

TISBURY BOARD OF SELECTMEN MEETING MINUTES

Tuesday, January 22, 2019 at 5:00 PM

Tisbury Town Hall, Katharine Cornell Theater, 51 Spring Street, Vineyard Haven, MA
Melinda F. Loberg; Tristan R. Israel; James Rogers

Members Present: Melinda Loberg, Tristan Israel, James Rogers

Others Present: John Grande- Town Administrator, Alexandra Kral, Jon Snyder, Ken Barwick, Maura Valley, Ben Robinson, Dan Seidmen

TOWN ADMINISTRATORS REPORT

2019 Warrant Articles

Town Administrator informed the Board that detailed review of 2019 warrant articles will be scheduled throughout the upcoming Board's meetings. Following articles have been suggested for withdrawal: Harbormaster articles related to jetties and breakwater, Shellfish department article related to procurement of the new vehicle. Board of selectmen sponsored article for leasing new electric vehicles will be modified to reflect Town's plan to buy out two existing vehicles and lease one additional vehicle, the requested amount will be reduced from original \$120,000 to approximately \$30,000. Review is scheduled with DPW and Facilities Department to discuss amended budget and revise any articles if needed.

Town Administrator also asked Board's authorization to submit a late-filed article in amount of \$26,000 to provide a matching funds for the PRB Grant that was initiated by the MVC. The Oak Bluffs will submit the same article.

Member Loberg motioned to file a late-filed article in amount of \$26,000 to provide matching funds for PRB grant. Member Rogers seconded the motion.

The motion was unanimously approved.

Outdoor Concert License Agreement with Innovation Arts & Entertainment

Town Administrator informed the Board that agreement is still under review. Once revised agreement received a meeting with department heads will be scheduled to review the revisions and discuss any possible concerns.

Town administrator informed Board members that there is an entertainment license request for the proposed dates of the festival scheduled later this meeting for Boards review and consideration. The entertainment license will be a subject to all terms and conditions stated in the Agreement once its finalized. Until then it would be a conditional approval and entertainment license would not be issued.

Member Israel mentioned that Board had received a lot of letters of concern and letters of support for the proposed event and invited public to comment and provide their feedback on the proposed event at this time.

Rosemary Hasey a resident of neighborhood where proposed event will take place had asked if the references for the promoter in charge of the event can be made available for public inspection. Ms. Hasey had also expressed her concern for the road safety around that area during the proposed event.

Member Loberg requested that all received correspondence regarding the proposed festival be placed on the Town's website.

Sylvia Hook, an abutter to Veteran's park, raised her concern regarding the state the park will be left in after a hard impact of the proposed festival, and possible increase of the traffic going through the neighborhood trying to avoid a traffic jam at the vineyard haven – Edgartown road.

Seth Gambino once again expressed his strong disapproval of the proposed festival and read out the letter from his colleague involved in festival/concert industry expressing his concern over the small timeframe allocated to putting the concert together.

Mr. Sawyer was representing the festival organizer. He stated that the production team is aiming at making this a walkable event which will address all parking and traffic concerns. They are also planning to restore the field to its original form.

A resident from Chilmark had expressed concern over the negative impact the concert will have on Vineyard Haven.

Oak Bluffs resident spoke in support of the event.

Varsha Brunelle asked how long field will be unavailable for public.

Ray Tattersall, DPW director had stated that arrangements were already made with softball leagues to reschedule some of their games that would interfere with the proposed event.

Mr. Sawyer stated that portion of the park that is not fenced in will still be open to the public.

Member Rogers stated he would be more comfortable with the event if the stage would be repositioned to face away from the residential area.

Tisbury Resident spoke in support of the proposed festival, stating that with the proper restrictions in place this will be a great event.

Black Dog Sunday Serving Hours

Per Board's request Town Administrator had confirmed the procedure for allowing serving of alcohol from 10AM to 12PM on Sundays will require acceptance of G.L. c. 138, §33B. Acceptance requires a Town Meeting vote, so service during those hours may not be authorized until there is such an acceptance vote. Board may submit this as an STM article.

Member Rogers motioned to not submit this as an STM article.

Member Loberg asked for a rationale behind the motion.

Member Rogers stated that he is concerned that dedicating time to such small matters at the town meeting will shift the attention from more important matters.

No second to first motion.

Member Loberg did not find that requested article would have negative affect on the Town Meeting and motioned to submit an article to accept G.L. c. 138, §33B. Member Israel seconded the motion.

The motion was unanimously approved.

DEPARTMENTAL/COMMITTEE REPORTS

Police Department Update

Police Department report will be rescheduled for one of the upcoming meetings.

Department of Public Works Update

Ray Tattersall provided a full report on the current projects such as: Complete streets, Union street work, William Street, Woodlawn Avenue, Dog Park etc. The copy of the full report can be requested at the Board of Selectmen Office.

Member Rogers inquired on the status of his previous request to free the road intersections from overgrowth.

Mr. Tattersall stated that attempt was made to instruct property owners via tax bill to address the overgrowth. However, it did not give a response that we hoped for.

Member Israel inquired on the status of Tree inventory. Mr. Tattersall stated that it is in the progress and should be completed shortly.

Sewer Advisory Board:

- Sewer Flow Increase: 35 Main Street Deadline Extension

Member Loberg stated that previously approved flow increase had set deadline that due to the delays in permitting process won't be feasible for applicant to meet. The sewer advisory Board had recommended to extend the deadline till April 15th to allow sufficient time to obtain all necessary permits.

Member Rogers motioned to approve requested deadline extension. Member Loberg seconded the motion.

The Motion was unanimously approved.

- 35 Main Street Project: Referral to MVC

Ben Hall asked Board Members to refer the 35 Main Street Project for concurrence review to the MVC. Ben Robinson, Tisbury representative on MVC, confirmed that if current

application for additional flow indicates the number of seats that application can be referred to MVC for review.

Member Rogers motioned to refer the application to MVC. Member Loberg seconded the motion. The motion was unanimously approved.

Mr. Hall had also asked for the Board to seek a legal advice from town Council regarding the requirement to seek special permit from Planning Board.

Member Loberg asked that Town administrator and Building Inspector identify which Town Board should review the project and provide clear instructions to the applicant.

- Anticipated Sewer Connection Date Letter

The Sewer Advisory Board is interested in developing a process to require the properties who have been paying Betterments to connect to the Sewer. The Sewer Advisory Board requested that the Board of Selectmen authorize/send a letter to be written to the owners asking them to outline their anticipated connection date to the sewer. This information will help is to fashion a policy and time-line for connections.

Member Rogers motioned to authorize requested letter. Member Loberg seconded the motion. The motion was unanimously approved.

PUBLIC REQUESTS SESSION

Frank Brunelle: Beach Road Cycling Safety

Mr. Brunelle presented safety benefits from switching proposed Beach Road Improvement plan to symmetrical road. Mr. Brunelle believes that one-way bicycle traffic on each side of the road will be a safer solution. Mr. Brunelle had asked if first responders and police commissioners have provided their opinion on the safety levels of both proposals. Mr. Brunelle also inquired on the status of the letter that Board voted to dent to MassDOT asking for a symmetrical road design.

Member Israel deferred first question to the next meeting that Beach Road Project will be discussed. Member Israel stated that he intends to ask Board to send a follow letter if no response received within next few weeks. Varsha Brunelle distributed a copy of safety study that Mr. Brunelle based his opinion on to the Board Members.

DISCUSSION SESSION

The Housing Bank Initiative Presentation

Dan Seidman had requested that Board of Selectmen allocate half of the 6% Airbnb tax to fund the housing bank. The matter was submitted for the Town Meeting Warrant through the citizens petition. The Town will still have power to deny any undesired future project.

Member Rogers expressed his concern regarding allocation of requested percentage and was not ready to make decision on the matter.

Mr. Seidman stated that Housing Bank Goal is to provide affordable housing on Island. Mr. Seidman stated that housing crisis is a critical problem on Island and allocating the portion of the Airbnb tax is a rare opportunity to fund housing bank without financially penalizing current residents of the Island. Member Israel stated that he is uncomfortable with the proposal and believes that value judgement of what the received funds should be expended on must remain with Town Residents.

Member Loberg shared the concerns stated by Member Israel and Mr. Rogers. Member Loberg mentioned that the Town will need time to plan and absorb the effects of passed bill prior to committing the portion of funds to any purpose.

Bob Sawyer spoke in support of Housing Bank Initiative, stating increasing need for affordable housing should be addressed as soon as possible and this is a great opportunity to do so.

Dukes County Regional Housing: Delayed Billing

Dan Seidman, treasurer for dukes County Regional Housing asked that Town will pay a FY18 outstanding bill in the amount of \$5352. The delayed amount equals the payments towards the employee's retirement.

Town administrator recommended the motion to pay outstanding balance unless there is a legal issue that prevents the Town from paying it. Town administrator had also previously requested

Finance Director to outline in writing all reporting and payment procedures that regional bodies need to follow, without such document we cannot withhold any payment.

Member Rogers motioned to pay outstanding balance unless there is a viable legal justification for withholding of the payment by the accountant's office. Member Loberg seconded the motion. The option was unanimously approved.

Member Israel asked if Dukes County Regional Housing faced the same issue this year. Mr. Seidman confirmed.

Member Rogers motioned to pay outstanding balance on all bills unless there is a viable legal justification for withholding of the payment by the accountant's office. Member Loberg seconded the motion. The option was unanimously approved.

Dukes County Emergency Management Center

Postponed until January 29th, 2019.

Proposed Amendments Waterways Regulations: Schedule Public Hearing

Public Hearing proposed for March. The proposed amendments will be reviewed at the Board's Meeting prior to advertising for the hearing.

Open Space and Recreation Plan

During previous joint meeting with Planning Board, Board of Selectmen had agreed to draft and authorize the letter of support.

Member Rogers motioned to draft and authorize a letter of support. Member Loberg seconded the motion. The motion was unanimously approved.

LICENSES

Entertainment License and Sunday Entertainment License:

-Innovation Arts & Entertainment

Member Israel was concerned to approve entertainment license prior to finalizing the agreement. The proposed motion provided by the Town Council states that the entertainment license won't be issued until agreement is finalized.

Member Loberg was concerned that part of the entertainment license request contains similar language to the agreement. Town Administrator stated that entertainment license request should state that all outlined terms and conditions are subject to final terms and conditions as stated in approved agreement.

Member Rogers motioned to that the board vote to grant an entertainment license to innovation arts & entertainment, ltd for a 3-day music festival to be held on august 9 to 11, 2019 at veterans memorial park off of lagoon pond road, as generally described in the license request submitted on January 18, 2019, subject to the following conditions: 1) the license shall not be issued and shall not be exercisable unless and until the board of selectmen and the applicant have signed a license agreement which gives town approval for use of veterans memorial park and sets terms and conditions for such use, including set-up of facilities, security and patron safety, festival operations, and break-down of facilities and site cleanup; 2) exercise of the entertainment license shall be subject to, and the applicant shall comply with, all applicable laws and regulations for such an event. Member Loberg seconded the motion. The motion approved. Member Israel abstained.

PROSPECTIVE MEETING AGENDA(S)

CORRESPONDENCE RECEIVED

ADMINISTRATIVE SESSION

Budget Reviews:

- Building Department

Rescheduled for January 29th, 2019.

- Board of Health

No major changes. \$9000 Warrant articles for Nitroe tank monitoring was submitted.

- Planning Board
Adjusted salary lines. No changes to staffing plan.
- Conservation
No major changes. Salary line increased due to collective bargaining outcome and COLA.
- ZBA
Salary line increased due to COLA.

Revised COLA Approval

Member Rogers motioned to approve revised COLA of 2.2% for Managerial Positions.

Member Loberg seconded the motion. The motion was unanimously approved.

Payroll #01/17/19 \$324,794.68

Member Loberg motioned to approve the Payroll as stated above Member Rogers seconded the motion the motion was unanimously approved.

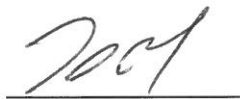
Bills Payable #01/08/19 \$1,399,824.64

Member Loberg motioned to approve the Bills Payable as stated above. Member Rogers seconded the motion the motion was unanimously approved.

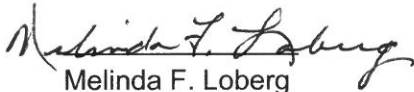
Time reserved for the topics that the Chair did not reasonably anticipate for discussion:

The meeting adjourned at 8:10pm.

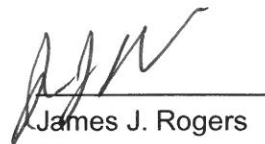
Respectfully submitted by
Alexandra Kral



Tristan R. Israel
Chairmen



Melinda F. Loberg
Vice Chairmen



James J. Rogers
Clerk