

Board of Selectmen Meeting
Library Meeting Room
March 11, 2009

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

Meeting called to order at 4:45

Selectman Scott motioned to enter into Executive Session for the purpose of contract negotiations, returning to regular session, seconded by Selectman Coogan.

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

Executive Session

Selectman Ross motioned to return to regular session, seconded by Selectman Coogan.

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

Town Administrator's Report

The RFP for the old library building has been advertised.

The ACO would like to be on the MSPCA committee. By consensus, the Board agreed.

Roads Committee meeting, Thursday, March 12, 2009, 3:00 p.m. in Town Hall

Mr. Dutton met with Secretary of Transportation Aliosi to discuss the transportation plan. There is not much impact on Oak Bluffs. However, there is a \$.19 per gallon gas tax and an increase in tolls.

Mr. Dutton also met with the DEP and the Wastewater Commissioners to discuss Ocean Park to discuss dates to get the work done. The work should be done in the off season.

Old/New Business

Pursuant to MGL Chapter 12, the Board of Selectmen will hold a public hearing on Wednesday, March 11, 2009 at 5:30 p.m. in the Library Meeting Room, 56R School Street regarding an application for a transfer of an Annual Wine and Malt license from Rangely, Inc. (formerly Sweet Life, Inc) dba Slice of Life to PJS MV, Inc dba Slice of Life at 50 Circuit Avenue, Oak Bluffs, MA 02557. This application is on file in the Selectmen's office for review Monday through Friday, 8:30 a.m. to 4:00 p.m.

Selectman Ross motioned to transfer the Annual Wine and Malt license from Rangely, Inc dba Slice of Life to PJS MV dba Slice of Life. Seconded by Selectman Scott. Vote was unanimous.

Review of proposed warrant for Special and Annual Town Meeting

Review of ballot questions

Moderator David Richardson requested that a non-binding question be put on the ballot: “Are you in favor of having the Moderator use his discretion to call for more frequent use of written ballots at Town Meeting when substantial and important issues are presented and a standing vote would likely involve intimidation and embarrassment or awkwardness for the voters.”

This is a non-binding question and will be reviewed by Town Counsel for wording.

Selectman Wey motioned to put the question on the ballot, seconded by Selectman Scott. Three voted in favor. Selectmen Coogan and Ross were opposed.

Selectman Coogan motioned to put three Articles concerning the integrated pest control management program and Vineyard Health Care Access Program on the ballot as an override, seconded by Selectman Scott. Vote was unanimous.

Selectman Scott motioned to place three Articles on the ballot as Debt Exclusion, dredging a channel in Sengekontacket Pond, paying the town’s share of acquiring new school buses for the Martha’s Vineyard Regional School District, purchasing the Leonardo property, seconded by Selectman Coogan. Vote was unanimous.

Special Town Meeting Warrant:

Article One: Provides authorization for our representatives to the state legislature to file this piece of legislation. Legislative permission is required before the towns on Martha’s Vineyard can create Island-wide mechanism to pool post-retirement health benefit funds. Joining Trust itself would be optional.

Selectman Scott motioned to support the Article, seconded by Selectman Coogan. Vote was unanimous.

Article Two: Authorize the High School District Committee to sell, transfer, exchange or lease the property that currently houses the Superintendent’s office

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectman Wey. Vote was unanimous.

Article Three: would transfer funds from available line items in order to cover estimated shortfalls in other line items.

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectman Scott. Vote was unanimous.

Article Four: would provide funds to make improvements to the drainage of storm water onto Seaview Beach, and provide better access to portions of the beach.

Selectman Scott motioned to put the Article on the Warrant, seconded by Selectman Coogan. Vote was unanimous.

Article Five: required by the Commonwealth on an annual basis to ensure that CPA funds are allocated at least 10% to each of the three required areas:

Selectman Scott motioned to put the Article on the Warrant, seconded by Selectman Ross. Vote was unanimous.

Article Six: Concerning employee appeals for misclassified positions.

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectman Scott. Vote was unanimous.

Annual Town Meeting

Article 3: Provide funds to continue landfill gas monitoring and groundwater monitoring pursuant to standard, post closure orders from DEP.

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectmen Ross. Vote was unanimous.

Article 4: appropriate from free Cash the Town's share of the money to match the Commonwealth's contribution to the Martha's Vineyard Drug Task Force.

Selectman Scott motioned to put the Article on the Warrant, seconded by Selectman Wey. Vote was unanimous.

Article 5: authorize the expenditure of the fiscal year 2010 annual budget

Selectman Scott motioned to put the Article on the Warrant, seconded by Selectman Coogan.

Article 6: shift to the towns a significant share of the burden of providing the Pest Management Program.

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectman Scott. Vote was unanimous.

Article 7: shift to the towns an increasing amount of the burden of providing the Vineyard Health Care access Program.

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectman Scott. Vote was unanimous.

Article 7A: shift to the towns the cost of lost grant moneys which previously funded parts of the Health Access Program.

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectman Scott. Vote was unanimous.

Article 8: annual re-authorization of the Marina revolving account.

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectman Wey. Vote was unanimous

Article 9: authorize funds already collected by the CPA from the taxpayers, with additional funds from the Commonwealth, to be used as specified.

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectman Ross. Vote was unanimous.

Article 10: proposed bylaw would make clear the process for hiring new employees.

Selectman Ross motioned to put the Article on the Warrant, seconded by Selectman Coogan. Vote was unanimous.

Article 11: would create new provision in town by-law making it an infraction to wash cars in the town road layout within the B-1 and B-2 zoning districts.

Selectman Ross motioned to put the Article on the Warrant, seconded by Selectman Wey. Vote was unanimous.

Article 12: allows Planning Board to issue a special permit to construct a single family home on undersized lots subject to affordability restrictions.

Selectman Scott motioned to put the Article on the Warrant, seconded by Selectman Coogan. Vote was unanimous.

Article 13: request to have properties included in the Health Care District.

Selectman Ross motioned to postpone placing the Article on the Warrant, seconded by Selectman Wey. Vote was four in favor, Selectman Scott was opposed.

Article 14: allows the Finance Committee to schedule their meeting according to the availability of the members.

Selectman Coogan motioned to put the Article on the Warrant, seconded by Selectman Ross. Vote was unanimous.

Article 15: would make comprehensive changes and additions to the Animal Control Bylaw.

Selectman Ross motioned to put the Article on the Warrant (with amendments), seconded by Selectman Wey. Vote was unanimous.

Article 16: authorizes the creation of a trust which could hold funds and property for affordable housing uses.

Selectman Ross motioned to put the Article on the Warrant, seconded by Selectman Wey. Vote was unanimous.

The remainder of the Articles do not need the Selectmen's approval to be on the Warrant.

Selectman Ross motioned to use the balanced budget without an override for the schools or the Police Department, seconded by Selectman Wey. Vote was four in favor, Selectman Scott abstained.

Pursuant to MGL Chapter 138, Section 12, the Board of Selectmen will hold a public hearing on Wednesday, March 11, 2009 at 6:00 p.m. in the Oak Bluffs Library Meeting Room, 56R School Street regarding an application for a new seasonal All Alcohol license for CVIVOR, LLC 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.

Selectman Ross motioned to approve a new seasonal All Alcohol license for CVIVOR, LLC, seconded by Selectman Coogan. Vote was unanimous.

The Oak Bluffs Board of Selectmen will hold a public hearing on Tuesday, March 11, 2009 on a petition from NSTAR to relocate one pole 3/7 on Winthrop Avenue 17' to property line. Plans are available for review in the Selectmen's office Monday through Friday, 8:30 a.m. to 4:30 p.m.

Selectman Coogan motioned to approve the petition from NSTAR to relocate pole 3/7 on Winthrop Avenue, seconded by Selectman Ross. Vote was unanimous.

Request to open a new retail business, I Love MV at 9 Healy Way. Michael Manfredi.
Selectman Coogan motioned to approve the opening of a new retail business at 9 Healy Way, seconded by Selectman Ross. Vote was unanimous.

Request to hold Harbor Festival and Summer Solstice on June 20, 2009 and Tivoli Day on September 19, 2009. Oak Bluffs Association.

Selectman Ross motioned to grant permission for the Harbor Festival, Summer Solstice and Tivoli Day, seconded by Selectman Coogan. Vote was unanimous.

Request for change of manager at Lookout Tavern, Inc.

Selectman Wey motioned to approve the change of manager at Lookout Tavern, Inc., seconded by Selectman Ross. Vote was unanimous.

Request for change of manager at AMR Vineyard, Inc. dba Season's Eatery and Pub.

Selectman Ross motioned to approve the change of manager at AMR Vineyard, seconded by Selectman Wey. Vote was unanimous.

Request for permission to be closed for two weeks for renovations. Park Corner Bistro.

Selectman Coogan motioned to grant the request to be closed for two weeks for renovations from Park Corner Bistro, seconded by Selectman Wey. Vote was unanimous.

Selectmen's Update

A meeting between the Harbormaster and Town Counsel has been arranged to discuss the East Chop moorings.

The MSPCA has offered use of the building in Edgartown without charge.

The next All Island Selectmen's meeting will be held in Chilmark on March 23, 2009.

Clarification of the ownership of the bath house on the North Bluff is being sought.

It is possible that Sengekontacket Pond could be funded by the Army Corp of Engineers.

The RFP for the pharmacy will be available on March 12, 2009.

Adjourn

*Selectman Coogan motioned to adjourn at 7:40 p.m., seconded by Selectman Wey.
Vote was unanimous.*

Respectfully submitted,

Alice Ryan Butler
Administrator