

Aquinnah Board of Selectmen
Minutes of Meeting 6/5/2012
Aquinnah Town Hall Selectmen's Mtg Room

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

Also present: Adam Wilson, Town Administrator; Police Chief Randhi Belain, Asst. Assessor Angela Cywinski, Hugh Taylor, Sgt Paul Manning, Theresa Manning, Julie Vanderhoop.

The meeting began at 5:30 pm

Under old business was a review of the minutes from the Selectmen's meeting May 1st.

-Spencer made a motion to accept the minutes as presented, Beverly seconded with an amendment that it's Donna & Gordon Perry.

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

The minutes from the 3/20, 4/3 & 4/12 Executive Sessions were also reviewed.

-Beverly made a motion to accept those minutes as presented, Spencer seconded.

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

Under New Business Jim took up the agenda item for a new chairman.

-Beverly made a motion to appoint Spencer as Board Chairman until June, 2013. Jim seconded.

The Board voted 2 – 0 - 1 in favor. The motion passed.

-Jim made a motion to appoint Beverly as Board Vice Chairman until June, 2013. Spencer seconded.

The Board voted 2 – 0 – 1 in favor. The motion passed.

-Next on the agenda was for the Board to meet with Asst. Assessor Angela Cywinski set the annual tax rate. Angela said since 98% of Aquinnah property is residential there is no need to have a commercial value shift. The excess levy capacity is \$63,625.91 – money that could have been spent but was not. The tax rate is \$3.93 per thousand for FY '12 - up from \$3.86 last year. Angela had the Board members sign off on the rate.

-Next on the agenda was the appointment of a special police officer by Chief Randhi Belain. He has one person to appoint. He introduced Maria Williams, who is a member of the Dukes County Sheriff's Department. She has worked at the communications center as a dispatcher for the last six years.

Beverly made a motion to appoint Maria as a special police officer until June of 2013. Jim seconded.

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

Beverly made a motion to go into executive session for the purpose of discussing strategy with respect to imminent litigation of the governmental body. Jim seconded.

Roll call vote was Jim "Aye", Spencer "Aye" and Beverly "Aye".

-The public meeting was suspended for the executive session.

-The Public meeting reconvened at 6:10 pm.

-The Board took up the issue of renewing the Menemsha Lease Lots. Adam stated that because two current users could not attend the meeting, it has been rescheduled to June 19th. Beverly asked if there can be consideration of raising the rent. Adam stated the annual \$450 rent hasn't changed in over a decade. He said the Lessees will be subject this year to a commercial property assessment for the existing structures and docks as well as a boat excise tax. There was discussion about use language that has been in prior lease agreements. Adam said the use language

has been applicable to those who are in current leases but would be more specific for commercial fishing should a new tenant be put in place with a new lot opening. He also said the language in the subletting paragraph comes straight from the Two Town Agreement between Chilmark and Aquinnah. Beverly asked if the original legislation should be changed or does the town seek to bring itself into compliance with the agreement with Chilmark. Hugh Taylor talked about how the '65 agreement was interpreted to allow only commercial fishermen the use of the available land. But how they used it was up to them. As a result, the Town required all the tenants to have commercial fishing licenses in order to comply with the act. As a result the lots have had over the years diversified uses. There was discussion on the commercial fishing industry today and who does devote all their working time to fishing. Adam talked about the two town agreement as being a compromise to prevent the area from becoming an MVC development of regional impact. Hugh asked if the lots have to go out to bid. Adam said they are below the assessed threshold for town property that needs to be bid on.

-Beverly felt the annual rent should go up \$100. Adam stated that the commercial assessment could come to \$100 in additional fees.

Beverly made a motion to raise the annual rent from \$450 to \$500 per year. Jim seconded.

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

-Adam talked about the leases being 5 years. This is consistent with other lease arrangements with the Homestead and the Cliff lots. Hugh said if a lessee performs well, he should have the right to a five year extension. Adam said that's in the proposed lease. Jim said he's going to stand firm in not allowing subletting or the sharing of the lots for the same purpose.

-The Board will take up the issue of the leases at their next scheduled meeting June 19th at 5:00 pm.

-Next on the agenda was a final review and adoption of the liquor license regulations. Adam said the regs were the work of the Youth Task Force and with components from the same regs adopted by Tisbury several years ago.

-There was discussion about the licensing process beginning in November with the ABCC and the licenses issued in April. The two seasonal licenses are renewed every November even though the establishments stop serving by October. Theresa said that a paragraph stating that the process starts in November for establishments opening the following April and running until October of the following year would suffice.

-There was discussion on hours for Sunday sales being different from the rest of the week. There was consensus that serving every day should be from 11 am to midnight.

-The group moved onto the Outermost Inn having a service bar as part of the restaurant. Hugh said he does not operate the area for the public to come and drink at; the bar is part of the restaurant operation. There were changes in the sections on Restaurant Service Areas and Restaurant Dining Areas – Service of a meal.

-Adam stated that the section dealing with Financial Statements going to the Selectmen wasn't necessary. It was deleted up to the point of requiring license holders providing documents annually to the Secretary of State.

-Julie pointed out that state law allows two drinks to be served at one time. The language would be changed to reflect that. Adam went over the fees the establishments are charged by the Board of Health and the Town. There was discussion about the loss of BYOB privileges at Hugh's place in that he cannot have both BYOB and a liquor license. Theresa said inn guests can drink their own alcohol but outside of the restaurant.

-Julie talked about the training program for servers and how that has been a successful program for getting assurances that people are legally served. Theresa said it was great to get the training done locally.

Jim made a motion to accept the Beer & Wine licensing regulations as amended. Beverly seconded.

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

-Moving back to old business, the Board took up the request for additional parking at the Circle. Randhi said he had scouted out several areas and determined that only the grass area across from the lighthouse walk up could be used for more parking. Adam said he did a site visit as well and has concerns that there is a parking "creep" factor

that is impacting the circle and could affect the cliff area and its DCPC status. Both he and Randhi said it would be best to come up with a long range plan and to have a committee look into how to best design the parking. Randhi said there can be more angled parking instead of parallel with a widening of the road. Adam said there needs to be a “bigger picture” look of the whole area. Randhi said there are more attractions that justify more parking but it has to be better planned out. Adam said he’d get back to the shop owners about their request. Paul said if the beautification committee could re-form, this could be done.

-Next on the agenda was the Fire Chief’s contract and appointment. Adam said there needs to be a vote to approve the contract. It was determined to be a one year contract. Language was eliminated for vacation and unused leave in the “Length of Contract” and “Professional Development” sections. There was discussion about having a passed physical exam when the contract is submitted with everyone’s signatures on it. There was discussion about life insurance and disability. Adam said volunteers are covered for medical and workers comp in case of injury. Death benefits are included as well.

Jim made a motion to adopt the contract as amended. Beverly seconded.

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

-Jim asked if Simon has to pay for his own physical or does the Town do it. Randhi said the Town should pay for it. There was discussion if all fire volunteers need physicals. Adam said it was in the old contract for Walter and Counsel kept it in. Jim said the Town can pay for it. Adam will look into other town requirements for physicals for Fire Department personnel, including the Chief.

-Adam gave his Town Administrator’s report.

1. Carl Widdess requests once again to allow use of the Circle for the antique car “Power Cruise” Saturday June 16th. Jim made a motion to allow the Power cruise June 16th. Beverly seconded.

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

2. The Board is invited to participate in the Edgartown 4th of July parade.

3. The Aquinnah/Gay Head community Association is having a general info meeting July 7th @ 22 Lighthouse Rd and their annual wine & cheese reception is August 13th at the Vanderhoop Homestead.

4. The position for the Community Review Board has been advertised. Deadline for resumes is June 15th

5. The committee to hire a new patrolman (Adam, Randhi & Alexandria Taylor) have met to review 12 applications and are moving forward to interviewing 4 candidates Saturday, June 16th.

-Under other Selectmen’s business, Beverly wants the Wisteria to be cut back/removed because it is damaging entrance area. She also wants work to be done to preserve the deck area until such time as there will be money to replace it. Some type of remedial work to prevent any further water damage.

-Adam introduced a slate of appointees from various volunteer boards and committees the Selectmen needed to reappoint for 2012 – 2013 + the summer employees Carolyn wants to hire (Attachment A).

Jim made a motion to approve the appointment slate for 2012 – 2013 as presented. Beverly seconded.

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

Adam will notify everyone that they have been reappointed for another year.

-Jim made a motion to adjourn. Beverly seconded.

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

The meeting ended at 7:45 pm.