

DRAFT Chilmark Board of Selectmen June 20, 2017 Meeting Minutes

Present: Chairman Bill Rossi, Jim Malkin, Warren Doty, Tim Carroll, Harbormaster Dennis Jason, Everett Poole, Dianne Smith, Police Chief Jonathan Klarèn, Kevin Burchill, Tri-Town Ambulance Chief Ben Retmier, Margret Maida, Peter Cook, Andy Goldman, Liz Gude, Barbara Fenner, Frank Fenner, Debora Packer and friend, Richard Andre, Tim Rich, Rich Salsman, Chloe Reichel and MVTV videographer.

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

Minutes:

Draft minutes from the Selectmen's June 6, 2017 meeting were reviewed, corrections were made. Mr. Doty moved to approve minutes as corrected, Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

Vineyard Power - presentation on current projects:

Richard Andre of Vineyard Power gave an update of the offshore wind power projects. Mr. Andre said within the next ten days the State will be issuing an RFP (Request for Proposals) for the wind power leases off the Vineyard's south shore. The applicants will be Vineyard Wind (who Vineyard Power is affiliated with), Bay State and Deep Water. Once the State receives the proposals they will issue the leases probably by the end of the year.

Mr. Andre said that once the leases have been finalized the project is expected to move forward quickly. Mr. Andre said he expected within two years there will be a 400 Megawatts infrastructure that will be able to support 300,000 homes. Chairman Rossi asked what kind of deduction we can expect on our energy bills. Mr. Andre said this project is equally distributed out to the entire state of Massachusetts so it will be very little.

Mr. Andre said the next step that Vineyard Wind will be working on is the survey for the cable that will connect the wind structures to land. Vineyard Wind will be cabling to West Barnstable and have been notified that Nantucket is seeking information on this cable connection.

Mr. Doty said in reference to the cabling it appears the other two companies have decided to go in a different direction. Bay State Wind has decided to cable up to Brighton Point. Deep Water is cabling to Long Island. Vineyard Wind is the only company to get the power locally to Cape Cod. Mr. Doty asked if this would be running full capacity right away or if it will be done in increments. Mr. Andre said the law that was passed last year with the State requires 1600 Megawatts for each of the leases. This must be accomplished within ten years. Vineyard Wind is shooting for installation 400 Megawatts every couple of years. Discussion about where the product was manufactured ensued. Mr. Andre said at this time it's all European.

Mr. Doty said the first operating offshore wind project in our area is Block Island and he asked if there are operational reports for comparing to this project here. Mr. Andre said that it is similar in size to the project we propose but a major difference is their offshore installation is only 2 to 3 miles off the shores of Block Island and ours is 14 miles off Martha's Vineyard south shore. Also the Block Island project is in State waters ours are in Federal Waters. Chairman Rossi thanked Mr. Andre for this update on the off shore wind projects.

Community Preservation Committee- Contracts for Funding:

Chairman Rossi said he has looked them over and they seem fine Chuck Hodgkinson has them well presented in his report, these need to be signed by Selectmen.

1. Island Housing Trust: Two appropriations for Keunes Way -- \$33,000 and \$32,500.
2. Up-Island Regional School District/West Tisbury School: Basketball court and soccer field -- \$10,000.
3. MV Museum: Re appropriate the funds to restore the roof -- \$31,512.
4. TRI: Emergency repairs for Chilmark Homeowners earning less than 100% AMI: \$82,600.

Mr. Doty moved to approve Chairman Rossi to sign the CPC contracts that our Annual Town Meeting already approved.

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

Menemsha Creek - Vanderhoop dock in Chilmark waters:

Mr. Malkin (Selectmen Liaison to Harbor Department) gave a synopsis of the problem.

There was an application filed with the DEP in 2015 by Brian Vanderhoop to have a dock in Aquinnah Waters in Menemsha Creek area. The DEP approved the application in a certain area. In the application there is a note stating the dock would not be used for commercial purposes. Mr. Malkin said we have an issue that a floating dock and ramp to the dock. This (dock and ramp) are fasted to 2 pilings in Chilmark waters. Mr. Malkin said Chilmark neighbors (riparian owners) at this site have reported difficulty assessing their docks since this addition by Mr. Vanderhoop.

Mr. Malkin reported that the harbor sent a letter to Mr. Vanderhoop requesting he remove this from Chilmark waters. Mr. Malkin said he received a call from Mr. Vanderhoop who gave a lengthy report of the history of the dock use. Mr. Malkin explained to Mr. Vanderhoop at the time that the use of the dock was not the issue but the new construction made it difficult for Chilmark owners to use their own facilities. Mr. Malkin reported hearing no new updates since this call approximately 2 weeks ago. Chairman Rossi asked if there were any comments about this topic. Frank Fenner said he has already sent in his comments about this topic explaining his position. The first issue Mr. Fenner has is being a riparian owner this dock is making assess difficult. The second issue is concerns for the intent of the property. The 1965 act chapter 45 states the area will be used for active commercial fishermen.

Mr. Malkin read a letter in response to the Harbormaster's letter (he read aloud):

Dear Board of Selectmen of Chilmark, As the owners of the shack at 1 Shore Rd in Menemsha From July 1, 2014, we have worked very hard to clean up, remove debris and shore up the building and replace the dock, with permission from the DEP, and after installing a removable floating dock, thereby creating a safer access (the dock in front the shack is quite high from a boat deck, we are in receipt of a certified letter from the harbormaster, dated 5/25/17 to remove by July 1, 2017 a floating dock (2.5 ft wide approximate). We felt that we weren't going any further out than was previously there under prior ownership, but much narrower. If as Harbormaster Jason suggests, this adversely affects other riparian owners or abutters, please let us know in what way that impacts those abutters, as we have gotten very positive feedback. Our sole objective was for safe access to and from the vessels. Our immediate abutter endorsed this as well.

Letter From Vanderhoop Continued ... We won't be tying our larger boat on the floating dock, and would be open to having the occasional incoming boat tie up to our dock, especially during storms for safe harbor. We would also be willing to shorten the floating dock by one section and move the outermost piling closer in, creating an even wider navigational berth for others than exists right now, even without the floating dock. We have always hoped to be in harmony with our abutting shack owners, and to that end, we hope to be allowed to keep the shorter floating dock for the sake of safety and improved use of our dock. Respectfully, Elaine and Brian Vanderhoop.

Mr. Doty said an example is that the larger boat Sanibel is tied up on that outer float today. Harbormaster Jason commented that the dock as they have now defiantly affects Debbie Parkers access to her dock.

Mr. Doty recommended sending a response letter stating we reaffirmed at the Chilmark Selectmen's meeting June 20th that the dock is not appropriate and needs to be removed. Everett Poole recommended stating that they have no right to drive spiles in Chilmark waters.

Mr. Malkin made a 2 part motion: 1.) Harbormaster consults our town counsel in the process to have the encroaching piles removed. 2.) Send a response letter to the Vanderhoops' stating we considered their position but recommend they affix their current floating dock to the bulkhead and install a ladder that will give them safe access to their boat and remain within Aquinnah waters. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Ms. Packer said she cannot prove it but believes commercial activity is going on at the Vanderhoop dock and the permit from the DEP stated non-commercial and that more than one entity is using the dock. Chairman Rossi said we support the commercial use. Mr. Carroll recommended Ms. Packer contact the DEP as to what the Aquinnah designation is for that area. Chilmark's is commercial.

Seasonal Preparations- Swim Line, Buoys, Shuttle lot, Roadsides Menemsha:

Mr. Malkin said the swim-line buoys have been rigged the weight to keep them in place (mooring) are being constructed and we expect them to be installed Friday or Monday of next week. Mr. Malkin said the Aquaculture buoys will be delayed till we have the employees available to help. Mr. Doty expressed frustration in the delay of these items that were set to be completed by June 15th The swim line is for Menemsha beach that has been crowded since Memorial Day. Mr. Doty said the Aquaculture buoys are important to have up by the beginning of the sailboat races in July.

Mr. Doty gave the update on the Shuttle lot improvements.

- Keith Emin (Highway Superintendent) & his crew have been mowing the lot
- There are poles (horizontal) set in place to delineate parking in the lot
- Pads for the solar lights are in place, but lights are not assembled yet

Mr. Carroll said he called about the 4 inch pipe needed for the installation of the solar lights and was told there is a 4 to 6 week delay. Mr. Carroll said the vender said the poles should be .225 thickness to safely support the lighting system. Mr. Doty expressed his disappointment in having all spring to complete this project but we are not able to complete this project in a timely manner.

There was discussion of using PVC temporarily till the piping can be used. Mr. Carroll will contact engineer Kent Healy for guidance.

Seasonal Preparations- Swim Line, Buoys, Shuttle lot, Roadsides Menemsha Continued...

Mr. Malkin asked Mr. Carroll to assist Harbormaster Jason in influencing John Packer to commit to helping us complete the punch list from the spring walk around in Menemsha harbor.

Traffic officer Kevin Burchill discussed the no-parking signs in Menemsha and what he considers the immediate needs. A few more signs need to be posted. Chairman Rossi said he appreciates the photo Mr. Burchill sent with his recommendations. A complete layout of the signage was discussed and also the plan to complete installing them.

Tim Rich recommended posting the size definition (in feet) of the compact car parking places.

Mr. Doty recommended that our traffic officer make recommendations to the Police Chief and the Police Chief endorse recommendations directly to our Chairman of Selectmen.

Margaret Maida asked if the folks who run the fish house will be allowed to have their employees' park in Menemsha all summer. Chairman Rossi said the Selectmen are and have been encouraging all business owners to utilize the shuttle lot. Mr. Carroll said Chilmark Police department will be ticketing all violators starting July 1, 2017.

Chief Klarèn said the department is prepared to enforce the permit parking only on the Drive-on Dock starting July 1, 2017. Mr. Malkin confirmed the harbor has the parking passes (tags to be hung off the interior mirror) for each of the slip holders.

Mr. Carroll asked for a motion to determine no parking between the bridge and Creek Hill. Mr. Doty moved this no parking area. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Fire/EMS - review of Cross Road site suitability:

Mr. Malkin asked this to be on tonight's agenda to determine what we want to do with the existing site on Menemsha Cross Road. Chairman Rossi said we have inquired about an alternate site and are waiting to hear back. Chairman Rossi said there has been discussion and support of removing the existing Menemsha Cross Road Fire Station and building an improved Fire Station on the same site. Chairman Rossi asked if the Public Safety Building Site Committee had comments about that proposal as some of the members are present at this meeting.

Mr. Doty said speaking as the chairman of the tri-Town Ambulance Committee we believe that if there is a suitable piece of land that could support a structure for the Fire Department and EMS that would be their first choice.

Mr. Doty said the property we mentioned earlier is 1.5 acres and would be a very desirable site. If we utilize our property behind the Chilmark local drop-off (landfill) as a training site we would not need a bigger site to accommodate the Fire Department & Ambulance Barn.

Mr. Doty said if the mentioned land acquisition doesn't work out the Ambulance Barn could possibly be located at a town owned site on Peaked Hill Pasture Road (off of Tabor House Road). Mr. Doty said he and Ambulance Chief Retmier looked at the space together and could imagine a 3-4 thousand foot building that would be a 1 story structure. Mr. Doty said this sight is about 1/8 of a mile off of tabor house road so improvements would need to be made to Peaked Hill Pasture Road to the Ambulance Barn site.

Chief Retmier spoke in support of Mr. Doty's comments. Chief Retmire said the Peaked Hill Pasture Road would need to be paved and that the response time to South Road would be about 3-4 minutes longer than a site nearer to the Menemsha Cross Road.

Fire/EMS - review of Cross Road site suitability Continued...

Dianne Smith said being a former EMT and nurse the additional 3-4 minute response time could be someone's life. Chairman Rossi said there is a newer (but small footprint) site on the Menemsha Cross Road he would be happy to show to Chief Retmier to assess. There was discussion of the layout and footage needed for accommodations and cost of the Ambulance Barn. Mr. Doty said if the Ambulance Barn was built on land we own already it is estimated to cost 1 million dollars to build. Chairman Rossi said the fire and EMS have been working in a substandard building for far too long and we will continue to work hard at getting a suitable building or buildings.

Andy Goldman, Chairman of the Public Safety Building Site Committee (PSBSC) was asked to speak to the validity of the current site. Mr. Goldman said if the building was destroyed and rebuilt to satisfy the functional requirements, it certainly satisfies the locational criteria the committee has previously determined. Mr. Goldman said he doesn't have a planner's sense of if it would or wouldn't work, but has a policy sense that it could work. Tim Rich also of the PSBSC said having 2 buildings would be a much greater cost to the town and there would be redundancy.

Chairman Rossi asked if the PSBSC would meet to determine if the existing Menemsha Cross Road Fire Station could work. Members of the PSBSC present at the meeting agreed to meet soon. Mr. Goldman said there is some un-used appropriated funds to work on this request.

Chairman Rossi charged the PSBSC to have a feasibility study made of the existing Menemsha Cross Road Fire station site.

Tri-Town Ambulance -Purchase Contract:

Chief Ben Retmier said that the final documents (to purchase a new ambulance) arrived today and they have been forwarded to town counsel for review. Chief Retmire said he would like to move forward with the Selectmen's approval and signature (pending town counsel recommendation) on the purchase contract. Selectmen reviewed the documents. Mr. Malkin moved to approve this purchase with condition it's approved by town counsel. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Housing Committee - discussion of 12 units at Peaked Hill Pastures on town land:

Chairman Rossi said the Housing Committee had a site visit to the property at Peaked Hill Pastures last week. Chairman Rossi reported that there is real enthusiasm to begin the process to start an affordable housing development on the site. Chairman Rossi asked if his fellow Selectmen had any guidance or requests for the Housing Committee on this project. Chairman Rossi said the committee recommended utilizing the whole space and working to have 12 long-term lease homesites. Chairman Rossi said the plan would leave the ballfield and move the Shellfish and Highway Department sheds to the lot behind the landfill. The Molly Flender Housing Trust would be utilized to aid in establishing the lots for: wells and road access. Mr. Malkin said he supported Mr. Goldman's recommendation of pushing the envelope on smaller houses and more houses to keep more open space and accomplish more housing than we have been able to do in the past.

Housing Committee - discussion of 12 units at Peaked Hill Pastures on town land Continued...

Mr. Carroll said he received a call today asking if there would be elder people lots included. Or senior living mixed use with homesites and tiny (or small) house developments included as well. Selectmen and attendees brainstormed ideas for increasing the year-round affordable rental stock in town as well.

Mr. Carroll said he has talked with Adam Turner of the MVC who has some ideas to share with the Housing Committee. Chairman Rossi and Mr. Goldman supported getting together with Mr. Turner.

Armstrong Donation of Fishing Shack to Town of Chilmark:

Mr. Carroll said town counsel sent the final documents and we have a bill of sale for review. Mr. Carroll said the Selectmen can sign the accepted section. Mr. Doty moved to accept this donation to the town for the price of \$1.00 (one dollar). Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

Selectmen discussed a ceremony for this transaction within the next few weeks down in front of the shack for photos and a story. Chairman Rossi requested Mr. Carroll to organize this event.

Town Land Swap with Aquinnah - Deeds:

Mr. Doty moved to approve and sign the deeds for the exchange of land as approved by both the Aquinnah & Chilmark Town Meetings. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

MV Parking Clerk - Fee Increase Request:

Chairman Rossi said the MV Parking Clerk has sent a written request to increase the per ticket processing fee from \$1.50 to \$2.00 starting July 1, 2017. The parking clerk without an increase will continue to be working with a deficit. Mr. Doty moved to approve this request. Mr. Malkin supported adding Mr. Carroll's recommendation of the condition of an annual assessment by December each year. **SO VOTED: 3 Ayes**

Daniel Aaron- Yoga on Menemsha Beach:

Selectmen's office received a written request from Mr. Aaron to hold yoga classes on Menemsha Beach.

Mr. Doty said he has concerns with the vagueness of this request. Chairman Rossi said no commercial activity is allowed on the beach. Selectmen did not approve this request.

Mr. Malkin moved to take no action. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

MV Fishermen's Preservation Trust (MVFPT) - Meet the Fleet / Menemsha Event:

Selectmen received a written request from the MVFPT to hold their annual "Meet the Fleet" in Menemsha August 3, 2017. Mr. Malkin moved to approve this event. Mr. Doty seconded the motion.

SO VOTED: 3 Ayes

Livery Vehicles in Menemsha:

Mr. Carroll described his actions: he has notified the violators of the conditions of their street licenses who have been driving onto the Drive on Dock and parking illegally in Menemsha that their licenses may be revoked if they do not stop.

Schedule Z Electric Department Assignments:

Mr. Carroll said he is re-addressing the schedule z so the credits get assigned to the appropriate accounts. Mr. Carroll explained that this will release some of the stranded credits we accumulated. The adjustments to the schedule Z is done in June and September of each year.

At 6:38 PM with no further agenda items for discussion Mr. Malkin moved to adjourn. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Draft minutes respectfully submitted by Diana DeBlase

Document List:

- Selectmen's June 6, 2017 meeting draft minutes
- Documents / Contracts prepared by C. Hodgkinson of the (4) CPA approved projects approved at ATM for signature.
- Printout of email response from Mr. Vanderhoop RE dock in Chilmark waters
- Photo of swim line buoys
- Photo of Aquaculture site buoys
- Bill of sale of Bulkhead shed on lot 1A
- Quitclaim deed and supporting documents for Aquinnah Town / Chilmark Town line change from ATM 2017
- MV Parking Clerk written request to increase processing fee.
- Mr. Aaron request to teach yoga on Menemsha beach
- MV Fisherman's Preservation Trust request for Meet the Fleet event August 3, 2017
- Tri town Ambulance -Ambulance purchase specification documents.
- Photos of livery vans driving into restricted areas and parking illegally in Menemsha.
- Board of Health response to Selectmen's Spring walk through Menemsha Harbor area regarding Red's Best establishment
- Notice from DMF requesting continued local support from our Shellfish Constable enforcing the laws
- Mass Shellfish Officer Association Spring meeting 6/15/17 reminder
- CVEC memo about Eversource rate case
- MVC notice of hearing continued to 6/22/17 RE Amendments to Chilmark bylaws regarding Squibnocket District
- Edgartown Independence Day (July 4th) Parade invitation
- Island Housing Trust letter about their Vision 2020
- Notice from Department of Agricultural Resources / Specialty Crop farms information.