

**Selectmen's Meeting**  
**September 23, 2013**  
**4:00 pm**

A meeting of the Board was held on the above date in the Fred B. Morgan Jr. Meeting Room, Town Hall. Members present were: Margaret Serpa, Chairman; Arthur Smadbeck; and Michael Donaroma. Also present was Ms. Pamela Dolby, Town Administrator and Atty. Ron Rappaport.

At 4:00 pm Chairman Serpa opened the meeting and the first item on the agenda which was opening the bids for renovation of the exterior of Town Hall. There was one bid from Paul J. Rogan Company - \$540,000 plus an option for 12 pair of missing side shutters for \$20,000.

Mr. Smadbeck moved to take the bid under consideration. Mr. Donaroma seconded. Unanimous.

Ms. Serpa then moved on to the next item on the agenda which was the awarding of the Warren House bid. She recognized Atty. Rappaport and asked him to speak on the matter.

Atty. Rappaport stated the facts that there were two viable bids both for \$2.5 million which was higher than any previous bids the town had received in the other RFPs for the property. He then went on to describe the points of each bid.

1. Jefferey Wolk was a "clean" bid. It included a 3% realtor commission which was part of the RFP. The final amount the town would end up with after the commission was \$2,425,000.
2. Janet Hiebert and Wayne Grigull included a map in their bid with a highlighted outline of what they were bidding on. The highlighted area included the sidewalk which was not included in the property. The highlighted sidewalk map makes the bid contingent upon including the sidewalk which was not part of the RFP and the Town could not sell it without a town meeting vote. Atty. Rappaport had consulted with the State Inspector General's office and the map would make the bid not viable in their opinion. The bidders have no realtor, so the town would have received the whole amount if it was a viable bid.

Atty. Rappaport stated that there was technically only one viable bid and it was Mr. Wolk's. The Board had two options. They could accept Mr. Wolk's bid or reject it and issue a new RFP. He stated that other than the map issue both bids were good uncomplicated bids with cash and quick closings. He thanked Karen Burke for all her hard work on the RFP.

Mr. Smadbeck moved to accept the bid from Jefferey Wolk for \$2.5 million for the Warren House property. Mr. Donaroma seconded. Unanimous.

Mr. Donaroma asked the next step.

Atty. Rappaport explained the steps involved and stated that if anything happened to make the sale go bad, the Board would have to issue another RFP.

Ms. Serpa stated that she saw this as an opportunity to pay the bond off and that was the goal.

The Board thanked Ms. Dolby and Ms. Rose for their hard work getting the Warren House sold.

Ms. Serpa then moved on to the next item which was the continued hearing for Mr. Harry Garvey for an additional curb cut on Fuller St. Present was Mr. Garvey and Mr. Stuart Fuller, Highway Superintendent. Ms. Serpa asked how the site visit went.

Mr. Garvey stated that they could not agree. He wanted to add a curb cut and leave the original as stated on his plan that was approved by the ZBA.

Mr. Fuller stated that he thought it was reasonable to take the amount of curb cut away from the original to create a new one.

Mr. Donaroma thought this should have been taken into consideration at the planning stage. He would like to see a better process at the beginning of an application.

Ms. Dolby stated that she has spoken with the Zoning Board of Appeals about this and they are coming up with a question for the application.

Mr. Fuller interjected that he would also like the Tree Warden included on the application.

Mr. Donaroma moved to approve the additional 12' curb cut. Mr. Smadbeck seconded. Unanimous.

Ms. Dolby asked how this decision would effect the Vietor decision.

Mr. Donaroma stated that situation was different. Vietor was told by the Planning Board during the process he could not have another curb cut.

Ms. Dolby stated that the rules have been in place a long time.

Mr. Smadbeck stated that they were driving over the curb. He was willing to rescind.

Mr. Smadbeck moved to rescind the Vietor curb cut decision of June 6, 2011. Mr. Donaroma seconded. Unanimous.

Ms. Serpa then recognized Mr. Paul Bagnall, Shellfish Warden.

Mr. Bagnall stated that it was time again to set the Family and Commercial Scallop Seasons. The Shellfish Committee decided at a posted meeting the following season for scallops:

- Family scalloping would start October 1st in all areas with a limit of one level 10 gallon wash basket with shells per week with no dragging in Cape Pogue until November 1st.

- Commercial scalloping would start November 4th with a limit of three level 10 gallon wash baskets with shells per day during the week from Monday through Friday.

Mr. Smadbeck moved to set the scallop season as described by Mr. Bagnall. Mr. Donaroma seconded. Unanimous.

Mr. Bagnall then gave an update on the oyster closure in Katama. He sent the first batch to the testing facility off island that day and they would need three clean tests to reopen. He felt positive about reopening citing that the water was cooling down and that Vibreo didn't like cold water.

Mr. Donaroma asked if they really needed three weeks of tests.

Mr. Bagnall stated that he was hopeful that they would let it reopen after two.

The Board then approved the following items:

Travel Vouchers for the Water Department, Highway Department, and Council on Aging.

Yard Sales for Debra Grant on West Tisbury Rd. and Judy Pfeiffer on Slough Cove Rd.

That the Seafood Shanty be allowed to stay open until October 20, 2013.

They appointed Alice Boyd as the Environmental Officer for the CDBG grant.

The Board signed a disclosure for the borrowing on the MVRHS roof.

The Board received a letter from Jennifer Morgan expressing interest in the vacant spot on the Historic District Commission for an alternate member. The Board decided to wait until they heard from the HDC.

Ms. Dolby stated that they were still working hard in getting the required number of commitment letters for Comcast on Chappaquiddick.

At 4:40pm Mr. Donaroma moved to adjourn. Mr. Smadbeck seconded. Unanimous.

Approved:

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Margaret E. Serpa, Chairman

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Arthur Smadbeck

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Michael J. Donaroma  
Board of Selectmen

Respectfully submitted,

Kristy Rose  
Assistant