

Chilmark Select Board May 16, 2023 5:00 PM Meeting Minutes

Present remotely: Chairperson Bill Rossi, James Malkin and Marie Larsen. Others: Town Administrator Tim Carroll, Police Chief Sean Slavin, Garrison Vieira, Town Moderator Janet Weidner, Richard Osnoss, Margaret Maida, Deb Hancock, Sheila Muldaur, Superintendent of Schools Richie Smith, Hugh Weisman, Harbormaster Ryan Rossi, Deborah Hancock, Samantha, Peter Cook, Sergio Modigliani, Jeffrey DuBard, Bradley Fielder, Nettie Kent, Jim Feiner, MVTV agent.

At 5:00 PM Chairperson Rossi called the meeting to order on the Zoom platform.

Minutes:

Draft minutes from May 2 2023 and May 11, 2023 joint meeting were reviewed. Mr. Malkin moved to approve minutes as written. Ms. Larsen seconded the motion. **SO VOTED: 3 Ayes**
Was a rollcall vote per remote meeting guidance

Chairperson Rossi said he was putting an unexpected item on the agenda for the Police Department. Chairperson Rossi said Garrison Vieira who has been selected as the new Chilmark Police Sergeant. Police Chief Slavin introduced Sergeant Vieira and gave explanation of the process. Garrison Vieira thanked everyone and gave a little introduction of himself saying he grew up in West Tisbury and is honored to work for Chilmark. Chairperson Rossi asked for motion to appoint Garrison Vieira Chilmark Police Sergeant at step 8 of compensation chart. Mr. Malkin moved and said Garrison was an outstanding candidate during the Police Chief hiring process and we are delighted to have him join Chilmark Police Department. Ms. Larsen seconded the motion and enthusiasm. **SO VOTED: 3 Ayes** *Was a rollcall vote per remote meeting guidance*

Select Board and Police Chief were delighted to welcome him aboard.

Peaked Hill Pastures RFP Committee:

- a. Vote to approve the contract with Vineyard Land Surveying
- b. Vote to approve a contract with RFP Consultant

Mr. Malkin moved to approve both the contract with VLS and the consultant Judy Barret. Ms. Larsen seconded the motion. **SO VOTED: 3 Ayes** *Was a rollcall vote per remote meeting guidance*

- c. Joint Letter Fred Khedouri & Lindsey Scott

Chairperson Rossi said we had a joint meeting with the Peaked Hill Pastures RFP Committee 5/11/23 and reviewed the issues presented and voted to continue with both Mr. Khedouri and Ms. Scott as members of that committee. Mr. Malkin said the motion that we made was based upon the information that we had received from Lindsey and Fred. If there are other issues that come up with different rulings we would look at that. But based on the information to date we were comfortable moving forward.

d. Sergio Modigliani letter

Chairperson Rossi said the Select Board did receive a letter from Sergio Modigliani in conflict with our decision.

Mr. Malkin said he reviewed the letter from Mr. Modigliani and the letter from Lindsey Scott and Fred Khedouri and we have a very specific charter assigned to this committee Article 25 of 2022 Annual Town Meeting warrant. Mr. Malkin said the Select Board specifically wanted neighbors and Housing Committee and Planning Board members to be on this committee.

e. appointment to replace Andrew Goldman on the PHP RFP Committee

- i. Nettie Kent Ruel
- ii. Jim Feiner
- iii. Irene Ziebarth

Chairperson Rossi said we received 3 requests but we are looking to appoint a member from the Housing Committee. Ms. Ziebarth though a very qualified person would not fit this as not a member of the Housing Committee. Chairperson Rossi asked for a recommendation to be put forth. Mr. Malkin put forth Nettie Kent Ruel for the open position on the Peaked Hill Pastures RFP Committee. Mr. Malkin said it is nice to have some fresh people involved in this sort of thing. Ms. Larsen said it is a difficult choice (between Ms. Ruel & Mr. Feiner). Jim Feiner has a tone of knowledge but Nettie would bring a fresh perspective and is also someone who is experiencing the problem (housing on MV) real-time so think she would be good for the position. Mr. Malkin moved and Ms. Larsen seconded the motion. **SO VOTED: 3 Ayes**

Was a rollcall vote per remote meeting guidance

Chairperson Rossi wished Ms. Ruel luck and thanked Jim Feiner for offering his time.

Fire EMS Project updates, CHA Photo Request, & schedule:

Tim Carroll said the OPM company CHA that has been doing work for us on this building projects would like to use some photos from our project for their marketing. Mr. Carroll said this is a release form if Select Board approved he can sign.

Chairperson Rossi said he did not have a problem with this request.

Mr. Malkin moved and Ms. Larsen seconded the motion. **SO VOTED: 3 Ayes**

Was a rollcall vote per remote meeting guidance

Chairperson Rossi said by 6/16/2023 we should have completed building projects. Chairperson Rossi said we will have an open house ceremony about a week later. Chairperson Rossi said we are working on the final punch list so we are real close.

Harbor Master - Phase 2 updates:

Harbormaster Rossi gave an update since his initial meeting with Childs Engineering who was awarded the Phase 2 project (design Phase) for Menemsha Harbor. A question was raised of whether we need to spend 80% of the Seaport Economic Council (SEC) Grant before end of FY23.

The SEC responded that we do not. There is not a strict timeline for deliverables from the engineer.

Harbor Master - Phase 2 updates continued...

Harbormaster Rossi said Childs recommended having a primary stakeholders meeting first. To know the wants and needs of the waterfront businesses / Commercial Fishermen for this project. Then a town wide meeting is to be held prior to designs being submitted to the town. Mr. Malkin supported this plan. Ms. Larsen said she has problem with that as she knows there are people who used to fish for years who might have some say in the primary shareholder meeting. Harbormaster Rossi said though this would be a primary stakeholder meeting they are still open to the public. Ms. Larsen said as long as the meeting is posted on the website calendar she was ok with this proposal. Chairperson asked for a motion to start the process with a primary stakeholders meeting then town and other interested parties. To gather information and then on to a larger forum. Mr. Malkin moved and Ms. Larsen seconded the motion. **SO VOTED: 3 Ayes** *Was a rollcall vote per remote meeting guidance*

Harbor - Request of Jim Zisson for dockage where the Banjo was previously docked:

Chairperson Rossi said the owners of the banjo had a boat fire but that owner has secured another boat and plans on returning to that slip this season. Harbormaster Rossi confirmed that information is correct. Chairperson Rossi said you (Harbormaster) told Mr. Zisson that there was not space and his only option was to appeal to the Select Board. Chairperson Rossi said he would like the Harbor Advisory Board to have a meeting to address this request prior to any action by the Select Board. Harbormaster Rossi said it comes down to available space first. We have 2 other areas where a vessel of that size would fit. That would be the end of the West Dock, and then the space just south of where Banjo normally ties up. Harbormaster Rossi said those spaces are rented as transient spaces. Throughout the summer we begin taking reservation requests on May 1, and those spaces have been booked up throughout the season. Mr. Malkin said Banjo is grandfathered but the rest of the harbor is either you have a mooring, a slip or are transient. Mr. Malkin said expanding further than that is unnecessarily problematic. Deb Hancock said she totally agrees with what Mr. Malkin just said. Mr. Malkin moved to support the decision of our harbormaster (no). Ms. Larsen seconded the motion. **SO VOTED: 3 Ayes**

Was a rollcall vote per remote meeting guidance

Chairperson Rossi directed Town Administrator Carroll to send a letter to Mr. Zisson about the Select Boards decision.

Squibnocket Beach & Causeway - schedule a meeting in June with stakeholders:

Chairperson Rossi said he has been speaking with Town Counsel and different members from Squibnocket Farm about maintenance work that needs to be done. This work to be done is along the road after the causeway on money hill. Not clear what our obligation is that is why he talked to town counsel. Mr. Malkin said for history on this: 1.) was determined we were going to take the steps that we did. 2.) Squibnocket Farm needed to provide the Conservation Commission with a retreat plan if they needed to retreat from the existing area in terms of their access.

Mr. Malkin said it was the Squibnocket Committee's understanding that the beach was going to move from cobble, stone and sand. Mr. Malkin said that was the end of the town's contribution as we understood.

Meeting in June with stakeholders Continued...

Mr. Rossi said he will meet with representative from Squibnocket Farm but wanted to confer with Select Board that in his mind our obligation ends at the anchoring west end of the causeway. Mr. Malkin agreed.

CCC Advisory Committee - picnic tables 5 @ \$700:

Chairperson Rossi said the CCAC recommended we get picnic tables for the coming season and asked how we pay for them. Mr. Carroll said Linda Coutinho recommended that the picnic tables come from the joint maintenance account and to talk about refrigerator / freezer at the meeting (CCCAC) this week.

Mr. Rossi moved to use the joint maintenance account to pay for the picnic tables. Mr. Malkin seconded the motion. Mr. Carroll said this will be the first time we have paid for the picnic tables; previously it was the Summer Program and the School. **SO VOTED: 3 Ayes**

Was a rollcall vote per remote meeting guidance

MVRHS District - recertified budget and recommendation to fund the FY2024 budget assessment by School Committee member Lionette:

School Superintendent Richie Smith said this is the same budget we submitted and presented prior to your Annual Town Meeting. The only difference is on May 3, 2023 the School Committee had 2 motions: 1.) Cap the FY23 Spending to what was left in the legal line. 2.) Not dedicate any funds to appeal in FY24.

Chairperson Rossi said we have this on our Special Town Meeting Warrant for June 5, 2023.

Building Inspector position search:

- Changing position from 11 hours with a 20 hour assistant to 32 hours a week
- Possible IMA (inter-municipal agreement) with Aquinnah for 8 hours a week
- Funding at STM (Special Town Meeting) to cover new hours and configuration.

Chairperson Rossi said this is a fulltime position we need to get funding and we should post the position when we have completed the Special Town Meeting.

Pay & Classification Study - draft warrant article:

Mr. Carroll said at the last HRB (Human Resource Board) meeting we talked about pursuing funding for classification study. At end of meeting I was told to draft proposal.

Mr. Malkin said over the past 4 years it has become clear that we need to take a look at our classification and compensation. The HRB put a bunch of work in about 7 years ago in terms of evaluation process and evaluate each job. We then went into the compensation review and found despite what we were doing the issue of staying at median with comparable jobs on the island became an issue. Mr. Malkin said he supports doing this. Mr. Malkin said there was discussion of creating a Select Person liaison to town operations.

Mr. Malkin said very important to have a tight description of what we want. Mr. Carroll confirmed a mission statement will be critical when we go out to the market place.

Board Administrator B (ConCom, etc.) additional 15 Hours to include:

Mr. Carroll said he received notice from a single person interested in the posted vacancy and has yet to receive the actual application. This would be for the position that Ms. Shemeth is leaving with addition of (\$32,000) to fund this increased hours to position. Mr. Carroll said he hopes to have this position take on the HR management functions that were outlined by Don Leopold in his assessment.

Mr. Malkin said this sounds logical.

Mr. Carroll said if passes at STM he will advertise for this new position and hope to get more than one applicant. Mr. Carroll noted the person who was interested is a very qualified person.

Special Town Meeting Warrant:

Chairperson Rossi started the review and approval process for the Special Town Meeting Warrant. Town Administrator Tim Carroll said this meeting is proposed for June 5, 2023. Mr. Carroll then presented the warrant as a screen share.

Mr. Carroll said the first article is from when Mr. Rose came to the Select Board for approval at that meeting you (Select Board) wanted this to go to the town to decide.

Article 1. To see if the Town will vote to allow for the delivery of marijuana, marijuana products, marijuana accessories, and marijuana establishment branded goods to consumers within the Town's borders, and to direct the Select Board to notify the Cannabis Control Commission that delivery of marijuana or marijuana products to consumers is permitted in Chilmark under 935 CMR 500.145(1); or take any action relative thereto.

Article 2. To see if the Town will vote to raise and appropriate the sum of \$40,000 to be added to FY2024 Department 241 Building Inspections Budget Line 510-5127, for the purpose of creating a full-time Building Inspector position, or to take any action relative thereto.

Mr. Carroll noted that we would be combining the local inspector and building commissioner position into this one position.

Article 3. To see if the Town will vote to raise and appropriate the sum of \$32,000 to be added to FY2024 Department 122 Select Board Budget line 5100-5108, for the purpose of adding 15 hours a week to the Board Administrator B (Conservation, Cemetery, CPC, Historical, Parks & Rec) to perform Human Resource management functions for the Town, or to take any action relative thereto.

Article 4. To see Town will vote to raise and appropriate the sum of \$25,000 to hire an outside consultant to conduct a Compensation & Classification Study using an objective position evaluation process, that promotes equity, and ensures compliance with federal and state laws, or to take any action relative thereto.

Article 5. To see if the Town will vote to raise and appropriate the sum of \$16,000 to fund upgrades to the town meeting sound system at the Chilmark Community Center, including costs incidental and relative thereto.

Town Moderator Janet Weidner said she is delighted that the sound system will be updated and improved for town meetings at the Community Center.

Article 6. To see if the Town will vote to raise and appropriate the sum of \$993,112 to fund the FY2024 Martha's Vineyard Regional High School District assessment for Chilmark.

Mr. Carroll said Tri Town Ambulance Chief Ben Retmier had requested back in February these two articles and they were mistakenly left off the ATM warrant.

Chief Retmier spoke to these articles. It takes about 2 + years to get an ambulance once ordered so want to get this started. This would not be asking for additional funds we will use the ambulance run receipts to fund.

Article 7. To see if the Town will transfer the sum of \$225,000 from the Ambulance Receipts Reserved for Appropriation Fund (G.L. c. 40, § 5F) to purchase a new ambulance, including costs incidental and relative thereto.

Article 8. To see if the Town will transfer the sum of \$57,000 from the Ambulance Receipts Reserved for Appropriation Fund (G.L. c. 40, § 5F) or an Oxygen Generating System for the New Ambulance Facility at 399 Middle Road, including costs incidental and relative thereto.

Article 9. To see if the Town will vote to approve a non-binding resolution as follows: "The Town of Chilmark asks that the Martha's Vineyard Regional High School commits to an all grass campus with no plastic fields." By Petition of 100 registered voters on file with the Town Clerk

Article 10. To see if the Town will vote to approve a non-binding resolution as follows: "The Town of Chilmark asks that the Martha's Vineyard Regional High School commits to NO anonymous donations above \$5,000 dollars for legal action, experts, project design and permitting related to any and all plastic fields on the Martha's Vineyard Regional High School campus." By Petition of 100 registered voters on file with the Town Clerk

Appointments to committees & Staff:

Ms. Larsen asked to postpone this agenda till the Select Board has a complete list of people to committees, boards and staff positions. Mr. Malkin agreed. Chairperson Rossi asked that the Select Board have a comprehensive list for their next meeting.

Mr. Malkin said he would like to ask Marie Larsen to be the Select Board liaison to town hall operations. In addition to that ask he asked that Chairperson Rossi wrap-up the contract with Town Administrator as soon as possible.

Planning Board – Zoning Bylaw request:

Planning Board Chairperson Rich Osnoss spoke to this addenda item. Mr. Carroll screen shared Planning Board proposed zoning bylaw amendments. Document to review here:

https://www.chilmarkma.gov/sites/g/files/vyhlf8411/f/agendas/proposed_zbl_amendments_to_section_6.10_exception_for_affordable_rental_housing_05082023.pdf

There will be public hearings for input about the proposed amendments. Chairperson Rossi wished them luck in the process. Ms. Larsen asked to have Planning Board notify the Select Board when the hearing is posted. Mr. Osnoss said they would let Ms. Larsen know when the hearing is posted. Ms. Hancock asked when the Planning Board thinks these hearings will be posted as we are coming up on to a very busy time of year for everybody. Mr. Osnoss said we're not going to try to rush this through. It's going to be careful thought and consideration. And we will continue the public hearings till discussion is exhausted.

Mass DOT - Bike signs:

Mr. Carroll said the State passed a law for 4 foot safety room to pass bikes. The signs are 2 foot x 20 inches for 30 MPH and slower roads. They are 3 foot tall x 2 foot wide for roads that are 40 MPH Rds. wanted to have permission from Select Board to sign MOU with the State.

Chairperson Rossi moved to approve, Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Was a rollcall vote per remote meeting guidance

Unanticipated Items for discussion:

Chairperson Rossi asked if there were any unanticipated items for discussion.

Sheila Muldaur

Said she had brought 2 citizen petitions (with uncertified signatures from 100+ Chilmark votes) to be inserted into the STM warrant.

Ms. Muldaur read the petitions aloud:

- To see if the Town will vote to approve a non-binding resolution as follows: "The Town of Chilmark asks that the Martha's Vineyard Regional High School commits to an all grass campus with no plastic fields."

Ms. Muldaur gave some background as to why this is being submitted.

- To see if the Town will vote to approve a non-binding resolution as follows: "The Town of Chilmark asks that the Martha's Vineyard Regional High School commits to NO anonymous donations above \$5,000 dollars for legal action, experts, project design and permitting related to any and all plastic fields on the Martha's Vineyard Regional High School campus."

There was discussion of process to put this on the June 5, 2023 Special Town Meeting Warrant. Mr. Rossi moved to put on the warrant subject to the 100 + signatures being certified Chilmark votes. Ms. Larsen seconded the motion. **SO VOTED: 3 Ayes**

Was a rollcall vote per remote meeting guidance

Sheila Muldaur thanked the Select Board for their consideration.

Jeffrey DuBard asked for clarification about the conflict of interest on Peaked Hill Pastures. Is the representation that there is not a financial interest mean conflict does not exist or that it is? Think this might be something to look into a little more closely. And does that allow members to still vote and participate in discussion. Chairperson Rossi said to our knowledge, they have been told by the ethics commission they do not have a conflict. Chairperson Rossi said we are fine with them participating in developing an RFP through their consultant. And bringing to us to act on.

At 6:15 PM Chairperson asked for motion to adjourn. Mr. Malkin moved and Ms. Larsen seconded. **SO VOTED: 3 Ayes**

Was a rollcall vote per remote meeting guidance

Minutes respectfully submitted by Diana DeBlase

Approved 06/06/2023

Document list:

- Draft minutes from meetings held 5/2/23 & 5/11/23
- Letter from Fred Khedouri RE: COI
- List from the Chilmark Community Center Advisory committee of items to address and fund prior to 2023 summer program season
- Punch list from Dellbrook for Fire station EMS HQ building project
- Letter from Deb Hancock seeking reappointment to Harbor Advisory Board
- DLS-overview of statutory treatment of municipal revenues
- 3 documents of FY23 1st quarter revenues and comparison charts
- Reasons for complete compensation & classification study - HRS
- Joint letter to Select Board from Scott & Khedouri RE: non-COI
- Letter from Julie Flanders seeking reappointment to Park & Recreation Board
- Planning Board notice to Select Board RE: Public hearings for proposed amendments to Zoning Bylaws Article 6, section 6.10
- Notice from Town Clerk of Vacancies in Town Elected Offices 05/12/23
- Message from Town Accountant RE: Levy Capacity
- 4 different documents about Mass DOT – Safe passage signage motorists for bike passing –act to reduce fatalities
- Memo from Chilmark Preschool Board of Directors RE: Chilmark school funding request 05/09/23
- Wording for possible warrant article regarding Rose request to have delivery of cannabis in Chilmark prepared by town's legal counsel
- 3 different documents about the FY24 MVRHS certified budget
- Planning Boards proposed amendments to section 6.10 (Exception for affordable housing) of Zoning bylaws
- Planning Board's notice to Select Board of Planning Board members reappointments to town boards 05/08/23

- Letter from Sarah Glazer to Select Board seeking reappointment to Conservation Commission
- Letter to Select Board from Sergio Modigliani RE Peaked Hill Pastures Committees 05/12/23
- DRAFT Special Town Meeting June 5, 2023 warrant
- MOU with Mass DOT RE: safe passing signage / *consisting of 8 pages*
- Letter to Select Board from Jim Zisson RE: requesting consideration to grant slip in Menemsha 05/05/23
- Inter-municipal Agreement with Towns of Aquinnah, West Tisbury Chilmark & Up Island Regional School District