

## **DRAFT Chilmark Board of Selectmen November 21, 2017 Meeting Minutes**

**Present:** Chairman Bill Rossi, James Malkin, Warren Doty, Tim Carroll, Police Chief Jonathan Klarèn, Rob Hannemann, Merrily Fenner, Barbara Fenner, Deborah Packer, Mr. Grimm, Reporter Rich Saltzberg and MVTV videographer.

At 5:00 PM Chairman Rossi called meeting to order in the selectmen's meeting room.

### Minutes:

Draft minutes from Selectmen's November 07, 2017 meeting were reviewed. Corrections were made. Mr. Doty moved to approve minutes as corrected. Chairman Rossi seconded the motion. **SO VOTED: 2 Ayes 1 Abstain** *James Malkin was not present at meeting*

Draft minutes from Selectmen's November 14, 2017 meeting were reviewed. Mr. Doty moved to approve minutes as written, Mr. Malkin seconded the motion. **SO VOTED: 2 Ayes 1 Abstain** *Bill Rossi was not present at meeting*

### MV Land Bank (MVLB) Trail request at Middle Line Road:

Mr. Doty said the MVLB purchased property in Middle Line Road area during the Mayhew subdivision and they are seeking to connect walking trails. Mr. Doty said this looks like a nice plan. Mr. Malkin moved to accept the trail proposal from MVLB. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

### Hannemann & Lionette- UIRSD draft funding formula:

Mr. Hannemann presented a funding formula he and Rob Lionette worked on for the Selectmen to bring to the joint town (Aquinnah, W. Tisbury & Chilmark) Selectmen meeting November 29, 2017. Mr. Hannemann said the formula is "fair" in a long-term basis but not necessarily fair on a year to year basis. Mr. Hannemann said they (He and Mr. Lionette) focused on 2 principles; 1.) Equalize the cost of running the two schools. 2.) Make the formula as simple as possible. To look at cost per student and figure out a contribution from Chilmark to the district that would make cost per student equal.

Mr. Hannemann said putting that into contexts over the next 5 years would put about \$180,000.00 in the West Tisbury favor (about \$36,000.00 per year). Mr. Hannemann said Aquinnah would need to be put into the mix and still will need to be resolved but was not figured in this draft because we don't have an agreement yet. Discussion ensued. Selectmen thanked Mr. Hannemann for this draft funding formula to aid in the meeting planned for November 29, 2017. Mr. Malkin moved to approve sending this proposal to West Tisbury and Aquinnah Selectmen prior to our meeting on November 29<sup>th</sup>. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

### Aquinnah Creek Lot - Boat House Road:

Mr. Carroll said this isn't before Selectmen for any particular action other than it is such an important area in Menemsha. Mr. Carroll said in particular the pilings that were in Chilmark preexisting. Mr. Malkin said last year when the float was affixed to those three pilings (at Mr. Vanderhoop's lot F) he had a conversation with Town Counsel and our Conservation

Commission. The three pilings were never on the application made to the DEP with the Murphy plans prior to it being leased by Aquinnah to Mr. Vanderhoop.

Mr. Malkin said at one point our Harbormaster thought that the pilings were a hazard to navigation, he subsequently said in his opinion they are not a hazard to navigation however they are a “menace” to navigation. This issue was brought to the Harbor Advisory Committee and they are sending a letter to Selectmen requesting this be brought to the (Chilmark) Conservation Commission to review this document and condition our agreement if the pilings are removed.

Chairman Rossi recognized Deborah Packer who wanted to comment on this. Ms. Packer said she prepared packets she would like to submit to the ConCom, Selectmen and Harbor Advisory Committee. Ms. Packer said she has deep concerns about the situation at the F lease lot and their proposals. Chairman Rossi recommended that the review of information should go to the Conservation Commission (ConCom). Selectmen received the information packet from Ms. Packer.

Mr. Malkin said firstly the application to the DEP was filed by Brian Vanderhoop but should be file by the Town of Aquinnah as Mr. Vanderhoop is leasing the creek lot. Mr. Malkin said the Chilmark ConCom would likely only approve an application if the pilings were removed. Mr. Malkin discussed the 1995 agreement (Chilmark & Aquinnah). Mr. Doty said this application to the DEP is for something that Mr. Vanderhoop has already done. Mr. Malkin said the application plans the DEP received did not have the three pilings in them.

Mr. Malkin was present at the Harbor Advisory Committee meeting when the recommendation was made to have the pilings that are deemed a “menace” to navigation be removed. Mr. Malkin moved to present that recommendation as received by Selectmen and supported by Selectmen and send to our ConCom. Chairman Rossi amended the motion adding that Mr. Malkin be our representative at the ConCom hearing when it is posted. Mr. Doty seconded the motion.

**SO VOTED: 3 Ayes**

Martha’s Vineyard Cultural Council (MVCC)- Wendy Weldon:

Selectmen’s office received a written request from Wendy Weldon to be appointed as a Chilmark representative on the MVCC. Mr. Doty moved to appoint Ms. Weldon to the MVCC. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Hunting Permission:

Selectmen received request for hunting in the town owned properties by Gary Demers (Fulling Mill), Brian and Patrick Murphy (Town Forest). Mr. Carroll said these are renewal applications. Mr. Doty said at the fair this summer there was an absolutely gorgeous carving of a fish in the adult craft section and it was made by Gary Demers. Mr. Doty moved to approve these applications. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Housing Committee request - tax bill insert:

Chairman Rossi said he thought we had worked out the additional postage issue and asked what still needed to be done. Mr. Carroll said you (Selectmen) need to approve addition of a housing committee flyer in the tax bills. Mr. Malkin moved to approve addition of Housing Committee flyer addition to tax bills. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Chilmark Community Center TAC & Chilmark Selectmen MOU:

Chairman Rossi the Selectmen liaison on the Chilmark Community Center Advisory Committee (CCCAC) said we have a draft MOU created through discussions between Town Advisory Committee (also known as Community Center Summer Program) and the CCAC. Chairman Rossi said he would like to receive any comments from the Selectmen to include in a final draft.

Mr. Malkin said he has three comments. The first comment is in reference to this draft MOU the 3<sup>rd</sup> bullet point. Mr. Malkin said the section about outside operations of the traditional program; Road Race, Film Festival and Chamber Music Society. Why are we differentiating between them and others? Why aren't all of them being communicated to the town? Mr. Carroll said the idea behind that is we already know about those scheduled events. Mr. Malkin said he would like to add to the paragraph that there should be no sale of alcohol at the Community Center.

Chairman Rossi asked that any comments or recommendations be written down and he will submit them for inclusion in the MOU. Mr. Malkin said also to add a bullet point to the TAB that they will make an effort to re-establish a sailing program. Mr. Doty asked that we have correct wording pertaining to building maintenance program. Mr. Doty said here it lists the TAC will be responsible for the art shack and the tennis buildings and that is exactly right. But let's say that Rodney (Supervisor of Town Owned Buildings) examines them and says they are in need of paint. Chairman Rossi said he would be sure to bring these recommendations to the CCAC for final draft.

Chairman Rossi said that the footings have been poured for the new vestibule and the framing will begin next week, keeping this project moving forward. Chairman Rossi said the new sod proposal was tabled at this time. Chairman Rossi said Rodney Bunker had a good suggestion of letting the Chilmark School kids decide about the sod.

Prior Year Bill Reduction:

Mr. Carroll said he negotiated an invoice reduction for the Associated Elevator invoice. So the invoice for Special Town meeting will be reduced from \$2,275.00 to \$1,475.00.

Special Town Meeting - Review of Explanations:

Mr. Carroll said here are his explanations of the Special Town Meeting Warrant articles and the Selectmen are welcome to make additions or recommendations. Mr. Carroll said the articles 6 & 7 about the harbor he would like help writing. Mr. Malkin said he would help with these explanations. Mr. Malkin said he would also speak to them at town meeting if there are questions. Mr. Carroll said that the FinCom took no action on the article 3 (the Assessors additional \$7,500.00) because they did not like my (Mr. Carroll's) explanation at their meeting when they reviewed the STM warrant. Mr. Carroll said the Assessors submitted a fuller explanation for their article that is now in the explanation here.

Mr. Carroll said for Article 9 he asked for Ms. Greene of Human Resources Board (HRB) to supply an explanation. Mr. Malkin said to put into article 9 explanations the following: "after 3 & ½ years of wage comparisons with the 6 island towns the HRB recommended any position paying 5% or more below the mien be brought to the mien, and this accomplishes that."

Mr. Doty said article 16 explanation should have the reduction to the Associated Elevator invoice.

Squibnocket Beach Restoration - John Keene Excavation Contract:

Mr. Carroll sent the contract to Keene Excavation. Mr. Carroll expects the bonds prior to the contract signature on December 5, 2017. Mr. Carroll said this project is not to begin till February 2018.

Census 2020:

Mr. Carroll said local governments are encourage by the federal government to participate in the Local Update of Census Addresses (LUCA). Mr. Carroll said Ms. DeBlase went to a LUCA workshop and we will have a report for Selectmen's December 5, 2017 meeting.

Harbor:

Mr. Malkin said the Harbor Advisory Committee (HAC) sent their recommendations which are a culmination from the 7 meetings they have had this fall. Mr. Malkin commended the members on the thought and commitment they put into the meetings for the harbor and its operation. Mr. Malkin distributed a copy of the HAC 17 item recommendations to the Selectmen and Tim Carroll as well. Mr. Malkin said we can review this and be ready for discussion at our next meeting December 5, 2017.

Mr. Malkin said after 2 summers as the Selectmen liaison for the harbor you know he had an agreement with the harbormaster that he was going to retire after the 2018 season. That agreement was verbal and since then he has taken the position that he does not wish to retire at the end of the 2018 season. The past 2 months Mr. Malkin has written up the responsibilities and duties of the harbormaster. Mr. Malkin said he presented that to the Harbor Advisory Committee who unanimously recommended that these (HAC recommendations) be such and Mr. Malkin will give them to the Selectmen to review and be able to discuss at the December 5, 2017 meeting.

Mr. Malkin said he went through this (responsibilities and duties of the harbormaster) today in-depth with the harbormaster Jason who affirmed his understanding of them. Mr. Malkin said this January we will advertise for the positions of Assistant Harbormaster and Assistant Wharfingers.

Mr. Malkin said we will seek a professional project manager for the wiring upgrade we are requesting funds for at STM. Chairman Rossi thanked Mr. Malkin for the amount of effort he has put into being the Selectmen liaison to the Harbor. Mr. Doty echoed these sentiments.

Mr. Doty brought up the subject of enforcement officers group 4 (IE Police Department and Fire Department) retirement law of 65 years of age being the retirement age. Mr. Malkin said he is sure that you and the Board of Selectmen are making decisions that are not age discriminatory that you are pointing this out to us and that the Harbormaster can be terminated for negligence of duties and our harbormaster is clear on that.

At 5:55 PM Chairman Rossi moved to move into Executive Session to discuss draft contract for the Executive Secretary position and to not return to regular session. Roll call: Chairman Rossi; Aye, Mr. Malkin; Aye, Mr. Doty; Aye.

Executive Session adjourned at 6:22 PM  
Draft minutes respectfully submitted by Diana DeBlase.

Document list:

- Draft minutes form Selectmen's 11/07/17 & 11/14/17 meetings.
- Map of Middle Line Woods Preserve and MVLB proposed trails.
- Mr. Hannemann & Mr. Lionette UIRSD Funding formula proposal 11/17/17
- Abutters notice from Schofield, Barbini & Hoehn Land Surveying & Engineering concerning Brian Vanderhoop's application about activity planned for Aquinnah Lease lot F on Boat House Rd on Menemsha Inlet.
- Letter from Schofield, Barbini & Hoehn addressed to Chilmark Conservation Commission about Vanderhoop's application concerning Lease lot F
- Locus Map from Schofield, Barbini & Hoehn pertaining to Vanderhoop's application
- Request from Wendy Weldon to be appointed to the MV Cultural Council as representative from Chilmark.
- Copy of the Mass General Law Chapter 60 section 3A about property tax bill mailing.
- Sample of insert the housing committee is requesting to put into the tax bills this year.
- Draft MOU with TAC & Chilmark Selectmen about Community Center
- Associated Elevator invoice reduction negotiated by Executive Secretary
- Draft explanations for Special Town meeting Warrant Articles.
- Locus map of Chilmark capped landfill and proposed extension of parking lot and access road for fire fighter training facility
- Topographical map of the location of proposed fire fighter training facility.
- US Census Bureau reminder to register for the LUCA
- 2020 Census LUCA explanation material (Local Update of Census Addresses)
- Invoice from Edgartown Board of Health for Chilmark's' portion of (6 island towns participating) tick-borne illness prevention program.
- Notice from DMF for status notification for Menemsha Basin to be "open for Shellfishing" from November 1, 2017 -April 30, 2018
- ZBA notice of hearing 12/13/17 concerning 10 Tilton Cove Way setbacks for existing guesthouse
- Mass Department of Public Health concerning employee driving safety fact sheet
- Nextra Energy quarterly power distribution notice.