

People present: Warren Doty, Riggs Parker, Frank Fenner, Tim Carroll, Jonathan Revere, Isaiah Scheffer, Melanie Becker, Julia Rappaport, Frank Yeomans, Sylvia Yeomans, Jonathan Mayhew, Hollis Smith, Becky Kaplan, Wally Epstein, Jane Slater, Dennis Jason, Thomas Bena, Andy Goldman, Spider Andresen, Richard Steves, Ian Yaffe.

Meeting called to order in the Selectmen's Meeting Room at 7:30 PM by Chairman Doty.

Minutes of April 17<sup>th</sup> changed to combine the two references to Mr. Bena, and approved.

#### Historical Commission

Jane Slater presented a letter from the Historical Commission recommending that the Norse Rune Rock not be removed. A letter from the state archeologist raising various concerns was read. Mr. Parker moved and Mr. Fenner seconded a motion to accept and endorse the negative recommendation of the Historical Commission. SO VOTED: Three Ayes.

#### Chilmark Road Race

Mr. Epstein made the annual request for the Chilmark Town Affairs Council to have permission from the town to hold the annual 5 K Road Race on August 11<sup>th</sup> 2007 at 10:30 Am on Middle Road. He said this would be the 20<sup>th</sup> annual race. Mr. Fenner moved and Mr. Parker seconded a motion to authorize the road race under the same conditions as last year. SO VOTED: Three Ayes.

#### Community Center

Becky Kaplan, chairman of the Summer Program Committee and Wally Epstein discussed the new windows and kitchen at the Community Center. They thanked the Selectmen for the upgrades and said that the public hadn't even noticed the windows had been changed from last year. They asked for permission for a small garden near the ball field. Mr. Carroll will work out a location and size with Mrs. Kaplan.

#### State Mandated Health Insurance

Treasurer Melanie Becker reported on the town's efforts to implement the Chapter 58 requirements as of July 1<sup>st</sup>. There was discussion. It was said that stipends alone will not qualify employees to participate in the pretax deduction of health insurance premiums from wages. Mrs. Becker said she did not need any action from the Selectmen at this time.

#### Sylvia Yeomans

Mr. Doty recommended that the Selectmen grant Mrs. Yeomans three Personal Days for her to attend the deployment of her son to Iraq as part of a carrier battle group this past winter. Mrs. Yeomans asked to be able to take that time to offset two vacation day already taken in FY07 and one comp day in FY08. Mr. Parker moved and Mr. Fenner seconded a motion to grant Mrs. Yeomans three Personal Days, two being used in FY07 and one in FY08. SO VOTED: Three Ayes.

#### MV Independent Film Festival

Mr. Parker moved and Mr. Fenner seconded a motion to allow Thomas Bena to hold a late August movie on the condition he make a donation to the Chilmark Town Affairs Council in the same amount as he did for the other summer movies. SO VOTED: Three Ayes.

Mr. Parker moved and Mr. Fenner seconded a motion to approve the annual film festival to be held at the Community Center on March 21, 22 and 23 of 2008 with the same rules as 2007. Mr. Carroll pointed out that this was Easter weekend. Mr. Bena said that would not matter. SO VOTED: Three

Ayes.

### MV Community Services

Mr. Parker moved and Mr. Fenner seconded a motion to grant permission for the Martha's Vineyard Community Services to use Menemsha Beach for their MV Challenge sailboat races on September 1<sup>st</sup> 2007. SO VOTED: Three Ayes.

### Harbor - Administrative Assistant

Harbor Master Dennis Jason reported that he had hired an Assistant Wharfinger instead of an Assistant Harbor Master for this season giving his department a surplus in that budget line. He requested the Selectmen's permission to use wages appropriated for the Assistant Harbor Master for additional hours to be paid to the Administrative Assistant for hours already worked in connection with a law suit and administrative duties related to the mooring and slip assignments. Mr. Carroll asked if this was for FY07 and FY08. Mr. Jason said it was for FY07 only. Mr. Parker said that this had already been before the Personnel Board with a positive recommendation. Mr. Parker moved and Mr. Fenner seconded a motion to authorize the use of surplus wages in the FY07 Assistant Harbor Master budget line to fund extra hours for the Administrative Assistant in FY07. SO VOTED: Three Ayes.

### Harbor- Paving and Guard Rail on West (Filled) Dock

The Selectmen discussed the pending project and decided to postpone the paving until the fall if it is not done this week and, with the input of boaters present, continue with the guard rail installation as White-Lynch is able to do the work.

### Harbor - Robin Smith - Floating Dock Slip Assignment

Hollis Smith read a letter from his sister, Robin Smith, protesting the loss of her assigned slip on the floating dock due to the Harbor Master not receiving her payment by the January 15<sup>th</sup> deadline. She asked for a telephone call from the Harbor Department (town) to notify people in the future.

Mr. Fenner said that the Harbor Department should make the phone call for assigned people or a registered letter if they could not be reached by phone. He said we try to be a friendly and tight knit community, and that a simple phone call is reasonable. He said that we should increase the number of moorings from 200 to 201 or 202 for a year or so, but that this is a slip and she deserves to have her slip.

Dennis Jason said that if the Harbor Department starts making calls, then we should call all of them. Mr. Fenner asked who? Mr. Jason asked when would the cut off be for making these calls? Mr. Fenner said that there were only 5 to 10 people that would require phone calls. Mr. Jason said there were 15 this year. Mr. Fenner said that this was still a reasonable number of calls to make. Mr. Jason said that he was just enforcing the regulations that required people to lose their slip assignment if they missed the deadline. Mr. Fenner said people are human.

Spider Andresen said that this regulation is not friendly and it is not Chilmark. He said it is mean. He said that a phone call is reasonable for the town to make. Mr. Andresen spoke of other people that have lost their mooring permits and that this is a good night to talk about it.

Assistant Harbor Master Richard Steves said that it was a lot more than 5 or 10 people missing the deadline in the past. He said that it took a lot of effort to get the number down to 10 or 15 and that giving the slip back to Robin would take a slip away from someone else that has been waiting.

Mr. Parker said that the Harbor Department sends a notice out on November 15<sup>th</sup> with a due date of January 15<sup>th</sup>. He said that state laws require fair treatment of everyone, not differentiate between assignees or waiting lists. He said there were 295 applications and that it is the applicants' responsibility to return the applications by noon on January 15<sup>th</sup>. He said that this is posted on the web site and he mentions it at public meetings, that the policy was publically posted to begin with, all to be fair to people. He said that the Selectmen told the Harbor Master to do his job and now we should support the Harbor Master in doing his job.

Andy Goldman said that he spent 13 years on the waiting list. He said he was not opposed to

greater notice, but that to do this retroactive when we all know how important it is to get the leases in, is to have no system at all. He said that would not be a good policy. Mr. Jason said that when he started here there were five different mooring lists. He said that notices were sent out to remind people. Jonathan Mayhew said that there was only one mailing sent.

Mr. Mayhew said that he thought these are draconian rules. He said that a 30 day grace period with a certified letter going out before a February 15<sup>th</sup> deadline would give civility to the process. Mr. Parker said that the purpose of the deadline was to give people time to get a boat if assigned a slip or mooring. Mr. Mayhew said that then Robin should have been notified she lost the slip. Mr. Smith said that Robin was not told until two weeks ago when he tried to put her boat in the slip.

Assistant Harbor Master Ian Yaffe suggested that the Harbor Department make a phone call seven days before the deadline. Mr. Parker said that the Selectmen could change the rules, but ignoring the rules undermines the Harbor Master. He asked people to propose a change.

Jack Regan told the Selectmen that Robin was irate when she was notified two weeks ago. She compared it to missing an mortgage payment on your home and how they sent you a reminder before taking your house. He said she was devastated by the loss of her slip.

Mr. Jason said that he gets constant pressure to bend the rules and described some of them. He asked the Selectmen to make it fair for all the people on the waiting list.

Mr. Fenner said that he was not ridiculing the Harbor Master for doing his job. He told Mr. Jason that the harbor had never been more organized and tightly and transparently run. Mr. Fenner said that he believed it could be compassionate at the same time for everyone. He said the Selectmen have made an error and should correct it, it is wrong.

Mr. Parker said that the board went through the this set of regulations line by line, and didn't think it was wrong during the public hearing. He pointed out that state law requires these systems to allocate Town assets to be fair to all, which includes those on the waiting lists. Mr. Fenner said that he was not aware that they had eliminated all discretion. Mr. Parker said that the purpose of the regulations was to remove all discretion. There was discussion.

Mr. Doty said that it was time for the Selectmen to discuss this among themselves now. Mr. Mayhew said that having 200 mooring permits is an arbitrary number. He said that the town should try and find a place to put the new slip person, put Robin back in her slip, then assess who was injured by this policy and maybe you restore 5 or 10 moorings. Mr. Mayhew said a red light should have gone off when a woman was at town hall crying at the loss of her husband's mooring. Mr. Jason spoke to that situation. Mr. Parker said it would be a big mistake to change things retroactively, but that he was open to proposed changes for the future that are made according to the appropriate process. Mr. Doty said one proposed change would be to change the deadline to February 15<sup>th</sup>.

Mr. Fenner said that the Harbor Master should look into this situation and see who has been effected. He said we should ask the Harbor Master to reinstate Robin and find a place for the new person. There was discussion. Mr. Yaffe suggested sending a certified reminder to those who have not responded before the deadline.

Mr. Fenner moved and Mr. Doty seconded a motion to reinstate Robin Smith to her floating dock slip assignment, work on finding the new boater a place until another slip opens up. Mr. Parker said once we put discretion back into the process, we have lost it. He said that we want a system that is impeccable. He said he would hate to see us regress. Mr. Parker said he did not see why the Selectmen should go back to the old way and do favors for people we know. He said there should not be a double standard. Mr. Parker said that he spoke for the people on the waiting list.

Mr. Fenner said that he did not even know the name of the person who lost their mooring assignment. Mr. Doty said that he didn't think this was unfair or would undo the good work done by the Harbor Department. Mr. Jason left the meeting at this time. Mr. Doty called for the vote. SO VOTED: Two Ayes, One Nay. Mr. Parker dissenting.

Mr. Parker disclosed that he had sent the other Selectmen an email on this issue before the meeting and gave it to Mr. Carroll to make available to the public.

Mr. Andresen asked to address the situation of the Relamar, Don Davis and Bob Congdon. Mr.

Doty said that tonight we are looking at a second notice to everyone, not broader issues.

### Shellfish Department - Budget

Isaiah Scheffer, Shellfish Propagation Agent, presented a reworked shellfish department budget that the Shellfish Advisory Committee had worked up at their meeting Monday. There was a discussion of the propagation work done to date. The Selectmen took no action on the budget changes as it was within the appropriation of the Annual Town Meeting and only a realignment with the needs of the new propagation program.

Mr. Fenner suggested that Mr. Scheffer pursue grant funding. He singled out the Permanent Endowment Fund and their item # 3. It was discussed that there might be \$40,000 a year awarded. Mr. Doty said that he had spoken to that group and that the Mussel program out of Menemsha received \$5,000, but that a town might have difficulty obtaining any of that funding.

### Shellfish Grants

Request of John Larsen to transfer his shellfish grant back to Donald Poole was postponed until the next meeting on July 10<sup>th</sup>.

### Everett Poole

Mr. Doty said that Mr. Poole had given the town permission to place the upweller on his dock across from the Homeport Resturant.

### Special Town Meeting

Mr. Parker said that he hopes the town will approve the land acquisition for the refuse district. Mr. Fenner described why the district needs this additional land. Mr. Doty asked if it could be used to encompass a construction materials exchange. Mr. Fenner said that things like this should be done by the district. Mr. Doty asked about composting on the property. Mr. Fenner said that is one of the facets of waste management, but that it needs to be carefully monitored down the road.

Mr. Doty discussed the pot-hole funding and the potential for 50 - 80% relief from the state budget. He urged the approval of the new high school budget. Mr. Parker said that he had never encountered a pot hole that was good to him, and he was not going to count on this funding becoming available to the town. Mr. Parker said that he supported the school and the town should support the budget. He also said that the Selectmen need to address what happened, and why, at the town meeting. It was discussed how the state has pitted town against town, created a windfall for one town and hardship for others, and set back regionalization for many years. Mr. Fenner said that if he could effect the sate by voting down this article he would do so, but he did not want to adversely effect the highschool. Mr. Carroll asked if any information should be prepared to inform the voters. Mr. Goldman asked the Selectmen to make a coherent presentation to the voters at the meeting.

### Creek Lot 14

The board reviewed the history of this lot and Mr. Parker moved and Mr. Fenner seconded a motion to add the name of Louis Stanley Larsen, of 13 Wampum Way, on the lease for lot 14. SO VOTED: Three Ayes.

### Secretary of State - Record retention liaison

The request of the Secretary of the Commonwealth for designation of a liaison was postponed.

### Judith Boyd - Town Hall Flowers

Mr. Parker moved and Mr. Fenner seconded a motion to write a thank you letter to Judith Boyd for planting the whiskey barrels around the town hall with red, white and blue flowers. They also agreed to reimburse her for the \$169.32 that she submitted receipts for. SO VOTED: Three Ayes.

Annual Appointments  
POLICE Department

Police Officers	Gregory Karsner James McQuinn Ryan Maher	
Traffic Officers	Jesse Burton James Walsh	Charles Pitetti Allison Flanders
Special Police Officers	Timothy Carroll Sarah Briggs Matthew Gebo	Bret Stearns Marshall Carroll Blaze Montello

West Tisbury Police Department:

Chief Beth Toomey  
Sgt. Jeffery Manter  
Sgt. Dan Rossi  
Sgt. Matthew Mincone  
Det. Dan Gouldrup  
Garrison Vieira  
Sean Slavin  
Jennifer Kelly  
Leomar DeOliveira

Aquinnah Police Department:

Chief Randhi Belain  
Sgt. Paul Manning  
Ryan Ruley  
Charles Chaprales

**<INSERT BEACH & EMT's electronically OBTAIN FROM MARTINA>**

Accountant	Tom Wilson	
Coordinator of Admin. Support	Chuck Hodgkinson	
Asst. Assessor	Pam Bunker	
Admin. Asst./Insp. Board of Health	Sylvia Yeomans	
Admin Asst. Planning & Housing	Christina Soulagnet	
Asst. to Exec.Sec. & Receptionist	Annette Anthony	
Collector of Taxes	Polly McDowell	
Town Clerk	Margaret Orlando	
Election Officials	<i>Postpone</i>	
Registrars	<i>Postpone</i>	
Asst. Town Clerk	Annette Anthony	
Board of Appeals	Rodney Bunker	2012
BOA Alternates (5)	Wendy Weldon	

	Barbara Armstrong	
	Vacant	
	Vacant	
	Vacant	
Building Inspector	Leonard Jason Jr.	
Emergency Management	Director: Dan Bryant	
	Deputy: Billy Smith	
CCC Advisory Comm.	Kathie Carroll, Jules Worthington & Rodney Bunker	
Conservation Commission	Richard Steves	2010
	Russell Malone	2010
Con. Comm. Associate Member (2)	Virginia Dyer	
	Vacant	
Conservation Officer	Russell Walton	
Asst. Constable	Vacant	
CCOA	Ethel Sherman	2010
Custodian	Rodney Bunker	
Janitor	Marjorie Hayes	
Dog Officer	Chris Murphy	
Asst. Dog Officers	Joan Jenkinson & Alan Healy	
Executive Secretary	Tim Carroll	
Fire Chief	David Norton	
Asst. Fire Chief	Tim Carroll	
Admin. Asst. Fire Dept.	M. Sloan Hart	
Forest Warden	David Norton	
Gas & Plumbing Inspector	George Apostolides	
Inspector of Wires	Cole Powers	
Asst. Inspector of Wires	David Schwab	
Harbor Advisory Committee	Louis S. Larsen, Greg Mayhew, Everett Poole, Paul H. Mayhew, James D. Morgan, Scott McDowell & Alex Preston	
Harbor Master	Dennis Jason	
Mooring Assignment Comm.	<i>Postpone</i>	
Historical Comm.	Elizabeth Carroll	2010
MV Land Bank TAB	Warren M. Doty	

Library Director	Ebba Hierta	
Children's Librarian/Asst. Librarian	Kristen Maloney	
Library Associate	Kimberly Schlesinger	
Moth Superintendent	Keith Emin	
Park & Recreation Comm.	Tim Carroll, Andy Goldman, Jane Slater Alex Preston & J. B. Riggs Parker	
Personnel Board	Richard Williams	2010
	Susan Heilbron	2010
Shellfish Constable	Stanley Larsen	
Asst. Shellfish Constable	Edward Andresen	
MV Shellfish Group	Warren Doty	
Site Review Committee	JB Riggs Parker	
Tri-Town Ambulance Comm.	Postpone	
Dukes County Advisory Board	Frank Fenner	
Cable TV Advisory Comm.	Jay Lagemann	
Joint Transportation Comm.	Keith Emin	
Non-Voting Alternates	Leonard Jason Jr. & Dan Greenbaum	
Housing Committee	Andy Goldman	
BOS Appt.	William Randol	
BOS Appt.	Vacant	
BOS Appt.	Vacant	
Alternate	Vacant	
CPC	Warren Doty	
BOS Member	William Randal	
At - Large	Vacant	
At - Large	Vacant	
At - Large	Vacant	
Beach Committee	Postpone	
MVTV Board of Directors	Jules Worthington	
Skate Board Park Comm.	Philip Demers	

Mr. Parker asked to be relieved of his Harbor Department liaison duties and for one of the other selectmen to take over. Mr. Doty postponed this until the next meeting.

Mr. Parker said that the chairman's position should rotate on town boards when it is possible. Mr. Fenner and Doty agreed.

#### Handbook for Committee Members

Mr. Carroll asked the Selectmen to consider the publishing of a handbook based on the Lexington document given to the board to review. The Selectmen approved the Executive Secretary

proceeding with a Chilmark version.

Middle Line Road

The board discussed the upcoming MVC written decision. The Historical Survey was postponed until the July 10<sup>th</sup> meeting.

Squibnocket Beach

Discussion of stones along rip rap.

Trees Along Town Roads

Mr. Parker questioned who decided what trees along public roads were dead and had to be removed for safety. Mr. Carroll said that was Keith Emin.

Mr. Parker moved and Mr. Fenner seconded a motion to go into Executive Session for the purpose of land acquisition and to not return to regular session.

Fenner - Aye                      Parker - Aye                      Doty - Aye  
10:00 PM

Meeting adjourned at 10:32 PM.

Approved: July 10<sup>th</sup> 2007