

DRAFT Chilmark Board of Selectmen July 25, 2017 Meeting Minutes

Present: Chairman Bill Rossi, Jim Malkin, Warren Doty, Tim Carroll, Harbormaster Dennis Jason, Police Chief Jonathan Klarèn, Kevin Burchill, Pierce Harrer, Robert Hannemann, Nancy Street, Kay Matschullat, Nan Doty, Margaret Maida, Clarissa Allen, Jen Wlodyka, Cathy Thompson, Jeremy Wood, Steve McGhee, Susan McGhee, Jennifer Christy, Chuck Hodkinson, Isaih Scheffer, Marie Mercier, Wayne Iacono, Caleb Slater, Jane Slater, June Manning, M/M Durst, Ed Barrett, Catherine Deese, David Spague, Sarah Henry, Rich Huffam, Andy Goldman, Jennifer Passafiume, Anne Cook, Chloe Reichel, Rich Saltzberg, and MVTV videographer Lynn Christoffers.

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

With time before the posted public hearing Chairman Rossi postponed the minutes to the end of tonight's meeting and asked Town Clerk Jennifer Christy to discuss her recommendations for Records Access Officer (RAO).

RAO-Memo from Town Clerk:

Ms. Christy has been the sole RAO for six months and has information to share from the trial time period. Ms. Christy included in the agenda packet that the Selectmen have reviewed her assessment of the legal requirements and her recommendations for Chilmark to implement the public records access laws. Ms. Christy's recommendation would expand the RAOs to department heads and she and Mr. Carroll would be the supper RAOs.

Mr. Doty moved to approve this recommendation from Town Clerk Jennifer Christy as presented. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Chilmark Community Center - Tennis Shack -CCCAC MOU:

Chairman Rossi said he is very familiar with this plan (tennis shack) as he is the Selectmen liaison on the Chilmark Community Center Advisory Committee. Mr. Doty said this plan has been revised and is a reasonable size to accommodate the needs of the community.

Mr. Malkin asked if the MOU was part of this discussion. Chairman Rossi said the MOU is still being hashed out and we will be receiving recommendations to add to the MOU tonight. Mr. Doty said a concern for the town is the summer facility structures and their maintenance. Mr. Doty said Rodney Bunker maintains the entire town owned buildings but the tennis shack and art shed are summer program facilities. Mr. Doty would like to make sure the maintenance plan is part of the MOU and that the summer program clearly describes the offseason maintenance program for their (tennis and art shacks) buildings.

Mr. Malkin asked to have the sailing program reinstated and part of the MOU. Nan Doty (chairman of the CCCAC) said the MOU is being worked on and will be completed within the year but made it clear that this MOU is an understanding between the Town Affairs Council and the Chilmark Board of Selectmen.

Mr. Malkin moved to approve the tennis shack as presented in the plans here tonight. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Chilmark Community Center - Tennis Shack Continued...

Chairman Rossi thanked Ms. Doty for the revisions her committee recommended for the tennis shack. Mr. Doty said the plan is to have the tennis shack constructed in the off season and be ready to use the end of June 2018. Kay Matschullat said the CTAC has the funds to begin this project and the goal is to have it completed in time for the summer program next summer. Mr. Doty requested that the setbacks from the property line are done appropriately and follow our regulations. The tennis plans have been approved by the Selectmen but the CTAC will be required to follow the permitting requirements for all building projects in Chilmark. Chuck Hodgkinson (Administrative Assistant to Site review, ZBA, ConCom and Conservation Officer) said because it is within the roadside district they (CTAC) will need to come to Site Review and there are wetlands and buffer zones so the project will come to the ConCom too.

With more time prior to the public hearing Chairman Rossi asked to hear from Jennifer Passafiume about her triathlon proposal.

Triathlon Request- September 10, 2017 4th annual:

Ms. Passafiume said this would be the 4th year with no change to the course. Ms. Passafiume said she met with Chief Klarèn. Ms. Passafiume said there will be an additional police detail for the North Road - Menemsha Cross Road section for added safety. Ms. Passafiume said she is doing away with prize money to pay for additional police details. 80 participants are signed up for the long course so far and she is hoping for 120. Chief Klarèn said he is satisfied with the preparations Ms. Passafiume has worked out.

Mr. Malkin moved to approve the 4th Annual Triathlon presented by Ms. Passafiume. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Ms. Borza was not present yet so Selectmen proceeded to discuss the Pasture Road Association electrical repairs invoice.

Pasture Road Association- invoices:

Mr. Doty moved to pay the town's portion of emergency repairs to the underground electrical repair from the Selectmen's Maintenance account. Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

At 5:15 PM Chairman Rossi opened the public hearing as advertised:

CHILMARK - The Board of Selectmen will hold a public hearing on the petition of Dolores Borza to obtain a Street License to operate a midsize bus on the roads of Chilmark (State, South, & North Roads specifically requested) for the purpose of conducting island tours to Menemsha, at the Selectmen's Meeting Room, Town Hall on July 25th 2017 at 5:15 PM.

Ms. Borza was not present yet so Chairman Rossi asked for information from Mr. Carroll about this application. Mr. Carroll said this is a request to have that blue and white bus operate through Menemsha. Mr. Carroll added that this vehicle is bigger than the small vans that were approved originally by other applicants. Chairman Rossi asked for any comments from the public concerning this application. Mr. Doty said he doesn't recommend additional tour companies to Menemsha area at this time as it is already pretty heavily congested.

Public Hearing Continued...

Mr. Doty said if the request was for a Street License to drive South Road and State Road he would say yes but not North Road into Menemsha. Steve McGhee said this is a question of size of the bus. Mr. Malkin said apparently it is larger than the ones allowed into Menemsha at this time.

There was discussion about the difference between a Street License and a Tour License. Mr. Doty said it has been our custom to contact the tour companies and informally state that we don't allow tour busses into Menemsha after June 15th till after Labor Day. At 5:26 PM With no comments from the public Mr. Malkin moved to close the hearing, Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Mr. Malkin moved to not add additional Street Licenses congesting Menemsha especially ones larger than the vans that are already serving the public. Mr. Doty seconded the motion.

SO VOTED: 3 Ayes

Harbor Updates-Crab Corner, ATONs, other:

Mr. Malkin said there seems to be 2 issues with Crab Corner. The longtime use of Crab Corner for small children and families that enjoy the spot for summer fun Mr. Malkin and his family included.

1.) An issue of propellers near proximity of swimmers. 2.) And now we have a new issue with the electricity in the harbor.

Mr. Malkin said in reference to the propellers issue he will ask that the Harbor Advisory Committee meet and return to the Selectmen with a recommendation for their next scheduled meeting and a proposal could be brought to the Annual Town Meeting.

Mr. Malkin said we have had 5 (incidents) reports of an electrical tingling sensation. Mr. Malkin said until someone can tell me that we're safe, and the children are safe, I have an issue with Crab Corner being open.

Ms. Maida asked what was being done about the electrical wiring in Menemsha; are you planning to have it re-wired. Mr. Malkin said the town has asked Cole Powers (Chilmark's electrical inspector) to conduct a survey of all the electricity along the West Dock, Dutcher Dock, and Commercial Dock. Once the survey is completed the Selectmen's office will expect a report within several weeks.

Mr. Iacono asked what was done so far to fix the problem. Mr. Malkin said an electrician from DASECO installed a heavier ground wire and Cole Powers inspected and signed off on the work.

Mr. Sprague said the electrical problem has to be solved for safety reasons but closing Crab Corner will not solve the problem, the electrical concerns encompass the whole harbor. Mr. Doty explained in-depth the wiring solution we addressed concerning the stray electrical current.

Mr. Doty said there are members of the Beach Committee present and asked for comment about stationing additional lifeguard in the Menemsha area. Ms. Maida (Beach Committee member) a few years ago we were staffing extra lifeguards in Menemsha for that purpose. We have a second lifeguard on Menemsha Beach closer to the area by Crab Corner who has been going over to Crab Corner and telling kids and their parents that that area is closed.

Crab Corner Continued...

Ms. Cook (Beach Committee member) questioned why it's the town's liability if a boat in the harbor is having electrical issues.

Ms. Cook also recommended a sign at Crab Corner explaining the risk involved. Chairman Rossi said there is signage and explained that it is town owned property and under our jurisdiction so we are liable. Mr. Iacono said (in reference to the electrical problems) when the docks are covered with up to 6 inches of water during the king tides they should be considered hazardous also. Mr. Huffam said he has six kids that go to the Crab Corner area. Mr. Huffam said it seems anywhere there is a boat in the water there is potential for electrical shock. Ms. Durst asked if there was some technology we could put in the water to make an alarm sound when an electrical current is detected, and log any instances automatically.

Mr. Doty asked if there is a test we could do each day around the harbor to see if there is voltage in the water. Mr. Doty requested that this test be done by our electrical inspector daily (for next 10 days). Selectmen will keep Crab Corner closed at least for the next two weeks until the next Selectmen's Meeting when they hope to have more information. Selectmen will ask for the Harbor Advisory Committee to meet as soon as possible to discuss and have a recommendation concerning the electrical issue and also the propellers near Cab Corner.

Energy Rate Case - Eversource:

Mr. Hannemann discussed information pertaining to the Eversource Energy rate case. Mr. Doty moved sending the draft letters about our concerns expressed in our previous meeting. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Mr. Doty said the letters are concerning the rate case as well as the Grid Modernization Plan. Mr. Doty said we are supportive of Cape Light Compacts plans and we will send letters supporting them.

Community Empowerment Bill:

Rob Hannemann, Chilmark's representative on the All Island Energy Committee recommended Chilmark Selectmen sending a support letter to Legislation. Mr. Hannemann said the Community Empowerment Act would allow for communities to have more power in the process of energy distribution and the green energy production. Mr. Hannemann explained the Community Empowerment bill.

Mr. Doty moved to support the All Island Energy Committee recommendation in support of the Community Empowerment Act and send a letter to our Legislators. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Chairman Rossi thanked Mr. Hannemann for all of the time he has committed to the energy issues for Chilmark.

Beach Committee:

Clarissa Allen (Chairman of Beach Committee) said the beach committee just finished up a meeting this evening. Ms. Allen said there had been three incidents with drones down on the beach.

Beach Committee Continued...

Ms. Allen reported people feel it was an invasion of privacy and requested Beach Department do something about it. Ms. Allen said the Beach Committee voted tonight to ban drones and are here seeking Selectmen support on that decision.

Mr. Doty moved to disallow personal drone use on the public bathing area at Lucy Vincent Beach and Squibnocket Beach. Mr. Malkin seconded the motion **SO VOTED: 3 Ayes**

Conservation Commission- Private Board Walk in Menemsha:

Chuck Hodgkinson said there is a path that has been used for decades across town owned land and a salt marsh and tidal-flow area. Mr. Hodgkinson said it became a topic at the Conservation Commission that the current boardwalk that is there doesn't meet best design practices for walking over a salt marsh. Mr. Hodgkinson researched and presented some options outlined for the Selectmen.

The current boardwalk and use is a violation of the Town's Wetland Protection Bylaw and the Commonwealth's Wetland Protection Act regulations and the boardwalk's condition could pose a liability to the town.

The Commission is proposing several alternative courses of action for your consideration:

- a. Remove the boardwalk and close off the path across Map 21 Lot 6. The abutting parcel Map 21 Lot 5 is a 30-foot right of way for beach access. This too is on town-owned land and follows the lot lines of Map 21 Lot 6—see attached assessor's map. Folks have apparently been walking across Map 21 Lot 6 instead of using the 30-foot right of way because it is a much shorter route to the beach. The boardwalk was probably installed to make it easier to traverse the salt marsh.
- b. Allow people to continue to use the path across Map 21 Lot 6. If this option is chosen the Commission requires a Notice of Intent be filed to construct a proper raised walkway across the resources using best design practices for this type of use. This would most-likely be at the Town's expense to design, permit, build and maintain.

Mr. Hodgkinson estimated the cost of a wooden planking walkway to be about \$200.00 per foot (approx. \$78,000.00) and the ConCom preferred material fiberglass raised grating \$235.00 per foot. Mr. Hodgkinson presented photos of the proposals. Chairman Rossi said this will need to come to Special Town Meeting for approval and funding. Mr. Hodgkinson said the CPA funds may be utilized for this project. Mr. Doty and others in attendance said this seems like extreme expenditures, folks have used this method for over 50 years why is it an issue now.

Ms. Thompson said she walks the pathway a couple of times per week to get to Menemsha instead of driving.

Mr. Hodgkinson said it was brought to the ConCom and they must address it. Selectmen took no action at this time.

Chairman Rossi moved to have Mr. Doty attend the ConCom hearing about this matter August 2, 2017. Mr. Malkin seconded the motion **SO VOTED: 3 Ayes**

Shellfish Department-Outboard for water testing:

Mr. Carroll said the Shellfish Department is requesting to purchase an outboard motor to do water testing. Shellfish Constable Isaiah Scheffer spoke about this request. Mr. Scheffer said we need have our waters open for shellfishing and to accomplish water quality tests throughout the year. Mr. Scheffer said he will use a boat he owns personally but needs to outfit it with a 9.5 to 15 horse power outboard. Mr. Carroll said that the Shellfish Department has funds in the propagation budget to purchase this and at Special Town (fall 2017) meeting have a warrant article to replenish the propagation budget.

Mr. Malkin moved to authorize Mr. Scheffer spending propagation funds to purchase an outboard motor of 9.5 to 15 horsepower. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Mr. Scheffer also requested to keep this (boat mentioned above) off the landing in Squibnocket Pond on an outhaul. Mr. Doty moved to approve this request. Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

Police Department -Traffic Update:

Chief Klarèn said Keith Emin has been working hard with clearing roadside with mowing and trimming but (Chief Klarèn distributed photos) there is a fire hydrant by Menemsha Market that has a lot of growth around it making it very hard to see that needs trimming around. Chief Klarèn said the traffic/parking to the drive-on docks has been challenging but it's working.

Chief Klarèn said with the events coming up this July and August the shuttle lot mowing should be kept up to encourage parking there. Traffic officer Kevin Burchill said there is a no parking sign in a tow away zone sign at Edys Island Way that is being covered by some brush that needs trimming back. Mr. Carroll said we have run into trouble having our Highway Superintendent trim there as its all privately owned. Selectmen directed Mr. Carroll to have that trimmed anyway as it's a traffic hazard for the public and the Coast Guard. Mr. Doty said hiring a contractor to do the trimming would be good as Mr. Emin already has a lot on his plate.

Mr. Malkin asked if it was correct that we have had no issues with parking and traffic to date. Chief Klarèn confirmed there have been no major issues.

Chief Klarèn said he has an additional request for Selectmen to appoint Pierce Harrer as a special police officer to fill some shifts that will be vacated from an officer who is returning to military duty. Chief Klarèn said Mr. Harrer is well suited for this position, he knows Chilmark.

Mr. Malkin moved to approve Chief Klarèn's request and to appoint Pierce Harrer as a special police officer. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Deed - Aquinnah & Menemsha land exchange:

Mr. Doty moved to sign this deed which has been approved at town meeting, reviewed by counsel and supported by the Selectmen. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Chairman Rossi, Mr. Malkin and Mr. Doty each signed the deed.

Emergency-Mutual Aid Opting:

Mr. Carroll said he brought this to Selectmen previously and they approved but the signature page was not on file with the State so he is asking that that they sign again in support of the State Mutual Aid. Mr. Malkin moved to sign the mutual aid option. Mr. Doty seconded the motion.

SO VOTED: 3 Ayes *Chairman Rossi signed the document*

Mr. Carroll said there are 2 sections for signature. Mr. Doty moved to sign the second section of the document. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes** *Chairman Rossi signed the document*

Mr. Carroll said basically this allows for towns from off island to help in a disaster

Letter for Stephen Broderick:

Mr. Carroll said he has not drafted the letter yet but said Mr. Broderick asked for something in writing about the head boat operation for 2018 in Menemsha that they approved to submit to bank to get his business financing approved. Chairman Rossi said he would sign a letter if Mr. Carroll drafts it.

Menemsha Beach - removal of porta-potties:

Mr. Iacono (Beach Committee member) said that the porta-potty that was down near Menemsha Beach has been removed.

HGTV Film Request July 24

Chairman Rossi said this was for filming yesterday. Mr. Doty said that was a pretty small simple request but we have another filming request to film in Lucy Vincent Beach which he recommended saying no to (in reference to "Expedition Unknown's" request). Chairman Rossi said it is the policy of our town that we do not allow filming at our beaches during our busy season. Selectmen were in agreement to not allow filming at Lucy Vincent during our summer season.

Chilmark Community Center - Meditation retreat request for rental waiver:

Mr. Doty said if an event is open to the public and our community members and free of charge he has no problem with this request to waive the fee. This event is in November 2017. Mr. Malkin moved to approve waiving the fee for this event with the condition it is open to our community and free of charge. Mr. Doty seconded the motion.

SO VOTED: 3 Ayes

Share the Road signage on town roads:

Mr. Doty asked that we have an agenda item for discussion at a future Selectmen's meeting to work on making Middle Road safe for bicycling. Mr. Malkin asked that Police Chief Klarèn think about that topic. Mr. Carroll recommended having the new MVC person to be part of that discussion too.

LT Governor - July 25, 2017 9:30 AM Edgartown Town Hall:

Mr. Carroll said Dylan Fernandez came to town hall today after the meeting in Edgartown with Informational packet about the Community Compact they would like Chilmark to support. Chairman Rossi asked for the information so the Selectmen can make an informed decision about this request.

Scheduling Selectmen's August Meeting dates:

Chairman Rossi said the Selectmen will meet August 8th and August 22nd at their regular 5:00 PM time. Mr. Carroll said September schedule is being shifted as well. Mr. Malkin requested to move the dates from the 1st and 3rd Tuesdays in September 2017 to 12th and 26th Selectmen confirmed this change.

Middle Line Road -Affordable Rental Units -Financial Reports-Accept:

Chairman Rossi said he has reviewed this report and is satisfied with the materials. Mr. Doty moved to accept the report. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Squibnocket Sand - MOU with Tribe and Aquinnah:

Mr. Doty asked about the dates in the MOU, weather that would work with our time frame. Mr. Doty said by the sound of reports from ACE the dredging (in Menemsha Pond channel) will be this October and the MOU has it starting January 2018. Chairman Rossi recommended the start date be changed from January 2018 to October 1, 2017 ending April 22, 2018.

Mr. Malkin moved to change the dates as recommended. Mr. Doty seconded the motion **SO VOTED: 3 Ayes**

Mr. Doty moved to sign the MOU with both the Tribe and Aquinnah with the date changes specified above. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Chairman Rossi signed the MOUs

Draft minutes from the Selectmen's July 11, 2017 meeting were reviewed, corrections were made. Mr. Doty moved to approve minutes as corrected, Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

At 6:40 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:

- Draft minutes of Selectmen's 7/11/17 meeting
- Request from Dolores for a Chilmark Street License
- Summer Program tennis shack plans
- Draft MOU with Town and Chilmark Town Advisory Committee
- Draft letter for the Selectmen to approve sending to DPU concerning Eversource rate case.
- Invoice Pasture Hill Road Association electrical repairs

- Shellfish FY17 budget for reference for funding a proposal to purchase outboard motor
- Quitclaim Deed land exchange with Aquinnah and Chilmark town line
- Mutual aid Opt-in form
- Request from Jennifer Passafiume to hold the 4th annual triathlon utilizing Chilmark Roads for a portion of the race
- HGTV request to film in Chilmark 7/24/17
- Request from Sarah Kuh to waive CCC rental fee for free meditation open to the Chilmark community
- Request from Jennifer Wanamaker to film Expedition Unknown on Lucy Vincent Beach
- MLR affordable rental units P&L Budget vs Actuals FY2017 & balance sheet
- MOU with Tribe concerning sand spoils from dredging project for Squibnocket
- MOU with Aquinnah concerning sand spoils from dredging project for Squibnocket
- Proposal from Town Clerk concerning Records Access Officer and public records requests information
- Harbormaster recommendation to keep Crab Corner closed
- Police Chief request to appoint Pierce Harrer as special police officer
- Photos and description and recommendations from ConCom concerning a boardwalk that doesn't meet standards for conservation over a saltmarsh
- 2017 Moving together conference 9/28/17 invitation
- MVC decision on the DRI-672 Damroth subdivision
- 2010 all voters list for Chilmark to compare to today