

TISBURY SELECT BOARD MEETING AGENDA
Wednesday, December 21, 2022, at 3:30 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 3:00PM.

EXECUTIVE SESSION

ANNOUNCEMENTS

Chair Cutrer announced that the board has voted to release Executive Session minutes of May 24, 2017 and December 15, 2017.

MEETING MINUTES

October 12, 2022 October 26, 2022 November 2, 2022 Joint meeting with Board of Assessors
November 3, 2022 Beach Road Music Festival Public Forum November 2, 2022
November 7, 2022 Joint meeting with School Committee and School Building Committee
November 9, 2022 December 2, 2022

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

PUBLIC HEARING:

4:00 PM Public Hearing to amend the All-Alcohol Regulations by deleting the requirement that alcoholic beverages be consumed with meals only

John Grande presented the two sections to be amended as follows:

STATEMENT OF PURPOSE AND FINDINGS

As authorized by Chapter 187 of the Acts of 2009, Chapter 360 of the Acts of 2016, Chapter 196 of the Acts of 2022, and the applicable provisions of State law, the Town may issue licenses to sell alcoholic beverages to qualified individuals or businesses that have an acceptable plan of operation. In addition to demonstrated character, successful applicants must satisfy all zoning, septic, and other public health and safety requirements as a precondition to the issuance of a license to sell alcohol.

- As approved by the voters at the Annual Town Election of 2008, ~~and~~ the Annual Town Election of 2017, and the state election in November of 2022, the Board of Selectmen is authorized to grant annual and seasonal licenses for the sale of all alcoholic beverages to be consumed on the premises of restaurants, including those within inns and hotels, with a seating capacity of not less than 30 persons, ~~to be consumed with meals only and only by patrons who are seated at dining tables.~~
- Prior to the issuance of a license or a renewal of a license, an applicant must submit certificates of inspection from the Building Inspector, Fire Department and Board of Health.
- These rules and regulations are supplementary to any statutory requirements of the Commonwealth of Massachusetts and to the rules of the Commonwealth's Alcoholic Beverages Control Commission.

RESTAURANT DINING AREAS - SERVICE OF ALCOHOL MEAL

~~No patron shall be served an alcoholic beverage until such time as the patron is seated for a meal. The Board reserves the right to approve a licensee's menu and further define what constitutes a meal consistent with these policies, rules, and regulations, in particular that the service of alcoholic beverages shall be secondary to the primary purpose of service of food. Single servings of soups, side salads, other side dishes, or desserts shall not be considered a meal, except that this requirement shall not preclude multiple servings to a patron from the above list or like items from constituting a meal. A meal shall not consist of items such as potato chips, corn chips, nuts, pretzels or other so-called "snack foods" customarily served with alcoholic beverages in a bar or cocktail lounge or any other edibles that are served gratuitously with alcoholic beverages. Menus shall reflect the requirement that alcoholic beverages may only be ordered in conjunction with the~~

~~consumption of a meal. Meals must be served on solid dinnerware with flatware. No disposable plates or plastic cutlery are permitted, except where State law requires. In all cases, however, alcoholic beverages must be delivered to the patron table by a waitperson.~~

p. 16, Private Functions – numbered paragraph 1.

1. Food service is required at a private function where alcoholic beverages are to be served. For the purpose of this regulation, the term "food service" shall be the preparing, sale, service, dispensing, distribution, and/or delivery of food which shall include hors d'oeuvres, sandwiches, soups, prepared foods, salads or desserts. (Related Amendment – delete first sentence)

Town Attorney David Doneski recommended that the related sentence on page 16 should probably remain there since that would allow for private functions at which only alcohol is served. If you take it out, you will be allowing private functions to have alcohol only served.

Jeff Kristal stated that eliminating the food requirement helps the pro-business environment in the town.

Member Cahill made a motion to adopt the changes as recommended by Mr. Grande and Town Attorney David Doneski.

Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Rich Saltzberg asked if after the vote was taken would current license be empowered to enjoy the benefits of serving alcohol with no food?

David Doneski responded that those who want to benefit from the amendment would need to communicate that to the board. The Board may issue with the renewals a notice to the license holders that the vote following the legislation of 2022 will cover all the license.

Cutrer and Cahill confirmed that that is the intent of the board.

4:15 PM Continued Public Hearing to discuss the classification of the tax rate and the allocation of local property classes for Fiscal Year 2023

The Public Hearing was continued at 4:19PM.

Jon Snyder, Finance Director stated that the Town has received certification from the Department of Revenue. He shared his screen (Appendix A). The total levy is \$31,083,198 across the three property classes. The rate would be \$6.73 for the three classes if no shift and residential exemption were adopted. Mr. Snyder continued to explain that the residential exemption is currently at 18% and if we continue with that the rate will be \$7.22. The Residential Exemption discount for each qualified property will be \$1,836.

Abbe Burt asked why is the Board not in favor of commercial shift?

Mr. Snyder explained that if we impose a commercial shift that will raise the taxes on the commercial properties with minimal financial impact to the Town.

Jeffrey Canha stated there will be a burden to the commercial properties if the Residential Exemption is raised.

Mr. Snyder explained that Mr. Canha's statement is incorrect. The residential exemption affects only the residential properties.

Member Cahill made a motion to take no action to execute a commercial shift. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Josh Goldstein expressed that he is not in support of raising the residential exemption and burdening the non-resident tax payers more.

Chair Cutrer expressed his personal believe that the residential exemption should be raised. He would like to increase it to 22%. He stated the exemption have not been raised it in 8 years when the cost of living on the island has been increasing.

Mr. Snyder explained that if the Town raises the exemption to 22% that will give an additional \$300 to the qualifying properties and will burden the other properties with about \$100 more.

Mr. Grande asked how much would the school add to the tax bill?

Mr. Snyder responded that the school project will add around \$300 dollars which a residential exemption of 22 % would cover.

Abbe Burt stated she supports the exemption being increased to 22%.

Mac Schilcher stated he encourages the board to raise the exemption to 22% and maybe peruse the residential exemption for people who rent their homes to year-round residents.

Carol Adelson urged the board to not have a residential exemption at all. She believes it is taxation without representation.

Louise Clough supports the exemption being raised to 22%.

Member Chill made a motion to close the public portion of the public hearing. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Member Cahill made a motion to raise the exemption to 22%. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Mr. Snyder informed the board that the Town has an excess levy capacity of \$1.78 million.

LICENSE RENEWALS

Common Victualler License Renewal-Copper Wok, 9 Main Str

Common Victualler License Renewal-K.R.S Inc d/b/a Woodland Vineyard and Grill, 455 State Rd, Unit 4

Common Victualler License Renewal-Santoro Seafood Inc d/b/a Net Result, 79 Beach Rd

Common Victualler License Renewal- Daniele's Fuel Inc d/b/a Scottish Bakehouse, 977 State Rd

Common Victualler License Renewal-Porto Pizza, 36 Water Str

Common Victualler License Renewal- Sate Road Restaurant LLC d/b/a Beach Road Restaurant, 79 Beach Rd

Common Victualler License Renewal- Rory Roka LLC d/b/a La Choza, 4 Main Str

Common Victualler License Renewal- Black Dog Bakery Café, 509 State Rd

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

Lodging House License Renewal- Larry Gomez, Greenwood Bed and Breakfast, 40 Greenwood Ave

Lodging House License Renewal- Simon Hunton, Nobnocket Boutique Inn, 60 MT Aldworth Rd

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

All-Alcohol License Renewal-Golden Bull Brazilian Steak House

All-Alcohol License Renewal-Copper Anchor

All-Alcohol License Renewal-Black Dog Tavern

All-Alcohol License Renewal-Waterside Market Lasoffita At

All-Alcohol License Renewal-Mikado

All-Alcohol License Renewal-Beach Road Restaurant

All-Alcohol License Renewal-Salvatore's Restaurant

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

Wine and Malt License Renewal-Little House Café

Wine and Malt License Renewal-Black Dog Bakery Café

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

Auto Rental License Renewal-Vineyard Enterprises Inc d/b/a Budget Car Rental, 27 Lake Ave

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

Class II License Renewal-McCurdy Motorcars, 15 Lyle Ln

Class II License Renewal-McCurdy Motorcars, 199 Beach Rd

Class II License Renewal- Autoeuropa of Martha's Vineyard, 356 State Rd

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

TOWN ADMINISTRATOR REPORT

Emergency Medical Services Agreement Fire Chief

Member Cahill made a motion to approve the agreement with Fire Chief dated December 21, 2022. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.

Martha's Vineyard Regional High School- Regional Agreement (MVRHS)

Mr. Grande explained that we received a warrant article for the feasibility study and the formula was established prior. The Town pays 22.89%.

Cable Agreement
Tabled.

Patient Centric Amended Agreement

Jonathan Silverstein addressed the changes of the amendment. He explained that on November 9, 2022, a new legislation went into effect. The legislator altered the provisions to prohibit the impact fee as a percentage of revenue and it has to be documented by actual expenses to the municipality. There is a 5-year cap on the current agreements. It prohibits any other contributions such as habitable payments. In the new contract these payments were kept but as a voluntary contributions. **Member Cahill made a motion to approve the second agreement as drafted by special council Jonathan Silverstein. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.**

BILLS PAYABLE & PAYROLL

Bills Payable & Payroll noted in the packet.

APPROVAL OF CEMETERY PLOT(S)

Plot 21C Coconut Ave
Plot 19 & 21 Poplar Ave

Member Cahill made a motion to approve the listed cemetery plots. 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 Meeting with FinCom December 21, 2022 at 6:30PM
January 11, 2023 Regular meeting

MEETING ADJOURNMENT

Member Cahill motion to adjourn the meeting. Chair Cutrer seconded the motion. Roll Call Vote. The vote was 2 in favor, 0 opposed, and 0 abstained.
Meeting was adjourned at 5:11PM

Meeting Minutes Recorded by Executive Assistant Elena De Foe

Meeting Minutes Approved February 8, 2023



Roy Cutrer
Vice Chair



John Cahill
Clerk

Appendix A

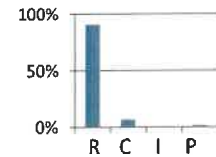
Calculations for Property Tax Rates

FY2023

12/21/2022 10:13

This reflects certified RE values as of 12/21/2022

	Value	% of Total	Levy	Millage
Residential	4,210,004,229	91.15%	28,331,744	
Commercial	317,513,739	6.87%	2,136,748	
Industrial	7,340,100	0.16%	49,396	
Personal Property	84,003,227	1.82%	565,310	
Total	4,618,861,295	100.00%	31,083,198	6.73
Increase over prior year	35.2%		16.0%	



Commercial Shift

If increase non-residential levies by some percentage, what is impact?

Can increase non-residential levies a maximum of 6%.

	Shift of	0%	Levy	Millage
Residential	100%		28,331,744	6.73
Commercial	100%		2,136,748	6.73
Industrial	100%		49,396	6.73
Personal Property	100%		565,310	6.73
Total	100%		31,083,198	

Commercial Shift of 0%

Avg House Value	1,435,392
Tax before shift	9,660
Tax after shift	9,660
Difference	-
	0.0%

Results in shift of 0% of residential levy to other classes.

Residential Exemption

Step 1

	Value	# Parcels	Avg Value
Total Parcels	4,210,004,229	2,933	1,435,392
Eligible Residents		1,100	
Estimated Value of Eligible Parcels			1,578,931,010
x Exemption Percentage			18.0%
= Total Exempted Value			284,207,582

Exempted Value \$ 258,371

Step 2

Residential Millage Rate must increase so total levy remains the same.

Given a commercial shift of 0% (from above)

then residential levy is 28,331,744

Adjusted residential property value is

Total 4,210,004,229

less exemption 284,207,582

= Adjusted base 3,925,796,647

New millage 7.22

Average Residential Tax Bill \$ 10,364
Tax value of exemption \$ 1,865.44

Increase in millage rate 0.49 (over rate after commercial shift.)

For a non-resident property, this increase in millage rate results in a 7.3% increase.

Example

Given a commercial shift of 0%

Example			Prev. Millage	New Mill.		
			6.7300	7.2200		
Given a commercial shift of 0%						
	Prop. Value		Prev. Tax	New Tax	\$ Difference	% Difference
Non-Resident	\$ 988,400	\$	6,652	\$ 7,136	\$ 484	7.3%
Resident	730,029			5,271	(1,381)	-20.8%
(same property, but valuation is \$258371 lower)			difference	\$ 1,865		

Breakeven point, where resident starts paying more than he would have without the exemption: \$ 3,807,018

Average property value as of 12/5/2022 1,574,725 (excludes land, condos & mixed use.)
Median Property Value per Vision as of 12/5/22 988,400 (excludes land, condos & mixed use.)

**Tax Bill on Parcel with Residential Exemption
For a house with a value of \$988400**

		Commercial Shift			
		0%	2%	4%	6%
Residential Exemption	0%	6,652	6,642	6,622	6,612
	10%	5,906	5,897	5,880	5,872
	12%	5,754	5,738	5,729	5,721
	14%	5,591	5,583	5,567	5,559
	16%	5,433	5,425	5,410	5,402
	18%	5,271	5,256	5,249	5,234
	20%	5,106	5,092	5,085	5,071
	21%	5,015	5,008	5,001	4,987
	22%	4,930	4,924	4,917	4,903
	23%	4,845	4,838	4,832	4,818
	25%	4,678	4,665	4,659	4,646
	35%	3,767	3,757	3,752	3,742

		Commercial Shift			
		0%	2%	4%	6%
Residential Exemption	0%	1,381	1,371	1,351	1,342
	10%	635	626	609	601
	12%	483	467	459	450
	14%	320	312	296	289
	16%	162	154	139	131
	18%	-	(15)	(22)	(37)
	20%	(165)	(179)	(186)	(200)
	21%	(256)	(263)	(270)	(283)
	22%	(341)	(347)	(354)	(367)
	23%	(426)	(433)	(439)	(452)
	25%	(593)	(606)	(612)	(625)
	35%	(1,504)	(1,514)	(1,519)	(1,529)

		With 0% Commercial Shift			
		Annual Property Tax		Residential	Total Res.Tax
		Resident	Non-Res.	Mill Rate	Collected
Residential Exemption	0%	\$ 6,652	\$ 6,652	\$ 6.73	\$ 28,331,744
	10%	\$ 5,906	\$ 6,909	\$ 6.99	\$ 28,331,744
	12%	\$ 5,754	\$ 6,968	\$ 7.05	\$ 28,331,744
	14%	\$ 5,591	\$ 7,018	\$ 7.10	\$ 28,331,744
	16%	\$ 5,433	\$ 7,077	\$ 7.16	\$ 28,331,744
	18%	\$ 5,271	\$ 7,136	\$ 7.22	\$ 28,331,744
	20%	\$ 5,106	\$ 7,196	\$ 7.28	\$ 28,331,744
	21%	\$ 5,015	\$ 7,215	\$ 7.30	\$ 28,331,744
	22%	\$ 4,930	\$ 7,245	\$ 7.33	\$ 28,331,744
	23%	\$ 4,845	\$ 7,275	\$ 7.36	\$ 28,331,744
	25%	\$ 4,678	\$ 7,344	\$ 7.43	\$ 28,331,744
	35%	\$ 3,767	\$ 7,660	\$ 7.75	\$ 28,331,744