

Selectmen's Meeting Minutes 03/06/18

Chilmark Board of Selectmen March 6, 2018 Meeting Minutes

Present: Chairman Bill Rossi, James Malkin and Warren Doty. Tim Carroll, Police Chief Jonathan Klarèn, Liz Rogers, Tri town Ambulance Chief Ben Retmier, Melanie Becker, Deb Packer, Mr. Grimm, Janet Weidner, Joan Malkin, Peter Cook, Isaiah Scheffer, Harbormaster Dennis Jason, Allison Parry and reporter Rich Saltzberg, reporter Landry Harlan & MVTV Videographer

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

Minutes: Draft minutes from Selectmen's January 23, 2018 meeting were reviewed, corrections were made. Mr. Doty moved to approved minutes as corrected. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Draft minutes from Selectmen's January 30, 2018 meeting were reviewed, corrections were made. Mr. Malkin moved to approved minutes as corrected. Mr. Doty seconded the motion.

SO VOTED: 3 Ayes

Draft minutes from Selectmen's February 6, 2018 meeting were reviewed, corrections were made. Mr. Doty moved to approved minutes as corrected. Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

Draft minutes from Selectmen's February 20, 2018 meeting were tabled to the next meeting.

Shellfish - Recommendations for Regulation Changes:

Shellfish Constable Isaiah Scheffer presented the Shellfish Advisory's recommendation to increase the non-resident shellfish permit. Mr. Scheffer said the non-resident permits in Tisbury, Oak Bluffs and Edgartown range from \$350.00 to \$400.00.

Mr. Scheffer said the committee recommended a separate endorsement for bay scallops of \$150.00. So in addition to the required \$50.00 fee for non-resident if a permit holder wishes to scallop they must pay an additional \$150.00. Mr. Carroll said if Selectmen endorse this recommendation we need to post a public hearing. Mr. Malkin moved to support this recommendation and authorize to post a hearing for the shellfish regulation changes. Mr. Carroll said the public hearing would be for the Selectmen's April 3, 2018 meeting. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Mr. Scheffer said in our Aquaculture regulations; each grant holder is to supply a report to the Selectmen and the State annually. Mr. Scheffer said Mr. Wiesner has not submitted a report. Mr. Scheffer said Ms. Flanders submitted a written report. Mr. Scheffer said the Broderick's called in the information he (Mr. Scheffer) needed for the town report but has yet to submit the actual report. Mr. Scheffer recommended if grant holder is not growing seed he / she will not be allowed to renew the oyster grant.

Mr. Doty said from the Constable's report tonight, it seems that there might be an Oyster Grant that was issued a few years ago that the leaseholder might not want it anymore. Mr. Scheffer said he needs to have a formal conversation with Mr. Wiesner. Mr. Doty said if Mr. Wiesner chooses not to continue with the Oyster Grant we can have the grant transferred to a party that is going to use it to grow oysters, as we have done previously. Mr. Scheffer will ask Mr. Wiesner to write a letter stating his intentions.

Mr. Scheffer said the Wlodyka's report saying they are working towards starting something; they are also working to build an upweller.

Mr. Scheffer said he just heard we may need to have another State survey because the Wlodykas' and Mr. Wiesner did not apply for a propagation permit within the 2 year requirement set by the State. Mr. Scheffer said quite a few permit holders still don't have their Army Core of Engineers permits. Mr. Scheffer said he is working to get all of the grant holders all set and responsible for their grants.

Chairman Rossi said he would support our Shellfish Constable's recommendation to transfer unused grants to applicants who will use them. Mr. Carroll asked for Mr. Scheffer to please send his office wording for the recommendation (renewal standards for oyster grants) and will advertise the public hearing with the recommendation to raise the non-resident scallop permit fee. Mr. Scheffer said the standard was already approved as its part of their grants. Mr. Carroll said he would put that on the April agenda for the Selectmen.

Public Safety Building Site Update:

Mr. Carroll said Pacheco Ross has supplied the first drafts of the programmatic needs and space use analysis documents. Mr. Carroll said at the end of the documents there is a 2 floor plan and a single floor plan. The single story solution would not fit on the site. Mr. Carroll said from his conversation with Pacheco Ross today they did not have the dimensions of all of the fire equipment. Chairman Rossi asked if we would have a schematic to present to town at Annual Town Meeting. Mr. Carroll said we have the program. He is getting comments back from the Fire Chief and Ambulance Chief. Mr. Carroll said the Schematic will be available 3 weeks after all the comments and verification are in.

Mr. Doty said he went to the Chilmark Conservation Commission (ConCom) with the general outline of the option two beside the toner hall. Mr. Doty reported that the ConCom had concerns that the wetlands have not been delineated in this area. The ConCom has asked Doug Cooper to delineate 2 areas next week. One the possible bus turnaround in Menemsha and the second this area

proposed in option 2 for the Public Safety Building site. The delineation is expected to be done by March 12, 2018. Mr. Doty said the key to whether we approve this site is the size of the building. The 2 story schematic is 11, 466 square feet and Mr. Doty asked for planning on less. For instance with the library we had an analysis done and they (architect) recommended so many square feet accommodating our program. But we said no we didn't want it that big.

Mr. Carroll said Pacheco Ross still needs the following information: width (mirror to mirror) and height & length of each of the Ambulance and Fire Department vehicles and apparatus.

Chief Retmier said he received the report from Pacheco Ross this morning and reviewed with his fulltime staff. Chief Retmier gave the initial recommendations from his staff meeting.

- Full kitchen rather than the kitchenette
- Questioned the number of bays and is it adequate size for all the apparatus.
- 2 bunk rooms both double occupancy consider adding a third as a single occupancy

Chief Retmier acknowledged Mr. Doty's remarks about size reduction consideration but wanted to share the initial remarks from his staff.

Hazardous materials assessment of Cross Road Fire Station:

Mr. Carroll said the town hired a contractor to assess materials at the Cross Road Fire Station for hazardous content. The company took 4 dust samples; ambulance bay, fire bays & upstairs common work areas. All of these dust samples were negative for asbestos. Mr. Carroll said they sampled materials throughout the building (40 different samples).

- The wall board has 10 % asbestos.
- Putty on the outside of building (electrical circuit) has asbestos in it.
- Underneath the metal sink has lining that has 5% asbestos in it.
- Oldest roofing on building (furnace room) has 10 % asbestos in it.
- Second story joint compound has 2% asbestos in it.

Mr. Carroll said prior to demolishing the Cross Road Station we will follow an asbestos remediation plan performed by a licensed professional. The recommendation from the company that completed this evaluation is in the meantime we should not drill, nail or otherwise disturb the second story wall board or joint compound. Shouldn't break or damage the first floor wallboard. Anyplace there was damage (cracks) tape over with plastic. Signage about asbestos should also be posted.

Chairman Rossi asked if there was remediation to address now. Mr. Carroll said the signage and the plastic & tape over cracked material. Mr. Malkin asked if the Cross Road Fire station was a safe place to work. Mr. Carroll said as far as asbestos, yes. Mr. Malkin asked about the alternate study completed. Mr. Carroll said the Fireman's Association contracted a study and their study was relayed verbally; their dust samples came back negative.

Mr. Doty requested that the Board of Health receive a copy of this report.

Human Resource Board - Pregnant Workers Fairness Policy:

The HRB submitted a recommendation after the public hearing concerning the pregnant workers fairness policy. The HRB recommended adopting the policy as presented by counsel. Mr. Doty moved to approve adopting the pregnant workers fairness policy. Mr. Malkin seconded the motion. Mr. Malkin said as liaison to the HRB he was present for the lengthy discussion and review of the entire policy. **SO VOTED: 3 Ayes**

Human Resource Board - Position Description Grade Upgrades:

Mr. Carroll said we have a number positions description upgrades that were a result of the process that took place. The Chairman of the HRB has already signed these position descriptions and have submitted to Selectmen for Chairman to sign. Mr. Doty said the job descriptions have not changed since we last approved but the grades were revised.

Mr. Doty moved to approve the job descriptions as submitted by the HRB and to have Chairman Rossi to sign them all. (Positions are: Assistant Assessor, Administrative Assistant to Board of Selectmen/Receptionist, Assistant Director/Youth services Librarian, Superintendent of Streets, Police Sergeant and Shellfish Constable.) Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Harbor -Piling Project IFB Results:

Mr. Carroll said the pilings project went out to bid and all of the bids we received were over the appropriation. Mr. Carroll asked to proceed with negotiations with the lowest bidder. Mr. Malkin said the appropriation is \$126,000.00 the lowest bid came in at

\$130,974.00. Harbormaster Jason and Mr. Carroll confirmed that AGM Marine (the lowest bidder) has worked with the town before with good results. Mr. Doty moved to authorize Executive Secretary and Selectman Malkin to negotiate with AGM marine for this project. Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

Harbor- Electrical Engineer to design IFB Electrical Upgrades at Dutcher/Commercial Dock:

Mr. Carroll said we have 2 quotes to provide electrical engineering services. One is \$20,000.00

The other is \$9,500.00. The lower bid though adds \$3,000.00 for Construction Administration services. Any additional mutually agreed upon services should be performed on an hourly basis at the following rates: Engineer \$135.00 *per/hour*; AutoCAD Operator \$100.00 *per/hour*

Chairman Rossi and Harbormaster Jason walked the site in Menemsha Harbor with one of the engineers along with Cole Powers. Chairman Rossi said he spoke with Vincent DiIorio at the site visit and he seemed quite competent.

Mr. Malkin moved to accept the proposal from Vincent DiIorio Inc. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Harbor - Administrative Assistant - recommendation from Harbormaster:

Mr. Malkin said Harbormaster Jason, Spider Andresen and himself interviewed 2 candidates for the position. Subsequently there was a second round of interviews with the same 2 candidates. Harbormaster Jason made a decision to recommend that Selectmen hire one of the candidates.

Mr. Malkin said he had concerns that he expressed to the Harbormaster about the multiple jobs and lack of current software and computer experience. Mr. Malkin said Harbormaster Jason responded that given what we need and the nature of the jobs that applicant filled they are seasonal and that multiple jobs are to be expected. The applicant has marine experience and would be appropriate to take on in probationary basis. Harbormaster Jason spoke in more detail about his recommendation.

Mr. Malkin asked Harbormaster Jason if we should extend the application process to attract more candidates or if he is comfortable with this applicant. Harbormaster Jason said he is comfortable with this candidate. Chairman Rossi asked if a HRB member was present at the interviews. Mr. Malkin said no. Mr. Doty asked how this lines up with staffing at the Harbor. Mr. Carroll said with the new hire of year-round Administrative Assistant the intent is to increase the seasonal hours and move the position down to the harbor out of town hall. Mr. Malkin said 5 hours a day 5 days a week with some weekend responsibilities. The remainder of the year-round responsibilities will be reduced to approximately 5 hours a week. Mr. Doty said he wanted more information about the applicant prior to taking a vote on this recommendation. Chairman Rossi said he doesn't know the applicant either. Chairman Rossi recommended tabling this agenda item till the next Selectmen's meeting.

Harbor - Progress Report from Harbormaster:

Harbormaster Jason said he spoke with the Fire Chief and they agreed to add the harbor fire extinguishers to the annual inspections. Harbormaster Jason said that when Ralph Perry Inc. comes this spring the harbor fire extinguishers will be inspected then too.

Harbormaster Jason spoke to the West Dock void repairs.

John Keene Excavation has agreed to a method for repair of the West Dock parking area and the start date is based on the thawing of the ground and availability. The time frame is approximately 2 weeks before work will be done and the cost is estimated to be less than \$10,000.00.

Harbormaster Jason spoke to the harbor shack remodel to accommodate new Administrative Assistant. Harbormaster Jason said the handicap access ramp needs to be moved. After confirming with building inspector the ramp will work at the rear-door entrance to the harbor shack. Harbormaster Jason said he is on the agenda for both the Beach Committee and the Park & Recreation concerning the small shed located in the harbor shack area. This small shed needs to be relocated as the electrical box is to be located in that area.

Harbormaster Jason said the Pump-out station hoses are being ordered along with carts for the coming season. Mr. Malkin said we will be taking out the wall that is in the harbor shack to allow extra room for Administrative Assistant desk.

Harbormaster Jason said he has to call John Packer back because he missed a spot dredging off the Dutcher Dock. Harbormaster Jason said he spoke to the engineers about the new dock. Mr. Malkin asked if this dock is the creek dock. Harbormaster said there is a steel piling right in the middle of the dock and with that there it only allows us to tie up 2 boats. Mr. Carroll said it's (dock) a transient dock for drop-offs and pickups and for small vessels. Mr. Carroll said it's engineered to have pilings on both sides, otherwise the engineering for the dock don't hold. Mr. Carroll said its intended (the design) not to allow a 40 footer (vessel) to tie-up.

Mr. Malkin requested an update on the cap-rail that was pulled up from the recent storm. Harbormaster said he was working on that today and it is halfway back down again, and should be completed soon.

Macy Lot - Meeting House Road - correspondence & appointment of tax possession custodian:

Chairman Rossi said the town now owns the property at 4 North Ridge Road (previously owed by Macy Design Corp.) lot free and clear. Chairman Rossi discussed the outline that David Coppola sent about the process. Chairman Rossi discussed appointing Melanie Becker the Town Treasurer as the Tax Possession Custodian. Chairman Rossi said the custodian would accept or reject the sealed bids during the sale process. Chairman Rossi recommended getting an official appraisal done on 4 North Ridge Road. Chairman Rossi said town counsel will also have to review any restrictions or covenants that need to be disclosed about 4 North Ridge Road.

Mr. Doty moved to appoint Town Treasurer Melanie Becker as the tax possession custodian of the 4 North Ridge Road property.

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

Mr. Malkin moved to contact Mr. Coppola and authorize him to petition the land court to put the title in the town's name. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Cemetery Commission - Approval of Amended Regulations:

Mr. Carroll said the Commissioners held a public hearing concerning the recommended amendments. The amendments cleaned up the wording to clarify that you must be a Chilmark resident to purchase a cemetery lot in Chilmark.

Mr. Doty moved to accept the amendments to the cemetery regulations as submitted by the Cemetery Commissioners. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Squibnocket Beach Update:

Mr. Carroll addressed the summary from town counsel. Mr. Doty said there have been two significant court decisions since the last Selectmen's meeting in favor of our Squibnocket project. Both the land court and committee of building inspectors ruled in favor of the town on the Squibnocket project.

The construction has been delayed due to the storms and John Keene Excavation will keep their eye on a window to start.

Community Center - Windbreak Update:

Chairman Rossi said the project is near completion we have a punch list for the contractor to complete. __

Request for Warrant Article - maximum size of guest houses:

Wendy Weldon Presented this petition: *we petition the Chilmark Board of Selectmen to ask the town at annual town meeting if the town would support changing the size of allowable guest houses in Chilmark to 1200 square feet from the existing allowable size of 800 square feet.*

Both Joan Malkin and Janet Weidner of the Planning Board discussed the process to change the square footage of guest houses. Mr. Doty said from a Selectmen's view when a warrant is brought by petition is because the Selectmen refused to do it on their own. Mr. Doty said petitions are usually an adversarial situation. Mr. Doty recommended the process for discussing size of guest houses should start at the Planning Board. The Planning board would have public hearings about this topic and then return to the Selectmen with recommendation for a bylaw amendment for the Annual Town Meeting Warrant. Chairman Rossi said he did not consider this petition adversarial we would get a bigger sampling of opinion at Annual Town Meeting. Mr. Malkin expressed concern in a petition at ATM with no information for the voters; any data or explanations. Discussion ensued.

Selectmen recommended Ms. Weldon to go back to the petitioners and have them sign a withdrawal of petition. Then the Planning Board have hearings and return to Selectmen for Special Town Meeting in the fall with a recommendation for warrant article about the size of guest houses.

Police -Appointments of Special Officers:

Chief Klarèn presented the Selectmen with his recommendations for appointments. Mr. Doty asked officer Rogers her thoughts on the recommendations. Ms. Rogers gave supporting comments on both applicants; Michael S. Maliff Jr. and Noah Stobie.

Mr. Malkin moved to appoint both applicants as special police officers. Mr. Doty seconded the motion. **SO VOTED: 2 Ayes, 1 abstain Bill Rossi as Noah is nephew**

Beach Committee - Appointment:

Chairman Rossi said we have 2 applicants interested in the 1 vacated Beach Committee seat.

Ms. Parry spoke about why she wanted to serve on the Beach Committee. She was a life guard for many years in Chilmark and is now a resident and has good perspective for what the Committee needs. Mr. Malkin asked Ms. Perry if she was on island year-round rather than taking several months at a time off. Ms. Parry confirmed she is here.

Mr. Malkin moved to appoint Allison Parry to the Beach Committee, Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

MV Regional High School Budget:

Chairman Rossi confirmed receiving re-certified budget for FY19 MVRHS.

Annual Town Meeting Warrant -April 23, 2018:

Mr. Carroll handed out wording for articles. Mr. Malkin asked if we have confirmed with Town Counsel and Moderator that they can attend ATM April 23, 2018. Mr. Carroll said they both have a copy of the warrant.

The draft warrant is available at the following link:

http://www.chilmarkma.gov/Pages/ChilmarkMA_SelectAgenda/2018/03062018/ATM-ATE%20WARRANT%20DRAFT%20AND%20ARTICLES%202018.pdf

Mr. Malkin requested getting together with Town Counsel and Town Moderator concerning the petition warrant. Mr. Doty said if the Sheriff's warrant article is able to be amended he would like it to be contingent on approval from all other island towns. Mr. Malkin said he would add if the efforts to get supplemental State funding from the supplemental budget had failed. Mr. Carroll recommended having all of the statements and comments written to deliver on April 23rd on town floor.

Discussion and minor corrections to the warrant and ballot ensued.

Mr. Carroll said the deadline for nomination papers is tomorrow March 7, 2018

Janet Weidner asked if the Selectmen would have some of the Menemsha recommendations from the Planning board on the April Annual Town Meeting warrant. Ms. Weidner went on to say that the walkway was an item the Planning Board would like to move forward with. Mr. Carroll said at the last town meeting we got approval for getting easements etc. and the funding was a donation from landowners. Ms. Malkin asked if the engineering cost was considered. Mr. Carroll said it was when they first offered but he was not certain it was still on the table. Mr. Carroll said the area by Greenebaum would need funding through a warrant article.

Ms. Malkin said we have not heard back from the landscape architect.

Mr. Carroll read list of recommendations from Planning Board for safety improvements for the coming season.

Mr. Carroll asked if Selectmen would like to put \$10,000.00 to pursue any or all items on the 12 items sent by the Planning Board.

Mr. Doty moved to have a \$10,000.00 warrant article to complete some or all of the 12 recommendations submitted to the Selectmen for safety improvements to Menemsha. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Mr. Doty said we have a few outstanding warrant articles for Menemsha projects that need to be reviewed and addressed.

Scott McDowell - Swordfish Gift:

Mr. Malkin moved to accept the South Side Swordfish with thanks. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Planning Board - Menemsha Lot Lease & Boundary Line:

Ms. Packer spoke about her concerns about lot F on the Aquinnah Creek lot. Ms. Packer spoke to protecting her water rights. Ms. Packer spoke about the shift in lot lines as well. Ms. Packer said between 1989-1992 there was a shift on plans to the boundary lines. Ms. Packer recommended a survey be done to clearly determine the boundaries.

Mr. Carroll said he sent a letter for the Aquinnah Selectmen about a month ago to the Chilmark Selectmen to review after meeting with Jonathan Mayhew about this. Mr. Carroll referenced the blue map for referencing what we have been following. Mr. Carroll said according to surveyors this is the 1939 layout of creek lots. Mr. Carroll said what has happened through the years according to our surveyor is that everybody has moved. But if we stick to the issue of lot F (Aquinnah) and lot 4 & 5 (Chilmark) what happened in the Town Line change. Jonathan Mayhew (lessee of 4&5) went down there (when he was a Selectman) with a surveyor and located a telephone pole. Aquinnah was using that as the corner of lot F but delineated from 1 & 2 causing the change from the original layout.

Mr. Carroll said the surveyor is working on a detailed explanation for us. Mr. Carroll said we need to have discussion with Aquinnah. Mr. Malkin said approximately 3 feet of Lot F (dock) is actually in Chilmark property. Discussion of what action to take took place. Selectmen recommended getting the town bounds in place. Mr. Malkin moved to have the town bounds put into place. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

At 7:19 PM Mr. Malkin move into go into Executive Session to discuss personnel contract negotiations and not to return to regular session.

rollcall: Bill Rossi: Aye, James Malkin: Aye, Warren Doty: Aye.

Minutes respectfully submitted by Diana DeBlase

Document List:

- Draft Minutes from Selectmen meetings on 1/23/18, 1/30/18, 2/6/18, and 2/20/18
- Minutes from Shellfish Advisory meeting with recommendation about nonresident scallop permit fee increase

- Draft amendment to shellfish regulations with wording of increase to nonresident scallop permits.
- Email from David Pacheco of Ross Pacheco architects working on Public Safety Building (PSB) design outlining the progress update.
- Space use analysis for 1 story PSB by Pacheco & Ross
- Space use analysis for 2 story PSB Pacheco & Ross
- FLI Inspection for Asbestos at 3 Menemsha Cross Rd Fire Station report.
- FLI sampling summary & Remarks
- Letter from Board of Health requesting to have copies of all report information from the Asbestos inspection done by FLI.
- Recommendation from Human Resources Board to adopt Pregnant Workers Fairness Policy for the procedures manual.
- Pregnant Workers Fairness Policy
- Selection of Re-graded job descriptions signed by HRB submitted for BOS chairman to sign
- IFB bid log for Harbor pilings project
- Quote from BALA electrical engineering to draft plans for Harbor electrical project.
- Quote from Vincent DiIorio Inc electrical engineering to draft plans for Harbor electrical project.
- Recommendation from Harbormaster for appointing administrative assistant
- Correspondence from David Coppola - legal counsel concerning property at 4 North Ridge Road
- Recommendation from Cemetery Commission concerning clarification wording in the Cemetery Regulations.
- Cemetery Regulations with changes
- Correspondence from Ron Rappaport - legal counsel on outcome of court cases regarding Squibnocket project
- Petition submitted regarding asking the town to raise guest house size
- Re certified FY19 MV High School budget
- Draft April 23, 2018 Annual Town Meeting warrant
- Police Chief's recommendation to appoint 2 new special officers to department
- Beach Committee – Herb Golub & Allison Parry to fill (Ms. Cook's) vacant seat
- US Census Survey documents

Massachusetts Office of Disability-Exec. Office of Public Safety & Security-State E-911 program and MASSGIS requirements

Cape Light Compact monthly Energy Efficiency Report

Scott McDowell re Swordfish gift

MASSDOT Roadway Work

Dukes County Emergency Management Agency

Chilmark Community Compact- Dan Gates

- Planning Board-Menemsha Lot Lease & Boundary Issue
- Boundary documents from Deb Packer

Town Clerk Statistics