

Present: J.B. Riggs Parker, Frank Fenner, Warren Doty, Tim Carroll, Sam Bungey, Brian Cioffi, Marina Lent, Mark London, David Murphy, David Norton, Jonathan Revere, Jack Shea, Joanne Taylor.

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

Mr. Parker called for any changes or corrections to the June 30, July 2, July 10, and August 4, 2009 Board of Selectmen meeting minutes. Mr. Doty moved and Mr. Fenner seconded to adopt the minutes as amended. SO VOTED: Three Ayes.

The Selectmen deferred the approval of June 16, 2009 and July 7, 2009 until their next meeting.

Proposal from Superintendent Weiss for New MVSSU Office

The Selectmen discussed the need for a pro forma proposal from the Superintendent that outlines the financial impact to the Superintendent's budget if the office is relocated. The Selectmen agreed that they could not approve anything until they were informed of the financial impact.

Martha's Vineyard Commission: Ocean Management Plan

Joanne Taylor, a member of the Ocean Advisory Commission and Coastal Planner at the Martha's Vineyard Commission (MVC), spoke on behalf of the draft Ocean Management Plan (dated June 30, 2009) proposed by the Commonwealth. Ms. Taylor stated that when the Ocean Act was passed in June 2008 it opened up ocean sanctuaries for commercial development to produce renewable energy sources, as well as sand and gravel mining. During the past year the steering committee has researched and analyzed data on the natural resources that are included in the proposed Ocean Planning Area. The Ocean Planning Area is defined by a distance from the shoreline of .3 to 3 miles that eliminates town jurisdiction and is controlled by the State. Ms. Taylor said that the island's commercial fishing community has been actively involved and has become a model for other commercial fishermen statewide by producing their own realistic data, which shows the negative impact of the Ocean Management Plan.

Ms. Taylor said there are various reasons that certain Massachusetts coastal areas are not compatible for large-scale commercial wind farms due to existing species in the area as well as ferry routes etc. Ms. Taylor stated that because of the extensive natural wind resources that are produced from the south coast of Martha's Vineyard, south of Noman's Land and south of Cuttyhunk (Gosnold) have been sited as the only proposed areas in Massachusetts for commercial windmill farm development. The proposed wind farms would have to form a lease with the town and provide a direct economic benefit to the community where they are located. The Ocean Management Plan allows for ten community turbines in the State waters of Dukes County that would be apportioned by the MVC and subject to Board of Selectmen approval. Due to the current Ocean Act, a decision by the Selectmen and/or MVC to deny or condition commercial developments would allow the State's Energy Facilities Siting Board to override that decision.

Mr. Fenner questioned how the coastal areas off of Gloucester and the Massachusetts Bay had been declared non-compatible for a wind farm/State declared ocean sanctuary, but Ms. Taylor did not have a direct answer. Mr. Doty asked if the U.S. Fish and Wildlife had been consulted in the drafting of the Ocean Management Plan and pointed out that Noman's Land is a U.S. Fish and Wildlife sanctuary. Mr. Doty spoke to the diligence the Dukes County/Martha's Vineyard Fishermen's Association has made to attend public hearings, provide research and respond to the Ocean Act. Mr.

Doty also declared that West Tisbury, Chilmark and Aquinnah have defined aquaculture zones in order to protect our coastal waters and those aquaculture zones are blatantly not considered in the proposed designated areas for commercial wind turbines in the Ocean Management Plan.

Mr. Doty went on to describe the effort made by the Dukes County/Martha's Vineyard Fishermen's Association to establish the aquaculture zones, which have been approved by the up-island Selectmen in addition to applying to the Division of Marine Fisheries, Army Corps of Engineers, Coastal Zone Management and Massachusetts Board of Underwater Archeology. Mr. Doty concluded by stating that sand mining has an absolutely disastrous effect on a marine environment and should not be allowed.

Mr. Parker clarified with the representatives of the MVC that, out of the entire coastal sea-line and the three-hundred towns in Massachusetts, the only two areas targeted for commercial wind turbines are off of Cuttyhunk (Gosnold) and Chilmark. Mr. Parker said that it is clear by reviewing the proposed Ocean Management Plan/Ocean Act that the wind turbines are proposed off the coast of towns with the smallest population and least number of voters that could overturn a proposal like this. Mr. Parker considered this proposal not a fair share of the responsibility to create renewable energy production and saw this as political placement right on our local doorstep.

Ms. Taylor said that the draft plan was published June 30, 2009 and requires public hearings to be held and public comments can be submitted within sixty days after the hearings are complete. Four hearings have been held so far in Gloucester, New Bedford, Boston and West Barnstable, with a fifth scheduled on the island for Wednesday, September 23 at the Katherine Cornell Theater.

Martha's Vineyard Commission: Proposed Wind Energy Siting Reform Act

Mr. London said there is compelling State interest in the proposed Wind Energy Siting Reform Act that would give the State authority to overrule local control of the development of renewable energy facilities, such as wind turbines. Currently the local zoning override from the State is one-hundred megawatts and the new act would reduce the override to any renewable energy facility that could produce two megawatts of energy or more. This act would streamline the approval process to go directly through the State and bypass the approval of local zoning and planning boards, island Selectmen and the MVC. This act would allow a renewable energy facility to be built anywhere on the land that met certain State criteria.

Mr. London said that the MVC and the Cape Cod Commission could override the State's control in this act by adopting siting standards that would need the approval of the Department of Energy Resources and would be stricter than the State standards, but in no way prohibit renewable energy production. Mr. Parker recommended that the MVC act immediately to create rational windmill rules and regulations to regulate the construction of both residential and commercial wind turbines before the State can supersede our local jurisdiction.

Martha's Vineyard Commission: Draft Island Plan

Mr. London began the discussion of the draft Island Plan, which was provided to the Selectmen in advance of the meeting. Mr. London suggested that the Selectmen hold a public meeting in mid-September that would focus discussion on the draft Island Plan and invite members of the Planning Board and Steering Committee. Mr. Parker reviewed the draft as an assessment of the problems and issues the island is facing but did not see any plan. Mr. Doty said that the development and growth

section of the Island Plan provided a good overview of what island planning and zoning boards' challenges are and questioned if current zoning is doing what we want and need it to.

Mr. Doty believes that Chilmark's zoning bylaws are producing the results that are envisioned for Chilmark's future. Given the large size of the draft Island Plan, Mr. Doty suggested that a public discussion with the Planning Board regarding the development and growth section of the Island Plan would be beneficial to the community. Mr. Parker wants to see the MVC make hard proposals that provide solutions and then activate the discussion and feedback from the community.

The Selectmen thanked Ms. Taylor and Mr. London for the lively discussion regarding the Commonwealth's Wind Energy Initiatives and the MVC's Island Plan.

CCMHG FY2010 Work Site Wellness Programs

Mr. Carroll provided an overview of 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.

Appointment of Special Police Officer David Murphy

Chief Cioffi said that due to the end of the summer season some of his special police officers have ended their Chilmark service and return to the mainland. In order to maintain appropriate staffing, Chief Cioffi would like to hire twelve year veteran of the Sheriffs Department, Captain David Murphy. Chief Cioffi said that Captain Murphy comes highly recommended from all his former employers and has an honorable discharge from the military. Mr. Doty moved and Mr. Fenner seconded to appoint Special Police Officer David Murphy. SO VOTED: Three Ayes.

Chilmark Road Race Follow-up Report: Tri-Town Ambulance and Police Costs

Officer Cioffi reported that additional enforcement was added this year to the Chilmark Road Race to deal with the issue from the prior year when private property was taken advantage of by the runners and he said that he had received no complaints this year. In addition to the two port-o-potties that were added at Hewing Field Road, the Chief thought two more, for a total of four additional, would be ideal for next year. Chief Cioffi suggested that "cattle-chutes" would be useful next year in order to filter the runners from the finish line to the water station and prevent the crowd spilling out into Beetbung Corner. The running-numbers that were distributed to the runners was over sixteen-hundred, compared to the electronic counter at the finish line which showed only fifteen-hundred people ran.

There were three ambulance runs during the race for all non-race related incidents. Chief Cioffi worked with Chief John Rose of Oak Bluffs Ambulance to determine a management plan on how to facilitate the EMT-side of the race, as former Chief Timothy Rich had done in the past. Chief Rose acted as the incident commander for the race and facilitated any need for EMT service for race participants as well as other incidents. Mr. Parker said that a thank you letter should be sent to Chief Rose for his assistance.

Chief Cioffi stated that the incurred cost for additional police coverage was \$1,367.11 in overtime pay, not including the Chief or Duty Officer's. The Town Affairs Council had donated money this year to cover the extra EMT coverage and Chief Cioffi said he would ask the Town Affairs Council to consider donating money next year to the Police Department.

Chilmark Private Beach Fatalities

Mr. Doty said that the two unfortunate drowning incidents, as well as the one rescue, on Chilmark beaches provided a much needed opportunity to conduct a meeting between Tri-Town Ambulance/EMT's, the Fire Department, Police Department and the Beach Committee about coordinating emergency response efforts. Chief Cioffi stated that one fatality has been confirmed a drowning and the department is awaiting news on the second cause of death. Chief Cioffi said that he attended the Quansoo Annual Board Meeting to discuss with the association how to provide efficient rescue response to their private beach should an incident occur. In addition Chief met with the Hancock Association as well as the Beach Committee.

Chief Cioffi discussed establishing new protocols and determining definite access points that are accessible in all conditions. Mr. Doty also commented that although some beaches in Chilmark are private they still need to be incorporated into the emergency response plans, in addition to discussing the difference of the service our beach-guards provide versus the possible need for lifeguards. The Selectmen asked Mr. Carroll to arrange a meeting with the Tri-Town Ambulance/EMT's, the Fire Department, Police Department, and Beach Committee and invite members of the private beach associations to discuss emergency response efforts and coordination.

Town Clerk Search Committee

Mr. Carroll reported that the Town Clerk Search Committee has re-advertised the position vacancy for Town Clerk with a new deadline to submit applications by August 28 at 4:30 p.m. The Committee will meet on September 3 to pick three applicants to interview on September 9. The Selectmen chose September 15 at 6:00 p.m. for the finalist interviews for Town Clerk.

Request to Film in Menemsha

Mr. Berger had requested a special permit from the Selectmen to film a documentary in Menemsha. The Selectmen agreed that there should be no filming in Menemsha during July and August.

Chilmark School Broken Boiler

Mr. Fenner asked if the Town would incur costs to replace a failed boiler at the Chilmark School. Mr. Carroll is working on researching grant funding to cover the costs.

Signing of Armstrong Bulkhead Lease Lot 1A

The Selectmen signed the Armstrong Bulkhead Lease Lot 1A

DCAM Contractors Workshop

Mr. Carroll announced that a DCAM Contractors Workshop will be held on Thursday, August 27 at 7:00 p.m. to inform island contractors about the process of becoming certified and bonded in order to bid on public building work as General Contractors or Filed Sub-Bidders.

Mr. Fenner moved and Mr. Parker seconded a motion to proceed into Executive Session to discuss land acquisition and security matters. SO VOTED: Three Ayes.

Meeting adjourned.

APPROVED: September 1st 2009