

May 5, 2023

Select Board
Town of Chilmark
P.O.Box 119
Chilmark, MA 02535

To the Members of the Select Board:

The Select Board has received a communication from a member of the public inquiring as to whether nearby residents should be permitted to participate as Committee members in discussions of the Peaked Hill Pastures RFP Committee concerning a proposed affordable and community housing development on land owned by the Town at Peaked Hill.

We consulted an attorney at the State Ethics Commission on the issue of whether under state law we have a conflict of interest that bars involvement in the deliberations of the Peaked Hill Pastures RFP Committee. The conclusion of the State Ethics Commission attorney was that we are not precluded from serving on the Committee and participating in its deliberations. The attorney reviewed the facts and the public record relating to the establishment of the Committee, which reflects the unanimous decision of the Select Board to appoint five people to the Committee, two of whom would be drawn from members of the Planning Board, one from the Housing Committee, and two from town residents who reside in the neighborhood of the proposed housing. The Select Board also stipulated that the Committee was intended to provide advice but that all decisions relating to the proposed project would be reserved to the members of the Select Board.

The attorney advised that we ask the Select Board to augment the public record with a determination (in writing as required by §19) that it appointed us to the Committee because we reside in the vicinity of the project and the Select Board has concluded that we are able to discharge our duty with integrity. We were advised that this can be a simple declaration along the general lines below:

“In appointing Lindsey Scott and Fred Khedouri to serve on its Peaked Hill Pastures RFP Committee, the Select Board of the Town of Chilmark has determined that it believes they do not have a substantial conflict that will affect the integrity of their service as members.”

Although not specifically advised to do so by the State Ethic Commission attorney, we have also each filed written notifications with the Town voluntarily disclosing the potential appearance of a conflict of interest created by owning homes in the general vicinity of the site proposed for the affordable and community housing.

Thank you for your consideration of this request,

Lindsey Scott

Fred Khedouri