

**Approved 11/18/09**  
**TOWN OF WEST TISBURY**  
**SELECTMENS MEETING**  
**Wednesday, October 28, 2009, 4:30 p.m. – 6:00 p.m.**

**Present:** Selectmen Dianne Powers, Richard Knabel, Skipper Manter, Jen Rand

**Guests:** Jim Powell, Arnie Fisher, Eleanor Nuebert, Kent Healey, Glenn Hearn, Phyllis Meras, Prudy Burt, Bob Woodruff, Craig Saunders, G. Jones, B&B Day, Susan Silk, E. Mendenhall

**Minutes:** *R. Knabel motioned to approve the minutes of 9/30/09. S. Manter seconded the motion, the vote on the motion was R. Knabel & D. Powers in favor, S. Manter abstained.*

*S. Manter motioned to approve the minutes of 10/07/09. R. Knabel seconded the motion, the vote on the motion was R. Knabel & S. Manter in favor, D. Powers abstained.*

**Agricultural Preservation Restriction – Flat Point Farm:** Arnie Fisher said he was going to apply to the State for an Agricultural Preservation Restriction at Flat Point Farm for 60 or so acres. The application asks if there is support from the town. He wanted to know if the Town would purchase some or all of the restriction. The Board discussed using CPA funds. Arnie suggested perhaps one possibility would be if the town would waive the back taxes from the release of some other land from Chapter 61A. The Board said they thought there was no mechanism to do that.

*S. Manter motioned to support the application for an APR on approx. 60 acres of Flat Point Farm. R. Knabel seconded the motion. The vote on the motion was unanimous in favor.*

*S. Manter motioned to apply to the CPC for funds to purchase some part of the APR on Flat Point Farm. R. Knabel seconded the motion. The vote on the motion was unanimous in favor.*

**CPC Access to Counsel:** *S. Manter motioned to authorize the CPC to contact counsel regarding the application for a walking path from the church to Alleys. R. Knabel seconded the motion. The vote on the motion was unanimous in favor.*

**Winter Farmers Market:** *R. Knabel motioned to approve the winter farmers market at the Agricultural Hall. S. Manter seconded the motion. The vote on the motion was unanimous in favor.*

**MVC Amicus Brief:** Jim Powell said the Cape Cod Commission had a pending lawsuit regarding Cape Wind and the circumvention of the permitting process avoiding the Commission and going directly to the Energy Siting Board. He asked the Board to write a letter to the MVC to ask them to write an Amicus Brief as a Friend of the Court. He explained that there was a chance that the Siting Board could try to supersede the MVC and he felt it important to maintain local control.

*R. Knabel motioned to send a letter to the MVC asking them to enter in the case as a Friend of the Court. S. Manter seconded the motion. The vote on the motion was unanimous in favor.*

**Mill Pond:** The Mill Pond Committee presented their recommendations to the Board. In essence they have decided to continue with the water testing etc. that had been planned. In addition, however, they have added a three stage process for investigating dredging the Pond. Kent noted he was not in favor of that. Skipper said he was concerned that if the Committee applies for funding for stage one of this process it was setting the town up to have to dredge and he was not in favor if spending large amounts of money to dredge the pond. Kent said he thought the town should know if the pond was actually getting shallower and at what rate. He said he thought he could figure that out without

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spending any money. The Board also discussed adding a board to raise the level of the pond. Skipper asked that these ideas be pursued prior to town meeting so voters would have more information prior to spending CPA funds.

*R. Knabel motioned to authorize the Mill Pond Committee to submit an application for Phase I of the study to explore dredging the Mill Pond. S. Manter seconded the motion. The vote on the motion was unanimous in favor.*

**DAS:** The Board said they had not yet gotten an answer as to impact on Chilmark and Aquinnah should West Tisbury withdraw from the DAS negotiations.