

Aquinnah Board of Selectmen
Minutes of Meeting 1/08/2013
Aquinnah Town Hall Selectmen's Mtg Room

Members present: Spencer Booker, Chairman, Jim Newman, Beverly Wright,
Also present: Town Administrator Adam Wilson, Town Moderator Mike Hebert, Police Chief Randhi Belain, Sgt Paul Manning Wendy Swolinzky, Isaac Taylor, Fred Croft, Barbara Bassett, June Manning.

-The meeting began at 5:00 pm

-1st on the agenda under old business was a review of minutes from the 12- 18 Selectmen's meeting.

-Jim made a motion to accept the minutes from December 18th. Beverly seconded.

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

Under New Business was a meeting with Wendy about the lease lot she and Camille (Rose) have worked together. She handed out a site map showing the lots as they are mapped out on the Chilmark side of the Menemsha Creek. She explained how she has shared the use of Camille's abutting lot for her rental boat business.

-Spencer read into the record an e-mail from Camille stating that she intends to sell the shed that is on her leased lot to Wendy.

-Jim made the suggestion that there be a switch of lots. Wendy would take over the lease on Camille's lot + have the building as well. The Town would take control of the lot Wendy currently has. Wendy said Camille's lot only has 35' of water frontage and her lot has 78'. All the lots have 54' along the land except Camille's which is 36'. Wendy stated she uses 60' of dock, which wouldn't fit in Camille's lot. She suggested that she slide her whole operation down 35 feet and free up space between her and Lot C which is operated by Hollis Smith. There was discussion on whether or not the survey could be changed and who would change it. Wendy said the current survey's water frontage was done by Hugh (Taylor), to accommodate every lease holder's business needs.

The Board, by consensus, decided to take Wendy's proposed idea under advisement until the next Selectmen's meeting (1/22).

-Next on the agenda is the approval of the warrant for the 2nd special town meeting planned for Tuesday, February 5th. Mike reviewed the warrant, which has only two warrant articles related to the acquisition and relocation of the Gay Head Lighthouse. Adam explained that there will be two meetings that night; the first covering the articles in a special that had to be postponed due to a lack of a quorum in November and the second a ½ hour later taking up the lighthouse issue. Jim asked if the \$5K request for feasibility and planning would offset administrative costs for the Lighthouse Committee. Adam said the language in the Community Preservation Act allows this type of spending to occur for administrative purposes.

Beverly made a motion to approve the warrant as presented. Jim seconded.

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

The Selectmen signed the warrant.

-Next on the agenda was a meeting with Fred Croft over the issue of obtaining a commercial bay scallop license. Spencer said that Fred's application for the license had not been recommended by the Shellfish Committee. He said the initial submission of the application was returned to Fred because it was incomplete; it lacked necessary signatures from two commercial fishermen. When that was accomplished and then resubmitted, it was turned down for recommendation again due to a lack of proof that Fred had resided in Aquinnah for 12 consecutive months.

Adam explained that anyone who has been turned down for any kind of license or permit has the right to appeal. In this case the remedy for a denied commercial scallop license would go to the Board.

-Beverly said the time frame for residency is November of 2011 to November of 2012. She saw there was a gap in documentation from February 15th to the 1st of April. Fred said he spent two weeks of that time on his boat. When he found out that living on one's boat is against Town By-Laws, he made other arrangements. He produced an e-mail statement from Isaac Taylor that he lived with him for the month of March. Since April he has stayed at 81 Lighthouse Rd.

-Spencer read a statement from Town Clerk Carolyn Feltz that Fred was a registered voter in the town. He then read a letter from Buddy Vanderhoop (Shellfish Chairman) apologizing for not attending due to off island medical appointments and that his Committee still doesn't have proof of 12 month residency. He said that until proof is met, no license should be issued. Spencer read the shellfish regulations regarding the requirements of residency proof for 12 months in order to get a commercial bay scallop license.

-Beverly asked if the proof given by Fred has been determined unacceptable to the Shellfish Committee. Adam said there are documents being presented tonight that seem to close the residency gap. Isaac produced a letter signed by him and his wife stating that Fred had lived with them for the month of March. He said the committee knows that Fred has lived in town for a year. Fred also produced 3 vehicle excise tax bills he has received from the Town of Aquinnah for the last three years.

-Adam said if this information is being produced now, the shellfish committee should see it so they can reconsider recommending the license. Beverly said there's no language in the regulations for the Shellfish Committee to act on appeals. Fred said the only unaccounted time he was not in Aquinnah is the last week of February. He was away on vacation.

-Beverly said there can be an allowance in the residency requirement to have a vacation. Spencer said the black and white of residency proof is here in front of them. Adam looked at the long form and stated that the application seeks recommendation from the Shellfish Committee but license authorization comes from the Selectmen.

-Beverly made the motion to approve a commercial scallop license for Fred Croft for 2013. Jim seconded.

Jim said it should be approved. He's satisfied with statements from Sarah, Isaac and Hugh that Fred has lived in Aquinnah for a full year.

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

-Next on the agenda was the ratification of the Library Director's contract. Adam explained that the Library Trustees had worked diligently with Judy (Jardin, Town Benefits Administrator), and the personnel by-laws in crafting a contract that ties in with the different aspects of the benefits available and the classification of the position.

There was discussion about the role the Personnel Committee plays in hiring and oversight of human resources management.

Jim made a motion to ratify the contract as presented. Beverly seconded.

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

-In the Town Administrator's report. Adam read his review of unfinished/continued business for the Board for 2012:

1. Jim's appointment to the Tri-Town Committee expires Jan 17th. The Board will take up another reappointment at their 1/22 meeting;

2. There are other appointments to the up-island regional refuse district that will need reappointing in February;

3. Going back over the warrant articles from last May's ATM & STM –

A. Has the \$50K for the landfill repair happened yet?

B. Has the \$7,500 been spent for the freshwater well @ West Basin?

C. The warrant article to reprogram the radios has only been done for the police dept. and not yet for fire and ambulance.

D. The \$2,700 for Town Hall defibrillators has not yet been done. Adam said he'd follow up on that.

4. The Town Accountant's 3 year reappointment was contingent on a sign off of the job description. Adam reported that the JD has been finalized between Margie and the Personnel Committee but it's different than the one the Board looked at when conditionally reappointing her back in July. The Board wants to review the new JD and meet with Margie to discuss it at their 1/22 meeting before finalizing the reappointment.

5. Adam needs to do follow up on a potential zoning violation involving the soda vending machines adjacent to the Aquinnah Shop.

6. Minutes from 9/18 were never accepted.

7. The overnight parking of boat trailers at West Basin has not been resolved. Beverly says the are parked boats at West Basin – The Board will work with Randhi and Jay to get signage up that restricts overnight parking in that area.

8. Circle area improvements still to be done –

A. Informational signage (You Are Here)...Beverly

B. Trash removal policies for Lessees and other user groups...Spencer

C. New picnic tables...Adam

D. Path landscaping to the bathroom/turfstone...Spencer

E. Informational signage for the restrooms...Beverly

F. Informational signage for the Pay Parking Lot...Jim

G. Increase in the # of free parking space...Adam/Jim

9. Regarding Tribal requests, Adam said he still hadn't heard back about the poison ivy issue up at the cliff head and he got a phone call today from Richard Randolph about the 12/5 2nd letter asking for a meeting with Tribal officials to go over the public safety agreement to more clearly define the fire chief's role for the Tribe Community. In that call, Richard said, "If the Fire Chief needs to come on the property for an inspection, just give him a call..."

10. The Selectmen's representation to the Land Bank Committee is still up in the air.

11. The issue of loss of parking space at West Basin due to truck and trailer parking was still under advisement. There was discussion about what could be done to alleviate the problem and what could be created to allow separate parking areas for truck and trailer and regular motor vehicles.

-Adam said the solar array is active at the landfill and to set a date for a ribbon cutting ceremony. It was decided that 1/22 would be a good date and to have it at 10:00 am. Adam will contact Vineyard Power to let them know the date and time.

-Adam will attend the MMA conference Friday, January 24th and Saturday the 25th.

-Adam had a letter from Len Butler asking to be put on the Lighthouse Committee. Spencer read the letter.

There was discussion about referring Len to the committee or simply appointing him. There was discussion of how Board members voted everyone onto the committee at the last Selectmen's meeting.

Spencer made a motion to add Len Butler to the Gay Head Lighthouse Committee. Jim seconded.

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

-In Other Selectmen's Business, Barbara made a request that there be an acknowledgement of Joe Gonsalves's service to the Town as a police officer. She said flowers were sent to his family when he passed away but she would like to see a town official give an acknowledgement of the years he gave dedicated service to the town at the upcoming special. She said he was well loved. Randhi was asked but didn't know if he'd be available for the special town meeting in February. Spencer assured Barbara that someone from the town would speak on Joe's behalf.

-Randhi reported the update of the live fingerprinting scan machine. He said that the Town/Tribe Standard Operating Procedure Agreement is not being honored in terms of the Town having the machine vs the Tribe having it. He was 1st told by Tribal Officials that the Town would house the machine within the police station. Since the police already had access to state and federal registries, and the security clearance to utilize those data banks, the machine can be properly utilized at his work area. With the machine at Tribal Headquarters, it will be underutilized since the Tribe's personnel doesn't have clearance and will need to apply for additional grants from the federal government to obtain the modems necessary to access FBI and national sex offender registries that are part of the machine's usage. There was discussion about whether or not the police will have access to it. Randhi said it will be under the Tribe's control and training to use it will only be for five people. It was unknown who those five people would be.

Adam explained the SOP and the language in it that is ambiguous enough so that this machine can be located at either location. Randhi said he'd keep the Board informed as events progressed.

-Beverly reported that she has met with Randhi and Jay over the sign issue at the beginning of the road that goes up towards the cliff shops. She said all the existing signs will be removed and there will be only one sign stating "No Unauthorized Vehicles Between 10 am – 4 pm."

Beverly made a motion to adjourn. Jim Seconded
The Board voted 3 – 0 in favor. The motion passed.

The meeting ended at 7:00 pm.