The Board of Selectmen met in a Special Executive Session on December 4, 2012 in the Tisbury Town Hall.

Present: Tristan R. Israel, Chairman; Jeffrey C. Kristal and Jonathan V. Snyder, Clerk; and Acting Town Administrator Aase M. Jones.

Motion: To adjourn to Executive Session for the purpose of discussing strategy with respect to litigation, contract negotiations, and collective bargaining, not to reconvene in Open Session. Seconded.

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

Convened in Executive Session: 5:20 p.m. M/s/c.

Harbormaster Vehicle Incident - November 6, 2012: The Selectmen briefly discussed the incident which involved Harbormaster Jay Wilbur when he left the scene of an accident involving the vehicle of another Town employee without reporting that he had damaged the other vehicle.

After a brief discussion the Selectmen instructed Acting Town Administrator Aase Jones to schedule an Executive Session with Mr. Wilbur at 4:30 p.m. on Tuesday, December 11, 2012 in the Town Hall by voting the following,

Motion: That Acting Town Administrator Aase Jones draft a letter to Mr. Wilbur informing him that the Selectmen will hold an Executive Session on December 11, 2012 at 4:30 p.m. in the Tisbury Town Hall to discuss the November 6, 2012 incident under the provisions of MGL C. 30A Sec. 21A, "to discuss the reputation, character, physical condition or mental health, rather than the professional competence of an individual, or discuss the discipline or dismissal of, or complaints or charges against a public officer, employee, staff member or individual", and that Mr. Wilbur be informed of his rights under the statute. M/s/c.

The Process for Investigating Vehicular Incidents within Tisbury: involving Town personnel driving Town vehicles, was discussed briefly, with the Selectmen suggesting that the Town should request that such incidents be investigated by the State Police rather than members of our Police Department. To be discussed further with the Chief. No action was taken.

Status of Agreement with Town Administrator John Bugbee, Laptop, Keys and Personal Items: was discussed briefly. Aase Jones reported that to date there has been no communication with Mr. Bugbee since the Agreement and letter that was sent to him via Certified Mail on November 5th.

Scott Ogden Request for a Hearing by the Board of Selectmen of his November 4, 2012 Grievance at Step 2 of the Grievance Process: was discussed next. It was noted that Acting Town Administrator Aase Jones denied the grievance at Step 1 based on the fact that there had been no violation of the Union Contract. (Mr. Ogden had been disciplined with suspensions for two different infractions of the Police Department's policies).
After a brief discussion about whether to refuse to hear the grievance, and what implications that would have with regard to the next step in the process - i.e. arbitration, the following,

Motion: That the Board of Selectmen decline to hear the Scott Ogden November 4, 2012 grievance at Step 2 of the grievance process, subject to checking with Town Counsel Brian Maser of Kopelman & Paige for an opinion with regard to the consequences of this action. M/s/c.

Vineyard Haven Public Library Request for Legal Access: Aase Jones reported that she granted legal access for Library Director Amy Ryan regarding the handling of a suspension of a patron for unbecoming conduct in the Library, noting that the Library Trustees wanted to assure that the proper process was followed, if an appeal was filed by the patron.

Personnel Policy/Manual: was discussed briefly as it relates to the authority to administer discipline by the Town Administrator rather than the Board of Selectmen for employees under the purview of the Selectmen. It was suggested that Michele Randazzo of Kopelman & Paige be contacted to review the policy manual.

Letter or e-mail to John Bugbee re: Laptop, Keys and Personal Items in Town Administrator's Office: was discussed again. The Selectmen agreed that Mr. Bugbee needs to be reminded that he must return the Town's equipment and the keys as well as pick up his personal belongings that remain in the Town Hall within the next week to 10 days. Aase Jones noted that she has e-mailed Mr. Bugbee but with no response to date.

Purchase of Town Annex Trailers: It was reported that negotiator Daniel Seidman has now made contact with a representative from the William Scotsman Company who is able to negotiate on behalf of the company for sale of the trailers to the Town.

There being no further business in Executive Session,

Motion for Adjournment: 6:12 p.m. M/s/c.

Respectfully submitted,

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Tristan R. Israel, Chairman  Aase M. Jones, Acting Town Adm.
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Jeffrey C. Kristal   Jonathan V. Snyder, Clerk