

Board of Selectmen

July 20, 2020

3:45 pm

A meeting of the Board was held on the above date via Zoom Teleconference. Members present were: Arthur Smadbeck, Chairman; Michael 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 addressed the first item on the agenda which was the application of Mr. Mark Begle of Sky High Kiteboarding to renew his Commercial Marine License. Present were several concerned citizens; Mark Begle; Bruce McIntosh, Chair of the Marine Advisory Committee(MAC); Skip Tomassian, member of the MAC; Les Baynes, member of the Shellfish Committee; Paul Bagnall, Shellfish Constable and Charlie Blair, Harbormaster.

Mr. McIntosh stated that last year the MAC had supported trying it out and issuing Commercial Marine Licenses to two kite boarding companies to have instruction in Cape Pogue. The MAC now recommends no further commercial activity in Cape Pogue. He then backed it up by addressing the Harbor Plan and there were several meetings over the winter to discuss Cape Pogue. According to the Harbor Plan Cape Pogue is mainly for shellfishing and should be saved from ecological harm to protect the eelgrass and environment. On May 13th there was a discussion with the Trustees about the kiteboarding and the harm to nesting birds and disregard for private property. The Trustees are worried about the nesting birds and ecology of their shoreline that circles Cape Pogue. The Shellfish Department is worried about the shellfish beds and the eelgrass.

Mr. Tomassian agreed with all Mr. McIntosh stated.

Mr. Blair stated that he didn't think the commercial activity was a problem, however after speaking to the Trustees and attending the meetings with them he supported the ban on commercial activity.

Several people spoke in favor of Mr. Begle and his upstanding reputation and good business practices. They called him a steward for the correct way to kite board and be cautious of the environment.

Mr. Begle stated that he respected the Town's concerns but that he had been in business several years. The kite boarders making trouble were not him and his students.

Mr. Donaroma did not want to single out one business. He moved to approve the renewal with review in the fall and the creation of a Cape Pogue specific committee to address the issues out there. Ms. Serpa seconded. Unanimous.

Mr. Smadbeck then recognized Mr. Marc Glassman of Whatever Silver which is next door to the Wharf Pub at the bottom of Main St. for the next item on the agenda. Also present was Geoghan Coogan representing the Wharf Pub.

Mr. Glassman stated that his business is suffering because of how the outdoor seating is structured outside the Wharf. The sidewalk is blocked from lunch on and people are crossing the street and not coming back. He requested removal of two tables and reopening the sidewalk.

Mr. Coogan responded that was not possible. He was worried about the safety and health of his customers and staff.

After some back and forth, Mr. Donaroma suggested a painted line around the dining area to indicate a walking space. So the public would follow the line instead of cross the street.

Both parties agreed that may work. It was decided that Mr. Hagerty would schedule a meeting with the Police Chief and Highway Superintendent to discuss and make happen, if possible, as soon as possible.

Mr. Smadbeck then recognized Erin Ready from the Board of Trade.

Ms. Ready wanted to present Christmas in July weekend. July 23rd to 26th. The goal would be to just be festive, have sales, and raise some early money for the Red Stocking fund. There would be minimum decorating. They would like to put signage and a blow up snow globe in the minipark.

Mr. Donaroma moved to approve. Ms. Serpa seconded. Unanimous.

The Board then approved the following items:

The minutes of July 13th.

Excavation Permits for 94 and 27 Herring Creek Rd. with the restriction that they must have a police detail and one for 86 School St. with the restriction that they have two police details.

Harbormaster Charlie Blair then asked to speak. Given the go ahead, he wanted to commend the job the town departments did with a missing kayaker situation on July 19th. It was the best set up search he had ever seen. He gave kudos to Fire Chief Schaeffer. It was a well run and a happy solution and he wanted to bring it to the Board's attention.

The Board thanked Mr. Blair for letting them know and decided to write a letter of commendation to the Chief.

At 5:09 PM Ms. Serpa moved to adjourn the meeting. Mr. Smadbeck seconded. Unanimous

Approved:

Arthur Smadbeck, Chairman

Michael J. Donaroma

Margaret E. Serpa
Board of Selectmen

Respectfully submitted,

Kristy Rose
Administrative Assistant