

Present: Riggs Parker, Warren Doty, Frank Fenner Jr., Tim Carroll, Jonathan Revere, Lynn & Susan Murphy, Virginia Jones, Dennis Jason, Richard Steves.

Called to order in the Selectmen's Meeting Room.

Minutes of October 7th 2008 approved as written.

Menemsha

Mr. Fenner opened the meeting to a discussion of how the summer season went in Menemsha this year. This meeting had been advertised in the newspaper and the Police, Fire, Harbor, Highway, and Beach Departments as well as the Comfort Station contractor had been invited to this meeting.

Mr. Jason said that the trash job was done well this year. Mr. Parker and Mr. Fenner agreed. Mr. Fenner said that people at Larsen's Fish Market had told him that the comfort station was well maintained this summer. Mr. Parker commented on how it was always a challenge to keep the facility clean given the volume of use.

Mr. Doty asked how often the showers were broken and if charging quarters was still the way the town should operate. Mr. Steves said that the meter was full of quarters and needed to be emptied to work about 6 times all summer.

Mrs. Murphy said that her comments made at the Special Town Meeting September 22nd were not intended to be a "slam" on the custodian. She made several suggestions. 1) to have spare hand driers on hand to replace broken ones, 2) to add a second shower stall to the woman's side of the comfort station, 3) retain a plumber that will come immediately to make repairs, 4) setup porta-pottie to relieve the night rush, 5) staff the bathrooms, 6) stop charging for showers.

It was discussed that this was possibly the only public shower on the island and that making it only available to the boaters was not necessarily the best idea. Mr. Doty suggested using tokens for the yachtsmen. Mr. Parker suggested a sign telling people to limit showers. Mr. Doty agreed with short showers. Mr. Fenner said there should be a sign telling people where to report problems.

Susan Murphy also asked that an additional trash barrel be placed near Lynn's lot to collect the food establishment trash that has been collecting there during the summer.

Mr. Doty proposed having the town conduct a count of the use the comfort station receives on a busy day or an busy hour. He said this could assist with planning for changes and upgrades. It was discussed that the library has a photo-eye door counter to track use of the library. Mr. Carroll will look into the same technology for the comfort station next summer.

Menemsha Water Ways Rules and Regulations

Mr. Fenner handed out a proposed language change to section "P" & "Q" from Town Counsel Ron Rappaport. ***P. "Commercial Mooring" means any Mooring placed in Chilmark waters for which a rental fee is charged and is paid to the two existing Chilmark marine service businesses (the "CMSB"), which have been historically issued multiple annual permits for at least twenty five (25) years and are permitted to continue their***

operations in accordance with this provision or until the Department of Environmental Protection, or other governing authority, rules otherwise, or until these regulations are amended or revoked. To remain in operation, the CMSB must be registered as required by the appropriate state or federal authorities and may not transfer their right to charge rental fees for commercial moorings to any other person or entity, with the exception that the CMSB may be maintained by the surviving spouse of the present operators. In the event that a commercial mooring becomes available from either of the CMSB, the available commercial mooring shall be offered to the next eligible person on the Mooring Waiting List. The right of the two CMSB to continue the practice of issuing commercial moorings may be revoked by the Harbormaster, in his discretion and after hearing with at least seven days notice, for failure to follow any of these rules and regulations, or for any other reason within the scope of the Harbormaster's powers. The Board of Selectmen shall participate in said hearing and, prior to the Harbormaster's decision; make a recommendation on whether to revoke.

Q. "Mooring Assignment Committee" means a committee consisting of the Harbormaster, a member of the Board of Selectmen and one other person appointed by the Board of Selectmen. This committee shall review the assignment of all moorings and mooring regulations for transparency and proper process.

Mr. Parker requested a recess so that the memorandum could be read.

Mr. Fenner declared a recess at 8:00 PM. Meeting called back to order at 8:07 PM. Virginia Jones handed out copies of the Tisbury Waterways Rules and Regulations. She read about the commercial mooring section.

Mr. Parker said that section "P" was excellent. Mr. Murphy spoke of the history behind his marine operation. The board agreed he provided a valuable service. There was discussion. Mr. Doty moved and Mr. Parker seconded the adoption of section "P" as amended by the insertion of the word "public" before "hearing". SO VOTED: Three Ayes.

Mr. Fenner read the section about creating an Assignment Review Committee. He said it would review the assignments of the Harbor Master to slips, moorings, and mooring regulations for transparency and proper process. Mr. Parker said it was not needed because the state calls for an appeal to the DEP. There was discussion.

Mr. Jason proposed that people with a grievance could appeal to the Board of Selectmen before the DEP. Mr. Doty supported the idea of a local process before appeals went to the DEP. Mr. Parker moved and Mr. Doty seconded a motion to create a new section VIII, D that said "Any person aggrieved by the enforcement of these regulations may bring the matter to the board of Selectmen." SO VOTED: Three Ayes.

Mr. Parker moved and Mr. Doty seconded a motion to omit the proposed section "Q" from the waterways regulations. SO VOTED: Two Ayes. One Nay.

Mr. Doty then moved the entire 2008 Waterways Rules and Regulations as amended for approval. Seconded by M. Parker. SO VOTED: Three Ayes.

Larsen's Fish Market

Mr. Fenner reported on a site visit he made in response the Betsy Larsen's request to install a filter box for her lobster tanks. Mr. Doty moved and Mr. Parker seconded a motion to approve the request. SO VOTED: Three Ayes.

Tree Removal Project

The Selectmen reviewed the bids received for removing approximately 257 trees along the town roads. Mr. Parker moved and Mr. Doty seconded a motion to award the contract to the lowest bidder, Maciel Tree Service. SO VOTED: Three Ayes.

Shellfish

Mr. Doty reported on the Shellfish Advisory Committee meeting held October 16th with the commercial fishermen. Shellfish Advisory Committee Recommendations were: Set commercial Bay Scallop limit at two bushels a day until further notice, Open Nashaquitsa Pond to dredging, Encourage transporting small scallops from Quitsa to Menemsha Pond, Close area off “Burton’s Camp” in Menemsha Pond as seed sanctuary, Kill all starfish, crabs and conchs harvested as part of scalloping, No scalloping before 7:00 AM, No scalloping unless temperature is above 30° before 10:00 AM, No teeth on scallop drags to protect the Eel Grass, No lead sweeps on scallop drags to protect the Eel Grass, Pan dredges with chain sweeps are allowed, Remind all fishermen to not uproot the Eel Grass, Do not open Oyster season at this time, Reassess limit & oyster season at the November 14th Shellfish Advisory Committee meeting.

Mr. Parker had questions about the size of the chain sweeps. The board briefly discussed the issue of commercial shell fishermen selling their family catch of bay scallops before the commercial season was opened. Mr. Parker commended Mr. Doty for the good process that has been put in place. Mr. Doty said that the Shellfish Constable would be taking a one day trip to Nantucket to observe their propagation and harvest operations.

Mr. Parker moved and Mr. Doty seconded adopting the recommendations of the Shellfish Advisory Committee. SO VOTED: Three Ayes.

Nomansland Island

Mr. Carroll reported on how the town hosted the US Fish & Wildlife Service on Tuesday October 14th at the Library meeting room for two meetings regarding the future use of Nomansland Island. Mr. Parker said that it should remain a wild life refuge. Mr. Doty said that he would support the use of Nomansland Island a wildlife refuge with no public access. The board agreed.

Mr. Doty expressed concerns that he and members of the public had regarding the recent burn conducted on Nomansland by the US Navy. Mr. Parker moved and Mr. Doty seconded sending a letter to the Navy with a copy to the US F& WS. SO VOTED: Three Ayes. Mr. Carroll asked Mr. Doty to help draft the letter.

Mr. Doty said that he opposed the aerial spraying of areas of Nomansland with Roundup.

Suburban Coalition

The board reviewed the position paper from the Suburban Coalition. They said they were impressed by the document and agreed to rejoin the group.

Middle Line Road

October 22nd Pope Industries will be submitting additional information. October 23rd the Emin/Jenkinson property could close.

Nabs Corner

Mr. Fenner spoke to the neighbor who had made an offer to the town. Mr. Doty reported on road arrangement and sub division plan discussions at the MV Land Bank Chilmark Advisory Board. The executive director expressed four principles that would be very nice to comply with. Mr. Fenner asked Mr. Doty to remind Chuck Hodgkinson to check on the town's rights to use the existing road.

Distributed Antenna System

Mr. Parker said that the DAS committee was looking into a consultant to help evaluate the two proposals.

Line Painting

The Selectmen expressed concern about using the same company that painted the squiggly lines last year. They agreed to seek a price to paint fog lines along the entire length of North Road, as they considered it confusing to only paint fog lines along the newly paved section.

Board of Health – Temporary Employee

Mr. Doty moved and Mr. Parker seconded a motion to appoint Marina Lent as a temporary employee through December 19th to provide two hours a day coverage in the Board of Health department while a replacement for the retiring Sylvia Yeomans is selected. SO VOTED: Three Ayes.

Schedule of Selectmen

Mr. Fenner requested that the Selectmen's meetings be changed for November. The board agreed to meet on Wednesday November 12th and November 25th instead of their regular nights.

All Island Board of Selectmen

Mr. Fenner reported on the nine item agenda. He spoke about the Emergency Management and Boards of Health Flu Shot Clinic on November 11th at the MV Regional High School. Each town was asked to designate alternate sites in their communities.

All Town Boards Meeting

It was agreed to hold the annual all town boards meeting on November 13th.

Chilmark School

The Selectmen discussed the leadership of the Chilmark School in light of the principal's retirement at the end of this school year.

MV Shellfish Group

Mr. Doty reported that at the annual meeting of the MV Shellfish Group it was announced that there may be a possible increase from \$30,000 a year to \$32,000 for FY2010 because \$22,000 was cut from a state grant.

MV Commission – Oceans Act

Mr. Doty told the board he had testified about our fisheries and the town's interest in our waters. He is meeting with their staff person on November 5th with fishermen at the MV Commission.

High Meadow Home Site

Meeting of Housing committee on Monday October 27th was discussed.

Receptionist/Assistant

Mr. Carroll asked the Selectmen for their input on any restructuring of the Receptionist/Assistant position. Mr. Parker said that this discussion should take place with the Personnel Board. Mr. Doty said that the front desk needs coverage and that it is good to have a human face at the front door to greet the public. Mr. Fenner said that it was important to have someone at the front desk to welcome the public. They did not like plans to move the staff person away from the front desk. Mr. Parker said Mr. Carroll should make a proposal to the Personnel Board. Mr. Doty and Mr. Parker agreed that they wanted a person to answer the phone and not voicemail. It was agreed that the Selectmen felt greeting the public and answering the phone were important parts of the job.

Mr. Carroll asked the Selectmen to extend Deirdre Trott's temporary appointment for an additional 30 days. Mr. Doty moved and Mr. Parker seconded a motion to extend the temporary appointment of Deirdre Trott as the Receptionist/Assistant to (a date certain?). SO VOTED: Three Ayes. Mr. Parker said that Mr. Carroll needs to do the advertising on this.

Meeting was adjourned at 10:12 PM.

Minutes Approved: November 12th 2008