

Draft
The Tisbury Board of Selectmen Met in Regular Session on
Tuesday, April 5, 2016 in Tisbury Town Hall, Tisbury, MA.

Present: Tristan Israel-Chairman, Melinda Loberg, Larry Gomez,
Town Administrator John W. Grande, Building Inspector Ken Barwick,
Assistant to Town Administrator Jessica Burgoyne, Treasurer - Jon Snyder
Police Chief Dan Hanavan, Special Officer Nikolaj Wojtkielo,
Shellfish Constable Danielle Ewart, MVC Water Resources Manager Sheri Caseau,
Brock Callen, Gene DaCosta, Lynn Fraker, John Packer, Janet Packer,
Gerry Hawkinson, and other members of the public

Call to Order: Chairman Tristan Israel called the Tisbury Board of Selectmen (BOS) meeting to order at 5:30PM. Due to a website posting irregularity the Sewer Rate Public Hearing would be continued until the next regular Selectmen meeting (see below).

DISCUSSION SESSION

Energy Committee

The Energy Committee had been the work of only two members (with the Town Administrator) and was now overburdened with numerous projects. Consequently the Selectmen proposed re-energizing it with one representative each from: the Department of Public Works (DPW) Advisory Board, the Finance Committee (FinCom), and the Town Administrator (with Mr. Israel as his alternate) totaling 5 members, added to the two hardworking current members, Mr. Peter Goodale and Mr. William Straw. Others were encouraged to participate.

- Motion: *To approve the expansion of the Renewable Energy Committee as proposed; unanimously: 3 ayes, 0 nays, 0 abstentions.*

Sail M.V. – Letter of Support Request

Sail MV has reduced its carbon footprint, including decreasing waste from 30 yds. to less than 1 yd. and an instructional video is attracting a lot of regional and national interest. However organizations often ask about local support. The Selectmen noted the goal of being a green community as well as coordination with the Tisbury Waterways objectives.

- Motion: *to approve and sign a letter of support based on the proposed draft, allowing the Town Administrator to wordsmith it to suit the Town; unanimously: 3 ayes, 0 nays, 0 abstentions.*

TOWN ADMINISTRATOR'S REPORT

CGI Company Town of Tisbury Video Update

This company produced municipal videos (now available on the Dukes County website) however at 3 years old, it was time for an update and post it on the Tisbury website.

- Motion: *to approve updating the Town video; unanimously: 3 ayes, 0 nays, 0 abstentions.*

Annual Town Meeting (ATM) and Special Town Meeting (STM) Warrant Articles

Article #19 Pump-Out Boat ~\$95,000 The evaluation report showed the boat hull has a long useful life ahead so the Harbormaster recommends pulling the article to purchase a new boat. Mechanical problems (fuel tanks, etc.) will be investigated.

- Motion: to withdraw Annual Town Meeting Article #19-Purchase of Pump Out Vessel; unanimously: 3 ayes, 0 nays, 0 abstentions.

Article #38 Town Grounds (~\$30,000) new DPW Director Ray Tattersol and Buildings & Grounds Foreman Kenny Maciel surveyed various Town parks and recreation venues and recommended current needs be drawn from the maintenance line. A more detailed assessment of future needs will be conducted to better prepare for a comprehensive and competitive Community Preservation application next year.

- Motion: to withdraw Annual Town Meeting Article #38 – Tennis Court Renovation; unanimously: 3 ayes, 0 nays, 0 abstentions.

- The reduction of these two articles helped cancel out the \$350,000 override however as the ballot had already been printed it would be put to the vote. Finance Director Jonathon Snyder recommended voters reject it, however if passed the Town would gain some financial flexibility.

- The Selectmen confirmed that Town Counsel recommended language to amend the expansion of the Beer and Wine to require a ballot vote.

DEPARTMENTAL AND OTHER REPORTS

Mooring Fee Abatements

This was a standard housekeeping measure forgiving outstanding bills from people surrendering moorings—which are then rented to the next person on the wait list.

- Motion: to accept and approve \$1,329.75 in abatements as recommended by the Harbormaster; unanimously: 3 ayes, 0 nays, 0 abstentions.

Perpetual Care Fund Investment Policy

This Fund (about \$200,000 balance) now included cemetery plot sales revenue and was infrequently expended on memorials, tree work, etc. Mr. Snyder recommended that 15% be left in Certificates of Deposit (CDs) and the remainder be conservatively invested as per State legal regulations among blue chip stock, bonds and money market funds. The Selectmen asked Mr. Snyder to report on:

- the Fund's original bylaws and principal amount; and
- use of the Fund to reduce future Town Meeting cemetery maintenance warrants.

- Motion: to change the Perpetual Care Fund investment policy as recommended by the Finance Director; unanimously: 3 ayes, 0 nays, 0 abstentions.

PRESENTATION

Eelgrass, with the Shellfish Department and M.V. Commission (MVC)

Shellfish Constable Danielle Ewart and MVC Water Resource Manager Sheri Caseau gave a presentation regarding the importance of, status and recommendations on eelgrass conservation.

- Eelgrass is highly valued commercially as a vital component of the aquatic habitat (nutrition, habitation, and protection) supporting many fishes, bay scallops, and marine particulates. A plant (rather than algae) reproducing by rhizomes and seeds that stabilizes the bottom, reduces wave energy and prevents erosion while sequestering nitrogen, carbon and CO2 and producing oxygen through photosynthesis. The Massachusetts Estuaries Project (MEP) marked it as a pond health indicator like the proverbial canary in a coal mine.

- From 1995 to 2013, Dept. of Environmental Protection (DEP) mapping showed Tashmoo lost 45% of its eelgrass and the Lagoon lost 69%. Surveys were conducted through aerial photos further verified by divers.
- Current research included projects on: invasive blue tunicate, carbon sequestering, shellfish enhancement, and impact/mitigation from the drawbridge construction. The MVC and the Oak Bluffs and Tisbury Shellfish Depts. coordinated an inexpensive project to spread eelgrass seed with buoyed spat-bags at critical locations.
- There was a healthy lush bed in good condition outside the drawbridge but the one inside the Lagoon was damaged and died during drawbridge construction the State was looking at restoring it or possibly moving the bed to a more historic location towards Hines Point.
- Possible conservation measures are: continued monitoring, continued shift to conservation moorings, protection zones, prohibition of mooring in eelgrass beds, anchorless parks or anchor prohibitions, establishment of aquatic preserves, continued water quality improvement practices, education, implementation of non-destructive fishing gear, and expansion of wetland regulations. Other governmental and municipal experiences and regulations were explored: Army Corps of Engineers, Nantucket, Brewster, Falmouth/Wareham, Florida and the Caribbean.
- The Report recommended:
 - ° further public education;
 - ° continuing to require the shift to conservation moorings when replaced or ownership changes;
 - ° accepting the DEP eelgrass maps;
 - ° identify areas where anchoring should be prohibited and work towards Townwide regulations to prohibit anchoring in eelgrass beds;
 - ° request the Conservation Commission explore expanding the Wetland Protection Act to include shoreline eelgrass beds;
 - ° pilot restoration of eelgrass areas.

The Selectmen thanked Ms. Ewart and Ms. Caseau and all the organizations and individuals who helped with the presentation.

There were a number of questions from the public:

- mooring versus anchoring,
- conservation moorings - augur with heavy rubber-band (not cement blocks and steel chains);
- more data on what is killing eelgrass,
- enforcement by Town officials
- Inner Harbor eelgrass (patchy and shallow),
- definition of active eelgrass bed (density, size, etc.).

The Town was working on a number of other fronts that should improve eelgrass survival rates including: Islandwide fertilizer regulation, nitrogen loading regulations, sewer/septic alternatives and treatment, storm-water runoff mitigation, etc.

Public comment included:

- a brief history of eelgrass in Tashmoo from freshwater days to when it was opened to the sea,
- requesting data to support anchoring as destructive to eelgrass—including differentiation of short term anchoring versus long term;
- aquaculture mitigation,
- planting eelgrass (expensive & difficult),

- resiliency and regeneration or lack thereof;
- gravel as a better growing environment;
- regulations on destructive fishing drags with teeth;
- effect of human habitation and house runoff.

The Selectmen proposed setting up a small group (to be on a future agenda), including the Shellfish and Harbor Depts. to study the issue, definitions and relevant regulations. They thanked everyone for the collaborative work going into the presentation and the public for the comments and discussion.

PUBLIC HEARING 6:30PM

Wastewater Collection – Proposed Sewer Processing Rates and Connection Fees

Tisbury Board of Selectmen and Department of Public Works (DPW) Advisory Board will hold a public hearing on April 5, 2016 at 6:30PM in the Tisbury Town Hall to discuss proposed rate increases with the complete list of proposed increases available in the Selectmen's Office and posted in the Town Hall as follows: Wastewater Collection, Sewer Processing Rates and Connection Fees for Services to become effective July 1, 2016:

- quarterly base rates for connection - from \$0 to \$100 per quarter,
- sewage charges per gallon/all metered consumption per gallon - from \$.0375 to \$.0450,
- septage grease / sludge charges - 20¢ unchanged,
- service calls regular hours – from \$0 to \$50, after hours – from \$0 to \$150, and
- backhoe & operator from \$0 to \$150.

• **Motion:** *to continue the Wastewater Connection Public Hearing to 6:00PM, May 3, 2016; unanimously: 3 ayes, 0 nays, 0 abstentions.*

Tisbury Local Landfill. Proposed Landfill Fees for Local Drop Off (LDO)

The Selectmen will have more accurate data and a better perspective after two contract bids were opened: the curbside service on April 27th and the landfill (current expired) on May 11th. They requested the matter be discussed in a workshop with Pioneer Consultants.

Tisbury Board of Selectmen and Department of Public Works (DPW) Advisory Board will hold a public hearing on April 5, 2016 at 6:30PM at the Tisbury Town Hall to discuss proposed rate increases with the complete list of proposed rate increases available in the Selectmen's Office and posted in the Town Hall as follows: Tisbury Local Landfill (known as LDO) landfill fees to local drop-off at High Point Lane to become effective July 1, 2016:

• **Motion:** *to open and continue the Tisbury Local Landfill Public Hearing to 6:00PM, June 7, 2016; withdrawn unanimously: 3 ayes, 0 nays, 0 abstentions.*

• **Motion:** *to open and close the Tisbury Local Landfill Public Hearing; unanimously: 3 ayes, 0 nays, 0 abstentions.*

Cemetery Fees - Proposed Fees for Purchase of Burial Plots for Tisbury Residents and Non-Residents

As the landscaper on the Town Cemeteries, Selectman Tristan Israel abstained and recused himself from the meeting. Mr. George Balco disclosed he owned a cemetery plot.

Tisbury Board of Selectmen and Department of Public Works (DPW) Advisory Board will hold

a public hearing on April 5, 2016 at 6:30PM at the Tisbury Town Hall to discuss proposed rate increases with the complete list of proposed rate increases available in the Selectmen's Office and posted in the Town Hall as follows: Cemetery fees, purchase of burial plots for Tisbury residents and non residents to become effective July 1, 2016:

Cemetery plot prices had not been reviewed since before 1996—since that time the Consumer Price Index (CPI) rose 50%. The Advisory Board considered and tightened regulations and recommended a 33% price rise for residents and a 40% raise for non-residents as follows:

- 1 burial site: resident \$400 (previously \$300), non-resident \$700 (previously \$500);
- 2 burial sites: resident \$800 (previously \$600), non-resident \$1,300 (previously \$950);
- 4 burial sites: resident \$1,600 (previously \$1,200), non-resident \$2,500 (previously \$1,800);
- cremation site (space for 2): resident \$200 (previously \$150), non-resident \$325 (previously \$250).

The moneys will be used for further property purchases and expansion, which would be needed shortly—space was only available in the Oak Grove Cemetery as other Town cemeteries are at capacity. A public comment noted that in Korea where burial was culturally preferred, grave upkeep and space burden is beginning to overwhelm urban needs, starting a cultural shift towards cremation. The Selectmen thanked all who worked on the updated regulations.

Motion: to close the Cemetery Fee Public Hearing; unanimously: 2 ayes, 0 nays, 0 abstentions.

Motion: to approve the proposed cemetery purchase price increases effective immediately; unanimously: 2 ayes, 0 nays, 0 abstentions.

REVIEW OF PROSPECTIVE AGENDA

The Town Administrator recommended posting special BOS meetings at 6:15PM at the Tisbury School, April 12 & 13, 2016 (with possible continuation if necessary); and the next regular BOS meeting on May 3, 2016.

PUBLIC COMMENT - None

BOS APPOINTMENTS

Special Police Officer Nikolaj Wojtkielo (Tisbury Police Dept.) –Until 6/30/2016

Police Chief Dan Hanavan introduced Oak Bluffs resident Nikolaj Wojtkielo, who graduated from University of Massachusetts Amherst in Environmental Science, had been a summer intern and put himself through the Police Academy.

Motion: to appoint Nikolaj Wojtkielo as a Tisbury Special Police Officer until June 30, 2016; unanimously: 3 ayes, 0 nays, 0 abstentions. The Selectmen congratulated him on his appointment.

ADMINISTRATIVE SESSION

Board of Selectmen Signing of Cemetery Deeds

Motion: to sign the cemetery deed lot # 40C; unanimously: 2 ayes, 0 nays, 1 abstention.

Motion: to sign the cemetery deed lot # 42B; unanimously: 2 ayes, 0 nays, 1 abstention.

Reserve Fund Transfer – Town Hall (T.H.) Copier

The copier was expiring rapidly, breaking down at critical times. Information Technology (IT) so

Director Heidi Rydzewski recommended a lease to purchase agreement. Due to scheduling, the Finance Committee had approved the transfer first, contingent upon Selectmen approval. This sum would cover lease payments through June 30, 2016. Fiscal Year 2017 (FY17) costs would be allocated from a different source.

Motion: to approve and sign a Reserve Fund transfer of \$1,155 for the lease of a copy machine; unanimously: 3 ayes, 0 nays, 0 abstentions.

Memorandum of Agreement (MOA) General Union Collective Bargaining Agreement

Motion: to approve and sign the General Union Collective Bargaining Agreement; unanimously: 3 ayes, 0 nays, 0 abstentions. LG/ML

MOA Police Union Collective Bargaining Agreement

Motion: to approve and sign the Police Union Collective Bargaining Agreement; unanimously: 3 ayes, 0 nays, 0 abstentions. Thanks to all who participated in the negotiations.

Approval of Treasury Warrants

Payroll Warrant #3-28-2016 \$303,410.28

• Motion: To approve the Payroll Warrant #3-28-16 for \$303,410.28; unanimously: 3 ayes, 0 nays, 0 abstentions.

Bills Payable Warrant #3-22-2016 \$180,159.17

• Motion: To approve the Bills Payable Warrant #3-22-16 for \$179,159.17; unanimously: 3 ayes, 0 nays, 0 abstentions.

Bills Payable Warrant #3-25-2016 \$486.30

• Motion: To approve the Bills Payable Warrant #3-25-16 for \$486.30; unanimously: 3 ayes, 0 nays, 0 abstentions.

Bills Payable Warrant #3-31-2016 \$174,854.41

• Motion: To approve the Bills Payable Refund #3-31-16 for \$174,854.41; unanimously: 3 ayes, 0 nays, 0 abstentions.

Merit Reviews

James Cleary, Water Technician/Equipment Operator

James D. Cleary, current position Water Technician II / Equipment Operator, new position Water Technician III / Equipment Operator Tisbury Waterworks, from Grade 9 Step 1 rate \$20.67 Grade 10 Step 1 rate of \$21.05 new rate \$21.05 effective March 14, 2016.

• Motion: To approve; unanimously: 3 ayes, 0 nays, 0 abstentions.

Elizabeth Hourihan, Patrolman, Tisbury Police Department

Elizabeth Hourihan, current position Patrolman Tisbury Police Department from Grade P.O. 1 Step 1 rate \$29.07 to Grade PO 1 Step 2 \$30.15 new rate 30.15 effective date March 7, 2016.

• Motion: To approve; unanimously: 3 ayes, 0 nays, 0 abstentions.

BOS APPOINTMENTS

**Community Preservation Committee (CPC)/Dept. of Public Works (DPW) Tomar
Waldman – Until 6/30/16**

ML/LG • Motion: To approve; unanimously: 3 ayes, 0 nays, 0 abstentions.

EXECUTIVE SESSION

Vote to go into Executive Session Pursuant to Ch. 30A, Sec. 21(a),3,6 To Discuss Legal Strategy with Respect to Litigation and to Consider Purchase, Exchange, Lease or Value of Real Estate and Not to Reconvene in Open Session.

• Motion: *To enter executive session and not to reconvene in open session under MGL Ch. 30A § 21 (a) (3, 6) to discuss legal strategy with respect to litigation and to consider purchase, exchange, lease or value of real estate; unanimously: 3 ayes, 0 nays, 0 abstentions: Ms. Loberg—aye, Mr. Israel—aye, Mr. Gomez—aye.*

• Motion: *To adjourn: unanimously: 3 ayes, 0 nays, 0 abstentions.*

Respectfully Submitted,

Tristan R. Israel, Chairman

Marni Lipke, d/b/a Office On Call

Melinda F. Loberg

Larry J. Gomez, Clerk