

Selectmen's Meeting Minutes 01/09/18

Chilmark Board of Selectmen January 9, 2018 Meeting Minutes

Present: Chairman Bill Rossi, James Malkin and Warren Doty. Tim Carroll, Police Chief Jonathan Klarèn, Rodney Bunker, Susan Murphy, Robert Coutinho, Jeremy Bradshaw, John Keene, Wes Brighton, Matthew Mayhew, Barbara Fenner, Frank Fenner, Peter Cook, Joan Malkin, Dennis Jason, Brian “Chip” Vanderhoop, Elaine Vanderhoop, Everett Poole, Deb Packer, Howard Grimm, reporter Rich Salzburg and MVTV Videographer John McCormick.

Minutes:

Draft minutes from Selectmen’s Joint meeting on November 29, 2017 were reviewed, corrections were made. Mr. Malkin moved to approve minutes as corrected. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Draft minutes from Selectmen’s December 5, 2017 meeting were reviewed, corrections were made. Mr. Malkin moved to approve minutes as corrected. Mr. Doty seconded the motion.

SO VOTED: 3 Ayes

Draft Minutes from the Selectmen’s Executive Session Meeting held on December 12, 2017 were reviewed. Mr. Doty moved to approve minutes as written and post as public minutes. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Menemsha Master Plan Update - Planning Board Report Part II:

Peter Cook presented the committee’s information about the Menemsha Master Plan Part II for Selectmen to review. Mr. Cook said we (Planning Board & Subcommittee) have met with 15 to 18 different committees and constituents to assemble the recommendations for the Master Plan updates. Mr. Cook said consultant Bill Brewster reported to the Planning Board that his final report is finished and we should have that soon. The Planning Board has scheduled a public hearing for this report on February 9, 2018.

Joan Malkin highlighted the process that brought this report to completion and discussed the next steps. Ms. Malkin discussed the importance of following through with designating committees and boards to test the recommendations and determine if we should implement them into our Master Plan.

Mr. Doty asked about the trash collection in Menemsha. He asked if the compacting units are right for us and if we should get more. Ms. Malkin confirmed the compactors are working well and more would be good but recommended Board of Health, Beach Committee and Harbormaster determine where and how many.

Mr. Doty also asked if there was a recommendation concerning the livery vans in Menemsha. Ms. Malkin said this committee identified this as an issue that needs to be managed. Mr. Doty asked about the Comfort Station. Ms. Malkin said five years from now we will wish we had completed building a new Comfort Station and recommended forming a committee to begin forums and planning now.

Chairman Rossi thanked Mr. Cook and Ms. Malkin for their work and this thorough report.

Menemsha Boardwalk- re-spacing project quote:

Mr. Carroll said this is the project of narrowing the space between the wood slats. Ms. Malkin said we (Planning Board) recommended this because it would stabilize the structure to allow for strollers and movement impaired individuals to utilize the path between the Menemsha beach and Comfort Station. This would help with public safety issue to take pedestrians off of the roads and designate a safer path. Mr. Carroll said this is a project to complete before the summer. Mr. Carroll said we don’t have an appropriation to do this but we have a quote of \$5,290.00. Mr. Carroll asked Selectmen how they would like to proceed. Chairman Rossi asked if there were enough funds in the Selectmen’s maintenance account. Mr. Carroll said Selectmen’s maintenance account balance is \$15,000.00.

Mr. Malkin moved to authorize spending from the maintenance account for this purpose (reworking the boardwalk prior to start of season) Mr. Doty seconded the motion.

SO VOTED: 3 Ayes

Public Safety Building Site Updates:

Chairman Rossi said Fire Chief David Norton was unable to attend tonight’s meeting but fire department representatives were here tonight. Assistant Chief Robert Coutinho and Fire Association President and Lt. Jeremy Bradshaw were present to review the

plans submitted by Dennis Ross. Mr. Bradshaw said the department is prone to option II. Plans can be viewed in the Selectmen's agenda at the following link: http://www.chilmarkma.gov/Pages/ChilmarkMA_SelectAgenda/2018/01092018/index

Lt. Bradshaw said the hope is to have all of the fire equipment and trucks reestablished at the Menemsha Cross Road area and to turn over the North Road Fire station the Tri Town Ambulance. Lt. Bradshaw said proposal II is better but we still may need some more space to accommodate all of our apparatus. Chairman Rossi explained to folks present who may not be aware that the Selectmen are looking into town owned property to house the Fire Department and Tri Town Ambulance rather than purchasing additional property to build facilities on.

Assistant Chief said in option II the EMS (Tri Town Ambulance) is combined with the Fire Station and they can't be combined as the EMS takes up too much room. Chairman Rossi said he received a text from Fire Chief Norton stating his preference for option II.

Mr. Doty recommended contacting Dennis Ross and letting him know we prefer option II and request some more work on option II. Mr. Malkin requested we get an approximate cost from Dennis Ross to build option II. Chairman Rossi said we need to authorize Mr. Ross to go to the next level in formulating a plan using option II using the Annual Town Meeting warrant funds. Assistant Chief Coutinho asked to be able to continue being part of the building plan discussion. Chairman Rossi assured that we will count on participation from the Chilmark Fire Department.

Aquinnah Creek Lot F:

Mr. Malkin asked what the roll of Chilmark Board of Selectmen has in this matter. Mr. Malkin said he is aware that this Creek lot F is on the agenda of the Chilmark and Aquinnah Conservation Commissions and that Harbormaster Jason has written the DEP about the three pilings being a menace to navigation.

Chairman Rossi said through talks with locals he believes the question is if the pilings are permitted or grandfathered. Mr. Malkin said the question is; are the pilings licensed or not by the DEP. Chairman Rossi asked if anyone wanted to say something about this.

Chairman Rossi recognized Susan Murphy to speak. Ms. Murphy said she was asked recently by Elaine Vanderhoop if she had any historic photographs or documents of the piles in the water over time. These photos were included in tonight agenda (see link previously mentioned) the photos date from 1974-1976. Ms. Murphy said she researched old minutes from past Selectmen meetings and has some documents to share tonight. Ms. Murphy distributed a copy of the permit she and her late husband Lynn Murphy received in 1992 from the Aquinnah Conservation Commission with the wetlands protection act from the DEP with conditions for rebuilding the dock (at lot F). This application was after Hurricane Bob. Ms. Murphy said there was a six month grace period to fix anything that was damaged. Ms. Murphy said they (Murphy's) missed that window. Ms. Murphy said because of that we were required to go through the permitting process. Ms. Murphy said three years later in 1995 we found out that the State was requiring all docks to be licensed. Ms. Murphy said the State was offering amnesty to already existing docks. Ms. Murphy said because the land is owed by Aquinnah (creek lots in either town are town property not the lease holders) we applied for the amnesty which took 10 years to complete. Ms. Murphy said we received an interim permit that gave us 30 years. Ms. Murphy discussed Chapter 91 and the chapter on amnesty was this: after the close of the amnesty period October 1996 after that you were subject to all the regulatory process of getting your dock licensed. Ms. Murphy said Mr. Vanderhoop applied and received the amnesty too (Vanderhoop purchased dock and permits at Creek lot F from Murphy's).

Ms. Murphy said the piles are in Chilmark waters, but let's look at why they are there.

Ms. Murphy said The 1996 Chilmark Aquinnah Accord grandfathered an awful lot of uses and stuff that was there if the person occupying that lot had been licensed or had a lease from the State. Ms. Murphy said Lynn Murphy had continually used the lot he was licenses for.

Ms. Murphy showed a postcard photo from 1951 that show Lynn's old fishing boat tied to the outside of those s piles and the reason was because there was no water there. Ms. Murphy showed another photo from 1900 that show the piles and the deep water is all on the channel side.

Mr. Vanderhoop said when he took over Creek Lot F he had 1 year on the license to change over ownership he did so and did not begin any restorations until he received the paperwork. Mr. Malkin said the Harbormaster has determined that the 3 piles are a menace to navigation.

Mr. Vanderhoop (Aquinnah Harbormaster) asked why they are considered a menace to navigation. Harbormaster Jason said they (piles) were in the way of dredging operations 6 to 7 years ago. Harbormaster Jason said he has no issue with the dock on Lot F it's the 3 pilings that are in Chilmark waters and should be removed.

Chairman Rossi asked if the 3 piles where considered part of the Lot F lease, the reply was no.

Mr. Malkin moved to proceed with recommendation of Harbormaster and have the 3 piles removed. Mr. Doty asked what the Selectmen's authority was in this case. Chairman Rossi said support the Chilmark Harbormaster. Mr. Malkin recommended asking legal counsel. Harbormaster Jason asked Mr. Vanderhoop if the pilings were to stay, what would be their use. Mr. Vanderhoop said to tie up to- a safe harbor. Anybody from Chilmark wanted to come tie-up there he would be glad to take one of the boats and tie up in the West Basin Harbor.

Mr. Vanderhoop went on to say it's a convenience of use. He (Mr. Vanderhoop) ties-up there his partner ties-up there. Chairman Rossi thanked Mr. Vanderhoop. With no further discussion

Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Middle Line Road - MV Land Bank Trail:

Mr. Carroll said the public hearing was held already. The MVLB requested to relocate 558' of existing trail in the Middle Line Road to the inside of stonewall situated along the road.

Mr. Doty said this looks like a good plan and moved to grant permission to the MVLB to proceed with relocating the 558' presented in this proposal. Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

Dredging restoration of West Basin (Aquinnah):

Mr. Carroll said we were notified as abutters of the dredging and restoration project shown in the survey completed by Sourati Engineering. Mr. Carroll said no action is necessary.

Mr. Doty said we have a dredging request from Mr. Brighton. Mr. Brighton distributed an explanation of his request. Mr. Brighton (an active commercial Menemsha fisherman) said this is an area north of the drive-on dock. Mr. Doty said this letter was sent to us in December and wanted to take a moment to hear about this request. Mr. Brighton is in the process of a purchase and sales agreement for a new boat that has a greater draft than his existing boat. Mr. Brighton said the 65 foot steel vessel (he wants to purchase) could not reenter Menemsha harbor if it was low tide. Harbormaster Jason described the difficulties of clearing in an area (dredging for Brighton's place) affects the entire harbor.

Matthew Mayhew (Chairman of the Shellfish Advisory Committee and commercial fisherman) said near or a little before mean low tide there were times when the Quitsa Strider and Unicorn hit bottom. Mr. Malkin said he has talked with Mr. Brighton about his request. Mr. Malkin said the question is should the town go into dredging projects for a single boats' needs. Mr. Malkin suggested this should become an Annual Town Warrant Article for the town to decide. Mr. Malkin supported the harbormasters concern that there is more to this than pulling up the sandbar in an area, it affects the entire harbor. Matthew Mayhew recommended that the Army Core of Engineers address this as less than 10 foot access to safe harbor is no longer a safe harbor.

Mr. Malkin moved to request Woods Hole Group or someone to come do a site visit and have an assessment done prior to permitting for special request dredging. Mr. Doty seconded the motion. And said we need good access to our harbor. **SO VOTED: 3 Ayes**

Martha's Vineyard Cultural Council (MVCC) - Appointment Request H. Goff:

Mr. Carroll said Heather Goff has sent the Selectmen a request to be appointed to the third (vacant) seat as a Chilmark representative on the MVCC. Mr. Doty moved to appoint Heather Goff to position as 3rd Chilmark representative on the Martha's Vineyard Cultural Council.

Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

MV Shellfish Group (MVSG) Annual Fundraiser -rental fee waiver request Community Center:

Mr. Doty moved to waive the fee for the MVSG annual fundraiser being held May 4, 2018.

Mr. Malkin said he supports the MVSG but wanted to state there is no sale of alcohol at the Community Center. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Cemetery Commission- Surplus Mower:

Mr. Carroll said this cemetery mower is over 20 years old and the Commission is requesting it be declared surplus equipment. Mr. Doty moved to declare the mower surplus. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Harbor Update - Pilings:

Mr. Malkin (Selectmen, Harbor liaison) said we have a recommendation from the Harbor Advisory Committee that as we put in the new pilings (that were voted at town meeting), they be situated at a common distance from each other (slips be uniform in width). This applies to both the Transient Dock & Dutcher Dock. Mr. Malkin said he believes this also includes the commercial dock off the drive on dock. Harbormaster Jason said the Selectmen moved to allow an individual with a wider vessel to have the piling move over to allow for their wider vessel. Harbormaster Jason said moving the pile over made the slip next to it considerably narrower.

Mr. Doty said we advised to do away with a commercial slip and make them equal. Selectmen agreed the pilings should be uniform width, and to review action taken at meeting when change was made.

Town Hall Spruce Tree & Other Trees:

Mr. Bunker (Supervisor of Town Buildings) presented his recommendation of removing the spruce from entrance of Town Hall. Chairman Rossi said he planted the tree and it is a grand healthy tree. Mr. Bunker said it has outgrown its space and it's becoming

a hazard to the public and the building. Mr. Doty said we might be making a major change to the area to accommodate the Public Safety Building and recommended waiting and looking at the landscape comprehensively. Mr. Carroll said Mr. Bunker has other trees to discuss at other town locations. Mr. Bunker said he will seek quotes for some tree work to be done on overgrown trees near town buildings. Mr. Bunker listed his recommendations:

Police Station; 1 Beetlebung growing over the shed & 2 large Elm trees.

Community Center; 1 large Oak tree.

Library; 1 Black Oak tree.

Town Hall: Maples & Ash trees.

Chairman Rossi said that to work on a plan for quotes without the area that will be assessed by architectural firm for town hall area.

Park & Recreation Committee - 2018 Bulkhead Leases:

Mr. Carroll said all payments have been collected and the leases are ready for Selectmen to approve and sign. *Selectmen signed all of the submitted Bulkhead leases.*

Chilmark Community Center Update:

Mr. Carroll said he sent Selectmen the latest draft MOU between the Town Advisory Council and Chilmark Selectmen.

Mr. Carroll said he also would like their approval to pay the contractor for work completed on the windbreak project. Mr. Doty moved to approve payment to contractor for work completed at Community Center. Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

Mr. Carroll said for the next Selectmen's meeting we have received notice from the MV Cultural Council that they will be increasing the funding amount they are requesting from the towns.

Mr. Carroll said the Selectmen's office received a request from the Martha's Vineyard Film Festival for their March festival but there is a scheduling conflict at the Community Center.

Chairman Rossi (during completion of signing Bulkhead Leases) asked for information on Karsten Larsen's lease. Mr. Doty said he (Karsten Larsen) intends to continue with the sushi shack on his leased lot. Mr. Carroll said that the Board of Health required an umbrella and table and had not communicated that with the Park & Recreation Committee. Chairman Rossi said he wanted to make the point that these lots are for commercial Fishing industry.

At 6:43 PM with no further items for discussion Mr. Doty moved to adjourn. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Minutes respectively submitted by Diana DeBlase

Approved 1/23/18

Document List:

- Draft minutes from Selectmen meetings: 11/29/17, 12/05/17 & 12/12/17
- Planning Board - Chilmark Master plan, Menemsha Report Part II
- Estimate from Smith property for re-working the Menemsha boardwalk
- Pacheco Ross Architects rough plan options for Fire Station locations on town land
- Letter from Debbie Packer requesting Selectmen support of removal of unpermitted piles
- Letter from Vanderhoop's responding to Packer's request to remove piles
- Susan (and Lynn) Murphy's copy of DEP permit from 1992 for lot F
- Notice of public hearing regarding the MV Land Bank revision of trails in Middle Line Woods Preserve and project map illustrating the recommended changes to trails
- Abutter notification & documentation from Sourati engineering for project by U.S. Specialty Insurance Group for 3 site restorations in Aquinnah
- Dredging recommendation & request from Wes Brighton
- Martha's Vineyard Shellfish Group request for permission and waiver for use of Community Center for annual fundraiser.
- Copy of MVSG Community Center rental request form
- Park & Recreation 2018 Menemsha Bulkhead lot leases and recommendation for appointing the 7 lots.
- Letter from Scott Sigal of appreciation to beach lifeguards and copy of donation made to town of Chilmark
- Zoning Board of Appeals report of decisions for December 2017 and the agenda for January 24, 2018 meeting.
- Cape Light Compact presentation notice for January 21, 2018 for understanding electric bill & how to reduce it
- Invoice from Dukes County for Chilmark's assessment for FY18 social services
- Summary of the Conflict of Interest Law for Municipal Employees
- Menemsha Master Plan -Parking & Traffic Summary 3/27/2017

- Menemsha Concepts Final report from Brewster Architects