The Board of Selectmen met on January 27, 2009 in the Oak Bluffs Town Hall with the Oak Bluffs Board of Selectmen.

Present: Denys Wortman, Chairman; Tristan R. Israel; and Jeffrey C. Kristal, John R. Bugbee, Town Administrator and Aase M. Jones, Assistant to the Town Administrator.

Also Present: Oak Bluffs Selectmen Ron DiOrio, Greg Coogan, Kerry Scott, and Roger Wey (arriving at 4:10 p.m.); Town Administrator Michael Dutton and Administrative Assistant Alice Butler.

Call to order: 4:00 p.m.

Motion: To go into Executive Session for the purpose of discussing strategy with respect to contract negotiations, to reconvene in Open Session at the Tisbury Town Hall at 5:30 p.m. Seconded.

Voting: Mr. Kristal: Yes; Mr. Wortman: Yes; Mr. Israel: Yes. M/s/c.

The Oak Bluffs Board of Selectmen also voted to go into Executive Session for contract negotiations and the Board was polled.

Adjourned to Executive Session: 4:05 p.m. M/s/c.

Re-joining the Martha's Vineyard Refuse Disposal and Resource Recovery District (MVRDRRD) – aka “The District”: was the main topic of discussion and addressed by Selectman Israel.

A document drafted by DPW Director Fred LaPiana to address terms of rejoining the District was distributed to the Oak Bluffs Selectmen. The document is a daft contract for consulting services to develop a Business Plan for a Centralized Transfer Station, and is hereby incorporated by reference.

The Oak Bluffs Selectmen noted that they have not seen this document before and are not familiar with its content.

Mr. Israel stated that the terms for re-joining the District must be right for all parties, adding that the initial thought was to develop some common ground between Tisbury and Oak Bluffs before approaching the District (Edgartown) about rejoining. He expressed some concern about making sure that the Oak Bluffs and Tisbury Selectmen are “on the same page” about terms for re-joining the District before negotiations with the District begin.

Mr. DiOrio then asked Mr. Israel what he is fearful of and what his concerns are.

Mr. Israel responded by stating that the Tisbury-Oak Bluffs Transfer Station is a successful operation, adding that he does not want to create a liability for the Town(s) (by rejoining the District) where none existed before. Mr. Israel pointed out that the District operates on a different basis than the joint operation of Tisbury and Oak Bluffs does in that “our District” is run by the Boards of Selectmen of the two Towns, the other (Refuse) District is not. He continued by stating that he wants to be sure that when part of an Island-wide District it will be a District that is operated along the same structure as the Tisbury-Oak Bluffs District has now. He added that we want to be partners in the Island-wide District, and
do not want Edgartown and Chilmark to “call the shots”, and pointed out that Tisbury and Oak Bluffs are in a good position now to bargain with the District for terms of re-entering the District.

Mr. DiOrio asked for specific dictates.

Mr. Israel stated that Tisbury wants a fee-based structure, a formula that will give Tisbury and Oak Bluffs a say in the decisions made, i.e., a full partnership. He concluded by stating that there are many reasons why the Island should only have one Refuse District, which he stated he wants to be a success. He further noted that Tisbury and Oak Bluffs have put money on the table to purchase the property adjacent to the Refuse District Transfer Station in Edgartown.

Mr. DiOrio then asked Mr. Israel what it is value of the current refuse District that Mr. Israel wants to have.

Mr. Israel responded by stating that Fred (LaPiana) is about ten steps ahead of everyone in this matter, noting that the document that Mr. LaPiana has prepared to develop a business plan for a unified District by seeking a consultant to develop same, gives the Towns “a roadmap for where we are going”.

Further discussion and questions followed on the implications of the draft consultant’s contract.

Mr. Israel pointed out that Mr. LaPiana has spoken with Mr. Hatch, and is confident that the Tisbury-Oak Bluffs coalition has a strong negotiating position with regard to re-joining the District.

Mr. Wey stated that Tisbury and Oak Bluffs need to look toward the future and added that we must work together, adding that he has not read the document presented either.

Mr. Israel suggested that the Oak Bluffs Selectmen all read the document presented and mark it up for possible changes. He noted further that the two Districts have different operating structures, and added that he does not want to give up what we have, including the fee-based structure that the Tisbury-Oak Bluffs District has used with success.

Mr. DiOrio pointed out that the District knows that Tisbury and Oak Bluffs Selectmen are meeting, cautioned that the level of paranoia will increase with the number of such meetings held, and added that this needs to be wrapped up.

Mr. Israel concurred.

Mr. DiOrio commented that whatever the deal is we will see it when it is in writing, adding that he wants it to be fair and equitable for everyone. Mr. DiOrio then stated that he thinks he has no problem with the document presented, but wants to read it first.

Michael Dutton, Oak Bluffs Town Administrator, pointed out that the document as presented has listed the Martha's Vineyard Commission as a participant in the process. He added that he thinks this came about as a result of a discussion with MVC Executive Director Mark London, who suggested that the Commission could contribute about
$10,000 through a grant toward the cost of the consultant fee for the study.

Mr. Dutton then asked if we want the consultant to work with a 2-Town District or all six Island Towns. He concluded his comments by recommending not dragging Martha's Vineyard Commission history into this.

A discussion followed on the document prepared by DPW Director Fred LaPiana. Mr. DiOrio commented that the draft calls for the Martha's Vineyard Commission to be part of the study for the Tisbury-Oak Bluffs District.

Ms. Kerry Scott commented that it looks like the agreement is between all six Towns/parties. She then asked what exactly Mr. Israel’s concerns are.

Mr. Israel reiterated that he wants to be sure that Tisbury and Oak Bluffs are generally in agreement on how to approach issues of rejoining the District.

Ms. Scott asked if anyone from Edgartown is involved at this point.

Mr. Israel stated that he wants to have this discussion with Oak Bluffs before entering into negotiations with the District.

Ms. Scott suggested that Tisbury and Oak Bluffs should say: “This is what we are thinking of doing – what do you think?”

Mr. Coogan then stated that he feel the global issue is that we want to do a better job with solid waste, adding that although we are doing OK financially, we are not (doing well) environmentally. Mr. Coogan stated further that the cost will probably be higher, suggested that this may not be an easy sell and that a compromise may be necessary. Mr. Coogan stated further that the Oak Bluffs and Tisbury Boards are both keenly aware of the fact that Edgartown “wears the pants” in the current District.

Mr. Coogan then stated that Tisbury and Oak Bluffs do not have to move forward with this, adding that “our” District would have to be disbanded in order to join “theirs”. In conclusion he commented that in order to be successful, Tisbury and Oak Bluffs need to go into this with open eyes while at the same time “watching our backs”, and conceded that this is a difficult situation. He added that he feels that Richie (Combra) and Fred (LaPiana) are needed to be part of the negotiations. Mr. Coogan acknowledged that he would rather have Richie Combra represent Oak Bluffs, but agreed that he would do it as a Selectman, and noted that he would want Art Smadback and a representative on board for Edgartown.

Mr. DiOrio then stated that he is comfortable turning this issue over to a committee, that would come back with a recommendation to the Boards of Selectmen.

Mr. Kristal commented that he feels the present document has some flaws, noting that Edgartown is not mentioned. He suggested further getting a sub-committee going and determine how many people will be on that committee - two per Town?

Mr. Wortman suggested 3 for Edgartown and 2 for Chilmark.
Mr. Israel pointed out that there was previously established a local sub-committee to explore solid waste options that had 2 representatives from DPW [one from Tisbury DPW and one from Oak Bluffs (Highway Superintendent)], with a Selectman and a member from the Finance & Advisory Committee, as well as the Town Administrators from each Town.

Mr. DiOrio stated that Mr. Smadback had said only one representative from Edgartown.

Ms. Scott asked about Board of Health representation.

Mr. Kristal pointed out that the Tisbury-Oak Bluffs District has not had Board of Health involvement for years.

Discussion followed on the make-up of a subcommittee to bring a recommendation to the Selectmen, and whether that would be the action to take now.

Mr. Israel then questioned if he is hearing that there will be not be development of a common ground (between Tisbury and Oak Bluffs) prior to going to meet with the District, adding that if that is so, it would be a mistake.

Mr. DiOrio responded by suggesting the establishment of a 3-3 committee, comments on its suggestions, and then turn it over to a subcommittee to develop a common ground position.

Mr. Wey suggested that a large group is not necessary, perhaps only Michael (Dutton) and Richie (Combra from Oak Bluffs). Mr. DiOrio suggested beginning with three from each Town to start, have the two Boards of Selectmen look over the document, mark it up and discuss, then take those comments to the committee to be made up of 6 people, 3 from each Town, to develop a negotiating position for discussions with the District. It was suggested that Town Administrator John Bugbee, one Selectman and Fred represent Tisbury.

Mr. Kristal stated that previously he and Fred (LaPiana) represented Tisbury.

Mr. DiOrio stated that Selectman Greg Coogan, Richie Combra and Michael Dutton would represent Oak Bluffs.

Mr. Dutton suggested that this would be a long process.

Mr. DiOrio disagreed, noting that he thinks it could be a year or more plus the regulatory (DEP) permitting process.

Mr. Kristal commented that the Consulting Services Draft document presented for review leaves out everything that each District is currently doing.

Discussion followed on the estimated cost of the consultant contract and whether the Commission would be involved.

Mr. Wortman commented that Edgartown Selectman Art Smadback said he would welcome Martha's Vineyard Commission participation.

A brief discussion followed on the District being in violation of DEP Regulations because it lacks a buffer zone around its Transfer Station facility.
Further discussion followed on developing terms for Tisbury and Oak Bluffs re-joining the District.

Mr. DiOrio suggested that help might be available from the Federal Government, through Congressman William Delahunt.

In conclusion it was agreed that Selectmen Kristal and Coogan will take the initiative to set up a meeting of the committee to move the process forward.

Ms. Scott then thanked the Tisbury Selectmen for taking the lead in seeking a consultant to assist in developing terms for re-joining the District.

Mr. Wortman commented that he feels that recommendations coming from an independent consultant are better than recommendations coming from the Tisbury-Oak Bluffs District and the Selectmen.

There being no further business in Executive Session,
Motion: To adjourn to reconvene in Open Session at Tisbury Town Hall at 5:30 p.m. Seconded.
Voting: Mr. Kristal: Yes; Mr. Wortman: Yes; Mr. Israel: Yes.
Adjourned: 5:05 p.m. M/s/c.

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Open Session Minutes from 5:30 – 7:20 p.m. are recorded separately.

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Motion: To go into Executive Session for the purpose of discussing strategy with respect to collective bargaining and contract negotiations, not to reconvene in Open Session. Seconded.
Voting: Mr. Kristal: Yes; Mr. Wortman: Yes; Mr. Israel: Yes.
Convened in Executive Session: 7:20 p.m. M/s/c.

Police Union Mediation-Arbitration Session: scheduled for 9:30 a.m., January 28, 2009 in Boston, was discussed first.

Mr. Bugbee reported that because of expected snow this evening, tomorrow’s session has been cancelled by the Joint Labor-Management Committee and will be re-scheduled at a later date.

It was noted that Messrs. Bugbee, Israel and McLean, members of the Town’s negotiating team, had planned to attend.

Mr. Israel then stated that he does not want to deviate from the 3.5% the Board had agreed upon as the limit earlier, without BOS approval. He commented that the Police Union is asking for 8-11%.

Mr. Bugbee pointed out that the only thing that the Police Union has agreed to is a $3,000 increase for Detective Mark Santon.

It was noted that even if the arbitrator recommends settling for x% increase, the Selectmen cannot advocate against this settlement at Town Meeting (or otherwise).

After a brief discussion on how to proceed at the next mediation-arbitration meeting,
Motion (Mr. Kristal): That the Board authorize Selectman Israel to make decisions on behalf of the Town in the Police Union mediation-arbitration case. M/s/c.

A Police Department Personnel Issue: was brought up briefly by Selectman Kristal, who requested a status report on an outstanding issue involving a female police officer. Mr. Bugbee reported that a meeting is scheduled with the individual, the Police Chief, the shop steward, and himself on Thursday to discuss the issues involved.

Payette Willow Trees Status Report: was requested by Mr. Israel.

Mr. Kristal reported that Mr. Payette has shown little interest in cutting down the big tree or moving the smaller one over.

Mr. Israel noted that the cost of a view easement could be between $5-10,000, and that an Article be prepared to present to Town Meeting.

Mr. Kristal suggested that our counsel talk to Mr. Payette’s attorney.

Mr. Israel suggested that Mr. Doneski establish the value of the trees.

Town Administrator John Bugbee asked for a time sequence for this - should the Article be drafted first?

After a brief discussion it was agreed that an Article be drafted first, then that could be shown to the Payette’s attorney and perhaps that would produce the desired results. Discussion.

Mr. Israel asked about publication deadlines for warrants, which Aase Jones stated are mid-March for the final document to be ready for Town Meetings.

Mr. Israel reiterated the need to establish a value for the trees for the view easement and getting help crafting an Article.

There being no further business in Executive Session,

Motion for Adjournment: 7:45 p.m. M/s/c.

Respectfully submitted,

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Denys Wortman, Chairman  Aase M. Jones, Asst. to Town Adm.

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Tristan R. Israel  Jeffrey C. Kristal, Clerk