

Selectmen's Meeting

March 26, 2012

4:00 pm

A meeting of the Board was held on the above date in the 2nd Floor Meeting Room, Town Hall. Members present were: Arthur Smadbeck, Chairman and Margaret E. Serpa. Also present was Ms. Pamela Dolby, Town Administrator.

At 4:00 pm Mr. Smadbeck opened the meeting and stated that the first item on the agenda was to open the RFPs received for wireless service to serve Katama and Chappaquiddick. The Board only received one proposal from AT&T for Katama only. They voted to take it under consideration and refer the proposal to the Wireless Committee for their opinion.

Mr. Smadbeck then recognized Mr. Carl Watt, co-chairman of the Library Building Committee. Mr. Watt was present to give an update on the progression of the library project and the state grant. He had been scheduled for the previous week, but had a medical issue and had been rescheduled.

Mr. Watt gave an informational package to each Board member. He stated that the Committee was having informational sessions on April 3rd in the Bailey's Room of the Whaling Church and April 5th at the Edgartown School. They had also done an episode of "Tank Talk" at MVTV.

The Committee had been having a hard time getting information from the State Library Board who gives out the grants. They wanted to thank State Rep. Tim Madden's office for their assistance in getting answers.

Mr. Watt stated that the Town would receive the grant of \$5 million dollars toward the end of FY13 or the beginning of FY14. The town's portion would be approximately \$4.56 million. Mr. Watt had consulted with Ms. Lisa Dickinson, the town's loaning officer, and she had estimated the Municipal Bond interest rate at 3.5%. The cost to each household would be \$29.68 per year added to the annual taxes. If the town then sold the Warren House, the additional cost would only be \$9 additional dollars per year.

The Board thanked Mr. Watt for the update. They then approved a one day liquor license for the Firemen's Association monthly meeting and dinner on April 5th.

The Board then reviewed a request from the Affordable Housing Trust to concur with an expenditure for rental assistance for Morgan Woods in the amount of \$3,000.

Ms. Serpa stated that the Trust only had so much money available to it. They had already made a request to the Community Preservation Committee that will be voted on at Annual Town Meeting. She wanted to consider having the Townspeople decide.

There was a suggestion made that the CPC set up a meeting and that the amount be increased on Town Meeting Floor.

Mr. Alan Gowell, Chairman and Affordable Housing Representative for the CPC, stated that the Committee had already gone through the public hearing process for the amounts of the warrant articles. He didn't think it would be legal to raise the amount at Town Meeting. He asked that it could be looked into further and returned to the following week with more information.

Mr. Smadbeck replied that they would return to the subject the following week with more information.

The Board then accepted the resignation of Ray Long from the Shellfish Committee.

At 4:10pm Mr. Smadbeck opened the public hearing for Mr. AJ Black, Manager of Il Tesoro at the Terrace, for not opening the appropriate number of days for his liquor license. Mr. Black was not present.

Ms. Karen Fuller was present and stated that Mr. Black had not been opened since early January. He had requested to close for a month for annual maintenance, which had been granted. He then failed to reopen. He had been notified of this hearing with sufficient notice.

Ms. Serpa stated that if he valued his license, he would have attended the hearing or had some sort of representation. She moved to cancel his liquor license if he did not open by Saturday, March 31, 2012. Mr. Smadbeck seconded. Unanimous.

The Board then approved the following items:

Lodging Holder licenses for: The Hob Knob and The Winnetu.

Innholder's licenses for: The Charlotte Inn and The Victorian Inn.

Common Victualler licenses for: Espresso Love, Dock St. Coffee Shop, The Pizza Place, Dairy Queen, Richard's Bakery, and The Quarterdeck.

They voted to have the Animal Control Officer investigate a vicious dog report by Helene Owens.

To set the temporary increased residents population at 10,211 for the report due to the ABCC.

The Board granted a request by MV Mediation to hold a 2 hour tenant/landlord mediation workshop in May in the Selectmen's Meeting Room on the first floor.

Approved the minutes of March 19, 2012.

At 4:20pm Mr. Smadbeck opened the posted hearing for Mr. Patrick Courtney.

Mr. Courtney stated that he would like an all alcohol seasonal liquor license for a 49 seat restaurant at 55 Main St.

Mr. Smadbeck asked if there was anyone who would like to speak for or against granting the license. There being no one, he closed the hearing.

Ms. Serpa moved to approve the license and wished them good luck. Mr. Smadbeck seconded. Unanimous.

Mr. Smadbeck then recognized Mr. Charlie Blair, Harbormaster.

Mr. Blair told the Board about a yacht race that was going to be held in June between two large sailing yachts. Mr. Blair was requesting that two large containers of supplies and equipment be allowed to be placed in the parking area between the Derby Weigh In building and the Yacht Club from June 20 – 25, 2012. He stated that it was to be a very exciting event. It will be televised and "great for Edgartown".

Police Chief Tony Bettencourt stated that he also approved of the event and the blockage of parking spaces.

Ms. Serpa moved to support the event and grant the spaces. Mr. Smadbeck seconded. Unanimous.

At 4:25 pm Mr. Smadbeck opened the posted alcohol hearing for the transfer of license from Soberano LLC to 11 North Water LLC for an all alcohol year-round restaurant license. He read the notice aloud. Present for the hearing were: Attorney Howard Miller, John Koerner, Joseph Kusipoli, and John Roberts, Jr.

Att. Miller stated that the applicants wanted to open year-round and introduced Mr. Koerner and Mr. Kusipoli. They hope to be there a long time.

Mr. Koerner stated that he was looking forward to becoming a year round contribution to the Island.

Ms. Serpa moved to approve and stated that she was looking forward to filling the hole in that part of town. Mr. Smadbeck seconded. Unanimous.

Mr. Smadbeck then recognized Town Counsel Ron Rappaport.

Atty. Rappaport handed out copies of the new Dredge Protocol. He reviewed with the Board that they had decided to create a protocol as part of the Barnes issue with the Dredge Committee to create a protocol. The version he gave them had been thoroughly reviewed by the Conservation Commission, Dredge Committee, Shellfish Committee, Harbormaster and himself. The town had received a letter from the Army Corps also requesting the protocols. Atty. Rappaport had drafted a letter for the Board in response.

Atty. Rappaport stated that the protocols are extensive. They require all permit numbers and final approval for a project will require approval by the Board of Selectmen. There are to be no private projects allowed until a separate protocol was developed.

He then stated that the assessment of the Barnes dredge and deposit sites was ongoing and should be done by May 1st.

Atty. Rappaport suggested that the Board look at the makeup of the Dredge Committee which was in a more developmental stage 15 years ago when it was established by the Board of Selectmen. His suggestion was to refocus the committee makeup to focus on marine matters. The letter to the Army Corps covers that the Board is looking at reconstituting the committee. He stated that the Army Corps has asked to meet with the Dredge Committee and the Board in April and that they take this matter very seriously.

Ms. Jane Varkonda, Conservation Agent, stated that she had reviewed the protocols thoroughly with Mr. Blair, Mr. Dave Nash, and Atty. Rappaport.

Atty. Rappaport added that the dredge operators would be required to have copies of the permits on the dredge.

Ms. Serpa stated that the next step was to take action on the protocols and that the Board would be looking at the make up of the Committee in the future

Mr. Smadbeck stated that they had made a lot of progress.

Ms. Serpa moved to approve the protocols and to sign the letter and send both to the Army Corps. Mr. Smadbeck seconded. Unanimous.

Ms. Dolby then gave her weekly update. She stated that there were several terms of appointed members of committees coming up and that they would be advertised in the paper. Anyone who would like to be reappointed or was interested in any of the posted positions should send a letter to the Board of Selectmen.

The Board would post the meeting with the Army Corps and the Dredge Committee for April 18th.

Ms. Serpa moved to continue the meeting to 2:00 pm Wednesday, March 28th for the purpose of signing liquor license renewals for establishments still needing to pass their fire safety inspections. Mr. Smadbeck seconded. Unanimous.

Approved:

Arthur Smadbeck, Chairman

Michael J. Donaroma

Margaret E. Serpa
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant