

**Present:** J.B. Riggs Parker, Warren Doty, Frank Fenner, Tim Carroll, John Alexander, Barbara Armstrong, John Armstrong, Wes Brighton, Steve Broderick, Tim Broderick, John Bunker, Rodney Bunker, Bette Carroll, Marshall Carroll, Brian Cioffi, Megan Dooley, Linley Gale, Andy Goldman, Jennie Greene, Wayne Iacono, Dennis Jason, Joan Jenkinson, Patrick Jenkinson, Patrick Jenkinson Jr., Bob Lane, Karsten Larsen, John Larsen, Stanley Larsen, Marina Lent, Skipper Manter, Gregory Mayhew, Jonathan Mayhew, Max McCreery, Jim Morgan, Chris Murphy, David Norton, Susan Parker, Donald Poole, Jonathan Revere, Jack Shea, Jane Slater, Bill Smith, Amy Tierney, Jim Weiss, Robert Zeltzer.

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

#### Management Position Descriptions

Mr. Fenner explained that the ever increasing workload for the Executive Secretary has prompted discussion to delegate some of the job responsibilities to another management position. Mr. Fenner made note that often Mr. Carroll's expertise with regard to Town knowledge and procedures is not adequately exercised due to his heavy workload. Mr. Fenner stressed that the Selectmen and the Town need the expertise Mr. Carroll possesses and he would like the job descriptions to be reviewed with Mr. Carroll's input. Mr. Fenner moved and Mr. Parker seconded to recommend to the Personnel Board to review the job descriptions of the Executive Secretary and the Coordinator of Administrative Support. Mr. Doty stated that he did not believe the Selectmen were giving the Personnel Board enough direction in the motion and that the Selectmen should define what they would like to see happen, and then ask the Personnel Board for the specific job descriptions to be drafted.

Mr. Doty asked for clarification regarding what the motion is directing the Personnel Board to do. Mr. Fenner said he wants the Personnel Board to review with Mr. Carroll (Executive Secretary) and Chuck Hodgkinson (Coordinator of Administrative Support) their current job functions and see if there is some way to lighten Mr. Carroll's workload. Mr. Doty reiterated that any suggested changes to job descriptions should be made by the Selectmen and then given to the Personnel Board for review. Mr. Parker said the Selectmen are referring to the Personnel Board for their advice on the matter and then the Selectmen will choose to act, or not act, on the recommendation from the Personnel Board. There was some discussion as to whether an additional job was going to be created, or if hours will be added to existing positions, to which Mr. Parker said neither was going to happen. Mr. Doty cited that his primary concerns were to not have this result in increasing the budget and that as jobs are redefined that parallel leadership positions are not subsequently created. SO VOTED: Two Ayes; One Nay (Doty).

#### Replacement of Windows at West Tisbury School

The Selectmen received a request from the Up-Island Regional School Committee to appropriate \$34,375 for Chilmark's share in the \$250,000 needed to replace windows and surrounding trim at the West Tisbury School. Superintendent Jim Weiss, Interim Principal Bob Lane and School Business Administrator Amy Tierney were present to discuss in detail the need to replace the windows. Mr. Lane explained that significant water damage had occurred over the years in the section of the school that was built in 1995. The water damage had resulted in several windows, the surrounding trim and roof in one section to rot in addition to creating termite and carpenter ant damage. Mr. Lane presented a plan of the school which highlighted the affected areas. Mr. Lane stated that J.K. Scanlon

was the contractor that built the addition in 1995 and had sub contracted the window installation to another company that installed them against J.K. Scanlon's recommendation because the windows were designed to go into a cinder block setting. Mr. Lane said that \$10,000 would be used from the West Tisbury School's FY10 budget to conduct a feasibility study to explore how extensive the damage is in order to prioritize the repair work needed. Mr. Doty noted that the estimate from Keenan & Kenny Architects included replacing all 170 windows, which accounted for a large cost estimate and he hopes that is not what the feasibility study would determine is needed. There was a lot of discussion regarding the feasibility study and the warranty for the windows noting and that windows failed because they were installed improperly. The Selectmen thanked Mr. Lane, Dr. Weiss and Ms. Tierney for their presentation and said they looked forward to the results of the feasibility study.

#### Menemsha Creek Lots & Bulkhead Leases

Mr. Fenner thanked John Armstrong for his letter requesting the Selectmen reopen the discussion to require Menemsha lease holders to have liability insurance. Mr. Fenner reiterated that the last thing he wanted to do was put a hardship on the fishermen and was quoted a rate of approximately \$200 to name the Town as additionally insured on an existing policy, but understands now that the costs would actually be much higher than that. Mr. Fenner stated that he is interested in protecting the fishermen's assets, in addition to the Town, and that it is a tremendous privilege to have the lots and the leaseholders should share in liability of the Town. Mr. Doty moved and Mr. Fenner seconded to reopen the discussion regarding requiring liability insurance from the Menemsha leaseholders. SO VOTED: Three Ayes.

A lively discussion commenced between the Selectmen, the commercial fishermen and leaseholders present who were strongly against the liability insurance requirement. Mr. Doty suggested a committee be formed comprised of leaseholders and Town officials to review the Town's insurance coverage and the condition of the lots to determine what needs to be fixed to prevent liability. Mr. Parker stated that the tax payers are paying for the Town's insurance and insurance costs increase based on the number of times the Town gets sued. Karsten Larsen declared that if the fishing shacks need to be repaired to prevent liability, so do other areas of the docks. Karsten Larsen said that he allows his lot to be used to benefit the fishermen as well as the general public and would not allow anyone to access his lot if he was required to have liability insurance. Bob Zeltzer suggested that an insurance audit should be conducted to determine areas of liability and determine the cost to the Town to add additional liability insurance to cover the lots. Mr. Zeltzer explained that the rent for the lots could be raised to supplement the added insurance cost to the Town, which would be much more affordable for the fishermen. Mr. Doty asked Mr. Carroll, the Town's chief procurement officer, what value an insurance audit would have and Mr. Carroll said an audit was preformed last year and liability insurance for the leaseholders was encouraged by the insurance company.

John Armstrong said that he was quoted \$400 for \$1 million dollar insurance policy that would name the town as additionally insured and said that cost would only increase each year. Barbara Armstrong expressed that the commercial fishermen make Menemsha what it is and the ambiance they create is what draws tourism and commerce to the Town. Ms. Armstrong went on to say that the insurance requirement would hinder that atmosphere if no trespassing signs and fences were used to avoid potential liability on their lots. Chairman of the Parks and Recreation Committee, Andy Goldman, stated that he would be pleased to work on a plan to avoid any financial hardship to the fishermen due to the liability insurance. The leaseholders strongly encouraged the Selectmen to notify them before any meetings are held that concern the Bulkhead or Creek lots and Menemsha Harbor. After much discussion, Mr. Fenner moved and Mr. Doty seconded to rescind their vote of February 16, 2010 to

require proof of liability insurance of up to \$1 million before a lease will be issued on town owned land. SO VOTED: Three Ayes.

Annual Town Meeting: Vote to Approve Warrant & Call Meeting April 26th 2010

The Selectmen discussed the Annual Town Meeting warrant and noted that all of the articles listed had been reviewed or recommended by the Finance Advisory Committee. Mr. Carroll indicated that Article 14 and Article 16 have had figures amended, but the values have not change; therefore a Finance Advisory Committee meeting will need to be held to recommend the warrant article changes. There was discussion regarding the affordable housing trust fund Article 29 section 11 and whether or not legal counsel has reviewed that the trust would have authority to borrow money without a vote from town meeting. 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 comes available. Mr. Carroll explained that a Special Town Meeting will have to be called to amend a Zoning Bylaw to place a one year moratorium on the construction of windmills at 7:30 p.m. prior to the Annual Town Meeting at 8:00 p.m. Mr. Fenner moved and Mr. Doty seconded to approve the Annual Town Meeting warrant as presented. SO VOTED: Three Ayes.

Zoning Bylaw Amendment Section 6.9 Homesite Housing Lots – heirs 200% AMI

The Selectmen reviewed the recommendation from the Housing Committee to amend Section 6.9 of the Zoning Bylaws allowing heirs that earn up to 200% of the area median income (AMI) to inherit a homesite lot. Mr. Parker was concerned that amending the bylaw to allow heirs that earn up to 200% of the AMI to inherit a homesite lot would violate the special act allowing perpetual restrictions on affordable housing recipients that earn up to 150% of the AMI. Mr. Parker explained that covenants expire after thirty years, but a special state statute was passed to allow affordable housing covenants to last in perpetuity if the recipients do not earn more than 150% of the AMI. Mr. Parker indicated that amending the bylaw as recommended would lose the ability to have the affordable housing covenants last perpetually therefore resulting in the covenants expiring after thirty years, which is not appropriate for Chilmark. Mr. Carroll stated that Legal Counsel had advised that under Chapter 40A the Selectmen were not required to send to the Planning Board the request from the Housing Committee to amend the bylaw because the committee is not named to make recommendations in the statute. Mr. Fenner stated that he wants a spouse and/or child of an affordable homesite leaseholder to not have to income qualify to inherit the homesite, but be held to the extensive deed restrictions on the property.

Chair of the Housing Committee, Andy Goldman, explained that the committee debated this issue and came up with their recommendation because Town Counsel had advised that the current bylaw would not allow inheritance of the homesite lots. Mr. Fenner would like to see this issue debated at Town meeting and wants to ensure the family institution in Chilmark survives. Jonathan Mayhew said he agreed with Mr. Fenner that an income restriction should not be placed on a spouse or child to inherit a homesite. Mr. Fenner proposed a bylaw amendment that spouses and children of affordable homesite lots are exempt from income qualifications to inherit the homesite, but shall comply with all the other covenants in the ground lease to ensure that the homesite remains in the affordable housing inventory. The Selectmen discussed and agreed that the bylaw amendment recommendation should be reviewed by Town Counsel prior to the Selectmen recommending it to the Planning Board to hold a public hearing. Mr. Fenner moved and Mr. Doty seconded to send Mr. Fenner's proposed recommendation to amend Section 6.9 of the Zoning Bylaws to Town Counsel for review. SO VOTED: Three Ayes.

#### Middle Line Road Homesite Ground Leases

Mr. Doty asked Mr. Parker and Mr. Goldman what the status was on the finalizing the ground leases for the Middle Line Road homesites and if the proposed amendment to the bylaw would affect the ground leases. Mr. Parker said the ground leases would be finalized before the Annual Town Meeting and that the proposed bylaw amendment would affect the leases. Mr. Doty asked where the \$20,000 due from the homesite recipient at the time of signing the ground lease would go and Mr. Parker said it would go into the affordable housing trust fund that will be established at the Annual Town Meeting. Mr. Doty confirmed with Mr. Goldman that the process for each homesite recipient is to meet with the Site Review Committee, obtain a special permit from the Zoning Board of Appeals, sign the ground lease and obtain a building permit.

#### Martha's Vineyard Cultural Council Appoint Jennifer Christy as a Chilmark representative

The Selectmen received a letter of request from Jennifer Christy to serve as a Chilmark representative on the Martha's Vineyard Cultural Council. Mr. Fenner moved and Mr. Doty seconded to appoint Jennifer Christy as a Chilmark representative on the Martha's Vineyard Cultural Council. SO VOTED: Three Ayes.

#### Wind Energy Facilities Appointment of Planning Representative & Wind Technology Representative

The Selectmen received a letter of request from Andy Goldman to serve as a Planning representative on the Wind Energy Facilities Committee working with the Martha's Vineyard Commission on planning for windmills over 150 feet high. Mr. Doty moved and Mr. Fenner seconded to appoint Andy Goldman as the Chilmark representative on the Wind Energy Facilities committee. SO VOTED: Three Ayes.

The Selectmen will appoint a Chilmark representative on the Wind Technology Committee at a later date.

#### Elder Services of Cape Cod "Mayors for Meals" campaign March 24, 2010

Mr. Parker and Mr. Fenner will attend the Elder Services of Cape Cod "Mayors for Meals" campaign March 24, 2010; Mr. Doty will be out of town and unable to attend.

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.