

Selectmen's Meeting

August 29, 2011

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; Michael J. Donaroma, and Margaret E. Serpa. Also present was Ms. Karen Fuller.

At 4:00 p.m. Mr. Smadbeck opened the meeting. Before the scheduled item of the Library Trustees, Mr. Smadbeck stated there would be a report on how the town did in Tropical Storm Irene. He recognized Fire Chief Peter Shemeth. Also present were Police Chief Tony Bettencourt, Harbormaster Charlie Blair, Mr. Adam Darack, and Highway Superintendent Stuart Fuller.

Chief Shemeth started off by thanking all who worked to make things go smoothly: Mr. Adam Darack, The Highway Department, The Police Department, The Harbormaster's Department, The Firemen and EMTs, MEMA, FEMA, and Mr. Robert Porter of the Red Cross. The town used Code Red, the MV Times, the town website, and the town text system to frequently update the public and keep them prepared. To keep up to date and aware of what was going on there was a conference call each day with the Federal Emergency Management Agency, Massachusetts Emergency Management Agency, and the National Weather Service. There would then be a meeting with town department heads to update them. The Edgartown School was the shelter for town and opened at 4:00 pm before the Chappaquiddick Ferry closed down and when it closed it was made sure that no one from Chappaquiddick would be left without somewhere to go. He then showed the Board and audience a power strip that had been destroyed by a power surge in Katama during the storm. He stated that it was a good idea to unplug items during a storm.

Mr. Smadbeck stated that the town had an unbelievable team in the Highway Department, Police Department, Fire Department, and Mr. Adam Darack.

Mr. Blair stated that they were prepared in full force and the storm could have been so much worse. The boat yards did a great job removing boats from the harbor. The harbor went from having 700 boats to 100 in a matter of days.

Mr. Fuller thanked Chief Shemeth for his great organization and keeping everyone in the loop.

Mr. Smadbeck stated that NStar sent 24 extra crews. They went above and beyond keeping the electricity on.

Mr. Darack agreed with Mr. Fuller's statement and thanked Chief Shemeth and Mr. Blair.

Ms. Pat Rose, resident, thanked the Chappaquiddick Fire Department for their hard work during the storm.

Ms. Serpa moved to appoint Mr. Adam Darack "Public Information Officer" for the town. Mr. Donaroma seconded. Unanimous.

Mr. Smadbeck then recognized Mr. Ron Rappaport, Town Counsel, present for the agenda item of the Library Board of Trustees and the Library Foundation. Also present were: Felicia Cheney, Library Director; members of the Library Board of Trustees and the Library Foundation.

Mr. Rappaport stated that the Library Foundation was a "private not for profit" foundation. There had been questions about gifts and the town receiving gifts through the Foundation. He stated that there were three statutes related to the Library Board of Trustees and two related to gifts. The first Chapter 44.53A related to money given by the Foundation. It is supposed to go into a special town account and cannot come out without a vote by the Board of Selectmen. The second Chapter 44.53A½ related to tangible items given by the foundation. Any tangible gifts get administered by the Trustees but first have to be released by the Board of Selectmen. The tangible gifts have to be accepted by the Board and then given to the Trustees.

This also means that the Library Foundation can not pay bills directly for the Library. There is a process that has to be followed. Any money for a contract would also have to be voted out of a special account by the Board.

Ms. Janet Aldeborgh, Treasurer of the Library Foundation, stated that before the Foundation was a 5013c they had an account with the Town Accountant. She then stated that the Foundation has a Legacy of Learning program where the Library has a wish list and the Foundation has been donating items. She wanted to know the best way to facilitate donating from the list.

Mr. Rappaport stated that it just takes the two Boards approval.

Ms. Heather Hayman Cohan, member of the Foundation, asked if the Foundation could buy and gift items.

Mr. Rappaport replied that a gift of an item would be accepted by the Board of Selectmen as a gift for the town determined for the Library. That is the cleanest way possible.

Ms. Hayman Cohan asked about paying the musicians for the summer concerts on the Library lawn.

Mr. Rappaport stated that the funds can be put into the account and voted out to pay the bills by both Boards.

Mr. Donaroma had a question about some flyers the Foundation paid for directly for the Library Building Committee. He asked if it would have been better going into a town account and paid by the Committee.

Mr. Rappaport replied that it would have been better to go through the town account and should in the future.

Ms. Aldeborgh stated that the Foundation has donations for the new library specifically for bricks and mortar building. Can it be specifically determined what the funds are for?

Mr. Rappaport asked where the money was now.

Ms. Aldeborgh replied that it was in the Foundation's general account.

Mr. Rappaport stated that to spend the funds they needed to be accepted by the Board of Selectmen. They can come into the account restricted to the intended purpose, be it the building of the library or whatever.

Ms. Serpa clarified that the funds should be accepted by the Board of Trustees first before the Board of Selectmen.

Mr. Rappaport concurred.

Ms. Dolby stated that the Accountant would set up the fund. The Accountant, Auditor, and Board of Trustees would set up policies and procedures. They can have separate accounts for separate projects each with their own set of policies and procedures.

Mr. Rappaport stated that gifting does not have to go through the bid process.

Ms. Serpa stated that invoices should no longer be paid directly by the Foundation.

Mr. Smadbeck stated that it was easier than it sounded.

Ms. Dolby stated that after approval the bills would be paid with other Library bills by Ms. Cheney like a regular bill from the proper account.

Ms. Pat Rose asked if there was a money threshold. For example if people wanted to donate books.

Mr. Rappaport stated that they have to take a common sense approach. The line has to be drawn. There was some public confusion of whether the Foundation was part of the town or not.

Mr. Mort Fearey asked if he wanted to give \$5,000 to the library where should he give it.

Mr. Rappaport stated either the Foundation or the town would be acceptable.

Ms. Cheney interjected that the Foundation can invest their money.

Mr. Rappaport stated that the town does as well.

Mr. Fearey asked about the Foundation hiring a consultant.

Mr. Rappaport stated that it could not be on a public building project because of bidding laws.

Ms. Julie Lively, member of the Library Board of Trustees, stated that the Foundation had recently donated \$22,000 in items and services. She wanted to know how to proceed.

Mr. Smadbeck replied that the Board of Trustees would vote to accept and then ask the Board of Selectmen to do the same.

Ms. Dolby stated that some items have ramifications and that is why the Board of Selectmen have to vote to accept. For example, if a department was to receive a gift of a vehicle, the town would then have to insure and maintain that vehicle which would add to the town's budget. There are costs that have to be considered.

Mr. Donaroma asked if money was more complicated than items.

Mr. Smadbeck stated that money needed to have a clear idea with it what it was for.

Mr. Donaroma stated that the Foundation should be separate in all things from the Board of Trustees.

Mr. Rappaport stated that Trustees should not be on the Foundation and vice versa. It becomes complicated with ramifications.

Ms. Dolby stated that the Foundation could not use the town website to advertise or do business.

Ms. Cheney pointed out that other libraries had links to their foundations.

Ms. Dolby replied that a link was ok. She pointed out that the Foundation was using the Library's address on their stationary. That was not acceptable.

Mr. Smadbeck stated that he felt good that they had been able to clarify some issues. He then stated that the Board had a request from the Foundation to hang it's "We love our library" event banner on Main St. Ms Serpa moved to approve the request. Mr. Donaroma seconded. Unanimous.

Ms. Cahoon, member of the Foundation, invited the Board of Selectmen to come to the event.

Ms. Cheney then asked what she should do with a check donated in memory of a past town employee.

Ms. Dolby replied that it should go in the memorial fund as it has in the past.

Mr Smadbeck moved on and addressed the cell service part of the police contracts. Mr. Donaroma moved to approve the new section in the patrolmen's and superior's contracts. Mr. Smadbeck seconded. Ms. Serpa abstained. Unanimous.

The Board approved the following items:

A travel voucher for the Fire Department.

The minutes from August 22nd.

The Board accepted a letter of complaint from the Black Dog about Johnny's Cupcakes' crowds affecting their business and decided to take it under advisement.

The Board accepted a letter from the Edgartown Yacht Club in support of the idea of a sidewalk from the ferry up Chappaquiddick Rd.

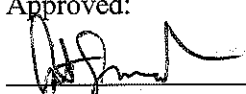
The Board read a notice from the Massachusetts Department of Marine Fisheries closing the shellfish beds as of Sunday, August 28th in anticipation of Tropical Storm Irene. They had heard from the Shellfish Department that they would be reopened at dawn, August 30th.

At 5:00 pm the Board voted to go into executive session not to return to public session to discuss pending litigation by roll call vote. All voting aye.

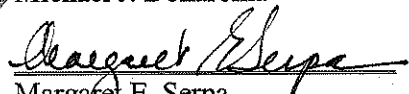
Respectfully submitted,

Approved:

Kristy Rose
Assistant


Arthur Smadbeck, Chairman


Michael J. Donaroma


Margaret E. Serpa
Board of Selectmen

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