The Board of Selectmen met in Executive Session on August 17, 2010 in the Tisbury Senior Center.

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: Joe Tierney, “Change Order Czar” for the Emergency Services Facility Project.

Motion: To go into Executive Session for the purpose of discussing the following under the approved listed reasons for convening an Executive Session: #1 (the reputation, character, etc. rather than professional competence of an individual, etc.); #3 (strategy with respect to collective bargaining or litigation, etc.); and #6 (negotiations for the purchase, exchange, lease or value of real estate, etc.), not to reconvene in Open Session. Seconded.

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

Convened in Executive Session: 7:20 p.m. M/s/c.

Drainage and Property Issues re: Emergency Services Facility Project: were taken up for discussion first.

Mr. Tierney explained that he has been working with the contractors for the ESF project to clean the existing drainage system on West Spring Street, and to date have found no significant problems, but noted that an overflow pipe is needed at the site of the Emergency Services Facility, which will require an area of land, either through an easement or the acquisition of land for that purpose. It was noted that two adjacent parcels are candidates for this drainage overflow, one a small landlocked unbuildable piece (24-A-38) belonging to Daniel Koch, purchased in 2007 for $3,000 and now valued at $20,000, and the other belonging to Ms. Suzanne Mitchell (24-A-39), which contains the necessary acreage to dispose of the water.

It was estimated that the cost of addressing the drainage problem could cost as much as $50,000+. Discussion followed on how to pursue the potential easement or purchase of property for the drainage.

Mr. Kristal asked who should negotiate with the owners for an easement or purchase for this purpose.

Mr. Coogan noted that the Mitchell property is for sale and has a potential buyer, adding that it is public information who the buyer is, and also informing the Board that he represents Ms. Mitchell, who is ill, in the sale of her property.

Mr. Israel asked what would happen if the Town cannot get an easement or purchase for this purpose.

Mr. Tierney responded that a pipe has to be run along the edge of the Emergency Services Facility property, adding that the acquisition of property for the purpose of providing proper drainage is just an option at this point.

Town Administrator John Bugbee then stated that the Town could buy the one smaller property at a cost of $3,000 - $10,000, adding that the engineers will let us know if this can be done with the one property. A discussion followed on the existing outfall pipe.
Mr. Kristal suggested that the Selectmen should look for an easement first, then pursue purchase of the smaller, unbuildable triangle parcel. He proposed that Town Administrator John Bugbee and Joe Tierney be authorized to begin making what he described as “overtures” to the owner, adding that estimated engineering costs must be obtained for the project engineers.

After a brief discussion on first flush basins on West Spring Street,

Motion: That Town Administrator John Bugbee and Joe Tierney be authorized to enter into negotiations with property owners re: drainage easements for the Emergency Services Facility, as discussed. M/s/c.

Aquifer Protection Property Acquisition: was addressed by Selectman Israel who reported that under Article 10 at the 1984 Annual Town Meeting, the Town designated and funded the acquisition of several parcels of land for aquifer protection, some of which remain with unknown owners and titles that have not yet been secured by the Town.

Mr. Israel reported further that a Mr. Montorosso came into the Town Hall recently claiming that he now has been given ownership papers by the Land Court to one of these parcels, #49-A-3, which is within the Aquifer Protection Zone.

Mr. Israel suggested that Town Administrator John Bugbee work with Town Counsel and the Assistant Assessor regarding ownership of this parcel.

Mr. Coogan suggested a title search. After a brief discussion,

Motion: (Mr. Israel): That Mr. Coogan take a look at the documents regarding Mr. Montorosso’s claim of ownership of Parcel #49-A-3, to see if a title search is warranted. M/s/c.

Teahouse at Lagoon Pond Bridge: was brought up for discussion by Selectman Israel, who stated that he has proposed that the Town take the property (by eminent domain), that the Land Bank purchase the property, but nothing has happened. He reported that the owners received $365,000 from the State in mitigation of the inconvenience due to the location and siting of the temporary bridge construction so close to the house. Mr. Israel reiterated that he has always favored the Town having a stake in ownership of this property.

Mr. Kristal then asked what Mr. Israel wants to do.

Mr. Israel responded that he wants the State to take this property and let the Town use it, making it a public place for the Island.

A brief discussion followed on potential lawsuit filed by the property owners (Hollomans) against the State for additional compensation. Mr. Kristal suggested that the Town can lobby the State after they settle with the Hollomans.

Collective Bargaining Issues: were taken up next. Mr. Bugbee reported that negotiations regarding the Apprenticeship program is going well, with both sides getting together on the issues.

With regard to wages there appears to be no discussion about 0 increase in the first year, but compensation in the 2nd and 3rd year is still “up in the air”.

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Reduction of the Town’s share of health insurance benefits has been discussed as part of 2nd and 3rd year of compensation package, but is not receiving support from the union, which expects the Town to “make them whole”, and the Union is not budging on this issue. It was noted that a split of 70-30 in health insurance will require more than a 2-3% wage increase.

Mr. Kristal noted that if the Town is able to reduce the 1st year of health insurance premiums, the Town will save a considerable amount of money, adding that if the Town does not consider the health insurance issue, the Town will face layoffs. He concluded by stating that the union did not seem to care.

Police Regionalization Report: was provided next by Selectman Coogan, who reported that the committee has met with Oak Bluffs and will meet again in November. He stated that the issue of a new contract for Tisbury has been discussed and a one-year contract has been suggested, adding that the Tisbury officers are not interested. He noted that perhaps a two-year contract is possible.

Mr. Coogan reported further that the committee has arrived at the conclusion that, yes, this can be done, and that now we need to think more about how and if this is what we want to do (merge with Oak Bluffs).

Mr. Israel stated that he is not there yet. Mr. Coogan commented that he does not think anyone is “there” yet.

Town Administrator John Bugbee stated that he was encouraged at the last meeting by the response of the Oak Bluffs police.

Town Administrator Evaluation Follow-up: was addressed by Selectman Kristal who commented that he has seen improvement in communication with the Board and follow-up since Mr. Bugbee’s evaluation last June, adding that lists are getting done, etc.

Mr. Kristal then asked Mr. Bugbee if he is looking to find housing. Mr. Bugbee responded that he is.

Mr. Israel urged Mr. Bugbee to streamline and delegate as much as he can.

Aase Jones was instructed to send agendas and minutes to the Selectmen via e-mail in the future. At this time only Regular Session Minutes will be transmitted this way, while Town Administrator John Bugbee checks with Town Counsel if Executive Session Minutes can be sent via e-mail.

There being no further business,

Motion for Adjournment: 8:25 p.m. M/s/c.

Respectfully submitted,

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

Geoghan E. Coogan
Tristan R. Israel, Clerk