



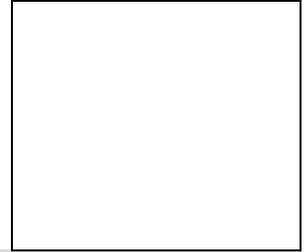
UPDATED MEETING POSTING

Original Posting Date 2/4/2016 Original Posting Number 114

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting **notices and agenda** must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)



Committee/Board/s | Finance Committee

Day, Date, and Time | Monday, February 8th, 2016 at 4:00pm

Location / Address | 4 Fairgrounds Road, PSF Community Room

Signature of Chair or Authorized Person | Lynell Vollans

WARNING: **IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!**

UPDATED AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

1. Call to Order
2. Approval of Minutes for the January 25, 2016, January 26, 2016, January 28, 2016 and February 1, 2016 Meetings
3. Public Hearing for Warrant Articles for 2016 Annual Town Meeting
4. Review of Warrant Articles *This agenda item was not anticipated by the Chairman 48 hours in advance
5. Date of Next Meeting: Tuesday, February 9, 2016, NHS Cafeteria, 4:30pm
6. Adjournment



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: James Kelly (Chair), Clifford Williams (Vice-chair), Matthew T. Mulcahy, John Tiffany, David Worth, Stephen Maury, Craig Spery, Joseph T. Grause Jr.; Peter McEachern

MINUTES

Monday, January 25, 2016

4 Fairgrounds Road, Training Room – 4:00 p.m.

Called to order at 4:00 p.m.

Staff in attendance: Brian Turbitt, Director of Finance; Lynell Vollans, Assistant Director of Finance; Tom Rafter, Airport Manager; Rachel Chretien, OIH Manager; Terry Norton, Town Minutes Taker

Attending Members: Kelly, Mulcahy, Tiffany, Worth, Maury, Grause

Absent Members: Williams, Spery, McEachern

Late Arrivals: Mulcahy, 4:01 p.m.

Early Departures: None

Documents used: Our Island Home (OIH) FY2017 proposed budget; Airport FY2017 proposed budgets; Memorandum of Understanding (MOU) Between The Nantucket Board of Selectmen and The Nantucket Airport Commission; Citizen Warrant Articles for 2016 Annual Town Meeting.

I. PUBLIC COMMENTS – Any member of the public may address committee at this time

1. None

II. APPROVAL OF PRIOR MEETING MINUTES

1. None

III. REVIEW OUR ISLAND HOME (OIH) ENTERPRISE FUND FY2017 BUDGET

Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Grause

Recused None

Discussion **Chretien** – Working on a Quality Program which is becoming State-mandated. Department of Public Health surveyors could request access to the documents if they note shortfalls. The care planning surveyor team is now looking at dementia care and the minimum dataset for Medicaid. Explained what training is being implemented at OIH to meet those two new areas. Reviewed initiatives and accomplishments. The north roof has been repaired and mechanical upgrades should start in February. Priorities for FY2016: Assistant Administrator Erin Kopecki will begin training as a Licensed Administrator; train a new Director of Nursing to replace the retiring incumbent; certification of the activity director; full implementation of Electronic Medical Records, and maintaining a viable census. Emergency preparedness will soon be mandated to be up to date. A number of long-time staff will be retiring in FY2017 so this budget proposal adds additional funding to accommodate their required payouts. Looking at instituting a Care Model by which to determine the staffing for the current location and alternate location potentially at Sherburne Commons; this study could result in OIH providing other services.

Tiffany – Asked what assumptions were made to come up with revenue numbers.

Chretien – Our FY2017 revenue is based upon FY2016 actuals as determined by the Department of Revenue (DOR); unlike a private institutions, OIH can't increase its revenue at its discretion.

Kelly – Asked how the revenue might be built.

Chretien – Reiterated it is based on FY2016 actuals. Certified Retained Earnings for FY2016 will be less. Looking into a way to adjust that now.

Turbitt – Working on a solution that enables bringing numbers down some and covering any deficit.

Grause – Asked what the patient census is.

Chretien – About 23% are private patients; Mass Health and Medicaid makes up the rest.

Kelly – Asked how FY2016 compares to FY2015 in pulling in Medicare revenue.

Chretien – We have more Medicare B patients; a new Physical Therapist enables OIH to take care of more Medicare B patients. Medicare A has not changed much.

Turbitt – Year to date Medicare revenue is about \$250,000 to \$255,000 but that's not confirmed. Internally, they are looking at a way to bring that down and close the gap.

Chretien – In the first quarter of FY2015, we were at \$230,000; in the first quarter of FY2016 we were at \$118,000.

Kelly – Relayed questions from Mr. McEachern, who asked why there is an 8.9% increase in payroll.

Chretien – There were positions in FY2016 not reflected in that budget; also 50% of her salary has to be accounted for in the OIH budget, which it wasn't in FY2015. There were also increases in hours for several positions as well as staff development hours. Noted that Medicaid A revenue used to date is \$213,923 and Medicaid B \$13,614. Secondary insurance is at \$76,000.

Kelly – Asked about the increase of the Contractual Obligation line item.

Chretien – \$50,000 is for the general contract increases as negotiated; the additional amount is the payout benefit mentioned earlier.

Worth – Asked if there will be lower salary budget as retirees are replaced.

Chretien – She suspects so; the majority of her staff are at the top end of the scale and several are over 20 years.

Grause – Asked if the facility is allowed to raise charitable funds.

Chretien – Friends of OIH started fund raising but that group has faded. The staff, as Town, employees cannot do fund raising.

Tiffany – Over the last few years, there has been discussion about the physical state of the facility; asked Ms Chretien about that.

Chretien – The facility is still in a sub-standard condition and cannot be upgraded. The roof is fixed and mechanicals will be fixed. There are currently no heating issues. As long as there is momentum on a new facility, we aren't being cited, deficiency-wise.

Worth – Asked where disability payments are charged.

Turbitt – Workers Comp Trust Fund, they are paid out of that and quarterly all departments and Enterprise Funds are charged back for their portion.

IV. REVIEW AIRPORT ENTERPRISE FUND FY2017 BUDGETS

Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Grause

Recused None

Discussion **Rafter** – There is a budget which has been approved by the Airport Commission; however, since Island Air declared bankruptcy, there is a revised budget which has not yet been reviewed by the Airport Commission. He will come back before FinCom with that revised budget once it's approved by the Airport Commission.
Consensus of the board is to wait to review the final budget.

V. REVIEW OF MOU BETWEEN TOWN OF NANTUCKET AND AIRPORT FOR THE PAYBACK OF SUBSIDY FUNDS

Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Grause

Recused None

Discussion **Turbitt** – Reviewed the background leading to the MOU for the payback of the \$4.6 million Town subsidy to the Airport without putting undue stress on the Airport’s ability to operate. There is a construction project that will generate useable material so there has been discussion about using it internally and off-setting the amount the Airport owes; explained how that would work.

Rafter – He was told the stockpile of material is worth about \$320,000. This is milling from the torn up ramp that the Department of Public Works (DPW) would reuse on roads.

Turbitt – Also the agreement has been reworked to allow the Airport to request a change in the payment date in the event something catastrophic occurs that might prevent meeting the payment date.

Rafter – Told the board that the terms of the MOU and any changes are subject to Federal Aviation Administration (FAA) and DOR approval.

Grause – Asked Mr. Rafter if he is confident in being able to afford the \$223,000 over the next 19 years.

Rafter – He is confident about meeting payments because of land that is coming available to them for rental, rate increases, and debt service roll off. One of his goals is a stable financial plan.

Worth – His concern is that the in-kind services would replace the cash repayment of the loan.

Turbitt – The in-kind service is a cost avoidance for the Town. Absent that, the Town would have to acquire the material.

Rafter – Noted that the milling material is generated every several years.

Worth – Asked if that cost would be accounted to Chapter 90.

Turbitt – It would be done through Chapter 90 or supplemental funding.

Kelly – The loan came from free cash and it needs to go back to free cash.

Turbitt – Noted that there is no reason the Airport can’t make the payment on top of the in-kind service.

Tiffany – Doesn’t understand the concern as there is nothing wrong with in-kind service; he is comfortable with Kara Buzanoski, Director DPW, having set the price.

Maury – His concern is that we have only one value set on the material.

Turbitt – The MOU states that any in-kind service will be set at a fair-market price.

Mulcahy – There should be a way to quantify that number.

Rafter – He can check it against off-island prices; he could also check with Victor Paving. Ms Buzanoski said that they gave her the \$320,000 assessment.

Worth – Suggested making a condition that only 50% of the yearly payment can be attributed to in-kind services.

Kelly – The voters were told by FinCom the airport will pay the Town back with cash, which will go into the General Fund; we should stick to that. The accounting would be cleaner to sell the material.

Maury – If the Airport sells it, it is at wholesale prices; when we buy it, it is at retail prices.

Mulcahy – It would fall on Mr. Turbitt to ensure all parties are negotiating with the best interest of the taxpayer in mind. He doesn’t believe the taxpayer would mind the in-kind payback; it just has to be quantified.

Turbitt – This makes sense as the DPW would either have to buy the material or get it from the Airport and account for it at a fair-market value between the Airport and the DPW.

Worth – If he were on the Airport Commission and he had an opportunity to build up the cash reserve by way of in-kind services, he would do that rather than a cash payment.

Kelly – The question on the table is in-kind services; asked for a motion.

Discussion on the motion.

Worth – Asked if this resurfacing project is reimbursed and whether or not disposal of material is built into that.

Rafter – We retain the material but have no use for it. The amount presently stockpiled is about 3 years worth.

Grause – He’s not concerned as long as the value of the material is fair-market; it saves the Town money.

Worth – If they build up a fund balance, there is no way for the Town to force a transfer of money out of the Enterprise Fund without approval by the Airport Commission. The operation of the Airport has come to the point where it can absorb the reimbursement payment. He is skeptical that five years down the road, any cash will have changed hands if in-kind service offset is permitted.

Grause – Suggested a clause that to use an in-kind payment, they have to come to the FinCom for approval.

Worth – He thought the Passenger Facility Charge was aimed at providing revenue to pay the capital costs of work done at the Airport. Now we are looking at other ways not to have to pay in cash the obligations.

Rafter – That is not allowed. The Passenger Facility Charge is dedicated to reimbursing the eligible item, which is only the terminal; a lot of the debt is associated with the General Aviation building. We have \$2.2 million in retained earnings, \$1.1 million in the Fuel Revolver Fund. Discussion about quantifying the value of the millings and use in off-setting the payment and a reflection of its acquisition as a reduction in the DPW budget.

Kelly – Asked if the interest rate could be reopened and changed so that the in-kind service would be used as interest on the loan. The loan is currently interest free.

Turbitt – It would be very difficult to get the DOR to approve that.

Maury – He would like to see the offset come off the back end.

Kelly – Suggested a friendly amendment that the in-kind service would be used at the back end of the loan.

Turbitt – Explained how that would work.

Mulcahy – Seconded the friendly amendment.

Motion **Motion to Recommend that the MOU be approved with the amendment that the current language on in-kind services be struck and replaced with, “fair market value of in-kind services will be approved to be paid and credited at the back end of the loan.”** (made by: Worth) (seconded by: Grause)

Vote Carried 5-1/Tiffany opposed

VI. NEXT MEETING DATE/ADJOURNMENT

Date: Tuesday, January 26, 2016; 4:30 p.m.; Nantucket High School Cafeteria, 10 Surfside Road

Topics: Add to January 28 agenda further discussion of sewer project.

Adjourned 5:52 p.m.

Submitted by:

Terry L. Norton



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: James Kelly (Chair), Clifford Williams (Vice-chair), Matthew T. Mulcahy, John Tiffany, David Worth, Stephen Maury, Craig Spery, Joseph T. Grause Jr.; Peter McEachern

MINUTES

Tuesday, January 26, 2016

Nantucket High School Cafeteria – 4:30 p.m.

Called to order at 4:30 p.m.

Staff in attendance: Libby Gibson, Town Manager; Gregg Tivnan, Assistant Town Manager; Brian Turbitt, Director of Finance; Lynell Vollans, Assistant Director of Finance; Terry Norton, Town Minutes Taker

Attending Members: Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause

Absent Members: Williams, McEachern

Late Arrivals: None

Early Departures: None

Documents used: Warrant Articles for 2016 Annual Town Meeting.

I. PUBLIC COMMENTS – Any member of the public may address committee at this time

1. None

II. APPROVAL OF PRIOR MEETING MINUTES

1. None

III. REVIEW WARRANT ARTICLES FOR 2016 ANNUAL TOWN MEETING (ATM)

1. Article 1 (Receipt of Reports)

Discussion No discussion

2. Article 2 (Appropriation: Unpaid Bills)

Discussion No discussion

3. Article 3 (Appropriation: Prior Year Articles)

Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause

Recused None

Discussion **Turbitt** – He doesn't know exactly which articles are coming forward. Unused prior year capital projects are reappropriated for other capital projects under Article 10.

4. Article 4 (Revolving Accounts: Annual Authorization)

Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause

Recused None

Discussion **Turbitt** – This authorizes the Revolving Accounts that have to be reauthorized annually under MGL Chapter 44, Section 53E½.

5. Article 5 (Appropriation: Reserve Fund)

Discussion No discussion

6. Article 6 (Fiscal Year 2016 General Fund Budget Transfers)
Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Sperry, Grause
Recused None
Discussion **Turbitt** – He is working with departments to ascertain whether or not there will be any.
7. Article 7 (Personnel Compensation Plans for Fiscal Year 2017)
Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Sperry, Grause
Recused None
Discussion **Gibson** – The only changes are in the seasonal section; all schedules were increased by about \$1.
Worth – Asked if the Town Clerk’s salary is an increase and if the increase is mandated by law.
Gibson – It is a standard increase of 2.5% over last year, not mandated.
8. Article 8 (Appropriation: Fiscal Year 2017 General Fund Operating Budget)
Discussion No discussion
9. Article 9 (Appropriation: Health and Human Services)
Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Sperry, Grause
Recused None
Discussion **Kelly** – Asked if this budget is ready.
Turbitt – Their Contract Review Committee recommendations are not yet ready.
10. Article 10 (Appropriation: General Fund Capital Expenditures)
Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Sperry, Grause
Recused None
Discussion **Kelly** – Asked if this is where the discussion about using an operating override for “routine” capital would occur.
Gibson – It would be in this motion if we were doing that.
Kelly – Asked if the warrant identifies a source.
Turbitt – We had proposed potentially borrowing \$2.8 million and that would be funded within the levy limit without a debt exclusion. We don’t need an override and there will be funds to be appropriated from other sources.
Tiffany – To make that decision, you have to be making an assumption.
Turbitt – That assumption will be made based on the timing that we will be able to fit it into.
Kelly – Asked when was the last time an override was used for capital expenditures.
Gibson – We usually do a mix of sources: the General Fund, Free Cash, Real Estate Fund, reappropriations from prior year articles, and depending on the remaining amount we can seek an override. Doesn’t recall exactly when the last override was.
11. Article 11 (Appropriation: Fiscal Year 2017 Enterprise Funds Operations)
Discussion No discussion
12. Article 12 (Appropriation: Enterprise Funds Capital Expenditures)
Discussion No discussion
13. Article 13 (Enterprise Funds: Fiscal Year 2016 Budget Transfers)
Discussion No discussion

14. Article 14 (Appropriation: Airport Aviation and Administration Building Project)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This is a place holder.
Kelly – Noted that Tom Rafter, Airport Manager, does not have a final budget approved by the Airport Commission. He will come back when the revised budget is approved.
Gibson – This is for any potential settlement disputes with contractors involved in the projects.
Worth – Asked if any liabilities have been identified.
Kelly – One has been identified and is being negotiated. There is no range of number yet.
Worth – Given that, why are they talking about paying back the Town and not funding this from their operations.
Gibson – They have appropriated funds for this.
Kelly – This would be from certified retained earnings.
15. Article 15 (Appropriation: School)
 Discussion No discussion
16. Article 16 (Acceptance of Massachusetts General Law: Sewer Betterment Assessments)
17. Article 17 (Acceptance of Massachusetts General Law: Sewer Betterment Deferral)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – Articles 16 and 17 have to do with acceptance of the MGL related to betterment assessments. Article 16 has to do with having the betterment assessment paid out over 30 years. Article 17 is a deferral for senior citizens who meet a certain income threshold.
18. Article 18 (Appropriation: Sewer project/Nantucket Harbor Shimmo; Plus Infill Parcels in Town Sewer District)
 Discussion No discussion
19. Article 19 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)
 Discussion No discussion
20. Article 20 (Appropriation: Waterways Improvement Fund)
 Discussion No discussion
21. Article 21 (Authorization: Airport Aviation Fuel Revolving Fund for Fiscal Year 2017)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Mulcahy** – The balance was very good; asked if that would lower the number needed for this article.
Turbitt – That is being considered.
22. Article 22 (Appropriation: Ambulance Reserve Fund)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Kelly** – Asked if the plan to go to Advanced Life Support will affect this article.
Gibson – It might have a higher number for expenditure than in the past. That would be offset by the new increased fees.
Kelly – Asked if the deletion of an ambulance would be part of this article.
Turbitt – Yes.
23. Article 23 (Appropriation: County Assessment)
24. Article 24 (Appropriation: Finalizing Fiscal Year 2017 County Budget)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – There will be more on Articles 23 and 24 at the January 28 meeting of the County Review Board. Article 24 allows the budget to go to ATM in the event should the CRB agree on the budget.

25. Article 25 (Rescind Unused Borrowing Authority)
Discussion There will be three rescindments for projects that are complete.
26. Article 26 (Appropriation: Ferry Embarkation Fee)
Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
Recused None
Discussion **Gibson** – This has been used to fund the seasonal Community Service Officer Program.
27. Article 27 (Appropriation: Other Post-Employment Benefits Trust Fund)
Discussion No discussion
28. Article 28 (Appropriation: Collective Bargaining Agreement/Laborer’s Union)
Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
Recused None
Discussion **Tivnan** – This is the appropriation to fund a FY2017 Laborer’s union contract, which wasn’t negotiated until August 2015.
Kelly – Asked if any negotiations might result in a settlement prior to ATM.
Tivnan – No other negotiations are going on at this time.
29. Article 29 (Community Preservation Committee: Fiscal Year 2017 Budget Transfers)
Discussion No discussion
30. Article 30 (Appropriation: FY2017 Community Preservation Committee)
Discussion No discussion
31. Article 31 (Appropriation: Siasconset Fire Station)
Discussion No discussion
32. Article 32 (Appropriation: Cost Reimbursement)
Discussion No discussion
33. Article 33 (Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver)
Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
Recused None
Discussion **Gibson** – This article was submitted for 2015 ATM, didn’t pass, and has since been modified. Reviewed the modifications.
Kelly – Might want to have a comment that addresses the differences between this and last year’s article. The committee would like to hear Town Counsel’s thoughts.
34. Article 34 (Zoning Map Change: RC (Residential Commercial) to CMI (Commercial Mid-Island) -Bayberry Court, Cherry Street, Chin’s Way, Dave Street, Freedom Square, Hooper Farm Road, Orange Street, Pleasant Street, Sanford Road, Sparks Avenue and West Creek Road)
Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
Recused None
Discussion **Worth** – Noted that this article would change the height restriction to 40 feet in the mid-island area for a lot of properties and that 96 Pleasant Street, which would go into this district, is right next to the African Meeting House.
Maury – 96 Pleasant is Nantucket Office products and 115 Orange Street is Cumberlands Farms.
35. Article 35 (Zoning Map Change: RC-2 (Residential Commercial-2) to CMI (Commercial Mid-Island) - Hanabea Lane, Nobadeer Farm Road, Old South Road and Wampanoag Way)
Discussion No discussion
36. Article 36 (Zoning bylaw Amendment: Commercial Mid-Island)
Discussion No discussion
37. Article 37 (Zoning Map Change: RC-2 to CTEC and R-5 – Bartlett Road and Marble Way)
Discussion No discussion
38. Article 38 (Zoning Map Change: RC-2 and CTEC to R-10 or R-20 – Marble Way)
Discussion No discussion
39. Article 39 (Zoning Map Change: RC-2 to CN and R-5 – Fairgrounds Road, Vincent Circle and Ticcoma Way)

Discussion No discussion
 40. Article 40 (Zoning Map Change: R-1 to ROH – Various Locations)

Discussion No discussion
 41. Article 41 (Zoning Map Change: R-20 to VR - Quidnet)

Discussion No discussion
 42. Article 42 (Zoning Map Change: Village Residential/Swimming Pool)

Discussion No discussion
 43. Article 43 (Zoning Map Change: R-20 to R-40 or LUG-1 – Crooked Lane, Grove Lane and Madaket Road)

Discussion No discussion
 44. Article 44 (Zoning Map Change: SR-20 to SR-5/Clifton Street, Comeau Lane and Sconset Avenue)

Discussion No discussion
 45. Article 45 (Zoning Map Change: CDT, ROH, R-1, R-20 and LUG-2 to R-40 - Town Open Space)

Discussion No discussion
 46. Article 46 (Zoning Map Change: R-20, VR, LUG-1, and LUG-2 to LUG-3 – Country Open Space)

Discussion No discussion
 47. Article 47 (Zoning Map Change: VTEC to VR, VTEC to LUG-3, and LUG-3 to VTEC – Hummock Pond Road)

Discussion No discussion
 48. Article 48 (Zoning Map Change: LUG-2 to R-40 – Evergreen Way, Daffodil Lane and Airport Road)

Discussion No discussion
 49. Article 49 (Zoning Map Change: LUG-2 to LUG-1; 8 Masaquet Avenue)

Discussion No discussion
 50. Article 50 (Zoning Map Change: LUG-2 to LUG-1 Surfside South – Boulevarde, Okorwaw Avenue and Lover’s Lane)

Discussion No discussion
 51. Article 51 (Zoning Bylaw Amendment: Tertiary Dwelling)

Discussion No discussion
 52. Article 52 (Zoning Bylaw Amendment: ‘Tiny House Unit’ District)

Discussion No discussion
 53. Article 53 (Zoning Bylaw Amendment: ‘Tiny House Village’ District)

Discussion No discussion
 54. Article 54 (Zoning Bylaw Amendment: Secondary Lots)

Discussion No discussion
 55. Article 55 (Zoning Bylaw Amendment: Secondary Lots – Qualified Family Member)

Discussion No discussion
 56. Article 56 (Zoning Bylaw Amendment: Secondary Lots – Qualified Family Member)

Discussion No discussion
 57. Article 57 (Zoning Bylaw Amendment: Major Commercial Development)

Discussion No discussion
 58. Article 58 (Zoning Bylaw Amendment: Adult Use)

Discussion No discussion
 59. Article 59 (Zoning Bylaw Amendment: Abandoned Vehicles)

Discussion No discussion
 60. Article 60 (Zoning Bylaw Amendment: Miscellaneous Technical Changes)

Discussion No discussion
 61. Article 61 (Bylaw Amendment: Obsolete Building Related Bylaws)

Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Sperry, Grause
 Recused None
 Discussion **Gibson** – Reviewed the obsolete building bylaws that would be eliminated by this article.

62. Article 62 (Bylaw Amendment: Solid Waste Disposal)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This article is based a recommendation from the Attorney General (AG) when they approved the balloon ban approved at last year’s town meeting. The AG office recommended a clarification as to at what point is there a violation and who is selling/disposing/dispensing the lighter-than-air balloons. Town Counsel worked with the AG on clarifying the language about who would be fined.
63. Article 63 (Bylaw Amendment: Town Property, Conveyance of)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – The BOS decided to include this article to repeal Chapter 46 Section 4, which requires moving Town offices out of the Downtown Core District to have the vote of Town Meeting. Noted that there is no definition of Downtown Core District in the Town Code.
64. Article 64 (Bylaw Amendment: Personal Watercraft/Flyboarding)
 Discussion No discussion.
65. Article 65 (Bylaw: Town of Nantucket Right to Farm)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – She is waiting for Michelle Whelan, Agricultural Commission Chair, and the commission to provide a rewrite that addresses concern brought up by FinCom.
66. Article 66 (Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – These are parcels that were inadvertently left out of the sewer district and should be included in the district; some might already be on sewer.
Kelly – This board is waiting on a report on the sewer district articles; asked Ms Gibson to update them on the status of that report.
Gibson – Kara Buzanoski, Department of Public Works (DPW) Director, and Andrew Vorce, Planning Land Use Services (PLUS) Director, are working on that. It is scheduled for a public hearing on February 17.
67. Article 67 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)
 Discussion No discussion
68. Article 68 (Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes)
 Discussion No discussion
69. Article 69 (Bylaw Amendment: Management of Coastal Properties Owned by the Town)
 Discussion No discussion
70. Article 70 (Bylaw Amendment: Nuisance Animals)
 Discussion No discussion
71. Article 71 (Bylaw Amendment: Dog Licenses)
 Discussion No discussion
72. Article 72 (Acceptance of Massachusetts General Law: Dog Licenses)
 Discussion No discussion
73. Article 73 (Acceptance of Massachusetts General Law: Abandoned Motor Vehicles- Non-Criminal Proceedings)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This give the Town permission to remove abandoned vehicles.
Kelly – Asked if that is from the street or in the woods or where.
Gibson – The article doesn’t specifically say, but she believes it is meant to be on the streets.
Maury – The details of the law should address that.

74. Article 74 (Home Rule Petition: Charter Amendment Regarding Publication of Town Meeting Warrants)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This amendment would repeal the requirement that the warrant be published in the newspaper. There are many other ways to get the warrant out there. Noted that there is no requirement to publish the warrant with the motions. This could be a cost-saving measure; it cost over \$11,000 to publish the warrant. Currently we are negotiating with the “Inquirer and Mirror” a contract that would publish the warrant at a reduced rate.
75. Article 75 (Home Rule Petition: Merger of Nantucket Water Commission and Siasconset Water Commission)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Worth** – Asked if this article sorts out the rates for the users, which is currently different.
Turbitt – The article doesn’t depend on that determination.
Kelly – Bob Gardner, Wannacomet Water Company Manager, said that issue would be taken up with the Water Commission and decided over time.
Worth – Asked if there is a statutory requirement that there be commissioners for the Enterprise Funds.
Gibson – No, but it depends on what Enterprise Fund. This Enterprise Fund was established by special act and rescinding the commissioners would have to go to the legislature.
76. Article 76 (Home Rule Petition: Airport Fuel Revolving Fund)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This is a resubmittal to exempt the Airport Fuel Revolving Fund from our aggregate revolving fund limit. It has been approved at Town Meeting but but hasn’t gotten through the State Legislature.
77. Article 77 (Home Rule Petition: Community Preservation Committee)
 Discussion Same: approved at Town Meeting but hasn’t gotten through the State Legislature.
78. Article 78 (Home Rule Petition: Increasing Residential Property Exemption)
 Discussion Same: approved at Town Meeting but hasn’t gotten through the State Legislature.
79. Article 79 (Home Rule Petition: Conveyance of Properties from County to Town)
 Discussion Same: approved at Town Meeting but hasn’t gotten through the State Legislature.
80. Article 80 (Home Rule Petition: Real Estate Conveyances to Nantucket Islands Land Bank and Madaket Conservation Land Trust (MCLT))
 Discussion Same: approved at Town Meeting but hasn’t gotten through the State Legislature.
81. Article 81 (Home Rule Petition: Real Estate Conveyances from Nantucket Islands Land Bank to Town of Nantucket)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This was approved at the November 2015 Special Town Meeting and hasn’t gotten through the State Legislature.

82. Article 82 (Home Rule Petition: Community Housing and Sewer Funding)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This would institute a new 1% Real Estate Transfer Fee the proceeds of which would go toward funding affordable housing and potentially sewer projects. The BOS decided that if we are serious about affordable housing.
Kelly – FinCom will wait for the BOS to take a position on this before writing a motion.
Gibson – Most of the BOS are on board with this.
Worth – Asked if this money would help people own homes or be paid to developers to build affordable units.
Gibson – She will schedule Mr. Vorce to explain this article to FinCom.
83. Article 83 (Home Rule Petition: Retired Police Officers to Serve as Special Police Officers)
 Discussion No discussion
84. Article 84 (Home Rule Petition: Land Bank Act Amendment)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This came directly from the Land Bank and believes it adds an affordable housing restriction to their Land Transfer Tax. The idea is that if an Affordable Housing Restriction is placed on a property, the Land Transfer Tax is reduced or exempt. She will schedule someone from the Land Bank to explain this.
85. Article 85 (Town Charter Amendment: Town Clerk)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Kelly** – Asked if Ms Gibson has any sense what will happen with this on Town Meeting floor. The Town Clerk is against this.
Gibson – Suspects there will be people who speak against it on behalf of the Town Clerk.
86. Article 86 (Home Rule Petition: Amendment of the Town of Nantucket Charter)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Kelly** – He is certain this is an article citizens will stand up and oppose at Town Meeting. Asked if the BOS voted on this article.
Gibson – They have not talked about it.
87. Article 87 (Real Estate Acquisition: Airport Property)
 Discussion No discussion
88. Article 88 (Real Estate Acquisition/Conveyance of Parcels: Tom Nevers Head)
 Discussion No discussion
89. Article 89 (Real Estate Acquisition: 42 Nobadeer Avenue)
 Discussion No discussion
90. Article 90 (Lease of Town Land for Renewable Energy Projects)
 91. Article 91 (PILOT Agreements for Renewable Energy Facilities)
 92. Article 92 (Net Metering Credit Purchase Agreements)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – She will schedule Lauren Sinatra, Energy Coordinator, to discuss these three articles. They are related to the solar project.
Kelly – Asked about the status of that project.
Gibson – It is back “on the drawing board.”
Tiffany – Asked about the purpose of Article 91.
Gibson – It is the authorization for the project. There is one other PILOT Agreement currently in place.

93. Article 93 (Long-term Lease Authorization: Airport Delta Property)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This was submitted by the Airport; the current 30-year lease authorization is expiring.
94. Article 94 (Long-term Lease Authorization: 10 Sun Island Road)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – This is the same situation as Article 93, expiration of the lease.
95. Article 95 (Real Estate Acquisition: Woodbine Street)
 Discussion No discussion
96. Article 96 (Real Estate Disposition: Woodbine)
 Discussion No discussion
97. Article 97 (Real Estate Acquisition: Poplar Street)
 Discussion No discussion
98. Article 98 (Real Estate Disposition: Poplar Street)
 Discussion No discussion
99. Article 99 (Real Estate Acquisition: 40 & 42R Sparks Avenue, 42 & 44 Sparks Avenue)
 Discussion No discussion
100. Article 100 (Real Estate Acquisition: Wanoma Way)
 Discussion No discussion
101. Article 101 (Real Estate Disposition: Wanoma Way)
 Discussion No discussion
102. Article 102 (Real Estate Acquisition: Saccacha Ave)
 Discussion No discussion
103. Article 103 (Real Estate Disposition: Saccacha Avenue)
 Discussion No discussion
104. Article 104 (Municipal Aggregation)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Kelly** – Asked why the warrant article is necessary.
Gibson – It requires a vote of Town Meeting; there is a prior vote that is vague as to whether or not this is authorized so this would clear that up.
105. Article 105 (Appropriation: Capital Projects Stabilization Fund)
 Discussion No discussion
106. Article 106 (Appropriation: Stabilization Fund)
107. Article 107 (Appropriation: Free Cash)
 Sitting Kelly, Mulcahy, Tiffany, Worth, Maury, Spery, Grause
 Recused None
 Discussion **Gibson** – Explained the two articles.

108. Other

a. Debt Exclusion

Discussion **Worth** – Asked if construction is included on the debt exclusion and that the language is specific enough.

Gibson – Yes.

b. Budget Revenue Balance

Discussion **Tiffany** – Asked where the balance goes if as the budget is put together and we find we will have more revenue.

Turbitt – When setting the new property tax rate it would be adjusted based on unused levy. Any surplus goes to Free Cash.

Kelly – Asked why they don't go up to the levy limit every year and put the surplus in Free Cash.

Turbitt – The State isn't going to allow the tax rate to be any more than it has to be. Explained how unused expenditure is dispersed within the budget. Unused levy can be used in the following year. Explained there is no ability to accelerate debt payment so unused levy can't be used for that.

c. Madaket Sewer Article

Discussion **Sperry** – Asked why the Madaket Sewer Article was deleted from the warrant.

Turbitt – The BOS did not think they wanted to go forward with it at this time.

Kelly – This will be discussed at a future meeting with the BOS.

d. Scheduling special presenters

Discussion **Gibson** – Asked for guidance in scheduling Mr. Vorce, Ms Sinatra, and someone from Nantucket Island Land Bank to discuss their articles.

Discussion about Mr. Vorce and Ms Sinatra in on February 1 and/or 2 and Land Bank on January 28.

IV. NEXT MEETING DATE/ADJOURNMENT

Date: Thursday, January 28, 2016; 4:00 p.m.; 4 Fairgrounds Road, Community Room

Topics: Warrant Articles; Debt Service Projections; Discussion of Sewer Project

Adjourned 5:30 p.m.

Submitted by:

Terry L. Norton



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: James Kelly (Chair), Clifford Williams (Vice-chair), Matthew T. Mulcahy, John Tiffany, David Worth, Stephen Maury, Craig Spery, Joseph T. Grause Jr.; Peter McEachern

MINUTES

Thursday, January 28, 2016

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:04 p.m.

Staff in attendance: Libby Gibson, Town Manager; Brian Turbitt, Director of Finance; Lynell Vollans, Assistant Director of Finance; Kara, ; Terry Norton, Town Minutes Taker
Attending Members: Kelly, Williams, Tiffany, Worth, Maury, Spery
Absent Members: Mulcahy, Grause, McEachern
Late Arrivals: None
Early Departures: None
Documents used: Debt Service spreadsheet; Warrant Articles for 2016 Annual Town Meeting

I. PUBLIC COMMENTS – Any member of the public may address committee at this time

1. None

II. APPROVAL OF PRIOR MEETING MINUTES

1. None

III. REVIEW OF DEBT SERVICE PROJECTIONS

Sitting Kelly, Williams, Tiffany, Worth, Maury, Spery

Recused None

Discussion **Turbitt** – In FY2017 budget amount is \$5.5 million in debt service principle and \$1.5 million in interest. The debt service amortization schedule doesn't include: the Easy Street Bulkhead project and \$200,000 for short-term interest and bond issue costs. On the amortization schedule in FY2017, the Nobadeer Playing Fields bond is paid out of the Community Preservation Committee. Majority of the debt is funded by debt exclusion. In 2018, we will start to see large drops in debt.

Kelly – Asked Mr. Turbitt his conclusion on the financial position of the Town.

Turbitt – Low amount of debt in general fund and not a lot of stress on the levy limit. Looking to consider how to structure some non-exclusive debt. The debt for Easy Street was not voted as a debt exclusion so will be within normal operating limit. Also the \$1 million appropriation from the November 2015 Special Town Meeting (STM) for Our Island Home was not included.

Williams – Asked if debt would be offset by the fire station construction, etc.

Turbitt – It takes that into consideration.

Tiffany – Confirmed that what is here represents exactly what's owed as of today.

Turbitt – Yes.

IV. DISCUSSION OF SEWER PROJECT

Sitting Kelly, Williams, Tiffany, Worth, Maury, Spery

Recused None

Discussion (4:11) **Kelly** – At the BOS meeting last night discussed FinCom’s request to hold a STM within the ATM for the additional sewer project that is not included in the ATM warrant. The BOS discussed factors leading to the decision. In the end, the consensus was that issues related to the election would be required subsequent to STM for the additional sewer project were complex and the BOS doesn’t want to pursue that avenue. One selectmen asked FinCom to consider the split between benefitted properties and the tax base. Said several people he has spoken to agree that FinCom’s financial considerations are important. Asked Mr. Worth to talk about the Sewer Planning Workgroup’s (SPW) reasoning for the general fund/tax split.

Gibson – Stated that the BOS was established in their position. Talked about STM in the fall. Explained about the difficulties of setting up a special election.

Worth – The SPW spent time discussing how to arrive at an equitable split; the range of input was from 100% on the property value to 100% on the tax rate. Water quality is a primary driver of these projects. They started at 40/60 and worked to 75/25 with all votes 6 to 2. They sought a unanimous position which was the 50/50 split. The SPW submitted that report and disbanded. A couple of weeks ago, the group came back together to look at the new numbers and study the actual impact. If 100% went onto the tax payers, the \$1.7 million assessment ends up being about \$500 annually on the average tax bill. The BOS voted on the 40/60.

Kelly – It is hard to talk about the split without addressing the range of issues for people affected by this. Talked about this as a political issue and outreach issue and understanding the needs of voters.

Worth – The SPW felt they had to come to a political solution on this. The question addressed was how to start something that recognizes the situation with the septic systems, recognizes that some people have made significant investments at the requirement of the Health Department, recognizes there are many people still out of compliance, and recognizes equity across all properties. Suggested that for people on septic systems perhaps there is a rebate given if the system is inspected every 2 years that show it in good working condition.

Kelly – The vehicle for bringing this to ATM is the motion and comment related to Nantucket Harbor Shimmo.

Williams – The money spent to increase capacity of the wastewater facilities; asked if the capacity and revenue from that would offset the need for the Privilege Fee.

Buzanoski – The SPW talked about money has been brought in; it was clear that only about 50% of the anticipated connections came in. She can look at how much has been brought in. The Privilege Fee addresses the upgrade to the wastewater treatment plant; the betterment is for construction of the sewer piping.

Williams – Thought some people had paid those fees up front.

Buzanoski – Those fees were segregated on paper; the Privilege Fee wasn’t enough to cover the full amount so the Enterprise Fund had to cover the balance.

Kelly – There is continued revenue stream of about \$6300 per connection. Asked about the need for the Privilege Fee if the plant doesn’t need to be expanded.

Buzanoski – The debt schedule, for the \$46 million to upgrade the facility in 2009, goes out 20 years.

Williams – This would bring new connections up to 800 new connections; asked about the effect on capacity.

Buzanoski – Not an impact.

Spery – When the projection for 60/40 was done, asked if the 40% was \$200 for an increase on the average tax bill.

Turbitt – At 100% on the tax base, for a home assessed \$1.7 million, it would be \$535; at 60/40 it would be about \$214.

Spery – It was clear the BOS were hesitant about putting both projects forward and elected to go forward with Monomoy and put Madaket on a fall STM. It sounded like there wasn't a lot of support for putting both on; the concern being they would both fail.

Worth – They might still fail separately. This has been a long discussion.

Kelly – The BOS said whatever the split put forward at this ATM, it will be the split for all future projects.

Worth – There aren't a lot of voters in Shimmo & Monomoy. He is sure non-resident property owners will find grounds for litigation if it goes forward as a 60/40 split.

Spety – Asked if it was put on the entire tax base would it be unworkable.

Worth – There was support for a fair amount to go on the tax base so the SPW looked at a way to lessen the burden. Everyone benefits from clean water in the harbor.

Tiffany – His view on fairness is that if there is some way to figure out how to spread the cost across the whole tax base, it could be mitigated with some type of rebate for people on septics. This would also ensure that people pay attention to the functioning of their septic systems.

Maury – Agrees with Mr. Tiffany and Mr. Worth about a rebate system; the Town can afford that. If only one of these two projects is approved, the other will be more expensive next year and won't be able to afford septic testing and rebates. It needs to be looked at in the context of when, not if.

Tiffany – This is the best time to do this, from a borrowing point of view.

Kelly – Our recommendation was based on solid ground. Doesn't know what the consolation will be for the various groups.

Worth – Many people have made a fair amount of investment to their upgrade septics.

Kelly – Another constituency would be retired people and those on fixed income.

Worth – Could design something; but a fixed-income person is better off with the 100% on the tax base.

Spery – It is conceivable this could pass for Shimmo but get shot down for Madaket; Madaket has more voters.

Worth – Asked if an amendment could be made on the floor to increase the appropriation to \$100 million.

Gibson – That is outside the scope.

Maury – Asked views on the idea of requesting a STM during ATM.

Tiffany – We are stuck with the deal the BOS made; we have to figure out what to do to make it palatable and fair.

Spery – These are two huge projects; the Town boards need to come at it unified.

Kelly – The vote was 3-2 on the action the BOS took. Two wanted the two projects to go together.

Worth – The best thing FinCom can do is put forward a plan that would sell the 1st phase with confidence it will be carried forth in the 2nd phase.

Kelly – Asked for a vote on pursuing an STM within ATM: 3 no, 3 yes. He feels the STM proposal is the best course of action.

Maury – If these two projects aren't together, voters will stop the second.

Worth – He believes it should be made clear at the meeting that while one project is before ATM the funding split decision is for both project. People will figure out quickly that the split is for both projects.

Maury – The BOS has made it clear they don't believe people will think that far ahead. If we don't push for STM now, we are agreeing to pay the higher price later.

Spery – Asked if BOS came out against putting it on the general tax base.

Gibson – There was discussion about all options; they went with the recommendation to split.

Tiffany – Believes it should be kept simple and STM within ATM becomes too complicated.

Kelly – He has gone on record with the BOS about STM within ATM and they didn't vote. We can recommend in a motion to support them, do STM within ATM, note these all have to be figured out and attach to the motion, and wait for a fall STM.

Tiffany – Suggested a subcommittee of a couple of people to study the options and present a plan in detail.

Kelly – This is important and needs to be discussed as the whole committee. Asked Mr. Turbitt to look at the various mitigation suggestions and bring that plan to the board.

Turbitt – He will look into whether or not there are any Massachusetts General Laws that would make this permissible or would it have to go to the State Legislature. The number, which is very large, will put pressure on everything in the budget and has to come from somewhere.

Tiffany – Asked if there has been any thought about a rebate system.

Turbitt – No. He would need direction on what the Committee is thinking.

Kelly – The model is that people who would never be on sewer would get 50% rebate of the increase in their taxes if inspections are completed every 2 years. People who might be put on sewer could not participate in this program. It would be based on 100% of the tax base. Asked when septic systems are inspected.

Buzanoski – Right now a system is inspected when property is sold. The BOH is discussing a requirement for mandated inspections. She believes an inspection every 5 years would be good. Noted the SPW discussed all these; they felt the rebate difficult to define and implement. They feel people who had made an upgrade could be assessed a betterment but not required to connect. The BOH requires that the individual connect to the sewer within 6 months to 2 years depending on their location.

Kelly – If we do the 100% and let them stay with what they have for a period of time, asked if that would be amenable.

Worth – On any inspection regime, that is the responsibility of the homeowner. Only after the inspection report is brought in would they be eligible for the rebate.

Kelly – We will model 100% on the septic folks, 50% on the rebate folks, and 100% on the participation.

Maury – Asked if there is a sunset date on the rebates: when the system reaches the end of its functional life or a specific number of years.

Worth – Asked Mr. Turbitt about the incentive program to get people to connect to sewer.

Turbitt – That was done to encourage hook ups.

Worth – The rebate would be for people with new systems or with I/A systems.

Buzanoski – The reason for the sewer extension is to improve water quality; the longer someone is on sewer the water is not improving. The BOH implemented an Administrative Consent Order program that creates an account a homeowner can use to hook up or upgrade the system. It has been in place in Madaket for about 3 years; it was intended to last 5 years.

Kelly – We will pick six years; that can be changed.

Turbitt – Putting this together is going to take time to get it somewhat accurate; he might have this by the February 4 meeting at the earliest. Asked for a flat number.

Kelly – Picked \$150 for an incentive.

V. REVIEW OF WARRANT ARTICLES FOR 2016 ANNUAL TOWN MEETING (ATM)

1. No discussion on these at this meeting.

VI. NEXT MEETING DATE/ADJOURNMENT

Date: Monday, February 1, 2016; 4:00 p.m.; 4 Fairgrounds Road Community Room

Topics: Zoning and Real Estate articles.

Adjourned 5:38 p.m.

Submitted by:
Terry L. Norton

PROPOSED



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: James Kelly (Chair), Clifford Williams (Vice-chair), Matthew T. Mulcahy, John Tiffany, David Worth, Stephen Maury, Craig Spery, Joseph T. Grause Jr.; Peter McEachern

MINUTES

Monday, February 1, 2016

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:02 p.m.

Staff in attendance: Brian Turbitt, Director of Finance; Lynell Vollans, Assistant Director of Finance; Andrew Vorce, Planning Land Use Services (PLUS) Director; Leslie Snell PLUS Deputy Director; Holly Backus, Land Use Specialist; Terry Norton, Town Minutes Taker

Attending Members: Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Absent Members: Mulcahy, Maury

Late Arrivals: None

Early Departures: None

Documents used: Warrant Articles for 2016 Annual Town Meeting; zoning maps.

I. PUBLIC COMMENTS – Any member of the public may address committee at this time

1. Peter Sutters, Inquirer and Mirror - Introduced himself, he will be covering the FinCom meetings.

II. APPROVAL OF PRIOR MEETING MINUTES

1. None

III. ZONING WARRANT ARTICLES FOR 2016 ANNUAL TOWN MEETING (ATM)

1. Article 33 (Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – Public hearing not yet held; this is still open.

Discussion None

No action at this time.

N/A

2. Article 34 (Zoning Map Change: RC (Residential Commercial) to CMI (Commercial Mid-Island) -Bayberry Court, Cherry Street, Chin's Way, Dave Street, Freedom Square, Hooper Farm Road, Orange Street, Pleasant Street, Sanford Road, Sparks Avenue and West Creek Road)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – The public hearing has been closed and has a positive recommendation of the Planning Board. This will simplify the zoning map. The lots are 5,000 square feet (SF) with 50-foot frontage; under state law a single-family dwelling can be built and duplexes are allowed. If another article passes, additional structures could be considered as apartments.

Discussion **Williams** – Asked about the ROH which stops at Back Street; he thought it went to Cherry Street.
Vorce – There is the zoning district ROH which stops at Back Street and the Historic District Commission (HDC) old historic district (OHD) which goes to Cherry Street. We are trying to match the two up.
Worth – Asked if ground cover is increased and about a lot on the corner of Orange and Bear Streets.
Vorce – No it won't increase ground cover. That corner lot has wetlands on it. There are some RC areas not included in this article to allow for additional study: Marine Home Center, Boys and Girls Club. The single-family dwelling and industrial not allowed as a principal use in this area any longer. This area is zoned primarily for retail shops. Existing homes are grandfathered.

Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Spery) (seconded by: Williams)

Vote Carried unanimously

3. Article 35 (Zoning Map Change: RC-2 (Residential Commercial-2) to CMI (Commercial Mid-Island) - Hanabea Lane, Nobadeer Farm Road, Old South Road and Wampanoag Way)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – There is an existing pattern of mixed use development in this area. They took out some industrial uses located to the south, and did not include, by request, a property fronting Nobadeer Farm Road. The public hearing has been closed with a change and has a positive recommendation of the Planning Board.

Discussion **Williams** – Asked if there are many RC-2 districts left.
Vorce – RC-2 is down to about 215 acres. There are three commercial districts being phased out: RC-2, RC, and Limited Commercial, which has been eliminated. There is only about 90 acres of RC remaining.

Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Spery) (seconded by: Williams)

Vote Carried unanimously

4. Article 36 (Zoning bylaw Amendment: Commercial Mid-Island)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – This has been continued.

Discussion None

Motion No action at this time.

Vote N/A

5. Article 37 (Zoning Map Change: RC-2 to CTEC and R-5 – Bartlett Road and Marble Way)

6. Article 38 (Zoning Map Change: RC-2 and CTEC to R-10 or R-20 – Marble Way)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – These have been continued to Feb. 8.

Discussion **Williams** – The Mr. Vorce's opinion on how the Planning Board might vote.
Vorce – They have discussed the pros and cons of a zoning change for this area; some commercial entities have already taken protective steps to grandfather their property. The revised zoning would provide for businesses that are not customer based in an effort to minimize the impact on the neighborhood. This street has always been split with residential commercial—now CTEC—on one side and residential on the other.

Motion No action at this time.

Vote N/A

7. Article 39 (Zoning Map Change: RC-2 to CN and R-5 – Fairgrounds Road, Vincent Circle and Ticcoma Way)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern
Recused None
Presentation **Vorce** – The RC-2 would be phased out so that the bulk of the 2 & 4 Fairgrounds Road property becomes CN. The properties facing other residential properties will go to R-5 which would allow the Town to build apartments.
Discussion **Spery** – Asked if the lots along Ticcoma Way are included.
Vorce – Those would go to R-5. The public hearing has been closed and has a positive recommendation of the Planning Board.
Williams – Asked if this is all one piece of land.
Vorce – There are three parcels.
Williams – Asked if there are covenants on the property that would limit the type of development.
Vorce – The Town is looking at the southwest corner as a possible location for apartments.
Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Tiffany) (seconded by: Spery)
Vote Carried unanimously

8. Article 40 (Zoning Map Change: R-1 to ROH – Various Locations)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern
Recused None
Presentation **Vorce** – Changes R-1 to ROH to follow the HDC OHD lines. Most of these properties already match the requirements for ROH.
Discussion **Spery** – Asked about the Mill Hill Lane area.
Vorce – There is new construction going on which is newer in character; there is a new subdivision laid out there.
Kelly – Asked if this extends the pool prohibition.
Vorce – Yes. Have not heard from anyone asking to be removed from this article. The areas not included will go to R-5. The public hearing has been closed and has a positive recommendation of the Planning Board.
Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Grause) (seconded by: Williams)
Vote Carried unanimously

9. Article 41 (Zoning Map Change: R-20 to VR - Quidnet)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern
Recused None
Presentation **Vorce** – This has generated a lot of comments. It is in a town district located in a country overlay district. The Planning Board is recommending no action with referral to the planning commission for an area plan. Reviewed other similarly conflicting zoning: Madaket village, Wauwinet.
Discussion **Tiffany** – This does look like a village in some areas; further out Quidnet Road it is less dense.
Grause – The people with big lots want to be able to subdivide; the village people want it to stay the way it is.
Vorce – This needs more work. The Planning Board is recommending no action.
Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Tiffany) (seconded by: Williams)
Vote Carried unanimously

10. Article 42 (Zoning Map Change: Village Residential/Swimming Pool)
 Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern
 Recused None
 Presentation **Vorce** – This would expand the prohibition of pools to village residential areas. This article was geared toward Quidnet but there are other similar areas. The Planning Board recommends no action.
 Discussion **Williams** – Asked what the objection to pools is.
Vorce – On small lots they can have a land-use impact; cross-over HDC members believe they have impact on the historic value.
 Motion **Motion to Support the Planning Board motion with a positive comment.** Made by: Tiffany) (seconded by: McEachern)
 Vote Carried unanimously
11. Article 43 (Zoning Map Change: R-20 to R-40 or LUG-1 – Crooked Lane, Grove Lane and Madaket Road)
 Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern
 Recused None
 Presentation **Vorce** – This is a low density district with conservation land along a private road; this lowers the density further. If sewer is extended here, there is development potential. The public hearing has been closed and has a positive recommendation of the Planning Board.
 Discussion None
 Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Williams) (seconded by: Tiffany)
 Vote Carried unanimously
12. Article 44 (Zoning Map Change: SR-20 to SR-1/Clifton Street, Comeau Lane and Sconset Avenue)
 Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern
 Recused None
 Presentation **Vorce** – This area already meets the SR-1 zoning standard; the impact of this article is minimal. When the zoning changed to SR-20 in the 1980s, these all became non-conforming lots. The public hearing has been closed and has a positive recommendation of the Planning Board.
 Discussion None
 Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Williams) (seconded by: McEachern)
 Vote Carried unanimously
13. Article 45 (Zoning Map Change: CDT, ROH, R-1, R-20 and LUG-2 to R-40 - Town Open Space)
 Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern
 Recused None
 Presentation **Vorce** – This continues the clean-up of articles for open-space properties within the Town overlay by moving them to lower density districts. Some are either protected open space or wetlands. The public hearing has been closed and has a positive recommendation of the Planning Board.
 Discussion None
 Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Grause) (seconded by: Spery)
 Vote Carried unanimously
14. Article 46 (Zoning Map Change: R-20, VR, LUG-1, and LUG-2 to LUG-3 – Country Open Space)
 Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern
 Recused None
 Presentation **Vorce** – Similar concept in the Country Overlay District. Reviewed the locations around the island included in the article. The public hearing has been closed and has a positive recommendation of the Planning Board.
 Discussion None

Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Williams) (seconded by: Grause)

Vote Carried unanimously

15. Article 47 (Zoning Map Change: VTEC to VR, VTEC to LUG-3, and LUG-3 to VTEC – Hummock Pond Road)

Sitting Kelly, Williams, Tiffany, Worth, Sperry, Grause, McEachern

Recused None

Presentation **Vorce** – Clean up article from an article last year; at that time the GIS showed the property wrong. This aligns the property into one district rather than being split down the middle. The public hearing has been closed and has a positive recommendation of the Planning Board.

Discussion None

Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Sperry) (seconded by: Tiffany)

Vote Carried unanimously

16. Article 48 (Zoning Map Change: LUG-2 to R-40 – Evergreen Way, Daffodil Lane and Airport Road)

Sitting Kelly, Williams, Tiffany, Worth, Sperry, Grause, McEachern

Recused None

Presentation **Vorce** – This is a citizen article proposed to create a transition area between the Richmond Development property—R-5 and CN—and the LUG district. The public hearing has been closed and has a positive recommendation of the Planning Board. The R-20 area is ½ acre and the RC is the Nantucket Inn. The owners argued that they have 2-acre lots while around them are ½ acre to smaller lot. The LUG is a Town overlay district in the county overlay district within the sewer district.

Discussion **Tiffany** – Asked if the sponsors want to be able to subdivide.
Vorce – That is likely.
Williams – Asked if subdivision of some of the lots might result in “pork chop lots.”
Vorce – They have to have 75 feet of road frontage.
Tiffany – Asked if the Planning Board usually goes along with citizen requests for smaller lots.
Vorce – This is in the Town overlay; the lowest density is R-40.
Snell – The tenet of planning is to create a hierarchy of zoning.

Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Williams) (seconded by: Grause)

Vote Carried unanimously

17. Article 49 (Zoning Map Change: LUG-2 to LUG-1; 8 Masaquet Avenue)

Sitting Kelly, Williams, Tiffany, Worth, Sperry, Grause, McEachern

Recused None

Presentation **Vorce** – This is a citizen article for a single lot. There was no representation at the public hearing and has been continued to Feb 8.

Discussion None

Motion No action at this time.

Vote N/A

18. Article 50 (Zoning Map Change: LUG-2 to LUG-1 Surfside South – Boulevarde, Okorwaw Avenue and Lover’s Lane)

Sitting Kelly, Williams, Tiffany, Worth, Sperry, Grause, McEachern

Recused None

Presentation **Vorce** – This is a citizen article. There was no representation at the public hearing and has been continued to Feb 8.

Discussion None

Motion No action at this time.

Vote N/A

19. Article 51 (Zoning Bylaw Amendment: Tertiary Dwelling)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – A limit was put at no more than 120 tertiary permits a year; we have had 12 so feel that limit can be eliminated. Received feedback requesting to change this to add not for profit, religious, and educational entities, and to allow a special permit for non-resident owner; the tertiary dwelling would still have to be occupied year round. It will also increase the footage from 550 to 650 SF.

Discussion **Spery** – Asked how the enforcement on non-resident owned properties would be done.

Vorce – Would have to present facts that they have given and met the restriction. The public hearing has been closed and has a positive recommendation of the Planning Board.

Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Williams) (seconded by: Grause)

Vote Carried unanimously

20. Article 52 (Zoning Bylaw Amendment: ‘Tiny House Unit’ District)

21. Article 53 (Zoning Bylaw Amendment: ‘Tiny House Village’ District)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – Continued to Feb. 8; the main issue is coding change in regards to the portability of the units. A main reason for not supporting this last year was the issue of the structures being built on wheels. The sponsor doesn’t want that but does want it on a frame.

Discussion None

Motion No action at this time.

Vote N/A

22. Article 54 (Zoning Bylaw Amendment: Secondary Lots)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – The public hearing has been closed and has a positive recommendation of the Planning Board. The original bylaw allowed the lot with the smaller lot/secondary dwelling be the covenant lot; some people want to do it the other way around; as a result we’ve adopted a standard of 40% of the lot. Also allowing a tertiary dwelling; a person can come in for a tertiary permit for one of the two lots; the covenant lot could have the tertiary dwelling. Explained the use of a tertiary structure on the covenant lot; it’s primary purpose would be to allow some income to that owner.

Discussion **Kelly** – In the text it says, “if they wish to do so;” asked for an explanation of that.

Snell – The 150% covenant unit restriction requires occupation 10 months out of the year.

Worth – Once a person is qualified for the covenant program, he doesn’t have to continue demonstrating that he meets the 150% requirement.

Snell – You only have to meet that requirement at the time you are qualified. Noted that the covenant property has a cap on the resale price, so it might not be profitable to put the tertiary dwelling on that lot. There is no rental restriction on the tertiary structure.

Worth – Asked about the enforcement methods.

Vorce – Explained who monitors enforcement and the steps that would be taken upon discovery of a violation.

Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Grause) (seconded by: McEachern)

Vote Carried unanimously

23. Article 55 (Zoning Bylaw Amendment: Secondary Lots – Qualified Family Member)

24. Article 56 (Zoning Bylaw Amendment: Secondary Lots – Qualified Family Member)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – These are citizen articles that were continued. They provide exemptions for conveying covenant homes to family members. Complications came up and the Planning Board is awaiting advice from Town Counsel.

Discussion None

Motion No action at this time.

Vote N/A

25. Article 57 (Zoning Bylaw Amendment: Major Commercial Development)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – No action was taken on this, suggested coming back to it at a later date.

Discussion None

Motion No action at this time.

Vote N/A

26. Article 58 (Zoning Bylaw Amendment: Adult Use)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – Received feedback from the Attorney General’s office, they pointed out a recent case that struck down another community’s adult-use bylaw; communities may regulate them but can’t restrict them to the point they aren’t allowed. Nantucket zoning only allows adult-use in CI and RC-2 districts. This also eliminates the arbitrary distances.

Discussion **Williams** – Asked about proximity to schools on Nobadeer.

Vorce – Adult use is still allowed in RC-2, which is being eliminated; at some point in the future, it might have to be allowed in another district like CN. The public hearing has been closed and has a positive recommendation of the Planning Board.

Motion **Motion to Support the Planning Board motion with a positive comment.** (made by: Spery)
(seconded by: Williams)

Vote Unanimously

27. Article 59 (Zoning Bylaw Amendment: Abandoned Vehicles)

28. Article 60 (Zoning Bylaw Amendment: Miscellaneous Technical Changes)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – These have been carried over.

Discussion None

Motion No action at this time.

Vote N/A

IV. WARRANT ARTICLES FOR 2016 ANNUAL TOWN MEETING (ATM)

1. Article 88 (Real Estate Acquisition/Conveyance of Parcels: Tom Nevers Head)
 - Sitting Kelly, Williams, Tiffany, Worth, Sperry, Grause, McEachern
 - Recused None
 - Presentation **Vorce** – The purpose of this article is to correct a missing deed associated with the transfer of property to the Town. It also allows the ability to convey the property to the Land Bank.
 - Discussion None
 - Motion **Motion to Recommend approval.** (made by: Grause) (seconded by: Williams)
 - Vote Carried unanimously
2. Article 89 (Real Estate Acquisition: 42 Nobadeer Avenue)
 - Sitting Kelly, Williams, Tiffany, Worth, Sperry, Grause, McEachern
 - Recused None
 - Presentation **Vorce** – This is a clean-up article for the property, an acquisition to establish a clear title so that it can be conveyed, as authorized under a separate article. This property was abandoned and a Town filed a tax taking in the 1980s. The owners of the main property are anxious to purchase it; through that process, back taxes will be paid.
 - Discussion **Worth** – Asked if this could be conveyed to somebody other than the owners of the abutting property.
Vorce – This does not meet Title 5 regulations so has limited livability at the moment so we are offering the minimum price; if someone offers a higher price, the Town will consider it.
Grause – Asked why the abutting owners settled for a U-shaped lot.
Vorce - There is another way to get title to it; that is to claim adverse possession over 20 years. Explained adverse possession.
Worth – Before we took action, we wanted to hear from the Real Estate Committee (REC).
Kelly – Asked for a recommendation from the REC through Mr. Vorce.
 - Motion No action at this time.
 - Vote N/A
3. Article 95 (Real Estate Acquisition: Woodbine Street)
4. Article 96 (Real Estate Disposition: Woodbine Street)
 - Sitting Kelly, Williams, Tiffany, Worth, Sperry, Grause, McEachern
 - Recused None
 - Presentation **Vorce** – These are companion articles. The Planning Board has closed and recommended a positive motion.
 - Discussion **Kelly** – We have heard citizens testimony on these articles.
 - Motion **Motion to Recommend approval of Articles 95 & 96.** (made by: McEachern) (seconded by: Grause)
 - Vote Carried unanimously
5. Article 97 (Real Estate Acquisition: Poplar Street)
6. Article 98 (Real Estate Disposition: Poplar Street)
 - Sitting Kelly, Williams, Tiffany, Worth, Sperry, Grause, McEachern
 - Recused None
 - Presentation **Vorce** – These are duplicates of a prior article. Planning board recommended no action. The REC gave the same recommendation.
 - Discussion **Kelly** – We haven't heard from citizens; would like to hear from the REC.
 - Motion No action at this time.
 - Vote N/A

7. Article 99 (Real Estate Acquisition: 40 & 42R Sparks Avenue, 42 & 44 Sparks Avenue)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – This is a citizen article for takings; the REC said they aren't weighing in on this.

Discussion **Kelly** – We need to have a conversation on their role, scope, etc.

Vorce – This land is owned by the town and it is more a policy issue. This needs to be reviewed by Town Counsel to ensure there is no duplication. Map/parcel 55-600 was already approved for purchase for cemetery purpose. For map/parcel 55-601, it is also not necessary it be included. Map/parcel 55-602 is the only issue; the only authority it has is for open space; that authority must change to grant it be conveyed for commercial use. Map/parcel 55-603 is under control of the school and the School Committee would have to rule it surplus and vote to transfer it to the Town; its authorized use is for school and road as voted by Town meeting.

Kelly – Asked why map/parcel 55-603 was added to the article.

Vorce – It would also be used as part of the funeral home business; there is a pond on the lot and it might have to go to the Conservation Commission for any construction.

Kelly – Asked for an outline on map/parcel 55-602 and that the sponsor should be notified that action is being taken.

Spery – He is concerned about FinCom enabling a prospective non-profit to take possession of the land. In his opinion, it has a small chance of being profitable and feels it could expose the Town to financial liability.

Motion No action at this time.

Vote N/A

8. Article 100 (Real Estate Acquisition: Wanoma Way)

9. Article 101 (Real Estate Disposition: Wanoma Way)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – REC recommend approval. Might want to see a map first.

Discussion None

Motion No action at this time.

Vote N/A

10. Article 102 (Real Estate Acquisition: Saccacha Avenue)

11. Article 103 (Real Estate Disposition: Saccacha Avenue)

Sitting Kelly, Williams, Tiffany, Worth, Spery, Grause, McEachern

Recused None

Presentation **Vorce** – REC gave this a positive recommendation. It cures a zoning violation. The road is private.

Discussion **Kelly** – Asked if this creates a different lot size.

Vorce – Yes; the lot is at the end of dead-end sand road; the lot has a zoning violation for front-yard setback and the lot is undersized. The road is owned by multiple people; noted that one could argue that the road is owned by the heirs of the original 18 proprietors. The Town taking it is an easier and cleaner way to go forward.

Kelly – Asked what would happen if the next person wants the same.

Vorce – They could request a warrant article which would be reviewed and action recommended.

Worth – Noted that some private roads don't have conveyances of the road to the homeowners' association. Wonders if it is a good policy for the Town to enter into these situations.

Vorce – It depends on the location and the traffic needs. Generally a 40-foot-wide road lay out is for serving a large number of lots; not for small dirt roads.

Motion No action at this time.

Vote N/A

V. HOME RULE PETITION: LAND BANK WARRANT ARTICLES FOR 2016 ANNUAL TOWN MEETING (ATM)

1. Article 80 (Home Rule Petition: Real Estate Conveyances to Nantucket Islands Land Bank and Madaket Conservation Land Trust (MCLT))
2. Article 81 (Home Rule Petition: Real Estate Conveyances from Nantucket Islands Land Bank to Town of Nantucket)

Kelly – This is being held; the Nantucket Island Land Bank will make a presentation later in the month.

VI. NEXT MEETING DATE/ADJOURNMENT

Date: Thursday, February 4, 2016; 4:00 p.m. 4 Fairgrounds Road, Community Room

Topics: Discussion about whether or not to cancel the February 2 meeting; zoning and real Estate articles need not be addressed at the next meeting.

~~Tuesday, February 2, 2016; 4:30 p.m.; 10 Surfside Road, Nantucket High School Cafeteria~~
CANCELLED

Adjourned 6:16 p.m.

Submitted by:

Terry L. Norton