

## Selectmen's Meeting Minutes 03/20/18

### Chilmark Board of Selectmen March 20, 2018 Meeting Minutes

**Present:** Chairman Rossi, James Malkin and Warren Doty. Tim Carroll, Chief Klarèn, Jesse Burton, Mrs. Burton, Chief Norton, Lenny Jason, Peter Cook, Paddy Moore, Martina Thornton, Everett Poole, Harbormaster Jason, Tamar Rogers, Mr. Grimm, Reporters: Landry Harlan and Rich Saltzberg MVTV videographer Lynn Christoffers.

At 5:00 PM Chairman Rossi called meeting to order in the Selectmen's meeting room.

#### Minutes:

Draft minutes from February 20, 2018 were reviewed. Mr. Doty noted the change to action minutes but moved to approve as written. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

#### Remote Participation:

Chairman Rossi asked for comments from his fellow Selectmen on this topic. Mr. Malkin said he felt strongly that Commissioners and Board Members should do their utmost to attend all their posted meetings. Mr. Malkin said he was not in favor of remote participation. Referring to the Attorney General's guidelines for remote participation, Mr. Doty commented that remote participation is not considered in the quorum; there must be a quorum without the remote participant. No action was taken at this time.

#### Squibnocket Update:

Chairman Rossi said Keene Excavation has started with their part and weather permitting will be on track to finish at the end of April. Mr. Malkin said the spectators wanting to drive over the roadway has caused a slow down as it is a single lane causeway. Chairman Rossi said Mr. Carroll sent an email recommending Chip Leonardi be a flagger during the work hours. Selectmen supported this recommendation.

#### Chilmark Community Center - Windbreak Update:

Chairman Rossi said we have a short punch list that the contractor needs to complete but the project is near completion. Mr. Doty thanked Chairman Rossi for all the work he put into getting this project completed.

#### 4 North Ridge Road Property - Appraisal:

Chairman Rossi said David Coppola is registering this property in Land Court as a Town owed property. Mr. Doty moved to authorize the Chairman to arrange for an appraisal of the 4 North Ridge Road Property. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

#### Harbor -Staffing:

Chairman Rossi welcomed Tamar Rogers to speak about her interest at being appointed Administrative Assistant to the harbor department. Selectmen asked questions that Ms. Rogers answered. Mr. Malkin moved to appoint Tamar Rogers as the Administrative Assistant to the Harbor department. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

#### Harbor - Piling Project:

Mr. Carroll said all of the bids came in over the appropriation for the piling project, so we have been in negotiations with the lowest bidder AGM Marine. Mr. Carroll said we've agreed on installing 38 pilings instead of 42.

Mr. Doty moved to award the project to AGM Marine to install 38 pilings for \$126,000.00

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

Mr. Doty asked for an update on the electrical project for Menemsha harbor. Mr. Malkin said we have been in contact with the electrical engineer planner and he is working with Vineyard Land Surveying for existing plans. Mr. Carroll asked Harbormaster Jason to supply any plans he has in his office concerning the electrical schematics. Mr. Doty said this project would entail shutting off all of the electricity to the harbor so it has to be done before the marina opens or after we close.

#### Chilmark Community Center - Vineyard Independence Partnership (VIP):

VIP has written a request to the Selectmen asking for the rental fee to be waived for their Music potluck gathering planned for May 5, 2018.

Mr. Doty moved to approve the VIP use of the Chilmark Community Center free of charge for this event. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

#### Everett Poole - Test Well on Basin Road:

Mr. Carroll said Board of Health requested that nothing be started till they met about the test wells. Mr. Carroll said the Board of Health has since met and supplied a report. *Mr. Carroll handed out the report.* The report states this is currently under review by the Board of health and that they anticipate a decision at their meeting tomorrow 03/21/18.

Mr. Poole spoke to this project: he said there would be 2, 1" pipes at property across the road from the Menemsha Deli. Mr. Poole said we are trying to find out where this gasoline is coming from that shows up on the land. Mr. Poole reported that the oil spill that happened has been all cleared up with the DEP, but they keep finding gasoline. Mr. Poole estimates the test wells will be in place for about a month and will be removed after they get their samples. Mr. Doty moved to approve this plan pending the Board of Health approval tomorrow. Mr. Malkin seconded the motion.

**SO VOTED: 3 Ayes** \_

#### Environment Massachusetts - 100% renewable

Chairman Rossi wished the group luck but recommended taking no action.

#### Verizon - Squibnocket Project Easement & Utility grant confirmatory votes:

Mr. Carroll said on January 11, 2018 we received a joint petition for utilities for the Squibnocket project. Selectmen held a public hearing for this petition on February 20<sup>th</sup> & 23<sup>rd</sup>.

Mr. Carroll said there was paperwork for the conduit that needed to be signed at that time that was not so he would like that to be signed now.

Mr. Doty moved that the Selectmen intended to also sign the utility conduit easement including Eversource, Verizon and Comcast after the public hearings February 20<sup>th</sup> & 23<sup>rd</sup>. Mr. Malkin recused himself. Chairman seconded the motion. **SO VOTED: 2 Ayes, 1 Abstain** *Mr. Malkin Chair signed easement*

#### Police:

Chairman Rossi noticed Chief Klarèn and asked him to talk about why he was here tonight.

Chief Klarèn reported that over the weekend 2 Chilmark Police officers Jesse Burton and William Fielder helped to stop and apprehend a wanted speeding vehicle operator from Tisbury. Chief Klarèn said his officers were concerned for public safety because we were having the Film Festival at the Community Center so they put a road roadblock with their vehicles to stop driver on Middle Road before the driver had a chance to enter the area around the Center. Chief Klarèn reported that the driver rather than stopping chose to drive over the wall at Keith's farm and into the field. Officer Burton said that with communication from Tisbury Police Department and Sherriff's department and assistance of West Tisbury Police Department we were able to stop the driver without any injuries. Selectmen commended officer Burton.

#### Tree Damages - Responsibility:

Mr. Carroll said that from the recent storms we have had trees downed into roadways and onto other people's property. Mr. Carroll said we have been contacted by telephone & electric companies who have pointed out to us that there are limbs about to fall on lines and asked us to please have them trimmed. Mr. Carroll reported that Highway Superintendent Keith Emin is working on drafting a list of these. Mr. Emin is using a warrant that was for other tree maintenance for this emergency work and at some point will have a summary of what this work it is and how it may impact the budget.

#### Storm Updates -damages:

Chief Klarèn gave a report. North Road had many large pine trees down that caused the road to be impassable for a time. Chief Klarèn said the Highway had that cleared up well. The Community Center was up and running as a warming center and police officers assisted some residence and brought them to the Center. We worked with the Up Island Counsel on Aging with a list of elders to check in with, and we did that with no issues. Chief Klarèn mentioned a few issues that cropped up: the Police department Centrex phone lines did not work during the power outage. Chief Klarèn reported he has worked with Building Superintendent Rodney Bunker to connect the phone line to the generator so this should be corrected if power goes out again. The other issue to mention is with the backup generator running for as long as it did (days) the back of the station was filling up with exhaust fumes (only 6 inches from the building). We are working with Mr. Bunker to relocate the generator farther way. \_

Mr. Doty recommended a carbon monoxide detector be in the bunk room if an officer is sleeping at the station in an emergency situation. Chief Klarèn said we have one in the hall outside of the bunkroom. Fire Chief Norton said the ideal placement is the hall outside of sleeping area.

Mr. Carroll reported that Aquinnah and Menemsha were without power for 36 hours. That affected the School, Post Office. Police Station was the only one on a generator.

Mr. Carroll said the school is considering a generator. Mr. Carroll said that the DAS nodes (for cell service in town) have a 4 hour battery backup but after that they go off line.

Mr. Carroll said the DAS nodes can be run with a small generator but that entails each one having someone manually attaching small generator. And we only have 3 (small generators) of them and there are 52 nodes.

The plan is to power the Menemsha node, Fire Station node and Town Hall node. Mr. Carroll said if power is off for more than 8 hours Comcast goes off line is telephone internet connection goes down. In Aquinnah there was a house full of smoke and the resident had to run down the street and flag down the police chief to report it to call the fire department. Mr. Carroll recommended folks keep their ground line telephones. Mr. Carroll recommended people be self-reliant but if a situation exists that they must have electricity (IE oxygen tanks) that they go to a facility before the storm hits. Mr. Doty reported that his Verizon landline worked the entire time of the power outage. Mr. Doty supported having our warming station Chilmark Community Center available like we do for power and bathrooms as a warm safe place. Discussion turned to seeking volunteer staffing for the Community Center warming center for the next storm.

#### Menemsha Project:

Mr. Carroll said the option proposed by Mr. Brewster the traffic planner was to utilize pilings as sign posts for bus stop and more. Mr. Carroll reported Mr. Brewster has since scaled down the bollard to 6" posts. Mr. Carroll said we have the pilings that are being replaced that have decent (above water); usable section that we are thinking could be repurposed for this project. Mr. Carroll has reached out thorough the MVC to ask Mr. Brewster if this would work with his plan as demarcation for parking.

Mr. Carroll said has talked about this repurposing plan with Planning Board Members and also Mr. Hodgkinson who will put it onto the Conservation Commission agenda. Harbormaster Jason shared doubts about the stability of the old piles as they are really decaying. Mr. Carroll said they would be a visual demarcation not structural. Mr. Malkin recommended seeing what we have once we pull them. Mr. Cook (of Planning Board) said there are varying shapes of piles and the thinner ones would be more appropriate for this purpose. The 18 "width piles would be too large for this purpose.

Chairman Rossi explained that the pilings would delineate the parking area from the board walking path from the Comfort Station to Menemsha Beach.

#### Annual Town Meeting Final Warrant & Ballot:

Mr. Carroll distributed the warrant to Selectmen and described the recommended corrections from legal counsel. For complete warrant please see link on Chilmark web page

[http://www.chilmarkma.gov/Pages/ChilmarkMA\\_Budget/FY2019%20Budget%20Process/ATM2018%20signed%20warrant.pdf](http://www.chilmarkma.gov/Pages/ChilmarkMA_Budget/FY2019%20Budget%20Process/ATM2018%20signed%20warrant.pdf)

Selectmen fully reviewed the final draft of ATM warrant. Chairman Rossi recognized Paddy Moore. Ms. Moore said she wanted to clarify the name for Healthy Aging Martha's Vineyard article not Health Aging Taskforce. Martina Thornton (County Manager) said some of the articles wording is not as we submitted it. Ms. Moore said if it can't be corrected it is alright.

Mr. Carroll said the petition that was requested to be withdrawn is still on our warrant as advertised. The petitioner can standup at Town Meeting and withdraw it.

There was full discussion of all items that were sent to counsel for comment. Mr. Doty moved to approve the warrant for Annual Town Meeting on April 23, 2018. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

*Selectmen signed ATM warrant*

#### Day Registrar:

Town Registrars have requested in writing that the Selectmen appoint Mr. Tim R. Carroll as a Temporary Registrar for March 21, 2018 to sign nomination papers for the Annual Town Election.

Mr. Doty moved to appoint Mr. Carroll as Temporary Registrar. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes** *Selectmen signed*

#### Old Business:

Mr. Doty said the sign in front of the Community Center is broken possibly by a plow. Mr. Doty recommended that the town pay for 1/3 of the cost, the MVFF and the TAC the other portion equally. Selectmen agreed to this proposal. Mr. Carroll said the plan for the sign will be brought to the Selectmen in the near future.

#### New Business:

Vehicle accident: Mr. Carroll asked Mr. Malkin for direction to take in the vehicle accident from ice on the State Road this past weekend as he was present at the accident. Mr. Malkin described the accident and recommended Mass DOT address this problem once and for all, as it's been a problem for some time now. Mr. Carroll said there are 2 spots of concern in that area for water discharge. The 9 State Road building and also across the street (were accident occurred) from the Verizon Building conduit. Mr. Doty directed Mr. Carroll to write to Mass DOT again requesting improvement of drainage on State Road.

Storm related item: Mr. Carroll said Harriet Otteson and Sally Cook (Cemetery Commissioners) both reported a number of trees have been damaged in the last storm. The Commissioners are working on a plan to get these cleared.

#### Chilmark School:

Mr. Carroll said he had a visit from Chilmark School Principal. Mr. Carroll said Principal Stevens shared her concerns from the latest School Committee Meeting. The committee told her they did not think it was appropriate that Chilmark Pre School children should have priority in attending Chilmark Kindergarten & 1st Grade class next year. Mr. Carroll reported Principal Stevens said she believes that undermines the plan of the Chilmark Pre-School (part of Chilmark School Building) being a feeder to the

Chilmark School. Mr. Carroll also said that Principal Stevens reported the UIRSD were not allowing use of funds to complete the playground improvements that would be reimbursed by the CPA and alternate funding.

Mr. Malkin recommended inviting our school committee member Mr. Robert Lionette to the next Selectmen's meeting to discuss these issues. Mr. Doty said he was asked by Principal Stevens to talk with her about these issues. Mr. Doty said he agreed to meet with her tomorrow.

Selectmen agreed to attend the next UIRSD meeting.

At 6:20 PM Mr. Malkin moved to adjourn. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Minutes respectfully submitted by Diana DeBlase

Document List:

- Draft minutes from 2/20/18 selectmen's meeting
- Final ATM warrant
- Attorney General guidelines for meeting remote participation
- Letter from Vineyard Independence Partnership asking for use of Community Center
- Request from Environment Massachusetts to join 100% renewable
- Verizon easement documents for Squibnocket Project
- Verizon petition for underground facilities at Squibnocket Project
- *Ponte v. DaSilva*, 388 Mass. 1008 (1983) 2018 Thomas Reuters. No claim to original US Gov Works - responsibility of tree damage
- Brewster Menemsha traffic plan recommendation.
- Chilmark Registrars request for Temporary Registrar appointment
- Vineyard Power Open House invitation - offshore wind simulation
- MVCS Veterans card program application form
- Buzzards Bay Coalition on-site septic system solutions work shop invitation
- MDAR Apiary program notice
- Mass DOT Chapter 90 funding notice FY19
- ComCast license fee for 2017 payment
- ComCast Complaints report Form 500
- MMA Certificate Training 2018-2019 schedule
- MIIA (insurance) dividend check memo
- DMF notice of Shellfish Closure notice (due to storms)