

DRAFT Chilmark Board of Selectmen August 6, 2019 Meeting Minutes

Present: Chairman Warren Doty, Bill Rossi and James Malkin. Also: Tim Carroll, Police Chief Jonathan Klarén, Clark Goff, Jesse Burton, Frank Yeomans, Keith Chatinover, news reporters: Will Sennett, Rich Saltzberg, and MVTV videographer Lynn Christoffers.

At 5:00 PM Chairman Doty called the meeting to order in the Selectmen's meeting room.

Minutes:

Draft meeting minutes from Selectmen's meeting held July 2, 2019 were reviewed. Mr. Malkin moved to approve minutes as written. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Draft meeting minutes from Selectmen's meeting held July 16, 2019 were reviewed. Mr. Malkin moved to approve minutes as written. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Draft meeting minutes from Selectmen's meeting held July 19, 2019 were reviewed. Mr. Malkin moved to approve minutes as written. Mr. Rossi seconded the motion. **SO VOTED: 2 Ayes, 1 Abstain** *Mr. Rossi was not present at the 7/19/19 meeting.*

Chilmark Fire Department:

Retiring Fire Chief Appreciation - David Norton:

Chairman Doty said tomorrow / Wednesday night is the Backyard Bash when we will have David in person for an appreciation ceremony. Chairman Doty showed the plaque that will be presented to retiring Fire Chief David Norton at tomorrow's Backyard Bash for his many years of service to Chilmark. Chairman Doty said 48 years he has been on the Chilmark Volunteer Fire Department and 20 of those years as the Chief. Mr. Malkin moved to approve this resolution to honor David Norton, Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Update on progress in Contract Negotiations with new Fire Chief:

Chairman Doty said we have the new Fire Chief Jeremy Bradshaw and we have a contract ready to sign. There is a condition to the appointment that Mr. Bradshaw has a physical & psychological review. Chairman Doty said Mr. Bradshaw has completed the psychological review with the Fire Chief's Association psychologist. Chairman Doty said he received a very positive review from that. Chairman Doty said he (Mr. Bradshaw) is in the middle of the physical review and should be complete by tomorrow. Mr. Carroll said the process should be completed by Thursday and hopefully by Friday we will have the results.

Chairman Doty said we have created an Administrative Chief position for David Norton for the month of August (2019). Chairman Doty said Mr. Bradshaw will assume the full Fire Chief position on September 1, 2019. Mr. Rossi confirmed that is what the Selectmen have agreed upon. Mr. Carroll said there was discussion to appoint Jeremy Bradshaw to the position at the Selectmen's August 20, 2019 regular meeting (as the Selectmen's first meeting in September is not till the 3rd). Chairman Doty approved that recommendation.

Code Red - Resident's concern about privacy:

Chairman Doty asked Mr. Carroll who is also the town's Emergency Manager (as well as Town Administrator) to give a brief description of the Code Red system. And then we will hear Mr. Yeoman's concerns. Mr. Carroll said Code Red started out as a reverse 911 system so we could push messages out to all of the phones in town. Mr. Carroll said since then technology has changed a lot and more people are on their cell phones more and there are less and less home phones. Mr. Carroll said we recently sent out a test and reached only 60 % of the numbers we had in the 911 data system from the State. Mr. Carroll said the reverse 911 is still a good tool it's just not reaching everybody. Another tool that will become available to us is to be able to send messages to all cellphones in our geographic area for emergencies.

Mr. Carroll said the Communications Center / Dukes County Sheriff's Department is getting certified to be able to do this service for our communities. Mr. Carroll said this is a voluntary opt-in system so if an individual doesn't sign up they will not get these alerts. There was discussion on the increase of severe weather alerts.

Chairman Doty asked Mr. Yeoman's to share his concerns at this time. Mr. Yeomans said he signed up for Code Red when it became available and he has received warnings. Mr. Yeomans said he had a couple of questions and Mr. Carroll connected him to a representative from OnSolve. Mr. Yeomans said we can register through what OnSolve states as 3 trusted providers: Google, Face Book and Twitter. Mr. Yeomans said Google has just been assessed a fine of 3 billion dollars. Face Book; Mr. Yeomans said was started by 2 guys from Harvard who were cheated out of their ownership interest by the person who took over Face Book. As for Twitter Mr. Yeomans said he knows nothing about it except the President of the United States uses it. Mr. Yeomans said his concern is the Town has taken on some liability by being a focal point for the messages coming in. Mr. Yeomans recommended speaking with town counsel about this.

Chairman Doty asked how Code Red is tied in with Face Book. Mr. Carroll explained that on the sign on page for Cod Red if you don't want to commit the time to create an account you can click on one of the other three options mentioned if you already have an account with them it auto fills your account set up info. Mr. Carroll said that option is not required to set up your Code Red notifications.

Chairman Doty asked what information Code Red has about each individual person. Mr. Carroll said telephone number and physical address and a name. Chairman Doty said that is the information we used to put into phonebooks. Chairman Doty said the Selectmen would talk to town counsel about possible liability through the Code Red system.

US Census Complete Count Committee - Keith Chatinover -County Commissioner request:

Keith Chatinover asked that a member of the Board of Selectmen be willing to be on the Complete Count Committee for our County. Mr. Chatinover estimated the committee meeting once every 2 months. Chairman Doty volunteered to be the Chilmark Representative on the Dukes County Complete Count Committee. Mr. Chatinover thanked Chairman Doty.

J. Burton Appeal of prior denial & Denial of Appeal on 07/19/2019:

Chairman Doty said Mr. Burton appealed the Selectmen's decision to deny a sightseeing launch boat Even Keel to be operated out of Menemsha Harbor. Chairman Doty said on July 19th the Selectmen denied the appeal. Chairman Doty referred to a packet from Town Counsel regarding the process.

Mr. Malkin said we have denied the appeal, we used Ron Rappaport's letter as a basis for that denial.

Mr. Burton said the email he sent was a request for the option to appeal the decision and he was expecting to be at the meeting when Selectmen had discussion. Mr. Burton did not know it was to be discussed at 9:00 AM the next morning with no notice. Mr. Burton asked if there was a course to take to make this a possible venture. Mr. Burton said there seems to be a half dozen other people offering tours out of Menemsha Harbor.

Chairman Doty said we believed that we had a very limited time to respond to that appeal. Mr. Carroll said town counsel advised us we had 7 days to respond. Chairman Doty said waiting till our next regular scheduled meeting would have been too late.

Mr. Malkin said he was prepared to respond to this request from Mr. Burton. Mr. Malkin said you are aware of my position. Mr. Malkin repeated that he is concerned about opening up the harbor to non-fishing or non-grandfathered uses. Mr. Malkin said concerning the list of boats you provided to us, if there are boats that are operating here on a commercial basis that are not involved in fishing; then we should have an incident report with date, name, and description of situation and the Selectmen will deal with that. Mr. Malkin said the Harbor Master has been instructed in this process as well.

Mr. Malkin said Menemsha is crowded; we have traffic congestion, we have issues in the harbor with congestion. Mr. Malkin said he intends to keep it (Menemsha harbor) for fishing operations. Mr. Malkin said we have sent you a letter through our town counsel that addresses your appeal to the DEP. Mr. Malkin said we have had questions from the DEP as late as yesterday concerning your appeal that we are responding to. In terms of any boats that are involved with commercial activities and use town owned facilities; there are a couple of grandfathered uses.

Mr. Burton asked for the date that they were grandfathered. Mr. Malkin said he believed they were preexisting. Mr. Malkin said he was aware of a fellow who was doing a Cuttyhunk taxi service. Mr. Malkin concluded saying if a company comes into Menemsha looking to do excursions within our facilities, that are not fishing they will be denied.

Chairman Doty said the process now is that the DEP is considering this. Mr. Malkin said Mr. Burton has gone to the DEP and said our decision is in violation of the DEP statute. Mr. Malkin said the DEP is now examining if it is and in what regard it is. Mr. Malkin said the DEP is now asking for information from the town to make a determination. Mr. Burton thanked the Selectmen and exited the meeting.

4 North Ridge Road - Update:

Mr. Carroll said we are putting together a packet to advertise the property for the disposal of excess property through sealed bids; for the highest and best offer. Mr. Rossi said we will choose an afternoon when he can be at the property with information packets. Mr. Carroll said he would have these information packets about the property available digitally as well.

Mr. Rossi recommended getting the area brush cut again.

Chairman Doty said the town has a property at 4 North Ridge Road that we received in lieu of taxes that we are putting up for sale. We will have an information package about the property and we will accept sealed offers. We will have established a minimum amount and the reserve will be in the packet. The property will be disposed of through sealed bids in September 2019. Mr. Carroll asked for the Selectmen to declare the property surplus and authorize its disposal (through sealed bids that must be at least the minimum set in the packet).

Mr. Malkin moved to declare 4 North Ridge Road property surplus and to sell it through sealed bids as discussed tonight. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Review HVAC plan for Chilmark Community Center:

Chairman Doty said we had worked on plans for the HVAC system at the Community Center this spring and he would like an update on when the system will be installed. Mr. Carroll said we had three interested bidders this spring. One said they could absolutely do it, but at deadline for bids we did not receive any. Mr. Carroll said contractors were just too busy to get to this project before this summer. Mr. Carroll said the plan is to re-advertise for this project in the second week of September. Mr. Carroll said he expects the project to be completed in October 2019.

Chairman Doty said he believed we were getting an energy audit this week of the town facilities and asked for an update on that. Mr. Carroll said as part of the Green Community Certification an audit will be completed through Cape Light Compact who is sending Rise Engineering to do the energy audits. Mr. Carroll said this happened today (8/6/19). Mr. Carroll said the interesting outcome of the audit is they had lots of recommendations for energy efficiency at the Chilmark School. Mr. Carroll said he asked that they speak directly to Rob Hannemann about these recommendations. Mr. Malkin said there is a meeting of the Chilmark HVAC subcommittee (working group) for August 8th at 5:00 PM here at the town hall. The group will be Susan Stevens, Rob Hannemann, Robert Lionette, Amy Tierney and himself (Jim Malkin). Mr. Malkin said it would be valuable to have the Rise Engineers to speak with Rob Hannemann before the meeting Thursday.

Review of Fire and Ambulance (Building) plans:

Chairman Doty said this September we will be taking possession of 399 Middle Road and we should be ready to move ahead with our Fire Station and Ambulance Building plans. Chairman Doty asked Mr. Carroll for the schedule. Mr. Carroll said we are entering 2 months behind the schedule we set forth. Mr. Carroll said:

- We met informally with a possible OPM who expressed interest but who is not available till October. But this works with our delayed schedule.
- Finished talks with Tri Town Ambulance Committee who agreed to authorize the borrowing to build the Tri Town Ambulance Building at 399 Middle Rd.

Review of Fire and Ambulance (Building) plans continued...

- The borrowing then will be presented to the individual towns that makeup Tri Town Ambulance. (Aquinnah, Chilmark and West Tisbury).
- A financial advisor has worked with Treasurer Melanie Becker and we have some estimated figures to propose to the Tri Town Ambulance Committee.
- We will then bring the figures to the West Tisbury and Aquinnah Boards of Selectmen for support. Mr. Carroll said he would like Chairman Doty and Town Treasurer and the Ambulance Chief to go with him to propose the figures for approval.

Selectmen recommended having the building committee start meeting in September rather than trying to fit meetings in August. Mr. Carroll said after we have the OPM in place (estimated to take about 3 weeks) we will advertise and hire an architect (estimated to also take about 3 weeks). Mr. Carroll said the committee will work through the template from the State to hire the positions. Mr. Carroll said the goal was to have a Special Town Meeting in February but we don't seem to be moving forward for that timeline. Mr. Carroll said we have \$200,000.00 for a preliminary design and an estimate to build. Mr. Malkin said we must have this completed by Annual Town Meeting if we can accomplish it sooner all the better.

Chairman Doty requested that the Building Committee have their first meeting within the first 10 days of September. Mr. Rossi who is the chairman of the Building Committee said the committee will meet and review the process and come up with suggested timelines.

Menemsha Water Company (Coop) - Rates and meeting:

Mr. Carroll said the Annual Meeting is set for (Sunday) August 18, 2019 at 4:00 PM at the Chilmark Library. Mr. Carroll said also in your agenda packet are the minutes for the 2018 Annual Meeting of the Menemsha Water Company. Mr. Carroll said they had some problems getting reports filed with the State. The Water Company said they are now required to send in reports more often. Mr. Carroll reported the cost has increased greatly. Mr. Carroll said the Water Company has hired an off island company to run the system now. The additional testing that is being required by the State will cost an estimated \$16,000.00 this year and the other testing that we were behind on has made the rates almost doubled this year. Mr. Carroll said that the Harbor and Comfort Station budgets are underfunded. Mr. Carroll said he has encouraged the FinCom to have a member present at the Annual Meeting as well as a Selectman and himself and the Harbor Master. Mr. Malkin said he would attend the meeting as the Selectmen representative.

Updates - Events held in Chilmark:

Chairman Doty asked Police Chief Klarén for his thoughts about how the events have been run in town so far this summer. Police Chief Klarén said Meet the Fleet was very well attended. The event was extended an extra hour this year and attendees enjoyed it. The Book Festival also was very well attended and people seemed to enjoy the festival. Chief Klarén said the book festival planned the parking very well. Chief Klarén said the event coordinators communicated with him very well. Chief Klarén said from the police department point of view he had no concerns for either event. Chief Klarén said tomorrow is the Back Yard Bash and then Saturday is the Chilmark Road Race.

Events in Chilmark Continued...

Chief Klarén said road closures for the Saturday Road Race will begin about 8:30 AM. The (Middle Road) road will be open to residence only; closed to through traffic though. Chief Klarén said when the race is eminent all traffic will be stopped till race is complete; about 12:30 PM. Chief Klarén gave an explanation of the plan for VTA buses transporting the runners.

Chairman Doty said we owe a thank you to Julie Flanders for the use of her property during the Meet the Fleet event. Chief Klarén said she has also offered the field for parking for the Road Race. Chairman Doty asked if there have been calls to the police about any of the events or concerns we should be aware of. Chief Klarén said he has not gotten a single call from the VTA of a bus not being able to navigate traffic in Menemsha parking lot with the new set up. Chief Klarén reported last year it was almost a daily occurrence.

Chairman Doty said the Police Department has a good crew this season they are doing a great job down in Menemsha.

Human Resources Board (HRB) - memo concerning harassment policy / procedures:

Mr. Malkin said the HRB has been working with Labor Attorney Jack Collins on harassment guidelines; what we need to do as a town and training our staff and employees to set up for procedures and policies. Mr. Malkin said the HRB have adopted 7 points listed here;

1. Well trained investigators
2. Timely responses and investigations
3. Documentation of all steps and preparation of a written report.
4. Protect privacy of all involved to the extent possible.
5. Ensure protection of all concerned to avoid retaliation, and allow for sanctions on those who do retaliate.
6. Ensure that individuals alleged to have engaged in harassment are not presumed guilty or punished prior to completion of investigation.
7. Communicate determination of investigation to all parties, and communication of sanction if found harassment occurred.

Mr. Malkin said the HRB is working to establish 1 hour training for all town employees. Selectmen unanimously supported these efforts of the HRB.

Human Resources Board (HRB) - memo agreeing with new hours for Harbor Master:

Mr. Malkin said he has been in discussions with Harbor Master Rossi about operations of the department. Mr. Malkin said the Administrative Assistant for the Harbor Department left the position in June of this year. After review of the workflow Mr. Malkin went to the HRB with a request to change the job description of the Harbor Master from 35 hours to 40 hour a week and to eliminate the need for an Administrative Assistant. Mr. Malkin said this is a savings to the town of about \$8,000.00.

Mr. Malkin moved to approve this change to the harbor department as discussed tonight. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes**

Assessors - Request to appoint temporary clerical help:

Chairman Doty said this item will be postponed to a later date.

AG - Partial approval of Chilmark Annual Town Meeting Articles:

Mr. Carroll said that some of them were approved, some were extended to be reviewed longer and one of them was approved (designation of solar as of right) but no map was attached so they will need more time to receive that. Chairman Doty said Ron Rappaport is working on these items the AG is requesting.

At 6:03 PM with no further items for discussion Mr. Malkin moved to adjourn. Mr. Rossi seconded the motion. **SO VOTED: 3 Ayes** *Meeting was adjourned*

Document list:

- Draft Minutes from 7/2/19, 7/16/19 and 7/19/19
- Code Red explanation sheet for signup
- OnSolve Security overview
- Request from Keith Chatinover to have a Selectmen join Complete Count Committee
- Jesse Burton request to appeal decision by Selectmen to deny passage boat unloading and loading in Menemsha
- Town counsel recommendation to deny J. Burton appeal
- Menemsha Water Company notice of Annual Shareholder's Meeting 08/18/19
- Menemsha Water Company minutes from August 2018
- Invoicing from Menemsha Water Company
- HRB memo with recommendations for harassment policy / procedures
- HRB recommendation to increase Harbor Master position to 40 hours a week
- Assessors request to appoint clerical assistant for 4 hours weekly
- ZBA decisions for July 24, 2019 meeting and agenda for 8/28/2019 meeting
- Notice from AG concerning articles approved for bylaw changes and notice of time extension for determination of bylaws.
- MVRHS notice of returning funds to towns from unused warrant article from 2013
- Comcast / Xfinity Municipal Emergency Reporting Procedure Reminder