The Board of Selectmen met in Executive Session on September 29, 2009 in the Tisbury Town Hall.

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

Call to order: 4:30 p.m. by Chairman Tristan Israel who noted that the Board needs to convene in Executive Session to discuss collective bargaining strategy, to reconvene in Open Session. He then asked for a motion to do so.

Motion: To go into Executive Session to discuss strategy with respect to collective bargaining regarding police union arbitration, to reconvene in Open Session. Seconded.

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

Convened in Executive Session: 4:33 p.m. M/s/c.

Police Union Arbitration Hearing in Boston – 9-30-2009: was the topic of discussion.

Mr. Coogan summarized the discussions he has had with members of the Police Union negotiating team, specifically officer Scott Ogden and Sgt. Fiske, noting that he had presented the offer that the Selectmen had agreed to make and a counter-offer from the union had been made. That offer was to accept 3.5%; 3.75% and 4% plus a new Step in the 3rd year (FY2010), with no cumulative effect going backward, educational incentive from 6-11-13 to 6-12-and 15.

Mr. Coogan reported that he came back to them again with an off-the-record offer that might go along with the new Step in the third year, but no increase in the educational incentive.

Town Administrator John Bugbee pointed out that an increase in the educational incentive benefit had not been talked about except in the very beginning of the negotiations, but put back on the table when the arbitrator asked the parties to put the issues together in a document for the arbitration process.

Mr. Israel reminded the Selectmen that several years ago the police union went to Town Meeting with a Petition Article for adoption of the Quinn Bill, which had been rejected by the Selectmen throughout the contract negotiation process. The Police Union’s Article failed at Town Meeting, but the Selectmen actually increased the educational incentive shortly thereafter.

It was noted that the current educational incentive pays 6% for an Associate Degree, 11% for a Bachelor’s Degree, and 13% for a Master’s Degree. It was noted that only one officer would benefit from an increase in the Educational Incentive, and that is not Officer Ogden. Mr. Coogan pointed out that officer Ogden was left out of most of the discussions he had with the Union, and added that Ogden would not benefit from the educational incentive provision. He also stated that the union is no longer interested in an increased longevity stipend.
At this point Mr. Israel stated that he feels the Town should take its chances with arbitration, adding that not many towns are offering 3.5% over a 3-year period today.

Mr. Bugbee pointed out that the arbitrator only has information about what the Town has offered to this point.

Mr. Israel stated that if the town loses at arbitration, layoffs may be considered and commented that he feels that the Town at this point is better of “rolling the dice”.

Mr. Coogan concurred, adding that he thinks the police officers are beginning to understand the situation now.

Mr. Bugbee noted that at the arbitration hearing in Boston tomorrow the attorneys for each side in the dispute will present their respective positions, the Town attorney stating why we cannot give what the Union wants and vice versa, we will hear the Union’s position.

Mr. Bugbee continued by stating that both Oak Bluffs and Edgartown have consistently overpaid their officers, establishing a pattern of a ripple effect on wages in the Island police departments. Mr. Bugbee noted that no new offers will be presented at the arbitration hearing, and added that there will not be much presentation by the Selectmen or the Town Administrator. Mr. Bugbee noted further that part of the arbitration process is to try to reach an agreement, and make a deal before the actual arbitration begins.

Selectman Kristal pointed out that Oak Bluffs is seeking a $700,000 cut in its police budget and added that Edgartown did not get a COLA this year.

Mr. Israel pointed out that a few years ago the Town gave the police officers an EMT stipend which was later included as part of their base pay, and also increased the shift differential.

Adriano Silvia v. Tisbury Police Department Case: was brought up briefly by Town Administrator John Bugbee who reported that Mr. Silvia sued the Town for false arrest and mistreatment by the Tisbury Police Department and was represented by former Police Chief Ted Saulnier in that legal action, which was handled by our liability insurer, Trident Insurance.

Mr. Bugbee explained that Special Office Joseph Ballotte pulled over Mr. Adriano Silvia across the Town line in West Tisbury, and had good reasons for doing so, and added that no-one was on duty in West Tisbury to assist during that incident.

Mr. Bugbee reported further that we have just now learned that the case was settled for $15,000 and that the Town must pay a $5,000 deductible under the terms of the liability policy. Mr. Bugbee questioned that settlement and how the Town was not informed about how the insurance company was handling the case.
Mr. Kristal suggested getting additional information about what the policy says about settling claims, before paying the deductible. The Board agreed.

There being no further business in Executive Session,

Motion to Reconvene in Open Session: 4:55 p.m.

Respectfully submitted,

Tristan R. Israel, Chairman

Aase M. Jones, Asst. to Town Adm.

Jeffrey C. Kristal

Geoghan E. Coogan, Clerk