

TISBURY BOARD OF SELECTMEN MEETING AGENDA

Tuesday, September 16, 2014
Tisbury Town Hall – 5:30 PM
Jonathan V. Snyder, Chairman
Tristan R. Israel
Melinda F. Loberg, Clerk

TOWN ADMINISTRATOR'S REPORT

Underground Utilities
LED Agreement

DEPARTMENTAL and OTHER REPORTS

Building & Zoning Inspector Ken Barwick re: Approval for Payment of Bond (\$100.00) as Appointed Constable
Planning Board Legal Access Re: Panagakos Case, ANR - Rogers Farm Road – Appeal of PB Denial
Police Chief re: Academy Sponsorship Training Cost Agreements (Max Sherman and Elizabeth Hourihan)
Town Clerk re: Attorney General's Regulations for Remote Participation & Open Meeting Law, 940 CMR 29.10
Zoning Board of Appeals Legal Access re: Island Housing Trust -Comprehensive Permit -Water Street Project

PUBLIC HEARING/FORUM

6:00 p.m. – Beach Road Transportation Project – MassDOT Options – Discussion and Review

DISCUSSION SESSION

Signs on Jetties (Mr. Israel)

ADMINISTRATIVE SESSION

Approval of Treasury Warrants

Payroll Warrant #9-15-2014	\$304,663.86
Bills Payable Warrant #9-12-2014	\$3,110,043.45
Bills Payable Warrant #9-16-2014	\$338,514.55

Approval of Minutes

NO NEW MINUTES AT THIS TIME

Merit Reviews

Jeffrey Day, Patrolman – Tisbury Police Department
Tracey Jones, Ambulance Coordinator - EMS Department

Gift Acceptance

\$100 with Thanks from Nancy Waggoner for Use by the Animal Control Department

NEW BUSINESS

Vison Planning Committee Appointment – Dawn Braasch, Downtown Business Representative
Step 2 Grievance Appeals Filed of DPW Cases filed 8-11-2014 – To be scheduled ASAP

OLD BUSINESS

Lake Tashmoo
Pump-out Facilities Deadline
State Road – Lake Tashmoo

EXECUTIVE SESSION

Vote to go into Executive Session to discuss strategy with respect to collective bargaining and legal issues, (not) to reconvene in Open Session.

The Board of Selectmen met in a Regular Session on Tuesday, September 16, 2014 in the Tisbury Town Hall.

Present: Jonathan V. Snyder, Chairman, Tristan R. Israel and Melinda F. Loberg, Clerk; John W. Grande, Town Administrator and Aase M. Jones, Assistant to the Town Administrator.

Call to order: 5:30 p.m. by Jonathan Snyder, who announced that he would take certain items out of order.

Building and Zoning Inspector Ken Barwick's Request for BOS Approval of Payment of \$100 Bond as Appointed Constable: was taken up first.

Mr. Barwick was not present. Aase Jones noted that according to Treasurer Tim Mclean, the Constable, a traditionally elected position, pays for his own bond, but in view of the fact that Mr. Barwick has agreed to serve until the next election, Mr. McLean feels that the Board could agree to reimburse Mr., Barwick for the \$100 bond in this situation.

After a brief discussion,

Motion: That the Board of Selectmen approve the reimbursement of the \$100 paid for the Constable's required bond by Mr. Barwick. M/s/c.

Mr. Israel commented that he is not included to support an additional appropriation of funds to the Constables' budget in order to provide special uniforms for the person in the appointed constable position.

Town Administrator's Report: was addressed next by Jay Grande.

Underground Utilities: Mr. Grande noted that there has been much discussion over getting utilities in the downtown area underground during the past several years. He noted that this issue surfaced again during the Martha's Vineyard Commission's DRI review of utility poles on the Edgartown Road and other NSTAR work on-Island. Mr. Grande reported that during the Commission review of the Edgartown utility poles, he had several discussions with NSTAR about related issues, including underground utilities. These discussions remain ongoing and are also related to the initiative of the scenic roads group formed by the Martha's Vineyard Commission, which also has an interest in seeing utilities being placed underground. Mr. Grande noted that the Town of Edgartown, with funding from private property owners and the Town, has successfully placed many utilities underground.

Mr. Grande continued by noting that the possibility of removing above-ground utility poles along Beach Road and in connection with the Lagoon Pond Bridge project are also under discussion, as well as in other areas of high priority. He cited the commitment from NSTAR and the agreement to actually move poles along Beach Street to the other side of the street and to place utility lines on Beach Street underground where feasible, under a plan provided by NSTAR and approved by the Selectmen.

Mr. Snyder inquired about cost estimates for this undertaking and was informed that it could be as high as \$1,000,000 for 100',

including sidewalks, but could be much lower depending on conditions. It was noted that because the Beach Road area is densely populated, the project will be more costly.

Mr. Grande noted that Nantucket has specific bylaws dealing with the issue of underground utilities, including new installations, cost and process to implement the placement of existing overhead utilities underground. He noted further that in the Town of Natick a bylaw deals with existing (above-ground) utilities and addresses the potential change to underground utilities on specific streets.

Mr. Grande concluded his comments by stating that much input is needed before implementation is possible, adding that a cooperative agreement between NSTAR, Verizon, COMCAST and the Town must be entered into, in addition to a decision on how to actually make this decision, which he commented would be desirable to make sooner rather than later.

MassDOT District 5 Meeting Report: from last week was presented next by Mr. Grande who noted that Selectman Loberg, Craig Whittaker, Martha's Vineyard Commission Scenic Roads and Joint Transportation Committees, and DPW Director Glenn Mauk also attended this meeting which was set up to discuss pending issues with above-ground vs. underground utilities and traffic from the Five Corners area to the Lagoon Pond Bridge.

Mr. Grande noted that he has spoken with Mr. Frank Brunelle and asked him to seriously consider the issue of underground utilities and traffic patterns along Beach Road. Mr. Grande stated that this issue will be taken up at Town Meeting as a General Bylaw.

Ms. Loberg agreed, adding that she would like to have this ready to move forward by the time of the next Annual Town Meeting.

Mr. Snyder commented that the Town still needs poles for lighting in populated areas.

LED Streetlight Conversion Participation, License and Operation and Management (O & M) Agreements: Mr. Kevin Galligan of Cape Light Compact was present to address any concerns that the Selectmen might have regarding the participation in this project.

Mr. Grande reported that the Town Has received additional information about the process and the participation in this street light conversion project sponsored by the Cape Light Compact, adding that the Town has already made its position clear that we want to retain the so-called "Admiral Hat" fixtures within the Historic District, at the Lagoon Pond Bridge and elsewhere in the Town as well as certain other decorative street lights in specific locations. He noted that the agreement will contain an amendment providing for these exceptions and special terms for the Town of Tisbury's participation in the program.

Mr. David Stanwood made a presentation about how the Town of West Tisbury has also made specific requests to retain the fixtures that reflect the rural character of that Town, while still participating in the LED lighting conversion program.

Mr. Grande noted that the Town of Tisbury is not quite ready to sign and execute these agreements but must do so by October 1, 2014.

Mr. Galligan pointed out that at this time there is some urgency for Tisbury to execute the applicable agreements, which must be implemented by the end of the calendar year, noting that Tisbury is the last community to sign the P & S and Licensing Agreements as well as the O & M Agreement. Mr. Galligan pointed out further that no changes can be made to the Purchase & Sales Agreement, which contains provisions for rights and responsibilities for the parties.

Mr. Galligan reiterated the need to have the signed agreements in hand in order to move forward and requested as a realistic expectation that the signed agreements will be reviewed and executed by next week. Mr. Galligan summarized the Purchase Agreement which the Selectmen will review further and have Town Counsel take a look at as well. Mr. Galligan noted that the brackets, the arms the lights etc. will be covered and Siemens will be the company that will fix, replace and maintain any lights that become defective under the terms of the schedule attached to the O & M Agreement.

All agreements discussed are hereby incorporated by reference.

Mr. Galligan reported further that the LED Conversion Project has a 10-year warranty, with a life expectancy exceeding that period, a 3-year contract with Siemens for maintenance and upkeep under the O & M Agreement, which is renewable for another 2-year period after the first 3-year period. He concluded by stating that participation in this program is expected to result in major electrical savings to the Town over the next several years.

Mr. Frank Brunelle, in the audience, inquired if the LED lighting will have a "warm" glow. A discussion followed on the wattage of the existing bulbs and the savings to be gained by installing LED lighting in existing street light fixtures. Mr. Galligan confirmed that the installation and conversion is paid for entirely by the Cape Light Compact's energy efficiency program with available funds.

Further discussion followed on the lumens in the existing fixtures, which vary from 1,000 to 16,000 for larger fixtures, depending on location and type of fixture.

At this point Chairman Jonathan Snyder suggested and the Board agreed that the discussion of the Street Light Conversion project and approval of the agreements, including the O&M Agreement with Siemens, be deferred until after the routine business of the meeting is concluded, as the Board has several questions that need to be answered by Mr. Galligan before voting on this matter. It was noted that a forum/public hearing is scheduled at 6:00 p.m. regarding the Beach Road Transportation Project.

Public Forum re: Beach Road Transportation Project - MassDOT Options: was called to order by the Chairman at 6:00 p.m.

Present: John Dias, Consultant, Greenman-Pedersen, Inc. (GPI); Pamela Haznar, MassDOT; Mark London, Executive Director, William Veno, Senior Planner, Martha's Vineyard Commission; Cheryl Doble and

Ben Robinson, Planning Board; Ned Orleans, Selectmen's former Martha's Vineyard Commission representative; Beach Road neighborhood activist and resident Frank Brunelle; Reid "Sam" Dunn, Tisbury Market Place developer and property owner; Harold Chapdelaine, the Selectmen's current representative on the Martha's Vineyard Commission and Chairman of Tisbury Historical Commission; Craig Whittaker, member of the Scenic Roads Committee and the Joint Transportation Committee of the Martha's Vineyard Commission; and others.

Mr. Israel commented that this meeting was scheduled to get feedback from the community.

Mr. Grande stated that Mr. Veno of the Martha's Vineyard Commission will make a brief presentation regarding the Martha's Vineyard Commission bicycle path plan, adding that the Commission and the Planning Board are working together to assist with the overall planning for Beach Road through their brief presentations.

At this point Mr. Brunelle presented a petition signed by 20 Beach Road property owners and businesses, stating the position of the petitioners regarding planned and/or proposed Beach Road improvements: (1) opposition to Shared Use Paths (SUP's) from Five Corners to the Martha's Vineyard Shipyard ; (2) all utilities to be underground; (3) more crosswalks for pedestrians; (4) "sharrows" for bicyclists adjacent to sidewalks; and (5) no eminent domain taking of private property.

At this point Mr. Grande asked Mr. William Veno to make the Commission's presentation.

Mr. Veno presented a brief power point slide show focusing on the development of the concept of "sharrows" vs. SUP's and how either could be implemented along Beach Road in the critical area from Five Corners to the Martha's Vineyard Shipyard and/or the Lagoon Pond Bridge. Mr. Veno pointed out that in 2006 a Regional transportation Plan was adopted which adopted the SUP concept, which he noted that studies have found that there is a need for SUP's in two different locations identified on Slide #2.

Next, a brief presentation was made by the Planning Board. Mr. Robinson suggested that the Planning Board would like to hear from Beach Road property owners to get a dialogue started.

Next Mr. John Diaz of GPI noted that some survey stakes have been placed in the road, noting that the State right-of-way is 40½' wide.

Comments and discussion followed on sharrows, their width and whether this concept or other alternatives would resolve or exacerbate traffic issues. It was noted that some so-called "sharrows" are in use in heavily congested areas in Oak Bluffs.

Mr. Grande acknowledged that he does not know the extent to which sharrows are considered in the area from Five Corners to the Lagoon Pond Bridge.

Mr. Diaz stated that 4' wide sharrows and a 2' shoulder of the roadway could provide some relief, with bicycles sharing the roadway

with vehicles along the side of the road. He explained that vehicles would have a standard travel lane with an adjacent "sharrow" for bicycles along the edge, which would also provide for a 2' shoulder.

Mr. Sam Dunn commented on the beautiful trees along the south side of Beach Road, expressing hope that they will not be disturbed.

Mr. Diaz pointed out that a 2' wide shoulder is possible to Five Corners, noting that in order to accommodate sidewalks on both sides of the street, 2½' is needed, and reiterated that the available right-of-way is a total of 40½'.

Mr. Dunn suggested asking the adjoining property owners if a sidewalk could be on their property, adding that if power lines go underground, the Town may get property owners' cooperation, which he added is essential. He suggested initiating a discussion with property owners about this concept.

Mr. Diaz commented that a 10' sidewalk on one side with a 5' sidewalk on the other side cannot be done.

At this point Mr. Ned Orleans stated that the problem is from the Shell gas station to Five Corners, suggested that this discussion have a cut-off point, added that the goal is unclear and not well defined and reiterated his question - what is the goal of the project? He then stated that the slides shown by the different parties do not address the real problem, which he stated is Five Corners!

Mr. Orleans continued by pointing out that bikes, pedestrians, trucks, buses and passenger vehicles all go through Five Corners, more now than ever before, and the reality of the situation that exists is being ignored. He concluded by stating that what is proposed would be what he described as "pretty" but added that it would not resolve the problem.

Ms. Pamela Haznar, MassDOT, commented that MassDOT recognizes that Five Corners is the real problem, acknowledged that a safety audit of that area is necessary, and will be done later. She noted that this area is different from the Beach Road issues under discussion here, but is related due to location and proximity to the Beach Road project. She concluded by stating that the goal is to improve pedestrian and bicycle traffic along Beach Road, in order to extend mobility of all users to get through Five Corners, which in the next phase will include looking at improvements there as well.

Mr. Brunelle questioned the location of a sidewalk on the north side of Beach Road and whether property owners would be willing to let the Town install sidewalks on their property, and how much property would be required to do that, or how much would be taken from each property owner if such permission is not granted. He commented that West Marine would lose its entire frontage on Beach Road and is opposed to any eminent domain taking for that purpose.

A discussion followed on the width of the roadway, which is now 43' and the question was raised if the width could be reduced to 41'.

Mr. Currier of MassDOT responded by stating that a full width bike lane requires 11' plus a 5' shoulder, and questioned whether exceptions could be made to that requirement.

Ms. Liz Wild, General Manager of the Vineyard Haven Marina, stated that she has been watching this for 17 years, urged placing utilities underground, noted the need for curb cuts, cited the lack of crosswalks on Beach Road, with only two the entire distance from Five Corners where there is one and another one at Net Result.

Mr. Chapdelaine expressed his opposition to eminent domain taking of any land to accomplish improvements to the area, noting that there is no land that can be taken from the Steamship Authority to Five Corners.

Mr. Whittaker noted that he participated in the meeting at MassDOT with Town officials with representatives from NSTAR and Verizon last week where Beach Road issues were discussed, including underground utilities. He noted that BOS cooperation is essential and pointed out that the area of roadway from the Steamship Authority to the Lagoon Pond bridge is the "ugliest stretch" of roadway on the Vineyard. Mr. Whittaker commented further that following a fatality on State Road a few years ago, new sidewalks and improvements to that stretch of roadway were made. He urged getting a consensus with a review and approval of all plans by all parties concerned noting that the goal is to make the area better and safer for all.

At this point Mr. Tom Currier, MassDOT, stated that the Town is running out of time to get 2017 funding for this project, added that a decision is needed of what the Selectmen want to do, adding that he is now hearing a whole new avenue of discussion - that the Town wants sidewalks not bike paths.

Mr. Grande then asked if funding sources are available for the Planning Board to prepare a graphic design for a presentation.

Mr. Diaz stated that he is hearing two different sides here - the Town wants a safe area with sidewalks on both sides of the road, with each traffic lane 11', with a 2' shoulder and 5½' sidewalks, which would be 26' pavement, 5½' sidewalks on both sides, for a total width of 37'.

Discussion followed. It was agreed that the trees on the north side would not be taken down and it was noted that the layout must meet certain criteria and that the Town must make a decision on what to do and what the Selectmen want.

Mr. Diaz stated that GIS will design what the Town wants, but needs input and feedback.

Mr. Grande then stated that this will come back to the Selectmen again and he then added that the Planning Board and the Selectmen will meet to discuss further and may come up with some ideas on how to proceed.

Mr. Israel then stated that he would like to see what the property owners may be willing to do.

Mr. Diaz acknowledged that this is still early on in the process of the review of what to do and decide what the Town wants, but emphasized that GIS needs to have a general idea of what the Town wants.

Another comment from the audience urged having bikes in a so-called sharrow, not on the shoulder of the roadway, and stressed the need to address bicycle requirements on the roadway.

It was noted that 26' is the minimum roadway width requirement.

Mr. Snyder invited further comments and questions.

Ms. Loberg expressed her appreciation for the public input adding that she feels that the main comment is the fact that there is unfinished business at Five Corners. She stated that she would like to see a plan showing people how to get out from Five Corners, suggesting that more connectivity is needed there.

Mr. Israel commented that he hopes the Selectmen can reach some kind of consensus of what the Board wants, adding that the Selectmen needs the cooperation of the businesses and property owners in the area.

Mr. Grande pointed out that this cannot be accomplished at this meeting.

Ms. Loberg stated that she would like to see a more detailed SUP Plan from the Martha's Vineyard Commission, and then commented that it will be problematic to grant an easement when a building is in the way of a sidewalk.

Mr. Grande asked if a re-examination of Five Corners could be included in the design.

Mr. Israel then thanked all from the general public, MassDOT, the Martha's Vineyard Commission and Planning Board who came to give input, and promised that this matter will be taken up again at a future meeting of the Board with a decision made on how to proceed.

Mr. Grande concluded by stating that the Selectmen want to strategize with the Planning Board on how to engage the Beach Road property owners in the decision-making process.

The Public Forum was concluded at 7:15 p.m.

Planning Board Legal Access re: Denial of ANR Subdivision on Rogers Farm Road - Panagakos Case: was approved following a brief explanation by Mr. Seidman that the application was denied as the property lacked the appropriate frontage on a public way to qualify for a Planning Board ANR subdivision. M/s/c.

First Visioning Session: Mr. Seidman announced that the first session will be held at the Senior Center on September 30th. Planning Board member Cheryl Doble noted that information about the scheduled visioning sessions is on the Town's web-site and urged residents to attend.

It was agreed that the Selectmen will be posted for the September 30th visioning session so more than one member can attend.

Appointment to Vision Planning Committee: of Dawn Braasch, representing downtown business interests, as owner of the *Bunch of Grapes Bookstore*, until January 31, 2015, was approved without discussion. M/s/c.

Police Chief re: Academy Sponsorship Training Cost Agreements for Max Sherman and Elizabeth Hourihan: were presented for BOS approval.

It was noted that Max Sherman and Elizabeth Hourihan are currently employed as Special Officers and have been pre-approved for sponsorship to the Police Academy. These agreements set forth specific conditions if the candidates fail to fulfill terms of 24 months of continuous service to the Town of Tisbury following graduation from the Police Academy, requiring the payment to the Town of a certain pro-rated amount of the fees paid on each candidate's behalf for their training, according to the schedule set forth in the agreements.

Motion: To approve the Police Academy Sponsorship Training Agreements for Max Sherman and Elizabeth Hourihan and the conditions set forth therein, as presented and as discussed. M/s/c.

Remote Participation & Open Meeting Law requirements per AG and 940 CMR 29.10: from the Planning Board was taken up for discussion next.

Town Clerk J. Hillary Conklin was present, explaining that there are specific rules and regulations for allowing this for certain boards under certain conditions. The Attorney General's Rules and Regulations referenced herein are hereby incorporated by reference.

Ms. Conklin pointed out that only certain permissible reasons exist for remote participation, including the following: personal illness, personal disability, emergency, military service or geographical distance, and that the remote participation must be done via an acceptable means, such as telephone, internet, or satellite audio or video conferencing, and that a quorum of the body must be present, including the Chairman, or his designee, must be physically present, and all voted must be taken via a roll call vote.

It was noted that there have been instances recently at the Planning Board when a decision could not be made by the Board due to the lack of a quorum or a member have recused himself from voting on a certain issue.

Mr. Snyder asked if there are any questions. A discussion followed on the ramifications of approval of this practice and the reasons why it should be allowed.

Ms. Loberg asked if the Board can vote to approve the use of this concept for specific boards.

Mr. Snyder pointed out that the Selectmen can decide for which Boards this rule will apply, and reiterated that the Board must have a quorum of the Board without the remote participant.

Mr. Israel suggested limiting the use of remote participation vote to a certain number of times/year, adding that if that were the case he would support approving the concept. He concluded by stating that in his opinion a person should not be allowed to vote when not present for a meeting.

Ms. Loberg commented that some applicants for permits may be penalized if a quorum is not available to take a vote on a certain application

Daniel Seidman, Planning Board member, stated that he understands Mr. Israel's position, and acknowledged that this is not an ideal situation adding that this tool may not be used at all, but having the ability to use it could be helpful. After a brief discussion,

Motion (Ms. Loberg): That the Board of Selectmen adopt the remote participation rule described as the Mullin Rule, MGL Chapter 39, §23D, as discussed, allowing a member of the Planning Board to miss a hearing/meeting and voting by remote participation, as discussed. Seconded for discussion by Mr. Snyder, who commented that he is inclined to give this a try, and that if the Board finds that this concept is abused, the Board can rescind the vote.

Voting on the Motion: M/s/c. (Mr. Israel voting No).

Motion: That the Selectmen vote to approve the adoption of remote participation under the Attorney General's Rules and Regulations, 940 CMR 29.10, that would permit remote participation for a member of a Board under certain conditions, as described and listed. Not seconded.

No action was taken and whether the number of times remote participation voting can be used under this provision can be limited, will be looked into.

Signs on Jetties: were discussed next.

Mr. Israel noted that numerous advisory signs for boaters related to speed and safety are placed on the jetty at the entrance to the Lagoon, where traditionally fishermen are accustomed to be fishing. Letters from two members of the Martha's Vineyard Surfcasters' Association, Janet Messineo and David Balon, hereby incorporated by reference, request Board of Selectmen consideration for the removal of some of these signs alleging that they block full access to the jetty for local fishermen. One letter suggests the signs be removed for the period of the 5 weeks of the Martha's Vineyard Bass and Bluefish Derby, or that the signs be placed in a different location in the interest of the safety of the fishermen, whose safety is now in question having to navigate around the signs on the slippery jetty rocks.

Mr. Snyder asked for comments from Harbormaster Jay Wilbur, who stated that the harbor department is limited as to the location where such sign can be placed, particularly in view of the present construction activity at the Lagoon Pond Bridge, adding that the intent is that such signs be visible for boaters approaching the entrance to Lagoon Pond and they are traditionally placed at the end

of jetties of harbor entrances. Mr. Wilbur acknowledged that these signs may affect the accessibility to the end of the jetty for fishermen, but pointed out that many fishermen still use the jetty to fish. He conceded that access may be slightly awkward or difficult, but still can be used, and in fact is no more dangerous than being on the jetty in the first place. He concluded his comments by stating that the purpose of the jetty is to shelter the access to the Harbor and provide location for navigational signs for boaters.

Ms. Loberg noted that although it may be a little difficult to get around the signs at the end of the jetty, it is a logical place for such navigational signs for boaters, adding that she does not want to put the safety of fishermen against such concerns for boaters and pointing out that the current construction project at the Lagoon Pond bridge necessitates the placement of additional signs at the end of the jetty. She further stated that these signs may remain in this location (on the end of the jetty) for the remainder of the bridge construction activity - another 2 years.

Mr. Snyder concurred, noting that these signs are placed on the jetty for navigational purposes, adding that there is nothing wrong with using the pier for fishing, but jetties are there to safeguard access to the harbor for boaters.

Mr. Israel commented that he finds that the signs could be located elsewhere. In conclusion the Selectmen took no action on the request to relocate the navigational signs from the jetty at the Lagoon.

Zoning Board of Appeals Legal Access Request: re: Island Housing Trust 40B Comprehensive Permit for Water Street 6-unit affordable housing complex, was approved without discussion. M/s/c.

Step 2 Grievance Hearings of Grievances filed August 11 and 22, 2014 (4) by DPW Employees: will be scheduled ASAP, according to Mr. Grande, who reported that these grievances were denied by him at Step 1 of the grievance process.

Old Business - Tashmoo Overlook: Mr. Grande reported that paperwork and documents have been filed with MassDOT for qualifying funds to implement improvements at the Tashmoo Overlook under the Scenic Roads Project initiated by the Scenic Roads Committee established through the Martha's Vineyard Commission.

Lake Street Landing: was discussed briefly next. Mr. Snyder reported that he has had a conversation with Administrative Assistant Harbormaster John Crocker about the pending upgrade at the Lake Street dock, undertaken by the Mass Department of Public Access.

Ms. Loberg reported that she has learned that permits and licenses issued for earlier work at the Lake Street dock have not been filed and recorded at the Registry of Deeds, although the work has been done according to plans. It was noted that the staff is presently looking into getting these documents filed at the Registry.

A brief discussion followed on the video camera covering the Lake Street dock area, but which according to the harbormaster's office does not cover every day throughout the year with web cam feed directly to the Harbormaster's Office at Owen Park.

Pump-out Facilities Grant Application Deadline: was discussed briefly next. It was noted that the Harbor Management Committee will meet this Wednesday (tomorrow) to discuss a grant application prepared by the Harbormaster's Office that may be actionable. It was noted that the definition of a pump-out facility varies from place to place. A discussion followed on the role of the Board of Health in securing a proper pump-out facility and whether the Board of Health does have a role to play in implementing compliance with the new No Discharge Law in Vineyard Sound. Mr. Grande stated that he will pursue the role of the Board of Health, if any, in this area with members of the Board of Health.

Cape Light Compact LED Street Light Purchase Agreement w/NSTAR: was taken up for discussion next with Kevin Galligan present to answer any questions that the Selectmen might have with regard to participation in this Cape Light Compact initiated project. A summary of the terms in the transaction regarding the purchase of the fixtures, hardware and related equipment (not the poles) and the license agreement which will grant licenses to the Town for use of the poles for a five year period with automatic renewal for a fee of 0. All documents referred to herein are incorporated by reference.

Mr. Grande pointed out that there are three votes for three separate but associated documents that the Selectmen must vote to approve: (1) Purchase Agreement from NSTAR (for \$1.00); (2) License Agreement for use of the poles by the Town; and (3) Operating & Maintenance (O & M) Agreement with Siemens, Inc. for the lights after the Town has agreed to participate in the Cape Light Compact LED Street Light Conversion Project, purchase the street lights and approve the License Agreement. Mr. Grande recommended two separate motions for # 1, (purchase of the street lights and fixtures), and #2, (approval of the license agreement for use of the poles), suggesting that #3, the O & M Agreement with Siemens, will be taken up at the next meeting of the Board following review by Town Counsel.

Motion: That the Board of Selectmen approve and execute the Purchase Agreement with NSTAR for the Street Light Fixtures, as presented and as discussed. M/s/c.

Motion: That the Board of Selectmen approve and execute the License Agreement with NSTAR and Verizon for the Street Lights, as presented and as discussed. M/s/c.

Mr. Galligan confirmed when asked that pole hearings for changes, relocations and new poles will still be required and held as in the past.

It was agreed that the Operating and Management (O & M) Agreement with Siemens will be taken up and voted at the next meeting of the Board, after review by Town Counsel.

Mr. Galligan stated further that he will support and make sure that the Town's request for special consideration with regard to the Admiral Hat fixtures in the Historic District and elsewhere as well as the decorative lighting fixtures installed by the Town in certain locations remain, including the Historic District, along Beach Road, on Union Street and Main Street. Mr. Galligan pointed out that it is the color of the lighting as well as the lumens that are important, and concluded his comments by stating that once the implementation of this LED conversion program and associated actions are completed, the Town will see a substantial reduction in its electric utility bills.

Approval of Treasury Warrants: Payroll Warrant #9-15-2014; and Bills Payable Warrants #9-12-2014 and #9-16-2014, were approved and signed. M/s/c.

Approval of Minutes: None.

Minutes Deferred: None

Merit Review - Jeffrey Day, Patrolman, Tisbury Police Department: Officer Day has been reviewed by Sergeants Habekost and Stobie and Lt. Meisner, and is recommended for a wage increase to go from new FY14 Police Scale Step 1 to Step 2, effective, retroactive to April 6, 2014, the nearest Sunday to his April 4, 2013 date of hire, with a new rate of pay of \$29.56, plus a 6% educational incentive of \$1.77/hr., for a total new hourly wage of \$31.33. M/s/c.

Merit Review - Tracey Jones, Ambulance Coordinator, EMS Department: Ms. Jones has been reviewed by her supervisor, Fire Chief John Schilling, and is recommended for a wage increase to go from M-5, Step 1 to M-5, Step 2 on the Managerial and Professional Classification Wage Scale, effective July 1, 2014. Ms. Jones date of hire is July 15, 2009. M/s/c. (Ms. Loberg abstaining).


Gift Acceptance: The Selectmen accepted with thanks a donation of \$100 from Nancy Waggoner for use by the Animal Control Department. M/s/c.

There being no further business in Open Session,

Motion: To go into Executive Session to discuss strategy with respect to collective bargaining and legal issues, not to reconvene in Open Session. Seconded.

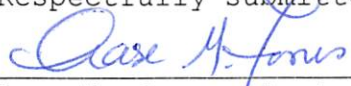
Voting on the Motion: Mr. Israel: Yes; Mr. Snyder: Yes; Ms. Loberg: Yes.

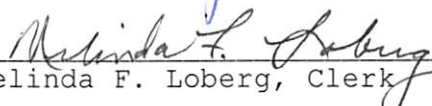
Adjourned to Executive Session: 8:10 p.m. M/s/c.


Jonathan V. Snyder, Chairman


Tristan R. Israel

Respectfully submitted,


Aase M. Jones, Asst. to Town Adm.


Melinda F. Loberg, Clerk