

BOARD OF SELECTMEN

Minutes of the Meeting of May 25, 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, Matt Fee, Dawn E. Hill Holdgate and James R. Kelly.

I. CALL TO ORDER

Chairman Kelly called the meeting to order at 6:16 PM following a meeting of the County Commission.

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, in accordance with the requirements of the Open Meeting Law.
2. Ms. Gibson reviewed the 2016 committee/board/commission vacancies, noting information about the committees and duties can be found online.
3. The Memorial Day parade will be held on Sunday, May 29, 2016 at 1:00 PM starting at the American Legion.
4. Ms. Gibson announced that Town offices will be closed Monday, May 30 in observation of Memorial Day.

IV. PUBLIC COMMENT

1. Chuck Colley, of Town mooring # K-10 for the past 16 years, stated that the changes to the Traffic Rules and Regulations in October 2014 regarding parking permits for live-a-boards has created a hardship for the live-a-board community and he asked that the regulations be reconsidered so that live-a-boards can once again park overnight in the municipal parking lot at 37 Washington Street. Mr. DeCosta spoke in favor of changing the regulations and giving the Harbor Master "leeway" to issue parking permits to live-a-boards. Ms. Gibson said changing the regulations would require advertising and a public hearing. Chairman Kelly spoke in favor of giving "some accommodation" to the live-a-boards.

V. NEW BUSINESS

None.

VI. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1. Approval of Minutes of April 27, 2016 at 6:00 PM. The minutes of April 27, 2016 at 6:00 PM were approved by the unanimous consent of the Board.
2. Approval of Payroll Warrants for Week Ending May 22, 2016. The payroll warrants for week ending May 22, 2016 were approved by the unanimous consent of the Board.
3. Approval of Treasury Warrants for May 25, 2016. The treasury warrants for May 25, 2016 were approved by the unanimous consent of the Board.

Ms. Hill Holdgate left the meeting at 6:24 PM.

4. Approval of Pending Contracts for May 25, 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.

Ms. Hill Holdgate returned to the meeting at 6:26 PM.

The pending contracts for May 18, 2016, with the exception of an agreement with Mass Medi-Spa which was continued to June 1, 2016, were approved by the unanimous consent of the Board.

VII. CONSENT ITEMS

1. Town Clerk: Request for Reappointment of Constables for Three-Year Terms. Frank Psaradelis, Jr., F. Manuel Dias, Jerry W. Adams, John H. Stover and Catherine Flanagan Stover were reappointed for three-year terms, said terms to expire June 1, 2019 by the unanimous consent of the Board.

2. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcels Known as Parcel A1, Woodbine Street as Shown on Plan of Land Entitled "Roadway Disposition Plan in Nantucket, Mass. Of Nobadeer Avenue, Woodbine Street, Assessors Maps 80 & 87," Dated December 29, 2010, Prepared by Bracken Engineering, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2011-10; and Parcel 2A, Weweeder Avenue as Shown on Plan of Land Entitled "Plan of Land in Nantucket, Mass., Prepared for the Inhabitants of the Town of Nantucket," Dated January 13, 2016, Prepared by Bracken Engineering, Inc. and Recorded with said Deeds as Plan No. 2016-20, Pursuant to Votes on Article 77 of 2010 Annual Town Meeting and Article 99 of 2011 Annual Town Meeting. This matter was approved by the unanimous consent of the Board.

VIII. CITIZEN/DEPARTMENT REQUESTS

1. Nantucket Land Council, Inc.: Request for Approval of Conservation Restriction Donated by The Nature Conservancy, to be Held by Nantucket Land Council for 130 Eel Point Road. Nantucket Land Council executive director Cormac Collier spoke in favor of the Board's approval of a conservation restriction (CR) for 130 Eel Point Road, noting the CR has been reviewed by Town Counsel and is being granted by the Nature Conservancy to the Land Council before a final transfer of the property to the Linda Loring Foundation. Mr. Collier answered questions from Board members. Director of Planning Andrew Vorce inquired as to the implications of the CR as it crosses Eel Point Road. Mr. Collier noted an existing use is allowed in a similar CR that the Land Council holds at the Linda Loring Foundation. Mr. DeCosta asked if additional language should be written into the CR regarding public passage along the road. Mr. Fee moved to approve the CR and to find it in the public interest, contingent with a side letter or language written into the CR that addresses the public passage issue at Eel Point Road; Ms. Hill Holdgate seconded. All in favor, so voted.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Increasing Fee per Ton for Mixed Excavation Waste from \$30 per Ton to \$60 per Ton (Continued from May 18, 2016). Chairman Kelly reopened the public hearing and recapped it from last week's Board meeting. Ms. Gibson reviewed information obtained since last week, noting 90% of mixed excavation waste (MEW) tonnage is brought in by one hauler. She recommended that the public hearing be closed with no action taken and that a new public hearing be scheduled for June 15, 2016 to consider a higher fee. Mr. Atherton said there are two fees: what the Town pays to landfill operator Waste Options Nantucket, and what the Town charges to the public. Mr. DeCosta asked what is happening with

the MEW: how is it used and is it possible to stockpile some of the material to create artificial reefs to help protect against erosion like the Cape is doing. Department of Public Works Director Kara Buzanoski answered questions from Board members. Chairman Kelly closed the public hearing. The Board took no action.

2. Public Hearing to Consider the Taking of Various Paper Streets for Public Access, Open Space and/or General Municipal Purposes as Authorized by MGL Chapter 79 and Town Meeting Votes as Noted:

Chairman Kelly opened the public hearing.

a) Sesachacha Road between Northern Sideline of Beach Road and Southern Sideline of Proprietors Road, and Ocean Road between Northern Sideline of Beach Road and its Northern Terminus as Shown on Plan No. 2016-5, Recorded with Nantucket County Registry of Deeds and Authorized by Vote on Article 96 of 2014 Annual Town Meeting. Mr. Vorce recommended continuing the public hearing for this matter to June 22, 2016. Chairman Kelly noted he attended last week's Real Estate Advisory Committee (REAC) meeting where there was "thoughtful conversation" about real estate matters. Mr. Fee said he would like to receive written reports from REAC. Mr. Vorce noted that this matter is regarding the acquisition of the property only; disposition will occur at a later time. Mr. Atherton said he supports Mr. Fee's comments. Mr. DeCosta moved to continue the public hearing for "a" to June 22, 2016; Mr. Fee seconded. All in favor, so voted. Mr. Fee said once we do get to the disposition phase, the Town should require "One Big Beach" easements.

b) Mayhew Road between Southwestern Sideline of Old Tom Nevers Road and a Line Extending the Northern Property Lines of Assessor Map 92.4, Parcels 190 and 214, and Central Road (a.k.a Surrey Avenue) between Southwestern Sideline of Old Tom Nevers Road and Northeast Sideline of Nichols Road, and Portion of Hampshire Road (a.k.a Macey Road), all as Shown on Plan No. 2015-106, Recorded with said Deeds and Authorized by Vote of Article 96 of 2014 Annual Town Meeting. Mr. Vorce reviewed the matter and associated survey plan. Jeff Spruill said he thought this matter was voted on at town meeting two years ago. Mr. Vorce explained that the town meeting vote was just an authorization and this is the implementation.

c) Proprietors Road (a.k.a. Chase Lane in Quidnet) as Shown as Parcels A, B and C on Plan No. 2015-88, Recorded with said Deeds and Authorized by Vote of Article 96 of 2014 Annual Town Meeting. Mr. Vorce reviewed the matter and associated survey plan, noting one abutter has requested this matter be continued. Mr. Vorce requested this be continued to June 22, 2016. Carrie Thornewill said her family owns one of the abutting parcels and spoke in favor of the request.

d) Heller Way and Reedy Pond Lane between Western Sideline of Cudweed Road and Walbang Avenue, and Cudweed Road between a Line Extending the Northern Property Line of Assessor Map 82, Parcel 145 Across said Way to its Southern Terminus (Cisco), all as Shown on Plan No. 2015-87, Recorded with said Deeds and Authorized by Vote of Article 96 of the 2014 Annual Town Meeting. Mr. Vorce reviewed the matter and associated survey plan, noting it is located in the Moorlands Management District to the south of Bartlett's Farm. Mr. DeCosta said if the property ends up going to the Land Bank he wants to Town to get an easement to the existing road to keep it open and not close it. Mr. Fee agreed.

e) Weweeder Avenue between Eastern Sideline of Surfside Road and Centerline of Naushon Way as Shown on Plan No. 2015-85, Recorded with said Deeds and Authorized by Vote of Article 98 of 2011 Annual Town Meeting. Mr. Vorce reviewed this matter and associated survey plan.

f) Lovers Lane as Shown as Parcels A, B and C on Plan No. 2014-107, Recorded with said Deeds and Authorized by Vote of Article 102 of 2015 Annual Town Meeting. Mr. Vorce reviewed this matter and associated survey plan, noting there is an existing beach path present which the Town should keep in any disposition. Mary Torrisi asked if the path will be paved. Mr. Vorce said no, that it will be a simple walking path.

Chairman Kelly closed the public hearing for items "b", "d", "e" and "f". Mr. DeCosta moved to approve the takings for items "b", "d", "e" and "f" and to continue the public hearing for items "a" and "c" to June 22, 2016; Ms. Hill Holdgate seconded. All in favor, so voted.

3. Public Hearing to Consider Applications for Agricultural Commission, Airport Commission, Board of Health, Capital Program Committee, Cemetery Commission, Conservation Commission, Contract Review Committee (Human Services), Council for Human Services, Council on Aging, Cultural Council, Finance Committee, Historic District Commission Associate and Mosquito Control Commission. Chairman Kelly opened the public hearing. Chairman Kelly reviewed the various committee openings and applicants. The follow individuals spoke on behalf of their applications: Malcolm MacNab – Board of Health; Allen Reinhard on behalf of Barbara White's application - Cemetery Commission; David LaFleur – Conservation Commission. Chairman Kelly noted there are many committee openings. He closed the public hearing.

X. TOWN MANAGER'S REPORT

1. Update on Sconset Rotary Flagpole Project. Ms. Buzanoski gave an update on the Sconset flagpole and reviewed costs for a new flagpole and materials, noting it will be more expensive if it is wood but will require approval from the Historic District Commission if fiberglass is considered. Some discussion followed.

2. Update on Beach Maintenance/Preparation Plan for 2016 Summer Season. Ms. Gibson noted that various departments are involved in 2016 summer preparation plans, along with the Land Bank. Ms. Buzanoski reviewed work done to date for the summer season. Harbor Master Sheila Lucey said her staff is on track with the Beach Maintenance Plan including beach access. Natural Resources Coordinator Jeff Carlson said all state and federal-required signage and fencing for endangered bird protection has been installed, noting some birds are already nesting. He added that his staff is on track with water quality testing.

Ms. Gibson gave a brief update on housing at the Town-owned 6 Fairgrounds Road property, noting she hopes to have more information for the Board at its June 8, 2016 meeting. Some discussion followed on the Subsidized Housing Inventory (SHI) and how to maximize the inventory. Mr. Atherton noted that Housing Nantucket, in exchange for sewer fee waivers granted by the Town, is supposed to include some of its units on the SHI list. Independent housing consultant Tucker Holland said in order for the units to be eligible for the SHI list, action has to be taken through a local action plan. He said Housing Nantucket is working on providing the "meat" of that document.

XI. SELECTMEN'S REPORTS/COMMENT

1. Review/Discussion of Nantucket Planning & Economic Development Commission Annual Transportation Improvement Program. Transportation Planner Mike Burns reviewed the Transportation Improvement Program (TIP) which is a five-year listing of federal aid-eligible projects, noting the draft TIP is available for public review from June 6, 2016 to July 18, 2016. Mr. Burns requested action to recommend that draft FY 2017-2021 TIP to the Nantucket Planning and Economic Development Commission (NP&EDC). He answered questions from Board members.

Mr. DeCosta left the meeting at 7:45 PM; he returned at 7:47 PM.

Mr. Burns reviewed the in-town bike path, noting construction should be ready to start in the fall of 2016. He added that the TIP can "flex fund" to replace NRTA vehicles in FY 2017 and for FY 2018 the roundabout at

the intersection of Surfside and Bartlett Roads could be ready for construction. Mr. Atherton said he feels the Board's input in the TIP is "critical" and suggested taking an additional week for review. Mr. DeCosta said he would like the area at lower Main Street by Straight Wharf looked at for vehicle traffic and pedestrian access improvements. Ms. Gibson noted there is already some money identified for improvements there. Mr. DeCosta moved to recommend that that NP&EDC approve the draft TIP as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

Ms. Hill Holdgate left the meeting at 8:00 PM; she returned at 8:01 PM.

2. Action on Policy for New Commonwealth of Massachusetts Department of Transportation "Complete Streets" Program. Ms. Gibson reviewed the MassDOT Complete Streets Program, noting that if a town adopts a Complete Streets policy, it can then access certain state funds for eligible transportation projects. She added that MassDOT recently held a local Complete Streets training program on island, and recommends the Board adopt a policy for the program. Mr. Burns explained that this is a two-year program and the draft policy has been reviewed and recommended by the NP&EDC. Mr. Burns reviewed necessary policy elements, Town policy commitments and next steps, and answered questions from Board members. Mr. Fee moved to adopt the Complete Streets policy; Ms. Hill Holdgate seconded. So voted 4-1. Mr. DeCosta was opposed.

3. Continued Discussion Regarding Board of Selectmen Strategic Planning Process. Ms. Gibson noted that the Board had recently tasked her with engaging a facilitator for a strategic planning retreat. She has looked into facilitators, has contacted a few of them and is in the process of discussing this effort with them. She also asked the Board members to let her know if they know of any facilitators.

4. Committee Reports. Chairman Kelly said he and Land Bank Commission chairman Allen Reinhard have discussed the importance of a healthy relationship between the two boards and have discussed having the two boards meet in open session to start a dialogue. Mr. Reinhard said he looks forward to such a meeting and believes strongly in open communication. Mr. DeCosta reported that the Hyline has started running its new fast ferry schedule even though the new boat is not yet running. He said the Town will need to do its part to make this function, and the end of Straight Wharf will require a strong police presence. Mr. DeCosta said that area needs to be kept open and the traffic flowing. Ms. Hill Holdgate reported that New Whale Street is in very poor condition and is very rutted. Ms. Buzanoski said this is due to the fuel trucks and said the DPW has not worked on that area of the road lately. Mr. DeCosta spoke in favor of paving that area of road vs. cobblestone. Ms. Buzanoski said the DPW will repair that area. Mr. DeCosta said he sees no signs of the US Army Corps of Engineers starting the Jetties reconstruction project. Ms Gibson said it is slated to begin in mid to late July. Mr. Atherton reported on recent Board of Health activity, including the recent condemnation of a property on Macy Lane where there were multiple housing code violations. He commended Health Director Roberto Santamaria for "stepping up". Mr. Atherton also reported on biodegradable packaging, noting the old regulations need updating.

XII. ADJOURNMENT

The meeting was unanimously adjourned at 8:25 PM.

Approved the 3rd day of August, 2016.

BOARD OF SELECTMEN
MAY 25, 2016 – 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- III. 2. Committee timeline; list of committee openings
- III. 3. Letter from American Legion, re: Memorial Day parade
- VI. 1. Draft minutes of April 27, 2016 at 6:00 PM
- VI. 4. Pending contracts spreadsheet for May 25, 2016; summary of Host Community Benefit Agreement between Mass Medi-Spa Inc. and Town
- VII. 1. Memo from Town Clerk, re: reappointment of Constables
- VII. 2. Real estate summary from Director of Planning; parcel spreadsheet; survey plans; purchase and sale agreement; quitclaim deed; settlement statement
- VIII. 1. Letter from Town Counsel, re: conservation restriction; conservation restriction for 130 eel Point Road; survey plan
- IX. 1. Mixed excavation waste materials analysis report
- IX. 2. Real estate summary from Director of Planning; Order of Taking for portions of Sesachacha Road and Ocean Road; Order of Taking for portions of Central Road aka Surrey Avenue, Mayhew Road and Hampshire Road aka Macey Road; Order of Taking for portions of Proprietors Road aka Chase Lane; Order of Taking for portions of Heller Way, Reedy Pond Labe and Cudweed Road; Order of Taking for portions of Weweeder Avenue and Naushon Way; Order of Taking for portions of Lovers Lane; associated survey plans
- IX. 3. Appointment considerations for Board of Selectmen; list of committee openings, membership and applicants; committee applications
- X. 1. Memo from DPW Director, re: Sconset flagpole
- X. 2. List of action items for 2016 summer season; Town of Nantucket Beach Maintenance Plan
- XI. 1. Memo from Transportation Planner, re: FY 2017-2021 TIP; draft FY 2017-2021 TIP
- XI. 2. Memo from Transportation Planner, re: Complete Streets policy; Complete Streets Program information from MassDOT; Complete Streets funding program information; draft Complete Streets Policy