

Selectmen's Meeting Minutes 03/19/19

Chilmark Board of Selectmen March 19, 2019 Meeting Minutes

Present: Chairman Malkin, Warren Doty, Bill Rossi, Tim Carroll, Barbara Armstrong, John Armstrong, Jennie Greene, Jane Slater, Chuck Hodgkinson, Wayne Iacono, Ryan Rossi, Deb Packer, Howard Grimm, Police Chief Jonathan Klarèn, Fire Chief David Norton, Judith Flanders, News reporters from Vineyard Gazette and MV Times, Videographer from MVTv.

Chairman Malkin asked for a moment of silence prior to the meeting to remember Seth and Joanna Wakeman, They were important members of our community. Chairman Malkin said there is a funeral service in Edgartown tomorrow with a graveside service at the Abel's Hill Cemetery and a gathering at the Chilmark Community Church to follow.

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

Minutes:

Draft minutes from Selectmen's February 5, 2019 meeting were reviewed, corrections were made. Mr. Doty moved to approve minutes as corrected. Mr. Rossi seconded the motion.

SO VOTED: 3 Ayes

Draft minutes from Selectmen's February 19, 2019 meeting were reviewed, corrections were made. Mr. Doty moved to approve minutes as corrected. Mr. Rossi seconded the motion.

SO VOTED: 3 Ayes

Beach Bus Turnaround:

Chairman Malkin referred to the minutes just approved stating we had a schematic drawing done on the proposal sent from Barbara Armstrong for the bus turnaround. Chairman Malkin reported that Mr. Brewster (traffic planning engineer) still had yet to communicate with Ms. Carroll per her request about her recommendation. Chairman Malkin said he was prepared to send this schematic drawing along to the Chilmark Planning Board Subcommittee to review. If Subcommittee approves we will move forward with that plan. Selectmen were in agreement on this outline to accomplish the bus turnaround.

Mr. Carroll said there would be 8 - 10 less parking spaces in Menemsha with this plan.

Menemsha Harbor - Electrical project:

Chairman Malkin said folks may have noticed the asphalt in Menemsha along the docks is being torn up. *Chairman Malkin listed the progress and expectations on the electrical project.*

- The aluminum enclosure is being ordered
- The asphalt has been cleared away to the fuel station
- The asphalt will be cleared away to the harbor shack
- Meeting 3/22/19 to layout all of the work to be done here on in
- 3/25/19 the concrete boxes will be laid
- Conduits will be installed
- Backfilled and compacted Monday 3/25/19
- Middle of next week the forms for the concrete foundation by the harbor shack established
- They will hand trowel in front of the fuel station

North Road & Basin Road - Stop Signs & Crosswalk:

Mr. Carroll said we met with the engineer and traffic planners who were told this project needs priority to complete it before Memorial Day weekend. Mr. Carroll said we will probably have extra signage at the top of the hill warning of a stop for a while.

Mr. Carroll mentioned using battery operated orange blinking lights for a while in addition to the signage. Mr. Doty said only a few weeks at the most for the blinking light, people don't want to see a blinking light.

North Road - Painted sidewalk along Homeport parking lot:

Mr. Carroll said it's been mentioned a number of times that we would paint a pedestrian path from Eddy's Island Way up to the intersection of Basin and North Rd, but it has never been voted. Mr. Carroll said he has brought this back to Selectmen to vote so we can move forward. Mr. Doty and Mr. Rossi did not think that this was necessary to do. Discussion ensued, Selectmen decided to pass on this project.

New Harbor Master compensation:

Chairman Malkin gave a summary of the process. Chairman Malkin said this was discussed prior to advertising the job with our Human Resources Board chairman Jenny Greene and he budgeted a place marker for the salary to be at step 5, grade 10. Chairman Malkin said they then went out to the interview committee. Chairman Malkin said he and Ms. Greene are aware that this process is outside of our procedures' manual that calls for people to start between steps 1-3. Chairman Malkin said during the process we hired a highly qualified person in Ryan Rossi. Chairman Malkin said in our discussions that we had with him after we moved to offer him the position and negotiate pay rate. Chairman Malkin said we had discussions (Chairman Malkin) with Ms. Greene Mr. (Ryan) Rossi and Chuck Hodgkinson our employee representative. Chairman Malkin said it became clear to get Ryan Rossi to come to work for us we are talking Grade 10 step 5 for the compensation package.

Chairman Malkin said given this issue we have received a letter from the chair of the Human Resources Board recommending that we hire him at grade 10, step 5. Chairman Malkin said although it is our procedure and normal process to start people between 1 and 3 (step), given the fact that the Harbor Master in his opinion is the most controversial public position in our town. This public safety position has tremendous impact with and works with: commercial fishermen, our residents, transient boaters. Harbor Master is involved with in the past 2 years; saving vessels that are sinking, getting people off burning vessels. This is a very public and very important position in the town. Chairman Malkin said we have 2 options as appointing authorities we:

- Agree to start Ryan Rossi at grade 10, step 5
- Make this a contracted position

Mr. Doty motioned to start Ryan Rossi at grade 10, step 5. Mr. Rossi recued himself as Ryan is his nephew. Chairman Malkin seconded the motion. **SO VOTED: 2 Ayes, 1 Abstain**

Harbor seasonal staff hiring process:

Chairman Malkin said he met with Ryan and Dennis Jason our Harbor Master. The harbor department is advertising today for 2 seasonal Assistant Harbor Master positions and 2 seasonal Assistant Wharfinger positions.

Chairman Malkin said Mr. Jason and Ryan Rossi are working on a projects list for them to work on this spring during the overlap / transition prior to Dennis Jason's retirement at end of June. Mr. Doty asked what the process will be for hiring the Assistant Harbormaster. Chairman Malkin said we are advertising and Ryan and he (Malkin) will interview the applicants and we will make a recommendation to the Selectmen for the Assistant Harbor Masters and Assistant Wharfingers.

Mr. Doty recommended a member of the Human Resources Board be part of the process for the Assistant Harbormaster positions not necessarily for the Assistant Wharfinger positions.

New Harbor Boat commissioning - tasks and costs:

Chairman Malkin said we are in the process of getting a new harbor boat that is well underway (new build for the harbor). There are additional items that are needed to finish the boat. Chairman Malkin said Ryan has been working with Spider (Edward) Andresen who did the negotiating for the town on the purchase price for this new boat. The list price for this boat is \$82,000.00 and Spider secured it for about half the listing price. There will need to be additional equipment added to the new boat and Ryan has a list of the items and the costs. Chairman Malkin said the additional items will come from the harbor budget expense line.

Ryan Rossi said he has been working closely with Spider on this and they have a final quote from Chislett's Boating & Design who are presently building this boat. Ryan said we have a number of items on the list that make the vessel comply with USCG requirements and operational needs of the harbor department. Ryan said this estimated figure includes the installation.

Mr. Doty asked when Ryan figures this boat will be in service in Chilmark waters.

Ryan said that depends but we would like this boat here in service before the start of our busy season. Ryan said May is the month we are shooting for. Chairman Malkin said we need to seek quotes from other establishments for this list of equipment prior to start of installation. Mr. Doty asked for the status of the current harbor boat. Chairman Malkin said we have declared it surplus and would have waited to sell it in May but Spider (Andresen) believes he has a buyer at an appropriate price. Mr. Carroll said we need to advertise the sale of the boat and receive sealed bids. Chairman Malkin said Tim Carroll will be in charge of that. Mr. Doty asked when the starting date will be for Ryan Rossi. Chairman Malkin said April 1, 2019. Selectmen thanked Ryan for his input.

4 Ridge Hill Road property - update:

Bill Rossi said we received the soil report back from Vineyard Land Surveying and the lot should reasonably support a 6 bedroom septic system. Mr. Rossi said this is good information for a buyer to have. There was discussion to find out if there is already a well on the property. Mr. Rossi said if there is not one we (the town) should have one installed because no one would buy it without it. Mr. Doty said we are selling this property ourselves with Mr. Carroll's expertise. Mr. Rossi said a well cost anywhere from \$5,000.00 to \$15,000.00. Mr. Carroll said we will need to find the funds for that as we don't have it allocated.

Squibnocket Beach- exposed utility conduit:

Chairman Malkin said with the erosion from some winter storms there is an exposed conduit and wires. Chairman Malkin said he directed Mr. Carroll to get Mr. Emin (Highway Superintendent) to contact Eversource to cut the wire and conduit. Mr. Doty said

these wires and conduit are exposed on the beach by the ocean. Chuck Hodgkinson recommended this be cut flush where it is now exposed. Mr. Hodgkinson said this may need to be done repetitively as we cannot excavate in that area.

All Island Selectmen's Meeting - MV Regional High School feasibility study 03/21/2019:

Mr. Doty said this starts at 7:00 PM. Chairman Malkin said he thinks it is a discussion about using E & D funds and the track issues. Mr. Hodgkinson said the meeting will also include discussion on the architectural design for the high school. Mr. Doty said our congressman is coming to the Hebrew Center on the same day for a "Town Hall" at 5:30 PM. Mr. Doty said he would go to the All Island Selectmen's meeting and to the meeting with the Congressman.

Vanderhoop Chapter 91 permit - deadline to appeal March 21, 2019:

Chairman Malkin said we have received the notice from the DEP (Department of Environmental Protection) of the issuance of the permit to Mr. Vanderhoop. Chairman Malkin said the permit stated the public must have access on the property. The DEP stated in its notice that the pilings will stay in place. Chairman Malkin said there is specific language that the DEP sent that would trigger reconsideration of the piles to be removed. Mr. Hodgkinson said they stated it would need to be deemed a substantial hazard to navigation. Chairman Malkin said the DEP has approved this permit with conditions.

Mr. Doty said we can assert that there will be no mooring outside of the pilings (ones in Chilmark waters). Mr. Doty said the second boat that they have been mooring has caused considerable crowding and is a hazard to navigation in that area. Mr. Grimm said he spoke with Harbor Master Jason about the boat (Sana belle) that you are referring to and the Harbor Master spoke to owner of that boat and Mr. Vanderhoop numerous times and they have not changed how they are operating there. Mr. Doty said this is something we want to address and enforce; they keep the pilings but no boat will be on the outside of them. Chairman Malkin said that no boats shall be affixed to the outside of the pilings in Chilmark waters. Mr. Hodgkinson recommended writing that to the DEP by the March 21, 2019 deadline. Chairman Malkin recommended the following:

- Sending a response to the DEP and copying Mr. Vanderhoop stating we have received this notice of permit approval and the noted conditions and our response is that no vessels shall be affixed to the pilings on the outside (North) in Chilmark waters as that becomes a substantial hazard to navigation.

Mr. Carroll was directed to send this letter. Mr. Doty moved this action to be taken. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Bill Rossi recommended getting legal opinion. Mr. Carroll said we have gotten some already. Chairman Malkin said one of the responses from legal counsel is we cannot remove them (the pilings). Mr. Carroll said vessels fall under the authority of the Harbor Master. Chairman Malkin said the lessee (Mr. Vanderhoop) is the Aquinnah Harbor Master.

MV Boys & Girls Club - MS Cycle fundraiser - road permit request:

Mr. Doty said we have approved this event in the past; it's a terrific event and moved to approve this request. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

MC Community Services - CCC fee waiver request for staff training day:

Mr. Rossi said this event is not charging a fee and is for training the Community Services staff. Mr. Rossi said this is a reasonable request. Mr. Carroll said the Selectmen have given permission to the Woman's Symposium organizers to set up for their event the day before, which is the day the Community Services has requested. Mr. Doty recommended that Community Services work with the Women's Symposium on that matter. The Community Services training is 4/26/19 to run from 8:00 AM till 4:00 PM.

Mr. Doty moved to approve the request to waive the rental fee (cleaning deposit still mandatory). Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Advertising for Seasonal Positions:

Mr. Carroll said we have advertised for the Seasonal Positions we usually advertise for. Mr. Carroll said this is on our website and on the Vineyard Gazette website and will be published in the paper Friday. Mr. Doty said we are looking for Beach Guards, Lifeguards, Assistant Harbor Masters and Assistant Wharfingers. Chief Klarèn said he is looking for specials and one possibly two traffic officers. Mr. Carroll said Chief Klarèn has already received an application due to the on line job posting of Seasonal employment.

CCC - HVAC permission to obtain CTAC funds and proceed to order equipment therewith:

Mr. Carroll said the Chilmark Community Center Advisory Committee had been discussing the HVAC for the Center. Mr. Carroll said we have a warrant article for \$60,000.00. CTAC (Chilmark Town Advisory Committee AKA Summer Program) is giving us \$30,000.00 and we will get another \$20,000.00 from Cape Light Compact. Mr. Doty moved to authorize moving ahead with this project utilizing funds from CTAC prior to ATM. Mr. Carroll said we could request bids with contingency that at ATM warrant passes if it doesn't we still have \$35,000.00 in the joint maintenance account for the CCC. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

ATM Warrant - MVRHSD article, WT School article, FD reduction:

Mr. Carroll said in February the School notified us we had left off the WT school article (roof repairs), the FinCom recognized that and we added it back in. The fire department article from a prior fiscal year was a few hundred dollars higher than needed so it reduced it. Mr. Carroll said the MVRHS article was a problem for the other towns as two of the towns were going to borrow for that but under the regionalization agreement they lacked the statutory requirement for borrowing for that purpose as it is a regional district not a town district. Mr. Carroll said the school sought legal counsel and discovered the E & D appropriations had changes to it. The school has returned to the towns with a reduced number from (for Chilmark's portion) \$60,000 down to approximately \$40,000. There has also been a change to the article at the end stating if all six towns approve.

Mr. Doty said so this is an explanation to changes needed to be made to the Annual Town Meeting Warrant and you are requesting the Selectmen approve these changes with a vote tonight.

Chuck Hodgkinson (who is also on the West Tisbury FinCom) talked about the MVRHS school articles to help clarify the changes.

Mr. Doty moved to approved the wording and content change to the articles that Mr. Carroll presented tonight. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

50th Anniversary of Municipal Clerks:

Mr. Carroll said they are asking that the Selectmen recognize the municipal Clerk for all of the work that they do. Chairman Malkin said he is very happy to thank as he does virtually every week our Town Clerk. Mr. Doty moved to approve the proclamation before them tonight. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Chapter 90 Bond Funds available:

Mr. Carroll said we received a notice from the State that we will be getting an additional \$64,551.00 once legislature makes final approval. Mr. Carroll said the funds will most likely not be available for our spring paving project, but afterwards.

Municipal Vulnerable Preparedness planning action:

Mr. Carroll said he was asked to keep on top of funds that might be available for our community. Mr. Carroll said this latest came in on Friday from the Executive Office of Energy and Environmental Affairs:

Projects that propose nature-based solutions or strategies that rely on green infrastructure or conservation and enhancement of natural systems are preferred. Applicants can request up to \$2,000,000 in funding (regional proposals may request up to \$5,000,000), and a 25 percent match of the total project cost is required.

Mr. Carroll said there are two grants: one is a planning grant and the other is an action grant. There is also a document that lists eligibility criteria for MVP funds. Mr. Carroll asked for Selectmen to read through the materials and let him know what they would like him to do because the deadline is not far off. Chairman Malkin said a grant to study what has been done in an area like Menemsha given the ocean/sea level rise. Selectmen directed Mr. Carroll to seek funds for what Chairman Malkin stated. Mr. Carroll clarified that they would like to apply for the Planning Grant. Mr. Doty said in the Town of Chilmark our only fuel/ gas station is located in a vulnerable location with sea-level rise. Mr. Doty said he would volunteer to be on the committee to seek planning funds.

MIIA Rewards & Discounts:

Mr. Carroll said we received about \$37,000.00 in discounts and rewards this year with MIIA __ (the town insurer).

Mr. Carroll said in training in the past we have received deductions/credits of up to \$5,000.00 and \$8,000.00 once.

Mr. Carroll reported we have not participated in deductible training this year. Mr. Carroll said next year we will not see the full \$37,000.00 because of this. Mr. Carroll said we should encourage departments and committees to attend training and also document it.

Housing Committee - land use restriction violations at MLR Community Housing:

Chairman Malkin said we have received a memo from the Housing Committee about violations in our community housing lots at our Middle Line Road property. Chairman Malkin said this notice is too general without clear specification of violations. Mr. Carroll said he spoke with the department and got information about what the violations are. Mr. Carroll recommended a general letter to the 6 housing lot residents saying that the town will be conducting an annual inspection between now and April 15, 2019. Mr. Carroll said anything that comes to light during the inspections we will expect to be corrected. Mr. Carroll said he would get together with Lenny Jason to do a walk through with a checklist. Mr. Rossi recommended writing down the infractions that exist on some of the properties. Mr. Carroll said he would report back to the Selectmen after the initial inspections. Chairman Malkin recommended Mr. Carroll return with the inspection results at the second Selectmen's meeting in April.

Democratic Town Committee (DTC):

Chairman Malkin said we have an invitation from the DTC to have a member of the Chilmark Selectmen speak at their meeting April 7, 2019. Selectmen took no action at this time.

DEP Estuary Report on Chilmark Pond BOS 4/2/19 Meeting:

Mr. Carroll said the DEP will be at the next Selectmen's meeting April 2, 2019 with a presentation/report on the Chilmark Pond - Mass Estuaries Project. Mr. Doty said Mr. Hodgkinson has been active with a number of private individuals of Chilmark Pond about buying a dredge and doing more dredge management of the pond. Mr. Doty requested that Mr. Hodgkinson be at the meeting on April 2, 2019. Chairman Malkin said Mr. Hodgkinson is meeting with the DEP the Friday before our April 2nd meeting and will inform us of information prior to April 2nd.

Chilmark Children - Action for the Planet:

Mr. Carroll said the Chilmark School children marched (on this past Friday) to town hall to request that we act now to save our planet. *There were photos from the event available for Selectmen.* Selectmen said they were sorry to have missed it but were happy to have some photos.

Public Safety Building Update:

Mr. Doty said we have been in contact with Pacheco Ross architectural engineers and we have a new / revised plan with changes that were recommended. Mr. Carroll said this revision was received about an hour ago. Mr. Doty said we are actively working to finalize a site plan that we will be presenting to the voters at our Annual Town Meeting.

Discussion turned to having public open houses on the coming Sundays prior to Town Meeting for Chilmark voters to see the proposed site layout and meet with the public safety personnel.

Selectmen will also be involved with the open house meetings, and attend the Fire Department meeting April 1, 2019. Mr. Doty stressed that the area in front of Town Hall facing Beetlebung corner remain unchanged with grass and trees and war memorial.

At 6:12 PM with no further items for discussion Mr. Rossi moved to adjourn. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Minutes respectfully submitted by Diana DeBlase. **Approved 04/02/2019**

Document list:

- Draft minutes from Selectmen's 2/5/19 7 2/19/19 meetings
- Email from HRB Chairman Greene to Selectmen Chairman regarding Ryan Rossi grade and step recommendation as new Harbor Master.
- 4 North Ridge Rd. soil report data from Vineyard Land Surveying.
- GIS view of 4 North Ridge property where soil test were taken.
- Invitation from Superintendent of Schools for MVRHS feasibility study meeting 3/21/19
- Email notice of correction to 3/21/19 MVRHS feasibility study meeting
- Notice of license issuance to Mr. Vanderhoop from Mass. DEP
- Request from MV Boys & Girls Club for a road use permit for MS cycle fundraiser
- MV B&G Club cycle fundraiser plan
- MV Community Services application for 1 day staff training at CCC with request to wave rental fee.
- Municipal Clerk 50 anniversary proclamation
- Notice from Mass DOT additional Chapter 90 funds
- Action Grant notice from Office of Energy and Environment Affairs
- MVP Planning Grant eligibility criteria from Mass.gov
- MVP Action Grant eligibility criteria from Mass.gov
- Notice from MIIA (insurer) of mid-year adjustments with participation credits totaling \$37,000.00 for Chilmark
- Notice from Chilmark Housing Committee concerning lease violations at the MLR Community Housing.
- CDTC invitation
- ComCast annual notice for TV
- Xfinity 2018 licensing fee payment to Chilmark
- Photo of Chilmark School children for action for the planet day at town hall
- Notice from EPA for public comment on Deepwater Wind application for windfarm
- DEP Chilmark Pond report on total nitrogen
- Letter from Chilmark Selectmen to tribe requesting information about the casino for our public safety budget planning preparations.