

## Selectmen's Meeting Minutes 02/07/17

### Chilmark Board of Selectmen February 7, 2017 Meeting Minutes

**Present:** Acting Chairman Bill Rossi, Jim Malkin. *Warren Doty was not present.*

Tim Carroll, Rodney Bunker, Marybeth Grady, Deb Packer, Mr. Grimm, Peter Cook, Ann Cook, Wayne Iacono, Margaret Maida, David Norton, Bill Veno, Clarissa Allen, Jen Wlodyka, Alex Elvin, Eddie Prescott and a videographer from MVTV.

At 5:00 PM Acting Chairman Bill Rossi called meeting to order in the Selectmen's Meeting Room.

#### Minutes:

Draft minutes from January 10, 2017 were tabled till the next Selectmen's meeting.

#### Beach Committee:

Mr. Rossi said we are seeking to fill vacancy of Kristen Maloney on the beach committee. We are reviewing applications of Anne Cook and Herb Golub. Tim Carroll said Herb Golub was traveling and would not be here tonight. Mr. Rossi recognized Anne Cook present and asked to hear her reasons for wanting to be appointed to Beach Committee. Ms. Cook introduced herself and said she is a native islander that recently moved back to the vineyard this April and has been a long time beach goer. Ms. Cook said she would like to be part of the community actively. Ms. Cook said she requested a copy of the lease from the Town Clerk for Lucy Vincent because she was curious and wanted to do her homework. Ms. Cook said she has no specific agenda; she does have an interest that has to do with looking into the season dates to get families access to the beach.

Mr. Malkin asked if any members of the Beach Committee had any questions or comments they would like to say. Ms. Maida said as for the hours of the beach; Lucy Vincent Beach is open 9:00 AM -7:00 PM daily. There were no questions or more comments from the members of the Beach Committee concerning Ms. Cook. Mr. Rossi said the cover letter from Mr. Golub as well as from Ms. Cook was well written. Ms. Wlodyka (beach committee member) asked if there had to be another member appointed to the beach committee. Mr. Rossi said an odd number is recommended for boards and committees. Ms. Wlodyka said she has had two separate people voice interest in being appointed to the Beach Committee she said she was not aware this appointment was being made tonight. Mr. Rossi said he was ready to appoint someone tonight without delaying any further.

Mr. Malkin said he had a question for Ms. Cook. He asked "what do you think the hardest part of being on the Beach Committee would be for you." Ms. Cook said "I have a little bit of knowledge about the history and a little bit of knowledge about issues and I don't think it would be hard for me and the reason is that I am kind of a consensus person. I am interested in hearing what everyone has to say and I tend to be differential to people who have experience. I also think it should be safe in any committee for anybody to ask questions and ask if things can be considered. Mr. Rossi said in any committee there is often a difference of opinion and thought that coming to a consensus might be hard. Ms. Cook said strictly speaking as a visitor to Menemsha, Squibnocket and Lucy Vincent Beaches she is impressed with how they have been managed.

#### Beach Committee Continued...

Mr. Rossi said in your cover letter you mentioned reviewing the Beach Committee meeting minutes up to 2010 but did not locate any since. Mr. Rossi said he was impressed and liked the fact that you looked up the terms of the lease and reviewed minutes from different years.

Ms. Cook said the reason for wanting to see more recent minutes was to see what sort of issues the committee had been working with, to be prepared. Mr. Malkin asked if any members of the Beach Committee had anything to tell the Selectmen that would help guide them in this decision.

Clarissa Allen asked for Ms. Cook to discuss her interest again so she could understand it better concerning the access to Lucy Vincent Beach (LVB). Ms. Cook said she thought it may be a consideration to allow islander's access to LVB at the beginning of June and after the 15<sup>th</sup> of September for folks who may not be able to pay for beach access. Ms. Cook said she was not married to this idea but wanted to share that idea openly.

Mr. Malkin said he would like to hear from Mr. Golub prior to making a decision for appointment to the Beach Committee. Mr. Malkin said the Beach Committee had requested that the position vacancy be advertised in the newspaper so the Selectmen requested Tim Carroll to advertise in the newspaper for two weeks and the Selectmen will revisit this Beach Committee appoint at the Selectmen's March 7, 2017 meeting.

#### 15<sup>th</sup> Annual March for Meals - Elder Services of Cape Cod and the Islands:

Elder Services has sent an invitation to the Selectmen to attend and be part of the 15<sup>th</sup> Annual March for Meals. Elder Services is asking for a Selectmen designee to participate in delivering meals on Wednesday March 22, 2017. Mr. Rossi said he would like to be part of this event.

#### Housing Production Plan:

Peter Cook and Ann Wallace presented the housing production plan and executive summary.

Mr. Cook said we now have the housing production plan prepared by the consultants utilizing research that they completed utilizing input from the three workshops we completed last fall. Mr. Cook said after we reviewed this report; we can say we are not going to be going with their recommendation of housing production in the short term but we have a lot to work with.

Mr. Cook said he appreciates the strategies (recommended in the report) for producing some sort of housing for Chilmark. The link for this report:

[http://www.chilmarkma.gov/Pages/ChilmarkMA\\_SelectAgenda/2017/02072017/Chilmark%20presentation%20Jan%202017.pdf](http://www.chilmarkma.gov/Pages/ChilmarkMA_SelectAgenda/2017/02072017/Chilmark%20presentation%20Jan%202017.pdf)

Mr. Cook said some of the recommended strategies we are already implementing in our way. Some of these recommendations would take special legislation and will need more time and discussion and thought if we wanted to go in that direction. The short term plan is to have Christine Flynn from the Martha's Vineyard Commission (MVC) come next week to a Planning Board meeting and review the definitions and lexicons of dealing with affordable housing issues. Then the following day we have plans to meet with the Housing Committee to begin to chew on some of these things together from the planning board and Housing Committee. Mr. Cook said he and Ann Wallace have been meeting at the MVC along with other island town representatives deciding what information from these consultants is useful to us.

Mr. Cook said from the Planning Board perspective the research data from this plan will be very helpful with our rewriting the Chilmark Master Plan.

#### Housing Production Plan Continued...

Ann Wallace said this was a long and rigorous process and it is very good to get this from consultants that are statewide. This plan from the consultants is a State template that probably won't fit Chilmark. During our process our workshops consistently had the highest attendance. Ms. Wallace said this plan uses 80% median income but Chilmark has chosen and will continue to use a 150% median income as our guide for affordable housing.

Mr. Rossi said Chilmark doesn't want to fit the State Model for affordable housing and we may lose some benefits but we are very supportive of affordable housing. Ms. Wallace said a lot of folks from other towns on the island feel the same way.

Mr. Malkin said he is looking forward to recommendations from the Planning Board and Housing Committee as to what direction they recommend the Selectmen take. Selectmen thanked Mr. Cook and Ms. Wallace for all the effort and time put into this plan and presentation.

#### Police Chief Search Update:

Mr. Rossi said we received 13 applications. The committee reviewed each application individually and as a group and has selected five applicants to be interviewed by the committee and an HRB member (in an executive session) February 17, 2017. From this interview process there will be three applicants selected to attend live interviews at the March 7, 2017 Selectmen's meeting.

#### Menemsha Dredging Update:

Mr. Malkin said at this time there is a lot of stuff sitting in the harbor and the pond and we have no information as to when it will be removed (This project has stopped).

#### Town Center Paths Update:

Marybeth Grady along with Bill Veno from the MVC were present for this update. Ms. Grady gave some background of this project Marie Larsen moved into their family home on Beetle Bung Corner and wrote a letter to the Selectmen about walking in the town center being very challenging. Ms. Grady became part of a small group of Chilmark citizens who have met five times to work on safer town center pathways. This group is looking to have a step by step approach to safer walking in Chilmark without any dramatic changes. They have identified the most crucial items and are working on small practical ways to make pathways safer. A map of these plans were supplied and reviewed.

- In front of Stanley Larsen's home at 5 State Road. The group recommended leveling this ground so it was not a steep pitch and surfacing with material similar to the area in front of the Police station.
- A crosswalk from Town Hall to the 2 State Road (Marie Larsen) property crossing over Menemsha Cross Road
- Placing a pedestrian barrel sign in the road by the crosswalk near Conroy's Real-estate office and Chilmark Store .
- Walking path from across the State Road from Chilmark Chocolates to the Post Office and the MV Savings Bank on South Road (a route through the yards).
- Crosswalk by Community Center to the Bank; improving the walk space once person has crossed.

#### Town Center Paths Update Continued...

Mr. Veno said this proposal will be going to the Planning Board next and then the property owners would be contacted again as well. Mr. Malkin applauded the effort this group has made in not changing the character of the town Center. Selectmen thanked Ms. Grady for this presentation.

Shuttle Lot Improvements Update:

Mr. Rossi said there are no updates to report we are waiting for a plan from the engineer Reid Silva. Mr. Rossi will work to get something from Mr. Silva for the next Selectmen's meeting.

Personnel Files from Departments not at Town Hall: Police, Fire & Library:

Mr. Malkin said recently it was discovered that there are a number of departments that the personnel files are under the control of the department head and I don't think that is an appropriate personnel practice. Mr. Malkin would like the department head file to be locked by the Town Clerk in a file drawer and if they are needed by anyone they would be accessible through the Town Clerk. Mr. Malkin said it's a standard practice to not allow people to have control of their own files.

Mr. Malkin moved to adopt this policy of keeping the department head of Police Department, Fire Department and Library files on the premises of town hall kept under the control of the Town Clerk. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 Absent**

Mr. Rossi asked if there were further items to discuss tonight. Tim Carroll said there was the email he sent to the Selectmen about the School Principal's request for a warrant article for an Emergency Plan. Also the Town of West Tisbury officially communicated regarding the school funding plan and agreed to the one Selectman, Accountant and a Finance Committee Member from each of the three towns meet; to discuss the formula. Mr. Rossi said he was encouraged by this letter. Mr. Carroll will send a response from the Chilmark Selectmen's office in support of this committee of nine.

Certified Petitions:

Town Clerk has submitted certified petitions for the Immigration Policy and Beer & Wine warrant articles for the Annual Town Meeting. Mr. Malkin said the Selectmen accept these as warrant articles for the Annual Town Meeting. It was also decided to add "No Mopeds" as an Annual town Meeting warrant article as well.

Deer Season Extension:

Mr. Rossi said we are in favor of culling the heard with extending shotgun season but there were some comments from hunters that were not anticipated. Dick Johnson has drafted a letter to the director of Division of Fish and Wildlife for each of the island town Selectmen to sign.

Mr. Malkin moved to approve sending this letter drafted by Mr. Johnson. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 Absent**

School Emergency Plan:

Mr. Carroll said he has spoken to the other island towns and they have moved to fund warrant articles for their share of the Martha's Vineyard Schools proposal.

School Emergency Plan Continued...

This emergency plan is a training and procedure practice for any emergency that a school might face from fire to storms etc.... Mr. Malkin recommended that this be brought to our Finance Committee.

Ms. Packer said she had a question about the beer and wine discussion. Ms. Packer said she is deeply concerned about this issue for the town of Chilmark. She wanted to clarify that this proposal is coming again to Annual Town Meeting and will not be on a ballot. Discussion ensued. Mr. Bunker asked if the Selectmen would consider starting town meetings earlier to consider our aging community 7:30 PM is a bit late for start time. Mr. Iacono asked if there would be a Special Town Meeting scheduled for the same night as Annual Town Meeting. Mr. Malkin said there is a possibility for the Zoning Bylaw amendment to take place half an hour prior to the Annual Town Meeting. Mr. Malkin said we will contact the moderator and ask to have the beer and wine at the beginning of Annual Town Meeting.

Cape Light Compact Joint Powers Entity:

There is a summary of the Joint Powers Entity from Ron Rappaport (Town counsel) who was engaged by the island towns and paid by Cape Light Compact. Mr. Malkin asked what the advantage to Chilmark to join. Mr. Carroll said it protects the town from legal suits. No action was taken at this time.

Cape & Vineyard Electric Cooperative (CVEC):

Mr. Carroll said we have received consolidated paperwork proposal from CVEC. Mr. Carroll said the Treasurer said it was ok and our Town Counsel said it was ok. Mr. Carrol said Rob Hannemann is on the Board of CVEC and asked if the Selectmen would move this proposal. Mr. Malkin moved to approve the consolidated paperwork proposal from CVEC. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 Absent**

Overtime Policy:

Mr. Carroll said our Town policy is if you work on a holiday you get paid overtime. Under the fair Labor Standard Act and our Bylaw says you only get paid overtime based on the hours actually worked so if you take a vacation during a 40 hour work week or if you are out sick or have a personal day and you didn't actually work all of the 40 hours that the additional hours get paid straight time. As apposed to being paid overtime. Mr. Carroll said the police department has a contract that doesn't say that they actually get the overtime.

Mr. Carroll said it came up recently during a snow storm that one of our employees that does the snow removal around the town buildings was out sick six hours during the week and then worked six hours on Sunday. It was called to our office that it did not seem fair that this employee was called in to work on a Sunday and did not get the additional overtime pay.

Mr. Carroll said he went to the Human Resource Board and the answer I got from them was you are the supervisor you can approve it. Mr. Carroll said from reading the bylaw he doesn't agree and wanted to get permission from the Selectmen prior to approving this overtime pay as this would be setting a president for the future. Mr. Carroll proposed this could be labeled under "snow removal outside of regular schedule".

Overtime Policy Continued...

Mr. Malkin moved to override the bylaw with recommendation from HRB and accept the policy of allowing overtime pay for "snow removal outside of regular schedule". Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 Absent**

Massachusetts Certified Public Purchasing Officer:

Mr. Carroll said he has more classes to complete before he becomes recertified as the purchase officer and will need funds to cover the training as it will be in the Boston area. Selectmen directed Mr. Carroll to continue the courses needed and that the cost will be covered with funds from the Selectmen's Other Purchase Services budget line. Mr. Malkin moved and Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 Absent**

Cyber Security:

Mr. Carroll proposed to test our cyber security. Mr. Carroll would like to educate our users (town employees) to become human firewalls. Mr. Rossi said it is a good plan to follow-up with.

At 6:16 PM with no further items for discussion Mr. Malkin moved to adjourn. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 Absent**

Minutes respectfully submitted by Diana DeBlase.      Approved 03/07/2017

List of Documents:

- Draft minutes 1/10/17
- Letter from Mr. Golub interested in being appointed to Beach Committee
- Letter from Ms. Cook interested in being appointed to Beach Committee
- Letter from Elder Services asking for Selectmen to partake in the March for meals campaign
- Housing Production plan
- Draft executive summary of Housing Production Plan
- Walking Path plans for town center
- We the people petition wording for ATM warrant
- Beer & Wine petition wording for ATM warrant
- Extended deer season proposal letter to DFW by Mr. Johnson
- Cape Light Compact (CLC) joint powers entity (JEP) Q & A
- Rappaport summary of CLC JPE
- Cape and Vineyard Electric Cooperative proposal for paper consolidation program
- ZBA determinations report for December, January & Feb.
- Abutter's notice (town property) Middle Line road ZBA
- CLC Energy efficiency report for October 2016
- Letter to DEP accepting changes to 6 Tucker trail dock plans 01/13/17
- MMA spring legislative breakfast meeting Feb. 24, 2017 notice
- Letter concerning carbon tax legislation from MFA
- ComCast Complaints response report