

BOARD OF SELECTMEN

Minutes of the Meeting of August 3, 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 6:00 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 in accordance with the Open Meeting Law.

2. The next Board of Selectmen Meeting is Wednesday, August 17, 2016 (Summer Schedule).

IV. PUBLIC COMMENT

Beth Brooks who lives at Force 5 Watersports on Washington Street voiced issues with the NRTA saying the busses are idling. She said other issues include the Fast Ferry/Airport bus which parks where her back stairs are, resulting in passengers sitting on her stairs causing problems (smoking, eating, leaving trash); lack of a loading zone/parking for businesses in her area to accept deliveries; and the NRTA benches taking up the sidewalk leaving nowhere for pedestrians to walk except in the street. Ms. Gibson stated that the benches could be moved back of Ms. Brooks' encroaching hedge could be cut back. Mr. Fee noted that at last NRTA meeting the NRTA Administrator complained that many delivery trucks are using the NRTA spaces while they wait to get on the ferry.

V. NEW BUSINESS

None.

VI. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1. Approval of Minutes of May 25, 2016 at 6:00 PM; June 13, 2016 at 5:00 PM. The minutes of May 25, 2016 at 6:00 PM and June 13, 2016 at 5:00 PM were approved by the unanimous consent of the Board.

2. Approval of Payroll Warrants for Weeks Ending July 24, 2016; July 31, 2016. The payroll warrants for weeks ending July 24, 2016 and July 31, 2016 were approved by the unanimous consent of the Board.

3. Approval of Treasury Warrants for July 27, 2016; August 3, 2016. The treasury warrants for July 27, 2016 and August 3, 2016 were approved by the unanimous consent of the Board.

4. Approval of Pending Contracts for August 3, 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. The pending contracts for August 3, 2016 were approved by the unanimous consent of the Board.

VII. CONSENT ITEMS

1. Gift Acceptance: Planning and Land Use Services (PLUS); Natural Resources Department; Human Services (Saltmarsh Senior Center). By consent, the Board accepted \$25,000 from Ahold Financial for PLUS for the development of Depot Park; \$804 from Proud Pour Inc. for the Natural Resources Department Oyster Restoration Program; and, \$100 from Peter and Susan Karger for the Saltmarsh Senior Center.

2. Town Clerk: Request for Adoption of Warrant for September 8, 2016 State Primary. The September 8, 2016 state primary warrant was approved by the unanimous consent of the Board.

3. Town Clerk: Request for Reappointment of Registrar of Voters. By consent, the Board reappointed Janet Coffin as Registrar of Voters for a three-year term, said term to expire 2019.

VIII. TOWN MANAGER'S REPORT

4. Review and Recommendation Regarding Jetties Beach Concession Request for Proposals. Ms. Gibson reviewed the Jetties Concession bid. Board members discussed what they want to see in requests for proposals (RFP). Ms. Hill Holdgate spoke in favor of the Town getting 5% of gross. Mr. DeCosta asked 5% of what: bar, food, events, or everything. Some discussion followed among Board members. Mr. Fee suggested reducing the rent by \$25,000 and adding a condition that the lessee will not charge for the Boston Pops. Mr. DeCosta moved to approve an RFP per the work group's recommendations for a minimum base rent of \$108,380, to increase 3% annually plus a fee of a minimum annual in 5% of gross revenue over \$1 million; Ms. Hill Holdgate seconded. Some discussion followed among Board members. All in favor, so voted. Further discussion followed regarding not charging for the Boston Pops or capping the fee for the Pops at \$25,000. Mr. Atherton moved to cap the fee to the Nantucket Cottage Hospital at \$25,000 for the Boston Pops; Ms. Hill Holdgate seconded. All in favor, so voted. Discussion followed on the lease term. Mr. DeCosta moved to have a five-year lease; Mr. Atherton seconded. All in favor, so voted. Mr. Atherton said he would like to make sure the menu is "family friendly". The Board consensus is to go with the work group's recommendation to remove the expanded season requirement. Regarding private events at the Jetties the Board consensus is to go with the work group's recommendation to require the restaurant to be open during large private events in July and August except the Boston Pops.

1. Update Regarding Volume of Mixed Excavation Waste to Landfill. Ms. Gibson reported that in June the Board held a public hearing and raised the fees for Mixed Excavation Waste (MEW) and since then volume has gone down considerably.

At 6:42 PM Ms. Hill Holdgate left the meeting.

2. Review of Lined Landfill Cell Updated Construction Costs, Including Review of Off-island Shipping Costs. Solid waste consultant George Aronson reviewed an updated estimate of construction costs for cell 3A noting that in December 2015 landfill operator Waste Options Nantucket (WON) estimated cost at \$1.68 million. Mr. Aronson answered questions from Board members. Mr. DeCosta said he wants to see numbers on barging waste directly to New Bedford. Ms. Gibson said her understanding is that the cost is prohibitive. Mr. Aronson said he will look into the costs. Mr. Aronson said his best estimate for a new lined landfill cell is \$2.18 million, noting that he does not have access to WON's bids, but the numbers are from WON. Attorney John Giorgio of Town Counsel's office said this matter is time sensitive and feels certain an appropriation will be needed. Ms. Gibson said there is a shortfall in the current appropriation so the Town will need to seek an additional appropriation at the October 17, 2016 Special Town Meeting. Mr. Atherton

said his personal preference is to ship waste off island but he knows the costs may be prohibitive. Mr. Fee asked if this is a public bidding situation why the board can't look at WON's bids/detail. Attorney Giorgio explained that in the process of negotiations with WON on amendment six of the Waste Services Agreement, there is actually an exemption from portions of public bidding laws. He said they will build in transparency during negotiations. Attorney Giorgio reviewed an executive summary regarding wage rate schedules and prevailing rates.

3. Review of Sewer Connection and Dedication Agreement with Richmond Great Point Development, LLC. Richmond Company director of real estate development Dave Armanetti said Richmond is "in the meat" of permitting at the Planning Board for its rental and ownership housing development. He said he has been working on sewer plans with PLUS & Department of Public Works (DPW) staff, and acknowledged that the Richmond development is in the middle of the aquifer and potable water wells. Mr. Armanetti reviewed a proposed sewer main system map, noting the DPW staff has done analysis on capacities, flows, etc. He said that the capacity of the S. Valley pumping station will increase to 70% capacity with Richmond's development connected and Richmond will mitigate the costs. Mr. Armanetti said Richmond has been working on draft sewer mitigation agreement with Town Counsel. Attorney Giorgio said the Board and Richmond entered into a Memorandum of Agreement (MOA) before the November 9, 2015 Special Town Meeting which provided that Richmond would install the necessary sewer system for its property and any other properties to be served by system. He added that the Board has a Sanitary Sewer Policy that has to be abided by and the sewer lines already installed by Richmond need a sewer dedication agreement and easement. Attorney Giorgio recommended the Board clean up and finish the process for the sewer already installed, and asked the Board to direct Town Counsel to negotiate with Richmond to assure all the sewers designed and constructed pursuant to the Sanitary Sewer Policy. He said that Richmond has stated that it is not looking for waivers on sewer connection fees or Sewer Privilege Fees and will pay to upgrade the Town's S. Valley pumping station. Attorney Giorgio recommended that Richmond reimburse the Town for its legal and professional engineering fees for the Town to review the agreement, and to ensure the Town's existing sewer system is adequate. RA – Kara answered question from BOS. Mr. Fee moved to authorize Town Counsel to prepare a sewer dedication agreement and an associated easement agreement for sewer lines already installed by Richmond along Greglen Avenue and Davkim Lane, and for future sewer lines to be installed for Richmond development; Mr. Atherton seconded. Some discussion followed. All in favor, so voted 4-0.

5. Review of Sea Street Pump Station Upgrade Project. DPW Director Kara Buzanoski introduced Frank Ayotte of Hazen and Sawyer. Mr. Ayotte reviewed Seas Street Pump Station project background, noting it was built in the 1920s with upgrades in the 1980s and 1990s. He said the Pump Station pumps about 70% of the island's sewage flow to the Wastewater Treatment Facility; he reviewed the consequences of the Pump Station failure. He said his firm undertook a full architectural, structural, mechanical and electrical inspection of the Pump Station and reviewed the results of the inspections. Mr. Ayotte reviewed the project schedule, design renderings and bypass pumping plan. Mr. DeCosta questioned the Pump Station being under construction in the summer as he thought there was a moratorium, and costs. Mr. Ayotte said \$6 million has been appropriated for the project. Mr. DeCosta said he feels the appropriation won't be sufficient. He added that he feels this is the most important project this year, but he worries if the Town has enough money. Mr. Ayotte said he anticipates going to bid in August/September 2016, with bids being awarded in October 2016. Mr. Fee voiced concerns regarding the noise of bypass pump as well as odors, and impacts on the neighbors.

6. Monthly Town Management Activities Report. Ms. Gibson reviewed highlights of the Town management activities report for the past month, including an update on strategic planning, noting the Town has engaged facilitator and a group pre-meeting is planned.

7. Request for Exemption from MGL Chapter 268A, section 19(b)(1). Ms. Gibson reviewed her exemption request. Mr. DeCosta moved to grant the Town Manager an exemption from MGL Chapter 268A, section 19(b)(1) and authorized the Town Manager to delegate her charter authority to others regarding Rob Ranney's employment; Mr. Fee seconded. So voted 4-0.

8. Recommendation Regarding Funding of Shortfall for New Fire Station Project. Ms. Gibson said Town Administration sought a Reserve Fund transfer of \$142,000 to fill the funding shortfall for the new fire station but the request was not approved by Finance Committee. She said since there are no funds to fund the construction contract, it cannot be executed. Ms. Gibson suggested getting a wider group together to consider the Town's options. Mr. Atherton said he found the memo from the Finance Committee "informative". Mr. Fee said he is disappointed this was not brought up earlier in process.

IX. CITIZEN/DEPARTMENTAL REQUESTS

1. Nantucket Cottage Hospital: Request to Hang Temporary Banners on Main Street for 20th Anniversary of Boston Pops on Nantucket, August 8 - 14, 2016. Nantucket Cottage Hospital public information officer Jason Graziadei spoke in favor of the request. Mr. DeCosta moved to approve the request for Boston Pops banners; Mr. Fee seconded. So voted 4-0.

2. FORSYTH 48 LLC/Planning Office: Request for Approval and Execution of License Agreement for Lots 108 and 109 on Plan of Land Entitled "Plan of Taking and Disposition for the Town of Nantucket in Nantucket, Mass.," Prepared by Earle and Sullivan, Inc., Dated October 30, 2013 and Recorded with Nantucket Registry of Deeds as Plan No. 2014-04 to Allow for the Relocation of a Travelled Path for Pedestrian and Vehicular Use within Lot 109, for the Licensee to Use Lot 108 for Pedestrian and Vehicular Access to Licensee's Land and the for All Purposes Except Construction of Structures Until Lot 108 is Conveyed from Town to Licensee. Director of Planning Andrew Vorce reviewed the matter and associated survey plan, noting that Land Court is holding up the sale thus the request for a license agreement. He suggested two conditions to the Board's approval: proof of insurance and no work at the site before September 30, 2016. Mr. DeCosta moved to approve the license agreement with the two conditions; Mr. Fee seconded. So voted 4-0.

X. SELECTMEN'S REPORTS/COMMENT

1. Decision on Application for New Entertainment License for Nantucket Island Management, LLC d/b/a White Elephant Hotel Residences, Bettina Landt, Manager, for Premises Located at 19 North Water Street/19 South Beach Street, 29 North Water Street and 72 Easton Street (tabled from 20 July 2016). Mr. Fee recused himself from this matter. Mr. DeCosta disclosed that he is a tenant of Nantucket Island Resorts and he will base any decision he makes on the basis of the merits of the matter and the facts before him and not on any personal financial interest. Business License Inspector Amy Baxter reviewed a recommendation and map of the property, and noted the special permit conditions. She said that the lawn area is not included in license recommendation. Mr. DeCosta moved to approve a new entertainment license for the White Elephant Hotel Residences per the recommendation of the Business License Inspector; Mr. Atherton seconded. So voted 3-0.

2. Update on 6 Fairgrounds Road Housing Project. Housing consultant Tucker Holland updated the Board on the 6 Fairgrounds Road housing project, saying he is working on issuing a request for proposals (RFP) which will include a mandatory site visit of the responder vs. issuing a request for qualifications (RFQ). He said the RFP achieves the objective of speaking with interested parties and shortens the time period. He added that the Governor just announced state funding of \$100 million for rental housing and the guidelines for that will be out soon.

3. Review of Nantucket Planning & Economic Development Commission Old South Road Corridor Study. Mr. Vorce said the Old South Road corridor study will be funded through a state transportation allocation which funds the Transportation Planner position and other initiatives. He explained that a transportation expert will look at the corridor and come up with alternatives for dealing with congestion, which may result in future grant opportunities. Mr. Atherton said he hopes the study is in place to address Richmond Development. Mr. Vorce answered questions from Board members.

4. Committee Reports. Mr. DeCosta said a letter has been sent to Dr. David Pierce, director of the Division of Marine Fisheries, adding there will be a public hearing in December. Mr. Fee discussed an idea regarding proprietor's rights. Chairman Kelly reported that the Affordable Housing Trust has been reviewing the draft Housing Production Plan and the Board will be able to review and comment on it at its August 17, 2016 meeting.

XI. ADJOURNMENT

The meeting was unanimously adjourned at 8:27 PM.

Approved the 14th day of September, 2016.

**BOARD OF SELECTMEN
AUGUST 3, 2016 – 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS**

List of documents used the meeting:

- VI. 1. Draft minutes of May 25, 2016 at 6:00 PM; June 13, 2016 at 5:00 PM
- VI. 4. Pending contracts spreadsheet for August 3, 2016
- VII. List of consent items and recommended motions
- VII. 1. Memo from Director of Planning, re gift acceptance; letter from Natural Resources Department, re: gift acceptance; memo from Saltmarsh Senior Center, re: gift acceptance
- VII. 2. Warrant for September 8, 2016 State Primary
- VII. 3. Letter from Town Clerk, re: reappointment of Registrar of Voters
- VIII. 1. Email from Town Manager, re: MEW delivered to landfill; MEW and Leaf/Yard Waste data; materials analysis report
- VIII. 2. Memo from George Aronson, re: Updated Estimate of Construction Costs for Cell 3A; life cycle costs for residuals in Cell 3A; memo from George Aronson, re: Comparison of costs
- VIII. 3. Memo from Town Counsel, re: Sewer Connection and Mitigation Statement; Richmond development built, pending & prospective sewer main system; proposed agreement; email form Town Counsel
- VIII. 4. Memo from Assistant Town Manager, re: Jetties Concession bid recommendation; Request for Proposals; current lease agreement
- VIII. 5. Sea Street Pump Station Renovation and Upgrades presentation
- VIII. 6. Monthly Town Management Activities Report
- VIII. 7. Memo from Town Manager, re: request for Exemption from MGL c. 268A, s. 19(b)(1); Rob Ranney disclosure
- VIII. 8. Memo from Town Manager, re: funding for Fire Station Project; Fire Station Project Update presentation; memo from Finance Committee, re: Reserve Fund transfer request
- IX. 1. Banner Policy; request to display event banners from Nantucket Cottage Hospital
- IX. 2. License Agreement; survey plan
- X. 1. MGL Chapter 140, s. 181; memo from Business License Inspector; White Elephant Residence Entertainment License Application
- X. 3. Email from Rick Atherton, re: corridor plan