

Board of Selectmen

August 3, 2020

4:00 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 Town Administrator James Hagerty.

At 3:45 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 a complaint by Mr. Charles Sennott on the operations of DNLS at 51 Rd. to the Plains. Present were Mr. Sennott, Town Counsel Ron Rappaport, Health Agent Matt Poole, Zoning Officer Reade Milne. Mr. Donaroma abstained and left the meeting.

Mr. Hagerty played a short video from Mr. Sennott.

Mr Rappaport spoke first. On July 23rd he, Mr. Poole and Ms. Milne had a site visit to investigate. They could not detect any unpleasant odors. He then called Attys. Bob Ritchie and Jim Lampke because of Ag Exemption Chapter 310 and how it interplays with local zoning. Activities are licensed by DEP, In discussion with DEP agree that jurisdiction is under State DEP. Formally requested DEP to come down and conduct an investigation. Said they would come down before the end of the month. Mr. Rappaport believes that the Board of Health and Zoning appear to have no jurisdiction in this case.

Atty. Jim Lampke then spoke that he agrees with Mr. Rappaport and they're taking the best form of action.

Mr. Sennott did not agree that the town didn't have any jurisdiction. He thanked everyone for listening to his issue. He said it was unbearable and disagrees that there is no odor. He asked to show the video again. Then stated that the compost operation is too close to his well and property.

Mr. Matt Poole, Health Agent then spoke. First visited in 2016. Went through long summer of getting DNLS to register with DEP and MDAR. Essentially same site that there was in 2016. Does not agree that it has expanded in any way. Compost is greater than 25 feet from well. There is a 45' buffer and then additional space to compost area. Composting area is outside of 250' away from the well. Agrees with having DEP come down to do an official investigation. They are experienced experts.

Atty. Christopher Mafucci then spoke. Accused Mr. Donaroma of a conflict of interest with influencing the town not enforcing issues. Doesn't agree with Mr. Rappaport that the Town does not have jurisdiction in this case.

Mr. Smadbeck confirmed with Mr. Mafucci that he has been in touch with DEP. He stated that everyone has been in touch with them and they are supposed to be coming down before the end of the month. They have to follow the advice of Town Counsel.

Ms. Reade Milne, Zoning Inspector stated that the Agricultural Restriction is far reaching. She has done a lot of research on the issue. It has a broad reach.

Atty Marilyn Vukota then spoke for Donaroma's Nursery. She stated that he has always tried to work with the neighbors and mitigate their issues. She thinks there may be confusion on what is compost and what is loam. They feel they've done everything they could to try to mitigate the neighbors perceived issues.

Mr. Smadbeck stated that Mr. Poole is actively working on getting DEP to investigate. The town will assist and encourage DEP to take their responsibility seriously.

Mr. Donaroma then rejoined the meeting.

Mr. Smadbeck then moved on to the next item which was an update with the MOU with the Boys and Girls Club. Present was Norman Rankow and Atty. Vukota for the Boys and Girls Club.

Atty. Rappaport stated that the Boys and Girls Club has extended the closing. The MOU requires rights assigned to the town. That hasn't been signed yet.

Atty. Vukota stated that the Club Board was meeting that Thursday. There were some questions with when the rights would be assigned. She thinks that has been settled and it will be signed on Thursday.

Mr. Rankow stated that he apologized for the delay. It's recommended to sign it on Thursday.

Mr. Smadbeck then moved on to the next item which was a request from Test MV to hang a banner over the bottom of Main St. He recognized Ms. Ali Cooper.

Ms. Cooper stated that she would like to hang the banner as long as possible it will be 13'x 3'.

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

The Board then approved the following items:

Donations to the School for a total of \$14,387.

Travel Voucher for the Highway Department.

The Minutes of July 27, 2020.

Appointments for the Summer Shellfish Deputies: Ralph Peckham and Ron Domurat

Full Time Shellfish Deputies: Rob Morrison, Warren Gaines and Jason Mallory.

To appoint the COA Administrator Lyndsay Famariss. The Board wishes her good luck.

Mr. Smadbeck then recognized ZBA Assistant Lisa Morrion.

Ms. Morrison asked the Board to appoint John Magnuson as an interim member to replace the late Richard Knight. Mr. Donaroma moved to appoint. Ms. Serpa seconded Unanimous.

Mr. Hagerty then asked the Board to approve the Covid Travel Policy.

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

Mr. Hagerty then gave an update on the storm preparedness. The storm did not look like it would be too bad, but preparations have been made.

He then informed the Board that the MassDOT has awarded the town \$20,000 for the Shared Street Space Grant. It will cover all the barriers and such used to expand the outdoor dining due to the pandemic.

The Board congratulated and thanked Mr. Hagerty.

At 4:55 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