

Aquinnah Board of Selectmen
Minutes of Meeting 5/21/2013
Aquinnah Town Hall Selectmen's Mtg Room

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

Also present: Adam Wilson, Town Administrator, Vern and Berta Welch, Carla Chuch, Chip & Elaine Vanderhoop, Hugh Talyor, Hollis Smith, Wendy Swolinzky, Gary Haley, Mike Hebert, Adrianna Ignacio. Attny Jeffrey Madison, Attny Erik Hammerlund, Tri-Town Chief Zeke Wilkins, Devin Balboni, Chief Randhi Belain, Sgt Paul Manning, Town Accountant Margie Spitz, Barbara Bassett, Zach Wallen.

The meeting was called to order at 5:30 pm.

-Under Old Business was a review of the minutes from 4-23 & 4-30.

Jim made a motion to accept the minutes from the two prior meetings. Beverly seconded.

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

-Jim brought up the fact that the Board changes chairmanship after the election.

-Jim made a motion to elect Beverly as Chairman of the Board for 2013 – 2014. Spencer seconded.

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

-Spencer made a motion to elect Jim as Vice-Chairman of the Board for 2013 – 2014. Beverly seconded.

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

-Next on the agenda was a meeting with the Menemsha lease lot holders. Adam said there had been discussion about changing the language in Section 13 of the lease dealing with shared usage. Beverly wanted to amend Section 4 dealing with general use saying that the lease requires lot holders to comply with marine uses under the zoning by-laws and asking if the language of the '65 Acts should be incorporated as well since it emphasized commercial fishing.

-Hugh brought up the fact that the Act conveyed the land to Gay Head for commercial fisherman to use. It does not state what they have to use it for. Adam read the language of the act.

“The aforesaid land at Menemsha authorized to be conveyed to the towns of Gay Head and Chilmark shall be reserved for and made available to commercial fisherman and shall in no event be sold or conveyed.”

-Spencer stated that if that is what the Act says, then everyone having a lease only need to be in possession of a commercial fishing license – what they do down at the Creek can be anything.

-Jim asked if the language in the lease prohibiting shared use should be changed and having it be allowed. Beverly said she's not in favor of changing the language – even though there have been violations of the leases with known shared usage; it's not a good reason to now allow it. Spencer said he could do away with the language because it's anti-business. There was no consensus to change the language of the lease to allow shared use.

-Next on the agenda was a vote to approve new lease lot holders. Beverly asked Brian if he had documents showing he was purchasing the shed and dock from the Murphy's. He produced paperwork saying that the negotiations were still ongoing but a sale was imminent. There was discussion with both Brian and Elaine on how they were acquiring the existing building and dock and getting it all done by June 30th. Elaine said the e-mail states that Murphy is handing over the lot's contents and not negotiating with any other party. Brian's getting the dock and the shed. The barge has been removed.

-Jim made a motion to award lot “F” to Brian Vanderhoop as of July 1, 2013. Spencer seconded.

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

-Adam said there is still a process to go through with Chilmark getting their approval for the new lease as well.
-Beverly asked that the new lease for Brian be for four years so that it will renew at the same time as the other existing leases. The other Board members felt the same way.

Beverly made a motion to have Brian's lease be for four years. Spencer seconded.

In the discussion Elaine argued that it should be five years because they are investing a lot into the existing structures. Spencer said the terms are fair and everyone will get renewed simultaneously. Jim asked Brian if it was okay to have the lease for four years instead of five. He said he had no objection.

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

The board next took up the Rose lot, lot "A", and its availability as of July 1st. Erik spoke to the Board stating he was representing Camille and asked the Board to consider giving her an extension of her lease until next April.

-There was discussion of the time frame the Board gave Camille to reestablish her bait and tackle business;
-There was discussion about how the lot was used for Wendy's business and not Camille's;
-There was discussion that the Board has requested meetings with Camille for 8 months and her failure to comply;
-The Chairman declined considering the request for another lease.

-Discussion then moved onto the shed on lot "A". Beverly opined that when the town becomes owners of the lot on July 1st, anyone's property on that lot has to be removed or it is forfeited. Wendy said she was now the owner of the shed. Beverly asked to see a copy of the purchase agreement. Wendy said she didn't want the document to be public. Beverly said she can redact the amount on the bill of sale; the town was only interested in actual ownership. Wendy made a copy of the agreement with the price blacked out and handed it in to the board.

-Jeffery discussed the history of cliff leases ending and lessees having to remove their property.

Beverly said it will have to be moved. Wendy said there are many state and federal regulations that will prevent her from moving it. She still wants to slide her docks down and operate from Lot A. She asked the Board to consider that option once again. She said the shed has historical value and shouldn't be taken away.

-There was discussion by several residents present that there has to be fair treatment by everyone who leases from the town. Jim asked if there had been any negotiation of shared use of the shed. Wendy said Vern's plans for the shed's use were too extreme and she couldn't accommodate him.

-Beverly made a motion to lease Lot A to Vern Welch but with a stipulation that there is a structure on it that has to be dealt with before July 1st. There was no second.

There was consensus agreement by the Board that Vern would get Lot A but it's not ready to have a new lessee.

-Beverly said she would contact town counsel and get an opinion as to what the town should do next.

-Next on the agenda was Randhi's introduction of Devon Balboni as a special officer for Aquinnah this summer. Devon is a junior at Westfield State College studying criminal justice and worked last summer for the Edgartown police department.

Jim made a motion to appoint Devin Balboni as a special police officer for the Aquinnah Police Department.

Spencer seconded.

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

-Adam introduced a slate of summer help Carolyn plans to hire for the beach, restrooms and parking lot.

Jim made a motion to approve the hiring of the proposed summer help for the town. Spencer seconded.

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

-Next on the agenda was the proposed loan agreement between the Tribe and Tri-Town for the LUCAS CPR machines. Chief Zeke Wilkins told the board all three towns have to sign off on the agreement in order for the ambulance service to receive the two machines the Tribe has that are currently being stored at tribal headquarters.

Board members reviewed the agreement that had been revised since it was 1st released. Jim said town counsel still has questions related to resolving disputes according to the laws of the Tribe of Gay Head/Aquinnah. No one in town or at Rappaport's office has seen those laws.

The Board, by consensus, agreed to sign off on the loan agreement once the issues with counsel have been negotiated and Ron gives the okay to go forward.

-Zeke also brought up the vote needed from the Board to approve the total transfer from Tri-Town's revolving account to fully pay for the new ambulance. He said each town has voted their additional share but the majority of the money comes from the revolving fund and has to be approved by each town.

Jim made a motion to approve the additional funds from the Tri-Town revolving account fund. Spencer seconded.

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

Zeke said the ambulance will be delivered by December.

-Next on the agenda was a request from the Tribe's Natural Resources Dept. to have informational signs put up at the Cliff Lookout. Beverly read a letter from the department saying they had procured from the National Park Service two informational signs called "waysides", that they want to install at the overlook. They are 24" high and 42" wide and will display info on the geological history of the cliffs and the Wampanoag Tribe.

There was discussion on approval also being needed by the Planning Board according to the sign by-law. Adam said the natural resources department will need both the BOS and PB approval but it doesn't matter who gives it 1st.

Jim made a motion to approve the sign request. Spencer seconded.

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

Adam said he'll pass along the request to the Planning Board.

Next on the agenda was an approval of the liquor licenses for the Aquinnah Shop and the Outermost Inn.

Jim made a motion to approve the licenses for both establishments. Spencer seconded.

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

Board Members signed off on the victuallers licenses.

-Adam showed the Board the next scheduled meetings of the Gay Head Lighthouse Advisory Committee. Beverly said the Selectmen are now in charge so who would be the Chairman.

Spencer made a motion to have Beverly be made chairman of the GHLAC. Jim seconded.

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

-Adam reported that there has been an extension of the commercial scallop season through the end of May. The request to extend was sent back on April 21st and was approved by the Division of Marine Fisheries but they never faxed back the approval so he forgot to bring it to the Board for their approval.

Jim said the previous approval identifies the adult scallops won't survive the winter so we should harvest as many as possible.

Jim made a motion to extend the commercial scallop harvest until the end of May. Spencer seconded.

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

-Adam reported that there is a contract in place to replace the town hall and police building's front doors.

-Adam reported that coverage has been set up for Library Director Lisa Sherman's maternity leave.

-The last agenda item was to go into executive session to negotiate a new police chief contract.

Beverly announced that the Board would not return to public session after the executive session.

Jim made a motion to go into executive session. Spencer seconded.

The roll call vote was Beverly (aye), Spencer (aye) and Jim (aye).

The meeting ended at 7:00 pm.