

Selectmen's Meeting

April 3, 2017

4:00 pm

A meeting of the Board was held on the above date in the meeting room of Town Hall. Members present were: Margaret E. Serpa, Chairman; Arthur Smadbeck; and Michael Donaroma. Also present was Town Administrator Pamela Dolby.

At 4:00pm Ms. Serpa opened the meeting and the first item on the agenda which was a shade tree hearing for 77 Pease Point Way. Lillian Province was not present to represent the owners. After some time, it was decided to continue the hearing to April 10th at 4:20pm.

Ms. Serpa then recognized Mr. Peter Vincent as Representative to MVTV. He wanted to provide an update. He provided a financial report then spoke about the solar installation which provides 95-96% of the electricity the tv station requires. He then spoke of the kitchen studio which they have recently finished and started filming new cooking shows.

The Board thanked him for the update.

Ms. Serpa then recognized Juliet Mulinare, Procurement Officer and Dredge Assistant.

Ms. Mulinare stated that there is an article on the town meeting for a new dredge. The dredge is generating revenue of \$50,000 from the sale of sand and the Committee would like to create a sand bank. Somewhere in town they could store sand that is dredged for use by the town at a later date or sale.

Ms. Dolby suggested the Old Dump. Discussion ensued of different locations. Nothing was decided.

Ms. Serpa then asked Stuart Fuller, Highway Superintendent about the request they received from him to consult Town Counsel on an issue with 2 Pierce Ln.

Mr. Fuller stated that they are encroaching on the Pierce Lane right of way by 10 feet. He has reached out to the homeowner with no response. He would like to consult Town Counsel on the next steps and how to proceed with rectifying the situation.

The Board then approved the following items:

For Edgartown Diner to stay open on April 15th until 12:30am for a special event night.

For the Board of Trade to hang a banner, flags on the poles, and hold a 5k race for Pink & Green Weekend.

The Board referred a letter about stop signs for bikes on the bike path to Mr. Fuller. Mr. Fuller stated that the bikes have a right of way. Ms. Dolby suggested a "slow" or "caution" sign.

The Board then recognized Mr. Peter Look. Mr. Look had issue with Article 69 on the Annual Town Meeting Warrant. Article 69 was submitted by petition. It was suggested that he take his concerns to the petitioners and the police chief.

The Board then opened the Public Forum on the Yellow House purchase that is also on the Annual Town Meeting Warrant. They started with a presentation and then opened the floor to questions.

Mr. Gerret Conover, Jr. showed the draft plan of how it could be restored and look.

Mr. Donaroma explained that they have all been approached by members of the public asking what the town was going to do about the property. There has been a lot of pressure to do something about the situation.

Town Counsel Ron Rappaport gave the crowd a background on the legal history of the Yellow House starting with the shade tree litigation and continuing on with the Historic District litigation. He then described the eminent domain and how the town could take the property. There needs to be a 2/3 vote in town meeting and at the polls.

Mr. Ben Hall Jr. then asked about using the CPC funds.

Mr. Rappaport replied that the Historic District will need to approve the renovation plans for the building and the open space would be preserved in perpetuity.

Ms. Serpa then stated that she had heard many comparisons of this project to the Warren House. She explained that the Warren House was submitted by petition by a group of citizens and was not supported by the Board. This is a town project and is supported by the Board of Selectmen.

Ms. Patricia Correia asked if the appraisals included the inside.

Mr. Rappaport responded that they did not. The building is worth very little.

Mr. Kenney Ivory asked who would fix the building and what happens if it is bad shape.

Mr. Chris Scott from the Historic District Commission stated that they encourage scale and preservation of as much as possible of the original.

Ms. Correia asked about the L portion of the building being a later addition. No one had an answer.

Ms. Carol Fligor then told the story of the movie theater fire which was owned by Alfred Hall at the location which eventually became the minipark. The building burned down and was never rebuilt. Fed up with the inaction of the owners, the town finally installed a fence around the foundation and now leases the space which they filled in the foundation and created the minipark.

A lease holder asked about the parking spaces and if they would continue to be leased.

Mr. Donaroma responded that the parking will be a public parking lot. There will be a couple of spaces for whomever leases the building.

Mr. Chuck Hibbett asked if there was any reason that if the town got a 2/3 vote why it wouldn't be instituted the next day.

Mr. Donaroma replied that the Board could start the process the next day after the votes.

Mr. Hibbett asked if the Board would exercise that opportunity.

Mr. Smadbeck stated that the Board's intent was to follow the wishes of Town Meeting vote to authorize the Board to follow through at the next meeting.

Mr. Hibbett stated that he thought the Town was doing the right thing. He thought the value of the property mathematically and analytically was too much. He thought the town needed this beautification project and they were doing a great job and told them not to stop.

Mr. Smadbeck replied that the owners will take the town to court over the price and the jury will decide on the correct price.

Mr. Hibbett stated that he thought the town could get a favorable price in that situation.

Mr. Smadbeck explained that the owners have 3 years to appeal the price only. After the vote the town owns the property.

Mr. Paulo DeOliveira asked if they thought they would have any responses to the RFP.

Mr. Donaroma replied that yes there were many people interested.

Mr. Conover replied that it can have good annual rental revenues because of its location with a good business plan. People are waiting for an opportunity to submit proposals.

Mr. Ben Hall, Jr. then spoke as representative of the owners. He blamed the movie theater on the Board of Selectmen and stated that there were no funds to rebuild the theater at the time. He stated that they have sunk hundreds of thousands of dollars into their buildings on Main Street. He then moved on to his version of the history of the Yellow House. He stated that they had started work to renovate the building, but were stymied by the shade tree on the Main St. side. They requested to remove the tree to which the Board of Selectmen refused so they had to stop work and go to court. He had been approached about someone buying the building in 2006 which fell through. He thinks the taking is a bad idea and stated he has been trying to get someone to renovate for years and stated that the Town has been no help.

Mr. Jack Browsky suggested a \$500,000 cash bond for the Halls to do the work or forfeit the cash.

Mr. Donaroma replied that had been discussed in meetings with the Halls.

Mr. Hall stated that he had committed \$200,000 to put into the Yellow House. He blamed the Historic District for not telling him what to do. He stated he has four tenants ready to go in.

Mr. Scott replied that the Halls have never made such a request. The by-law is easy to read. It states the property has to meet the standard of minimum maintenance. The property has received no maintenance and the owner is blaming everyone else. He wanted to make one good point. The town is not for profit and can negotiate for what is best for the community. Capital invested will be rent over time.

Ms. Fligor just wanted to remind everyone of the old liquor store which is another property owned by the same owners on Main St. that is empty and in disrepair.

The Board thanked everyone for coming.

At 5:30 PM Mr. Smadbeck moved to adjourn the meeting. Ms. Serpa seconded. Unanimous

Approved:

Margaret E. Serpa, Chairman

Arthur Smadbeck

Michael J. Donaroma
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant