

Chilmark Select Board January 16, 2024 6:00 PM Meeting Minutes

Present: Select Board: James Malkin, Marie Larsen. Chairperson Rossi attended via Zoom.

Others: Tim Carroll, Pam Bunker, Peter Cook, Lindsey Scott, Fred Khedouri, Harbormaster Rossi, Warren Doty, Alison Kisselgof, Linda Coutinho, Deb Hancock, Ann Wallace, Adam Petkus, Police Chief Slavin, Linda Thompson, Katie Carroll, Jeffrey Maida, Jay Grossman, Nancy Grundman, Susan Murphy, Allison Simon, Miles Brucculeri, Rich Osnoss, Hugh Weisman, Mary & Jonathan Boyd. Patricia Bacon, News reporter Thomas Humphreys,

At 6:00 PM Acting Chairperson Jim Malkin called the meeting to order in the Select Board meeting room.

Minutes: no minutes were available to review at this time.

Joint Housing Committee testimony in support of the Affordable Homes Act, highlighting the provisions on the Transfer Fee and Seasonal Communities Designation - Laura Silber:

Acting Chairperson Malkin said Ms. Silber has sent a text letting him know she is running late so at this time will move to the next item on the agenda.

Chilmark School Principal Search Committee - update Select Larsen:

Ms. Larsen said that we have a great interview committee with many and varied members of the island community. The committee have received the applications and are determining who will be interviewed. Ms. Larsen said by the middle of February we will be down to 3 to 4 finalists. The first week of March will have the 2-3 finalists come in person and have a tour for a day and School Superintendent Richie Smith will make the final decision.

Chilmark School & Community Center - require written cleaning agreement:

Ms. Larsen said we would like a written agreement between the town and elementary school because it is not clear at this time. Ms. Larsen read into the record: "in consideration of the use of our community center for the music program of the school 2 days a week during the school year the school agrees to the following: on Thursdays after 3:00 PM when the school's use of the community center has been completed the school shall clean the community center as follows:

- Clean both bathrooms: clean toilets, sinks, restock toilet paper and hand towels, clean mirrors, counters, damp mop floors and remove trash and put new trash liners in place.
- Vacuum all rugs
- sweep and dry mop all floors
- inspect and clean kitchen
- empty and remove any trash

This must be completed before public is allowed to rent/use the center Fridays -Sundays

It is understood that if school cannot accomplish the necessary cleaning that they will notify the Town's Facilities Manager Thursday before 4:30 PM. The Facilities Manager will hire a private cleaner to clean the center immediately and the school agrees to pay for the private cleaning cost incurred by their inability to clean the CCC as scheduled on Thursday afternoon."

Ms. Larsen said this has been sent to the head of school and also Robert Lionette our representative on the school committee. Ms. Larsen said she has not heard back from Mr. Lionette yet but when she does she will update this board. Mr. Malkin asked if we also need to send this to the Up Island Regional School District Committee. Mr. Carroll said if Select Board vote this he will send to the school committee.

Mr. Rossi moved to refer this to the Up Island School District. Ms. Larsen seconded the motion.

SO VOTED: 3 Ayes *(completed as roll call as one member is present remotely)*

Up-Island Council On Aging (UICOA)- update on Howes House, MOU and Director Search - Select Larsen:

Ms. Larsen said the UICOA recently had a shakeup of their committee and now has new members. The committee is now in the process of updating the bylaws, which is almost complete. The MOU between the three towns is just starting and the committee is also doing a director search. Chilmark will need a member of its community to serve on the director search committee, please contact Town Administrator Tim Carroll if you are interested. Ms. Larsen said she would give update on the timeline but just starting this process now.

Acting chairperson Malkin took some items out of order to be addressed as some items on the agenda are posted times for public hearings.

Finance Advisory Committee - resignation of Eric Glasgow - Volunteer to replace until ATE. Election January 17:

Acting Chairperson Malkin said Linda Coutinho has offered to fill this position till Annual Town Election. Tim Carroll said we will add this to Joint Budget Hearing to hold an election at this meeting.

Bill Rossi said he would like to acknowledge and accept Frank LoRusso's resignation from the ZBA. Mr. Rossi wanted to thank Frank for his service, and the expertise he added to the Board for so many years. Mr. Rossi said this is a full position that has been vacated and asked if a letter of interest is needed from the alternate members. Tim Carroll said the Select Board requested that vacated positions get advertised and letters of interest should be sent in to be considered.

Joint Housing Committee testimony in support of the Affordable Homes Act, highlighting the provisions on the Transfer Fee and Seasonal Communities Designation - Laura Silber:

Ms. Silber asked that Chilmark write in in support of the Affordable Homes Act and Select Board vote to do that tonight. Ms. Larsen moved to authorize Town Administrator Tim Carroll to sign and send a letter of support. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes** (rollcall as Rossi is participating remotely)

Ms. Silber said the volume of submissions is important so any member of the community is encouraged to send in letter of support for the Affordable Homes Act.

American Tower DAS - approval of Battery boxes on poles:

Tim Carroll said the new battery backup specifications for the DAS system have been sent in for approval by the town. Mr. Rossi moved to approve as specified. Ms. Larsen seconded the motion. **SO VOTED: 3 Ayes** (rollcall as Rossi is participating remotely)

Town's auditor has been purchased by a national company. New Engagement Letter for 2024-2025 is required:

Tim Carroll said the town's auditor notified us that they are in the process of being bought out and we will need to sign an engagement letter. Mr. Carroll said we have 1 more fiscal year with the auditors. Acting Chairperson Malkin said we are being asked to authorize this with the company for 1 more year. Acting Chairperson Malkin confirmed Select Board is ok with this.

Town Clerk- ATM & ATE Calendar - Election of Officers list- Appointment of Registrar

Tim Carroll said this is for your information but if you could vote to approve the early voting schedule.

- Early In-Person Voting at Town Hall
 - SATURDAY, FEBRUARY 24, 2024 , 9-11AM & 3-5PM
(this is also the last day to register to vote)
 - Monday 2/26/24 1:00 PM -3:00 PM
 - Tuesday 2/27/24 1:00 PM – 3:00 PM
 - Wednesday 2/28/24 1:00 PM-3:00 PM
 - Thursday 2/29/24 1:00 PM- 3:00 PM
 - Friday 3/1/24 1:00 PM – 3:00 PM

Mr. Rossi moved to approve the Early Voting schedule submitted by the Town Clerk. Ms. Larsen seconded the motion. **SO VOTED: 3 Ayes** (rollcall as Rossi is participating remotely)

At 6:15 PM Acting Chairperson Malkin opened the public hearing

Classification Hearing - Excess Levy Capacity:

Assistant Assessor Pam Bunker was present for this item. Ms. Bunker said we had previously taken the necessary votes to accept a single tax rate. Mr. Bunker said she is present to report the excess levy capacity for FY2024: \$272,500.00 and to report to Select Board the proposed FY24 tax rate is \$2.15 per \$1,000.00 of value. Tim Carroll asked what the rate is now. Ms. Bunker said this year was \$2.63. Mr. Carroll said there has been a lot of new growth that Ms. Bunker captured. Ms. Bunker said the values have increased 30%. Mr. Carroll said the Town Accountant is meeting with the DOR tomorrow.

Tim Carroll said the reason you need to know this is so you can adjust the appropriations and change things to capture that levy capacity, because it is your proposition 2 & ½ amount. Mr. Carroll said it goes away if you don't use it this year. Mr. Carroll said the town has not used the Excess levy capacity in over 20 years.

Acting chairperson Malkin asked if anyone wanted to comment prior to closing the public hearing. There were no public comments. Acting chairperson Malkin closed the public hearing at 6:17 PM.

Peaked Hill Pastures RFP Committee - discuss committee questions and Town Counsel review:
Lindsey Scott the acting Chairperson of the Peaked Hill Pastures RFP Committee was present along with Andy Goldman, Fred Khedouri, and Peter Cook.

The committee presented the work that they have been doing for the past year and a half. This committee is working to move forward the town's affordable housing project at the Peaked Hill Pasture location. The committee presented a conceptual site plan. The draft RFP was also discussed and presented. Outlines 3 issues and have submitted them to town counsel and have received their responses. Conceptual design is 16.67 acres town property that about 6 acres would be developed for this project. 4 home sites and 10 rental units but zoning allows for only 9 rental units. The 9 rental units would be located on roughly 4 acres of the land that would be leased to the developer. The 4 home sites will be leased to the home site recipients. Ms. Scott said we are here to confirm the direction the committee is going.

Bill Rossi thanked the committee for the work that they have done. Mr. Rossi said all of your recommendations have been thought out and considered carefully. Mr. Rossi moved to accept the recommendations of the committee. Mr. Rossi said he would like to see the town move forward and get the RFP out and see what we come up with. Ms. Larsen emphasized what Mr. Rossi said and thanked the committee members. Ms. Larsen said she is very grateful that we are coming to this conclusion. Ms. Larsen seconded accepting the recommendations from the RFP committee.

Mr. Malkin confirmed the recommendations:

- Total number of rental units; limiting to 9 units.
- The Select Board would follow its prior procedures for awarding the homesite lots as soon as practicable after selection of the rental unit developer. The Developer would be given the opportunity to submit a proposal to construct homes on the homesite lots, which would be made available to qualified participants in the homesite lottery. In the course of the lottery process, applicants who are awarded a lot would be given the option of accepting the developer's proposal to construct a house on their lot. Thus the number of turnkey houses could be as few as zero or as many as four.
- Assign sole responsibility for the above infrastructure to the Developer.

Mr. Doty asked in terms of infrastructure: the electrical line that comes in is it adequate for the whole area? Would this project be upgrading the electrical through the access road? Mr. Khedouri said he thinks the issue is the reason why the developer would need to oversee the development of the infrastructure is we don't know whether the existing line has the capacity to handle the additional load. An electrical engineer will have to analyze it. Mr. Khedouri said from the work that VLS did we can see that it is very likely that the water and septic capacity will be sufficient.

Casey Elliston arrived to the meeting.

Mr. Doty said in terms of the resident home sites there are 4 of them and whoever is awarded the site through the lottery process will chose you build or have the developer build. The committee members said yes.

Ms. Silber said she has gotten communication from Chilmark voters asking about this project with concerns of the encumbrance on the property if local zoning is used for the 9 units. They were wondering why Friendly 40B was not initiated for this project as it would allow to use the additional area in this property in the future if choose to. Mr. Khedouri said that under the existing bylaws if you use the rental capacity of the 13 and a half acres the remaining 9 acres that is now open space including the ballfield would be subject to restrictions. We felt the intent of the warrant article was to reserve the land beyond the 6 to 8 acres for future use. At this time we don't know the future use.

Mr. Malkin said having been on the committee that ultimately led to the warrant article was we wanted to take some of the land and make it available for housing, keep some for recreation, agricultural and future town use.

Rich Osnoss (Chairperson of Planning Board and also on the PHP RFP Committee) said going into this committee from the Planning Boards perspective we had always hoped to look at the possibility of a 40B to be at least examined. Mr. Osnoss pointed out that according to town counsel the future use on this property will be encumbered as strictly outbuildings. Mr. Osnoss said it is important to let the Select Board know this. Ms. Scott said in reference to 40B the majority of the committee and the majority of the time we believe we can accomplish the goals of the warrant language without 40B. Ms. Scott said if there is an interest to do more development of the land that could happen at a later date.

Ms. Silber said she wanted to clarify something about 40B. If a property is encumbered you can't actually go back and use 40B to develop it. Mr. Weisman of the Planning Board said there are some things that are in conflict or not in spirit of the intent of the warrant article. Members of the Chilmark Planning Board would like for you to give this more thought.

Ms. Scott said the four issues the Planning Board had were shared with us and we feel they have been addressed.

- One was the question of the AMI. The RFP includes will include up to 150% of AMI.
- The land encumbrance is just what it is. Yes remaining 9.5 acres will be encumbered.
- Home site turnkey issue, we came to our decision because we are thinking about the recipients having maximum flexibility to decide what direction to go.
- The forth issue is assumption they have is will the units look like these presented. Probably not, this is a concept plan. We will leave it to the developer to point them in the right direction.

Ms. Scott said the committee has addressed the issues that the Planning Board has sent many, many times. We have taken their feedback into consideration and we have really tried to stay focused on our charge to bring the warrant language into the form of an RFP. The committee feels we have done that.

Acting Chairperson Malkin asked if there were any comments or questions from the public, hearing none Acting Chair Malkin asked for the Select Board to comment.

Mr. Bill Rossi said he would like to move forward with the committee's recommendations.

Ms. Larsen said we need affordable housing in Chilmark and it's time to move this forward.

Mr. Weisman asked if the AMI is up to 150% will someone in 80 % not be able to afford it. Ms. Scott said no applicants up to 150% AMI. It is not pinned to a certain number of rentals or home sites to a particular income level. It is just expanding the eligibility beyond 100% AMI.

Ms. Larsen moved to approve and endorse the PHP RFP Committee's recommendations. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes** (rollcall as Rossi is participating remotely)

Alison Kisselgof asked what the committee's charge is now that the RFP has been delivered. Ms. Scott said there are still items that we have to do; some attachments outlined at the end of the RFP. We have collected materials we were asked to collect, there are 2 we believe town counsel will have to supply and town hall can supply. Ms. Scott said these need to be collected prior to Alison Kisselgof posting the RFP. Ms. Scott discussed a timeline and suggested a special town meeting before start of summer would be desirable to bring back a proposal to the voters.

Acting Chairperson Malkin said he would prefer not to have another special town meeting and recommended ATM for a target date. There was discussion of the language for the warrant and the funding method was also mentioned.

Harbor Advisory Committee - discuss regulation changes and Town Counsel review:

Harbormaster Rossi presented the recommended changes to the Waterways Rule & Regulations. Ms. Larsen said the town received a letter mentioning there are some privacy issues in the amendments. Ms. Larsen suggested that we send this back to the Harbor Advisory Committee to take the redline sections from Town Counsel under advisement and fix the privacy issue bring it back and then we can adopt it.

Harbormaster Rossi said the suggested revisions that came from town counsel are not many and we can bring them into the draft for approval. The concern on swimming and diving and the concern from member of the charter dock can be amended too. Harbormaster Rossi said he could send back to HAC but asked if necessary. Acting Chairperson Malkin said in the past the Select Board has referred stuff to the HAC when we are looking for input. Acting Chairperson Malkin asked Chair of the HAC Jeffrey Maida if he had seen the redline version from Town Counsel. Mr. Maida said he had but recommended this come back to the full HAC for review and recommendations. Mr. Maida said he did not believe there was a hurry to get these approved and supported the time to process fully. Harbormaster said that works fine for him. HAC member Andy Goldman said he just received a letter tonight from the Goldberg's about their slip and the HAC would advise on that as well at that posted meeting. Ms. Larsen said once we have the recommendations from HAC and have the legal counsel additions and updates we then need to advertise a public hearing for final draft of the amendments to the Waterways Rules & Regulations.

Human Resources Board:

- Position Description Building Inspector
- Position Description Health Agent

Tim Carroll said the HRB met last week. Acting Chairperson Malkin asked if there was a memo regarding their recommendation. Ms. Kisselgof said the HRB sent a memo recommending both position descriptions. Mr. Carroll was asked to read the memo from HRB. Mr. Carroll said "At their January 9, 2024 meeting, the Human Resource Board of Chilmark (HRBC) voted to approve new job descriptions for the positions of Building/Zoning Inspector and Board of Health Agent. The HRBC did not take a vote on the starting grade for the Board of Health Agent. The Board will wait until they've received guidance from the consultants of the Class & Comp Study in progress before taking a vote to recommend compensation level.

The HRBC voted to approve the Building Inspector job description with a defined grade, since it was understood that rate of pay was part of the hiring agreement with the current employee. The Board respectfully asked that the Select Board review these job descriptions at their January 16, 2024 meeting."

Katie Carroll the Chairperson of the Board of Health was present for any questions they might have regarding the Health Agent position recommendation. Ms. Carroll said this is a recommended change from Board of Health Inspector / Administrative assistant to Health Agent to align with other towns and the added responsibility to the position. Ms. Carroll said the board put a figure into FY25 budget as a place holder as we may not have figure from the Collin's Center that is doing the Class & Comp study for the town. The figure BOH is using is comparing the other island towns pay rate for health agent.

Ms. Larsen moved to approve the 2 job descriptions as recommended by the Human Resource Board. Bill Rossi seconded the motion. Adam Petkus brought the payroll change notice with grade and step increase with him in hopes to get this signed tonight. Acting Chairperson Malkin said during the hiring negotiations it was agreed that once Mr. Petkus had completed our requirements he would be increased to the grade and step discussed. Ms. Kisselgof said Don Leopold the Acting Chairperson of the HRB signed the job description with the grade.

SO VOTED: 3 Ayes (rollcall as Rossi is participating remotely)

Acting Chairperson Malkin signed the payroll change notice for Adam Petkus. Ms. Carroll said the increase change to the Health Agent is for the next fiscal year.

Tennis Petitions for two Warrant Articles - memo from community group:

Acting Chairperson Malkin introduced this item by saying the following: we have over 100 signatures to put two bylaws by petition on the Special Town Meeting warrant. The petitions were received after we had advertised, posted and voted the warrant. Acting Chairperson Malkin said he is happy to discuss the proposed bylaws but will not discuss the content of the bylaws pros or cons. This is strictly a conversation about the Select Board has been approached to discuss whether bylaws presented for a Special Town meeting should be included on a warrant that has already been voted by Select Board. Mr. Grossman said to be clear this could still be heard at the January 22 Special Town Meeting. Mr. Grossman said that is our request. Mr. Grossman said the 130+ signatures (Age range from 18 to 92 years old) on the petitions were submitted 17 days prior to the January 22 STM date.

Acting Chairperson Malkin said he believed this should go on the Annual Town Meeting Agenda. Bylaws are hugely important to our town, we do vetting, and we have committees as we are binding the town to something with a bylaw change.

Acting Chairperson Malkin said he is concerned with going in too quickly for the town. Urge both sides of this issue bring to ATM for open discussion with. Mr. Grossman explained the urgency and why they hope to have this on the STM warrant. Susan Murphy said there are 1,100 voters in Chilmark, and don't we have hearings prior to bylaw changes.

Warren Doty said he came prepared to speak to the issues but said he won't do that and instead noted that the STM warrant is a single item of the Chilmark Preschool and believes it would be a great surprise to a whole lot of people if the bylaws petitions were added.

Mr. Golden thought the option was not to add this to the January 22 warrant but that the Select Board may call an additional Special Town Meeting before the Annual Town Meeting. Acting Chairperson said there was not the 200 required signatures to call an additional Special Town Meeting. Bill Rossi said he spoke with Town Counsel about this and it is too late to be added to the January 22, 2024 STM but they can request another STM with 100 signatures and the Select Board voting to call the STM. They could also force a STM submitting petitions with over 200 signatures within 45 days. Bill Rossi supported waiting till ATM. Mr. Grossman reiterated the time issue to get a program up and running by this coming season.

Bill Rossi moved to not allow an additional special town meeting, and furthermore request this group present their proposal at the Annual Town Meeting. Ms. Larsen seconded the motion.
SO VOTED: 3 Ayes (rollcall as Rossi is participating remotely)

Tim Carroll reminded people that the Town Clerk is still needing an additional town Registrar so if someone has interest to please let the town office know. Mr. Carroll also reminded voters that the nomination papers are available for positions that are up for election at our annual town election. Mr. Carroll said there is a Select Board seat that is not being run for and there is a vacancy on the Finance Committee (FinCom) and 3 people up for re-election on the FinCom.

Special Town Meeting - Article 1 Preschool Lease update

Mr. Carroll said he believes tomorrow the pre-school group is doing a presentation at the Chilmark Library at 7:00 PM so if there are questions that would be a good time to ask them.

Mr. Carroll said the scheduled Budget Hearing on January 18, is being rescheduled, there is no meeting on January 18 for FinCom and Select board.

Marie Larsen said she would like to remind the department heads of the Harbor Department, Fire Department, and Police Department, Building Department and Town Administrator that if you are out of town for more than a day to please notify Town Administrator but Town Administrator needs to notify Select Board. Acting Chairperson Malkin asked that that be sent in writing.

Mr. Carroll said we have a request for acceptance of a donation from the Goldberg Family to the Fire Department. Select Board acting chairperson Malkin said ok.

At 7:23 PM acting chairperson Malkin asked for a motion to adjourn. Ms. Larsen moved to adjourn. Mr. Rossi seconded the motion.

SO VOTED: 3 Ayes (rollcall as Rossi is participating remotely) *meeting was adjourned.*

Minutes respectfully submitted by Diana DeBlase.

Approved 02/20/2024

Document list:

- Template letter for town to support Affordable Homes Act bill H.4138
- Revised site plan for Peaked Hill Pasture housing project
- Memo from Peaked Hill Pastures (PHP) RFP committee 12/08/23
- Draft RFP for PHP housing project for Select Board to accept 12/8/23
- Legal Counsel M. Goldsmith's review and recommendations for the PHP RFP 01/08/2024
- Proposed changes to the Chilmark Waterways Rule & Regulations 12_2023
- Legal counsel review and recommendations concerning the proposed changes to the Chilmark Waterways Rule & Regulations
- Redline version of Waterways Rule & Regulations from legal counsel
- 2009 legal recommendation to harbormaster Jason concerning Waterways Rule & Regulations.
- Letter from charter fisherman Jonathan Boyd with his concerns to the proposed changes to the Waterways Rules & Regulations 01/14/2023
- Memo from HRB for new job descriptions for Building / Zoning inspector and health Agent. 01/10/2024
- New Building / Zoning Inspector position signed by HRB acting chairperson Leopold with grade and step 01/09/2024
- New health Agent position job description. 01/09/24 no grade or step assigned waiting for study recommendation.
- Introduction letter from the Tennis Court Committee about the bylaws proposed
- Citizen petition from the Tennis Court Committee
- Copies of the signatures submitted 6 documents with multiple pages for the tennis court committee proposed bylaws certified by town registrars 1/10/24
- Chilmark Town Affairs Council statement in response to Tennis Court Committee petition 01/16/2024
- Letter (emailed 1/15/24) from Suellen Lazarus to the Chilmark Select Board about the tennis committee and the CTAC's concerns with bylaws proposed by tennis committee.
- Town Clerk's proposed schedule for Annual Town Meeting and Annual Town Election for April 2024 and list positions open for the election that nomination papers are available at Town Clerk's office.
- ZBA decisions for December applications
- ZBA January summary of applications

- Goldberg family letter to Select Board & Harbor Advisory Committee concerning their consideration on Chilmark harbor slip 01/16/24