

Aquinnah Board of Selectmen  
Minutes of Meeting 6/04/2013  
Aquinnah Town Hall Selectmen's Mtg Room

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

Also present: Adam Wilson, Town Administrator, Vern and Berta Welch, Carla Chuch, Chip Vanderhoop, Wendy Swolinzky, Adrianna Ignacio. Attny Jeffrey Madison, Attny Eric Peters, Chief Randhi Belain, Jason Yanosick. Michael Stutz, Gary Haley. Sophia Welch. Martha Vanderhoop. Whitney Swolinzky, Giles Welch, Barbara Bassett  
\*Arrived after meeting started.

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

-Under Old Business was a review of the minutes from 5-21.

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

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

-The Board acknowledged that the second item under Old Business would take some time so they moved onto New Business to take care of that part of the agenda.

-1<sup>st</sup> item under New Business was a vote of the Board to extend the commercial scallop season. Adam reported that the Division of Marine Fisheries has granted the town an extension until June 15<sup>th</sup>. Brian reported that 5,000 bushels had been brought in this season, a record. He said that after the 15<sup>th</sup>, there will be none left worth harvesting.

Spencer made a motion to extend the commercial scallop season in Menemsha Pond until June 15<sup>th</sup>. Beverly seconded.

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

-Next on the agenda was a meeting with Betty Joslow to discuss the kid's summer swim program. She requested that Aquinnah police be at Hannah Malkin's driveway during peak drop off and pick up times for the swim program. Chief Belain said his staff will provide the necessary traffic control for the program.

-Next on the agenda was a request from Randhi to appoint a new summer police officer. Scott Yanosik was introduced and his resume was read into the record.

Spencer made a motion to appoint Scott Yanosik to the Aquinnah police force as a summer officer. Beverly seconded.

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

-Next on the agenda was a request from Kathy Newman to be appointed to the Martha's Vineyard Commission as the Selectmen's interim representative. Beverly stated that Jim Miller had resigned and it was important, at least having another person represent the Town to the MVC for at least the summer since there were important projects being heard.

Spencer made a motion to appoint Kathy Newman to the MVC as the interim representative for the BOS. Beverly seconded.

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

The Board moved back to Old Business and the issue of granting a new lease to Lot "A" in Menemsha Creek. Beverly apologized for Jim Newman's absence because of a town legal commitment in Boston. She read a portion

of the opinion from Attorney Dan Perry stating that the Board didn't need to inquire of the status of the shed on Lot A and could award the lease to the next person on the waiting list.

Spencer made a motion to award a Menemsha lease for Lot "A", to Vernon Welch. Beverly seconded.

There was discussion. Eric Peters spoke 1<sup>st</sup> as Wendy's counsel. He asked that the letter he had submitted a few hours prior to the meeting be considered by the Board. In it Eric wrote that if the Selectmen required Wendy to remove the shed she now owned on Lot A, that she be given several months in order to obtain the permits in order to do so. Wendy stated she needs to use the shed for the summer to run her business and then she'd move it after that. There was discussion about the shed and it being on the lot Wendy doesn't lease. Spencer asked if Vern could use Lot B instead. He stated he wants to lease lot A.

Eric stated that the permits Vern will need to run his aquaculture business will take over a year. There was discussion about the intent statements lessees have given and conditions to be met before obtaining a lease from the town. Jim San Fillippo said historically after the awarding of a lot, the former lessee is notified to remove their property or make arrangements with the new lessees to acquire the property.

-Vern requested a copy of the bill of sale Wendy submitted to the Board stating she bought the shack. Wendy talked about the history of how the current lessees had to get all the necessary permits for their docks before they were issued a lease.

Adam returned to the room with copies of the Perry letter. He was asked about the shed's bill of sale and stated that he was never given it when it was submitted by Wendy at the previous meeting. Eric said he'd have another copy made available.

Spencer asked if there's a way for Wendy to continue to operate her boat rental business and not have to close. She's been running her business for 14 years. Eric said Wendy's business pre-dates the current leases. He wants the Board to give Wendy time to move the building going beyond June 30th. There was discussion about the building being sold to the new lot holder (Vern).

Jeffrey Madison said the town should not get involved in personal property issues or create a stipulation in the awarding of the lot. It can be worked out among the two lease holders.

Beverly said counsel's opinion says award the lot and be done with it. The two lot holder's will have to work it out. Wendy stated that the building is an integral part of her business and it can't be moved in 30 days. She asked to let her run the business and then move the building in the off season.

Berta said allowing the use of the building on another lot will violate the existing lease in shared use and/or double use. There was discussion about what was said at the prior meetings. There was also discussion about the clause in all the leases that does not allow for shared usage and further violations possibly resulting in termination. Wendy said her shed is an improvement. She can be allowed the use of the shed if the Selectmen allow it.

-Spencer said the lease does not allow shared use and it has to be that way going forward. Eric said Wendy's request is only for a reasonable amount of time to make things right. He also said that the new use of Lot A will take time to establish.

-Berta asked that the Lot be awarded to Vern. The shack will take care of itself.

-The Board closed the discussion and moved to vote.

**The Board voted 2 – 0 in favor. The motion passes.**

There was discussion on the request made by Whitney to get a time extension from the Board in order to move the shed off of Lot A. Adam said the Board has yet to correspond with the owner of the shed indicating what they should do with it. He said June 30<sup>th</sup> should be the time for the Board to act, if it feels it needs to.

-At this point Selectmen Jim Newman joined the meeting.

There was discussion between Eric and the Board about what rights the lessor has regarding writing conditional language in leases. Wendy asked where awarding Lot A to Vern leaves her. She questioned Beverly's right to vote on the matter. Beverly asked why that was. Wendy said, "Because you're an employee of Berta's." Beverly

responded that she doesn't see the connection. She doesn't financially gain from awarding the lease to Vern and she ran for the position of Selectmen to serve everyone equally.

Wendy asked the Board if she will be allowed to use the shed for the summer and then have the time necessary to be able to get the necessary permits to move it. Eric asked that the two requests submitted in the letter he wrote to the Board June 4<sup>th</sup> needs a response. Spencer said that now that the Board has awarded the lot, a letter from the Selectmen will be written answering her two requests.

-Jim suggested that there be a meeting between the Selectmen, Vern and Wendy to see if the shed could be shared this season

-Next on the agenda was the Town Administrator's report. Adam said Marshall Lee had made a written request to join the Gay Head Lighthouse Advisory Building Sub-Committee. Beverly read the letter detailing Marshall's engineering background. Beverly stated that the committee has lost a number of members and it would be good to have Marshall on board.

Jim made a motion to appoint Marshall Lee to the Building Sub-Committee. Spencer seconded.

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

-Adam had a letter from Carl Widdess asking to use the Aquinnah circle once again for the annual roadster power cruise the weekend of June 15<sup>th</sup>.

Jim made a motion to approve use of the circle for the annual power cruise. Spencer seconded.

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

-Adam reported that a thank you letter had been sent to Martha Vanderhoop for her 9 years serving as a library trustee. He also said a letter had gone to the Tribe asking for an update on the safety concerns the Fire Chief had reported at the annual Tribe-Town Public Safety Meeting back in April.

-In Selectmen's other business, there was none. Beverly asked if there was anything else to report. Hearing none...  
A motion was made and seconded to adjourn.

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

The meeting ended at 6:45 pm.