

# TISBURY BOARD OF SELECTMEN MEETING MINUTES

Tuesday, January 9, 2018 at 5:00 PM

Tisbury Town Hall, Katherine Cornell Theater, 51 Spring Street, Vineyard Haven, MA  
Melinda F. Loberg; Tristan R. Israel; Larry J. Gomez

**Members Present:** Larry Gomez, Tristian Israel, Melinda Loberg

**Others Present:** John Grande – Town Administrator, Alexandra Kral- Executive Assistant, Danielle Ewart, James Tilton, Ryan Searle, Glenn Pachico, Michael Pachico, Ben Robinson

## TOWN ADMINISTRATOR REPORT

### MassDOT Beach Road Project

Town Administrator informed the Board of the received correspondence from Dorothy Packer regarding a Beach Road Project. Background of the project was included with the meeting packet. With Board permission Town Administrator turned discussion over to Mrs. Packer. Mrs. Packer requested that Board of Selectmen resubmit petition to lower speed limit on the Beach Road to 20Mph right away and not wait till the Beach road project is completed.

**Member Israel motioned to provide a letter of support of the proposed petition to the MassDOT. Member Loberg seconded the motion with discussion. Member Loberg requested the Town to follow the established by the State process to imply proposed speed changes. Motion was unanimously approved.**

### Annual Town Meeting Warrant Articles

Town Administrator stated that Board of Selectmen is scheduled to close ATM Warrant in March. Next important deadline is February 23<sup>rd</sup> when all warrant articles for the STM are due to be submitted to the Town Clerk. The detailed review of submitted article will be performed during one the later meetings. Member Israel inquired about some of the articles sponsored by Board of Selectmen. In specific he stated that amount for the seawall project was too high and since Beach Road is one of the key parts of the Island Transportation system we should be reaching out to other Island Communities with request to co-fund the project. Member Loberg believed that state should be playing bigger role in funding of seawall restoration since the main goal of this project is to protect the state road. Town Administrator will reach out to the MVC and other island Communities to identify other possible funding sources.

### Bruno's Rate Increase Notice

Town Administrator informed the Board of the received proposal to increase transfer station fees by Bruno's. **Member Israel motioned to schedule a public hearing on Tuesday, January 23<sup>rd</sup>, 2018 at 5:30 PM to review and consider proposed increase. Member Loberg seconded the motion. The motion was unanimously approved.**

### Recruitment: Police Officer

Town Administrator stated that he intends to start working together with the consultant- Robert Hass to develop thorough job description and eligibility requirements.

**Member Israel motioned to endorse Town Administrator's proposal to hire the consultant and start recruitment process. Member Loberg seconded the motion. The motion was unanimously approved.**

### Administrator Report 1-9-18

Town Administrator informed the Board that the TA Report for today was updated and invited members to comment on any specific items of interest at any point. Board Members had no comments at the time.

## APPOINTMENTS

### MVC Appointment: Ben Robinson

**Member Israel motioned to appoint Ben Robinson to the Martha's Vineyard Commission. Member Loberg seconded the motion. The motion was unanimously approved.**

### VTA Advisory Board: Alexandra Kral

**Member Loberg motioned to appoint Alexandra Kral to the VTA Advisory Board. Member Israel seconded the motion. The motion was unanimously approved.**

## HEARINGS

### 5:30 PM Public Hearing to Consider Shellfish Permit Applications for Glenn and Mitchell Pachico

Town Administrator stated that he was informed of the two citations issued to each of the fisherman by the Shellfish Constable. Second citation includes the suspension of the right to shellfish in Tisbury waters for 30 days. Mr. Glen Pachico and Mr. Mitchell Pachico are due to renew their commercial and recreational shell fishing permits for the year of 2018. Board of Selectmen has a purview over who they issue those types of permits to. After thorough review of Town Shellfish regulations with Town Council recommended motion is as

follows: To sustain the Shellfish Constable's 30-day suspension of the right to shellfish in Tisbury waters to expire on January 17, 2018, at which time the shellfish licenses for calendar year 2018 can be renewed; and further violation by either party may result in a further suspension or revocation of the right to Shellfish in Tisbury waters.

Town Administrator passed the discussion to Pachico's attorney Ryan Searle.

Ms. Searle stated that she was surprised that this hearing is taking place and that Board's actions are illegal. She questioned the authority of the Board in this case and stated that her clients are not provided with the due process and have not been found guilty in committing of those violations by the Court.

Shellfish Constable – Danielle Ewart noticed two shell fishermen on December 17, 2017 fishing in 26° weather. According to the Town Shellfish Regulation all scalloping is suspended if temperature does not reach 29 degrees Fahrenheit by noon. After unsuccessfully trying to contact Pachicos via phone Ms. Ewart waited for them to come in to inform them of unacceptable weather conditions and require them to surrender their catch. Pachicos refused to surrender their catch instead they went back out to dispose of it themselves. Later on, accompanied by the Police officer Ms. Ewart delivered two citations (one for fishing under 29 degrees and second for refusing to surrender the catch) to Mr. Glenn Pachico and Mr. Mitchell Pachico.

James Tilton spoke in support of Constable's decision and pointed out that such behavior became a pattern for Pachicos. There needs to be consequences for not following town regulations. According to such regulations the shellfish permit issuance is at the Board of Selectmen discretion.

Attorney Searle questioned that the methods Constable used to contact her clients while they were out fishing were not sufficient enough and allowing them to spend hours fishing only to request to surrender their catch is unacceptable.

Town Administrator stated that no information why the Board should feel different about this incident was provided.

The Board asked if Mr. Glenn Pachico would like to add anything to this discussion at which point he expressed his disappointment with Ms. Ewart's actions and lack of effort to inform them that temperature dropped and it's too cold to continue fishing. He stated that it showed that his frustration should be understood.

***Member Loberg motioned to sustain the Shellfish Constable's 30-day suspension of the right to shellfish in Tisbury waters to expire on January 17, 2018, at which time the shellfish licenses for calendar year 2018 can be renewed; and further violation by either party may result in a further suspension or revocation of the right to Shellfish in Tisbury waters. Member Israel was hesitant of the proposed motion but seconded it. Motion was unanimously approved.***

#### 6:00 PM Conservation Restriction Lot 41, Vineyard Haven, MA

The Planning Board, at their meeting on December 6, 2017 reviewed the merits of Ms. Howell's request and voted to recommend the grant of the Conservation Restriction, provided that the Board of Selectmen restrict the petitioners "reserved rights" listed in Section II, subsection (1-8) entitled Reserved Rights and Exceptions by adding language to the document stating that all reserved rights listed in the aforementioned section are subject to the Conservation Commission's approval.

***Member Israel motioned to approve requested conservation restriction with the stated above restriction in place. Member Loberg seconded the motion.***

***The motion was unanimously approved.***

## **PROSPECTIVE MEETING AGENDA(S)**

### **PUBLIC COMMENT**

The public may address the Selectmen for up to 3 minutes during the Public Comment portion of the meeting. Topics must be within the Board's purview and not already listed as an agenda item.

### **BUSINESS LICENSES**

#### **Lodging House License Renewal:**

- Greenwood House B&B, 40 Greenwood Av.
- Tisbury Inn Realty Trust d/b/a Mansion House, 9 Main Street
- Karl G. + Linda M. Buder d/b/a Thorncroft Inn

Member Gomez recused himself from this discussion. Member Israel chaired the renewal of the lodging houses.

***Member Israel motioned to approve listed above Lodging House License Renewals provided all supporting documents and required sign offs were provided. Member Loberg seconded the motion. The motion was unanimously approved.***

#### **Common Victualler's License Renewals:**

- Black Dog Tavern Co d/b/a The black Dog Bakery Café, 509 State Road
- Black Dog Tavern Co, 20 Beach Street Ext.
- Little House Inc. 339 State Road

- Vineyard Caribbean Cuisine, 13 Beach Road Ext.
- Breth, Inc. d/b/a Bobby B's Seafood and Pizza, 22A Main Street
- Natalie Grewal d/b/a Nat's Nook, 38 Main Street
- Martha's Vineyard Seafood Group d/b/a The Net Result
- Sullopantalone Inc. d/b/a 79 Beach Road Rocco's Pizzeria
- Yu Asian Bistro LLC d/b/a Mikado, 76 Main Street
- Tropical Brazilian Restaurant Inc., 13 Beach Street Ext.
- Cronig's Market, 357 State Road
- Bite on The Go d/b/a Sweet Bites. 32 Beach Street
- Bite on The Go, 86 Beach Road
- Not Your Sugar Mamma's, 79 Beach Road

**Member Israel motioned to approve listed above Common Victuallers License Renewals provided all supporting documents and required sign offs were provided. Member Loberg seconded the motion. The motion was unanimously approved.**

#### **All Alcohol Renewals:**

- Yu Asian Bistro LLC d/b/a Mikado, 76 Main Street
- Vineyard Haven Restaurant Associates d/b/a Garde East, 52 Beach Road
- Black Dog Tavern Co, 20 Beach Street Ext.

**Member Israel motioned to approve listed above All Alcohol License Renewals provided all supporting documents and required sign offs were provided. Member Loberg seconded the motion. The motion was unanimously approved.**

#### **Beer and Wine Renewals:**

- Sullopantalone Inc. d/b/a 79 Beach Road Rocco's Pizzeria
- Black Dog Tavern Co d/b/a The black Dog Bakery Café, 509 State Road
- Little House Café, 339 State Road

**Member Israel motioned to approve listed above Beer and Wine License Renewals provided all supporting documents and required sign offs were provided. Member Loberg seconded the motion. The motion was unanimously approved.**

#### **ADMINISTRATIVE SESSION**

Change of Manager Application: Black Dog Tavern and Black Dog Tavern d/b/a The Black Dog Bakery Café  
Chris Lapointe new manager for the Black Dog Establishments in the Town of Tisbury was present at the meeting. He described his experience in restaurant business as well as his areas of expertise. Mr. Lapointe informed the Board of his intentions to TIPS certify each staff member of his team.

**Member Israel motioned to approve change of manager application for the Black Dog tavern and Black Dog Café. Member Loberg seconded the motion. The motion was unanimously approved.**

#### **Anonymous Donation for Animal Control Department**

**Member Israel motioned to accept anonymous donation for the Animal Control Department in amount of \$20.00. Member Loberg seconded the motion. The motion was unanimously approved.**

Bills Payable #12/12/17 \$718,392.00

**Member Israel motioned to approve Bills Payable#121217**

**Member Loberg seconded the motion. Motion unanimously approved.**

Bills Payable #12/19/17 \$165,558.77

**Member Israel motioned to approve Bills Payable#121917**

**Member Loberg seconded the motion. Motion unanimously approved.**

Bills Payable #12/26/17 \$98,807.92

**Member Israel motioned to approve Bills Payable#122617**

**Member Loberg seconded the motion. Motion unanimously approved.**

Bills Payable #12/29/17 \$2,837.49

**Member Israel motioned to approve Bills Payable#122917**  
**Member Loberg seconded the motion. Motion unanimously approved.**

Payroll #12/14/2017 \$117,514.52

**Member Israel motioned to approve Payroll#12142017**  
**Member Loberg seconded the motion. Motion unanimously approved.**

Payroll #12/21/2017 \$330,661.05

**Member Israel motioned to approve Payroll#12212017**  
**Member Loberg seconded the motion. Motion unanimously approved.**

Payroll #12/28/2017 \$121,497.67

**Member Israel motioned to approve Payroll#12282017**  
**Member Loberg seconded the motion. Motion unanimously approved.**

Payroll #1/04/2018 \$320,879.5

**Member Israel motioned to approve Payroll#1042018**  
**Member Loberg seconded the motion. Motion unanimously approved.**

#### **EXECUTIVE**

Vote to go into Executive Session pursuant to M.G.L. c. 30 A, Sec. 21(a), 6. To consider the purchase, exchange, lease or value of real estate properties if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

***Not To Reconvene in an Open Session***

Roll Call Vote: Member Gomez – Aye

Member Israel – Aye

Member Loberg - Aye

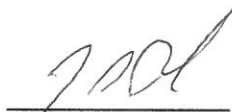
#### **Executive Session Minutes.**

*The meeting adjourned at 7:30pm.*


Respectfully submitted by  
Alexandra Kral



Larry J. Gomez  
Chairmen



Tristan R. Israel  
Vice Chairmen



Melinda F. Loberg  
Clerk