

BOARD OF SELECTMEN

Minutes of the Meeting of 18 February 2009. The meeting took place in the Court Room, Town and County Building, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Brian Chadwick, Michael Kopko, Allen Reinhard, and Patricia Roggeveen. Chairman Kopko called the meeting to order at 6:01 PM.

ANNOUNCEMENTS

None.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Payroll Warrant for Week Ending 15 February 2009. The payroll warrant for the week ending 15 February 2009 was approved by the unanimous consent of the meeting.

Approval of Treasury Warrant and Pending Contracts for 18 February 2009. The consent to mortgage between Town Administration and the Veterans of Foreign Wars under pending contracts was continued to a future meeting to allow Town Counsel to further review the mortgage document. The treasury warrant for 18 February 2009 was approved by the unanimous consent of the meeting.

CITIZEN/DEPARTMENT REQUESTS

Treasurer: Request for Approval of Massachusetts Water Pollution Abatement Trust (MWPAT) Loan Closing Documents. Treasurer Deborah Weiner was present to answer questions from the Board. Mr. Reinhard read the motion for approval of the MWPAT loan (attached); Mr. Atherton seconded. All in favor, so voted.

Application for Transfer of Common Victualler License from Global Restaurant Management, Inc. to Lola 41 Restaurant LLC d/b/a Lola 41 for Premises Located at 15 South Beach Street, Nantucket. Chairman Kopko recused himself saying he is a business abutter. Attorney Kevin Dale was present representing Lola 41 manager Marco Coelho and spoke in favor of the application. Mr. Reinhard moved approval; Mr. Atherton seconded. All in favor, so voted.

PUBLIC HEARINGS

Public Hearing to Consider Application for Transfer of Annual All-Alcoholic Beverages Restaurant License from Global Restaurant Management, Inc. dba Lola 41, Geoffrey Silva, Manager to Lola 41 Restaurant LLC dba Lola 41, Marco Coelho, Manager, for Premises Located at 15 South Beach Street, Nantucket. Chairman Kopko recused himself saying he is a business abutter. Attorney Kevin Dale was present representing Lola 41 manager Marco Coelho and spoke in favor of the application. There was no public comment and Ms. Roggeveen closed the public hearing. Mr. Chadwick moved approval; Mr. Reinhard seconded. All in favor, so voted.

Public Hearing to Consider Application for New Entertainment License for Lola 41 Restaurant LLC d/b/a Lola 41 for Premises Located at 15 South Beach Street, Nantucket. Chairman Kopko recused himself saying he is a business abutter. Attorney Kevin Dale was present representing Lola 41 manager Marco Coelho and spoke in favor of the application saying the entertainment license

request is limited to prerecorded music/CD's being played during dinner. There was no public comment and Ms. Roggeveen closed the public hearing. Town Manager C. Elizabeth Gibson noted the previous license restrictions. Mr. Reinhard moved approval; Mr. Atherton seconded. All in favor, so voted.

Public Hearing to Consider Application of Public Assembly Permit for Nantucket Triathlon to be Held July 11, 2009. Jamie Ranney was present representing Nantucket Triathlon, LLC and spoke in favor of the application. After public comment Chairman Kopko closed the public hearing. Mr. Chadwick moved approval; Ms. Roggeveen seconded. All in favor, so voted.

Public Hearing to Consider Verizon New England Petition #08-036 for Joint Relocation of Pole # 14/1 Located on Academy Lane. Barry Maffini, Rights of Way Agent for Verizon, was present and reviewed the request for pole relocation, saying the request originated from an abutting property owner, and said that the relocation should impose no hardships to the neighborhood. Mr. Reinhard asked Mr. Maffini about Verizon's underground cable project, saying that Verizon is the last utility company to bury its lines in the downtown district; Mr. Maffini could not answer. David Boyce, the property owner who made the original relocation request to Verizon, said it is to accommodate the installation of a driveway as the building on the property is being changed from commercial to residential. Chairman Kopko closed the public hearing. Mr. Reinhard moved approval; Mr. Atherton seconded. All in favor, so voted.

Public Hearing to Consider Revised Taxi Rates. Police Chief Pittman said the past few months have been spent discussing the implementation of taxi meters based on a clear message from the Board to do so. He said that on Jan. 22 he met with and had a good meeting with taxi owners. Chief Pittman said it has since become clear to him that imposing the requirement of taxi meters is a significant change to the existing taxi business model and said he feels this is not the time, in this economy, to make this change. He noted that the cost of meters is not the problem, but the required certification of the meters may be. Chief Pittman said he recommends putting meters on hold for one year and during that time study the feasibility of recertification of meters. Chief Pittman reviewed three versions of rate schedules and said he has been enlightened by the fact that many communities in Massachusetts still work on a zone map. He said that the Police Department has developed a good rapport and relationship with the taxi owners through this process and feels the Nantucket Taxi Owners Association's (NTOA) suggestion to form an advisory committee is a good one. NTOA president Jon St. Laurent agreed with Chief Pittman and encouraged the Board to establish a taxi advisory committee. A discussion took place among Board members regarding the establishment of an advisory committee and the rate schedules. Chairman Kopko closed the public hearing. Mr. Chadwick moved to adopt taxi rate schedule "option two" in which rates remain at the July 1, 2008 level and the hourly wait time rate is reinstated; Ms. Roggeveen seconded. All in favor, so voted. Chief Pittman suggested a July 1, 2009 effective date for the rates, to which the Board unanimously agreed. Mr. Atherton posed the question of possibly "getting rid of the idea" of meters. Chairman Kopko said if a recommendation comes in next year that meters are not needed the Board could go with that.

TOWN MANAGER'S REPORT

Review of Proposed Police Station at 2 Fairgrounds Road. Chief Pittman presented an update on the proposed public safety facility, which he noted will be voted on at the 2009 Annual Town Meeting as well as the Annual Town Election. He said the public safety facility was overwhelmingly

approved at the 2008 Annual Town Meeting, but was defeated at the 2008 Annual Town Election. Chief Pittman said in August 2008 a citizen advisory committee for a public safety facility was formed, and the committee has since come forth with recommendations, including a phased approach to the public safety facility, starting with construction of a new police station and interim upgrades to the existing fire station. He said the plans for the facility have been scaled down and the fire station component has been removed, but noted that the police station infrastructure will allow the future addition of a fire station. Chief Pittman said the intent is to have an actual bid price prior to the 2009 Annual Town Meeting and that bids are scheduled to be opened the first week of April. He noted that the Town has tried to get the local trades involved by having representatives from the state Department of Capital Asset Management (DCAM) hold classes on Island for DCAM certification, which is a requirement for municipal projects estimated at \$100,000 or more; unfortunately very few people attended. He stressed that the time has never been better to build the police station as construction costs are down, people need work, and estimates are generally coming in lower than expected. Chief Pittman said \$3.3 million is already on hand from County deeds excise funds and he asked the Board to "enthusiastically support and help sell the project". Chairman Kopko acknowledged the hard work of Projects Administrator Diane O'Neil and the members of the citizen advisory committee. Discussion followed on the importance of community outreach and public education regarding the project.

Fiscal Year 2010 Budget Update. Ms. Gibson said Administration is working to finalize the budget numbers and noted that there was recent discussion concerning an override for the Solid Waste Enterprise Fund. A discussion of the General Fund followed. Ms. Gibson said the budget will be reviewed by the Finance Committee the following week. She also noted that article motions are in the process of being prepared for the 2009 Annual Town Meeting.

SELECTMEN'S REPORTS/COMMENT

Finalization of Downtown Revitalization Committee Recommendation for Request for Qualifications Procurement for Redevelopment of Wilkes Square Area (continued from 21 January and 4 February 2009). It was noted that there has been no public comment or feedback from posting the draft of the Request for Qualifications (RFQ) on the Town's website. A discussion took place among Board members regarding the potential for municipal facilities being part of the design plan as well as how the RFQ contract will be paid. Ms. Gibson said the contract will be paid out of a previous appropriation of ferry embarkation fee funds. Chairman Kopko stated his opinion that this should be funded privately. Ms. Roggeveen said the Downtown Revitalization Committee hopes to find private or other sources for funding. Ms. Roggeveen moved approval for the RFQ procurement for the redevelopment of the Wilkes Square area; Mr. Reinhard seconded. All in favor, so voted. Ms. Roggeveen thanked the committee for its hard work and offered special thanks to Whitey Willauer for helping to draft the RFQ.

A discussion followed about the Pledge of Allegiance. Mr. Chadwick requested that a discussion as to whether to include the Pledge of Allegiance at the beginning of meetings be placed on the 25 February 2009 agenda.

The meeting was unanimously adjourned at 7:40 PM.

Approved the 2nd day of September, 2009.

February 18, 2009
BOS Vote for MWPAT Issue

Vote: That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$4,610,490.00 pursuant to Chapters 29C and 44 of the General Laws and votes of the Town passed April 4, 2006 Article 10 and June 6, 2006 question 3, for construction of sewers and other water pollution control facilities.

Further Vote: That each bond shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust at a price determined pursuant to the Loan Agreement

Further Vote: That the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each bond, and to execute the Loan Agreement or Agreements with the Trust with respect to the sale of the bonds, such date, form and maturities and the specific interest rate or rates of the bonds to be approved by majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the bonds

Further Vote: That all action taken to date by the Town and its officers and agents to carry out the project and its financing, including execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all necessary and convenient to carry out the provisions of this vote, including execution and delivery of the loan agreements and the project regulatory agreements relating to the project.

Further Vote: That the proceeds of the bonds may be used to reimburse the Town for any and all project expenditures which were incurred in anticipation of the issuance of said Bonds.