

Aquinnah Board of Selectmen
Minutes of Meeting 9/03/2013
Aquinnah Town Hall Selectmen's Mtg Room

Members present: Beverly Wright, Chairman, Jim Newman.

Also present: Adam Wilson, Town Administrator, PBPRC Members Peter Temple, Sarah Thulin, Joanne Bazy Fire Chief Simon Bollin, Vern Welch, Beverly Evans, Ellen Harrison, Jessica Roddy, Attny Eric Peters, Asst Assessor Angela Cywinski, Jon Posner

The meeting was called to order at 5:32 pm.

-1st on the agenda under old business was a review of minutes from 8/21.

Jim made a motion to accept the minutes of 8/21 as presented. Beverly seconded.

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

-1st item under new business was a meeting with the Planning Board Plan Review Committee members to discuss the Menemsha Lease Lots. Jim asked that this be just between the PBPRC Members and the BOS.

-Peter stated that his board needs to come to order since they had a quorum. He opened the meeting on behalf of the PBPRC regarding the Menemsha lease lots and the shed located in that area.

-Peter started off by saying that DCPC Coastal District regulations don't apply to that part of Aquinnah and in Menemsha in general. He said the by-laws don't have to be changed at all for a new structure to be built on lot B, (Swolinzky lot). Peter said that if the shed was removed from lot A, another one could be built to replace it but only to the extent of the space available that is in Aquinnah. Peter pointed out that the current shack on lot A is half in Aquinnah and half in Chilmark. Peter said if the PBPRC decides to move the shed then its replacement could only be built in Aquinnah, so the value of that lot is reduced. He said if it can't be moved then there has to be another decision about its future. That decision will have to be made by the Selectmen.

-Peter spoke of several different scenarios as to what could happen. Perhaps the town could buy it was one. It might have to be removed or it could stay where it is and have the lease holder on Lot A buy it and keep it as a town owned improvement.

-Jim asked if Vern could get permission from Chilmark for a new shack to be built on its land. Peter said there should also be consideration of the dock staying there as well. Peter said if the dock and pilings are there, it's a structure that is still in both towns. It can then be part of an expanding nonconforming use.

There was discussion about the shed becoming town property on July 1st if it wasn't removed. Beverly said attny Dan Perry's letter stated that the structure becomes the towns when the lease ends but some type of arrangement could be made to allow its continued use.

Sarah Thulin opined it's in the best interest for the structure and the docks stay where they are. She talked about the confusion the committee has in terms of actual ownership of the structures (shed and dock).

Beverly talked about the changing dynamic of new construction being allowed on the other lots. If Wendy can build a new shed on her lot, why then need to move the current one over? There was discussion about the shed ownership question being legally answered in October.

Sarah said that Vern and Wendy should have the right to share the usage until the legal matter is settled. Beverly pointed out that the leases prohibit shared use by the leaseholders. Jim said the Board should look into changing the leases so there can be shared usage.

-Angela announced that there is a new survey being done of the area in question and when it's complete, she will report its findings.

-There was discussion about what the May 28th legal opinion from Perry said and how it affects the PBPRC decision. Joanne expressed her concern that because the shed goes with lot A, and according to the legal opinion appears to be owned by the town since the former lease holder (C. Rose) did not have it removed by June 30th, the committee can't rule for a permitted change without ownership properly established. Joanne stated that there

should no longer be a sharing situation for any of the lease lots. Jim said the town doesn't want to have to police the lots as well to ensure sharing doesn't occur. Beverly said if the rules are for no sharing, then it has to be cleaned up. Down the road there can be a change to allow it but not until this issue is settled.

-Sarah talked about the fact that the PBPRC was caught between a rock and a hard place as to how to deal with the situation. What if it takes 2 -3 years to resolve the ownership situation? She said there may not be 5 members willing to vote to allow the building to be moved. Can there be an agreement for shared usage while the court case is settled? Beverly said the Selectmen have offered to mediate but only with the two lease holders, no lawyers. The parties said they'd meet but only with their counsel present.

-Adam and Peter discussed the time frame for the shed removal and Wendy's application to the PBPRC prior to June 30th.

-There was discussion about Wendy's statement in a prior BOS meeting that she could remove the shed prior to the deadline of June 30th.

Peter suggested there be a three way discussion that should go on about resolving the issue. Vern, Wendy and the Selectmen should talk about finding an answer to the problem together.

The PBPRC voted to adjourn their meeting.

-Next on the agenda was Fire Chief Bollin requesting a vote of approval from the Board for an island wide memorandum of understanding that brings a fire safety training council and keeping it on island so that public safety personnel can continue having training/education without having to go off island for it. He said it would be a blended program. He said he has the money in his budget for the start-up costs. Simon said there will need to be two certified trainers that can teach here on the island since the FD's on island are all volunteers. The MOU was drafted by Rappaport's office for West Tisbury's consideration but it will be signed by all the towns. The \$18K annual instructor's fees will be shared by all the towns and will pay for training regardless of the number of people who sign up. 2 instructors are certified by the state but a total of 18 instructors are involved with the class.

Jim made a motion to have the Town of Aquinnah participate in the island wide fire safety training program.

Beverly seconded.

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

Next on the agenda was a meeting with Jessica Roddy to discuss the 7 Families Property adjacent to Philbin beach.

-Adam showed on the white screen a picture of the assessed beach parcels off of Moshup's Trail by the town beach. Jessica stated that road frontage for the abutting Houghton property is 25' and then 7 families has 76'. She said that both parties want to donate their lots in exchange for them to be cleared to allow for additional resident parking and to have 3 parking spaces dedicated solely for 7 families and Houghton family use in the new p-lot.

Jim said the only way this proposal could work is if it had ConCom approval. It's a resource area and may have too many wetlands issues to make the idea viable. There was discussion about going to the Assessor's for abatement in exchange for the easement along the path used by the town residents.

Jessica said that because the Houghton group are still Aquinnah residents, they can still park in Philbin and would only have a space in the adjacent lot as a backup. Jessica told the board she is no longer a resident in the town.

Jessica said she would be amenable to paying for some of the landscaping work need to clear the property. There was discussion about the ConCom needing to look at the possibility of approving a new path to eliminate the current path's encroachment on private land if a deal can't be made to build the additional parking lot.

The Board, by consensus, agreed to take up the request with the Conservation Commission and to talk to the Chairman about the feasibility of getting approval for the proposed additional parking lot.

-Jessica said that if there is feedback that the proposed idea can be considered, she would do the necessary paperwork filing.

-Next on the agenda was a request to change the name of Clay Pit Way to Ridge Rd. Beverly asked if the Selectmen have the authority to do such. Randhi said they do. He explained the e-911 process.

Jim made a motion to change the road named Clay Pit Way to Ridge Road with notice going to the Clay Pit Road Association and copies of the decision to the appropriate town departments/committees for any further approvals and associated costs. Beverly seconded.

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

Adam asked the Board to move the Special Town Meeting back from October 22nd to November 5th. He said the town will have greater success having a certified free cash report by that time and can add additional warrant articles to the meeting with it...

The Board, by consensus, agreed to move the fall Special Town Meeting to November 5th instead of October 22nd.

-Jim reported that the LUCAS CPR agreement is still being worked on

-Randhi gave an update on the parking for the upcoming circle PowWow.

-Beverly read the thank you letter from the Edgartown Selectmen thanking the Aquinnah Police Department for their manpower support during the 4th of July celebration.

-Beverly asked if there was anything else to report. Hearing none...

A motion was made and seconded to adjourn.

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

The meeting ended at 6:25 pm.