

**Present:** J.B. Riggs Parker, Warren Doty, Frank Fenner, Tim Carroll, Brian Cioffi, David Norton, Phil Demers, Wayne Iacono, Pamela Bunker, Marina Lent, Kristin Maloney, Martina Mastromonaco, Steve McQuiggan, Margaret Maida, Jonathan Revere, Jack Shea, Meghan Dooley, Paul Van Wormer, Nathan McMan.

Mr. Parker called the meeting to order at 7:30 p.m. in the Selectmen's Meeting Room.

#### Approval of Selectmen Minutes

Mr. Parker called for any changes or corrections to the September 15, 2009 Board of Selectmen meeting minutes. Mr. Fenner moved and Mr. Doty seconded to adopt the minutes as amended. SO VOTED: Three Ayes.

#### Public Hearing Tax Classification

Pamela Bunker, Assistant Assessor, summarized that it is mandated by state law to hold a public hearing with the Board of Selectmen annually to vote whether the town adopts a single tax rate, or vote to split the tax rate among the five classes of Real Estate: Residential, Open Space, Commercial, Industrial and Personal Property. The Selectmen can vote to split the tax rate, which would shift some of the tax burden from the Residential class, therefore, forcing the other four classes to pay a larger share, or have a single tax rate in which all classes of real estate share the tax levy equally.

Ms. Bunker went on to discuss the results from the fiscal year 2010 interim adjustment. The Town of Chilmark's total value for fiscal year 2010 is \$3,060,583,926 with last year's total value being \$3,106,996,400, which is a decrease of 1.5%. The new growth and real estate values were approved by the Department of Revenue (DOR) on October 1. Ms. Bunker and Town Accountant, Tom Wilson, will be submitting the tax recapitulation package on October 7 to the DOR and hope to have the tax rate set by October 14. The new Growth collected this year was \$35,251,312, which represents \$69,798 tax dollars.

Ms. Bunker explained that the median assessment for a single family residence in FY10 is \$1,259,150 compared to \$1,241,200 in FY2009. The tax rate last year was \$1.98 and the tax rate for FY 2010 is projected to be \$2.03. Based on the single family residence's median assessment, Ms. Bunker said the median tax bill is expected to increase from \$2,457.00 in FY09 to \$2,536.00 FY10, an increase of \$79.00 on the annual tax bill. Ms. Bunker said the Board of Assessors would like to recommend that the Board of Selectmen adopt a single tax rate and vote to accept the residential factor of one for FY2010 for the following reasons: 98% of the town is residential; the remaining 2% is commercial, industrial and personal property.

Ms. Bunker explained the two factors that contributed to the five cent tax rate increase as follows. First, the Town's value increased by \$47 million dollars and every \$15 million of value represents one cent, attributing the three cent increase due to property value. Second, even though the FY10 budget was decreased by \$51,000, it was voted at the Annual Town Meeting to appropriate \$125,000 of articles, which created a budget increase of \$74,000. For every \$30,000 the town spends the tax rate increases by a cent, which explains the other two cents. Ms. Bunker also provided the Selectmen with historical tax rates from 1988 to the present and a copy of a median tax bill as an example that, although the tax rate has increased, it is historically moderate.

Mr. Doty asked how new growth this year compared to other years and Ms. Bunker said there was \$70,000 of new growth collected, which equates to \$40,000 of assessment. The average assessment collected from new construction and subdivisions is typically \$40,000 each year.

Mr. Doty moved and Mr. Fenner seconded to adopt a single tax rate set at \$2.03 and to accept the residential factor of one for FY2010. SO VOTED: Three Ayes.

#### Beach Operations & Emergency Response Coordination

Representatives from the Fire Department, Police Department, Tri-Town Ambulance, Beach Committee and members from private beach associations were present to discuss what can be changed or improved with regard to beach management and emergency response efforts. Chief Cioffi began the discussion by addressing the two fatalities on Chilmark beaches and what factors were involved. The first fatality occurred on Quansoo Beach and the 911 caller was confused as whether they were in West Tisbury or Chilmark; delaying Chilmark's response time because they were not dispatched. The second fatality occurred on South Abel's Hill which required emergency responders to cross Chilmark Pond via small boats. Chief Cioffi advised that an emergency response plan needs to be developed for the North and South shore beaches to coordinate the efforts of emergency responders.

Chief Cioffi reported that he had met with members from the South Shore private beach associations for Quansoo, Hancock, Black Point and South Abel's Hill beaches in order to establish access to the private beaches in emergency situations. Chief Cioffi discussed with members from the Quansoo Beach Association widening the bridge so emergency response ATVs can obtain access. Association members from Black Point Beach are open to creating emergency access trails and South Abel's Hill associates welcome direction from the Town.

The confusion with the first incident when the 911 caller did not know their exact location created discussion of creating a numbering system on the beaches. Chief Cioffi described that in the event the caller did not know their location, the caller could refer to a number at the beach path entrance and emergency responders could be dispatched to that exact location. Chief Cioffi also discussed creating a training manual for Tri-Town EMTs, which could appropriately describe directions and how to gain access to private beaches. Another suggestion from Chief Cioffi was to train the beach guards at Squibnocket and Lucy Vincent on how to dispatch emergency calls to the Dukes County Communications Center.

Mr. Doty thanked everyone for coming to the meeting to communicate with each other. Mr. Parker read a letter from the South Abel's Hill Beach Association thanking the Chilmark Fire and Police Departments, Tri-Town Ambulance and the Chilmark beach guards for their response efforts during the emergency on their beach that unfortunately resulted in the second fatality.

Fire Chief David Norton said that he would like to develop with the Police Department, Tri-Town Ambulance and the Beach Superintendant beach safety regulations and distribute the information to the presidents of all the private beach associations by this spring. Chief Norton indicated that he was working with the private beach associations to possibly create master key padlocks in order for emergency responders to gain access through private beach gates. Chief Norton thanked everyone that responded to the emergency calls this summer. Both Chief Cioffi and Chief Norton want coordination to happen now between their departments, the Beach Committee, Beach Superintendant and Tri-Town Ambulance to have a plan and system in place by the spring for summer 2010.

Martina Mastromonaco, Beach Superintendent, said she was encouraged by the discussion and believes more information needs to be provided to let people know how and where to locate emergency responders. Ms. Mastromonaco supports the proposed numbering system and noted that it has worked well for the State Forest. Ms. Mastromonaco highlighted the need to improve the reception quality for the radios used by the Chilmark beach guards. Currently the beach radios used at Squibnocket and some portions of Lucy Vincent Beach cannot be heard at the Communications Center. Mr. Parker said that this was a good example of how we need to improve cell service in Town and urged people to support the revised proposal for the Distributed Antenna Service when it is presented on November 30.

Mr. Parker asked if the Chilmark beach guards are certified lifeguards and Kristen Maloney, Beach Committee member, said they are but are not listed as such due to state regulations which require a certain number of lifeguards per foot of beach. When the beaches are open there are five guards staffed at Lucy Vincent, two at Squibnocket and two at Menemsha. Ms. Mastromonaco explained that field of vision specifications, which constitutes being able to count how many swimmers are in the water at one time, are used for beach guard stations at Menemsha, Lucy Vincent and Squibnocket beaches. At Lucy Vincent the field of vision is from the “near end of the beach to the cliff”, Menemsha marks the swim line with the jetties in front of the parking lot, and Squibnocket also designates the area in front of the parking lot. In order to properly staff Lucy Vincent Beach with lifeguards and be in compliance with the Red Cross standards at least two to three more guards would need to be added to a shift with a floating guard walking back and forth monitoring the area. With regard to drills, Ms. Mastromonaco reported that the ocean rescue portion of lifeguard training is done with the lifeguards every summer.

Mr. Doty said that the purpose of this meeting was to also discuss what surfing restrictions should be in place when the beaches are closed and/or closed for swimming. Mr. Parker said that he thought the decisions to close the beach this past summer and not allow surfing was the right thing to do. Mr. Parker stated that a lot of summer visitors to the island are inexperienced with swimming in rough waters that produce rip currents. Beach Committee members Wayne Iacono, Kristen Maloney and Steve McQuiggan all agreed that it is a difficult task to choose and enforce which people are allowed to swim based on surfing or swimming experience. Chief Cioffi said that the police are available to help and enforce the decisions of the Town but do not decide if the beach should be closed. After much discussion, Mr. Doty said that a storm plan needs to be established so there will be a protocol to follow and people will know what to expect in terms of beach closures etc. The Fire Department, Police Department, Tri-Town Ambulance, Beach Superintendent and Beach Committee will continue to work on a comprehensive plan for beach policies and emergency procedures.

#### Request from Van Wormer International to Film in Menemsha

Paul Van Wormer and his associate Nathan McMan from Van Wormer International were present to request permission to film in Menemsha. The filming would be for a thirty-year old, successful, European TV movie series called Das Traumschiff (translates to The Love Boat). The series is a family-friendly show which the producer, Wolfgang Rodman, has filmed all over the world. Mr. Rodman had been strongly encouraged by his German colleagues to visit Martha’s Vineyard to site for filming locations because of the beautiful natural character of the island. The series will be shooting at different locations on the Island and Mr. Rodman has particular interest in shooting one scene at the Menemsha Texaco Station. Mr. Van Wormer had spoken with Marshall and Katie Carroll, owners of the Menemsha Texaco Station, and they have approved the filming on the conditions that filming does not interfere with their business and Selectmen approval is granted.

Mr. Doty asked how they intended to not interfere with the business while filming and Mr. Van Wormer said that Marshall has indicated that business would be slower on the proposed filming dates (October 23 or 24) and could allow for a short film shoot. The filming would take three to five hours and only occupy one side of the pump station allowing customers to purchase gas on the other side in between takes. The Selectmen asked Chief Cioffi for any comments and he replied that the film shoot cannot shut down Menemsha's thoroughfare, but he would be otherwise unopposed. Mr. Doty said that a past film production in Chilmark made a contribution to the Chilmark School's Outing Program. Mr. Van Wormer said that he would be happy to request a donation from his producers.

Mr. Fenner said that if Marshall had approved it, he also would not be opposed to the filming because it does not fall in the timeframe of mid May through Columbus Day weekend. Mr. Parker had great concern about setting a precedent by allowing the filming to take place. Mr. Parker said that even though traffic would be lighter in Menemsha, the fishermen would need absolute access to parking spaces as well as the docks during the filming. Mr. Van Wormer said he be working with Chief Cioffi and the Town to reserve appropriate parking spaces for his production equipment, which consists of three box trucks, one motor home and six vans. Mr. Doty moved and Mr. Fenner seconded to grant permission for Van Wormer International to film Das Traumschiff in Menemsha if a donation is made to the Chilmark School Outing Program. SO VOTED: Two (2) Ayes, One (1) Nay.

#### Martha's Vineyard Commission Squibnocket Beach

Chris Murphy had recommended to Mr. Carroll that Joanne Taylor, Coastal Planner for the Martha's Vineyard Commission, be consulted on how to protect the Squibnocket parking lot from future erosion during storms. Mr. Doty moved and Mr. Fenner seconded to allow Joanne Taylor to evaluate Squibnocket parking lot in order to recommend modifications that would prevent future damage. SO VOTED: Three (3) Ayes.

#### Island Children School Fundraiser at Chilmark Community Center

The Island Children School made a request to use the Chilmark Community Center for a fundraiser to support an island-wide preschool lending library they are coordinating. Mr. Fenner asked if the event would be in competition with the Chilmark Preschool and Mr. Parker said he would discuss with the school if they would be opposed to the event if it was in competition. The Selectmen authorized Mr. Parker to make a decision based on his discussion with the Chilmark Preschool.

#### Signing of Audit Contract

Chairman Parker signed the auditing contract with Powers and Sullivan.

#### Middle Line Road Construction Advisory Committee (MLRCAC) Update

Mr. Carroll updated the Selectmen on the status of the Middle Line Road Community Housing Program invitation for utility bids. Mr. Carroll reported that the Town received the following three bids for the utility installation: Farrell Electric \$137,814; Robert Young Electrical Contractor \$194,000; Powers Electric, Inc. \$274,825. Having submitted the apparent lowest bid, Tim Farrell of Farrell Electric from North Eastham, Massachusetts, met with Mr. Carroll and members of the MLRCAC to discuss his bid and do a site walk. The MLRCAC was prepared to award Farrell Electric the project, however, Mr. Farrell withdrew his bid twenty-four hours later due to his father, and business partner, falling ill. Because of Mr. Farrell's father being unexpectedly sick, he did not believe that he could perform the work according to the contract deadlines.

Mr. Doty, also a member of the MLRCAC, said that after much discussion the committee believed rebidding the project would be the best action since all three bids were so far apart in cost. The MLRCAC recommended to the Selectmen to keep Farrell Electric's bid deposit of \$6,890.70 (equal to 5% of proposed bid), return the bid deposits from Robert Young Electrical Contractor and Powers Electric, Inc., and reopen the invitation for bids. Mr. Doty moved and Mr. Fenner seconded to keep the bid deposit from Farrell Electric, return the bid deposits from Robert Young Electrical Contractor and Powers Electric, Inc., and reopen the invitation for utility bids. SO VOTED: Three Ayes.

Mr. Doty asked if the bid deposit check can be earmarked for the Middle Line Road fund and Mr. Carroll said he would look into where the funds legally need to be deposited.

#### Nina Lombardi Completion of Six Month Probationary Period

Mr. Carroll said that as of October 6, Nina Lombardi had completed her six month probationary period and he recommended to the Selectmen to appoint her as a permanent employee. Mr. Doty moved and Mr. Fenner seconded to appoint Nina Lombardi as permanent employee for the Town of Chilmark as Administrative Assistant to the Office of the Selectmen. SO VOTED: Three Ayes.

#### Suburban Coalition

Mr. Carroll informed the Selectmen that the Town's membership to the Suburban Coalition needed to be renewed. Mr. Parker approved renewing the membership.

#### Martha's Vineyard Public Schools Contract Negotiations

Mr. Carroll said that budget recommendations from the Selectmen or Finance Committee need to be submitted in writing no later than October 9 to the negotiations sub committee for the Martha's Vineyard Public Schools.

#### All Island Selectmen

Mr. Carroll indicated that the main agenda items for the All-Island Selectmen's meeting on October 7 would be an H1N1 update and creating island-wide taxi regulations. Chief Cioffi said that the Island's tactical response team would be asking the Island Selectmen to approve using the upcoming seasonal flu clinic as a training exercise for a response plan that has been created that would be implemented in the case of a flu pandemic.

#### Letter of Request from Mrs. Lee to Improve Cellular Service in Chilmark

Mr. Parker acknowledged a letter to the Selectmen from Mrs. Lee encouraging cellular service be improved in Chilmark. Mr. Parker thanked Mrs. Lee for her letter and support for improving cellular service in Chilmark.

#### Ethics Commission

Mr. Carroll explained that a new state conflict of interest law requires all communities to designate a senior level employee of their municipality to serve as a liaison between the town and the State's Ethics Commission. Under the new law, all new and current employees have to complete an online ethics training program every two years. The Ethics Commission liaison for the municipality is intended to help employees understand and adhere to the state ethics requirements. December 28 is the deadline for all employees to complete the online training, which then has to be administered every two years thereafter. The Selectmen designated the Executive Secretary as the liaison for the State Ethics Commission.

### Clean Energy Grant for Chilmark School

Mr. Carroll reported that the Town had \$1,931 in funds from the Clean Energy Grant to benefit the Chilmark School. Mr. Carroll had discussed with Principal, Susan Stevens, about purchasing science kits for the school or using the funds for teacher training. Mr. Doty moved and Mr. Fenner seconded to approve use of \$1,931 in funds from the Clean Energy Grant to benefit the Chilmark School as determined by the Principal. SO VOTED: Three (3) Ayes.

### Joint Transportation Committee

Mr. Carroll recommended that the Selectmen appoint Dan Greenbaum an alternate voting member of the Joint Transportation Committee and have the right to vote in the absence of a voting delegate. Mr. Doty said that Mr. Greenbaum is a retired transportation coordinator and would make a valuable contribution to the committee. Mr. Doty moved and Mr. Fenner seconded to appoint Dan Greenbaum an alternate voting member of the Joint Transportation Committee. SO VOTED: Three (3) Ayes.

### Martha's Vineyard Refuse District

Mr. Doty said he would like to discuss at the All-Island Selectmen's meeting how to move forward and encourage communication with regard to consolidating the Martha's Vineyard Refuse District.

### Nab's Corner Update

Mr. Carroll told the Selectmen that Arlan Wise, an abutter to the Nab's Corner property, has given the Town permission to use her property to gain access to Nab's Corner for the installation of the wells. However, Ms. Wise had concerns about liability if someone were injured on her property or if her property was damaged. Mr. Carroll drafted an indemnification agreement between the Town and Ms. Wise which is pending Town Counsel approval. Mr. Doty moved and Mr. Fenner seconded to indemnify Ms. Wise under the appropriate terms as determined by Town Counsel. SO Voted: Three Ayes.

Mr. Carroll will have the Selectmen sign the indemnification agreement when it is approved and returned by Town Counsel.

### CCMHG FY2010 Work Site Wellness Programs

Mr. Carroll provided an overview if the FY2010 Work Site Wellness Programs that would allow employees a half or full day's work credit to participate in health and wellness screenings at the hospital. Mr. Doty moved and Mr. Fenner seconded to approve the Work Site Wellness Program for Chilmark Town Hall employees. SO VOTED: Three Ayes.

### Volunteers Needed for Town Boards

Mr. Carroll said it has been publically advertised that Chilmark residents are needed to fill a vacancy on the Personnel Board, Shellfish Advisory Committee and the School Advisory Counsel.

### RESCUE 21 Tower at Peaked Hill

Mr. Doty asked when the new RESCUE 21 tower at Peaked Hill would be installed and Mr. Carroll said that it is intended to be completed by the end of October with landscaping and resurfacing of the road to be completed in the spring. Mr. Doty asked Mr. Carroll to encourage the demolish of the old tower be completed as soon as possible in order to resurface the road this fall and proceed with landscaping in the spring.

Middle Line Road Community Housing Program Discussion

Mr. Fenner reminded residents that a public forum would be held on October 8 at the Town Hall to discuss the designs for the Middle Line Road Community Housing rental duplexes.

Mr. Doty moved and Mr. Fenner seconded a motion to adjourn. SO VOTED: Three Ayes.

Meeting adjourned.

Approved November 3, 2009.