

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

### Chilmark Board of Selectmen April 4, 2017 Meeting Minutes

**Present:** Chairman Warren Doty, Bill Rossi, Jim Malkin, Tim Carroll, Jennifer Christy, John Flender, Jan Buhrman, Janet Weidner, Peter Cook, Sally Cook, Linda Maida, Marshall Carroll, Margret Maida, Andy Goldman, Chuck Hodgkinson, Lenny Jason, Dennis Jason, Jonathan Klarèn, Sean Slavin, Jesse Burton, Rodney Bunker, John Keene, Katie Carroll, Wes Brighton, Wayne Iacono, Alex Elvin, Edie Prescott and Coleen (videographer for MVTV).

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

#### Minutes:

Draft Minutes from Selectmen's March 21, 2017 meeting were reviewed; corrections were made. Mr. Rossi moved to approve minutes as corrected. Mr. Malkin seconded the motion.

**SO VOTED: 3 Ayes**

#### Master Planning for Menemsha / Planning Board Subcommittee Report:

Janet Weidner and Peter Cook presented the report. Mr. Malkin asked what the Planning Board & Subcommittee would like the Selectmen to do with this report.

Ms. Weidner gave an outline of what the subcommittee worked at:

- Items that could be completed prior to this summer - the improvements to the shuttle lot
- Report submitted to complete an independent study of traffic, pedestrian flow in Menemsha with the aid of the MV Commission

This report is available on the Chilmark Web site for Selectmen's Agenda 04/04/17:

[http://www.chilmarkma.gov/Pages/ChilmarkMA\\_SelectAgenda/2017/04042017/Summary%20of%20Parking%20%20Traffic%20in%20Menemsha%203-27-17.pdf](http://www.chilmarkma.gov/Pages/ChilmarkMA_SelectAgenda/2017/04042017/Summary%20of%20Parking%20%20Traffic%20in%20Menemsha%203-27-17.pdf)

Chairman Doty thanked Ms. Weidner and Mr. Cook for their hard work.

#### Cemetery Commission:

Chairman of the Cemetery Commission John Flender and commissioner Sally Cook were present to present the recommended amendments to the Cemetery rules & regulations.

Mr. Flender said that green burials will be added to the regulations.

Green Burials: For the purpose of these regulations a "Green Burial" is defined as a burial where the deceased has not been embalmed and has been buried in a shroud without a casket.

Jan Buhrman (of the Chilmark Board of Health) said she is thrilled that green burials have been added to our cemetery regulations. Ms. Buhrman said she would like to see that we add a body can be buried in a box and possibly have a green burial space designated at the cemetery. Chairman Doty said that the Cemetery Commission has a public hearing posted for Friday April 7, 2017 for people to submit their points concerning the new regulations. Once the public hearing is held the commission will submit the final recommended regulations to the Board of Selectmen to approve.

#### Parks & Recreation:

Chairman of the Parks & Recreation Andy Goldman presented the revised rules and regulations and amended leases for the Bulkhead to the Selectmen. \_

#### Parks & Recreation Continued:

Mr. Goldman said they met with the public with public hearings and have addressed the 1973 Regulations and Leases for the Bulkhead in Menemsha. The rules and regulations tie into the leases directly as a single document. The leases specifically now has included that following the Chilmark Master plan Menemsha designation as a commercial fishing area. The revisions have been sent to town counsel for scrutiny and are now back before the Selectmen for approval.

Mr. Goldman said one of the most significant changes is that was made is historically the leases have been limited exclusively to Chilmark residence. A wonderful business in Menemsha had lost its resident lease holder and the Park & Recreation had to decide if they would close a very good business for our commercial fishing industry or make a change. In these new recommended Rules we have included an exception may be made.

Chairman Doty said that the rental amount is not included in these documents the amount for the rents have been increasing 4% annually for 8 years since the last revision of fees.

Harbormaster Dennis Jason asked if the leases included just the lots themselves. Mr. Jason said there was talk that the Town Fuel Dock was part of Marshall Carroll's lease. Chairman Doty and Chairman Goldman both said they did not know the answer to that question. Chairman Doty said traditionally we have just leased the lots along the bulkhead. Tim Carroll said he thought when Everett Poole leased it the space where the tanks are buried and the dock was included.

Mr. Jason said when Everett leased the lot there was no fuel dock that boaters would tie-up along the dock. Mr. Malkin said that Everett Poole told him that the Town owns the fuel docks.

Tim Carroll said the town owns everything. Mr. Malkin continued saying that Mr. Poole said the fuel docks are not part of the lease.

Mr. Malkin moved to approve the new revised Bulkhead lots Rules & Regulations Lease document as presented. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Park & Rec's Recommendation- parking between Harbor Shack & Menemsha Texaco:

Mr. Goldman said the Parks & Recreation has had discussions about the parking difficulties between the Harbor shack and the Menemsha Texaco. The committee recommended that there be no parking between the two buildings.

Chairman Doty said we also have a letter from the Harbormaster responding to the Park & Rec. recommendation. Chairman Doty asked Mr. Jason to speak to this. Mr. Jason said he was not aware that the parking was going to be discussed at the Parks & Recreation meeting it was not on their agenda and believes it was unfair of them to talk about this at a meeting that only Marshall was at.

Mr. Jason said he parks there because he needs to be able to come and go many times a day to get to the drive on dock and back. Having shellfish Constable parking to the east side of the harbor shack along with the assistant harbormaster and assistant wharfinger makes it necessary to utilize the parking to the west side of the harbor shack. Harbormaster Jason said when he parks on that side his truck is 7/8 on his lot. It's not like I am a private entity I work for the town as an employee and the Harbormaster operates and oversees the harbor.

Park & Rec's Recommendation- parking between Harbor Shack & Menemsha Texaco Cont..

Mr. Rossi said so your vehicle is about 14 inches over the lot line onto Menemsha Texaco lot.

Mr. Jason said he makes sure he doesn't impede the ice sales. There was discussion about the layout. Building Inspector Lenny Jason recommended moving the lot line 14 inches to the north for both lots. Mr. Rossi asked that this parking discussion be continued and he gets a chance to see the lots and plans before a decision is made.

Harbormaster Jason asked to return to discussion about the fuel dock. Harbormaster Jason said he needs to use the dock at times when there needs to be a boat moved. Marshall Carroll said he used pay for a lease for the dock and that stopped about 9 years ago. Marshall Carroll said there can only be one person in charge of the fuel dock you can't have two people in charge. Marshall said everything that has to do with the fuel dock should come through the Menemsha Texaco office. Harbormaster Jason said when an 80 foot boat come in to drop-off passengers he has directed them to touch and go at the fuel dock to keep the congestion in the harbor under control and has had Marshall tell them they can't do that. Mr. Rossi said we need an MOU.

Chairman Doty said we will revisit these issues two weeks from tonight at the next Selectmen's meeting.

Electrical Repairs at the Bulkhead Shack:

Andy Goldman said that the shack that was given to the town some years ago needs electrical upgrading. The shack is located on lot 3. The electrical upgrade is estimated to cost \$2,095.00. Mr. Goldman said the Parks & Recreation doesn't have a budget to pay for this and is requesting that the Selectmen help identify funds for this expense. Chairman Doty said he would like to consult the town accountant and return to this at the next Selectmen's meeting.

Fishermen's Preservation Trust - Lot 35 behind the Tabor House local drop-off (dump):

John Keene and Wes Brighton of the MVFPT were present for discussion about an area behind the landfill for storage. Mr. Malkin said that this parcel would be used in three different ways for the town. It would be a training facility area for the Chilmark Fire department for drills. There would be an area for Highway department and then also an area proposed for storage of fishing storage area.

Mr. Malkin said he roughed out a plan for the (8 acre) lot. Some suggestions are:

- A berm and tree buffer at the section that faces the Middle Line Road development
- An s shaped entrance at the Northern end of the lot
- Drainage in the fire department training area to a tank
- Water supply for the fire department; tank or well (not for drinking)
- Highway area could be constructed along the North West area along the road.
- Deer burial area needs to be identified they are unstable areas for use
- Rock pile needs to be relocated possibly part of the screening.
- Lots of dead wood to be removed

Mr. Malkin said as for the Fisheries storage area Mr. Malkin and Mr. Keene discussed moving that area to the South East of the Fire Department training area.

- Storage area leases would have an inspection process.

Mr. Malkin said if this is something we want to have we should have a proper plan drafted.

Fishermen's Preservation Trust - Lot 35 behind dump Continued...

Wes Brighton read aloud the letter that the MVFPT sent to the Selectmen concerning the storage area the highlights are:

- Starting with 5 lots - sizes should be 50' x 70'. Plan to expand to 10 to 15 lots

- 6' chain-link fencing to divide each lot.
- Suggested annual rental fee per lot \$600.00
- Leases are recommended to be submitted annually (lease would be for 1 year)

Mr. Keene said the MVFPT would be responsible for clearing the lots and putting in the access road. Mr. Keene said when the expansions are needed that that is included as well

Mr. Iacono asked if the storage lots would be for residence or non-residence as well. Chairman Doty and Mr. Malkin along with Mr. Brighton said they thought it would be Chilmark residence.

Mr. Malkin and the MVFPT wanted to stress that this plan will not remove the gear from Menemsha stripping its character. The storage area is for seasonal gear that is not in use.

Jessie Burton (oyster grant holder) asked if a temporary shelter would be allowed at the storage areas. Chairman Doty said this is not on the plan but maybe in the future. Mr. Malkin recommended that that may be phase II and that we focus on phase I.

Lenny Jason asked if we have secured the clay rights on this lot. Chairman Doty said that that will be worked on. Mr. Jason recommended that we look at the Edgartown storage area and get ours well organized. Mr. Malkin said he suggested with the inspection process (of the annual lease) that there is a limited window for remedies to be completed.

#### Police Department- Sergeant:

Chief Klarèn recommended Sean Slavin to be appointed to the Chilmark Police Sergeant position. Chairman Doty said the interview for this position was yesterday and said that Sean Slavin is well qualified to be the Sargent. Mr. Rossi moved to appoint Sean Slavin as Police Sergeant effective immediately. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

#### Police Patrolman completion of initial evaluation period/probation:

Chief Klarèn said patrolman Jessie Burton has completed his initial evaluation / probation (1 year) and would recommend for a permanent position. Mr. Malkin moved to appoint Jessie Burton as a permanent full-time patrolman. Mr. Rossi seconded the motion.

**SO VOTED: 3 Ayes**

#### Police Patrolman Vacancy:

Chief Klarèn requested the Selectmen acknowledge the vacancy and authorize the posting of this vacancy. Mr. Malkin moved to authorize this vacancy posting. Mr. Rossi seconded the motion.

**SO VOTED: 3 Ayes**

Chairman Doty asked what the timeline for this vacancy filling would be. Chief Klarèn said he is expecting to have someone in this position for the summer season.

#### Coffee With A Cop:

Chairman Doty met with Deb Dunn and Chief Klarèn to formulate a friendly environment for communication. This is a nationwide program designed to be held in a neutral environment. Todd Christy of Chilmark Coffee is supplying the coffee and the location will be the Chilmark Public library. There is not a date set yet but the date will be announced at Annual Town Meeting.

Mr. Malkin asked if Chief Klarèn had a plan arranged for the parking conflicts with the Martha's Vineyard Film Festival and out Public Library prior to our summer season. Chief Klarèn is working on a complete calendar for the coming season.

#### Harbor - Electrical connection for lease holder:

Harbormaster Jason has submitted the request for approval of electrical connection to slip on the west Dock. Mr. Jason explained that the lease holder wanted to purchase a new boat that is 80 feet vs the 65 foot boat that had been in the slip. Harbormaster Jason said there is enough room for this increase. This new vessel requires 100 AMP service. The slip owner said if it was allowed they would install the service at their expense. Harbormaster Jason said that this would have to go to the Selectmen for them to approve changing the electricity. The slip lessee's manager reported to the Harbormaster that this process was going to cost more than they had anticipated and asked if the Town would participate in the funding.

Mr. Malkin said having a bigger boat they have to expect bigger expenses and don't support funding this electrical increase. Mr. Rossi agreed that this should be paid for by the lessee.

Tim Carroll said he has talked with Cole Powers and the lessee representative about this proposal. Mr. Powers measured the site and will return with an estimate. Mr. Carroll said they asked for permission to proceed to make the changes that meet with our electrical codes for a commercial installation and the needs of the boat owner. Mr. Carroll recommended that the town not utilize this outlet to avoid liability.

Mr. Rossi requested a written plan submitted. Mr. Carroll asked for any restrictions;

- This upgrade to 100 AMP service will be Lease holders expense entirely
- Project Must be approved by our wiring inspector to be marina code
- Install a meter

- No digging or disturbance to the town's facility

Marshall Carroll asked if they lessee would be required to remove this when they are done with the slip. Also how would this be metered, and who would pay the electric bill. Harbormaster Jason said that the electrical has been included in the \$7500 slip fee with the 65 footer.

Mr. Carroll said it would not be too pricy to put a meter in to track the use. Chairman recommended a meter too.

Mr. Malkin moved to approve with the restrictions listed. Mr. Rossi seconded the motion.

**SO VOTED: 3 Ayes**

#### Mass DOT:

Chairman Doty asked what was happening about the State Highway maintenance that he had read in the paper that they are proposing that towns assume State Road maintenance. Tim Carroll said we have been invited to meetings. This has not been formally proposed. Chilmark has 14 Miles of State Roads this would be a considerable funding issue. Selectmen will keep a lookout for any further discussions.

#### Treasure & Executive Secretary request for holiday pay policy:

Tim Carroll said the Tri Town Ambulance had submitted clarification about holiday pay. Mr. Carroll said that town counsel gave an opinion and recommended this be brought to the Human Resources Board for review and recommendation. Selectmen supported this process.

#### Parking Shuttle Updates:

Tim Carroll reported having completed meetings with the engineer and will have a shelter for instillation in May. The updates will also be completed in May as well.

The solar lights that he had planned on jumped considerably and he has now requested information from the Town of Tisbury for solar powered streetlights that have a motion sensor that amplifies the brightness when needed.

Mr. Carroll said the engineer recommended compacting the surface material, installing curb stops then painting the parking slips on that surface. This will need to be re-painted throughout the season.

#### Temporary tie-up Dock instillation:

Tim Carroll said he was going to go back out to bid with this but that at the procurement training he just completed he found that there is a \$50,000.00 threshold. Mr. Carroll proposed that the Vestibule project and the Assessors triannual re-evaluation and the Cleaning contract for Menemsha (comfort station) all go out as just quotes.

We will seek 3 quotes with the specifications we already have lined up and will not be advertising for bids.

This job (temp-dock) we received a proposal from John Packer do part of the job. He sent quote \$4,000.00 for the mobilization of the crane and \$500.00 an hour and estimates the job will not take more than a day to remove the rocks in the channel under where the dock will be installed.

Mr. Malkin asked about "crab corner". Mr. Carroll said Harbormaster Jason has talked to him separately about it but we can't dredge until the fall. Mr. Carroll said he recommended to the Harbormaster that we apply to the Conservation Commission this spring for a permit to do the FRP dredging in the fall. And put a warrant for September for the funding. Mr. Carroll said slips 1 & 2 and the bulkhead shoal out in that area.

Mr. Malkin moved to award the rock removal project to John Packer. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

#### Chilmark Community Center Vestibule:

Mr. Carroll said he has met with Rodney Bunker (Superintendent of town buildings) and discussed the plan to request quotes. Mr. Bunker recommended the project happen starting November 6, 2017.

#### Cleaning Comfort Station:

Mr. Carroll said he had expected to need to go to bid as we had been contracted at \$55,000.00 for this but has since heard from the contractor who estimated lower than \$50,000.00 for this annual contract. Mr. Carroll said he will seek three quotes with the specifications that we have (the old proposal). Selectmen reviewed the specifications for the old proposal. Mr. Carroll proposed the town purchase the supplies for the station.

Mr. Malkin clarified that the walkway will be installed and cleared away by the Highway department.

Chairman Doty asked to specify rather than just clean the bathrooms that we state the number of cleanings. Requirements in the quotes should include; 5 different times **per** day. Also more frequent pressure washing / steam cleaning monthly of the interior of the station.

Tim Carroll will seek quotes for this contract.

#### RESERVE FUND & Accrued Liability for Absences payment:

Mr. Carroll said the FinCom will be meeting April 11, 2017 at which point there will be discussion about the Highway department and police department expenditures to decide where we take monies to pay for the expenses. The sources could be the FinCom reserve fund, the Selectmen's other purchases services. The estimated funds are expended to be about \$50,000.00

At 7:04 PM with no further items for discussion Mr. Rossi moved to adjourn. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Minutes respectfully submitted Diana DeBlase.

Document List:

- Draft minutes from Selectmen's 3/21/17
- Master Planning for Menemsha / Planning Board subcommittee Report
- Cemetery draft changes to Regulations & Policies
- Park & Recreation Bulkhead proposed regulation changes/updates
- Park & Recreational recommendation for Harbormaster vehicle parking
- Harbormaster response letter to P&R parking recommendation
- Draft plan for Fisherman's Preservation Trust proposal for commercial fishing tackle & equipment storage behind landfill.
- Fishing gear storage area plan from MVFPT 3/31/17
- Sample storage area lease from the town of Edgartown
- Comfort Station previous contract for maintenance
- Municipal Clerk's week notice
- Division of Fisheries & Wildlife draft Priority Habitat Map public comment notice
- Cape Light Compact Energy Efficiency Report December 2016
- MIIA dividend for participation credits (insurance)
- ADA Improvement Grant Program notice
- 2020 Census phase 1 Block Boundary notice Maps of Chilmark and information
- ComCast updates to our area