

## **DRAFT Chilmark Board of Selectmen December 5, 2017 Meeting Minutes**

**Present:** Chairman Bill Rossi, James Malkin and Warren Doty. Tim Carroll, Sheriff Ogden, Harbormaster Dennis Jason, Debora Packer, Erik Peckar, Richard Andre, Rich Saltzberg, Videographer from MVTv. Chilmark Police Chief Jonathan Klarèn (at 6:00 PM),

### **Minutes:**

Draft minutes from Selectmen's (regular open session) November 21, 2017 meeting were reviewed. Corrections were made. Mr. Doty moved to approve minutes as corrected. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Draft minutes from Executive Session Meeting held October 17, 2017 were reviewed. Mr. Malkin moved to approve minutes a written and deem public. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Draft Minutes from the Executive Session Meeting held November 21, 2017 were reviewed. Mr. Malkin moved to approve minutes a written and deem public. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Draft Minutes from Joint Selectmen meeting held November 29, 2017 were tabled to next Selectmen's meeting.

### **Vineyard Power - Vineyard Wind Request for Letter of Support:**

Richard Andre and Erik Peckar were present to ask Selectmen to sign a letter of support for the Vineyard Wind offshore project application. Selectmen received information given by Mr. Andre and Mr. Peckar about the project.

Mr. Doty said after reviewing a proposed letter of support there are 2 additions he would add to letter. First addition is:

"Our fishermen have expressed real concern over the issue of sediment redistribution during the construction process and we expect Vineyard Wind to address this issue specifically."

The second addition: "The town of Chilmark has partnered with Vineyard Power with a solar array project at our capped landfill and we have found this to be a positive partnership."

Chairman Rossi said the plans for our community are impressive but seem lofty; how will we be sure we will see these delivered if you are awarded the lease? Mr. Andre said our plans are conditioned at being awarded the lease. But we have been working with the Vocational Department at the Martha's Vineyard Regional High School in focusing to educate the students in how to get the jobs that will be created if we are awarded the lease. There is three dozen fulltime jobs that would be filled in 2021 we want them filled here. Mr. Makin asked why Chilmark should be involved. Mr. Andre explained Vineyard Power is local; we (Vineyard Wind) are the only applicant of the three who are basing a property in Tisbury for marine delivery to site for maintenance. Mr. Andre said if awarded the lease he gives his word and documentation of the benefits to Martha's Vineyard will be carried out.

Mr. Doty said three companies are competing for this lease. One company who is doing good things has already come to the Selectmen requesting a support letter.

Vineyard Power / Vineyard Wind already have a working partnership with Chilmark that has local commitment to our residence receiving the benefits.

Mr. Malkin moved to sign on to this recommendation letter. Mr. Doty seconded the motion. Mr. Malkin requested that should Vineyard Wind get the lease we would like the opportunity to sit down with Vineyard Wind. Mr. Andre said absolutely. **SO VOTED: 3 Ayes**

Chilmark Fire Department:

Chairman Rossi recognized Chief Norton to speak out of the order the agenda is set at as he (Chief Norton) has a meeting to get to. Chief Norton was present to discuss setting service fees for Fire Details. Chief Norton discussed the process. The pools installed in Chilmark are required to install a stand pipe. The fire department has to test each of these when homeowner's insurance companies require it.

Chief Norton recommended a fee be charged by the fire department for these inspections. Chief Norton said it takes 6 firefighters to do these tests. The amount was discussed. Chief Norton said it takes about 2 hours for the 6 persons to complete test and these firefighters are leaving their jobs to do them. Chief Norton said he would like to start at \$750.00 and possibly rise to \$1,000.00 to cover reimbursements of firefighter's time and wear and tear on the equipment and fuel. Mr. Malkin moved to support a \$1,000.00 fee. Mr. Doty seconded the motion.

**SO VOTED: 3 Ayes**

Mr. Carroll said during the summer we have fire details, for instance when the pond is opened. The fire detail must be at the scene and at this time there is not a line item for detail like the police department has. Chief Norton said he recommends \$50.00 an hour for fire detail. Mr. Carroll said you approved the \$1,000.00 fee but now it needs to be moved to be spent reimbursing the firefighters for the Treasurer and Accountant to release funds appropriately. Mr. Doty moved to establish a line item for the fire department details. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Dukes County Sheriff -Regional Emergency Communications Center Funding:

Sheriff Ogden was present to present this plan. Sheriff Ogden explained that the office he inherited is running at a \$676,000.00 deficit and he is requesting each island town place a warrant article on their Annual Town Meeting warrant. The amount Chilmark is being requested to pay is figured on the 2017 volume of dispatch. Chilmark was 6.6% and that figure is \$44,665.00

Sheriff Ogden said having the deficit puts us at a disadvantage for infrastructure grants. Sheriff Ogden said we are training in-house staff as technical support and we are no longer hiring outside technicians. The equipment being used at the communication center is not up-to-date and some will fail without upgrades.

Mr. Malkin said as we often do with departments with complex budgets we assign a member of our Finance Committee to meet with you to understand your department budget more fully.

Mr. Malkin said he would like to do that with the Sheriff Department so we can stand before the town to ask for funding with credibility. Sheriff Ogden said we are one of 4 Sheriff Offices in the Commonwealth of Massachusetts that runs a Regional Emergency Communication Center. We (Dukes County Sheriff's Department) haven't utilized being funded by the community as the other 3 have but we are now requesting it because it is necessary. Sheriff Ogden said there is a mechanism in how this works; a separate appropriation that is setup by the State called a Retained Revenue Account. All of these assessments (to each town) would go into this RRA. The RRA account would only be used to fund needs of the Emergency Communication Center.

Sheriff Ogden said he would support having a Chilmark FinCom representative come and look at the budget and operations figures. Sheriff Ogden said he had Dillion Fernandes in his office and we told him we are at a point now (dire financial situation) at a tipping point and this is an obligation of the Commonwealth to support 911 services communication to our community. Mr. Fernandes asked him (Sheriff) is the Communication Center a primary function of your department? Sheriff answered no it's a public service we provide since 1964. Fernandes said "just don't do it."

Mr. Doty said we have a good Regional Communication Center funding aside this system has been working well for us thanks to the Sheriff Department. More discussion and funding ideas will be brought back to the Selectmen in the near future. Sheriff Ogden thanked the Selectmen for this opportunity.

John Keene Excavation - Squibnocket Project Contract:

Mr. Carroll said Mr. Keene had concerns about the liability of sand if a storm were to come and diminish the sand. Mr. Doty said Mr. Keene will closely watch the weather during this project but when the sand is delivered it belongs to the town he no longer is liable if storm erodes the sand. Mr. Carroll said this is addressed in section 29.1 of this contract.

Mr. Malkin moved to approve addition of 29.1 and to sign contract with John Keene Excavation. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**  
*Contract was signed by all three Selectmen*

Sexual Harassment Policy:

Mr. Doty said he wanted to make sure all town employees are aware of our Sexual Harassment Policy and what channels are available for them. Mr. Doty stressed this isn't just town hall employees but also library and beach department, fire department, ambulance...

Mr. Doty said he and Police Chief Klarèn discussed this today and he (Chief Klarèn) and Mr. Carroll produced a model policy from the Common Wealth of Massachusetts. Mr. Malkin said we also have one in our bylaws. Mr. Doty said our policy is a very complete policy. Chief Klarèn said Mass. General Law encourages employers to conduct education and training for all employees on a regular basis. There is training put on by Massachusetts Commission Against Discrimination January 18, 2018 preventing and addressing sexual harassment. We plan to send 3 people; 1 police officer, 1 library employee, 1 town hall person too. Comparing our policy to the State model they have two separate policies one a sexual discrimination and one a sexual harassment policy.

Chief Klarèn said we want it clear if someone has a complaint where they are to go. Discussion ensued. Mr. Malkin said in general its training men what is not acceptable in the work place and informing primarily women (not always women) they do not have to accept this behavior and here is how you resolve it. Mr. Malkin said something the Human Resource Board (HRB) can work on is how to get this message out to people.

Chairman Rossi asked if Chief Klarèn would request additional training for an officer who would be designated to receiving a harassment complaint. Chief Klarèn said there is another course put out by the Commonwealth for Selectmen to consider; Conducting Internal Discrimination Complaint Investigations. This class mentioned is a three day hands on class. Mr. Malkin said women tend to be more comfortable going to another woman to report harassment. Mr. Malkin asked Chief Klarèn if he would recommend officer Elizabeth Rogers as a contact person. Chief Klarèn said that officer Rogers is a very approachable person and recommended her and another person similarly approachable on the policy as our contacts.

Tim Carroll said Pam Bunker has volunteered to be the contact at town hall. Mr. Carroll said the Chairman of the HRB could go back to being the third contact. Mr. Malkin said he supported this as some victims might hesitate in reporting directly to a police officer. Mr. Malkin said the HRB is meeting this Thursday and he will bring this information to the meeting. Mr. Doty said the policy is sound but the importance of getting this information out to all employees is what we need to follow through with.

Chief Klarèn said a sample paragraph could be:

If a Chilmark town employee believes he or she has been subjected to discriminatory harassment the employee has the right to file a report with the HRB.

Complaint should be filed as soon as possible and if you would like to do so by contacting the Town Administrator. Mr. Malkin said it (the initial report contact) should be either one of these three people; Liz Rogers, Pam Bunker or Jane Greene. Mr. Carroll said some of the contacts in our existing policy need updates that we can get from the Massachusetts Commission Against Discrimination.

#### Special Town Meeting Warrant Review & Assignments:

Chairman Rossi said he was pleased at how smoothly and quick the Special Town Meeting went. Selectmen went through each of the 16 warrant articles to confirm the plan of action for each as all warrants were passed unanimously at the Special Town Meeting held November 27, 2017.

For full warrant link:

[http://www.chilmarkma.gov/Pages/ChilmarkMA\\_TownMeeting/STMWarrantNov.27,2017.pdf](http://www.chilmarkma.gov/Pages/ChilmarkMA_TownMeeting/STMWarrantNov.27,2017.pdf)

#### Chilmark Community Center - Windbreak & MOU Update:

Chairman Rossi said he sent each of the Selectmen a copy of the Draft MOU incorporating the recommendations from each Selectman. The next Chilmark Community Center Advisory Committee (CCCA) meeting is scheduled for January 2, 2018. Chairman Rossi believes the CCAC will give a final go ahead for the MOU and send it back to Selectmen for approval.

Mr. Doty asked when Tom Burke would be moving forward with the windbreak project.

Chairman Rossi said he met with him (Mr. Burke) and Rodney (Supervisor of Town Buildings) yesterday and there was a difference in the elevation that existed on the ground than what was on paper so a few items were reworked to add another step. Chairman Rossi said this setback pushed back the completion date but the contractor is eager to get this work completed. Mr. Carroll said for the record; Thursday December 21 starting at 5:30 PM there will be a community potluck supper at the Children's Christmas party in the Chilmark Community Center. Santa will be arriving at 6:30 PM after the community supper.

Up Island Regional School District - Funding Formula joint Selectmen Meeting:

Chairman Rossi said the next meeting for the funding formula will be scheduled within the first two weeks of January 2018.

US Census LUCA 2020 Recommendation:

Mr. Carroll said Ms. DeBlase submitted a recommendation after attending the workshop the State held for our district. Mr. Doty moved to approve this recommendation from our representative. Mr. Malkin seconded the motion. Recommendation is to have the Executive Secretary sign up Chilmark on our behalf and have Chilmark Assessor's office provide the most up-to-date data and run the digital comparison and submit any additions for the LUCA.

**SO VOTED: 3 Ayes**

Menemsha Updates - Selectmen Malkin - Harbor Advisory Committee (HAC) Memo:

Mr. Malkin asked Chief Klaren if he had spoken with Spider (Edward) Andresen. Chief Klaren confirmed he had. Mr. Malkin said we had seven HAC meetings to deal with various issues that the harbormaster and he (Mr. Malkin) brought to them. We have their recommendations in the memo dated 11/21/2017. Mr. Malkin said some of these (referring to memo) will be put into the budget some were Special Town Meeting warrant articles and some will be operating process in the Harbor Department for the coming year. Mr. Malkin said Spider Andresen has offered his services to be the Assistant Harbormaster for the town and will work on a pro-bono basis.

Mr. Malkin said he met with our Harbormaster and Spider for three meetings the latest one was today. At the meeting we have gone over a written set of duties for the Harbormaster which includes duties in the harbor. Today we worked on the task list. That lists task and who is responsible, what the start date is for task and completion dates. Mr. Malkin distributed material to Chairman Rossi and Mr. Doty stating this was a work in progress but a good outline of what we are doing. Mr. Malkin said next Tuesday we will:

- Build the harbor budget for FY19 from the 0 basis. Capital plan will be part of this budgeting plan.
- We will build staffing from our budget.
- The harbor will be open from May 1<sup>st</sup> to October 15<sup>th</sup> and Harbormaster will have posted hours on the door of the harbor shack for when he is in.
- Harbormaster will be at the harbor shack from 11:00 AM to 1:00 PM from October 16<sup>th</sup> to April 30<sup>th</sup> 5 days a week contact details will be on the door of the harbor shack.

Mr. Malkin said the rest of the list is within the duties of the harbormaster which was given to Selectmen two weeks ago or here on list that is a work in progress. Mr. Malkin said we are looking at what we will need for staffing;

Spider will not serve a regular watch but will fill-in when necessary. Looking at the position of Administrative Assistant position this may become a fulltime position in the summer particularly on the Fridays and Sundays when we have a lot of administrative work. This may allow the ability to eliminate an Assistant Harbormaster job if we have a fulltime assistant down there doing some of the recordkeeping, phone answering, booking, and checking in - out transient boaters. Chairman Rossi asked if this assistant would be at town hall or at harbor shack in Menemsha. Mr. Malkin said the (Administrative) Assistant would be located at the Menemsha harbor shack May 1<sup>st</sup> - October 15<sup>th</sup>

Mr. Malkin said we are going to take the wall out in the harbor shack to open that office to put another desk in. We will be rebuilding that shack / shed that has some beach equipment and pump-out stuff. We will have two additional pump-out hoses for pump-outs on the transient dock. We are also talking with Fire Chief Norton for his recommendations for fire suppression in the harbor. Mr. Doty said this plan sounds terrific and said this is great work. Chairman Rossi said this plan is moving our harbor in the right direction.

Highway Department - Sand fence is up on Menemsha Beach:

Mr. Carroll said this is on the agenda because he wanted to report it was up to help keep sand out of the parking lot and harbor.

Mr. Malkin said in the subject of Menemsha, while John Packer is in Menemsha he will put in the pilings we already purchased this year. While he is working around the Transient Dock we will have Mr. Packer remove less than 1,000 cubic feet by slips 1 & 2. This removed sand will be put onto the beach between the jetty and the groin. Mr. Malkin said we already have an existing permit from Chilmark Conservation to remove less than 1,000 cubic feet so we can move this plan forward now.

Mr. Malkin said we will be re-applying for a new permit going forward to be able to do this sand removal on a regular basis.

HRB signed Position Descriptions - Tax Collector, Accountant, Town Clerk & Tri Town Ambulance Administrative Assistant:

Mr. Doty moved to approve and sign all of these position descriptions submitted by our Human Resources Board. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**  
*Chairman Rossi signed each of the position descriptions.*

Aquinnah Creek Lot F - Ms. Packer's Concerns:

Mr. Malkin said the removal of the pilings has to go to the Waterways Division of the Department of Environmental Protection. Mr. Malkin said he instructed Ms. DeBlase to send our concerns there as well as to the Chilmark Conservation Commission. Mr. Malkin recommended advising Ms. Packer to send this information she sent to us along to the Waterways Division & DEP. And to point out to them that Lot F is not in compliance with the DEP's grant in terms of its commercial use.

Housing Committee Recommended Approval - Morais Refinance of Nab's Corner Home:

Mr. Carroll said this refinance is also a slight increase to their mortgage. Mr. Doty said the Housing Committee unanimously approved this refinance for the Morais family.



Public Safety Building Update:

Mr. Carroll said he spoke with Dennis Ross (safety building design specialist) last week. Mr. Ross is waiting on his draftsman to be available to draft the plans for the exact footprint, and a draft with this lot (town hall). Mr. Ross will have these ready for the Selectmen to review for their December 19 2017 meeting. Mr. Carroll said if the lot in back is still available they can draft that as well but not for the 12/19/17 meeting. Mr. Doty said the drafting will be done for the land that we currently own.

Legal Advertising - Solicit quotes to provide service to Town of Chilmark:

Mr. Malkin moved to approve Mr. Carroll soliciting quotes for our legal advertising needs. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Mr. Board Walk - changes to spacing between slats:

Mr. Carroll said the Planning Board traffic consultant recommended ½ inch spacing rather than the ¾ that we currently have. Residents and visitors have expressed frustration at not being able to push strollers with ease along the Menemsha boardwalk way. Mr. Carroll said folks with strollers are still using the parking lot and road causing congestion and safety issues. Mr. Carroll said we could put shorter spacers between the board slats allowing for strollers to roll on the boardwalk. Along with the shorter spacers we would also need new rope and training from Mr. Board walk on how to make the changes. Mr. Carroll said Seth Karlinsky has said he could do this for us throughout the winter so project would be complete for 2018 season

Mr. Carroll said he is waiting on the estimate from Mr. Boardwalk, he had hoped to have it for tonight. Mr. Carroll said once we get this quote he will bring this to the Planning Board Subcommittee for their approval and then bring back to the Selectmen for your approval and process for hiring a subcontractor to do the work before 2018 season. Mr. Malkin said if it keeps pedestrians off the roadway he is all for it.

Implementation of Retroactive Pay & FY2018 Rate Changes:

Chairman Rossi said we have already talked about the retroactive pay.

Labor contract with Executive Secretary:

Mr. Doty reported that he and Mr. Carroll have met twice in response to our last Executive Session. Mr. Doty said we are recommending moving into Executive Session and meeting with Mr. Carroll. Mr. Carroll said we can talk and you could continue your Executive Session after I leave.

AT 6:53 PM Mr. Doty motioned to move into Executive Session and not return to regular session to discuss labor contract. Roll Call: Chairman Bill Rossi: Aye, James Malkin: Aye, Warren Doty: Aye. Tim Carroll was also present.

Draft Minutes respectfully submitted by Diana DeBlase.

Document List:

- Draft Selectmen Executive Session minutes of 10/17/17 & 11/21/17
- Draft Selectmen minutes of 11/21/17 continued to next page ...

- Vineyard Power email giving background to Vineyard Wind application for lease to build offshore wind project.
- Sample letter of support Vineyard Power / Vineyard Wind are seeking to be endorsed by Chilmark Selectmen.
- Dukes County Sheriff's office regional Emergency Communication Center FY2019 funding request.
- Emergency Communication Center budget sheet comparing FY16, FY17, FY18 ...
- Section 1.1 of Chilmark Human Resources bylaw on Discriminatory Harassment Policy
- Massachusetts Commission Against Discrimination / Model Sexual Harassment Policy
- Recommendation from D. DeBlase after attending LUCA workshop (2020 census)
- Harbor Advisory recommendations for 2018 season
- Malkin - task list for Harbormaster and draft Capital Plan
- Human Resource Board signed position descriptions of Tax Collector, Town Accountant, Town Clerk and Administrative Assistant for Tri Town Ambulance.
- Housing Committee signed recommendation approving Morais Family residence refinance.
- D. Packers letter and supporting documents about her concerns about Aquinnah creek lot "F" DEP application.
- ComCast price changes notice 11/16/17
- Cape Light Compact Energy Efficiency Report
- ZBA decisions November 2017 and Agenda for ZBA December.