

Aquinnah Board of Selectmen  
Minutes of Meeting 7/15/2014  
Aquinnah Town Hall Selectmen's Mtg Room

Members present: Chairman Jim Newman, Spencer Booker, Julianne Vanderhoop

Also present: Town Administrator Adam Wilson, Police Chief Randhi Belain, Chilmark resident Jessica Roddy, Vern Welch, Wendy Swolinzky, Brian (Chip) Vanderhoop, Sgt Paul Manning, Beverly Wright, Timothy Weurth, Len Butler, Jim Pickman, Roger Howlett, Fire Chief Simon Bollin, DPW Director Jay Smalley, Fire Chief Simon Bollin

The meeting began at 6:30 pm.

-1<sup>st</sup> on the agenda under Old Business was a review of minutes from 6/17

-Julianne made a motion to accept the minutes from June 17, 2014. Spencer seconded.

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

-The 1<sup>st</sup> agenda item under Old business was further review of the decision not to expand Philbin Beach with additional adjacent parking. Adam told the Board that there have been flyers handed out and a few postcards have been mailed to the Board expressing interest that the lot should be expanded. Jessica read a letter to the Board. (See attached).

-There was discussion about how to go forward with the proposal in spite of Town Counsel's opinion that it goes against the covenants of the Philbin Deed. There was consensus to have Jessica's letter sent to Counsel to review and have an answer back to Jessica from the Selectmen in 30 days. Jim expressed interest in working things out.

-Next on the agenda under New Business was a report from Chairs of the Gay Head Lighthouse Committee and Relocation Sub-committee. Beverly and Len came to the Board with the full Lighthouse Committee voting to recommend choosing Site 1 as the relocation site for the Gay Head Light to be moved to.

-Len went through the different criteria that led to the reason for the site selection. He explained that the site on the abutting parcel of land satisfied the 4 criteria the relocation committee sought for the best place to move the structure: Sensibility (where a lighthouse should be...); Suitability (where it can be moved safely...); Sustainability (where it can be moved and not moved again for a very long time...) and; Accessibility (where it can still be visited and maintained by the town for all). Based on these criteria, Site 1 is the best option.

-Len also said that the site is the preferred location from the perspective of the Coast Guard (Continued visible Day Mark), and the Wampanoag Tribe (less impact on the land and potential disturbance and/or exposure of archeological features). Finally Len said that Site 1 is preferable to Site 2 because it will have far less impact on the environment and the area and will cost approximately 1 million less in expense to move it.

-Roger Howlett commented on the proximity of the relocation of the lighthouse to the condos he and 2 others own. He stated his concern of the outdoor showers the condo owners have that will be more exposed with the structure being closer. Len and Roger talked about different ideas that could mitigate the outdoor shower exposure and ongoing privacy. There was discussion about the retaining wall to be built so that the lighthouse can maintain its elevation and positional Day Mark location. Len reviewed the community review boards that the relocation committee will have to meet with to get the necessary special permits to move the lighthouse. He said that the condo owners will be invited to those meetings.

Spencer made a motion to approve the relocation of the lighthouse to Map 6, Lot 23. Julianne seconded.

In the discussion Spencer said he hoped that the neighbors' concerns have the chance to be aired at future meetings. Len invited Roger to the next scheduled committee meeting before the planning board meeting.

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

-Under new business, Beverly asked if the town could have a credit card for fundraising purchases. The Board said for her to discuss it with the Town Accountant but by consensus they had no problem with it.

-Under new business, Randhi asked that Special Police Officer Devon Balboni be sponsored by the town for the police academy, even though the town is not guaranteeing employment once he graduates. Randhi said the costs and insurance are still on Devon and would sign a waiver stating such.

-Julianne made a motion to have the town sponsor Devon Balboni for the police academy in September, Spencer seconded.

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

-Next on the agenda was the trailer parking issue at West Basin. Randhi reported that he's been in touch with the state for signage on the outside public parking area stating "No Boat Trailer Parking Overnight", but the town has to establish rules and signage in the residential area prohibiting the same type of trailer parking. There was discussion about the erosion by the drop off area preventing parking in that area. Chip said that the last few storms have had a devastating impact on parking in the drop off area. The Board was at a quandary as to what to do when demand gets so high and spaces are lost to trailer parking. There was discussion about the establishment of fines and approval at town meeting.

-Under Other business, Chip made a request for funds to have the sand removed from the launch area. Consensus was to have Chip find someone to bucket load the sand from the launch area as a short term solution. Adam to find out how much and where to obtain the funds from.

Jim asked Chip to contact John Ketchum and have a meeting with the Board to discuss his additional marina basin proposal in West Basin.

-There was discussion about the parking for Menemsha lease lots holders and finding parking spots for everyone who has a lease. Spencer said that there is no provision in the current leases that provides for parking for the lot holders and they knew that going in. Jim asked Randhi if he checks on the parking in that area. He said no, that there is no signage to enforce town/resident parking. Wendy said there is no parking for the lot A & B leaseholders. She said that Dennis Jason has allowed her to park in front of his shed. There was talk about the boundary lot line change between Aquinnah and Chilmark.

-Next on the agenda was the Town Hall parking lot and the poor visibility when one exits it. Jay said to take all the shrubbery out would improve line of site. There was discussion about moving the mailboxes as well and if that needs permission from the state because the boxes are on the state road. Jim said the blind spot is an accident waiting to happen. Simon said the Postmaster should be made aware that the mailboxes current location is a hazard. Adam to write a letter asking for the Postmaster to consider moving the mailboxes to another location.

-In Other Selectmen's Business, Simon and Jim discussed the public safety agreement between the Town and the Tribe and how aspects of it still need to be taken care of. Jim said he'd follow up with the remaining concerns.

-In Other Business, Jay had a contract to do railing repair work at the Homestead. Adam said the funds have been allocated through the CPC.

Spencer made a motion to approve the J. Baird contract for railing repairs to occur at the Vanderhoop Homestead. Julianne seconded.

**The Board voted 3 – 0 in favor. The motion passed. Jim signed the contract.**

-In Other Business, Simon asked that a letter be written to the Chilmark Fire Department thanking them for the borrowing of the tanker truck for the last three months while Aquinnah's was being repaired.

Adam said he'd write the letter to the Chilmark BOS and cc the FD.

-Simon reported that in his research of the Squibnocket Easement, there are DEP restrictions that only allow a 4' mow cut and no cutting up to 20' from the water. Adam and Simon talked about getting in touch with the environmental regulatory agency and seek possible amendments to their order of conditions. He also reported that the water storage tank up at the circle is leaking and now empty. He said the 7K gallon tank is inadequate to the needs of water the FD needs for that area and Moshup's Trail. Simon said there needs to be a 20K tank that will be suitable for the department's needs. The estimated cost would be \$30K, not including installation. There was discussion about appropriating funds at a fall town meeting.

Simon said the rescue jet ski is on the way and should be available to view at the Public Safety Day, which is scheduled for July 26<sup>th</sup> from 12:00 – 5:00 pm.

-Adam showed the Board a contract to audit CPC warrant articles since the town adoption in 2000. He said the audit will greatly aid the free cash report scheduled at the end of September. Adam said the cost will be paid from unspent funds in prior years town audits.

Spencer made a motion to approve the contract for auditing the town's CPC spending warrant articles. Julianne seconded.

**The Board voted 3 – 0 in favor. The motion passed.** Jim signed the contract.

-In Other Business, the police made a formal request for an increase in detail pay. Paul explained the difference in price per hour for regular details and those requested by the hospital. Randhi and the Board talked about administrative fees being tacked on. The Board took under the advisement the idea of adding an administrative fee. Adam said he'd talk to the accountant and treasurer on the viability of adding the fee to detail invoicing.

There was consensus to allow the increase to \$55 per hour for regular detail and \$82.50 per hour for a hospital detail.

Jim made a motion to approve a reserve fund transfer request from the Animal Control Officer for \$1,660.00 to cover end of year expenses. Julianne seconded.

**The Board voted 3 – 0 in favor. The motion passed.** The Board signed the transfer doc.

-The next meeting was scheduled for August 5<sup>th</sup> and the Summer Resident's meeting will follow at 7:00 pm.

-Jim asked if there was anything else to discuss. Hearing none...

A motion was made and seconded to adjourn.

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

The meeting ended at 6:50 pm.

BOARD OF SELECTMENT July 15, 2014

We think this plan to donate the land to Aquinnah in exchange for 3 parking spaces is as good for Aquinnah as it is for us. Probably better for Aquinnah. If you look at it, it's kind of crazy that the path to the town beach is over private property and that the town parking lot is limited forever to 40 spaces. And it is kind of crazy that we are paying taxes on land that the town is using as a path to the public beach and on land that the town is using as its own public beach. Let's fix this.

The parking situation at Philbin is not good. The Philbin grant limits the number of parking spaces on Lots 501 and 502 to 40. Looking ahead, if I were the town of Aquinnah, I would be thinking about an additional place to park cars for town residents who want to go to the beach. If we, the Seven Families group, sell our land to a private party (which some of us are keen to do and we have begun to investigate) then this option for Aquinnah to get additional free parking is likely gone forever. So then you are looking down the road at having to find another piece of land. A piece not contiguous. And so probably a shuttle bus. And shuttle bus drivers. Instead of this free parking area that we are giving you. I think the town should look down the road a bit. At the moment there is frustration among residents and renters with the lack of space in the Philbin lot. This frustration is not likely to decrease as years go on. You need reliable beach access. Property values in town depend on that.

So Town Counsel says that we, the Seven Families, can't "use" the parking lot to cross over it to our parking spaces on the land we would like to donate. We disagree. The purpose of Holliday Philbin's grant was to give BEACH access to Aquinnah residents, specifically the land was to be used for "swimming, sun bathing, fishing and related recreational activities." You cannot fish in a parking lot. The parking lot was not the gist of Philbin's gift. Infact, the language about

the parking lot is as follows (this is a very short document and very easy to follow, I can get a copy of it to any of you who is interested in reading it), so about the parking lot it says only this: "to further the purpose [of recreation on the beach] the Trustees [that's the town] may construct one or more of the following structures: a parking lot, a roadway to the parking lot and a pathway to said beach. " In short he gave the town the discretion to manage the non-beach land as it chose to further the purpose of granting residents of Aquinnah a beach on which to recreate. The town has elected to have a sticker system for cars. Anyone else can come to Philbin Beach by foot or by bicycle. They can be dropped off by the VTA bus. They can all walk across the parking lot and up the path to get to the beach. But they cannot park in the parking lot. That seems like a reasonable interpretation and implementation of Mr. Philbin's wishes. Only residents can PARK in the parking lot. We are like the walkers and bikers and bus riders -- we are not asking to use the parking lot either except as a means to get to our 3 spaces on the donated land. In fact, we are not asking to use any of the Philbin land. We are not asking to park in the lot, or to use the Philbin path or to use the Philbin Beach. We will park on the land we are trying to donate to the town, use the path on our donated land, and use the beach we are donating.

And speaking of Mr. Philbin's intent (one is always doing that with old legal documents, trying to determine what the writer intended), It is really hard to imagine that Mr. Philbin intended to give a piece of land to the town and then have the town construct a parking lot on part of it and then construct a path over someone else's adjacent land to get to someone else's adjacent beach just because it has a really cool dune on it and name the whole thing after him although it is mostly not on his land and then top it all off by having those people on whose land the town is trespassing pay taxes year after year for the trespassed land and then suddenly double the taxes.

Speaking of the legal aspects of this for one more minute – Town Counsel also asserted that the town of Aquinnah might claim "proscriptive easement" over our

land. That's just not nice. It is also not likely. I cannot speak to the 25 feet owned by the Haughton/Lake group, but as to our 75 feet, the town will not prevail. Many years ago, when I first started discussing this beach situation with the town, the town removed the boardwalk over the dune on our land and put up a sign at the top of the dune saying "Town Beach This Way" (away from the dune and to the left onto Philbin land). Also, in an effort to maintain our rights,

over the years the Seven Families have repeatedly put up No Trespassing signs on the dune and this year we even put up a beautiful old fence and gate in an effort to draw attention to our situation. All of these things disappeared within a day police reports have been filed. We are tired of putting up signs and other structures to get the town to pay attention. Maybe we need to ask the town to hire guards to sit at the dune and prohibit the trespass that they are encouraging. Or maybe, if we sell to a private party, that person will ask the town to post guards at both ends of the 100 feet of private beach down there and prohibit people from trespassing on it. That is what the town of Chilmark is required to do at Lucy Vincent's Beach. Sounds pricey. Sounds like the town would lose access to that beautiful long stretch of walking bliss from Philbin's land to the cliffs.

We should work together to make this deal happen. We came to the town years ago with this proposal in the spirit of generosity and a keen interest in no longer paying greatly increased taxes on land the town was trespassing on. To be honest, our patience is not infinite and our elders are dying off and our children may be more mercenary than some of us are. And some of us are becoming more mercenary as we get older.

We request a speedy yes on this deal.

Thank you.

Jessica Roddy