

## Selectmen's Meeting Minutes 04/17/18

### Chilmark Board of Selectmen April 17, 2018 Meeting Minutes

**Present:** Chairman Bill Rossi, James Malkin, Warren Doty, Tim Carroll, Cindy Doyle, Rob Hannemann, Matthew Mayhew, Margaret Maida, Linda Coutinho, Chris Murphy, Everett Poole, Anthony Saccoccia, Debora Packer, Howard Grimm, Melanie Becker, Norman Werthwein, Bob Rosenbaum reporters Landry Harlan and Rich Saltzberg videographer Lynn Christoffers from MVTv.

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

Chairman Rossi requested a moment of silence in honor of Gregory Mayhew who passed away this week. Mr. Mayhew was a former State Representative as well as a commercial fisherman in town. *A moment of silence was held*

Minutes were postponed till after the public hearing for the proposition 2 ½ override.

At 5:03 PM Chairman Rossi called the public hearing for the Annual Town Meeting & Election Proposition 2 ½ override discussion.

Mr. Malkin moved to open the public hearing Mr. Doty seconded the motion.

**SO VOTED: 3 Ayes**

Chairman Rossi said the town departments did a very good job on their budgets this year and we did not feel that the departments should be up for the override. So our decision was to have the new social services items made clear to voters, we would like our residents to decide if they will fund them.

Chairman Rossi read aloud the override questions.

**Question 1.** *Shall the Town of Chilmark be allowed to assess an additional \$79,000 in real estate and personal property taxes for the purposes of funding the operating budget of the Tri Town Ambulance for the fiscal year beginning July 1, 2018?*

Mr. Doty spoke to this article as he is on the Tri Town Ambulance Committee. Mr. Doty said this increase is primarily due to the funding of OPEB. Chairman Rossi said this was also due to the new fulltime employee. Mr. Carroll confirmed both of these are factors in the override.

Mr. Rosenbaum asked if the other island towns have put the Tri Town Budget on their overrides. Mr. Doty said each town's assessment is equal. It's up to each town's FinCom & Selectmen to determine what goes to the override. Mr. Rosenbaum asked what happens if it doesn't pass. Mr. Carroll said the budget goes back to tri town to adjust with the funds that were approved.

**Question 2.** *Shall the Town of Chilmark be allowed to assess an additional \$35,000 in real estate and personal property taxes for the purposes of funding the operating budget of the Up Island Regional School District for the fiscal year beginning July 1, 2018?*

Discussion ensued. Mr. Doty said the three Up Island Towns have formed a working committee of Selectmen addressing the formula for funding the UIRSD. This group is working on possible changes to the formula.

**Question 3.** *Shall the Town of Chilmark be allowed to assess an additional \$9,184 in real estate and personal property taxes for the purposes of funding the CORE program under the supervision of the Up Island Council on Aging for the fiscal year beginning July 1, 2018?*

Ms. Coutinho asked if we are obligated to pay this if the other towns already approved this expense. Mr. Carroll said Chilmark is not obligated. If Chilmark votes no it reduces the CORE budget by \$9,184.00. Mr. Carroll said the social services questions are on the ballot at this time to show the voters what we are being requested to fund. At some point these may be added to the annual budget.

**Question 4.** *Shall the Town of Chilmark be allowed to assess an additional \$5,453 in real estate and personal property taxes for the purposes of funding the Healthy Aging Task Force FIRST STOP for the fiscal year beginning July 1, 2018?*

Mr. Rosenbaum asked if these social services are assessed to other towns as well. Mr. Doty said these are island wide services and each town is assessed with the 50/50 formula.

**Question 5.** *Shall the Town of Chilmark be allowed to assess an additional \$8,163 in real estate and personal property taxes for the purposes of funding the Healthy Aging Martha's Vineyard Task Force for planning, community building and advocacy work for all Island elders for the fiscal year beginning July 1, 2018?* There was no discussion

**Question 6.** *Shall the Town of Chilmark be allowed to assess an additional \$5,740 in real estate and personal property taxes for the purposes of funding the Dukes County Substance Use Disorder prevention programs for the fiscal year beginning July 1, 2018?*

Chairman Rossi said this is a new program to help address the opioid crisis on Martha's Vineyard.

**Question 7.** *Shall the Town of Chilmark be allowed to assess an additional \$6,264 in real estate and personal property taxes for the purposes of funding the Dukes County Social Services for the fiscal year beginning July 1, 2018?* Norman Werthwein asked for clarification on what this organizations function is. Ms. Doyle said this is funding to help the homeless on our island.

**Question 8.** *Shall the Town of Chilmark be allowed to assess an additional \$22,332.76 in real estate and personal property taxes for the purposes of funding the Dukes County Regional Emergency Communication Center for the fiscal year beginning July 1, 2018?*

Norman Werthwein said the Island towns that have already held their ATM have not approved this warrant. Norman Werthwein asked for an explanation. Mr. Malkin said the Sheriff came to the Selectmen in August of this year asking Selectmen and other towns to contribute money to upgrade the regional communication hub and equipment. Mr. Malkin said this was requested because the Sheriff told us the State would no longer give him money to do that. The Sheriff let us know that for 6 years the Sheriff's department had been operating on a shoe-string and now needed more money.

Chilmark Selectmen expressed concern for paying for something that the State should be paying for. Selectmen had asked a member of the Finance Committee (FinCom) to sit down with the Sheriff and go over this request.

The FinCom member reported that she had met with the Sheriff's Department but was not afforded a look at a budget, unlike all other departments and organizations who ask for town funding. After hearing from the Sheriff at a budget hearing the FinCom and Selectmen confirmed not to support this request for funds. A citizen's petition was submitted by the Sheriff so it must go on our warrant. Mr. Malkin said with the other island towns (4 so far) not passing this request at their Annual Town Meetings it is moot at this point.

Mr. Malkin said we know that there is a supplemental budget process at the State; which in the past has always funded the Sheriff expenses.

Mr. Doty said he intends to move this Question 8 be tabled indefinitely at Annual Town Meeting. Mr. Carroll said it will be on the ballot April 25, 2018 for citizens to vote no or yes. Mr. Carroll said the FinCom have already made a recommendation not recommending funding this request (article 19) and will speak to it at ATM if necessary. Mr. Carroll said this funding request becomes moot if not supported at ATM or Election Day ballot vote.

Mr. Carroll asked to return to **Question 5** for any public questions or comments. Chairman Rossi read aloud question 5 and there were no public comments.

Ms. Coutinho asked if these items if passed at ATM be put into the budget or to use them as override questions in the future.

Chairman Rossi said that will need to be decided on. Chairman Rossi said with continued support we tend to incorporate into the annual budget. Chairman Rossi referenced Vineyard Healthcare Access Program to illustrate this process. VHAP was on our ballot for years and with that history we decided to incorporate into the annual budget process.

At 5:30 PM Chairman Rossi asked for a motion to close the public hearing on the override questions. Mr. Malkin moved Mr. Doty seconded. **SO VOTED: 3 Ayes**

At 5:31 PM Mr. Malkin moved to open the Common Victualler public hearing. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Anthony Saccoccia presented information about his application to run The Galley for the 2018 season. Mr. Saccoccia said his business partner was unable to attend tonight and his name is Jack O'Malley. Mr. Saccoccia said they plan to have offsite parking for all employees except his one vehicle he hopes to keep tucked around the corner of the Galley close to the building.

Mr. Saccoccia said the menu and hours of operation are staying very similar.

Mr. Malkin said pertaining to the one vehicle parking request he wanted to make clear that if you have a delivery coming in that parked vehicle must be moved during delivery to keep Boathouse roadway clear. You need to be very conscious of the flow of traffic.

Ms. Maida said that parking space has been abused the past few years 2 cars have parked their causing problem. Mr. Saccoccia confirmed he would only have a single vehicle in that parking space.

At 5:35 PM with no further public comment Mr. Malkin moved to close the public hearing.

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

Mr. Doty said having heard Mr. Saccoccia plan he moves to approve issuing a common victualler for the 2018 season with the permission to park 1 vehicle and continue permission to use town land for the septic pieces and parts. Mr. Malkin seconded the motion.

**SO VOTED: 3 Ayes**

At 5:36 PM Mr. Malkin moved to open public hearing to hear comments concerning proposed regulation changes. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Shellfish Advisory Committee chairman Matthew Mayhew spoke to this change. Mr. Mayhew said the recommendation was to raise the non-resident shellfish permit for scallop season. Mr. Mayhew said this printed material needs a correction. It should read: Non-resident must purchase an additional endorsement to fish for bay scallops. The fee for this endorsement is one hundred dollars. So a non-resident permit is \$50.00 and the scallop endorsement would be an additional \$100.00. Mr. Mayhew said a \$50.00 permit must be purchase before or along with the scallop endorsement (total \$150.00 if scalloping).

Chris Murphy asked if there was a rush of non-resident scallopers. Mr. Mayhew said that the committee looked at what the other island towns charge for non-resident permits and on average they are over \$300.00

Mr. Murphy said all the other island towns have a 1 bushel a week limit unlike our 1/2 bushel.

Mr. Murphy said he did not see a need to raise the non-resident scallop permits. Mr. Mayhew said Edgartown is \$300.00 for the 1 bushel.

Mr. Murphy requested to make a comment on shellfish regulations in general. Chairman Rossi said he was welcome to. Mr. Murphy said the problem that we seem to have is we are not doing a good enough job making sure the Chilmark town residents are getting the first crack at the shellfish stock before they become a commercial harvest. The two things this particularly applies to this observation are oysters and scallops. Mr. Murphy said it's the responsibility of the town to close/limit the commercial season so that residents can get shellfish for their family meal. Chairman Rossi said Constable Scheffer has been working extensively on the seed production. Mr. Murphy said that is true but it builds the commercial industry there is a second part to this that is important to generate for local residents.

Mr. Carroll said we usually distribute the seed in two areas where people are wading and raking but not sure that is going on. Mr. Mayhew said there hasn't been a really good inshore set of scallops the past few years. Mr. Mayhew said commercial scalloping was postponed to November 22, 2017 the recreational opens on October 1. Mr. Mayhew said Constable Scheffer has been working very hard at eelgrass restoration. Mr. Malkin said Mr. Murphy has made a good point and we will talk with Constable Scheffer to find out what we need to do to put this into effect.

At 5:46 PM with no further public comments or questions Chairman Rossi asked for a motion to close the hearing. Mr. Malkin motioned to close hearing Mr. Doty seconded the motion.

**SO VOTED: 3 Ayes**

Mr. Doty moved to accept the recommendation of the Shellfish Advisory Committee to add a fee of \$100.00 to the non-resident shellfish permit for a scallop license (non-resident must first purchase the regular non-resident permit for \$50.00). Mr. Malkin seconded the motion.

**SO VOTED: 3 Ayes**

#### Minutes:

Draft minutes from Selectmen's April 4, 2018 meeting were reviewed. Corrections were made. Mr. Malkin moved to approve as corrected. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

#### Macy Lot - 4 North Ridge Road:

Selectmen received an invoice for appraisal made on the property at 4 North Ridge Road. Chairman Rossi said we will also discuss schedule to auction this property. Chairman Rossi said we had this property appraised by Martha's Vineyard Appraisal with the bill totaling \$600.00.

Chairman Rossi said we will need to pay for this from our (Selectman's) maintenance account.

Mr. Doty asked for an outline of how the process will go with auctioning this land. Chairman Rossi said David & James Coppola have brought this to Land Court to certify the land in the town's name. This process should be completed by the end of April. As for the auction we hire an auctioneer that will market the property. All of the auction expenses are paid for by the purchaser / buyer of the parcel. Chairman Rossi said from his discussion of the process with Coppola & Coppola (legal counsel) the town sets a minimum amount acceptable for the sealed bids and if that is not received there is a default fee. Chairman Rossi said he did not receive a clear answer to the amount of the default fee and he said he would like to know what that figure would be. Chairman Rossi recommended requesting RFP (requests for proposals) for auctioneers so we have a clear picture of this process. The time table of auction is mid-July.

Mr. Murphy asked if the Town should consider youth lots with this property we are receiving through tax taking. Chairman Rossi said we (Housing Committee & Selectmen) are working towards a fairly substantial housing development in Peaked Hill right now. We will be forming a committee to work on this in the near future. Chairman Rossi said we considered this as a youth lot but the back taxes are almost \$100,000.00. Chairman Rossi said the community where we took the property we believed there would be a strong resistance to this. We believed selling this lot and putting some money into the Molly Flender Housing Trust (Chilmark housing trust) and paying the town the back taxes as well. Mr. Murphy said he applauded this effort for affordable housing but he

feels land is the most valuable thing we have for our kids and he would hate to see it go. Mr. Murphy recommended taking the land but not selling and waiting 5 plus years before doing anything with it.

Mr. Malkin said after review from Town Counsel the property is bound to covenants with the Road Association which would make dividing the parcel up problematic at best and stoppable probably. Chairman Rossi said this parcel could only be a single lot and we believe would benefit more of our community as funds into the Affordable Housing Trust.

Mr. Malkin moved to approve paying this appraisal invoice from the Selectmen's maintenance account and begin the RFP for auctioneer. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Chairman Rossi asked for Town Administrator Carroll to work with Melanie Becker to move forward with RFP and to look into getting a path cut into the property.

MV Land Bank Trail Easement - Chilmark Landfill area:

Selectmen reviewed the documents sent by the MV Land Bank. Mr. Doty moved to approve the easement with MVLB for the trail connector at the Chilmark Landfill trail. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes** *Selectmen signed the trail easement documents*

Opioid Litigation Engagement Letter:

Selectmen reviewed the draft letter prepared by Peter J. Mougey the lead counsel for this litigation. Mr. Doty moved to sign this engagement letter subject to approval from our Town Counsel. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Mr. Carroll read aloud an email message from Town Counsel Ron Rappaport that confirmed Mr. Rappaport reviewed and recommended to sign. *Selectmen signed Engagement letter*

Squibnocket Beach Project - update:

Selectmen reviewed Change order prepared by Chuck Hodgkinson for John Keene Excavation.

Mr. Carroll said we are waiting for the pricing from Lynch Brothers for the asphalt for the change order. Chairman Rossi said this change order has to do with elevation and additional fill needed along with paving. Mr. Carroll said this is an update and until we have the cost figures no action is taken at this time.

Owner Unknown lots - Elliot Avenue & Old Kings Highway & Chilmark Pond Beach Lot:

Mr. Carroll said there are a number of owner unknown parcels; 2 beach lots, a lot on Kings Highway, and a little piece next to the late Ms. Taylors house. Town Treasurer Melanie Becker said she spoke with Coppola & Coppola. Coppola & Coppola said the town first needs a letter from the Department Of Revenue allowing the Assessors to assess them as owner unknown.

Ms. Becker has since spoken with Assistant Assessor Pam Bunker who supplied her with these letters from the DOR. Ms. Becker said she asked per Mr. Carroll's request for an estimate from Coppola & Coppola for the cost of the foreclosure process. The estimate is approximately \$2,500.00 for filing fees per lot and legal costs \$2,000.00 (\$4,500.00 per lot). Discussion ensued.

Mr. Doty moved to direct Ms. Becker to continue working with Coppola & Coppola to have these lots certified through land court as Chilmark ownership. Mr. Malkin seconded the motion.

**SO VOTED: 3 Ayes**

Mr. Carroll asked Ms. Becker about how we plan on funding for this. Ms. Becker said this can be raised on the recap or a warrant article. Mr. Carroll asked Selectmen to recommend to raise on the recap. Mr. Doty moved Mr. Malkin seconded. **SO VOTED: 3 Ayes**

Up Island Regional School District Committee:

Mr. Doty reported attending the UIRSD meeting on April 9<sup>th</sup>. Mr. Doty said he and Chilmark Principal and other attendees argued that the Chilmark Preschool should have preference to attend the Chilmark School Kindergarten. Mr. Doty said the UIRSD did not support that. They (UIRSD) did not like a private school getting preference to a public school. Mr. Doty said he argued that the Chilmark Preschool was not really a private school it's a town sponsored preschool. Mr. Doty said the UIRSD is divided 3/2(3 against) on this item. Discussion ensued; no action was taken at this time.

Chilmark Preschool Lease:

Mr. Doty recommended we sign another 3 year lease agreement with the preschool. Mr. Doty also pointed out that apparently Chilmark School doesn't have an official signed lease with the UIRSD. Mr. Doty clarified that Chilmark owns the school building and the land and we lease it to the UIRSD. Mr. Doty said we have done that for years but have never had a formal lease.

Mr. Doty said this is also true of the West Tisbury School. Mr. Doty referenced a draft lease that the superintendent's office forwarded to us on Mr. Carroll's request dated from 2002.

Mr. Carroll said it was rejected on a number of points but it is a good reference starting point for an updated draft. Mr. Carroll recommended Selectmen draft a list for terms and conditions and we can bring back (to UIRSD Committee) a good negotiating lease.

Mr. Carroll recommended including in it (new draft lease) the shared use of the Community Center, also the use of the lot near the library. Selectmen agreed to review this draft lease and work on a draft lease but not tonight. Chairman Rossi recommended getting a written agreement for all town owned property that have shared uses.

Mr. Carroll said for the preschool we will need to advertise for bids to run a preschool at the Chilmark School. We will need to review, evaluate and award a contract / lease.

Mr. Doty asked if we can advertise that we have a favorable tenant at this time.

Mr. Doty moved to pursue an RFP for Chilmark Preschool. Mr. Malkin seconded the motion.

**SO VOTED: 3 Ayes**

#### Highway Drainage:

Mr. Carroll said we have a sketch from Kent Healy (engineer) with plan for correcting the water collecting on the roadway along Menemsha Cross Road. The plan would entail a 6 inch deep (in the center) and 3 foot wide swale with 4 inches of gravel. Mr. Carroll said we would have to have 3 driveway crossings (2 at Church and 1 at Parsonage). Mr. Carroll said we were thinking to maybe modify that design and come up with a culvert in those three driveway locations. Tilton Farm Road to Meeting House Road along Middle Road also has a problem of flooding and did freeze over this winter causing hazardous conditions.

Chairman Rossi suggested for a better visual to cover the gravel with 6 inches of topsoil and to seed with grass. It would drain slower but still should work. Discussion ensued.

Mr. Malkin moved to authorize Mr. Carroll to move forward seeking permitting (with appropriate Boards) and plans to be presented at the Special Town Meeting this fall for funding for the Middle road and Menemsha Cross Road locations. Mr. Doty seconded the motion.

**SO VOTED: 3 Ayes**

#### Regional Emergency Shelter Agreement -Signatures:

Mr. Carroll said this agreement was approved and supported by the Chilmark Selectmen at a previous meeting (June 2017) but did not get signed yet. Mr. Carroll supplied the agreement for Selectmen signatures. Mr. Doty moved to authorize Chairman Rossi sign this agreement on behalf of the town of Chilmark. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**  
*Chairman Rossi signed document.*

#### Harbor:

Mr. Malkin reported that the new administrative assistant has started work and we are pleased with their performance. Mr. Malkin said since we are in the middle of issuing all of the permits for moorings and slips and all of the stickers and paperwork needs addressing, I have authorized increasing the hours for a short term while the employee is learning and executing the necessary jobs. This increase is for 2 additional hours per week. This will decrease once the employee has managed to catchup the harbor office responsibilities.

Mr. Malkin said as for office renovations we are working on getting the electric into the harbor shack for the harbor administrative assistant to work there during the 2018 season. As for the harbor electrical engineer it has taken us a long time to find an engineer willing to take on the project of the Menemsha harbor electrical work. We received something from Vincent DiIorio (electrical engineer) we have looked at this. Mr. Malkin said he asked Robert Young to look at this and we met with Mr. Young today. Mr. Malkin said given the complexity of the situation and of the remedy it is Mr. Malkin's suggestion to:

- Inspect the 7 and 9 pedestals that go from the gas station out along Dutcher Dock and out to the transient Dock.
- Megger test to ensure that the electrical insulation is in good operational condition for each line coming from our electrical box to each pedestal and outlet. \_\_

These 2 procedures are to be completed before our season starts. The entire proposed plan for rewiring of the harbor is recommended being postponed to the fall of 2018. Mr. Malkin recommended refining what we want to do during the summer and do the work in the fall. Discussion ensued. Mr. Doty asked what these tests would do for us. Mr. Malkin said if we find any faulty lines we would have to deal with them (fix or replace) prior to opening season.

Mr. Carroll said with the test in the harbor we are looking to take care of normal maintenance checking the boxes (electrical) outlets and all replace any that need it. Mr. Carroll said we will get a test done by electrical engineer of all cables while the marina is shut down because both ends need disconnecting. Mr. Carroll said the engineer estimated it taking 10 hours for 2 inspectors. Mr. Carroll said the third step in this project would be to have the electrical upgrade to the harbor marina completed in the fall of 2018.

Mr. Malkin said we must have warning voltage signage in place at Crab Corner for the 2018 harbor summer season.

Mr. Malkin moved to have these tests completed prior to the 2018 harbor summer season. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Harbor Staffing:

Mr. Malkin reported that the staffing is almost complete we should have this ready for the regular employee appointments date in May.

Housing Committee:

Chairman Rossi (liaison for the Housing Committee) reported that the committee recommended raising the affordable rent cap for the rental assistance program. Selectmen reviewed the recommendation letter. Mr. Doty moved to support this request. Mr. Malkin seconded the motion. Mr. Carroll asked for explanation of the program for the public to understand this discussion. Mr. Doty said the town has a rental assistance program where people are willing to rent their houses out year-round and not seasonally we supplement a monthly rent with Community Preservation Act funds. Chairman Rossi said the increase will be borne by the town not on the tenants. This increase is to encourage more home owners to offer year-round rentals in Chilmark. At this time we have 4 units we would like to raise it to 8 if possible. Chairman Rossi said these 4 housing units are managed by Dukes County Affordable Housing Authority.

**SO VOTED: 3 Ayes**

FinCom Meeting Update:

Mr. Carroll said the meeting on April 12, 2018 the FinCom was visited by 2 members of the school committee and the school superintendent to discuss the school stabilization fund for the MV Regional High School. The Chilmark School HVAC system upgrade was also discussed.

Mr. Carroll gave an outline of Mr. Hannemann (Chilmark Representative on Island Energy committee & FinCom member) thoughts concerning the HVAC system.

After the meeting the School Superintendent confirmed this will be going out to bid. And any funds not used will be returned to the towns.

Mr. Carroll reported The Stabilization article the FinCom had these points:

They do not recommend the article. Lack of detail provided for specific purpose funding use and control. Mr. Carroll read a list of these concerns. Mr. Carroll said the Superintendent confirmed that these were concerns that other towns expressed as well.

At 6:58 PM with no further open meeting items for discussion Mr. Malkin moved to go into Executive Session to discuss strategy negotiations with non-union personnel or to conduct collective bargaining or contract negotiations with non-union personnel and not to return to regular session. Mr. Doty seconded. Roll Call; Bill Rossi: Aye, Mr. Malkin: Aye, Mr. Doty: Aye. Also present was Tim Carroll.

Minutes respectfully submitted by Diana DeBlase.

**Approved 5/15/18**

Document list:

- Proposition 2 ½ Override ATM questions for discussion at public hearing
- Common Victualler application for new operator of the Galley
- Draft amendment to Shellfish Regulations concerning Non-resident scallop permit.
- Draft Minutes of Selectmen's April 3, 2018 meeting
- Appraisal invoice for Macy parcel
- MV Land Bank tail management agreement and map of area
- Engagement letter to join the Opioid litigation
- Change order for Squibnocket beach project
- Engineer sketch for road drainage
- Letter from Housing Committee recommending increasing rental cap for affordable rental assistance program
- DEP notice of Municipal grant applications
- Chilmark voter tally