

**Town of Chilmark**  
**ANNUAL TOWN MEETING**  
**April 27, 2009**

MODERATOR: Everett Poole  
TOWN CLERK: Jessica Bradlee  
REGISTRARS: Susan Heilbron and Judy G.L. Mayhew  
CONSTABLE: Daniel Bryant  
TELLERS: Timothy W. Lasker and Jeffrey A. Maida

The close of registration for the Annual Town Meeting and Election was on April 7, 2009. Out of Eight Hundred and thirty eight (838) registered voters, 107 were present. The Moderator called the meeting to order at 7:35 p.m. This represents 12.77 % of the voters in town

Constable Dan Bryant attested to the posting of the Warrant. Moderator Everett Poole asks if anyone in the room was not a registered voter in Chilmark.

**Article 1:** The election of officers on the Official Ballot was postponed by the Moderator until Wednesday, April 29, 2009, when the meeting will reopen, from 12:00-8:00 p.m.

**Article 2:** Mr. Poole asked to hear the reports from the Town Officers and Committees. Janet Weidner, the chair of Planning Board, stated that she will make a motion to indefinitely postpone Article 23.

**Article 3:** The Departmental budgets were read by the moderator then moved and seconded. Selectman Frank Fenner moved to amend Article 3 to decrease the COLA from three to two percent. This motion was moved and seconded to amend the budget. Selectman J.B. Riggs Parker made a motion to amend the amendment to reduce the COLA to zero. This was moved and seconded. Judith Jardin stood in support of Mr. Parker to amend the amendment with a zero percent COLA. Selectman Warren Doty spoke to vote against this amendment talking about how Chilmark was \$20,000 below last years budget and other ways the town saved money this year, such as not borrowing any new money, changing employees and reducing the hours of some of the employees. Frank Fenner spoke to vote against the amendment and to vote for a two percent COLA. Mr. Parker said that good work was done on this budget and not to abandon common sense. Mr. Doty spoke of how the three percent COLA was in the .50-.60 cent range. He noted that he had read that The Martha's Vineyard Gazette reported that Chilmark was the only town whose budget was less than last year (comparing to other island towns). Mr. Poole announced that the amendment to the amendment, reducing COLA to zero, comes up for a vote. He first calls for a voice vote, but later calls for a standing vote. The Motion is defeated.

The Moderator calls for any discussion on the original amendment to reduce the COLA to two percent.

Finance Advisory Committee member Frank Yeomans stood and reported that the Financial Advisory Committee recommended a three percent COLA, while the personnel board recommended over 4 percent. He spoke of how some employees would have no more step increases because they have been working at the town for more than eight years. The Moderator asks if there is anyone else with comments.

Article 3 comes up for a voice vote to amend to reduce the COLA to two percent.

Mr. Poole states "amendment carried".

Chris Murphy requests a standing vote.

The Moderator calls for a standing vote and the outcome is the same.

The Moderator continues with the budget, after asking for a time out.

He reads the budget with the two percent COLA.

The following four items were checked for further discussion:

- Treasurers Expenses

- Legal Expenses

- Building Maintenance (Custodian)

- Educational Expenses

#### *Treasurers Expenses- Data Processing*

Judith Jardin asked to reduce the Treasurers Expenses by \$2,600.00 for Data Processing. This would make the payroll bi-weekly versus the current weekly payroll. She spoke of how it would be the same amount of money for the employees and how much time was spent processing these every week.

The motion, to reduce the Data Processing from \$6200.00 to \$3600.00, was moved by Jardin and seconded.

Mr. Poole asks if there was any discussion.

There is brief discussion on both sides, reducing the Treasurers Expenses, from Data Processing by \$2,600.00

The Moderator asks if there is any further discussion before the amendment to change the data processing comes up for a voice vote.

The amendment is carried.

#### *Legal Expenses*

Judith Jardin questioned how Legal Expenses could be reduced by \$20,000, from the previous year.

Warren Doty states that he has a personal crusade on the legal budget and comments on the hourly fees charged. He spoke about how Rappaport & Kaplan are reasonable, but that off island counsel is sometimes needed for certain matters and that they charge high rates.

Mrs. Jardin quotes that \$92,474.00 was spent in the past, which was over the amount that was budgeted for.

*Building Maintenance (Custodian)*

Frank Yeomans praised the amount of work accomplished by the town custodian, Rodney Bunker, and said he was paid less than the school custodian that only had one building to clean.

*Educational Expenses*

Susan Parker makes a motion to reduce the Educational Expenses for the Up Island District Assessment from \$1,816,122.00 to \$1,808,292.00. Susan Parker then commented that if Mr. Bunker is underpaid, that should be looked into, but the school custodian is under an island-wide union contract. It was moved and seconded to reduce the Educational Expenses for the Up Island District Assessment from \$1,816,122.00 to \$1,808,292.00. The Moderator asked if there is any discussion. The amendment “passed unanimously”.

Article 3 as amended, came for a voice vote and “Passes unanimously”.

The Moderator stated that The Selectmen had a few remarks to make. The Selectmen read from the following excerpt that was drafted by Tim Carroll and Chuck Hodgkinson, in regards to honoring six people who dedicated much of their time to the Town of Chilmark. The Selectmen added in some of their own comments to the draft they read from.

**TOWN SERVICE RECOGNITION**

(Frank Fenner)

It’s not often we have the opportunity to gather as a Town and say thanks to so many Town Leaders. We would like to take a few moments to recognize six people who have served our Town for a combined total of over 160 years. We may find someone to follow in their footsteps but, I am sure there is no one who will ever fill their shoes.

(Riggs Parker)

David Flanders: David was a charter member of our Conservation Commission. He helped draft our Wetlands Protection Bylaws and respected personal property rights while enforcing the conservation measures needed to maintain the unique and rural character of the Town and protect its fragile natural resources.

David’s dedicated commitment provided a rare and essential reserve of knowledge, continuity and consistency for the Commission. A testament of his fairness is supported by the fact that we had fewer than five appeals during David’s tenure and most of those were withdrawn after deliberation.

He also served on the Planning Board, the Town Advisory Board to the Martha’s Vineyard Land Bank, as Fence Viewer, and Surveyor of Wood, Lumber & Bark.

We ask for a Moment of Silence in his honor tonight.

(Frank Fenner)

Ozzie Fischer: Ozzie has served Chilmark as a Selectman, the Fire Chief and our Animal Inspector. Somehow through all of this he managed to keep his sense of calm, sense of humor and his grounded sense of caring for everyone.

Thank you Ozzie, for all you have given us over the many years of your service.

(Warren Doty)

Ray Kellman: On June 10, 1982 the preservation and management of Chilmark's water resources, open space and unique wildlife habitats were graced with new thinking, energy and committed stewardship.

The Conservation Commission welcomed Ray as its newest member with the task of serving the remainder of Douglas Thompson's term on the Commission. That term ended up being over 26 years long!

Ray is away tonight, and we wish him safe and fun trip.

(Frank Fenner)

Basil Welch: Basil's first annual report as our Cemetery Superintendent, written in 1985, has the usual shy, formality one might expect from a new Town employee.

Let me read you a section: "Trees are a problem. Pines, cedars, and those damn Russian olive, seed themselves at almost every gravestone. The cemetery has a lot of visitors and many of them comment on the beauty of this special place. And it is beautiful. And it is special. Let all of us help to keep it that way."

Basil, you are special. Thank you for all of your time and your special way.

(Warren Doty)

Jackie Sexton: Jackie just stepped down after serving on our Library Board of Trustees for 18 years.

Our Chilmark Free Public Library opened on August 15, 1891 thanks to a donation of \$100 worth of books from the state and an additional \$35 contribution from the Town.

Jackie's love for literature went far beyond the Library. She was our Town columnist for the Times and was a member of the Howes House Writer's Group. She also served on the Library's Art Committee that attracted and scheduled all of those wonderful exhibits we have in the Library meeting room all year long. It's a great tradition that will always be with us.

Thank you Jackie for helping make our Library what it is today.

(Riggs Parker)

Tim Rich: When Tim announced he was retiring June 30<sup>th</sup> after 30 years as our Police Chief he said: "Everything has a shelf life and mine has expired."

Well, we wouldn't say it just that way. You have protected and led our Town for over three decades because you know the subtle difference between keeping the peace and enforcing the law. Yes, we all do have shelf lives but, yours has certainly not expired. Your ability to preserve the peace will have a lasting effect on preserving our Town.

Thank you for always being there. Best wishes in your retirement!

(Frank Fenner)

(ASK FOR A ROUND OF APPLAUSE IN RECOGNITION OF THESE PEOPLE.)

Tim Rich received a standing ovation then addressed those present saying "it's been a pleasure and an honor". He also mentioned how he and his wife were not leaving the island.

**Article 4:** Read by the moderator. Moved and seconded. There was no discussion. Article 4 came to a vote and passed unanimously.

**Article 5:** Read by the moderator. Moved and seconded. There was no discussion. Article 5 came to a vote and passed unanimously.

**Article 6:** Read by the moderator. Moved and seconded. There was no discussion. Article 6 came to a vote and passed unanimously.

**Article 7:** Read by the moderator. The moderator states that Article 7 requires a 2/3 vote. Moved and seconded. There was no discussion. Article 7 came to a vote and passed unanimously.

**Article 8:** Read by the moderator. The moderator states that Article 8 requires a 2/3 vote. Moved and seconded. There was no discussion. Article 8 came to a vote and passed unanimously.

**Article 9:** Read by the moderator. Moved and seconded. There was no discussion. Article 9 came to a vote and passed unanimously.

**Article 10:** Read by the moderator. Moved and seconded. There was no discussion. Article 10 came to a vote and passed unanimously.

**Article 11:** Read by the moderator. Moved and seconded. There was no discussion. Article 11 came to a vote and passed unanimously.

**Article 13:** Read by the moderator. Moved and seconded. There was no discussion. Article 13 came to a vote and passed unanimously.

**Article 12:** Read by the moderator. Moved and seconded. There was no discussion. Article 12 came to a vote and passed unanimously.

**Article 14:** Read by the moderator. Moved and seconded. There was no discussion. Article 14 came to a vote and passed unanimously.

**Article 15:** Read by the moderator. Moved and seconded. There was no discussion. Article 15 came to a vote and passed unanimously.

**Article 16:** Read by the moderator. Moved and seconded. Article 16 passed unanimously.

**Article 17:** Read by the moderator. Moved and seconded. Article 17 passed unanimously.

**Article 18:** Read by the moderator. Moved and seconded. Article 18 passed unanimously.

**Article 19:** Read by the moderator. Moved and seconded. Chris Murphy asked for clarification on what the article meant. Warren Doty addresses Mr. Murphys question, explaining that there is a cost per-unit in asphalt, and that work was done during the highpoint of oil prices. The town received a bill from the vendor they had a contracted agreement with and the additional cost was \$41,906.00. Article 19 came for a voice vote and passed unanimously.

**Article 20:** Read by the moderator. Moved and seconded. Article 20 passed unanimously.

**Article 21:** Read by the moderator. Moved and seconded. Before coming to a vote, there is some discussion in regards to becoming a volunteer, expressing concern over people volunteering just to get a tax break. Article 21 came to a vote and “passed”

**Article 22:** Read by the moderator. Moved and seconded. Janet Weidner made a motion to take out the words “**or at the nearest abutting residence**”. Amendment to Article 22 was moved and seconded. The amendment to Article 22 came for a vote to eliminate the words “**or at the nearest abutting residence**”. With no further comment from the floor, the amendment passed.

Article 22, as amended, comes up for discussion. Janet Weidner addresses a question raised by Warren Doty in regards to whether or not this bylaw will affect commercial businesses. Weidner responds that its purpose is for stationary or permanent structures and that businesses should be included in that as well. Frank Fenner says he would like

to address the section about Wind Energy later on and asks if that section could be removed. He comments on how it would be difficult to decide on where the sound was actually coming from. Janet Weidner responds that it would be possible to take this section out and address it later. Frank Fenner makes a motion to remove the last paragraph. **“Wind Energy Conversion systems are exempt from this bylaw only as regards the sound made by the rotor blades as they pass through the air.”** The amendment to remove the final paragraph of Article 22 was moved and seconded, before coming to a vote. Article 22 as amended came to a vote to eliminate the last paragraph and was “carried”.

Article 22 as amended twice (eliminating the words “or at the nearest abutting residence” and removing the final paragraph) comes up for discussion. Stephen Lewenberg asks to make an amendment to add the words “closest to the unit” after the words “property line”. Moved and seconded.

There is further discussion from the voters, expressing concern that measuring the sound at the property line “closest to the unit” may be irrelevant to the abutter. Amendment to insert the words “closest to the unit” comes to a vote. Motion was defeated.

Article 22 as amended comes up for discussion. Leonard Jason, Jr. makes a motion to add the word “Stationary” in front of “Machinery” and to eliminate the word “perceived” from amended Article 22. Moved and seconded. The amendment comes to a voice vote. The amendment was carried.

Carlton Stunkel proposed an amendment to insert the word “residential” in front of the word “dwellings” in the Purpose Paragraph. Everett Poole asks if there is any discussion. Moved and seconded. Insert words “residential dwellings”. Amendment carried.

Article 22 as amended comes for a vote. The moderator states that a 2/3 vote is required. Article 22 as amended will read as follows:

*Article 22. To see if the town will vote to amend the Zoning Bylaws as follows:  
Article 5: Signs and Outdoor Lighting*

#### *Section 5.9: Exterior Mechanical Noise Abatement*

*Purpose: Due to the proliferation of mechanical devices associated with and accessory to residential dwellings, such as, but not exclusively, air conditioners/heat pumps, swimming pool heating and circulating pumps, and electric generators, noise levels as perceived by neighbors and the general public are increasing. This section is intended to limit and abate such noise pollution.*

*Stationary machinery, which has the potential to generate levels of sound with sufficient intensity and/or duration as to cause or contribute to a condition of noise pollution, is hereby required to be placed in soundproof enclosures or to be so screened and insulated that the sound levels do not rise by more than ten decibels (10 DbA) above the ambient sound level as measured at the property line. Machinery or mechanical units, which are*

*placed outside the footprint of a dwelling, shall be treated as “structures” and shall be subject to the normal setbacks required by zoning and applicable permitting fee.*

The moderator first calls for a voice vote, followed by a standing vote.

Article 22 as amended carries by a 2/3 vote: 26 opposed  
52 in favor

**Article 23:** The Moderator refrains from reading the long article because The Planning Board wished to indefinitely postpone Article 23. The Moderator states that he needed a motion. Article 23 is moved and seconded. Janet Weidner makes a motion to indefinitely postpone Article 23. Moved and seconded. Article 23 is indefinitely postponed.

The moderator asked if there was any further business to come before the meeting. Conservation Officer, Rusty Walton, rose to address a few matters regarding wildlife services, endangered species and their habitat.

At 9:40 P.M. the meeting was adjourned until 12:00 noon, on April 29, 2009, to cast ballots for the Annual Town Election.

A true copy. Attest:

Jessica Bradlee

Town Clerk

June 8, 2009