

BOARD OF SELECTMEN

Minutes of the Meeting of 3 June 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 6:02 PM.

ANNOUNCEMENTS

A Division of Capital Asset Management (DCAM) Contractor Certification Seminar will be held 18 June 2009 at 6:00 PM at 2 Fairgrounds Road.

The Annual Police Auction will be held Saturday, 6 June 2009 at 2 Fairgrounds Road. Viewing starts at 8:30 AM and the auction begins at 9:00 AM.

A final public hearing for the Harbor Plan will be held Monday, 22 June 2009 at 6:00 PM at the High School cafeteria.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Payroll Warrant for Week Ending 31 May 2009. The payroll warrant for the week ending 31 May 2009 was approved by the unanimous consent of the meeting.

Approval of Treasury Warrant and Pending Contracts for 27 May 2009. The treasury warrant and all pending contracts for 27 May 2009 with the exception of the professional services contract with CBT Architects, were approved by the unanimous consent of the meeting. A discussion followed on the CBT pending contract regarding redevelopment plans for Wilkes Square and Ms. Roggeveen reviewed the architect selection process. Town Manager C. Elizabeth Gibson noted that \$230,000 was authorized by Town Meeting vote for redevelopment options in the downtown waterfront area. Chairman Kopko said he strongly feels outside funding should have been sought either through grants or through the owners of the property in question. The CBT professional services contract was approved 4-1. Chairman Kopko was opposed.

PUBLIC HEARINGS

Public Hearing to Consider Applications for Energy Study Committee, Harbor Plan Implementation Committee, Nantucket Affordable Housing Trust, Nantucket Historical Commission, Park & Recreation Commission, Planning Board Alternates, Scholarship Committee, Steamship Authority's Port Council, Roads & Rights-of-Way Committee, Tree Advisory Committee, Visitor Services & Information Advisory Committee, Zoning Board of Appeals, and Zoning Board of Appeals Alternate. Chairman Kopko opened the public hearing and the following individuals spoke in favor of their applications and answered questions from the Board: Energy Study Committee – Whitey Willauer, Sandra Welsh, Carl Borchert, Barbara Gookin, Anne Kuszpa, Peter Morrison, John Brescher, Mike Burns, Eric Nordby, and Forest Bell; Harbor Plan Implementation Committee – Whitey Willauer, Sarah Oktay, Diane Coombs, and Leslie Johnson; Nantucket Affordable Housing Trust – Matt MacEachern; Nantucket Historical Commission – Tinka Knopf and Diane Coombs; Scholarship Committee – Dr. John O'Neill; Steamship Authority Port Council – Nat Lowell; Roads and Right of Way Committee – Harvey Young, Harold Ryder, and John Brescher;

Tree Advisory Committee – Diane Coombs for her daughter Diane Holdgate, James Cook, and Sam Myers; Visitor Services & Information Advisory Committee – Louise Swift and Kristen O'Reilly; Zoning Board of Appeals Alternate – Susan McCarthy. The Board also heard from new applicants of committees for which the deadline had been extended from 27 May 2009: Cable Television Advisory Committee – Jess Heiner; Conservation Commission – John Brescher; Council for Human Services – Rachel Rosen. The Board consensus is to extend the application deadline for committees for which no applications have been received. Chairman Kopko closed the public hearing.

Public Hearing to Consider Sewer User Fee Increases for Fiscal Year 2010. After reviewing a handout from Ms. Gibson regarding rate options for sewer user fees, Chairman Kopko opened the public hearing. Mark Abrahams of the Abrahams Group noted that at the 27 May 2009 meeting the Board voted to expand the current seasonal rate model from four months (June to September) to six months (May to October). He said at last week's meeting the Board asked him to develop different rate scenarios to help balance the projected FY 2010 Sewer Enterprise Fund deficit, which he then reviewed. A discussion among Board members and Wannacomet Water General Manager Bob Gardner followed on the different rate options presented and Ms. Roggeveen noted she was in favor of increasing the monthly service fee to \$30 and increase flow base rates to \$4.50 per gallon in the off-season and \$6.00 per gallon in-season. A discussion on deduct meters followed. Ms. Gibson said Town Administration did not develop a specific recommendation but supports the option described by Ms. Roggeveen. Chairman Kopko closed the public hearing. Mr. Chadwick moved to increase the monthly service fee to \$30 and increase flow base rates to \$4.50 per gallon in the off-season and \$6.00 per gallon in-season; Ms. Roggeveen seconded. All in favor, so voted.

CITIZEN/DEPARTMENTAL REQUESTS

Treasurer: Request for Approval of Massachusetts Water Pollution Abatement Trust Interim Loan in the Amount of \$4,006,000 Relating to Downtown Sewer Rehabilitation Project Phase II A. Mr. Reinhard read the motion for approval of a Massachusetts Water Pollution Abatement Trust interim loan in the amount of \$4,006,000 relating to the Phase II A downtown sewer rehabilitation project (attached); Mr. Atherton seconded. All in favor, so voted.

Request for Acceptance of Gift of Two Memorial Stones from Augie Ramos for the Colored Cemetery. Frances Karttunen spoke in favor of the gift and thanked Augie Ramos for providing two new stone markers in the Colored Cemetery and Neil Paterson for offering free engraving of the stones, which will replace temporary markers for Mary Frances Jackson and Charlotte Bagwell. Ms. Karttunen noted a dedication of the memorial stones will be held Saturday, 13 June 2009 at 10:00 AM and all are invited. The Board thanked Mr. Ramos and Mr. Atherton moved to accept the gift of two memorial stones for the Colored Cemetery; Ms. Roggeveen seconded. All in favor, so voted.

Mr. Chadwick left the room.

Roads & Right of Way Committee: Request for Approval of Rededication Ceremony of Founders Burial Ground on 12 July 2009 in Commemoration of 350th Anniversary of Nantucket's European Settlement. Mr. Reinhard, representing the Roads and Right of Way Committee, spoke in favor of the request. Ms. Roggeveen moved to approve the request for the rededication ceremony of the

Founders Burial Ground on 12 July 2009; Mr. Atherton seconded. So voted 4-0. Mr. Chadwick was absent.

Nantucket Public Schools: Request for Letter of Support for Proposed Wind Turbine to be Located on Nantucket High School Property. Nantucket High School Principal John Buckey spoke in favor of the request. Mr. Atherton moved to send a letter of support for the proposed wind turbine; Mr. Reinhard seconded. So voted 4-0. Mr. Chadwick was absent.

TOWN MANAGER'S REPORT

Ms. Gibson briefly updated the Board on the FY 2010 General Fund budget, noting that personnel spending reductions have been made totaling approximately \$1.3 million, mainly through the hiring freeze and wage freezes. She said the Town is required to negotiate with the unions over wage freezes, and thus far the Laborers Union has agreed to the wage freeze, the Department of Public Works has agreed to other concessions, and that the Town is still in negotiations with SEIU, Police, and Fire unions.

Mr. Chadwick returned to the meeting.

Ms. Gibson updated the Board on solid waste management issues, and said Town Administration is working on follow-up to items discussed at the May solid waste workshop, including trucking, licensing haulers, and tracking construction and demolition (C&D) disposal. She also noted that the Town's Administrative Consent Order (ACO) amendment # 6 with the Department of Environmental Protection (DEP) expired on 1 June 2009 but the DEP has indicated satisfaction that the Town is not in violation due to an accelerated landfill mining program planned to begin shortly. She added that amendment # 7 is in process. Ms. Gibson informed the Board, per the newly adopted Beach Management criteria for beach closures, that Cisco Beach is closed at this time and Madaket Beach is open but with hazard warnings. She noted that Cisco will undergo regular monitoring.

Mr. Atherton thanked Ms. Gibson for Town Administration's efforts in negotiating with the various unions and the successful negotiations with the Laborers Union.

SELECTMEN'S REPORTS/COMMENT

Action on Town Requirements for Nantucket Hunting Association Lease of Town Property at South Pasture. Chairman Kopko noted that at the Board's 13 May 2009 meeting, it agreed to vote on a baseline of stipulations for an agreement with the Nantucket Hunting Association (NHA). He noted that the discussion will be limited to the Board and that public comment will not be allowed. Zoning Board of Appeals Administrator John Brescher and Nantucket Land Bank Executive Director Eric Savetsky gave a presentation on the proposed shooting range land as well as adjacent Town lands and discussed with the Board endangered species mitigation acreage requirements of the Massachusetts National Heritage Program. Mr. Brescher noted that if the shooting range was limited to an area of four acres or less that no mitigation would be required. A discussion among Board members followed regarding industrial uses of the properties and mitigation concerns. Chairman Kopko said the "flagstick" portion of the shooting range parcel is an important part of mitigation, and suggested discussion with the NHA and its attorney Alison Zieff about carving that portion out of the shooting range land. The Board then discussed a list of stipulations regarding the renegotiation of the NHA lease for the proposed shooting range including whether to grant the NHA

the full 48.2 acre parcel or possibly pare down to a 4 acre parcel. Mr. Reinhard moved to send a letter to the NHA and its counsel requesting that the NHA release its interest under the ground lease to the Town for the "flagstick" portion of the 48.2 acres; Mr. Atherton seconded. All in favor, so voted. Ms. Roggeveen moved to direct Mr. Chadwick and Mr. Reinhard to meet with the NHA, the Nantucket Land Bank, and the Planning Office to discuss reducing the acreage available to the NHA and moving the NHA area to the northwest corner of the property; Mr. Reinhard seconded. All in favor, so voted. Mr. Atherton moved to prohibit alcohol on site; Mr. Reinhard seconded. All in favor, so voted. Mr. Atherton moved that a performance bond be required to cover both the amount of the construction cost and the amount of the cost to decommission the site and return it to its natural/previous state; Ms. Roggeveen seconded. All in favor, so voted. Other stipulations made were: assuring that the criteria for NHA membership are open and non-discriminatory; making stipulations on noise within the lease agreement as a property owner vs. dealing with it under a bylaw (where state law would supersede); and ensuring the Town of Nantucket has the right to transfer title of the property to the Nantucket Land Bank at any time during the life of the lease. Discussion occurred as to how to address termination of the lease and whether and how to incorporate the plan of operations/business plan into the lease. Town Counsel Paul DeRensis suggested that the performance bond also cover environmental clean-up and possible damage to the site. The Board consensus was to incorporate environmental concerns into the performance bond.

Discussion Regarding Chairmanship of Board of Selectmen. Mr. Chadwick said he has spoken with Mr. Atherton and noted he will not pursue a change in chairmanship at this time. Mr. Atherton said an issue like this is a possible indication of discontent among Board members but said it could have a positive outcome. He said that the Board should be respectful of its members and members of the public at all times. Mr. Reinhard agreed noting their roles as Selectmen is complicated but he feels the Board is strong with strong personalities, and he hopes this matter ends up being a positive event. Ms. Roggeveen said there is currently no mechanism to discuss issues among the Board and she would like to discuss how to address this at Friday's Goals and Objectives meeting. Chairman Kopko said he feels proud of the way the Board conducted itself this past year.

The meeting was unanimously adjourned at 10:08 PM.

Approved the 16th day of December, 2009.

I, the Clerk of the Board of Selectmen of the Town of Nantucket, Massachusetts, certify that at a meeting of the board held June 3, 2009, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

- VOTED:
- (1) that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$4,006,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed April 9, 2007 (Article 12), which authorized a total borrowing of \$5,000,000, for construction of sewers and other water pollution control facilities (the "Project");
 - (2) that in anticipation of the issuance of the Bonds, the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$4,006,000;
 - (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement;
 - (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
 - (5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and
 - (6) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions 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.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time

of the meeting, that no deliberations or decision in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s.23B as amended. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

Dated: June 3, 2009

Clerk of the Board of Selectmen