The Board of Selectmen met in Executive Session with the Oak Bluffs Selectmen at the Sailing Camp in Oak Bluffs on June 8, 2010.

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.

Also Present: Oak Bluffs Selectmen Ronald L. DiOrio, Chairman; Gail Barmakian; Kathleen A. Burton; Gregory Coogan; and Duncan Ross; Town Administrator Michael Dutton and Alice Butler, Administrative Assistant.

3:30 p.m.: Mr. DiOrio called the Oak Bluffs Selectmen’s Meeting to order, welcomed the Tisbury Selectmen, and then asked for a motion to go into Executive Session for the purpose of contract negotiations.

Call to order: 3:30 p.m. by Chairman Tristan Israel.

Motion (Both Boards): To go into Executive Session for the purpose of discussing strategy with respect to contract negotiations, to reconvene in Open Session. Seconded.

Voting: (Oak Bluffs Selectmen): Ms. Barmakian: Yes; Mr. Coogan: Yes; Mr. DiOrio: Yes; Ms. Burton: Yes; and Mr. Ross: Yes.

Voting: (Tisbury Selectmen): Mr. Coogan: Yes; Mr. Kristal: Yes; Mr. Israel: Yes.

Convened in Executive Session: 3:35 p.m. M/s/c.

Wasserman Draft Report: Copies of the draft report on the Police Departments in both Towns were presented.

Town Administrator Michael Dutton pointed out that the Oak Bluffs Selectmen have not read the report, adding that he has discussed with Tisbury Town Administrator John Bugbee the establishment of a 6-month committee to study the recommendations in the report. Mr. Dutton strongly suggested establishing a time-line for action, with concrete benchmarks, and suggested further that copies of the report should be distributed to the bargaining units in each Town, and noted the need to get agreement to some kind of buy-in from both (police department) bargaining units, and then at some point formulate a press release to give the public some knowledge of what is under discussion.

Selectman Duncan Ross stated that this makes sense to him and other Board members expressed support for putting together a small committee and establish a time-line.

Mr. DiOrio acknowledged that an initial cost will be incurred, noting that the Police Union contract in Oak Bluffs is “richer” than that of the Tisbury Police Union.

Mr. Kristal agreed but noted that it is not “that bad”.

Selectman Geoghan Coogan noted that the point is narrowing the scope and asking whether we can actually do this, which he stated is not spelled out in the report. He commented further that there are two ways of doing this, and suggested focusing on the two ways that this has been done in other Towns, analyze both potential ways of establishing one department serving both Towns, and then later take a closer look at how it could be done with Tisbury and Oak Bluffs.
Mr. Israel noted that the cooperative effort involving Ashby and Townsend where the police department in one Town “swallows up” the other Town’s (police) department, is not comparable with the Tisbury and Oak Bluffs situation. A brief discussion followed on how such cooperative consolidation efforts in policing have worked in other communities and whether it will be possible here.

Mr. Israel agreed that measured steps can be taken, but pointed out that many issues exist. He conceded that this is a tremendous opportunity worth exploring, but cautioned that he wants what is best for Tisbury, and added that the timeline is important, and economic issues must be studied when considering whether this is doable. He concluded his comments by stating that there is a third option through the home rule approach.

Ms. Barmakian had questions about what type of individuals to serve on the committee to study the possible policing cooperative effort, asked about a timeline for reporting back to the Selectmen, and whether Bob Wasserman would be available for questions.

Town Administrator John Bugbee stated that if questions are put in writing to Mr. Wasserman he will get them answered.

Greg Coogan commented that it appears that both Towns have what he described as “an appetite” to pursue this and then suggested that the Town Administrators from each Town be included in the committee to be established.

Mr. Israel commented that he feels that the (Police) Chiefs in each Town should be available and used as a resource during the discussion(s), noted that Mr. Wasserman did not charge very much for this report ($300), and suggested that the Towns might need to hire a consultant later on.

At this point Oak Bluffs Town Administrator Michael Dutton stated that the committee should consist of board members, not Town Administrators, who are not policy makers.

Mr. Ross suggested that each Board of Selectmen should get together to decide who and how many members should be on the committee.

Mr. Geoghan Coogan stated that six members (from each Town) seems like a lot, and added that he would be OK with 3 members from each Town.

Mr. Ross agreed that a committee of six members - three from each Town would work, but questioned having two Selectmen on the Committee which means that the meeting would have to be posted as a meeting of the Selectmen (in Tisbury).

Mr. Israel commented that it is OK to have a discussion of this in Executive Session if it involves union contract issues, but not for discussion of other issues.

**Timeline for Committee Report:** was discussed next.

Mr. Israel commented that Mr. Wasserman had laid out a 3-year process, which in the first year would not involve any budget issues.
Mr. Kristal acknowledged that there are “hurdles” to overcome, added that they are not insurmountable, and then suggested a 3-month time-frame for the committee to do its work with a report due by October 1st. After a brief discussion on whether a report could be ready by that date, with a couple of weeks needed to get the committee established and appointments made, the Selectman agreed that the deadline for the report would be October 15th.

After a brief discussion on whether the Chiefs of Police will be used as a resource, and it was agreed that they would be.

Mr. Ross brought up the issue of involving the patrolmen in any discussions.

Mr. DiOrio suggested letting the committee decide if the Police Union(s) will be involved.

At this point Selectman Geoghan Coogan stated that he feels the Police Department needs to see the report ASAP, since the officers are already thinking that a merger will begin tomorrow.

Mr. DiOrio concurred.

Press Release Issue: was taken up next.

Mr. Ross stated that he is comfortable with a press release prepared by Town Administrator Michael Dutton.

Mr. Dutton stated that the press release is not ready yet.

Mr. Israel suggested that the press release should contain language to the effect that the Towns of Tisbury and Oak Bluffs are beginning to look at finding areas for cooperation in police and other areas.

Mr. Kristal suggested that the press release should be direct and specific and should refer to the Wasserman Report, note that the Selectmen (Oak Bluffs and Tisbury) are forming a joint committee to see if we can pursue cooperation between the Oak Bluffs Police Department and the Tisbury Police Department. Mr. Kristal described this as very important stuff, and added that this press release should not include Shellfish and ACO at this time.

Mr. Israel stated that he cannot say that he is in favor of a merger at this point.

Mr. Dutton suggested that the Towns get ahead of the rumors by saying that the Towns are exploring regional possibilities etc., adding that if this is put together right it will have a calming influence (on the community).

Mr. Bugbee then offered to prepare a draft press release to be reviewed by the Selectmen in both Towns.

Mr. DiOrio agreed that a joint statement would have a calming influence.

Ms. Burton concurred, noting that the press release could be calming, pro-active and specific.

Mr. Geoghan Coogan stressed the need to be specific on whether this can be done.
At this point Selectman Israel asked what reasons there are for not releasing the Wasserman Report at this time.

Town Administrator John Bugbee pointed out that at this time the Boards have a draft report, adding that a final report will include input from all parties.

Mr. DiOrio suggested getting the committee together relatively fast to avoid speculation and rumors. Both Boards agreed.

**Shellfish Issues:** were discussed briefly next.

Mr. Ross noted that it is possible to share personnel between the two Towns, but noted that some Oak Bluffs shellfishermen have stated that they do not want Tisbury residents to take quahogs from Oak Bluffs waters.

**Gitlitz Property at Watcha Path:** was discussed next.

The background for the purchase of the Gitlitz property was summarized briefly, and the fact that when the transaction was ready to be concluded, Oak Bluffs Town Counsel Ron Rappaport found that Mr. Gitlitz did not have a clear title to the property, which was one of the conditions in the P&S Agreement.

Mr. Rappaport’s title researcher found that the property had many potential owners, including the Oak Bluffs Library Trustees. It was noted that Mr. Gitlitz now claims that the title has been cleared, but materials presented by Mr. Gitlitz to Mr. Rappaport’s office have not persuaded Mr. Rappaport that Mr. Gitlitz in fact owns the property with a free and clear title.

It was noted that Mr. Rappaport’s title researcher is not convinced that Mr. Gitlitz has a clear title to the property and that many questions remain unanswered.

Mr. DiOrio stated that he feels that Tisbury and Oak Bluffs must engage in a process with the Town of Edgartown and then have Edgartown agree to take the property by eminent domain, and later decide who gets paid for what.

Mr. Kristal pointed out that Edgartown does not want to buy the property, added that if Tisbury and Oak Bluffs are back in the Refuse District, the District can take it by eminent domain, which the District is able to do.

Mr. Kristal continued by noting that a joint Oak Bluffs and Tisbury committee was established to pursue negotiations with Edgartown about terms for re-joining the Refuse District. In conclusion he mentioned that in a recent letter from Mr. Gitlitz’s attorney, he demanded payment and interest which he claims is overdue from Tisbury and Oak Bluffs for the lease of the property.

Ms. Barmakian commented that this will be a long process, adding that it is hardly what she described as a “slam dunk”.

Mr. Dutton commented that he does not think that the Towns will purchase this property from Mr. Gitlitz – ever, and then suggested that a tactical move would be to delay this until the Towns are back in the Refuse District. Mr. Dutton conceded that this property is key to refuse disposal on the Island, but reiterated that when
Tisbury and Oak Bluffs are back in the District they will have controlling votes in the organization.

Mr. DiOrio stated that he feels that Edgartown should not have to underwrite the acquisition of the (Gitlitz) property, just Tisbury and Oak Bluffs should.

Mr. Israel stated that he thinks Tisbury and Oak Bluffs are “in the driver’s seat” with regard to the handling of solid waste.

John Bugbee pointed out that eminent domain taking involves a long drawn-out process, adding that we would be looking at a 3 year process, plus the high cost of real estate appraisals and possible appeals, which could be filed within 8 months.

Mr. DiOrio commented that it would be better than what the Towns have been doing so far, but agreed that this would represent a change in strategy by the two Towns.

There being no further business in Executive Session,

Motion: To reconvene in Open Session. Seconded.

Voting (Tisbury Selectmen): Mr. Geoghan Coogan: Yes; Mr. Kristal: Yes; and Mr. Israel: Yes.

Voting: (Oak Bluffs Selectmen): Ms. Barmakian: Yes; Mr. Greg Coogan: Yes; Mr. Ross: Yes; Ms. Burton: Yes; and Mr. DiOrio: Yes.

Both Boards Reconvened in Open Session: 4:15 p.m. M/s/c.

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Open Session Minutes from 4:15 – 4:45 p.m. with the Oak Bluffs Selectmen - are recorded separately.

5:00 p.m.: The Tisbury Selectmen reconvened in Open Session in the Tisbury Town Hall. Minutes from 5:00 – 5:50 p.m. are recorded separately.

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Chairman Kristal asked for a motion to go into Executive Session for the purpose of discussing strategy with respect to contract negotiations, to reconvene in Open Session.

Motion: That the Selectmen go into Executive Session for the purpose of discussing strategy with respect to contract negotiations, to reconvene in Open Session. Seconded.

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

Convened in Executive Session (downstairs in Tisbury Town Hall): 5:55 p.m. M/s/c.

Present: Selectmen Coogan, Kristal and Israel; Town Administrator John R. Bugbee and Aase M. Jones, Assistant to the Town Administrator.

Also Present: Interim Police Chief Daniel Hanavan.

Police Chief Employment Contract: was taken up for discussion.

Mr. Kristal noted that what the Board wants to do is to sign an employment contract with Dan Hanavan as Police Chief and move forward. Mr. Kristal added that the Board at the same time also wants to explore some form of sharing of police services with Oak
Mr. Israel commented that Oak Bluffs Chief Erik Blake wants to be some kind of what he described as “Über Chief”, with Dan Hanavan in charge in Tisbury.

Mr. Kristal reiterated that he wants to appoint Dan Hanavan as Police Chief and work out terms of a contract with him now.

Mr. Israel acknowledged that a merger is being discussed but added that nothing will happen during the first year, and agreed that the Board must negotiate terms for a one year contract with Dan Hanavan.

Mr. Kristal noted that Dan Hanavan should be paid from the Wage Scale for the position of Police Chief.

Mr. Israel agreed, noting that the Selectmen will work out the details of the contract offer and announce today that Dan Hanavan will be appointed Chief effective with the signing of a contract.

Dan Hanavan then asked if he is promoted to Chief for one year, should he look to find a new officer or should he go with OT to cover shifts, and noted further that officer Dustin Shaw has been called up to serve in the United States Coast Guard for a year.

Mr. Kristal commented that OT would “kill us”, suggested that Mr. Hanavan work with Town Administrator John Bugbee to develop a plan for coverage, and added that he expects attrition may reduce the number of officers in the department.

Mr. Coogan noted that the department still needs coverage for all shifts.

At this point Mr. Kristal brought to the attention of the Chief that there is a perception that the Department Secretary is running the Tisbury Police Department.

Mr. Israel commented on the fact that some of the summer traffic officers “hold court” at the Capawock Theatre.

In conclusion, Mr. Kristal commended Dan Hanavan for a job well done.

Mr. Coogan pointed out that the Selectmen need to make it clear that while Dan Hanavan for now is appointed Chief for one year, he will never go back to the rank of patrolmen again.

There being no further business in Executive Session,

Motion: To reconvene in Open Session. Seconded.

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

Reconvened in Open Session: 6:05 p.m. M/s/c.

Open Session Minutes: from 6:05 – 6:45 p.m. are recorded separately.

Respectfully submitted,

Jeffrey C. Kristal, Chairman  Aase M. Jones, Asst. to Town Adm.
Geoghan E. Coogan  Tristan R. Israel, Clerk