

## BOARD OF SELECTMEN

Minutes of the Meeting of January 18, 2017. 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 Jim Kelly.

### I. CALL TO ORDER

Chairman Kelly called the meeting to order at 6:01 PM.

### II. BOARD ACCEPTANCE OF AGENDA

Chairman Kelly mentioned that the First Way item will be discussed first in Town Manager's report. The agenda was unanimously accepted by the Board with the changes previously noted.

### III. ANNOUNCEMENTS

1. Town Manager C. Elizabeth Gibson mentioned that the Board of Selectmen Meeting is being Video/Audio Recorded.

2. Launch of Municipal Electricity Aggregation Plan: Nantucket PowerChoice. Ms. Gibson introduced Nantucket Energy Office Energy Project and Outreach Coordinator Lauren Sinatra. Ms. Sinatra noted the Town will be launching a municipal aggregation program for Nantucket Power Choice. She reviewed details of the program and mentioned that Agera Energy offered the best terms for an annual contract. Ms. Sinatra informed that an opt out form can be found on the Town's website and that there will be two informative meetings in February 16: one at 3:00 PM at Saltmarsh Senior Center and one from 6:00 PM to 7:00 PM in the Public Safety Facility Community Room at 4 Fairgrounds Road.

3. Ms. Gibson mentioned there will be no Board of Selectmen meeting on March 1<sup>st</sup>. The Board of Selectmen meetings of March will be on March 8, March 15, March 22, and March 29.

### IV. PUBLIC COMMENT\*

Madaket Residents Association President Charles Stott noted that more than 300 people have signed the Madaket Coastal Erosion online petition. Mr. Stott spoke on the past Friday's meeting with Emergency Management Coordinator Dave Fronzuto and Natural Resources Coordinator Jeff Carlson and ask for a future meeting where Planning Director Andrew Vorce and Director of Public Works Director Kara Buzanoski are also present.

### V. NEW BUSINESS\*

None.

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

1. Approval of Minutes of February 15, 2012 at 6:00 PM; February 22, 2012 at 6:00 PM; March 14, 2012 at 6:00 PM; March 28, 2012 at 6:00 PM; April 11, 2012 at 6:00 PM; April 18, 2012 at 6:00 PM; April 25, 2012 at 6:00 PM. Minutes of February 15, 2012 at 6:00 PM; February 22, 2012 at 6:00 PM; March 14, 2012 at 6:00 PM; March 28, 2012 at 6:00 PM; April 11, 2012 at 6:00 PM; April 18, 2012 at 6:00 PM; April 25, 2012 at 6:00 PM. Mr. Atherton mentioned changes to be applied to minutes from March 14, 2012 at 6:00 PM. The Board approved with changes noted by Mr. Atherton the minutes of February 15, 2012 at 6:00 PM; February 22, 2012 at 6:00 PM; March 14, 2012 at 6:00 PM; March 28, 2012 at 6:00 PM; April 11, 2012 at 6:00 PM; April 18, 2012 at 6:00 PM; April 25, 2012 at 6:00 PM; Minutes of February 15, 2012 at 6:00 PM; February 22, 2012 at 6:00 PM; March 14, 2012 at 6:00 PM; March 28, 2012 at 6:00 PM; April 11, 2012 at 6:00 PM; April 18, 2012 at 6:00 PM; April 25, 2012 at 6:00 PM.

2. Approval of Payroll Warrants for Week of January 15, 2017. The Board approved by unanimous consent the payroll warrants for week of January 15, 2017.

3. Approval of Treasury Warrants for January 18, 2017. The Board approved by unanimous consent the treasury warrants for January 18, 2017.

4. Approval of Pending Contracts for January 18, 2017. Ms. Gibson reviewed the pending contracts for January 18, 2017. The Board approved by unanimous consent the pending contracts for January 18, 2017.

## VII. CONSENT ITEMS

1. Acceptance of Surrender of Seasonal Wine/Malt Beverages Club License for Long Table LLC d/b/a Meursault for Premises Located at 18 Broad Street. Mr. DeCosta moved to accept the surrender of license as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

## VIII. PUBLIC HEARINGS

1. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan # 22854261 to Remove Pole #5 and Overhead Wire to Pole #4 and Install Handhole #4 and 150' of 1-3" Conduit from Handhole 4 to Handhole 5-1 on Baxter Road. Jim Huxley from National Grid reviewed the petition and answered questions from Board members. Chairman Kelly opened the public hearing. Wastewater Treatment Plant Chief Operator David Gray mentioned to Mr. Huxley that a sewer connection is on that side of the road. Chairman Kelly closed the public hearing. Mr. DeCosta moved to approve the petition as presented; Mr. Atherton seconded. All in favor, so voted.

2. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan # 22881727 to Install Handhole #4-1 at Base of Existing Pole #4 on Hummock Pond Road and Install 1-3" Conduit 35' Across Hummock Pond Road to Provide New Electric Service to House #17. Chairman Kelly opened the public hearing. Mr. Huxley reviewed the petition. No comments from the public. Chairman Kelly closed the public hearing. Mr. DeCosta moved to approve the petition as presented; Mr. Atherton seconded. All in favor, so voted.

3. Public Hearing to Consider Application for Modification of Entertainment License for Ridge, LLC d/b/a Island Kitchen for Premises Located at 1 Chin's Way. Chairman Kelly opened the public hearing. Licensing Administrator Amy Baxter asked for the Board to review item 4 first. Chairman Kelly left the public hearing opened. After reviewing item 4 the Board continued discussing this public hearing. Ms. Baxter mentioned the restaurant will only have background music (radio, cd, iPad) until 11:00 PM on the patio and 1:00 AM inside. Attorney Rhoda Weinman, representing the applicant, spoke in favor of the application. No comments from the public. Chairman Kelly closed the public hearing. Ms. Hill Holdgate moved to approve the application as presented; Mr. Fee seconded. All in favor, so voted.

4. Public Hearing to Consider Application for Alteration of Premises for Annual All-Alcoholic Beverages Restaurant License for Ridge, LLC d/b/a Island Kitchen for Premises Located at 1 Chin's Way. Chairman Kelly opened the public hearing. Licensing Administrator Amy Baxter noted that The Grey Lady has been purchased by the owners of Island Kitchen and the two places will be merged into Island Kitchen. Ms. Weinman, in representation of the applicant, spoke in favor of the application and answered questions from the Board regarding alterations in the new building. Chairman Kelly closed the public hearing. Mr. De Costa moved to approve the request as presented; Mr. Atherton seconded. All in favor, so voted.

5. Public Hearing to Consider Application for Change of Class for All-Alcoholic Beverages Restaurant License from Annual to Seasonal for J ETC., LLC d/b/a Oran Mor Bistro for Premises Located at 2 South Beach Street.

Chairman Kelly opened the public hearing. Ms. Baxter reviewed the application. No comments from the public. Chairman Kelly closed the public hearing. Mr. DeCosta moved to approve the application as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

6. Public Hearing to Consider Application for New Entertainment License for Nantucket Hospitality Group, LLC d/b/a The After House Wine and Raw Bar for Premises Located at 18 Broad Street. Chairman Kelly opened the public hearing. Ms. Hill Holdgate recused herself from this matter. Ms. Baxter reviewed the application. No comments from the public. Chairman Kelly closed the public hearing. Mr. Atherton moved to approve the application as presented; Mr. DeCosta seconded. So voted, 4-0.

7. Public Hearing to Consider Application for New Seasonal Wine/Malt Beverages Restaurant License for Nantucket Hospitality Group, LLC d/b/a The After House Wine and Raw Bar, Kevin J. Anderson, Manager, for Premises Located at 18 Broad 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. Hill Holdgate recused herself from this matter. Ms. Baxter reviewed the application. No comments from the public. Chairman Kelly closed the public hearing. Mr. Atherton moved to approve the application as presented; Mr. Fee seconded. So voted, 4-0.

8. Public Hearing to Consider Application for New Entertainment License for Sandbar ACK, LLC d/b/a SandBar at Jetties Beach for Premises Located at 4 Bathing Beach Road. Chairman Kelly opened the public hearing. Ms. Baxter reviewed the application, noting the conditions of this license are similar to the previous one, and answered questions from the Board. No comments from the public. Chairman Kelly closed the public hearing. Mr. DeCosta moved to approve the application as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

9. Public Hearing to Consider Application for New Seasonal All-Alcoholic Beverages Restaurant License for Sandbar ACK, LLC d/b/a SandBar at Jetties Beach, George J. Kelly, Manager, for Premises Located at 4 Bathing Beach Road. Chairman Kelly opened the public hearing. Ms. Baxter reviewed the application. There were no comments from the public. Chairman Kelly closed the public hearing. Ms. Baxter answered questions from the Board. Mr. DeCosta moved to approve the application as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

## IX. TOWN MANAGER'S REPORT

1. FY 2017 Second Quarter Budget Reports: Our Island Home Enterprise Fund; Sewer Enterprise Fund; Solid Waste Enterprise Fund. Our Island Home (OIH) Administrator Rachel Day reviewed the OIH FY 2017 2<sup>nd</sup> quarter report, noting that revenues and expenditures are as expected. Ms. Day discussed with the Board how the Certified Public Expenditure (CPE) legislation works and reviewed the FY 2015, FY 2016 and predictions for FY 2017. Ms. Day answered questions from the Board.

Municipal finance Director Brian Turbitt reviewed the Sewer Enterprise Fund, noting that expenditures are lower than expected. Mr. Turbitt answered questions from the Board members.

Director of Public Works Kara Buzanoski reviewed the Solid Waste Enterprise Fund budget. Ms. Buzanoski revenues and expenses are closer to last year and Certified Returned Earnings are significantly below the numbers from past years; \$75,000 due to the increase of costs. Ms. Buzanoski answered questions from the Board.

2. Update on First Way Sewer/Road Projects. Ms. Buzanoski and Site Engineer Dan Mulloy reviewed the First Way project site plan. Ms. Buzanoski mentioned the bike path will be extended up to the high school. Mr. Mulloy mentioned this project will be out to bid in February with commence in March. Ms. Buzanoski informed the Board of two funding sources: one of \$750,000 for the sewer budget and one of \$750,000 DPW budget. Ms. Buzanoski and Mr. Mulloy answered questions from the Board.

3. Update on Memorandum of Understanding with Nantucket Land Bank on Real Estate Transfers. Ms. Gibson mentioned that the Memorandum of Understanding will be completed for the Board members' review on February.

4. Our Island Home: Next Steps. Ms. Gibson mentioned that the purchase and sale agreement for the Howard property, the archeological study, and the endangered species study are still ongoing projects. Ms. Gibson mentioned she has discussed with the Nantucket Center for Elder Affairs the possibility of carrying out a new survey and informed the Board of the Town's letter to the State Department of Health asking for recommendations on the potential construction of a new building. Mr. Atherton asked Ms. Gibson to send a copy of the letter to the Board.

Ms. Day reviewed an OIH self-reported survey and the state's onsite inspection. Issues related to water temperature control and alarms malfunctioning were discussed with the Board members. Ms. Day spoke on the advantages of the Small House model and explained to the Board the state survey rules and the risk of not passing state's inspections.

Island resident and former member of the Board of Selectmen Bruce Miller mentioned that studies related to the OIH current location have been carried out over the last 30 years and each of them led to the same conclusion: the current location is not safe. The Board members discussed on the possibility of adding the OIH article back to the ATM warrant. Island resident Richard Ray thinks that citizens should have information on the cost of a new building on the OIH current location. Ms. Hill Holdgate feels that further information is required before including OIH in the ATM. Chairman Kelly moved to add back the OIH article to the ATM warrant; Mr. Atherton seconded. So voted, 3-2. Ms. Hill Holdgate and Mr. Fee opposed. The Board and Ms. Gibson discussed on the next steps regarding OIH.

## X. SELECTMEN'S REPORTS/COMMENT

1. Adoption of 2017 Annual Town Meeting and Election Warrant. Ms. Gibson reviewed the last draft of the ATM warrant and the changes applied to it since last week. Ms. Gibson asked the Board if the \$500,000 appropriation request should be added to the AHT standalone article; the Board members agreed to add the \$500,000 appropriation request to the article. Ms. Gibson mentioned that the Home Rule Petition for the Historical District Commission (HDC) still needs to be discussed but there is no HDC representatives present. On the Emery's article, the Board decided to leave it out of the 2017 ATM warrant. Mr. DeCosta moved to add the revised DIF article; Ms. Hill Holdgate seconded. So voted, 3-2. Mr. Fee and Mr. Atherton opposed. Deputy Director of Planning Leslie Snell answered questions from Board members regarding zoning articles and the DIF article. Local resident Peter Howell asked questions regarding Article 14. Mr. DeCosta moved to remove "betterment" language from Drew Lane article; Ms. Hill Holdgate seconded. So voted, 2-3. Mr. Fee, Mr. Atherton, and Chairman Kelly opposed.

Mr. Gray answered questions from the Board regarding different lots on Shawkemo Road. Mr. DeCosta moved to approve the ATM warrant with changes; Ms. Hill Holdgate seconded. All in favor, so voted.

## 2. Committee Reports.

None.

## XI. ADJOURNMENT

The meeting was unanimously adjourned at 9:05 PM.

Approved the 1<sup>st</sup> day of February, 2017.

**BOARD OF SELECTMEN  
JANUARY 18, 2017 – 6:00 PM  
PUBLIC SAFETY FACILITY COMMUNITY ROOM  
4 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 2. Notification letter sample from Nantucket POWERchoice, re: Town Electricity Program
- VI. 1. Draft minutes of February 15, 2012 at 6:00 PM; February 22, 2012 at 6:00 PM; March 14, 2012 at 6:00 PM; March 28, 2012 at 6:00 PM; April 11, 2012 at 6:00 PM; April 18, 2012 at 6:00 PM; April 25, 2012 at 6:00 PM. Minutes of February 15, 2012 at 6:00 PM; February 22, 2012 at 6:00 PM; March 14, 2012 at 6:00 PM; March 28, 2012 at 6:00 PM; April 11, 2012 at 6:00 PM; April 18, 2012 at 6:00 PM; April 25, 2012 at 6:00 PM
- VI. 4. Pending contracts spreadsheet of January 18, 2017
- VII. 1. Cover letter from William J. Dupree and William E. Dupree, re: surrender of license for Meursault; copy of wine/malt beverages license
- VIII. 1. Manhole and duct locations utility petition, re: Baxter Road; letter from National Grid; copy of petition for manhole and duct locations; order for manhole and duct locations; site plan
- VIII. 2. Manhole and duct locations utility petition, re: 17 Hummock Pond Road; letter from National Grid; copy of petition for manhole and duct locations; Pole & UG petition/permit request form
- VIII. 3. Entertainment license application, re: Ridge, LLC d/b/a Island Kitchen; cover letter from Attorney Rhoda H. Weinman; copy of Entertainment license; site plan; approval letter from Planning Board
- VIII. 4. Liquor license application, re: Ridge, LLC d/b/a Island Kitchen; cover letter from Attorney Rhoda H. Weinman; ABCC form; applicants statement; copy of Seasonal Retail Restaurant license; approval letter from Planning Board
- VIII. 5. Change of Liquor license application from annual to seasonal, re: for Oran Mor Bistro; cover letter from owner Jon Tancino; change of class application; ABCC form; applicant statement; copy of All Alcoholic Beverages license
- VIII. 6. Entertainment license application, re: The Afterhouse Wine and Raw Bar; cover letter from Nantucket Hospitality Group, LLC Director of Operations Kevin J. Anderson
- VIII. 7. Liquor license application, re: The Afterhouse Wine and Raw Bar; cover letter from Nantucket Hospitality Group, LLC Director of Operations Kevin J. Anderson; new license application form; ABCC application; applicant's statement; letter from David Silva; copy of Seasonal wine/malt beverages license
- VIII. 8. Entertainment license application, re: Sandbar ACK; cover letter from owners George Kelly and Nick Nass
- VIII. 9. Liquor license application, re: Sandbar ACK; cover letter from owners George Kelly and Nick Nass; ABCC new license application; applicant's statement; consent of managers and members letter; site plan; copy of all alcoholic beverage license
- IX. 1. OIH FY2017 YTD Enterprise fund budget update chart; Sewer FY2017 YTD Enterprise fund budget update chart; Solid waste FY2017 YTD Enterprise fund budget update chart
- IX. 2. Memo from Dan Mulloy, re: First Way project schedule; site plans
- IX. 4. Membership and charge list for OIH building committee; survey from Department of Health and Human Services; letter from Life Safety Code Supervisor to OIH Administrator Rachel

Day; letter from Department of Public Health, Health and Human Services Executive  
Officer Survey Team Leader Ed Sutka to OIH Administrator Rachel Day

X. 1. Draft copy of 2017 ATM warrant