

Town of Chilmark
ANNUAL TOWN MEETING
April 28, 2008

MODERATOR: Everett H. Poole
TOWN CLERK: Margaret T. Orlando
REGISTRARS: Susan Heilbron and Judy G.L. Mayhew
CONSTABLE: Daniel Bryant
TELLERS: Andrew Fischer and Richard Smith

At the close of voter registration April 8, 2008 there were Eight Hundred Five (805) registered voters in the Town of Chilmark. With One Hundred and thirteen (113) voters present, the moderator called the meeting to order at 7:39 p.m. This represents 14 % (14.03726) of the Town voters.

Constable Daniel Bryant attested to the posting of the Warrant. Moderator Everett Poole asked if there were any non- registered persons on the town meeting floor. He also asked that all persons standing in the back take seats.

Mr. Doty spoke to Danny's 27 years of service to the town not only as Constable but his years of service as Director Civil Defense and Emergency Management. There was a standing ovation.

ARTICLE 1. The election of officers on the Official Ballot was postponed by the Moderator until the Annual Town Election, at noon Wednesday, April 30, 2008.

Mr. Poole asked if there was discussion on the three Proposition 2 ½ questions to be included on the ballot. There were none.

ARTICLE 2. Mr. Poole asked for reports from the Town Officers or Committees. There were none.

Mr. Poole asked if there was anyone else with information to bring forward under Article 2. There was none.

ARTICLE 3. Departmental budgets read by the moderator were moved and seconded. The following items were checked for further discussion:

- Treasurers Salary
- Treasurers Expenses
- Town Office
- Police Department Expenses
- Library Expense
- Retirement of Debt

Article 3, the budget, with the exception of the checked items, came to a vote and approved.

Judith Jardin asked the questions on the checked items. On the Treasurers salary she questioned the need for extra hours for the weekly payroll. She said she felt it simply was a waste of money to continue to issue weekly checks. Mrs. Becker said that the 2 ½ extra hours were needed to establish interface between the accountant and the treasurer ultimately making it a single entry with this system, saving time and money. She felt that the weekly pay check was important for the summer employees who were mostly young people working the beach, police and library. Any change would be a hardship for them. Mrs. Becker stated that amount the of money saved with the new payroll company would offset the cost of the extra hours.

Mrs. Jardin also questioned the how the electricity, heating oil and gasoline could be level funded in our present financial atmosphere. Mr. Fenner said at the time it was discussed the costs had not risen and perhaps it was an oversight. Mr. Wilson town accountant said that in the case of the police department there had been a surplus for gasoline in FY 2008.

Mr. Carroll spoke to the retirement of debt. He said he had talked to the bond council and that the Town would need to continue to pay off on the value of the Engley property even after the exchange. We will carry the note as a general obligation note.

With no amendments made from the discussion of the checked budget items, it was moved, seconded and came to a vote.

Article 3 passed unanimously.

ARTICLE 4. Read by the moderator, moved and seconded.
Article 4 came to a vote and passed unanimously.

ARTICLE 5. Read by the moderator, moved and seconded.
Article 5 came to a vote and passed unanimously.

ARTICLE 6. Read by the moderator, moved and seconded.
Article 6 came to a vote and passed unanimously.

ARTICLE 7. Read by the moderator, moved and seconded. Mr. Poole reminded the meeting that a 2/3 vote was required.
Article 7 came to a vote and passed unanimously.

ARTICLE 8. Read by the moderator, moved and seconded Mr. Poole reminded the meeting that a 2/3 vote was required.

Article 8 came to a vote and passed unanimously.

ARTICLE 9. Read by the moderator, moved and seconded. Chief Norton moved to amend the amount to **\$4200.00**. The amendment was moved, seconded and passed.

Article 9, as amended, came to a vote and passed unanimously.

ARTICLE 10. Read by the moderator, moved and seconded.

Article 10 came to a vote and passed unanimously.

ARTICLE 11. Read by the moderator, moved and seconded. Mr. Poole said that any amount of money needed for a prior fiscal year bill would require a 4/5 vote.

Article 11 came to a vote and passed. Ten (10) in favor and one (1) opposed.

ARTICLE 12. Read by the moderator, moved and seconded. Mr. Yeomans, from the Finance Advisory Committee said that Article 12 and Article 15 had not been addressed by the committee. Mr. Walton, who took minutes said that it had.

Article 12 came to a vote and passed.

ARTICLE 13. Read by the moderator, moved and seconded.

Article 13 came to a vote and passed unanimously.

ARTICLE 14. Read by the moderator, moved and seconded. Timothy Carroll moved to postpone this article.

Article 13 came to a vote and was postponed indefinitely.

ARTICLE 15. Read by the moderator, moved and seconded. Mr. Carroll stated that this represented seed money for the process of applying for various grants.

Article 15 came to a vote and was carried.

ARTICLE 16. Read by the moderator, moved and seconded.

Article 16 came to a vote and passed unanimously.

ARTICLE 17. Read by the moderator, moved and seconded. Lenny Jason said this article should be worded in the same way as the question on the ballot and stood to amend Article 17 to read as follows.

Shall the town of Chilmark be allowed to assess an additional \$5,598.25 in real estate and personal property taxes for the purposes of funding the Dukes County Pest Control Program for the fiscal year beginning July first, two thousand and eight? Mr. Carroll said we would need to include the last sentence. Mr. Jason said that if that was a friendly amendment he was agreeable that the article end with: provided that the amount set forth shall be raised and appropriated only if a majority of voters casting ballots at the Annual Town Election to be held on April 30th 2008 vote in the affirmative

to override proposition 2 ½?

Article 17, as amended, came to a vote and was passed.

ARTICLE 18. Read by the moderator, moved and seconded. Mr. Poole said that the article would require a 2/3 vote of the meeting. Sarah Kuh stood to say that this program was invaluable to poor and uninsured people on the Vineyard. Mr. Doty spoke in support of the program.

Article 18 came to a vote and passed unanimously.

ARTICLE 19. There was no article 19 on the warrant.

ARTICLE 20. Mr. Poole said that because of the lengthy nature of this article to amend the Zoning Bylaws he would not read it unless someone requested that he do so. The article was moved and seconded. He also reminded the meeting that the article would require a 2/3 vote to pass. Mr. Parker said the we needed to amend our bylaws because technology had progressed in ways that towers were no longer needed for cell phone coverage. He said that there would also be a review committee and that the DAS system would include Aquinnah and West Tisbury. There was a question about health affects in inhabited areas that the EPA states that there are dangers. Mr. Doty stood to amend the Article 20 in the new bylaw under Non-Accessory Uses Section 4.2 Item 6. sub item 13 Exceptions by deleting item b. **“An Antenna, antenna support, base station or base station facility erected by the Federal Government, Commonwealth of Massachusetts or Town of Chilmark for a public safety communications purpose.”** The amendment was moved and seconded. Mr. Parker and Mr. Goldsmith said that the Federal Government and/or the Commonwealth would not be subject to the local zoning. Steve Bernier asked about the EPA position on cell towers verses DAS systems. Mr. Parker said the output was reported to be very low. Mr. Doty spoke of a Health Risk Assessment Group that could be hired to test for a cost approximately of \$25,000.00. Mrs. Doty said it would be sensible to be proactive instead of testing after the system is in place. Mr. Parker said that the committee could place certain restrictions and we would have hearings to keep the public informed. Mrs. Doty said that she was grateful for an alternative to cell towers. Peter Simon asked if there had been objections anywhere that these systems were being used. Mr. Parker said many municipalities were moving in this direction. Scott Mc Dowell said we needed to consider the public safety issues. Mr. Fenner said he had seen antennas next to houses in Nantucket.

The amendment to Article 20 came to a vote. Mr. Poole said it appeared to be carried. With no comment from the floor the amendment was carried.

Jonathan Mayhew said he was concerned that we were voting for a committee

whose members we do not know and proposed an amendment that would bring the decisions back to Town Meeting. Mr. Doty said that we elect Planning Board members and we should not have to ask them to come back to the town. Mr. Parker agreed that this would make the process cumbersome. Mr. Mayhew's amendment came to a vote and was lost.

Article 20 came to a vote, as amended and passed: 30 in favor
2 opposed

ARTICLE 21. Read by the moderator, moved and seconded. Mr. Carroll stated that the reason for the amendment is that when the article was created the state agreed to only a 65% match in funds and would inform us later if the match would be higher. We didn't find out until last week that we are one of the communities that will receive 100% matching funds this year. The amounts in the article need to be increased. This does not affect the tax rate in anyway. I'd like to amend the amounts in Article 21 to read: **To see if the Town will vote to reserve from the Community Preservation Fund FY 2009 estimated annual revenues up to the following amounts for community preservation projects: \$36,835.00 for Open Space Preservation; \$36,835.00 for Historic Resources; \$36,835.00 for Housing; and \$257,845.00 for the Community Preservation Budgeted Reserve.** The amendment was moved, seconded and passed.

Article 21, as amended, came to a vote and passed unanimously.

ARTICLE 22. Read by the moderator, moved and seconded.
Article 22 came to a vote and passed unanimously.

ARTICLE 23. Read by the moderator, moved and seconded.
Article 23 as voted was postponed indefinitely.

ARTICLE 24. Read by the moderator, moved and seconded.
Article 24 came to a vote and passed unanimously.

ARTICLE 25. Read by the moderator, moved and seconded.
Article 25 came to a vote and passed unanimously.

ARTICLE 26. Read by the moderator, moved and seconded. Mr. Doty said that this article represented the last major expense for the Middle Line Road project. The approval of the Martha's Vineyard Commission and the Planning Board have been received. There are designated housing funds from the CPA.
Article 26 came to a vote and passed unanimously.

ARTICLE 27. Read by the moderator, moved and seconded. There was a lengthy discussion both pro and con. There were two representatives from the Coast Guard to

answer questions. Mr. Doty open by saying that the Rescue 21 was a very good program to locate distress calls in an area that was not previously covered and represented a terrific advancement. He said that there were towers like this already in place in NY, NJ, Block Island, RI and Nantucket but he was still concerned about the location on Peaked Hill. There were questions about alternate sites on the Island, lights, why it needed to be so tall, landscaping the building, having the building underground. There was some talk of possibility of postponing the vote for 30 days for the Coast Guard to investigate other sites. Some said that there had always been something of this nature on Peaked Hill referencing the radar station that had been there years ago and that we were talking about the safety of fisherman, commercial and recreational, and the boating public that this coverage was invaluable. It was suggested that it would improve Police radio reception and that this was a perfect place for the tower, it would save time and save lives. Mr. Poole handed the gavel to the Town Clerk and stepped to the floor to state, as a retired member, that he supports the Coast Guard and Rescue 21. He said that if that is where they want it to go that is where it should go. The Coast Guard said putting the building underground would be too costly but was in verbal agreement with the requests made by Mr. Doty to repair the road, no lighting, top soil, screening the building, black fencing, no barbed wire and removal of the concrete left in the wake of the old radar station.

Article 27 came to a vote and passed.

The Moderator asked if there was any other business to come before this meeting. Mr. Doty said that there was a hand-out available for everyone to read about the feasibility of installing a wind turbine at the West Tisbury School. It would represent substantial and long lasting economic returns and was a marvelous educational on-site demonstration of renewable energy for the students and residents of the Islands.

At 10:32 p.m. the meeting was adjourned to the Chilmark Community Center at noon on Wednesday, April 30, 2008 for the Annual Town Election.

A true copy. Attest:

Margaret T. Orlando,
Town Clerk
May 8, 2008