

TISBURY SELECT BOARD MEETING MINUTES

Wednesday, September 8, 2021, at 3:30 PM

Jeff Kristal; Larry Gomez, Roy Cutrer

Due to ongoing efforts to prevent spread of Covid-19 this meeting was held remotely via Zoom platform.

Select Board Members Present: Jeff Kristal, Larry Gomez, Roy Cutrer

Others Present: John Grande – Town Administrator, Alexandra Kral -Executive Assistant,

CALL TO ORDER

EXECUTIVE SESSION

Vote to go into Executive Session pursuant to M.G.L. c. 30 A, Sec. 21(a) 3. To discuss to discuss strategy with respect to litigation (Middleton v. Town; Roman v. Town; Clermont v. Town) and the chair so declares

Roll Call Vote: Gomez – Aye;

Cutrer – Aye;

Kristal – Aye.

The motion was unanimously approved. To Reconvene in Open Session

APPOINTMENTS

Animal Inspector: Kathleen Hoffman

Member Gomez motioned to appoint Kathleen Hoffman as Animal Inspector. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Assistant Treasurer/Collector: Kim Serpa

Member Gomez motioned to appoint Kim Serpa as an Assistant Treasurer/ Collector. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Deputy Fire Chief: Patrick Rolston

Member Gomez motioned to appoint Patrick Rolston as a Deputy Fire Chief. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Dukes County Parking Clerk: Beth Kaeka

Member Gomez motioned to appoint Beth Kaeka as a Dukes County Parking Clerk. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Emergency Services Per diem: Yuliya Bilzerian, Henry Bassett, Adele Anderson, Em Kraak

Member Gomez motioned to appoint stated above individuals as an Emergency Service Per Diem. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Fence Viewer: Ross Seavey and Justin Lucas

Member Gomez motioned to appoint Ross Seavey and Justin Lucas as a Fence Viewer. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Gas Inspector: Michael Ciano

Member Gomez motioned to appoint Michael Ciano as a Gas Inspector. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Harbormaster: John Crocker

Member Gomez motioned to appoint John Crocker as a Harbormaster. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Municipal census supervisor: Hillary Conklin

Member Gomez motioned to appoint Hillary Conklin as a Municipal Census Supervisor. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Municipal Hearing officer: John Schilling

Member Gomez motioned to appoint John Schilling as a Municipal Hearing Officer. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Plumbing Inspector: Michael Ciano

Member Gomez motioned to appoint Michael Ciano as a Plumbing Inspector. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Shellfish Assistant, summer season: Fred Benson

Member Gomez motioned to appoint Fred Benson as a Shellfish Assistant. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Shellfish Assistant: Nelson Sigelman

Member Gomez motioned to appoint Nelson Sigelman as a Shellfish Assistant. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Special Police officer: Savannah Barnes

Member Gomez motioned to appoint Savannah Barnes as a Special Police Officer. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Tree Warden: Kirk Metell

Member Gomez motioned to appoint Kirk Metell as a Tree Warden. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Veterans Grave officer: Bruce Montrose

Member Gomez motioned to appoint Bruce Montrose as Veterans Grave Officer. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Wiring Inspector: Raymond Gosselin

Member Gomez motioned to appoint Raymond Gosselin as a Wiring Inspector. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Building Commissioner and Zoning Enforcement officer: Ross Seavey (3 year term)

Member Gomez motioned to appoint Ross Seavey as a Building Commissioner and Zoning Enforcement Officer. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Local Building inspector: Justin Lucas(3 year term)

Member Gomez motioned to appoint Justin Lucas as a Local Building Inspector. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Beautification Committee: Jynell Kristal, Dawn Braasch, Caroline Gagliardi

Member Gomez motioned to appoint Dawn Braasch and Caroline Gagliardi to the beautification committee. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Member Gomez motioned to appoint Jynell Kristal to the beautification committee. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Abstained. The motion was approved.

Board of Registrar: Elizabeth Call

Member Gomez motioned to appoint Elizabeth Call to the Board of registrars. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Center For Living: Jacque Cage

Member Gomez motioned to appoint Jacque Cage to the Center for Living. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Conservation Commission: Caroline Little, Lilian Robinson, John Best, Nancy Weaver, Thomas Robinson, Sandra Demel, Amelia Hambrecht(3 year term)

Member Gomez motioned to appoint stated above individuals to the Conservation Committee. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Council on Aging: Constance Teixeira, Kenneth Gross

Member Gomez motioned to appoint stated above individuals to the Council on Aging. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Crossing Guards: Stephen Nichols, Rita Reynolds, Cheryl Pinkham, Cristina Whitney, Katherine Colon

Member Gomez motioned to appoint stated above individuals as crossing guards. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Dukes County Cable Advisory Board: Larry Gomez

Member Kristal motioned to appoint Larry Gomez to the Dukes County Cable Advisory Board. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Abstained, Cutrer- Aye, Kristal -Aye. The motion was approved.

Dukes County Advisory board: Jeff Kristal

Member Gomez motioned to appoint Jeff Kristal to the Dukes County Board. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Abstained. The motion was approved.

Dukes County OPEB Trust: Jonathan Snyder

Member Gomez motioned to appoint Jon Snyder to Dukes County OPEB Trust . Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Elections Warden: Mary Ellen Larsen

Member Gomez motioned to appoint Mary Ellen Larsen as an Election Warden. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Embarkation: Jynell Kristal, Jon Snyder, Peter Goodale, Matthew Hobart, Roy Cutrer

Member Gomez motioned to appoint stated above individuals to the Embarkation Committee. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Land Bank Advisory Board: Lillian Robinson, Elaine Miller, Malcolm Boyd, David Schwab, David Dandridge, Gerard Hokanson, Henry Neider

Member Gomez motioned to appoint stated above individuals to the Land Bank Advisory Board. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

MV Community Television: Robert Tankard

Member Gomez motioned to appoint Rob Tankard to the MV Community Television. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

MVC Joint Transportation Committee: Kirk Metell and John Grande, Alternate

Member Gomez motioned to appoint stated above individuals to the MVC Joint Transportation Committee. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

MV Regional Transit Authority Board: Elaine Miller

Member Gomez motioned to appoint Elaine Miller to the MV regional Transit Authority Board. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

MV Regional Transit Authority ADA seat: Steve Soriano

Member Gomez motioned to appoint Steve Soriano. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Open Space and recreation Committee: Cheryl Doble (Planning bd.), Gerard Hokanson, Henry Stephenson, Carolyn Wallis, James Burrows

Member Gomez motioned to appoint stated above individuals to the Open Space and recreation committee. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Police Officer: Patrick Souza

Police Chief Habekost presented candidacy of Patrick Souza. Patrick was present at the meeting.

Member Gomez motioned to appoint Kathleen Hoffman as Animal Inspector. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Regional Emergency Communication Finance Advisory board: Jon Snyder

Member Gomez motioned to appoint Jon Snyder to the Regional Emergency Communication Finance Advisory Board. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Regional Emergency Communication Public Safety Comm. Advisory board: Chris Habekost and Greg Leland

Member Gomez motioned to appoint Chris Habekost and Greg Leland. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Steamship Long Range Transportation task force: John Cahill

Member Gomez motioned to appoint John Cahill to the Steamship Long Range Transportation task Force. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Steamship working group: Steven Araujo

Member Gomez motioned to appoint Steven Araujo to the Steamship working group. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Tashmoo Spring Building Management Committee: Patricia Carlet, Lorraine Wells, Harriet Barrow

Member Gomez motioned to appoint stated above individuals to the Tashmoo Spring Building Management Committee. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Tisbury Affordable housing committee: Elaine Miller (Planning), Daniel Seidman (DCRHR), Abbe Burt, Laura Barbera, Jean Hay, Victor Capoccia, Leslev Segal

Member Gomez motioned to appoint stated above individuals to the Tisbury Affordable housing trust. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Tisbury Housing Trust: Jeffrey Kristal, Larry Gomez, Roy Cutrer, Daniel Seidman, Abbe Burt

Member Gomez motioned to appoint stated above individuals to the Tisbury Housing Trust. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Vineyard Healthcare Access Program: Alan Hirshberg

Member Gomez motioned to appoint Alan Hirshberg to the Vineyard Healthcare Access program. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Waterways: Jeffrey Canha, Greg Martino, Roger Moffat, John Packer, Matthew Hobart, Paul Monafio, Michael Baptiste

Member Gomez motioned to appoint stated above individuals to the Waterways Committee. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Zoning Board of Appeals: Neal Stiller (5 yr term), Brandon Smith, Alternate and Frank Piccione, Alternate

Member Gomez motioned to appoint stated above individuals to the Zoning Board of Appeals. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

TOWN ADMINISTRATOR REPORT

LICENSES & PERMITS

One Day Alcohol License:

- Martha's Vineyard Oyster Festival – October 1, 2021; October 2, 2021

All departmental inspections and signoffs are complete. 500 are expected to attend. A police detail will be provided.

Member Gomez motioned to approve one day Alcohol License for Martha's Vineyard oyster Festival for October 1 and October 2, 2021. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Buskers Permit:

- Scott Serkez

Member Gomez motioned to approve Busker Permit for Scott Serkez Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Common Victualler:

- Wolf's Den, 45 Beach Road
- Vineyard Haven Yacht Club, 45 Owen Little Way

Member Gomez motioned to approve stated above Common Victualler License. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Auto Rentals:

- Atlanta Island Auto rentals, Inc., d/b/a AA Island Auto Rentals

Member Gomez motioned to approve stated above Auto Rental License. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Setting of 2022 Town Meeting Date

Proposed Annual Town Meeting Date is Tuesday April 12, 2022. Select Board needs to approve so the FY 2023 and Town Meeting schedule can be finalized and published.

Member Gomez motioned to set Annual Town Meeting Date for Tuesday April 12, 2022 . Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Community Preservation Committee Application Schedule

Eligibility applications are due Friday, September 24, 2021, at noon. Applications submitted by the departments under Select Board Jurisdiction on September 22, 2021.

Final eligible applications due Friday October 8, 2021, at noon.

Select Board Representative for Collective Bargaining-General Union

One member of the Select Board is needed to serve on the management negotiating team. Existing contract agreement expires June 30, 2022.

Member Kristal motioned to appoint Roy Cutrer as a Select Board Representative for Collective Bargaining-General Union. Member Gomez seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Abstained, Kristal -Aye. The motion was approved.

Eversource's Integrated Vegetation Management Program- Herbicide use in the region

The recommendation is to send an updated letter regarding herbicide program and have other island organizations do so as well and that this would be a topic of discussion at a future all-island Select Board Meeting or all island Board of Health Meeting.

PUBLIC HEARING

4:15PM Public Hearing to determine whether a dog is a nuisance or a dangerous dog pursuant to Massachusetts General Law, Chapter 140, Section 157

Member Cutrer read out public hearing notice. Member Kristal swore in participants that wished to speak during this public hearing. Kate Hoffman, Animal Control Officer. On 6/29/21 at 7:30 p.m. ACO was dispatched by communications to 41 Cook Rd in Tisbury for a dog attack on chickens. The dog was described as a large brown/white/grey husky owned by David Dunbar. According to the Warners, David came over to retrieve the dog and had a hard time getting him under control. After getting the dog under control David brought him back to his house. Three chickens were injured. ACO state that she explained to Mr. Dunbar importance of having the dog properly restrained. He was given a \$25 citation for unrestrained dog. Dog was not licensed. Mr. Dunbar was given a week to register the dog. The next day ACO was informed by the Warners that the 3 chickens that were attacked died. Mr. Dunbar paid \$130.00 in restitution. The Warners then filed a nuisance dog complaint with the Select Board. Neighbors also gave statements regarding the dog, Koda, killing their chickens as well.

Based on the evidence collected, observations as a ACOAM graduate with core competency training, and the obvious safety concern to livestock in the area Ms. Hoffman asked the Selectmen to deem the dog a nuisance. ACO does not believe the dog poses a safety concern to people.

William Warner spoke regarding the incident. Mr. Warner stated that the dog keeps returning to their property and asked Select Board to deem dog more than just dangerous.

David Dunbar stated he got distracted and the dog broke from its leash. Mr. Dunbar apologized for incident. Mr. Dunbar does not believe his dogs are vicious, and he began to work on confinement solutions for the dogs. ACO also stated that she received a letter from Dan Murphy regarding prior incident involving the dog in question and livestock.

ACO recommends:

- Installation of double gated entry at all entrances and exits of the dwelling.
- If there is a yard, the owner or keeper will provide a 6 ft, double gated enclosure no less than 100 sq ft. of durable construction in a manner which prevents the dog from escaping.
- That owner/keeper provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, veterinary records, licensing, pictures, microchip implantations or a combination of any such methods of identification as well as a dangerous dog collar or harness when-not confined indoors. If the dog is moved to a different municipality the owner should immediately register the dog as dangerous with the new municipality.
- That unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact.
- That the dog be leash walked at all times when not on premises. Restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds.
- At this time, I do not consider the dog dangerous. Although in the future, if dog is deemed with the nuisance designation, and there was a repeat offense, it would that elevate it from nuisance to dangerous dog & ACO recommends another hearing to decide the new orders.

Warrens reviewed proposed recommendations and they seem fair.

Member Gomez motioned to close public portion of the hearing. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Member Gomez motioned to determine dog as a nuisance and implement proposed recommendations. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

DEPARTMENTAL/COMMITTEE'S UPDATES

Town Clerk: Single Precinct Designation; Census 2020 Single Precinct Tisbury Map

The 2020 Federal Census has determined that Tisbury has 4,815 residents. Once the Town reaches 6,200, we would have to become two voting precincts. Although we qualify to remain one there is a Select Board vote required to remain one precinct and it is Town Clerk's recommendation that we remain one. With this vote the Town will remain one precinct until census 2030.

Member Gomez motioned to approve single precinct designation and 2020 Census single precinct map and boundary designation. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved

ADMINISTRATIVE SESSION

Consent to Subordinate two CPA Affordable Housing Deed Restrictions for 6 Water Street & 14 Village Court

Member Gomez motioned to approve Consent to Subordinate two CPA Affordable Housing Deed Restrictions for 6 Water Street & 14 Village Court. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Cemetery Deed: Plot 52C Purchase; Plot 52 Purchase; Plot 19A Purchase; Plot 69 Purchase; Plot 85B Purchase; Plot 61 Purchase; Plot 54B Purchase; Plot 54A Purchase; Plot 7D Purchase

Member Gomez motioned to approve cemetery deeds as stated above. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.

Bills Payable 08/24/21 \$637,641.91

Bills Payable 08/17/21 \$320,406.73

**Member Gomez motioned to approve bills payable as stated above. Member Cutrer seconded the motion.
Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.**

MEETING ADJOURNMENT

Respectfully submitted by
Alexandra BenDavid

DocuSigned by:

Jeff Kristal

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Jeff Kristal
Chair

DocuSigned by:

Larry Gomez

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Larry Gomez
Vice Chair

DocuSigned by:

Roy Cutrer

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Roy Cutrer
Clerk