

Aquinnah Board of Selectmen  
Minutes of Meeting 12/18/2012  
Aquinnah Town Hall Selectmen's Mtg Room

Members present: Spencer Booker, Chairman, Jim Newman, Beverly Wright

Also present: Adam Wilson, Town Administrator; Town Moderator Mike Hebert, Sgt Paul Manning

The meeting began at 5:00 pm

-1<sup>st</sup> on the agenda was a review of minutes from the 12- 04 Selectmen's meeting.

-Jim made a motion to accept the minutes from December 4th. Beverly seconded.

**The Board voted 3 -- 0 in favor. The motion passed.**

-1<sup>st</sup> item under New Business was adopting remote participation regulations. Spencer read the state statute.

There was discussion about the applicability of the regulations based on Town boards and committees dealing with geographical distance issues. Adam said the adoption of the regulations is for all boards and committees in town.

Jim made a motion to adopt the remote participation by-law. Beverly seconded.

**The Board voted 3 -- 0 in favor. The motion passed.**

-Next on the agenda was a request from the Tribe to have Bettina Washington represent the Tribe on the Lighthouse Committee. Spencer said that in continuing to foster the government to government relationship with the Tribe, the Board should approve the request. There was discussion about having other people joining the committee later on.

By consensus the Board agreed that any future additions to the Lighthouse Committee would be approved by them first and then approved by the Selectmen.

Jim made a motion to have Bettina Washington serve on the Advisory Lighthouse Committee. Beverly seconded.

**The Board voted 3 - 0 in favor. The motion passed.**

There was discussion about the proposed agenda for the Lighthouse Committee's 1<sup>st</sup> meeting scheduled for January 2nd. It was noted that if both Jim and Spencer plan to attend, Adam would have to post it as a Selectmen's meeting as well.

-Next on the agenda was consideration of the request from Jim Miller to serve as the Selectmen's Representative to the MVC. There was discussion about the rules of necessity and how no one has volunteered for the position. Jim stated that Jim Miller ran for an elected position and got 1,900 votes. Even though he lives in Edgartown, he works for the Tribe full time. Spencer read the MVC's charter language that states that a registered voter from the island and not from a specific town can be a Selectmen's rep to the MVC.

Beverly made a motion to appoint Jim as the Selectmen's representative to the MVC for 2013. Jim seconded.

**The Board voted 3 - 0 in favor. The motion passed.**

-Next on the agenda was rescheduling the Special Town Meeting. Jim wants to add on another special meeting so that the question of the town moving forward with the lighthouse move and the costs that could be incurred from the project is approved in advance by town voters. Mike said Town Counsel should be contacted to verify that it can be allowed to have two specials on the same night.

-There was discussion about what may have to be expended to accomplish the different phases of saving the lighthouse and who would end up paying for it. Jim felt if the Town ends up needing to spend money on the lighthouse committee's behalf, it should be approved at town meeting. There was discussion about how much the

committee might need and where it could come from. The method of accounting for expenses was talked about. Adam said already there was a substantial cost in advertising to create the committee. Adam said he'd contact Counsel to verify the legality of creating a second special town meeting to be piggy backed onto the rescheduled special and if so, would work on the warrant article for that additional meeting.

-The Board agreed to reschedule the postponed November Special Town Meeting to Tuesday, February 5<sup>th</sup> @ 7:00 pm. They also agreed to meet the second (8<sup>th</sup>) and fourth (22<sup>nd</sup>) Tuesdays in January.

-Next on the agenda was a request from the ACC for their Artisan's Festival to be held in the circle July 27<sup>th</sup>. Jim made a motion to allow the Aquinnah Cultural Center to hold its annual festival in the Aquinnah Circle July 27<sup>th</sup>, 2013. Beverly seconded.

**The Board voted 3 - 0 in favor. The motion passed.**

-Another request from the Tribe is to utilize the circle for their annual Powwow scheduled for September 7<sup>th</sup>. Jim said the powwow is usually the 2<sup>nd</sup> weekend in September. Adam said the Board can approve the request and always amend it if they need to change the date.

Jim made a motion to approve the request of the use of the Aquinnah Circle for the Tribe's Powwow Saturday, September 2<sup>nd</sup>, 2013. Beverly seconded.

**The Board voted 3 -- 0 in favor. The motion passed.**

-In the Town Administrator's report Adam told Board members that Lobsterville Road has been fixed and is once again two lanes passable. He stated the cost was just north of 30K to engineer survey and have White/Lynch repair and pave over the road. He explained that the Town chose to request emergency deficit spending from the DOR to take care of the problem. He hopes reimbursement will come from either MEMA or FEMA; the Town had applied for emergency funding after Hurricane Sandy. He said it has been a joint effort involving members of the Tribe's natural resources department, Highway Superintendent Jay Smalley, himself, engineer George Sourati and Terry at White/Lynch. The road is fixed and now attention has to turn to reconstituting the sand berm that washed away from the two storms. Adam said the Town should work with the Tribe to accomplish that goal.

-The Town's Christmas party is scheduled for this coming Sunday in the Old Town Hall beginning at 4 pm.

-Adam asked the Board to consider closing Town Hall on December 24<sup>th</sup>. The Personnel By-Laws calls for the Town Hall to be open for 4 hours on Christmas Eve. He said all other Town Halls plan on being closed that day and that it isn't worth it to heat the building for 4 hours with only two people coming in to work that day.

Beverly made a motion to close Town Hall all day on Monday, December 24<sup>th</sup>. Jim seconded.

**The Board voted 3 - 0 in favor. The motion passed.**

-Adam brought up the situation with Fred Croft and his denial of a commercial scallop license based on his lack of proof of residency the last 12 months. He reported that the application was incomplete because it was missing two signatures from other commercial fishermen verifying his residence status. He told the Board that Fred now has those two signatures. Beverly said if that's the case, he should get his commercial scallop license. Spencer said the Shellfish Committee needs to now review the application and make its decision formally to recommend or not to recommend. If they still don't want to recommend, Fred can come to the Selectmen for a final determination.

Adam said he'd contact the Shellfish Committee and let them know the application is complete.

-In Selectmen's other business, Beverly asked if there had been any response to the letter sent to Menemsha lot holder Camille Rose that the Board was not renewing her lease. Adam said he has sent the letter both through the regular mail and electronically and the only response from Camille was a request for the letter she sent to the Board back in June about her reopening her bait & tackle shop be received by a different file since she couldn't open the

pdf file Adam sent to her with the non renewal letter. Adam asked if the Board wants to take up consideration of selecting an individual from the waiting list to take over the lot. He said whoever gets the new lease will have to apply to the DEP and Army Corp of Engineers for a new floating dock. He also said there may be a need to make application with Chilmark since there is a Two Town Agreement in place on the issuance of new leases in Menemsha. There was discussion about Camille's lease ending on June 30<sup>th</sup>.

-Beverly asked who was 1<sup>st</sup> on the waiting list. Adam said it was Brian Vanderhoop. There was discussion about the use of the lot for commercial fishing. Spencer said the issue of the existing structure has to be dealt with 1<sup>st</sup>. The letter sent to Camille states that the building has to be removed by her at her expense with the expiration of the lease. If it isn't, the Town will remove it at her expense. Adam said the new lease holder may want to negotiate with Camille on purchasing the shed. He also said the Town might want to buy the shed and could probably utilize CPC funding since the structure has historical significance. He said he's talked with CPC Chair Derrill Bazy and was told the committee would consider it. Spencer said that it would be extremely beneficial for the Harbormaster to have an office in that area since that is where the department head conducts all his business.

-There was discussion about the Town having the right to take possession of the lot for municipal use. Adam talked about the State Act of '65 that granted the Lots to Aquinnah for commercial fishing purposes. Spencer said the Town having that lot can accomplish the regulation of commercial fishing by the Town and also have an individual engage in commercial fishing as well. Mike said the Town should have the 1<sup>st</sup> opportunity to keep the lot for municipal use. If the structure is sound, there's no better use for it than to have it be the Aquinnah Harbormaster's shed. The lot is town property, the town can make a determination what would be its best use. There was discussion about replacing the shed if Camille moves her structure out and how that could be applied for.

-It was agreed by the Board that the Town would not put the lot out for another lease again and instead utilize it for municipal purposes. Adam said he'd look into starting a negotiation with Camille to acquire the shed instead of her having to pay for its removal.

-Beverly asked if Counsel has given any feedback on the raising of rents for the Menemsha Lots. Adam said there has been follow up but nothing yet from Ron's office. There was also discussion about the gaming license court case and its status being continued to March.

A motion was made and seconded to adjourn.

**The Board voted 3 – 0 in favor. The motion passed.**

The meeting ended at 6:00 pm.