

Town of Chilmark Board of Selectmen
May 5, 2009
Meeting Minutes

Present: Warren Doty, Riggs Parker, Frank Fenner, Tim Carroll, Jonathan Revere, Jack Shea, Sam Bungey, Dennis Jason, Bette Carroll, Jane Slater, Chuck Hodgkinson, Caitlin Jones, Jack Jones, Brian Cioffi, Frank & Judy LoRusso, Maxwell McCreery, Paul O'Connell and David Zeilinger

Mr. Fenner called the meeting to order at 7:30 p.m. in the Selectmen's Meeting Room. Mr. Fenner began the meeting by noting that this was the first meeting after the Annual Town Meeting and therefore time to reorganize the Board. Mr. Fenner moved and Mr. Doty seconded to nominate J.B. Riggs Parker as Chairman for the Chilmark Board of Selectmen for the upcoming year. SO VOTED: Two Ayes & One Abstension.

Mr. Parker moved to nominate Mr. Doty as Vice Chairman for the Chilmark Board of Selectmen for the upcoming year and Mr. Fenner seconded the motion. SO VOTED: Two Ayes & One Abstension.

Mr. Parker announced that tomorrow (May 6, 2009) was an important holiday being Executive Secretary Timothy Carroll's birthday, and the attendees applauded for Mr. Carroll. Mr. Parker officially announced that he will not be running for reelection when his term expires at the end of his term in 2010. Mr. Parker remarked that he wanted to make his announcement early to encourage young members of the Town, around 50 years of age, to begin to educate and prepare themselves to run for Selectman.

Mr. Parker called for any changes or corrections from the April 7, 21 and 30, 2009 Board of Selectmen meeting minutes. Mr. Doty moved and Mr. Fenner seconded the motion to adopt the minutes as corrected. SO VOTED: Three Ayes.

Chilmark Tavern Restaurant Common Victualler License Public Hearing

Mr. Parker opened the public hearing for the proposed Chilmark Tavern Restaurant at 9 State Road in Chilmark and welcomed Paul O'Connell and Frank LoRusso to provide an overview of the restaurant at 7:40 PM. Mr. O'Connell stated that the restaurant will be open seasonally, seven (7) days a week, serving dinner only, starting on June 15, 2009. Mr. O'Connell said he wishes to operate the restaurant under the name of the Chilmark Tavern because it is a historic name for the location. Mr. Doty asked what the proposed hours of operation are, and Mr. Parker asked if there is any concern related to parking and what the maximum occupancy is for the restaurant. Mr. O'Connell and Mr. LoRusso answered that they intend to open the restaurant at 5:00 p.m. and close at 10:00 p.m., parking should not be an issue due to the overflow allowance at the neighboring Chilmark Store, and there is a license for ninety-nine (99) seats and approximately thirty (30) tables. Mr. O'Connell stated that he wants the restaurant to be accessible to the community and hopes that menu is affordable to year-round residents as well as seasonal patrons. He also said he wanted to make it available to the community off-season and perhaps have fundraiser brunches in-season.

Mr. Parker asked if there were any public comments. Jane Slater, chair of the Chilmark Historical Commission, said that the Historical Commission wished to clarify the historical origins of the restaurant name. Ms. Slater stated that the building was named "The Chilmark Tavern" when it was built in 1900 and remained named that until the 1950's when another restaurant changed the name, and that it would please many Town residents to see it renamed "The Chilmark Tavern". Bette Carroll said that she would be honored to have the restaurant return to the name "The Chilmark Tavern".

Mr. Parker closed the public hearing as there were no further comments. Mr. Fenner moved and Mr. Doty seconded the motion to approve the Chilmark Tavern Restaurant common victualler license. SO VOTED: Three Ayes.

Mr. Doty made a comment from the Chilmark fishing community's point of view that he was glad to see that the restaurant will be serving Fluke and emphasizing it as Fluke on the menu. Fluke is the biggest landing fish in terms of volume in Menemsha and is often sold under the name of Vineyard Sole instead of Fluke.

Homeport Restaurant Common Victualler License Public Hearing

Mr. David Zeilinger represented the new Homeport owners, Bob and Sarah Nixon, who were unable to attend the hearing. Mr. Zeilinger said that the Nixons were excited to be taking on the ownership of the Homeport and intend to operate the restaurant in the same fashion as it has been done by the Holtham's for the last thirty-five years. More specifically, the Nixons want to emphasize the quality of the food, service and atmosphere at the Homeport. The restaurant will be open seven (7) days a week for dinner at 5:30 p.m. and the backdoor takeout service will begin at 4:00 p.m. The last reservation will be seated at 9:00 p.m. and the restaurant will close at 10:00 p.m.

There was no public comment so Mr. Parker opened the discussion to the Selectmen. Mr. Doty asked Mr. Zeilinger if the Homeport parking lot would still be available to the community prior to the opening of the backdoor takeout at 4:00 p.m. Mr. Zeilinger confirmed that the Nixon's have no intention of changing the standing agreement that the Homeport owners have had with the Town to provide the parking lot to the public outside of the restaurant's hours of operation. Mr. Parker noted that the application states that the Homeport intends to employ approximately forty (40) people whom will be encouraged to park outside of Menemsha or use public transportation. Mr. Parker suggested that the language be changed to require employees to park offsite and Mr. Zeilinger agreed. Mr. Zeilinger also mentioned that they are working with the Rattners to use two (2) parking spaces along Edey's Island Way on the land they acquired from the Homeport sale.

Mr. Parker stated that with the Town acquiescence, the Homeport septic is on Town land. He referred to a conversation he had previously with the Nixons suggesting that it would be appropriate to indemnify the Town against any potential liability with a septic problems should there be any in the future. Mr. Parker moved to make it a condition to have the Nixons indemnify the Town against any liability with regard to Homeport septic issues in order to approve their license. Mr. Doty agreed that the condition should be "fine" because it does not adversely affect the restaurant.

Mr. Fenner referred to the section of the proposal for the Homeport that states the intent to serve Sunday brunch from 10:00 a.m. to 2:00 p.m. and asked Mr. Zeilinger if this would be something they would implement this year. Mr. Zeilinger said that they would like to serve Sunday brunch as a response to public request and they intend to do it this season.

Mr. Doty moved and Mr. Parker seconded to approve the common victualler license for the Homeport with the two conditions that employees are required to park outside of Menemsha and that the Town is indemnified against any septic liability. Mr. Parker called for a vote: Mr. Doty aye; Mr. Parker aye; Mr. Fenner abstained because of the close proximity of his restaurant to the Homeport.

Mr. Doty expressed that he would like the Nixon's to work with the Chilmark Conservation Committee to help clean up the lot and create public access at the Homeport's waterfront lot across the street. Mr. Zeillinger said that the Nixons would be happy to coordinate this with the Town.

Annual Town Meeting Review of Warrant Articles

Mr. Parker read through each article on the Town Warrant for the Annual Town Meeting. In review of Article Number Four (4), Mr. Doty made note of the aging floors at the Chilmark Community Center, which buckle every summer despite Rodney Bunker's hard work maintaining the floors. Mr. Doty anticipates that the floors may have to be replaced in the near future since they are over fifty-five (55) years old. Mr. Fenner agreed with Mr. Doty and asked whether the Chilmark Town Affairs Council might assist in helping the town pay for replacing. Mr. Carroll will discuss the floor replacement as well as the proposed renovation plan for the front door vestibule with the Chilmark Town Affairs Council (Wally Epstein).

Article Thirteen (13) for regular small scale dredging of Menemsha Harbor is scheduled for the fall per Harbormaster, Dennis Jason. Mr. Parker presented a piece of glass that was given to him from a resident who found it on Menemsha Beach from the dredge spoils. Mr. Parker expressed serious concern for the safety of people walking Menemsha Beach and stressed that the Town needs to address this issue. The Selectmen decided that prior to the dredging in the fall they will discuss an alternative location for the depositing of dredge spoils.

Article Fifteen (15) would spend CPA funds to continue the Community Preservation Committee's program of restoring stone walls along our public ways. Mr. Doty said that he would like to see the Community Preservation Committee establish a firm set of policies for restoring the stone walls, such as how people apply and how the funds are spent. Mr. Doty moved and Mr. Fenner seconded to have a stone wall restoration policy developed by the Community Preservation Committee going forward. SO VOTED: Three (3) Ayes.

Article Twenty-one (21) regarding the Chilmark-resident senior citizen reduction in local tax bills in exchange for volunteer services to the Town, the Selectmen discussed what the defined terms of volunteering would be. Mr. Carroll said that he was going to research the State guidelines and look to other Massachusetts towns that have participated in this program as

examples. Mr. Carroll also will be taking recommendations from department heads that will be in charge of supervising the volunteer work.

Article Twenty-two (22) regarding the proposed noise bylaw for outside mechanical systems, Mr. Parker stated that the Selectmen do not have to act on the article at this time but that the Selectmen recommend that the Planning Board take under advisement the amendments to the bylaw without delay. Mr. Doty moved and Mr. Fenner seconded to have the Planning Board review and amend the noise bylaw. SO VOTED: Three (3) Ayes.

Weekly Payroll Transition

Mr. Carroll reported that he and Treasurer Melanie Becker proposed that the last weekly paychecks would be issued on September 16, 2009, with the first biweekly paychecks be issued on September 30, 2009. The cost of continuing weekly paycheck until September will be \$500 which will have to be sought from the Reserve Fund or elsewhere in the budget. Mr. Doty moved and Mr. Fenner seconded to begin issuing biweekly paychecks starting September 30, 2009. SO VOTED: Three (3) Ayes.

Mr. Doty and the Selectmen asked to review with the Accountant and Treasurer how the accounting will be adjusted at the end of the fiscal year to accommodate the biweekly paychecks.

Police Chief Interview Finalist

Mr. Parker conducted preliminary private interviews with applicants who responded to the job posting for Chilmark Chief of Police. Mr. Parker stated that there were twenty-nine (29) requests for applications and of those eighteen (18) applications were submitted by the deadline. The Selectmen all privately reviewed the applications and individually made recommendations to Chuck Hodgkinson which applicants they would like to see interviewed. The Selectmen's choices were cross referenced and where there was sufficient overlap those candidates were selected. From the eighteen (18) applications, six (6) candidates were selected for interviews, which were conducted by Mr. Parker and the Personnel Board Chairman, Max McCreery. Mr. Parker commented that it was a very difficult process to narrow down the eighteen (18) applicants as he was very impressed by the qualifications of all applicants. From the six (6) interviews, Mr. Parker recommended to the Selectmen the following three (3) candidates for final interviews: Daniel Rossi, Sergeant, West Tisbury Police Force; Michael Miksch, Sergeant, Carver Police Force; Brian Cioffi, Officer, Chilmark Police.

Mr. Fenner thanked Mr. Parker and Mr. McCreery for their hard work finalizing the candidates for Police Chief and he remarked that he thought that the process was conducted in a fair and thorough manner. Mr. Fenner moved and Mr. Doty seconded the motion for the three (3) above referenced candidates be interviewed as finalist for the Chilmark Chief of Police. SO VOTED: Three (3) Ayes.

The Selectmen selected May 15, 2009 at 3:00 p.m. to conduct the three (3) final interviews which will be open to the public and each lasting an hour with fifteen (15) minutes in between each interview. Mr. Doty requested that a standard list of ten (10) questions be prepared by the Selectmen. Mr. Parker asked Mr. Hodgkinson to publically post the meeting as well as have Mr. Fenner sign the letters to those candidates that were not selected for final interviews.

Update on Up-Island Distributed Antenna System (DAS)

Mr. Parker began the discussion by referring to the meeting with the American Tower Corporation (ATC) that the DAS Committee had just had that afternoon and discussed how accommodating ATC has been in response to the feedback received from the Town and the public at the public hearing. ATC presented a simulated model of a utility pole which will be twelve (12) inches in diameter with an 8 foot by 2 inch whip antenna with a battery conduit box; similar to the utility poles used in Nantucket. The number of possible node locations will be double compared to the prior node model that originally presented. Mr. Carroll will be testing the possible node locations with ATC over the next few days and make any suggested changes to locations that he see necessary for the Town. Mr. Parker said that public informational meetings will be held for Chilmark and Aquinnah prior to the next public hearing in order to educate the public before any permitting is allowed. Mr. Parker said that it is very important for the public to attend these informational meetings to address any questions or concerns they may have. Mr. Parker said that it is important to also understand that along with the DAS cell service; the Town also stands to gain a municipal fiber optic communication system. Twelve (12) fiber optic strands will be provided to the municipalities to use for the fire and police departments, as well as the libraries and town halls, which would reduce current phone costs by routing all calls through the fiber and have one T1 line to service everything. In addition, it would provide emergency lines for public safety. Mr. Parker said that it is important to emphasize the benefits for the municipalities because they will be at no cost to the Town and would be very costly to install in the future if we do not go forward with this program.

The potential of West Tisbury to drop out of the DAS agreement was discussed.

Mr. Carroll made note of the fact that the newly proposed node poles have a 20 watt power output compared to the 100 watt in fire engines. Mr. Fenner commented that 20 watts seems relatively low in comparison to radios he has used for trucking that have a 45-55 watt output. Mr. Fenner asked what the effects in coverage by using this new proposed node system and Mr. Carroll said that ATC expected the service coverage to perhaps even be better with the new proposal.

Middle Line Road Update from Chuck Hodgkinson

Mr. Hodgkinson began by providing a timeline of what projects need to be completed at Middle Line Road (MLR). Currently, John Clark is digging the fifth well, which has a completion deadline of May 29, 2009. After the wells are dug, the next step would be to bring utilities to the site. Mr. Hodgkinson suggested that the Selectmen draft a Request for Proposal (RFP) to install utilities to go out for bid in June, with utility work to be completed over the summer months. During the summer, Mr. Hodgkinson suggested that an RFP be put out to bid to rework the roads to provide access to the development and bring the roads up to the Planning Board standards. After the utility work is completed, the road work could begin in either September or October. Therefore, the wells, utilities and roads could be completed by November or December.

Mr. Hodgkinson suggested that the Selectmen consider forming a MLR Building Committee that the Architect can work with for the design and development of the rental duplexes, in addition to

hiring a Project Manager for the design phase, which was approved at the Annual Town Meeting in Warrant Article Nine (9). Following this rough timeline, the Architect believes that final architectural drawings should be done for Middle Line Road by September. Mr. Hodgkinson said that over the summer several financing options can be researched and presented for the Selectmen's consideration in order to finalize something to be voted on by the Town at the special Town Meeting in September. If the voters approve to appropriate Town funds for the project, then requests for bids for the construction phase of the project can be immediately issued. The deadline for construction bids would be January, and once the lowest bid is accepted, February would be when a construction contract would be finalized. Mr. Hodgkinson anticipates that construction for the Middle Line Road rental duplexes could potentially break ground in March 2010. There will be an eight (8) to nine (9) month construction cycle; therefore, potential occupancy for the rental units could be December 2010.

Mr. Parker identified two important issues from Mr. Hodgkinson's timeline; first, a building committee should be formed immediately; second, he would like to see the construction of the rental units completed before the six (6) Homesite lots begin construction. Mr. Doty suggested that a staggered timeline for the construction of the Homesite lots be determined, but he also stressed that he would also like to move forward with the lottery for the lots first. Mr. Doty suggested that the Selectmen have a proposal for the MLR Building Committee by May 19, 2009, and that there should be no more than five (5) people on the committee. Mr. Hodgkinson said he anticipated that the MLR Building Committee would meet every two (2) weeks during the design phase and once a week during construction, and the members should serve on the committee for two (2) years. Mr. Doty suggested that one representative from the Housing Committee serve on the committee in addition to one of the Selectmen. Mr. Fenner made note that the road work could become a two pronged project depending on how the utility lines are laid and this should be looked at further by the MLR Building Committee.

Mr. Carroll asked if the job description for the Project Manager should be brought to the Personnel Board to review and approve. Mr. Parker agreed. Mr. Carroll stated that the Project Manager will have a contract for the design and estimate phase at \$5,000 with a possible extension if the Town approves the funds to build the Middle Line Road rental units.

Rotary Club First Annual Tour MV Bicycle Challenge October 17, 2009

The Selectmen reviewed the proposal for the Rotary Club to have their first Island bike tour October 17, 2009. Mr. Fenner commented that he would like to make it a requirement for the Rotary Club, as well as all future organizations, to remove and clean up any postings that are used to map out and direct race participants and spectators by the day after the event. Mr. Doty moved and Mr. Fenner seconded to approve the Rotary Club bike tour with the restriction that they remove all postings within twenty-four (24) hours after the race. SO VOTED: Three (3) Ayes.

Aquinnah Tribe and Chilmark Town Agreement re: RIB

Mr. Carroll said that the Harbormaster has requested that the RIB not be used by the Harbor this season, but the question has arose about whether to keep the boat for use by the Fire Department, Police Department, or Emergency Management Services. Because a new Police Chief has not been hired yet question not answered. Harbormaster, Dennis Jason, asked if the boat could be

placed in West Basin due to the lack of space in Menemsha Harbor. After some discussion, Mr. Parker suggested that the departments for which Mr. Carroll noted interest in using the RIB come to the next Selectmen's meeting to state their claim for use of the boat.

Squibnocket Beach Parking Lot

Mr. Carroll informed the Selectmen that he had spoken with John Keene of Keene Excavation and has requested that he begin work on the parking lot before Memorial Day weekend.

Meeting adjourned.

APPROVED: May 19th 2009