

Selectmen's Meeting
August 20, 2012
4:00 pm

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

At 4:00 pm Ms. Serpa recognized Mr. Siamak Adibi who was in to discuss his editorial on Chappaquiddick at his own request. Also present for this issue was: Georgiana Greenough, Planning Board Assistant and Matt Poole, Health Agent

Mr. Adibi thanked the Board for having him and then went on to list 5 things he would like to see changed or developed in the town. What brought this on was the development of a Mr. Olson on Chappaquiddick and his renting the property out to large groups. The first item was that he wanted a system of notifying abutters if there was an application to the building inspector that did not require being sent to another board but that may affect the abutters.

Ms. Greenough responded that there was no vehicle to do that. If an application was sent to a board or committee there were rules in place over who has to be notified.

Mr. Adibi's second item was that he would like properties inspected after completion and the occupancy permit has been issued. His third was that he would like the town to hire a housing inspector to enforce the number of bedrooms and bathrooms in a house. His fourth item was to require a special permit and public hearing for any house used as a rental.

Ms. Dolby replied that the Planning Board was working on transient residential permitting.

Mr. Adibi stated that he wanted enforcement of rules and felt that we were "becoming Coney Island". He's worried and concerned.

Ms. MaryAnne Ceregilia stated that she was Mr. Olson's landscaper and that she disagrees with the whole amusement park intonation. They had worked very hard to keep the landscape rural and wooded.

Mr. Roger Becker, Chappaquiddick resident, asked what the problem was with enforcement of the number of bedrooms in a property.

Mr. Poole responded that in order to achieve access to a property after the CO has been issued, the Health Agent needed to be invited to access the property by the homeowner or acquire a warrant from the court. He anticipated having access to the property in question and straightening it out before spring.

Mr. Dolby asked about the rentals and doing inspections on a per inspection basis.

Mr. Poole responded that it would take a full time person.

Mr. Smadbeck stated that the inspection cost should cover the cost of the inspector.

Ms. Dolby replied that it was legally difficult to get into houses.

Mr. Smadbeck replied that if they wanted the permit then they would need to let the inspector in.

Mr. Peter Rainer stated that the property in question has no access to a public road.

Ms. Greenough replied that the Board had turned down the filed Form A because of no access.

Mr. Steve Polico stated that Sante Fe, NM had a very good rental permit process and suggested looking into it.

Mr. Ken Dopilar asked if the rentals were on file.

Mr. Poole responded that they were not.

Mr. Ron Monterosso, Chappaquiddick resident, asked about lodging houses and stated he was worried about the Marshal Property. He wants to limit the number of people staying in a residential area.

Ms. Serpa suggested he see the Planning Board.

Attorney Rob McCarron, representation for the Olsens, then spoke. He stated that Mr. Poole has been involved way before the complaints started. It seemed overkill to create rules based on this one issue. Mr. Olsen wants to comply. He also stated that this was the third board that Mr. Adibi has requested a hearing with and Mr. Olsen was not notified. He continued that Mr. Olsen's property is 4 acres, has a pool and a tennis court that are all in compliance. He asked for there not to be a witch hunt.

The Board thanked Mr. Adibi for his suggestions.

The Board then approved the following items:

A travel voucher for the police department.

To sign a letter to Ed Handy asking him to remove his items from town property.

Ms. Serpa then recognized Police Sergeant Craig Edwards.

Sgt. Edwards stated that he needed some guidance from the Board. A Mr. Josef Nocera had been playing his guitar with the case open for money in front of him on a regular basis at night. He has asked him to stop, but he refuses. He would like to know how the Board would like to proceed.

Ms. Dolby replied that the town has never required musicians to get a busker's license. They can play and express themselves however they like, they just cannot ask for money. Then it would be considered a business. Lots of groups play music and express themselves in town with no issue. The issue is asking for money.

Mr. Nocera stated that he had been playing for 3 weeks and was being harassed by the police. He researched the law and didn't see that it applied to him. He stated he didn't sell anything. He felt it was a violation of his free speech.

Ms. Dolby stated that wares could be immaterial such as music.

Ms. Serpa stated that the issue was not his playing, but the asking for money by putting out the open case.

Mr. Nocera stated that he doesn't solicit money.

Mr. Smadbeck suggested that they send the issue to town counsel for an opinion.

Ms. Perry Connelly stated that she was speaking in support of Mr. Nocera. She found the environment lovely.

Ms. Serpa stated that he had a right to entertain, just not collect money.

Mr. Smadbeck stated that it was wonderful to have musicians downtown. The issue that they are grappling with is the collecting of money.

Mr. Richard Nocera, Josef's father, stated that his son has been harassed by the police. He wants to be arrested, they have a lawyer.

Mr. Smadbeck moved to send the issue to town counsel. Ms. Serpa seconded. Unanimous.

Ms. Serpa then recognized Police Chief Tony Bettencourt, Harbormaster Charlie Blair, and Fire Chief Peter Shemeth.

Chief Bettencourt stated that they have been working for a couple of years to get a police boat. They had been passed over for grants.

Chief Shemeth stated that there is a boat available from the DCR. Chief Bettencourt went to examine the boats.

Chief Bettencourt stated that the available boat is exactly the one they wanted. There is only one available for each county and they want to hop on the opportunity. It's a \$200,000 boat and the town would be allowed the use of it for free. The DCR would own it, but the town could use it. The town would have to power the boat.

Ms. Serpa asked if it would be mutually shared between the three departments.

Chief Shemeth stated that it would. Because the government still owns it, they would only have to pay liability insurance and when they were finished with it, the government would take it back.

Mr. Blair added that lots of harbors now have this type of boat. It would make the harbor safer.

Mr. Smadbeck moved to encourage the Police, Fire, and Harbormaster to get the boat. Ms. Serpa seconded.

Ms. Dolby asked Chief Bettencourt to look into McPhail's Corner Café and Pizza using cones that say EPD on them and taping signs to the lightposts.

She then informed the Board that the MVC would be putting counters on Tilton Way to start to address the issue the Board sent to the Planning Board last week. She stated that town counsel has requested use of the meeting room for a court case on October 29th. She also stated that the town has not heard anything from Comcast. She would like to get the issue on the next all island Selectmen's meeting agenda.

Ms. Serpa moved to adjourn at 5:12 PM. Mr. Smadbeck seconded. Unanimous.

Approved:

Michael J. Donaroma, Chairman

Margaret E. Serpa

Arthur Smadbeck
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant

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