

Town of Chilmark
SPECIAL TOWN MEETING

October 28, 2019

MODERATOR: Everett H. Poole

TOWN CLERK: Jennifer L. Christy

REGISTRARS: Susan M. Heilbron, Judy G.L. Mayhew, Kimberly Cottrill

CONSTABLE: Marshall E. Carroll, III

TELLERS:

At the close of voter registration on October 18, 2019 there were nine hundred and fifty seven (957) registered voters in the Town of Chilmark. With seventy-five (75) voters present at the Special Town Meeting, 8% of the total number of registered voters, the Moderator called the meeting to order at 7:05 p.m., in the Chilmark Community Center at 520 South Road. Constable Marshall E. Carroll, III attested to the posting of the warrant.

Article 1. To see if the Town will vote to appropriate **\$200,000.00** for paving town roads from the Highway Stabilization Fund.

The Moderator read Article 1. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 1 PASSED UNANIMOUSLY

Article 2. To see if the Town will vote to appropriate **\$440,000** to pay costs of architectural services to design the Fire Station at 3 Menemsha Cross Road and the EMS building at 399 Middle Road, and for the payment of all other costs incidental and related thereto, which amount shall be expended for this purpose in addition to the \$200,000 previously appropriated for this purpose under Article 15 of the Warrant at the 2019 Annual Town Meeting, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(7), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

The Moderator read Article 2. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 2 PASSED UNANIMOUSLY

Article 3. To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$360.59** to pay Law Enforcement Dimensions, LLC, Inc. for a bill of a previous fiscal year.

The Moderator read Article 3. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 3 PASSED UNANIMOUSLY

Article 4. To see if the Town will vote to appropriate the sum of **\$48,673.86** for the purchase of a replacement Police Cruiser, and to meet this appropriation transfer the amount of \$48,246.36 from the Police Stabilization Fund and the sum of \$427.50 from Article 26 of the 2019 Annual Town Meeting.

The Moderator read Article 4. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 4 PASSED UNANIMOUSLY

Article 5. To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$14,500.00** to pay for a replacement roof on the shed, repairs and painting of the Bell Tower, and additional sidewall re-shingling at the old Menemsha School (Police Station).

The Moderator read Article 5. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 5 PASSED UNANIMOUSLY

Article 6. To see if the Town will vote to appropriate the sum of **\$16,400.00** to pay for new wheels & tires on the Fire Department UTV, a MARSAR ice rescue sled, a replacement PWC, expenses for Fire Chief Training, and a regional share of the SCBA fit test equipment, and to meet this appropriation transfer **\$5,400.00** from available funds in the treasury, and transfer **\$11,000.00** from Article 11 of the November 2018 Special Town Meeting.

The Moderator read Article 6. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 6 PASSED UNANIMOUSLY

Article 7. To see if the Town will vote to appropriate the sum of **\$39,000.00** from the Waterways Improvement account to repair and replace the fresh water lines on the Transient Yacht Dock & West Dock, to insulate and sheetrock the Harbor Master's building at the bulkhead, and to purchase & install mooring ground tackle for the outside mooring field.

The Moderator read Article 7. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 7 PASSED UNANIMOUSLY

Article 8. To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$80,000.00** to pay for the permitting of a whole harbor dredging plan for Menemsha Basin, and dredging of the Dutcher Dock & Transient Yacht Dock Northeast corner.

The Moderator read Article 8. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 8 PASSED UNANIMOUSLY

Article 9. To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$30,000.00** to be added to Article #17 of the 2019 Annual Town Meeting for the Cold Climate Heat Pump HVAC system at the Community Center.

The Moderator read Article 9. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 9 PASSED UNANIMOUSLY

Article 10. To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$6,000.00** to be added to Article #18 of the 2019 Annual Town Meeting for the replacement back-up generator at the Community Center, including expenses related thereto.

The Moderator read Article 10. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 10 PASSED UNANIMOUSLY

Article 11. To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$3,000.00** to fund a state mandated Public Water System operator for the Library and Community Center for FY 2020: line 194-5430.

The Moderator read Article 11. The Article was moved and seconded. The Moderator recognized Mr. Chris Murphy who asked for clarification on why a PWS operator was necessary. Mr. Timothy Carroll explained that the law requires that Public Water Systems (PWS) be maintained by a licensed PWS operator and it is no longer sufficient to have the Board of Health (BOH) inspector function as a PWS operator. He further explained that the BOH will still supervise the operator. Mr. Murphy suggested that Dukes County may employ a PWS operator for the entire island rather than the Town employing an operator for Chilmark. Mr. Warren Doty, Selectman, was recognized and discussed the need to have more information about water quality in Town and he also noted the increase in water quality testing requirements and for up-to-date data on water quality. There was no more discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 11 PASSED UNANIMOUSLY

Article 12. To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$5,500.00** to purchase & install Locust poles & rails for the parking barriers at the Community Center, and purchase a replacement cart for folding chairs.

The Moderator read Article 12. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 12 PASSED UNANIMOUSLY

Article 13. To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$11,035.28** to pay for expenses related to the acquisition of a parcel of land at 4 North Ridge Road.

The Moderator read Article 13. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 13 PASSED UNANIMOUSLY

Article 14. To see if the Town will vote to appropriate the sum of **\$15,000.00** to perform repairs to the Menemsha Comfort Station and conduct an inspection of the structure by an engineer, and that to meet this appropriation transfer from available funds in the treasury the sum of \$11,250.22, the sum of \$3,018.57 from Article #17 of the 2016 Annual Town Meeting, and the sum of \$731.21 from Article #3 of the November 2015 Special Town Meeting

The Moderator read Article 14. The Article was moved and seconded. Mr. Doty was recognized and noted that many of the Articles on the warrant reference previous Town Meeting votes and amounts and that the term "available funds" is used to refer to these amounts that are from previous Town Meeting votes. There was no further discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 14 PASSED UNANIMOUSLY

Article 15. To see if the Town will vote to appropriate from available funds in the treasury the sum of \$11,000.00 to replace the photocopier at the Town Hall.

The Moderator read Article 15. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 15 PASSED UNANIMOUSLY

Article 16. To see if the Town will vote to appropriate the sum of \$3,600.00 to pay for repairs to the Town Hall elevator, and to meet this appropriation transfer from available funds in the treasury the sum of \$1,913.47, the sum of \$1,500.00 from Article #8 of the December 2016 Special Town Meeting, and the sum of \$186.53 from Article #5 of the November 2018 Special Town Meeting.

The Moderator read Article 16. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 16 PASSED UNANIMOUSLY

Article 17. To see if the Town will vote to appropriate from available funds in the treasury the sum of \$20,333.34 to purchase and install computer software & hardware to upgrade the Town Hall servers and Tax Collection software, to upgrade the online GIS platform to host scanned documents for town departments, and fund a stipend for website management (122-5177) for FY 2020.

The Moderator read Article 17. The Article was moved and seconded. There was no discussion. The Moderator brought the Article to a vote.

MODERATOR DECLARED ARTICLE 17 PASSED UNANIMOUSLY

Article 18. To see if the Town will vote to authorize the Board of Selectmen, on behalf of the town, to sell and dispose of any real estate acquired by the town for non-payment of the taxes thereon and to execute quitclaim deeds for said property, in accordance with Chapter 30B, and other appropriate state law and procedures.

The Moderator read Article 18. The Article was moved and seconded. Mr. Murphy was recognized and objected to the phrase, "any real estate" and noted that this phrase would appear to grant the Board of Selectmen Town Meeting permission to sell and dispose any property acquired by the Town for non-payment of the taxes thereon rather than just the one parcel that is currently involved in a "tax-taking". Mr. William Rossi, Selectman, was recognized and stated that the wording was such to allow the Board to possibly move forward on the sale and disposal of further expected "tax-takings". Mr. Murphy stated that the Board of Selectmen should come to Town Meeting each time a parcel is acquired by the Town for non-payment of the taxes thereon. Mr. Carroll noted that the Article only references property acquired by the Town for non-payment of the taxes thereon. He further noted that it is a rare situation and he also noted that the Town could sell and dispose of the lots that are acquired by the Town for non-payment of the taxes thereon without Town Meeting approval if an auction is held. Mr. Carroll then noted that Town Meeting approval would allow the Town "to go out to proposals if the case merits it." Mr. Peter Cook was recognized and inquired whether it would be useful to make the sale and disposal, of parcels acquired by the Town for non-payment of the taxes thereon, contingent on a conference with appropriate Boards and Committees in Town, who have an interest and responsibility for land use, to make sure that all possible uses, aside from sale and disposal, are taken into account. Mr. Rossi stated the Board could dispose of the property without Town Meeting approval, but decided to come back to Town Meeting in order to try to obtain a better sale price through a process other than auction and Mr. Rossi further stated that the

Board had a commitment to dedicate funds that are gained from the sale to affordable housing. Mr. Cook clarified that the number of parcels becoming available to the Town in the future is most likely low and noted his understanding that the Board of Selectmen would also consult with Town Boards and Committees to gather input on use of parcels that are acquired by the Town for non-payment of the taxes thereon. Mr. Cook further inquired whether Article 18 should be amended to direct the Board of Selectmen to consult with Town Boards and Committees to gather input on use of parcels that are acquired by the Town for non-payment of the taxes thereon. Mr. James Malkin, Selectman, was recognized and stated that the Board of Selectmen had consulted with Boards and Committees on the proposed sale and disposal of the parcel in question and that the Board of Selectmen is interested in maximizing the return to the Town on the parcel in question. Mr. Malkin also noted that the Board of Selectmen had consulted the Planning Board on the Peaked Hill Pastures site and are awaiting recommendations from that Board. Mr. Rossi was recognized and stated that the Board of Selectmen had committed to affordable housing for the use of the parcel in question, or from the funds gained from the sale of the parcel in question, and he also noted that there are other restrictions on the lot. Mr. Murphy was recognized and stated that the phrase, "any real estate", should be eliminated. The Board of Selectmen offered an amendment to Article 18 to replace the phrase, "any real estate", with "a parcel of real estate at 4 North Ridge Road." The Moderator read the proposed amendment and read the Article, as amended. The amendment was moved and seconded. The Moderator asked if there was further discussion on the amendment. There was no further discussion. The Moderator brought the amendment to a vote.

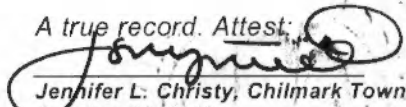
MODERATOR DECLARED ARTICLE 18 IS AMENDED

The Moderator read Article 18, as amended. The Article was moved and seconded. The Moderator asked if there was further discussion on Article 18, as amended. There was no further discussion. The Moderator brought Article 18, as amended, to a vote.

MODERATOR DECLARED ARTICLE 18, AS AMENDED, PASSED UNANIMOUSLY

The Moderator asked if there was any more business to come before the Board. There was no more business.

The Moderator dissolved the Special Town Meeting at 7:38PM.

A true record. Attest:

Jennifer L. Chisty, Chilmark Town Clerk
October 29, 2019
