

BOARD OF SELECTMEN

Minutes of the Meeting of October 19, 2016. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Board present were Matt Fee, Dawn E. Hill Holdgate and James R. Kelly. Rick Atherton and Robert DeCosta were 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, in accordance with the requirements of the Open Meeting Law.

2. Natural Resources Administrator Jeff Carlson reviewed notices from the Mass. Division of Fisheries and Mass. Department of Public Health that state all approved and conditionally approved areas in the municipality of Nantucket are closed to shellfishing due to a Toxic Plankton Bloom, adding that the bloom affected almost the entire Commonwealth. He said that although the closure did not include scallops, the Natural Resources Department and Department of Public Health caution that scallops harvested during this time are to be opened and consumed at a person's own risk, adding that the toxins from the "guts" of scallops are extremely dangerous. Mr. Carlson noted that the Natural Resources Department recently sent oysters to the state for testing and the hope is the results will come back clean and the closure can be lifted before the start of the commercial scallop season.

3. Ms. Gibson reminded the Board of the Easy Street Bulkhead reconstruction project which began today, resulting in the closure of Easy Street through the end of December. Ms. Gibson noted associated street closures and traffic changes which will be in place for the duration of the project.

4. Town Clerk: Early Voting for the 2016 State Election will occur at the Town Building, 16 Broad Street from Monday, October 24, 2016 through Friday, November 4, 2016 from 8:00 AM to 4:00 PM. Mail-in ballots must be received by noon on November 4, 2016. The Central Tabulation Facility will be at the Nantucket High School, 10 Surfside Road on Tuesday, November 8, 2016 from 8:00 AM to 8:00 PM.

5. The 2017 Annual Town Meeting Warrant is open for citizen warrant article submittals through November 21, 2016 at 4:00 PM.

IV. PUBLIC COMMENT

None.

V. NEW BUSINESS

None.

VI. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1. Approval of Minutes of September 23, 2015 at 6:00 PM; February 29, 2016 at 4:00 PM. The minutes of September 23, 2015 at 6:00 PM and February 29, 2016 at 4:00 PM were approved by the unanimous consent of the Board.

2. Approval of Payroll Warrants for Weeks Ending October 9, 2016; October 16, 2016. The payroll warrants for weeks ending October 9, 2016 and October 16, 2016 were approved by the unanimous consent of the Board.

3. Approval of Treasury Warrants for October 12, 2016; October 19, 2016. The treasury warrants for October 12, 2016 and October 19, 2016 were approved by the unanimous consent of the Board.

4. Approval of Pending Contracts for October 19, 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, noting the Flora Street sewer repair is scheduled to commence tomorrow. The pending contracts for October 19, 2016 were approved by the unanimous consent of the Board.

VII. CONSENT ITEMS

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 (Previously Approved May 25, 2016; Re-vote Required do to Non-Substantive Technical Changes). Ms. Gibson noted that a conservation restriction for 130 Eel Point Road was previously approved by the Board but since then the state has required some non-substantive technical changes to the document and it requires the Board to approve the revisions. Ms. Hill Holdgate moved to approve a conservation restriction for 130 Eel Point Road, as presented; Mr. Fee seconded. So voted 3-0.

2. Town Clerk: Request for Adoption of Warrant for November 8, 2016 State Election. Mr. Fee moved to adopt the warrant for the November 8, 2016 State Election; Ms. Hill Holdgate seconded. So voted 3-0.

VIII. CITIZEN/DEPARTMENT REQUESTS

1. Request for Execution of MassDOT Event Notification Form for "Run for Robin 5K" Event to be Held Sunday, November 6, 2016 at 10:00 AM along Milestone Road. Ms. Gibson reviewed the race event. Mr. Fee moved to execute the MassDOT event notification form for the "Run for Robin 5K"; Ms. Hill Holdgate seconded. So voted 3-0.

2. Affordable Housing Trust: Request for Board of Selectmen to Assign Town's Right of First Refusal for Property in Abrem Quarry 40B to the Affordable Housing Trust Fund and Authorize Affordable Housing Trust to Expend Necessary Funds to Purchase the Property to Preserve Subsidized Housing Inventory (SHI) Status if Needed. Ms. Gibson reviewed this matter, explaining that a house in the Abrem Quarry 40B development located at 2 Sasemin Way is currently for sale; the Town, as part of the 40B agreement, has a right of first refusal on the affordable units; and, the Affordable Housing Trust Fund (AHTF) has asked that the Town assign its right to the AHTF so that it may negotiate a contingent deal with the seller should they not be able to locate a qualified buyer on their own during a 120-day period provided for in the agreement. It is the AHTF's intent to keep the unit on the SHI list. Chairman Kelly, the Board's representative to the AHTF, reviewed the AHTF's intent with the request, noting the request also authorizes the AHTF to expend funds to purchase the property. Mr. Fee asked about options. Ms. Gibson stated there are no options so much as steps to take to ensure the property stays on the SHI list. Mr. Fee said he wants to make certain that the Town and/or the AHTF is capable to meet the deadlines to keep the property on the SHI list. Some discussion followed among Board members. Mr. Fee moved to assign the Town's right of first refusal for 2 Sasemin Way to the AHTF and to authorize the AHTF to expend funds to purchase the property if needed; Ms. Hill Holdgate seconded. So voted 3-0.

3. Acceptance of Surrender of Seasonal All-Alcoholic Beverages Restaurant License for Island Gourmet Corp. d/b/a The Club Car, Located at 1 Main Street, Nantucket. Ms. Hill Holdgate moved to accept the surrender of the seasonal all-alcoholic beverages liquor license for the Club Car, located at 1 Main Street; Mr. Fee seconded. So voted 3-0.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Application for New Seasonal All-Alcoholic Beverages License for Nantucket Club Car LLC d/b/a The Club Car, Tanya J. McDonough, Manager, for Premises Located at 1 Main 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. Business License Inspector Amy Baxter reviewed a new liquor license application for the Club Car, noting the Licensing Department has no objections and the applicant proposes no changes to the previous license. Attorney Michael Wilson, representing the applicant, reviewed the request and asked the Board to approve the application and to determine that the license will not be detrimental to St. Mary's Church. Chairman Kelly closed the public hearing. Ms. Hill Holdgate moved to approve the application for a new seasonal all-alcoholic beverages liquor license for the Club Car, as presented, and to determine that the premises is not detrimental to the spiritual activities of St. Mary's Church and Rectory; Mr. Fee seconded. So voted 3-0.

2. Public Hearing to Consider Application for New Entertainment License for Nantucket Club Car LLC d/b/a The Club Car, Tanya J. McDonough, Manager, for Premises Located at 1 Main Street. Chairman Kelly opened the public hearing. Ms. Baxter reviewed the application for a new entertainment license for the Club Car, noting it mirrors the previous license with the addition of two TVs. She noted that upon future inspections, the applicant may be required to install a sprinkler system. Attorney Wilson, representing the applicant, noted there are no substantial changes. Chairman Kelly closed the public hearing. Mr. Fee asked if any of the TVs will be facing out the window. Nantucket Club Car LLC partner Ty Costa said the new TVs will not be facing toward the windows. Ms. Hill Holdgate moved to approve a new entertainment license for the Club Car, as presented; Mr. Fee seconded. So voted 3-0.

3. Public Hearing to Consider Application for New Seasonal All-Alcoholic Beverages Restaurant License and Change of Manager for EGB Enterprises, Inc. d/b/a The Rose and Crown, Debra L. Pitcock, Manager, for Premises Located at 23 South Water Street (Currently Holds Annual License); 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. Baxter reviewed the application to change the class of the license from annual to seasonal, and to change the liquor license manager to Debra Pitcock. Ms. Pitcock spoke in favor of the application, noting the expenses of staying open year-round are burdensome. Chairman Kelly closed the public hearing. Ms. Hill Holdgate moved to approve the application for a change of class from an annual to a seasonal liquor license for the Rose and Crown, as presented; the change of manager to Ms. Pitcock; and, to determine that the premises is not detrimental to the spiritual activities of St. Mary's Church; Mr. Fee seconded. So voted 3-0. Ms. Gibson noted there have been some concerns about the change of licenses from annual to seasonal; she reviewed a list of current annual and seasonal liquor licenses in the downtown area. Ms. Hill Holdgate said she would like to know when annual license holders are closed in the off-season. Some discussion followed among Board members regarding the trend to seasonal licenses and how to encourage establishments to be open year-round and not pick and choose which weekends to be open. Chairman Kelly said he would like to see the Nantucket Restaurant Association reestablished.

X. TOWN MANAGER'S REPORT

1. Traffic Safety Work Group Recommendation: Curb Cut at 29 Jefferson Avenue Resulting in Elimination of One On-Street Parking Space. Ms. Gibson reviewed the recommendation from the Traffic Safety Work Group to permit a curb cut at 29 Jefferson Avenue, noting it will result in the elimination of one on-street parking space. Mr. Fee moved to approve the curb cut at 29 Jefferson Avenue, as presented; Ms. Hill Holdgate seconded. So voted 3-0.

2. Request for Authorization to Execute State Revolving Fund Documents in Connection with Nantucket Harbor/Shimmo/Plus Parcels Sewer Projects. Mr. Fee moved to authorize the Town Manager to execute State Revolving Fund documents in connection with the Nantucket Harbor/Shimmo/Plus parcels sewer projects; Ms. Hill Holdgate seconded. So voted 3-0.

Ms. Gibson noted the Board's strategic retreat scheduled for November 5, 2016 will have to be postponed, possibly until May 2017, due to the Facilitator, Janice Kinder, having a personal family matter come up. Ms. Gibson suggested rescheduling the retreat to either the first or second Saturday in May 2017.

Ms. Gibson gave an update on last week's first meeting of the new Fire Station Work Group, noting the group discussed the possibility of a modular structure. The next meeting is scheduled for Thursday, October 27, 2016. Mr. Fee asked if the proposed fence around the Public Safety property is required. Ms. Hill Holdgate said not Fire but it is for Police.

XI. SELECTMEN'S REPORTS/COMMENT

1. Harbor and Shellfish Advisory Board: Request to Schedule Public Hearing Regarding Proposed Amendments to Chapter 250 Harbors and Town Pier Regulation. Ms. Gibson reviewed the request from the Harbor and Shellfish Advisory Board to schedule a public hearing regarding proposed changes to Chapter 250 Harbors and Town Pier Regulations. She noted that the proposed changes are being reviewed internally by staff. Ms. Hill Holdgate moved to schedule a public hearing for November 16, 2016; Mr. Fee seconded. So voted 3-0.

2. Committee Reports. Ms. Hill Holdgate reported that the Community Preservation Committee is currently meeting with applicants and will soon start its deliberations. Mr. Fee reported that Stephen Maury, Tucker Holland and he met with a representative of the Academy Hill Apartments management company earlier today. Chairman Kelly noted that the Capital Program Committee is meeting weekly and trying to improve its process.

Ms. Gibson gave a brief update from Monday's Special Town Meeting, noting there is a ballot question for the Madaket/Fisher's Landing/Somerset sewer project. Mr. Fee said he feels Steven Visco made some valid points at the Special Town Meeting regarding the landfill and stormwater run-off affecting water quality; he added that he believes in the sewer project but the Town needs to think of other contributors. Chairman Kelly said he said the matter should be discussed as an agenda item. Ms. Hill Holdgate agreed, stating the issue needs to be attacked from every way.

XII. ADJOURNMENT

The meeting was unanimously adjourned at 6:45 PM.

Approved the 26th day of October, 2016.

BOARD OF SELECTMEN
OCTOBER 19, 2016 – 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- III. 2. Shellfish closure press release; letter from Division of Marine Fisheries, re: emergency closure
- III. 3. Easy Street Bulkhead reconstruction traffic map
- III. 4. Memo from Town Clerk, re: early voting for State Election
- VI. 1. Draft minutes of September 23, 2015 at 6:00 PM; February 29, 2016 at 4:00 PM
- VI. 4. Pending contracts spreadsheet for October 19, 2016; Flora Street tributary map
- VII. 1. Email from Town Counsel, re: 130 Eel Point Road conservation restriction; revised restriction
- VII. 2. Warrant for the November 8, 2016 State Election
- VIII. 1. Cover letter, re: Run for Robin 5K; race map; state event notification form
- VIII. 2. Memo from Affordable Housing Trust Fund, re: 2 Sasemin Way; Town Counsel opinion
- VIII. 3. Club Car liquor license surrender letters, October 7, 2016 & October 14, 2016; list of 2016 seasonal and annual liquor licenses downtown
- IX. 1. Liquor license hearing procedure; Licensing recommendation for new liquor license application for Club Car; ABCC application form; current liquor license; BOS determination letter
- IX. 2. MGL Ch. 140, § 181, re: entertainment licenses; Licensing recommendation for new entertainment license application for Club Car; entertainment license application; current entertainment license
- IX. 3. Liquor license hearing procedure; Licensing recommendation for new liquor license application for Rose & Crown; ABCC application form; current liquor license; BOS determination letter
- X. 1. Traffic Safety Work Group recommendation, re: curb cut request for 29 Jefferson Ave; cover letter from bpc Architecture; curb cut application; HDC certificate of appropriateness; driveway site plan
- X. 2. State Revolving Fund signature documents, re: Nantucket Harbor/Shimmo/Plus parcels sewer project
- XI. 1. Harbor and Shellfish Advisory Board email, re: request for public hearing to amend Harbors and Town Pier Regulations; proposed hearing date; letter from Peter Brace, HSAB chairman; proposed changes; redline of Harbors and Town Pier Regulations