

## Chilmark Select Board April 18, 2023 Meeting Minutes

Present: Select Board: Chairperson Bill Rossi, Warren Doty. *Select Board member James Malkin was not present.* Others: Tim Carroll, Ryan Rossi, Howard Grimm, Ann Wallace, Katie Carroll, Russell Maloney, Barbara Fenner, Ed Greenebaum, Deborah Hancock, Robin Smith, Janet Weidner, Richard Osnoss, Sergiuo Modigliani, Merrily Fenner, Frank Fenner, Anna McCaffrey, Geof Rose, Margaret Maida, Erich Greenebaum, Ellen Biskis, Julie Flanders, Dhakir Warren, Marie Larsen, Jessica Roddy, Jeffrey Maida, Kate Megan, D. Barnes, Billy Meegan, News reporters: Eunki Seonwoo and Thomas Humphreey and MVTV agent.

At 5:03 PM Chairperson Rossi called the meeting to order on the Zoom platform.

### PUBLIC HEARING Proposition 2 1/2 on Override Questions:

*Town Administrator Tim Carroll screen shared the Override Questions and Chairperson Rossi read them allowed and allowed for public comment.*

**Question 1. Shall the Town of Chilmark be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for bonds issued in order to pay costs of upgrading the HVAC systems at the Chilmark School, and to pay for the payment of any and all other costs incidental and related thereto?**

Chairperson Rossi gave some background for this project. Chairperson Rossi asked if there were any questions or comments on this Override question. Mr. Doty said the town will have a chance to vote on this at Town Meeting and this is a question to allow us as it is a capital expense to exempt from or 2.5 % budget. Mr. Doty said this will need a yes vote at ATM and also on the ballot to pass. There were no questions or comments from public so Chairperson Rossi continued to the next question.

**Question 2. Shall the Town of Chilmark be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the Town's allocable share of the bond issued by the Martha's Vineyard Regional School District to pay costs of a feasibility study relating to the possible replacement or reconstruction of the District High School, located at 100 Edgartown-Vineyard Haven Road, in Oak Bluffs, Massachusetts, including all costs incidental and related thereto?**

Mr. Doty said total \$ is in the neighborhood of 2 mil of that 38% will be reimbursed by Mass. School Building Authority , so an approx. 1.2 million dollar cost to Martha's Vineyard and Chilmark will pay estimate of 8% about \$110,000. Deb Hancock asked what happens now that West Tisbury has voted down this on their ATM. Mr. Doty said West Tisbury voted down the MVRHS Budget not this question, we can discuss later but at this time the public hearing is for the Override questions. Mr. Doty gave an explanation on the 3 MVRHS articles/ questions. Ms. Hancock thanked Mr. Doty for clarifications.

**Question 3. Shall the Town of Chilmark be allowed to assess an additional \$297,988 in real estate and personal property taxes for the purposes of operating the Up Island Regional Schools for the fiscal year beginning July 1, 2023?**

Mr. Carroll explained this is on an override question as the UIRSD budget is up about \$300,000 than last year. Mr. Carroll said this is a general override that will affect the tax base in future years.

At 5:10 PM Chairperson Rossi asked if there were any questions or comments on this question. Having none Chairperson asked for motion to close the hearing. Mr. Doty moved and Chairperson Rossi seconded the motion. **SO VOTED: 2 Ayes** 1 not present / *James Malkin*.

Mr. Doty said he knows there will be some confusion about what happened with the West Tisbury vote Mr. Doty said he is a very strong supporter of the High School. Mr. Doty confirmed he will continue to serve on the MVRHS Building committee. Mr. Doty said the school has an impressive program. Mr. Doty said the MVRHS also has a stupid idiotic dispute about the sport field whether it's going to be grass or Astroturf. What West Tisbury did is they just got so annoyed about this dispute over the football field that they voted down the whole High School budget. Mr. Doty said he agreed that this dispute over the football field needs to be resolved, and shouldn't be one part of town suing another part of town, we need to come out and figure it out. But the cost of this dispute is about \$40,000. Mr. Doty said the School Principal runs an incredible school for our entire community and he would hate to see Chilmark vote down the MVRHS budget. Mr. Doty said we need to support the High School and tell the committee they need to resolve the field dispute.

Marie Larsen said she was under the impression that it had to do with the legal budget for the Astroturf war. Ms. Larsen said (West Tisbury Select member) Skipper said that the reason they voted down the whole High School budget was because they couldn't take out just the legal piece. Mr. Doty said we should support the MVRHS and will be prepared to talk about this at our Annual Town Meeting.

Minutes:

Draft minutes from Select Board meetings held March 30, 2023 and April 4, 2023 were reviewed. Mr. Doty moved to approve minutes as written. Chairperson Rossi seconded the motion. **SO VOTED: 2 Ayes** 1 not present / *James Malkin*.

Menemsha Market / Howard Grimm access to Quint's Lot parking space on right of way:

Mr. Carroll screen shared some photos to aid in communication from Mr. Grimm. Mr. Grimm said leaving for work at 5:00 AM is not a problem but returning around 2:30 he cannot get back to his parking. Mr. Grimm asked that a parking place be taken away and painted yellow with NO PARKING written on the pavement to indicate area is to be left clear so he can access his parking along side of building.

Menemsha Market / Howard Grimm access to Quint's Lot parking space Continued...

Chairperson Rossi asked if Mr. Grimm had access to alternate parking along other side of building. Mr. Grimm said no. Chairperson Rossi said this is something he would like town counsel look into to see what legal issues might be with that request. Frank Fenner said that lot is listed as a private way but he can remember that Bob Flanders would drive down that and park as was supposed to be a right of way to the water. Mr. Fenner said he remembers very clearly as a kid that between the Menemsha Market and the Galley that was a beach. Mr. Fenner said sometime around the time of Jaws, Ralph Packer got permission to take and fill that. Mr. Fenner said he was told and under the impression that when he got permission to fill that, that that lot was supposed to be a forever view of the harbor. Mr. Fenner said but you've got an easement there that I don't know if that's Ralph's property, or if it's public property, because it is listed as a private way. Chairperson Rossi said this is why he would like Town Counsel look at it. Margaret Maida asked why Mr. Grimm can't park at the house he lives at rather than beside the store. Mr. Doty supported seeking legal counsel. Chairperson Rossi said we will seek town Counsel and get back to you Mr. Grimm. Mr. Grimm thanked the Select Board.

Board of Health:

a. Reports successful completion of six month Initial Evaluation Period for Anna McCaffrey Katie Carroll Chairperson of the Board of Health was present for this report and request. Ms. Carroll reported the Board is please with Anna's work and have submitted the paperwork for performance review and hope you will appoint her as a permanent employee. And secondly: BOH certifies that Anna McCaffrey has completed all certifications required by the position description to be advanced to the next higher pay grade: from grade 7 to grade 8.

Mr. Doty moved and endorse the recommendations from the Board of Health. To Appoint Anna McCaffrey a permanent employee and increase to grade 8. Chairperson Rossi seconded the motion. **SO VOTED: 2 Ayes** 1 not present / *James Malkin*.

Chairperson Rossi said it's great to see Anna in the (BOH) office on a daily basis. Ms. Carroll said to say she is a dedicated employee is an understatement. Tim Carroll said with Select Board support we will set that retroactively to her 6<sup>th</sup> month date. Mr. Doty moved and Chairperson Rossi seconded the motion. **SO VOTED: 2 Ayes**, 1 not present / *James Malkin*

Library Director - Trustees appoint Drew Dubno to position of Assistant Director/ Youth Services Librarian: Library Trustee Janet Weidner presented information about the process in Ms. Hierta's absence. Ms. Weidner said Ms. Hierta presented this request at the Trustees meeting held last week and the Trustees approved and supported this appointment. *Tim Carroll screen shared the letter from Ebba Hierta asking Select Board to welcome Mr. Dubno to this position.* No action was taken by Select Board as Trustees already appointed Mr. Dubno.

Request of the MVC Representative Joan Malkin - support letter for regional grant application to the MA Municipal Vulnerability Preparedness (MVP) program:

Chairperson Rossi said we do this each year and support this letter and authorize Town Administrator sign. Mr. Doty moved to support letter, Chairperson Rossi seconded the motion. **SO VOTED: 2 Ayes**, 1 not present / *James Malkin*

Beach Committee - Menemsha Beach: Request to alter the stone revetment by the removal of rocks to avoid stepping over the wood seawall from the parking lot to the beach:

Margaret Maida of the Beach Committee was present for this request. Chairperson Rossi said this is a request for seasonal removal of rocks to avoid stepping over the sea wall from the parking lot. Ms. Maida said the Beach Committee would come back to Select Board on May 2, 2023. Ms. Maida clarified it would be to move 2 rocks to provide beach access for the less agile. Ms. Maida said this would be only for the summer season and rocks would be moved back in the fall if approved. Ms. Maida said they would ensure the rocks will be returned to the original place. Ms. Maida shared that Tim Carroll had concerns the water would get in and undermine the parking lot if the stones are not returned.

Mr. Carroll said we need the ConCom to meet and opine on this and for the Beach Committee to meet and support.

Mr. Doty moved to approve request subject to the ConCom and Beach supporting proposal. Chairperson Rossi seconded the motion. **SO VOTED: 2 Ayes**, 1 not present / *James Malkin*

Marijuana in town: Geoff Rose seeking to make summer deliveries of cannabis. State advised that delivery is allowed if one of three conditions exist. 1. Retail sales permitted in town, 2. Town hosts a licensed delivery service, or 3. The town votes to inform the cannabis control commission (CCC) they wish to allow deliveries in town. In speaking to the state CCC it would be like a local adoption of a state law or a local bylaw. For us that would be a warrant article at a Special or Annual Town Meeting:

Geoff Rose was present for this request. Mr. Rose said they will be delivering to 5 towns on the island and would like to include Chilmark as well. Mr. Rose proposed the town possibly entering a limited window agreement because intention is to do deliveries mid-June to Labor Day. Mr. Carroll said it's clear that there has to be some sort of a town vote, whether it could be done by the Select Board, or whether it has to be by town meeting. It's something we'd probably have to ask legal counsel to research.

Chairperson Rossi said he did not think he would be comfortable without a town vote.

Chairperson Rossi said he would bring this to town counsel and then the Board once they have full board. (*New Select Board member voted in at Annual Town Election April 26, 2023*) Mr. Rose thanked Board for willingness to explore options at a future meeting.

MS Bike Ride fundraiser:

Chairperson Rossi said the island through the MV Boys and Girls Club has been hosting the Multiple Sclerosis Bike event for many years. They are requesting road use permit and have submitted the plan for ride to be held April 29, 2023. Mr. Doty said this is something we have supported every year and we are in favor of this event. Dhakir Warren of the Boys & Girls Club gave some information in support of the event.

Mr. Doty moved the Select Board of Chilmark approve the MS Road race / event go through the town of Chilmark. Chairperson Rossi seconded the motion. **SO VOTED: 2 Ayes**, 1 not present / *James Malkin*

Hiring process updates / Police Sergeant / Facilities Manager/ Board Administrator:

Mr. Carroll said for the Police Sergeant vacancy we received 5 applicants. 3 from within our department and 2 external from other MV Island police departments. Chief would like to schedule interviews for April 25<sup>th</sup> and would like to interview all 5 applicants. Chairperson Rossi will be the Select Board member on interviews. Mr. Carroll said Tim Rich, Chief Slavin and Chairperson Rossi are the proposed preliminary screening committee members with addition of an HRB member to observe the process. Mr. Doty supported this proposed plan.

Facilities Manager position vacancy Mr. Carroll reported 5 people have expressed interest and a 6<sup>th</sup> did but said they could not start by the may date we would like someone onboard to facilitate the new buildings. Mr. Carroll said he hopes to schedule the interviews the first week of May. Mr. Doty said he would be willing to be part of the interview process. Chairperson Rossi said that would be great. Mr. Doty moved to appoint himself as a non-select board member to the screening committee / interview process for the Facilities Manager vacancy. Chairperson Rossi seconded the motion. **SO VOTED: 2 Ayes**, 1 not present / *James Malkin*

Mr. Doty asked if we could move faster in the selection process. Chairperson Rossi said in the beginning of June the project manager for the building projects for Fire Station and TTA HQ will be offering training on the systems for these buildings. Chairperson Rossi said they will provide us with videos and written direction for maintaining the systems but it would be advantageous to have a town facilities manager learning first hand. Mr. Carroll proposed moving the interview process up to April 27<sup>th</sup> so we could have a recommendation for the May 2 Select Board meeting.

Board Administrator vacancy Mr. Carroll said we have received interest from a single very qualified person but have not gotten the application back yet. By the deadline I did not have the completed application so vacancy was re-advertised and hopefully something will come in by the April 21 deadline. Mr. Carroll proposed if we do not receive additional interest that we interview that person. Chairperson Rossi asked for Mr. Carroll, himself and an observer from HRB do that interview. Mr. Carroll said we need to have someone from the ConCom included. Russel Maloney (of the ConCom) said he would be happy to do that.

Warren Doty - Resignation from town assignments; including Tri Town Ambulance board:

Mr. Doty said we have the ability to appoint someone who is not a Select Board member to the Tri Town Ambulance Committee or have a Select member serve. Mr. Doty said there will be a meeting the second Wednesday of May. Mr. Doty as he said earlier will continue to serve on the MVRHS building committee and that will be the only committee he will do. Chairperson Rossi said we will need to decide that immediately after the election.

Updates on Homeport stop work order:

Chairperson Rossi said this has gone to the Board of Appeals. Chairperson Rossi asked if Mr. Maloney had anything to add. Mr. Maloney said he had not heard it had come to the Board of Appeals yet but he did want to clear up what happened with respect to the Conservation Commission. The applicant came to us for request for determination of applicability for a pergola, and the Conservation Commission found that the pergola had no effect on the resource area. The Conservation Commission is charged with overseeing. And so the meeting ended. There was a question as to whether or not a butters were noticed, and with request for determination of applicability abutters are not noticed. However, the meeting is posted at Town Hall and in the newspapers.

Mr. Doty asked if it was an option for the Homeport to just build the deck and leave out the pergola and be able to get going for this season. Chairperson Rossi said he believed it would need a special permit from the ZBA.

Mr. Carroll said before people go he thought Mr. Malkin would be joining to bring up an issue in Menemsha. In Mr. Malkin's absence Mr. Carroll wanted to bring to attendee's attention that The Park & Recreation Committee was asking for guidance because the Fishhouse originally made its agreement with the Select Board about supplying fish and want to do CSA for fish shares. It was agreed they would not sell retail in Menemsha and they would at the West Tisbury farmer's market. Mr. Doty said he did not see any reason to object to their request.

Katie Carroll said if they were going to do any of that sort of processing there, they would have to come to the Board of Health.

Mr. Fenner said his comment is not about this item but one already mentioned and he wanted some clarity. We are being asked to discuss or vote the regional agreement, are we going to get a flyer that is a redline thing to see the amendments to the agreement. Chairperson Rossi assured Mr. Fenner that there would be an explanation sheet at town meeting. Mr. Carroll said this is on file in the Town Clerk's office. Mr. Carroll said he would post the agreement in the FY24 budget process section of the town's website. Mr. Doty said change to the formula for capital expense is a change. Also we are counting the school population on a three year average rather than a one year average. Mr. Doty mentioned other change was modernization of wording recommended by the Department of Elementary and Secondary Education.

*Mr. Carroll screen shared the amended agreement redline version*

Mr. Fenner said he wants to say we owe Mr. Doty a lot of gratitude for all his years of service to the town. And recommended staying on the Facilities Manager selection committee as it should be pretty short. Mr. Doty said he would accept that assignment. Chairperson Rossi said we are almost at the end of Mr. Doty's last meeting as a Select Board Member he has served for 24 years. This is a big night for Warren and hope he will give a sigh of relief and know you have done a great job.

Mr. Carroll reminded everyone there will be retirement celebration/ informal gathering for Warren Doty as a potluck noontime lunch Friday April 28 at the Chilmark Library. Chairperson Rossi said he also expects Mr. Doty to be part of the ribbon cutting event for the new Fire Station and EMS Building.

Chairman's reports:

At 6:10 PM Chairperson Rossi said he had no additional reports and would entertain a motion to adjourn. Mr. Doty moved to adjourn. Chairperson Rossi seconded the motion.

**SO VOTED: 2 Ayes, 1 not present / *James Malkin***

Minutes respectfully submitted by Diana DeBlase.

**Approved 5/2/2023**

Document list:

- 2023 Override notice mailed to Chilmark voters of public hearing
- Newspaper ad of 2023 Annual Town Meeting warrant
- Draft Select Board minutes from 3/30/23 & 4/04/23
- Photo of car parked alongside Menemsha Market to illustrate request
- Town Property card for parcel 271-095-00
- Map of parcel 271-095-00 including surrounding parcels
- Letter from Board of Health Chairperson Carroll supporting permanent hire of Anna McCaffrey
- Email from Katie Carroll about increasing pay grade from 7 to 8 for Anna McCaffrey
- Letter from Library Director to welcome new employee voted by the Trustees to the position of Assistant Director/Youth Services librarian Mr. Drew Dubno.
- Request for support with sample letter for grant
- Email request for Select Board to consider seasonal rock removal/move in Menemsha for less agile visitors to access Menemsha Beach
- Geoff Rose proposal for cannabis delivery in Chilmark
- Additional documentation from Geoff Rose about cannabis delivery and the process
- National Multiple Sclerosis Society annual bike ride event request on Martha's Vineyard to support MV Boys & Girls Club
- Detail of MS bike event road use
- Additional mapping of MS bike event route
- State form for road use for MS Bike event for April 29, 2023 / event notification form
- Summary report from ZBA of applications for April 27 meeting