

November 15, 2010

Members present: Nancy Phillips, Richard Combra Jr & Buddy deBettencourt

Others present: Gail Barmakian (BOS/WW/OB Resident), Judy Shemit (OB Resident), John Regan (OB Resident), Barbara Hoyle (OB Resident), Heidi Raihofer (OB Resident), Joseph Leonardo (OB Resident), Kerry Scott (OB Resident), Frank Dunkl (Craftsman), Phil Combra (VH Resident)

Policies – Beach & Park

Commissioner Phillips read the third draft of proposed park rules (attached). She would like to have tasteful signs posted with rules.

Gail Barmakian asked about allowing dogs in the enclosed area at Veira Park during times of year when it is not being used for baseball.

Commissioner Phillips responded that dog excrement and urine is a year round public health hazard.

Barbara Hoyle had problems with e, f and g as it could be changed at the will of the Park Commission.

Commissioners advised her that certain events or functions can be granted permission to serve alcohol and they would rather have rules posted rather no rules at all. Also that it is up to the Police to enforce the rules and if it is not posted then they cannot.

Motion: To accept the Park rules as written by Commissioner Combra.

Second: Commissioner deBettencourt

Motion passed unanimously

Commissioner Phillips read the third draft of proposed beach rules (attached).

Commissioner Combra said that he didn't think they should allow alcohol at all on beaches even by special permit.

Commissioner deBettencourt agreed. There was discussion on people using small gas grills and having clams boils catered by professionals.

Motion: To change #9 to no open fires or alcoholic beverages allowed except special event permit by Commissioner deBettencourt.

Second: Commissioner Phillips

Motion passed 2-1 with Commissioner Combra voting no

Heidi Raihofer spoke against banning scuba diving as it is basically swimming and it would not allow either herself or any students a place to go in Oak Bluffs should it be banned. She said that there is no problem and they all use flags.

Commissioner Phillips was unaware that there was a group of scuba divers and she was concerned about people coming up quickly upon unsuspecting swimmers.

Commissioners agreed to remove "scuba diving" from rule #5 and change #3 to "no walking on jetties beyond signage or on dunes as posted."

Kerry Scott expressed her concerns about regulating too much and how were the rules to be enforced. She didn't think that most officials had enforcement powers and they should find out if the Park Commission has those powers before they legislate. She said the regulation stating "no fishing" is counterproductive as the fishing pier was going to be built in an area that people swim and opponents of the pier used that as a reason not build it.

Commissioner Phillips replied that the regulations were for mainly for Inkwell, Pay Beach and East Chop (Marinelli) Beach but not the North Bluff beach as there is not much of a beach there.

Motion: To accept the beach rules as amended for Sea View, Inkwell and East Chop (Marinelli) beaches by Commissioner Phillips.

Second: Commissioner Combra except for rule #9

Motion passed unanimously

Oak Bluffs Park Commissioners Minutes November 15, 2010

Page 2

Commissioner Phillips read Section 2.03 Issuance of Special Use Permits – Generally, Section 2.04 Special Use Permits – Commercial Activity, Section 2.05 Special Use permits – Special Events, Section 2.06 Special Use Permit – Special Events – Ocean Park, and Section 2.07 Revocation of Special Use Permits (attached).

Ms Barmakian was concerned about the commercial activity section and the Commission needs to be very careful when allowing such activities.

Commissioner Combra and Phillips responded that it is addressing the possibility of a concession stand being allowed back on the beach.

Ms Hoyle mentioned that placement and use of tents falls under the Building Code and is defined as a structure.

Commissioner Phillips advised that Town Counsel will have to review what the Park Commission votes on before it is finalized.

Ms Barmakian would like wording in the rules that states that any use of a park in general that one must be considerate of the neighbors and residents around a park. She added that it may not be enforceable but would show that the Park Commission acknowledges the residents.

Commissioner Combra said he didn't have problem adding such wording but special events would still need to be approved by the Commission.

Commissioner Phillips added to Section 2.05 Special Use Permits – Special Events the following: *Approved groups using park or beach areas will need to respect the rights and privacy of neighbors*. She explained that Town Counsel had advised that the Town should have rules and regulations as there were none in place.

Ms Shemit had concerns about the length of time that tents are up in Ocean Park and she wanted better oversight.

Ms Scott said that she didn't think the proposed rules included the various issues that Town Counsel had raised regarding Ocean Park which she said was more of a town common than a park.

Motion: To accept the policies with the few exceptions as noted by Commissioner Combra

Second: Commissioner Phillips

Motion passed unanimously

Special Event Requests

- **Ocean Park - MVCS Possible Dream Monday August 1, 2011.** Commissioner Phillips stated that a letter was received from OB Resident Joseph Vera and Town Administrator Michael Dutton informed MVCS that removing the tent in the middle of the night was not acceptable.

Motion: To approve event with the condition that the tent set-up is on Friday & Saturday, tents must come down by Tuesday and no work between 8:00 PM & 8:00 AM by Commissioner Combra.

Second: Commissioner Phillips

Motion passed with Commissioner deBettencourt abstaining

- **Ocean Park & Waban/Alley Park – Vineyard Warrior Triathlon – Odyssey Trisports Saturday & Sunday September 10-11, 2011.** Commissioner Combra would like to speak with Mr Brackman to discuss details and thought he was going to be attendance. Mr Brackman said via phone that currently he only has one sponsor (Gatorade) but hope to get more local sponsors within the next six months. He is willing to donate money to the OB Park & Rec Dept. He said Waban/Alley Park would be used for the expo and bike drop off on Saturday while using Ocean Park, with no tents, as the finish line. Commissioner Combra stated that he is willing to approve the event but would need to discuss more details. Commissioner Phillips said they could have a PA system to announce finishers but would prefer that they move to Waban/Alley Park for any celebration. He said that it is not a big party with only light music and no alcohol. He will be on island in January 2011 and is willing to meet the Commission.

Motion: To preliminary approve event contingent on Mr Brackman meeting with the Park Commission in January 2011 in order to discuss details, sponsorship, etc by Commissioner Combra.

Second: Commissioner Phillips

Motion passed 2-1 with Commissioner deBettencourt voting no.

- **Ocean Park – Stafford/Goodwin wedding September 10, 2011.** Ms Goodwin was present and stated that only the ceremony would be in the Bandstand. She was willing to change time to 3:00 PM to 6:00 PM in order not to conflict with triathlon but she did want a tent in case of rain. Commissioner Phillips said allowing a tent would set a precedent.
Motion: To approve event with hours from 3:00-6:00 PM and allow chairs but no tent by Commissioner Combra.
Second: Commissioner Phillips
Motion passed unanimously
- **Ocean Park – Colleary/Webb wedding September 24, 2011.** Commissioners were concerned as they were requesting to use the park for the wedding ceremony and reception for 200 people. Commissioner Combra said they have only ever approved of the use of the Bandstand for the ceremony. Commissioner deBettencourt said that he would contact the applicant.
No action taken.
- **Ocean Park – Reardon/DiGiampetro wedding September 24, 2011 from 12 PM to 3 PM.** Commissioners concerned about the number of people and the need to use Bandstand for that length of time.
Motion: To approve event on the condition that 150 people cannot fit in Bandstand, will allow chairs and minor amplification for soft music/words but no tents by Commissioner Combra.
Second: Commissioner Phillips
Motion passed unanimously
- **Hartford Park – African American Cultural Festival – Cottagers July 28-29, 2011 (rain date July 30th)**
Motion: To approve event as long as they contact Highway Department prior to erecting tents by Commissioner Combra
Second: Commissioner Phillips
Motion passed unanimously

Ocean Park - Geese/Dog review

Commissioner Phillips said that there seems to more geese during the spring and fall when there are not as many people using the park but she is unsure if there were less between Memorial Day and Labor Day because of the dogs or the people.

Commissioner Combra suggested starting earlier in the season and later in the fall while lessening in summer months. He said he will contact Mr Cornwell and report back.

There was a short discussion of using firearms to scare geese.

Bandstand Weathervane

Emmy Smith and Judy Shemit went to Scott McDowell's workshop in Menemsha and his proposal was \$2,800 using some recycled parts. She said the Tuck Holland had given a verbal quote of \$5,000 using all new parts and would take up to 18 months to complete it.

Frank Dunkl said he has worked with Mr McDowell and that he does very good work. He explained that it should not be soldered as the seams can open up and allow water in, it should be either bronze or stainless steel.

Commissioners did not make any decision about weathervane.

Frank Dunkl said that he is working on the issues as previously discussed and should be doing it over the winter. He also presented a proposal regarding the pool in Ocean Park.

Commissioner Phillips said that the Town's IT Director Travis Larsen will be working on getting WiFi operational again.

Town Meeting

Commissioner Phillips explained that Article #5 was regarding the dedication of the North Bluff area as park but there are technical issues that need to be worked out so she proposed withdrawing the article until the issues are resolved.

**Oak Bluffs Park Commissioners Minutes
November 15, 2010**

Page 4

Commissioner deBettencourt stated that it has been a piece of park property in all the years he has served on the Park Commission and the Park Department maintained the area.

Commissioners agreed to withdraw article.

Public Comment

Phil Combra presented a copy of a magazine cover picture with an Afghanistan woman without a nose. He wanted people to be more aware of the situation and women's rights worldwide. He hoped to use Ocean Park on Saturday, November 27, 2011 to disperse information.

Commissioners felt that people have the right to congregate and asked that he inform them what exactly he planned on doing. Commissioner Combra advised that should he want music, food, etc then he would need to request permission and discuss it with the Commission.

Ms Hoyle asked about cutting around Sunset Lake as it went right to edge of the water.

Commissioner Combra said he was unaware that they had gone so close.

Commissioner Phillips advised that FANS (Friends And Neighbors of Sunset Lake) had requested a letter of support from the Park Commission as they are applying for CPA money to do watershed survey and try to look at plans to save the pond. Commissioners signed letter for their application (attached).

Ms Scott had questions regarding the work done at Waban/Alley Park specifically how much was spent on the rain garden.

Commissioner Phillips replied some of it is still in process and that it is not qualified as a rain garden but rather native vegetation educational program as described as part of the grant. She said that it will need to be cut back to six inches every late autumn.

Commissioner Combra said that the two Landscape invoices and Stephen Stimson Associates were for the garden as well as the Plumbers' Supply invoice for the pipe to service a spigot. He said that there will be no irrigation in area and he will arrange for it to be mowed to six inches.

Commissioner Phillips made it clear that no CPA money allocated for the Sea View brick bathrooms was going to be used in Waban/Alley Park.

Meeting adjourned.

DISCLAIMER: These minutes are based on a tape recording and as such have a margin of error.

Next meeting December 20, 2010

**Note: December 20th meeting was cancelled due to inclement weather conditions.*