

Selectmen's Meeting
February 21, 2012
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: Arthur Smadbeck, Chairman and Margaret E. Serpa.

At 4:00 PM Mr. Smadbeck opened the meeting. The Board then approved the following items:

The Minutes of 1/23/12, 1/31/12, 2/3/12, & 2/7/12.

A One Day Liquor License for the Federated Church Celebrity Waiter Event on March 24, 2012.

A Yard Sale at 21 Donalbain Close on 2/25.

To sign the March 6th Primary Warrant.

A Used Car License for Cars Unlimited.

A gift to the Library of \$2000 from Thea Duell with approval of the Library Board of Trustees.

Granted a request from Soigne to close from 2/27-3/30 for annual cleaning and maintenance.

To appoint the Harbor Planning Group members: Charlie Blair, Harbormaster; Georgiana Greenough, representative for the Planning Board; Joanne Taylor, MVC; & Gary Look, Bruce McIntosh, Mark Mattison, and Skip Tommassian from the Marine Advisory Committee.

The Board set a hearing for Détente for a seasonal all alcohol restaurant license for March 5, 2012 at 4:00pm.

Mr. Smadbeck then recognized Atty. Ron Rappaport, Town Counsel, who presented his findings on the Dredge and the Barnes property issue.

Atty. Rappaport stated that he had been asked to look into the unauthorized dredging and had been asked for his recommendations. He wanted to start by stating that this was a serious matter that town equipment was used for a private project. It undermines the people's faith in government and suggested that the town take whatever action was necessary. It was compounded by the fact that there were other private dredges available and it was a serious matter that the chairman approved the work.

Atty. Rappaport stated that he had spoken with several people in relation to the issue including: Mr. Rankow, chairman of the Dredge Committee; Dick Barbini; the Attorney for the Barnes; Tina Davies; Regional Counsel at the DEP; Dave Nash; Charlie Blair; Jane Varkonda and Donnie Benefit. He had also reviewed all paperwork.

Atty. Rappaport continued that it appeared clear that the work was done by the Town dredge at the direction of Mr. Norman Rankow, as Chairman for the Dredge and contractor for the Barnes, without permits and without the knowledge of the Dredge Committee. The Barnes had no knowledge of any wrongdoing. The Supervisor and Operator were also unaware. The sequence of events were as follows: 1/13 dredged area, 1/15 Took dredge out of water, 1/18 Notice of Intent Hearing.

Atty. Rappaport then issued his recommendations.

1. To create a protocol of no dredging without permits and to receive the approval of the Board of Selectmen, Shellfish Committee, Conservation Commission, and Dredge Committee.
2. No Private work done by the dredge without a formal protocol being approved by the Board of Selectmen, Dredge Committee, Conservation Commission, and Shellfish Committee.
3. Refer Mr. Rankow as Chair and private contractor to the state ethics board. (Atty. Rappaport submitted a letter to send also.)
4. Ms. Varkonda should issue a supplemental enforcement order requiring a survey of the area of work and the area the spoils were dumped by a private engineering firm with confirmation by Paul Bagnall, Shellfish Constable, and the Division of Marine Fisheries.
5. He did not recommend returning the gift of \$5,000 from the Barnes.

6. Fines – He cannot find evidence the owner knew of any wrongdoing. It made no sense to fine the Dredge Committee because it would be the town paying the town. He does not see a way to fine Mr. Rankow as the contractor. He stated that if the ethics commission finds any wrongdoing, they can fine him. The Department of Environmental Protection could also fine him.

Atty. Rappaport stated that he has heard rumors of other work done like this and at this point he is unaware of any done in the last five years. If he does find any, he will make a determination at that time.

Atty. Rappaport stated that he could not underscore enough the seriousness of this type of activity and the detrimental effect that it has on the peoples' faith in government. He has recommended all avenues the Board could take to avoid anything like this happening again in the future.

Ms. Serpa moved to refer Mr. Rankow to the state ethics commission. Mr. Smadbeck seconded. Unanimous.

Ms. Serpa then moved to approve the recommendations made by Atty. Rappaport. Mr. Smadbeck seconded. Unanimous.

Ms. Serpa stated that the Board was unaware of this matter until it was brought to the attention of Ms. Dolby. The Board accepted the gift as compensation for the work done. The instinct is to trust people. This is "deplorable".

Mr. Smadbeck thanked Atty. Rappaport for all his work and hoped the town could move forward without any more problems. He knows everyone works hard and that the dredge is good for the town. This was a serious and unfortunate misstep.

The Board then cancelled the meeting of February 27th.

Mr. Fred Mascolo stated that he had been appointed by the Planning Board as a replacement for Mr. Rankow and asked to be appointed by the Board of Selectmen.

Ms. Serpa replied that they were aware of the appointment by the Planning Board and that the Board of Selectmen wanted to wait on making any changes to the Dredge Committee at this time.

There being no further business, Ms. Serpa moved to adjourn at 4:20 pm. Mr. Smadbeck seconded. Unanimous.

Approved:

Arthur Smadbeck, Chairman

Not present
Michael J. Donaroma

Margaret E. Serpa
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant