

Selectmen's Meeting Minutes 04/02/19

Chilmark Board of Selectmen April 2, 2019 Meeting Minutes

Present: Chairman James Malkin, Warren Doty, Bill Rossi, Tim Carroll, Jennifer Christy, Marina Lent, Jan Buhrman, Rebekah Thompson, Candy Shweder, Janet Weidner, Catherine Thompson, Jeremy Scott Wood, Julie Jaffe, Joan Malkin, Howard Grimm, Suellen Lazarus, Police Chief Klarèn, Bill Eddy, Ryan Rossi, Clark Goff, Matt D' Andrea, Richie Smith, Rob Lionette, Patty Kellogg, Barbara Kickham, Brian Dudley, Kris O'Brien, Jeremy Bradshaw, Fire Chief Norton, Gary Robertson, Nan Doty, Molly Doyle, Adam Turner, Wendy Weldon, Terry Donahue, news reporter Landry Harlan, MVTV videographer Lynn Christoffers.

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

Chairman Malkin announced that prior to going into our regular scheduled agenda we will take the time now to have our Town Clerk Jennifer Christy swear in our new Harbor Master Ryan Rossi. Ryan Daniel Rossi stood with Town Clerk Christy and was sworn in. *Applause*

DEP Public Hearing - Mass. Estuaries Chilmark Pond report:

At 5:02 Chairman Malkin opened the public hearing.

Barbara Kickham of the DEP Worcester office gave a background report on the Massachusetts Estuaries Project. This presentation is about the total maximum daily load (of nitrogen) in Chilmark Pond and report on water quality. Ms. Kickham said after this public hearing / report they will take questions and receive comments for the next 30 days.

The Mass Estuaries Project has collected data and evaluated 70 embayments over the past 19 years. The purpose of the project was to develop a threshold analysis that would determine what the estuary could handle as far as the nitrogen load and still host a healthy habitat.

- Years that data was collected 2003 - 2012.
- Chilmark Pond had 5 sentinel stations and the average was used for data.
- Goal of reduction in algae blooms and return of eel grass
- TMDL = pollutant budget

EPA requires assessing each body of water to determine if it achieves quality water standards. If a body of water doesn't meet the water quality standard it is put on the impaired water body list and we are required to do a Total Maximum Daily Load analysis and that is the case for Chilmark Pond.

Patti Kellogg and of the DEP South East regional office gave the report on the Chilmark Pond Embayment System.

There is limited tidal exchange the circulation that does exist is primarily by wind.

Load totals were illustrated; 46 % agriculture 41% waste water and 13% turf fertilizer in Chilmark Pond. The Total Maximum Daily Load (TMDL) for Chilmark Pond is 18.71 kilograms of nitrogen per day. Ms. Kellogg reported to achieve the TMDL Chilmark Pond will need to reduce the levels by 16.4%.

The reduction recommendation has the Chilmark Pond breached / opened to the ocean 3 times a year. A successful spring breach that remains open for 8 consecutive days. Septic system loads could be reduced by 36% to achieve the necessary level of TMDL. Ms. Kellogg listed Conventional approaches at achieving the target nitrogen threshold:

- Sewering / denitrifying systems
- Stormwater controls
- Fertilizer use reduction bylaws

Non- Traditional approaches at reducing nitrogen levels:

- Improved flushing
- Dredging
- Enhanced natural attenuation
- Aquaculture (oyster farming)

Once the target threshold is achieved the next step is a Comprehensive Water Resource Management Planning that will then be approved by the Mass. DEP to then get grants to help fund the plans. *To view technical data and documents click on the following link:*

What will happen next is the DEP will accept comments till May 3, 2019. The comments will be sent to the Environmental Protection Agency and adjustments will be made to the TMDL based on the comments. Comments can be sent to barbara.kickham@mass.gov.

Mr. Doty said we have known for a long time that Chilmark Pond is one of our difficult areas for nitrogen loading. It has a large water shed that is well developed as in terms of buildings in the area. Mr. Doty guessed we might have 500 septic systems inside the water shed. Mr. Doty said to get a 20% reduction of nitrogen that is coming into the pond through the ground water is a huge problem for our community that is not going to have a sewer system. Mr. Doty said Chilmark is not going to have a waste water treatment plant. Mr. Rossi said the newer septic systems they have up in Sengekontacket pond are working well and that might be something that with incentives Chilmark might undertake. Chairman Malkin said there is a group of riparian owners on the pond who are working with Reid Silva and Chuck Hodgkinson and are willing to help support what has to be done. Mr. Rossi asked if there was a conflict with conservation about additional openings. Ms. Malkin said the pond is already opened 3 times a year and generally stays open for about a week. This last opening it stayed open for 3 months. Ms. Malkin said the openings will probably not bring the load down 38%. Mr. Doty said the riparian owners are only a very small percentage of the watershed area. Mr. Doty said driving up Middle Road for 2 miles all of the houses there are part of the Chilmark Pond watershed. Ms. Malkin said there are things that can be done especially for new home building and if a septic fails to install a better system to keep from adding to the problem. Adam Turner of the Martha's Vineyard Commission thanked the DEP for all of the hard work put into this. Mr. Turner said the nitrogen reducing (septic) systems are out producing the expectations and we have some areas getting the nitrogen down to low numbers. Mr. Turner said he did not think it will be one thing that lowers the nitrogen to the desired levels but a mixture of approaches.

*With no further discussion and no additional comments from attendees Chairman Malkin closed the public hearing at 5:42 PM
Chairman Malkin postponed minutes till later after hearing from folks who are present.*

MV Book Festival:

Suellen Lazarus of the Chilmark Town Affairs Council and Executive Director of the MV Book Festival spoke to this topic. Ms. Lazarus said the MV Book festival is held every other summer and is part of the Summer Program on the Community Center Campus. 2019 will be the 8th summer for the MV Book festival. Saturday August 3, and Sunday August 4th are the dates for this year's festival with an open panel on Friday August 2, 2019. Ms. Lazarus listed planned staffing to help with traffic flow and parking for the events:

- Police detail will be posted at Beetlebung Corner and at the Community Center
- Staff will be posted at Library parking lot to keep that space for Library patrons only
- Shuttles will be run from down island to up island (from Edgartown & Vineyard Haven)
- Available parking in town will be secured for instance the pony field on Menemsha Cross rd. The Yard, Town Hall ...
- Tabor House Rd. Parking will be utilized
- Bicycle incentives to attend will be advertised

The Book Festival will advertise this plan for the public to know what is available and expected.

Ms. Lazarus said that the Book Festival is a free event and is open to everyone in the community. Ms. Lazarus said in the past we have held the Saturday event in Edgartown at the Harbor View but we are requesting to move the event to be entirely in the Chilmark Community Center campus.

Candy Shweder the head of the Library Trustees (till end of April) spoke to the points of the Festival that affect the Chilmark Library. Ms. Shweder said the Library Trustees met and wanted to share that the request from the Book Festival organizers to add Saturday is difficult. That is a changeover weekend and is probably the busiest weekend for the library. Ms. Shweder said the parking plan has some problems as the Town Hall is open for business for the Beach Sticker sales and Building department. The Martha's Vineyard Bank Chilmark branch is open till noon and the Library is open till 5:00 PM and the Post Office is open till 2:30 on Saturday. Ms. Shweder said the following Saturday is the Chilmark Road Race, we will experience 2 Saturdays inundated with people and cars. Ms. Shweder said the Trustees offered the Book Festival organizers that we (Library Trustees) would support them starting at 2:00 PM on the Saturday they are requesting.

Nan Doty spoke in favor of supporting the Book Festival having the additional day of Saturday every other year. Ms. Doty recommended possibly hiring more staff and volunteers to work at the Library for the one Saturday every 2 years. Ms. Doty said she would be happy to volunteer and also recruit additional volunteers so we can have the library and the Book Festival happen at the same time.

Jan Buhrman said a lot of people know her as a caterer but she has a master's degree in Library Science and is amazingly passionate about books and would celebrate both the Book Festival and the Library working together.

Molly Doyle said as a former editor at Random House she supports the Book Festival and echoes what Jan has said with working together on this. Marina Lent from the Chilmark Board of Health recommended making the port-a-pottys more welcoming with hand washing stations.

Mr. Doty said in the past the Saturday event has been panel discussions so that would take place inside the Chilmark Community Center (CCC). The bathrooms in the CCC are usually sufficient for events held there. Ms. Lazarus said the Book Festival has the septic tank emptied before the Book Festival. Julie Jaffe said the island libraries have a shared system so if you are just returning items that you might consider utilizing an alternative library not Chilmark on the first weekend in August.

Ms. Jaffe expressed her support of the Book Festival being granted permission to hold the event Friday, Saturday and Sunday here at the Community Center for the first weekend in August.

Ms. Shweder thanked Ms. Doty for the volunteering offer but it would not work, it would have to be extra trained staff personnel and recommended that if there was funding available to schedule extra Chilmark Library staff that might help. Kathy Thompson recommended to the Library Trustees to let their Library Director work out the solution to this. Ms. Thompson supported the MV Book Festival in Chilmark for the three days requested. Ms. Doyle spoke to the parking issue and referenced the MV Film Festival practice of stationing a volunteer at the library talking to each person who enters to confirm they are there for the library and to turn others away during library hours.

Mr. Doty moved to approve the request from the MV Book Festival to hold their event August 2nd, 3rd and 4th (first Friday, Saturday and Sunday in August) at the Chilmark Community Center Campus. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Dukes County Retirement System (DCRS)- pre-employment physical request:

Mr. Carroll said the DCRS has seen a rash of employees getting injured if they do physical labor. Mr. Carroll said now the only positions we mandate a physical consistently is the police department. Mr. Carroll said it would be good if the Selectmen made it a town policy for all new permanent employees get a pre-employment physical to protect the town for retirement costs and liability. Mr. Doty moved that positions that work outside town hall and library will require having a pre-appointment physical. Mr. Rossi said any job that requires physical outdoor work/activity. Chairman Malkin recommended giving this to the Human Resources Board to draft and put into our Procedures Manual. Mr. Carroll said it already is in the manual but has not been enforced. Chairman Malkin asked what we should do then. Mr. Carroll said that the HRB would be a good group to talk about this.

MVRHS - Use of E & D funds by School Committee possible Town Meeting:

School Superintendent Matt D'Andrea presented this item. Dr. D'Andrea said last week the School Committee voted to use \$350,000.00 from the E & D (Excess & Deficiency budget) to continue moving forward with the track project. The funds would be used to continue with the OPM (operation project manager) and the architect. The funds would be used to bring us up to construction documents to be ready to start building the track.

Dr. D'Andrea said we found that in order to use the E & D funds once the school committee votes to use the funds we need to notify the towns.

The towns then have the option within 45 days to call a town meeting to vote on whether to allow the spending of E&D funds for this item.

Dr. D'Andrea said in order for the school committee to be able to use the E & D funds they will need 4 out of the 6 island towns to approve this. If the towns don't vote at a town meeting it will be considered an approval of spending the E & D funds on this project. If 3 towns vote this expenditure down then the E&D funds will remain in E&D and not be spent on this project.

Chairman Malkin asked to see if we can meet the requirements to hold a Special Town Meeting at 6:30 PM April 22, 2019 (1/2 hour before Annual Town Meeting). Rob Lionette Chilmark representative said the committee originally voted 4/5 in favor of using E&D funds for this project. Mr. Lionette said he voted against it. The second vote was 6/3 to bring this to Special Town Meeting he voted against it then too. Mr. Lionette wanted it clear that it was not that he did not want to bring to the voters but that he is still opposed to funding the project.

Richie Smith the Assistant Superintendent of Schools said he would like to represent accurately what we are looking for as a school system. That is to use the Excess & Deficiency funds of \$350,000.00 to get those documents to the MV Commission so they can look at the proposal with cost and specifications with impact and MVC would make a decision.

Janet Weidner said she supported this coming to the town and recommended calling a Special Town Meeting for this item. Ms. Doyle agreed that this should come to the town to vote on as E & D funds are generally used for leaky roofs or emergency repairs and not for Capital Improvement projects.

Chairman Malkin moved to call a Special Town Meeting April 22, 2019 at 6:30 PM with the single article of the MVRHS use of E&D funds for the track project. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Terry Donahue spoke passionately about moving the track field project forward and said he would agree to whatever the MVC decides.

Master Plan Sub Committee (MPSC)- Reply to Bus Turn Around plan from Armstrong:

Janet Weidner of the Planning Board MPSC spoke to the bus turnaround plan. Ms. Weidner said there are 3 members to the MPSC; herself, Kathy Thompson, and Peter Cook *who was not present*. Ms. Weidner said the Selectmen tasked the subcommittee to review “the modified Armstrong plan”. Ms. Weidner said they met 3/27/19 to do this. This plan shifts the parking in the center of Menemsha lot over slightly (towards harbor) to give more room for the VTA Bus to turnaround.

- All three members agreed it was worth trying this plan for the coming summer
- Moving the parking lot further towards the harbor will decrease some parking spots
- Brewster Plan had 4 small spots for motorcycles / mopeds: recommend working them in
- Importance of metrics being taken by Police & VTA this season to evaluate this fall

Chairman Malkin recommended the MPSC members getting together with Police Chief Klarèn to clearly describe the kind of data that would be helpful to have for the review following this summer season.

Chairman Malkin said another point that came out at the MPSC was that when the parking lines are painted that they be laid out so that they are uniform in length and width. Mr. Carroll and Ms. Weidner will work together on this part of the plan. Chairman Malkin requested that this be completed before Memorial Day (2019).

Project Updates - Town Administrator:

Mr. Carroll said the electrical system updates in Menemsha harbor are moving ahead. The excavation along the bulkhead is complete. The excavation between the power station and the bulkhead was being worked on today. Mr. Carroll said the contractor ran into some old pipes and tanks that had to be dealt with. Mr. Carroll said the contractor hopes to be pouring a pad this Friday for the electrical box behind the Harbor Master’s shack. Mr. Carroll said we look pretty good with keeping to the deadline for completion but the box (electrical) is not here yet and the wires are not in place. Mr. Carroll said the unexpected tank and pipes put the project back about a week, but the project is going very well.

Mr. Carroll said he advertised for bids for the sidewalk project that is going in across from the Menemsha Bite. Mr. Carroll said he has not received any bids yet so he will be soliciting bids. Mr. Carroll said he has not finished securing the easement for this project but it is in the process of being settled with the lawyers.

Mr. Carroll said he talked with the Homeport owners and let them know we were not going forward with the painted walkway plan but asked for their cooperation as we move forward with some of the Menemsha plans. Mr. Carroll said Dan from the MVC was on target with the information for the Menemsha stop signs and signage. This is lining up with the stops to be in place by the end of May.

Mr. Carroll said Vineyard Land Surveying is actively working on a project for the landfill area to plan fishermen equipment storage and the practice area for Fire Drills and Highway / Shellfish shed location.

Mr. Carroll said hopefully within the next couple of weeks we will see a proposal of a layout. Mr. Carroll said the surveyors are also working on a special permit with the state to allow us to expand the parking lot at the landfill. Mr. Carroll said the parking lot we have been using for a number of years actually has yet to be permitted for that purpose but we are moving forward with that.

Mr. Rossi reported that there is a good well at the 4 North Ridge Road property (that the town is getting ready to sell).

Mr. Carroll said the Chilmark fire department met last night and reviewed the most recent plans from Pacheco Ross Architects for a new station.

Mr. Carroll said the fire department is planning on having a couple of open houses to show the public the existing facility. Mr. Carroll said Clark Goff and Ben Retmier (Tri Town Ambulance Chief) and he will get together for a conference call with a Pacheco Ross Architect consultant. Mr. Carroll said our goal is to have a site plan for unified properties, for parking and connecting paths for the Fire Station, Town Hall and adjoining property at 399 Middle Road where Ambulance facility is slated to be built if supported by the town. Mr. Carroll clarified and said there will be a site plan for each of the buildings. Mr. Carroll said these are drawings to help the town to decide about buying the land and hiring an architect.

Mr. Doty said he attended the Chilmark Fire Department meeting last night and is very pleased to have received a 5 year strategic plan from the department. *Mr. Doty distributed a copy of the 5 year strategic plan to each Selectman.*

Mr. Carroll brought the discussion back to Electrical Project in Menemsha. Mr. Carroll said the section along Dutcher Dock, between the gas station and the beach was supposed to have power-pedestals protected from cars hitting them by 2 concrete / steel pipes on either side of the pedestals. Mr. Carroll said the contractor suggested putting in a wooden curb-stop barrier similar to the one on the West Dock but not quite as heavy. Mr. Carroll said the concern with that is it limits the access for traps and gear going

on and off the dock off season. Mr. Carroll said perhaps putting in wooden posts instead of the concrete filled steel posts. Mr. Rossi referred to a sketch and said that this will look a lot better down in Menemsha. Selectmen were agreeable to the change of wood instead of steel posts to protect the pedestals.

Chairman Malkin asked Chilmark Fire Chief David Norton for his comments on the proposed footprint plans for the new Fire Station. Chief Norton said he reviewed the footprint and discussed the flow of where the apparatus goes and the mechanics of the air tank refill station etc.. Chief Norton said he supports the process and the plan to move forward with this at the Annual Town Meeting. Chief Norton said there will be an open house this Sunday April 7th from 9:00 AM to noon and again on Sunday April 14th.

Special Election for missing override question regarding Article 10:

Mr. Carroll said he just sent an email to the Vineyard Gazette to reserve space for our Special Town Meeting warrant for April 22, 2019 at 6:30 PM.

Mr. Carroll said Special Town Election Question #10 this is for the Chilmark School; \$160,000 for the windows. This provision requires an override vote because if we don't we are estimating we will have a deficit of \$121,000.00. Mr. Carroll said this doesn't take into consideration any increase in revenues for town departments or revenues from the short-term rental tax. Mr. Carroll said we missed the deadline for having it at the same time as our Annual Town Election. Mr. Carroll said our options are:

- Strike the clause off of the article that requires it to be a special town election. That would mean it is a regular vote. Mr. Carroll said we might need to have an override to make up the \$121,000.00 short fall. This is an option that will necessitate calling a Special Town Meeting by October 5, 2019
- We could leave the article alone and have a Special Town Election in the fall to have an override vote on this particular question.
- The third option is we do nothing and whatever is voted is invalid

Mr. Doty asked Chairman Malkin which of the three options he recommended after talking with our legal counsel. Chairman Malkin said we should have a vote on this at some point. Discussion ensued.

Mr. Doty moved to leave the article as is and not scheduling a Special Election at this time.

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

Harbor Updates:

Chairman Malkin said we already heard about the electrical project. Ryan Rossi (new Harbor Master) is working on the new boat equipment. Chairman Malkin said Ryan works in a very systematic way and it is a pleasure working with him. Chairman Malkin said for the spring walk around we will be presented with a project list and not have to create a project list. Mr. Doty asked if the old harbor boat has been advertised as surplus. Chairman Malkin confirmed that it has. Mr. Carroll said the boat is at the shuttle lot at the landfill. If someone wants to inspect it they can speak to the Harbor Master. Mr. Carroll said 2 people have expressed interest in the harbor boat but we have received no bids, the deadline is April 12, 2019. Mr. Doty recommended finding out what the boat is worth and setting a minimum that we will sell it for. Mr. Rossi recommended having the Harbor Master getting a value to determine a base price. Mr. Carroll said it has already been advertised so we cannot change the terms but the Selectmen can reject all of the bids if not sufficient amount offered. Mr. Rossi said he doesn't want to give it away for \$50.00. Chairman Malkin said he will talk with Ryan Rossi and get a figure.

Fire Department - Declare 141 Utility Tahoe as surplus and offer for sale:

Mr. Doty said this vehicle is parked outside beside the fire station / outside of the town hall to see. Mr. Doty moved to declare the 141 Utility Tahoe surplus. Mr. Rossi seconded the motion.

SO VOTED: 3 Ayes

DEP Waterways - letter regarding B. Vanderhoop lot F:

Chairman Malkin said the Selectmen's office sent a letter to the DEP concerning Aquinnah lot F application. Chairman Malkin said he received a call from a surveyor working for Mr. Vanderhoop wanting a clarification of the Selectmen saying that no boat can be affixed on the outside of the pilings in Chilmark waters. Chairman Malkin said we will not permit any boats to tie there. Chairman Malkin said the surveyor said during bad weather is the only time that a boat would be tied there. Chairman Malkin said that boat has been tied there in bad and good weather and that is where it was been kept and it is not going to be kept there anymore. Chairman Malkin said if there is a hurricane and our Harbor Master, because of weather gives someone permission to put a boat there during the hurricane we won't stand in the way. Mr. Grimm thanked the Selectmen for their efforts on the matter.

Minutes:

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

SO VOTED: 3 Ayes

Draft minutes from Selectmen's March 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

At 6:45 with no more items for discussion Mr. Rossi moved to adjourn. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Minutes respectfully submitted by Diana DeBlase. **Approved 05/07/19**

Document list:

- DEP PowerPoint report Chilmark Pond /Total Nitrogen Load
- Draft Minutes from Selectmen's meetings on 03/05/19 & 03/19/19
- Proposal from MV Book Festival of adding Saturday (first weekend in August) to the weekend event at Chilmark Community Center Compound
- Dukes County Contributory Retirement System request to have pre-employment physicals mandatory
- MV Public School Superintendent 45 day notice of MVRHS utilizing E & D funds for track project
- Sketches of bus turnaround plan for Menemsha
- Fire department 5 year strategic plan
- Selectmen letter to DEP about B Vanderhoop permit
- Vineyard Gazette tear sheet of legal adds: 1.) Harbor boat and motor sealed bids
- 2.) Quotes from Basin Road walkway 3.) ConCom Public hearing Oliver application
- Written concern from R Hornblower about screening at Squibnocket Beach parking lot