

***Town of Chilmark***  
**ANNUAL TOWN MEETING**

April 25, 2016

MODERATOR: Everett H. Poole

TOWN CLERK: Jennifer L. Christy

REGISTRARS: Susan M. Heilbron, Judy G.L. Mayhew, Laurisa D. Rich

CONSTABLE: Marshall E. Carroll, III

TELLERS:

At the close of voter registration on April 5, 2016 there were nine hundred and thirty-three (933) registered voters in the Town of Chilmark. With two hundred and three (203) voters present at the Annual Town Meeting, 21% of the total number of registered voters, the Moderator called the meeting to order at 7:43 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.** Article 1 was postponed by the Moderator until the Annual Town Election at the Chilmark Community Center at 12PM, Wednesday, April 27, 2016.

**ARTICLE 2.** The Moderator inquired if there were any reports from Town Officers or committees. Selectman Warren Doty stood to recognize Selectman Jonathan E. Mayhew for his service to the Town. The voters gave a standing ovation and Selectman Mayhew spoke briefly to the voters.

**ARTICLE 3.** Read by the Moderator, moved and seconded. The Moderator read the total proposed budget numbers for each department in the budget. The Moderator asked if there was any discussion. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 3 carried unanimously.**

**ARTICLE 4.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 4 passed unanimously.**

**ARTICLE 5.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 5 passed unanimously.**

**ARTICLE 6.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 6 passed unanimously.**

**ARTICLE 7.** It was noted by the Moderator that this article required a 2/3rds vote to pass. The article was read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared: **Article 7 passed unanimously.**

**ARTICLE 8.** It was noted by the Moderator that this article required a 2/3rds vote to pass. Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared: **Article 8 passed unanimously.**

**ARTICLE 9.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared: **Article 9 passed unanimously.**

**ARTICLE 10.** It was noted by the Moderator that this article required a 2/3rds vote to pass. Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared: **Article 10 passed unanimously.**

**ARTICLE 11.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared: **Article 11 passed unanimously.**

**ARTICLE 12.** It was noted by the Moderator that this article required a 2/3rds vote to pass. Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared: **Article 12 passed unanimously.**

**ARTICLE 13.** Read by the Moderator, moved and seconded. Mr. Doty stood and made a motion to amend the article. Mr. Doty moved to delete the words appearing after "Basin Road" and insert the following: "to permit the construction of a sidewalk on the corner across from the Harbor Craft Shop, between Crick Hill and the parking lot at Beetlebung Café." The amendment was seconded. Caitlin Cook stood to inquire about the choice of side of road for a path and noted that the path may be better on the Bite side of the road. Selectman William Rossi noted the Town had the area surveyed and it appears the Town owns more land on the west side of the road. There was no more discussion. The Moderator brought the amendment to the article to a vote. The Moderator declared:

**The amendment to Article 13 carried unanimously.**

The Moderator read the amended article. Chris Murphy inquired if the surface of the path would be raised. Matt Poole inquired what material will be used for the surface of the path. Mr. Rossi stated that the plan for the path is to produce a level grade at this time but that plans are developing and stated the Selectmen welcome input regarding the materials and depth of the path. There was no more discussion.

The Moderator brought the article to a vote. The Moderator declared:

**Article 13, as amended, passed unanimously.**

**ARTICLE 14.** Read by the Moderator, moved and seconded. Jim Feiner stood to inquire about the extent of the widening of the parking area. Mr. Doty stated the parking lot widening is for the purpose of widening the travel lanes. Mr. Doty noted the Town would need to go to the Conservation Commission for permission. Frank Dunkl expressed concern for the safety of visitors to Menemsha and advocated for the widening of the travel lanes in the parking area. Tim Carroll stated the parking lot would not go directly up to the bulkhead and would allow approximately 5 feet of space plus the curb stop. There was no more discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 14 is "passed".**

**ARTICLE 15.** Read by the Moderator, moved and seconded. Jane Slater stood to inquire the location of the boardwalk. Mr. Rossi explained approval of the article would double the width of the boardwalk in order to make it two lanes for walking traffic. There was no more discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 15 passed unanimously.**

**ARTICLE 16.** Read by the Moderator, moved and seconded. There was no more discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 16 passed unanimously.**

**ARTICLE 17.** Read by the Moderator, moved and seconded. Mr. Carroll clarified the wording of the article. Mr. Doty briefly explained the plan for repairs and upkeep to the Comfort Station. The Moderator brought the article to a vote. The Moderator declared:  
**Article 17 passed unanimously.**

**ARTICLE 18.** Read by the Moderator, moved and seconded. Mr. Doty updated the Townspeople on the progress at Squibnocket. There was no more discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 18 passed.**

**ARTICLE 19.** Read by the Moderator, moved and seconded. Sarah Kuh was recognized and inquired the reason the Finance Committee did not recommend the expense. James Malkin stood and briefly described the process the Human Resource Board uses to arrive at a yearly recommended Cost of Living Adjustment (COLA) percentage. There was no more discussion. The Moderator brought the article to a vote.  
**Article 19 passed unanimously.**

**ARTICLE 20.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 20 passed unanimously.**

**ARTICLE 21.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 21 passed unanimously.**

**ARTICLE 22.** Read by the Moderator, moved and seconded. Valerie Sonnenthal asked why the Finance Committee did not recommend the expense. Mr. Rossi noted a reason was the expense appeared to be duplicated by other services on the island already provided. Ms. Sonnenthal disputed that there would be possible duplication of services. Leonard Jason Jr., Andrew Palmer and Zelda Gamson stood in support of the article. There was no more discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 22 passed.**

**ARTICLE 23.** Read by the Moderator, moved and seconded. Robert Lionette, Up Island Regional School Committee (UIRSD) member, offered an amendment to lower the amount from \$26,220.00 to \$23,762.00. The amendment was seconded. There was no discussion. The amendment was brought to a vote.

**The Moderator declared the amendment carried.**

Mary Boyd was recognized and stood in support of the article. Ms. Boyd noted the four year process to identify the needs for a new playground and come to the towns with a reasonable proposal. Molly Doyle & Valerie Sonnenthal both stood in support of the article. There was no more discussion. The Moderator brought the article to a vote.

**Article 23, as amended, passed unanimously.**

**ARTICLE 24.** Read by the Moderator, moved and seconded. There was discussion about procedure for the allocation of funds and Charles Hodgkinson, Community Preservation Committee (CPC) administrative assistant, stood to briefly explain the process. Gerald Hass inquired the reason for no recommendation from the Finance Committee. Marshall Carroll, III stood and explained the Finance Committee leaves the allocation of CPC funds to be recommended by that committee. There was no more discussion. The Moderator brought the article to a vote. The Moderator declared:

**Article 24 passed unanimously.**

**ARTICLE 25.** Read by the Moderator, moved and seconded. Rodney Bunker stood in opposition to the article. Selectman Doty stood to explain that the topic of funding island-wide housing projects has been discussed by the Housing Committee and the CPC at length. He further noted that the CPC determined that a 10% allocation to island-wide projects would be amenable to voters. Numerous voters stood in support of the article and noted that many people who are employed in Chilmark and/or who provide services to Chilmarkers on the island are in need of housing. Brief discussion occurred. The Moderator brought the article to a vote. The Moderator declared:

**Article 25 passed.**

**ARTICLE 26.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 26 passed unanimously.**

**ARTICLE 27.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 27 passed unanimously.**

**ARTICLE 28.** Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 28 passed unanimously.**

**ARTICLE 29.** Read by the Moderator, moved and seconded. Tim Carroll moved to indefinitely postpone the article. This motion was seconded. There was no more discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 29 is indefinitely postponed.**

**ARTICLE 30.** It was noted by the Moderator that this article required a 2/3rds vote to pass. Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 30 passed unanimously.**

**ARTICLE 31.** It was noted by the Moderator that this article required a 2/3rds vote to pass. Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 31 passed unanimously.**

**ARTICLE 32.** It was noted by the Moderator that this article required a 2/3rds vote to pass. Read by the Moderator, moved and seconded. There was no discussion. The Moderator brought the article to a vote. The Moderator declared:  
**Article 32 passed unanimously.**

**ARTICLE 33.** Read by the Moderator, moved and seconded. Mr. Doty stood and explained that passage of the article would eliminate the need for a second curb cut off of Tabor House Road. The Moderator brought the article to a vote. The Moderator declared:  
**Article 33 passed unanimously.**

**ARTICLE 34.** Read by the Moderator, moved and seconded. Joan Malkin stood and offered an amendment to eliminate, in section 3.1., the phrase "Town Police Officer or". The amendment was seconded. The Moderator brought the amendment to a vote. The Moderator declared:  
**The amendment is passed.**

Mr. Doty stood and offered a second amendment, under the definition of "Store", to add at the very end "excluding not-for-profit religious organizations." The motion was seconded. Judy G.L. Mayhew stood in support of the amendment and noted the expense of paper bags. Betsy Larsen stood in opposition to the amendment. Jeremy Houser, part of the Vineyard Conservation Society plastic bag ban committee, stood to offer the assistance and support of VCS in the transition period from plastic to paper and stated his opposition to the amendment. Meg Athearn stood to offer paper bags at no cost from Morning Glory Farm for the 10 week summer to the church in Chilmark.

The Moderator brought the amendment to a vote. The Moderator declared:

**The amendment is defeated.**

Ms. Malkin stood in support of the article and described the efforts of the VCS committee in the planning and drafting of the article. There was brief discussion regarding biodegradability. There was no more discussion. The Moderator brought the article to a vote. The Moderator declared:

**Article 34, as amended, is passed unanimously.**

**ARTICLE 35.** Read by the Moderator, moved and seconded. Bob Nixon was recognized and read a letter that was sent by him and his wife, Sarah Nixon, to Chilmark voters earlier in the week. Mr. Dunkl was recognized and inquired if Town Counsel would comment on the legality of permits for the sale of beer and wine from grandfathered inns and restaurants. Town Counsel, Ron Rappaport, stated the selling of beer and wine from the Menemsha restaurants would be legal if the Town voted to approve the issuance of beer and wine permits. Mr. Rappaport further noted that restaurants are 'grandfathered' and are not zoned but that the sale of beer or wine would be an expansion of the nonconformance. Clarissa Allen stood in support of the article. Barbara Fenner stood in opposition to the article and noted the parking problem in Menemsha. Peter Cook stood and clarified that the parking problems in Menemsha are a separate issue from whether a restaurant in Menemsha is in need of a beer and wine license in order to be successful. Frank Fenner stood in opposition to the article and read a prepared statement that noted his desire for Menemsha to remain unchanged, safe and clean for children. Robert Skydell stood to note the difficulty of the restaurant business and also noted the liabilities of an unregulated BYOB arrangement. Mr. Skydell urged voters to focus on the question of how the sale of beer and wine would impact the Town rather than how it may impact a particular restaurant owner. Rodney Bunker and Jane Slater both stood in opposition to the article and noted the sale of beer and wine would alter the character of Chilmark and Menemsha. Merrily Fenner stood in opposition to the article and noted that there would be no benefit to the Town from the permission of the sale of beer and wine. Brief discussion occurred regarding the article's provision for restaurants with seating capacities of not less than 50 persons and the limited number of 5 permits. Mr. Nixon stood and stated that a group of voters drafted the petition and he was not aware of why the petition includes the limitation of restaurants with not less than 50 seats. Mr. Nixon also noted that the Town subsidizes various entities in order for those entities to succeed and further noted the permit to sell beer and wine would help his business succeed as well. Mary Jane Pease proposed a voter make an amendment to reduce the



number noted in the article from "not less than 50" to "not less than 20". James Malkin stood to clarify a statement made by Mr. Nixon and stated the voters who signed the petition and who are listed in the warrant at the conclusion of Article 35 are not the authors of the petition. Town Counsel noted there is a cap on the number of permits for the sale of beer and wine that may be issued based on population. Carl Crocker stood in opposition to the article. Mr. Nixon moved to amend the article, "to reduce the seating capacity to not less than 20 seats." The amendment was seconded. Robin Smith stood and noted the amendment would not make an appreciable difference to how many permits would be issued since there are not many mid-sized restaurants in Chilmark. There was no more discussion on the amendment. The Moderator brought the amendment to a vote. The Moderator declared:

**The amendment to Article 35 is defeated.**

Jan Buhrman stood in support of the article, noted the difficulty of the restaurant business and noted she did not imagine the character of the town would be changed by permitting for the sale of beer and wine. Mr. Skydell noted that alcohol is consumed in Menemsha today and that the permitting of the sale of beer and wine may result in more regulation than exists now. There was further brief discussion. The Moderator brought the article to a vote. The Moderator declared:

**Article 35 is defeated.**

The Moderator inquired if there was any more business to come before the Town Meeting. There was none. The Moderator declared the meeting adjourned until 12:00 Noon on Wednesday, April 27, 2016.

