

**Town of Edgartown
Selectboard
January 3, 2023
4:00 pm**

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

At 4:00 pm Ms. Serpa 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. Smadbeck and Mr. Donaroma all answered in the affirmative.

Mr. Hagerty then continued:

Good afternoon. This Open Meeting of the Edgartown Selectboard 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, the Edgartown Selectboard 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 meeting 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.*

Ms. Serpa then addressed the first item on the which was a Liquor License Hearing for a new license application from Square Rigger by Nina's, Inc., Carlos Teles Gomes Filho, manager for an Annual All Alcohol Common Victualler's license. Present was Mr. Filho.

Mr. Filho stated that they would be updating equipment and serving out of the take our window for now. The menu would remain the same with some new additions.

There being no further comment, Ms. Serpa closed the hearing.

Mr. Smadbeck moved to approve the new liquor license for The Square Rigger by Nina's. Mr. Donaroma seconded. Unanimous. The Board wished them good luck.

Ms. Serpa then moved on to the next item which was an update on Norton Point Phase 2 Beach Nourishment from Conservation Agent Jane Varkonda.

Parks Administrator Jess McGroarty stated that Jane was having a hard time connecting.

Ms. Serpa stated that they will continue with the rest of the agenda and see if she can connect. The next item on the agenda which was a Block a Portion of a Public Way Permit for Calheta Construction at the Vineyard Square Hotel. There being no one present from Calheta Construction, Ms. Serpa asked Highway Superintendent Allan deBettencourt if he had seen the application.

Mr. deBettencourt stated that he was familiar with the application and asked that they notify him of the date and create a containment zone for the cement.

Mr. Smadbeck moved to approve with the requirements of the Highway Superintendent. Mr. Donaroma seconded. Unanimous.

The Board then approved the following items:

A donation from the Friends of the COA to the Council on Aging in the amount of \$1000.

A Donation of a Ford Vehicle from the VTA to the Wastewater Department.

For the Wharf Restaurant and Pub to close from 2/20/23-3/15/23.

The minutes of 12/19/2022.

The weekly payroll and bill warrants.

The Board appointed Kelley McCracken to the Financial Advisory Committee until April election.

Ms. Serpa then recognized Ms. Jane Varkonda for the update on the Norton Point Phase 2 Beach Nourishment Project.

Ms. Varkonda then read the following statement: *I was concerned when James forwarded me the email written to State Senator, Julian Cyr, from Linda Orel, Senior Director of Government Relations, TTOR. The email states, in part, that TTOR has made significant capital investment at the beach. We have successfully nourished and restored the dunes and plantings through our Norton Point restoration project, enhancing the climate resiliency of this critical coastal resource”.*

Ms Orel’s assumption that this was a ttor initiative is misinformed at best and fails to acknowledge the role of the town of Edgartown in this project. This project was a town led initiative . The funds for the design and permitting were funded by a State MVP grant written and submitted by the Town of Edgartown. TTOR contributed a capital investment of less than 20%. Given that 90% of the sand nourishment occurred on Norton point I would not characterize the investment as significant.

TTOR was a partner in this project and was to provide a project manager to assist with overseeing the Norton Point side of the project. TTOR was to provide regular updates to the county on pject milestone and communicate with the town on a regular basis. Please be further advised that the town, Park Department and my office had been urging TTOR for years take proactive steps to abate the situation the left fork. dating back to an on site meeting we had with then islands director Eunice Youmans, Chris Kennedy and staff from the State DEP and Office of Coastal Zone management.

TTOR arranged a short notice meeting on Dec 28th with my office, the County manager and James to discuss TTOR’s decision to abandon phase 2 of the project. Phase one only restored a portion of the dunes that was included the the State granted funds and the permits granted for the restoration efforts. That meeting has been continued until this Thursday. Following that meeting I sent a brief email to Cynthia stating, “that without clear and concise science based justification of why phase two should not be done I cannot support TTOR’s internal decision to abandon phase 2”.

Ms. Orel’s statement that they cannot do phase two since their MoA with the county expires on March 31 is confusing at best. The project was scheduled to begin in November per emails from TTOR staff and has to be completed by April 1.

The only input that TTOR generated during the meeting on 12/28 that the project is cost effective, they don’t have the funds to proceed due to an issue with a donor, and they were concerned that the newly constructed dunes were less able to withstand erosion forces than the natural dunes. TTOR has tried to state that the project will only have short life span. This is nothing new, this fact is well known to beach managers and stated over and over again in the grant documentation and the Notice of Intent filed for both projects.

TTOR has failed to take into account that this dune restoration is still critical to protect the eastern end of the the herring creek; that the sand and dunes are sacrificial and the sand is absolutely necessary to add sand to a system that is starved for nourishment and that the dune restoration is necessary to improve the storm damage prevention and flood control.

In a letter dated May 24 2021, by Jocelyn Forbush, TTOR Acting President and CEO written in support of the MVP grant request, she states, in part, that she is pleased to share our enthusiasm for and strong commitment to a partnership with the Town of Edgartown and Dukes County for the project. She further stated that strategic intervention is required to preserve critical infrastructure to our public beaches for the future. Both Edgartown's own 2019 MVP report and studies done by WHG for ttor have demonstrated the urgency of this need and that dune restoration is beneficial and necessary intervention to protect this area.

The Notice of Intent filed for this project acknowledged and highlighted the necessity of this project as a whole was necessary to correct an overwash that is an unsustainable situation; that any solution will have a finite lifespan and that the proposed design is not expected to be a long term solution; that no action alternative would allow nature to take its course and result in continued erosion of the coastal beach and coastal dune; that magnitude and frequency of coastal storms over the past several years has triggered a deleterious situation for ttor, the county and the town; and lastly that the project is necessary to help restore a beach and dune system starved of sediment which has been heavily and adversely impacted by human activity, and sea level rise.

The timing of the announcement from TTOR announcing their internal decision to their commitment to their responsibilities as the long time stewards of Norton Point is perplexing. TTOR pledged to follow through with this project during the grant submission and the project permitting process.

Phase two of Norton point dune restoration has been on our radar screens and in the planning process since the spring of 2021. Failure to secure funding and implementation of plans and contracts to launch and complete this project, with repeated requests from the town for updates and status of the project, at the 11th hour is to me, is confusing at best given TTOR's mission to preserve access to the beach for the approximately 100,000 visitors who use this portion of the beach; prevent damage to the adjacent salt marsh and Mattakesett herring creek and to provide resiliency benefits natural and artificial resources inland of the project site.

Mr. Hagerty stated that the state has \$100,000 earmarked for this project. The Trustees backing out at this late hour when we have worked together on this project makes it very difficult to achieve.

The Board decided to send a letter to the appropriate people to try and get the project back on track. Mr. Hagerty and Ms. Varkonda will write it together to have the Board sign the following Monday.

At 4:25pm Mr. Smadbeck moved to adjourn. Ms. Serpa seconded. The Board did a rollcall vote and all voted Aye. Unanimous

Approved:

Margaret E. Serpa, Chairman

Arthur Smadbeck

Michael J. Donaroma
Board of Selectmen

Respectfully submitted,

Kristy Rose
Administrative Assistant