

BOARD OF SELECTMEN

Minutes of the Meeting of July 6, 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, Matt Fee, Dawn E. Hill Holdgate, and James R. Kelly. Robert DeCosta 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. Chairman Kelly noted that some items are being moved to after consent.

III. ANNOUNCEMENTS

1. Town Manager C. Elizabeth Gibson announced that the Board of Selectmen meeting is being video/audio recorded in accordance with the Open Meeting Law.

2. The next Board of Selectmen meeting is Wednesday, July 20, 2016 as the Board is on its summer schedule.

IV. PUBLIC COMMENT

None.

V. NEW BUSINESS

None.

VI. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1. Approval of Payroll Warrants for Weeks Ending June 26, 2016; July 3, 2016. The payroll warrants for weeks ending June 26, 2016 and July 3, 2016 were approved by the unanimous consent of the Board.

2. Approval of Treasury Warrants for June 29, 2016; July 6, 2016. The treasury warrants for June 29, 2016 and July 6, 2016 were approved by the unanimous consent of the Board.

3. Approval of Pending Contracts for July 6, 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, noting that the Family and Children's Services contract is tabled to July 20, 2016. Director of Municipal Finance Brian Turbitt noted the Harbor Light Properties contract is \$45,000 over three years (not \$2,500), equaling \$15,000 per year. Department of Public Works Director Kara Buzanoski reviewed amendment two to the paving contract. Mr. Atherton said he wished there was some sort of divider between the bike path and Bartlett Road. Some discussion followed among Board members. The pending contracts for July 6, 2016 were approved by the unanimous consent of the Board.

VII. CONSENT ITEMS

1. Gift Acceptance: Natural Resources Department; Human Services (Saltmarsh Senior Center). Ms. Gibson reviewed the following gifts: \$1,500 from the Nantucket Shellfish Association for an Oyster Predator Study by the Natural Resources Department and gifts totaling \$200 for the Saltmarsh Senior Center. The gifts were approved by the unanimous consent of the Board.

X. TOWN MANAGER'S REPORT

1. Fourth of July Follow-up (Public Safety). Police Chief William Pittman gave a July 4th review, noting Public Safety successfully implemented an extensive plan which involved several departments. He said there was not

a lot of trash on the beach thanks to the DPW and cardboard collection containers. Regarding law enforcement, Chief Pittman said he feels successful in “drying up” the alcohol, noting the Police made 93 arrests vs. the 26 that were made last year. Mr. Atherton spoke in favor of following the same plan next year. Chief Pittman said next year there will also be dune protection, extra trash receptacles and further limits on alcohol. Chairman Kelly commended the Board for the position it took to break up the beach parties and support departmental efforts. Ms. Hill Holdgate suggested the Board discuss 2017 dates soon so people can plan.

At 6:14 PM Mr. DeCosta joined the meeting.

Director of Culture and Tourism Melissa Murphy said the fireworks were “phenomenal” and the Monday Main Street activities and Children’s Beach evening activities, which had great energy and lots of happy faces. Ms. Murphy said the only major issue on Main Street was water balloons, scraps of which littered the street; she said her office will be working on a public outreach campaign to address that for next year. She added that there was a beach cleanup with the Clean Team and Cisco Brewers on Tuesday.

3. Review of Boulevard Project. Ms. Buzanoski noted that GPI has been hired to design the Boulevard project. She introduced John Asorio, senior project manager for GPI, who reviewed the design plans, and noted they tried to maintain the existing layout as much as possible on the Boulevard but some shift had to occur for the bike lane, adding drainage with catch basins is included. Discussion followed regarding road drainage. Mr. Atherton moved to include leach fields into the design, now; Mr. DeCosta seconded. All in favor, so voted. Mr. Fee said he would be disappointed if any area abutters had to be paid damages for road easements when construction costs are being borne by the Town without betterments.

7. Review of October 17, 2016 Special Town Meeting Timeline; Pending Potential Warrant Articles. Ms. Gibson reviewed a proposed timeline for the October 17, 2016 Special Town Meeting, and recommended that the warrant be open to citizen submissions from July 7 to 15, 2016. She noted that Town Administration received a letter requesting that the date be extended to August 1, 2016. Ms. Hill Holdgate suggested a compromise to July 22. Mr. Atherton spoke in favor of an August 1 extension. Mr. DeCosta spoke against the extension. Mr. Atherton moved to have the warrant open for citizen submissions from July 7 to August 1, 2016; Mr. Fee seconded. So voted 4-1. Mr. DeCosta was opposed. Ms. Gibson said regarding the ballot questions, the Board needs to decide on the number of questions, as only three are allowed on the November election ballot and if they want more do they need to schedule a special election on a different date. Attorney John Giorgio of Town Counsel’s office said he does not advise for a special election for the same day of the November election. Ms. Gibson reviewed proposed warrant articles and ballot questions. Chairman Kelly said he is “very concerned” about the sewer cost/debt issue and the Town managing two sewer projects. Mr. Fee said he is concerned about debt and unintended consequences. Ms. Hill Holdgate said she is concerned because many Madaket residents have already installed new systems. Mr. Atherton said he feels the project needs to be restudied before the Town takes it to a town meeting for a vote. Mr. Decosta spoke in favor of moving forward with the Madaket/Warren’s Landing/Somerset sewer project in order to save Madaket Harbor. Chairman Kelly moved to defer the Madaket/Warren’s Landing/Somerset sewer project for one year; Mr. Atherton seconded but amended the motion to defer the project to the 2017 Annual Town Meeting. Chairman Kelly accepted the amendment. Some discussion among Board members followed whether or not the October 17, 2016 Special Town Meeting should be cancelled. Ms. Hill Holdgate said if this matter is taken off the October 17, 2016 Special Town Meeting Madaket residents will be “outraged”. Mr. DeCosta expressed his disappointment in the Board and said if the article is pulled he won’t attend special town meeting. Mr. Fee said he thinks the matter should move forward at the special town meeting but added he feels there are still many unanswered questions. On the motion, so voted 2-3. Mr. DeCosta, Mr. Fee and Ms. Hill Holdgate were opposed. Ms. Gibson reviewed Our Island Home, noting there are potentially six articles associated with it. Chairman Kelly said he does not want to put Our Island Home forward if the Town doesn’t think it will pass, adding there is still a lot of work ahead. Some

discussion followed whether or not the Town still wants to be in the nursing home business. Mr. DeCosta said he thinks they should move forward with Out Island Home. The Board consensus is to proceed with Our Island Home. Mr. DeCosta moved to leave Academy Hill on warrant; Mr. Atherton seconded. So voted 4-1. Mr. Fee was opposed. Some discussion followed regarding an extension of the Nantucket Harbor/Shimmo/Plus parcels sewer project. Attorney Giorgio said this would be considered a new project because it would be adding to scope; therefore it would require a ballot question. Further discussion followed. Ms. Gibson reviewed Airport and Wannacomet Water Company articles. Mr. Turbitt said the school has to be on the ballot. Mr. DeCosta moved to defer the Nantucket Harbor/Shimmo article to the 2017 Annual Town Meeting; Ms. Hill Holdgate seconded. All in favor, so voted.

4. Review of Draft Sewer Fee Waiver Policy. Attorney Giorgio reviewed a draft sewer fee waiver policy which will give the Board clear direction in determining on a rational basis whether waivers should be granted and protects Sewer Enterprise Fund. Mr. Fee asked questions on financial infeasibility language and feels that if units go on SHI (Subsidized Housing Inventory) list or if they are covenant homes then waivers should be granted. Ms. Hill Holdgate said she was hoping for a more detailed policy with criteria. Attorney Giorgio said he will revise the policy and have it ready for the Board's July 20, 2016 meeting.

At 7:27 PM Ms. Hill Holdgate left the meeting; she returned at 7:29 PM.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Town Manager Appointments: Parks and Recreation Commission; Visitor Services Advisory Committee. Ms. Gibson recommended the following appointments: Parks and Recreation Commission - Campbell Sutton for a term to expire June 30, 2017, Cheryl Emery for a term to expire June 30, 2018 and Maggie Borneman for a term to expire June 30, 2019; and Visitor Services Advisory Committee for terms to expire June 30, 2019 – Diane Reis Flaherty and Gene Mahon. The Board consensus was to endorse the appointments.

2. Friends of Nantucket Public Schools: Request for Waiver of Town Noise Bylaw from 10:00 PM to 10:30 PM for M'Ocean Pix Drive-In Movie to be held Wednesday, August 10, 2016 (Rain Date Thursday, August 11, 2016) at Tom Nevers Field. Mr. DeCosta moved to approve the noise waiver as requested; Mr. Atherton seconded. All in favor, so voted.

3. 22 Federal, LLC: Request for Approval and Execution of License Agreement to Allow for Encroachment of Planting Beds, Trees and Benches in Town-owned Property at 22 Federal Street. Mr. DeCosta said he will vote no because he doesn't want tree roots to ruin the sidewalks. Mr. Fee said there is a way to redirect tree roots. Ms. Hill Holdgate moved to approve the license agreement, as presented; Mr. Atherton seconded. So voted 3-1. Mr. DeCosta was opposed. Mr. Fee abstained.

4. Request for Approval of Change of Manager of Seasonal All-Alcoholic Beverages Club License for Westmoor Club Management, LLC d/b/a Westmoor Club from J. Brent Tartamella, Manager to Geoffrey W. Hume, Manager, for Premises Located at 10 Westmoor Lane. Mr. DeCosta moved to approve the change of manager for the Westmoor Club, as presented; Ms. Hill Holdgate seconded. So voted 4-0. Mr. Fee abstained.

5. White Heron Theatre Company: Request for Total Blocking of Whalers Lane for Dedication/Ribbon Cutting Ceremony on Friday, July 22, 2016 from 1:00 PM to 3:00 PM. This matter was withdrawn.

6. Finance Department: Request for Authorization for Debt Refunding. Mr. Turbitt reviewed debt refunding, noting it will offer the Town approximately \$1.5 million in savings. Mr. Hill Holdgate moved to authorize the debt refunding as requested; Mr. Fee seconded. All in favor, so voted.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Application for New Seasonal Wine/Malt Beverages Package Store License for 167Raw, Inc. d/b/a 167Raw, Jesse Sandole, Manager, for Premises Located at 167 Hummock Pond Road (Continued from June 22, 2016). Chairman Kelly reopened the public hearing. Mr. Fee recused himself from this matter. Business License Inspector Amy Baxter reviewed the matter. Attorney James Merberg, representing Jesse Sandole, spoke in favor of the application, noting the liquor area will consist of one small shelving unit and one small cooler. Epernay owner Jenny Benzie said the need for alcohol licenses is sufficient and one is not needed in this location. Mr. Sandole said his season will run May 15 through Columbus Day. Chairman Kelly closed the public hearing. Mr. Atherton stated there are two liquor licenses currently in the area and questioned whether a third is needed and if there is a public benefit. Chairman Kelly said it offers a convenience to the customer. Ms. Hill Holdgate moved to approve a new package store license for 167Raw; Chairman Kelly seconded. Mr. DeCosta asked what the other two stores are. Ms. Baxter said Bartlett's Farm and Cisco Brewery. Some discussion followed among Board members. On the motion, so voted 3-1. Mr. Atherton was opposed.

2. Public Hearing to Consider Application for 2:00 AM Closing Time for Bug and Birdcage LLC d/b/a Town Pool, for Premises Located at 31 Easy Street. Chairman Kelly opened the public hearing. Mr. Fee recused. Ms. Baxter reviewed the request, noting the Board granted a Common Victualler license to Town Pool in April 2016 to 10:00 PM. Ms. Baxter said that Town Pool is already in violation as they have been staying open until 2:00 AM and advertising as such. Town Pool co-owner Sean Dew requested to stay open until 2:00 AM stating every other business on lower Broad Street stays open until then. Mrs. Judson of 29 Easy Street said she does not think it is necessary to stay open until 2:00 AM and asked for a compromise until midnight and to use the Board Street entrance and close the Easy Street entrance at night. Debbie Culbertson of 21 Easy Street spoke against a 2:00 AM closing. Town Pool co-owner Luke Gutelius said he is happy to "force" people to use the Easy Street door and they want to work with neighborhood. Ms. Baxter stated that Town Pool's certificate of inspection (COI) is "questionable" adding there are also issues with Public Health. Chairman Kelly closed the public hearing. Mr. DeCosta moved to approve the 2:00 AM closing on the condition that the windows and doors are closed on the Easy Street side and access is through the Broad Street side. The motion died due to a lack of a second. Ms. Hill Holdgate said she is not comfortable without clarification on the COI and moved to continue the hearing to July 20, 2016. Attorney Giorgio reminded the Board that it has already closed the public hearing but can vote to reconsider closing the public hearing. Ms. Hill Holdgate moved to reconsider closing the public hearing; Mr. Atherton seconded. So voted 4-0. Ms. Hill Holdgate moved to continue the public hearing to July 20, 2016; Mr. Atherton seconded. So voted 3-1. Mr. DeCosta was opposed.

X. TOWN MANAGER'S REPORT

2. Town Administration: Request for Approval of Final FY 2016 Year End Budget Transfers. Ms. Gibson explained that the year-end budget transfers still need approval by the Finance Committee. Mr. Atherton moved to approve the FY 2016 year-end budget transfers; Mr. DeCosta seconded. All in favor, so voted.

5. Update Regarding 6 Fairgrounds Road Housing Project. Housing consultant Tucker Holland said he is working towards a request for proposal (RFP) for 6 Fairgrounds Road and is getting coaching from 40B housing consultant Ed Marchant. He said he is slightly modifying the process to issue a request for qualifications (RFQ) to qualify potential developers. Mr. Holland answered questions from Board members.

6. Insurance Coverage Update. Mr. Turbitt said that insurance went out to bid this year per Mr. DeCosta's suggestion and as a result will cost approximately \$400,000 less this year than last.

8. Monthly Town Management Activities Report. Chairman Kelly deferred this agenda item.

XI. SELECTMEN'S REPORTS/COMMENT

1. Discussion Regarding Traffic Safety Work Group Recommendation Regarding Installation of Three-Way Stop at Intersection of Sherburne Turnpike and Kimball Avenue; and/or Schedule Public Hearing. Project Administrator Erika Mooney reviewed the recommendation from the Traffic Safety Work Group and answered questions from Board members. Mr. DeCosta moved to schedule a public hearing; Ms. Hill Holdgate seconded. All in favor, so voted.

2. Review of Pending Legislation: "An Act Promoting Housing and Sustainable Development" (Senate No. 2311). Deputy Director of Planning Leslie Snell explained that the Senate approved Bill No. 2311 with changes on June 9, 2016 and needs to go to the House and be signed by the Governor. She said the general consensus is that it is not going to move forward and won't be ready by the end of the year.

At 8:13 PM Mr. DeCosta left the meeting; he returned at 8:15 PM.

Ms. Snell noted that Nantucket is already doing many of the zoning matters in the bill and it will affect other communities more than ours, adding that Nantucket is in good shape if it is approved. Chairman Kelly noted that the Board received a letter from Massachusetts Municipal Association urging towns to vote against the bill. Ms. Snell explained that the MMA represents all communities, and Nantucket's concerns do not mirror MMA's. She noted that the Planning Board has voted to support the bill and said that it is a balanced approach to zoning reform, and Nantucket is in a good position. Ms. Snell answered questions from Board members.

3. Update on Strategic Planning. Chairman Kelly said that a facilitator has been identified, Janice Kinder, for a half day session. Ms. Gibson reviewed the proposal which will include Board interviews. Chairman Kelly said he interviewed a number of candidates and the cost will be under \$10,000. Mr. DeCosta said he will not be available to participate until November 2016.

4. Committee Reports. Chairman Kelly reported on the Affordable Housing Trust, saying that it is developing the Housing Production Plan and is on the third draft, and that the Board is scheduled to review it at its July 20, 2016 meeting. Mr. Atherton said he would like to see a redlined draft before it's finalized.

XII. ADJOURNMENT

The meeting was unanimously adjourned at 8:27 PM.

Approved the 14th day of September, 2016.

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

List of documents used at the meeting:

- VI. 3. Pending contracts spreadsheet for July 6, 2016; email chain between Town Manager and Tess Pearson regarding FY 2017 grant agreement; letter to Contract Review Committee from Family and Children's Services of Nantucket, May, 24, 2016
- VII. 1. Natural Recourses Department gift acceptance letter; memo from Saltmarsh Senior Center, re: gift acceptance
- VIII. 1. Town Manager Committee Appointments
- VIII. 2. Friends of Nantucket Public Schools letter, June 20, 2016; email from Tom Nevers Civic Association, re: FONPS Drive-In Movie Night
- VIII. 3. License Agreement for 22 Federal Street; landscape plans
- VIII. 4. Westmoor Club ABCC application; cover letter from Westmoor Club; copy of existing liquor license
- VIII. 5. Email from Michael Kopko requesting withdrawal; letter from White Heron Theater Company, June 20, 2016; application for blocking of street/sidewalk
- VIII. 6. Email from Asst. Town accountant, re: refund summary, July 1, 2016; memo from Director of Municipal Finance, re: debt refunding; refunding analysis report
- IX. 1. Liquor License Public Hearing Process; floor plan of 167Raw; memo from Business License Inspector, June 14, 2016; departmental comments; ABCC application
- IX. 2. Email from Sean Dew, re: Town Pool extension of hours of operation; copy of current Common Victualler license
- X. 2. 2016 Year End Budget Transfers
- X. 3. Boulevard reconstruction plans
- X. 4. Draft Policy for Sewer Fee Waiver Requests; sewer free waiver request history
- X. 7. October 17, 2016 Special Town Meeting Timeline Draft; list of potential warrant articles and ballot questions; email from Alison Forsgren, re: STM timeline
- X. 8. Monthly Town Management Activities Report
- XI. 1. Memo to Town Manager from Traffic Safety Work Group, re: stop sign request at Sherburne Turnpike/Kimball Avenue; emails from area residents; memo to the Town Manager from the Traffic Safety Work Group, September 6, 2013
- XI. 2. Email from Rick Atherton, re: Bill S. 2311; List of Actions for Bill S.2311; Senate Bill 2311 (full text of Bill)