

**TISBURY SELECT BOARD MEETING MINUTES**

**Wednesday, October 20, 2021, at 3:45 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, John Crocker, Danielle Ewart, Ross Seavey, Jon Snyder, Jared Meader

**CALL TO ORDER**

**EXECUTIVE SESSION**

Vote to go into Executive Session pursuant to M.G.L. c. 30 A, Sec. 21(a) §(7) To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (Open Meeting Law, G.L. c. 30A, §§ 22(f), (g)).

***Roll Call Vote: Gomez – Aye;***

***Cutrer – Aye;***

***Kristal – Aye.***

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

**To Reconvene in Open Session**

**ANNOUNCEMENTS**

**- Public Record Request: Executive Session Minutes**

Member Kristal announced that during Executive Session the Select Board has voted to release several sets of executive session minutes. A list of the minutes to be released will be made available shortly.

**- Response to Open Meeting Law Complaint: Rich Saltzberg**

The Select Board is in receipt of an e-mail from Mr. Rich Saltzberg, dated September 27, 2021, in which he states that “The Martha’s Vineyard Times deems” the Board to be in violation of the Open Meeting Law. The Attorney general's position that open meeting law complaints must be submitted on the official form prescribed by the Attorney General and since that has not been done there is no obligation to respond. However, this Board finds that a response to the allegation that the board voted violated the law is appropriate.

***Member Cutrer motioned to direct Town Administrator and Town Council to prepare a response to the received complaint. Member Gomez seconded the motion. Roll Call Vote: Gomez – Aye; Cutrer – Aye; Kristal – Aye. The motion was unanimously approved.***

**APPOINTMENTS:**

**Climate Committee:** Melinda Loberg, Keith McGuire, Kate Shands, Louise Clough, Bruce Stuart, Rachel Orr  
Anna Edey

This is a three-year term. Member Gomez mentioned that Bill Straw also expressed his interest in serving on the committee. Committee is currently set for seven members membership. Member Kristal suggested that Board revisit the makeup of the committee as it generated a lot of interest. This matter will be scheduled for Board’s consideration at a future meeting.

*Member Gomez motioned to appoint stated above individuals to climate committee for a three year term. Member Cutrer seconded the motion. Roll Call Vote: Gomez – Aye; Cutrer – Aye; Kristal – Aye. The motion was unanimously approved.*

#### **PUBLIC HEARING**

##### **4:15PM Public Hearing to review and consider an application for an Aquaculture License by Greg Martino**

Member Kristal opened public hearing and read out public hearing notice. Greg Martino presented an application for aquaculture license for a one-acre site in the Lagoon Pond near the Shellfish Hatchery. Danielle Ewart stated that Natural Resource department reviewed an application and has no concerns with proposed site and application as presented. John Crocker also complimented Mr. Martino on the well-thought-out application and had no concerns with proposal. Jeff Cahna spoke in support of the Mr. Martino's application as an individual and current holder of active aquaculture license in Tisbury. Mr. Cahna asked if there will be a memorandum of understanding between Town Shellfish Departments regarding transfer of the product between Tisbury and Oak Bluffs. Mr. Martino stated that there is no intention to transfer product between Town lines. Member Kristal stated that the Board received letter from the Waterways Committee recommending approving application as presented.

*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 unanimously approved.*

*Member Gomez motioned to approve Aquaculture License for Martino Seafood LLC. Member Cutrer seconded the motion. Roll Call Vote: Gomez – Aye; Cutrer – Aye; Kristal – Aye. The motion was unanimously approved.*

##### **4:25PM Public Hearing to review and consider a petition by NSTAR Electric Company D/B/A Eversource requesting to install 30+/- of 1-4" conduit under the town road from pole 104/6 to handhole 104/HH6, to provide new electrical service for the customer located at 76 Mount Aldworth Road.**

Member Kristal opened public hearing and read out public hearing notice. Marissa Jackson is present on behalf of Eversource. Town Administrator stated that DPW asked for all equipment to be staged on the customer's side of the road if possible, instead of across the street. Annabelle Hunton, an abutter to the property asked if it is possible to restrict hours of work to not commence before 9AM and not to take place on Friday or Saturday.

*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 unanimously approved.*

*Member Gomez motioned to approve petition by NSTAR Electric Company D/B/A Eversource requesting to install 30+/- of 1-4" conduit under the town road from pole 104/6 to handhole 104/HH6, with following conditions:*

- *No work to be performed on Friday or Saturday*
- *No work may start prior 9AM*
- *If it is impossible to stage equipment on customer's property, written permission from the owner of the property utilized for equipment staging must be obtained*
- *Road must be returned to its original state upon completion of work.*

*Member Cutrer seconded the motion. Roll Call Vote: Gomez – Aye; Cutrer – Aye; Kristal – Aye. The motion was unanimously approved.*

##### **4:30 PM Public Hearing to review and consider adoption of Article V and Article VI of Tisbury Wastewater Regulations**

Member Kristal opened public hearing and read out public hearing notice. Jared Meader was present at the meeting. Mr. Meader stated that main purpose of the proposed updates to regulations is to bring everything into compliance with 314 CMR 12. For Article V: Discharge Requirements, Prohibitions and Restrictions CMR related language was added as well as enforcement authority language which will allow Wastewater department to impose fines of \$5000 per day per incident. Additionally, regulations now outline responsibilities and procedures that Wastewater department will follow when addressing certain issues. Article VI: Pretreatment Systems and Removal of Fats, Oils and Grease will outline effective management procedures of Fats, Oils and Grease (FOG). Member Cutrer asked what is a ramification for not complying with

Article VI, VII, Member stated that two articles are connected and inappropriate discharge of FOG which would be addressed through Article V as a prohibited discharge.

**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 unanimously approved.**

**Member Gomez motioned to approve Article V of Tisbury Wastewater Regulations as presented. Member Cutrer seconded the motion. Roll Call Vote: Gomez – Aye; Cutrer – Aye; Kristal – Aye. The motion was unanimously approved.**

**Member Gomez motioned to approve Article VI of Tisbury Wastewater Regulations as presented. Member Cutrer seconded the motion. Roll Call Vote: Gomez – Aye; Cutrer – Aye; Kristal – Aye. The motion was unanimously approved.**

## **TOWN ADMINISTRATOR REPORT**

### Short Term Rentals

Ross Seavey, building commissioner provided an update on the registration process and enforcement efforts for Short Term rentals. To date total number of Units Registered = 131; Registration Fees Collected: \$15,065 Inspection Fees: \$9,825 Total Units Identified by Host Compliance as currently having a listing: 221

Total Units on Commonwealth List: 356 Host compliance provides Town with a list and a link to the rental units advertised on popular websites such as VRBO, AirBNB, and weneedavacation. They will also send enforcement letters out on our behalf. Mr. Seavey mentioned high cost of \$19,000 in yearly subscription and missing units that are rented through other online sources as two negative sides to utilizing Host Compliance services. During inspection process following common issues have been identified: Smoke detectors expired or missing; Dryer vents that need cleaning; No fire extinguisher in kitchen; Number of bedrooms exceed septic capacity; Illegal apartments – four found this year so far. Based on stated observation Mr. Seavey recommended that all units inspected in 2021 should not require an inspection in 2022, going forward annual inspections should be every other year, the contract with Host Compliance does not need to be renewed past current February 2022 expiration date and short term rental committee should be re-established to continue review potential impacts of short term rentals beyond safety concerns that get addressed during inspection process and periodically review cost and rates associated with Short Term rentals. Member Kristal spoke in support of reinstating the Short-Term Rental committee. Additionally, Member Kristal inquired if majority of the existing Short-Term rentals are owned and operated by the homeowners or businesses. Mr. Seavey stated that there is no current indication that businesses operating majority of the local STR. Most of those who already registered are owned and operated by either seasonal or year-round residents.

**Member Gomez motioned to reinstate and advertise for a vacancies on the Short-Term Rental Task Force. Member Cutrer seconded the motion. Roll Call Vote: Gomez – Aye; Cutrer – Aye; Kristal – Aye. The motion was unanimously approved.**

### Halloween 2021

The Board of Health Agent has reaffirmed that there continues to be no Board of Health restrictions on outdoor activities at this time. Town Hall again will not be having an open house for Halloween. The Police Department will have additional staffing on duty Halloween to respond to any needs that may arise and will be working closely with the Public Works Department. To date there are no proposed road closures, however police will be able to close the street if need arises.

### Fiscal Year 2023 Budget Update

Two departments which will need closer review of their Fiscal Year 2023 budget proposals are Public Works Department and Police Department. Both departments are expecting changes in staffing related costs. The Public Works Department is looking to fund in fiscal year 2023 the existing positions of Facilities Administrator and Building and Grounds Foreman. Police Department changes will be connected with the transition plan.

UPDATE: United States Environmental Protection Agency Region 1: Southeast New England Program, Pilot Watersheds Initiative

Town Administrator informed Select Board Members that EPA partnering with the University of New Hampshire, and collaborating with the Martha's Vineyard Commission undertook and completed an evaluation of stormwater drainage runoff in the Town of Tisbury. Several recommendations and new technologies came out of this work. Recommendations will be implemented throughout next years.

Anniversary Coin: Set a Not-To-Exceed price

Town Administrator recommended to set a not-to exceed price of \$75 for anniversary coins.

**DEPARTMENT/COMMITTEE REPORTS**

Harbormaster: Proposed Plan to replace the Owen Park Pier

John Crocker presented a concept for replacement of the Owen Park Pier. If Board accepts this preliminary concept more detailed proposal will be developed and presented to the Board. Copy of the proposed drawing can be obtained by contacting Select Board office at 508-696-4200. The proposal is not severely different from existing dock structure. It includes a dock kiosk for processing the payments, lighting, water access and pump station. The height of the pier is most likely will be raised by a foot and the ladder to the dinghy float would be replaced. There is existing \$400,000 available to fund the project. Additional funds can be accessed through Seaport Economic Council. Member Gomez asked what kind of piling will be used. Mr. Crocker said same type of piling that was used at the Tashmoo. Mr. Crocker also mentioned that length of permitting process can be very lengthy. Lynne Fraker raised concern regarding the letter that was submitted by the Waterways Committee, that was suggesting a different approach for the project. Member Kristal suggested that proposal be presented to the Waterways Committee for their review and recommendations. Mr. Cahna stated that committee wanted to issue Request for Proposals for different design options. Member Kristal asked what was committee's specific concern regarding the proposed concept. Board Members were in agreement that the pier design does not need to be complicated and if there are no specific concerns from Waterways Committee regarding proposed concept the project should be moved along.

Shellfish Department: Scallop Dates 2021

Shellfish Constable requested Select Board approval of following dates for scalloping:

Outside the Ponds & VH Harbor: Opening Saturday November 6-Recreational; Monday November 8-Commercial

Lagoon Pond: Opening November 13 (with seed closures with red buoys).Closing it to bay scallops November 14th at 4pm

Lake Tashmoo (NO DRAGGING): Opening November 20- Recreational; Monday December 6- Commercial

**Member Gomez motioned to approve proposed dates for scalloping. Member Cutrer seconded the motion. Roll Call Vote: Gomez- Aye, Cutrer- Aye, Kristal -Aye. The motion was approved.**

Finance Director: Proposed amendment to Budget Financial Policy Statement

Jon Snyder presented a minor amendment to the existing Budget Financial Policy. Proposal is to add following sentence. "Budgets for departments that report to the Select Board will be reviewed by the Select Board before they are submitted to the Finance and Advisory Committee for review." Amendment is aimed at streamlining budget review process. This could also be addressed through scheduling of a joint meeting between two boards to review budgets under Select Board jurisdiction. Member Cutrer expressed his concern about reviewing a budget before Finance Committee is able to review and provide their recommendation to the Select Board. Mr. Snyder clarified that Finance Committee's role in the budget review process is to provide recommendation to the voters. Town Administrator suggested wording change by adding "Intent for the departmental budgets under Select Board will be reviewed by the Select Board before review by Finance Committee"

**Member Cutrer motioned to approve proposed policy as amended. Member Gomez seconded the motion.** Member Kristal suggested to postpone approval of the policy until language can be clarified.

### ADMINISTRATIVE SESSION


Bills Payable 9/28/21 \$724,629.68

*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

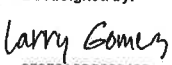
Respectfully submitted by  
Alexandra BenDavid

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Jeff Kristal  
Chair

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Larry Gomez  
Vice Chair

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Roy Cutrer  
Clerk