

Town Administrator Report  
March 12, 2019

The following is a summary of the major activities of the Office of the Town Administrator for the previous week.

- 1. Harbormaster Building Update** -I have attended regular project meetings for the Harbormaster Building Project. The project is slightly behind schedule due to the availability of the contractors to commence work but remains within our completion window. The major components of the project are the setting of the new piers for structural support which are scheduled to be completed by April 1 and the construction of the building and mounting of the structure on the piers which is scheduled to be completed by mid-April. As part of the project permitting, I attended a meeting with our Project Engineer and Building Commissioner at the State Building Code Board of Appeals on Thursday, March 7 to request a waiver of the flood elevation location of the structure. As we are well-aware the current building is located below the established flood elevation in order to keep the facility useable in managing the marina. The State Building code specifically references available waivers for water-dependent structures for marine law enforcement such as the Harbormaster Building, but the code does not grant specific authority to the Building Commissioner to grant the waiver. For that reason, the Commissioner requested this additional step to guarantee full regulatory compliance for the facility. Upon confirming the use of the building, the Board voted unanimously to grant the waiver.
  
- 2. Legislative Update-Short -Term Rentals**—On Monday, March 4, along with Chairman Gail Barmakian, I attended a legislative update at the Martha’s Vineyard Commission regarding the new short-term rental legislation, and specifically the provisions related to the Water Protection Fund as it applies to Martha’s Vineyard communities. Senator Julian Cyr and Representative Dylan Fernandes were on hand along with representatives from the Mass. DEP to discuss the legislation. It was made immediately clear, as we already knew, that the Vineyard towns are not presently included in the Water Protection Fund. This means that hotels, motels and short-term rentals will not be responsible for collecting or paying the additional 2.75% water protection tax, only the State 5.75% and Town 6%, for a total of 11.75% for 2019. We learned that the Vineyard towns may be eligible for inclusion in the future if they develop a DEP-approved “Section 208” equivalent water protection plan. The DEP has not yet developed criteria for such a plan but stated that it would be a watershed-based planning effort for water-quality improvement. What we learned that was new is that there is not currently an opt-in process for the fund, only that the Town will be considered a member of the Trust at such time as the DEP designates that we have a 208-equivalent plan. It was suggested that the request for such a designation should be initiated by the Board of Selectmen if the Town is interested to ensure adequate consideration before applying.

- 3. Solid Waste Disposal** -On Tuesday, March 5 I attended a meeting at the Greater New Bedford Regional Waste Disposal District along with officials from the Town of Tisbury and Carroll's Trucking to meet with district officials regarding waste disposal at the facility. The District operates the Crapo Hill Landfill facility which primarily services the City of New Bedford and the Town of Dartmouth as the members of the District. The Towns of Oak Bluffs and Tisbury have signed on to deliver our municipal solid waste to the landfill at very favorable terms to meet the district's needs of providing a consistent and dependable flow of waste that can generate revenue to lower their own disposal and operating costs at the landfill, so it is a mutually beneficial arrangement. Our initial ten-year contract has about three-years remaining, and we hope to renew it to continue our favorable terms. The District is somewhat concerned regarding the growth in our waste volumes which have to date included some of Carroll's commercial accounts picked up in the two communities. The district is interested in separating out the Town amounts from the commercial accounts for the sake of contracting and we are happy to accommodate that request. The commercial waste will have a separate contract and potentially a different disposal rate. We are in hopes that our municipal waste volumes will continue to fit in with the District's business plan and that the regulatory environment will enable them to operate with us throughout an additional contract period.
  
- 4. Cape and Islands Selectmen's Association** – On Friday, March 8 I accompanied Selectman Greg Coogan to the Cape and Islands Selectmen's Association meeting held at the Seacrest Resort in Falmouth. It was a good meeting as it was their annual legislative meeting with the entire legislative delegation for the Cape and Islands present to give updates and request input on priority issues. I was surprised to see that the initial topic brought up by Senator deMacedo of the Plymouth and Barnstable district was education funding as this is a key concern of mine given the inequitable distribution formula that hurts the Cape and Islands. In addition to education, the legislative delegation reviewed a long list of other initiatives of particular interest to the island. There is a major initiative to provide long-term, permanent funding for coastal infrastructure which is being championed by the Governor. Our Town is particularly well-positioned to take advantage of this funding as we have just recently completed our State-compliant coastal vulnerability assessment program which will grant us eligibility for the new funding. We also discussed many aspects of the new short-term rental tax which legislators positioned as a once in a generation opportunity for providing some property tax relief to local communities. This very much struck home as an opportunity the Towns should fight to protect in order to deal with the rising cost of services with restricted available revenues.
  
- 5. Regional High School Capital Request Update**-I received an update from school officials regarding the proposed architectural feasibility study for the Regional High School. They have submitted a revised article containing additional language regarding the use of their Excess and Deficiency Account as well as changing their overall funding request. This may create some confusion, as the article will no longer match the ballot question which cannot be changed at this date.

**Robert Whritenour**

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**From:** ed McManus <mcmanused@msn.com>  
**Sent:** Thursday, February 28, 2019 4:21 PM  
**Subject:** Last Call - respond by Tuesday p.m. March 8th CCISCA Breakfast at Sea Crest in Falmouth(note later starting time- 8:30)

Island Administrators please share with your selectmen.

Please RSVP if planning to attend!!! Simply hit reply and say yes or no.

**CAPE COD AND ISLANDS SELECTMEN &  
COUNCILORS' ASSOCIATION  
REPRESENTING 105 ELECTED OFFICIALS IN 22 MUNICIPALITIES**

**8:30- SIGN IN AND COFFEE  
8:45- BREAKFAST  
9:05- ROLL CALL, MINUTES,  
TREASURERS REPORT  
9:10- REPORTS FROM MEMBERS  
9:15 PROGRAM**

**Program**

**ANNUAL BREAKFAST  
WITH OUR DELEGATION**

Sen. Julian Cyr - Rep. Sarah Peake

Rep. Will Crocker - Rep. David  
Viera

Rep. Dylan Fernandez - have  
confirmed

awaiting confirmation from  
Sen. deMacedo - Rep. Hunt - Rep.  
Whelan

The Delegation has been asked to  
address the following three areas of

concern and take general questions at the end of the program.

*-Short term rental clean-up legislation and allocation of 2.75% waste water trust funds*

*-Coastal Resilience Proposals and Funding*

*-Housing Production and Zoning Reform Legislation*

**FRIDAY, MARCH  
8, 2019**

**8:30 A. M.  
SEA CREST RESORT,  
FALMOUTH, MA**

**DIRECTIONS- 350  
QUAKER RD.,  
FALMOUTH, MA**

- Route 28 Falmouth and the Islands to Route 151 exit (or west on Rt.151 from Rt. 28 Mashpee Rotary)
- Left at bottom of exit ramp
- Left at first traffic signal (Route 28A South) one mile to rotary
- Take first exit onto Shore Road, then 1.5 miles to Sea Crest.
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# The Commonwealth of Massachusetts

Division of Professional Licensure  
Office of Public Safety & Inspections (OPSI)  
1000 Washington Street, Suite 710  
Boston MA 02118

## Notice of Hearing

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You are hereby advised that a hearing has been scheduled in this matter at the time and location specified. The hearing will be conducted pursuant to 801 CMR 1.02, *Informal/Fair Hearing Rules*, and G.L. c. 30A. You may appear in your own behalf, but you also have the right to have an Authorized Representative accompany, represent or advise you. Please note that an Authorized Representative must provide notice and otherwise comply with 801 CMR 1.02(3) and any other applicable rules.

The following hearing has been scheduled:

Case	APP-BCAB19-0026
Submitted Date	February 26, 2019
Submitted by	Robert Whritenour, Jr.

### Hearing Details

Hearing Date & Time	March 7, 2019 11:30 a.m.
Hearing Location	OPSI 50 Maple Street Milford, MA. 01757
Hearing Officer	
Hearing Authority	BCAB

**PROPOSED WARRANT ARTICLE FOR FUNDING FOR FEASIBILITY STUDY AND SCHEMATIC DESIGN WORK  
FOR MARTHA'S VINEYARD REGIONAL HIGH SCHOOL, INCLUDING USE OF EXCESS AND DEFICIENCY  
FUNDS AND APPROPRIATION BY THE TOWN OF ITS PROPORTIONATE SHARE OF REMAINING COST OF  
FEASIBILITY STUDY AND SCHEMATIC DESIGN WORK**

To see if the Town will vote to approve the transfer of the sum of \$316,267.99 in funds from the Excess and Deficiency Fund of the Martha's Vineyard Regional High School (the "District") to the general funds of the District for fiscal year 2020 and, in addition, to appropriate, and/or transfer from available funds of the Town the sum of Two hundred ninety-two thousand seven hundred twenty-three dollars (\$292,723), all of such sums to be paid to the District and expended under the direction of the School Committee for the District, for the purpose of funding a feasibility study and schematic design work in connection with possible new construction of and/or renovations to the high school building and grounds located at 100 Edgartown – Vineyard Haven Road, Oak Bluff, Massachusetts, such feasibility study and schematic design work to include, but is not limited to, the hiring of architects, engineers and an owner's project manager; such sums to be in addition to the sums paid by the Town pursuant to the Regional High School Assessments under the FY2020 budget for the School District; or to take any other action relative thereto.

**Town may also want to add:** The Town's approval of said transfer of funds from the District's Excess and Deficiency Fund and the Town's obligation to pay the additional \$292,723 to the Martha's Vineyard Regional School District is conditioned upon both the approval of the transfer of funds from the District's Excess and Deficiency Fund by the other Member Towns of the District and the appropriation by the other Member Towns of the District of their proportionate share of the overall cost of such feasibility study and schematic design work, after application of the District's Excess and Deficiency Fund monies authorized for transfer hereunder, such proportionate share to be calculated pursuant to the applicable formula in the Regional Agreement.

MARTHA'S VINEYARD REGIONAL HIGH SCHOOL DISTRICT

MARCH 11, 2019 - WARRANT ARTICLE FOR MVRHS/SUPERINTENDENT BUILDING FEASIBILITY AND SCHEMATIC DESIGN

Operation & Capital Expenses (Distribution Ratio by Student Population)

	Census 10/1/17	Census 10/1/18 **	Population Change	Ratio Oct-18	Ratio Oct-17
Aquinnah	11	12	1	1.820941%	1.710731%
Chilmark	28	30	2	4.552352%	4.354588%
Edgartown	169	174	5	26.403642%	26.283048%
Oak Bluffs	177	178	1	27.010622%	27.527216%
Tisbury	160	181	21	27.465857%	24.883359%
West Tisbury	98	84	-14	12.746586%	15.241058%
	643	659	16	100.000000%	100.000000%

Total Cost of Building Feasibility and Schematic Design	\$1,400,000.00
Minus Use of FY18 E&D Funds	-\$220,000.00
Minus Use of Supt Office Feasibility and Design Funds	-\$96,267.99
<b>Total to Request from Member Towns</b>	<b>\$1,083,732.01</b>

	Total Appropriation	District Use of E&D	Appropriation By Town Vote
Aquinnah	\$25,493.17	(\$5,759.05)	\$19,734
Chilmark	\$63,732.93	(\$14,397.63)	\$49,335
Edgartown	\$369,650.99	(\$83,506.27)	\$286,145
Oak Bluffs	\$378,148.71	(\$85,425.95)	\$292,723
Tisbury	\$384,522.00	(\$86,865.72)	\$297,656
West Tisbury	\$178,452.20	(\$40,313.37)	\$138,139
	<b>\$1,400,000.00</b>	<b>(\$316,267.99)</b>	<b>\$1,083,732</b>

\* Total Request for 2019-2020 is based on Regional Agreement

\*\* October 1, 2018 Census has been revised as of 12/21/18