

Board of Selectmen Meeting

Sailing Camp Park

July 13, 2010

Present: Chairman Duncan Ross, Selectmen Gail Barmakian, Kathleen Burton, Gregory Coogan, Ronald DiOrio. Also present: Town Administrator Michael Dutton, Administrator Alice Ryan Butler.

**Meeting was called to order at 4:01 p.m.**

Chairman Ross commended Police Officer J. J. Mendez for his role at the fatal bicycle accident in Vineyard Haven. Although off duty, he took control of the scene in a very professional manner until the Tisbury Police arrived.

**Public Announcements**

Trish Bergeron of the Holy Ghost Society announced that the Portuguese Feast Parade would be held on Sunday, July 18, 2010.

Chief Blake was thanked by the Martha's Vineyard Camp Meeting Association for the course on bicycle safety that was held at the Campground.

Selectman Burton announced the Second Annual Ponds in Peril Meeting will be held July 21, 2010 at Sailing Camp Park.

The official opening of Conroy's Pharmacy will be held on July 21, 2010.

**Minutes**

June 22, 2010

***Selectman DiOrio motioned to accept the Minutes of June 22, 2010, seconded by Selectman Coogan. Vote was unanimous.***

**Continued Hearing:** Entertainment License noise complaint. Deon's Restaurant.

Attorney Robyn Nash explained that Deon's Restaurant did not receive the certified letter which was why they did not attend the first hearing.

Mr. Thomas, owner of the business explained the efforts they made to comply with the Entertainment license; they did not realize that that they were not permitted to have a DJ.

The neighbors presented their side of the problem regarding noise from the restaurant and were reminded that the hearing only involved Deon's entertainment license, not noise from faulty air conditioning equipment.

Reminders were given to the Thomas' to keep doors and windows closed and to be respectful of the neighbors need for quiet.

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

**Hearing:** Pursuant to MGL Chapter 138, Section 12, the Board of Selectmen will hold a public hearing on July 13, 2010 at 4:30 p.m. at Sailing Camp Park regarding an application for alteration of premises from Bang Zoom dba Lobsterville Bar and Grille located at 8 Circuit avenue, Ext., Oak Bluffs, MA. This application is on file in the Board of Selectmen's Office for review Monday through Friday, 8:30 a.m. to 4:00 p.m.

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

Attorney Howard Miller representing the applicant Bang Zoom dba Lobsterville Bar and Grille described the changes that would be made to the building, a new bar and outside staircase.

Two people spoke in favor of the alterations.  
No one spoke in opposition.

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

***Selectman DiOrio motioned to approve the alteration of premises, seconded by Selectman Burton. Vote was unanimous.***

**Hearing:** Entertainment License noise complaint. Island House Bar and Grill.  
***Selectman Coogan motioned to open the Hearing, seconded by Selectman DiOrio. Vote was unanimous.***

The owner, Mr. Chhibber, explained the efforts that were made to lessen any impact of noise on the neighbors. He has given out his cell phone number, so people can call him if there is a problem and regularly contacts neighbors to see if they have complaints. He has also purchased speaker stands to mitigate the reverberation of the bass sound.

Chief Blake said that the current incident was the 38<sup>th</sup> in two and one half years. Not all of the incidents were necessarily noise related.

Selectman DiOrio said that if there was another complaint filed with the Police Department, he would move to permanently suspend the entertainment license.

Mr. Chhibber said that he was unaware of 38 complaints.

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

***Selectman Coogan motioned to issue a warning to the Island House, seconded by Selectman DiOrio. Vote was unanimous.***

Request for enforcement action for cutting of vegetation on town property at Sunset Lake. Conservation Commission.

Conservation Commission Agent Liz Durkee reported that she had met with Attorney Michael Goldsmith regarding a private citizen cutting vegetation on town property at Sunset Lake. He recommended that the Town sue civilly with the Conservation Commission as a party to the suit. The individual involved has previously ignored Order of Condition notices from the Conservation Commission.

However, since the vegetation that was cut will grow again, an alternative was suggested, that a strongly worded letter be sent to the individual suggesting that in lieu of a suit, a fine be paid, or some form of mitigation be offered to correct a problem in another area. The Board asked the Conservation Commission to advise on an appropriate project. The individual will be notified that if this is not acceptable, a civil suit will be pursued.

Request to hold 22<sup>nd</sup> annual Sullivan 5K run/walk. Martha's Vineyard Hospital.  
***Selectman Coogan motioned to approve the Sullivan 5K Run/Walk, seconded by Selectman Burton. Vote was unanimous.***

**Selectmen's Update**

Selectman Barmakian acknowledged the recognition of Kathleen Corey Lynch, born and raised in Oak Bluffs as one of fifty most influential Irish American women in the United States. She is the Executive Director of the Xavier Society of the Blind in New York City.

Ruth Metell was named Volunteer of the Year by the Counsel on Aging.

Selectman Burton suggested that in order to encourage more bicycle safety, perhaps the Martha's Vineyard Commission, the Oak Bluffs Businessmen's Association and other interested groups could design a map of the Island that would indicate the safe areas to ride bicycles and the areas to avoid.

Selectman Coogan announced that the East Chop puddle has been eliminated.

Selectman DiOrio announced that the Legislature voted to allow restaurants to start serving alcohol at 10:00 a.m. on Sunday.

***Selectman DiOrio motioned to allow restaurants to start serving alcohol at 10:00 a.m., on Sunday, seconded by Selectman Coogan. Vote was unanimous.***

Selectman DiOrio announced that the Town has again been the recipient of a \$750,000 grant from Community Development Grant Block to rehab houses.

Selectman DiOrio requested that a letter be sent to Officer J.J. Mendez commending him for his professionalism and response to duty in assisting during the bicycle accident in Vineyard Haven.

He also commented on a letter that was printed in the newspaper concerning the Health Agent. His daughter was present at the reported incident and called the letter in the newspaper “blatantly unfair”.

Chairman Ross thanked John Pasquina for providing pedicabs for the July 4<sup>th</sup> parade, and Highway Superintendent Combra for providing a truck to transport them to Edgartown.

Admiral Cab is not in compliance and has been taken off the road.

Tisbury Taxi does not have the proper lettering on the back of its taxis.

It was reported that Ron Minkin has been soliciting fares at the Information Booth.

Chairman Ross announced that the bids for dredging Sengekontacket Pond had been opened and are being reviewed.

The summer taxpayer’s meeting will be held on August 10, 2010.

#### **Town Administrator’s Report**

Oak Bluffs emergency boat, the Red, White and Blue played a roll in putting out the fire in Menemsha. All of the people involved were commended for their work.

The Town will work with a design engineer to review the HVAC system for the library. The HVAC system is not the responsibility of the architect.

The Building Inspector is working with the owners of the Oyster Bar to correct the lighting behind their building.

The first meeting of the Police merger committee has been held. The committee involving other departments will have their first meeting soon.

The County Manager has proposed temporarily using snow fencing at the big bridge to prevent accidents. The Martha’s Vineyard Commission has taken a “wait and see” approach.

The entertainment license form will be reviewed for improvements. A sliding fee scale is being considered for the various forms of entertainment.

**Adjourn**

*Selectman DiOrio motioned to adjourn at 6:00 p.m., seconded by Selectman Coogan.  
Vote was unanimous.*

Respectfully submitted,

Alice Ryan Butler  
Administrator