

**Town of Oak Bluffs - Select Board Meeting Minutes
Oak Bluffs Town Hall – 56 School Street. Meeting Hall
Tuesday July 26, 2022, 4:30pm**

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

Also Present: Town Administrator Deborah Potter, Assistant Town Administrator Wendy Brough.
Executive Assistant Debra Alley

Absent:

4:34 p.m. Call Meeting to order

Public Announcements - John Lette passed away.

Department Head updates - none

Vote to approve Select Board Meeting Minutes July 12, 2022

Select Person Barmakian moved to approve the July 12, 2022, Select Board Minutes, Seconded by Select Person Barmakian (5 - Aye).

Discussion and possible vote to authorize execution of PD intrastate mutual aid agreement

Chief Searle advised that Oak Bluffs is not part of an intrastate mutual aid agreement.

Select Person Barmakian moved to authorize Deborah Potter to sign the intrastate Mutual Aid agreement, Seconded by Select Person Balboni (5 - Aye).

Discussion and possible vote to approve the NAACP George Tankard Road Race with amplified sound on Saturday September 10, 2022 - Eric Blake

Ms. Tankard and Chief Blake spoke to the race. Select Person Barmakian made a motion to approve the NAACP George Tankard Road Race on Saturday September 10, 2022, Seconded by Select Person Packish (5 - Aye).

Acceptance of Donations

Discussion and possible vote to accept \$30.00 donation from the Goff Family and \$15,000 Donation from Wesley MV OPCO LLC (Summer Camp) to Oak Bluffs Fire Works

Select Person Balboni made a motion to accept the \$30.00 and \$15,000 donation to the Oak Bluffs Fire Works, Seconded by Select Person Packish (5 - Aye).

Select Person Packish made note the Oak Bluffs Association Go-Fund me account is up to approximately \$13,000

4:45 p.m. Public Hearing

Chair Ruley moved to enter Public Hearing, Seconded by Select Person Balboni (5 - Aye).

The Oak Bluffs Select Board will hold a public hearing on Tuesday, July 26th, 2022, at 4:45 p.m. at Oak Bluffs Town Hall 56 School Street, Oak Bluffs on a petition from Eversource Energy (8982380) for the installation of 18' +/- of 1-4" conduit from existing pole 135/9 to proposed handhold 135/H9.

This work is necessary to provide electric service to 61 Dukes County Avenue.

Eversource representative Marissa Jackson updated the address to 67 Dukes County Avenue; the abutter notification was considered adequate as the pole number stayed the same and the abutter list was 300 feet.

4:47 p.m. Select Person Packish made a motion to close the public hearing, Seconded by Select Person Balboni.

Select Person Balboni made a motion to approve the Eversource Energy (8982380) for the installation of 18' +/- of 1-4" conduit from existing pole 135/9 to proposed handhold 135/H9. Conditional upon the receipt of updated sketch 61 Dukes Country to 67 Dukes County, Seconded by Select Person Barmakian (4 - Aye, 1 - Abstain) Select Person Packish abstained.

Discussion and possible vote to approve and confirm polling location for State Primary Election, assignment of police officers, re-appoint current election workers, confirm three elected constables, and approve early voting hours. - Colleen Morris

Select Person Balboni moved to confirm and approve the polling location for the State Primary as Oak Bluffs Public Library, meeting room 56R School Street on Tuesday September 6th, 2022, between 7:00 a.m. and 8:00pm, Seconded by Select Person Barmakian (5 - Aye).

Select Board signed a copy of the warrant for the 2022 State Primary.

Select Person Barmakian made a motion to assign one (1) Police Officer to the polling location for all elections and primaries in 2022 and to designate the Police Chief the authority to assign specific police officers according to scheduling and availability, Seconded by Select Person Green-Beach (5 - Aye).

Select Person Barmakian made a motion to re-appoint the listed election workers and serve in the same capacity as previous year, Seconded by Select Person Packish (5 - Aye).

Colleen Morris (Town Clerk) advised the Select Board the three elected constables listed would be serving during the elections.

Select Person Balboni made a motion to confirm early voting hours Starting Monday August 29th, 2022, ending Friday September 2nd, 2022, between the hours of 8:30 a.m. and 4:00 p.m. in the Conference Hall, 56 School Street, Seconded by Select Person Packish (5 - Aye).

Discussion and possible vote regarding Special Town Meeting date and timeline - Colleen Morris

Select Person Barmakian made a motion to approve the dates provided by the Town Clerk in relation to the Special Town Meeting, Seconded by Select Person Packish (5 - Aye).

Chair Ruley made a motion to approve Deborah Potter (Town Administrator) to collaborate with Colleen Morris (Town Clerk) on the wording for the debt exclusion article in relation to the Wastewater facility upgrade, Seconded by Select Person Balboni. (5 - Aye).

Discussion and possible vote on amended deed proposed by Senator Cyr re the Donut Hole land swap - withdrawn

Discussion and possible vote to approve re-financing for Aruajo/Jenkinson 33 Sunset Road - G. Coogan

Mr. Coogan advise this is in relation to the sale of 33 Sunset Road, not the re-financing of the property.

The original purchase price of \$217,500 used as the “adjusted original price” and the assessed value of the land as the “current land value” \$401,000. The difference is \$183,500. would have been the disposition fee had the property been sold in the first 5 years under the deed restriction rider. The Aruajo/Jenkinson property of 80% threshold had been attained. The fee of 20% of \$183,500 is \$36,700. would release the covenant

Select Person Packish made a motion to approve and accept the fee of \$36,700 for the sale of the Aruajo/Jenkinson Property at 33 Sunset Road, Seconded by Select Person Balboni (5 - Aye).

Deborah Potter will need to confirm the account or association (Affordable Housing Trust) the money is to be deposited against.

Discussion and possible vote on recommendation of Steamship Boat Diversions - Adam Epstein

Mr. Epstein asked the board to support the diversion of the boats on August 26th - August 28th 7:15 p.m. Woods Hole - Oak Bluffs from Oak Bluffs to Vineyard Haven as a matter of public safety in the transportation of concert attendees.

Mr. Malkin advised he attended the Select Board meeting last month and spoke to the Board about boat diversion from Oak Bluffs so he could not in good faith vote to support this boat diversion.

The board discussed the safety and issues around the movement of attendees at Beach Road Concert, the impact to other travelers on the Steamship; confusion which may be caused to people travelling on the SSA. How this diversion may impact to the Oak Bluffs businesses and restaurants.

The will of the board is to NOT take a vote to support or deny the request either way.

Discussion and possible vote to approve events at the Holy Ghost Association - Gina deBettencourt/Gillian Badot

Discussion as to what constitutes an event; does the outdoor Summer Night Market count as one of the seven “approved” events.

1. Sunday June 19th, 2022, NAACP Juneteenth Event
2. Thursday August 18th, 2022, Uptown Magazine Event
3. Saturday October 1st, 2022, Family Day
4. Summer Markets 08/04/2022, 08/11/2022

Discussion and possible vote to approve Special Event Permit Oak Bluffs 8th grade students selling concessions at Oak Bluffs Fire Works on Friday August 19, 2022 - Eve Heyman

This is a fund raiser for the Oak Bluffs 8th grade field trip to Philadelphia and New York.

Select Person Balboni made a motion to approve the Oak Bluffs 8th grade to sell concession at the Oak Bluffs Fire Works on August 19th, 2022, Seconded by Select Person Packish (5 - Aye).

Discussion and possible vote to approve Oak Bluffs Fall 5km Road Race on Sunday October 9, 2022 - Eve Hayman

Select Person Balboni made a motion to approve the Oak Bluffs Fall 5km Road Race on Sunday October 9, 2022, Seconded by Select Person Barmakian (5 - Aye).

Discussion and possible vote to approve Oak Bluffs 8th grade Turkey Trot with amplified sound on Thursday November 24, 2022 - Eve Heyman

Select Person Barmakian made a motion to approve the Oak Bluffs 8th grade Turkey Trot with amplified sound on Thursday November 24, 2022, Seconded by Select Person Balboni (5 - Aye).

6:26 p.m. Select Person Packish recused himself as he is a direct abutter

Discussion and possible vote to approve Entertainment Permit on Monday August 15th 21022 12 noon - 4:00 pm - Sarah Browns Comfort Food - withdrawn

Discussion and possible vote to approve Entertainment Permits on Monday August 8th, 15th and 22nd 2022, 5:00 pm - 8:00 pm Sarah Browns Comfort Food - withdrawn

Monday August 8th and 22nd are college mixers (Jack and Jill Organization) from 4:00 pm to 8:00 pm

Discussion and possible vote to approve Entertainment Permit on Thursday August 18th, 2022, 4:00 pm - 8:00 pm - Sarah Browns Comfort Food - withdrawn

Discussion and possible vote to approve six one-day beer/wine licenses Sunday August 7th, 14th 21st & 28th. Monday August 15th and Thursday August 18th, 2022 - Sarah Brown's Comfort Food

Discussion about the business model - whether the restaurant is a take-out only or an in-door dining only. Chair Ruley advised by Friday July 29, 2022, Sarah Brown's needs to determine and notify the Town Administrator / Select Board office if the business model is in-door dining or purely take-out. If the business is determined to be a take-out only Chair Ruley advised screening MUST be erected in the back area by Friday August 5, 2022.

6:58 p.m. Select Person Packish re-joined the meeting

Discussion about Back Door Donuts - Lynn Vera

Ms. Vera presented video's, photos about the noise, drunken behavior, and disturbances. Lynn Vera has called the Police Department seven times since June 4th, 2022. The noise ordinance is 11:00 p.m. Other neighbors (Heffernan) (Wilkie) have sent letters of complaint.

Ms. Vera made a request that Back Door Donuts move to Healy Square – rather than the back door Reliable Parking lot. Ms. Vera also requested a close time of 10:00pm

Chair Ruley asked the Board do not take any action tonight due to the fact there was no representation from BDD. Chair Ruley and Deborah Potter will meet with Police Chief Searle to about the volume of noise complaints. Deborah Potter, Chair Ruley, Select Person Barmakian will contact the Back Door Donuts owners about the noise complaints. A meeting to be held between Lynn Vera, Police Chief Blake, Chair Ruley, Town Administrator and a representative from BDD to discuss repercussion.

Appointments

Discussion and possible vote to re-appoint Jim Bishop to the Affordable Housing Committee for a one-year term

Select Person Balboni made a motion to re-appoint Jim Bishop to the Affordable Housing Committee for a one-year term, Seconded by Select Person Barmakian (5 - Aye).

Discussion and possible vote to re-appoint Marie Allen for a one-year term to the Board of Assessors.

Select Person Packish made a motion to re-appoint Marie Allen for a one-year term to the Board of Assessors, Seconded by Select Person Barmakian (5 - Aye).

TA/ATA Report - attached

Select Board Update

Select Persons Green-Beach and Barmakian thanked the Summer Camp for the generous donation for the Oak Bluffs Fireworks. Chair Ruley also thanked Summer Camp.

Select Person Packish spoke about the level of enforcement at the North Bluff; cars driving the wrong way up the road. Parked the wrong direction -working with the Police Chief on this.

Public Comment – none

Important Dates

August 9th & 23rd Regular Select Board Meetings
Aug 16, 2022, Public Forum for Summer Taxpayers
Aug 19, 2022, Fireworks

Executive Session

7:50 p.m.

Select Person Packish made a motion to enter into Executive Session In accordance with M.G.L Ch 30A Sect 21(a)(3) to discuss strategy with respect to litigation (Michelson vs Town of Oak Bluffs) if an open meeting may have a detrimental effect on the litigating position of the public body and the chair has so declared. And to not reconvene in open session.

Seconded by Select Person Balboni.

Roll Call Vote Select Person Green-Beach - Aye, Select Person Barmakian - Aye, Chair Ruley - Aye, Select Person Packish - Aye, Select Person Balboni - Aye (5 -Aye)

Adjourn 7:50 p.m.

Respectfully Submitted


Debra Alley – Executive Assistant

Documents Included

- Agenda 07.26.2022
- Approved Minutes July 12, 2022
- MV NAACP - 20th George Tankard Road Race Application
- Eversource Energy Petition Documents
- Town Clerk Documents
- Town Clerk - Special Town Meeting Calendar
- George Coogan - 33 Sunset Ave - Araujo Document
- Holy Ghost / PA Club event list
- Oak Bluffs School - 8th grade special event Application
- Oak Bluffs School - 8th grade Fall 5km Application
- Oak Bluffs School - 8th grade Turkey Trot Application
- Lynn Vera – photos & documents - Back Door Donuts
- Town Administrator Report

Approved Select Board Meeting 08.09.2022