

Selectmen's Meeting Minutes 01/08/19

Chilmark Board of Selectmen January 8, 2019 Meeting Minutes

Present: Chairman James Malkin, Warren Doty and Bill Rossi. Also: Tim Carroll, John Ventura, Linda Coutinho, Peter Cook, Deb Packer, Barbara Armstrong, Mary Breslau, Rob Hannemann, Ann Wallace, Diane Smith, Jane Slater, Andy Goldman, Scott MacDowell, Anette Cingle, Katie Carroll, Marshall Carroll, Ambulance Chief Ben Retmier, Belinda Booker, Tim Rich, Larisa Rich, Steve Bernier, Monina Von Opel, Chris Murphy, Joan Malkin, Elise Elliston, Makenzie Brookes, Edward Miller, Clark Goff, Brian Ditchfield, Thomas Bena, Hilary Dreyer, Nan Doty, Jeremy Wood, Cathy Thompson, Peter Dunkl, Frank Dunkl, Heidi Dunkl, June Manning, Fire Chief David Norton, 8 Island school children, Annemarie Ralph, Kevin Oliver, Constance Mesmer, Jed Ketch, News reporters Landry Harlan and Rich Saltzberg. MVTV videographer.

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

Minutes:

Draft minutes from Selectmen's December 18, 2018 meeting were reviewed. A correction was made. Mr. Doty moved to approve minutes as corrected. Mr. Rossi seconded the motion.

SO VOTED: 3 Ayes

Tri Town Ambulance (TTA):

Chairman Malkin welcomed Belinda Booker. Tri-Town Ambulance Chief Ben Retmier was present to request Ms. Booker be appointed permanent employee after completion of the initial evaluation period. Chief Retmier gave praise of Ms. Booker's work for the TTA. Chief Retmier said he and the Tri Town Ambulance Committee would like Selectmen to appoint Ms. Booker a permanent employee as a full time paramedic.

Mr. Doty moved to appoint Ms. Booker a permanent employee as a full time paramedic.

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

Mr. Doty congratulated Chief Retmier on his recent wedding "on ice" at the MV Skating arena as well as delivering a baby "the MV New Year's baby" in the ambulance on the way to the hospital with our great Paramedic team. *Applause*

Mr. Doty said he wanted to say a thank you to the Menemsha Coast Guard for their service during a very difficult storm where a fishing boat went down south of the island. Mr. Doty said our station is particularly skilled at heavy weather response. Mr. Doty pointed out that the Station Menemsha responded to this incident without being paid. This is because the USCG is not paid during the government shutdown.

Eversource:

John Ventura from Eversource presented the Selectmen with a request to put replacement backup transformers on land near town center. Chairman Malkin said the town center is very important to us, and asked for full description of size of the transformer. Mr. Ventura said it is a 6 foot 6 inches tall, 8 feet wide and 8 feet deep unit. Mr. Ventura said there would not be a need for fencing but would need bollards to protect it from being hit by a vehicle. Chairman asked for the setback / clearance that this would require.

Mr. Ventura said it depends what is around the area. Mr. Ventura said it (transformer) was filled with a low-flammability fluid (like vegetable oil). If this is located near a flammable building there would need to be a 5 foot setback if it was to be put closer there would need to be a non-combustible wall between building and transformer.

Chairman Malkin asked if this would require a change to the existing Eversource infrastructure; poles, guywires. Mr. Ventura said the pole by the library and towards the police station would need to be taller but not by much to accommodate 2 circuits.

Eversource Continued...

Mr. Ventura said going down State Road towards Aquinnah, Eversource would install regulators. Mr. Ventura said he understands the concerns that people have for the Edgartown Vineyard Haven Road poles and these are not like those. These (for Chilmark & Aquinnah) are about 5 feet taller than the existing poles. They are 45 foot standard poles. The ones on Edgartown Vineyard Haven Road are 55 feet tall. Mr. Ventura said we could keep everything in the woods if you would prefer that. Mr. Ventura said we are having a conversation with the town now to see what you want. Mr. Rossi said option 1 behind the police station is his preferred option as it would not be as visible.

Mr. Doty said we have a comment from the Police Chief about using that location asking if this proposed location would change the parking lot at the station. Mr. Carroll said Chief Klaren said with the red dot location shown in this proposal by the shed would work as long as the transformer and any protective barrier would be on the plain of the front of the shed. So it won't be in the parking area. Mr. Carroll said that would be pushing the Eversource transformer 5 feet to the west of location presented for the police station. Mr. Doty said that (police station) area seems like a possible location for a second box as long as we satisfy the Police Chief's concerns. Chairman Malkin requested specific poles (where and how many) that Eversource would replace with the 45 foot poles.

Mr. MacDowell asked if this would improve service to Chilmark. Mr. Ventura said it would do a couple of things;

- Replace older equipment that needs to be replaced.
- Gives backup if one transformer fails.

Chairman Malkin asked if putting both of the transformers in the woods would negate the use of taller poles. Mr. Ventura said correct; not by the school. Ms. Thompson asked what color the boxes were. Mr. Ventura said green /olive drab the common transformer color. Jeremy Wood said couple years ago there was Eversource personnel at the Menemsha Cross Road and Menemsha Inn Road walking around that reported they would be back to prune around the wires but they never showed up. Mr. Ventura said we have a program that is every 4 years to prune all the circuits. They might have done just a little bit of tree work at that time.

Chairman Malkin asked if there was any further discussion or questions about the transformer issue. With no further comments Chairman Malkin thanked Mr. Ventura and said we would prefer the most unobtrusive as possible plan. Chilmark is not in favor of bigger / taller poles but support redundancy and reliability. Mr. Rossi confirmed his choice of option #1 as it will not be visible from the road.

Stretch Code Adoption - ATM Article:

Rob Hannemann Chilmark's Chairman of the Island Energy Committee and Chilmark Energy Committee spoke to this item. Mr. Hannemann said the Energy Committees recommend that we apply for Green Community status. Mr. Hannemann said part of the application process is for the town to adopt the stretch building code.

Mr. Hannemann said an immediate reward for adopting it would be higher energy efficiency for all of the new buildings that are built. Mr. Hannemann said Stretch code doesn't impact renovations or additions, only new residential construction. Mr. Rossi said there will be public informational meetings about the adoption of the stretch code before our Annual Town Meeting.

Stretch Code Adoption - ATM Article Continued...

Mr. Rossi moved to add the Stretch Code Adoption to the Annual Town Meeting warrant. Mr. Doty seconded the motion.

Chairman Malkin asked if there was any public discussion about this. *There being none* **SO VOTED: 3 Ayes**

Menemsha Bus Turnaround Alternative Proposal - Possible Submission:

Chairman Malkin said at the last Selectmen's meeting we had a discussion (about the bus turnaround) to take specific proposals to deal with the issues of public safety and congestion in Menemsha in the summer. These proposals would be sent to Bill Brewster the traffic planner who was engaged through the MV Commission and our Planning Board. Chairman Malkin said he was pleased that we have received 2 specific proposals: one from Barbara Armstrong and another from Katie Carroll. Chairman Malkin said we have talked to Mr. Brewster and he is prepared to receive them. Ms. Carroll and Ms. Armstrong agreed to have their contacts shared with Mr. Brewster if he has questions about their proposals.

Chairman Malkin proposed that the Selectmen send these proposals to Mr. Brewster. We will get an opinion from Mr. Brewster in terms of public safety and terms of congestion in the summer period. Chairman Malkin said in the same time he would like to send a letter from the town to the Vineyard Transit Authority suggesting they consider the use of smaller busses in the off peak hours, especially during the off season. Chairman Malkin said should Mr. Brewster find one or both alternative suggestions to be satisfactory and the Selectmen agree that we then try that this summer. Chairman Malkin said at the end of the summer we get a report of specific VTA ridership numbers. Also we get a report from our Chief of Police about public safety and issues of congestion at the end of the summer. And then based on that empirical evidence we make a decision on how to proceed for the next year. Mr. Doty said part of this is that we do not move ahead with the bus turnaround as it has been designed at this moment. Chairman Malkin confirmed this.

Mr. Doty asked June Manning who is on the VTA board what she thought of this recommendation. Ms. Manning said she thought that these were very good suggestions. Mr. Doty said he would also like a more data rich report (time of day ridership; morning, afternoon, evening) of the ridership for this coming season. Ms. Manning said she would ask if this is possible at the next VTA meeting.

Elise Elliston asked if there was still a committee working on and processing the recommendations for the Menemsha planning projects. Ms. Malkin (who was on the Planning Board -Subcommittee) said there were many other recommendations and recommended that Ms. Elliston talk with Janet Weidner about getting involved. Peter Cook (Planning Board member) said he can affirm the discussion will continue agendas will be posted.

Anyone interested in getting agendas to Chilmark Board meetings can subscribe at this link:

<http://www.chilmarkma.gov/subscriber> and calendar of meetings is available:

http://www.chilmarkma.gov/Pages/ChilmarkMA_Calendar/?formid=158

Tim Rich said if the traffic planner (Brewster) finds neither of the proposals suitable is the plan to go back to the original plan?

Mr. Rich said he is opposed to the bus turnaround plan but wanted to say that you had an open and long involved process with many hearings.

Menemsha Bus Turnaround Alternative Proposal - Possible Submission Continued...

It was voted on at the Town Meeting and now a grass roots effort by whatever venue is able to get a plan in place for the summer? Mr. Rich said this seems like an end run the whole process. Mr. Rich said if he was on that committee he would be a bit taken back that all of that work; and it was approved at town meeting and at the eleventh and a half hour this happens. Chairman Malkin said

he spoke of this at the last Selectmen's meeting in length and said quite a few Chilmark residents share that view about due process.

Chairman Malkin said he has talked with town counsel and what happened at Town Meeting was money was voted to do something; we are not required to do that right now. There is no time frame in which we are required to spend that money.

Chairman Malkin said given the concerns that have been raised and given the impact of one summer, if this is found to be an appropriate way to deal with public safety and congestion, as a Selectman I am willing to try it. If it doesn't work then that's another issue. We have a funded approved way to deal with it.

Katie Carroll said that there was a Conservation Commission notification error during the process of the bus turnaround project. There was supposed to be a letter sent to abutters within 100 feet by certified mail, and it was not. Ms. Carroll said the town meeting that the bus turnaround funding was on had 95 people in attendance and about half voted in favor. Ms. Carroll said she has been opposed to this project from the start. Ms. Carroll said she has started this grassroots movement and is sorry that toes may have been stepped on in this process. However there are now well over 200 signatures from people who want to not move forward in the plan that was approved for a bus turnaround and that is enough to call a Special Town Meeting. Ms. Carroll said she did not want to have to go that route, and asked the Selectmen to please table this plan. Chairman Malkin said he will not table the original plan if the alternative doesn't work.

Mr. Doty said come fall we will have a review and have a public meeting here prior to moving forward with a bus turnaround plan. Chairman Malkin agreed with this statement. Edward Miller said it would help if you clarified that if your consultant comes back and says no to the alternate proposals you won't immediately move forward before this summer with the original bus turnaround project. Mr. Malkin said that is correct. Mr. Doty said there will be a review of this whole project in September or October prior to anything dramatic being done (moving forward with plan the "grassroots group" is opposed to). Mr. Dunkl said he was not on the island in the fall when the Special Town Meeting addressed the bus turnaround as with many islanders needed to get away after a hectic summer. Mr. Dunkl said if this issue was on the Annual Town Meeting warrant there would have been a better representation of what Chilmark supports.

Mr. Dunkl asked that the esthetics in Menemsha be considered during the evaluation of information at the Selectmen's public meeting about this in the fall. Mr. Doty said that the esthetics in Menemsha is definitely considered in any of the decisions made to improve safety.

Anette Cingle said she talked with Paul Foley at the MV Commission. Ms. Cingle said she asked if there was a safety planner that might have worked with similar areas like the Cape Cod beach areas that might be brought in to plan a less invasive plan. Ms. Cingle said Mr. Foley was headed off Island today and would look into getting a contact to collaborate with Mr. Brewster for re-designing the parking lot in Menemsha.

Menemsha Bus Turnaround Alternative Proposal - Possible Submission Continued...

Mr. Doty said a project that we are going forward with is the new walkway along Basin Road by Crick Hill. Chairman Malkin said we will also go forward with Stop signs at the Basin Road -North Road area and a pedestrian walkway on North Road on the Homeport Parking lot side.

Tim Carroll (Town administrator) said that that is still being designed.

Ms. Carroll said she appreciates that the Selectmen have delayed the bus turnaround and is looking forward to meeting with the Planning Board and Planning Board Subcommittee in evaluating the data from the coming season and facilitating a workable public safety plan. Ms. Carroll said she would hold on to this list of names and see if we will have to hold a Special Town Meeting in the fall if Selectmen decide to act on installing the original plan. Chairman Malkin said that it is good; this goes a long way to satisfy as many people as we can on an issue that involves Menemsha.

Ms. Packer requested to share information regarding the bus turnaround. Ms. Packer said she talked with Jim Mahone of the Mass. Wetlands and Wild Life. Ms. Packer said we have a problem concerning the definition of a dune. If the application to DEP had dune and barrier beach we need to find an alternate plan rather than cutting into the dunes. Chairman Malkin said we will add your information to the record but have finished discussion at this time.

Chairman Malkin recognized some school children in the audience and asked to address the topic they are here for.

Plastic Bottle Ban petition - WT School warrant Article for ATM:

One of the eight West Tisbury School students; Emma said they are here to ask for support of their Plastic Bottle Ban. Emma asked if the Selectmen would put this on the Chilmark Ballot for 2019. *Chairman Malkin read the proposal aloud:*

Plastic Water and Soft Drink Bottle Bylaw Section 1: Findings and Purpose

Water and soda bottles made of plastic are hazardous to health, economy, and the environment. The purpose of this bylaw is to restrict the sale and distribution of such bottles.

For example:

1. Plastic bottle waste is overwhelming society's ability to manage it. Americans discard an estimated 30 million tons of plastic annually, with only 8 percent recycled.
 2. Chemical components of plastic are detected in biological systems, including human beings. Exposure comes through food, water, and clothing, and has been associated with a range of health effects.
 3. More than 8 million tons of plastic flows into our oceans annually, impacting wildlife and breaking down into smaller and smaller pieces, called micro-plastics.
 4. Micro-plastics are found in the fish and shellfish we eat, and in the bottled water we drink.
 5. Action is occurring worldwide to address this problem. Regionally, Nantucket and several MA towns have banned plastic water bottles.
 6. Action on Martha's Vineyard includes placement of water bottle refill stations in every school and in public places. More are planned.
 7. This Island community has an opportunity to provide leadership to reduce reliance on plastic. It is the right thing to do for the sake of our food, our water, our health, and our planet.
- Plastic Water and Soft Drink Bottle Bylaw Section 2: Regulated Conduct
- 2.1 It shall be unlawful to sell or distribute (a) non-carbonated, unflavored water, and (b) soft drinks in plastic (including polyethylene terephthalate – PET) bottles of less than 34 ounces in the Town of

Plastic Bottle Ban petition - WT School warrant Article for ATM Continued...

Chilmark. For the purposes of this bylaw, 'soft drink' means any beverage containing carbonated water, a sweetener (including fruit juice) and/or a flavoring.

2.2 Sales or distribution of drinking water in plastic bottles occurring subsequent to a declaration (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) of an emergency affecting the availability and/ or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

3.1 Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or its designee(s). The Board of Selectmen shall determine the inspection process and shall incorporate the process into other Town duties as appropriate.

3.2 Any person, individually or by his servant or agent, who violates any provision of this bylaw may be penalized by a non-criminal disposition pursuant to G.L. Chapter 40, Section 21D and the Town's non-criminal disposition bylaw. The following penalties apply:

first violation: Written warning

second violation: \$50 fine

third and subsequent violations: \$100 fine

Each day the violation continues constitutes a separate violation.

Section 4. Suspension of the Bylaw

4.1 If the Board of Selectmen determines that the cost of implementing and enforcing this bylaw has become unreasonable, the Board of Selectmen shall conduct a Public Hearing to inform the citizens of such costs. Subsequent to the Public Hearing, the Board of Selectmen may continue this bylaw in force or may suspend it permanently or for such length of time as they may determine.

Section 5: Effective Date

5.1 This bylaw takes effect on January 1, 2020

Mr. Doty said he heard from the Ambulance Chief that there is now bottled water on the Ambulances; they use as sterile source of water in emergencies Mr. Doty asked if that was going to be a problem.

Emily said you can still have the gallon size bottles it just the 34 oz. and under bottles. A woman said there would be no law against possession. A young man of the students said you can have the water bottles you just can't sell or distribute. For instance weddings, stores, charter boats...

Ms. Thompson said she was for this but the town would have to put drinking fountains in Menemsha. One of the students said you could (as a visitor in Menemsha) buy water in glass or boxed. Ms. Carroll said Menemsha Texaco doesn't sell water that way yet. Ms. Carroll said she is the Chairman of the Board of Health and these students have attended the past 2 Board of Health meetings and have done a great job. Part of the discussion at the BOH meeting was to educate the community on alternatives to the plastic bottles for their refreshments.

Chairman Malkin said this is a terrific learning opportunity on how you can get things done. And maybe Washington could note.

Ms. Ralph said the kids have a public forum at the West Tisbury Library to help answer any questions. These forums will be held monthly. The first forum will be January 24, 2019 at 4:30 PM.

Mr. Doty moved that the Chilmark Board of Selectmen put this onto the Annual Town Meeting warrant. Mr. Rossi seconded the motion.

Chairman Malkin asked for any discussion on the motion. Steve Bernier asked for Selectmen to have this on agenda for all-island selectmen meeting because it needs to be island wide.

Plastic Bottle Ban petition - WT School warrant Article for ATM continued...

There was discussion on how to transition and the cost of transitioning away from plastic. Kevin Oliver of Menemsha Market said he totally agrees with Mr. Bernier about this ban. Mr. Oliver said the issue he has with it is it has to be island wide. Mr. Dunkl (owner of Chilmark Water Co. for 15 years) said he is willing to work with this group in any way to help it move forward.

SO VOTED: 3 Ayes

Chairman Malkin thanked the students for putting in all of the work and coming tonight to present the Plastic Water Ban. *Applause from all present*

Petition to Ban the Release of Balloons in Chilmark- WT School warrant Article for ATM:

Mr. Doty moved that the Chilmark Board of Selectmen endorse and put this as an article on the Annual Town Meeting warrant.

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

Chilmark Community Center - user fees:

Chairman Malkin asked Mr. Rossi to discuss the recommended fee schedule. Chairman Malkin noted that this follows from a subcommittee that was started approximately 7 years ago that reconvened in July & August 2018 to finalize recommendations to the Selectmen. Chairman Malkin said the Chilmark Community Center Advisory Committee asked to review and discuss the recommendations and did so. Chairman Malkin said they came back with a recommendation. Chairman Malkin said Mr. Rossi sits on that committee.

Mr. Rossi said to summaries this is to bring the fees of the Chilmark Community Center more in line with today's pricing. Mr. Rossi said the cost of maintaining the building has gone up exponentially over the last 20 years.

Mr. Rossi said we received recommendation from the Utilization of Town Owned Buildings Committee. And as Chairman Malkin said the CCCAC wanted to review it and we did. The CCCAC members had some recommendations and Mr. Rossi said the members did not

Come up with a unanimous recommendation for the fee schedule. Mr. Rossi said he has come up with the following fee schedule. Mr. Rossi read the document:

What is the purpose of the CCC?

Over the years since the CCC was built, it has been used for 10 months of the year as a gathering place for community events, such as traditional pot lucks, song fests, birthday parties, anniversary parties, memorial events, Chilmark School events, elections, local weddings, etc.

During July and August the summer program continues, led by the CCC founders, the Town Affairs Council. Gradually the use of this building has grown beyond local town use. The summer program includes Island-wide children, the year round use includes Island-wide groups.

These proposed fees take in consideration these growing changes in use and reflect a need to keep the CCC traditionally town-centered, while opening the building to other user groups.

Sponsors:

Sponsors are Chilmark residents or immediate family members. Sponsors are Chilmark taxpayers or immediate family members.

Every rental must be secured by a Chilmark resident or taxpayer who will be the Sponsor and responsible for the event. The Sponsor will sign a commitment to attend the event and pay any balance due for maintenance and custodial expenses above the refundable deposit fee.

Chilmark Community Center - user fees Continued...

The refundable deposit fee will be held until the Building Superintendent completes his after-the-event inspection and notifies Town Hall of appropriate refunds to be made.

Events and Fees:

In reviewing the fee structure, honor the community spirit of the CCC.

Keep the honor system with smaller events.

Raise the fees for larger events and contract a non-town employee to be present for the event (paying for this service from the raised fees).

Regularly revise existing CCC rules and general information each year.

Community or commercial events: continue the policy of no commercial events.

Private, public, Chilmark town or town-related events: fee structures vary.

Certain community events that are free and open to the public may not be charged a fee, at the discretion of the selectmen. Waivers may be requested from the Selectmen.

Fees:

Deposits:

Smaller events require a \$250 cleaning deposit. Larger events require a \$500 cleaning deposit.

All deposits are refundable. The refundable deposit fee will be held until the Building Superintendent completes his after-the-event inspection and notifies Town Hall of appropriate refunds to be made.

Public Events:

Certain community events that are free and open to the public may not be charged a fee, at the discretion of the selectmen.

Fundraisers are at the discretion of the selectmen.

Town and Town-Related Events:

Chilmark School events: no fee, \$250 refundable deposit required.

Memorial Events:

One day and a returnable fee of \$250 required for maintenance and custodial costs. Sponsored.

No further fees.

Private Events:

One day party, anniversaries, retirements, adult birthdays, community events. Sponsored.

\$100 fee, \$250 refundable deposit.

Small group birthday parties for kids (20 or less) with adult supervision. Sponsored.

\$50 with \$250 refundable deposit.

Large non-commercial events charging entrance fees, require a refundable deposit fee of \$500 for maintenance and custodial costs. Sponsored.

Sponsored. \$1500 per day and an additional \$500 per day if additional days are required for set-up and custodial costs.

Weddings:

The CCC is not a wedding venue, it is a community center. It is traditionally available for weddings for Chilmark residents and taxpayers. Weddings are sponsored by Chilmark residents and taxpayers.

- *Chilmark resident/taxpayer*: \$1,000 per day, each additional day \$250 for set-up and take-down

- *General Public*:

Sponsored. \$,2000 per day, each additional day \$500 for set-up and take-down.

Chilmark Community Center - user fees Continued...

Mr. Rossi said he did eliminate some items that were on the draft submitted by our CCCA Committee, none of which were ever voted on. Mr. Rossi said the deleted item was for large events there was a recommendation of \$1,000.00 vs \$1,500.00 and Mr. Rossi chose to make it \$1,500.00 based on the original committees (UTOFC) report.

Chairman Malkin asked Ms. Slater and Mr. Goldman of the UTOFC if they had any comments about what Mr. Rossi has recommended. Ms. Slater said its fine but just do it. Ms. Slater said the building gets heavily used at events and the user of the building should pay in to the cost. With an increase of cost to maintain should come an increase of the fee. Mr. Goldman said he thinks it is good process all the way through.

Nan Doty (Chairman of the CCCAC) said this committee of the CCAC works by consensus but maybe now we will work by a vote, because there was a big difference of opinion about the cost of the larger groups (events).

5 of the 6 people at the CCAC were in favor of \$1,000.00 and under for the large group fee. Ms. Doty asked that it be clear that the committee was very dedicated to the fee being somewhere between \$400.00 to \$800.00 for these events.

Mr. Rossi said he disagreed saying it was 50/50 but can agree there was not a unanimous decision on a fee figure. Ms. Doty said this range to keep lower was to keep it within the grasp of the town's people. Ms. Slater said folks can always come to the Selectmen and ask for their consideration on individual requests.

Chris Murphy said as an occasional user of the Community Center for weddings and funerals I have been going there since it was built. The one event that I go to every year as a citizen is the MV Film Festival event in March. Mr. Murphy said he asked the MVFF what they pay to the town to hold this event at the Community Center. Mr. Murphy said they said they have been paying \$1,600.00. Mr. Murphy said he checked at the town hall about what fees come in to the town from the Community Center 10 months of the year. The figures for the past 4 years were:

\$5,300.00 / \$7,300.00 / \$7,100.00 / \$6,100.00 in other words 1 weekend a year the MVFF is paying about 25% of the revenue the CCC has been generating. Mr. Murphy said to suddenly quadruple the amount that they are being charged seems unfair. Mr. Murphy said this event brings incredible joy to a lot of people in this town. Mr. Bernier said in regard to Mr. Rossi's fee schedule; when you have a wedding it's a onetime event. The Film Festival is a recurring event. We need to take what Chris Murphy is saying and re-evaluate how we are charging fees.

Mr. Bernier asked to look at the schedule from the Film Festival and address the fee accordingly.

Chairman Malkin said during the initial review we have the original deed for the Community Center and it states in that deed the Center is for Chilmark residents. Mr. Wood said the Film Festival puts enormous use on the building during their events. Ms. Armstrong asked what this change would bring to the Film Festival in terms of renting the Center. Brian Ditchfield said it's a 4 day festival at \$1,500.00 per day so \$6,000.00 plus for set up and take down days we have requested they would be \$500.00 per day for 5 days costing \$2,500.00 and totaling \$8,500.00 up from \$1,600.00 for rent and \$800.00 paid for cleaning deposit we have been paying.

Mr. Rossi said the intention isn't to be punitive to any one organization we are just trying to be fair. Linda Thompson said having this increase happen in a single step is hard for people who have already completed their budgets to run an event or for weddings too.

Chilmark Community Center - user fees Continued...

Ms. Thompson recommended these increases be made over a three year period. Ms. Slater said folks who have already submitted their wedding requests and payments prior to the increase would not be expected to pay the increase just requests post fee increase date.

Mr. Ditchfield said the new fee recommendation might not have been intended to be punitive but it does feel punitive as we (The Martha's Vineyard Film Festival) are the only large noncommercial event that happens. Mr. Ditchfield said we love being at the Community Center we have held the events for 17 years and in that time we have put in a huge amount of improvements. We (TMVFF) did the acoustical treatment, the screen, paid for the ventilation system, paid for part of the sign out-front, and purchased chairs twice now. With these acts we have tried to give back to the community the best we can. Ditchfield said in the draft fee schedule there is comparison of venues.

Ditchfield said the MV Performance Center in comparison that has 800 seats and is air-conditioned and heated the cost in March is \$500.00 a day and that comes with a technician and state of the art theater. Ditchfield said we do not want to move to the other venue but wanted to note the fees that were missed by the review.

Ms. Dreyer asked that the recommendation from the Chilmark Community Center Advisory Committee be considered. Tim Carroll read the draft recommendation and that listed a range from \$600.00 to \$1,500.00 per day.

Mr. Doty said referring to the fee structure that Bill Rossi read out; is it in general agreement that we like the fee structure except the large noncommercial events? Mr. Rossi said that was the only thing we disagreed on. Mr. Rossi said he would like to make a proposal; for this year we go to \$800.00 per event day and \$200.00 set up/ clean up fee per day. And for this to increase annually in the next three years we will get to the \$1,500.00. Mr. Doty said with that proposal the film days would cost \$3,200.00 and the setup / cleanup days would cost \$1,000.00 (\$200. Per day) for total of \$4,200.00.

Mr. Bernier said the growth of the MVFF over the 17 years here in Chilmark has been notable, and we all live with that. Mr. Bernier said understand that today it will probably take 30 to 40% of the normal funds to get the organization to break even. Mr. Bernier asked that we get a chance to review the figures with Hillary and Brian to get a good figure to align with the fees. Mr. Bernier said the Film Festival budgets were completed in November for 2019 and asked that the proposed change happen next year.

Monina Von Opel said the MVFF has done so much for the building over the years. Ms. Von Opel supported increasing the security deposit to cover any needs that may happen to building during the use.

Thomas Bena said thank you first of all for your service as Selectmen. Thomas Bena said he felt it (fee schedule) was being punitive to the Film Festival. Mr. Bena said to the elephant in the room he did not have debate skills during the review of the Squibnocket Bridge and feels this is a punishment to his organization for his lack of tact. Thomas Bena said during the review for fee schedule people were asked by Mr. Malkin or Mr. Rossi if Thomas Bena benefits from the use of the Chilmark Community Center we are investigating the usage.

Chilmark Community Center - user fees Continued...

Chairman Malkin stopped Mr. Bena and said during the Squibnocket issue when he and I were on different sides of that issue on various elements, at no time did I raise that issue with anyone. Thomas Bena said perhaps it was Mr. Rossi. Mr. Rossi said he was not on that committee (UTOFC).

Chairman Malkin said the UTOFC reviewed the use of the building years before the Squibnocket project. The two have nothing to do with each other. Mr. Bena said there was proposal from the UTOFC that the town charge a percentage at the gate. At that point David White wrote a letter to the editor and that snuffed that idea out. Mr. Bena explained why he felt the fee was punitive. And ended asking for a reasonable rate of \$600.00 a day for days we show films.

Mr. Doty said we as Selectmen are turning down companies who ask to film in Chilmark and we approve the Martha's Vineyard Film Festival to hold showing a film in Menemsha during the summer, we do support your community events. Mr. Rossi said this process began 7 years ago and percolated and now we have a proposed fee schedule. Mr. Rossi said the cost of running the Community Center over the years has increased exponentially. We want to bring the fees up to offset the cost. Mr. Doty proposed that the fee schedule for 2019 for the Film Festival pay a fee of \$3,000.00 and for 2020 it be \$3,500.00. Chairman Malkin asked how he came to the figure. Mr. Doty said it's an arbitrary number. For clarification Chairman Malkin asked if the recommendation was \$600.00 per day for the Film Festival for 2019. Mr. Doty said yes with the set up days and cleanup days that is a total of \$3,000.00 for this year (4 days figured for set up clean up).

Mr. Rossi said going back to the fee schedule he read out earlier for the large noncommercial events: put to be determined (at this time) so we can vote the proposed fee schedule. Mr. Rossi said he is not compelled to vote the number that was just recommended by Mr. Doty. This Film Festival request can be voted later on this meeting's agenda.

Mr. Rossi moved that the fee schedule read aloud with the change to the Large Event stating TBD. Mr. Doty seconded the motion. Chairman Malkin asked for public discussion. Ms. Dryer asked for clarification on what the non-town employee designated to attend events means. Mr. Rossi said this is a good question. Mr. Rossi said that was a recommendation from Nan Doty and Linda Thompson. That recommended attendee is to make sure all the rules are being adhered to. Mr. Rossi said who gets assigned this will still need to be determined. For instance is alcohol being served with food? And that is not allowed.

Nan Doty asked to speak to clarify some things. Ms. Doty said there was a committee (Utilization of Town Owned Facilities Committee) that she was not aware of the one mentioned that first began 7 years ago and was resurrected for this work. Ms. Doty said the Chilmark Community Center Advisory Committee learned of it in the fall of 2018. Ms. Doty said that is when we requested to see what that work was. Ms. Doty said that is when we put forth our draft. But just so all are clear there are 2 different committees submitting recommendations to the Selectmen.

Chairman Malkin said he did sit on the UTOFC Selectmen appointed committee with Jane Slater and Andy Goldman 7 years ago before he was a Selectmen.

Chilmark Community Center - user fees Continued...

We made a number of recommendations to the Selectmen. The Selectmen chose not to act on them. At the time of the recommendations were heard at the Selectmen's meeting some 6 years ago Mr. Ditchfield said we might have to move to the PAC. Chairman Malkin said this is not punitive you just happen to be the biggest user of the Center.

SO VOTED: 2 Ayes 1 Opposed James Malkin

Mr. Doty asked that the MVFF agenda be discussed at this time

MV Film Festival - 19th annual Fil Festival / Chilmark Community Center dates and fee requests:

Hilary Dryer, Brian Ditchfield and Thomas Bena presented the request. Ms. Dryer said the Festival will be from March 21st -24th. On Thursday night and Friday night we do 1 or 2 movies, Saturday and Sunday are full days. There will be free workshops for kids, free screening for families and live music throughout the weekend. Ms. Dryer said we are requesting the use of the Community Center again this year for the 19th annual MV Film Festival and are appreciative of the approval from the Selectmen for this to be held at the Community Center.

Ms. Armstrong said during the first show of the Film Festival last year there was a terrible snow storm and electricity was lost for days for some Chilmark Residents and the Center was not made available for these citizens as a warming center as we have done so in the past. Ms. Armstrong asked if there would be a contingency plan for an emergency if power is lost during extreme cold weather again. Chairman Malkin asked Tim Carroll (Chilmark Emergency Director) what the plan is. Mr. Carroll said the tenants are displaced during an emergency and people are sheltered. Mr. Carroll said the MV Film Festival did work with us on that event Mr. Carroll said there was just some poor communication. Ms. Dryer said the MV Film Festival opened the building to the public and brought down cots. Mr. Carroll said there where 3 people who needed shelter and we probably would not have opened the Center for just 3 people we would arrange for them to be sheltered with friends or family or possibly move them to a hotel in Vineyard Haven. Mr. Carroll ended with if there is an Emergency; the Community Center is our Emergency Shelter. Ms. Dryer said there was one person who stayed overnight last year during the Film Festival.

Mr. Doty moved to approve the MVFF event use the Community Center for the 2019 Festival and the fees for March 21-March 24 be \$600.00 per day and the additional set up take down days requested be at a rate of \$200.00 per day. Mr. Rossi seconded the motion. Chairman Malkin asked for any discussion. Ms. Dryer asked if the Selectmen would consider the original request the MVFF proposed the same fee schedule as last year of \$400.00 per day of films with cleaning deposit of \$800.00. Chairman Malkin said that is not the motion that is on the table for discussion at this time. **SO VOTED: 3 Ayes**

Short Term Rental - rooms excise Sen. Cyr's memo & DOR information:

Chairman Malkin said for those of you who are interested there is state tax legislation that is rather confusing if you have read it all. Chairman Malkin said the MVC is looking at this and is getting more information. Chairman Malkin said he has questions on how this legislation will apply to Chilmark. Who is going to collect tax? Who is going to pay? Do we as a town need to take action at our Annual Town Meeting? Chairman Malkin said his view is that we should wait but if we need to have a warrant article perhaps we put a place holder in till we have answers.

Short Term Rental - rooms excise - Housing Bank petition- Continued...

Ms. Armstrong said as of now when I rent out our property I would be charging people 5.7% for the state and 4% for the town. Mr. Rossi said yes 9.7%. Mr. Rossi went on to say he believed we would be receiving a petition to add an additional 3% from the Housing Bank.

Makenzie Brookes (of the Housing Bank movement) asked to speak to clear some confusion.

Ms. Brookes said there is an expanded room's tax. For example Menemsha Inn's charging its visitors will expand to include VRBO, We need a Vacation, Air B&B etc.. so that pot of money 4% will be getting a lot bigger. This is all separate from our Housing Bank.

The Housing Bank is in response to a question on the ballots in 2017 formed by housing advocates of: do you agree it's a good idea to have an island-wide Housing Bank. This is to address our island wide year-round housing crisis. Ms. Brooks said the response was overwhelmingly yes. Mr. Rossi said in fairness to the town when you come to the town and try to implement this tax it's for the following year because they (property owners) will be providing leases for July and August that is happening right now. Ms. Brooks said the 3% Community Impact fee is not a tax it is a fee and each and every town has to opt into that. The Housing Bank is not asking anyone to do that. We are (Housing Bank) are talking about the up to 6% local excise. In Chilmark you are already doing 4%. You could opt to do 6% you could opt to do 2% but you don't have to do anything we can just wait here, and the money will start coming. Mr. Rossi said for clarification you (Housing Trust) are looking to get 75% of the rooms' tax. These come from the hotels and inns and now (in the near future) will be coming from short term rentals as well.

Mr. Rossi asked if Ms. Brooks had information on the Water Protection on the cape. Ms. Brooks said she cannot speak to that. Ms. Malkin said she could speak to that issue. There is a Cape Cod Water Protection fund you can opt into that for 2.75% of the total rental. Except Chilmark, West Tisbury and Aquinnah cannot because you have to be eligible and you are only eligible if you have a comprehensive waste water management plan.

Mr. Doty said so we have a 9.7% rooms tax, 5.7% for the state and 4% for the town.

Mr. Doty said he read the proposed Housing Bank Bylaws and they seem very reasonable. The bylaws don't say specifically how the Housing Bank would be funded; it just says it will receive funds from the towns. Ms. Brooks said it could be funded through donations, local excise tax and a few other methods Ms. Brooks wasn't familiar enough with to discuss. Mr. Doty discussed separate articles on the warrant one for approving Housing Bank and another to cover the funding of the Housing Bank.

Ms. Brooks said The Housing Bank would like to present this at the Chilmark Annual Town Meeting as a Home Rule Petition and let the voters at town meeting decide. Andy Goldman said he signed this petition because as a member of the Chilmark Affordable Housing Committee I have always been an advocate for affordable housing. Mr. Goldman said he sees the need for this bank; we need a community resource to deal with the community problem. Mr. Goldman strongly recommended reserving the place holder for this on our ATM. Ms. Malkin said she also thinks the time is perfect for us to put this on the ATM. Mr. Doty said since 2005 when the housing bank was first proposed in legislation this is the first really good document he has seen. Mr. Doty said he could approve this organization (Island Wide Housing Bank) as presented.

Housing Bank petition- Funding Continued...

Mr. Doty moved to support having this establishing an Island Wide Housing Bank on our Annual Town Meeting warrant for April 2019. Mr. Rossi seconded the motion.

Mr. Rossi said as long as the funding part is left out. Chairman Malkin asked for any public comment. Ms. Brooks asked for discussion on an item but that was not pertaining to the motion so Chairman Malkin asked for that to be held at this time. **SO VOTED: 3 Ayes**

Mr. Doty said the second motion is this (showed a petition with missing information) Ms. Brooks said that is an old document she supplied the petition with signatures. Mr. Carroll said they came in today and were not available to him at time of posting agenda links and packet completion.

Mr. Doty said tonight the Chilmark Selectmen aren't ready to support the 3% fee to the room tax excise for funding the Island Wide Housing Bank. The warrant has not yet been set so there is still weeks to go before we set our April Annual Town Meeting Warrant. This could be put on our agenda again for further discussion or you could present it by petition. Ms. Malkin recommended a place holder on the warrant for funding the Housing Bank and the % is left blank and by the time ATM rolls around we should have a lot more answers to our questions.

Mr. Doty read the petition with the required amount of signatures for funding the Housing Bank as certified by the Chilmark Town Clerk today:

"See if the Town will assign 3 % in perpetuity to the Housing Bank" Mr. Carroll read aloud "of the total amount of rent to each occupancy" Mr. Doty said this would include our current tax and also 3% of the new expanded short-term rentals. Mr. Carroll said 75% of the current (4%) collected room tax. There was no further public comment or questions about the issue.

Pacheco - Ross price proposal- two separate buildings for the Fire and Ambulance departments:

Mr. Carroll summarized the proposal from Pacheco-Ross that came in this afternoon that is about the public safety building to replace the fire station and build an ambulance station. Mr. Carroll said looking at the projects it would break the project into two buildings on the two sites (one for each site) you folks requested they come up with a proposal. Mr. Carroll said the bottom-line is \$12,000.00 to \$14,000.00 for the professional services and there is a list of all of the services and fees. Mr. Doty said we need to be well prepared to present purchasing the parcel of land for public safety building (Ambulance facility) at ATM. The latest proposal is to have the Fire station stay where it is located and be rebuilt and have the Ambulance at the 399 Middle Road location. Pacheco- Ross would prepare a site plan to present this to voters at ATM. Mr. Carroll said the funding would have to come from Selectmen's other purchase services.

Mr. Doty asked to recognize Clark Goff, who has done a significant number of drawings of potential buildings in keeping with Chilmark character. Mr. Doty said he would like to see Mr. Goff participate in this process. Chairman Malkin said that would be great.

Mr. Rossi moved to vote the money from the Selectmen's other purchase services account to pay Pacheco - Ross to prepare this for our ATM. Mr. Doty seconded the motion.

SO VOTED: 3 Ayes

Two separate buildings for the Fire and Ambulance department discussion continued...

Mr. Carroll said there is also a place holder for Architectural Services for ATM. Mr. Rossi asked if Mr. Goff would consider being on the committee to design an ambulance barn. Chairman Malkin said you could be the committee. Mr. Carroll recommended Mr. Goff share his design plans and he could share them with the consultant (Pacheco - Ross).

Mr. Rossi said there are certain requirements that need to be met for public safety building but to have a recommendation they can be working from would be an asset for the town.

Menemsha Harbor wiring project -Bid:

Mr. Carroll said we received one bid for the Menemsha Harbor electrical system project. The single bid from Powers Electric price is \$284,724.00. Mr. Carroll said this is within the budgeted amount. Mr. Carroll said pending the review of this carefully tomorrow Mr. Carroll asked the Selectmen to authorize the Town Administrator to execute this contract and move forward with this project to meet the springtime deadline. Chairman Malkin said he wants it to be very clear to Cole Powers that the excavation is on time to permit this and he is responsible for the excavation getting done.

Mr. Doty moved to award the bid to Powers Electric at a cost of \$284,724.00 (which includes the excavation portion of the project) pending the satisfactory review tomorrow. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Mr. Doty asked that one more item come to light here. Mr. Doty said he has been working with Jed Ketch in conjunction with the Board of Health on a warrant for ATM about the ban on pesticides and herbicides. Mr. Doty said it's a complicated item and there is not sufficient time for full discussion tonight but wanted folks to be aware it's coming by petition or by Selectmen's support to address banning pesticides and herbicides. Chairman Malkin said he saw and agrees with Katie Carroll (Chairman of the Board of Health) who had sent a notice to the Selectmen that this will need to be a joint effort as she is not well versed in this field. Mr. Doty said we are almost at three hours and are now out of time and recommended this be on our next meeting agenda. Mr. Carroll assured Mr. Ketch there is a place holder on the ATM warrant for this but the wording will be finalized and Selectmen can support this at their next meeting. Mr. Ketch said the desire is to get this through so we have something that the state will look at.

At 7:55 PM with no further items for discussion Mr. Doty moved to adjourn. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Minutes respectfully submitted by Diana DeBlase. **Approved 02/19/2019**

Document list:

- Draft minutes from Selectmen's 12/18/18 meeting
- Recommendation from TTA Chief to appoint Ms. Booker a permanent fulltime paramedic
- Chilmark Energy Committee recommendation to adopt the Stretch Code in the continuing efforts to achieve Green Community status. For ATM warrant article
- Rossi recommended fee structure for CCC
- CCAC draft recommendations for CCC fee structure.
- Sen Cyr memo about house bill 4841 - expanded rooms tax
- information about the short-term rental room tax from Conference Committee Report Summary
- local tax rates for Cape and Islands districts showing expected revenues with extended room tax on STR
- Draft MV Housing Bank to go to ATM
- 2 draft warrant articles for ATM 1.) to create a housing bank 2.) to fund Housing bank with 75% of rooms tax
- Additional Petition for funding housing bank documentation certified by the Chilmark Town Clerk from 1/8/19 with further information in the blank fields submitted at agenda posting time.
- Transformer dimensions and image provided by Eversource in support of their request.
- Plastic water and soda bottle ban bylaw petition.
- Petition to ban release of lighter than air balloons in Chilmark petition
- Wording for petition to ban herbicides and pesticide use in Chilmark
- Request from the MVFF to hold their 19th annual March Film festival at the Community Center and request for same fees as last year.
- Completed Community Center Application form from the MVFF
- Abutters notice concerning NOI for parcel at Fulling Mill Brook Preserve
- Abutters notice NOV Board of Health for disposal works permit application for parcel at 62 Menemsha Cross Rd
- ComCast notice of TV of programing changes
- Cape Light Compact - Energy Efficiency Report month of October 2018
- Zoning Board decisions from December 2018 and agenda for Jan 23 2019
- Katie Carroll's list of signatures of residence prepared to stop the bus turnaround project
- Katie Carroll's alternative proposal for bus turnaround
- Barbara Armstrong's alternative proposal for bus turnaround
- Documents from Deb Packer about dunes and preservation
- Makenzie Brooke's petition for island wide Housing Bank

