

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

April 28, 2014

MODERATOR: Everett H. Poole

TOWN CLERK: Jennifer L. Christy

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

CONSTABLE: Timothy Rich, Asst. Constable

TELLERS: Raphael Teller, Catherine Thompson

At the close of voter registration on April 8, 2014 there were nine hundred and seventeen (917) registered voters in the Town of Chilmark. With one-hundred and seventy-three (173) voters present at the Annual Town Meeting, 18% of the total number of registered voters, the Moderator called the meeting to order at 7:35 p.m. Assistant Constable Timothy S. Rich attested to the posting of the warrant.

**ARTICLE 1.** Article 1 was postponed by the Moderator until the Annual Town Election at 12PM, Wednesday, April 30, 2014.

**ARTICLE 2.** The Moderator asked if there were any reports from Town Officers or committees. No reports were made.

**ARTICLE 3.** Read by the Moderator, moved and seconded. The Moderator stated he would not read the departmental budgets. Moderator asked that anyone with questions about the budget rise and be recognized. Harbormaster Dennis Jason was recognized and made a motion to amend the Harbor Dept. budget to increase the salary line by \$6500.00. The amendment was moved and seconded. There was no discussion.

The Moderator brought Article 3 to a vote.

**Article 3, as amended, passed unanimously.**

**ARTICLE 4.** Read by the Moderator, moved and seconded. No discussion.  
**Article 4 passed unanimously.**

**ARTICLE 5.** Read by the Moderator, moved and seconded. No discussion.  
**Article 5 passed unanimously.**

**ARTICLE 6.** Read by the Moderator, moved and seconded. No discussion.  
**Article 6 passed unanimously.**

**ARTICLE 7.** Read by the Moderator, moved and seconded. No discussion.  
**Article 7 passed unanimously.**

**ARTICLE 8.** Read by the Moderator, moved and seconded. No discussion.

**Article 8 passed unanimously.**

**ARTICLE 9.** Read by the Moderator, moved and seconded. No discussion.  
**Article 9 passed unanimously.**

**ARTICLE 10.** Read by the Moderator, moved and seconded. No discussion.  
**Article 10 passed unanimously.**

**ARTICLE 11.** Read by the Moderator, moved and seconded. No discussion.  
**Article 11 passed unanimously.**

**ARTICLE 12.** Read by the Moderator, moved and seconded. No discussion.  
**Article 12 passed unanimously.**

**ARTICLE 13.** Read by the Moderator, moved and seconded. No discussion.  
**Article 13 passed unanimously.**

**ARTICLE 14.** Read by the Moderator, moved and seconded. Tim Carroll was recognized and rose to offer an amendment to replace 'FY2014' with 'FY2015'. The motion was moved and seconded. There was no discussion.

**The Moderator brought the amendment to a vote and declared the amendment passed unanimously.**

The Moderator read the article, as amended. The motion was seconded. There was no discussion. The Moderator brought the article to a vote.

**Article 14, as amended, passed unanimously.**

**ARTICLE 15.** Read by the Moderator, moved and seconded. No discussion.  
**Article 15 passed unanimously.**

**ARTICLE 16.** Read by the Moderator, moved and seconded. Margaret Maida was recognized and stood to inquire about the future use of the house. Adam Moore was recognized and described the plans for the old house. Susan B. Whiting and Phillips Harrington were both recognized and stated a concern with traffic on Quansoo Road. Adam Moore was recognized and stated his intention to work with neighbors to mitigate any road issues.

**The Moderator declared Article 16 carried.**

**ARTICLE 17.** Read by the Moderator, moved and seconded. No discussion.  
**Article 17 passed unanimously.**

**ARTICLE 18.** Read by the Moderator, moved and seconded. No discussion.  
**Article 18 passed unanimously.**

**ARTICLE 19.** Read by the Moderator, moved and seconded. No discussion.  
**Article 19 passed unanimously.**

**ARTICLE 20.** Read by the Moderator, moved and seconded. No discussion.  
**Article 20 passed unanimously.**

**ARTICLE 21.** Read by the Moderator, moved and seconded. No discussion.  
**Article 21 passed unanimously.**

**ARTICLE 22.** Read by the Moderator, moved and seconded. No discussion.  
**Article 22 passed unanimously.**

**ARTICLE 23.** Read by the Moderator, moved and seconded. Mary Jane Pease was recognized and inquired about the viability of the project. Selectman Warren Doty was recognized and gave an overview of the project. Isaiah Scheffer, Shellfish Constable, was recognized and further explained the project.  
**The Moderator declared Article 23 passed.**

**ARTICLE 24.** Read by the Moderator, moved and seconded. No discussion.  
**Article 24 passed unanimously.**

**ARTICLE 25.** Read by the Moderator, moved and seconded. No discussion.  
**Article 25 passed unanimously.**

**ARTICLE 26.** Read by the Moderator, moved and seconded. No discussion.  
**Article 26 passed unanimously.**

**ARTICLE 27.** Read by the Moderator, moved and seconded. No discussion.  
**Article 27 passed unanimously.**

**ARTICLE 28.** Read by the Moderator, moved and seconded. Warren Doty, Selectman, was recognized and presented a slide show. William Rossi, Selectman, was recognized and further explained the warrant article and proposal. Jonathan Mayhew, Selectman, was recognized and addressed the Board of Selectmen's proposal and warrant article. The Moderator stated the showing of the slide show will not set a precedence for future meetings. Chris Murphy was recognized and offered an amendment:

*To see if the Town will vote in favor of the Town Moderator appointing a Town Committee to address two critical problems in the Squibnocket Beach area: a.) to assist Squibnocket Farms in developing alternatives for access to Squibnocket Point for both vehicles and utilities and b.) improved access for Chilmark residents to beach resources, including parking and an expanded beach for swimming and recreation.*

*The committee shall include a total of SEVEN appropriate stakeholders to enable the Town to consider and evaluate the alternatives from financial, technical and environmental perspectives. The Committee will present its plan and recommendations to the Selectmen and to a Town Meeting.*

Chris Murphy asked the voters to vote for the amendment. David Damroth was recognized and expressed dismay at a lack of open process leading up to the Annual Town Meeting. Mr. Damroth noted his great concern with sea level rise and climate change and stated he was asked to "sit down" at multiple Committee meetings that he

attended. He further noted the need for fairness, openness and expert opinion throughout the process and cited the fact that town residents will have to live with the decision and results for a long time. Mr. Damroth stated alternative options should be explored further and vetted thoroughly and stated the town deserves the “best answers possible.” Candace DaRosa was recognized and spoke of offering an amendment to the amendment that would place a definitive time limit on the proposed Committee’s work of the October Special Town Meeting. The Moderator asked if Mrs. DaRosa had the amendment in written form. She did not and was asked by the Moderator to put it in written form. The Moderator called for more discussion on the original amendment while the town awaited the DaRosa amendment. Wendy Weldon was recognized, spoke to the need to preserve the town’s beach access and stood to offer support for the amendment and stated there was a lack of open process during the last year’s work on the Selectmen’s proposal. Ms. Weldon stated there were very few Committee meetings and the meetings were primarily a presentation of a plan without time for input from stakeholders on the Committee. She further stated the proposal moved into Board of Selectmen executive sessions after three Committee meetings. Ms. Weldon asked voters to support the original amendment. The Moderator asked for the written amendment to the amendment. The Moderator read the amendment to the original amendment which added on to the original amendment sentence, “The Committee will present its plan and recommendations to the Selectmen...”, the following:

*“...and to a Town Meeting which will be scheduled for a date in October 2014.”*

The motion was moved and seconded. The Moderator called for discussion on the amendment to the amendment. Helen Parker was recognized and asked for clarification about the amendment to the amendment process and the timeline. She stated that the new Committee would have to come before the Selectmen before the October Special Town Meeting. Jonathan Mayhew was recognized and stated the Board of Selectmen had already designated a 2014 October Special Town Meeting as a deadline. William Rossi was recognized and stated the Squibnocket Farms Association needs to be involved in the proposal since a possibility exists that the town would jeopardize the receipt of 1200 ft. of beach and 10.5 acres of land. The Moderator stated the discussion was just to be on the amendment to the amendment. Thomas Bena was recognized and stood to ask voters to vote no on the amendment to the amendment. Frank LoRusso was recognized and inquired whether the Squibnocket Farms Association members would go ahead with the construction of their roadway if the Town did not proceed with a plan by late fall 2014. William Rossi stated the association would proceed with the construction of a roadway. The Moderator read the amendment to the amendment and brought the motion to a vote. **The Moderator declared the amendment to the amendment to Article 28 is lost.**

Thomas Bena was recognized and stated he was not able to participate in the Committee meetings during the last year and that the process had not been open. He encouraged the voters to give the process more time and to vote for the amendment. William Rossi was recognized and stated the process had been open and noted the posted meetings, forums and advertisements in newspapers. He further noted the Squibnocket Farms Association need to attend to their access and that members of

that association should have a representative on a new committee if the amendment is passed. Pamela Goff was recognized and stated the need to allow the Selectmen to be the negotiators for the town and further encouraged the voters to vote no if they do not like the warrant article as presented. Mrs. Goff stated that the town, if the amendment is passed, may be “throwing out the good in pursuit of the perfect.” She called for respect for the work of the town’s executives. Paul Hornblower, a member of the Squibnocket Farms Association, was recognized and spoke in favor of the amendment in order to find a better solution. He stated that a breach in the current roadway has not been seen since Hurricane Bob, more than twenty years ago. Mr. Hornblower also expressed concern regarding the stewardship of conservation land and the proposed location of the parking lot. Michelle Lasser, a member of the Squibnocket Farms Association, spoke against the amendment. Mrs. Lasser stressed the commitment of the association to work with the town to find a solution that works for the town and the association. She further expressed a willingness to be flexible in terms of the timeframe. Stephen Lewenberg was recognized and stood in opposition to the amendment. Warren Doty was recognized and stood to address the process of the Committee work. He noted the process was modeled on the process with the Hillman family for the Nab’s Corner lots. Mr. Doty explained the Selectmen, in the proposal, did not want to spend a great amount of money and, therefore, did not consider land acquisition in other areas due to the potential added cost. Ms. Weldon was recognized and stated that the amendment would build on the work of the Selectmen rather than throw out that work. Mr. Bena was recognized and stated other options are available without the expenditure of more money. J. B. Riggs Parker was recognized, spoke about the process of financial negotiations, noted his confidence in the Selectmen as the town’s executives and stood in opposition to the amendment. Andrew Goldman was recognized and stood in opposition to the amendment stating his belief the Selectmen are working in the best interest of the town. Joan Malkin was recognized and stood in opposition to the amendment stating that a yes vote would eliminate possibilities for the town. Rick Shweder was recognized and stood in support of the amendment stating the amendment would open the town up to more possibilities. William Rossi noted the Squibnocket Farms Association may go ahead with the roadway without an agreement on beach access for the town and further noted the Squibnocket Farms Association and the Selectmen have been looking at alternatives. Thomas Bena was recognized again and described what the bridge, that is currently proposed, may look like. Further discussion occurred and there was disagreement about what the height of the roadway may be, how it may appear and the impact of input of the town concerning the Squibnocket Farms Association’s building of the roadway. Jonathan Mayhew was recognized and noted the important thing is for the town to secure a beach that is more than 250 ft. and that the homeowners have safe access. Michelle Lasser requested the Moderator recognize Jim O’Connell, the coastal engineer who has advised the Selectmen, and reiterated her wish that a solution be found that works for everyone. Jim O’Connell was recognized and explained his role in advising the Selectmen and the framework of the request. He stated the Selectmen asked him to provide a technical study of the feasibility of the project as proposed. He stressed that he was not asked to provide study of the feasibility of alternatives. He further stated that although he had not

looked at the alternatives in a technical sense he had considered them and felt the currently proposed plan is the best plan. The Moderator called for a vote on the amendment and stated he had received a petition for a secret ballot. He asked the Registrars to come forward and the Town Clerk administered the Australian Ballot process. The ballots were counted by the Moderator.

**The Moderator declared the amendment to Article 28 is carried, 83 aye, 81 nay.**

The Moderator asked if the party that had petitioned for a secret ballot would rescind their request for a secret ballot on Article 28, as amended. It was rescinded. The Moderator read the Article 28, as amended. The Moderator called for a voice vote.

**The Moderator declared Article 28 is carried.**

**ARTICLE 29.** Read by the Moderator, moved and seconded. Warren Doty was recognized and moved to amend the article to add:

*“It is the intention that the area of swapped land remain equal, with no net loss or gain to either town.”*

The amendment was moved and seconded. There was no discussion. The amendment was brought to a vote.

**The Moderator declared the amendment to Article 29 is passed unanimously.**

The article was read by the Moderator, as amended. The article, as amended, was moved and seconded. There was no further discussion.

**The Moderator declared the Article 29, as amended, is passed unanimously.**

**ARTICLE 30.** Read by the Moderator, moved and seconded. Matthew Poole was recognized and explained the article. Helen Parker was recognized and asked for clarification on the amendment to the same article that was made at the Edgartown Annual Town Meeting. Mr. Poole clarified Edgartown’s action. There was no further discussion. The Moderator stated the Article would need a 2/3rds vote to carry.

**The Moderator declared Article 30 carried unanimously.**

Moderator Everett Poole asked if there was any further business. Zelda Gamson was recognized and presented a non-binding resolution regarding the Pilgrim Nuclear Power Plant. Mrs. Gamson moved to adopt the following resolution:

*“WHEREAS, Massachusetts Emergency Management Agency (MEMA) Director Kurt Schwartz has acknowledged that Cape and Island residents and visitors are in harm’s way in the event of a radiological accident at the Pilgrim Nuclear Power Station in Plymouth”; and*

*“WHEREAS, MEMA has determined that Cape and Island residents and visitors will not be evacuated but plans to relocate Cape and Island citizens after exposure to dangerous radioactive materials released in an accident”; and*

*“WHEREAS, citizens of the Town of Chilmark find this State response to Pilgrim’s threat to our health and safety unacceptable and in violation of public trust”.*

*“THEREFORE, we the people of the Town of Chilmark, respectfully request Governor Deval Patrick to call upon the Nuclear Regulatory Commission to uphold their mandate to shut down*

*Entergy's Pilgrim Nuclear Power Station in Plymouth because the public safety, particularly that of Cape and Island residents and visitors, cannot be assured."*

The motion was seconded. There was no discussion.  
**The Moderator declared the resolution is passed.**

Matthew Poole was recognized and alerted the voters to the distribution, planned for May 2, 2014, by Boards of Health of potassium iodide pills.

The meeting was adjourned, at 11:00PM, until 12:00 noon on Wednesday, April 30, 2014.

A true record. Attest:

Jennifer L. Christy  
Town Clerk  
May 2, 2014