

Selectmen's Meeting
December 19, 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 Donaroma, and Margaret E. Serpa. Also present was Ms. Pamela Dolby.

At 4:00 p.m. Mr. Smadbeck opened the meeting and recognized Attorney Ron Rappaport, Town Counsel. Also present was Attorney Jack Collins, Special Counsel; Mr. Jim Carter, Wastewater Chairman; Mr. Cliff Karako, Wastewater Commissioner; Mr. Joe Alosso, Wastewater Superintendent; Police Chief Tony Bettencourt; and Ms. Kim Kane, Town Accountant.

Mr. Rappaport started by saying that the State and Edgartown Police had filed a criminal complaint against Mr. Jason Araujo, owner of Jay's Septic Service. There was a report filed and the court clerk had issued a finding granting the criminal complaint. The allegations in the report paint serious issues over the way the Wastewater Department was run. There are also allegations of conflict of interest of an unnamed Selectmen and a Wastewater Commissioner. The report is now public and had come out just a few minutes before the current meeting. He then handed out copies to the Board and the Wastewater Commissioners.

Atty. Rappaport stated that he and Atty. Collins had some suggestions on how to proceed. First, the report should be referred to the State Ethics Board because of the allegations of conflict of interest. Second, they recommend the Board seek independent council because of the allegations against the Wastewater Plant.

Atty. Rappaport then made a suggestion for independent counsel of retired Judge John Paul Sullivan. He owns a house in Edgartown and is familiar with the town. Atty. Rappaport had asked him if he would be interested and he had replied that he would be happy to serve.

Ms. Serpa made a motion to appoint Judge John Paul Sullivan as independent council. Mr. Smadbeck seconded. Unanimous.

Mr. Donaroma asked about the allegations.

Mr. Rappaport stressed that they were only allegations at this time, but that they included fees not being collected properly and some special treatment.

Mr. Smadbeck thanked Attorneys Rappaport and Collins for coming. He stated that they would see Atty. Rappaport at the meeting with the Board of Health to discuss the Solar Project on Friday the 23rd at 9 am.

Mr. Smadbeck then recognized Ms. Marilyn Wortman, Personnel Assistant. He asked her to explain the health coverage changes.

Ms. Wortman stated that Governor Patrick had passed a bill in July of 2011 that stated that all municipal health plans had to be within 5% of the state plan. It was part of Mass General Law 32B Section 21-23. She stated that it was a many step process of which a letter from the Board was the first step. Everyone had to be converted to the new plan by July 1, 2012.

Mr. Smadbeck asked if this was a better deal for the town and its employees. He was concerned about them losing coverage.

Ms. Wortman replied that it seemed like basically the same plan with much larger deductibles. Same coverage, more out of pocket expenses. But, that it was better than the state plan, which is what they would have to have if the town were to leave the Cape Cod Municipal Health Group (CCMHG).

Ms. Dolby pointed out that the CCMHG also has other wellness programs the town takes part in. Such as the HIPA Program, the Diabetes Program, there's a walking challenge every year as well.

Ms. Serpa asked about the prices. If the employees had to pay more in deductibles, was there a reduction in premiums.

Ms. Dolby replied that there were no prices yet. The prices were supposed to be lower. The town didn't really have a choice on the matter.

Ms. Serpa moved for the Town of Edgartown to elect to engage in the process to change health insurance benefits under M.G.L.c. 32B, Sections 21-23. Mr. Donaroma seconded. Unanimous.

Ms. Serpa added that it was going to be important to keep the employees informed.

Ms. Wortman replied that she was working hard at it. She had invited representatives from Blue Cross and Harvard Pilgrim to talk to the employees and have all their questions answered.

Mr. Smadbeck then recognized Ms. Jane Varkonda, Conservation Agent.

Ms. Varkonda stated that she was present to get the list of projects to be used with the mitigation funds of approximately \$53,862 from the Vietor property approved. The Conservation Commission had come up with a list of improvements. They would be done in the same order and one at a time. If the money ran out, the projects would not be done and they would not come to the town for any overages. The list was as follows: Replace steel structures at the Town Wharf, new dock ramps, interpretive plaques, and a dinghy dock at Collins Beach. Ms. Varkonda pointed out that Mr. Charlie Blair abstained from the CONCOM vote because he is related to the Vietors.

Ms. Dolby stated that she thought it was great and that it would save the taxpayers money.

Ms. Serpa moved to approve the list. Mr. Donaroma seconded. Unanimous.

Ms. Dolby stated that she just wanted to publicly thank Ms. Varkonda and Ms. Georgiana Greenough for all their work on the cell tower and solar projects.

The Board thanked them as well.

Mr. Greenough was present and asked if the cell phone towers could be put on the agenda in early January.

They worked it out and decided to have an early start on January 3, 2012 of 3:30 pm because of the budget hearings scheduled at 4:30. With the Martha's Vineyard Preservation Trust at 3:30 and the cell towers at 3:40.

Ms. Dolby reported that the town had received a letter from the MMA that Edgartown had placed in the top three for the annual town report contest. The town wouldn't find out what place they received until the annual meeting in January.

The Board received a letter from School Superintendent Dr. Weiss asking if the West Tisbury School could have the kitchen equipment from the Old Edgartown School.

Ms. Serpa asked if it had been voted surplus equipment.

Mr. Smadbeck stated that they could find that out for next week and revisit the request.

The Board approved the following items:

The minutes from November 28, 2011.

A Travel Voucher for the Highway Department.

The signed a letter of Subordination for the Edgartown Affordable Housing Trust to pay for 2 buy down program houses and legal fees.

They set a hearing for January 3rd at 4:00pm for the Main Street Diner to apply for a seasonal liquor license.

The Board received a letter from the Dukes County Commissioners thanking them for the sand for state beach.

Ms. Dolby reminded the Board that the Town Hall will be closing at noon on December 23rd and would be closed the whole day on December 26th.

There being no further business, Ms. Serpa moved to adjourn at 4:40 pm. Mr. Donaroma seconded. Unanimous.

Approved:

Arthur Smadbeck, Chairman

Michael J. Donaroma

Margaret E. Serpa
Board of Selectmen

Respectfully submitted,

Kristy Rose
Assistant

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