



## **TISBURY SELECT BOARD MEETING MINUTES**

**Wednesday, March 8, 2023 at 4:00 PM**

**Roy Cutrer, John Cahill, Abbe Burt**

### **HYBRID MEETING**

**SELECT BOARD MEMBERS PRESENT:** John Cahill- Zoom remote participation, Roy Cutrer- in person participation, Abbe Burt- in person participation

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

### **CALL TO ORDER**

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

### **ANNOUNCEMENTS**

### **DISCUSSION SESSION**

#### **Lake Tashmoo Anchorage Moratorium**

John Crocker stated that the Division of Marine Fisheries did a side sonar in Tashmoo in 2021 and took actual pictures. They determined that there is a lot of eel grass in Tashmoo and there are varying degrees of eel grass in that anchorage area. The majority of us are in agreement that there needs to be some management of the issue. Mr. Crocker presented three ways of mitigating the issue. Keeping the boats away from the grass, moratorium on anchorage or putting guest moorings up to 3 vessels per mooring. We would provide space for up to 18 vessels which could be spread out.

Roger Moffatt asked if the grass is harmed despite the anchoring.

Crocker responded that no it is not possible to say if it is or not. Maybe there would be more eel grass if there weren't boats. He explained that to charge for the moorings the Town will need a permit and if they are unpaid, they can be installed immediately.

Member Burt asked where can people go to the facilities on these boats?

Mr. Crocker responded that not every boat has facilities on it. The Town is going to install toilets at the Lake Street landing.

Mr. Grande stated that written comments were received and will be entered into the record at the next meeting.

Danielle Ewart read the letter she sent 3.8.23. She believes anchoring should be prohibited in eel grass and in Lake Tashmoo as a whole.

Lynne Fraker stated that most of the anchoring in Tashmoo was eliminated except for two areas. There was no new eel grass. There are larger problems in the Lagoon and there is no anchoring there. She believes the number of boats anchored should be managed but they are not harming the environment. The area can be marked and should be managed. The Chanel should be marked clearly. It is a state pond and should be enjoyed by everybody.

Danielle Ewart stated the former Shellfish Committee wanted to see no anchoring in the pond. It went back to the harbor management committee and from there it went nowhere.

Member Burt stated that Edgartown placed a moratorium to the Cape Pouge area.

Jeffrey Canha stated that Tashmoo was a freshwater lake getting breached and opened again. The owners around begged the town to open it to flush it out. I don't think anybody wants to anchor in eel grass. There is plenty of room for anchoring where there was no grass. It has to do with the water quality not the anchoring.

Mike Schiltcher stated that there is no nitrogen reduction on the top part of the lake even with the anchoring moratorium. He asked Mr. Grande what the thread to the pond is and the quality-of-life issue? Mr. Schilcher is for keeping the anchoring at Tashmoo.

Mr. Grande responded that there are no facilities. It is too heavily used. We have an obligation to the people that live in and area and pay taxes to the Town. That does threaten their quality of life. There are no guarantees boaters will use the facilities on land. We need to manage this more directly. The ability to manage it has not been effective. We have some beautiful locations, and we need to protect them from overuse. Tashmoo should not be put at risk while things are sorted. We should do a temporary moratorium. What are we going to do with the upcoming season.

Rick Homans stated he lives on lake Tashmoo. I see the boats that come in on the weekend. It really doesn't bother me too much but the big issue we see is the eel grass and the study published in 2022 the grass was patchy, and the prior surveys were not able to compare to this one. The grass is threaded by nitrogen levels. We want to make sure we do not get to a tipping point with no coming back. We support the harbormaster's proposal. There is a lot of tearing involved in anchoring and if it is anchored in the eel grass it will be damaged.

**No action was taken.**

## **DISCUSSION SESSION AND POSSIBLE VOTES**

Opt Out of Vote By Mail, Annual Town Election May 9, 2023

Hillary Conklin stated that every town election we come with this request. There is still going to be absentee voting. We have never allowed a vote by mail for town election. Hillary this is only for the Town elections.

Vice-Chair Cahill asked what are the other towns doing?

Ms. Conklin responded we don't seem to have a call for this in our Town. 2022 we only had 500 something voters. Cahill suggested to broaden the prospective by mailing voting.

Ms. Conklin responded that there are time issues with the Post office and the ballots don't get to where they are going. She showed some ballots that took 13 days to come back.

Cahill believes the national trend is to include voting by mail and broaden it.

**Cahill made a motion to opt out of vote by mail for the annual town election May 9, 2023. Burt seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.**

*Special Town Meeting Warrant Article – Add Parcels To Sewer District*

Jared Meader, Wastewater superintendent stated that a lot of flow was freed up and he is trying to look at the system in its whole rather than districts. The department is applying for Massachusetts works grant.

Member Burt read the addresses as presented in the Article.

**Burt made a motion to add the warrant article to the Special Town Meeting Warrant as read. Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.**

Melinda Loberg asked if parcels are being removed from the district and are there any vacant parcels in the additions?

Jared Meader responded no only additions to the system no subtractions. Yes, there are vacant parcels.

*Relocation and Date Change of August's First Friday Event*

Greg Leland, Fire Chief explained that the Town was approached by a private owner who would pay for fireworks at a private event. The ask is for the First Friday to be a Saturday rather than Friday so it can benefit from the fireworks.

Burt stated the rest of the letter says that there will be closure of Beach Road which he believes is not a great idea. Cahill stated that this is for a private event, and it is very kind they are offering it for the Town and I agree with Abbe it is a big ask to close the road.

Mr. Leland explained that as a private citizen he has the right to have the fireworks privately in the harbor. We could still be dealing with the issues of people stopping at the road and still have issues. The ask is that the Town will opt into it.

Chair Cutrer believes this will bring more business to the Town.

**Cahill made the motion to approve the relocation of First Friday. Cutrer seconded the motion. Roll Call Vote. Cahill Ney, Burt Ney, Cutrer Aye. The vote was 1 in favor, 2 opposed, and 0 abstained.**

## **ADMINISTRATIVE SESSION AND POSSIBLE VOTES**

Gift Acceptance, Douglas Bardwell, Bottom Survey Lake Tashmoo Dinghy Project

**Burt made a motion to accept the gift. Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.**

Award Tisbury School Bond, Twenty-six Million Dollars

Jon Snyder, Finance Directo stated that Tisbury has offered \$26 million to supplement the school project. These series of votes will be to approve the lowest interest bidder.

Burt made the motion to approve and confirm the sale of the \$25,235,000 General Obligation School Bonds (Unlimited Tax) of the Town dated March 15, 2023 (the "Bonds"), to Fidelity Capital Markets, a Division of National Financial Services LLC at the price of \$25,717,252.82 and accrued interest, if any. The Bonds shall be payable on March 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2024	\$390,000	5.000%	2037	\$ 765,000	4.000%
2025	410,000	6.000	2038	795,000	4.000
2026	435,000	6.000	2040	1,685,000	4.000
2027	460,000	6.000	2041	895,000	4.000
2028	490,000	6.000	2042	930,000	4.000
2029	515,000	5.000	2043	965,000	4.000
2030	545,000	5.000	2044	1,005,000	4.000
2031	570,000	5.000	2045	1,045,000	4.000
2032	600,000	5.000	2046	1,085,000	4.000
2033	630,000	5.000	2049	3,530,000	4.000
2034	660,000	5.000	2051	2,595,000	4.125
2035	695,000	5.000	2053	2,815,000	4.250
2036	725,000	5.000			

Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.

Burt made the motion that the Bonds maturing on March 15, 2040, March 15, 2049, March 15, 2051, and March 15, 2053 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due March 15, 2040

<u>Date</u>	<u>Principal Amount</u>
March 15, 2039	\$825,000
March 15, 2040*	860,000

Term Bond due March 15, 2049

<u>Date</u>	<u>Principal Amount</u>
March 15, 2047	\$1,130,000
March 15, 2048	1,175,000
March 15, 2049*	1,225,000

Term Bond due March 15, 2051

<u>Date</u>	<u>Principal Amount</u>
March 15, 2050	\$1,270,000
March 15, 2051*	1,325,000

\*Final Maturity

Term Bond due March 15, 2053

<u>Date</u>	<u>Principal Amount</u>
March 15, 2052	\$1,380,000
March 15, 2053*	1,435,000

Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.

Burt made a motion that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 22, 2023, and a final Official Statement dated March 1, 2023 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.

Burt made a motion that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement. Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.

Burt made a motion that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time. Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.

Burt made a motion that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws. Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.

Burt made a motion that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures. Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.

Burt made a motion that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. Cahill seconded the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.

#### **TOWN ADMINISTRATOR'S REPORT**

##### **Signed Treasury Warrants**

Payroll Warrant	2.9.2023	\$371,043.95
Bills Payable Warrant	2.7.2023	\$246,414.26

##### **Grande read the signed warrants.**

##### *Restaurant Temporary Closure – Salvatore's, 20 Union Street*

Grande explained this is a notice from Salvatore's Restaurant that they are temporarily closing due to renovations. The notice is required per Alcohol Regulations.

##### *Vineyard Wind, Marine Terminal and 69 Beach Road Projects, Update*

Grande explained that a press release was posted. The problem with the link will be corrected tomorrow. Richard Andre stated they will be notifying all the abutters on Beach Road and Lagoon Pond Road of the development of the project and next steps.

##### *Beach Road Weekend Music Festival, Update*

Grande explained the Town is working through the emergency action plan submitted by Beach Road Music Festival and working on refining staffing and looking to get a tabletop exercise to apply a real-life scenario to the action plan. Massachusetts Emergency Management Agency will also participate in the tabletop and offer support.

*Coastal Zone Management Coastal Resiliency Grant, Update*

Mr. Grande explained this is a multiyear effort. There are going to be a joint meeting with climate committee and others with Applied Coastal Solutions, John Ramzey.

*Annual Town Meeting Warrant Articles, Update*

Board had no questions.

PROSPECTIVE MEETINGS SCHEDULE AND AGENDA ITEMS

March 15, 2023

MEETING ADJOURNMENT

**Member Burt made a motion to adjourn the meeting. Vice-Chair Cahill second the motion. Roll Call Vote. The vote was 3 in favor, 0 opposed, and 0 abstained.**

The Meeting was adjourned at 5:33PM.

Meeting Minutes Recorded by Executive Assistant Elena De Foe,

Meeting Minutes Approved August 9, 2023

  
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Roy Cutrer  
Chair

  
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John Cahill  
Vice Chair

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Abbe Burt  
Clerk