

Chilmark Select Board August 2, 2021 Meeting Minutes Posted to start 5:00 PM

Remotely Present: Select Board Chairperson James Malkin, Bill Rossi and Warren Doty. Others: Tim Carroll, Ann Wallace, Andy Goldman, Jessica Roddy, Joan Malkin, Ryan Rossi, Jeffrey Maida, Cathy Thompson, Peter Neilley, News reporters Rich Saltzberg and Zach Harris.

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

Minutes:

Draft minutes from Select Board joint meeting with Finance Committee were reviewed. Mr. Doty moved to approve as written. Chairperson Malkin seconded the motion.

SO VOTED 2 Ayes, 1 Abstain Bill Rossi not present at 7/14/22

Various Executive Sessions Draft Minutes: Town Administrator Tim Carroll said he needed to meet with Rich Saltzberg and will table this until they meet.

Home Rule Petition - Acceptance by Select Board of amended language from the Legislature: Town Administrator Tim Carroll presented the amended language to bill H.3985 (name change from Board of Select men to Select Board)

Amendment #1 to H3985 Floor Amendment Ms. Garlick of Needham moves to amend the bill by striking out all after the enacting clause and inserting in place thereof the following: "SECTION 1. Notwithstanding any general or special law or by law to the contrary, the executive body of the town of Chilmark, previously known as the board of selectmen, shall be known as the select board of the town of Chilmark, which shall have all of the powers and authority of a board of selectmen under any general or special law or by-law; provided further, that the members of the select board, previously known as selectmen, shall be known as select board members. SECTION 2. This act shall take effect upon its passage."

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

Harbor:

Meet the Fleet: Harbormaster Ryan Rossi said we are hosting the Meet Fleet Thursday August 4, 2022 from 3:00 PM to 7:00 PM. Harbormaster Rossi said they will be blocking off area with cones and setting up an event tent along the bulkhead east of the harbor shack.

Police Chief Jonathan Klaren said this is a great event, the police department is on board with the plan

Sunset traffic update: Harbormaster Rossi said there is a noticeable change not having Homeport lot for parking. Harbormaster Rossi said so far the VTA sunset shuttle is not popular, ridership is low. Harbormaster Rossi said we have had issues with West Dock parking at sunset. Harbormaster Rossi said we plan to mitigate this with traffic officer / harbor staff to monitor at the corner near Galley. Harbormaster Rossi said the parking permits for West Dock have been distributed to appropriate users.

Clark Goff joined meeting

Harbor – Update on Sunset traffic, VTA shuttle:

Mr. Rossi asked what the reason for low ridership for Sunset shuttle was. Police Chief Klaren said last Saturday night there were 5 cars at the shuttle lot. Chief Klaren said we have been seeing 1 -2 cars very low compared to 2 years ago (pre-COVID).

Seaport Economic Grant:

Harbormaster Rossi reported that we received \$176,000.00 to move into phase II of project which is design replacing Menemsha Commercial Dock and Bulkhead. Harbormaster Rossi said our obligation is a match grant 20% (\$44,000).

Chairperson Malkin asked date of when we need source of funds. Harbormaster Rossi said Peter Neilley may have that information. Mr. Neilley said that might be legal question, and recommended asking Town Administrator Tim Carroll. Mr. Carroll asked when the project needed to start. Mr. Neilley said the plan was to start October 2022 and complete April 1 (design) of 2023. There was discussion of special Town Meeting warrant and possible dates for STM. Harbormaster said he wants to submit warrant article for STM for dredging funding. Mr. Carroll said the FY22 reconciliation is 6 months behind, and free cash not available. There was discussion about having the RFP out before we have town meeting.

Mr. Doty said more likely we will be having our Special Town Meeting Nov. 1, 2022. Mr. Carroll said we can look to see if legal to use stabilization for this 20% grant meet. As long as we don't have to have \$ sitting in an account to proceed. Harbormaster Rossi said we could work with November projection and still be within the timeline to apply for the next round of grants. Mr. Neilley said Childs Engineering provided for Phase 1 and have indicated to see project through. Explore stabilization fund and waterways funding. Chairperson Malkin said we appreciate the work put into this. Thank you to Peter Neilley and Harbormaster Rossi.

Harbormaster Rossi said the (emergency) repairs to South- East Corner (dock) were completed in 1 day. Quote from John Packer \$15,000 who said it may cost the town less. Harbormaster Rossi said we need to determine how we are paying for this. Chairperson Malkin said a STM warrant could be how you put funding back into harbor facilities maintenance budget line. Mr. Doty moved to use unclassified funds from Select Board budget and to replenish at STM for the emergency dock repair. Mr. Rossi seconded motion. **SO VOTED 3 Ayes**

Boat House Road repairs with Aquinnah:

Harbormaster Rossi reported he has an agreement with Aquinnah town administrator Jeff Maddison. Access over Boat House Rd agreement Aquinnah will pay 15% of annual road maintenance. Harbormaster Rossi reported John Keene came down today and did repairs and fill on Boat House Rd. Hollis Smith and Chip Vanderhoop shared concern that raising road would increase people using area as a boat launching ramp. So John Keene put large rock on spot to discourage.

Harbormaster Rossi requested the Select Board appoint "Spider" Edward Andresen and Lathrop Keene as Assistant Wharfingers (pay schedule) at grade 5 step 1. *Continued...*

Harbor – appointments continued...

Mr. Doty moved to appoint both as requested by Harbormaster Rossi. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Fees - Harbormaster Requested Increases - reviewed by HAC

- a. Transient Dockage: \$3.50 per foot per day. (Currently \$3.10 per foot per day).
- b. Transient Moorage: \$50.00 per day. (Currently \$35.00 per day).

Jeffrey Maida the chairperson of the Harbor Advisory Committee reported the committee supports the fee-increases. Mr. Carroll said Chairperson Malkin consulted legal counsel and clarified that we did not have to hold a public hearing on changing the fees in harbor. Chairperson Malkin confirmed that The Select Board can vote changes to fee schedule. Mr. Doty moved to approve increase to transient and mooring rates as proposed by Harbor-master. Harbormaster Rossi said we need to honor previously booked reservations at the prior fee schedule. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Chairman Malkin noted the Harbor Advisory Committee work with Harbormaster Rossi has been very successful. Chairperson Malkin thanked the HAC.

Peaked Hill Pastures - RFP Committee: Molly Flender Affordable Housing Trust funded the request to hire a consultant:

Chairperson Malkin said we received a letter from Town Counsel regarding the Peaked Hill Pastures project. Legal counsel has reviewed the ideas put forth at our Annual Town Meeting for the use of the land. Suggestion is either a Zoning bylaw change needed, or a 40B status needed to create the number of dwellings envisioned. Chairperson Malkin suggested going to the Planning Board and get their advice and language on how to proceed to do what we want to do at Peaked Hill Pastures.

Andy Goldman said the Peaked Hill Pastures Committee met today, they reviewed legal counsel letter. The committee was not sure that legal counsel had fully considered the committee's suggestion that the excess units could be absorbed by the 16 acers that the town already owns. If is the case that would obviate the need for either the 40b or a Zoning Bylaw amendment. Mr. Goldman said the committee is drafting a letter seeking clarification on that point. Mr. Goldman said another point is whether Selectmen by themselves or would require a town meeting to enter into the long-term leases that we are anticipating. Consensus of committee is more in favor of amendment vs a 40b. Chairperson Malkin said you will follow up with town counsel on these points and return with findings.

Mr. Rossi said we would not be discussing the leases till there is a plan. Mr. Doty said he would not completely rule out the 40b. Mr. Doty said we would rather not have to but if needed to get the 10 rental units and 4 ownership units think we could do that. Mr. Doty said he would not say no to 40b.

Peaked Hill Pastures Continued..

Mr. Carroll said absent any special legislature regarding affordable housing at State level. Town Meeting has to vote on any leases more than 3 years. Mr. Goldman said that answers one of the questions.

Public Safety Building Committee – Updates:

Mr. Rossi reported the project is moving forward and we can see steel is up at the sites.

Building Department:

Local Inspector Appointment: Mr. Carroll said we advertised for the local inspector position.

Mr. Carroll reported that Billy Dillion applied. Mr. Carroll said Lenny Jason recommends appointing Mr. Dillion. Mr. Carroll said this is 15 hours a week, at step 3 of grade.

Mr. Doty moved to appoint Billy Dillon to the position. Mr. Rossi seconded the motion.

SO VOTED: 3 Ayes

The Building department submitted suggestion for increasing permit fees - change flat fees to \$0.75 per square foot for New SFR, additions/renovation SFR, New Commercial, additions/renovation Commercial. Other fees remain as 2009. Youth Lots & Resident Home-sites continue to be no fee.

Mr. Carroll said this has not been advertised and can take under advisement. Chairperson Malkin asked Mr. Carroll to advertise proposed rate change as hearing for the next Select Board meeting.

Zoning Board of Appeals:

James Malkin recused himself from agenda discussion and vote as Joan Malkin is his wife.

- Resignation of Wendy Weldon - letter effective Sept 1.
- Request of Wendy Weldon to be appointed an Alternate for six months to address continued applications.
- Letter from Joan Malkin asking to be appointed to the vacancy
- Letter from Joe Chapman asking to be appointed to the vacancy

Mr. Rossi said first thank you to Wendy for all her work through the years for the town of Chilmark. Mr. Rossi moved to appoint Wendy Weldon an alternate for 6 months. Mr. Doty seconded the motion. **SO VOTED: 2 Ayes, 1 Abstain** *James Malkin*

Mr. Rossi said whoever has been an alternate longest gets appointed as full time ZBA member. Joan Malkin has a month longer waiting as an alternate.

Joan Malkin said she is intimately familiar and has reasonable expertise with zoning bylaws. Ms. Malkin said she has lived here in Chilmark year-round for the past 10 years. Ms. Malkin said she is also Chairperson of the MV Commission and serves on the Conservation Commission as well. Mr. Doty moved to appoint Joan Malkin to Zoning Board as of September 1 2022. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 Abstain** *James Malkin*

Fire Department - Back Yard Bash Wednesday August 3 - Food Truck:

Mr. Carroll said he spoke to the building inspector who said the Select Board were opposed to food truck at Chilmark Community Center. Mr. Rossi said this is a single event, any funds go to fire department. Chairperson Malkin and Doty said they were ok with this as long as it was very clear this is not setting precedence going forward.

Highway - state reimbursement for Squibnocket Road project - vote to delegate signing to Town Administrator:

Mr. Doty moved to delegate Tim Carroll to sign documents for the State reimbursement road project. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Jobs:

- Administrative Assistant to Treasurer - advertised Friday and we have interested candidates that the Treasurer is reviewing

Mr. Carroll reported that the Treasurer is reviewing applications that we received.

- Maintenance Supervisor of Town Building - advertised VG again July 15 & 22, online and posted.

Mr. Carroll said we received no interest in position but since posting agenda got a call from an interested party. Mr. Carroll will meet with this individual to see if it's a good fit. Mr. Carroll said he met with the Human Resource Board member Irene Ziebarth. They discussed: outsourcing, difficult functionality and reviewed concerns from departments. Mr. Carroll said if we find the correct hire great but if needing to reformat the position Ms. Ziebarth asked that we wait till after the organizational study that Don Leopold is completing is finished.

Mr. Carroll said the concern for gutter cleaning, and some other physical labor is being addressed by the Highway department. The Highway department temporary employees that are working 30 hours a week are willing to work the additional 10 hours (40 hrs. total).

Mr. Carroll said the physical labor that the Town Carpenter Mr. Hall was not willing to do is what we are asking the highway temporary labor to do.

Mr. Rossi said the Maintenance Supervisor of Town Buildings is a position that is not going to be easy to fill. Mr. Rossi said he is interested in what comes from the organizational study to determine what kind of position would be appropriate.

Chairman Malkin – Spring Point:

Chairman Malkin said he received a letter from the Spring Point Association, they are proposing to work to reaching an agreement with the town to make 2 buildable lots from their association land. These would be available for the town for construction of year-round housing for community employee. The concept creators of the Spring Point Association want to know if Select Board is interested. Chairperson Malkin said he can circulate the letter to the other 2 Chilmark Select Board people and discuss at our next meeting. From first review of letter Chairperson said if the Chilmark Road Associations were to make available some of their commonly held land for us to develop residential housing. Chairperson Malkin said this is a terrific concept, would love to see if we can make this work.

Fire Chief - Contract Process:

At 5:58 PM Mr. Rossi asked for motion to move to Executive Session to discuss the Chilmark Fire Chief's contract. Mr. Doty moved and Mr. Rossi seconded the motion. Roll Call: James Malkin: Aye, Bill Rossi: Aye, Warren Doty: Aye. Others present Town Administrator Tim Carroll and Diana DeBlase. All others were put into Zoom waiting room.

At 6:05 PM Select Board returned to regular session.

Chairperson Malkin said we completed our discussion about contact with Fire chief. Concept will be drafted by legal counsel and return to the Select Board to approve and sign.

Mr. Doty said the compensation package stated additional pay for next 3 years, 5 extra days of vacation and the addition of EM as responsibilities.

At 6:07 PM with no further items for discussion. Chairperson Malkin asked for motion to adjourn. Mr. Rossi moved to adjourn, Mr. Doty seconded the motion.**SO VOTED: 3 Ayes**

Minutes respectfully submitted by Diana DeBlase.

Approved 09/06/2022

Document list:

- Draft minutes from Select Board joint FinCom meeting held July 14, 2022
- Amendment to bill H.3985
- Bill H.3985
- presentation –Menemsha Commercial Dock Replacement project
- South East Corner of Menemsha Dock repair document
- Fee increase for Menemsha Harbor - newspaper advertisement
- Peaked Hill Pasture Committee request for consultant funds
- Building Inspector Lenny Jason request to appoint Billy Dillion local inspector
- Newspaper advertisement seeking local (Building) inspector
- Building Inspector – Permit fee schedule recommendations
- W. Weldon ZBA member resignation date
- Notice of interest from Joan Malkin to serve on ZBA as full member
- Notice of interest from Joe Chapman to serve on ZBA as full member
- Treasurer's notice for temporary assistant 10 hours a week- newspaper advertisement
- newspaper advertisement- Chilmark seeking maintenance supervisor of town buildings
- Housing bank updates – from CCMVHB Admin Laura Silber
- DLS – Prop 2 ½ Debt exclusions – informational guidelines
- DEP - Watershed permit factsheet – strategy for Estuaries Impaired by Nitrogen
- Sen. Spilka letter from Chilmark Town Administrator supporting the transfer fee