

## BOARD OF SELECTMEN

Minutes of the Meeting of May 18, 2016. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Robert DeCosta, Dawn E. Hill Holdgate and James R. Kelly. Matt Fee was absent.

### I. CALL TO ORDER

Chairman Kelly called the meeting to order at 6:00 PM.

### II. BOARD ACCEPTANCE OF AGENDA

The agenda was unanimously accepted as presented.

### III. ANNOUNCEMENTS

1. Town Manager C. Elizabeth Gibson announced that the Board of Selectmen meeting is being video/audio recorded.
3. Ms. Gibson reviewed the 2016 committee/board/commission vacancies, noting information about the committees and duties can be found online.
4. Ms. Gibson announced that Town offices will be closed Monday, May 30 in observation of Memorial Day.
2. Police Chief William Pittman noted that it is National Police Week and he recognized the following Police Department personnel: Volunteers in Police program volunteer Jay D'Aprix was honored with a Civilian Service Commendation for his VIP active volunteerism. Dispatchers Patrick Considine and Matthew Sullivan were awarded with Exceptional Duty Awards for their efforts in assisting with a sexual assault survivor call. Detectives Brett Morneau and Michael Cook were awarded with Meritorious Service Awards for their investigation of the same sexual assault case. Detective Sergeant Thomas Clinger was awarded with a Meritorious Service Award for supervising the sexual assault case investigation as well as related cases over the past seven years.

### IV. PUBLIC COMMENT

None.

### V. NEW BUSINESS

None.

### VI. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1. Approval of Minutes of April 20, 2016 at 6:00 PM. Mr. Atherton noted one correction to the minutes. The minutes of April 20, 2016 at 6:00 PM were approved as amended by the unanimous consent of the Board.
2. Approval of Payroll Warrants for Week Ending May 8, 2016; May 15, 2016. The payroll warrants for weeks ending May 8, 2016 and May 15, 2016 were approved by the unanimous consent of the Board.
3. Approval of Treasury Warrants for May 11, 2016; May 18, 2016. The treasury warrants for May 11, 2016 and May 18, 2016 were approved by the unanimous consent of the Board.
4. Approval of Pending Contracts for May 18, 2016 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Gibson reviewed the various pending contracts

and answered questions from Board members. Human Services Director/Our Island Home Administrator Rachel Chretien reviewed contracts for Our Island Home and answered questions from Board member. Department of Public Works Director Kara Buzanoski reviewed contracts for the DPW and answered questions from Board members. The pending contracts for May 18, 2016 were approved by the unanimous consent of the Board.

## VII. CONSENT ITEMS

1. Resignation Acceptance: Roads and Right of Way Committee. Mr. Atherton moved to accept the resignation of Joseph Marcklinger from the Roads and Right of Way Committee with thanks for his service; Ms. Hill Holdgate seconded. So voted 4-0.

2. Notification as Required by Amendment to MGL Chapter 136, Section 6 for Sunday Change of Hours Applications from Noon to 10:00 AM for the Following Off Premises Alcoholic Beverages License Holder (Package Store): Bartlett's Ocean View Farm, Inc., Located at 33 Bartlett Farm Road. Ms. Gibson noted the ABCC allows early Sunday package store hours as long as the local licensing board is notified, and notice has been given. There were no objections from Board members.

## VIII. CITIZEN/DEPARTMENT REQUESTS

1. Faros 17 Broad LLC: Request for Approval and Execution of License Agreement to Allow for Encroachment of Planting Beds and Trees in Town-owned Property at 17 Broad Street. Ms. Gibson reviewed the proposed license agreement. Mr. DeCosta expressed his concerns regarding the new trees to be planted on North Water Street and how the roots could affect the newly installed sidewalk. Attorney Sarah Alger, representing Faros 17 Broad LLC, noted that is why her client proposes a license agreement vs. a gift to the Town as her client will be responsible for the maintenance. Project Administrator Erika Mooney reviewed the site plan and what is involved in the license agreement. Mr. Atherton moved to approve the license agreement with Faros 17 Broad LLC; Ms. Hill Holdgate seconded. So voted 3-1. Mr. DeCosta was opposed.

## IX. PUBLIC HEARINGS

1. Public Hearing to Consider Joint Utility Petition for Nantucket Electric Company and Verizon New England, Inc. Plan # 21243744 to Relocate Pole 6 on Fairgrounds Road 9' Southwest of Existing Location for New Fire Station Entrance. Chairman Kelly opened the public hearing. There was no public comment. Chairman Kelly closed the public hearing. Mr. DeCosta moved to approve Nantucket Electric Company and Verizon New England Plan # 21243744 for Fairgrounds Road, as presented; Ms. Hill Holdgate seconded. So voted 4-0.

2. Public Hearing to Consider Joint Utility Petition for Verizon Communications and Nantucket Electric Company Plan # MA 2016-14 to Relocate Three Poles on Orange Street – 546/37, 38 and 39 Easterly Approximately 7' Back from Edge of Pavement and 3' to 7' Northerly of their Existing Locations. Chairman Kelly opened the public hearing. There was no public comment. Chairman Kelly closed the public hearing. Ms. Hill Holdgate moved to approve Verizon Communications and Nantucket Electric Company Plan # MA 2016-14 for Orange Street, as presented; Mr. DeCosta seconded. So voted 4-0.

3. Public Hearing to Consider Petition for Verizon Communications Plan # MA 2016-15 to Place Approximately 104' of Cable in 1-3" PVC Conduit from Pole 546/38 on Orange Street Westerly Across Orange Street and Along Northerly Sideline of Bear Street to Pedestal 38 Bear Street. Chairman Kelly opened the public hearing. There was no public comment. Chairman Kelly closed the public hearing. Ms.

Hill Holdgate moved to approve Verizon Communications Plan # MA 2016-15 for Orange and Bear Streets, as presented; Mr. Atherton seconded. So voted 4-0.

4. Public Hearing to Consider Petition for Verizon Communications Plan # MA 2016-16 to Place Approximately 1-2" PVC Conduit 32' from Relocated Pole 546/37 on Orange Street Easterly Along Goose Pond Road to Proposed 16" x 19" Hand Hole. Chairman Kelly opened the public hearing. There was no public comment. Chairman Kelly closed the public hearing. Mr. Atherton moved to approve Verizon Communications Plan # MA 2016-16 for Orange Street and Goose Pond Road, as presented; Ms. Hill Holdgate seconded. So voted 4-0.

5. Public Hearing to Consider Application for New Dealer in Junk, Old Metals and Second Hand Articles License for Osona Auctions for Premises Located at 21 Washington Street and 44 Nobadeer Farm Road. Chairman Kelly opened the public hearing. There was no public comment. Chairman Kelly closed the public hearing. Ms. Hill Holdgate moved to approve the license for Osona Auctions, as presented; Mr. DeCosta seconded. So voted 4-0.

6. Public Hearing to Consider Application for New Mobile Food Unit License for Enjoy Kitchen Catering, LLC (Continued from April 27, 2016). Chairman Kelly opened the public hearing. There was no public comment. Chairman Kelly closed the public hearing. Ms. Hill Holdgate moved to approve a Mobile Food Unit license for Enjoy Kitchen Catering, as presented; Mr. Atherton seconded. So voted 4-0.

7. Public Hearing to Consider Application for New Common Victualler License for Tuscany Enterprises, Inc. d/b/a Arno's, Dylan Ray Barker, Manager, for Premises Located at 41 Main Street. Chairman Kelly opened the public hearing. There was no public comment. Chairman Kelly closed the public hearing. Ms. Hill Holdgate moved to approve a new Common Victualler license for Arno's, as presented; Mr. Atherton seconded. So voted 4-0.

9. Public Hearing to Consider Application for New Entertainment License for Twenty-Four Broad Street, Inc. d/b/a Le Languedoc, Neil C. Grennon, Manager, for Premises Located at 24 Broad Street. Chairman Kelly opened the public hearing. There was no public comment. Chairman Kelly closed the public hearing. Ms. Hill Holdgate moved to approve a new entertainment license for Le Languedoc, as presented; Mr. Atherton seconded. So voted 4-0.

8. Public Hearing to Consider Application for New Entertainment License for Tuscany Enterprises, Inc. d/b/a Arno's, Dylan Ray Barker, Manager, for Premises Located at 41 Main Street. Chairman Kelly opened the public hearing. Business License Inspector Amy Baxter recommended that the license be approved with some modifications. Mr. DeCosta said he does not want DJs there. Fire Alarm Inspector Robert Bates reviewed the state fire code which requires sprinkler systems based on use and occupancy. Arno's owner AJ Black said he is not proposing a nightclub and has applied for what the previous license holder had. He said he wants to stay as a restaurant and wine bar with seating and no dance floor, and upgrade the building with a sprinkler system this winter. Ms. Baxter said radio, TV and a CD player played through a house system is acceptable but she is not recommending live music or a DJ because of the law. Mr. Black reiterated that he applied for what the previous license holder had, which included live music. Mr. Atherton suggested continuing the public hearing for one week. Some discussion followed regarding occupancy and the state fire code. Chairman Kelly closed the public hearing. Ms. Gibson stated there appears to be a misunderstanding with the previous license which does allow live music but apparently that is not allowed per the fire code without a sprinkler system so it cannot be approved like that. She said if the applicant

wants to move forward, the approval cannot include live music. Mr. DeCosta moved to approve a new entertainment license for Arno's, with a radio, CD player, and iPod played through the house system with four TVs, and no live music, DJs or Karaoke; Mr. Atherton seconded. So voted 4-0.

10. Public Hearing to Consider Application for New Seasonal Wine/Malt Beverages Section 12 General On Premises License for Theatre Workshop of Nantucket, Inc., Jonathan Jensen, Manager, for Premises Located at Bennett Hall, 62 Centre Street; Request for Determination that the Premises is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138. Chairman Kelly opened the public hearing. Ms. Gibson explained that General On Premises is a category of license which allows liquor service without food service and to date the Town has not issued any. She noted that the applicant did receive one-day pouring licenses last year but the number of times they want to serve exceeds the maximum allowed, 30-days. Ms. Gibson added that General On Premises licenses are often issued to theatrical venues. Ms. Baxter said that Theatre Workshop is the first organization to apply for this license but others have been discussing it. Ann Balas of 66 Centre Street said she is an immediate abutter to the premises, and stated her surprise that the First Congregational Church, which houses Theatre Workshop, supports a liquor license in a residential zone/neighborhood. Ms. Balas objected to the license request. Abutter Mary West of 35 Lily Street said that neither the church nor Theatre Workshop contacted abutters to discuss their concerns. She spoke against the request. Theatre Workshop managing director Jonathan Jensen said they have applied for a General On Premises license to provide an extra amenity to their guests, like in New York. He said that all alcohol service will be contained within the building and will be served 30 minutes prior to the show and 15 minutes at intermission. Mr. Jensen said Theatre Workshop served 300 glasses of wine last summer which equals 10 glasses per night. Ms. Baxter noted outdoor service was not allowed with the temporary pouring licenses. Dr. John West of 35 Lily Street spoke against the application, noting Nantucket is not New York, and asked the Board to deny the application as he feels there is already too much alcohol service on Nantucket. Chairman Kelly closed the public hearing. Mr. Atherton noted the First Congregational Church doesn't seem to be present and he is not sure how they feel about the application. Ms. Hill Holdgate wondered what the church board's vote was on the matter. Mr. DeCosta said he'll be voting against the license as "enough is enough". Ms. Baxter answered questions from Board members regarding temporary pouring licenses, noting she is not encouraging long-term use of temporary pouring licenses. Chairman Kelly said he is sensitive of the neighbors and is uncomfortable with approving the license as proposed. Mr. Atherton moved to deny a Seasonal Wine/Malt Beverages Section 12 General on Premises license for Theatre Workshop of Nantucket, Inc. for premises located at Bennett Hall, 62 Centre Street, finding that the location in a church is inappropriate, there are a number of other licensed establishments in close proximity to this location and the negative views of the inhabitants who presented testimony during the public hearing; Mr. DeCosta seconded. So voted 4-0.

11. Public Hearing to Consider Increasing Fee per Ton for Mixed Excavation Waste from \$30 per Ton to \$60 per Ton. Chairman Kelly opened the public hearing. Ms. Gibson reviewed the proposal to increase the fee of Mixed Excavation Waste from \$30/ton to \$60/ton, noting that number was used in preparing the FY 2017 Solid Waste Enterprise Fund budget. Ms. Buzanoski noted the current fee being charged to haulers is \$30/ton but it costs the Town \$103/ton to landfill operator Waste Options to process it. Ms. Buzanoski answered questions from Board members. Ms. Gibson explained that the proposed fee won't cover the Town's cost but Town Administration is concerned about illegal dumping if the rate is raised too high. Ms. Hill Holdgate said if the fee is not increased the Town will face a shortfall. Ms. Buzanoski said there has been an increase in the intake of Mixed Excavation Waste the past few years and therefore the Town's cost has been increasing. Mr. Atherton asked if staff has analyzed who brings in Mixed Excavation Waste. Chairman Kelly said he cannot make a decision tonight without further data. Mr. Atherton said the Board

needs more information on who is bringing in the Mixed Excavation Waste. Mr. DeCosta suggested raising the fee even higher. Mr. Atherton moved to continue the public hearing to May 25, 2016; Ms. Hill Holdgate seconded. So voted 4-0.

## X. TOWN MANAGER'S REPORT

1. Information Technology: EnerGov ePermitting Presentation. Ms. Gibson introduced Information Technology (IT) Manager Linda Rhodes to give an update regarding the Town's e-permitting initiatives. Ms. Rhodes reviewed the e-permitting objectives and the Town's history with a state-sponsored regional initiative, noting that venture into e-permitting did not pan out for the Town. She reviewed the current project, noting a staff team evaluated four software products this winter and selected Tyler Technologies' EnerGov product. Ms. Rhodes reviewed a comparison of the four products and some key features of EnerGov, as well as a preliminary timeline and next steps for implementation. Mr. Atherton asked if EnerGov's references were checked with other Massachusetts communities that use this product. Ms. Rhodes that noted she has reached out to a county in North Carolina that uses the product; she said that two other communities in Massachusetts use the products: Cambridge and Malden. Chairman Kelly said outreach to current users is very important. Ms. Rhodes answered questions from Board members. Tyler Technologies account representative Karen Grosset noted that the Town has been using Tyler Technologies' Munis financial system successfully for 20 years and she has been working with Ms. Rhodes for the past 10 years so there is already an established relationship with the Town. Ms. Grosset answered questions from Board members. Tyler Technologies solution consultant Spencer Lopez gave a demonstration of the EnerGov product, both with a desktop and with a tablet. Chairman Kelly said he understands the workflows but wants to ensure that the product is not "burdensome" on the users. Ms. Hill Holdgate agreed, saying she hopes it is not more cumbersome. Mr. DeCosta spoke favorably about e-permitting but said there needs to be "buy-in" from the Town to eliminate paper.

2. Department of Culture and Tourism: Review of Nantucket Cultural District; Ambassador Program; Fourth of July Update. Director of Culture and Tourism Melissa Murphy reviewed the Nantucket Cultural District. She introduced members of the Cultural District executive committee present: Bill Farrell of the Nantucket Arts Council, Virna Gonzalez of ReMain Nantucket and Cecil Barron Jensen of the Artists' Association of Nantucket. Ms. Murphy reviewed what a cultural district is as well as a map of the Nantucket Cultural District. She gave special thanks to Director of Planning Andrew Vorce and former Visitor Services director Kate Hamilton for their work on the steering committee. Ms. Murphy reviewed Massachusetts Cultural District's goals as defined by the legislature vs. Nantucket Cultural District's goals. She reviewed strategies for the first year (2016), mid range and long-term, noting it is not a fee-based membership but rather an "inclusive" membership. She noted there are currently 33 cultural districts around the state. Mr. DeCosta said he hopes cultural district activities will be planned for year-round residents and not just for seasonal residents and visitors. Ms. Murphy reviewed the newly launched "Ambassador Program" which is a volunteer program for individuals 15 years of age and older to welcome visitors to the island and share their "love and enthusiasm" for Nantucket. Ms. Murphy reviewed the 2016 Fourth of July activities, including the annual Firecracker 5K run on Saturday, July 2 at 7:00 AM; the Town fireworks on Sunday, July 3 at 9:00 PM; Main Street activities and water fight on Monday, July 4 starting at 10:00 AM, as well as games at Children's Beach at 5:00 PM and Nantucket Community Music School's concert on Children's Beach at 6:00 PM. She noted that the Alliance for Substance Abuse Prevention has given grant money for outreach against substance abuse.

3. Request to Schedule Public Hearing to Standardize Business License Fee. Ms. Gibson suggested the Board schedule a public hearing for June 15, 2016 to standardize the business license fee. The Board consensus was to move forward as suggested.

#### XI. SELECTMEN'S REPORTS/COMMENT

1. Continued Discussion Regarding Board of Selectmen Strategic Planning Process. Ms. Gibson reviewed the main strategic plan areas that the Board discussed at its May 11, 2016 workshop meeting: infrastructure, financial, housing, environment and health and human services. She reviewed subcategories of each as well, noting this is meant to be a baseline for the Board to work from. Chairman Kelly discussed next steps, noting the Board had discussed possibly planning a retreat with an outside facilitator. Mr. Atherton said it "can't hurt" and is worth the effort if it is not a "huge endeavor", adding he doesn't want to make the expectations too high. Mr. DeCosta said he feels the list is "great" but a "monumental waste of time" because after the summer the Board will be busy with budget season, fall and spring town meetings and an election with possibly two new Board members. He added that he feels the list is too big and a lunch or retreat is not going to result in a strategic plan. Chairman Kelly agreed it is "overwhelming" but it helps create a map how the Town spends its money. Ms. Hill Holdgate said the themes of the list are constant throughout the community. Chairman Kelly asked Ms. Gibson to identify a facilitator and a time to meet. Mr. DeCosta said he will be happy if the Town can figure out housing at the 6 Fairgrounds Road site and a plan for Our Island Home by spring.

2. Committee Reports. Chairman Kelly noted the Affordable Housing Trust met recently regarding funding and reviewing the Housing Production Plan, noting it is in a very early draft form. He also noted that Ms. Gibson and he spent last Friday with Town Counsel at the Boston office and an executive session meeting has been scheduled for June 7, 2016 which will include a litigation report.

#### XII. ADJOURNMENT

The meeting was unanimously adjourned at 8:43 PM.

Approved the 15<sup>th</sup> day of June, 2016.

**BOARD OF SELECTMEN**  
**MAY 18, 2016 – 6:00 PM**  
**PUBLIC SAFETY FACILITY COMMUNITY ROOM**  
**4 FAIRGROUNDS ROAD**  
**NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 2. Email from Police Chief, re: departmental personnel awards
- III. 3. Committee timeline; list of committee openings
- VI. 1. Draft minutes of April 20, 2016 at 6:00 PM
- VI. 4. Pending contracts spreadsheet for May 18, 2016
- VII. 1. Resignation letter from Joe Marcklinger from Roads and Right of Way Committee; list of current committee membership
- VII. 2. Memo from Business License Inspector, re: Bartlett's Farm liquor license change of hours; ABCC application; ABCC Advisory, re: MGL chapter 138, section 15 – Sunday opening; copy of current liquor license
- VIII. 1. License agreement with Faros 17 Broad LLC for planting beds and trees in Town-owned property; landscape plan
- IX. 1. Departmental comments; Nantucket Electric Company-Verizon petition for Plan No. 21243744, re: Fairgrounds Road
- IX. 2. Departmental comments; Verizon-Nantucket Electric Company petition for Plan No. MA 2016-14, re: Orange Street
- IX. 3. Departmental comments; Verizon petition for Plan No. MA 2016-15, re: Orange and Bear Streets
- IX. 4. Departmental comments; Verizon petition for Plan No. MA 2016-16, re: Orange Street and Goose Pond Road
- IX. 5. Memo from Business License Inspector, re: junk license for Osona Auctions; junk license checklist; cover letter from Rafael Osona; permit application; public hearing notice; Town bylaw, re: Junk dealers; MGL, re: Sale of Junk
- IX. 6. Memo from Business License Inspector, re: mobile food unit license for Enjoy Kitchen; food establishment permit application
- IX. 7. Common Victualler license application for Arno's
- IX. 8. MGL, re: entertainment licenses; memo from Business License Inspector, re: Arno's entertainment license; application checklist; applicant cover letter; entertainment license application; departmental comments; copy of previous license
- IX. 9. Memo from Business License Inspector, re: Le Languedoc entertainment license; application checklist; applicant cover letter; entertainment license application; departmental comments
- IX. 10. Liquor license checklist; ABCC application for Theatre Workshop of Nantucket; departmental comments; abutter listing; Tips certificate; determination letter
- IX. 11. Public hearing notice for Mixed Excavation Waste fee increase
- X. 1. E-permitting presentation; EnerGov presentation
- X. 2. Nantucket Cultural District presentation; Ambassador Program slide
- XI. 1. Strategic Plan areas; strategic plan workshop outline