

**Tisbury Finance & Advisory Committee
at the Tisbury Emergency Services Building
6:30PM, Wednesday, April 5, 2017**

Present: Chair – Jeff Kristal, Pamela Brock, Paul Cefola, Nancy Gilfoy,
Tom Keller, Jynell Kristal, Mary Ellen Larsen, Lesley Segal;
Town: Selectman – Melinda Loberg, Larry Gomez,
Town Administrator – Jay Grande, Treasurer – Jonathon Snyder,
Accountant – Suzanne Kennedy, Moderator – Deborah Medders,
Fire Chief – John Schilling, DPW Director – Ray Tattersall;
Planning Bd. – Dan Seidman, Pat Harris,
Building Inspector – Ken Barwick,
Others: MVTV – Lynn Fraker, We Stand Together MV – Holly MacKenzie,
Minutes – Marni Lipke

* Late arrivals or early departures

• Call to Order

The Tisbury Finance and Advisory Committee (FinCom) was called to order at 6:32PM. *(Discussions are summarized and grouped for clarity and brevity.)*

• Fire Chief John Shilling thanked the FinCom for their responsible use of this conference room, leaving it in good shape after each meeting.

• Minutes of March 15, 2017

• JYNELL KRISTAL MOVED TO APPROVE THE MINUTES OF FEBRUARY 22, 2017; MARY ELLEN LARSEN AND LESLEY SEGAL SECONDED; MOTION PASSED UNANIMOUSLY: 8 AYES, 0 NAYS, ABSTENTIONS AS ABSENT.

• LESLEY SEGAL MOVED TO APPROVE BUT NOT RELEASE THE EXECUTIVE SESSION MINUTES OF MARCH 15, 2017; MARY ELLEN LARSEN SECONDED; MOTION PASSED: 6 AYES, 0 NAYS, 2 ABSTENTIONS—PAUL CEFOLA, TOM KELLER.

• NANCY GILFOY MOVED TO APPROVE THE REGULAR SESSION MINUTES OF MARCH 15, 2017; JYNELL KRISTAL SECONDED; MOTION PASSED: 6 AYES, 0 NAYS, 2 ABSTENTIONS—PAUL CEFOLA, TOM KELLER.

Chair Jeff Kristal read a statement into the record (see documents on file) listing the FinCom achievements during the year:

- attendance at Martha's Vineyard Regional High School (MVRHS) budgeting,
- representation at most Town Boards,
- participation in the All Island FinCom,
- meetings with regional entities: Dukes County Regional Housing Authority (DCRHA), Adult Community Education Martha's Vineyard (ACE-MV), Martha's Vineyard Community Services (MVCS), Center for Living (CFL), Vineyard Health Care Access Program (VHCAP), Healthy Aging Task Force, Cultural Council;
- line-by-line department budget reviews, including Energy Committee follow through, and discussion of new positions and the Natural Resource proposal;

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- joint meetings with the Selectmen; and
- the Voter Guide.

The FinCom actively shepherded the cumbersome Town Meeting warrant involving a large sum of money, and next year's Warrant was likely to be larger.

- There was some member dissatisfaction with the lengthy monthly meetings.

• **Review of:**

Special Town Meeting (STM) Warrant - Voting and Discussion

- STM Article #14 -Board of Selectmen (BOS)- Rental Housing Unit Regulation

This was a joint submission from the Board of Health, Building Inspector and Fire Dept's. and was cut and pasted from similar regional regulatory bylaws. It would require all rental owners whether one night, seasonal or year round to:

- pay an application fee and apply for a three-year rental certificate to be posted on the premises;
- adhere to building/safety codes – hopefully self-regulated but right to inspect retained;
- limit occupancy to no more than two people per room;
- register a responsible (and emergency) contact.
- Penalties included fines and certificate revocation.
- The regulations had a number of objectives:
 - strengthen public health and septic accountability for non-regulated year-round, seasonal and short term rentals;
 - mandate public safety protocols; smoke/CO detectors, occupancy limits, fire egress, etc.;
 - first step to potentially capturing tax revenues (passed on to renters) and leveling the playing field for regulated/taxed lodging (hotels, inns, and Bed & Breakfasts (B & Bs) that paid 11.7% in state and local taxes.

The concern was not to dissuade rentals but to strengthen accountability; Chief Schilling citing illegal rentals with 12 college workers or immigrants in a basement, or sub-standard rooms rented to tourists. Some states were considering legislation for better regulation of VRBO and other internet rentals—of which there were over 1,000 in Vineyard Haven. Certificates could be a marketing tool advertising that the rental adhered to all local standards.

- The FinCom asked about (see also below: p.5):
 - existing septic laws that limited the number of bedrooms;
 - existing fire and health inspection protocol;
 - hardship on landlord coming to code;
 - insurance required compliance;
 - other taxing mechanisms, real estate listings, etc.
 - three year renewal process.

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• **Reserve Fund Transfer Request – Dept. of Public Works (DPW):**

This request covered demolition/haulage costs for the condemned, abandoned house on Cook St.—a Building Inspector expense transferred to the DPW Fiscal Year 2017 (FY17) budget (see 3/15/17 Minutes p.6 #33).

• *NANCY GILFOY MOVED TO AUTHORIZE A RESERVE FUND TRANSFER OF \$11,818.97 TO THE DEPARTMENT OF PUBLIC WORKS TO REIMBURSE FOR BUILDING DEMOLITION/CLEAN UP COSTS; MARY ELLEN LARSEN SECONDED; MOTION PASSED: 7 AYES, 1 NAY—PAUL CEFOLA, 0 ABSTENTIONS.*

• **Review of:**

Special Town Meeting (STM) Warrant - Voting and Discussion

• STM Article #1 - BOS – Town Officers Bonding

A standard housekeeping article relating to “bonded positions”: Treasurer/Tax Collector, Town Clerk, etc., rates ranged from ~ \$1,600 to \$250 for a total cost around \$3,000/yr.

• *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF STM ARTICLE **#1: OBTAIN OFFICIAL BONDS**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 8 AYES, 0 NAYS, 0 ABSTENTIONS.***

• *The Tisbury Board of Selectmen (BOS) resumed their meeting (called to order at the Planning Board) at 7:20PM.*

• STM Article #2 – BOS - Election of the Fish Committee

• *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#2: ELECTION OF THE FISH COMMITTEE**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 8 AYES, 0 NAYS, 0 ABSTENTIONS.***

• STM Article #3 - Treasurer - Authorization for Compensating Balance

This allowed the Town to keep minimum account balances to avoid bank fees.

• *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#3: TREASURER/TAX COLLECTOR AUTHORIZATION FOR COMPENSATING BALANCE AGREEMENT**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 8 AYES, 0 NAYS, 0 ABSTENTIONS.***

• STM Article #4 – Treasurer - Borrowing in Anticipation of Revenue

Authorization had not been used within staff memory.

• *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#4: AUTHORIZATION TO BORROW IN ANTICIPATION OF REVENUE**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 8 AYES, 0 NAYS, 0 ABSTENTIONS.** (See below actions.)*

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- STM Article #5 - BOS - Maintain Spring St. Building Revolving Fund

This fund recycled rental fees to cover maintenance.

- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#5: TO MAINTAIN THE SPRING STREET BUILDING REVOLVING FUND**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 8 AYES, 0 NAYS, 0 ABSTENTIONS.***

- STM Article #6 – BOS – Amend Procurement Bylaw

The article brought Tisbury more in line with State procurement law raising the required bidding project cost, etc. The current Tisbury bylaws were too were onerous or burdensome and had been noted as out-of-date by the auditors.

- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#6: TO AMEND THE PROCUREMENT BYLAW**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 8 AYES, 0 NAYS, 0 ABSTENTIONS.***

- STM Article #7 – BOS/DPW – MV Museum Sewer Extension and Connection

The Museum would pay for installation; maintenances would be covered under the Sewer Revolving Account. The FinCom suggested language clarification.

- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#7: MARTHA'S VINEYARD MUSEUM SEWER EXTENSION AND CONNECTION AS AMENDED**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 8 AYES, 0 NAYS, 0 ABSTENTIONS.** (See below actions.)*

- STM Article #8 – BOS/DPW – New High Point Lane Sewer Connection

The FinCom suggested language clarification. Some costs were covered by a loan/grant. Properties owners could connect within a designated timeframe.

- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#8: NEW HIGH POINT LANE SEWER EXTENSION AND CONNECTION AS AMENDED**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 8 AYES, 0 NAYS, 0 ABSTENTIONS.** (See below actions.)*

- STM Article #9 – BOS/DPW – New DPW Labor Positions

These would be permanent benefited staff (see 2/8/17 Minutes p.6).

- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#9: ADD DPW LABORER POSITIONS**; MARY ELLEN LARSEN SECONDED; MOTION **PASSED: 7 AYES, 1 NAY—PAUL CEFOLA, 0 ABSTENTIONS.***

- STM Article #10-13 – Planning Bd. – See below p. 7-8.

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- STM Article #14 - BOS – Rental Housing Unit Regulation
- Issues included:
 - cumbersome for owners, especially if renting in difficult circumstances (can't sell, last minute, etc.);
 - burdensome for town, significantly increasing inspections and paperwork;
 - taxing owners who are renting in order to pay real estate taxes;
 - established lodging industry tax burdens vs. under-the-radar internet rentals;
 - preparation for possible State regulation;
 - inspection/certificate triggers (neighborhood watch);
 - pervasive Island culture for income through property rentals;
 - creation of a Town database of renters;
 - future tax pass-along to renters;
 - Town ability to enforce current health/safety regulations.
- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE #14: TO REGULATE RENTAL HOUSING UNITS; MARY ELLEN LARSEN SECONDED; MOTION FAILED: 0 AYES, 7 NAYS, 1 ABSTENTION—LESLEY SEGAL.*
- STM Article #15 – Citizen's Petition – Nullify Island Adventure Moped License
The FinCom considered this a legal matter on which they should not vote.
- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE #15: TO NULL AND VOID ISLAND ADVENTURE MOPED LICENSE; MARY ELLEN LARSEN SECONDED; MOTION PASSED: 1 AYE—PAUL CEFOLA, 0 NAYS, 7 ABSTENTIONS.*

Annual Town Meeting (ATM) Warrant - Voting and Discussion

- ATM Article #2- \$6,103.91 Prior Year Bills (Voted 2/22/17)
- IT WAS THE CONSENSUS OF THE TISBURY FINANCE COMMITTEE TO APPROVE THE PRIOR YEAR BILLS AT \$6,103.91.
- ATM Article #3- \$27,502,391/\$27,146,025 - FY18 Town Budget
- Congratulations went to Treasurer Jon Snyder for avoidance of an override.
- A possible \$200,000 accounting error would be checked/corrected tomorrow, so the FinCom voted the higher number. (*Recorder's Note: totals were read out from two warrant drafts so the later number read is recorded in the vote, however the correct number is \$27,146,025 (+\$200,000 for the error).*)
- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ANNUAL TOWN MEETING ARTICLE #3: TOWN OF TISBURY FISCAL YEAR 2018 BUDGET AT \$27,702,391; MARY ELLEN LARSEN SECONDED; MOTION PASSED UNANIMOUSLY: 8 AYES, 0 NAYS, 0 ABSTENTIONS.*

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- ATM Article #5- \$750,000 Reduce the Tax Rate (Voted 2/22/17)
- IT WAS THE CONSENSUS OF THE TISBURY FINANCE COMMITTEE TO APPROVE \$750,000 TO REDUCE THE TAX RATE.
- ATM Article #8- \$705,964 Wastewater FY18 Budget (Voted 2/22/17)
- IT WAS THE CONSENSUS OF THE TISBURY FINANCE COMMITTEE TO APPROVE THE CHANGED WASTEWATER BUDGET TO \$705,964.
- There were sufficient funds for a triennial or five-year re-evaluation so the article was pulled.
- ATM Article 13 I – Embarkation – Transfer to Dredge Stabilization – was confirmed at \$70,000.
- ATM Article #18 - \$15,000– Unreserved Funds – ACE MV (Voted 3/15/17)
Mary Ellen Larsen suggested a reduction to \$10,000. Discussion points included ACE MV's revised business plan and Town utilization of ACE MV courses.
- IT WAS THE CONSENSUS OF THE TISBURY FINANCE COMMITTEE TO CONFIRM ITS RECOMMENDATION AT \$15,000.
- ATM Article #32 - Citizen's Petition Not to Use Town Resources to Enforce Federal Immigration Laws
We Stand Together Martha's Vineyard had been working with the Martha's Vineyard Law Enforcement Council (MVLEC) but there had been a glitch in communications that was being rectified. They emphasized that the petition was a way for the community to support current practices. This was not a declaration of sanctuary and had no financial implications. Chair Jeff Kristal suggested the FinCom abstain from voting pending Police Chief comments at Town Meeting.
- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ANNUAL TOWN MEETING ARTICLE #32: **NOT TO USE TOWN RESOURCES TO ENFORCE FEDERAL IMMIGRATION LAWS;** MARY ELLEN LARSEN SECONDED; MOTION PASSED: **1 AYE—NANCY GILFOY, 0 NAYS, 6 ABSTENTIONS.***
- ATM Article #35 - Citizen's Petition for a Blue Ribbon Committee (See 2/22/17 Minutes p.14 #40.)
- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ANNUAL TOWN MEETING ARTICLE #38: **TO ESTABLISH A BLUE RIBBON COMMITTEE;** MARY ELLEN LARSEN SECONDED; MOTION **PASSED: 5 AYES, 0 NAYS, 2 ABSTENTIONS—TOM KELLER, JEFF KRISTAL.***
- ATM Article #36 – Planning Bd. – Dept. Secretary Salary - See below p. 7-8.

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Special Town Meeting (STM) Warrant - Voting and Discussion

- STM #11 – Planning Bd. – Amend Zoning Bylaws: Definitions, Affordable Housing, Site Plan Review Language was clarified.

• JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#11: TO AMEND THE ZONING DEFINITIONS, AFFORDABLE HOUSING SITE PLAN REVIEW BYLAWS**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM #12 – Planning Bd. – Amend Zoning Waterfront Commercial District

• JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#12: TO AMEND THE ZONING BYLAWS ON WATERFRONT COMMERCIAL DISTRICT**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM #13 – Planning Bd. – Amend Zoning Site Plan Review Board

• JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#13: TO AMEND THE ZONING SITE PLAN REVIEW BOARD BYLAWS**; MARY ELLEN LARSEN SECONDED; MOTION PASSED **UNANIMOUSLY: 7 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM #10 – Planning Bd. – Add Department Secretary

This issue was revisited at length, (see 2/8/17 Minutes p.1-2).

- Protocol for STM creation of a position and funding through ATM article was considered unnecessary by counsel.
- It was still pending union negotiations.
- It was unclear whether this position was shared with the Building Inspector as originally presented, floating or Planning Bd. dedicated.
- It might be premature in consideration of a possible comprehensive Town Hall staff restructuring.
- Planning Bd. Chair Dan Seidman reiterated: Planning Board Administrative Assistant Pat Harris was over-burdened, permits and building projects were increasing, there was no succession planning. The Department would cross train the position as previously stated.

• JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF SPECIAL TOWN MEETING ARTICLE **#10: TO ADD A PLANNING DEPARTMENT SECRETARY**; MARY ELLEN LARSEN SECONDED; MOTION **FAILED: 2 AYES—TOM KELLER, MARY ELLEN LARSEN, 4 NAYS, 1 ABSTENTION—PAMELA BROCK.**

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Annual Town Meeting (ATM) Warrant - Voting and Discussion

- ATM Article #36 – Planning Bd. – Unreserved – \$41,760 Fund Planning Bd. Secretary - Late filing (See 2/8/17 Minutes p.1-2.)
- Pat Harris filed the ATM Article in December and it was rejected on a technicality. She had been trying to re-file it ever since.
- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE ACCEPT LATE FILED ARTICLE #36: \$41,760 FROM UNRESERVED FUNDS FOR SALARY FOR THE NEW PLANNING BOARD SECRETARY; MARY ELLEN LARSEN SECONDED; MOTION PASSED: 5 AYES, 1 NAY—JEFF KRISTAL, 1 ABSTENTION—LESLEY SEGAL*
- ATM Article #36 – Planning Bd. – \$41,760 – Fund Dept. Secretary
Monetary issues were entangled with confusion on the nature of the position.
 - A 14 hr/wk. position was already funded—but was not sufficient support.
 - The Planning Bd. FY18 budget was as originally submitted without FinCom input (see 2/8/17 Minutes p.1-2), but the position could be partially funded and therefor the amount should be amended to \$24,531.
 - Hiring was being carefully monitored and there was a construction freeze.
 - A new Town Hall might change or confirm the position's configuration.
 - There was some concern that failing a floating secretary, other departments would request another position.
- *MARY ELLEN LARSEN MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #36 AS AMENDED TO \$24,531 FROM UNRESERVED FUNDS TO FUND A NEW PLANNING BOARD SECRETARY POSITION; JYNELL KRISTAL SECONDED; MOTION FAILED: 3 AYES—PAMELA BROCK, TOM KELLER, MARY ELLEN LARSEN, 4 NAYS, 0 ABSTENTIONS.*

Ballot Questions - Discussion and Voting – Tabled

- **Public Comment** - None

- **Adjourn**

- *MARY ELLEN LARSEN MOVED TO ADJOURN AT 9:19PM; TOM KELLER SECONDED; MOTION PASSED UNANIMOUSLY.*
- *Larry Gomez moved to adjourn at 9:19PM; Melinda Loberg seconded; motion passed unanimously.*

Meetings/Events:

- TSC - 8:30AM, Tuesday, April 11, 2017 - Tisbury School
- **FinCom - 6:30pm, Wednesday, April 12, 2017 -EMS Bldg.**
- TSBC/TSC - 5:00PM, Wednesday, April 12 & 26, 2017 - Tisbury School
- **Tis. ATM/STM - 7:00pm, Tuesday, April 25, 2017 - Tis. School Gym**

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Meetings/Events (cont.):

- TSBC/TSC - 5:00PM, Wednesday, May 10 & 24, 2017 - Tisbury School
- **AIFC - 5.30pm, Tuesday, May 16 2017 - TBD West Tisbury**
- TSBC/TSC - 5:00PM, Wednesday, June 6 &/or 21, 2017 - Tisbury School

Action List:

- Jay/Office –
- STM Article #4 - change to FY18
- STM Article #7 – change header to: “Extension & Connection” change body to:
“extension and single property connection”.
- STM Article #8 change header to: “New Sewer Line Extension & Connections”.
- Nancy – draft and bring Voter Guide Draft.

Documents on file:

- Agenda 4/5/17
- Tisbury FinCom 2017 ATM Warrant (2 p.)
- Kristal email re: FinCom 4/5/17
- Request for Transfer from the Reserve Fund 3/2/17
- Town of Tisbury Special Town Meeting Warrant, Tuesday, April 25, 2017 at 7:00PM (6 p.) 3/28/17
- Town of Tisbury Annual Town Meeting Warrant, Tuesday, April 25, 2017 at 7:00PM (11 p.) 3/28/17

Minutes approved 9/25/17.