

TISBURY BOARD OF SELECTMEN MEETING AGENDA

Tuesday, September 30, 2014
Tisbury Town Hall – 5:15 PM
Jonathan V. Snyder, Chairman
Tristan R. Israel
Melinda F. Loberg, Clerk

5:15 P.M. - Convene at Tisbury Landfill for Dedication Ceremony of Solar Array Project

6:15 P.M. – Re-convene at Tisbury Town Hall in Open Session and Vote to Go into Executive Session to (1) Discuss Strategy with Respect to Collective Bargaining and (2) Hear Grievances at Step 2 of the Grievance Process, to Reconvene in Open Session

6:30 P.M. (est.) – Re-convene in Open Session

TOWN ADMINISTRATOR'S REPORT

Street Light System O & M Agreement – BOS Approval and Signing
Beach Road Update
Facilities Planning

DEPARTMENTAL and OTHER REPORTS

Harbormaster re: BOS Approval and Endorsement of Private Entities' Application for CZM - Coastal Pollutant Remediation Program (CPR)

Police Chief re: (1) Crossing Guard Appointments: Robert Alderman and John Rollins until 6-30-2015
(2) Special Officer Appointment – William B. Johnson until 6-30-15

Shellfish Constable – Scallop Season Opening Dates:

Outside Ponds: October 18, 2014- Recreational/Family; October 20, 2014: Commercial
Lagoon Pond: November 1, 2014 - Recreational/Family; November 3, 2014: Commercial
Tashmoo: November 29, 2014 - Recreational/Family; December 1, 2014: Commercial

DISCUSSION SESSION

Location of Memorial Bench for Derek Cimeno at Lagoon Pond Landing
Former Fire Station Site

ADMINISTRATIVE SESSION

License Renewals: (If all inspections are complete)

Common Victuallers: (Still waiting for inspection reports)

Approval of Treasury Warrants

Payroll Warrant #9-23-2014	\$114,864.33
Payroll Warrant #9-29-2014	\$297,825.48
Bills Payable Warrant #9-29-2014	\$498,728.61
Bills Payable Warrant #9-30-2014	\$165,809.91

Approval of Minutes

*July 1, 2014 – Regular Session
*July 1, 2014 – Executive Session
*July 15, 2014 – Regular Session
*July 29, 2014 - Regular Session
*July 29, 2014 - Executive Session

NEW BUSINESS

OLD BUSINESS

PUBLIC COMMENT

EXECUTIVE SESSION

Vote to go into Executive Session to discuss strategy with respect to real estate, litigation and contract negotiations, (not) to reconvene in Open Session.

The Board of Selectmen met in a Special Session on Tuesday, September 30, 2014 at the Tisbury Landfill for a dedication ceremony for the new Solar Array Project.

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.

Others Present: Tim Madden, State Representative; Liz Argo, Cape & Vineyard Electric Cooperative (CVEC); William Straw, CVEC Representative Peter Cabana; Stanley Chin, President and CEO of Clean Focus; John Checklick, President and CEO of CVEC; Tom Hunter, President and CEO of American Capital Energy; representatives from the Towns of West Tisbury and Oak Bluff; and others.

Ms. Argo requested that everyone present get together for an official photo with the solar array panels as the backdrop. Following the photo session, the group convened at the entrance to the project.

The BOS Meeting was called to order at 5:25 p.m.: by Jonathan Snyder who welcomed those present and thanked all those who had contributed to making this project a reality, particularly Mr. Peter Cabana who was an early advocate for energy efficiency and instrumental in the acceptance of the concept of solar power projects.

Mr. Snyder then introduced Rep. Tim Madden who spoke briefly about the importance of small solar array projects such as this one, describing them as the future of energy, adding that in the long run these projects will make a difference in the preservation of our environment and provide significant economic benefits for the community.

Mr. Snyder next introduced Mr. Stanley Chin, President and CEO of Clean Focus, the company that produced and installed the solar panels installed at the landfill. Mr. Chin stated that this day is a most important one for all parties involved in this project and thanked everyone who had worked closely with American Capital Energy to make this project a reality, which he acknowledged was not an easy project due to its placement on top of a capped landfill with many restrictions by the Department of Environmental Protection. He concluded by congratulating everyone who helped the project become a reality.

Mr. Snyder next introduced John Checklick, President of Cape & Vineyard Electric Cooperative (CVEC), who thanked everyone who had participated in the acceptance and approval process for the project and come out for this dedication ceremony. He noted that CVEC was an organization founded by the Cape Light Compact in 2007 under the auspices of the County of Barnstable, noting that the Cape Light Compact and CVEC are organizations with 21 member towns on the Cape and Islands, and that three American Capital Energy solar array projects are located on the Island of Martha's Vineyard, with a capacity of generating 3.8 MW of energy. He stated that CVEC is proud to be part of the development of these projects, adding that CVEC hopes to do more in the future to promote sustainable, clean,

renewable energy to meet the goals of the local governments and make the State of Massachusetts a "greener" state.

Mr. Snyder next introduced Tom Hunter, President and CEO of American Capital Energy, developer of the project, who spoke briefly about the difficulty of getting this project permitted and built. He noted that the design life expectancy of the solar panels installed is about 50 years, noting that these panels are built to last and that the savings will be substantial over their life time, noting that such solar energy project are the future and that numerous available sites and so-called "brown-fields" exist throughout the US where such project can be built. He concluded his comments by also thanking everyone who helped move this project forward - noting that this truly was a team effort.

Mr. Snyder then recognized Selectman Tristan Israel who spoke briefly about the 20-year effort to utilize solar and wind power to generate electricity for municipal use, culminating in this project. Mr. Israel noted that this is a significant day for the community and noted that it happens also to be his birthday and that his wife, an avid fisherman, caught a 9+ pound bluefish earlier in the day! Mr. Israel also specifically recognized Peter Cabana as one of the early proponents of alternative energy sources, and concluded by thanking everyone for coming.

Mr. Snyder concluded the Selectmen's meeting by again thanking everyone for coming and noting that the product of this solar array project will benefit the entire Island community.

The Selectmen recessed their meeting at the landfill at 5:55 p.m. to reconvene at the Town Hall.

6:15 p.m.: The Selectmen reconvened their meeting in Open Session at the Tisbury Town Hall with all Selectmen, Town Administrator Jay Grande and Aase Jones, Assistant to the Town Administrator, present.

Mr. Snyder noted that the agenda reflects that an Executive Session is scheduled and asked for a motion.

At this point Town Administrator Jay Grande informed the Board that due to unforeseen circumstances the Executive Session to hear several grievances at Step 2 of the grievance process will have to be postponed until the next meeting of the Board - October 14th.

Chairman Snyder took this opportunity to remind those present about the present visioning process underway with the first session of workshops tonight from 7:00 - 9:00 p.m. at the Senior Center, with another session on Friday, from 10:00 a.m. to Noon at the Vineyard Haven Public Library and a third session on Saturday from 10:00 a.m. until Noon at the Emergency Services Facility, urging that everyone attend and speak up about their concerns.

LED Streetlight Operation and Management (O & M) Agreement: Mr. Kevin Galligan invited questions from the Board.

LED Streetlight Operation and Management (O & M) Agreement: Mr. Grande announced that the Street Light O & M Agreement with Siemens has been reviewed by Town Counsel David Doneski who is recommending its approval and signature by the Board of Selectmen.

Motion: That the Board of Selectmen approve the O & M Agreement with Siemens, effective October 1, 2014, for an initial period of three years, with the option of an extension for an additional two year term, as presented and as discussed. M/s/c.

Beach Road Update: was provided by Town Administrator Jay Grande who announced that he will plan to attend a meeting scheduled for tomorrow (October 1) at 5:00 p.m. at the Vineyard Haven Marina with the businesses along Beach Road to discuss the options being proposed to improve pedestrian and bicycle traffic in the area from Five Corners to the bridge.

Mr. Israel commented that the State will need additional time to work out the planning process, also needs input from the Board of Selectmen from a policy point of view, and direction from the State.

Mr. Grande stated that after tomorrow's meeting there will be more clarity on what the property owners want, adding that he will report back to the Selectmen after the meeting. Mr. Snyder noted that he will not be able to attend this meeting.

Facilities Planning: Mr. Grande announced that he has prepared a Scope of Services Agreement to enter into a contract with BETA Group, Inc., for a lump sum fee of \$5,000, to determine municipal needs, review Town buildings, including the Town Hall, the Annex, the Police Station, the Senior Center and the Library, and prepare a technical memorandum to document findings. Mr. Grande added that this is done as an initial step in an effort to define the direction the Town wants to pursue, to establish the Town's physical needs and services delivery requirements, and asked the Selectmen's approval to proceed.

Mr. Israel inquired about funding and was informed by Mr. Grande that the funds will come from the Selectmen's Consultant's Fund line item. Mr. Israel noted he has other questions as well.

Mr. Grande offered to give the Board more time to think about this before moving forward - perhaps wait until the visioning process now underway with the Planning Board is completed and the results could be part of the process.

Mr. Snyder commented that the visioning process is due to be completed by the end of January, adding that it is not expected that the results will be more general and not so specific as to address special issues.

Mr. Grande commented that he does not expect the study to be starting at a base level, but at a jumping off stage, based on studies that have already been done.

Motion: That the BOS authorize moving forward with the Initial Facilities Planning study with BETA Group, Inc. for a fee of \$5,000, as presented and as discussed. M/s/c.

Police Department Crossing Guard Appointments: Robert Alderman and John Rollins were appointed as requested by Chief Hanavan until 6-30-2015. M/s/c.

Special Officer Appointment: Chief Daniel Hanavan introduced William B. Johnson recommending his appointment as a Special Police Officer until 6-30-2015. The Board welcomed Mr. Johnson and after a brief discussion, approved his appointment as a Special Officer until 6-30-2015. M/s/c.

Shellfish Constable - Recommendations for Scallop Season Opening Dates: were taken up next.

Shellfish Constable Danielle Ewart announced that the Shellfish Advisory Committee has met and voted the following opening dates for the scallop season this year:

Outside ponds (outer harbor): October 18, 2014 for recreational/family scalloping; October 20, 2014 for commercial scalloping.

Lagoon Pond: November 1, 2014 for recreational/family scalloping; November 3, 2014 for commercial scalloping.

Lake Tashmoo: November 29, 2014 for recreational/family scalloping; December 1, 2014 for commercial scalloping.

Motion: That the BOS approve the opening of the scalloping season as presented and discussed. M/s/c.

A letter from Ms. Lynne Fraker dated September 23, 2014, regarding her concerns about enforcement issues and the dividing line between Oak Bluffs and Tisbury in the Lagoon, emanating from last year's scalloping season, resulted in a brief discussion. However, the Board agreed that the issues raised should first be brought to the Shellfish Committee for a recommendation and then brought to the Selectmen. Further discussion was deferred until the Shellfish Advisory Committee has had an opportunity to review the letter.

Mr. Tom Searle, a commercial shellfisherman in the audience, requested a clarification of the term "struck" bushels, as defined in the Shellfish Regulations. Mr. Jamie Tilton, Chairman of the Shellfish Advisory Committee, noted that the term struck is the same as level with regard to the amount of scallops in a bushel.

At this point Mr. Snyder noted that the Selectmen at this time are just setting the dates for the opening of the scallop season, not debating the Shellfish Rules and Regulations and reiterated that issues concerning catch limits etc. must first go before the Shellfish Advisory Committee for input, then to the Selectmen.

Mr. Israel concurred, adding that when the Selectmen have a recommendation or a report, this matter can be put on the agenda.

Mr. Tilton noted that the Shellfish Advisory Committee meets the third Thursday of each month and that this will be placed on the committee's October agenda.

Location of Derek Cimeno Memorial Bench: was discussed next.

Ms. Danielle Ewart noted that she has two suggestions for locating the bench, one at the Lagoon Pond Landing, off to the side at the entrance, and the other site would be in a location, before reaching the parking lot, on the Lagoon side of the bicycle path, where there is a small Town-owned parcel, between *Wind's Up* and the Lagoon Landing, where a bench could be placed with a good view of the Lagoon.

Mr. Israel stated that he would prefer the location to be set off by itself so that it would be more noticeable - not in the parking lot area.

Ms. Loberg concurred, stating that she would like it to be visible from the bike path and agreed that the area suggested, with a little clean up and some landscaping, would be a great location for the bench.

Mr. Tilton commented that he will work with the DPW to request clearing and upgrading of the area in preparation for placing the bench there.

Mr. Snyder also agreed that the location between *Wind's Up* and the Lagoon Landing would be ideal for the bench.

Motion: That the Board of Selectmen agree that the site for the Derek Cimeno Memorial Bench will be in the Town-owned parcel between *Wind's Up* and the Lagoon Landing, as discussed. M/s/c.

Former Fire Station Site: was discussed next.

It was noted that a few years ago when use of the former Fire Station property was discussed, a test of the soil at the location was requested by the Planning Board in order to establish that whether or not any contamination exists of the site that would preclude certain uses of the property. This test was never done.

It was further noted that at this time the Town is using the site for paid parking permits for certain qualifying applicants that meet criteria established for this use by the Selectmen, with current permits valid until October 31, 2014.

Mr. Grande acknowledged that soil testing will be important and necessary to determine and support the viability of future use proposals. Mr. Grande then presented a sketch showing use of the property as a pocket park with parking spaces within the center area, prepared by former Planning Board member Henry Stephenson, and then asked the Selectmen if they are interested in working toward developing such a pocket park within the central downtown area. Mr. Grande suggested that this development could provide a link with Veterans' Park and if the Selectmen support this concept, the Selectmen in conjunction with the Planning Board could move forward with an application to the Community Preservation Committee for CPA funds to begin the process.

Mr. Grande noted that Mr. Stephenson's plan provided access without impacting abutters and suggested that the concept meets the criteria for CPA funding.

Mr. Snyder inquired if access over Town property to the two parking spaces at Harbor Landing remains a problem and Mr. Grande informed him that part of this plan is addressing that issue.

Lease of Parking Spaces at Former Fire Station Property: was addressed next.

Mr. Grande asked the Selectmen if they still wish to continue to lease parking spaces in the vacant lot for another year, and at which rate.

Aase Jones noted that in 2013 the Selectmen agreed to lease spaces at the Fire Station from about May-June until October 31, 2014 for \$1,200. With a prospect of converting the area to a pocket park if funded at the next Annual Town Meeting, a new lease period would be for one year, - i.e., until October 31, 2015, and asked the Board to decide what the charge for a one-year lease would be.

After a brief discussion the Board agreed that the one year lease fee from November 1, 2014 until October 31, 2015, for one parking space, would be the same as before, i.e., \$1,200, and so moved.
M/s/c.

Harbormaster re: BOS approval and Endorsement of Private Entities' Application for Coastal Zone Management (CZM) Coastal Pollution Remediation Program (CPR): was taken up for discussion next.

Present: Liz Wild, General Manager of Vineyard Haven Marina; Morgan Douglas of Coastwise Wharf;

Mr. Grande reported that he attended a meeting with several stakeholders regarding the need to provide pump-out services and a facility for visiting vessels to be available after January 1, 2015, according to the Town's Waterways Regulations.

A location at Beach Street Ext. for such a land-based pump-out facility had been discussed, but not agreed upon by those participating in this meeting. Mr. Grande noted that those harbor-front marine businesses that were represented at the meeting agreed that they would participate in a joint grant application for CZM funds to purchase a pump-out vessel to be shared by the commercial establishments, with 75% CZM funding vs. a 25% match to be paid by the participants.

It was noted that applications for these grants are due October 7th, with awards to be announced in mid to late November. Mr. Grande acknowledged that more work is needed to establish how the 25% match will be shared and provided by the participating commercial establishments.

Mr. Grande continued by stating that it is expected that the Town will operate the new vessel, which he conceded will put additional pressure on the Harbor department, adding that there are two applications that can be filed, the CZM for a vessel due October 7th and another for a land-based pump-out facility due later, with a more flexible deadline for the Clean Vessel Act (CVA) Grant, which is an ongoing program in which the Town is already a participant.

Mr. Grande continued by stating that the Town and the commercial entities are working together toward a solution, expressing hope

that the private-public effort to secure a vessel grant will succeed and provide pump-out services for commercial vessels and the Harbor businesses required to provide such services for their customers after January 15, 2015.

Harbormaster Jay Wilbur pointed out that once the new Bessel is in place, its operation is no longer such an issue for his department. A discussion followed on the distinction between a recreational vessel pump-out service vs. one that services commercial vessels.

The Harbormaster then stated that he does not have any problem operating another vessel as long as the land-based pump-outs are expected to be handled by the commercial entities. Mr. Wilbur commented that sometimes during the busy summer months, a vessel may have to wait 2 hours for a pump-out. Mr. Wilbur acknowledged that a pump-out land-based facility at beach Street Ext. is a real possibility, with the concurrence of all participants.

It was emphasized that the application for the vessel grant to CZM is time sensitive with a deadline for filing of October 7th.

After further discussion,

Motion: (Mr. Israel): That the Board of Selectmen support the submission of an application to CZM by the October 7th deadline for a commercial pump-out vessel to be shared by the several commercial harbor entities, as discussed. M/s/c.

A brief discussion followed on the second phase of this program.

Common Victualler's License Renewals: were not yet ready for BOS approval, lacking sign-offs from the Building Inspector and the Board of Health.

Approval of Treasury Warrants: Payroll Warrants #9-23-2014 and 9-29-2014; Bills Payable Warrants #9-29-2014 and #9-30-2014, were approved and signed. M/s/c.

Approval of Minutes: None.

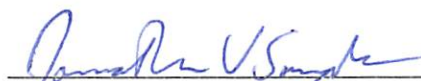
Minutes Deferred: July 1, 2014, Regular and Executive Sessions; July 15, 2014, Regular Session and July 29, 2014, Regular and Executive Sessions.

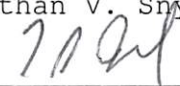
There being no further business in Open Session,

Motion: To go into Executive Session to discuss strategy with respect to real estate acquisition, not to reconvene in Open Session. Seconded.

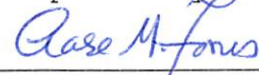
Voting on the Motion: Mr. Israel: Yes; Mr. Snyder: Yes; Ms. Loberg: Yes.

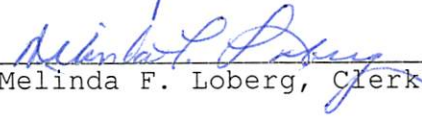
Adjourned to Executive Session: 7:00 p.m. M/s/c.


Jonathan V. Snyder, Chairman


Tristan R. Israel

Respectfully submitted,


Aase M. Jones, Asst. to Town Adm.


Melinda F. Loberg, Clerk