The Board of Selectmen met in Executive Session on February 23, 2010 in the Tisbury Town Hall.

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

Motion: To adjourn to Executive Session to discuss contract negotiations, litigation and collective bargaining, to reconvene in Open Session. Seconded.

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

Convened in Executive Session: 6:55 p.m. M/s/c.

Payette/Overlook View Issue Update: was provided by Selectman Israel who reported that he spoke with Tree Expert Scott McArthur earlier in the day about pruning the willow trees on the Payette property, which he stated should be done before Town Meeting.

Mr. Israel stated further that he wants to see a binding Memorandum of Understanding (MOU) between the Selectmen (the Town) and Mr. Payette which agrees that the view will be kept open. He noted that Mr. Payette has also agreed to remove the two willow trees in the middle, and added that he feels that Mr. Payette needs to do this before the Warrant for the Town Meeting is posted.

Aase Jones pointed out that in order to remove the Article from the Annual Town Meeting Warrant, this has to be done by March 19th.

Mr. Israel then stated that by the end of March he will put this on the agenda to thank Mr. Payette for cooperating with the Town on the issue preserving the view from the Tashmoo Overlook.

Mr. Israel noted that the Town will need the sum of $2,350 which is the cost of the trimming and removal of the trees, and reiterated that this work must be done prior to March 19th if the Article is to be removed or amended before the ATM Warrant is posted.

Mr. Israel expressed confidence that this will now be done prior to the Annual Town Meeting, and suggested that the Warrant Article be for $2,400 to pay the cost of the pruning and removal of the willow trees. The Board agreed.

Mr. Israel reiterated the need to work out an MOU with the Payettes about future maintenance to preserve the view, and the Board agreed that if the trees are pruned and cut by March 16th, the Article to proceed with a taking will be removed from the ATM Warrant.

Shellfish Department Discussion: Mr. Israel reported on discussions with Oak Bluffs Shellfish Constable David Grunden regarding hiring of his Assistant, Danielle Ewart as the Tisbury Shellfish Constable, noted that Mr. Grunden feels Tisbury should “get going” on this and has offered to supervise Ms. Ewart during the 6-month mandatory probationary period. Mr. Israel stated that Mr. Grunden will let e Town Administrator John Bugbee know how much he wants to take on the role of supervising Ms. Ewart for about 6 months.

Establishment of Natural Resources Department: was discussed briefly next. Mr. Israel noted that Oak Bluffs has been considering
establishing such a department and added that Tisbury might also consider joining with Oak Bluffs by combining resources in this area.

Mr. Coogan questioned whether the Town, if doing this, would require more assistance.

Mr. Israel noted that Mr. Grunden has pointed out that Tisbury has been underutilizing its water resources and not been properly staffed.

A discussion followed on the status of shellfishing and the Tisbury Shellfish Department during the last 5 years under Derek Cimeno’s tenure as Shellfish Constable.

Mr. Coogan then stated that the Town needs to get moving and hire Danielle Ewart as the Shellfish Constable ASAP, adding that the Town can look into the concept of a Natural Resources Department in conjunction with Oak Bluffs by talking with Town Administrator, Michael Dutton and the Oak Bluffs Selectmen later.

After a brief discussion the Selectmen agreed that they would announce in Open Session that Danielle Ewart will be appointed as the Tisbury Shellfish Constable and that Oak Bluffs Shellfish Constable David Grunden has agreed to provide some supervision during her first six months on the job.

Kenneth Soule Worker’s Compensation Settlement Proposal: from the Town’s insurance company was discussed briefly.

Aase Jones noted that Mr. Soule, a traffic officer was injured at 5-Corners on July 28, 2009, sustaining a foot injury which required surgery and prevented him from returning to the position he held as a summer traffic officer. It was noted that Mr. Soule has returned to Florida and that the insurance company wants to settle the indemnity portion of his claim for a sum up to $12,500 to “make it go away”, and is hereby requesting BOS approval to do so. It was noted that future medical bills will still be paid by the insurance company.

After a brief discussion,

Motion: To approve and authorize the settlement proposal from Trident Insurance Agency, Inc. for a sum of up to $12,500 for the indemnity portion of Kenneth Soule’s claim originating with the incident on July 28, 2009. M/s/c.

There being no further business in Executive Session:

Motion to Reconcieve in Open Session: 7:20 p.m. M/s/c.

Respectfully submitted,

Tristan R. Israel, Chairman  Aase M. Jones, Asst. to Town Adm.

Jeffrey C. Kristal  Geoghan E. Coogan, Clerk