

Chilmark Select Board November 1, 2022 5:00 PM Meeting Minutes

Remotely Present: Select Board: Chairperson Bill Rossi, Warren Doty and James Malkin. Others: Tim Carroll, David Eisenthal, Dawn Barnes, Jeffrey Maida, Ben Retmier, Bret Stearns, Don Leopold, Graham Stearns, John Larsen, Jen Clark, Julie Flanders, Lenny Clark, Sean Slavin, Steve Larsen, Jonathan Klaren, Susan Murphy, Linda Coutinho, Sergio Modigliani, Suellen Lazarus, Stanley Larsen, Ryan Rossi, Paddy Moore, Reporters Thomas Humphrey VG, Rich Saltzberg MVT.

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

Minutes:

Draft minutes from Select Board meetings held 10/04/2022 and 10/18/2022 were reviewed. Mr. Doty moved to approve both as written. Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

Town Clerk – Ethics Commission LMS option for town:

Select board reviewed material and supported approving new online training program from State Ethics Commission. Mr. Malkin moved to approve new option. Mr. Doty seconded the motion.

SO VOTED: 3 Ayes

Fire / EMS Building Project:

- Updates from Chair Rossi: Chair Rossi said our clerk of the works Bill Dillon caught a potential problem that is being corrected by the contractors at no additional cost to the town. Once this correction to the fire station structure is complete we will be back on track with construction schedule.
- January Borrowing for project: Treasurer Dawn Barnes asked for Town’s financial advisor David Eisenthal to discuss this topic.
 1. Issuing \$4,170,000 bond anticipation notes with disclosure, legal, and rating in January 2023 with a bond issue in January 2024,
 2. Issuing \$4,170,000 “State House” notes in January 2023 with bonds in January 2024,
 3. Issuing \$2,000,000 “State House” notes in January 2023 and \$2,170,000 in April 2023 with bonds in January 2024,
 4. Issuing general obligation bonds in January 2023.

Mr. Eisenthal outlined four options for borrowing and made suggestions to consider. Select Board discussed reviewing the information. Mr. Doty said David Eisenthal has been our advisor for many years and always has given us very good advice. Discussion ensued on the four options.

Mr. Doty moved to approve option three: Issuing \$2,000,000 “State House” notes in January 2023 and \$2,170,000 in April 2023 with bonds in January 2024.

Borrowing Continued...

Both Financial Advisor Eisenthal and Town Treasurer Barnes supported option **three (3)**.

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

Harbor:

- Harbor Advisory Committee

HAC Chairperson Jeffrey Maida said The Harbor Advisory Committee would like to recommend to the Select Board that the Chilmark Police Department have a continued presence in Menemsha to help the Harbor Department with the traffic and parking enforcement. It appears there is a need for traffic officers on weekends beginning Memorial Day weekend through July 1, full time July 1 through Labor Day, and again on weekends through Indigenous Peoples Day. Chairperson Rossi asked Harbormaster Rossi to respond to suggestion. Harbormaster Rossi said traffic enforcement in Menemsha starts daily at noon time and runs till just after sunset. Harbormaster Rossi said we were receiving support from the Police Department from 5:00 PM through the sunset.

Police Chief Klaren said we have a few Special Police Officers who work 40 hour a week jobs elsewhere and in addition to that put in an additional 16 hours a week for us. Chief Klaren said it would be tough to squeeze more hours out of them. But if looking for more we will try to make it happen.

Mr. Malkin supported Harbormaster Rossi and Police Chief Klaren sitting down together and return to Select Board with recommendation. Select Board supported this recommendation.

- Jen Clark – appeal to Select Board regarding Slip assignment:

Jen Clark thanked Select Board for allowing her and husband Lenny Clark to talk. Ms. Clark said 27 years ago both went on 2 separate (Slip) lists. Jen said she pursued a commercial chartering career and was on the Charter Dock wait list for many years. Ms. Clark said her husband Lenny Clark was on the drive on dock / west dock slip wait list. Lenny came to the top of the list this year. Mr. Clark said she did not know the rules had changed that 2 people in same household on two different lists had to combine the slips into one. Ms. Clark said Harbormaster Rossi said the Clark's had to choose one they could not have both. Ms. Clark said they are now aware of rule and she and her husband are trying to come up with a plan. Lenny Clark said he was so excited that he was at the top of the list but did not in any way want to jeopardize his wife's chartering business. Mr. Clark asked if the other folks who are in similar circumstances came to the Select Board for appeal.

Harbormaster Rossi said there are two other Charter Dock slip holders who reside in the same household. Harbormaster Rossi said when that decision was made to grant those two individuals is beyond his knowledge. That decision was made before his tenure. Harbormaster Rossi said he did not know if the two individuals were living together when the slips were issued. Harbormaster Rossi said since 2019 when he came on as Harbormaster we have not had anyone on the waiting list for the Charter Dock.

Appeal to Select Board regarding Slip assignment Continued...

Harbormaster Rossi said we don't have anyone in line to take a Charter Dock slip, therefore the decision was made to continue to lease the slips to individuals who were already there.

Chairperson Rossi said Lenny you have been waiting for 25 years for a slip are you still looking forward to it. Lenny Clark said yes asking for a fair shot at this.

Chairperson Rossi asked if the Harbor Advisory has a recommendation. Mr. Maida said we spoke about this at our last meeting. The conclusion was that the Waterways Rules and Regulations clearly state 1 slip per household. We feel the regulations should be enforced. Mr. Maida said Ms. Clark had run a successful Charter business off the west dock. She was on the Aquinnah side. Mr. Maida also pointed out that no one being on the list for Charter Dock should influence decision as that can then be rented to transient boaters.

Chairperson Rossi said he looks at the Charter Dock as a separate entity from the West Dock personal boat slips. Chairperson Rossi gave support in allowing the two separate slips for Lenny and Jenn Clark. Mr. Doty said Jenn's Charter business should stay at the Charter dock. Harbormaster Rossi said we may need to make a decision based on ethics rather than policy. Mr. Malkin discussed the history of the Commercial Dock and Charter Dock and their distinct differences. Mr. Malkin said he is in support of Chairperson Rossi's notion that the charter business can continue on the Charter Dock and the recreational side go to next person on list.

Mr. Maida asked if we get someone on the list for the Charter Dock what do we do then. Mr. Malkin responded his view is we deal with that when and if it happens. Chairperson Rossi agreed with Mr. Malkin's view.

Harbormaster Rossi said we should not be playing Russian roulette with Jen's Business here. If a situation does come up where somebody qualified goes onto the Charter Dock list they should wait until a slip becomes available. Harbormaster Rossi said we may be making changes to the Waterways Rules & Regulations to excuse the Charter Dock from the one slip per household.

Chairperson Rossi asked for a motion. Mr. Doty moved that Jennifer Clark remains on the Charter Dock and next available resident slip on the West Dock goes to the next person on the list. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Chairperson Rossi said happy boating Lenny (Clark), See you out there. Jen Clark thanked the Select Board.

- Stanley Larsen - appeal of removal from commercial fishing bulkhead. Letters of support:

Chairperson Rossi asked for Jeffrey Maida to speak on this first.

Chairperson of the Harbor Advisory Committee Jeffrey Maida read his notes on the subject:

Appeal of removal from commercial fishing bulkhead Continued...

At the Harbor Advisory Committee meeting on 10/07/22 Ryan asked for the recommendation of the committee to remove Stanley Larson's boats from the commercial dock for non-use per rules and regulations. The committee reaffirmed that the rules should be applied and there must be demonstration of use. Notice should be given. Now we believe this rule, as well as all rules, should be enforced, uniformly. The committee recommended that Ryan issue notice to Stanley that the rules are going to be enforced within a prescribed timeline. So what I took out of that meeting was, we were supposed to go and talk to Stanley and see if he had a plan. Not just try to evict him immediately.

Harbormaster Rossi said he went to the Harbor Advisory Committee with proposed changes, and one of them is to allow inactive commercial fishing vessels to remain on the dock unless a demand for the space became apparent. In which case they would be asked to leave. Harbormaster Rossi said the Harbor Advisory was not receptive to that idea. The policy states that any inactive commercial fishing vessel can't use the dock unless they are actively participating in fishing during periods of permissible activity. The idea is that we would just like to see Stanley's plan for the boats for their future use.

Chairperson Rossi recognized Steve Larsen for his comments. Steve Larsen said we know that when you've been fishing you break down, you have complications that come up. There are life situations. Sometimes you are trying to run another business to support your fisheries. All of these things should be taken into consideration. Now you have a guy (Stanley Larsen) who's been fishing for twenty plus years. Two years ago he was supplying bait to the lobster industry in Menemsha. He contributes to a fish market. Steve Larsen said he thinks there should be a history considered here.

Mr. Maida responded that it was not the intention of the Harbor Advisory Committee to remove Stanley Larsen from the harbor. We wanted to see a plan.

Mr. Malkin said from what we are hearing seems like there is not an issue.

Chairperson Rossi said the Waterways Rules & Regulations have been reviewed with changes proposed and a public hearing posted to have public input.

Chairperson Rossi asked if Stanley Larsen would discuss his plans. The mute on Stanley's computer would not allow for attendees to hear him. Mr. Carroll was unable to unmute Mr. Larsen but pointed out that Stanley Larsen had sent a letter with plan included that is on the agenda. Mr. Malkin read Stanley's letter aloud. Stanley Larsen was able to resolve the mute issue and spoke of his plans to fish in the coming spring season. Mr. Larsen said he is still coming out of the pandemic. There is a lot more involved than just opening a door (at the Fish market) and going to work.

Mr. Larsen said in 2021 he had to spend over \$10,000 in fiberglass repairs to his boat when boat ahead of his hit his boat and cracked the side of his boat.

Appeal of removal from commercial fishing bulkhead Continued...

Mr. Larsen said he did not make an issue of it did not go after the other boat owner as he is a working guy too. Mr. Larsen discussed his concerns of a fire happening when you are out fishing so he had a mechanic from MV Shipyard help him rewire the whole boat. Mr. Larsen said there is nothing he would rather be doing than being out fishing on his boat and he intends to do that. Chairperson Rossi thanked Mr. Larsen for his plan.

Chairperson Rossi asked Harbormaster Rossi if there was a proposed change to the regulations that they can get an exemption from the Select Board if they (commercial fisher) are unable to be active for a certain amount of time. Harbormaster said there is not currently his proposal was not supported by the Harbor Advisory Board. Harbormaster Rossi said the way that the rules were written in two thousand and eight. They say that any vessel who um is not actively. Fishing can no longer remain on the dock.

Mr. Doty said Stanley has put money and repairs to upkeep his fishing vessel and plans to fish in this 2023 fishing season and that good enough for us. Mr. Doty said this allows him to stay there. Chairperson Rossi asked for a motion.

Mr. Doty moved that with repairs completed and intention of using them to fish in the 2023 season that the Four Kids and the Richard & Arnold fishing vessels can stay on the Commercial Fishing dock. Mr. Malkin seconded the motion.

SO VOTED: 3 Ayes

Stanley Larsen thanked the Select Board.

Chairperson Rossi said we are holding a public hearing that has been advertised about amendments to the waterways rules & regulations on December 6, 2022 at 5:05 PM
Chairperson Rossi recognized John Larsen to speak.

John Larsen said he would like to make a point about commercial fishermen at the dock. We are under quota closure, restricted with amount of gear we can fish. This has cut incomes to the fishermen with all of these changes. A boat might be tied up at the4 dock if they already got their quota, not allowed to catch more. These are things that need to be considered as well. Historically the non-resident fishing boats where the ones that the regulation about moving off if not fishing was used. John Larsen thanked Select Board for allowing to speak. Chairperson Rossi thanked him for his input.

Comfort Station/Nitrogen Committee - support of this winter's renovations:

Mr. Carroll said he included this here so you knew Harbormaster was given the green light from the committee to go ahead. Chairperson Rossi acknowledged this and moved on to agenda next item.

Tri Town Ambulance:

- Resignation of Traci Cooney

Tri Town Ambulance Chief Ben Retmire said yes this is just a memo. Ms. Cooney got a job at the Charter School as their nurse and job started in September. She was working with us during the transition till we had a new hire. We have our hire recommendation so her official last day was yesterday (October 31, 2022). We would like to have you accept her resignation and then bring her back on as per-diem paramedic so we can fill holes in the schedule when someone is on vacation or sick.

- Recommendation of TTA to appoint Trulayna Rose

Chief Retmire said we completed extensive interviews with three of the applicants for the position. Trulayna was the best candidate for this position. Chief Retmire gave outline of some of the expertise Ms. Rose will be bringing to the department.

Mr. Doty said the Tri Town Ambulance Committee endorses both of these requests.

Mr. Doty moved to accept Traci Cooney's resignation and then willingness to work for TTA as a per-diem paramedic. And to appoint Trulayna Rose a full time paramedic for TTA. Mr. Malkin seconded the motion. **SO VOTED: 3 Ayes**

Chilmark Community Center:

- Closing CCC restrooms to the public during summer program
- Appointment of Michelle O'Connor
- Resignation of Tim Carroll

Chairperson Rossi said he only learned of Tim Carroll's resignation from the CCCAC from tonight's agenda and asked to address this first. Chairperson Rossi said I see that you do not have the time to commit to this committee and that is fine. Chairperson Rossi said I think you have too much to do anyway.

Chairperson Rossi said Michelle O'Connor has been involved with the Community Center Summer Program for many years and is now a full time resident of Chilmark and he encouraged her to join the Chilmark Community Center Advisory Committee (CCCAC). Chairperson Rossi asked for a motion. Mr. Malkin moved to appoint Michelle O'Connor to the CCCAC. Mr. Doty seconded the motion. **SO VOTED: 3 Ayes**

Chairperson Rossi (who is also a member of the CCAC) said the CCAC met and discussed the use of the restrooms inside the Community Center Building for the general public because there are no restrooms in the town center. Chairperson Rossi said Ms. O'Connor brought up a valid concern having adults off the street share a bathroom with 5 to 6 year-old children.

Chairperson Rossi said he agreed and shared that concern. We need to figure out a public restroom in the center of town. Chairperson Rossi said the town hall system cannot handle it. Chairperson Rossi said the Public Safety Buildings person will need a key to get into them. They will not be available for public to just walk in. Chairperson Rossi said we have public restrooms in Menemsha but we need to decide about town center.

Closing CCC restrooms to the public during summer program continued...

Mr. Doty said during the pandemic we had a portable toilet just off of the Library area. We could have 2 there. Suellen Lazarus said we spent a good part of the summer looking at safety issues. We had cycling camps pull up with 20+ campers to use the bathrooms. Ms. Lazarus said she would be happy to work on where the portable toilets are situated as we don't want on the Summer Camp campus.

Mr. Malkin supported getting a couple of portable toilets and working out where they will be situated during the summer season. Mr. Doty recommended having the portable toilets with a cleaning service so that they are cleaned and serviced on a regular basis. Mr. Doty said we will need to appropriate the funding to have these bathrooms and cleaning service for the coming summer of 2023. Chairperson Rossi said we will come up with a solid plan soon.

Review of Organization and Operation Report from Don Leopold:

Mr. Malkin asked to introduce this agenda item. When our new Treasurer came on board, it became clear that a number of issues that the town had been dealing with over time, tying to the growth of our population, tying to the increased regulations that all municipalities face. We asked Don Leopold who is a member of the Human Resources Board to conduct confidential interviews with the staff and gather information and take a look at the organizational structure as well as the town operations. And to come back to the Select Board with his findings. This is where we are now.

Mr. Leopold screen shared a PowerPoint slide presentation titled Chilmark Organization review Initial Findings and Observations dated 11/1/22.

Mr. Leopold said he had to say we as a town are incredibly fortunate to have the extraordinarily qualified and commitment staff we have in Chilmark. Mr. Leopold said he talked to seventeen folks both inside and outside of Town Hall. Mr. Leopold said he has done a lot of these kinds of projects in my professional life, and it's just extraordinarily impressive, we are really really fortunate. There are a lot of good things about the setting in which they work. They really have high respect and regard for each other. They really have an extraordinary commitment to the town. Both those who grew up here and those who didn't um and those outside of Town Hall consistently praised the folks with whom they work inside Town Hall.

Mr. Leopold outlined where clarification of structure and roles could be done. Mr. Leopold said for clarification these comments are about the role not the person. The role of Town Administrator is reported to have such a broad set of tasks and responsibilities that many staff inside and outside of town hall wonder if the job as currently structured is doable. Something to work on is fundamental processes and lack of process. Mr. Leopold said this is something that is really not hard to fix but will really need require some attention. Mr. Leopold said a good example is new treasurer position where there is very little process and documentation.

Mr. Leopold recommended considering really assessing the role and then determining the best and highest use of the town administrator role. Mr. Leopold recommended assessing and working on this over the next couple of years.

Review of Organization and Operation Report Continued...

Chairperson Rossi thanked Mr. Leopold for all of the work he has put to this. Chairperson Rossi asked the other two select board members for their comments. Mr. Malkin said he is a big fan of process of people knowing what they're expected to do, and when they're expected to get it done by, and then being measured on whether or not they did it. Mr. Malkin said we're all going to have budget pressures and any waste and inefficiency in people's time, or in our money, because we're repeating ourselves, is something that we don't need to have happening now. Mr. Malkin said ok we have this report now where do we go with it.

Mr. Doty said we have worked hard at making sure that we spend a lot of time and process, hiring the right people, offering them good working conditions and good salary. Mr. Doty said the authority structure is not a pyramid but a web. Mr. Doty said the Board of Health, Assessors and Library Trustees don't ask Select Board for guidance they are very independent.

Mr. Doty said assessing our structure after two years of pandemic where things have been difficult for everyone is challenging. Mr. Leopold said he believed this is not so much an issue of structure but role clarification and process. Mr. Doty asked Mr. Leopold for his recommendation on what the next steps are. Mr. Leopold said his recommendations is to have the Town Administrator the Select chairperson and himself (Don Leopold) get together and layout next steps and timelines and bring back to Select Board. Chairperson Rossi agreed to this recommendation.

Chairperson Rossi thanked Don Leopold for his work and willingness to continue with the next steps together.

DEP Notice of Title 5 Regulation amendment (nitrogen reduction): No action

Howe's House Renovation Proposal:

Chairperson Rossi recognized Susan Murphy as Chilmark's appointed representative on the Howe's House Committee. Ms. Murphy said she is not a voting member of the committee West Tisbury are the voting members. Ms. Murphy said tomorrow the committee will choose an architect. The focus group will give a report on how the Howe's house / Counsel on aging will be moving forward. Ms. Murphy said the question of financing is a topic not fully discussed yet. Chairperson Rossi said we have been asked to consider funding 1/3 of cost to each Up Island Town. Aquinnah has said they are not intending to commit to that. Mr. Doty said he doesn't feel Chilmark is getting a fair share of service from UICOA. Mr. Doty said an 8 million dollar price tag figure seems very loose. Chairperson Rossi said we have not seen a plan yet we are just looking at a concept. Chairperson Rossi said it is an up island resource and we should participate, but not sure about what level the town will support. Ms. Murphy recommended attending tomorrow's meeting via zoom. Center for Active living vs name of Council on Aging.

Paddy Moore said programing is very important step to take prior to the design process. Ms. Moore said it is worth looking at Edgartown senior center for data, and that Cindy Trish could help. Chairperson Rossi thanked Ms. Moore for her insights.

At 7:01 PM James Malkin moved to adjourn. Chairperson Rossi seconded the motion.
SO VOTED: 3 Ayes

Minutes respectfully submitted by Diana DeBlase.

Approved 12/06/2022

Correction: three instead of four on page 2, please revote 01/03/2023 –Diana DeBlase

Document list:

- Draft Select Board meeting minutes from 10/04/2022 & 10/18/2022
- State Ethics Commission new online training announcement from Mass.gov
- Financing options outlined by finance advisor Eisenthal 10/27/22 email
- Memo from Treasurer Barnes outlining recommendations from finance advisor Eisenthal
- Figures comparing borrowing costs and options from finance advisor Eisenthal
- Harbor Advisory recommendation continued police presence in Menemsha for next season
- Request to discuss slip assignments from Jen Clark
- Request in writing from Stanley Larsen regarding his fishing vessels in Menemsha Commercial dock
- Support letter from Chris Stein for Stanley Larsen to continue to have vessels on Commercial Dock in Menemsha
- Comfort Station (Menemsha public bathrooms and showers) discussion minutes from committee meeting 10/20/22
- Newspaper (Vineyard Gazette) public hearing notice for Select Board meeting Dec 6, 2022 to amend Waterways Rules & Regulations start time 5:05 PM
- Tri Town Ambulance Chief's notice accepting Traci Cooney resignation and desire to hire her as per-Diem Paramedic to cover shifts when needed
- Tri Town Ambulance Chief's notice requesting Select Board appoint Trulayna Rose fulltime paramedic
- Letter from Michelle O'Connor requesting to be appointed to Community Center Advisory Committee
- Organization review initial findings & observations from Don Leopold
- PowerPoint slides of Chilmark Organization Review from Mr. Leopold
- Up Island Council on Aging Renovation proposal
- Mass DEP notice of intent to proceed with new Septic regulations 314 CMR 21.00