

DRAFT Chilmark Board of Selectmen January 10, 2017 Meeting Minutes

Present: Chairman Warren Doty, Bill Rossi *Jim Malkin was not present.*

Tim Carroll, Tim Rich, Ben Retmier, Marina Lent, Jay Lagemann, Marianne Neil, Dick Johnson, John Tiernan, Hilary Dreyer, Jennifer Christy, Danielle Doell, Leah Crosby, Edie Prescott, Alex Elvin and Coleen Sutor from MVTV.

At 5:00 PM Chairman Doty called meeting to order in the Selectmen's Meeting Room. Chairman Doty said Mr. Malkin was not attending tonight's meeting because he had a horrible cold and did not want to get anyone else sick.

Minutes:

Draft minutes from the Selectmen's December 21, 2016 meeting were reviewed. Corrections were made. Mr. Rossi moved to approve minutes as corrected.

Chairman Doty seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Swordfish Harpooner Statue Update:

Mr. Doty said Jay gave us a nice presentation at a previous meeting and is back tonight to see what kind of permitting is needed. Mr. Carroll said Mr. Malkin wanted to know if it could be returned to the original site. Mr. Rossi said he expected it to be returned to the original location it was removed from for the restorations, and hopes Conservation Commission agrees. Chairman Doty said he agreed with this sentiment.

Chairman Doty moved to endorse and support that the Swordfish Harpooner be returned to the site it was removed from. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Zoning Bylaw Amendment:

The Zoning Amendment proposed for ATM is to Article 12: Squibnocket Pond District **Article 1.** To see if the Town will vote to amend Section 12.3(B)(1) of the Chilmark Zoning By-laws by re-numbering the current subsection 12.3(B)(1)(g) as 12.3(B)(1)(h) and by adding the following text as subsection 12.3(B)(1)(g), so that those two provisions read as follows:

g. Reconstruction and/or relocation of existing roadways, including the addition of elevated sections or causeways, provided that the Conservation Commission approves the proposed work under an Order of Conditions. *For roadways, including the addition of elevated sections or causeways, providing a substantial public benefit as determined by the Board of Selectmen, the Conservation Commission's review under this provision shall be the sole review required under Article 12 of the Zoning Bylaws.*

h. Uses allowed in Zone A.

This Amendment would need a 2/3 majority vote at Annual Town Meeting.

Mr. Rossi moved to refer this Zoning Amendment to the Chilmark Planning Board for a public hearing review and approval. Chairman Doty seconded the motion.

SO VOTED: 2 Ayes, 1 not present

Chairman Doty recognized acting Police Chief Tim Rich and asked how everything was going. Mr. Rich reported that all was running well. Chairman Doty asked Mr. Rossi to present the plan for hiring a permanent police chief.

Police Chief Hiring Plan:

Mr. Rossi presented a process and timeline for the town to secure a permanent Police Chief:

- January 13th, 2017

Advertise in local newspapers for two weeks along with Massachusetts Chiefs website.

Minimum requirements should include at least 10 years law enforcement experience with a minimum of 5 years in a supervisory roll.

Applicants should be asked to submit a letter of interest along with a resume. Job application and description for Police chief should be available to download from the town website. A application package should be available at the town hall.

Advertised compensation should be \$120k to \$130K to be negotiated with selectmen.

- February 1st to 14th

Selection committee should conduct an initial screening of applicants, depending on the number of applicants; interviews should be limited to five. The committee should choose top three for final interviews with selectmen.

Selection committee should consist of :1 selectman; 1 human resource board member; Interim police chief.

- February 15th to 28th

Top three candidates should be interviewed by selectmen at the Feb. 21st meeting. We should have 5 to 6 standard questions for each candidate and request any questions from them. A closing statement should be given by each candidate at the end of each interview. We should deliberate and choose a candidate after interviews.

- March 7th Selectmen's Meeting

Officially appoint new police chief, hopefully after successful contract negotiation with starting date within two weeks from appointment. If in house candidate is chosen, the next day.

Discussion ensued. Acting Chief Rich said he would be a willing participant in the review and interviews of applicants.

Mr. Rossi moved adopt the proposed process to hire our new police chief. Chairman Doty seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Acting Police Chief Request:

Chief Rich proposed changing the police vehicle that was approved to purchase at Town Meeting from a pickup truck to an SUV. Chief Rich said he received an updated quote today with all the items needed to have a working police vehicle and it came to \$35,570.00 and the warrant article was for a police vehicle for \$36,000.00. Mr. Rossi moved to approve the purchase of an SUV as specified by Chief Rich tonight. Chairman Doty seconded the motion.

SO VOTED: 2 Ayes, 1 not present

General Update from Police Chief:

Chief Rich asked if the Selectmen had any question for him. Chief Rich said the department is in solid shape, there were some minor issues that have been worked out and he is very pleased with our police department. Chairman Doty asked if many shifts have been filled with special officers or our fulltime officers. Chief Rich said fulltime employees primarily and that he is utilizing specials for weekend shifts. Chief Rich said these shifts are within the salaried budget.

General Update from Police Chief Continued...

Chief Rich said he has been working prior to becoming acting police chief on a petition for a warrant article / or ballot question for Annual Town Meeting / Election. The subject of the article or question is "Mopeds Are Dangerous." Chairman Doty gave an outline of what Tim Rich would need to proceed with Mopeds are Dangerous Action Committee's ideas.

Harbor - FY2018 staffing Selectman Malkin:

This item was tabled because Mr. Malkin is not present.

Public Safety Building Site Committee (PSBSC), Selectmen letter to Benham & Suggestion for Existing Site:

Chairman Doty said the Selectmen have drafted a response letter to Ms. Benham. Mr. Carroll said that the letter is not at this meeting because Mr. Malkin had not had a chance to review.

This is delayed till Mr. Malkin has had a chance to respond, then the Selectmen will send to Ms. Benham. Chairman Doty said he had a discussion with Tom Ruimerman who is an engineer and has been a firefighter who had recommendations for the existing location. These recommendations are included in the Selectmen's agenda packet for tonight. Mr. Carroll said with Selectmen's recommendation the plan from Mr. Ruimerman will be forwarded to the PSBSC to review.

The Yard at the Chilmark Community Center:

Danielle Doell and Leah Crosby of The Yard presented requests for the Selectmen to review and approve.

1. Second year for PTO After school Program with the Chilmark School kids for a Creative Movement instructed by Jesse Keller. Ms. Biskis is asking that the town cover the \$200.00 fee so the children can attend for free. This is a 10 week class, Monday at 3:00 PM till 4:00PM starting late January.
2. "Public Dancing Allowed" event January 20th 7:00PM-10PM Johnny Hoy and the Bluefish will be playing at this event.

For both of these events the rental fee is requested to be waived.

For the After School program Mr. Rossi moved to approve waiving the rental and paying the \$200.00 fee from the Selectmen's Budget. Chairman Doty seconded the motion.

SO VOTED: 2 Ayes, 1 not present

Mr. Rossi moved to waive the rental fee for the "Public Dancing Allowed" event January 20, 2017. Chairman Doty seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Chairman Doty said that the Yard is working to secure a grant with the MV Cultural Counsel to winterize the yard dancing facility.

Cub Scouts:

The Selectmen's office received a written request from Adam Moore - Den Leader of Cub Scout Pack 90. They would like to hold their Pinewood Derby January 21, 2017 and the Blue & Gold banquet February 21, 2017 at the Chilmark Community Center. Mr. Moore also asked if the Selectmen would waive the rental fee as they have done each year. Mr. Rossi moved to approve both events for the Cub Scouts and waive the rental fee. Chairman Doty seconded the motion.

SO VOTED: 2 Ayes, 1 not present

The Martha's Vineyard Film Festival (TMVFF):

Hilary Dryer of TMVFF presented the schedule for the March Film Festival to be shown at the Chilmark Community Center. Ms. Dryer requested the Selectmen approve the same plan as last year with setting up starting March 13 the Festival starting Thursday the 16th with breakdown clean up on the 21st. Ms. Dryer said that Robert Lionette will be supplying the food for sale and that there would not be alcohol for sale on the premises. The Chilmark School will be accommodated for the Thursday that they usually have gym. Principal Steven's acknowledged this with the Selectmen's office. Mr. Rossi moved to approve the days proposed and that the fee is \$1,600.00 along with the cleaning deposit. Chairman Doty seconded the motion.

SO VOTED: 2 Ayes, 1 not present

Chairman Doty asked that the MVFF be aware that the parking for the Library hours should be considered. Mr. Carroll recommended that the MVFF have a parking attendant for the Saturday to ensure no one is using the Library parking while they are open. Mr. Rossi said there should not be reserved parking in our public parking areas.

Oak Bluffs Land & Wharf Co. Inc –request for Municipal Street License:

John Teirnan presented his request for the Selectmen to grant a Street License to run a fifteen passenger van. The route the vans would be driven is from South Road in West Tisbury to Aquinnah using the State / South Road route and reversing the direction and only that route. Mr. Rossi asked if they would access Menemsha or the beaches. Mr. Teirnan confirmed; no they would not.

Mr. Carroll said the next step in this process would be to hold a public hearing that needs to be advertised. Chairman Doty recommended a public hearing be advertised for February 7, 2017 at 5:05 PM to hear input from the public for Mr. Teirnan's request for a street license.

Tiny Houses – Marina Lent review of project:

Chairman Doty asked Ms. Lent to explain briefly (5 min) the plans presented at the Selectmen's last meeting that she was unable to attend. Ms. Lent said it would be better to title them as small houses rather than tiny. Ms. Lent said from the data collected from the housing needs study it showed 75% of households on Martha's Vineyard are 1 to 2 occupants and that small houses would be a good consideration. The small houses proposal would be a better way to utilize town owned land. Four one bedroom small houses on a resident home site (minimum of 1 acer) and would be a single well and septic proposal. Chairman Doty asked about public water source regulations. Ms. Lent said 15 hookups or 25 people using year-round water is when it is considered a public water source. Ms. Lent said this would not be a public water situation.

Mr. Rossi said his opinion is that 300 sq. ft. is too small; his recommendation would be up to 800 sq. ft. Chairman Doty recommended to Chilmark residents that the town owns three lots at Peaked Hill Pastures and decide if this is a plan to be considered. Discussion ensued. Mr. Rossi recommended a professional layout of the site; the infrastructure, electricity, septic, well, road access etc... to aid in presenting this concept. Chairman Doty recommended that the Planning Board have this concept on a meeting agenda. Chairman Doty asked Jennifer Christy (who is the administrative support for the Planning Board) to follow up this agenda item with chairman of the Planning Board Rich Osnos. Chairman Doty recommended that the next step would be to receive a proposal from the Housing Committee on where this concept could work.

Small Houses Continued...

Tim Carroll said that at the Housing Committee meeting that this concept was proposed, half of the committee voiced concerns of the houses being too small. Mr. Carroll said that he and Marina Lent have a meeting with the Martha's Vineyard Commission to speak with the planners about what is going on around the rest of the island. Mr. Carroll said Ann Wallace recommended reviewing the Housing Production Plans from the other island towns as she expects they are addressing similar concepts. Chairman Doty thanked Marina Lent for her work on this and her discussion tonight.

Public Records Law & Appointment of Record Access Officers:

Town Clerk Jennifer Christy presented information on the new Public Records Law that went into effect January 1, 2017 and the need to appoint Record Access Officers. Ms. Christy said Town Counsel Ron Rappaport came to the town hall and gave an overview of the new law. Ms. Christy is working with Ron Rappaport and Angela Puccini who is a staff attorney with the Public Records Division to come to Martha's Vineyard in March for a more in depth training on this new process. Ms. Christy presented a draft proposal of department heads being appointed as RAOs along with Town Clerk and Executive Secretary who would be Super RAOs. Discussion ensued.

Ms. Christy recommended that appointing the Town Clerk now to comply with the January 1, 2017 law having a 6 month trial and amending our structure if needed. Ms. Christy will have a better idea of what is necessary after the training in March. Executive Secretary Tim Carroll said he would like to go on record stating as her supervisor he believes she is overburdened with her work load as it is.

Mr. Rossi moved to appoint Town Clerk as the interim ROA and to reassess this after the March training. Chairman Doty seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Tri Town Ambulance - Eamon Solway completion of initial evaluation period:

Tri Town Ambulance Chief Ben Retmier is present to request that the Selectmen appoint Eamon Solway a permanent employee. Chief Retmier said Mr. Solway has completed his six month evaluation period as a fulltime Paramedic with the Tri-Town Ambulance Department.

Chief Retmier said the Tri-Town Ambulance Committee voted unanimously to recommend this appointment.

Chairman Doty moved to appoint Mr. Solway a permanent fulltime employee.

Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Chief Retmier gave a brief report of operations during the recent snow storm all went very well.

Dick Johnson - Extending Deer Shotgun Season:

Mr. Johnson presented a proposal to extend the deer shotgun season. Mr. Johnson said he has been working for the All Island Boards of Health on a tick-borne illness study. Discussion ensued. Mr. Rossi moved to send a letter of support in adding a couple more weeks of shotgun deer hunting in January. Chairman Doty seconded the motion.

SO VOTED: 2 Ayes, 1 not present

Filming Request by Annie Coburn:

The Selectmen's office received written request to have permission to film in Menemsha between January 13, 2017 and January 15, 2017. Mr. Rossi moved to approve this request and advised she contact Police Chief Rich to let him know what she is doing. Chairman Doty seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Immigration Petition:

Chairman Doty read the wording aloud for a petition submitted with certified signature for a warrant article for the April 24, 2017 Annual Town Meeting:

To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practices, unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the United States Constitution.

Chairman Doty asked for comments. Mr. Rossi said it seems contrary to what police work is. Mr. Rossi explained he understood the intent of this; not seeking out illegals for deportation. Police Chief Rich said this group presented this proposal to the Police Chief's meeting and a few concerns with this wording were voiced. Chief Rich said we can't enforce federal law, never have been able to, but if there is an ICE warrant we detain them and then the jail contacts the Federal Judge. Chief Rich said this group did not contact the District Attorney's Office for advice with wording that should have been done.

Chief Rich said years ago he was part of the Chief's association movement to distribute flyers in Portages urging to call the police if you are a victim of a crime and not to be concerned about documentation that they want to help you (the victim).

Chairman Doty said he believes it's very important to state we are not supporting deportation in our community.

Cape Light Compact (CLC)-Joint Powers Authority provision of Massachusetts General Laws:

Chairman Doty requested Tim Carroll to discuss the CLC agenda item saying Tim is our representative on the CLC Board of Directors. Mr. Carroll gave an outline of this proposal.

Link to the materials:

http://www.chilmarkma.gov/Pages/ChilmarkMA_SelectAgenda/2017/01102017/key%20aspects%20of%20Joint%20Powers%20Statute.pdf

Mr. Doty moved to authorize this being submitted to Town's Legal Counsel (Ron Rappaport) for review and to work on. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Special Act for Town Line enacted - needs Governor's signature:

Chairman Doty said we worked jointly with the town of Aquinnah to submit a home petition re-defining the town line in Menemsha and Aquinnah. Mr. Carroll said this bill was passed at 11:30 PM of the last day of session; it is now on the Governor's desk for signature.

Animal Control Officer and Animal Inspector Nomination & Appointment:

Chairman Doty said Chris Murphy would still like to continue serving the town as ACO and Animal Inspector. Mr. Rossi moved to appoint Chris Murphy the ACO and Animal Inspector. Chairman Doty seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Human Resources Board (HRB):

The HRB sent the Selectmen a proposal to amend the HRB bylaw regarding the employee representative. The amendment proposed is: No employee with supervisory responsibilities of year-round employees may serve as an employee representative to the Human Resource Board.

This wording is a place holder for the Annual Town Meeting Warrant and will be re-assessed by the HRB for the precise wording. Discussion ensued. Bill Rossi said he would like this item to be tabled to the next Selectmen's meeting that Jim Malkin is present at as he advised the HRB on this proposal. Chairman Doty said we acknowledge receiving this Annual Town Meeting warrant article within the deadline but will continue discussion and possible wording revision.

The HRB has submitted a request to the Selectmen to approve spending additional funds of approximately \$4,000.00 and to enter a contract with the Collins Center to complete the Compensation Study. Bill Rossi said that the HRB has had some setbacks in completing the independent compensation study that began in 2015. Mr. Rossi said he believes the study is complete but what the HRB is seeking from this organization is to do what is necessary to come up with recommendations to the HRB and Selectmen. Mr. Rossi asked Jennifer Christy to confirm if this was a correct description of the situation. Ms. Christy (as Administrative Assistant to the HRB) presented the process to date.

After reviewing documents and discussions; the contract with Collins Center would be summarizing the study already completed by the other entities and submitting suggestions for Chilmark to act on concerning positions that are under and over payed. Mr. Rossi said it would be good to have a summary to act on. Chairman Doty said he is reluctant to approve entering into another contract for another study, this has been a mess. Mr. Rossi said Mr. Malkin was in support of this request from the HRB (Mr. Malkin is the Selectmen liaison to the HRB). Mr. Rossi said the recommendation summary is what we still need to complete this project. Mr. Rossi moved to approve this request to enter into contract with the Collins Center. Chairman Doty seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Highway Department:

Highway Superintendent Keith Emin has submitted a request through the Selectmen's office to use the truck rental budget (\$10,000) to pay for temporary labor in FY17. Chairman Doty explained he is the person who has requested that the Highway Superintendent continue to utilize the temporary labor. The roadsides are looking much better; well maintained. Mr. Rossi agreed that there is a definite improvement. Chairman Doty moved to transfer \$10,000 out of truck rental (within the highway budget) to part time labor budget line. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 not present**

Mr. Carroll said that Ms. Biskis (Town Accountant) and Mr. Emin are getting together to assess the figures needed for a warrant at Annual Town Meeting to cover Temporary Labor budget line. Mr. Carroll thought it would be around \$12,000.00. Mr. Carroll said he was not sure if the transfer approved tonight covered a portion of this need.

At 7:18 PM with no further items for discussion Mr. Rossi moved to adjourn.

SO VOTED: 2 Ayes, 1 not present

Draft minutes respectfully submitted by Diana DeBlase

Meeting Document list:

- Draft minutes from Selectmen's 12/21/16 meeting
- Photo of Swordfish Harpooner sculpture
- Zoning Bylaw amendment Article 12 Squibnocket Pond District for 04/24/17 ATM
- Mr. Rossi's memo outline of Police Chief search and timeline
- Badge Quest public safety consultants offer to serve town.
- 2009 Police Chief position advertisement
- 2009 Police Chief Position Vacancy Notice
- 2011 Police Chief Employment Contract
- 2002 Police Chief Position Description
- Public Safety Building Site Committee notes concerning Firehouse upgrade/ replacement
- Ms. Biskis request for Selectmen to sponsor an afterschool dance movement class for Chilmark Kids by the Yard at the Community Center
- The Yard request to hold "Public Dancing Allowed event at Community Center
- Cub Scout Pack 90 request to hold Pinewood derby at Community Center
- Cub Scout Pack 90 request to hold Blue and Gold awards night at the Community Center
- Dick Johnson's recommendation to extend shotgun Season (deer Hunting) for 2 additional weeks
- Street license request by Oak Bluffs Land & Wharf Co.
- The MV Film Festival request to hold their annual March film festival
- MVFF application form for CCC use 03/13/17 - 03/21/17
- Request from Ms. Coburn to film in Menemsha 01/13/17- 01/15/17
- Paragraph describing petition for ATM concerning immigration
- Tiny Houses pilot project proposal for Chilmark to consider by Ms. Lent
- Records Access Officer RAO Guidelines
- Town Clerk's draft recommendation for appointing RAO
- Cape Light Compact joint powers status request for town counsel to review
- Tri Town Ambulance Chief request to appoint Mr. Solway a permanent fulltime paramedic employee
- MHQ (police vehicle dealer) Quote for 2017 Ford Expedition XLT 4WD 01/04/17
- MHQ Quote for 2017 Ford 150 crew cab 4wd XL trim
- MDAR request for Chilmark to designate Animal Control Officer for 2017
- MDAR appointment of Animal Inspector Chris Murphy through April 2017
- HRB proposed amendment to qualifications of Employee representative
- HRB request to contract Consultant for Classification & Compensation Study
- DEP Snow and Ice removal guidance 12/23/16
- Request by Jack Dunk for municipal Ultra HighSpeed Fiber Optic broadband Internet Service Provider
- Planning Board public hearing notice concerning subdivision proposal to Middle Line Road area at map 30 lot 42
- CLC monthly energy efficiency report 11/14/16
- MMA annual Business meeting 01/21/17
- Letter from Marshall Carroll regarding DEP Stage 1 Form
- All Island Selectmen meeting agenda for 1/12/17 meeting