

*Town of Chilmark*  
**SPECIAL TOWN MEETING**  
September 26, 2011

MODERATOR: Everett H. Poole  
TOWN CLERK: Jennifer L. Christy  
REGISTRARS: Susan M. Heilbron, Judy G.L. Mayhew  
CONSTABLE: Marshall E. Carroll, III  
TELLERS: William Meegan & Carol Shweder

At the close of voter registration on September 16, 2011 there were eight hundred and sixty-three (863) registered voters in the Town of Chilmark. With eighty-four (84) voters present at the Special Town Meeting, a little less than 10% of the total number of registered voters, the Moderator called the meeting to order at 7:35 p.m. Constable Marshall E. Carroll, III attested to the posting of the warrant. The Moderator Everett Poole recognized the late Constable Daniel Bryant for his service to the Town of Chilmark. Mr. Poole noted the void at the front of the room because of the absence of Danny Bryant. Mr. Poole said that Danny was a very good friend and he missed him very much. He asked for everyone to observe a moment of silence in honor of Mr. Bryant. There was a moment of silence.

**ARTICLE 1.** Read by the Moderator, moved and seconded. The article was opened for discussion. Judith Jardin was recognized. Ms. Jardin expressed concern with the phrase “to remain in public ownership in perpetuity” that appears on the background summary provided for town meeting, but does not, as she recalls, appear on the deed. She pointed out that this stipulation was not mentioned before and she feels townspeople, from what she has heard, are unaware of this stipulation. Ms. Jardin further noted that the phrase was not noted in the warrant article when it was originally presented to the town. Ms. Jardin continued and mentioned the different economic climate that the town is experiencing now compared to 2001, when the Town originally purchased Tea Lane Farm. Ms. Jardin noted the high cost of renovating one house for one family. Ms. Jardin feels it is very unlikely that anyone would be able to handle the expense and responsibility of living in the house and farming the land. Next, Ms. Jardin reminded the voters of her recommendation to the town, when she was Treasurer, to establish a Capital Planning Committee. Ms. Jardin again recommended the establishment of a committee. This committee would, Ms. Jardin stated, allow all town departments to submit their capital needs to them for consideration. This committee, Ms. Jardin noted, would assess the needs and provide a plan to the town of capital expenditures for the future so that townspeople would have an idea of all areas in need while they are considering large capital expenditures at town meeting. Last, Ms. Jardin noted the town’s purchase of the Engley property and the apparent inaction on that project. Ms. Jardin concluded by making a motion to indefinitely postpone Article 1. This motion was seconded. The Moderator called for a voice vote and stated the motion to indefinitely postpone Article 1 appears to be carried. Mr. Poole stated, “Defeat of Article 1 appears to be carried.” Sam Feldman asked for a hand count. Mr. Poole asked for all those in favor of indefinitely

postponing to please rise. Tellers, William Meegan and Candy Shweder, counted those in favor. Mr. Poole asked all those opposed to indefinitely postponing to please rise. The tellers counted.

**The Moderator stated the motion to indefinitely postpone is carried, 48-15.**

**ARTICLE 2.** Read by the Moderator, moved and seconded. The article was opened for discussion. Executive Secretary Timothy Carroll was recognized and asked to amend the article. Mr. Carroll asked to replace the words, "Article 8", with "Article 9" and to replace the year "2011" with "2010." The Moderator read the amendment and asked if there was any discussion. Jim Feiner was recognized and began to speak, but not on the subject of the particular amendment. The Moderator asked Mr. Feiner to wait until the amendment to the article was voted on. The Moderator called for a vote on the amendment.

**The Moderator declared the amendment carried.**

The Moderator called for discussion on Article 2. Mr. Feiner was recognized and acknowledged Selectman Frank Fenner and Frank LoRusso for monitoring and "steering the ship" so well. Mr. Feiner stated that without Mr. Fenner's and Mr. Lo Russo's help the town would not have been able to get the project done as well as it has. Selectman Doty was recognized and explained that the financing costs for the Middle Line Road rental duplex project were expected to be higher, but they were not and so money is available in the financing budget that can be transferred to the landscaping budget. Mr. Doty explained what was left to do in landscaping at Middle Line. There was no more discussion. The Moderator brought the article to a vote.

**Article 2, as amended, was carried unanimously.**

**ARTICLE 3.** Read by the Moderator, moved and seconded. The article was opened for discussion. Executive Secretary Timothy Carroll was recognized and asked to amend the article. Mr. Carroll asked to replace the words, "Article 8", with "Article 9." The Moderator read the amendment. The amendment was moved and seconded. The Moderator asked if there was any discussion. The Moderator called for a vote on the amendment.

**The Moderator declared the amendment carried unanimously.**

The Moderator called for discussion on Article 3, as amended. Selectman Doty was recognized and noted that the town still expects to receive reimbursement for the costs of the Menemsha Pier Connector reconstruction. Mr. Doty also noted that the transfers in this article would allow the town to enter into a long-term bond with a better interest rate. The Moderator asked if there was any more discussion on the amended article. There was no discussion. The Moderator called for a vote on Article 3, as amended.

**Article 3, as amended, was carried unanimously.**

**ARTICLE 4.** Read by the Moderator, moved and seconded.. The article was opened for discussion. There was no discussion. The Moderator declared,

**Article 4 passed unanimously.**

**ARTICLE 5.** Read by the Moderator, moved and seconded.. The article was opened for discussion. There was no discussion. The Moderator declared, **Article 5 passed unanimously.**

**ARTICLE 6.** Read by the Moderator, moved and seconded.. The article was opened for discussion. There was no discussion. The Moderator declared, **Article 6 passed unanimously.**

**ARTICLE 7.** Read by the Moderator, moved and seconded. The article was opened for discussion. Frank Yeomans was recognized and inquired as to whether the Harbormaster has the use of a town boat in times of emergency. Selectman Fenner was recognized and noted the Harbormaster does have access to a boat, the town-owned boat used by the Shellfish Department. There was no other discussion. The Moderator called for a vote and declared, **Article 7 is carried.**

**ARTICLE 8.** Read by the Moderator, moved and seconded. Executive Secretary Timothy Carroll was recognized and made a motion to amend the article. The motion was seconded. Mr. Carroll asked to replace the words, “appropriate from the Wetlands Protection Fund” with “Raise and Appropriate.” The amendment was moved and seconded. The Moderator read the amendment and asked if there was discussion. Ms. Jardin was recognized and asked for background information on why we would switch the request from the Wetlands Protection Fund (WPF) to raise and appropriate. Mr. Carroll was recognized and replied the warrant was worked out to have a nearly neutral effect on the tax rate. Mr. Carroll continued to say this change would work within the numbers and not raise the tax rate by this town meeting. Mr. Carroll also noted that some have questioned whether this expenditure can be legally made from the WPF for the specific purposes of this restoration plan. Mr. Carroll also noted changing the article through the amendment tonight would allow the project to move forward rather than having to wait until the Annual Town Meeting. Ms. Jardin questioned how the WPF is funded. Mr. Carroll explained how the WPF is funded: through fines and penalties for anyone who violates the bylaws or the Wetland Protection Act and through application fees. Ms. Jardin asked how much money is in the WPF. Mr. Carroll responded, “\$14,000.” Ms. Jardin questioned why the town would not use those funds for this project. Mr. Carroll noted that the change in the funding was done because there was discussion within the Conservation Commission about the legality of funding this project through the WPF and, therefore, the change was made so that the project would be able to continue with different funding. Moderator Poole asked Mr. Carroll to further explain the process. Mr. Carroll assured voters that the plan would still need to go before the Conservation Commission and the Commission would need to be part of the process to create the plan. The Moderator asked if there was any more discussion. There was none. Mr. Poole noted that the town was voting on the amendment to Article 8. The Moderator stated the amendment appeared to carry and asked if there was any question of that determination. There was none. The Moderator stated, “It is carried.”

**The Moderator stated amendment to Article 8 is carried.**

The Moderator read the amended Article 8. It was moved and seconded. The Moderator asked if there was any discussion. Chris Murphy was recognized and asked for a Chilmark Pond Association member to explain what they have in mind. Steve Lewenberg was recognized and briefly explained the organizational structure and membership of the Chilmark Pond Association and its origins as a state-mandated organization. Mr. Lewenberg continued to explain his views on the state of the pond's health and the efforts in the past to maintain the pond and dune ecosystem. Mr. Lewenberg mourned the loss of Rusty Walton's expertise as a Conservation Officer and a former member of the Chilmark Pond Association. Mr. Lewenberg stated the desire of the Chilmark Pond Association to work closely with the town to improve the Chilmark Pond. Mr. Lewenberg stated that the intent of the Chilmark Pond Association is to hire an expert to tell the association how they can effectively maintain the dunes and also to tell them to what extent they can maintain the flushing of the pond. Although the management of the pond, Mr. Lewenberg noted, was always done through volunteer service, the association feels it does not have the expertise to do it that way anymore. Mr. Murphy was recognized and commended Mr. Lewenberg on his thorough explanation. Mr. Murphy stated he would speak against the article, not because he disagreed with the points Mr. Lewenberg made, but because the town shouldn't put money into this project. Mr. Murphy noted the best path would be to allow nature to take its course and leave the pond alone. Mr. Murphy noted other ponds along the south shore had experienced the same erosion and change in past and also noted that the pond has been closed to shellfishing for 15-20 years. Mr. Murphy concluded by asking why the Chilmark Pond Association had not dealt with the fecal coliform levels in Chilmark Pond if their concern was the quality of the pond and urged voters to turn down the request in Article 8. Mr. Carroll was recognized and noted the Chilmark Pond is not able to be opened to shellfishing because of a lack of data. He noted the efforts of the Chilmark Pond Association to do the necessary testing and monitoring that would make it possible to have future shellfishing. Mr. Carroll noted a goal would be to improve the quality of the pond for shellfishing. Mr. Fenner was recognized and described the geography of the ponds in the Chilmark Pond area. He noted the difficulty of fighting nature but expressed concern with the effects of no action or restoration on Lucy Vincent Beach. Mr. Fenner also noted that the drainage of the pond in the Lucy Vincent Beach area is not happening and it will breach onto the beach, a town asset. Mary Jane Pease was recognized, noted the advantages of the Chilmark Pond Association restoration plan and the fact that the progress of nature is inevitable but it does not need to be immediate. Jim Hickey was recognized and reminded the voters that a similar request was brought before the town in years past concerning the growth and removal of phragmite plants in Chilmark Pond. He noted the request was turned down and felt this request was similar and should also be turned down. Mr. Doty was recognized and stated he voted against the earlier request for the town to assist with phragmite removal from Chilmark Pond because it involved using an herbicide named Round-Up. Mr. Doty noted this current request is different and that it is a public and private issue. Mr. Doty finished by noting the connection the Chilmark Pond has with the public's enjoyment of Lucy Vincent Beach and the success of previous restoration

efforts. Rodney Bunker was recognized and stated his belief that nature will run its course and that he would urge voters to vote no on this article. Mr. Murphy was recognized again and stated he appreciated all the comments and their merits. Mr. Murphy stated that the changes nature will make are not bad if no restoration plan is pursued. Kristin Maloney, Beach Committee Member, was recognized and stated there may be advantages to working with the Chilmark Pond Association in the short term to help the health of the pond. Mrs. Maloney also noted the importance of maintaining a safe swimming pond for children. Mrs. Pease stood and stated her desire to repair things rather than let nature take its course. Mr. Lewenberg was recognized and noted the volunteer efforts that happened after Hurricane Bob in 1991 and how those repairs have lasted. He also noted the strengthening of requirements and permitting needed for making repairs. Mr. Lewenberg stated that this expenditure would help the Chilmark Pond Association deal with “officialdom” and do things correctly with expert advice. Clarissa Allen, a former Chilmark Pond Association member and abutter, was recognized and stated her view that the Chilmark Pond Association should fund this expenditure entirely and then come back to the town. Mrs. Pease stood and stated that the Chilmark Pond Association doesn’t need experts but that a Chilmark Pond Association /Town collaboration would facilitate the process. Mr. Lewenberg was recognized and stated the town has a vested interest in the restoration because of the effects on Lucy Vincent Beach. Candy Shweder was recognized and expressed confusion. She asked, “What are we studying? Dredging, dune restoration or is this a broad study? Mrs. Pease stood and stated, “This is a drainage issue! If you had a blockage you’d take a laxative!” Ms. Allen was recognized and agreed with Mrs. Pease that there is a drainage issue, but noted there are also other issues. Bill Randol was recognized and called for a vote on the Article. Moderator Poole stated he would call for a vote when discussion was done. Andrew Goldman was recognized and said he had come to town meeting with neither an opinion or even a “ghost” of an opinion on this issue. He expressed appreciation for the thorough discussion and noted the advantages of the expenditure that had so far been noted. Mr. Goldman stated he was not persuaded by arguments against the expenditure. There was no more discussion. The Moderator called for a vote.

**Article 8, as amended, was carried.**

**ARTICLE 9.** Read by the Moderator, moved and seconded. The article was opened for discussion. Executive Secretary Timothy Carroll was recognized and asked to indefinitely postpone the article. Mr. Doty was recognized and commended the Tri Town Ambulance Committee for their prudent financial organization. The Moderator called for a vote on Article 9 to be indefinitely postponed. The Moderator declared,

**Article 9 is postponed indefinitely.**

**ARTICLE 10.** Read by the Moderator, moved and seconded. The Moderator stated this article required a 9/10ths vote to pass. The article was opened for discussion. No discussion occurred. The Moderator called for a vote.

**Article 10 passed unanimously.**

**ARTICLE 11.** Read by the Moderator, moved and seconded. The article was opened for discussion. No discussion occurred. The Moderator called for a vote.

**Article 11 passed unanimously.**

The Moderator asked if anyone had any more business to bring before the voters. No one brought further business. The Moderator declared the meeting dissolved at 8:43 p.m.

A true record. Attest.

  
Jennifer L. Christy

Town Clerk

September 28, 2011