

DRAFT Chilmark Board of Selectmen December 21, 2016 Meeting Minutes

Present:

Chairman Warren Doty, Bill Rossi and Jim Malkin.

Tim Carroll, Tim Rich, Larissa Rich, Bret Sterns, Jonathan Klaren, Sean Slavin, Fire Chief Norton, Everett Poole, Richard Williams, Peter Cook, Don Leopold, Debbie Packer and friend, Edie Prescott, Rich Saltzberg, Steve Myrick and videographer Michelle Vivian from MVTV.

At 5:00 PM Chairman Doty called meeting to order in the Selectmen's Meeting Room.

Minutes:

Draft minutes from the Selectmen's December 6, 2016 meeting were reviewed. Corrections were made. Mr. Rossi moved to approve minutes as corrected.

Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Draft minutes from the Selectmen's December 20, 2016 meeting were read aloud by Chairman Doty, Mr. Malkin moved to approve minutes as written. Mr. Rossi seconded the motion.

SO VOTED: 3 Ayes

Police Department Staffing:

Chairman Doty said that he would like to move this agenda item ahead of others. Mr. Rossi said he had been in contact with former Chilmark police chief Tim Rich and is please to say he is willing to step in to the position again as acting chief. Tim Rich said he is honored and humbled to be asked and will work as acting police chief. Mr. Malkin moved to appoint Tim Rich as the interim acting police chief till the search has achieved a police chief for the town of Chilmark.

Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Mr. Doty asked if the limitations to being retired have been worked out.

Mr. Carroll said Mr. Rich can work up to 960 hours in a year. Mr. Rich said Mr. Rossi asked for 30 hours a week and if more or less hours are needed he would be flexible. Mr. Rich said he met with the police department staff and said this transition should be an easy one. Mr. Malkin said (and Mr. Rossi agreed) the Selectmen will rely on Mr. Rich's judgment to determine what hours will be needed to get the job done. Acting police chief Rich said his telephone number is in the book if anyone needs to reach him. Chief Rich said he always has had his telephone posted in the book throughout his police career.

Jay Lagemann-Swordfish Harpooner Update

Artist Jay Lagemann discussed the progress of refurbishing the Swordfish Harpooner that has been located in Menemsha and temporarily removed during refurbishing. Mr. Lagemann said he inspected the progress on his recent trip to the foundry and reported that the progress was a little slower than he planned but he is pleased with the work completed. Mr. Lagemann brought photos to share of the progress on the sculpture. Mr. Lagemann reported it is now ready to be picked up and he would like to install the sculpture in January 2017.

Mr. Lagemann said he had the engineering done by Kent Healy for the reinstallation. The block (base) for this sculpture is 3700 pounds. Mr. Lagemann said the old base will remain in place as removing it would be too disruptive to the area. Mr. Malkin asked why it is located where it is.

Jay Lagemann-Swordfish Harpooner Update Continued...

Mr. Lagemann said that was determined 23 years ago by the Chilmark Tricentennial Committee. Mr. Lagemann said there is an existing pathway there that goes up to the Menemsha hills (Beach Plumb Inn and residential houses) and that the sea of beach grass is (artistically) similar to the ocean.

Chairman Doty asked if there were any permits needed to be approved for the installation. Mr. Rossi said the sculpture has been there for so many years he did not think it would be necessary. Mr. Carroll said he thought the Conservation agent is requiring an application.

Mr. Lagemann said 23 years ago it was determined that a permit was not needed as the area was dredging spoils and was not considered a wetlands area. Mr. Malkin said he believes this needs to be determined if a permit is necessary. Mr. Carroll said you could ask Mr. Lagemann to attend the next Conservation Commission meeting and ask. Selectmen recommended Mr. Lagemann to do that. Chairman Doty thanked Mr. Lagemann for the update.

All Island Board of Selectmen

Chairman Doty said the next all island Board of Selectmen meeting is January 12th and any agenda items should be sent to Kim Lucas at the Tisbury Board of Selectmen. Mr. Malkin recommended adding the high school budget and facilities budget to the agenda. Mr. Carroll will forward that request to Ms. Lucas.

Martha's Vineyard Commission (MVC) Appointment

Chairman Doty said Joan Malkin has served the town of Chilmark well and we received a notice from Ms. Malkin requesting to be reappointed to the MVC. Mr. Rossi moved to appoint Joan Malkin to the MVC. Mr. Malkin recused himself as Joan is his wife. Chairman Doty seconded the motion. **SO VOTED: 2 Ayes, 1 Abstain**

Mr. Rossi said Ms. Malkin has been very productive and involved with the MVC as our appointed member.

Helen Benham- Letter:

Chairman Doty said the Selectmen have received a letter from Helen Benham in response to the meeting they had November 18, 2016. Chairman Doty asked if there was any comment. Mr. Malkin said about ¾ of the letter is dedicated to her displeasure to the press coverage which is not under our control whatsoever. Mr. Malkin said he thought it was a productive meeting that they presented their ideas. Mr. Malkin said he would like to include in a letter these sentiments and to also include looking into the property opposite the Chilmark Police Station as a possible Public Safety Building site. Chairman Doty asked if Mr. Malkin would consider meeting with Mr. Carroll and drafting a letter to Ms. Benham. Mr. Malkin agreed to draft a response letter.

Macy's Design Corp / Parcel on Meeting House Way:

Mr. Rossi said this parcel is part of Meeting House Road Association and belongs to Macy's Design Corporation. Mr. Rossi said this parcel has been in a tax taking process for many years and at this time the owner is seeking to gift it to the town.

Macy's Design Corp / Parcel on Meeting House Way Continued...

Mr. Rossi said when we looked at the possibility we discovered a larger lean on the property totaling more than the value.

Mr. Rossi said the Macy Corp will:

- Not challenge the foreclosure, which is taking place early next month.
- Waiving right of redemption

If all goes as planned we could have the property as early as the end of January or February 2017.

Mr. Rossi said he would like to see three more affordable housing lots at this location as it has road frontage for access. Mr. Rossi said he has not researched title or the covenants on this property that may affect any plans.

Members of the Meeting House Road Association and residents Don Leopold and Richard Williams presented some questions about this project to the Selectmen. Mr. Leopold said the Meeting House Road Association has a lean on this property for unpaid dues. Mr. Leopold said this was about 25 years of dues. Mr. Rossi said this is a question to legal counsel to determine the liability the town has after the taking. Mr. Rossi recommended that the MHRA hire counsel to determine what their rights are.

Chairman Doty said the organization that would review this project would be the Chilmark Affordable Housing Committee.

Mr. Williams said neither he nor Mr. Leopold are abutters but we have building guidelines for the area. Mr. Rossi said he believed there is a restriction of height of 18 feet. Mr. Williams said he believed 1800 square foot is the minimum building size. Mr. Rossi said if the subdivision of 3 lots goes through the process favorably it would still have to go through architectural review. Mr. Malkin said the MHRA architectural review board should collaborate with the Housing Committee as we move through the process.

Chairman Doty recommended the residents of Meeting House Road Association look at the new homes at the Nabs Corner Affordable Housing Lots.

American Tower (ATC) Menemsha Beach Wi-Fi:

Mr. Carroll said that the Wi-Fi contract with the Bigbelly units in Menemsha contract has been submitted for renewal by ATC. Mr. Carroll said these are the same conditions and terms as last year with no change (offering free Wi-Fi service to the town). Mr. Carroll said they have talked about expanding the range of service to the stores and across the street. Mr. Carroll said we have also been talking with Aquinnah of possibly extending the Wi-Fi to West Basin area.

Mr. Malkin asked if there have been issues with the trash (Bigbelly units) part of this service.

Mr. Carroll reported there were no troubles.

Mr. Carroll said this contract before the Selectmen has no change from last year but that he had contacted ATC requesting if they could extend the service over to the Boat House Road area where we have had some trash issues. Debbie Packer resident and business owner near that location spoke against additional service near her home.

American Tower (ATC) Menemsha Beach Wi-Fi Continued...

Mr. Malkin said the Park & Recreation Committee mentioned that the addition of the Bigbelly units and Wi-Fi should go through their committee. Mr. Carroll said he would like for that committee to take up trash removal from Menemsha. Mr. Malkin moved to sign the contract without any changes from the contract they agreed to last year. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Squibnocket Project Update:

Chairman Doty spoke of the town's Squibnocket project that is in the appeal process. The update is that there is a process "Status Hearing" today in Boston that Ron Rappaport (Town Counsel) is attending. Mr. Rossi said that the Department of Environmental Protection sided with the town (the ConCom actions) concerning the appeal to our project. Mr. Malkin gave an example of the course this process could take if Mr. Liman wanted to continue to appeal and stall the project.

6 Tucker Trail - pier permit:

Chairman Doty said this is a pier plan that came back to the Selectmen for approval after revisions were made in response to our concerns during the hearing process with the DEP. Mr. Carroll gave a description and referred to the plan changes. Mr. Rossi moved to endorse this plan with revisions recommended by the Division of Marine Fisheries. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Tiny Houses- Preliminary concept to bring to Housing Committee & M.V.Commission:

Chairman Doty said he had not gotten a chance to review this material (the documents were available 12/21/16) and asked for Mr. Carroll to give an outline of this concept. Mr. Carroll said:

- This would be on 10 acres of land in the Pasture Road Association area
- 3 parcels in a row near the ballfield and highway and shellfish storage area
- 3 part plan with one part being a traditional home site lot (like Nab's Corner)
- And the other two parts are 2 different tiny house plans: Total of 8 tiny homes- 4 would be part of a lottery with a five year lease renewal
- And/or 4 would be tiny Co-ops, designed as a Co-op for users common grounds and grey water area.

Mr. Carroll clarified these concepts are proposed to be on a single parcel of the Pasture Hill Road area. Mr. Malkin said conceptually this is a good thing to look at, we have got to do something about housing; if this can satisfy a need and fit in our community I would be very interested in seeing it pursued conceptually. Mr. Rossi asked if conceptually these tiny houses would be on trailers. Mr. Carroll said the preference would be not. Though Mr. Carroll went on to say if you throw 2 wheels on these buildings that the Town Meeting Vote could allow a "park" under the existing laws and that may be safer for the town rather than changing zoning. Mr. Carroll concluded there is a lot of fluidity to this concept at the moment but the idea is simple tiny houses without wheels but could be designed to be removed from the site. Mr. Rossi said our first bylaw is no mobile homes. There was conceptual discussion on the design of the tiny houses.

Mr. Malkin moved to recommend this concept be sent to Chilmark Housing Committee and the Martha's Vineyard Commission. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Chairman Doty asked Debbie Packer how the new waterline project went that is near her store. Ms. Packer said all went well and seems to be a very good job. Ms. Packer said it's good to get the waterline off of her family property.

Chairman Doty said your concern that any new vehicle that the town purchases not be noisy. Mr. Packer said the USCG is using a loud 4 wheeler (UTV). Mr. Carroll said the interim Police Chief will review this. Chairman Doty said the Selectmen will take Ms. Packers comments under consideration and thanked her for her input.

At 6:07 PM with no other agenda items Mr. Rossi moved to adjourn. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Draft minutes respectfully submitted by Diana DeBlase

Meeting documents list:

- Draft minutes from Selectmen's December 6th , and 20th meetings
- Memo requesting agenda items from Tisbury Selectmen's office for All Island Selectmen's meeting
- Letter of interest to serve and be appointed as Chilmark Representative to the MVC from Joan Malkin
- Letter from Helen Benham regarding review of meeting with the Selectmen by the newspaper
- Map of Macy Design Corp property land acquisition
- Information on American Tower Corporation & Wi-Fi and Bigbelly trash contract renewal
- DEP appeal decision concerning appeal of Squibnocket project
- 6 Tucker Trail revised pier plans
- Tiny House concept
- Deb Packer letter concerning town purchasing a quiet vehicle for use in Menemsha
- Boathouse Road waterline engineering report
- Dukes County invoice for services-1st half year invoice
- Department of Housing & Development Update
- Wellness program registration for municipal employees
- Mass Historical convention notice