

Dukes County Commissioners

Minutes

Wednesday, May 1, 2019

4:00pm

Dukes County Administration Building
9 Airport Road, Edgartown, MA

Dukes County Commissioners Present: Gretchen Tucker Underwood – Chair, Keith Chatinover, John Cahill (John C.), Leon Brathwaite, **John Alley (John A.), Christine Todd, and *Tristan Isreal – Vice Chair

*Arrived late

**Left early

Other County Officials Present: Martina Thornton—Dukes County Manager, Chuck Cotnoir – Dukes County Emergency Manager, Paulo DeOliveira – Register of Deeds, Ann Metcalf – Dukes County Treasurer

Others Present: Joanie Ames—MVTV, Bob Rosenbaum – Chair Airport Commission, Richard Knabel – Airport Commission, Rich Salzberg – MV Times

Gretchen called the meeting to order at 4:00pm

Minutes:

Christine/John C. made a motion to approve the DCC Minutes from 4-3-19 as presented. So voted. Keith yes, John C. yes, Leon yes, Christine yes, John abstains and Gretchen abstains. Motion carries.

***Tristan arrived at 4:32pm**

Airport Commission – Two Resignations:

Gretchen said DCC received two resignations from the Airport Commission. Clarence (Trip) Barnes who had nearly two years remaining on his term and Rich Michelson who has a nine month term remaining. A discussion was held. John A. said the DCC would normally appoint someone for the remainder of their terms. The DCC discussed leaving the positions vacant until the next appointment process in March **14 minutes** in 2020. At that time, two positions will be appointed for a three year term and one person would fill the remaining term of Rich Michelson for one year term. Bob R. said if the DCC does not appoint anyone to fill the remaining terms the Airport Commissioners would be fine since they would still have five members. Leon said there are two vacancies and that does allow us not to act.

Christine/Keith made a motion to leave the two positions vacant until January 2020 at that time there will be three positions that the County would advertise for; two positions for a three year term and one that will be a one year term. So voted. Tristan yes, Gretchen yes, John C. yes, Keith yes, Leon yes, Christine yes and John A. abstains. Motion carries.

County Treasurer – Elected vs Appointed:

Tristan said the sub-committee (Tristan, Christine and Leon) met and he and Christine would like to have this position become appointed vs. elected but Leon would like it to remain elected. He said he would

like this issue to be bundled with other issues such as the Charter Study. One other issue is having the DCC run every two years for election. Tristan said it would have to be done before the 2020 State election. Tristan said the Treasurer is doing a great job, but there is precedence for developing criteria for appointing a treasurer. A discussion was held. Christine said she did some research and it is not a simple issue, it will take some further discussion and a gathering of information that the sub-committee will do and assimilating to the DCC. Christine said she would prefer the County pursued appointed as opposed to an elected treasurer. John and Leon would like this position to be left as an elected position. Tristan said in order to have the position on the 2020 state ballot, the DCC would have close to a year to accomplish this. Martina said she sent a memo on March 4th stating three steps: **26.32**

1. The County Commissioners will need to vote to have the position be changed from elected to an appointed position.
2. The County Commissioners will need to file special legislation to that effect after the ballot question is passed. The legislation has to be drafted and has to pass by the State and signed by the governor (but the governor will most likely condition it being approved by the voters of Dukes County).
3. The question is then introduced at the ballot at the next State elections which would be the fall of 2020.

Martina said if the DCC would like to move forward with this, the decision should be made because the special legislation needs to be drafted so it can go through the State legislature. Then by next spring, the question would have to be placed on the ballot. Ann M. said she also has additional duties other than Treasurer. She also is on the Retirement Board, which would also require a change in legislature. She also said until those issues are resolved, she has no opinion on appointed vs. elected. Martina said the legislation relative to County Treasurer acting on the Retirement Board does not define whether the position is elected or appointed. Christine said she would like this item to be a standing item on every agenda until the vote is taken. Leon said the DCC should have public hearings for public and Dukes County Advisory Board input. Keith asked if the DCC could move it along as the legislature moves slowly.

Tristan/John C. made a motion (as amended) that the Dukes County Commissioner's Sub-Committee research information regarding elected vs appointed Treasurer and report back to the Dukes County Commissioners no later than the scheduled October 2019 meeting. So voted on motion as amended. Keith/Christine made a motion to amend the previous motion to discuss issue on May 15th and vote June 26, 2019. So voted. Tristan yes, John C. yes, Keith yes, Leon yes, Christine yes, Gretchen yes and John A. abstains. Motion carries.

Communications Committee-Update:

John C. reviewed the first "deliverable draft of the Dukes County Vision and Mission Statements" (see file). John C. asked the DCC to review and possible vote to approve on May 15th. A discussion was held. Christine said this is the first step of a big plan.

Memorandum of Understanding (MOU) with Towns Regarding Regional Services:

Martina said the MOU is still in draft form. Five of the six towns have had their town meetings with only Aquinnah remaining. Everything passed in Oak Bluffs, Chilmark and Edgartown, everything but one 5% passed in Tisbury and everything except three 5% were passed in West Tisbury. She said a majority of

the 5% fees have been approved but on three articles in West Tisbury it was not approved (1st Stop, Healthy Aging MV and Core were not passed). A discussion was held. Leon said the way the article was worded states none of the money can be used for administrative services. Martina said she would like have legal counsel review this issue. Martina said she would like to meet with each town's selectmen and present them with an updated agreement; how the County and the Towns will proceed when it comes to collective procurement for these social service programs. She also said she has the 5% built into the agreement. Christine said she has been seeing a growing discourse in how the programs were handled over the years and sees value in having an umbrella contract for all the towns. Tristan said that Gretchen (as the DCC Chair) should accompany Martina when she meets with the various town's BOS. Gretchen said any DCC member would be welcome to attend, it should not be limited to just the Chair.

Christine/Tristan made a motion to support Martina to move forward with the development of an umbrella contract for the regional programs that receive financially support from the Towns are administered by the County and present the contract to each of the Towns' Boards of Selectmen. So voted. All in favor. Motion carries.

State Beach Regulations:

- **Amendment of Kite Surfing Policy for State Beach:**

Martina said she sent the DCC updated beach regulations after the discussion with Susan Bellecampi with Felix Neck on how to have the kite surfers minimize the exposure to the endangered bird species. Susan gave Martina the proper language and upon her suggestion to ease the section on kite surfing. The new language would be "kites (including those used for kite surfing), along with their operators are prohibited from launching, flying, and disembarking within 200 meters of shorebird nesting, chick rearing, and foraging areas during the nesting season, April 1 through August 31. Kites resemble predators and disturb the nesting and foraging birds."

John/Christine made a motion to approve the modified Kite Surfing Policy for State Beach as presented. So voted. All in favor. Motion carries.

- **Amending Dog Policy for Eastville Beach – Discussion:**

Martina said there are some old regulations regarding dogs on Eastville Beach and Norton Point. She said she spoke to the Trustees and the issues are different and need to be addressed separately. Martina also said that Eastville beach allows dogs there before 9 am and after 5 pm during the whole summer. There are birds that are nesting, so it is a protected area. The monitoring done so far is showing the dogs are going up into the nesting areas and is recommending new regulations that would mirror the same rules as State Beach. A discussion was held. Tristan said he is against changing the rules, because if the dogs are on a leash they cannot get into the nesting birds habitat. Christine said as the Chair of the Eastville Beach Committee, she would like a chance to discuss this with her committee. Keith said even with a dog on a leash, it scares the Piping Plovers. Gretchen said the beach rules should be consistent from beach to beach. The DCC decided to discuss this issue more at a future meeting after Christine has talked to the Eastville Beach Committee. Tristan said Vineyard Haven and Oak Bluffs may have some funds available to help with the costs of repairing fencing or the parking lot repairs.

****John A. left the meeting at 5:50pm**

Manager's Report:

- **Town Meetings Update:** Martina reviewed this item earlier in the meeting.
- **Current Financials:** Martina reviewed the FY19 current finances. The Registry of Deeds has already met their budget line for deeds excise so June will be extra revenue.

Christine/John C. made a motion to adjourn the DCC meeting. Tristan, yes, Gretchen yes, Christine yes, John C., yes. Leon, yes. Keith, yes. Motion carries.

The DCC meeting was adjourned at 6:00pm.

Certified by:

T. George Davis, Clerk of Courts

Documents presented at the meeting and part of the official record:

- Agenda
- Minutes 4-3-19
- Communications Plan Draft
- Joseph A. Sylvia State Beach Rules and Regulations