The Board of Selectmen met in Executive Session on October 4, 2011 in the Tisbury Town Hall.

Call to order: 4:00 p.m. by Chairman Geoghan E. Coogan.

Mr. Fiske was asked if he would like to have this discussion in Open Session or in Executive Session and he responded that he would like it to be in Executive Session.

Motion: That the Board of Selectmen go into Executive Session to consider the discipline or charges brought against a public officer, employee or individual, and to discuss strategy with respect to contract negotiations, to reconvene in Open Session. Seconded.

Voting: Mr. Israel: Yes; Mr. Coogan: Yes; Mr. Kristal: Yes.

Convened in Executive Session: 4:05 p.m. M/s/c.

Present: Geoghan E. Coogan, Chairman, Tristan R. Israel, Jeffrey C. Kristal, Clerk; John R. Bugbee, Town Administrator and Aase M. Jones, Assistant to the Town Administrator.


Chairman Coogan noted that this meeting is held to decide and discuss a recommendation from Chief Hanavan regarding a complaint to see if this complaint warrants a disciplinary hearing. He added that the Board is not here to discuss the merits of the complaint or the report, which he noted has been received and seen but not discussed by the Selectmen. Mr. Coogan reiterated that the Selectmen are not going to decide the merits of the case at this time, just decide whether a disciplinary hearing is warranted.

Some discussion followed on how and when to schedule a disciplinary hearing, how much time the off-Island attorney needs to come back for a hearing, and setting a date for the disciplinary hearing.

Mr. Becker stated that he could be available on any weekday as early as 11:00 a.m.

Mr. Kristal pointed out that the Selectmen will also need to contact our attorney to see when he is available to be present.

After a brief discussion, the Selectmen agreed to schedule a disciplinary hearing on Wednesday, October 12, 2011 at 11:00 a.m. in the Town Hall.

At this point Mr. Coogan addressed Mr. Fiske stating that he is assuming that Mr. Fiske does not wish to talk about anything else at this time. Mr. Fiske confirmed that he does not.

Motion: That the Board of Selectmen schedule a disciplinary hearing on a complaint report regarding Sgt. Fiske, on Wednesday, October 12, 2011 at 11:00 a.m. in the Tisbury Town Hall, as discussed. M/s/c.

4:15 p.m.: Sgt. Fiske and Attorney John Becker left.

4:20 p.m.: Solid Waste Contract for Transfer Station: was discussed next.

Present: DPW Director Fred LaPiana.
Mr. LaPiana referred to a letter dated October 3, 2011 from ABC Disposal Service, Inc. signed by Michael Camara, Vice president/General Manager of the company, placing on the table an offer to operate the Tisbury/Oak Bluffs Transfer Station, when the current contract expires November 1st. The offer is to contribute $100,000 to each community annually, in addition to adding about 7,000 tons additional volume of trash to be directed to the Transfer Station, producing additional revenue, leading to lower disposal tipping fees to Tisbury and Oak Bluffs.

Mr. LaPiana noted that the current contract with Bruno’s expires November 1st, but can be extended. He pointed out that under the present contract Bruno’s pays a fee of $51,000 to both Towns, and pointed out that the ABC offer is to pay each Town annually $100,000 to operate the Transfer Station.

Mr. LaPiana discussed briefly the additional revenue derived from outside deliveries to the Transfer Station, noting that the $100,000 payment to each Town would only cover the operation of the Transfer Station. He concluded by commenting that this offer is substantial enough to sit up and take notice. He added that Oak Bluffs Town Administrator Bob Whritenour is going to meet with the Oak Bluffs Selectmen regarding this offer.

Some discussion followed on the additional volume of trash that will come to the Transfer Station, which Mr. LaPiana described as a “downside” to this offer, in view of the fact that Oak Bluffs wanted to get out of the trash business particularly in the location where the Transfer Station is located.

Mr. LaPiana commented that the Transfer Station is operating very well right now. He stated questioned whether we could say that we will accept the $100,000 but not additional trash at the Transfer Station.

Mr. LaPiana noted that the upside is that the Towns will have a substantial amount of additional money.

A discussion followed on the fact that ABC Disposal Service, Inc currently has the contract with the District, and noted that the District is tied to a contract with SEMASS. Mr. LaPiana noted that the contract for the Transfer Station could specify where the trash goes.

Mr. Kristal noted that this offer from ABC is forcing the District to re-assess its options.

Mr. Bugbee suggested that there are three options to consider:

1) Extend the contract (with Bruno’s) for another year;
2) Extend the contract with Bruno’s for another 3 months; and
3) Let option for renewal run out and terminate contract.

Mr. LaPiana commented that Option #1 would not be advantageous to exercise, that Option #3 would not give much time to consider what action to take, and suggested that Option #2, a 3-month extension would provide additional time for negotiations.

Mr. LaPiana commented further that providing a 3-month extension seems like a fair thing to do and would provide enough time to go through the process of soliciting a new contract.
Mr. Kristal inquired if the Town could when going out to bid ask for monetary contributions as part of the bid specs.

Mr. LaPiana pointed out that the own cannot specify any amount within the bid specifications. A discussion followed on whether the money offered to the Towns (by ABC) is raised by increased rates to customers.

Town Administrator John Bugbee pointed out that if the $100,000 contribution is raised as part of the fee it is a user fee and must be spent on trash removal, but if it is not, then the funds can be spent any way that the Selectmen determine.

Mr. Bugbee continued by commenting that the 60% increase in trash volume would be an issue for Oak Bluffs, who did not want the Transfer Station to remain in Oak Bluffs at all any more.

Mr. LaPiana discussed the potential for decreased rates (tipping fees). A discussion followed on the potential for 2 more years of extensions with Bruno’s for use of the Transfer Station.

Selectman Coogan commented that this proposal from ABC Disposal is not a bid, just a letter, adding that he feels Greg (Carroll) of Bruno’s should be given an opportunity to respond to this. A discussion followed. Mr. Coogan commented further that there is nothing binding about the ABC proposal/offer.

Mr. Kristal concurred, stating that Greg (Carroll) should know about this and be given an opportunity to respond, and then questioned whether the Board should inform Mr. Carroll about the ABC offer, noting that he does not want the offer to “disappear” and Greg selling out to ABC Disposal.

Town Administrator John Bugbee reminded the Selectmen that the Oak Bluffs Selectmen will have to agree to this.

Mr. Kristal urged setting up an Executive Session with Oak Bluffs to discuss the ABC proposal.

Mr. Bugbee suggested that he and Mr. LaPiana meet with Oak Bluffs Acting Town Administrator Bob Whritenour to discuss the new developments. Some discussion followed on meeting with the Oak Bluffs Selectmen ASAP to discuss the new offer.

Mr. Kristal agreed that Messrs. Bugbee, LaPiana and Whritenour meet first and then set up a meeting with the Oak Bluffs Selectmen the following week for a full discussion of the ABC offer.

Further discussion followed on the potential impact of a large increase in volume at the Transfer Station and how Oak Bluffs would react to that in view of the fact that Oak Bluffs was already opposed to continued operation of the Transfer Station. Some discussion followed on potential increase in fees collected from outside sources to raise additional revenue for the two Towns, whether or not to negotiate for a higher payment to the Towns, based on the anticipated increase in company revenue, and neighborhood issues in the vicinity of the Transfer Station particularly in view of the impact increased volume of trash would entail.
Discussion also focused on how to approach Greg (Carroll) of Bruno’s to see if he would be amenable and willing to accept a month-by-month extension of the current contract beyond November 1st.

Mr. Kristal stated that the initial objective was to get trash delivered to the Edgartown Transfer Station of the District. Discussion followed on how to proceed with the objective in mind that the Oak Bluffs – Tisbury Transfer Station would be closed, which is what Oak Bluffs wanted. Mr. LaPiana suggested the need to open up an option for Oak Bluffs to that end.

Mr. Israel stated that he feels that Mr. LaPiana should open the conversation with Greg (Carroll) of Bruno’s.

Mr. Bugbee said he would call the Oak Bluffs Town Administrator to try to get on the Oak Bluffs Selectmen’s agenda for next week.

Mr. Kristal suggested that Mr. LaPiana also talk to Michael Camara of ABC Disposal to let him know that the Tisbury Selectmen have discussed his proposal and are interested. It was noted that the offer would include an additional 7,000 tons of waste being delivered to the Oak Bluffs – Tisbury Transfer Station.

Mr. LaPiana commented that it would be nice to meet with the Oak Bluffs Selectmen and tell them what we think (about the ABC offer).

MV Hospital Property Taking (Connector Road): was discussed briefly next.

Mr. Coogan inquired what the plan is with regard to the Town’s taking a portion of the so-called Hospital property as it related to the VNA interest in a portion of the parcel.

Mr. Bugbee reported that the taking is underway with Town Counsel David Doneski signing a letter to get the process underway.

Mr. LaPiana suggested that the Town listen to Ewell Hopkins of the Island Affordable Trust Fund as he could help the Town get funding for an affordable housing project on part of the parcel.

It was further noted that both the VNA and Vineyard House are interested in certain parts of the hospital property that the Town is taking by eminent domain.

There being no further business in Executive Session, Motion: To close the Executive Session and reconvene in Open Session. Seconded.

Voting: Mr. Israel: Yes; Mr. Coogan: Yes; Mr. Kristal: Yes.

Executive Session Adjourned: 4:55 p.m. M/s/c.

Respectfully submitted,

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Geoghan E. Coogan, Chairman  Aase M. Jones, Asst. to Town Adm.

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Tristan R. Israel   Jeffrey C. Kristal, Clerk