project to move forward rather than having to wait until the Annual Town Meeting. Ms. Jardin questioned how the WPF is funded. Mr. Carroll explained how the WPF is funded: through fines and penalties for anyone who violates the bylaws or the Wetland Protection Act and through application fees. Ms. Jardin asked how much money is in the WPF. Mr. Carroll responded, “\$14,000.” Ms. Jardin questioned why the town would not use those funds for this project. Mr. Carroll noted that the change in the funding was done because there was discussion within the Conservation Commission about the legality of funding this project through the WPF and, therefore, the change was made so that the project would be able to continue with different funding. Moderator Poole asked Mr. Carroll to further explain the process. Mr. Carroll assured voters that the plan would still need to go before the Conservation Commission and the Commission would need to be part of the process to create the plan. The Moderator asked if there was any more discussion. There was none. Mr. Poole noted that the town was voting on the amendment to Article 8. The Moderator stated the amendment appeared to carry and asked if there was any question of that determination. There was none. The Moderator stated, “It is carried.”

**The Moderator stated amendment to Article 8 is carried.**

The Moderator read the amended Article 8. It was moved and seconded. The Moderator asked if there was any discussion. Chris Murphy was recognized and asked for a Chilmark Pond Association member to explain what they have in mind. Steve Lewenberg was recognized and briefly explained the organizational structure and membership of the Chilmark Pond Association and its origins as a state-mandated organization. Mr. Lewenberg continued to explain his views on the state of the pond’s health and the efforts in the past to maintain the pond and dune ecosystem. Mr. Lewenberg mourned the loss of Rusty Walton’s expertise as a Conservation Officer and a former member of the Chilmark Pond Association. Mr. Lewenberg stated the desire of the Chilmark Pond Association to work closely with the town to improve the Chilmark Pond. Mr. Lewenberg stated that the intent of the Chilmark Pond Association is to hire an expert to tell the association how they can effectively maintain the dunes and also to tell them to what extent they can maintain the flushing of the pond. Although the management of the pond, Mr. Lewenberg noted, was always done through volunteer service, the association feels it does not have the expertise to do it that way anymore. Mr. Murphy was recognized and commended Mr. Lewenberg on his thorough explanation. Mr. Murphy stated he would speak against the article, not because he disagreed with the points Mr. Lewenberg made, but because the town shouldn’t put money into this

project. Mr. Murphy noted the best path would be to allow nature to take its course and leave the pond alone. Mr. Murphy noted other ponds along the south shore had experienced the same erosion and change in past and also noted that the pond has been closed to shellfishing for 15-20 years. Mr. Murphy concluded by asking why the Chilmark Pond Association had not dealt with the fecal coliform levels in Chilmark Pond if their concern was the quality of the pond and urged voters to turn down the request in Article 8. Mr. Carroll was recognized and noted the Chilmark Pond is not able to be opened to shellfishing because of a lack of data. He noted the efforts of the Chilmark Pond Association to do the necessary testing and monitoring that would make it possible to have future shellfishing. Mr. Carroll noted a goal would be to improve the quality of the pond for shellfishing. Mr. Fenner was recognized and described the geography of the ponds in the Chilmark Pond area. He noted the difficulty of fighting nature but expressed concern with the effects of no action or restoration on Lucy Vincent Beach. Mr. Fenner also noted that the drainage of the pond in the Lucy Vincent Beach area is not happening and it will breach onto the beach, a town asset. Mary Jane Pease was recognized, noted the advantages of the Chilmark Pond Association restoration plan and the fact that the progress of nature is inevitable but it does not need to be immediate. Jim Hickey was recognized and reminded the voters that a similar request was brought before the town in years past concerning the growth and removal of phragmite plants in Chilmark Pond. He noted the request was turned down and felt this request was similar and should also be turned down. Mr. Doty was recognized and stated he voted against the earlier request for the town to assist with phragmite removal from Chilmark Pond because it involved using an herbicide named Round-Up. Mr. Doty noted this current request is different and that it is a public and private issue. Mr. Doty finished by noting the connection the Chilmark Pond has with the public's enjoyment of Lucy Vincent Beach and the success of previous restoration efforts. Rodney Bunker was recognized and stated his belief that nature will run its course and that he would urge voters to vote no on this article. Mr. Murphy was recognized again and stated he appreciated all the comments and their merits. Mr. Murphy stated that the changes nature will make are not bad if no restoration plan is pursued. Kristin Maloney, Beach Committee Member, was recognized and stated there may be advantages to working with the Chilmark Pond Association in the short term to help the health of the pond. Mrs. Maloney also noted the importance of maintaining a safe swimming pond for children. Mrs. Pease stood and stated her desire to repair things rather than let nature take its course. Mr. Lewenberg was recognized and noted the volunteer efforts that happened after Hurricane Bob in 1991 and how those repairs have lasted. He also noted the strengthening of requirements and permitting needed for making repairs. Mr. Lewenberg stated that this expenditure would help the Chilmark Pond Association deal with "officialdom" and do things correctly with expert advice. Clarissa Allen, a former Chilmark Pond Association member and abutter, was recognized and stated her view that the Chilmark Pond Association should fund this expenditure entirely and then come back to the town. Mrs. Pease stood and stated that the Chilmark Pond Association doesn't need experts but that a Chilmark Pond Association /Town collaboration would facilitate the process. Mr. Lewenberg was recognized and stated the town has a vested interest in the restoration because of the effects on Lucy Vincent Beach. Candy Shweder was recognized and expressed confusion. She asked, "What are we studying? Dredging, dune restoration or is this a broad study?" Mrs. Pease stood and stated, "This is a drainage issue! If you had a blockage you'd take a laxative!" Ms. Allen was recognized and agreed with Mrs. Pease that there is a drainage issue, but noted there are also

other issues. Bill Randol was recognized and called for a vote on the Article. Moderator Poole stated he would call for a vote when discussion was done. Andrew Goldman was recognized and said he had come to town meeting with neither an opinion or even a “ghost” of an opinion on this issue. He expressed appreciation for the thorough discussion and noted the advantages of the expenditure that had so far been noted. Mr. Goldman stated he was not persuaded by arguments against the expenditure. There was no more discussion. The Moderator called for a vote.

**Article 8, as amended, was carried.**

**ARTICLE 9.** Read by the Moderator, moved and seconded. The article was opened for discussion. Executive Secretary Timothy Carroll was recognized and asked to indefinitely postpone the article. Mr. Doty was recognized and commended the Tri Town Ambulance Committee for their prudent financial organization. The Moderator called for a vote on Article 9 to be indefinitely postponed. The Moderator declared,

**Article 9 is postponed indefinitely.**

**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.**

**ARTICLE 11.** Read by the Moderator, moved and seconded. The article was opened for discussion. No discussion occurred. The Moderator called for a vote.

**Article 11 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 8:43 p.m.

A true record. Attest:

Jennifer L. Christy  
Town Clerk  
September 28, 2011

Oak Bluffs Roundabout:

The selectmen received a copy of the roundabout proposal sent to Bill Bennet Chilmark’s rep. at the MV Commission. Mr. Doty said he has no opinion at this time. Mr. Fenner said why spend all this money, just buy a stop light. Mr. Mayhew said this is the town of Oak Bluffs business.

USCG Boathouse:

The selectmen have received a 15% draft plan of the proposed boathouse plans. Mr. Fenner expressed his displeasure of the size increase and was supported in his opinion by all present. Mr. Carroll proposed that questions and ideas be formulated and discussed at the Historical Committee meeting October 19, 2011 at 5:00pm. Mr. Mayhew recommended that the Harbor Committee attend this meeting as well as selectmen. It was decided that all will attend the meeting Oct. 19, 2011.

Budget Schedule:

Mr. Carroll presented the selectmen a draft budget schedule for FY2013. This proposed schedule would consolidate 3 meetings per week starting January 24, 2012 from 7:00pm to 9:00 pm. This proposal is ok with the selectmen.

Mr. Mayhew said he would like the Board of Selectmen meetings to start at 7:00 pm instead of 7:30. Mr. Carroll will put this on the agenda of the next meeting for them to put to a vote.

Solar RFP:

Mr. Carroll asked for direction from the selectmen as to whether to consult counsel. Selectmen would like to see this project move forward and told Mr. Carroll to consult counsel if needed to move forward.

BOEMRE:

The United States Department of the Interior / Bureau of Ocean Energy Management, Regulation, and Enforcement sent a notice to the Chilmark board of selectmen. This is a request for timely input on the proposed wind turbine project. The selectmen discussed the letter from them should include that the proposed area is within view of historical sight of Aquinnah cliffs.

MIIA:

Mr. Carroll said he had a review of the town's insurance policy with our account executive Adriene Magnolia from MIIA. One of the points to be aware of is that our insurance premium is expected to increase about 15% over the next 4 years due to the experience of the Menemsha fire. This should be considered for our budget process coming up for FY2013.

Mr. Carroll also said that the Marina umbrella as is will only cover \$1,000,000.00 Mr. Fenner is concerned that might not be enough and would like to review that some more.

Mr. Carroll mentioned (the MIIA recommendation) that if we pre play the policy there will be a 5% discount.

CCC:

There have been a number of meetings with the CTAC and the Winter CCC Advisory Committee and the MV Film Festival. The renovations to the CCC were discussed and Mr. Carroll will propose these renovations to the Chilmark School Committee as well so that the cost of these renovations can be distributed between the users of the CCC.

Shellfish:

Mr. Fenner would like for the Shellfish Committee to attend the October 18, 2011 Board of Selectmen meeting to discuss the coming season.

Harbor:

The Selectmen's office and the harbor received notice from Flip Harrington and Sue Whiting requesting extension of slip use due to their boat breaking down. The bylaw states that they have a year of grace. Mr. Fenner granted the use of bylaw in this matter.

Excess Levy Capacity:

Assessors' office requests the chairman to sign the paperwork for the excess levy capacity of \$45,965.88. Mr. Doty moved to have Mr. Fenner sign the excess levy capacity. Mr. Mayhew seconded the motion. **SO VOTED: 3 Ayes** *Mr. Fenner signed papers.*

Mr. Fenner moved to adjourn. Mr. Mayhew seconded the motion. **SO VOTED: 3 Ayes**  
Meeting adjourned at 9:48 pm.

Draft minutes respectfully submitted by Diana DeBlase