

Present: J.B. Riggs Parker, Warren Doty, Frank Fenner, Tim Carroll, Sam Bungey, Brian Cioffi, Karen Corriveau, Jeff Day, Andrew Goldman, Shelia Mauldaur, Dardy Slavin, Jack Shea, Jonathan Revere, James Weiss, Jen & Lev Wlodyka.

Mr. Parker called the meeting to order at 7:30 p.m. in the Selectmen's Meeting Room.

Mr. Parker called for any changes or corrections to the June 2, 2009 Board of Selectmen meeting minutes. After some discussion the Selectmen decided to postpone the approval of the minutes until their next meeting.

Superintendent Weiss: Pine Street MVSSU Office & MVEA & MVTEA Negotiations Committee

Dr. Weiss outlined two options for the relocation of the current MVSSU office on Pine Street. First option would be to construct a freestanding building at the Martha's Vineyard Regional High School (MVRHS), and the second option would be to have a shared space at the old Edgartown Elementary School building. Mr. Weiss said the first step in the process of moving from the present MVSSU facility is to request permission from the Legislature to either sell or have a long-term lease at the Pine Street building. He went on to explain that approval of the Warrant Article would allow the Superintendents' office to request such permission from the Legislature. Mr. Parker asked Dr. Weiss where the funds would be allocated to from a sale or lease of the current MVSSU office. Dr. Weiss explained that the MVRHS District, which owns the facility, has agreed to earmark the funds from a sale or lease to refurbishing the old Edgartown Elementary School building, or to the construction of a new facility for the MVSSU. Mr. Fenner said that he would like to see a written plan for the process and proposal in order to have a thorough understanding of how this will impact the Superintendents' budget. Mr. Parker agreed that the Superintendents' office should present a business plan with projected pro forma costs compared to the existing facility costs.

Dr. Weiss addressed the letter he sent the Selectmen, on behalf of the School Committee, regarding negotiations with the five bargaining units that comprise the MVEA and the MVRTEA. The letter requested that the Selectmen designate a representative from the Town to work with the School Committee in the negotiating process. The Selectmen agreed to discuss who the representative should be and select the individual at the July 7, 2009 Selectmen's meeting.

The Selectmen asked Dr. Weiss to have the Warrant Article submitted by July 31, 2009.

Pole Grant Public Hearing

Mr. Parker opened the public hearing for a pole grant from NSTAR on Tabor House Road for the Middle Line Road affordable housing development at 7:45 p.m. and welcomed any comment from the public. Mr. Parker briefly described that three poles will be installed from the landfill entrance on Tabor House Road to Middle Line Road and then the power will run under ground up to the development. Karen Corriveau was present as a representative from NSTAR to address any questions. Shelia Muldaur raised concern that the poles would prohibit cable wiring being attached per the language in the grant. With no further public comment, Mr. Parker closed the public hearing at 7:52 p.m. Mr. Fenner moved and Mr. Doty seconded to approve the application on the condition that it is the Selectmen's intention not to prohibit cable or another utility being attached to the new poles. SO VOTED: Three Ayes.

Mr. Parker said that Executive Secretary, Tim Carroll, would serve as Clerk of Selectmen to sign documents for the pole grant process.

Housing Committee

Mr. Parker made note of the two topics the Housing Committee would be addressing; Draft Deed Rider(s) and an amendment to the Implementation Guidelines for Homesite Zoning Bylaw 6.9. At the request of Mr. Fenner, Mr. Goldman explained the amended Implementation Guidelines to clarify that the developer of an affordable housing subdivision of three or more lots cannot award the first and/or only homesite lot to someone of their personal choice. In the aforementioned scenario, the homesite lot would be awarded through a lottery conducted by the Selectmen; however, if there were to be a second lot the developer could award it to an eligible purchaser. Mr. Goldman said that there had been a public hearing held on the amended Implementation Guidelines for Homesite Zoning Bylaw and that the Housing Committee has not been unanimous in consideration of this subject. Mr. Parker pointed out that the proposal amounted to double jeopardy since the developer would first be required to provide a homesite and then would not be able to name the recipient as set forth in the By-law. Mr. Fenner asked Mr. Goldman to specifically address that the amended language does not exclude large landholders from personally designating one or two lots of their land to the recipients of their choice; for which Mr. Goldman said it did not. Not having a consensus amongst the Selectmen, Mr. Doty moved and Mr. Fenner seconded to reject the proposed amendment to the Implementation Guidelines for the Homesite Zoning Bylaw 6.9. SO VOTED: Three Ayes.

The Housing Committee discussion went on to address the draft Deed Riders for Healy and Slavin. Mr. Carroll suggested that the Selectmen discuss any issues or concerns with the draft Deed Riders while they are still in the draft stage and are not before them for a vote. Mr. Fenner expressed that he feels strongly that the Deed Riders should allow the property to be inherited by a spouse and/or children even if the inheritor financially does not qualify but abides by the other restrictions imposed. Mr. Parker agreed with Mr. Fenner that it would be good for the person receiving the lot but said that the bylaw would have to be revised in order to make that possible. Mr. Parker also brought into question whether or not the Town would still qualify for the ten percent affordable housing provision under 40B if the bylaw was amended to allow inheritors that do not financially qualify. Mr. Doty – language of 40B vague when it comes to ownership, more geared towards rental units. Island Housing Trust allows transfer of homes to heirs.

A lively discussion followed and Brian Cioffi, Jeff Day, and Lev and Jen Wlodyka all spoke in favor of resident homesites being inherited by heirs or spouses of the recipients.

Mr. Doty provided an update on the Middle Line Road (MLR) Construction Advisory Committee, which has scheduled to meet on the first and fourth Friday of each month. There are currently nine working wells and a tenth to be installed after the Board of Health and Conservation Commission meet to review the plan June 17. Once the tenth well is certified and approved by the Board of Health the subdivision plan can be filed with the Registry of Deeds and the Martha's Vineyard Commission. Once the subdivision plan is filed the development of the utilities and road specs can begin in order to have a call for bids.

Mr. Carroll said that the designer's contract is currently being worked on and is in the hands of the designer and his attorney, but that an Owner's Project Manager has to be selected in order to move on with any other projects at MLR. Mr. Carroll explained that under Owner's Project Manager Guidelines, a project manager has to be selected by a qualifications-based proposal process. Mr. Carroll requested that the Selectmen move to allow the MLR Construction Advisory Committee to develop a proposal for the MLR project manager's required qualifications to be advertised and then bring a recommendation to the Selectmen for the Owner's Project Manager. Mr. Doty moved and Mr. Fenner seconded to authorize the MLR Construction Advisory Committee to develop and advertise a qualifications proposal to secure an Owner's Project Manager for the Middle Line Road construction project. SO VOTED: Three Ayes.

Mr. Doty moved and Mr. Fenner seconded to authorize Chairman Parker to sign the AIA contract once amended changes have been made and approved by David Handlin as architect and Tim Carroll as chief procurement agent. SO VOTED: Three Ayes.

Mr. Parker received a letter from the Office of the Inspector General stating that Executive Secretary, Tim Carroll, had successfully completed a Public Contracting Overview certification program. Mr. Parker commended Mr. Carroll's accomplishment on behalf of the Selectmen.

Town Counsel Legal Opinion on DAS

Mr. Parker reminded everyone that on June 22, 2009 at 6:00 p.m. there will be a public information meeting at the Chilmark Community Center to address questions the public has with regard to the revised Distributed Antenna System (DAS) proposal from the American Tower Corporation. Mr. Parker made note that the Selectmen received a legal opinion from Town Counsel regarding the authority that municipalities have to resist cell towers being constructed in their towns. The legal advice from Town Counsel stated that when there is a significant gap in cell phone coverage, a cellular provider has legal rights to build a cell tower, and the Zoning Board of Appeals has very limited rights to determine the location of the tower. Mr. Parker stated that the distributed antenna system is being explored because it will provide coverage where there are currently significant service gaps, which would forestall cellular providers from being entitled to build a cell tower.

Offer of Employment to Brian Cioffi, Chilmark Chief of Police

The Selectmen signed Officer Brian Cioffi's offer of employment to serve as Chilmark Chief of Police.

Chilmark Police Update on Hiring a Patrolman

Officer Cioffi provided an update on the Chilmark Police Patrolman hiring process noting that the initial deadline to apply is June 19, 2009, and applications will be reviewed on June 20 or June 22 to develop a candidate pool to contact for interviews. Interviews will be tentatively scheduled for June 25 and Officer Cioffi requested that a Selectman, in addition to Max McCreery and Frank LoRusso from the Personnel Board, be present for the interviews that will be conducted by himself, Chief Rich and Sergeant Klaren. Mr. Parker asked Officer Cioffi what the desired number of interviewees was and if he was comfortable with the large group of interviewers. Mr. Cioffi stated that at least three interviewees were preferred and that typically police interviews are conducted by a panel of five to eight interviewers. Mr. Fenner volunteered to be the Selectman representative in the Patrolman hiring process. Officer Cioffi expressed that it is the Police Department's hope to have

the Selectmen appointment the Patrolman finalist at their special meeting on June 30, 2009. Officer Cioffi stated that if the proposed timeline is not achievable, the Police Department has hired temporary staff to fill in gaps in service.

Authorize Emergency Management Director to Sign Grants

Mr. Doty moved and Mr. Fenner seconded to authorize Tim Carroll, Emergency Management Director, to sign grants. SO VOTED: Three Ayes.

Lucy Vincent Cliff Safety Issue

Mr. Parker presented a picture to the Selectmen of a cliff at Lucy Vincent Beach that had eroded and formed a tunnel. Greatly concerned about the safety issue the tunnel provided to children and the like, Mr. Parker spoke to Beach Superintendent, Martina Mastromonaco, and had a sign installed immediately to make the tunnel prohibited to the public.

Mr. Fenner moved and Mr. Doty seconded a motion to proceed into Executive Session to discuss Land Acquisitions, Collective Bargaining and Labor Contracts. SO VOTED: Three Ayes.

Meeting adjourned.

APPROVED: September 1st 2009