

TISBURY BOARD OF SELECTMEN MEETING MINUTES

DRAFT

51 Spring Street, Box 1239, Vineyard Haven, MA 02568

Tuesday, September 13, 2016

Tisbury Town Hall (Katharine Cornell Theatre) 5:30PM

Members present: Selectmen: Melinda Loberg, Chair; Tristan Israel, Clerk; Larry Gomez

Staff Present: Jay Grande, Town Administrator, Barbara Lampson, Executive Assistant
Building and Zoning Inspector Ken Barwick

Meeting called to order by Melinda Loberg at 5:32PM.

TOWN ADMINISTRATOR'S REPORT:

Joint meeting with the Tisbury Conservation Commission:

Upcoming Coast Guard Forum on changes to ATON (Aids to Navigation): Jay Grande announces that there will be an informational forum held on Thursday, September 22 at 6PM at Katherine Cornell Hall in Tisbury. Forum is being held in response to a letter from the Selectmen to the Coast Guard.

MassDOT Hearing re: Beach Road 25% design, September 14 @ 6PM

Cape Light Compact with Maggie Downey: This presentation is postponed due to weather, and will appear on the agenda for the September 20th Board of Selectmen meeting.

DEPARTMENTAL AND COMMITTEE REPORTS:

Building and Zoning Inspector, Kenneth Barwick: Inspector Barwick requests legal services in regards to 71 Stoney Hill Road. Tristan Israel explains that this is an issue that has been going on for awhile, with large events being held at this location and advertised for such on a website that lists availability of large barn for dancing, etc., and states that the owner's own attorney made reference to another property in Town that is also being used for such a purpose, and so that will be looked into as well. Tristan Israel also states that ultimately if citizens of the Town don't like the zoning in particular area, they need to get together and change the zoning. Insp. Barwick states that, unlike taxpayers that are renting the occasional room, this is a major operation, that is being advertised online. He further states that it has been going on for over a year, but that the Town does not seem to be making a lot of headway in regulating the issue. Larry Gomez asks how the similar use of the West Chop Club fits into this, and Tristan Israel states that it is a different situation since location is not a private residence. Mr. Israel states that this issue was brought to his attention by an abutter. Melinda Loberg comments that Town needs to get the legal advice to see if we (Town) are (is) adjudicating the problem properly. Tristan Israel re-states need to resolve the problem.

Larry Gomez asks how West Chop Club is different, and how does it effect other private property owners?

Jay Grande states need to have a separate agenda item at a future meeting that discusses allowable uses in a residential neighborhood. Tristan Israel asks if this use is allowed currently in a residential neighborhood, and Insp. Barwick says no. Melinda Loberg asks where does a private use become a commercial enterprise? She states need for more information regarding the legalities of this situation.

Motion: *to approve the request for legal services re: 71 Stoney Hill Road. Tristan Israel moves, Larry Gomez seconds, motion passes unanimously: 3 yes, 0 no, 0 abstentions.*

Further Discussion: Insp. Barwick notes that when this issue has come up in the past owners have wanted to use their properties or B&Bs or lodging houses for housing and entire wedding party, these applications have generally been denied. He says that another property that is operating a similar venue has been reviewed by Building and Zoning today, and is being addressed at this time. Insp. Barwick states that he has given the Selectmen information to review after the meeting, and that this situation is not like a family who is just trying to have a family wedding at their house.

ADMINISTRATIVE SESSION:

Payroll Warrants and Warrants Payable: Payroll Warrants and Bills Payable Warrants are presented for approval by the Selectmen.

Motion: *To approve payment of the Warrants. Tristan Israel moves, Larry Gomez seconds, motion passes unanimously: 3 yes, 0 no, 0 abstentions.*

Past Meeting Minutes: Minutes from past meetings are presented for the Selectmen to approve.

Motion: *Tristan Israel moves that the Selectmen approve the minutes of back meetings; Larry Gomez seconds, motion passes 2-1: 3 yes, 0 no, 1 abstentions.*

Motion: *Tristan Israel moves that the Selectmen authorize Melinda Loberg, Chair, to sign the minutes as sole signator. Motion passes unanimously: 3 yes, 0 no, 0 abstentions.*

Further discussion: Minutes from June 7, 2016 are noted by the Selectmen to require correction on page 1 of the minutes: word "appoint" should read "approve".

DISCUSSION SESSION

Melinda Loberg makes an announcement that she attended a school committee meeting this morning and they presented a budget that showed an amount of ** that was not spent last year, that was turned back to the Town coffers, and she wanted to note their fiscal responsibility for the record. Tristan Israel asks for an update on the MSBA design process from the school; Melinda Loberg says that the school committee has chosen an OPM (owner's project manager), who would like to visit an upcoming Board of Selectmen meeting and do a presentation. She further noted that the choice of Architect for the project would be made in November, and that this architect would be responsible for coming up with concept sketches of the four options for the project: renovation on current site; renovation with addition on current site, new school building on current site, or new school building on new site. Rough dates for completion of the determination were discussed with no firm date noted. (Discussion session suspended for hearing below)

PUBLIC HEARING:

Continued Public Hearing for Tisbury Waterways regulations; Moratorium. Melinda Loberg states the Selectmen had agreed to continue the hearing on the Tisbury Waterways regulations, Moratorium, without public testimony. Jay Grande recommends continuing the hearing for at least 30 days. Tristan Israel asks if hearing is being left open. Jay Grande notes for the record that this delay is due to a delay in filing the paperwork on the part of the Town Clerk and the Planning Board. Possible meeting dates are discussed, concern is raised that this hearing not be scheduled on the same meeting day as the Tax classification meeting.

Motion: To continue the Public Hearing for Tisbury Waterways regulations; Moratorium, to November 1 at 6PM. Tristan Israel moves, Larry Gomez seconds.

Discussion on the motion: the Selectmen discuss the need for the Harbor Management Committee to continue to organize the regulations and suggested objectives in the meantime prior to the hearing. Larry Gomez suggests that the board be asked to report in to the Selectmen periodically on progress. Tristan asks if the committee may need to hire a consultant to help with the process, and Melinda Loberg states that the Harbor Management Committee does not have the money for that.

DISCUSSION SESSION (cont'd)

Points from past minutes:

Eversource plantings under new power poles: Jay Grande and Melinda Loberg state need to communicate with Eversource asking them to complete plantings along the new power poles that Eversource promised to plant three years ago. Jay Grande states that Eversource committed to this at a meeting of the Marth's Vineyard Commission and it is documented. He further states that he believes at this point the Town needs to write Eversource a letter asking for a firm date for this work to be completed.

Snow Removal: Melinda Loberg asks for a strategy in regards to snow-shovelling the sidewalks, so that there are not problems with that this winter. Jay Grande stated that Bob Blanchard of the DPW filled some of the gaps last year, and states that the Town has a unique challenge with the number of seasonal homes, businesses, and elderly residents in the Town. He recommends that the Zoning Board, Police Department, and DPW come up with a Town-wide map that outlines an enforcement area, and an action plan for areas such as the school and library. Ken Barwick states the possible need for the police to go door to door in an enforcement area and let people know what is expected, and if they have to move their cars so they don't get towed, clear their sidewalks, etc. Insp. Barwick notes that the Police need to be responsible for enforcement, not the zoning department. Melinda Loberg suggests a memorandum of understanding be issued by the Police regarding permission for access to areas that may be covered by the State, and asks that the new Lagoon Park be included in this. Larry Gomez asks who is responsible for clearing the sidewalks in the new drawbridge area. Tristan Israel and Jay Grande state that the Town has been doing it but that there is a concern about taking on responsibility for the State. Tristan Israel states that the State has asked in the past if the Town wants to take over the maintenance, but he recommends that if Town does this it

should get some reimbursement by the State. Jay Grande recommends that the Selectmen ask the State what contracts they have in place for the winter services, and what the contracts will cover.

Embarkation funds: Melinda Loberg recommends that everyone read the section on use of embarkation funds in the December 22, 2015 minutes so that the Selectmen can have a discussion on this in the future.

Tashmoo overlook: Tristan Israel states the need for an ambassador to Tashmoo.

Animal Control: Tristan Israel asks what is going on with animal control, and the possibility of sharing services with West Tisbury?

Council on Aging: Jay Grande states that the new facilities manager has started on this and he will ask for an update.

Dock pilings at Owen Park Pier: Jay Grande states that there was a need for emergency repairs to 3 pilings, and states that he needs to check in with the interim Harbormaster John Crocker to see if he has enough funds in his budget to complete the project?

Taxi Regulations: Jay Grande states that Eerick Meisner of the Police Department was working on the regulations, but that he was on vacation last week, and so this has been scheduled for an upcoming meeting.

Landfill: Melinda Loberg state the background of the Town moving to a no-cash system, and that the DPW and Town are getting a lot of complaints on this. Tristan Israel states that he believes the Board of Selectmen made a decision to keep the cash payments for three months after the new guidelines were approved, so if at this point some one comes to the dump and cannot make payments on a Saturday, that is not acceptable because there was no three month introductory period. Melinda Loberg states that there have been a lot of complaints about this to the secretary at the DPW. There is discussion between the Selectmen of how dumping of green waste is handled, and Melinda Loberg states a need to talk about this.

Firearms Regulations: Tristan Israel advises reminder to Police Department that Selectmen would like to see a report back on the update of these regulations sooner rather than later.

Plastic Bag Ban: Larry Gomez asks what is happening with the plastic bag ban, in regards to the Board of Health? Discussion of whether to check in with other communities that have done this, and how it was implemented. Tristan Israel requests that an action list be generated from the minutes review.

Meeting adjourned at 6:34 PM.

Respectfully Submitted:

Barbara Lampson, Exec. Asst. to Town
Administrator & Selectmen

Melinda Loberg, Chair