

Board of Selectmen Meeting
Library Meeting Room
April 24, 2007

Present: Chairman Duncan Ross, Selectmen Gregory Coogan, Ronald DiOrio, Kerry Scott, Roger Wey. Also present: Town Administrator Michael Dutton, Administrator Alice Ryan Butler.

Meeting called to order at 5:00 p.m.

Request for a modification to an underground fuel license for N.J. deBettencourt Garage.

Mr. Joseph Forns explained the request. The deBettencourt's have upgraded their fuel tanks and because of this can install two larger tanks instead of the four small ones, they currently have.

Selectman Wey motioned to support the modification to the fuel license by upgrading the tanks at the NJ deBettencourt garage, seconded by Selectman DiOrio. Vote was unanimous.

Selectmen's Update

Selectman DiOrio said that he felt that the Department Heads needed to develop five year plans for their departments.

Selectman DiOrio also discussed the plans the Affordable Housing Committee has for the old library. They would like to convert the building to commercial space (perhaps a pharmacy) and residential housing. They would like to retain Bailey Boyd Associates to write a grant for the Old Library. The fee will be \$6,000 and the Committee can cover the expenses.

Selectman DiOrio motioned to retain Bailey Boyd Associates for the purpose of writing a grant for the "old library" at a fee of \$6,000, seconded by Selectman Coogan. Four voted in favor, Chairman Scott abstained.

Priscilla Sylvia, a member of the CDC said that her committee had been charged with studying the old library and asked how or if the two committees would be coordinated.

Chairman Scott said that the Town Meeting was one of the best due to the mailing the warrant in advance.

Selectman Coogan thanked Chairman Ross for his year as Chairman. He also commented on the professionalism of the Fire Department which was evident in the search for a new Chief.

He expressed regret at the low number of people who attended the Annual Town Meeting and election.

Selectman Ross commented on the Fire Chief interviews that had been held the previous day, reporting that all five candidates were qualified to be Chief. He also congratulated the Highway Department for the clean up after the Nor'Easter.

Town Administrator's Report

By consensus, Comcast was given permission to move their office to the Airport Industrial Park.

The bids are out for the bulkhead project, with the opening on May 3, 2007.

The Swearing in for Sergeant Michael Marchand will be held at 1:00 p.m. on Thursday, April 26, 2007 in the Library Meeting Room.

The Hospital/Neighborhood Committee will meet on Thursday, April 26, 2007 at 9:00 a.m. in the Town Hall Conference Room.

Selectman DiOrio motioned to approve a substance abuse program using the meeting room at the Council on Aging seven days a week from 6:30 a.m. to 7:30 a.m. during the hospital renovation, seconded by Selectman Coogan. Vote was unanimous.

Regarding the Hospital's request to use the building at One Ryan's Way as a daycare center, Mr. Dutton said that he had been advised by both the MVC and Town Counsel that the matter should be referred to the MVC as a DRI. It is the designation of the house as a church that would necessitate a DRI. The town can place reasonable restrictions on the use of the property but it cannot prohibit a daycare center. The hospital has been asked to withdraw their application.

Chairman Scott motioned to refer the church to the MVC as a district of regional impact, seconded by Selectman DiOrio. Vote was unanimous.

Selectman DiOrio asked that the Assessor visit the property to determine how much of the property is being used for business purposes and the number of businesses that are there. He also asked how a residence can be converted to a church.

Old/New Business

Reorganization of the Board

Selectman Coogan motioned to nominate Selectman Scott to be Chairman, seconded by Chairman Ross

Selectman Wey motioned to nominate Selectman DiOrio to be Vice-Chairman, seconded by Selectman Coogan

Vote was unanimous.

Chairman Scott asked that Selectman Ross continue to chair the meeting.

Discussion of the Selectmen's goals for 2006

The following is a summary of the goals and the progress that was made.

- Balanced budget, yes
- New York Avenue bike path, no progress
- Improvement of the building permit, yes
- Improvement of the parks, yes
- Strategy for affordable housing, Selectman DiOrio is working on it.
- Five year Capitol improvement plan, needs to be made more prominent.
- Protect neighborhoods, efforts being made
- New Police station, there is a different Police station.
- Resolution of old Town Hall, a work in process.

Pursuant to MGL Chapter 138, Section 12 the Board of Selectmen will hold a Public Hearing on Tuesday, April 24, 2007 at 6:00 p.m. in the Library Meeting Room, 56R School Street regarding an application for a Transfer of License from LaPierre Enterprises, Inc. dba the Captain's Table to O-Sun, LLC dba O-Sun located at 5 Oak Bluffs Avenue, Oak Bluffs, MA. This application is on file in the Selectmen's office for review Monday through Friday, 8:30 a.m. to 4:00 p.m.

It will be a year round restaurant serving Asian food.

There was no correspondence in favor or opposed.

Selectman DiOrio motioned to close the Hearing, seconded by Selectman Coogan. Vote was unanimous.

Selectman Ross motioned to transfer the annual beer and wine license from the Captain's Table to O-Sun, seconded by Selectman Wey. Vote was unanimous.

Pursuant to MGL Chapter 138, Section 12 the Board of Selectmen will hold a Public Hearing on Tuesday, April 24, 2007 at 6:30 p.m. in the Library Meeting Room, 56R School Street regarding an application for a Transfer of License from Cvivor, LLC to Big Cans Restaurant Group, LLC dba Balance located at 9 Oak Bluffs Avenue, Oak Bluffs, MA. This application is on file in the Selectmen's office for review Monday through Friday, 8:30 a.m. to 4:00 p.m.

Attorney Marcia Cini represented the new owners. The restaurant will accommodate 150 people and plans to open in June. It will also be available for weddings and functions.

One person spoke in favor. No one was opposed.

Selectman DiOrio motioned to close the Hearing, seconded by Selectman Coogan. Vote was unanimous.

Selectman DiOrio motioned to transfer the seasonal All Alcohol license from Cvivor to Big Cans Restaurant Group, LLC. Vote was unanimous.

Interviews for finalists for Fire Chief

The two finalists, Gilbert (Pete) Forend and Tony Ferreira gave a brief statement about their background and experience. They were also questioned by the Board of Selectmen.

The Selectmen agreed that any one of the five candidates would have been an excellent Chief and felt that the Department handled itself well in the process of choosing a new Chief.

Selectman DiOrio motioned to appoint Gilbert (Pete) Forend as Fire Chief, seconded by Selectman Wey. Vote was unanimous.

Request to open a new business, Rougeluxe Apothecary, Inc at 21 Kennebec Avenue.
Kathryn Magistrini

Ms Magistrini explained that her business would be selling cosmetics but not pharmaceuticals. It will be a year round business.

Selectman Coogan motioned to approve the Rougeluxe Apothecary business, seconded by Selectman DiOrio. Vote was unanimous.

Request for a one hour closing extension on Friday, April 27, 2007 for the annual dart tournament. Holy Ghost Association.

Selectman Coogan motioned to grant the Holy Ghost Association permission to stay open one hour later on Friday, April 27, 2007 for the annual dart tournament, seconded by Selectman DiOrio. Vote was unanimous.

Request for permission to use the parking spaces in front of the Wesley Hotel on June 14, 15, 16, 2007 for 14th annual event. Boston Area Roadsters.

Selectman DiOrio motioned to permit the Boston Area Roadsters to use the parking spaces in front of the Wesley Hotel on June 14, 15, 16, 2007 for their 14th annual event, seconded by Selectman Coogan. Vote was unanimous.

Request to expand livery business. Vineyard Coach

Joanne Fairchild explained that her business opened two years ago and she was interested in expanding by adding a ten and a six passenger van. She operates the business from her home, but does not have a home business license.

Chairman Scott motioned to extend the license until May 31, 2007 to explore whether a home business license is necessary, seconded by Selectman Coogan. Vote was unanimous.

Request to hold the Harbor Festival on June 9; Summer Solstice on June 21, and Tivoli Day on September 15, 2007. Oak Bluffs Association.

Selectman Coogan motioned to approve the dates for the Harbor Festival, Summer Solstice and Tivoli Day, seconded by Chairman Scott. Vote was unanimous.

Discussion of Memorandum of Understanding regarding EMAC.

In the event of a catastrophe, one member of each Town's Board of Selectmen would serve on a coordinating committee. The Selectmen will review the draft and vote on it at a future meeting.

Request permission to present a petition to "Save Viera Park.

Selectman Ross said that the petition would be passed on to the Parks Department, since the Selectmen do not have jurisdiction over the parks. It was suggested that the matter be referred to the Martha's Vineyard Commission.

Selectman Scott motioned to refer Viera Park renovations to the Martha's Vineyard Commission, seconded by Selectman Coogan. Vote was unanimous.

Discussion on old library building

Since the CDC has done so much work on the old library, it was suggested that a joint meeting between the Affordable Housing Committee and the Community Development Committee be held. They will meet on May 2, 2007 at 10:00 a.m. in Town Hall.

Accept Minutes

March 27, 2007

Selectman DiOrio motioned to accept the Minutes of March 27, 2007, seconded by Selectman Coogan. Vote was unanimous.

Public Communication

Selectman Coogan motioned to declare surplus a 1999 Ford pickup truck, a 1988 Chevrolet pickup truck from the Highway Department and a shed from the Council on Aging, seconded by Selectman Wey. Vote was unanimous.

Selectman DiOrio motioned to donate the shed to the Sheriff's Department, seconded by Selectman Coogan. Vote was unanimous.

Executive Session

Selectman Coogan motioned to enter Executive Session for the purpose of discussing negotiations, seconded by Selectman DiOrio

***Chairman Scott Aye
Selectman Coogan Aye
Selectman DiOrio Aye
Selectman Ross Aye
Selectman Wey Aye***

Selectman Wey left the meeting.

Respectfully submitted,

Alice Ryan Butler
Administrator