

Board of Selectmen Meeting

March 13, 2007

Library Meeting Room

Present: Selectmen Gregory Coogan (Acting Chair) Ronald DiOrio, Kerry Scott, Roger Wey. Also present: Town Administrator Michael Dutton, Administrator Alice Ryan Butler. Absent: Chairman Duncan Ross.

Meeting was called to order at 5:00 p.m.

Attorney Rappaport gave an overview of the letter that he and Attorney Gilman had prepared concerning the contracts held by some employees. This letter has also been reviewed by the Department of Revenue. Attorney Rappaport explained that the actions were unauthorized but not illegal, which implies criminal intent.

They found that five of the contracts were unauthorized. Most of the contracts were not signed by the majority of the Selectmen, but only by the Chairman and there was no evidence of a vote. The law allows contracts with the Town Administrator, Town Accountant, Finance Director, Police Chief and the Fire Chief. The Library Trustees may also contract with the Library Director.

Attorney Rappaport said that there was no basis for the bonuses to be paid.

The third issue explored was the payment made to the Building Inspector who did not utilize his benefit of health insurance. This was also unauthorized. His salary could be increased but he should not be reimbursed for a benefit he does not use.

No effort should be made to collect the money that was paid out. The Town should look forward and not backward. Observing the Open Meeting Law is the cure for this kind of incident not happening again.

Town Council was consulted only on the Fire Chief's contract and an early contract for Casey Sharpe that was never enacted.

Old/New Business

Pursuant to MGL 138, Section 12, the Board of Selectmen will hold a public hearing on March 13, 2007 at 5:30 p.m. in the Library Meeting Room, 56 School Street regarding an application for transfer of a seasonal all alcohol license from Sweet Life, Inc. dba Sweet Life Café to PSG Partners, LLC dba Sweet Life Café located at 63 Circuit Avenue. This application is available for review in the Selectmen's office Monday through Friday, 8:30 a.m. to 4:00 p.m.

Attorney Howard Miller represented the buyers, PSG Partners, LLC. The purpose of the hearing was to request a transfer of an all alcohol license. The restaurant will remain largely the same for the foreseeable future.

No one spoke in favor, no one was opposed.

Selectman DiOrio motioned to close the hearing, seconded by Selectman Wey. Three voted in favor. Selectman Scott, as an abutter to the property, abstained.

Selectman DiOrio motioned to grant the transfer of license, seconded by Selectman Wey. Three voted in favor, Selectman Scott as an abutter to the property, abstained.

Selectmen's Update

Selectman Scott announced that her choice for the Fire Chief Search Committee is Ralph Norton.

She also asked about the completion date for the fence at Buddy's Auto. By consensus the date agreed on is May 1, 2007.

Peter Martell was thanked for the animal emergency pamphlets that were provided through Homeland Security.

Selectman Wey selected Marie Allen for the Fire Chief Search Committee. He also announced that Crossland Nursery will landscape the front of the Senior Center at no charge.

Selectman Coogan selected Michael Dutton for the Fire Chief Committee.

He also read a letter from the Chairman suggesting that employees were dismayed to learn of Town Counsel's letter concerning contracts and bonuses from the newspaper. It would have been better if the Selectmen had an opportunity to discuss the letter among themselves and address the employees.

Selectman DiOrio selected Thad Harshbarger for the Fire Chief Committee.

Selectman DiOrio motioned to include the Fire Chief, Police Chief plus five citizens chosen by the Board on the Fire Chief Search Committee, seconded by Selectman Scott. Vote was unanimous.

Request for a new business license, Jellyfish, 45 Circuit Avenue. Hawken Morrison.
Selectman DiOrio motioned to grant the new business license to Jellyfish, seconded by Selectman Wey. Vote was unanimous.

Request for permission to hold a "walk for sobriety" from Ocean Park to Edgartown, August 25, 2007. Vineyard House.
Selectman Wey motioned to approve the "walk for sobriety" on August 25, 2007, seconded by Selectman DiOrio. Vote was unanimous.

Request for seasonal parking at the Oak Bluffs School. Herb Putnam.
The request is for twelve spaces during July and August.
Selectman DiOrio motioned to approve, seconded by Selectman Scott. Vote was unanimous.

Selectman DiOrio would like to investigate using the lot behind the parish building for public parking.

Status report on the Island Plan. Mark London, Richard Toole.

Mr. Toole and Mr. London explained the Island plan and its importance. There are 362 people involved island wide. It is an effort for Island people to determine the future of the Island as they want it to be. The planning covers a range of issues such as water quality, housing, traffic, transportation, open space, growth and economic opportunities.

Appointments

Request for appointment to the Board of Directors of the Council on Aging as an alternate (1 year) Marge Chesnard

Selectman DiOrio motioned to appoint Marge Chesnard as an alternate for a one year term, seconded by Selectman Scott. Vote was unanimous.

Request for appointment to the Board of Directors of the Council on Aging (three years) Curt Gear.

Selectman DiOrio motioned to appoint Curt Gear to the Board of Directors of the Council on Aging for a three year term, seconded by Selectman Scott. Vote was unanimous.

Request for appointment to the Emergency Management Policy Council. Chairman Duncan Ross.

Postponed until next meeting.

Accept Minutes

February 27, 2007

Selectman Scott motioned to accept the Minutes of February 27, 2007 as amended, seconded by Selectman Wey. Vote was three in favor, Selectman DiOrio abstained.

Discussion of Warrant Articles

Town Administrator read the Articles and answered questions pertaining to them.

Selectman Wey motioned to support the School Committee and the Finance Committee to use the wealth based formula and put the funds in the stabilization fund, seconded by Selectman DiOrio. Selectman Wey withdrew the motion.

There will be a joint Meeting with the Board of Selectmen and Finance Committee on Friday, March 16, 2007, at 4:00 p.m. in the Town Hall Conference Room.

Public Communications

The request from Surfcasters to create a public access fishing pier will be an Agenda item. By consensus the Board will send a letter of support to the Steamship Authority.

The letter from David Hilliard will be forwarded to the Parking and Traffic Committee.

Selectman DiOrio motioned to send a letter of support for the Beach to Boardwalk Committee, seconded by Selectman Wey. The vote was unanimous.

Adjourn

Selectman Scott motioned to adjourn at 8:25 p.m., seconded by Selectman DiOrio. Vote was unanimous.

Respectfully submitted,

Alice Ryan Butler
Administrator