



Town of Tisbury
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TOWN ADMINISTRATOR REPORT

February 8, 2023

MassDOT Beach Road Project

The Massachusetts Department of Transportation bi-weekly construction meetings for this project have concluded. The remaining utility poles have been removed from the harborside.

The Town now benefits from unobstructed five-foot wide sidewalks on both sides of the road from five Corners to Tisbury Market. All sidewalks are ADA compliant. No longer are utility poles sitting in the middle of undersized three-foot sidewalks. The five-foot sidewalk does continue one side, parallel to the Lagoon Pond to Winds up. The construction of the sidewalk was to town spec which provides contrasting color to the paved roadway surface, which is beneficial at night.

On both sides of the road to Winds Up are five-foot bicycle travel lanes.

All drainage structures were repaired. The new pavement surface provides greater pitch to direct stormwater runoff to these structures. The area of over-wash at Vineyard Script has been mitigated by the installation of an engineered berm and curb which include soft and hard improvements.

The utility poles were removed on the harborside from the shell station to the seawall. The utilities are now underground on the Lagoon Pond side at Packers property all the way to the Bridge.

The Town had installed new decorative streetlights along Lagoon Pond to match the streetlights installed as part of the Lagoon Pond Bridge project. Massachusetts Department of Transportation followed with that theme to Tisbury Market.

New crosswalks, pavement markings and traffic control signs have been installed.

Landscape replacement plantings plus new plantings have been installed.

Lake Tashmoo Pump-out Boat

Wednesday, February 1, 2023, Harbormaster John Crocker, informed me that a deep survey of the Lake Tashmoo pump-out boat was completed by the Martha's Vineyard Shipyard. The boat's hull requires repair. I am not certain of the boat's age, but the

hull has been previously repaired and hairline fractures exist. The hull is aluminum. The Harbormaster stated that the hull will likely last two years. I queried the Harbormaster as to guarantee for the hull from the Shipyard and that the town is unlikely to receive such a guarantee.

After further consideration, the Harbormaster is recommending replacing the boat. The lead time to order and manufacture the boat is six to eight months. The funding cycle for grants is next fall and winter. The primary concern is providing pump-out service in Lake Tashmoo. Please be aware that the harbor pump-out boat is not able to transit the waters in a timely manner to serve Lake Tashmoo.

While the pursuit of the replacement boat is made by the Harbormaster, I will be meeting with him this week to see what he has identified as options for the upcoming high season. This could include portable pump-out service at the dock or possibly trailering the existing pump-out boat to Lake Tashmoo and requesting assistance from others to provide pump-out services in the harbor. I will keep you aware of how this unfolds.

Special Town Meeting Warrant Article, Charter Review Commission

I understand that the town considered a home rule charter back in 1986 which was not approved by Town Meeting.

I have consolidated the determination of need for a home rule charter as a first step for the Charter Review Commission before proceeding to drafting a home rule charter. However, I believe the need is clearly present and described by the findings to be made by the Commission, as described within the warrant article. Therefore, the first step you may not find is necessary to include in the purpose statement of the Commission.

I would like for you and others to consider this draft warrant further before taking a vote on it. My intention is to bring it back in final form following Town Counsel review at your scheduled meeting on February 22, 2023. The final draft will likely include more language changes and possibly additional related warrant article.

Amendments to Waterways Regulations

The following policy questions from your public hearings on the proposed amendments to these regulations were forwarded to the Waterways Committee for consideration.

Policy Question One:

Live-a-Boards: The Tisbury Harbormaster Office is structured both in terms of staffing and budget to serve principally to serve a seasonal recreational boating community. The existing regulations are drafted with this purpose in mind as evidenced by the examples below from the existing regulations.

USE OF VESSEL AS AN ABODE The use of vessels in Tisbury as a permanent or long-term abode is specifically prohibited. Sleeping aboard

vessels is allowed as a secondary use to the vessel's principal commercial or recreational use (i.e.: cruising).

Boats will be allowed to anchor for up to three days in all Tisbury Waters

The regulations also require winter staking, removal of dinghies and kayaks. Further, the harbormaster pump-out vessels and patrol boat come out of the water for maintenance and/or relocated to a safe haven during the off season. There is a commensurate reduction in staff off season. During the high season, the regulations did not anticipate the use of recreational boats at mooring in the harbor as long-term abodes.

The proposed definition for "Live-A-Board" is not a regulation and the language that states more than two weeks should be located elsewhere in the Waterways Regulations. The regulatory objective as proposed is to allow for more than two consecutive weeks for a vessel to be used for sleeping accommodations in the inner harbor within the town mooring field. In addition to the concerns referenced above, the town will be exposed to potential liability if live-a-boards are allowed in the winter months within a town mooring field by regulation. There is no town benefit to allowing it and everything to risk and therefore no public benefit is served. The alternative however is to allow the current practice of live-a-boards at private docks/marinas to continue and expressly prohibit it during the winter months within town mooring fields or at town facilities.

The proposed amended language by staff to the regulations restrict vessels being used year-round. Further, the regulations eliminate the merging of the live-a-board (a use/activity) versus houseboat (at type of vessel), which are reflected in these amendments. The existing houseboat vessel in the harbor was to be grandfathered and the regulations as further amended achieve that objective.

The existing regulations online restrict boats at anchor to 3 days. The proposed regulations increase the number of days to 7. What is the benefit of increasing the number of days to 7?

Policy Question Two:

Why is it not in the town's interest to expand versus restricting the use of conservation moorings. Why is it not in the town's interest to have marinas and mooring owners do not follow the manufacturer's installation and maintenance guidelines. What is the town's benefit to restricting private marinas from using conservation moorings as they see fit so long as the manufacturer's guidelines are followed.

Policy Question Three:

The proposed section on Floating Businesses is new. How is the town interest served by allowing for non-water dependent vessels and uses to proliferate within town waterways? The town allows for commercial moorings for water-dependent uses already. This is a big policy shift and should be taken up in the Master Plan process for discussion and review. The Master Plan is currently underway, since nonwater dependent vessels and uses has both building code and zoning implications as to use of town waterways. Alternative language is proposed to not permit non-water dependent vessels and uses in Tisbury Waterways.

I have asked the Finance Director to also review the regulations as to budgetary impacts in terms of changes in the method of managing moorings, abatements, and payments. The Harbormaster will address the management of the regulations.

In closing the enforcement of the regulations have been problematic and unclear. There needs to be more clear enforcement protocols and procedures. Any amendments to the regulations need to enhance enforcement versus making it more difficult.

MassDOT Downtown Drainage Projects

Monday, January 30, 2023, the Massachusetts Department of Transportation held a 25% design public hearing on proposed drainage improvements at 21 Beach Road, the former site of the Fire Station. I served as a panelist. The public hearing was well attended.

The presentation included the proposed improvements to the drainage outfall at the end of Beach Street Extension and included a review of drainage studies back to 2018.

The work at 21 Beach Road is proposed by Massachusetts Department of Transportation to mitigate flooding and more positively control the rate, volume, and quality of runoff. This first phase of the overall drainage project would include additional drainage catch basins that have been needed upstream of five corners to intercept sheet stormwater runoff during storm events. The additional capture of stormwater via these new catch basins would then direct stormwater runoff to a series of subsurface drainage strictures that would have the total basin capacity to hold 150,000 gallons of run off (a 5 to 10 year storm frequency) and further infiltrate the stormwater to ground.

The construction of this drainage would preclude any future building structure being constructed on the surface. However, the plans have been to date that this property continue as a pocket park and/or off-street municipal parking, since it visually and physically connects the downtown to Veterans Park. These drainage improvements would be subject to a permanent drainage easement. The Town would be expected to maintain the drainage system which involves visual inspection and being vacuumed out once a year as other catch basins are done annually by an off-island service.

The outfall pipe, phase two, is more complex due to potential impacts on navigation and more permitting and approvals that would be required. At a prior meeting, a public viewing platform owned by the town within the right-of-way that extends into the harbor and suspension of any new outfall from it has been put forward versus suspending from a private pier, since the town as it does today would be maintaining it, since this portion of Beach Road is a local public way.

During the hearing, the disrupted drainage system between five corners and the Lagoon which runs parallel generally to Beach Road and Lagoon Pond Road was raised as a potential part of the solution to mitigating the impacts of stormwater runoff and flooding.

I will be looking to follow up with Massachusetts Department of Transportation to pursue the lower outfall with a greater sense of urgency and consider alternative solutions with them and local interested town and island officials of the course of workshop meeting(s).

Fiscal Year 2024 Budget Update

Last Wednesday, the Town Accountant informed me of the town's levy capacity based on the requests in the preliminary fiscal year 2024 budget. The levy capacity had shrunk to under two hundred thousand dollars. The town should be striving to preserve a levy capacity of at least one million dollars. The recommended floor is six hundred thousand dollars for levy capacity. Based on this information, I requested the Finance Director to notify the Finance and Advisory Committee directly concerning the need to find budget reductions to increase the town's levy capacity going forward. This is critically important since we do not want to enter a future fiscal year by being so constrained financially. Further, the state budgets and what we receive is still fluid and the little levy capacity we have presently would in all likelihood not leave the town with an adequate levy capacity buffer going forward and the town would be in a situation that compelled it to revisit the fiscal year budget.