

Present: J.B. Riggs Parker, Warren Doty, Frank Fenner, Tim Carroll, John Armstrong, Wes Brighton, Bette Carroll, Marshall Carroll, Brian Cioffi, Megan Dooley, Andy Goldman, Jonathan Revere, Jack Shea, Jane Slater, Bill Smith.

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

Chairman Parker asked for a moment of silence in memory of Bobby Silva.

Approval of Selectmen Minutes

Mr. Parker called for any changes or corrections to the February 2, 2010 Board of Selectmen meeting minutes. Mr. Fenner moved and Mr. Doty seconded to adopt the minutes as amended. SO VOTED: Three Ayes.

Parks & Recreation Discussion of Bulkhead Lots

Members of the Parks and Recreation Committee were present to discuss the possibility of enforcing a liability insurance requirement for Bulkhead and Creek lot lessees. Mr. Fenner felt strongly that given the low cost to lease the lots, and in the interest of properly protecting the Town, all lease holders for Town owned property should have liability insurance with a minimum of \$1 million coverage. In the case of leaseholders of commercial businesses who already have liability insurance, Mr. Fenner suggested the Town should be named as additionally insured. Mr. Fenner indicated he had researched liability insurance costs for this purpose and the exact figure depends on the individual, but should be around \$200. Ms. Slater asked what the Town currently has for liability insurance and Mr. Fenner responded that the Town has a good policy (of \$1 million with a \$3 million umbrella), but it is an increasingly large budget expense when liability claims are filed against the Town. Mr. Doty stated that the liability insurance is up not due to claims filed against the Harbor, and that this is addressing a problem we do not have. Mr. Doty indicated that the Town's policy already covers the exposure to liability claims with a good blanket policy that covers the Town if someone were to get injured on Town owned land.

Mr. Doty said the different categories of lots include the Creek lots that have no retail sales off the lots, three commercial businesses on the Bulkhead and four other Bulkhead lots with no retail; all of which have very different financial circumstances. Mr. Parker stated that if the Town has the only policy that exists for liability insurance on the lots, then it would be the only policy that can respond to a claim. Ms. Slater proclaimed that the Parks and Recreation Committee has been working hard to restore and maintain the commercial fishing industry in Menemsha and that the liability insurance would be a financial hardship on the fishermen. Mr. Goldman said that he agrees that the Town should be protected, but on the other hand the Town's Master Plan calls for the protection of the Menemsha fishing village and adding that insurance expense to commercial fishermen would be hardship. Mr. Goldman said he would favor having commercial businesses name the Town as additionally insured. Mr. Fenner declared that he did not want this to be a hardship to the fishermen, but does not believe it should be the responsibility of the Town to provide full coverage.

Mr. Carroll said he spoke with a local insurance agency and was given a quote for liability insurance of \$750-\$1200 for a private dock, but if the dock was used for commercial fishing the quote would be \$1,000 to \$1,200 a year. Mr. Fenner provided a copy of the liability insurance for an Aquinnah bulkhead lot lessee, which indicated a cost of \$750 a year. Bulkhead leaseholder, John Armstrong, attested that all the Menemsha commercial fishermen would agree that this would be an expense that none of them can afford right now and the fishermen would be against it. Mr. Parker stated that he

appreciates the interests of the fishermen, but as an elected official he has to have the Town's interest in mind too. Mr. Doty said that as an elected official he feels that the Town is properly covered and wants to keep the costs down for the fishermen. Owner of Menemsha Texaco, Marshall Carroll, said that the Town should prevent liability at the Harbor by performing routine maintenance to keep the dock safe and that increasing costs for the fishermen would be a burden to the very community the Town has been trying to cultivate.

There was discussion about whether the decision to require liability insurance was up to the Selectmen or the Parks and Recreation Committee. Members of the Parks and Recreation Committee supported only requiring the commercial lots to have liability insurance. Mr. Fenner stated that if the insurance costs for the fishermen were extraordinarily high he would reconsider his decision, but with the lots being leased at such a low rate the insurance costs should be manageable. Mr. Fenner moved and Mr. Parker seconded to require proof of liability insurance of up to \$1 million before a lease will be issued on town owned land. So VOTED: Two Ayes; One Nay (Doty).

Menemsha Rents Discussion

Mr. Fenner stated that he believes it is wrong to lease lots to commercial retail businesses and charge the businesses a third of the cost to lease a slip at the Fill Dock. Mr. Parker thought this was a good discussion to review, but said that the Parks and Recreation Committee voted last year to raise rents by 20% each year for three years and that decision should be carried out. Mr. Goldman stated that Menemsha is a crown jewel because it is an actual fishing village and that the Parks and Recreation Committee have done a lot hard work to enable it to be an affordable fishing village. Mr. Goldman indicated that the strict limits imposed on the Menemsha businesses in order for the businesses to aid the commercial fishing fleet make their low rents appropriate. Mr. Goldman said the Town should not be looking at raising rents, but should be looking at how to protect the resources we have in Menemsha. Mr. Fenner proclaimed that he does not want to exploit Menemsha in anyway but thinks the rents should be more appropriate. Mr. Parker stated that the decision of the Parks and Recreation Committee to raise rents by 20% over three years should be honored and then the topic can be revisited.

Freezer Request

The Parks and Recreation Committee Chairman, Andy Goldman, invited Bulkhead Lot 1A leaseholder, John Armstrong, and Wes Brighton to discuss their request to install a freezer on the north side of Mr. Armstrong's fishing shack, as well as a Gin Pole facing the dock. Mr. Armstrong explained that the proposed freezer would be approximately twenty feet long by eight feet wide/high and would be attached to the building with a shingled enclosure for aesthetics and noise issues. The freezer, which would be used for bait and hold product, could be constructed extending towards the dock or the road. Mr. Armstrong said the Gin Pole would allow the fishermen to pull into the loading zone and use the Gin Pole to lift their bait barrels out of truck and swing them onto their boat. Mr. Armstrong attested that a Gin Pole has been needed at the Harbor for a long time and that it would be operated and controlled by Mr. Armstrong or someone he designates. There was discussion about the placement of the freezer and the building regulations that pertain to the Parks and Recreation. Mr. Doty stated that changes in Menemsha need to be allowed as the industry changes and that changes should be welcomed if done with respect to Menemsha's traditional aesthetics. Mr. Carroll suggested Mr. Armstrong speak to the Board of Health about the freezer. A motion was made, seconded and unanimously approved by the Parks and Recreation Committee to approve the request to install a freezer on Bulkhead Lot 1A. SO VOTED: Three Ayes.

Emergency Management

Assistant Director of Emergency Management, Bill Smith, presented a proposal to the Selectmen to take part in an Island-wide reverse 911 system for emergency and non-emergency public notification called Code Red. Mr. Smith reported that the Internet based system provides all emergency messages to the public for free, such as hurricane warnings, Amber Alerts, toxic spills etc. In addition, Chilmark would be provided with 1,257 minutes a year to send non-emergency public announcements to residents regarding road paving, water band, school closing, etc. Code Red has many features including providing a report of messages received by a live person versus an answering machine and can map out specific areas where you want the alert to reach. Mr. Smith also indicated that a resident can request the alert messages be sent to their cell phone and email address. Mr. Smith reported that Chilmark's annual assessment to participate in Code Red would be \$787.17. There was discussion that Code Red should primarily be used for emergency situations. Mr. Doty moved and Mr. Fenner seconded to recommend to the Finance Advisory Committee that Code Red be included in the Emergency Management budget for the next three years. SO VOTED: Three Ayes.

Chilmark Affordable Housing Trust Fund

Mr. Carroll presented the Selectmen with two warrant articles to be submitted at the Annual Town Meeting. The first of which would be local adoption of MGL 44 section 55C establishing the Chilmark Affordable Housing Trust Fund and the second article would adopt the Trust fund document drafted by Town Counsel. The Trust's purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households. The Trust will be governed by a board of trustees comprised of one Selectman, two Housing Committee members, one Finance Advisory Committee member, and one at large member, all of which are appointed by the Board of Selectmen. There was discussion about the authority the Trust has to borrow money on behalf of the Town without a vote from Town Residents. Mr. Carroll explained that the Trustees would make a borrowing recommendation to the Selectmen for approval and allowing the Trust this authority would provide flexibility to move without delay if an affordable housing option presents itself, such as a foreclosure in Town that could be purchased at an affordable rate.

Establishing the Trust is a requirement for bonding and can also serve as fund to support yearly maintenance for the Middle Line Road rental duplexes, etc. There was discussion about naming the Trust the Molly Flender Trust and it was agreed that to meet the statutory requirements the Trust will legally be named the Chilmark Affordable Housing Trust Fund, but referred to as the Molly Flender Trust.

Chilmark Housing Committee

Andy Goldman, Chairman of the Housing Committee, reported that Chilmark has been without a representative on the Dukes County Regional Housing Authority (DCRHA) since the retirement of Zee Gamson in February 2009. Administrative Assistant to the Housing Committee, Todd Christy, has been attending the DCRHA board meetings and the Housing Committee would like to recommend Mr. Christy to serve as the Chilmark representative on DCRHA. Mr. Goldman indicated that the Housing Committee recognizes this is not the ideal circumstance since Mr. Christy is the assistant to the committee he will represent, but makes the recommendation noting that sometimes individuals serve many functions in a small town. The Selectmen recognized that potential conflict, but agreed Mr. Christy has been an active member on Town committees prior to becoming an employee and would serve the Town well on the DCRHA. Mr. Carroll made note of the Selectmen and the Housing Committee recognition of potential conflicts and clarified that Mr. Christy would be appointed a county official by the County Commissioners at Selectmen's recommendation. Mr. Doty moved and Mr. Fenner seconded to recommend Todd Christy be appointed by the County

Commissioners as the Chilmark representative on Dukes County Regional Housing Authority Board.
SO VOTED: Three Ayes.

Letter from West Tisbury Board of Selectmen

Mr. Parker read a letter from the West Tisbury Board of Selectmen to the Chilmark Fire Department thanking the firefighters for their assistance in battling the fire that claimed Daniel Prowten's life on Christiantown Road in West Tisbury.

Community Preservation Committee

In response to Allen Healy's request to serve on the Community Preservation Committee, Mr. Doty stated that Mr. Healy represents a very clear and strong opinion about Chilmark's preservation and he would serve the CPC well. Mr. Doty moved and Mr. Fenner seconded to appoint Allen Healy an at large member of the Community Preservation Committee. SO VOTED: Three Ayes.

Middle Line Road (MLR) Community Housing

The Selectmen took no action on the Master Declaration of the Middle Line Road Community Housing Association, the Middle Line Road Community Housing Association Bylaws, and the Middle Line Road Community Housing Road Association Bylaws due to further legal review needed by Town Counsel. The Selectmen made changes to the Owner's Project Manager contract but did not approve it as some items were not finalized. Mr. Fenner moved and Mr. Doty seconded to authorize the Chairman of the Middle Line Road Construction Advisory Committee to sign the Owner's Project Manager contract when it is finalized. SO VOTED: Three Ayes.

Mr. Doty explained that Frank LoRusso (MLRCAC member) has been analyzing how to streamline the trenching needed in order to complete it all at one time, so the road does not need to be retrenched to bring utilities to the homesite lots and the rental duplexes. Originally this work was to be preformed by the General Contractor from appropriation of rental duplexes, but the Middle Line Road Construction Advisory Committee is requesting the Change Order #3 for the utility conduit and trenching be added to the utility contract. Approving the Change Order #3 would save the resident homesite recipients from trenching their utilities. Mr. Doty stated that the Change Order #3 for the utilities would be \$25,519.77 and the MLRCAC is reviewing which appropriation the money should come from. Mr. Doty moved and Mr. Parker seconded to approve Change Order #3. SO VOTED: Two Ayes; One Abstain (Fenner). Mr. Doty spoke briefly about the delays in the utilities installation due to weather conditions.

Mr. Parker made note that the an advertisement has been placed in the Central Register for a General Contractor to bid on the construction of the Middle Line Road rental duplexes.

Tea Lane Farm Inter-municipal Agreement with Martha's Vineyard Land Bank

Mr. Parker read the provisions of the 2001 Martha's Vineyard Land Bank Intermunicipal Agreement with Chilmark regarding their joint ownership in the Tea Lane Farm. The schedule to implement the Farm Plan as outlined in the Intermunicipal Agreement is as follows:

Community brainstorming session on possible future uses of farm – Wednesday, March 17, 2010
Solicitation of three interested residents to serve on five member Farm Committee (two members from Martha's Vineyard Land Bank Town Advisory Board)

Interview and Appointment of Committee at Selectmen's meeting April 6, 2010

Selectmen decide on interim use of house at Selectmen's meeting April 6, 2010

Selectmen decide on interim use of vegetable gardens at Selectmen's meeting April 6, 2010

Committee collects data and discusses future uses April – May

Committee Reports to Selectmen on June 1, 2010

Selectmen solicit proposals from public to implement Farm Plan – July

Selectmen award 1 year lease (renewable for 5 or 10 years) on August 17, 2010

September 30, 2010 the awardee takes possession of homestead (if interim use is allowed)

The Selectmen discussed the interim use of the Farm until a formal farm plan is developed and that perhaps the house could be used to house seasonal town employees. Mr. Fenner suggested that with respect to the Silva family the proposed dates in the schedule should be tentative. Brian Cioffi volunteered to be on the Farm Committee. The niece of Bobby Silva, Melinda Rabbitt DeFeo submitted a letter to the Selectmen and spoke on behalf of her sincere and strong interest in being considered as a potential tenant farmer at the Farm, in addition to being involved in the Farm Plan. Mr. Parker requested that the Executive Secretary begin negotiations with the MV Land Bank and to report to the Selectmen at the monthly meetings of the progress of the Farm Plan.

NSTAR System Upgrades and Antenna Sites

Mr. Carroll spoke on behalf of a request from NSTAR to install a repeater at the tower on Peaked Hill for the purpose of enabling remote switches to be used to turn on and off power in emergency situations or reroute power around fault lines. If a repeater is not allowed to be installed at the Peaked Hill tower NSTAR is proposing to erect two new sixty-five foot poles on Middle Road and North Road to operate the remote switches. Mr. Carroll said that NSTAR needs approval from both the Selectmen and the Coast Guard to install the repeater at the tower. Mr. Doty moved and Mr. Fenner seconded to have NSTAR request from the Coast Guard permission to install a repeater on the Peaked Hill tower. SO VOTED: Three Ayes.

Harbor Replacement Shack

Mr. Fenner stated that the Harbor shack is in definite need of repairs and that the building is not adequate for the services the Harbor provides. Mr. Fenner measured three existing building along the bulkhead all of which were fourteen feet by twenty feet, but felt that a new Harbor shack would need to be sixteen feet by twenty feet to accommodate the Harbor needs and the storage of the beach equipment. Mr. Fenner estimated that the finished cost of a new shack would be approximately \$25-\$35,000, which would be in compliance with all building codes. Mr. Fenner suggested minor repairs be made to the existing shack for this season and have an article to replace the shack on the fall Special Town Meeting warrant. Mr. Parker agreed that the current shack would need to be replaced as repairs would not suffice long-term. Mr. Doty expressed that he was against replacing the building with a larger building and said that a larger building would change the character of Menemsha. Mr. Fenner said he would try to come up with a proposal for a smaller building that would incorporate the needs of the Harbor as well as the storage of the beach equipment. Marshall Carroll requested to be included in the discussions regarding the repairs to the existing shack and future planning for the replacement shack. Mr. Fenner suggested using the Chilmark Waterways Fund to pay to replace the shack if allowable. Mr. Parker requested Mr. Fenner research the replacement shack further and come back to the Selectmen with a proposal.

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

Respectfully submitted by Nina M. Lombardi.

APPROVED March 16, 2010.