

Present: J.B. Riggs Parker, Warren Doty, Frank Fenner, Tim Carroll, Bill Bennett, Jason Correia, Jeff Parkhurst, Jane Slater.

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

Martha's Vineyard Commission Annual Appointment – Bill Bennett

Mr. Bennett encouraged members of the Town to contact him with issues concerning the Martha's Vineyard Commission (MVC) and thanked the Selectmen for considering his reappointment to represent the Town on the MVC. Mr. Doty asked what requests for exemptions have been made from the MVC wind turbine District of Critical Planning Concern (DCPC), and Mr. Bennett said requests have been made by the Tisbury Landfill, West Tisbury School and the Edgartown Wastewater Treatment Plant. Mr. Bennett emphasized that guidelines concerning wind turbines must be defined that benefit the community as well as protect the development of the Island.

Mr. Parker strongly encouraged the MVC to conduct due diligence research to define the harmful effects of wind turbines, and Mr. Bennett agreed that green energy should be developed but not at an extreme expense to the environment or community. Mr. Bennett said that the DCPC height restriction for wind turbines is 150 feet height, which is designed to restrict utility grade towers. Mr. Doty mentioned the proposed business plan from Vineyard Power for seventeen wind turbines to be constructed three miles off shore in Federal waters. Mr. Doty moved and Mr. Fenner seconded to appoint Bill Bennett the Chilmark representative on the Martha's Vineyard Commission. SO VOTED: Three Ayes.

Public Hearing: Tour Bus Street License

Mr. Parker opened the public hearing at 7:42 p.m. Jason Correia of Castaway Motorcoach in Brockton presented his proposal to operate a forty foot tour bus from May through October departing from the Steamship Authority terminal taking a route through Chilmark, but not stopping anywhere in Town. Mr. Correia explained there would be a driver and a separate tour guide on each bus and he would like to recruit Island residents as employees. Mr. Correia proposed that he might have one full day bus tour as well as a two day tour. Jane Slater asked what route the bus would take through Town, and Mr. Parker said the bus would travel on North Road, Menemsha Crossroad, State Road and South Road. Mr. Doty asked what the cost of the tour would be and Mr. Correia said the cost would be approximately sixty dollars and would include a meal. With no further questions from the public, Mr. Parker closed the public hearing. Mr. Doty moved and Mr. Fenner seconded to grant Castaway Motorcoach a one year street license, renewable if the service is acceptable. SO VOTED: Three Ayes.

Reappointment of Matthew Gebo as a Special Police Officer

Mr. Gebo thanked the Selectmen for considering reappointing him as a Special Police Officer and welcomed residents to approach him with any matter he could assist with. The Selectmen told Mr. Gebo it was a pleasure to welcome him back to the Chilmark Police force. Mr. Doty moved and Mr. Fenner seconded to reappoint Matthew Gebo a Special Police Officer for the Town of Chilmark. SO VOTED: Three Ayes.

EOPS Grants

Mr. Doty moved and Mr. Fenner seconded to authorize Chief Cioffi to sign the EOPS Grants. SO VOTED: Three Ayes.

MVTV Board Appointment

Town resident, Jeff Parkhurst, expressed his interest in representing the Town on the MVTV Board. The Selectmen complimented the technological improvements of MVTV and online streaming of public meetings. Mr. Doty asked Mr. Parkhurst to report back to the Selectmen on financials and major issues concerning MVTV. Mr. Fenner moved and Mr. Doty seconded to appoint Jeff Parkhurst as the Chilmark representative to the MVTV Board. SO VOTED: Three Ayes.

Menemsha Harbor Space Request from Tim Broderick & Alec Gale

Mr. Doty spoke on behalf of Alec Gale and Tim Broderick who submitted a proposal to the Selectmen to request space on Dutcher Dock in order to conduct their Ocean Blue Mussel Long Line Project, which is partially funded by NOAA and MBL. Mr. Doty complimented the contributions both fishermen have made to the commercial fishing industry in Menemsha and reported that Mr. Gale had purchased 250,000 pounds of mixed species fish from local fishermen in 2009. The proposed facilities need requested for the project is for a twenty-four by twenty-four building in order to clean, package and refrigerate the product caught. Mr. Doty indicated that mussels are a high volume, lower price item, which is different from the mainstay fishing business done in Menemsha in the past, but that is points towards the future of the fishing fleet in Menemsha.

Mr. Carroll reported to the Selectmen that there are two leased lots with no buildings and one leased lot with a building not being utilized currently in Menemsha. Mr. Carroll also stated that the Master Plan encourages that no more buildings be built on the bulk head.

The Selectmen requested that a joint meeting with the Selectmen, Park and Recreation Committee, and Mr. Broderick and Mr. Gale be held to define what the needs of the project are now and what the future space needs will be in order to determine the location of the facility. January 12, 2010 at 7:30 p.m. was chosen for the joint meeting of the Park and Recreation Committee, Selectmen, and Mr. Gale and Mr. Broderick. The Selectmen asked Mr. Carroll to send a letter to the current lot lessees to determine their short and long term plans for their lots. Mr. Fenner complimented Betsy Larsen of Larsen's Fish Market for her submitting the report of fish purchased from local fishermen in 2009 and he asked Mr. Carroll to follow up on getting a report from the Menemsha Fish Market. Mr. Fenner expressed concern about the liability insurance requirement for businesses in Menemsha that are open to the public and asked the Park and Recreation Committee to follow up.

Chapter 166 Section 32A

At the Special Town Meeting on December 7, 2009 the Town voted to adopt Chapter 166 Section 32A and requires a final vote from the Selectmen. Mr. Doty moved and Mr. Parker seconded to accept Chapter 166 Section 32A. SO VOTED: Two Ayes; One Abstain (Mr. Fenner).

Middle Line Road Utility Bid Protest

Mr. Carroll reported that the Attorney General had denied the bid protest filed by Rogers Electric & Alarm. After advisement from Town Counsel, the Town has approval to authorize Powers Electric, Inc. to move forward with the installation of utilities at Middle Line Road once the contract is signed. Mr. Doty moved and Mr. Parker seconded to authorize the Chairman to sign the utility contract with Powers Electric, Inc. for Project 2009-3A. SO VOTED: Two Ayes; One Abstain (Mr. Fenner).

Mr. Carroll presented Exhibit F of Project 2009-3A utility contract detailing the contract modifications due to the bid protest. The first contract modification changes the bid award date to December 15, 2009 with a start date of no later than December 29, 2009. Secondly, the project completion date has been pushed from January 15, 2010 to March 5, 2010 due to the month lost during the bid protest, in addition to recognizing the State law that protects contractors against working in poor weather conditions. Exhibit F also includes a condition that allows the contractor,

Powers Electric, Inc., to be forgiven for work days lost due to weather or other conditions outside of the contractor's control; however, approval must be given in advance of the completion deadline by the Owner's Project Manager or another Chilmark official. Mr. Doty moved and Mr. Parker seconded to issue a Notice to Proceed to Powers Electric, Inc. SO VOTED: Two Ayes; One Abstain (Mr. Fenner).

Special Town Election to Vote on Proposition 2 ½ Override

Mr. Doty moved and Mr. Fenner seconded to put on the Special Town Election ballot the question "Shall the Town of Chilmark be allowed to exempt from the propositions of proposition 2 ½, so called, the amounts required to pay for the bond issued in order to construct three affordable housing duplex rental buildings at Middle Line Road including the payment of all other costs incidental and related thereto?". SO VOTED: Three Ayes.

Vehicle Usage Allowances & Mileage Reimbursement

Mr. Parker stated the Personnel Bylaw indicates that employees that use their private vehicles for Town business must be reimbursed by the actual mileage used in accordance with the Federal mileage allowance; however, many exceptions to this Bylaw have been made in the past. The Selectmen agreed that the Bylaw should be enforced and exceptions should only be made for an approved list of employees. Mr. Carroll said the Town has employees who have a monthly allowance for using their private vehicle for Town business, employees that are reimbursed according to mileage used and employees that purchase gasoline that is paid for through a Town account. Mr. Parker declared that the Treasurer should include on the employee's W-2 a vehicle allowance as taxable income. Mr. Doty believed it worked well for the Town to reimburse employees differently depending on the usage of their private vehicle. The Selectmen declared that Town employees can only purchase gasoline for Town owned boats and vehicles.

Mr. Fenner moved and Mr. Doty seconded that Town employees cannot charge gasoline to a Town account for their personal vehicle. SO VOTED: Three Ayes.

Mr. Parker motioned and Mr. Fenner seconded that, unless the Board of Selectmen otherwise determine, employee reimbursement for use of their private vehicles will be made on a per mileage basis in accordance with the Federal mileage allowance, documented and submitted to the Town Accountant or Treasurer. SO VOTED: Three Ayes.

The Selectmen discussed exempting the Fire Chief from the prior motion and it was decided that any employee who determines they should be exempt from the motion should make a proposal to the Selectmen. Mr. Doty believed it would be a dubious task to record and track mileage for certain employees whose jobs require them to travel from various locations within Town. The Selectmen declared that stipends would end on January 1, 2010.

According to the Town contract with the Highway Superintendant, Keith Emin is not reimbursed for mileage or gasoline; rather he is paid \$80.00 a week as a rental fee for his vehicle usage. Mr. Fenner moved and Mr. Doty seconded to continue paying the Highway Superintendant \$80.00 a week as a rental fee for his vehicle usage. SO VOTED: Three Ayes.

Town Accountant Hiring Process

Mr. Carroll stated that the Town Accountant application deadline is December 22, 2009 and the Search Committee will meet December 28, 2009 to choose applicants to interview on January 4, 2010. The Search Committee intends to recommend three finalists for the Selectmen to interview on January 5, 2010.

Mr. Fenner moved and Mr. Parker seconded to approve and sign the consulting contract from the former Town Accountant, Thomas Wilson. SO VOTED: Three Ayes.

WTI Contract

Mr. Doty moved and Mr. Fenner seconded to allow the Chairman to sign the FY2011 WTI contract for tax assessing and collecting software. SO VOTED: Three Ayes.

Special Town Meeting (STM) Review

With regard to Article One approved at the STM, Mr. Parker asked Mr. Carroll to get a tally of the total workers and job descriptions at the Martha's Vineyard School District Superintendent's office.

In accordance with Article Two, Mr. Doty reported that the contract for Middle Line Road (MLR) has been difficult to draft because the MLR Construction Advisory Committee is trying to keep the project open to bids from local contractors, which makes the process complicated. Mr. Carroll said he would contact the Division of Capital Asset Management (DCAM) to see if any local contractors have been prequalified and inquire about holding a workshop on Island. Mr. Doty moved and Mr. Fenner seconded to direct the Treasurer to actively explore bonding with a financial advisor as soon as possible and report back to the Selectmen. SO VOTED: Three Ayes.

With regard to Article Three, Mr. Fenner said he received several comments from residents inquiring why a prior fiscal year bill of \$1,000 or less should require Town meeting vote to be paid and asked what the State law requires. Mr. Carroll said that it is a State statute that a prior fiscal year bill be brought to Town meeting and requires a nine tenths vote to be approved and paid. Mr. Parker asked Mr. Carroll to look into that statute with the DOR.

Mr. Carroll said Town Custodian Rodney Bunker, has requested the work to be done to Town buildings approved in Article Four, Five and Six not begin until he returns to work from his shoulder surgery. The Selectmen agreed.

Mr. Carroll clarified that Article Eight refers to future affordable housing projects within Town, but does not include Middle Line Road.

DAS

Mr. Parker reported that the DAS contract negotiations were underway with ATC and a final contract is anticipated for the next Selectmen's meeting.

Town Accountant Hiring Process Continued

Mr. Carroll requested permission to conduct web-based reference assessments using SkillSurvey's Pre-Hire 360 in addition to SkillSurvey assessment tests for the Town Accountant applicants. The Selectmen agreed that the Town Accountant is an important position and requires these assessments.

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

Meeting adjourned.

Approved January 5, 2010.