

Minutes August 21<sup>st</sup> 2007

Chilmark Board of Selectmen

Present: Warren M. Doty, Frank M. Fenner Jr., J.B. Riggs Parker, Tim Carroll,  
Jonathan Revere, Chris Murphy, Ed Shea, Julia Rappaport, Donald Poole.

Meeting called to order at 7:30 PM in the Selectmen's Meeting Room of the Town Hall.

Minutes of August 7<sup>th</sup> 2007 approved as corrected.

Harbor Mr. Fenner moved and Mr. Parker seconded a motion to approve the work order from Cole Powers to install a compact fluorescent flood light on the end of the transient dock to illuminate the transitional area to the floating docks. SO VOTED: Three Ayes.

PUBLIC HEARING Chairman Doty opened the public hearing on Shellfish Grants at 7:40 PM. He read the three purposes for this hearing: 1) Transfer of Shellfish Grant from John Larsen back to Donald Poole, 2) Modification of the moratorium on new grants to allow two more grants, & 3) review of an application form for shellfish grants.

- 1) Chairman Doty called for public comment on the transfer. There was none.
- 2) Chairman Doty called for public comment on increasing the number of grants to four. Chris Murphy told the Selectmen they should increase the number of available grants. Donald Poole said that the town could consider increasing the size of the grants. Mr. Doty agreed and there was discussion of what Edgartown might be doing. Mr. Parker said that the town should only increase the size or number of grants, but not both at this time.
- 3) There was discussion of the form and some changes were made to it.

Hearing no further comments, Chairman Doty closed the public hearing at 7:47 PM. Mr. Parker moved and Mr. Fenner seconded a motion to approve the transfer of the shellfish grant to Donald Poole. SO VOTED: Three Ayes. Mr. Fenner moved and Mr. Doty seconded a motion to increase the number of shellfish grants from two to four. SO VOTED: Three Ayes. Mr. Parker moved and Mr. Fenner seconded a motion to adopt the draft application shellfish grant application form as changed. SO VOTED: Three Ayes.

Mr. Doty reported on a Shellfish Talk that the library had hosted. He said that a number of residents had expressed concerns that all propagation efforts should be kept neat and orderly.

Dogs – Ed Shea

Mr. Shea came before the board to complain about his treatment by our Dog Officer Chris Murphy. He asked why he had to pay the dog restraint violation tickets in order to get his dogs back. He said that since he paid the fine, the court would not allow him to appeal the tickets. He complained that Mr. Murphy was keeping his dogs from him and not informing him that they were in custody.

Mr. Murphy recounted many violations of the town dog control bylaw and the state laws about restraining dogs. Mr. Murphy had letters from the Aquinnah and West Tisbury Dog Officers about when Mr. Shea's two golden retrievers were running at large. Some of the instances were:

Sept 6<sup>th</sup> 2006 Mr. Fenner picked up the dogs, Sept 9<sup>th</sup> 2006 Mr. Murphy picked up the dogs, Nov 24<sup>th</sup> 2006 Mr. Murphy picked up the dogs, Dec 6<sup>th</sup> 2006 the Chilmark Police picked up the dogs, Dec 10<sup>th</sup> 2006 Ms. Fiedler picked up the dogs barking at the horses on Bliss Pond Farm; Dec 11<sup>th</sup> 2006 the dogs were on Athearn Farm, Jan 6<sup>th</sup> 2007 the Aquinnah Animal Control Officer picked up the dogs and they were fined, March 12<sup>th</sup> 2007 Ms. Gude reported the dogs near her sheep, March 13<sup>th</sup> 2007 the dogs were on Flanders farm and ticketed, March 13<sup>th</sup> Mr. Murphy met with Mr. Shea and Mr. Shea was so abusive that Mr. Murphy called the Chilmark Police to be present, April 11<sup>th</sup> 2007 the dogs were chasing horses, Aug 7<sup>th</sup> dogs were loose, Aug 11<sup>th</sup> – 15<sup>th</sup> the dogs were kenneled by Mr. Murphy.

Mr. Murphy said that these were good dogs, but that they were being allowed to run free. He said he has had complaints that they have been running deer, and he has caught them chasing horses at night. Mr. Murphy said that Mr. Shea had not been a responsible dog owner.

Mr. Shea told the Selectmen that "no one has died here". Mr. Parker told Mr. Shea that it was his responsibility to control his dogs. Mr. Parker said that this town is full of dogs and their owners install electric fences or take other actions to control them. Mr. Doty said that about once a year the Selectmen have to hold a Dog Hearing at which very serious actions are required and dogs have been put down.

Mr. Shea said that the town should not be indemnifying private people to capture dogs. He said that the Dog Officer should not wait until he receives a call to enforce the rules. Mr. Murphy asked the Selectmen to put Mr. Shea on notice that he must control his two dogs. Mr. Fenner told Mr. Shea that if this problem of his dogs running at large comes before the Selectmen again, that the board will have to take serious action. Mr. Shea said he would try to do a better job controlling these dogs.

#### U.S. Census

Mr. Fenner asked what the cost would be to the town to cooperate. Mr. Doty said that it was a good idea to participate in the census. The board agreed to review this again before the deadline.

#### Harbor Master

Mr. Fenner moved and Mr. Parker seconded a motion to approve the request of the Harbor Master to extend his FY2007 vacation leave for 60 days beyond the 120 days. SO VOTED: Three Ayes.

#### Zoning Bylaws

Mr. Parker moved and Mr. Fenner seconded a motion to initiate a revision of the wireless communication section of the town's zoning bylaw to allow Distributed Antenna Systems (DAS). SO VOTED: Three Ayes.

Mr. Parker moved and Mr. Fenner seconded a motion to initiate a new zoning bylaw requested by the Planning Board to require all new swimming pools be primarily heated by solar energy. SO VOTED: Three Ayes.

#### Special Town Meeting

The Selectmen reviewed warrant article requests for the October 29<sup>th</sup> STM. Squibnocket Beach Revetment \$17,500 (our half), Highway Aid from the state \$50,013, North Road paving \$251,689, Community Center Kitchen Roof \$8,000, Cross Road Fire Station repairs \$10,000, Harbor Dept carway \$12,000, Harbor Moorings bill-of-prior-fiscal-year \$2,142.51.

Mr. Fenner said he would like to review the proposed repairs of the fire station with Mr. Bunker. Mr. Doty asked why we would spend \$250,000 to repave if it wasn't necessary yet. Mr. Fenner questioned if North Road was where the paving was needed most. Mr. Parker said that he would prefer to stay with the long term capital plan of repaving a mile of road a year so that we stay ahead of any problems. Mr. Fenner and Mr. Doty will meet with the Superintendent of Streets to examine the road.

#### Tour Buses

Mr. Fenner said that he wanted to make it clear that asking tour buses to stay out of Menemsha was a safety issue. The board agreed. The board agreed to send a thank you letter to the tour bus company for their cooperation and outlining the town's safety concerns.

#### MV Independent Film Festival

Mr. Parker moved and Mr. Fenner seconded a motion to allow the film festival to change its dates to March 14 – 16<sup>th</sup> 2007. SO VOTED: Three Ayes.

#### Tea Lane – Goff

The Selectmen received a letter from Clark Goff expressing his concerns that the grading of Tea Lane maybe affecting the stone walls along the Goff property. It was agreed to have a site visit with Kent Healy and send a letter with the observations made to Mr. Goff.

#### Town Hall – Room Divider

Mr. Parker explained the need for a room divider in the Selectmen's meeting room. Mr. Carroll showed the board information and pricing. The Selectmen told Mr. Carroll to proceed with getting a quote for a unit that would work in this room.

#### Selectmen's Meetings

The board agreed to meet on September 11<sup>th</sup> instead of September 18<sup>th</sup>.

#### Suburban Coalition

The Selectmen decided to not renew the town's membership.

#### Shellfish Constable

The Selectmen were told of the error Mr. Larsen made on his time sheet putting in for 20 hours instead of the 14 hours he was told to work.

#### Notary Services

Mr. Carroll asked the Selectmen if they wanted the receptionist/assist to perform notary services or not. The Selectmen agreed that the receptionist should perform that service for the public and town boards. They commented on the recently increased grade for the position and their expectation that it included these duties.

Mr. Parker moved and Mr. Fenner seconded a motion to ask the Personnel Board to include Notary Services in the position description for the Receptionist/Assistant unless they thought it was not appropriate. SO VOTED: Three Ayes.

#### Land Acquisition

Mr. Parker moved that the board go into Executive Session to discuss land acquisition and not return to regular session at 9:10 PM.

Fenner – Aye Doty – Aye Parker – Aye

Meeting adjourned at 9:40 PM.

APPROVED: September 11<sup>th</sup> 2007