

Aquinnah Board of Selectmen  
Minutes of Meeting 6/26/2013  
Aquinnah Town Hall Selectmen's Mtg Room

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

Also present: Adam Wilson, Town Administrator, Chief Randhi Belain, Chief Simon Bollin, Jay Smalley, Wendy Swolinzky, Whitney Swolinzky, Ted Camman, Attny Bob Oberkoetter, Assistant Assessor Angela Cwyinski.

The meeting was called to order at 8:30 am.

-1<sup>st</sup> item on the under New Business was a meeting with Fire Chief Simon Bollin. Simon came before the Board to discuss his current situation of having no follow up action from the cited safety concerns he presented at the public safety meeting with the Tribe in April. Adam stated that he has received the return receipt for the second letter he sent registered to Chairwoman Andrews-Maltais notifying her of the Fire Chief's ongoing concerns of the violations that exist on Tribal property. Simon said there's been no follow up to his stated and written concerns and he's questioning whether or not to continue serving as Fire Chief for the Tribe. He doesn't know what the next step is. He's concerned about the liability both the town and he personally has absorbed now that the violations are a public record. He brought up the question of whether or not the state fire marshal has jurisdiction of tribal property in addition to having jurisdiction over Simon.

There was discussion about Simon resigning as the fire chief for the Tribe and what impact that would have on emergency calls. There was discussion of him resigning affecting the public safety agreement (PSA). There was also talk of how that action could affect the settlement agreement as well. Jay suggested Town Counsel should talk with Bureau of Indian Affairs.

-There was discussion about revoking the PSA. Jay said that the settlement act has provisions allowing the Tribe to establish its own public safety system. Spencer said perhaps the State Fire Marshal should get a copy of the Settlement Agreement for review.

The Board asked Simon to get written correspondence from the State Fire Marshal's Office on their authority position with Massachusetts Tribes and then go from there. Beverly said she would then contact Town Counsel about whether there are stated issues in the settlement act that the Town must supply fire and police protection to Tribal lands

-Next on the agenda was a final review for the Police Chief contract. Randhi and the Board went over the amendments previously approved and added a few more. There was consensus that the contract was done.

Jim made a motion to approve the contract as presented. Spencer seconded.

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

-Under Selectmen's other business, the Board reviewed the request sent to BOA Chairman Michael Stutz asking for The Assessor's to reconsider the recent tax bill sent to Chilmark resident Jonathan Mayhew for property straddling the two town line. Beverly stated that the two Boards of Selectmen met in Chilmark and the request was to uphold a 4 decade old understanding between the two towns that the one shed owned by C. Rose (now W. Swolinzky) be assessed by Aquinnah and the other shed owned by J. Mayhew be assessed by Chilmark. Angela discussed the issue of boundaries. She said she tried to contact the Chilmark Assessors about the situation. Beverly said the BOA has the letter with the Board's recommendation to continue to allow the swap and that they'll wait to hear

how the Assessor's will respond. She asked Ted and Angela that the assessors vote and/or respond to the selectmen's recommendation be in writing and on the agenda for the July 2<sup>nd</sup> BOS meeting.

Beverly recognized Attny Bob Oberkoetter. Bob told the Board he has communicated with Attorney Dan Perry about some settlement between Wendy and the Town and to amend the current lease given to Vern Welch. He asked the Board if there could be a consideration of some type of allowance for the Book-a-Boat business to continue operating as it presently does since it is only a 2 ½ month business. He said if Wendy has to move the shed, it will be at considerable expense. *Wendy stated that she was ready to have a crane remove the shed off the lot Thursday if she had to.*

He asked the Board if they would go back to decision made on Jan 21<sup>st</sup> allowing her to move to Lot A.

Beverly said the decision to award Lot A to Vern has been made. No one had leases for years down in Menemsha so the course of action was to get everyone into a lease and to abide by them. There was discussion about non-compliance among the current leaseholders. Beverly said if she gets a complaint in writing about the lots being shared, the Selectmen will take up the matter.

-There was discussion about time frames revolving around the start of the new lease for Vern and Lot A July 1st. Spencer stated that Dan Perry did think that since the Board awarded the lot to Vern so close to the start of the summer season, they should grant a short period of time to Wendy so that she can reach a satisfactory arrangement with Vern on the future use/relocation of the shed. Jim said Wendy should be able to work out something with Vern. Wendy said she's tried to contact him but he's been unresponsive.

-Beverly said the Board is not going to vote to allow the shed's continued use on a shared lot. She also said that there will be no vote involving any action on lot A because Vern had not been notified that the Board was planning to do such. Adam emphasized that the discussion had come up under "other selectmen's business" and was not eligible for any kind of vote.

The subject of Wendy having more time to be allowed to move the shed over to Lot B was brought up. Adam opined that with her recent application to the Planning Board to do such, the town, in essence, has given an extension to her; the planning board won't take up her request until July 16<sup>th</sup>. He also said that another extension is forthcoming since Wendy will need to meet with ConCom as well, further adding to the time needed to move the structure off of Lot A.

Bob said the Board can take up the matter of amending Vern's lease since it will take him months to get the necessary permits to start his aquaculture business. The Board is allowed to do so under MGL Chapter 40, §3 on leasing land. Beverly again stated she won't make any changes to the Vern's lease unless he's present.

Wendy asked the Board to make a motion and vote to allow her more time to move the shed. Beverly said the Board should talk to Dan Perry 1st about the Selectmen allowing an extension of time in order for Wendy to get the necessary permits to move the shed. Bob brought up case law that allows for the establishment of a reasonable amount of time for a property owner to be able to comply with regulatory requirements in order to get a necessary permit or permits. Wendy said she's turning to the board for help because Vern is refusing to negotiate. Board members made suggestions as to how Wendy could establish communication with Vern.

In other Selectmen's business, Beverly asked Spencer and Jim if the sign used to promote the fundraising for saving the Lighthouse could be placed by the road side closest to the road that goes up to the Gay Head Light. Jim and Spencer had no objection. Adam said he would inform the Planning Board of the Selectmen's desire to put up the banner by the Gay Head Light roadway adjacent to the circle.

-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 9:45 am

