

Selectmen's Meeting Minutes 02/05/19

Chilmark Board of Selectmen February 5, 2019 Meeting Minutes

Present: Chairman James Malkin, Warren Doty, Bill Rossi. Also: Tim Carroll, Police Chief Jonathan Klarèn, Janet Weidner, Rich Osnoss, Cynthia Mitchell, Martina Thornton, Jed Ketch, Joan Malkin, Barbara Armstrong, John Armstrong, Clark Goff, Chris Murphy, Brian Ditchfield, Nan Doty, Deb Packer, Robin Smith, Judith Flanders, Katie Carroll, Linda Coutinho, 3 unidentified people who did not speak. News reporter Landry Harlan, and MVTV videographer.

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

Herbicide home-rule petition for Annual Town Meeting:

Mr. Doty said Jed Ketch and he worked on this and the model that West Tisbury is using is appropriate for Chilmark. Mr. Doty said he would like to recommend the following be submitted as the wording for the Annual Town Meeting. *Mr. Doty read aloud the following:*

To see if the Town will vote to authorize the Board of Selectmen to undertake a petition to be filed with General Court of the Commonwealth of Massachusetts for special legislation to preserve the public health, welfare and safety relative to the protection of groundwater sources of drinking water and watersheds from herbicide infiltration by requiring all governmental agencies and public utilities to undergo review and receive approval from the Town of Chilmark, so that the Town of Chilmark may prescribe, limit or prohibit the application of herbicides and related chemical products to control or eliminate vegetation on lands in the Town of Chilmark that is designated as sole source aquifers for the Town of Chilmark Water Supply or for individual and community or private residential well water supplies or Watersheds.

Discussion ensued. Mr. Doty moved to endorse having this on the ATM warrant. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Dukes County - Island Health Care lease of 2nd floor Center for Living (C4L):

Cynthia Mitchell and Dukes County manager Martina Thornton were present to discuss this with the Selectmen. Ms. Thornton said the County has advertised 3 times in an attempt to fill the second story space of the Center for Living to offset expenses of running the building. Ms. Thornton said the County Advisory Board agreed to state in the latest advertisement that we would be willing to accept bids under the going rate if it was a public benefit; example to a non-profit organization. Ms. Thornton said the County has received no proposals.

Mr. Rossi who is on the County Advisory Board asked Ms. Thornton to speak about the latest meeting that he was unable to attend. Ms. Thornton said that the board supported having the Island Health Care move into the space and authorized her to bring this proposal to each town's Board of Selectmen for their support. Cynthia Mitchell the director of Island Health Care presented the proposal for Chilmark Selectmen.

Ms. Mitchell who is also a West Tisbury Selectman discussed the financial commitment the towns are asked for from the many social services on the island. Ms. Mitchell said part of the funding requirement from the government for the Island Health Care is a comprehensive report every three years. Ms. Mitchell proposes amending the lease for the building to permit Island Health Care to use the 2nd story of the Center for Living Building at no cost for 3 years. Island Health Care would pay for the utilities and supply the \$20,000.00 to \$30,000.00 to furnish the space. During their 3 year lease the Island Health Care would work on a comprehensive report on all of the healthcare and social services that require town financial support.

Chairman Malkin asked County Manager Martina Thornton how long the County has been trying to rent out the 2nd floor of the C4L. Ms. Thornton said for two years.

Ms. Thornton read the proposed amendment for the selectmen to approve. ***The bolded section is the amendment***
the County shall lease excess space within the Building, not needed for operation of the MVSS at fair rental value and apply rents received to reduce the maintenance cost of the Building, and provided further, that the County may, with the approval of its Advisory Board, make such space available for less than fair value, or without monetary consideration, for use by a department, board or committee of the County **or lease the excess space for a less than fair market value, or without monetary consideration, to a not-for-profit organization to provide a public purpose service.** If one of the Towns, is interested to use such excess space, it will require approval by all six Towns' boards of selectmen to have such space be made available to such Town for less than fair market value, or without monetary consideration.

Mr. Doty moved to approve amendment to the agreement as proposed by Ms. Thornton tonight. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

June Manning and Marshall Carroll arrived

Menemsha Bus Turnaround alternative ideas:

Chairman Malkin said we asked for and received 3 alternative proposals for bus turnaround in Menemsha. We have written and gotten a response from the VTA. We submitted the three proposals to William Brewster a licensed traffic engineer who was hired by the Chilmark Planning Board for the traffic planning in Menemsha. We have a review of proposals submitted to town from Mr. Brewster and the letter of response from Angie Grant of the Vineyard Transit Authority.

Mr. Rossi and Mr. Doty recommended opening up public comment at this time. Ms. Armstrong said the plan that was approved removed 7 parking spots. Ms. Armstrong also asked if an engineer can look at the proposal to make sure there is enough of a radius to make the turn. Chairman Malkin responded; yes. Chairman Malkin asked for Ms. Carroll to speak. Ms. Carroll said at the last Selectmen's meeting you asked if it would be agreeable for Mr. Brewster to reach out to the folks who submitted plans. Ms. Carroll said she was supportive of that but had not received any contact from Mr. Brewster to date.

Mr. Doty said for this coming summer we want to reconfigure the Menemsha parking lot to eliminate some parking spaces and allow a greater area for the bus to move in. Mr. Doty said we would still use the pickup / drop-off location by the Comfort Station.

Janet Weidner said she supports doing something prior to this summer for the bus turnaround. Having an engineer figure what is needed for the bus to turn safely in the parking lot.

Ms. Weidner said we need to make sure we have an evaluation at the end of this summer season. Ms. Weidner recommended setting up what we want before the summer with the Chilmark Police department and the VTA. And collect the data that would be reviewed in the fall.

Robin Smith said Marshall and Katie (at Menemsha Texaco) would be good data collectors too as they are there all the time.

Mr. Rossi said it should really be the parking police that collect the data. Ms. Carroll said it should be a collaboration of the people that work down there (in Menemsha).

Mr. Doty said the VTA response to our request for smaller busses was reasonable with the explanation that the VTA does not use the 35 and 40 foot buses ever in Menemsha. The 30 and 25 foot buses are used in Menemsha. The 30 foot bus has 20 seats and can accommodate 10 people standing (for total of 30 passengers). The 24 foot bus has 12 seats and can accommodate 4 standing (total 16 passengers).

Chairman Malkin outlined the next steps to take:

- Have an engineer draft shifting the center parking lot configuration to the south and to the west
- Eliminate parking spaces (six to eight) pending on what engineer says we need to accommodate the bus to turn around safely.
- Have Mr. Brewster talk with Katie Carroll.

Chilmark Community Center - continued discussion of large non-profit event fee

Chairman Malkin welcomed Brian Ditchfield from the Martha's Vineyard Film Festival for this discussion. Mr. Rossi said he met with Mr. Ditchfield this morning and believes they have come to an agreement of what can work. Mr. Rossi said for this year we agreed to \$600.00 per event day with setup and cleanup days each costing \$200.00 each day Mr. Rossi proposed that for 2020 the event day fee would go to \$700.00 and in 2021 it would go to \$900.00 (per event day) and in 2022 it would go to \$1,000.00 where it would be capped. Mr. Rossi said this would be a decrease from the \$1,500.00 that was originally recommended. Mr. Rossi recommended revisiting this in five years.

Mr. Doty said the \$1,000.00 is higher than he would have recommended. Nan Doty said as we are working this, that we are aiming towards a policy.

Mr. Doty recommended having 5 criteria that aid in assessing whether an event rental fee will be waived. Mr. Rossi said he would work with Ms. Doty on that.

Mr. Murphy said seeing in the newspaper that the Yard essentially got to use the Community Center for free was hard to reconcile with the fee to the Film Festival having a huge increase; both are Chilmark based small nonprofits. Mr. Murphy urged to not approve the fee schedule that Mr. Rossi is proposing and recommended staying at \$600.00 or going back to \$400.00.

Chairman Malkin said we do need some sort of policy; it is difficult when people come to a meeting to ask for fee reductions or waivers.

Mr. Doty said one criterion we have used for many years is if the event is open to the public and is free we waive the fee.

Mr. Rossi moved that for non-profits charging an entry fee /large event the rental schedule is that for 2020 the event day fee would go to \$700.00 and in 2021 it would go to \$900.00 (per event day) and in 2022 it would go to \$1,000.00 where it would be capped. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes__**

Planning Board -Pool bylaw changes:

Mr. Carroll said the proposed pool bylaw changes were sent to our legal counsel and they may need more time to review as there is a pending case court case in Massachusetts. The guidance from the Attorney General's office is that if the town chooses to exceed the building code regulations it does so at its own peril. Mr. Carroll said it has been submitted to be included in our Annual Town Warrant.

Ms. Weidner said the Planning Board approves this pool zoning bylaw and pending the legal counsel review and recommendations might be back with revisions prior to the Annual Town Meeting.

Deb Packer - Menemsha Market:

Ms. Packer reflected on the wonderful times with Conrad Newman on Menemsha Market porch and asked for a moment of silence to remember him as he has just recently passed.

There was a moment of silence

Ms. Packer thanked the community of emergency responders and caring citizens who responded to the fire at Menemsha Market. During a storm on January 24, 2019 the electrical powerline was downed and continually hit the south west side of the market and the building caught on fire. Thankfully the tri-town responding firefighters were able to keep the market from burning to the ground. Ms. Packer apologized to the community and summer visitors saying that since the market was built in 1924 this will be the first time the market will not be open for the summer season.

Selectmen thanked Ms. Packer for continued stewardship of the Menemsha Market and said they were very thankful no one was hurt.

Mr. Carroll said on this topic he will be preparing letters of gratitude to the West Tisbury and Aquinnah emergency responders for the Selectmen to sign.

John Mahedy - Request relief from Mooring Permit deadline:

Mr. Rossi said traditionally he would receive his application renewal by mid-November and he would have the application and payment in by the January 15 deadline. Mr. Rossi said this year he received his application just before Christmas.

Mr. Rossi said we should be lenient with the deadline this year due to the change in administrative help at the harbor department.

Chairman Malkin said we did not run a highly effective operation this winter and agreed with Mr. Rossi about being lenient.

Mr. Rossi moved to offer Mr. Mahedy an opportunity to get his application and payment in by February 15, 2019. Mr. Carroll said he believed the harbor department received Mr. Mahedy's paperwork and payment already. Chairman Malkin said then we accept it. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes__**

Regional Emergency Communication Center - Governance Agreement as prerequisite for town funding:

Mr. Carroll said he has communicated with other (MV) town administrators; West Tisbury and Edgartown say they are looking at amending their ATM warrant article to include a governance requirement. Mr. Carroll said the Sheriff agreed with that inclusion last night. Mr. Carroll said this is just to update you about what has happened recently.

Chairman Malkin said in terms of the governance group for the sheriff department it must have teeth. Mr. Carroll recommended it comprise of representatives for each town that uses the services and meet once a month. Chairman Malkin said there will be discussion on what the formula will be.

Mr. Doty asked for Police Chief Klarèn to comment about our 911 system. Chief Klarèn said in his opinion the system is not in crisis mode but it is time for improvements and upgrades.

Mr. Doty said from the Tri Town Ambulance view (Mr. Doty is Chilmark Selectmen representative on the Tri Town Ambulance Committee) the last 20 calls have come through with no difficulties with communications.

Chairman Malkin said at a meeting last night with our Finance Committee and the Sheriff the Sheriff used the words antiquated, failure and crisis to describe our communication system.

Chairman Malkin said the proposed new system that was discussed the Sheriff said in addition to it being new equipment it enables communication for people inside a situation to communicate to people outside a situation. Apparently at this time we do not have this capability according to the Sheriff. A fireman is in a burning building, Fire Chief tells them to get out he has no way of telling the person (firefighter) to get out. Chief Klarèn said this is a question for the Fire Chief. Mr. Carroll (Assistant Fire Chief as well as Town Administrator) said he did not believe that was the case; our radios work. Mr. Carroll said he thought the

Sheriff was referring to an incident in Oak Bluffs where 2 different towns responded down by the lagoon and responders were out of contact from the command center.

Mr. Carroll said one thing we cannot do is have a Chilmark police officer talk on radio directly to an Edgartown police officer. They have always talked through the Com. Center.

June Manning said last month there was a failure of the 911 system in the Commonwealth, Martha's Vineyard was not affected and our system worked very well.

Mr. Doty said he is in favor of updating the Communication System, that it is important to all of us. Mr. Doty said for tonight we recommend we need a governance agreement and then we will see if we vote yes or not. Chairman Malkin agreed, and said the governance should have teeth.

Project Updates:

Mr. Carroll gave some information on the ongoing projects:

- 4 North Ridge Road property has received the National Heritage approval. We are now waiting for the soil reports to come back.
- The ConCom hearing is tomorrow for the Basin Road pedestrian walkway.
- Tonight we received the stop sign layout materials that we can communicate to the MV Commission so they can start working on it.
- The contractor signed the contract for the Menemsha wiring project. The schedule of values and request for payment arrived today.

Mr. Doty asked when this can begin. Mr. Carroll said as soon as we give him the mobilization money and he buys the equipment. Mr. Carroll said the contractor said he would have the project completed by the April 15, 2019 deadline. Mr. Doty moved to authorize Chairman Malkin to sign the contract after he has reviewed and approves the content. Mr. Rossi seconded the motion.

SO VOTED: 3 Ayes

Mr. Carroll said the Selectmen were invited to participate in Mayors for Meals happening in March.

Chairman Malkin asked if there were any more items for the regular meeting prior to moving into Executive session.

Fire - Ethic disclosure regarding first aid training - Ganapol:

Mr. Carroll said we have a disclosure form listing Alan Ganapol to be training our Fire Department for first aid training and being paid; he is also an employee of Tri Town Ambulance.

Mr. Doty moved to approve Mr. Ganapol disclosure. Mr. Rossi seconded the motion.

Chairman Malkin asked if there was any conflict with Mr. Ganapol teaching. Mr. Doty said the person who offered to do this class is already employed by the town as a Tri Town Ambulance paramedic. Chairman Malkin said he thought that the Tri Town Ambulance was going to offer this for free. Chairman Malkin said it might have been Zeek (prior Ambulance Chief Paul Wilkins) prior to Ben Retmier who said they would train the community in first aid as needed for no additional cost. Discussion ensued. Mr. Doty said he would look into this. NO action was taken at this time.

Mr. Carroll distributed draft of warrant articles for Selectmen to review and asked that they let him know if anything was missing.

At 6:8 PM Chairman Malkin asked to move into Executive Session to discuss labor negotiation and not to return to regular session. Roll Call:

James Malkin: Aye, Warren Doty: Aye, Bill Rossi: Aye. Also present: Tim Carroll, Jonathan Klarèn.

Minutes respectfully submitted by Diana DeBlase. **Approved 03/19/2019**

Document list:

- Draft Minutes from Selectmen's 1/8/19 & 1/22/19 meetings
- Wording for the Herbicide home rule petition or warrant article
- Wording for amendment to County run building 2nd floor lease C4L is in first floor
- Brewster Architects review of alternate turnaround plans
- Response letter from Vineyard Transit Authority about smaller buses for Menemsha
- Planning Board proposed zoning bylaw amendment to pool regulations.
- Line by line amendments to 2017 Chilmark Regulations Accessory Uses section 4.2A

- Note from Ms. Packer requesting to discuss Menemsha Market
- Request from Mr. Mahedy to renew 2019 mooring permit
- Ms. Carroll notes about bus turnaround.
- Mr. Ganapol's ethic disclosure
- Tennis building update from Chilmark Town Affairs
- Cape Light Compact Energy Efficiency Report
- ComCast customer complaint data
- Town Clerk voter total sheet 02/01/19