

## Selectmen's Meeting Minutes 03/07/17

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

**Present:** Chairman Warren Doty, Bill Rossi, Jim Malkin, Jennifer Christy, Tim Carroll, Jane Greene, Stephen Flanders, Sally Cook, Anne Cook, Clarissa Allen, Susan Murphy, John Flender, Mary Breslauer, Gloria Burkin, Tim Rich, Peter Cook, Joan Malkin, Bob Sawyer, Tony Nevin, Alex Elvin, Edie Prescott and videographer for MVTV.

At 5:30 PM chairman Doty called meeting to order in the Selectmen's Meeting Room.

#### Minutes:

Draft Minutes from Selectmen's January 10, 2017 meeting were reviewed; corrections were made. Mr. Rossi moved to approve as corrected. Chairman Doty seconded the motion.

**SO VOTED: 2 Ayes, 1 Abstain** *Mr. Malkin was not present at the 1/10/17 meeting*

Draft minutes from Selectmen's February 7, 2017 meeting were reviewed. Mr. Malkin moved to approve minutes as written. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 Abstain**

*Chairman Doty was not present at the 2/7/17 meeting*

Draft minutes from Selectmen's February 21, 2017 meeting were reviewed. Mr. Malkin moved to approve minutes as written. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

#### Human Resources Board (HRB):

Jane Greene Chairman of the HRB presented a proposal to the Selectmen concerning the compensation study. Ms. Greene proposed to withdraw the warrant article of \$40,000.00 for the salary increases and take more time to determine the correct amount necessary after the HRB and Selectmen have a plan from the reports submitted by the Collins Group. Selectmen will hold a Special Town Meeting in the fall and the pay to employees that are getting adjustments will be retroactive to July 1, 2017.

#### Beach Committee:

Chairman Doty said we have four applicants interested in being appointed to the single spot on the Beach Committee. Chairman Doty said that Dee Leopold has withdrawn her application to be appointed. (There were five applications).

Mr. Rossi said he was impressed with the applicants. Mr. Malkin asked to hear from the applicant who is arriving at 6:00 PM; Chairman Doty recommended postponing this till then.

#### Piano Donation:

Chairman Doty said the Selectmen approved receiving this donated piano from the Guiney family and that we are estimating a cost to the town of \$800.00. \$600.00 for transporting from the Guiney home to the Chilmark Community Center. And \$200.00 for the rolling stand that David Stanwood will build for it.

#### Cape Light Compact - Joint Powers Entity (JPE):

Tim Carroll discussed the reasoning in joining the Joint Powers Entity. Cape Light Compact has been working for 18 years as a municipal aggregate - collective purchasing of energy for Cape Cod and the Islands. Joining the Joint Powers Entity would protect the town from lawsuits. Mr. Carroll said town counsel Ron Rapaport reviewed the wording and thought it was ok. The JPE wording protected the town more than the existing Cape Light Compact. Mr. Carroll and Rob Hannemann will both represent Chilmark for the JPE. Mr. Malkin moved to approve the JPE proposal before the Selectmen tonight. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

#### Dredge Equipment Update:

Mr. Malkin said he spoke with the representative from J-Way who said the equipment will be removed from Chilmark March 10, 2017. Mr. Malkin said that it must be gone no later than March 31, 2017 and will draft a letter with Mr. Carroll stating this. Mr. Carroll said there is a joint talk with the Army Corps of Engineers scheduled for Friday March 11, 2017 about the dredging project.

#### Tabor House Parking Lot / Menemsha Shuttle:

Chairman Doty discussed the parking plan prepared by Vineyard Land Surveying (VLS). This plan has 63 car parking and 3 handicap parking spots. Mr. Rossi said he would like the curb stops put into place (using this VLS layout) to be completed by a professional. Chairman Doty recommended solar lighting and said he would be willing to work with Tim Carroll in completing the

Shuttle lot improvements. Mr. Rossi and Mr. Malkin were supportive of Chairman Doty and Mr. Carroll completing the improvements prior to the summer season.

Cemetery Superintendent- Appointment:

Cemetery Commission Chairman John Flender spoke about the recommendation for appointment.

Mr. Flender said they had four excellent applicants and after interviews and consensus of the Cemetery Commission there is a recommendation for the Selectmen to appoint Susan Murphy as the Cemetery Superintendent. Chairman Doty asked for a motion. Mr. Malkin moved to appoint Susan Murphy as Cemetery Superintendent. Mr. Rossi seconded the motion. —

**SO VOTED: 3 Ayes**

Mr. Flender said Ms. Murphy has a planned travel this march and will begin her duties April 3, 2017. There was also discussion of a vacancy on the Cemetery Commission.

Beach Committee Appointment:

Chairman Doty asked for applicants that were present to talk about why they would like to be appointed to the Beach Committee. Gloria Burkin introduced herself and her interest in serving on the Beach Committee. Anne Cook who came to Selectmen at a previous meeting said she is still very interested in becoming a Beach Committee member. Mary Breslauer said she was pleased to see that there are very qualified applicants and she asked to withdraw her application. Mr. Rossi moved to appoint Anne Cooke to the Beach Committee. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Tri Town Ambulance Capital Plan Update:

Chairman Doty said this item will be postponed till the next Selectmen's meeting.

Police Chief Search Update:

Chairman Doty said there are interviews of the three finalists scheduled for tomorrow starting at 4:00 PM. Chairman Doty thanked the members of the search committee; Bill Rossi, Joan Malkin and Tim Rich. They did a very good job reviewing thirteen applications and interviewing five and submitting the three finalists to the Selectmen to act on.

Thursday March 9, 2017 the Selectmen will meet again to possibly act on appointment of a Police Chief. Interim Police Chief Tim Rich spoke about the process of selecting these finalists to date. Tim Rich said he is willing to serve up till the new Chief is onboard. —

Housing Bank:

Bob Sawyer & Tony Nevin were present to discuss their views of the housing crisis on Martha's Vineyard. Mr. Sawyer said the housing (affordable) situation on the Vineyard is in crisis. We need to address this in a big way.

Housing Bank Continued...

Mr. Sawyer said we need a regional central source to raise funds and manage creation of housing. The "Housing Bank" would be modeled on the Land Bank success. The proposal before the Selectmen tonight is to place a "non-binding" question on the ballot pertaining to a housing bank to test the local waters so to speak.

Mr. Nevin said in 1987 there was something similar for the MV Land Bank (MVLB) creation. Mr. Malkin said he was not comfortable having this go on the Ballot without a prior informational forum for our voters. Mr. Sawyer said you create the forum and we will be there. Mr. Malkin said our charge is the decision of what goes on the ballot not creating forums for your concept. Mr. Sawyer said they will work with the direction of the Selectmen. Mr. Rossi said a very general question like this will be supported overwhelmingly; we (Chilmark) are looking at projects for affordable housing in our own town. Mr. Rossi said we are concerned about losing the CPA funds to a regional group. Mr. Sawyer read the proposed Question: *Are you in favor of establishing a Regional Housing Bank to address the critical housing needs of the Vineyard.*

There is no mention of CPA funds being allocated. Mr. Sawyer said the funding would be addressed only after there is support from all of the communities to move to a housing bank project. The funding may be CPA sources in the future but could be more like the MVLB model.

Mr. Sawyer said the goal is to have recurring ongoing funding for the Housing Bank. The sources for the funding have not been the focus yet and will probably be multiple sources.

Mr. Sawyer concluded saying this non-binding question is to get the opinion of our community.

Chairman Doty asked for Perter Cook to speak on this. Mr. Cook who is on the Planning Board and has also been involved with the Housing Production Plan discussed the Housing Bank proposal. Mr. Cook said the MVC funded a Housing Production Plan study and workshops and we as towns are chewing on the report and having this on the ballot in ambiguous wording is premature. Mr. Cook recommended asking the towns if they would authorize a committee to work on presenting information for a housing bank and to have this committee iron out the funding proposals. Ms. Malkin of the Planning Board said she would hate for

Chilmark to be throwing cold water on what all of the other island towns are supporting but she is uncomfortable with the ambiguous wording and believes the question proposed would not get an accurate measure of the pulse of our community.

Mr. Rossi said he is hesitant to be the only town without the ballot question at their Annual Town Elections and shares the concerns on the ambiguity of the wording but will support putting on the ballot. Mr. Malkin said he is comfortable with what that this town and its committees have been doing for affordable housing. And he doesn't support putting this on the Annual Town Election ballot.

Chairman Doty asked for a motion.

Mr. Rossi moved to place the question: *Are you in favor of establishing a Regional Housing Bank to address the critical housing needs of the Vineyard.* On the April 26, 2017 ballot. Chairman Doty seconded the motion. **SO VOTED: 2 Ayes, 1 Nay Mr. Malkin**

Chairman Doty said he wanted it clear that we do not support regional funding unless units are also built in Chilmark. We will not support being billed for building housing in other towns only; some must be built in Chilmark as well.

#### Annual Town Meeting Warrant:

Selectmen reviewed the draft warrant:

##### **Article 1. To elect the following officers on the Official Ballot:**

One Member of the Board of Selectmen	for three years
One Member of the Board of Assessors	for three years
One Member of the Board of Health	for three years
One Trustee of the Public Library	for three years
Two Members of the Finance Advisory Committee	for three years
One Member of the Cemetery Commission	for three years
One Members of the Planning Board	for five years
One Fence Viewer	for three years
One Surveyor of Wood, Lumber and Bark	for three years
One Surveyor of Wood, Lumber and Bark	for two years
One Tree Warden	for one year

**NON-BINDING QUESTION 1.** "Are you in favor of eliminating rental mopeds from Martha's Vineyard? Yes or No"

**NON-BINDING QUESTION 2.** "Are you in favor of establishing a regional housing bank, to address the critical housing needs on the Vineyard? Yes or No"

##### **ARTICLE 2.** To hear the reports of the Town Officers and Committees and act thereon.

**ARTICLE 3.** To see if the town will vote to raise such sums of money as will be necessary to defray town charges and to make the appropriations for the ensuing year, as printed under Departmental Budgets - Salaries and Expenses totals, provided that the amount set forth under the Community Preservation Committee (Dept. 179) shall be funded from the Community Preservation FY2018 Budgeted Reserve Balance.

Chairman Doty said the Finance Committee and the Selectmen meet many times during budget hearings and thoroughly processed this budget.

**ARTICLE 4.** To see if the Town will vote to rescind the \$16,383 FY 2017 administration expense from the FY 2017 Community Preservation Undesignated Reserve Fund balance and vote the same amount from the FY 2017 Community Preservation Budgeted Reserve fund balance of \$226,007. Mr. Carroll said this article will need to go to FinCom; as it was not reviewed by them yet.

**ARTICLE 5.** To see if the town will vote to raise and appropriate the sum of **\$5,000.00** and further appropriate the sum of \$5,000.00 to be received from the Chilmark Town Affairs Council, subject to receipt, which amounts are to be added to the maintenance account of the Chilmark Community Center.

**ARTICLE 6.** To see if the town will vote to raise and appropriate the sum of **\$20,000.00** and further appropriate **\$20,000.00** from Overlay Surplus for a Reserve Fund to be administered by the Finance Advisory Committee, for the fiscal year beginning July 1, 2017.

**ARTICLE 7.** To see if the town will vote to raise and appropriate the sum of **\$11,000.00** to fund the Reserve Fund for the Future Payment of Accrued Liabilities for Compensated Absences.

**ARTICLE 8.** To see if the town will vote to transfer from available funds in the treasury the sum of \$197,000.00 to the town's stabilizations funds as follows:

**\$50,000.00** to be placed in the General Stabilization Fund,  
**\$25,000.00** to be placed in the Fire Department Stabilization Fund, with the intent that it be put towards the replacement costs for fire apparatus which is over twenty-five (25) years in age,  
**\$12,000.00** to be placed in the Police Vehicle Stabilization Fund,  
**\$10,000.00** to be placed in the Ambulance Stabilization Fund,  
**\$100,000.00** to be placed in the Highway Stabilization Fund.

**ARTICLE 9.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$2,000.00** to pay bills of a prior fiscal year as follows: Beetlebung Tree Care \$217.50 & Araujo Brothers \$787.50. with reserve fund for Accountant to pay prior fiscal year bills.

**ARTICLE 10.** To see if the town will vote to raise and appropriate the sum of **\$11,130.00** to fund the Town's share of the administrative expenses of the All Island School Committee's contract for **Adult and Community Education** in Fiscal Year 2018.

#### **ARTICLE 11.**

Shall the Board of Selectmen be authorized to petition the State Legislature to allow the Town of Chilmark to issue not more than five annual or seasonal licenses under Massachusetts General Laws, Chapter 138, section 12 for the sale of wine and malt beverages to be drunk on the premises of restaurants with seating capacities of not less than 50 persons and to be consumed with meals only notwithstanding any limitations imposed by Sections 11, 11A and 17 of Chapter 138 of the General Laws or any other special or general law to the contrary.

**ARTICLE 12.** To see if the Town will vote to raise and appropriate the sum of **\$6,185.00** to fund the CORE program at the MV Community Services under the supervision of the Up Island Council on Aging.

**ARTICLE 13.** To see if the Town will vote to raise and appropriate the sum of **\$10,152.00**, as the Town's proportionate share of the Fiscal Year 2018 cost to fund the **Healthy Aging Task Force FIRST STOP** operated by the MV Community Services, based on the "50/50" formula.

**ARTICLE 14.** To see if the Town will raise and appropriate the sum of **\$41,532** for the purpose of reducing the Up-Island Regional School District's Other Post-Employment Benefits (**OPEB**) liability. If approved, these funds will be placed in the budget line item Education-Expenses #300-5695 Up-Island District Assessment, of the fiscal year 2017-2018 budget for this purpose. Provided however the other two member Towns of the District approve in their share of the total of \$208,286.

**ARTICLE 15.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$5,670.14** to buyout compensatory time unable to be used in the fiscal year by a police department employee.

**ARTICLE 16.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$30,000.00** to purchase and install municipal accounting, tax collections, and permit tracking software.

**ARTICLE 17.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$9,000.00** to purchase and install a new swim line and boat exclusion area buoys off Menemsha Beach, and various other buoys in Menemsha Pond, including the payment of costs incidental and relative thereto.

**ARTICLE 18.** To see if the town will vote to transfer from the sum of **\$200,000.00** from "**Ambulance Receipts Reserved for Appropriation**" account to purchase a replacement ambulance and three powered ambulance cots, including the payment of costs incidental and relative thereto.

**ARTICLE 19.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$5,600.00** to purchase compressed air bottles for the Fire Department self-contained breathing apparatus (SCBA), including the payment of costs incidental and relative thereto.

**ARTICLE 20.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$10,000.00** to update the mobile radios for the Fire Department, including the payment of costs incidental and relative thereto.

**ARTICLE 21.** To see if the Town will vote to transfer from available funds in the treasury the sum of **\$4,800.00** to fund repairs at the Town Hall, including the payment of costs incidental and relative thereto.

**ARTICLE 22.** To see if the Town will vote to transfer from available funds in the treasury the sum of **\$10,000.00**, to plan the layout, development, and improvements to the town owned lot on Middle Line Road, behind the landfill, and authorize the use of this land for general municipal purposes. Chairman Doty reduced this from proposed \$25,000.00

**ARTICLE 23.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$12,000.00** to fund exterior painting over half of the Chilmark Free Public Library, including the payment of costs incidental and relative thereto.

#### **ARTICLE 24.**

To see if the town will vote to approve the following request of the **Community Preservation Committee**:  
To see if the Town will vote to reserve from the Community Preservation Fund FY 2018 estimated annual revenues up to the following amounts for community preservation projects: **\$32,500.00** for Open Space Preservation; **\$32,500.00** for Historic Resources Preservation; **\$32,500.00** for Housing; and **\$227,500.00** for the Community Preservation Budgeted Reserve.

**ARTICLE 25.** To see if the Town will vote to approve the following request of the Community Preservation Committee: To see if the Town will vote to re-appropriate from the Community Preservation Historic Resources Reserve Fund the sum of **\$31,512.00** for the MV Museum as Chilmark's share of the estimated \$600,000 project to install a new roof, rebuild the chimneys and install the associated building support structures needed for this project. The work will be done on the Museum's historic 1895 Marine Hospital Building in Tisbury. If the property is sold within ten years (before April 24, 2027) 100 percent of the Town's CPA funds shall be returned.

#### **ARTICLE 26.**

To see if the town will vote to approve the following request of the **Community Preservation Committee**: To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Reserve Fund the sum of **\$32,500.00** to the Island Housing Trust (IHT) as Chilmark's contribution to fund the construction of up to 20 affordable housing apartments at Keune's Way in Tisbury. A transfer of \$30,000 from the Community Preservation Undesignated Reserve Fund to the Affordable Housing Reserve Fund would be required to fund this appropriation. If approved, the funds would not be released until a permanent affordable housing deed restriction on the land is filed with the deed at the registry of deeds.

#### **ARTICLE 27.**

To see if the town will vote to approve the following request of the **Community Preservation Committee**: To see if the Town will vote to appropriate from the Community Preservation Reserve for Community Housing Fund the sum of **\$82,600.00** for The Resource, Inc. (TRI) to fund the Preserving Affordability through Loan Support (P.A.L.S.) program. It provides interest-free loans for structural house repairs for Chilmark residents earning less than 100 % county median income. \$70,000 of this appropriation will be used for the interest-free loans. \$12,600 will be used for administration of the program. A transfer of \$70,000 from the Community Preservation Undesignated Reserve Fund to the Community Preservation Reserve for Community Housing Fund would be required to fund this appropriation.

#### **ARTICLE 28.**

To see if the town will vote to approve the following request of the **Community Preservation Committee**:  
To see if the Town will vote to appropriate from the Open Space Preservation Parks & Recreation Reserve Fund the sum of \$10,000.00 as Chilmark's contribution to help re-build the old basketball court that is on school grounds behind the West Tisbury School. A small portion of the funds will also help fund improvements to the grass soccer field.

#### **ARTICLE 29.**

To see if the town will vote to approve the following request of the **Community Preservation Committee**:  
To see if the Town will vote to appropriate from the Historic Resource Preservation Reserve Fund the sum of **\$5,200.00** to pay for the restoration of the Town's 19th-century official weights & measures cabinet and contents. When the restoration is completed this will be displayed in the Town Hall for all to enjoy.

**ARTICLE 30.** To see if the Town will vote to approve a sum of up to the \$2,500,000.00 borrowing authorized by vote of the Martha's Vineyard Refuse Disposal and Resource Recovery District for the purpose of financing the cost of capital improvements toward the restructuring of traffic flow and Residential Drop-Off at the Edgartown Transfer Station, or to take any action relative thereto.  
Chairman Doty said if other towns vote this down we can remove from our warrant on town floor.

**ARTICLE 31.** To see if the Town will vote to authorize the Board of Selectmen to take all necessary steps to effectuate a boundary line adjustment with the Town of Aquinnah, as provided for by a special act of the Legislature entitled, "An Act Changing the Boundary Line Between the Towns of Aquinnah and Chilmark," Chapter 452 of the Acts of 2016 (the "special act"), by: i) conveying by deed Lot 1 shown on a "Plan of Land in Aquinnah and Chilmark, Mass. Showing a Town Line Change Scale 1" = 20' April 5, 2016, Revised February \_\_, 2017 Vineyard Land Surveying & Engineering, Inc." (the "Plan"), to the Town of Aquinnah; and ii) accepting a conveyance by deed of Lot 2 shown on the Plan from the Town of Aquinnah. The Act provides for no other consideration, and the conveyance authorized in part "i" of this Article is contingent upon the Town of Aquinnah granting its Board of Selectmen reciprocal authority to effectuate the terms of the special act. The Plan is available for review in the office of the Executive Secretary during the usual Town Hall hours. 2/3 majority vote

**ARTICLE 32.** To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, in keeping with current practice, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States.

**ARTICLE 33.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$3,000.00** to fund, implement and train on a Multi-Hazard Emergency Plan for the Chilmark Elementary School in cooperation with the Superintendent of Schools and all town departments, including the payment of costs incidental and relative thereto.  
Tim Carroll and Tim Rich discussed supporting this article.

**ARTICLE 34.** To see if the Town will vote to authorize the Board of Selectmen to increase the cost of an annual Common Victuallers permit from \$50 to \$100, pursuant to MGL Chapter 140 section 2.

This concluded the review of the Warrant for ATM.

The Selectmen removed the draft article due to the Human Resources Board request tonight previously numbered as Article 21 that read: To see if the town will vote to transfer from available funds in the treasury the sum of \$40,000.00 to fund a wage reserve to be used in conjunction with the pending Pay & Classification Plan update being conducted by the town.

Mr. Carroll said Town Counsel will need to review the CPA added articles wording and the FinCom will need to meet for the changes and additions.

Chairman Doty asked for a motion to set the ATM warrant with wording recommendations from Town Counsel if needed. Mr. Malkin moved to set the Annual Town Meeting Warrant. And call the meeting for April 24, 2017 with Town Election April 26, 2017. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Chairman Doty asked for any more items for discussion. Mr. Malkin said the MVC hearing on the Squibnocket Bylaw that is being discussed by our Planning Board will not be held on the 16<sup>th</sup> of March. It has been postponed; the new hearing date will be after the Annual Town Meeting.

Chairman Doty said we are planning on holding a Special Town Meeting at 7:00 PM with the Squibnocket Bylaw amendments followed by our Annual Town Meeting at 7:30 PM both on the 24<sup>th</sup> of April.

Joan Malkin said March 13, 2017 will be the Planning Board public hearing for the proposed Squibnocket bylaw amendments. Chairman Doty requested complete wording for the amendments for the Selectmen meeting March 21, 2017.

At 7:00 PM Mr. Malkin moved to adjourn. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Minutes respectfully submitted by Diana DeBlase.

Approved 3/21/17

List of Documents:

- Draft Minutes 1/10/17, 2/07/17 & 2/21/17
- MV times ad for Beach Committee vacancy
- List of Beach Committee applicants
- Letter from Mary Breslauer interested in Beach Committee Appointment
- Letter from Gloria Burkin interested in Beach Committee Appointment
- Letter from Anne Cook interested in Beach Committee Appointment
- Letter from Herbert Golub interested in Beach Committee Appointment
- Letter from Dee Leopold interested in Beach Committee Appointment
- Correspondence from Jenn Zizzamia re: Guiney piano donation
- Correspondence from Cemetery Chairman Flender about recommendation of Susan Murphy to position of Superintendent of Cemetery
- Cape Light Compact Joint Powers Entity wording
- Landfill parking lot site plan from VLS
- Parking lot shelter options
- Parking lot lighting options and wiring schematics
- Draft Compensation review and data for town of Chilmark from Collins Center
- Draft 2 Annual Town Meeting Warrant with land swap and wording by Rappaport
- ZBA distribution of special permit applications for February and March
- MVC public hearing notice re: coastal district guidelines for Chilmark 03/16/17 at 7:30 PM