

SPECIAL TOWN MEETING

September 26, 2005

MODERATOR: Everett Poole

TOWN CLERK: Margaret T. Orlando

REGISTRARS: Susan Heilbron & Judy G.L. Mayhew

CONSTABLE: Daniel Bryant

TELLERS: Steven Flanders & E. Douglas Sederholm

The meeting was called to order a 7:34 p.m. Daniel Bryant, Constable read the return of the warrant. Of the 824 registered voters in the Town of Chilmark One Hundred and three (103) were present.

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

ARTICLE 1. Read by moderator. Moved and seconded. Passed unanimously.

ARTICLE 2. Read by moderator. Moved and seconded. Passed unanimously.

ARTICLE 3. Read by moderator. Moved and seconded. The article was opened for discussion. Selectman J.B. Riggs Parker stood to explain that this money was to continue repairs to the east side of the filled dock, repairs begun some years ago. Jay Lagemann said it seemed to be a lot of money. Only a small percentage of which would be generated by the slip fees. He thought it unwise to spend taxpayer money for slips the town can't use and suggested that we raise the fees to generate more funds. Mr. Parker agreed that the annual and seasonal leases of these slips should be reviewed by the selectmen. He stated that Menemsha harbor generates \$250,000.00 each year for the general fund in the town and as an important revenue source it should be kept in top condition. James Hickey asked about the width of the dock. Mr. Parker said there would be the same number of slips and the dock would be slightly wider. Judith Jardin asked about the length of the term of the loan and the cost to the taxpayers. Mr. Parker said (10) ten years. The first year @ \$6.00, up to \$44.00 and \$32.00 in the tenth year. Christopher Murphy asked why cement floating docks and said he was very concerned about the condition of the causeway going out to the dock. Mr. Parker said the cement would need no maintenance and offer better access to the vessels. The causeway planks would be replaced in about ten days. Judith Jardin suggest a revolving fund for maintenance in Menemsha and direct the funds generated by the harbor back into the harbor. Mr. Parker stated that some percentage of funding must go into harbor maintenance. He said he is a proponent of a capital plan for the Town of Chilmark. Warren Doty said he thought it shortsighted to take the attitude that if you didn't have a boat the harbor doesn't matter. Menemsha is a very big part of this community and this maintenance of the docks will last 20, possibly 50 years. He suggested a yes vote. Mary Jane Pease asked about the effects of a hurricane on the docks. Mr. Parker said that the steel would certainly survive. These concrete docks were being used all over the east coast and he felt they would survive all but a direct hit. Mr. Parker said he thought it unwise to invest in anything other than these docks.

Mr. Poole called for a vote and reminded the meeting that a borrowing article requires 2/3 majority vote.

Article 3 came to a vote and passed unanimously.

ARTICLE 4. Read by moderator. Moved and seconded. The article was opened for discussion. Jane Slater, a member of the Historical Committee, said that it was their hope in the future to return the Menemsha School house to its original eighteenth century condition. She wanted it to be stated for the record that the asphalt paving we were voting for tonight would need to be torn up. She also asked if some other material could be considered. Katherine Upson questioned why we need to do anything to the parking lot. Chief Timothy Rich stated that in it's present condition the parking lot was dangerous. He said there were Belgium paving blocks set in concrete that were sticking up. He said it was a public building and his only concern was to make it safe. Doug Sederholm said that the finance committee had not recommended this article. He said it should be fixed to make it safe but felt there must me a better way. Heather Sussman suggested the we dig out the paving blocks. Jane Slater said there is also a drainage problem that need so be addressed. Jonathan Mayhew suggested that we take a serious look at how we utilize and access the building. Tim Rich said a previous vote included an amended to have the "ball fields" left alone. Mary Beth Grady stood to explain that she was the one who proposed the amendment hoping to require that the Town follow the same traditional process that any citizen would go through. She was in support of fixing it properly. Frank Fenner said he was concerned about paving this area and that they were looking into other materials that would stand up to snow plowing and moderate general traffic. He said most likely asphalt will be used but there would be some effort to change the appearance of the surface. Warren Doty said they were looking into soil cement, chip seal and blue stone. Phil Smith asked if the conservation officer would address the run off and the effects on the wetland. Rusty Walton said there would be very little effect on the wetland but did have some concern about the leaching chemicals from the asphalt in the first months.

Article 4 came to a vote and was defeated.

ARTICLE 5. Read by moderator. Moved and seconded. Passed unanimously.

ARTICLE 6. Read by moderator. Moved and seconded. Passed unanimously.

ARTICLE 7. Read by moderator. Moved and seconded. Article seven was opened for discussion and there was a question about leveling areas. John Flender, from the Cemetery Committee, said there were no plans to change the grade of the property. That some fill was needed around a rock but essentially it was the roads that were needed. Pam Goff asked if the roads would be like those that exist in the cemetery now. Edward Miller suggested an amendment to remove the words **and level areas** from the article. It was moved and seconded. The amendment came to a vote and Mr. Poole said it appears to be carried. A standing count was requested.

The vote was: In favor - 52
Opposed - 23

Article 7, as amended, came to a vote and passed unanimously.

ARTICLE 8. Read by moderator. Moved and seconded. Mr. Poole asked if he could read just the changes in bold and not the entire bylaw. There were no objections. William Meegan, Planning Board chair, stood to make a motion to amend the proposed paragraph 7.1.C.3.d to delete the word "footprint" and substitute the words "total floor area". "d. The total floor area of the house does not increase by more than 25% or 500 square feet, whichever is less." It was moved and seconded. Steve Flanders asked why the change. Mr. Meegan said the board felt the total floor area would be more restrictive. The amendment came to a vote and passed. Mrs. Parker questioned the tear down renovation section of the bylaw. She felt this represented a loop hole for a builder/homeowner to tear down and build huge houses in their place. She proposed an amendment to remove the word "tear-down" and all of the wording beforeexcept when all of the following conditions are met: There was lengthy discussion about this amendment. Richard Steves ask Town Council his opinion. Mr. Rappaport said that the Massachusetts Supreme court had rejected a 2004 rate of growth bylaw. A building cap bylaw on the cape was upheld because it came under the auspices of the Cape Cod Commission and was considered a regional issue which would effect an aquifer. Because our building cap was not set up with the Martha's Vineyard Commission he felt we should keep it as closely as possible to the original bylaw text because any changes would invite scrutiny. Mr. Kenyon stated that this was a building cap bylaw and the purpose was to limit the rate of issuance of building permits. Mrs. Parker questioned what is a renovation and what would come under this building cap bylaw. She said she wanted to see her amendment come for a vote by this meeting. The amendment came to a vote and was lost.

The Article as amended by Mr. Meegan came to a vote. The moderator reminded the voters that a 2/3 vote was needed for a Zoning Bylaw change.

Article 8, as amended, was passed: In favor - 50
Opposed - 3

ARTICLE 9. Read by moderator. Moved and seconded. Jeff Herman stood to speak for the Chilmark Affairs Council saying that they proposed to lease a piece of town owned property at Peaked Hill to build, operate and maintain a swimming pool. That it would be at no cost to the Town using property already set aside for recreational use and that it would meet all the requirements set down in the towns bylaws. Robert Merry questioned the yet to be determined piece of property. Katherine Upson reminded the meeting the island was in the process of building a pool within the YMCA complex. Jay Lagemann said he thought we could use a pool and pointed out that the Chilmark Affairs Council was responsible for building this community center. Mr. Doty said the property in question had 15 acres. 6 acres for the ballfield/poll leaving 9 acres. Alicia Knight, Todd Christy and Jonathan Mayhew spoke in favor. Judith Jardin, Chris Murphy and Jane

Slater said that there should be a plan for the Peaked Hill property. We should be looking at the bigger picture by planning for the eventual migration of the recreation facilities and that it would be reckless to commit a piece of property tonight. Steve Flanders questioned the towns liability. Phil Derick questioned the on going cost to the town. There were many questions about hours of operation, (the Chilmark Affairs would only be using the pool for 8 weeks in summer from nine to noon) cost to the town for other times, life guards, chlorination vs. salt water, heat etc. Mr. Doty said that the same sticker fee process that we use for the beaches could support the pool. There is a staff of people dealing with stickers and a staff of lifeguards. Rusty Walton suggested that if a pool were built it should be heated and enclosed for year round use. Mr. Fenner said the selectmen had not had time to view all the prospects and that he would like to see the pool built but with concern for a long term plan for Peaked Hill. Dr. Arnold Geiger suggested the we table the article until a broader plan could be developed. He made a motion to indefinitely postpone Article 9, it was moved, seconded and came to a vote. Mr. Poole said it appeared to be carried.

The motion to indefinitely postpone was carried

ARTICLE 10. Read by moderator. Moved and seconded. The article was opened for discussion. Jonathan Mayhew asked why cement. Mr. Fenner it was necessary to shore up and stabilize the parking lot long term. Jay Lagemann asked about run off. Mr. Walton said no run off would enter the pond.

The Article came to a vote. The chair was in doubt and a standing count was taken.

Article 10 passed:

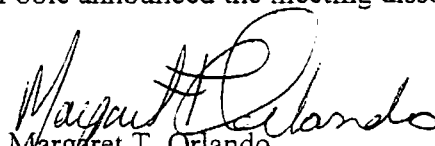
In favor - 55

Opposed - 17

Mr. Poole stated that all the Articles had been voted and asked if there was any further business to come before this meeting. Doug Sederholm stood to say that "The HomePort Committee" had been established. A committee of five members to discuss the possible purchase of the property and the possible uses. They were in the process of gathering information. He said they were planning a mailing, e-mail communications along with suggestion boxes at the Town Offices and Menemsha Texaco.

At 9:53 p.m. Everett Poole announced the meeting dissolved.

A true record. Attest:


Margaret T. Orlando,
Town Clerk
September 28, 2005