

## Selectmen's Meeting Minutes 10/16/18

### Chilmark Board of Selectmen October 16, 2018 Meeting Minutes

**Present:** Chairman James Malkin, Warren Doty, Bill Rossi. **Also:** Tim Carroll, Rob Hannemann, Janet Weidner, Clark Goff, Heather Goff, Jonah Maidoff, Ingrid Maidoff, Chip Leonardi, Wendy Weldon, Cameron Parry, David Vigneault, Everett Poole, Tamar Rogers, Isaiah Scheffer, Will Reich, Joan Malkin, news reporter from Vineyard Gazette and Rich Saltzberg of MV Times. MVTV videographer Lynn Christoffers

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

#### Minutes:

Draft minutes from October 2, were not available to review so they will be reviewed at the Selectmen's next meeting.

#### Energy Committee:

Chilmark's representative on the Island Energy Committee and Chairman of Chilmark Energy Committee Rob Hannemann named the volunteers to be appointed to the Chilmark Energy Committee. Mr. Hannemann gave a bit of background of Mike Jacobs and Jerald Katch and named Stephen Lewenberg as well. Mr. Doty asked if there was anyone present tonight who was interested in becoming appointed to the Chilmark Energy Committee.

Mr. Maidoff asked what frequency the committee would meet. Mr. Hannemann said monthly meetings to start as there is immediate work to be done concerning becoming a Green Community and then to meet every 2 months. Mr. Maidoff volunteered to be the 5<sup>th</sup> member to be appointed to the Chilmark Energy Committee.

Mr. Doty moved to appoint Rob Hannemann, Steve Lewenberg, Mike Jacobs, Jerald Katch and Jonah Maidoff to serve on the Chilmark Energy Committee. Mr. Rossi seconded the motion.

**So Voted: 3 Ayes**

#### MV Cultural Council- Advertise to fill vacancy:

Mr. Carroll said he spoke with Linda Thompson who gave a verbal resignation but has not sent a written resignation so he asked for permission to post the vacancy. Mr. Carroll said he hopes to have this ready for the next Selectmen's meeting to have them appoint a new member to represent Chilmark. Mr. Doty said we have received notice that Margaret Emerson is interested in the position but we should advertise so everyone gets an opportunity. Selectmen requested Mr. Carroll to advertise for this position.

#### SPDAC- Advertise to fill vacancy:

Wendy Weldon said Ms. Vickers has sent in a letter expressing interest to be appointed to the Squibnocket Pond District Advisory Committee. Ms. Weldon said she asked all of the present members to seek a new member with little response. Ms. Weldon said she met with Ms. Vickers in person and was impressed with her excitement to be part of the SPDAC. Mr. Carroll asked to advertise for this position as well. Ms. Weldon said to specify someone from the South Side of Squibnocket Pond District who lives here. Mr. Rossi said Ms. Vickers sounds to be a very good candidate.

#### Sea Level Rise- grant:

Mr. Doty spoke to this project. Mr. Doty said we have passed the initial stage of the grant requirements; we are expecting a final report from the consultant and the next step is to apply for an action grant. Mr. Carroll confirmed we have received a digital copy of the report from the consultant. Mr. Doty said we will look into the grants that are available to apply for and return with an update. \_

#### Peaked Hill Pasture Committee -Update:

Chairman Malkin said this is a committee he has been serving on with 6 other Chilmark members. The committee has met 7 times, there was a public meeting to discuss what the town might do with the property of 16 acres of land at Peaked hill Pasture. After review of all of the suggestions the committee has sent recommendation to the Planning Board that the use be for housing and a significant portion of the land be reserved for future use by the town. The reserved land can be used recreationally with the existing ballfield or addition of hiking trails etc.. Chairman Malkin also sent a letter he drafted using committee's recommendations as how the Planning Board might move forward on these recommendations. Chairman Malkin read from the letter he sent to the Planning Board. Items to work out might be:

- Housing:
  - rental versus ownership or mixed
  - cluster zoned or single family or multi family

- financing and management of property
- Reserved Land:
  - How much land of the parcel to reserve for future use

The Planning Board might consider:

- Town survey of opinion
- Architectural consideration
- Possible MVC could lend assistance in funding for the survey
- Ask the Island Housing Trust & the Dukes County Housing Authority to make a presentation to the Planning Board
- Make public the survey results then hold public hearings to gather further input
- Supply set of instructions to a designer
- Get a consultant

Chairman Malkin said he is looking forward to seeing what they will do with the work that the Peaked Hill Pasture Committee has done.

Mr. Maidoff asked if this would mean moving the Highway Department from where it is now to make room for housing up there. Mr. Doty said it is a prime site for housing and should be used for housing of some kind. Mr. Doty recommended moving the Highway and Shellfish departments to an alternate location.

#### Meeting House Road Parcel -Update:

Mr. Rossi said we are waiting for the National Heritage report of endangered species study. Mr. Rossi said all of the engineering has been finished. Mr. Rossi recommended daily phone (from Selectmen's office) calls to Mr. Silva's office to wrap this up so it can then be sold at auction.

Mr. Doty said for the benefit of people here at our meeting tonight; this property came to the town through tax taking. This property is located on Meeting House Road. After a study of the property we decided the best plan was to sell it as an individual private residence. The proceeds from the sale will pay off the back taxes on the property at approximately \$95,000.00 with the remainder to be devoted to future housing needs for affordable housing in Chilmark.

#### Fire Department Training Area & Fishermen's Storage - Access road landfill or MLR:

Mr. Carroll said last October we were perusing a permit with the DEP to establish an area near the landfill. Mr. Carroll said it took a year for them to respond and sent us a list of conditions and concerns if we use the landfill to access the property.

Mr. Carroll said it was suggested that it might be simpler to use the existing Middle Line Road to access the lots for training and storage. Mr. Carroll said this was brought up as an option this spring and had been tabled for a while and this might be a good time to revisit this project. Mr. Carroll asked that the Selectmen designate the access be off of MLR and that the town take on the road maintenance from that point on MLR to Tabor House Road.

Mr. Carroll said if we are looking to bring solar into that back corner of the town property behind the landfill as part of the by right zoning (green communities), we need to determine whether it is appropriate and that there is room for it.

Mr. Doty asked for comments from people attending tonight's meeting about their thoughts about this piece of land. Shellfish Constable Isaiah Scheffer asked how big this property was and if it could support Highway and Shellfish department shacks. Mr. Doty said 8 acres. Mr. Carroll said yes. It was originally designated as an area for Fire Department training and Fishermen's storage. Relocating the Highway and Shellfish department was appropriate as we will want the Peaked Hill Pasture property residential and recreational. Mr. Scheffer asked if the town would put up a structure at area by landfill for the Highway and Shellfish Departments.

Mr. Doty said we do not have a plan set yet.

Mr. Maidoff (resident and member of MLR Road Association) said he has concerns about things done by town on the road that are not necessarily ok. Mr. Maidoff said a dead animal was laid behind the woodchip pile that rotted and really smelled horrible. There is a pit into which deer carcasses are thrown periodically and smell terribly and a rat problem associated with this practice. Mr. Maidoff asked that composting deer carcasses (and other large animal carcasses) be more appropriately done.

Mr. Maidoff said toxic waste from possible marine usage and highway shed supplies & firefighter training is worrisome. Mr. Maidoff also brought up if fishermen from other towns will have access to the fishing storage; will we have reciprocal cooperation with their towns.

Mr. Maidoff asked that the site be setback from view of the MLR so it is not viewed each time homeowner's drive by and screen planting is considered.

Mr. Maidoff asked how many Fishermen would be served and how much it would cost. Mr. Maidoff asked is there a reason they are not storing their equipment on their own property.

Mrs. & Mr. Maidoff asked what kind of Firefighter practices would be going on at the proposed sight. There is concern that some of the fire suppressant chemicals used by fire departments is not good for ground water. Mr. Maidoff asked what will be considered for Property Valuation for homes in that area. Mr. Doty said that is a very good summary of concerns and that he appreciates all of them.

Mr. Doty said he would answer some of them now:

Fisherman's Association recommended 6 fishing storage lots each being 100 x 50 feet and designated by 4 foot high chain-link fencing. To answer why fishermen need this is that several of our oyster farmers are lucky enough to have lots of land (some even on Quitsa Pond) but others don't have space to store the equipment needed. Mr. Doty said we have a goal of 1 million oysters a year to be harvested from our oyster grants in Chilmark. Mr. Doty said there are 2 to 3 oyster grant participants who would like to utilize storage area. Mr. Doty said it would also be available to alleviate the congestion of lobstermen equipment in Menemsha.

Discussion turned to fire training and if that is appropriate in the area off of MLR. Mr. Carroll said there are environmental conditions on all training sites. Chairman Malkin said all of this needs to be included in the plan. Mr. Carroll said the site would have to be studied and be reviewed by the National Heritage protection plan.

Mrs. Maidoff asked that people living in this area are respected. This area smells so bad at times it feels like we are not respected. There are times that when walking on the road one can't help a gagging reflex and when driving must roll up the windows. Mrs. Maidoff said with this practice comes a distrust of Town activities in this area.

There was discussion on the carcasses that were left along the road and in the pit. Mr. Rossi said we should have a program in place to deal with deer carcasses. Mr. Rossi said he only heard about this within the last month. Chairman Malkin said it was brought to his attention at the Middle Line Road Association meeting; it was referred to as the "Death Pit". Chairman Malkin said after that meeting he spoke with Keith Emin (Highway Superintendent) who said we were not using it. Mr. Maidoff said it is being used now.

Mr. Maidoff said decomposing large animals should be with a proper standard. Chairman Malkin said he would look into this. Mr. Maidoff said he had an email contact for someone who composts large animal carcasses. Someone at the meeting recommended contacting Brian Athern about this subject.

Mr. Doty requested a copy of Mr. Maidoff's list of concerns about the town lot use by the town landfill. Mr. Maidoff will email that to the Selectmen's office.

David Vigneault (Executive Director of Dukes County Housing Authority) said one item he would like to address about the road association is liability insurance because of road ownership question. Mr. Vigneault recommended this be on this plan discussion. Mr. Doty asked why we can't cover the road under our town liability. Mr. Carroll said our general liability is covered but the road association is not because we cannot insure a third party.

Chairman Malkin said we should ask our insurance carrier if we can cover the liability for the entire road at Middle Line Road. Chairman Malkin said the Town won't cover the MLR board directors' liability insurance, but will look into the road liability. Rob Hannemann said the road association he belongs to recently secured liability insurance and recommended Mr. Maidoff contact him for the information.

Mr. Carroll asked if we could circle back to the question of utilizing MLR or to create a road through landfill. Chairman Malkin said if we can address the concerns brought to us tonight and use MLR and pick up the MLR expense that would be a fair way to go forward using Middle Line Road. Mr. Carroll said the concerns are valid either way we access the property for this project. Selectmen directed Mr. Carroll to move forward with design permitting utilizing access to property over Middle Line Road. Cameron Parry said he was concerned with fishermen piling up scallop shells on the site at this proposed site because that would attract rodents. Chairman Malkin said this is an area for gear not shells or refuse from the fishing industry. Mr. Carroll said we plan to have a rat control included in this plan design. Shellfish Constable said he would have reason to store shells at the site to aid in shellfish propagation. Constable Scheffer said we had a shell lot in Menemsha that was moved to the town lot where our department is now at Peaked Hill Pastures. Mr. Doty said we should list that as a concern.

Mr. Doty said we will assess site and possibly fit the following on a plan for the 8 acres behind the landfill in Chilmark:

- Firefighter training site

- Fisherman's gear storage
- Highway & Shellfish Departments
- Solar - green community / rights zoning

Mr. Carroll said later on there will be an article for that then (warrant article at Annual Town Meeting). Selectmen were in agreement on Mr. Carroll's statement.

#### Bus Turnaround- Update:

Mr. Carroll said the Conservation Commission (ConCom) Order of Conditions is in the Selectmen's packet. Mr. Carroll said the ConCom was supposed to rule on whether or not the project of the bus turnaround in Menemsha adversely impacts the storm water runoff for the area if it was done as submitted in plans. Mr. Carroll said there was discussion of basically not wanting to see vegetation removed for esthetics and asked that the 7 parking places in the plan (middle of the turnaround loop) be removed. Mr. Carroll said by doing that we will lose 4 to 6 parking spaces in Menemsha. Mr. Carroll said the list of conditions we have here, were not articulated clearly at the meeting.

Chairman Malkin asked if the Chairman of the ConCom could comment on this. Joan Malkin (chairman of the ConCom) said she doesn't recollect the meeting as Mr. Carroll has. Ms. Malkin said there were 3 clear orders of contentions:

- The center of the turnaround not be treated as a parking area
- The proposed plantings (to the south of the turnaround) in order to preserve the saltmarsh wanted to see a specific landscaping plan of what would be placed there including a virtual fence or real fence here to ensure the parking area shown on plan did not encroach into the saltmarsh
- Could not recall specifics at this time

Mr. Carroll said he agrees with what Chairman Joan Malkin stated but what we have printed in the Order of Conditions went beyond what was discussed at the meeting. Ms. Malkin said that might be true but we often have standard conditions that are always part of our conditions that are not always discussed.

Chairman James Malkin requested we go back to the ConCom and ask them to reconsider the issues with the Order of Conditions. Chairman James Malkin said the removal of the parking places in Menemsha is an issue that the ConCom should reconsider because we need the Menemsha parking. Joan Malkin recommended the Selectmen come back to the ConCom about this. Selectmen thanked Ms. Malkin for her comments.

#### Shellfish Department - Scallop Season:

Shellfish Constable Isaiah Scheffer said the Shellfish Advisory Committee met September 20, 2018. At their meeting they discussed and recommended the following:

- An area of Nashaquitsa Pond (Aquinnah Point) be excluded from dragging during the family season and be dip net only.
- Open the commercial scallop season in Nashaquitsa November 12, 2018 and then the rest of the waters open December 3, 2018 (Menemsha Pond etc.)
- 2 struck bushels per day

Constable Scheffer was asked if we can expect a good scalloping season. Constable Scheffer said it doesn't look very good. Constable Scheffer said the eelgrass project has continued but with poor results this time of year. We had really promising growth but it is now all gone. Without good eelgrass growth we can't expect a good scallop season. Mr. Carroll asked if we were testing the water and soil in Nashaquitsa. Constable Scheffer said through the MEP study we know there are elevated nitrogen levels in the ponds. Constable Scheffer said he would continue the eelgrass efforts. Discussion turned to land owners who are using lawn fertilizer near our ponds.

Mr. Doty moved to approve the shellfish dates and recommendations as presented tonight. Mr. Rossi seconded the motion. **So Voted: 3 Ayes**

#### DRAFT Special Town Meeting Warrant:

Mr. Carroll referred to Draft that is on line for the Selectmen's Agenda:

**Article 1.** To see if the Town will vote to appropriate from available funds in the treasury the sum of ~~\$6,088.80~~ to fund the following bills of the prior fiscal year:

BPFY \$1,845.72 Vineyard Power Solar

BPFY \$1,651.08 John Keene Excavation Inc

PBFY \$38.39 & \$31.60 EC Cottle

PBFY \$10.93 \$8.12 \$16.66 CVEC

PBFY \$730 article miscalculated on the floor of ATM

~~BPFY Abatron \$67.90 - wood epoxy Library~~

BPFY Commonwealth of Mass \$50. - Certificate pressure vessel

**Article 2.** To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$40,000.00** to fund a five month overlap in staff for training the new Harbor Master, including costs incidental and relative thereto.  
This amount was lowered to cover 3 month overlap time instead of 5 months.

**Article 3.** To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$5,000.00** to fund a one month overlap in staff for training the new Fire Chief, including costs incidental and relative thereto.

**Article 4.** To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$5,000.00** to fund two months of temporary custodial staff, including costs incidental and relative thereto.

Mr. Carroll said Mr. Bunker requested 3 month coverage increasing this amount to \$6,000.00.

**Article 5** To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$3,000.00** to fund the replacement of two cellar bulkhead doors, including costs incidental and relative thereto.

**Article 6.** To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$5,000.00** to replace two septic injector/grinder pumps at the Town Hall, including costs incidental and relative thereto.

**Article 7.** To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$11,000.00** to reconstruct a Tea Lane culvert and catch basin near 139 Tea Lane, including costs incidental and relative thereto.

**Article 8.** To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$8,500.00** to refinish the antique floors in the West House portion of the Free Public Library, including costs incidental and relative thereto.

Mr. Carroll said this will say instead of antique floors / all other wood flooring and some portions of the original building.

**Article 9.** To see if the Town will vote to approve the following request of the Community Preservation Committee: To see if the Town will vote to appropriate from the Community Preservation Reserve for Historic Resources the sum of **\$4,000.00** for the Library Trustees to restore the wood flooring in the original Library building circa 1790-1820. This building was moved to the present site around 1950. It was obtained from the estate of Katy West, the last member of Chilmark's historic deaf community.

**Article 10.** To see if the Town will vote to approve the following request of the Community Preservation Committee: To see if the Town will vote to appropriate from the Community Preservation Reserve for Community Housing the sum of **\$100,000.00** to replenish Chilmark's rent subsidy program. This program has been in existence since 2002 and managed by the Dukes County Regional Housing Authority and the Housing Committee, and to transfer \$100,000 from the Community Preservation Undesignated Reserve Fund to the Community Preservation Reserve for Community Housing Fund to fund this appropriation.

**Article 11.** To see if the Town will vote to appropriate from available funds in the treasury the sum of **\$25,000.00**, to be added to amounts from the Fire Department Gift Fund, to purchase a replacement for the utility vehicle, including costs incidental and relative thereto.

Selectmen requested a full description of vehicle to be provided for the voters.

**Article 12.** *place holder- not needed at this time*

**Article 13.** *place holder- not needed at this time*

**Article 17.** Bus turn around \$ ??

Mr. Carroll said \$11,000.00 needed to complete the permitted plan but would cost more if we get the parking in the turn around.

Mr. Doty requested \$15,000.00 instead of \$11,000.00.

**Article 18.** Basin Road Pedestrian Path \$

Mr. Carroll said he received a rough estimate from John Keene Excavation today \$6,500.00 for construction and work. Mr. Carroll said there would also be another \$7,000.00 to build the stone wall. These estimates are based on linear foot. There is also the engineering cost the design cost for Bill Brewster and Reid Silva's engineering work. Mr. Carroll said we are probably at \$20,000.00. Mr. Doty recommended that amount and if we get reductions or donations we will reduce or withdraw this on Town Meeting floor.

**Article 19.** North Road Pedestrian Path \$

Mr. Carroll made a rough estimate of cost for the North Road pedestrian project; 100 feet with stone wall and 100 feet without stone wall. After looking at the plans delivered today it looks to be total of 160 feet. The cost would be about \$15,000.00 for stone wall and an additional \$7,000.00 for the construction of walkway. Selectmen Malkin recommended \$25,000.00 for this project.  
The walkway will consist of compacted dirt.

Mr. Rossi said its nice to have something (Architectural drawn plans) for Chilmark voters to see for these projects.

**Article 20.** Mr. Carroll said he was holding this as a place holder for a bill from FY18 that was part of the playground project. Mr. Carroll said there was gift money to complete this project and the PTO will take care of this from the left over gift funds.

**Article 21.** Beetlebung Farm

Mr. Carroll said he had this as a place holder but will take it off unless the Selectmen wanted to say something about it.

Mr. Doty said we will also have a warrant for the projects we discussed earlier about the Firefighter Training area and Fishermen storage and all of the additions mentioned earlier.

Mr. Rossi asked what our free cash situation was going into Special Town Meeting. Mr. Carroll said free cash was not yet certified, however we did submit in the area of \$600,000.00.

Getting back to the land behind the landfill Mr. Doty said we have \$10,000.00 from a previous warrant article. Chairman Malkin asked if we could do some clearing in the area.

Mr. Carroll said we would first have to have the National Heritage determine what might be needed to be preserved. Mr. Rossi spoke of a 50 foot no cut zone to ensure screening from Middle Line Road.

Mr. Carroll recommended lying out on paper what will fit in the area prior to any clearing. Selectmen discussed the need to move the Highway Shed and Shellfish shed out of the Peaked Hill area and to the land behind the landfill.

Chairman Malkin asked that Mr. Carroll have for the Selectmen's next meeting a step by step list of what needs to be done within a certain time frame to keep moving the project forward.

Discussion turned to funding needed at this time. Mr. Carroll said there is \$5,000.00 remaining in this warrant and recommended an additional \$15,000.00 for surveys and engineering to complete a design plan.

Mr. Rossi moved to approve the warrant as discussed and refined tonight. Mr. Doty seconded the motion. **So Voted: 3 Ayes**

Mr. Carroll said he will retype this warrant with the appropriate wording and the figures that were approved tonight and have it to the newspaper before noon.

At 6:31 PM with no further public comments or discussion Mr. Doty moved to go into Executive Session and not return to regular session to discuss land accusation. Mr. Rossi seconded the motion. Roll call: Chairman Malkin: Aye, Mr. Doty: Aye, Mr. Rossi: Aye. Mr. Carroll was also present.

Minutes respectfully submitted by Diana DeBlase. **Approved 11/06/2018**  
Document list:

- Menemsha bus turnaround DEP - ConCom order of conditions file SE12-826
- Draft Special Town Meeting warrant
- Chilmark Shellfish scallop season 2018-2019 recommended commercial and recreational regulations.
- Draft minutes from the Chilmark Shellfish advisory committee meeting held September 20, 2018
- Mass Historical Commission grants notice.
- DEP Order of Conditions file # SE 12-825 25 South Abel's Hill Rd