

Town of Chilmark
SPECIAL TOWN MEETING
December 7, 2009

MODERATOR: Everett Poole
TOWN CLERK: Jennifer L. Christy
REGISTRARS: Susan Heilbron, Judy G.L. Mayhew, Laurisa Rich
CONSTABLE: Daniel Bryant
TELLERS: Pam Bunker & Kim Cotterill

The meeting was called to order at 7:35 p.m. Constable Daniel Bryant attests to the posting of the warrant. Of the eight hundred and sixty-three (863) registered voters in the Town of Chilmark, Eighty-eight(88) were present.

Mr. Poole asked if there were any non-voters (unregistered) voters on the town meeting floor. The architect of the Middle Line Road Affordable Housing Project, David Handlin, is pointed out by Selectman Warren Doty and Mr. Doty requests that Mr. Handlin be allowed to sit up front in order to respond if necessary to questions from the voters. Moderator Everett Poole allowed it.

ARTICLE 1. Read by the Moderator. Moved and seconded. The article was opened for discussion. No discussion.

Article 1 passed unanimously by voice vote.

ARTICLE 2. The Moderator noted that this article will require a 2/3 vote in order to pass. Read by moderator. Moved and seconded. Opened for discussion.

Selectman Warren Doty was recognized by the moderator. Mr. Doty introduced himself as the Chairman of the Middle Line Road Advisory Committee. Mr. Doty named the members. Mr. Doty noted that many people have worked for five years on this project. Mr. Doty pointed out that the lottery to award the homesite lots will occur on January 19, 2010 and briefly described the project, noting that it is half rental units and half homesite units. Mr. Doty introduced David Hanlon, architect and referred voters to the plans displayed in the front room of the Community Center. Mr. Doty continued to note the style and attributes of the Middle Line Units: windows are double-hung, exterior is shingled, roofs are either shed or gable style, numbers of bedrooms per unit. Mr. Doty noted that the dwellings are in keeping with the style of Chilmark. Mr. Doty referred voters to the handout provided in the front room of the Community Center which has a financial pro forma. The rates for the rental units will be between \$1000-1400 per month. These units are projected to house people who make 80-90% of the median income in Dukes County. Mr. Doty noted that the maintenance costs for this project are well-planned and that the committee planned for the long term with a goal to create "well-maintained" buildings that last 50 years. Mr. Doty noted that the current interest rate is very low and explained that revenue stream will not cover all of mortgage or bond payment: until year 16 of ownership,

the revenue stream will cover the bond payments and in 25-30 years the buildings will rent at a profit to the town. Mr. Doty asked for the voters' endorsement on behalf of the advisory committee.

Peter Buchtal questioned the water quality in the vicinity of the town dump. He expressed concerns regarding water quality and the liability for the town. Mr. Doty explained the number of wells (10) that have been dug in the area for the housing. All ten wells produce the proper amount of gallons/minute and have passed Board of Health tests. There are also test wells next to the dump that are monitored by the town regularly. Mr. Doty explained that the entrance to Middle Line Road Community Housing properties is approximately 2000 feet from the last test well. Mr. Doty noted that Bill Wilcox gave testimony to the Martha's Vineyard Commission attesting to the good water quality in the Middle Line Road Community Housing Site and how it was up gradient from the landfill.

A discussion followed concerning the plans for placing a "debt exclusion" question on the ballot for an upcoming Special Election or Annual Town Election.

A discussion followed regarding the reason the rents are set at 80-90% of the median income as opposed to a higher percentage. Mr. Doty explained that the financial pro-forma is conservative in that it works at even these lower rents.

Moderator asked for all those in favor to say aye. Moderator asked for all those opposed to say nay. Moderator stated that Article 2 appears to be carried. Moderator stated that this article must pass by a 2/3 vote. Moderator asked for those opposed to please rise. Moderator declared Article 2 is passed. Moderator advised by town counsel that he must declare the vote.

Moderator declared article 2 passed 60 in favor-3 opposed.

ARTICLE 3. Read by Moderator. Moderator noted that this article will require a 9/10 vote to pass. Moved and seconded. Tim Carroll moved to amend the article to read \$173.05. Moved and seconded to amend Article 3. Moderator brought the article to a vote, as amended.

Moderator declared that Article 3 passed, as amended, unanimously.

ARTICLE 4. Read by moderator. Moved and seconded. Jane Slater was recognized and requests that before any repairs are done to the Old Menemsha School that the Chilmark Historical Commission be made aware of the materials used and plan for the repairs. The Moderator asked if this is an amendment. Mrs. Slater said that it is just a request. Moderator called for a vote.

Article 4 passed unanimously.

ARTICLE 5. Read by moderator. Moved and seconded. No discussion. Moderator called for a vote.

The Moderator declared Article 5 passed unanimously.

ARTICLE 6. Read by moderator. Moved and seconded. No discussion.
Moderator called for a vote.

The Moderator declared Article 6 carried unanimously.

ARTICLE 7. Read by moderator. Moved and seconded. No discussion.
Moderator called for a vote.

The Moderator declared Article 7 passed unanimously.

ARTICLE 8. Read by moderator. Moved and seconded. A lengthy discussion occurred concerning the covenants and inheritability of affordable housing units. Selectman J. B. Riggs Parker explained that this article, if passed, would be a general application for the whole town for all affordable housing so that covenants run in perpetuity.

Steve Gallas asked questions concerning how the covenants would be brought to the town and how voters would be made aware of the content of the covenants. Mr. Gallas also expressed concern with “enforcement” of the covenants. Selectman Parker noted that the town has a by-law which authorizes the housing committee to implement the original by-laws permitting affordable housing. Mr. Gallas stated a concern that this article appears to give “blanket approval”. Mr. Parker stated that the article will, if passed, permit covenants which could not be perpetual before, to be perpetual. Mr. Gallas asked if there will be a public process for deciding on these covenants. Mr. Parker said yes. Jim Feiner noted that the covenants will be project-specific and any applicant interested will know of the covenants. Mr. Parker noted that the housing by-law requires that covenants will be such that the housing is affordable in perpetuity. Mr. Gallas stated that the covenants should be produced in a transparent and open way.

Selectman Frank Fenner was recognized and stated his concern with section C of Article 8. Mr. Fenner stated that the way the article is written it precludes someone from inheriting. Mr. Fenner stated the issue of inheritability needs to be discussed at a town meeting. Mr. Parker noted that the by-laws prohibit any transaction with someone who does not qualify. Ms. Jardin questioned whether the board took exception to that rule in the past and stated that she is uncomfortable with the article because an exception has already been made.

Housing Committee member Sheila Muldaur stated that she had an understanding that inheritability was to be discussed. Selectman Fenner stated that the BOS did not plan to discuss inheritability, but stated that the issue needed to be discussed. Mr. Fenner suggests amending Article 8 to allow town to give approval for each covenant.

Town Counsel Ronald Rappaport noted that the only choice with this Article 8 is to approve or defeat. Mr. Rappaport continued to note that the language in Article 8 is directly taken from the special act of the Massachusetts legislature, Chapter 45 of the Acts of 2004. Mr. Fenner asked if section C in Article 8 eliminates the opportunity to inherit. Mr. Rappaport stated that it would appear to do that and again noted that Article 8 tracks a special act of the legislature making the only choice to either approve or defeat the Article. Barbara Murphy asked what the consequences are

of defeating Article 8. Mr. Rappaport noted that we do not have it in place now. Judy Jardin asked if there is anything the BOS is going to do before April that would apply Article 8 and asked if the article could be postponed. The Moderator stated that Article 8 has been moved and seconded and it needs to get off the floor. Mrs. Parker asked how the passing of Article 8 would affect the January 2010 lottery. A discussion followed with Selectman Doty noting that the Middle Line Road Project is composed of rental sites and homesites. Mr. Doty noted that rental sites are not affected by Article 8. Mr. Doty continued to note that the land of the resident homesites at Middle Line Road Project will be owned by the town and the tenants will have a 99 year lease. Mr. Doty noted that Article 8 applies to other properties where resident homesites are created and the individual buys them.

Moderator brought the Article to a vote. Moderator said, "It appears to be lost. Anyone question that?" Moderator called for a standing vote. Moderator asked the tellers, Pam Bunker and Kim Cotterill, to please count. Moderator asked for all those in favor to please rise. Moderator asked for all those opposed to please rise.

Moderator declared that the motion carries 46 in favor-34 opposed.

ARTICLE 9. Read by moderator. Moved and seconded. Discussion occurred concerning the purpose of this article to allow the town wiring inspector to perform work in town.

Moderator brought Article 9 to a vote.

Moderator declared Article 9 is passed.

Selectman Warren Doty stood to announce and explain a housing rehabilitation grant program available to town residents earning less than 80% of the median income level.

Moderator asked if there was anything else to discuss before the meeting.

Judy Jardin was recognized and expressed disappointment with the advertisement for the Town Accountant. Ms. Jardin suggested the advertisement be revised.

Executive Secretary Tim Carroll noted that the full description of the position is on the town website and addressed the voters to say if anyone is interested in the position please contact the town hall.

Moderator Everett Poole noted that Tom Wilson should be recognized there was an ovation and he declared the meeting dissolved at 8:25 p.m.

A true record. Attest:

Jennifer L. Christy
Town Clerk
December 11, 2009