

**The Tisbury Board of Selectmen Met in Regular Session on
Tuesday, December 22, 2015 in Tisbury Town Hall, Tisbury, MA.**

Present: Tristan Israel-Chairman, Melinda Loberg, Larry Gomez,
Town Administrator John W. Grande, Assistant to Town Administrator Aase Jones,
Fire Chief John Shilling, Treasurer Jon Snyder, Board of Health Agent Maura Valley,
Harbormaster Jay Wilbur, Shellfish Constable Danielle Ewart,
Vineyard Conservation Society Samantha Look, Dukes County Manager Martina
Thornton, Charter School student: Astrid Tilton, and other members of the public

Call to Order: Chairman Tristan Israel called the meeting to order at 5:30PM and wished everyone Happy Holidays.

TOWN ADMINISTRATOR'S REPORT & ANNOUNCEMENTS

**Memorandum of Agreement (MOA) – Town of Tisbury and Joseph deBettencourt
re: High Point Lane Project**

The MOA is drafted, and has already been voted.

• **Motion:** *To sign the Memorandum of Agreement with Joseph deBettencourt concerning the High Point Lane Project: unanimously: 3 ayes, 0 nays, 0 abstentions.*

On-Call Consulting Services Contract with Environmental Partners

This agreement would complete the near term Town consulting, so that as specific projects are defined, they can be slotted in pending Selectmen approval and funding appropriation. Town Administrator Jay Grande anticipated some slight amendment by Town Counsel. Environmental Partners already did a lot of work for the Town.

• **Motion:** *To sign the On-Call Consulting Services Contract with Environmental Partners pending Town Counsel review: unanimously: 3 ayes, 0 nays, 0 abstentions.*

**Massachusetts Cultural Council \$5,000 Grant Award for Vineyard Haven Harbor
Cultural District**

This grant matched \$5,000 appropriated from last year's Embarkation Fee Fund and would be expended on wayfaring signs and brochures. Amy Ryan, Chair of the active and motivated Cultural Committee was working with the Beautification Committee to promote downtown. The Selectmen will send a letter of thanks and invite them to a future meeting to present their plan.

• **Motion:** *To gratefully accept the Massachusetts Cultural Council \$5,000 Grant: unanimously: 3 ayes, 0 nays, 0 abstentions.*

Governor's Communities Partnership Program

This program helps the administration with grant applications, resources, and best practices.

• **Motion:** *To authorize an application to the Governor's Communities Partnership Program: unanimously: 3 ayes, 0 nays, 0 abstentions.*

**Town Administrator's Memo to Community Preservation Committee (CPC)
re: Owen Park Historic Resources Funding**

Mr. Grande drafted a necessary documentation memo correcting errors in CPC funding categories so that the Fiscal Year 2017 (FY17) CPC recommendations could proceed.

- In a peripheral issue, the Harbormaster Jay Wilbur's \$200,000 CPC application to repair Owen Park Pier was withdrawn at CPC suggestion since at this point the capacity to manage the project doesn't exist, the necessary engineering plans were not complete and an outside manager should be hired. The project would be recalibrated as an Embarkation Fund request. Mr. Israel notified the Mr. Grande and Mr. Wilbur that \$105,000 of Embarkation Funds (usual total \$230-250,000 depending on the number of Steamship Authority passengers), was already committed—\$55,000 for summer police and \$50,000 for dredging (see below: Embarkation p.3).
- The Planning Board and Owen Park Citizen's Committee were very active regarding the Park.
- Motion: *To authorize the Town Administrator to sign and send the Memorandum to the Community Preservation Committee: unanimously: 3 ayes, 0 nays, 0 abstentions.*

Promotion in the Dept. of Public Works (DPW) – Lateral Transfer – General Foreman Position - This was a simple report out and all were very pleased.

Vacancies on Harbor Management Committee (2)

Only one position was open for a short-term appointment until June 30, 2016. The other member had not sent in a letter of resignation and would remain in place. Two letters of interest had been received and the appointment will be put on the next meeting's agenda.

DISCUSSION SESSION

Embarkation Fee Funding Requests

In response to pressure from a number of sources (Harbor Management, Selectmen, etc.) Harbormaster Jay Wilbur applied to both the CPC and the Embarkation Fund for harbor improvement money. The CPC reduced the Lake St. request, and Owen Park was withdrawn and shifted to Embarkation Funding (see above). The amount was the engineer's rough estimate and there was an there was a January Special Town Meeting Article to hire a more specific estimate. A number of issues were discussed.

- The embarkation legislation is very harbor-centric, and restricted to Town Department request. Mr. Wilbur argued that the Harbor should consequently get proportionally more of the funds. On the other hand the legislation is deliberately vague enough to give the Towns leeway in spending, and the annual \$50,000 for dredging should be counted as harbor spending.
- Piers were expensive to maintain. This work covered a different area of the pier then the fairly comprehensive repairs covered by the Massachusetts Emergency Management Agency (MEMA) grant following Hurricane Sandy.
- Although included in the Finance Committee requested Five Year Capital Plan, specific maintenance projections for both piers (Lake St. and Owen Park) would be helpful to more accurate budgeting.
- The whole project was not an emergency (although some items should be done soon) and could be broken into phases, however there were cost efficiencies on equipment transport/set up that favored doing it all at once.
- Engineering was completed but further design funds could be partially requested from Embarkation with the remainder taken from the Waterways Fund—which was solely dedicated to Harbor spending. Mr. Israel recommended that Mr. Wilbur consult Embarkation Committee Chair Jynell Krystal concerning a modest (\$45-60,000) request and fund the remainder from Waterways.

PUBLIC HEARING

The Tisbury Board of Selectmen Will Hold a Public Hearing on Eversource Energy Petition Plan #103864 to Install Approximately 15 Ft. of Conduit and Cable in the Public Way on Franklin St. to Provide Electric Service to 73A Spring St. Plans For the Proposed Installation are Available at the Selectmen's Office at 51 Spring St. Tisbury, Hearing December 22, at 6PM.

The Eversource Representative described the proposed work: only 7 ft. would be installed under the sidewalk from 53.5 handhold box. There being no public comment,

- Motion: *To close the public hearing: unanimously: 3 ayes, 0 nays, 0 abstentions.*
- Motion: *To approve the Eversource petition plan #103865: unanimously: 3 ayes, 0 nays, 0 abstentions.*

DEPARTMENTAL AND OTHER REPORTS

Vineyard Conservation Society—Proposed Bylaw Banning Use of Plastic Bags (Signe Benjamin)

Vineyard Conservation Society and Charter School students were working on articles at all six town meetings to ban single use plastic check-out bags. These were very destructive on a number of levels:

- failure to degrade;
- trapping and disabling ocean, land and avian wildlife;
- residuals in the food chain;
- only 2-3% recycled by manufacturer only;
- interference with single stream recycling machines.

Alternatives would be promoted in brochures, including customer's reusable cloth and recycled bags, and paper bags (recyclable and degradable). The ban would go into effect in January 2017 allowing stores to reduce current inventory. The Selectmen were very supportive and commended the students for their activism.

- Motion: *To cosponsor with the Board of Health a warrant article bylaw banning use of single use plastic bags: unanimously: 3 ayes, 0 nays, 0 abstentions.*

DISCUSSION SESSION

Embarkation Fee Funding Requests – (continued)

Fire Chief John Schilling requested a removable fourth pump for the harbor fire and rescue boat. Details were submitted to the Selectmen. A couple firefighters could set it up in three minutes as needed. It could also be used in deep-water operations. Firefighters would be the only users.

- It was the consensus of the Selectmen that the Fire Dept. request for a fourth pump for the fire and rescue boat could proceed to the Embarkation Fund Committee.
- Chief Schilling suggested that the unfortunate unintended consequence of the current process was placing departments in competition for funds and suggested instead that all relevant departments meet with the Town Administrator to work out their needs. Mr. Israel pointed out that all Fire and Ambulance requests had been approved. The Selectmen, already contemplating overhauling the process, agreed this was a good idea.
- The Ambulance Dept. would request
- intravenous (IV) infusion pumps required for administering medicines; and

- automatic cardiopulmonary resuscitation (CPR) delivery machine - called affectionately the Lucas that allowed resuscitation to be administered in difficult circumstances, stairs, wrecks, etc.
- It was the consensus of the Selectmen that the Ambulance Dept. request for IV infusion pumps and Lucas CPR machines could proceed to the Embarkation Fund Committee.
- Harbor camera installation was turning out to be excruciatingly difficult--technicians, wiring, etc. however the FY15 money was earmarked and work was proceeding.
- The Comfort Station exterior needed repair however fixture replacement need was questioned. In addition the public suggested there be Men and Women signs on the doors. The Town Administrator would speak to Interim DPW Director Paul Wohler.
- The Selectmen praised the downtown holiday decoration and thanked the Beautification Committee.

Charge to Dept. of Public Works (DPW) Advisory Board

Mr. Grande met with DPW Board Chair George Balco and David Willoughby who had received the charge. The matter would be discussed and comments would be forwarded to the Selectmen and Mr. Grande asked that they sent on to him. The Board was off to a good start, reviewing and updating Bylaws. Owen park is a priority.

- In a related matter there was a placeholder Town Meeting Warrant Article for Sewer Board reorganization and structure as well as for rate adjustments.

General Union Negotiating Team

• Motion: *To nominate Tristan Israel to the General Union Negotiation Team: passed: 2 ayes, 0 nays, 1 abstention—Tristan Israel.*

Managerial and Professional Classification plan and Compensation Scale

The schedule (looking at the possibility of 15 steps) was reviewed by the Finance Dept. It is currently being checked for correct personnel placement in terms of minimums and maximums and percentage difference between grades. The BOS and FinCom would have a lot of joint work in the January.

Natural Resource Manager Position

This position (part of the Classification Plan) would be a Department Head with budgeting control giving administrative, grant application and strategic support to the Harbormaster, Shellfish and Conservation agents. The Conservation agent is present only one day a week and the Shellfish Constable and Harbormaster are very busy in field.

During the course of previous discussions it had shifted from enforcement/police driven to civilian environmental protection management. The position had been created but not filled and a job description had to be completed and vetted by the Departments before classification. If no decision is forthcoming the next available timeframe would be Spring 2017.

BOARD OF SELECTMEN (BOS) APPOINTMENT

Embarkation Fee Committee Appointment—Jonathon V. Snyder Until 6-30-16

• Motion: *To appoint Jonathan Snyder to the Embarkation Fund Committee until June 30, 2016; unanimously: 3 ayes, 0 nays, 0 abstentions.*

DISCUSSION SESSION

Petition to Open Lagoon to Scalloping

Shellfishermen requested the Lagoon remain open to dip netting scalloping in selected areas for two more five-day weeks at one bushel per day. Arguments included:

- Oak Bluffs extended season and allowance of dragging in the same Pond;
- adults seen from boat and lack of seed or throwing back seed if found;
- need for closer analysis of crop;
- high market pricing;
- failure of Selectmen to listen to fishermen.

Shellfish Constable Danielle Ewart responded that she closed the season December 24th with the full support of the Shellfish Committee to conserve next year's crop. There was a lot of large seed that could not be easily differentiated from a boat.

- The Selectmen respectfully declined to take action, noting:
 - previous compromise to open the Outer Harbor longer than Ms. Ewart recommended,
 - supporting the authority and expertise of the Shellfish Constable and Committee; and
 - recommending a joint meeting of Tisbury/Oak Bluffs Shellfish Committees.

Memorandum of Understanding (MOU) with Oak Bluffs re: Waste Water Consultant – Joint Project

The two Towns were focusing on the Lagoon watershed alternatives to sewerage and had agreed to a \$15,000 joint wastewater planning study by Mr. Peter Lombardo & Assoc. to generate specific recommendations of cost efficiencies, places and technologies for groundwater, home impacts and nitrogen reduction. Oak Bluffs would be the lead agency (sending the contract when signed) and Tisbury's share would come from the already voted \$15,000 Wastewater Planning funds. The Selectmen discussed fresh water nitrogen sinks, small fixes and Massachusetts Estuary Program (MEP) protocols.

- Motion: *To approve the joint Tisbury/Oak Bluffs Lagoon focused wastewater study contract as proposed and \$7,500 as Tisbury share; unanimously: 3 ayes, 0 nays, 0 abstentions.*

NEW BUSINESS

- The Police Union asked for a chance to consult with the Selectmen before the January 11th Special Town Meeting on the lack of progress on contract negotiations. The Selectmen agreed to discuss large issues only, strongly cautioning they would not discuss line-by line minutia.
- At a request on reorganizing the Shellfish Department/Committee the Selectmen responded that they were working on moving forward (see above (Natural Resources Manager)). They recently finished a DPW reorganization and were also working on Police Dept. issues. They were aiming for Annual Town Meeting for a better cross section of voters than Special Town Meeting.

OLD BUSINESS – None

PUBLIC COMMENT – None

ADMINISTRATIVE SESSION

Beer and Wine Annual Renewal License Applications

Black Dog Tavern Co., Inc. d/b/a Black Dog Tavern, 20 Beach St. Ext.; Jill Gillick, Manager

Black Dog Tavern Co., Inc. d/b/a Black Dog Bakery/Cafe, 509 State Road, Kathleen Kilery, Manager
Little House Café, Inc. d/b/a Little House Café; 339 State Road; Jenik Munafo, Manager
Rocco's LLC d/b/a Rocco's Pizzeria; 79 Beach Road; Christopher Pantalone, Manager
Copper Wok, Inc. D/b/a Copper Wok; 9-11 Main Street; Jonathan S. Blau, Manager
State Road Restaurant LLC d/b/a Beach Road, 79 Beach Road; Units 10-11, John J. Kenworth, Manager
Waterside Market Group, Inc. d/b/a Waterside Mkt./La Soffita @ Waterside Mkt.; 82 Main Street; S. Bowen President

Common Victualler's License Renewal Applications

Black Dog Tavern Co., Inc. d/b/a Black Dog Tavern, 20 Beach St. Ext.; R. Douglas, President
Black Dog Tavern Co., Inc. d/b/a Black Dog Bakery/Cafe, 509 State Road, R. Douglas, President
Black Dog Tavern Co., Inc. d/b/a Black Dog Bakery, 11 Water Street R. Douglas, President
Little House Café, Inc. d/b/a Little House Café; 339 State Road; Jenik Munafo, President
Rocco's LLC d/b/a Rocco's Pizzeria; 79 Beach Road; Christopher Pantalone, Manager
Copper Wok, Inc. D/b/a Copper Wok; 9-11 Main Street; Jonathan S. Blau, President
State Road Restaurant LLC d/b/a Beach Road, 79 Beach Road; Units 10-11 John J. Kenworth, President
Waterside Market Group, Inc. d/b/a Waterside Mkt./La Soffita @ Waterside Mkt.; 82 Main Street; S. Bowen President

The Water Street Bakery renewal application was not yet ready.

Chief Schilling reported that the Black Dog Tavern had recently delayed agreed upon work on a long-standing fire suppression system issue and were consequently out of Building Code Chapter 40A compliance. Selectmen discussed:

- license renewal as the best enforcement tool;
 - deadlines and expiration dates for common victuallers as well as beer and wine licensing;
 - history of the Black Dog compliance issue.
 - Motion: *To approve*
 - *the renewal of all beer and wine licenses listed above;*
 - *with the exception of Black Dog Tavern Beach Road Extension which is approved with condition that it be in compliance with all building codes as certified by the Fire Chief and Building Inspector by January 5, 2016;*
- unanimously: 3 ayes, 0 nays, 0 abstentions.*

- Motion: To approve
 - the renewal of all common victuallers licenses listed above;
 - with the exception of Black Dog Tavern Beach Road Extension which is approved with condition that it be in compliance with all building codes as certified by the Fire Chief and Building Inspector by January 5, 2016;unanimously: 3 ayes, 0 nays, 0 abstentions.

Approval of Treasury Warrants - None

Approval of Minutes

September 22, 2015 – Executive Session– Tabled

November 3, 2015 – Executive Session– Tabled

November 17, 2015 – Regular Session

- Motion: To approve November 17, 2015 regular session Minutes; unanimously: 3 ayes, 0 nays, 0 abstentions.

November 24, 2015 – Executive Session – Tabled

December 8, 2015 – Executive Session – Tabled

EXECUTIVE SESSION - None

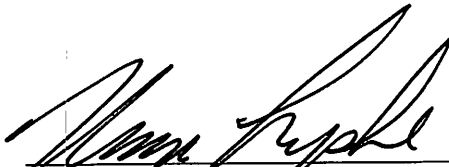
Next Regular BOS Meeting – Tuesday, January 5, 2016 - 5:30PM - Tisbury Town Hall

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

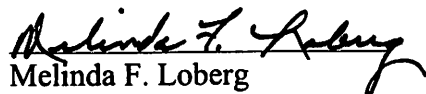
Respectfully Submitted,




Tristan R. Israel, Chairman



Marni Lipke, d/b/a Office On Call



Melinda F. Loberg



Larry J. Gomez, Clerk