

Present: Riggs Parker, Frank Fenner, Warren Doty, Tim Carroll, Jonathan Revere, Andrew Nana, Mark Russell, Julia Rappaport, Judie Jardin, Steve Lewenberg, Capt. Russell, Mr. & Mrs. Gollin, Bill Smith, Steve Gallas, Steve Bernier, Kent Healy, Stanley Larsen, Jay Walsh, Ginny Jones, Andy Goldman, Mr. & Mrs. Goldberg

Minutes of July 20th approved as corrected.

Squibnocket Beach Lot

Kent Healy and Jay Walsh came before the board regarding a need to do repairs to the stone revetment between the parking lot and the Atlantic Ocean. Mr. Walsh told the board that the Squibnocket Farm Association was willing to contribute to 50% of the repairs. It was agreed to pursue an engineering fix, permits, and funding at the Fall Special Town Meeting.

Community Center Well

Kent Healy spoke to the Selectmen regarding the possible contamination of the well that happened the first week of July. Mr. Doty expressed a desire to secure a solution to this potential health problem in the well shared by the community center and library. Mr. Healy said that the town could run back through the permitting agencies and see about connecting the newer well at the elementary school. Mr. Carroll reported that he had spoken to the well driller, John Clark, and was told to get water meters installed. The meters were being installed as soon as possible because the community center summer program was already half over. The town needs to have an accurate measurement of water use in the summer if it is going to amend the permits to possibly use the school well. Mr. Healy also said that the source of contamination could be determined and take steps to correct the situation so the town could keep the existing well.

Bill Smith

Mr. Smith came before the board with seven concerns as a boater and a marine repair business that works on the water. The first was Hariph's Creek town landing. He said that it is too shallow to easily launch boats. Mr. Doty said that the Harbor Master will address this. Mr. Fenner said that the town would possibly increase the angle. Mr. Parker said that dredging might be necessary.

Mr. Smith complained that people leave boats blocking the ramp and that the town is making the situation worse by mooring the shellfish aluminum boat on the floating dock at Hariph's Creek. Mr. Doty said that this had been discussed over the past 48 hours. Mr. Fenner said that this boat would be moved to the transient yacht dock where the upweller was located for now. Mr. Fenner discussed how it is difficult for the harbor staff to manage the dinghies tied to the floating dock as they are not required to be registered and have no marks indicating ownership. Mr. Fenner said that perhaps a new regulation requiring dinghies left at the town landing to have a numbered sticker from the town could help.

Mr. Smith said that planks had been loose all spring on the wood floating dock. Mr. Fenner agreed. He reported that the planks had been re-nailed by the harbor dept.

Mr. Smith described how the wood floating dock was not accessible by the ramp at extreme high tides. He suggested a "v" notch or other modifications to the aluminum ramp and the installation of a vertical ladder on the US Coast Guard boathouse end of the floating dock.

Mr. Smith said that safety ladders were needed all around the harbor and that they needed to be well marked for use in an emergency. Mr. Parker asked him how many ladders would be needed. Mr. Smith said four or five. He said there should be one on the commercial dock, one on the transient dock, and one on the floating dock. Mr. Parker said that there ladders on the new concrete floating dock.

Mr. Smith then asked if the current policies being enforced by the town were making Menemsha into a boater unfriendly place. He also asked if that was why the harbor was not full with boats like it

has been in the past. Mr. Doty defended the maximum size limit as a means of keeping Menemsha a small boat harbor, that the two week maximum stay lets more people use the transient slips in the harbor, and not taking reservations keeps the harbor informal and keeps slips available to people cruising by. Mr. Parker said that Menemsha is one of the few places left that is informal. There was discussion.

Mr. Doty told Mr. Smith that the Selectmen appreciated his feedback and that the board agreed with five of his comments. There was discussion about addressing these and other harbor issues in the fall. Stanley Larsen said that he agreed with Mr. Smith. He said that because of the treatment they received, people say they are not coming back. He said the Harbor Master doesn't return phone calls.

Distributed Antenna System - Global Protection Communications Systems

CEO Mark Russell addressed the Selectmen and introduced Andrew Nana and Davidson Scott. He said that they were working with Aquinnah to install a DAS there next summer. Mr. Parker said he was interested in the financing of this venture as this organization has not done a DAS yet, though he recognized that the principals had.

There was discussion of the number of poles required to service Aquinnah (16) compared to the use of 70 foot towers (12). Chilmark does not allow 70 foot towers and Mr. Doty asked if their system could work on our 40 foot utility poles. Mr. Nana said that they would be installing their own brown hollow fiberglass poles across the street from existing poles with the top five feet being the antenna. Mr. Scott said that some RF tests had been done, but that more were needed. He said that this was in the "notional" design phase now.

Mr. Doty said that free use by local public safety would be nice. Mr. Nana said that as a public utility, they would not be able to give one group of people a different rate for service. Mr. Parker said that any DAS would require the town issue an RFP.

Mr. Lewenberg asked if the burying of their fiber optic cables through town would require special approval. Mr. Nana said no, and that as a public utility, they were allowed to use the right of way. Capt. Russell asked if this system would mean additional poles. Andrew Nana said yes. Capt. Russell asked if cell phone users would pay anything to use this system. Mr. Nana said no, that the system would be transparent to the users and any cost would be born by their carrier. Mr. Russell said that it was possible to use this base system to provide fiber optic service to homes and businesses in the future. Steve Bernier asked how many more poles would be needed in town. Mr. Scott said that without radiation tests, that was not known, but that 16 were needed to cover Aquinnah. Mr. Bernier said that a map of town with potential locations of these poles would be helpful. Mr. Russell said that would certainly be forthcoming.

Carole Goldberg asked who called these people (GPCS). She asked how this would enhance people's lives. Mr. Russell said that a consultant working for Aquinnah and Chilmark called them and that he hoped to improve public safety communications that could save a life. Mr. Doty told the room that controversy over any cell service being desirable is alive and well in Chilmark.

Mr. Scott explained why he thought a 100 foot tower at Peaked Hill was not necessary for the USCG RESCUE 21 program. Mr. Carroll reported that the USCG had called this evening to disagree with GPCS's assertions, to reaffirm the USCG's interest in Peaked Hill and sent a map to show the desired locations of the RESCUE 21 sites. Mr. Doty spoke to the conservation restriction on Peaked Hill, the panoramic views, the great natural spot that it is, and how the town had voted to limit development on this location. He said he was very reluctant to discuss raising the tower to 100 feet.

Mr. Fenner said that Grain Communications told him they were withdrawing their proposal for a tower on Peaked Hill. He said that Grain expected that the USCG was going to approach the town with a proposal of their own for a self supporting tower with no down guy wires.

Mrs. Gollin recounted the Special Act of the legislature in 2001 that only allows "non-commercial public safety" use. Mr. Doty said that there have been no changes. Mr. Bernier said that he can not receive the NPR radio station from Woods Hole at his home in Spring Point, on the North Shore, and he would like the town to put that on their list of improvements. Mr. Doty said that he would much

prefer the town dump site as the site for an antenna tower if necessary, instead of the most beautiful hilltop around. Mrs. Gollin said that a 100 foot tower might push the envelope for Peaked Hill.

Cape Cod Municipal Health Group - Wellness Programs

Ms. Jardin came before the board as a member of the CCMHG Steering Committee and the island's wellness program coordinator. She asked the Selectmen to choose what wellness programs they were willing to support by allowing employees to attend them "on-the-clock". She described how there would be 12 sessions for the cardiac group and if the employee attended 11 sessions, the town would receive a \$200 refund from the health group.

Mr. Fenner moved and Mr. Parker seconded a motion to support the Heart Improvement Program, the Walking Program, Work Site Health Screening, and Cancer Prevention; the walking program to be done on the employee's own time. SO VOTED: Three Ayes.

Shellfish Constable

Steve Lewenberg told the board that the Personnel Board had removed the propagation duties from the position description for the Shellfish Constable as requested. Stanley Larsen said that the position description does not cover the whole job, that it was too vague and general. Mr. Lewenberg explained how the Personnel Board was in the process of evolving all position descriptions to general and then establish specific goals and objectives for the job each year. He said they were doing this for all jobs in the town. There was discussion.

Mr. Doty said that he had only received this position description today and that he was not ready to take action on this tonight. Mr. Larsen said that it was not fair for the town to take this action, and that he would not be able to complete all his duties with only 14 hours a week. Mr. Fenner said that the position description looked good and thanked the Personnel Board. Mr. Doty said that this would be on the agenda for August 7th.

MV Regional School Budget

The board discussed the Department of Education's FY2008 Foundation Reserve ("pothole"). Mr. Doty said that the town would not apply for category D. Mr. Fenner and Mr. Parker agreed.

Mr. Parker moved and Mr. Fenner seconded a motion to apply for Category C state aid for towns that had suffered an increase due to being forced into using the statutory assessment formula. SO VOTED: Three Ayes.

Beach Committee

The Selectmen accepted the resignation of Ian Fein and agreed to thank him for his service. Mr. Parker moved and Mr. Fenner seconded a motion to appoint Clarissa Allen to the Beach Committee. SO VOTED: Three Ayes.

Shellfish Constable

Steve Bernier asked to address the board about the changes to the Shellfish Constable's job. He said that the talk on the street was not good about what the town is doing about this position. He accused the town of whitewashing and doing a snow job. He said the position description made no sense. Mr. Bernier said that if the Shellfish Constable is not doing his job, then that should be dealt with. He said that the town should be protecting its shellfish resources.

Mr. Parker said that the reason for the change is a reorganization of the shellfish program to have someone else do the propagation. Mr. Bernier said that this part of the equation was not discussed at the town meeting. He said that the public process and education could be better. Ms. Jardin said that she had brought this issue up at the town meeting. She said that this action sounds to her like what she heard the selectmen say at the annual town meeting. Mr. Doty said that the Selectmen had spent a lot of time attending meetings and thinking about our shellfish program. He said that the past few weeks have seen

a quite a bit of new effort. Mr. Larsen said that the group was side stepping the whole issue of him having his hours and benefits cut.

Mr. Doty said that the board had thought about having the constable assist the propagation agent, but have decided that does not work. He said that one person needs to be in charge of the program and that is the Propagation Agent. Mr. Doty said that he thought this department has needed reorganization for a long time and that now the constable's job requires less time. Mr. Bernier said he thought this was moving very fast.

Mr. Fenner said he was very interested in improving the shellfish resource. He said that until the Shellfish Propagation Agent was voted by the town, the board did not know what was going to be needed to do the job.

Mr. Larsen said that this was passing the buck. He said that he has not talked to anyone that supports this decision of the Selectmen and called it "rotten" and "evil". He told the board that he had attended all the shellfish meetings and that they did not discuss taking away his benefits.

Mr. Larsen said that there were lots of shellfish in our ponds. He asked if this was what he got for his service to the town. He said it took him 18 years to figure out how to grow shellfish and now the Selectmen were taking away from him during his most productive years.

Shellfish Grants

The Selectmen agreed to hold a public hearing on expanding the number of grants in Menemsha Pond on August 21st.

Middle Line Road

Andy Goldman recommended that the town award the contract for the Archeological Survey at Middle Line Road to UMASS as they were also a public entity with a prior working relationship with the town. He said both vendors were qualified. He said both proposals were comparable. He said he felt more comfortable with a public agency on this public project. He recommended striking the shared liability clause.

Mr. Parker moved and Mr. Fenner seconded a motion to approve awarding the contract to UMASS pending Legal Counsel's review of the contract. SO VOTED: Three Ayes.

Mass Estuary Program

The Selectmen agreed to have an article on the Fall STM for \$1,750. The board reviewed and approved the scope of work for Tisbury Great Pond project in cooperation with the DEP and the town of West Tisbury. Moved by Mr. Parker and seconded by Mr. Fenner. SO VOTED: Three Ayes.

Stanley Larsen said that he had serious issues with the affordable housing project's impact on nitrogen loading of the Tisbury Great Pond.

Computer Use Policy

The Selectmen reviewed the materials from a Mass Municipal Personnel Association meeting on the topic of appropriate computer use. They said they liked the Plymouth model policy. Mr. Fenner moved and Mr. Parker seconded a motion to direct the Executive Secretary to draft a policy for Chilmark. SO VOTED: Three Ayes.

Tour Buses

The board was advised by the Police Department that tour buses are entering Menemsha this July. On one occasion the bus attempted to drive down Boathouse Road. Mr. Fenner reported on how this adversely impacted traffic in the area. The board discussed the public safety, the congestion in the area and the lack of any place to turn a tour bus around.

Mr. Parker moved and Mr. Fenner seconded a motion to send a letter to the MV Sightseeing Company to remind them that tour buses are not allowed in Menemsha during July and August. SO

VOTED: Three Ayes.

At 9:50 PM a motion was made to move into executive session to discuss litigation and land acquisition and to not return to regular session. Fenner - Aye, Parker - Aye, Doty - Aye.

Executive Session was adjourned at 10:20 PM.

APPROVED: August 7th 2007