

Board of Selectmen

April 12, 2021

4:00 pm

A meeting of the Board was held on the above date via Zoom Teleconference. Members present were: Arthur Smadbeck, Chairman; Michael J. Donaroma and Margaret E. Serpa. Also present was the Town Administrator James Hagerty.

At 4:00 pm Mr. Smadbeck opened the meeting then recognized Mr. Hagerty.

Mr. Hagerty read out the following statement:

As a preliminary matter, this is James Hagerty, Town Administrator. Permit me to confirm that all members and persons anticipated on the agenda are present and can hear me.

- *Members, when I call your name, please respond in the affirmative. State each members' name.*

Ms. Serpa, Mr. Donaroma and Mr. Smadbeck all answered in the affirmative.

Mr. Hagerty then continued:

Good afternoon. This Open Meeting of Edgartown Board of Selectmen is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. The Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting. Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

For this meeting, Edgartown Board of Selectmen are convening by via Zoom App as posted on the Town's Website identifying how the public may join for "Zoom" Meetings.

Please note that this meetings is being recorded, and that some attendees are participating by video conference. Accordingly, please be aware that other folks may be able to see you, and that take care not to "screen share" your computer. Anything that you broadcast may be captured by the recording.

Meeting Business Ground Rules:

Before the meeting is opened by the Chair, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- o *Please remember to mute your phone or computer when you are not speaking;*
- o *Please remember to speak clearly and in a way that helps generate accurate minutes*

For Items with Public Comment:

After members have spoken, I will afford public comment as follows:

- *I will first ask members of the public who wish to speak to identify their names and addresses only;*
- *You will then be called upon one at a time to speak.*

Mr. Smadbeck then started to address the first item which was a new Commercial Marine License for Alewife Charters to provide catered dinner cruises.

There being no comment, Mr. Donaroma moved to approve the new license. Ms. Serpa seconded. Unanimous.

Mr. Smadbeck then opened the next item on the agenda which the Commercial Marine License for the Harborview at 119 N. Water Street. There was a complaint by neighbors about the commercial uses. There were many town representatives, neighbors and lawyers present.

Atty. Dylan Sanders was present to represent the neighbors who had registered the complaint. The neighbors have concerns about the dock being used for commercial purposes which are against the Chapter 91 license and Order of Conditions from the Conservation Commission. He is in receipt of the letter from the Harbor View Hotel lawyer stating that the dock has not been used for commercial purposes.

Atty. Kevin O'Flaherty, representing the Harbor View Hotel, stated that he understood that any Orders from the Conservation Commission and the Chapter 91 license overrode any License issued by the Board of Selectmen's Office. The Hotel does not use the property for charters or guest pick up. He states there is no commercial use of the dock for the hotel. He stated that the dock is privately owned by the owner of the hotel and his Commercial Marine License allows for rental of slips which is done by others downtown.

Mr. Smadbeck addressed Atty. Sanders and stated that Atty. O'Flaherty is stating there is no commercial use of the dock and this should answer his questions.

Atty. Sanders questioned the Marine Advisory Committee agenda item for the next meeting.

Mr. Smadbeck referred to Harbormaster Charlie Blair.

Mr. Blair responded that the Commercial Marine Licenses in that area are for rental of dock slips. Pick up and drop off was not on the original license. Mr. Choo discussed the charter boats with him and it was decided they would use Memorial Wharf. Mr. Choo never used the private dock for charters to his knowledge.

Conservation Agent Jane Varkonda asked for clarification about rental of slips. She wanted to know if they were for the people renting the house or were rented out to others.

Atty. O'Flaherty stated that he understood that with the Commercial Marine License it was rental of just the slips to anyone with a boat which is common practice.

Ms. Varkonda stated that renting to strangers would change their Chapter 91 license to commercial.

Zoning/ Building Inspector Reed Milne stated they may need a marina license from the Planning Board.

Atty. O'Flaherty would like Mr. Choo's dock to be treated like everyone else's dock downtown.

Mr. Smadbeck thanked everyone for coming.

The Board then made the following actions on the following items:

Approve an Excavation Permit for 16 Meshacket Rd. from Fenner Const.

Approve an Excavation Permit for 6 Meshacket Rd. from Fenner Const.

Approve an Excavation Permit for 83 & 89 Pease Point Way S. for Creato Const. Tim Creato was present to answer any questions.

Approve a Yard Sale Permit for Stasiuk on May 29th.

Approve a Lodging House License for the Harborside Inn.

Approve Innholders Licenses for the Vineyard Square Hotel and the Kelley House

Approve commitments and abatements for the Harbormaster.

Approve the weekly bill warrants.

Mr. Hagerty gave an update that the Yellow House Park will be finished soon.

At 4:27 PM Ms. Serpa moved to adjourn. Mr. Donaroma seconded. The Board did a rollcall vote and all voted Aye. Unanimous

Approved:

Arthur Smadbeck, Chairman

Michael J. Donaroma

Margaret E. Serpa
Board of Selectmen

Respectfully submitted,

Kristy Rose
Administrative Assistant