

Selectmen's Meeting
September 27, 2010
4:00 pm

A meeting of the Board was held on the above date in the Fred B Morgan Jr. Meeting Room, Town Hall. Members present were Margaret E. Serpa, Chairman; Arthur Smadbeck; and Michael J. Donaroma.

At 4:00 p.m. Ms. Serpa recognized Mr. Ted Morgan Jr. who was present today to represent the Katama Airport Commission. Mr. Morgan stated that the Commission had recently lost Mr. Robert Bauss and in memory had a lovely ceremony at the airport. The Commission would like to nominate Father Michael Nagle to fill the position vacated by Mr. Bauss.

Mr. Smadbeck stated that would be a good fit and moved to appoint Fr. Nagle. Mr. Donaroma seconded. Unanimous.

Ms. Serpa then moved on and recognized Mr. Paul Bagnall, Shellfish Constable. Mr. Bagnall presented the Shellfish Committee's decisions on scheduling the annual Scallop Season. A copy of his letter of recommendation is attached. To summarize: Family Scalloping would begin October 1, 2010 with a limit of one struck bushel basket with shells per week. The commercial season will begin in most areas on October 18, 2010 with a daily limit of three struck wash baskets with shells.

The Committee is encouraging fishermen to harvest two fish totes of seed before harvesting their daily catch within the first two weeks of the season and give them to the wardens to reseed other areas of town.

Mr. Bagnall predicted that it would probably be a fairly short season. There were a lot of seed out there but not many adults. He stated that Oak Bluffs was going to allow dragging in the channel of Sengekontacket before their dredging project begins.

Mr. Donaroma asked about the commercial fishermen and the "struck" basket versus the "piled" if there had been any discussion at the hearing.

Mr. Bagnall replied that there had been no controversy yet.

Mr. Smadbeck moved to approve the Bay Scallop Season as set forth in the letter from Mr. Bagnall and the Shellfish Committee. Mr. Donaroma seconded. Unanimous.

The Board then approved the following items:

The minutes of September 20, 2010.

A travel voucher for the Police Department.

The State Ballot Warrant for November 2, 2010.

To sign a subordination agreement for Catherine Bonham.

A Commercial Marine License for Edwin B. Gentle III.

Ms. Serpa then recognized Ms. Christine Flynn from the MV Commission. Ms Flynn was present to talk about the Community Development Strategy which is part of the paperwork needed to be part of the Community Development Building Grant.

Ms. Flynn stated that she had been working with Alice Boyd the town's administrator of the grant and they had come up with a sample Strategy document.

Ms. Serpa asked if they were committing the town to all of the objectives in the document, because some of them the town does not agree with.

Mr. Smadbeck stated that it shouldn't be implied that the town agrees with all of the items in the document. The town does not agree. There are sections on trails on private property for example. These items could cost the town millions of dollars in legal fees. By approving and signing the document it implies that Edgartown agrees with the whole of the document and it does not.

Mr. Donaroma voiced that the Board was concerned that they would be losing control of issues in their own town.

Mr. Smadbeck stated that he didn't feel he could approve the document as is.

Ms. Flynn stated that it wasn't a finished document and could be changed and adjusted to fit the town's wishes. It was open to discussion.

Ms. Serpa asked Ms. Flynn to give the Board a week to work on it.

Ms. Flynn replied that she would be happy to assist if the Board needed anything.

There being some time before the posted 4:15 hearing, Mr. Donaroma asked Mr. Norman Rankow, Dredge Committee Chairman, for a dredge update.

Mr. Rankow stated that the committee had received a draft on Friday from Oak Bluffs on the agreement to dredge the Oak Bluffs side of Sengekontacket Pond. He was working with Mr. Michael Dutton, Oak Bluffs Town Administrator, and he foresaw having a final draft within the next 24-48 hours. He stated that the dredging of the gut at Cape Pogue would be finished this week sometime and then they should have everything in place to head over to Sengekontacket.

Mr. Smadbeck asked where the sand was going from the gut.

Mr. Rankow responded that there were permitted sites on the beaches near where they were dredging for renourishment.

At 4:15 pm Ms. Serpa opened the advertised and posted hearing on a draft of a construction noise by-law. She read the hearing notice aloud and then opened the floor to public comment.

Mr. Joe Smith of Fuller St. was the first to speak. He thought that this was a step in the right direction but that the proposed fine of \$50 was not enough of a deterrent.

Mr. Smadbeck replied that he thought the fines were set by the state. He was not positive and would look into it further.

Ms. Sylvia Thomas remarked that she thought the hours should be shorter. The work shouldn't be allowed past 5pm. She didn't want to listen to pounding at dinner time. She also thought that the Saturday cut off time should be no later than 2pm or 3pm and she thought that the \$50 fine was "ludicrous".

Mr. Ben Hall Jr. remarked that he had concerns that the whole thing was a little heavy handed. He was concerned about what someone would do in the case of an emergency.

Mr. Rankow, now with his general contractor hat on, brought up what he called "reasonableness" of the situation. He wondered if there was no one around to hear the noise was it an offense. As a general contractor, he tries to work out issues with neighbors. He also pointed out that some jobs are inside and quiet. He would like to see a more reasonable rule that address the real problem noise. He also asked about what would happen in the case of an emergency on a weekend.

Ms. Claire Thacher asked about the duration of projects. Some neighbors can deal with noise for a short time, but it moves into torture when it's for a long period of time. It starts to effect peoples' lives.

Mr. Donaroma responded that the Board heard what they were saying. He would like to put the committee back together. There are things that need to be addressed. Such as who would enforce the new by-law, the police or the Building/Zoning inspector. Would it only apply in the summer when the population was much higher or year round? Maybe it could be tied in with new building permits. The close neighbor torture also needed to be addressed. He thought that a well written by-law that addressed all these issues could be achieved.

Mr. Donaroma moved to re-establish the committee for writing the new by-law. Mr. Smadbeck seconded. Unanimous.

Mr. Donaroma moved to adjourn at 4:43 pm. Mr. Smadbeck seconded. Unanimous.

Approved:

Respectfully submitted,

Kristy Rose
Assistant

Margaret E. Serpa, Chairman

Arthur Smadbeck

Michael J. Donaroma
Board of Selectmen

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