

Selectmen's Meeting
October 9, 2012
4:00 pm

A meeting of the Board was held on the above date in the Second Floor Meeting Room, Town Hall. Members present were: Michael J. Donaroma, Chairman; Margaret Serpa; and Arthur Smadbeck. Also present was Ms. Pamela Dolby, Town Administrator.

At 4:00 pm Mr. Donaroma opened the public shade tree hearing for the Brenners at 65 School St. that had been continued from October 1st. Present for the hearing was Stuart Fuller, Tree Warden and Alex Morrison as representative for the Brenners.

Mr. Morrison explained that the Brenners would like to move the driveway. Because of an easement with the neighbors, the new location would be where the tree is now. They were offering to replace the tree next to the new driveway.

Mr. Fuller stated that the only advantage to the new driveway would be the addition of a public parking spot.

Mr. Donaroma read the letter from Mr. Hagerty, certified arborist. He stated that the tree seemed to be in good condition. It was a shame to lose a large tree downtown. The only benefit would be the addition of the parking space. He wanted to see a replacement that was larger than a 4" caliper.

Ms. Serpa stated that she had mixed feelings. The tree that was there was a healthy tree. It was covered with ivy which could be fixed.

Mr. Smadbeck agreed with his fellow Board members. It would be a shame to lose such a large tree.

Ms. Serpa moved to approve the removal of the tree with a replacement being larger than 4" caliper or two trees of 4" caliper with the approval of the tree warden. Mr. Smadbeck seconded. Unanimous.

Mr. Donaroma then opened the next item on the agenda which was to address the issue of Mr. James Klingensmith. Present was Atty. Jack Collins, Labor Counsel for Edgartown. Mr. Klingensmith was not present.

Ms. Dolby stated that Mr. Klingensmith had been notified by certified mail of this discussion. The office had received the return receipt that he had received the notice. He had not issued any response.

Atty. Collins gave a power point presentation of which a copy is attached. He went over Mr. Klingensmith's injury as a volunteer firefighter and what the town was required by law to compensate him. He then covered that the town had insurance that had gone significantly above and beyond what that required compensation was and that the insurance company had settled with Mr. Klingensmith for a lump sum. After this settlement Mr. Klingensmith was still asking for his semiannual stipend from the Fire Department.

Atty. Collins recommended that the Board of Selectmen "ask the state's public employee retirement administration commission to convene a 3-physician panel to examine Lt. Klingensmith to determine if he is permanently disabled and, if so, whether such disability is the result of a work-related injury." And "If the answer to both questions is in the affirmative, pronounce Lt. Klingensmith "retired" and thereafter, pay him the applicable retirement allowance and, if and when the town meeting accepts C41, § 100b, reasonable medical bills as are approved by a 3-member panel consisting of town counsel, the retirement board chair and a physician appointed by the Board of Selectmen."

Ms. Serpa moved to take Atty. Collins full recommendation and make it so. Mr. Smadbeck seconded. Unanimous.

Atty. Collins mentioned that he had met with the firefighters and explained the town's coverage does go above and beyond what is required by law and that the town does care and cover them.

Mr. Donaroma then asked Ms. Dolby if she had any business.

Ms. Dolby stated that she had noticed Mr. Larry Mercier in the audience. She wanted to set up a meeting with the Board of Selectmen, Library Building Committee, Town Counsel, The Library

Board of Trustees and Bond Counsel to discuss the library project and how the financing aspect would work.

Mr. Donaroma stated that it was all extremely exciting. He was going to call a meeting of the building committee for the following week sometime.

Ms. Serpa asked if the Board of Selectmen had to sign the contract.

Mr. Donaroma and Mr. Mercier responded that yes the Board needed to be the ones to sign.

The Board then approved the following items:

The minutes of September 24th, September 17th, and October 1st.

A travel voucher for Adam Darack.

A Yard Sale permit for Jennifer Klein on Witchwood Lane, October 20th.

Changes to the dredging permits because of errors in the first forms.

The Board accepted a letter from the Shellfish Committee concerning dredging.

The Board approved Alchemy to close for their annual cleaning and maintenance from 1/1/13-2/4/13.

The Board received a letter asked for a fishermen's depot lot for Jason Bennett. Ms. Dolby stated that they were all taken, but that perhaps someone would share. She would look into it.

The Board approved Chesca's to stay open until 10/26/2012.

The Board approved the Annual Chowder Contest 12/8/2012.

The Board received an invitation to High Tea at the Anchors on 11/19 at 3pm.

The Board signed the liquor licenses for the Kelley House and the Terrace contingent upon them receiving their fire safety certificate.

The Board received a letter from the USDA about remaining funds from a grant. Ms. Dolby stated it was left over from a grant for the Water Department. She asked that the Board sign a letter to the Water Department asking them to apply for an extension. The money could possibly be used to paint the standpipe. Ms. Dolby commended the Town Accountant for her persistence in trying to get these funds.

The Board commended Ms. Dolby and the Town Accountant, Kim Kane for their hard work in trying to secure the funds.

At 4:52pm Ms. Serpa moved to adjourn. Mr. Smadbeck seconded. Unanimous.

Approved:

Michael J. Donaroma, Chairman

Margaret E. Serpa

Arthur Smadbeck
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant

