The Tisbury Board of Selectmen met in Executive Session on June 15, 2010 in the Tisbury Town Hall.

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

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

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

Convened in Executive Session: 8:00 p.m. M/s/c.

Baker v. Board of Health Case: was addressed by Town Administrator John Bugbee, who asked if the Board is willing to entertain filing another injunction against Jeff Baker with regard to his continued operation of the outdoor woodburning boiler (OWB) unit that he keeps at his house on Midland Avenue.

Mr. Bugbee explained that Mr. Baker was allowed to operate the woodburning unit through the winter months to provide heat for his house, but added that it is now June and he is still operating the woodburning stove. It has been suggested that another injunction be filed by the Town.

Mr. Bugbee continued by reporting that Steve Nixon, an abutter, feels that the Town is responsible for allowing Mr. Baker to continue to operate the unit in direct violation of the Town’s Outdoor Woodburning Boiler Regulations. Mr. Bugbee reiterated that it is now summer and Mr. Baker does no longer need to use the unit to keep warm, has refused to turn off the OWB, and then asked if the Board wants to give the “green light” to the Board of Health to file an injunction against Mr. Baker.

Mr. Bugbee reported that David Doneski will write a Cease and Desist Order and reiterated his question about whether the Selectmen want to approve the filing of an injunction against Mr. Baker for continued use of the OWB unit during the summer months.

A draft letter from Health Agent Tom Pachico was read into the record and is hereby incorporated by reference.

The Selectmen agreed that the letter should be signed by the members of the Board of Health, not the Health Agent. Mr. Kristal suggested that the letter be sent first, and if no action, then file the injunction, and so moved. M/s/c.

Discussion followed on the Seasonal Limitations outlined in the letter, which specifically requires the output from the OWB unit to meet certain air quality standards between May 16 and September 30. The Selectmen agreed that something must be done and expressed hope that perhaps the letter will lead to compliance.

Contract for Police Chief Dan Hanavan: was discussed next. Mr. Bugbee reported that he has spoken with Dan Hanavan about a new contract and has drafted a standard contract according to what is
traditional for Chiefs of Police. Mr. Bugbee reported that he has discussed salary with Dan Hanavan, who now makes $90,000/year, and Mr. Hanavan has expressed his wish to be paid at a step above the next one, which would give him about $95,000/year.

Mr. Bugbee reported that he asked Mr. Hanavan why this is what he is asking for, and was told that this is what a lieutenant makes in Oak Bluffs. It was noted that with this step Mr. Hanavan would have to give up his 20+ years of longevity ($4,000).

Discussion followed on whether to offer him a salary of $92,000 plus the $4,000 longevity which he is entitled to under the Managerial and Professional Classification Plan. The Board agreed to give the Town Administrator the authority to negotiate with the Chief to reach a Step on the M&P Plan that would also include the 20+/year longevity.

Kelly Kershaw MCAD Complaint: was discussed briefly next. Town Administrator John Bugbee reported that Chief Hanavan has developed a plan where every full-time and part-time officer spends at least 20 minutes on Main Street every day. Ms. Kershaw has expressed reluctance to do so because as she has stated, now that former Chief Cashin lives on Main Street, she is afraid to be there.

It was further reported that Ms. Kershaw was not afraid to be on Main Street for a detail in recent weeks. Mr. Bugbee will bring this to the attention of the attorneys handling the Town’s MCAD case.

There being no further business,

Motion for Adjournment: 8:20 p.m. M/s/c.

Respectfully submitted,

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Jeffrey C. Kristal, Chairman Aase M. Jones, Asst. to Town Adm.

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Geoghan E. Coogan Tristan R. Israel, Clerk

BOS Executive Session Minutes – June 15, 2010 Page 2 of 2