

**Selectmen's Meeting**  
**July 14, 2014**  
**4:00 pm**

A meeting of the Board was held on the above date in the meeting room of Town Hall. Members present were: Arthur Smadbeck, Chairman; Michael J. Donaroma; and Margaret E. Serpa. Also present was Ms. Pamela Dolby, Town Administrator.

At 4:00 pm Mr. Smadbeck opened the meeting and read aloud the notice for the Liquor License Hearing for Main Street Diner for a transfer of license. Present was Glen Ward, owner manager.

Mr. Ward stated that his partner and brother-in-law, Mr. Stanley Bukowiec, wanted to get out of the business and sold his half to Mr. Ward.

There being no further comment, Mr. Smadbeck closed the hearing at 4:02pm.

Ms. Serpa stated that there would be no change to the business, just the ownership. She moved to approve the transfer. Mr. Donaroma seconded. Unanimous.

Mr. Smadbeck then opened an advertised hearing for removal of a town shade tree at 89 Pease Point Way South. Present was Mr. Thomas Fisher, property owner and Stuart Fuller, tree warden.

Mr. Fisher explained that the tree is right next to the driveway and is too big to see around. He would like to not replace it because of the location. He mentioned that in the past he had allowed the town to plant cherry trees along the property line.

Mr. Fuller agreed that the current tree is a traffic hazard. He asked to place a tree a bit further back from the current location where there is currently a stump. Maybe a plane tree.

Mr. Fisher said he could agree to that and asked what diameter.

Mr. Fuller stated he would like one with a diameter no smaller than 2.5".

Mr. Donaroma thought it was a nice tree. He clarified that the reason for removal was safety and asked if it was because the trunk was too big.

Mr. Fisher replied that the trunk is too big to see around.

Ms. Serpa agreed that the tree was an obstruction to seeing traffic for safely pulling out of the driveway.

Mr. Donaroma moved to grant removal of the tree and replacement in a new location with a plane tree of a minimum of 2.5" diameter. Ms. Serpa seconded. Unanimous.

The Board then opened the bids for the replacement of the Katama Farm Barn Roof. The bids were as follows: Cape Building Systems \$74,100; Alex Green \$93,850; Capeway \$161,200; Baystate \$179,800; L&L Contracting \$151,800; Associate Roofing \$112,367.

Ms. Serpa moved to take the bids under consideration. Mr. Donaroma seconded. Unanimous.

Mr. Smadbeck then recognized Adam Moore from the Sheriff's Meadow Foundation.

Mr. Moore stated that he was requesting the Board to sign a Conservation Restriction for a lot of land on the south end of the Chappaquiddick Golf Course. This would enhance already preserved land and extend the trail system.

Ms. Serpa moved to designate the area for Conservation Restriction. Mr. Donaroma seconded. Unanimous.

The Board then voted to sign a revised lease for the FARM Institute that had some small changes for the impending AT&T wireless tower in the silo.

Mr. Donaroma asked if they were ready to begin.

Ms. Dolby responded that they were getting there.

Mr. Smadbeck then opened the discussion with Mr. Bryan Nelson, manager of the car & bike rental business at 192 Upper Main Street. Also present was Mr. Jim Nelson, property owner and father of Mr. Bryan Nelson; and their legal representation, Atty. Marilyn Vukota.

Mr. Smadbeck stated that the Board had invited Mr. Nelson in because he was renting out electric bicycles. Edgartown has never approved the rental of any two wheeled electric vehicles.

Ms. Vukota responded that the Board had no objection to bicycles and that these vehicles known as Ebikes are considered bicycles by the State. They have an electric assist option that can be turned off.

Mr. Smadbeck responded that the Board is worried about the speed on the bike paths. There is a difference between a bicycle and a motorized bicycle.

Mr. Nelson indicated that they were only 250 watts.

Ms. Vukota stated that there was no way to know if they were using the electric assist. How would the Board keep people from using and owning them.

Mr. Smadbeck stated that owning is different than renting. Owners become familiar with the power level of the bikes and how they work. A renter would be less familiar and may become a danger to the people around them. A lot of people utilize the bike paths.

Mr. Nelson stated that he rents these bikes out of his Edgartown and Vineyard Haven shops. He requires renters watch a four minute safety video and will only rent the Ebikes to those 18 years of age and older.

Mr. Smadbeck stated that he had difficulty approving rental of the electric bicycles to inexperienced users on the bike path. It's dangerous.

Ms. Vukota stated that she didn't think the Board could regulate them because the State considers them bicycles.

Mr. Smadbeck responded that he thinks they are great. He is an avid bicyclist and has tried one. He is not comfortable with authorizing rental to inexperienced people.

Ms. Vukota stated that they were Ebikes and not a motorized vehicle. The fastest they could go would be 19mph. A person on a regular bicycle could reach that speed.

Ms. Serpa stated that she uses the side walks and bike path often for walking. She has troubles with regular bicycles. She saw the addition of the Ebikes as adding confusion and inexperience to an already crowded environment. She was reluctant to consider allowing rentals.

Mr. Donaroma stated that they have to listen to the citizens of the town and think of their wellbeing. The Ebikes will just add speed and "out of controlness".

Ms. Vukota stated that she and her client think the Board should allow them.

Mr. Stuart Fuller, Highway Superintendent, then interjected that these "bicycles" had a top speed of 19mph which is pretty fast. Mopeds have a top speed of 25mph. The Ebikes' speed is 80% of a moped. A regular bicyclist would have to work pretty hard to reach that speed.

Mr. Smadbeck stated that the Board would need to consult with Town Counsel. They strongly requested that Mr. Nelson not rent the Ebikes from his Edgartown shop until further notice.

The Board then approved the following items:

Minutes of 6/9/14, 6/16/14, & 6/24/14

A Travel Voucher for the Police Department.

A Commercial Marine License for Bruce Farland at the Great Harbor Boat Yard.

A Transient Vendor License for Eugene Goldfield at Penumbra Photographs.

Yard Sale Permits for: Carolyn Daniels at 35 Dark Woods Rd. and Bruce Nevin at 101 Chase Rd.

The Board approve mooring warrants for the Harbormaster's Office.

Common Victualler license for Isola on Winter St.

One Day Liquor Licenses for the Annual Preservation Trust Picnic and the Possible Dreams Auction.

The Board set a public hearing for Rockfish at 11 North Water St. for an Annual Liquor license on July 28th at 4pm.

The Board signed a letter to the State supporting a variance for 11 North for handicap access. This is needed for insurance purposes.

Ms. Dolby then gave her weekly update. The abandoned vehicles and trailers in the Dark Woods Lot have been towed to the old dump location and certified letters have been sent to the owners. Chappy Comcast is moving along.

Mr. Smadbeck then recognized Ms. Pat Tyra in the audience.

Ms. Tyra stated that she was on her annual visit to a Selectmen's Meeting. She stated that there were some items she brought up last time that she would like to go over. First she stated that the new sign she requested at the corner of Upper Main St. and West Tisbury Rd. looked very nice. Second, the State "No Parking" signs in front of Stop and Shop are an eyesore. Third, the 10' of public access at Starbuck Neck is again all grown in and not 10'. It was 44" at Fuller St. and 48" at North Water St. and she felt this was inexcusable.

Mr. Fuller responded that ADA standards is 48". He offered to open it up more.

Mr. Donaroma stated that it had grown in a bit.

Ms. Serpa agreed with all Ms. Tyra said. She agreed that it would be nice to open up the path a bit more and trim back the turn around at Fuller St.

The Board thanked Ms. Tyra for coming in.

At 4:56PM Mr. Donaroma moved to close the meeting. Ms. Serpa seconded. Unanimous.

Approved:

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Arthur Smadbeck, Chairman

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Michael J. Donaroma

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Margaret E. Serpa  
Board of Selectmen

Respectfully submitted,

Kristy Rose  
Assistant