

Aquinnah Select Board Meeting
Minutes
March 7, 2023

Attending: Gary Haley, Tom Murphy, Julianne Vanderhoop (Chair), Jeffrey Madison (Town Administrator, Bill Lake, Kathie Olsen, Marjorie Spitz, Paul Manning, Randhi Belain, Carlos Montoya, Mike Hebert, Jay Smalley, Mitzi Pratt, Eric Stange, Jessica Roddy, Cindy Mitchell, Skipper Manter, Jessica Miller, Jen Rand

Call to Order at 5:00 p.m. by Julie Vanderhoop, Chairman

Minutes
(Adopted Minutes of February 7, 2023 meeting)

Aquinnah Circle Issues
(allowed posting of No Trespass signage)

Mitzi presented on behalf of the ACDC several unresolved issues related to Circle North properties: 1. Zoning (see memo from Michael Goldsmith); 2 Handicap access to Cliffs pathway; No Trespass sign at buildings; and 3. Parking in front of old restaurant. She stated that it appeared that removal of buildings seemed to be the only practical fiscal solution to the deteriorated properties given the Town's financial position. Uses for the property are restricted by current zoning and changing Town by-laws to exempt Town uses my resolve that issue. The Committee recommended placing the No Trespass signs on the properties to limit potential liability. Further she stated that the Committee would not object to parking in the lot, though she questioned whether there may be a septic in the middle of the existing parking area, and she thought the ACDC would object to parking a long-term use of the land.

Tom thanked the Committee for their work. He stated he would support a change of zoning exempting municipal uses. He made a motion to allow posting of No Trespas posting of the property. Gary seconded that motion. Vote was unanimous.

Julie requested that septic area location before leveling parking area.

Howes House Discussion
(Agreement to talk further when costs have been established)

West Tisbury Select Person, Cindy Mitchell, presented the board with information on the need to renovate the Howes House, located in West Tisbury that is used as home for the Up-Island Council on Aging. Currently costs associated with UICOA are divided equally between the 3 towns. She asked whether Aquinnah wanted to continue to make use of the programs offered. She indicated that West Tisbury did not expect Aquinnah to contribute one-third of the construction costs; rather it is requested that a "fair" share is what they expect.

Aquinnah Housing Committee
(Agreed to take necessary steps to increase short-term rental fee to 6% and provide Town employees with administrative leave to attend housing demonstration on March 22, 2023)

Mike Hebert, representing the Aquinnah Housing Committee, requested that the Town increase local short-term rental tax fee to six (6%) with the “additional” 2% fee being dedicated to affordable housing. He requested that a warrant article be placed on this year’s annual town meeting.

He further requested that a representative from the Aquinnah Housing Authority be placed on the local Land Bank Committee.

Board voted to put article on ATM warrant that would increase the local short term rental tax to six (6%). Town Administrator requested that Town employees wishing to attend the demonstration of support for a Dukes County Housing Bank be granted administrative leave for the day). Tom made a motion seconded by Julie that the leave be granted. Vote was unanimous in favor.

Library Request for Legal Counsel

(Authorized Town Administrator to facilitate communication)

Kathie Olsen, representing the Library Board of Trustees requested that the Trustees be authorized to request a legal opinion from Town Counsel regarding several issues. Board authorized the request.

Animal Control Officer

(No action taken)

Carlos Montoya/Moshup Trail View Clearing

(Demand on Town Budget prevent support at this time)

Carlos Montoya presented estimated cost of completing necessary permit application to DEP in response to Decoulos appeal of their initial order allowing clearing of view channels along Moshup Trail between Maple Hill Drive and #4 Moshup Trail. His estimated costs were \$450.00 in additional survey costs; \$9,000.00 for initial clearing and \$2,000.00 annual pruning fee. Julie indicated that she could not support these costs given the current strain on Town budget and there being no way to do this in a “sustainable manner.” Tom agreed that while he supports the idea the Town cannot fund it at this time. There was talk of potential support should Carlos be able to find a benefactor to fund the project. No action was taken.

Stange/Roddy Proposed Donation

(Agreed to take steps toward creating a entrance on Roddy/Stange land)

Gary reported on his visit with Tom to the site and suggested that he felt there may be a way to create a small turn-out on Moshup Trail that would allow for two cars prior to the permits for a separate entrance/exit from the Philbin lot. Agreed to move forward to seek permission required under Town zoning by-law to secure required permits,

Animal Control Officer

(Seek further information)

Town Administrator was directed to speak with other towns to determine if it would be feasible to share their ACO.

Donation to Fire Department
(Accepted donation)

A One Thousand Dollar (\$1,000.00) donation to the Aquinnah Fire Department was received. Donation was by the same entity that made a donation to the Aquinnah Police Department last year. The Board voted to accept the donation and write a letter of thanks to the donor.

ABCC Forms
(Signed necessary forms required for Reporting)
Aquinnah Cultural Center Lease
(Agreed to extend lease pending further approval)

Town Administrator suggested renewing the current lease with changes to term (increase to 25 years) and reduction in rent (\$1.00/year). Tom Murphy indicated that he was reluctant to sign a 25 year lease, but suggested that the new lease be for 5 years with four (4) five year options. There was no objection to the reduction in rent. Tom agreed to work on the lease and present it to the ACC.

Overtime Pay for Snow Removal by Highway Forman
(Town administrator to converse with Jay and report back)

Board was advised that the Highway Superintendent had, for many years, been working overtime during snow emergencies without appropriate compensation. Town Administrator was instructed to converse with Jay Smalley regarding a settlement.

Tax on Shops at Cliffs
(Agreed to comply with State Law)

In reference to a question raised by the Tribe during Tom's conversation about renewing the Masther Cliff Lease the Tribe questioned wither it was appropriate for the Town to send a tax demand to owners of the shops at Aquinnah Circle. Harald Sheid, principal assessor at Regional Resource Group responded to the inquiry as follows:

In my capacity as Aquinnah Assessor allow me to explain the reason for assessing the commercial buildings located at the foot of the lighthouse.

Though the buildings and land are owned by the Town and leased to the Wampanoag Nation, they are subject to taxation under Mass General Law Chapter 59, Section 2B if used for a non-exempt purpose. It is for this reason that our office assesses an annual real estate tax to the leasehold or sub-leasehold owner. I am unaware of any PILOT agreement that spells out terms requiring my office to assess these properties in a manner different than for a privately owned commercial property. Nor am I aware of any statute, or agreement that exempts these properties altogether.

Meeting was adjourned at 6:36 p.m.