



TISBURY SELECT BOARD MEETING MINUTES
Wednesday, October 26, 2022, at 4:00 PM
Roy Cutrer, John Cahill
VIRTUAL MEETING

SELECT BOARD MEMBERS PRESENT: John Cahill, Roy Cutrer

STAFF PRESENT: John Grande, Town Administrator, Elena De Foe, Executive Assistant

CALL TO ORDER

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

APPOINTMENT(S):

Eversource Working Group- William Straw

Member Cahill made a motion to appoint William Straw to the Eversource Working Group. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Animal Control Officer- Heather Maciel

Member Cahill made a motion to appoint Heather Maciel as an Animal Control Officer. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

PUBLIC HEARING:

Continued Public Hearing for Proposed amendments to the Tisbury Waterways Regulations

Mr. Grande stated that in the packet there is correspondence from Steven Bessie, Lynn Fraker and Tashmoo Waterways Inc. Steven Bessie explained that the moorings in the Outer harbor are conservation moorings which to his knowledge have been safe. He asked what the reason is for the conservation moorings to be taken out of the water every year. He stated that the manufacturer actually recommends the opposite. Mr. Besse pointed that this kind of moorings is more environmentally friendly and there is eel grass growing in spots in the Outer harbor.

John Crocker requested a written copy of the manufacturer's recommendations.

Danielle Ewart stated that the shellfish boat is on a spar Hazlet mooring and it has never been taken out of the water and it works grate.

Lorne Lewis stated that Hamlet's (a manufacturer) recommendations are on their website, he has also spoken to representatives on the phone and their recommendation is for the moorings to not be taken out of the water. Such activity opens them up to damage and degradation. Mr. Lewis stated the current process has been working well and doesn't see a reason to complicate it and go against the manufacturer's instructions.

Jeffrey Canha explained that the town owns twenty-five conservation moorings in the harbor. He stated there was an incident with one where a propeller touched the mooring and damaged it. Mr. Canha explained that the new regulations were developed with the hope that a propellor strike would not damage a mooring again.

Mr. Bessie explained that the only way a propellor strike would happen is if a huge boat that has a propellor six feet under water gets close to a mooring.

Melinda Loberg explain that Tashmoo Waterways Inc is a nonprofit supporting water quality, public health and safety. She stated major concerns for the organization are anchoring in eel grass, making sure boats have adequate holding tanks and are being pumped in timely manner. Ms. Loberg presented the importance of eel grass and made the request of the Town not to allow anchoring anywhere where eel grass is growing as surveyed by DMF or MassDEP.

Lynne Fraker stated that the design that the Waterways committee considers appropriate is storm soft mooring, the Hazlat mooring is prone to slicing. She explained that after a talk with other installers they recommend the use of Hazlat mooring with a chain and a ball as recommended by the Waterways committee. She believes some parts of the regulations can be amended and also reminded that people can file for a waiver on case-by-case basis. Ms. Fraker stated that a lot of Tashmoo Waterways Inc's concerns are already in the current regulations. She pleaded to the Board to accept the regulations as presented at this meeting and work on issues at a later date.

Ben Robinson asked what the exception of liveaboard in the Inner Harbor in the proposed regulations is. He also stated that there are two paragraphs regarding speed limit in the Lagoon Pond which are contradicting each other. He suggested for the headway speed limit in Lagoon Pond to be limited through the entire pond rather than just 150 feet. Mr. Robinson's concern is for the environment and the people who live nearby. He asked why are houseboats not allowed in our waterways?

John Crocker stated that Oak Bluffs is allowing water ski in the Lagoon. Limiting the headway speed through the entire pond would essentially prohibit them only on the Tisbury side of the pond.

Chair Cutrer was concerned with creating an unenforceable rule if water skies are limited only on one side of the pond. Mr. Grande responded to Mr. Robinson's question that it is the use of a liveaboard that is questionable. He stated the concern is not being able to provide certain services such as pump out through the year or for extended periods of time. He believes it should be looked at closely and it is not the vessel that is questionable it is the use.

Jeffrey Canha stated that Oak Bluffs has a new harbormaster which may be open to discussing speed limits in the entire Lagoon Pond. His concern is that the Pond is dangerous, Oak Bluffs sailing camp has kids trying to learn to sail who get flipped over by speeding boats. Another concern is the wake in the pond.

Eric Litt stated that at Mass.gov website there are guidelines in regard of headway speed which prohibit operation with headways speed greater than 6mph within 150 feet of swimmer, mooring area and other. He pointed that everybody has to obey Massachusetts Law and encouraged the board to approve the regulations as is.

Melinda Loberg stated that the highest and best use of conservation moorings is in places where eel grass is growing because they don't scalar the bottom like chain moorings. She explained that the biggest concern with Liveaboards are mostly health and safety. Those vessels should be on a mooring as that is safer during storms. She was also concerned about the Town's liability when people live in the winter on boats and a storm happens. Emergency services may not be able to reach them. Ms. Loberg also suggested bringing Oak Bluffs and Tisbury's regulations together.

Lorne Lewis believes the board should not be passing what appears to be flawed and under researched regulations and the Waterways Committee should be communicating with people have and operate conservation moorings. He also stated that there are different kinds of conservation moorings, and the regulations should not be the same for all. The DEP says to follow the manufacturers installation and maintenance recommendations.

Lynne Fraker stated that the regulations were looked at very closely and a lot of research was done on conservation moorings in 2018.

Member Cahill made a motion to close the public portion of the public hearing and allow written comments in the next seven days. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained. Public Hearing was closed at 5:04 PM.

Attorney Hewig introduced himself as a practicing attorney who works on the maritime and admiralty matters not only municipal matters. He has sailed as a naval officer and taught at Mass Maritime. Mr. Hewig stated that he has been taking notes of all the comments. At some point he will look at the regulations and make sure they are legal. After the hearing is closed the Waterways Committee will take the comments under advisement and make recommendations to the Select Board. After the regulations are adopted, they need to be submitted to DEP police for review.

Member Cahill asked Mr. Hewig to reference some of the port communities he has worked for in the past?

Attorney Hewig responded that he has assisted Provincetown, Nantucket, Mattapoisett Chatham, Sandwich.

Member Cahill made a motion to continue the select board deliberations on this matter to November 9, 2022, at 4:45PM. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

TOWN ADMINISTRATOR REPORT

Waterways Committee- Waterways Agenda Management Guidelines

Member Cahill made a motion to approve the agenda guidelines submitted by the Waterways Committee. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Natural Resource Department-Shellfish- 2022 Scallop Season

Mr. Grande explained that there was correspondence from the Waterways Committee requesting Shellfish Constable to communicate with commercial fisherman.

Shellfish Constable Ewart stated that at the Waterways Committee meeting she proposed the following dates Outside the ponds and Harbor November 5th Recreational and November 7th Commercial; Lake Tashmoo no dragging November 19th Recreational and November 21st Commercial; No scalloping in the Lagoon. Ms. Ewart stated that she has revised the schedule for the Lagoon Pond only which will be dip netting only, no dragging, November 12th and 13th, Recreational use which are the same days Oak Bluffs will be open.

Chair Cutrer asked what the reasoning is behind opening the Lagoon for only two days and would it be possible to be open for additional days?

Ms. Ewart responded that she would like to reevaluate after the initial two days of opening. She stated there is a lot of large seed in the Lagoon and she is concerned of it being harvested as an adult.

Jason Robinson asked why the Lagoon is open only for two days for dip netting. He suggested a week of opening. Ms. Robinson stated that there is a lot of adult shellfish in the pond and pointed that Ms. Ewart will be there checking the harvest and making sure no seeds will be harvested.

Ms. Ewart stated that when she was out earlier in the season, she could not find any adult scallops. She is trying to establish a population for the future and there are not a lot of good areas left in the pond, not a lot of eel grass areas, lots of wake in the

pond. She stated the two days opening this season is a compromise. She stated she spoke to other commercial fisherman who were opposed to opening.

Member Cutrer asked how would a person make a difference between juvenile and adult scallop?

Ms. Ewart explained that they will have a very defined growth ring but sometimes that is not the case. They will be covered with growth. She pointed that dragging is not allowed to protect the eel grass. Dipping is a more passive way of getting the scallops. Spots excluded from any fishing/ shellfishing activity are the eel grass areas. If the dates have a major weather event Ms. Ewart will establish subsequent dates.

Lynn Fraker asked if the Shellfish Constable went to the pond and did a survey with commercial fishermen as discussed at the last Waterways Committee meeting.

Ms. Ewart responded that she just talked to other fisherman rather than go out on a boat and did her own research.

Mr. Canha suggested opening the pond for divers as well as dip netting.

Jason Robinson stated he reached out to Danielle a few times with no response. He believes Ms. Ewart should have talked to the commercial fisherman that are on the pond everyday which according to Mr. Robinson are himself and Mr. Pachico.

Nelson Sigelman stated that the Town has a shellfish constellation for a reason, and he suggested to support the recommendations of the constable.

Member Cahill made a motion to approve the dates put forward from the Shellfish constable as follows Outside the ponds and Harbor November 5th Recreational and November 7th Commercial; Lake Tashmoo no dragging November 19th Recreational and November 21st Commercial; Lagoon Pond dip netting only, no dragging, November 12th and 13th , Recreational . Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Natural Resource Department-Shellfish-Trust Fund Transfer

Member Cahill made a motion to approve the transfer of \$725.80 from the shellfish trust fund for shellfish equipment. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Boat Landing Port-a-Potty- Lagoon Pond Association

Mr. Grande explained that the Lagoon Pond Association has funded and established a port-a-potty at the Lagoon Pond Landing off Beach Road with the Town's help. There is a specific request to the Town that this continues to happen.

Mr. Crocker stated that he has received the letter regarding the port-a potty which was an important thing to help keep the area clean. He believes it will be a good thing to do at the Tashmoo landing. Mr. Crocker stated he will include both locations in the harbor department budget.

Martha's Vineyard Commission Letter

Member Cahill made a motion to transmit the letter to FinCom for further review. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Acceptance of a Donation for Animal Control Office

Member Cahill made a motion to accept the donation of \$200. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Budget, Town Meeting and Election Calendar

Mr. Grande presented the calendar which was also shared on the screen.

Member Cahill made a motion to approve the schedule as shared. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Cost of Living Adjustment

Mr. Grande explained that at a Personnel Board meeting it was recommended that the cost-of-living adjustment be 6.9% . This year the adjustment affects general union and Management & Professional employees but not the Police union employees. He stated that this information will be transmitted to the FinCom which will also be making a recommendation.

Member Cahill asked what the actual vote was at the Personnel Board meeting.

Pamela Bennett responded that it was 2 in favor and 1 opposed.

Member Cahill made a motion to recommend the cost of 6.9%. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

MEETING MINUTES:

September 28, 2022

Member Cahill made a motion to approve the minutes of September 28, 2022, as presented. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

BILLS PAYABLE

Tisbury School Invoices

Carroll's MVRT \$270.00

Daedalus CHA 39235-18 \$18,000.00

Daedalus CHA 39235-19 \$18,000.00

Member Cahill made a motion to approve the Tisbury School Invoices as presented. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

9.15.22 \$31,343.75 10.4.22 \$1,611,853.45 10.11.22 \$135,613.79 10.18.22 \$264,967.93

Member Cahill made a motion to approve the bills payable as presented. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

PAYROLL

10.6.22 \$366,862.32 10.13.22 \$146,043.47

Member Cahill made a motion to approve the payroll as presented. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

PROSPECTIVE MEETINGS SCHEDULE AND AGENDA ITEMS

Joint Meetings

November 2 Board of Assessors

November 7 Tisbury School Committee and Tisbury School Building Committee

November 10 Planning Board

November 30 William Street Historic District Committee

November 9 Regular Select Board Meeting

November 3 Beach Road Weekend Public Forum

MEETING ADJOURNMENT

Member Cahill made a motion to adjourn. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Meeting was adjourned at 5:56PM.

Meeting Minutes Recorded by Executive Assistant Elena De Foe

Meeting Minutes Approved 12/21/2022



Roy Cutrer
Vice Chair

John Cahill
Clerk