



TISBURY SELECT BOARD MEETING MINUTES
Wednesday, August 24, 2022, at 4:00 PM
Larry Gomez, Roy Cutrer, John Cahill
VIRTUAL MEETING

SELECT BOARD MEMBERS PRESENT: Larry Gomez, Roy Cutrer, John Cahill

STAFF PRESENT: John Grande, Town Administrator, Elena De Foe, Executive Assistant, Pam Bennett, Human Resources Coordinator

CALL TO ORDER

Vice-Chair Cutrer called the meeting to order at 4:00 PM

ADMINISTRATIVE ITEMS

Disclosure M.G.L c.268A, s.20(d), Roy Cutrer

Vice-Chair Roy Cutrer explained that the subject is under the State Conflict of Interest Law M.G.L c.268A. He continued that this law includes restriction on municipal employees having a financial interest in contracts with their municipality. He stated that for him this issue has arisen because he is a municipal employee, and he has a job with the Tisbury School as an educational support staff personnel a job he had before he was elected. Vice-Chair Cutrer stated that under the law he is considered a special municipal employee because Tisbury's population is under 10,000. Under s. 20(d) of c. 268A the contract restriction does not apply to a special municipal employee who files a disclosure with the Town Clerk and receives approval of the said exemption by the Select Board. Vice-Chair Cutrer stated he has filed a disclosure with Town Clerk, and he is asking for the board's approval of the exemption. He explained that the contract agency is the Tisbury School and even though the Select Board does not have official responsibility or control of the school department the Select Board does participate in some of the activities of the school department.

Mr. Grande explained he worked with town council on a positive motion, and he read it since there was no further discussion of the board. We have received a disclosure under M.G.L c.268A s.20(d) from a special municipal employee who seeks to have a financial interest in a contract made by a municipal agency of this Town. We understand that the special municipal employee participates in or has official responsibilities for activities of the municipal agency that made the contract. We approve this exemption under s. 20(d) regarding the financial interest identified by the special municipal employee. The motion is as follows I move that the Select Board approve an exemption under s. 20(d) of c. 268A of MGL for special municipal employee Roy Cutrer's financial interest in his employment contract with the Tisbury School Department as educational support personnel and authorize either of the voting members of the board to sign selectmen Cutrer's disclosure form to confirm this approval.

Member Gomez moved the motion as presented. Member Cahill seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 1 abstained.

APPOINTMENTS

Crossing Guard- Cheryl Pinkham, Rita Reynolds, Steve Nichols, Cristina Whitney

Member Cahill made the motion to appoint crossing guards Cheryl Pinkham, Rita Reynolds, Steve Nichols, Cristina Whitney. Chair Gomez seconded the motion. Roll Call. The vote was 3 in favor, 0 opposed, and 0 abstained.

Traffic Safety Committee- Roy Cutrer

Member Cahill made the motion to appoint Roy Cutrer to the Traffic Safety Committee. Member Gomez seconded the motion. Roll Call. The vote was 3 in favor, 0 opposed, and 0 abstained.

Election Workers- Virginia Coutinho, Kenneth Eber, Kathleen Brown and Elizabeth MacPherson

Member Cahill made the motion to appoint crossing guards Virginia Coutinho, Kenneth Eber, Kathleen Brown and Elizabeth MacPherson. Chair Gomez seconded the motion. Roll Call. The vote was 3 in favor, 0 opposed, and 0 abstained.

DISCUSSION

Review and Finalize Article 1 To Fund Renovation and Expansion of Tisbury School, Special Town Meeting Tuesday, September 20, 2022, and review question of holding a special election on Proposition 2 ½ debt exclusion for additional appropriation for the project

Mr. Grande explained the Town received favorable notice from the Division of Local Services regarding the request for determination to exempt the increase in the school project cost from a proposition 2 ½ question.

Vice-Chair Cutrer read an article from William Francis Galvin's web page: An important message for all Massachusetts town residents the purest form of democratic governing is the practice in a town meeting in use for over 300 years and still today it has proven to be a valuable means for many Massachusetts taxpayers to voice their opinion and directly affect change in their community. Here in this ancient American assembly, you can make your voice heard as you and your neighbors decide the course of the government in your community. Mr. Cutrer stated that the DOR created this provision to help municipalities in the Town's current situation. He urged moving forward with the project.

Member Cahill stated that it is important for Tisbury to realize the decision is still up to the voters. Town meeting is an effective way to channel a discussion in a professional and healthy manner and let the voters decide. He stated he is in favor of this Town Meeting and only the Town Meeting.

Vice-Chair Cutrer opened the public discussion.

Rich Salzburg asked if Mr. Cutrer's disclosure affects any prior votes he took regarding the school project and if the Board thinks that the members of the school committee would need to do similar disclosures.

Mr. Grande responded that Town Council did not raise any concerns on prior votes. Whether the school committee members should do disclosures is a separate agenda item for a different meeting should the board choose to take it up.

Ben Robinson stated he is in support of a town meeting followed by a ballot vote. He explained there is a reason both exist, at town meeting only 200 to 300 people participate and at ballot vote around a 1000 so one is much more representative than the other. Mr. Robinson said that a special town election is scheduled for October 4 which is only two weeks from town meeting so the argument the board is making in his opinion is that two weeks is too much time to ask to delay the project. He believes the voters should have a vote in the privacy of a ballot box. He asked the Board to respect the voters who had already overwhelmingly supported the project at both the ballot and town meeting.

Tony Peak expressed the feeling that the Board cannot ignore the dynamics of a small town, the same that put Mr. Cutrer in the position of a special municipal employee may put voters in a position of not wanting to openly disagree with their neighbors. He asked the board to commit to a ballot at town meeting if they are not going to have a ballot question.

Daniel Seidman believes there needs to be a ballot question. He understands the DOR has given permission, but he thinks 50% over run is atrocious. He stated the school should only be renovated rather than extended.

Vice-Chair Cutrer stated that previously the town had 14 million dollars support from the State for a School project. That project was turned down at the ballots. He believes the Town should not repeat the same mistake. He stated the Town has millions of dollars invested in this project.

Chair Gomez stated he supports Vice-Chair Cutrer's statement.

Member Cahill stated he understands the alternative of a private ballot booth, but this is not an election of a person, this is a public discussion and yes there are always going to be people reluctant to speak but the town needs to set an environment that is inviting to everybody to participate. He explained that the decision is up to the voters the board is not denying anybody the ability to vote.

Justin Lucas asked how much money the Town would lose if the project is cut off right now.

Rachel Orr stated she sent a letter to the Board earlier. She continued that we are not a town of means in terms of our regular residents. She would appreciate if the Board would let residents vote the way they normally do. Ms. Orr believes ballots are more accessible than town meeting. She stated that we are still in a pandemic and have an elderly population. Ms. Orr would like to encourage the town to have an outdoor venue.

Mr. Peak stated the town will be paying too much money for a building it does not need. He believes denying a popular election is very undemocratic. Mr. Peak stated the Town of Tisbury has the second highest percentage of income devoted to taxes.

Mr. Seidman believes the reason people voted down the first school project is because it was for a new school and new location and the voters didn't want that. He disagrees with the demolition of the gym.

Amy Haughton stated that it may not be possible for the gym to be renovated at the cost that some people think. She continued that the gym's floor is laminate, very fragile. The portion of the gym facing the parking lot has been shorted up long ago with all kinds of materials that are all along that side of the building. There is evidence of the building still sinking. The ramp has sunk an inch and a half. There is a concern about the foundation and there is no slab underneath. In addition, the sprinklers are the only means of fire detection and suppression in the building. There are no smoke detectors except over by the theater and the elevator. The sealing is entirely wood framed with steel girders. Ms. Haughton expressed that she doesn't want people to be misled that this is, and easy fix and the gym can be held on to and renovated. She believes the town needs to be mindful of the fact that there are bonds taken out for this project. The investors have invested in a specific project and changing the scope of work may require additional fees or it may not even be possible. Ms. Haughton stated that the experts on this project are advising that a simple renovation is not possible.

Melinda Loberg stated that she is in favor of allowing democracy to take place through a ballot vote.

Mr. Grande stated that the town meeting is the voters town meeting . He answered Mr. Peak's question that the form of voting Mr. Peak mentioned may be anticipated. Mr. Grande advised the Select Board to not interject at the voter's town meeting and decision. He would like to reinforce that the town has approved a certain project in which over 15 million have already been invested. Mr. Grande believes that the most cost-effective approach will be to just continue with the project we have, it is ludicrous to think the town can pick up and go to another direction. He explained that the form of government that has been in Tisbury for over 350 years way before proposition two and a half was even thought about was an open town meeting. The most direct and pure form of democracy that exists. The voters in Tisbury have an opportunity to say they attended town meeting they also have the opportunity to say they voted on the school project. It should not require two votes. He stated he wants to hear people in favor people with different ideas and people that disagree so when he votes as a resident he would be informed.

Mr. Grande read the motion to amend warrant article one to change the dollar amount from 26, 000, 000 to 25,610,841 and deleting the following words "provided however that no sum shall be appropriated or expended here under unless the Massachusetts department of revenue approves the additional sum for dept exclusion or the town shall have voted affirmatively by ballot election to exempt all amounts required to pay for any bonds and notes issued here under from the limitations of MGL c. 59 s 21 proposition 2 ½ so called" so that the article reads as follows To see if the Town will vote to borrow the additional sum of Twenty-Five Million Six Hundred Ten Thousand Eight Hundred Forty-One Dollars (\$25,610,841), to supplement the appropriation voted under Article 1 of the warrant for the June 13, 2021 Special Town Meeting, for design, engineering, and construction to repair, renovate and enlarge the Tisbury Elementary School, and construct new additions to the school, including site improvements, at 40 West William Street, including the payment of all costs incidental or related thereto including temporary school and support facilities at that location or another location (the "Project"), which school facility shall have an anticipated useful life of at least 50 years as an educational facility for the instruction of school children, and to authorize the Treasurer, with the approval of the Select Board, to borrow such sum under M.G.L. Chapter 44, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, and provided that any premium received by the Town upon the sale of any bonds or notes approved by the vote under this article, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by such vote in accordance with Chapter 44, section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any action relative thereto. Member Cahill moved the motion as presented by Town Administrator. Chair Gomez seconded the motion. Roll Call. The vote was 3 in favor, 0 opposed, and 0 abstained.

Mr. Grande presented the second motion to resend the Select Board's vote at a meeting of August 5, 2022, to hold a special election on October 4, 2022, to consider a proposition 2 ½ debt exclusion for the supplemental appropriation for the Tisbury School renovation and enlargement project. Member Cahill moved the motion as presented by John Grande. Chair Gomez seconded. Roll Call. The vote was 3 in favor, 0 opposed, and 0 abstained.

Residential Exemption for Owner Occupied Homes

Vice-Chair Cutrer gave a brief history of the Residential exemption. He explained that it was implemented in 1988- 10%. A year later it was raised to 20%. From 2014 until today it is 18%. He continued that the main purpose of the residential exemption is to help promote home ownership within the year-round community. Mr. Cutrer stated the Board recognizes the fact that they need to soften the blow to the year-round community and maybe increase the Residential exemption by 4-5% . A 4% will increase the exemption with \$340 and 5% with \$425.

Mr. Cahill stated he is in favor of a discussion.

Mr. Snyder explained that the Residential exemption is being set the at the tax rate classification hearing which is closer to November. At his opinion it is premature to discuss numbers prior to a favorable vote at Town meeting. He believes it should be discussed at a later date when the new assessed values are approved. Mr. Snyder explained that the residential exemption calculation takes a % of the average residential property. The exemption is a fixed dollar amount (which is the same for every benefiting property) which reduces the assed value by the strict dollar amount. Therefor it is a calculation that truly favors lower end properties which tend to be occupied by owners over the full year. He continued that with current values a 1% change in the residential exemption will take about \$85,000 off of the assessed value. Numbers will change when we have the new assessed values in November.

Ben Robinson stated that the Board just took away the ability of people to vote at the ballots and now they are shifting the burden to another group of people that have no representation-seasonal residents. He believes an increase in the Residential exemption would only shifts the burden. He advises the board to be careful burdening people who will have to pay for a project they are not benefiting from. He believes this is a political maneuver of the Board.

Rachel Orr asked if the tax rates is higher because of the shift, and would Mr. Snyder provide charts showing when the rates gets so high that we lose the benefit.

Mr. Snyder responded that there is a point in property value when the residential exemption gets offset by the higher tax rate and at this time that point is \$2,700,000.

TOWN ADMINISTRATOR REPORT

Request for a dumpster in public way, Grace Episcopal Church, Michael Carroll

Mr. Grande explained the request is in relation to a construction project at the Grace Episcopal Church. And he advised that there is a 30-day limit.

Vice Chair Cutrer asked what the exact placement of the dumpster is and what are the dimensions of it compared to a parking spot.

Member Cahill asked when the dumpster would be put in place

Mr. Carroll responded that the plan would be to put the Rolloff dumpster on one of the parking spaces between the church and the rectory property. Which will occupy one and a half parking space but will not encroach on the road. The dumpster will be out of site of any spaces needed for the lobster deliveries on Fridays. He would like the dumpster for only 30 days and then he will place a smaller dumpster on the church's property. He explained the initial part of the job requires demolition and there for the need for a bigger dumpster. Mr. Carroll stated the work will begin as soon as possible. The Church has a concern with the project overlapping with the preschool in the basement. He stated a cover will be built for the dumpster, he will put reflectors and a steel plate to protect pavement.

Vice-Chair Cutrer advised that if Mr. Carroll needs and additional time he can reapply.

Member Cahill made a motion to approve the request for a dumpster in a public way at Grace Church conditioned upon a site visit and any conditions there for and that the Rolloff will have a cover for a 30-day period. Chair Gomez seconded. The vote was 3 in favor, 0 opposed, and 0 abstained.

Select Board Goals and Objectives 2022-2025

Mr. Grande asked the Board if they would like to schedule a workshop for September to discuss the goals and objectives.

Member Cahill suggested late September.

Mr. Grande will schedule a workshop for the meeting on September 28, 2022

BILLS PAYABLE

Tisbury School Invoices

Plumbers' Supply \$522.82; \$125.44

Vineyard Home Center \$7.99

Tisbury Water Works \$6,692.20

Carroll's MVRT \$2,194.19; \$6,969.35; \$2,761.00

Member Cahill made a motion to approve Tisbury School project invoices as presented. Chair Gomez seconded. The vote was 3 in favor, 0 opposed, and 0 abstained.

8.9.22 \$220,569.73

Member Cahill made a motion to approve the bills as presented. Chair Gomez seconded. The vote was 3 in favor, 0 opposed, and 0 abstained.

PAYROLL

8.4.22 \$160,887.13 8.11.22 \$323,159.62 8.18.22 \$163,189.13

Member Cahill made a motion to approve the payrolls as presented. Chair Gomez seconded. The vote was 3 in favor, 0 opposed, and 0 abstained.

MEETING MINUTES

July 13, 2022 July 27, 2022 August 5, 2022

Member Cahill made a motion to approve the minutes as presented. Vice-Chair Cutrer seconded. The vote was 2 in favor, 0 opposed, and 1 abstained.

APPROVAL OF CEMETERY PLOT(S)

Plot 65

Member Cahill made a motion to approve cemetery plot 65. Chair Gomez seconded. The vote was 3 in favor, 0 opposed, and 0 abstained.

PROSPECTIVE MEETINGS SCHEDULE AND AGENDA ITEMS

Next scheduled meeting is September 14, 2022. There may be a brief meeting before that to sign the warrant.

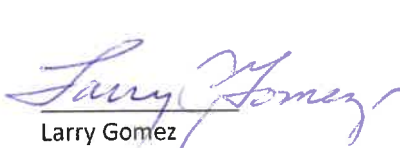
MEETING ADJOURNMENT


Member Cahill made the motion to adjourn the meeting. Chair Gomez seconded. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.

Meeting adjourned at 5:30 PM.

Meeting Minutes Recorded by Executive Assistant Elena De Foe

Meeting Minutes Approved September 14, 2022


Larry Gomez
Chair


Roy Cutrer
Vice Chair


John Cahill
Clerk