

## TISBURY BOARD OF SELECTMEN MEETING MINUTES

Tuesday, March 26, 2019 at 5:00 PM

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

**Members Present:** Melinda Loberg, Tristan Israel, James Rogers

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

### **PUBLIC HEARINGS**

5:00 PM Public Hearing to review and consider NSTAR Electric d/b/a Eversource petition to install approximately 110 O' of conduit and cable under town side of road on Greenwood Avenue to provide underground service to the customer at Lot 26-D-34

Jessica Elder, Eversource representative present at the meeting. Abutters were duly notified. Ray Tattersall, DPW Director reviewed the petition and did not raise any issues regarding the proposed work. No public comment.

***Member Rogers motioned to close public portion of the hearing. Member Loberg seconded the motion. The motion was unanimously approved.***

***Member Rogers motioned to approve petition as presented. Member Loberg seconded the motion. The motion was unanimously approved.***

5:05 PM Public Hearing to review and consider NSTAR Electric d/b/a Eversource petition to install 1 New pole labeled 102/10 in the public way on the corner of Franklin and Center St and to install anchors on pole# 102/9 and 102/11 on Center Street, Vineyard Haven.

This is at petition was submitted at the towns request. After the review the DPW director recommended to withdraw Town's request to Eversource for a petition for the installation of the new pole at the corner of Franklin and Center Street. ***Member Loberg motioned to withdraw this request. Member Rogers seconded the motion. The Motion was unanimously approved.*** No hearing

5:10 PM Public Hearing MA to review and consider Harbor Use Permit Application for AirBNB Service.(Applicant withdrew application for Harbor Use Permit. The hearing is cancelled)

5:15 PM Public Hearing to review and consider proposed changes to the Waterways Regulations

### **Page 2 INTENT DEFINITIONS:**

Melinda Loberg stated that definition of inactive vessel needs to separate the vessels that are not in regular use versus vessels that are not operational.

Phil Hale stated that definitions were based on the state definitions. Lynne Fraker stated that "inoperable" should be replaced with "inactive". Jeff Cahna suggested that both defections inoperable and inactive are needed.

Doug Reece inquired on the reasoning why definition of the houseboat needed to include language regarding multifamily habitation.

### **Page 2 WATER SPORTS WATER SPORTS:**

Comment from the public highlighted a need for the commonality of regulations between Town of Oak Bluffs and Town of Tisbury regarding water sports and use of jet skis in the Lagoon Pond. Another public comment asked what are the legal requirement for prohibitions of jet skis and what tools does harbormaster have to enforce the regulations pertaining to the personal watercraft use.

### Page 3 USE OF VESSEL AS AN ABODE:

Member Rogers expressed following concern regarding this proposed section: change language from "town recognizes" to "town recognize". Leaving the approval for the use of the vessel as a live aboard up to Harbormaster without defining a criteria used for such approval sets a predicament for the Harbormaster for making fair and universal decision.

Matt Hobart suggested to place following language "At the Harbormaster's request all vessels shall be required to leave its mooring and transit the body of water in which it is moored and return to its mooring to prove the vessel is operable under its own power. (voted 10/17/2018)" under the definitions section.

Doug Reece raised a concern over the effect that live-a-board will have on the quality of water and urged to prohibit live a boards in the Lagoon Pond.

Maura Valley, Town Health Agent, inquired on the year -round availability of the pump out boat over to properly service all live a boards. Jeff Cahna stated that there are other wastewater technologies available. Ben Robinson stated that big portion of the regulations is dedicated to setting standards for safety and sanitation procedures.

Jerry Goodale stated that holding tank requirement is included further in the document.

James Tilton agreed with Mr. Reece, stating that even with the regulations in place discharges directly to the water do happen and it negatively affects the quality of Town's ponds.

Member Loberg stated that this proposed amendment is a significant change to the Town Regulations as it was previously prohibited activity. Member Loberg believed that there is not enough structure to allow this to occur.

Matt Hobart stated that the regulation talks about the means that will allow harbormaster to enforce proposed amendments and encouraged Board Members and public to look at the regulation as a whole.

Lynne Fraker agreed with Mr. Hobarts opinion.

Member Israel informed Board Members that during a process of developing proposed amendments, a public outreach by the Harbor Planning Committee had brought a significant turnout of the proponents of the live a board. This proposal came out as a result of the public hearing process.

Matt Hobart stated his belief that people who interact with waterbodies are more conscious of the quality of water and other environmental impacts.

The survey done previously by Town Consultants showed a support for live a boards.

Member Israel stated that discussion on the Live a Boards can always go out for more community conversation and feedback.

### HOUSEBOATS:

B) Include "in the inner harbor"

### FLOATING BUSINESS (new section)

Member Rogers raised concern over a long timeline for recommendations of the Harbor Management Committee.

Member Loberg suggested that language stating that floating businesses are not transferable, can't be replaced if damaged and can't sustain substantial alterations be added to the section.

Comment from public suggested for the harbormaster to establish the record of all existing floating business.

Ben Robinson suggested to remove word "carefully" under subsection d.

Tom Perry stated that he would like to see more structure and guidelines for this section.

Town Administrator stated that floating business might be permissible through harbor use permit application process.

Glenn Pachico asked to allow transfer of the floating business within family.

Rachel Ore raised a concern that this section is creating a separate type of the property.

Comment from the public asked if destroyed floating business be allowed to be rebuild.

#### **Page 3 VESSELS AT ANCHOR:**

James Tilton concerned about ability of the Town to enforce proposed amendments.

Robert Douglas not in support of restriction on the anchorage time.

Rebekah Eldery stated that to comply with this section the vessel just has to move periodically.

#### **Page 4 TOWN PIERS:**

Lynne Fraker stated that most of the language in this section has been repositioned to eliminate repetition.

#### **Page 4 OWEN PARK PIER REGULATIONS:**

Lynne Fraker stated that section "Town pier use violation" subsection 6 should state December 15. Under Lake street section subsection 7 needs to be removed.

The language under Penalties is not new just was moved.

#### **Page 11 MOORING REGULATIONS – Item 7:**

10 b add "release form" instead of just "release"

20.2 Member Rogers suggested to add a requirement for a minimum value liability insurance and listing the Town is second insured.

21. Under Swivel Section add swivel after word galvanized.

As time and experience dictate the Harbormaster may modify these regulations as necessary. Take out "modify" and put in recommend "changes to"

ELASTIC RODE; The elastic rode shall come from a reputable manufacturer. Jerry Goodale explained the need for the word reputable came from the experience with alternative moorings used that were in violation of the standards.

Member Loberg stated that Board Members have strong intentions to finalize those recommendations and are appreciative of the committee's effort and dedication that went into creating proposed amendments.

***Member Loberg motioned to continue public hearing to review and consider proposed changes to the waterway's recommendations to May 14<sup>th</sup> at 5PM and encourage public to submit written statements and opinions to be presented during the continued hearing the Board of Selectmen's Office by 12pm on Friday, May 10<sup>th</sup>. Member Rogers seconded the motion. The motion was unanimously approved.***

## TOWN ADMINISTRATOR REPORTS

### Proposed Concert Series Update

Town Administrator informed Board Members of the outcome of the telephone conference between Innovative Arts representatives and key department heads held last Friday. All logistic involved in the traffic control, parking, stage location will be finalized at least two months in advance and report will be provide to the Board during second meeting in May. Nothing definitive on the alcohol sales. The phone conferences are scheduled on biweekly basis.

Member Israel was concerned over the lack of the progress. Member Rogers encouraged Town Administrator to keep board updated and stated that the town should not be organizing the event and responsibility for the logistics of the event should remain with the promoters. Board Members asked to have a report from safety departments regarding the event .

## DEPARTMENTAL REPORTS

### Finance Department: Dukes County Regional Housing Authority Payment

Member Israel stated that Board voted to make a payment to DCRHA unless there were legal reasons not to issue said payment and expressed his interest in the reasons why the accountant's office still have not processed said payment. Town accountant, Suzanne Kennedy, stated that the DCRHA budget for FY18 was discussed on February 22, 2017 at a joint Board of Selectmen and Finance Committee Meeting. At that meeting, after considerable discussion, it was unanimously decided by the Selectmen and Finance Committee that the DCRHA Administrative costs would no longer be paid in a lump sum at the beginning of the year. Payment would be made quarterly following submittal of an invoice by the DCRHA itemizing actual expenses incurred during the quarter, with copies of actual payroll and invoices supporting the request attached. David Vigneault was present at said meeting. Ms. Kennedy had provided DCRHA with a list of documents she needs in order to process a check for reimbursement. Requested documents were never submitted. Ms. Kennedy was confident that the Town should not continue paying the lump sums to any agency unless the reporting improves. Member Rogers raised concerned that since this appropriation was not conditioned at the Town Meeting the Town does not have enough ground to withhold payment from DCRHA.

## BUSINESS LICENSES RENEWAL

### **Common Victualler License:**

Not Your Sugar Mama's LLC, 79 Beach Road

***Member Loberg motioned to approve Common Victuallers Licenses as stated above. Member Rogers seconded the motion. The motion was unanimously approved.***

### **Class II License:**

Atlanta Island Auto Rental Inc., 4 Water Street

***Member Loberg motioned to approve Class II Licenses as stated above. Member Rogers seconded the motion. The motion was unanimously approved.***

## PROSPECTIVE MEETING AGENDA(S)

### CORRESPONDENCE RECEIVED

### ADMINISTRATIVE SESSION

Signing of Conservation Restriction: Water Wagon Road, Tisbury

***Member Loberg motioned to sign conservation restriction for Water Wagon Road. Member Israel seconded the motion. The motion was approved.***

Meeting Minutes Approval (9.18.18/10.2.18/10.9.18/10.17.18/10.23.18/11.13.18/11.27.18/12.11.18/1.8.19/1.15.19/1.22.19/1.29.19/2.6.19/2.14.19/2.20.19/2.27.19/3.8.19/3.12.19/3.19.19)

**Member Loberg motioned to approve minutes as stated above except march. Member Israel seconded the motion. The motion was approved.**

Cemetery Deed Lot Mo. 58 Refund Request

**Member Loberg motioned to approve refund request for cemetery deed lot no.58. Member Israel seconded the motion. The motion was approved.**

Payroll #03/21/19 \$120,432.80

**Member Loberg motioned to approve payroll as stated above. Member Israel seconded the motion. The motion was approved.**

Bills Payable #03/12/19 \$812,237.02

Bills Payable #03/19/19 \$175,837.96

**Member Loberg motioned to approve bills payables as stated above. Member Israel seconded the motion. The motion was approved.**

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

## **EXECUTIVE SESSION**

Vote to go into Executive Session pursuant to M.G.L. c. 30 A, Sec. 21(a), 6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

James Rogers – Aye

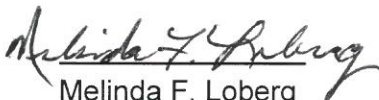
Tristan Israel - Aye

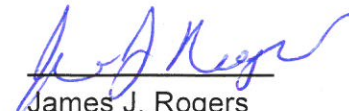
Melinda Loberg- Aye

The meeting adjourned at 8:45pm.

Respectfully submitted by  
Alexandra Kral

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Tristan R. Israel  
Chairmen

  
Melinda F. Loberg  
Vice Chairmen

  
James J. Rogers  
Clerk