

## Chilmark Select Board December 6, 2022 Meeting Minutes

Remotely present: Select Board: Chairperson Bill Rossi, James Malkin and Warren Doty. Others: Town Administrator Tim Carroll, Diana DeBlase, Nichole Welty, Harbormaster Ryan Rossi, Jeffrey Maida, Donna Swift, Kate Warner, Robert Hannemann, Elise Greene, Susan Murphy, Catherine Mafcher, Jeffrey DuBard, Jessica Mason, Kevin & Liz Oliver, Susan Stevens, Michelle O'Connor, Susan Bernard, Pamela Bunker, Rebekah Thomson, MV Public School, reporters Rich Saltzberg, VG Reporter Thomas Humphrey Shavanée Anderson of MVTV

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

### Minutes:

Draft minutes from joint meeting with West Tisbury & Aquinnah concerning Howe's House on 10/05/2022 were reviewed. Corrections were made. Mr. Doty moved to approve minutes with corrections. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Draft Minutes from Chilmark Select Board November 1, 2022 meeting were reviewed. Correction to boat name was made. Mr. Malkin moved to approve minutes with correction. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Draft Minutes from Chilmark Select Board November 15, 2022 were reviewed. Mr. Malkin moved to approve as written. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Chairperson Rossi said we have to wait to start the public hearing so Select Board discussed request from Nichole Welty.

### Lucy Vincent Beach – Wedding request June 10, 2023 4:00 PM:

Ms. Welty presented her request. Select Board asked her to have a clear number of attendees and how they are getting to and from beach and to return to next meeting.

### At 5:07 PM Chairperson Rossi opened the public hearing about the proposed changes to the Chilmark Waterways Rules & Regulations:

*Select Board asked for the Harbormaster Ryan Rossi to read the changes aloud. Town Administrator Carroll screen shared the highlighted proposed amendments to the regulations while Harbormaster Rossi read aloud the changes.*

- Section II of Definitions park K: Causeway means raised road rather than wooden structure.
- Section IV part G: No private mooring may be rented, sold, or transferred, except to a surviving spouse. If the mooring permit holder is deceased a 60 day grace period will be given before the permit is transferred to the next person on the waiting list. After 60 days, if the boat has not been transferred to a surviving spouse, the boat belonging to the deceased permit holder shall be removed to make room for the next person on the waiting list. If the family of the deceased permit holder needs additional time to complete the necessary paperwork to transfer ownership. The harbor master may grant an additional 60 days. If the family expresses an intent to make such transfer.

- Public hearing of proposed changes to Waterways Rules 7 Regulations Continued...
- Section IV part T: All morning Permit holders are required to provide a valid registration or US Coast Guard Federal document. If the morning permit holder is not named on the registration or official document, proof of ownership shall be provided to the Harbor Master
- Section VI: description and special rules for Docks in Menemsha Basin  
Part A Dutcher Dock: To provide dockage for 2 transient boats of 50 feet or less length overall. Or a combined length of any number of boats less than 120 feet length overall. Boats may raft with each other if both owners agree. This dock is also used to provide space for commercial fishermen off season to unload and repair gear. Space so used by commercial fishermen may be used for no more than 24 h at a time.
- Section VI Part B- Transient boat dock: to provide transient boat dockage for vessels 50 feet or less. Vessels larger than 50 feet length overall may occupy these slips with permission of the harbor master, if based on his experience and judgment, the vessel may safely dock in the slip assigned without causing damage to harbor infrastructure or vessels in the surrounding area.
- Section VI Part C Number 3: Commercial fishing equipment shall be kept off the dock, except for no more than 2 bait barrels and one gear storage box. Lobster pots, and other fish traps may be placed on the dock for rigging, or during periods of setting and hauling, but shall not remain on the dock for more than 72 h at a time without the advanced permission of the harbor master. Any gear staged or stored on the dock must be kept neat and orderly, and every effort shall be made to maintain clear and safe passage of pedestrian foot traffic.
- Section VI Part C Number 4:  
Commercial vessels tied to the dock for longer than 72 hrs shall provide valid commercial fishing permits, at the request of the harbor master, and leave the dock regularly during periods of permissible fishing. If at any time a commercial fishing vessel becomes inactive, and remains at the dock. The harbor master shall determine whether there is a need for the space by other active commercial vessels. If there is a demand for the space, and no other accommodations can be made along the dock. The inactive vessel or vessels shall be asked to vacate within a reasonable amount of time determined by the harbor master. If at such time the inactive vessel or vessels cannot leave the dock the harbor under their own power, or arrangements cannot be made by the owner. To have the vessels removed. The harbor master may take appropriate action to have the vessels removed from the harbor by a commercial towing and salvage company.
- Section VI Part D East Side of Filled Dock:  
To accommodate vessels of Chilmark Homeowners and year-round residents boats occupying these slips must be the appropriate size and beam to fit within the slip.

- Section VI Part E Commercial Dock:  
To accommodate commercial fishing vessels of year-round residents. Commercial Slip lessees shall provide valid commercial fishing permits at the harbor master's request.
- Section VI Part F Small Boat Floating Dock:  
Purpose to accommodate other boats owned by year-round residents that are the appropriate size and beam for the slip.
- Section VI Part G Commercial Channel Dock:  
Purpose to accommodate the loading, unloading, and maintenance of commercial fishing vessels and gear, repair of gear and temporary tie-ups. Space may be used at the discretion of the harbor master for boats up to 85 feet length overall, if not needed for fishermen or fish buyers.
- Section VI Part I Charter Dock Area:  
To provide dockage for boats owned and operated by license Charter fishermen who are year-round residents. These slips lessees shall provide the harbor master with a valid State charter fishing license annually as part of their contract agreements.
- Section VI Part J South East Small Boat Dockage:  
To provide additional dockage for boats up to 18 feet length overall, owned by Chilmark homeowners or year-round residents.
- Section VI Part K Floating Docks alongside Transient Boat Dock:  
To provide dockage for transient boat dinghies, and for boats less than 18 feet length overall, that are owned by a year-round resident and operated by a child of said resident, who was less than 18 years old at the time the dock is being used, proof of age shall be provided at the harbor masters request.
- Section VII General Regulations for Menemsha Basin Part D:  
No slip may be rented, sold, or transferred, except... *Harbormaster said this is the same wording as the mooring deceased holders- part G.*
- Section VII General Regulations for Menemsha Basin Part F:  
The slip holder must own, or be the lessee of the boat in their slip. All slip lessees are required to provide a valid registration or US Coast Guard Federal document. If the slip lessee is not named on the registration or official document proof of ownership shall be provided to the harbor master.
- Section VII General Regulations for Menemsha Basin Part G:  
The harbor master must be notified if a boat will be out overnight or for an extended period, so that the slip can be used for transient boat rental space.
- Section VII General Regulations for Menemsha Basin Part I:  
Parking on the filled dock is limited to one car per slip lessee, which shall display a parking permit issued by the harbor master. Parking permits will also be issued to shellfish farmers who have obtained a grant from the town to operate a farm within shell mark waters, each parking permit number will be recorded in the harbor. Masters database for identification by parking Enforcement officers. Parking permits may be transferred by the permit holder between vehicles, but multiple parking permits will not be issued.

- Section VII General Regulations for Menemsha Basin Part I Continued...  
Any vehicle parked on the field dock must display a valid parking permit for the current year, or a parking ticket will be issued, and the vehicle may be towed at the owner's risk and expense. Transient boats occupying unused residential slips may receive a temporary parking permit issued by the harbor master for the length of their stay, but must return the permit before their departure date. Temporary permits may also be issued on a case by case basis. If multiple people are using a slip less these boat and require one extra vehicle to transport people or supplies, or if the harbor master, or designating his absence, determined that there is a legitimate reason or need to access the West dock parking area. These permits must be returned immediately after leaving. Names, contact information, and license plate numbers will be required for temporary permits, and will be recorded in the harbor master's database at the time of issuance.
- Section VII General Regulations for Menemsha Basin Part N:  
When a transient boat leaves the harbor, after spending 14 consecutive days. They then have to leave for a 7 day period.
- Section VII General Regulations for Menemsha Basin Part Z:  
No open fires or portable gas, charcoal or outdoor electric grilling of any kind on boats or docks and other areas within 50 feet of docked vessels.  
No cleaning of fish on the docks unless previously permitted by the harbor master.

Chairperson Bill Rossi asked if anyone attending the hearing had any questions about the proposed revisions to Waterways Rules & Regulations.

Susan Murphy said concerning the part about after a spouse dies pertaining to slip and mooring: 60 day grace period should be extended to one year. Ms. Murphy gave supporting comments for this recommendation. Harbor master Rossi said that was reasonable and will leave that up to the Select Board. Chairperson Rossi asked if chairperson of the Harbor Advisory Committee (Jeffrey Maida) had any input about this. Mr. Maida said he did not. Mr. Carroll said it often takes much longer than 60 days to get to be the executor of the estate to try to transfer boat documentation.

Mr. Doty recommended amending the 60 day in both the slip and mooring to 1 year. Mr. Malkin said Ms. Murphy's logic is appropriate.

Harbor master Rossi said this would apply to Section IV Part G and then also Section VII Part D. Chairperson Rossi asked if there were any further items to discuss or recommendations prior to closing the public hearing. Hearing no further request Chairperson Rossi closed the hearing at 5:21 PM.

Mr. Doty said we have discussed these recommended amendments to the Waterways Rules & regulation at several Select Board meetings and this has been very transparent and we are ready to approve these new regulations with amendments. Harbor master Rossi said the amendments that were on the website the past 2 weeks did not have all the changes that were made at the last Select Board meeting but were read out tonight as revised (section VI C part 4 & Section VII Part H). Mr. Malkin moved the regulations as presented and including the change from 60 days to 1 year in Section IV Part G and then also Section VII Part D. Mr. Doty seconded the motion. **So Voted: 3 Ayes**

At 5:25 PM Chairperson Rossi opened the  
Public Hearing for the Chilmark Tax Classification:

Assistant Assessor Pam Bunker said this has been a very challenging revaluation certification. Understaffed at our consultants and everyone turning stuff in late so it's a big logjam at the State. Ms. Bunker said the preliminary values for Chilmark were set 45 minutes ago. Ms. Bunker said hoping to get the new growth set tomorrow. Ms. Bunker recommended a vote on the options of classes. Ms. Bunker read aloud the Assessors recommendations for Tax Classification for FY23: *The purpose of the Classification Hearing is to allow the Select Board the option to shift the tax burden between property classes or keeping the tax burden equal. This doesn't change the total tax levy for the community; it simply determines the share to be borne by each class. The five classes of Real Estate are: Residential, Open Space, Commercial, Industrial, & Personal Property.*

*Along with the vote determining whether or not to split the tax rate; there are four other votes that should be made: The first recommended vote by the Board of Assessors (BOA) is, not to adopt the Open Space Discount. (The Town of Chilmark does not classify vacant land as "open space" by the DOR standards, because the town has never considered splitting the tax rate.)*

*The second recommended vote by the BOA is, not to adopt the Residential Exemption. (Since the non-voting tax payers make up 80% of the total town's levy, it has always been recommended not to adopt the Residential Exemption).*

*The third recommended vote by the BOA is, not to adopt the Senior Means Tested Exemption. (The Town of Chilmark already has in place senior exemptions which work well. We have not voted this option at town meeting, therefore, this would not apply at this time).*

*The fourth recommended vote by the BOA is, not to adopt the Small Commercial Exemption. (The town has never considered splitting the tax rate, so this small commercial Exemption is not applicable.)*

*The fifth and final vote is whether or not to split the tax rate., Board of Assessors would like to recommend that the Board of Selectmen adopt a single tax rate, as well as, vote to accept the residential factor of 1.*

*Vote not to adopt the Open Space Discount.*

*Vote not to adopt the Residential Exemption.*

*Vote not to adopt the Senior Means Tested Exemption.*

*Vote not to adopt the Small Commercial Exemption.*

*Vote Yes to adopt a single tax rate and accept the residential factor of 1.*

Ms. Bunker said we will need to continue this hearing until we receive final approval of our real Estate and Personal Property values from the DOR and once the Accountant and Treasurer finish their parts of the tax rate process. To report the excess levy capacity.

Ms. Bunker gave a brief report on growth of values. Value is up 15%

The town's total value for year 2023 is \$4,258,074,890.00

The average assessment for FY23 is \$1,875,000.00

The New Year growth collected this year was \$110,000 in tax revenue, this represents \$39,155,000 in value.

Mr. Carroll said the process going forward now is to close the hearing then vote on the tax classifications and post a special Select Board meeting to learn the levy capacity.

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

Mr. Malkin moved to approve the recommendation from the Board of Assessors.

*Vote not to adopt the Open Space Discount.*

*Vote not to adopt the Residential Exemption.*

*Vote not to adopt the Senior Means Tested Exemption.*

*Vote not to adopt the Small Commercial Exemption.*

*Vote Yes to adopt a single tax rate and accept the residential factor of 1.*

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

#### Human Resources Board - Memo in support of 2 Harbor Master requests:

Harbormaster Rossi read aloud the HRB memo. At a properly posted meeting on December 1, 2022, the Human Resources Board of Chilmark

(HRBC) met with Harbormaster Ryan Rossi to discuss his request for creation of a Traffic Officer Supervisor position and re-grading of the Assistant Harbormaster Position.

The HRBC voted unanimously to recommend approval of Harbormaster Rossi's request to create a new seasonal part-time position of Traffic Officer Supervisor (Harbormaster corrected to Traffic Control Supervisor) starting at Grade 8.

The HRBC also voted unanimously to recommend the starting pay grade for the Assistant Harbormaster be changed to Grade 8, effective immediately.

Mr. Malkin moved to approve these requests. Mr. Doty seconded the motion.

**SO VOTED: 3 Ayes**

#### Harbor - Phase 2 recommendation on choosing proposal:

Harbormaster Rossi reported that 2 proposals were reviewed yesterday. More information was needed to determine the most desirable proposal. We will reach out to both engineering companies and have a follow up meeting for Select Board in future. Harbormaster Rossi asked to table discussion to Select Board meeting on December 20, 2022.

#### Community Center - Charter School prom May 2023:

Chairperson Rossi said we have Charter School request to hold prom at CCC in May.

Mr. Doty said we got a second request from Charter School to use the CCC for their fundraiser trip to Italy. Mr. Doty said he is inclined to say yes to both events. Only concern that a Tuesday night event (Valentines Dinner fundraiser) cleanup plan is very thought-out and completed for Wednesday morning Chilmark School use.

Mr. Malkin moved to approve both requests. With condition the Tuesday February 14 event details on satisfactory cleanup be provided to Town Administrator 1 week prior to event. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

#### Chilmark Community Center (CCC)- Chilmark School Yoga:

Chilmark School Principal Susan Stevens said we request yoga on Tuesday's from 9:00 AM - 11:30 AM for all the classes. Principal Stevens said Wednesday we have a class at the CCC that only uses the stage for violin class. Chairperson Rossi recognized Michelle O'Connor as new member on the Chilmark Community Center Advisory Committee. Ms. O'Connor said her concern is one of reciprocity. The CCC is considered part of school campus but the CCC summer program is not considered part of school campus. The campus feel is a great idea, but want to see more give and take across the Library, School and CCC.

Ms. O'Connor said we need to decide as the CCC Advisory Committee and as a town, how we view our community center and what the needs of all the community members of the town of Chilmark are. Mr. Carroll screen shared an email from Linda Coutinho a member of the CCCAC who could not attend tonight's meeting. Asking how many Tuesdays/ hesitant to allow a 4<sup>th</sup> day per week to the school. Ms. O'Connor asked that the school give a written agreement about the school custodian cleaning the CCC after each time the school uses the CCC during the week.

Mr. Malkin moved to approve this with the understanding that we are not locking in a 4<sup>th</sup> day solely for the school that we would consider other community requests as they arise. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

#### Chilmark School & Chilmark Preschool Space:

Jessica Mason co-chair of the School Advisory Committee and parent to student at Chilmark school gave a report on the space needs discussions that they have been having. Ms. Mason said the SAC and School Board and Preschool Board have been coming together to discuss space needs. Ms. Mason said the school boards & committees had a chance to review our memo last week and said that option 1 & 2 were probably off the table at this time. These 2 options would be building new structures.

Rebecca Thompson a representative of Preschool board and parent was also present along with Chilmark representative on the Up Island School committee Robert Lionette. Mr. Lionette stated he really appreciated the collaboration from the SAC and Preschool on the space needs conversations. Mr. Lionette said a takeaway from meeting last week was what additional space might be available to school during the transition and growth period. Can we work with town to solidify a space available Monday – Friday to use. This would be to continue use of CCC and also add the use of the front room at the library on a regular standardized basis.

Mr. Doty said we are experiencing island wide school population growth across the board. This is not an UIRSD project (the preschool) it is a Chilmark project. We need to explore a permanent preschool space. For long-term planning we should look to build a space in the future near the tennis courts / playground area. Mr. Doty said in the meantime allowing more use of the CCC.

Mr. Doty said the Library is not the suitable space for this.

Mr. Malkin thanked the group who put this informative and comprehensive letter together. Mr. Malkin said looking at the data this is not an immediate need for this coming fiscal year.

Mr. Malkin asked if the Library trustees were part of these discussions. Ms. Mason said she spoke with Janet Weidner of the Library Trustees. The library has made space available to the school 1 day a week when the Library is closed for this year only.

#### Chilmark School & Chilmark Preschool Space Continued:

Susan Murphy asked about room at the Police Station. Mr. Doty said the police use the entire building. Katherine Barnes-Horenstein said the school subsidizes a low rent space for the Preschool to allow accessibility for low income families.

Mr. Malkin said seems the Select Board will entertain providing land on the existing campus and the ball is in the preschool's court to come back with proposal of something they would fund and build. Ms. Mason asked the Select Board for guidance on the short term solution. Mr. Malkin said until we have specific proposals with specific time and dates there is really nothing to talk about.

#### Howes House renovation - discussion on possible cost sharing with West Tisbury & Aquinnah:

Chairperson Rossi recognized Susan Murphy (Chilmark's representative) to discuss this item. Ms. Murphy said there is a lot of resistance from Aquinnah at this point. They are taking it slowly, they plan on taking something to West Tisbury Annual Town Meeting seeking funds to finish the preliminary phase we are in now. They are not seeking to ask for funds from Chilmark and Aquinnah till next fall at the earliest. Ms. Murphy said seems UICOA (Up Island Council on Aging) is seeking to rebrand itself to appeal to more people. Select Board said they will wait and see what is proposed.

#### Energy Committee - Update on Fast Charger project & comment on Eversource Middle Road reliability project effect on view shed Keith Farm:

Rob Hannemann of the Energy Committee spoke to these items.

The DC Fast Charger project has 3 elements:

- 1.) Eversource will install all of the infrastructure that is required to support the charger under their make ready program.
- 2.) Put out to bid and select firm to provide hardware
- 3.) The refined costs estimate for next Special Town Meeting is \$22,000 as a warrant article. Or wait till Annual Town Meeting in April.

Mr. Carroll said we don't have free cash certified yet. Mr. Carroll said we are close with the Treasurer's part to then send to the Accountant. This usually takes 2 months to get done once submitted to Accountant.

Mr. Hannemann said the Middle Road view shed will require Select Board to get involved and we have some support from the MV Commission to help preserve the Keith farm Field view as it is a resource to our town.

Mr. Carroll said Eversource is collecting data on cost of going underground in areas on Middle Road. We don't have the figures yet. Mr. Carroll said the Select Board has the authority to say yes or no to the additional poles proposed by Eversource. Mr. Hannemann said we need to understand what the options are.

#### Shellfish Department - Request to open commercial Oyster season early this year:

Mr. Doty said the Shellfish Advisory Board has called a meeting for Thursday but questioned if we need a public hearing on this topic.



Request to open commercial Oyster season Continued...

Mr. Doty said the idea is to open the oyster season in the Tisbury Great Pond. Shellfish Constable recommended it would be a good idea to do that basically right away and allow people to go fishing for oysters. And during this holiday season, when the price is high. Mr. Doty moved to open Commercial Oyster Season next Monday December 12, 2022. Mr. Malkin seconded the motion.

**SO VOTED: 3 Ayes**

Financial Adviser contract:

Chairperson Rossi asked Town Treasurer D. Barns for her recommendation on this. Ms. Barns recommended staying with this advisor and to sign contract.

Mr. Malkin moved to sign contract. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Ms. Barns asked if she had the authority to sign. Mr. Carroll said we should delegate the Select Board chairperson to sign the Unibank financial advisor contract.

Mr. Doty moved to delegate Select Board Chairperson to sign the Financial Advisor contract. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

DAS - ATC & Town agreement / letter from Deborah Hancock:

Mr. Carroll said he received the agreement back from our legal counsel with minimal changes (spelling & grammar). Mr. Carroll said American Tower added the fiber to go to end of West Dock for harbor to utilize. Mr. Carroll said there is also a section added about future expansion. Mr. Doty asked about the improvement of the batteries. Mr. Carroll said that is included: 31 node batteries updated within 12 months of new contract.

Mr. Carroll said Ms. Hancock's letter requested that the fiber goes down west dock to each light pole. Mr. Carroll said they will bring down to West Dock, but that it needs to go to a power box. Mr. Malkin moved to approve the first amendment to the American Tower & Town of Chilmark agreement and to sign. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Public Safety Building project updates:

Chairperson Rossi gave update. Chairperson Rossi said the project is moving along. Significant advancements have been made in the last couple of weeks.

Town Administrator:

Mr. Carroll said you can discuss at next meeting but intended to include tonight was the ½ day off for employees before Christmas and New Year's. Mr. Carroll said the schools are closing ½ Fridays. Select Board supported Friday before holidays to be the employee ½ day.

Mr. Malkin said he would be traveling December 20, 2022. Chairperson Rossi proposed December 16, 2022 at 5:00 PM.

At 7:02 PM with no further items for discussion Mr. Malkin moved to adjourn. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Minutes respectfully submitted by Diana DeBlase. **Approved 12/06/2022**

Document list:

- Draft meeting minutes from 10/05/2022, 11/01/2022 and 11/15/2022
- Legal add from Vineyard gazette about public hearing Dec 6, 2022 for amendments to Waterways Rules & Regulations
- Proposed changes to the Chilmark Waterways Rules & Regulations
- Memo from Human Resources supporting grade changes and position creations to Harbor employment positions
- Request from island resident to hold wedding ceremony on Lucy Vincent Beach
- Report from School Advisory committee concerning space needs for School & Preschool
- Contract agreement for Financial advisor / Unibank
- ATC outdoor DAS -First Amendment to agreement with Chilmark
- Letter from Deborah Hancock concerning agreement with ATC
- DMF notice of shellfishing seasonal status changes 11/22/2022
- ZBA October decisions summary
- ZBA November applications summary
- Cape Light Compact winter pricing update & Mitigation Strategies
- Comcast price changes Nov. 2022

