

SPECIAL TOWN MEETING

September 22, 2008

MODERATOR: Everett Poole

TOWN CLERK: Jessica A. Bradlee

REGISTRARS: Susan Heilbron & Judy G.L. Mayhew

CONSTABLE: Daniel Bryant

TELLERS: Dennis Jason & Mary Elizabeth (Betsy) Larsen, Edward E. Mayhew Jr.

The meeting was called to order at 7:45 p.m. Constable Daniel Bryant read the return of the warrant. Of the eight hundred and thirty-five (835) registered voters in the Town of Chilmark Two Hundred and thirty-five were present.

Mr. Poole asked if there were any unregistered voters on the town meeting floor.

ARTICLE 1. Read by the moderator. Moved and seconded. The article was opened for discussion.

Warren Doty – amendment to Article 1

ARTICLE 1. To see if the Town will vote to appropriate \$2,000,000 to pay costs of purchasing five parcels of land in Menemsha, and the improvements thereon, commonly known as the "Home Port," which parcels are identified on Assessors Map 27.1 as Parcels 81, 82, 83, 84, and 85, for the purposes of leasing parcels 84 and 85 to a restaurant operator upon such terms and conditions as the Selectmen shall determine to be in the best interests of the Town and are approved by Town Meeting, providing additional Town water access for kayaks and small boats, or the development of public park space with parking in a plan to be approved by the Town Meeting, including the restoration and preservation of vistas of the ponds, a possible site for a comfort station, and demolishing the existing structure if the Selectmen and the Town shall so determine, and for such other general municipal purposes as the Town Meeting shall from time to time determine; and to authorize the Treasurer, with the approval of the Selectmen, to borrow this amount; to authorize the Board of Selectmen under Chapter 40, Section 14 of the General Laws, to purchase The Home Port property more fully described above; to authorize the Selectmen to enter into a lease of parcels 84 and 85 to a restaurant operator upon such terms and conditions as are described above, or to take any other action relative thereto.

Moved and seconded to amend article 1 in its entirety.

The moderator said it would take a majority vote to approve the Amendment and 2/3 vote to approve the amended article 1.

Amendment to Article 1 was Moved and seconded

There was a lengthy discussion by 31 Chilmark Voters that continued until 9:10 p.m.

Johnathan Mayhew began the discussion, followed by the three Chilmark Selectmen. The Selectmen urged the Chilmark Voters to vote yes. It was opened for further discussion. Some spoke of the budget crisis in Massachusetts and the effect the cost would have on each Chilmark household. A few expressed concern how the restaurant business is a risky one for the town to get into. Mr. Nixon read from a letter he addressed to his Fellow Chilmarkers stating his intentions to run the Home Port Restaurant “keeping with its long tradition as a family seafood restaurant” if the town did not purchase it tonight. Sterling Wall spoke of how a majority of those parcels were located on Salt Marsh. Before urging voters to vote no, Sterling Wall also touched on the topic of the possible conflict with traffic along the road to the Coast Guard Station. Judy Jardin asked the treasurer what the total bond interest would be. The total amount reported by Melanie Becker was \$892,500.00, making the total annual debt \$2,892,500.00. The impact on the median house would be \$990.33 over the 20 years. Robert Kenney urged the purchase and spoke of how The Home Port is a “Menemsha Treasure” and how the town could just sell it later, if it didn’t work out. Janet Weidner, Chairman of the Planning Board, spoke of when Menemsha Beach was private until the town was given the opportunity to purchase it and she urged the purchase of the Home Port. A few spoke of how they were happy to learn about Mr. Nixon possibly buying the property. Susan Murphy stood and read a letter to the town in regards to keeping Menemsha beautiful and supported a working harbor. Before coming to a vote, Warren Doty explained how they were able to negotiate a reasonable price.

The Amendment to Article 1 came to a vote.

There was a standing vote.

In favor - 111

Opposed - 97

The Moderator declared that the amendment to Article 1 carried “111 to 97”

The passed amendment substitutes the new article for Article 1.

The Moderator asked if anyone has anything to say about Article 1

More discussion continued in regards to running it as a restaurant. Mr. Nixon then handed over his letter, from the previous discussion, to the Town Clerk.

Article 1 as amended came to a vote. At 9:45 p.m. the moderator called for an Australian Ballot Vote.

Voters checked in with the registrars by forming two lines (A-K and L-Z). Two hundred and twenty (220) ballots are handed out to the checked-in voters one a time by the Town Clerk and then the Assistant Town Clerk, Tim Carroll.

The Town Clerk and Moderator counted the votes

Yes – 93

No – 129

The Moderator declared that Article 1 as amended failed.

ARTICLE 2. Read by moderator. Moved and seconded. Postponed indefinitely.

ARTICLE 3. Read by moderator. Moved and seconded. Passed unanimously by a voice vote.

ARTICLE 4. Read by moderator. Moved and seconded. Passed unanimously by a voice vote.

ARTICLE 5. Read by moderator. Moved and seconded. Judith M. Jardin asked about replenishing the funds. Tim Carroll responded by stating that the Finance Committee requested it. Fincom Member Frank Yeomans explained the need to replenish the Reserve Fund and urged the STM vote yes in this Article.

The Moderator declared Article 5 Passed by a voice vote.

ARTICLE 6. Read by moderator. Moved and seconded. The Town Accountant, Thomas Wilson, stated the free cash amount \$582,880.00

Article 6 Passed unanimously by a voice vote.

ARTICLE 7. Read by moderator. Moved and seconded. Article 7 passed by a voice vote.

ARTICLE 8. Read by moderator. Moved and seconded. Jane Slater, from the Historical Commission, expressed her concern about changing the windows in the building. Warren Doty responded by explaining the placement of the air conditioning units would not effect the windows. Johnathan Mayhew asked

why we were dealing with air conditioning this time of year. Selectman Doty explained that all Town Buildings were audited for energy conservation this year and that this was a recommendation from the Cape Light Contact Engineer for the town to save money over time. Jane Slater asked if it could be deferred. Tim Carroll said that before anything was placed on the old school house that the Historical Commission would be consulted.

Article 8 – Carried by a voice vote.

ARTICLE 9. Read by moderator. Moved and seconded

Janet L. Weidner moved the following amendment: To authorize the Board of Selectmen to enter into a lease, or leases, of town owned land or structures at 15 State Road (Map 30 Lot 82) or 55 / 59 Tabor House Road (Map 13 Lot 28 / 29) for the purposes of hosting a distributed antenna system (DAS) “hotel” of approximately 20 feet by 40 feet, **subject to the approval of the Chilmark Plan Review Committee as described in the Chilmark Zoning Bylaw for Wireless Communications**, and to take any other action relative thereto.

There was a second

There was discussion on the proposed amendment. The Moderator called for a vote and amendment carried by a voice vote.

Article 9 – as amended then came before the Town Meeting for discussion.

Warren Morgan Doty moved - to remove the words “15 State Rd, Map 30 Lot 82” from Article 9.

This was Seconded. Mr. Doty said we should not put this facility at our historic school house. The amendment was carried by a voice vote.

Article 9 as twice amended then came before the Town Meeting for a vote.

Article 9 as amended passed by a voice vote.

Moderator Declares Meeting Dissolved at 10:48 p.m.

A true record. Attest:



Jessica A. Bradley
Town Clerk
September 23, 2008