

TISBURY BOARD OF SELECTMEN MEETING MINUTES

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

AGENDA: Tuesday, August 16, 2016

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

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

Staff Present: Jay Grande, Town Administrator, Barbara Lampson, Executive Assistant

Police Chief Dan Hanavan, Harbormaster John Crocker, Public Works Director Ray Tattersall

Board of Health Agent Maura Valley; Building and Zoning Inspector Ken Barwick

Others present: Ben Robinson of the Planning Board; Gerard Hokansen, Eelgrass Advisory

Committee; Philippe Jordi, Island Housing Trust; Jessica Rose and Jeremy McDermit.

Eversource; and other members of the Public

Meeting called to order by Melinda Loberg at 5:31PM.

TOWN ADMINISTRATOR'S REPORT:

Announcement of Short Term Borrowing Note: Announced by Jay Grande. Selectmen must sign the short term borrowing note in presence of Tisbury Town Clerk by Friday, August 19.

Kuehnes Way Affordable Housing Project Update: Announcement of project undergoing review by Zoning Board of Appeals at their meeting on September 8, 2016 at 5:30PM at the Emergency Services Building. Town Administrator Jay Grande recommends Selectmen review P.I.L.O.T. agreement (Payment in Lieu of Taxes), and recommends consideration of the project at the meeting on September 6 for possible recommendation to the Zoning Board of Appeals prior to their meeting on September 8.

Signing of the State Primary Warrant: State Primary Warrant is presented for Selectmen's signatures, for Election to be held on September 8th, 2016.

Motion: To sign the State Primary Warrant for Election to be held on September 8, 2016. Larry Gomez moves, Tristan Israel seconds, motion passes unanimously: 3 ayes, 0 nays, 0 abstentions.

Library Fun Run: Annual Library Fun Run, sponsored by Friends of Vineyard Haven Public Library, proposed for Sunday, September 18, 2016 at 9:30AM.

Motion: To approve the Library Fun Run on scheduled date, conditional to notification of Police and Fire Departments. Tristan Israel moves, Larry Gomez seconds, motion passes unanimously: 3 ayes, 0 nays, 0 abstentions.

Discussion: Melinda Loberg asks if it is possible to arrange for "less traffic" on the route during the race and Police Chief Dan Hanavan states that they will do their best, while considering needs of residents, etc.

MVC appointment: Jay Grande announces that current representative Ned Orleans is stepping down, and states Town's intent to advertise for new candidates in newspaper.

****Massachusetts DOT Beach Road Update:** Jay Grande announces Public Hearing will be held on Wednesday, September 14, at 6PM at the Tisbury Senior Center on Pine Tree Road to consider the most recent form of the project which is a joint effort between the Martha's Vineyard Commission and the Joint Transportation Committee, and plans will most likely be available on their website. Melinda Loberg asks where the documents can be viewed, and Jay Grande states he will see if MA DOT is providing documents to view ahead of the hearing, or if they are available on the MA DOT website; Grande states that although project is happening in Tisbury it is an MPO project.

Non-Resident Taxpayer Meeting: Jay Grande introduces the topic of whether Tisbury wants to start holding an annual Non-Residents Taxpayer meeting, stating that some of the other towns on the island do this, and that it gives the seasonal residents an opportunity to weigh in on Town affairs. Tristan Israel says that Tisbury used to do this but "way back". All Selectmen agree that it is a good idea and Town should hold such a meeting next year. Possible dates and locations are discussed.

Police Labor Management Team: Jay Grande explains that the collective bargaining agreement provides for forming such a team, consisting of 3 members of the Police union and three members of management; and suggests Town Administrator, Finance head/Treasurer, and Chief Hanavan. Grande further states that formulation of such a team is a requirement and date-specific, and would start in about two months. Grande further states that this is not a collective bargaining team but a management team meeting periodically.

Motion: To approve formulation of a Police Labor Management Team as described by the Town Administrator. Tristan Israel moves, Larry Gomez seconds, motion passes unanimously: 3 ayes, 0 nays, 0 abstentions.

Revised Board of Health Regulations: Board of Health Agent Maura Valley announces that there will be a meeting to discuss new regulations on Tuesday, September 13, at 4:30PM at the Emergency Services Building. Valley explains that BOH regulations are currently undergoing minor revisions and that she will forward these to the Selectmen when they are complete, and that the revised regulations will be posted on the Town website.

DEPARTMENTAL AND COMMITTEE REPORTS

Public Works: Ray Tattersall provides an overview of two pavement management engineering contracts: Center Street and Complete Streets. Tattersall further explains that the Center Street contract will provide for engineering for improvements to drainage, pavement, signage, and general updating of current standards, with Center Street as the focus. Melinda Loberg cites need for sewer pipe tie-ins on Center St., and Ray says that plan is to tie remaining neighbors in or tee off line at the street, also that they plan to see if it is possible to install sidewalk along cemetery on Center St, and make area generally ADA accessible. Jay Grande states that Historic District Commission has been notified of this project and has been asked for input on signage, etc.
(discussion suspended for public hearing, below)

PUBLIC HEARING(s)

Cont'd. Public Hearing on Nstar Electric Company d/b/a Eversource Energy Plan #103915 located at 19 Renear Street: to install 65' of conduit and cable under Town road on Renear Street for customer located at 19 Renear Street. Jessica Rose and Jeremy McDermit, Eversource reps., and property owner Jerry Berrick, who is an electrician, also present at hearing. Plan also calls for installation of 400 amp service. Selectmen question the need for 400 amp service rather than the more standard 200 amp, and Building Inspector Kenneth Barwick says that neighbors have reported concerns to him about possibilities for further future development plans at this address that require 400amps. Barwick also states that neighbors have complained about too many trucks from owner's business parked on the street. Homeowner states that if there are concerns he will stick with 200amp service. Barwick also notes the Town's need to keep track of such easements and utilities run under the roadways in regards to future roadworks, and suggests establishment of a nuisance fee for such easements. Discussion ensues regarding number of trucks stored at house, and whether the homeowner is adhering to requirements of a home business use.

Motion: To close public hearing: *Tristan Israel moves, Larry Gomez seconds, motion passes unanimous: 3 ayes, 0 nays, 0 abstentions. Meeting is closed.*

Discussion continues:

Larry Gomez suggest a motion to recommend a limitation of the amperage to 200amp. Melinda Loberg questions whether such a limitation is within the authority of the selectmen, also asks what the typical home amperage application is for and Ken Barwick says 200amp is standard for home applications.

Motion: To approve Nstar Electric Company d/b/a Eversource Energy petition Plan #103915 with 200amp service: *Tristan Israel moves, Larry Gomez seconds, motion passes unanimous: 3 ayes, 0 nays, 0 abstentions.*

Motion: Selectmen move that if a fee is established for such an easement in future, that fee should apply to this approval retroactively. *Larry Gomez moves, Melinda Loberg seconds, motion passes: 2 ayes, 1 nay, 0 abstentions.*

Cont'd. Public Hearing for Nstar Electric Company d/b/a Eversource Energy Plan # 103864 located at Greenwood Avenue Extension at Mirkwood Lane. Eversource rep.s Jessica Rose and Jeremy McDermit also present. Plan calls for installation of 50' of conduit under Greenwood Ave extension and the sidewalk at the corner of Mirkwood Lane, with a request for easement. Jessica Rose states that it is 42' from the pole, under the street to the property. Larry Gomez asks if Mirkwood is developed, Ray Tattersall answers that it is not, except for driveway to what looks like house next door. Tristan Israel states that plans are viewable at the office of the Planning Board.

Motion: to close the public hearing. *Tristan Israel moves, Larry Gomez seconds, motion passes unanimous, 3 ayes, 0 nays, 0 abstentions.*

Discussion continues.

Motion: to approve Nstar/Eversource Plan #103864 at Greenwood Avenue Extension and Mirkwood Lane to install 50' of conduit and cable under and along roadway. *Tristan Israel moves, Larry Gomez seconds, motion passes unanimous, 3 ayes, 0 nays, 0 abstentions.*

Motion: Selectmen move that is a fee is established for such an easement in future, fee will apply to this project retroactively. *Tristan Israel moves, Larry Gomez seconds, motion passes 2 ayes, 1 nay, 0 abstentions.*

Cont'd. Public Hearing for Tisbury Waterways Regulations: Moratorium. Melinda Loberg states that the hearing will need to be continued again since the Massachusetts State Attorney General's rulings on the proposed regulation have not yet been received, states that the Board feels that it would not be appropriate to act on this without the Attorney General's "stamp of approval".

Motion: *To continue the hearing to September 6, 2016 at 6 pm. Tristan Israel moves, Larry Gomez seconds, motion passes unanimous, 3 ayes, 0 nays, 0 abstentions.*

At this time, Melinda Loberg asks that Ray Tattersall be able to continue his presentations so that he may go home.

DEPARTMENTAL AND COMMITTEE REPORTS, CONT'D.

Public Works, re: Center Street Engineering contract, continued:

Motion: *For Selectmen to approve signing of the contract by Jay Grande and Ray Tattersall.*

Tristan Israel moves, Larry Gomez seconds, motion passes unanimous, 3 ayes, 0 nays, 0 abstentions.

Public Works, re: Complete Streets Contract. Ray Tattersall recaps that this contract is for engineering to address issues of drainage, pedestrian access, and other topics as covered in prior discussion at this meeting. Ray Tattersall states that various funding would be available from the State of Massachusetts to help pay for improvements and goals provided for in the engineering, so it is important to move forward with the contract. He states that effort was spearheaded by the department of Public Works and the Planning Board. Ben Robinson of the Planning Board explains that this should dovetail with the 25% contract for Beach Road and that the State needs the Complete Streets engineering in place for any projects that will be funded, and that the funding can be up to 100% of \$400,00.00 while the state funds last. Jay Grande states that some minor amendments may need to be made to the contracts, since the contract is subject to review and approval by the Town Attorney.

Motion: *To approve the signing of the Complete Streets Engineering Contract by Jay Grande and Ray Tattersall. Larry Gomez moves, Tristan Israel seconds, motion passes unanimous: 3 ayes, 0 nays, 0 abstentions.*

PRESENTATION

Tisbury Eelgrass Advisory Committee member Gerard Hokansen. Committee member Hokansen presented a PowerPoint document, numbered 2016-322 on the Selectmen's Correspondence.

DEPARTMENTAL AND COMMITTEE REPORTS, CONT'D.

Harbor Management Committee: review of mission and structure statement.

****Jay Grande** states that Interim Harbor master John Crocker is present, and a meeting is scheduled for discussion of the Harbor Management Committee meeting Wednesday, August 17 at 5:00PM at the Tisbury Senior Center in a continuing exercise in defining the mission and structure of these boards and groups.

DISCUSSION SESSION

Discharge of Firearms Legislation: Dan Hanavan states that the Town Attorney David Doneski recommended updating the Town bylaw regarding this since the original was adopted over 100 years ago. Dan further states that the state bylaw is new and states distances of not firing within 150' of a highway and 500' of a dwelling of a dwelling. Grande states need to open this discussion in advance of hunting season, and that the Land Bank limits certain types of hunting on their properties. Grande states the Town's need to look at this from the broader perspective in reference to open lands and the bylaw, and states a desire for the Town to have some consistency between the Tisbury and other Towns on the island. Tristan Israel states that the history of this discussion is in regards to the use of firearms on Land Bank properties where people walk, particularly Ripleys Field which straddles the town line between Tisbury and West Tisbury. Tristan Israel states the need to balance the interests of all parties. Jay Grande recommends that the Selectmen turn this over to Dan Hanavan to consider an update to the bylaw, and for Chief Hanavan to report back at a later date. Melinda Loberg suggests late October to early November.

New item: Chief Dan Hanavan recounts an occurrence on August 11, of two white heavy-set males arriving at an elderly woman's house saying that they wanted to test the water, and entered the house. Also he recounts the recent occurrence of a boating accident with two underage men who had been drinking, and wanted to congratulate the Coast Guard, Fire Department and Harbormaster for their work on dealing with this in an effective and positive joint effort.

Legal Services 135 Beach Road: Jay Grande states that selectmen will recall nuisance report of a houseboat at 135 Beach Road, and that he, Tisbury Building and Zoning Inspector Ken Barwick and Board of Health Agent Maura Valley have visited the site and reports for the record that he sees no jurisdiction of the Town

for addressing this issue, and that currently this appears to be a matter between the property owner, and that they have other avenues to follow this up. He further states that the owner is working on repairing the boat. Ken Barwick states that the Harbor District allows for such a use, and with no delineation regarding what condition a boat is in. Board of Health Agent Maura Valley stated that she issued an order prohibiting the use of the boat for people to stay on, but could find no other restriction in the Board of Health regulations regarding this use.

Legal Services 71 Stoney Hill Road: Jay Grande states background of this matter concerning an owner who was renting the property for large weddings and functions, and was advertising for such on a website. Grande states need for Town to monitor the ongoing activities at this property, that they are having a negative effect on traffic and the surrounding neighborhood, and are possibly not permitted. Grande suggests communicating with the owner as the next step. Ken Barwick states that this is a major commercial enterprise, and not conducive to a residential neighborhood. He states that if he does not get voluntary compliance from the owner he will pass the issue back to the selectmen for further proceedings.

Selectmen's Goals: Melinda Loberg recognizes Town Administrator Jay Grande for working very hard on this document, and that is a "living" document that the Selectmen will continue to revisit and update. Ms. Loberg asks if it will be posted on the new website and Jay Grande answers that it is the goal overall for all such documents to be posted on the website for greater access by the public. Melinda Loberg asks about the status of the new website, and Jay Grande says that the basic platform is up and available for Selectmen to review and comment on in regards to layout, photos, colors, etc.

PROSPECTIVE AGENDAS:

Jay Grande states that there is a tentative Board of Selectmen meeting scheduled jointly with the Tisbury Conservation Commission and that he will get back to them on that when he has it confirmed, and that beginning in October the Board of Selectmen's meetings will be on the desired schedule of the 1st and 3rd Tuesdays of every month. He states that the next Board of Selectmen meeting is on the 6th of September, and then the 13th for the Continued for Tisbury Waterways Regulations: Moratorium.

ADMINISTRATIVE SESSION:

Motion: to approve Payroll Warrants: #073016 for \$255,062.41
#072316 for \$136,262.05
#080616 for \$128,095.22

Tristan Israel moves, Larry Gomez seconds, motion passes unanimous, 3 ayes, 0 nays, 0 abstentions

Motion: to approve Warrants Payable: #08/03/2016 for \$93,737.34
#07/29/2016 for \$265,258.93
#07/24/2016 for \$354,703.50
#07/25/2016 for \$ 31,672.99
#07/12/2016 for \$369,084.50

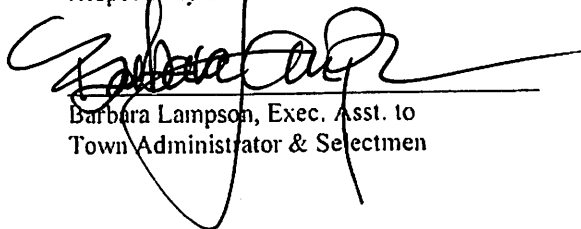
Tristan Israel moves, Larry Gomez seconds, motion passes unanimous, 3 ayes, 0 nays, 0 abstentions.


Tristan Israel asks about past minutes, Jay Grande states that Marni Lipke is working on the minutes that pre-date Jessica. Tristan Israel states need to update and approve all past minutes and notes from executive sessions. Melinda Loberg requests a comprehensive list of minutes needed. Jay Grande states that Barbara Lampson is using her personal laptop to take minutes and states need for the Town to provide something for her to use, and Selectmen concur.

Motion: To adjourn meeting. *Tristan Israel moves, Larry Gomez seconds, motion passes unanimous, 3 ayes, 0 nays, 0 abstentions.*

Meeting adjourns 8:17 PM

Respectfully Submitted:


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


Melinda F. Loberg, Chair