

Town of Oak Bluffs - Select Board Meeting Minutes
Oak Bluffs Town Hall – 56 School Street. Meeting Hall
Tuesday June 14, 2022, 4:00pm

Present: Chair Ryan Ruley, Select Persons Jason Balboni, Gail Barmakian, Emma Green-Beach, Brian Packish.

Also Present: Town Administrator Deborah Potter, Office Administrator Debra Alley

Absent: Assistant Town Administrator Wendy Brough.

4:02 p.m. Call Meeting to order

Public Announcements - none

Department Head updates - none

Approve Meeting Minutes April 26th, 2022, May 10th, 2022, May 16th, 2022, May 24th, 2022, and May 31st, 2022.

Select Person Balboni moved to approve the April 26, 2022, Select Board Minutes, Seconded by Select Person Packish (5 - Aye).

Select Person Balboni moved to approve the May 10, 2022, Select Board Minutes, Seconded by Select Person Packish (5 - Aye).

Select Person Balboni moved to approve the May 16, 2022, Select Board Minutes, Seconded by Select Person Packish (5 - Aye).

Select Person Balboni moved to approve the May 24, 2022, Select Board Minutes, Seconded by Select Person Packish (5 - Aye).

Select Person Balboni moved to approve the May 31, 2022, Select Board Minutes, Seconded by Select Person Packish (4 - Aye) Select Person Barmakian recused herself.

Swearing in of the Oak Bluffs Police Chief Searle.

Select Person Barmakian acknowledge retiring Chief Blake.

Colleen Morris Town Clerk sworn in Police Chief Jonathan Searle. Document Attached.

Appointments

Discussion and possible vote to re-appoint to the Oak Bluffs Historical Committee for a one-year term

- Kathy Laskowski
- Joyce Dresser
- Renee Balter
- Susan Thompson
- Barbara Baskin - Cottage City Historic District representative
- Jim Dearing - CPC representative

Select Person Packish made a motioned to appoint Kathy Laskowski, Joyce Dresser, Renee Balter, Susan Thompson, Barbara Baskin, and Jim Dearing to the Oak Bluffs Historic Committee for a one-year term, Seconded by Select Person Balboni (5 - Aye).

Discussion and possible vote to appoint Mark Leonard to the Housing Bank Review Committee

Select Person Balboni made a motion to appoint Mark Leonard to the Housing Bank Review Committee, Seconded by Select Person Packish (5 - Aye).

Discussion and possible vote to appoint Fred Hancock to the MVTV Board for a three-year term

Select Person Barmakian made a motion to appoint Fred Hancock to the MVTV board for a three-year period, Seconded by Select Person Packish (5 - Aye).

Discussion and possible vote to award the construction contract for the Noyes Building - Mark Leonard

Motion will be addressed at Special Joint Meeting June 21, 2022

Discussion and possible vote to authorize up to \$300,000 Municipal Housing Trust - Mark Leonard

Motion will be addressed at Special Joint Meeting June 21, 2022

Discussion and possible vote on Donut Hole Nitrogen Credit Transfer / Land Bank Property - Mark Leonard

Select Person Packish made a motion to authorize the Affordable Housing Committee to move forward with due diligence in relation to the Donut Hole nitrogen credit transfer on the Land Bank property, seconded by Select Person Balboni (5 - Aye).

Discussion and possible vote on letter of support for a land swap proposed between the Commonwealth and the MV Land Bank for the 8-foot shared use path along Beach Road

Deborah Potter has confirmed with the Conservation Department and other departments they do not see any issues with this land swap.

Select Person Barmakian made a motion to authorize the Chair to execute a letter in favor of the proposed land swap between the Commonwealth and the MV Land Bank, Seconded by Select Person Packish (5 - Aye)

Discussion and possible vote to support Healthy Aging MV Community Plan - Cindy Trish

Select Person Packish made a motion to authorize Chair Ruley to execute a letter in favor of the proposed land swap between the Commonwealth and the MV Land Bank, Seconded by Select Person Balboni (5 - Aye).

4:38 p.m. Select Person Packish recused himself.

Discussion and possible vote to approve a new business application Sarah Brown's Comfort Food

Select Person Balboni made a motion to approve the Sarah Brown's Business License at 7 Oakland Ave, Seconded by Select Person Barmakian (4 - Aye).

4:45 p.m. Select Person Packish rejoined the meeting.

Chair Ruley made a motion to open the public hearing.

4:45 p.m. Public Hearing

The Oak Bluffs Select Board will hold a public hearing on Tuesday, June 14th, 2022, at 4:45 p.m. at Oak Bluffs Town Hall 56 School Street, Oak Bluffs on a petition from Eversource Energy (8635066) to Install 33" +/- of 1-4" conduit from existing pole 177/7 to proposed handhole 177/H7. This work is necessary to provide electric service to 48 Bayview Avenue.

Select Person Balboni made a motion to close the public meeting, seconded by Select Person Barmakian. (5 - Aye).

Select Person Barmakian made a motion to approve the petition from Eversource Energy to service 48 Bayview Avenue, Seconded by Select Person Packish (5 - Aye).

Discussion and possible vote to approve new business application - African American Heritage Trail -Elaine Weintraub

Select Person Packish made a motion to approve African American Heritage Trail, Seconded by Select Person Barmakian (5 - Aye).

Acceptance of Donations

\$156 donation toward the OB Fire Works

Select Person Packish made a motion to accept the donation of \$156 toward the Oak Bluffs Fire Works, Seconded by Select Person Barmakian (5 - Aye).

Select person Packish made a motion to open the public hearing.

5:00 p.m. Public Hearing

The Oak Bluffs Select Board will hold a public hearing on Tuesday, June 14th, 2022, at 5:00 p.m. at Oak Bluffs Town Hall 56 School Street, Oak Bluffs on a petition from Eversource Energy (7088380) for the installation of 700'+/- of conduit and 2 new manholes 70000/010 and 70000/030 being installed in Eastville Avenue, Oak Bluffs. This proposed location is to provide support to the Martha's Vineyard cable project.

Select Person Balboni made a motion to close the public meeting, seconded by Select Person Barmakian (5 - Aye).

Select Person Balboni made a motion to approve the petition from Eversource Energy on Eastville Ave, seconded by Select Person Green-Beach (5 - Aye).

5:06 p.m. Select Person Packish recused himself.

Discussion and possible vote to approved eight entertainment application and eight one day Alcohol License Sara Brown's Comfort Food

Select Person Balboni made a motion to approve the Entertainment Applications on Saturday August 6th 13th 20th and 27th 2022 from 11:00 a.m. - 3:00 p.m. as presented, seconded by Select Person Barmakian (4 - Aye).

Select Person Balboni made a motion to approve the Entertainment Application on Friday and Saturday August 5th, 6th 12th, 13th 19th 20th 26th and 27th between 4:00 p.m. and 8:00 p.m. Monday to Saturday as presented, seconded by Select Person Green-Beach (4 - Aye).

Select Person Balboni made a motion to approve one day beer / wine applications on August 5th, 6th 12th 13th 19th 20th 26th and 27th 2022 between 11:00 am and 10:00 p.m., seconded by Select Person Green Beach (4 - Aye).

Discussion and possible vote to approve entertainment application Monday - Saturday - Lobsterville -Leslie Graham

Motion will be addressed at Special Joint Meeting June 21, 2022

Discussion and possible vote to approve an entertainment request Island Inn - Friday August 5th - Hillary McDermott

Select Person Barmakian made a motion to approve an Entertainment Permit for Jada Jackson, seconded by Select Packish (5 - Aye).

Discussion and possible vote to approve an entertainment request Island Inn Tuesday August 16th - Hillary McDermott

Select Person Barmakian made a motion to approve an Entertainment Permit for Erika Liles Tuesday August 16, 2022, seconded by Select Person Packish (5 - Aye).

Discussion and possible vote to approve Family Sculpture in Oak Bluffs - Jay Lagemann

Applicant to work further with the Parks Department to work on viable placement options for the sculpture; how this project will be financed.

Discussion and possible vote on the MVRHS funding formula agreement - Brian Packish - attached

Select Person Packish made a motion to accept for the purpose of securing MSBA funding the apportioned amount of 22.89% for Oak Bluffs based on the presented formula, with the acknowledgement that the actual funding is still subject to a future Town Meeting vote regarding the desired construction of the regional High School. To include a Memorandum of Understanding with a 2.5 % budget increase cap in any and all increases over 2.5% to be a warrant article with a proposition 2.5 override approved by all six towns, seconded by Select Person Balboni (5-Aye).

TA/ATA Report - attached

Discussion and possible vote to approve The Food Truck – Josh Aronie at PennField – June 25, 2022

This application still needs to approval by the Health Department, Parks Committee or Wastewater Committee.

Select Person Packish conditionally approved the Food Truck Permit for Penn Field, seconded by Select Person Barmakian (5 -Aye).

Select Board Update

Select Person Balboni thanked Chief Erik Blake, Todd Alexander, and Alice Butler for their years of service to the Town.

Select Person Packish said the daily mooring fees is starting to be collected on the harbor. He spoke about the demolition of the Ocean View and why it is delayed.

Select Person Barmakian thank you to thanked Chief Erik Blake, Todd Alexander, and Alice Butler. The Town received a grant and going to meet with the PRB installer.

Select Person Green-Beach the grant is an EPA funded piloted watershed grant which is focused on the lagoon. The PRIDE parade and flag raising were wonderful family events.

Public Comment

Russel Ashton - Shawmut Ave. The Town has a problem as they are not raising the Juneteenth Flag.

Hear employee complaint against two Finance Committee Members.

Deborah Potter spoke to the complaint May 19th her character, reputation, 36 other towns where the Town Accountant can hold multiple positions. Three-year plan discussed with the Select Board, Finance Committee and during her interview.

Counsel Collins spoke to the actions he has taken at the time of Deborah Potters time of appointment and then again after the Finance Committee Meeting May 19th, 2022. He said with both the Ethics committee

and the Department of Revenue there was nothing inappropriate or incorrect with Deborah Potter holding the dual positions.

Select Person Packish asked about Deborah Potters salary prior as the Town Accountant and the previous Town Administrator. He asked Counsel Goldsmith if they had been contacted by any person in relation to this complaint, Goldsmith confirmed he had been contacted by Sherry Countryman.

Select Person Balboni commented he is extremely disappointed in the entire situation; it could have been resolved if question had been asked of the Select Board.

Ms. Countryman said the job of the Finance Committee is to ask questions. Questions the Role of the Town Administrator and not the person. She felt there was a fundamental misunderstanding of the open meeting laws and was upset that Select Board Members have lashed out against the FinCom. Ms. Countryman asked that she, Richard Weis and the FinCom received an apology.

Mr. Packish said it was disappointing it had come to this.

Mr. Weis does not understand how this situation got out of control. Mr. Weis said there was no plan to discuss the situation at the meeting when Deborah Potter handed out the document and the Form on how to obtain legal counsel. He feels the optics of appointing Carrie Blair at this time is "coincidental." Mr. Weis said it was never a personal attack on Deborah Potter.

7:08 p.m. Ms. Countryman left the meeting; she did not want to be associated with a Town where the Select Board says they are disgusted with the FinCom.

Select Person Green-Beach watched the video and commented she watched the video, and we value our employees, and we value our elected officials and boards.

Select Person Packish commented he feels that the Town should collaborate with Attorney Jack Collins on Ethics and Open Meeting Laws for all boards and committees.

Mr. Weis maintains the situation was not going to be discussed at the FinCom meeting and it was not personal against Deborah Potter.

Chair Ruley would like to see a Select Person attend the FinCom meetings and have a FinCom Member come to the Select Board Meeting every other meeting. In the future would like to see the FinCom sit down with Deborah Potter and find a working relationship going forward. Select Person Packish would like to work with Chair Ruley. Work with Jack Collins to have a training session with Elected Officials and Employees.

The Select Board will work together to work with the FinCom.

Counsel Goldsmith advised that Motion 2

"In accordance with M.G.L Ch 30A Sect 21(a)(1) to discuss the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual"

is not specific enough as the property is not identified so this should be struck.

Executive Session

7:38 p.m. Select Person Packish made a motion to enter in executive session, seconded by Select Person Balboni.

Roll Call Vote: Balboni - Aye, Packish - Aye, Ruley - Aye, Barmakian - Aye, Green-Beach - Aye.
(5 - Aye)

Motion to enter into Executive Session

- 1 In accordance with M.G.L Ch 30A Sect 21(a)(3) to discuss strategy with respect to collective bargaining or litigation (MVRHS appeal of Planning Board decision) if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body
- 2 Review and possible vote on approval of Executive Session Minutes of April 15, 2022.

and to not reconvene in open session.

Adjourn 7:38 p.m.

Respectfully Submitted



Debra Alley – Office Administrator

Documents Included

Police Chief Document

Select Board Minutes – April 26th, 2022, May 10th, 2022, May 16th, 2022, May 24th, 2022, May 31st, 2022.

Appointment Letters – Oak Bluffs Historical Committee Members, MVTV

Copies of Signed Eversource Petitions

Healthy Aging Martha's Vineyard Community Plan

African American Heritage Trail Application and Documents

Sarah Brown Comfort Food Entertainment and One Day Alcohol Application and Documents

Island Inn Applications

Sculpture – Lagemann

Handout on the funding formula MVRHS.

Town Administrators Report

Approved Select Board Meeting 07.12.2022