

BOARD OF SELECTMEN

Minutes of the Meeting of 18 March 2009. The meeting took place in the Court Room, Town Building, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Brian Chadwick, Michael Kopko, and Allen Reinhard. Patricia Roggeveen was absent. Following the Pledge of Allegiance, Chairman Kopko called the meeting to order at 6:02 PM.

Chairman Kopko noted that item V. 2. has been postponed to a later date, and that Town Manager C. Elizabeth Gibson has a Town Manager's Report item which will be taken up after public comment.

ANNOUNCEMENTS

Ms. Gibson announced that the 2009 Annual Town Meeting starts Monday, 6 April 2009 at 7:00 PM at Nantucket High School; and that the Annual Town Election will be held on Tuesday, 14 April 2009 with polls being open from 7:00 AM – 8:00 PM at Nantucket High School.

Chairman Kopko thanked Plum TV and its staff for broadcasting the weekly Board of Selectmen meetings.

PUBLIC COMMENT

Police Chief William Pittman thanked the Board for its support of the proposed public safety facility and noted that information on the project can be found at www.nantucketpublicsafety.com, which is updated regularly.

Whitey Willauer, on behalf of the Energy Study Committee, informed the Board that the Federal Aviation Administration has requested the Town to respond to its concerns regarding the Cape Wind project as it feels the project will affect radar and small planes and noted that the deadline for comments is Friday, 20 March 2009.

Mr. Reinhard reminded citizens that "Meet the Articles" sponsored by the Nantucket Civic League will be Friday, 20 March 2009 at 5:00 PM at the Nantucket Atheneum.

TOWN MANAGER'S REPORT

Ms. Gibson gave an update on the proposed County Sheriff takeover legislation and said there was a hearing scheduled for 19 March 2009 before the Joint Committee on State Administration and Regulatory Oversight, which Mr. Chadwick will be attending. She noted that written testimony for the hearing has been prepared in cooperation with Senator O'Leary's office so as to protect Nantucket's financial interests and that she has been informed that a letter agreement with the Sheriff should be enough to commit funding for the police station on an on-going basis.

APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

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

Approval of Treasury Warrant and Pending Contracts for 18 March 2009. Department of Public Works Director Jeff Willett reviewed C.C. Construction, Inc. change order # 2. Mr. Willett also gave a weekly update on the downtown sewer rehabilitation and storm water drainage improvement

projects currently underway. The treasury warrant and pending contracts for 18 March 2009 were approved by the unanimous consent of the meeting.

CITIZEN/DEPARTMENTAL REQUESTS

Treasurer: Request for Approval and Execution of Financial Documents for New Borrowing for Wannacomet Water and Sconset Water Towers/Tanks as Voted at the 2005 Annual Town Meeting and the December 8, 2008 Special Town Meeting. Treasurer Deborah Weiner was present to answer questions from the Board. Mr. Reinhard read the motion for approval for new borrowing for the Wannacomet Water and Sconset Water towers/tanks (attached); Mr. Chadwick seconded. All in favor, so voted.

Department of Public Works: Request to Modify Existing Noise Variance Permit for Sewer and Stormwater Drainage Projects. Mr. Willett requested that the milling of Orange Street start on Sunday, 22 March and continue through Thursday, 26 March from 8:00 AM to 6:00 PM instead of the planned night milling. The work in question would take place from Marine Home Center to the Milestone Rotary. Mr. Atherton moved to approve the request to modify the existing noise variance permit with a contingency plan to allow for night milling if needed; Mr. Reinhard seconded. All in favor, so voted.

Request for Acceptance of Sewer Main Installation/Old Westmoor Farm Road Subdivision. Ms. Gibson noted that the Old Westmoor Farm Road subdivision project has a Planning Board requirement to construct a new sewer main and what was designed and installed meets Town specifications. Mr. Chadwick moved to approve the acceptance of the sewer main installation; Mr. Atherton seconded. All in favor, so voted.

Veterans of Foreign Wars Post 8608: Request for Approval and Execution of Assent to Mortgage of Leasehold Estate. Attorney Beryl Johnson spoke in favor of the request. A discussion followed among Board members, Town Counsel Paul DeRensis, and Mr. Johnson on questions ranging from what happens if the mortgage is foreclosed on to whether the VFW can financially support the mortgage in question. Mr. Chadwick moved to approve the assent to mortgage; Mr. Atherton seconded. All in favor, so voted.

Habitat for Humanity Nantucket: Request for Waiver of Landfill Fees for 11 Monohansett Project. Ms. Gibson recommended that the Board adhere to its consistent policy of not granting waivers and, noted that to do otherwise would result in the cost being borne by the Town. Mr. Chadwick moved to deny the request for a waiver of landfill fees; Mr. Atherton seconded. All in favor, so voted.

Nantucket Human Services Center, Inc.: Discussion Regarding Scope of Proposed Project at 1 Miacomet Road. Georgia Snell, president of the Nantucket Human Services Center, Inc., said it has come to the attention of her board that Article 72 of the 1998 Annual Town Meeting, which authorized the use of 1 Miacomet Road for a human services center, does not allow housing, and it is requesting the Board of Selectmen to hold a special town meeting within the 2009 Annual Town Meeting to add the words "and housing" to allow the project to move forward. A discussion among Board members, Ms. Gibson, and Ms. Snell followed regarding whether there is enough time to schedule a special town meeting and associated hearings. Ms. Snell acknowledged the complexity of her request but noted that specific funding for the housing component of the project depends on

it. Mr. Chadwick expressed concern that the Board has yet to receive a business plan from Nantucket Human Services Center, Inc. Chairman Kopko said he felt the housing component is laudable and needed but inquired as to the status of the human services center, as it was his understanding that would commence first. Ms. Snell noted that they are only moving forward with the housing because funding is available now for housing. A discussion followed regarding the language of the request and Mr. DeRensis read a proposed warrant article. Mr. Atherton said if the Board does endorse a special town meeting that does not automatically mean it will approve a lease or endorse the project. Mr. Atherton moved to adopt a warrant and schedule a Special Town Meeting within the 2009 Annual Town Meeting for the first night, Monday 6 April, with the warrant language as read by Town Counsel, that the warrant for the Special Town Meeting is being opened and closed now, and all costs incurred are to be absorbed by Nantucket Human Services Center, Inc.; Mr. Reinhard seconded "with reluctance". A discussion followed on the warrant language and a "friendly amendment" was made to the language. Chairman Kopko asked the Board to vote on Mr. Atherton's motion as amended. So voted 3-1. Mr. Chadwick was opposed.

Request for Approval of Quitclaim Deed for Inclusion in Request for Proposal for Conveyance of Town-owned Land on Miller Lane. Housing Specialist Susan Witte requested the agenda item to be withdrawn.

2009-10 Seasonal Liquor License Renewals. Chairman Kopko noted his concern that the annual fee as recently increased by the Board for wine/malt restaurant/inn is too high. Mr. Chadwick moved to approve the slate of seasonal liquor licenses for renewal (attached); Mr. Reinhard seconded. All in favor, so voted.

PUBLIC HEARINGS

Public Hearing to Consider Application for Transfer of Annual All-Alcoholic Beverages Club License from Moors Inc. dba Miacomet Golf, Alan J. Costa, Manager to Nantucket Golf Management, Inc., Alan J. Costa, Manager, for Premises Located at 12 W. Miacomet Road, Nantucket. Chairman Kopko opened the public hearing. Alan Costa spoke in favor of the application. Chairman Kopko closed the public hearing. Mr. Reinhard moved to approve the license transfer; seconded by Mr. Atherton. All in favor, so voted.

Public Hearing to Consider Application for New Seasonal All-Alcoholic Beverages Club License for Cliffside Beach, Inc. dba Cliffside Beach Club, David Silva, Manager, for Premises Located at 46 Jefferson Avenue, Nantucket. Postponed.

Public Hearing to Consider Application for New Common Victualler License for Cliffside Beach, Inc. dba Cliffside Beach Club for Premises Located at 46 Jefferson Avenue, Nantucket. Chairman Kopko opened the public hearing. As there was no public comment, Chairman Kopko closed the public hearing. Mr. Chadwick moved to approve the application; seconded by Mr. Reinhard. All in favor, so voted.

Public Hearing to Consider License Revision for Private Shellfish Grant for Jamie Marks. Chairman Kopko opened the public hearing. Harbormaster Dave Fronzuto spoke in favor of the application, noting this is the first step in the process of expanding an existing license area for Mr. Marks. Mr. Fronzuto said on 20 February 2008 the Board granted Mr. Marks a ten-year license for a parcel in Coskata Pond to grow shellfish and said Mr. Marks has done a remarkable job and has met all the

reporting and insurance requirements. Mr. Fronzuto said the expansion would give a larger grow-out area and deeper water to prevent Mr. Marks from losing seed stock to ice. He said that if the Board approves the expansion, the next step is to the Department of Marine Fisheries for certification of the property for this use, and then back before the Board with a license amendment to expand to 10 acres. Mr. Chadwick said he feels Mr. Marks has a "class-act operation" which is well managed and he supports the application. Chairman Kopko closed the public hearing. Mr. Reinhard questioned whether growing shellfish in Coskata Pond is viable. Mr. Fronzuto explained because of the large salt marsh it makes this area a viable site. Mr. Chadwick moved to approve the license revision; Mr. Reinhard seconded. All in favor, so voted.

SELECTMEN'S REPORTS/COMMENT

Ratification of Vote Regarding Comment Period of Draft Approval by Department of Environmental Protection for Determination of Need – Small Operation Exemption from Solid Waste Site

Assignment for Reis Trucking, LLC (continued from 13 March 2009). Chairman Kopko noted that the draft approval had been reviewed and discussed by the Board at its 13 March 2009 meeting and at that time it voted to take no action on the public comment period. Mr. Atherton noted that the applicant verbally agreed to provide reports on the level of activity on the site and that the Health Inspector will be allowed to inspect the site. He said that staff's recommendation tonight is to memorialize the conditions in the Department of Environmental Protection (DEP) permit for the Reis facility. Mr. Atherton moved to send comments to the DEP regarding the draft Determination of Need for Reis Trucking requiring the applicant to file quarterly reports to the Town on volume and materials processed and the right for the Nantucket Health Officer or other Town designee to inspect the facility routinely, during business hours; Mr. Reinhard seconded. All in favor, so voted.

Mr. Atherton noted that although he voted in the affirmative, he is not in full agreement with Articles 67 and 69 of the 2009 Annual Town Meeting and he may not vote in favor of the articles in the future.

Mr. Atherton said in the course of talks with Waste Options Nantucket he has become concerned about the compost that is being processed out of the digester specifically that the product is not selling and is instead accumulating at the landfill. He said he hears this is because there are pieces of glass in the compost making it undesirable; he suggests the Board review the process for creating compost. Mr. Reinhard also wondered why private operations such as Toscana and Reis can produce items for sale from ABC waste and make money at it, but that isn't happening at the Town's facility.

TOWN MANAGER'S REPORT

Ms. Gibson said in regards to the sewer rate model study, Tuesday, 24 March has been scheduled as "Sewer Day" for the Board and they will hear from Mark Abrahams on the study and EarthTech about various sewer capital projects and also review outstanding sewer projects. She reviewed upcoming Board meetings, noting that there is no meeting on 8 April 2009.

The meeting was unanimously adjourned at 7:52 PM.

Approved the 4th day of November, 2009.

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Nantucket, Massachusetts (the "Town"), certify that at a meeting of the board held March 18, 2009, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the sale of the \$9,188,000 General Obligation Water Bonds of the Town dated March 15, 2009 (the "Bonds"), to Robert W. Baird & Co., Inc. at the price of \$9,335,768.52 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on March 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2010	\$343,000	3.00%	2019	\$430,000	5.00%
2011	355,000	3.00	2020	445,000	4.00
2012	360,000	3.00	2021	460,000	4.00
2013	370,000	3.00	2022	475,000	4.00
2014	375,000	5.00	2023	495,000	4.00
2015	390,000	5.00	2024	520,000	4.25
2016	395,000	3.00	2025	540,000	4.30
2017	405,000	3.00	2027	1,155,000	4.375
2018	415,000	3.50	2029	1,260,000	4.50

Further Voted: that the Bonds maturing on March 15, 2027 and March 15, 2029 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due March 15, 2027

<u>Year</u>	<u>Amount</u>
2026	\$565,000
2027*	590,000

*Final Maturity

Term Bond due March 15, 2029

<u>Year</u>	<u>Amount</u>
2028	\$615,000
2029*	645,000

*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 6, 2009, and a final Official Statement dated March 12, 2009, (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

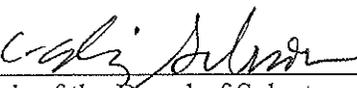
Further Voted: that the consent to the financial advisor bidding for the Bonds, as executed prior to the bidding for the Bonds, is hereby confirmed.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken 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 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.

Dated: March 18, 2009



Clerk of the Board of Selectmen

No.	License #	Category	Name on License	dba	Contract	Premises	Town	State	Zip Code	Mailing Address	Town	State	Zip Code
1	76200003	Restaurant/Alc	Twenty Broad Street LLC	Dine	Michael Gitter	20 Broad St	Nantucket	MA	02554	20 Broad Street	Nantucket	MA	02554
2	76200005	Imb/Alc	24 Broad St, Inc.	Le Lanquodoc	Neil Grennan	24 Broad St	Nantucket	MA	02554	PO Box 1829	Nantucket	MA	02554
3	76200017	Restaurant/Alc	American Seasons Corp	American Seasons	Michael La Scolla	80 Centre St	Nantucket	MA	02554	PO Box 3512	Nantucket	MA	02554
4	76200071	Imb/Wine & Malt	1709 Associates LLC	29 Fair Street	Charles Sallou	29 Fair St	Nantucket	MA	02554	PO Box 890	Sisconsset	MA	02554
5	76200021	Restaurant/Alc	Fantasies Uncooked, Inc	21 Federal	Robert Sarkisian	21 Federal St	Nantucket	MA	02554	PO Box 1409	Nantucket	MA	02554
6	76200020	Restaurant/Alc	Straight Wharf Restaurant	Straight Wharf Restaurant	Gabriel Frasca	6 Harbor Square	Nantucket	MA	02554	17 Ogden St	Jamaica Plain	MA	02130
7	76200022	Restaurant/Alc	Donald DeMarco	DeMarco Restaurant	Donald E. DeMarco	9 India St	Nantucket	MA	02554	240 E. 78th St, Suite 2A	New York	NY	10021
8	76200024	Restaurant/Wine/Malt	Allen Kovalenick	Company of the Cauldron	Allen Kovalenick	5 India St	Nantucket	MA	02554	PO Box 635	Nantucket	MA	02554
9	76200024	Restaurant/Alc	Silva Restaurant Management Inc.	The Galley at Cliffside	Joseph T. Silva	54 Jefferson Ave	Nantucket	MA	02554	PO Box 609	Nantucket	MA	02554
10	76200031	Restaurant/Alc	Ilwad Gourmet Corporation	The Galley at Cliffside	Joseph Pantomo	1 Main St	Nantucket	MA	02554	PO Box 1882	Nantucket	MA	02554
11	76200031	Restaurant/Wine/Malt	The Rotary	The Galley at Cliffside	Joseph Pantomo	1 Main St	Nantucket	MA	02554	PO Box 609	Nantucket	MA	02554
12	76200041	Club/Alc	Sandy Head Beach Club, Inc.	The Rotary	Devon V. Francis	1 Sparks Ave	Nantucket	MA	02554	1 Sparks Ave	Nantucket	MA	02554
13	76200041	Club/Alc	Nantucket Yacht Club, Inc.	Nantucket Yacht Club	Robert Kuratke	100 Spankly Rd	Sisconsset	MA	02554	PO Box 293	Sisconsset	MA	02554
14	76200049	Restaurant/Alc	Mishin Corporation	The Tavern	Larry B. Whelden	1 South Beach St	Nantucket	MA	02554	PO Box 667	Nantucket	MA	02554
15	76200050	Restaurant/Alc	Nantucket Island Products Co. Inc.	Cap'n Toby's Chowder House	Christophe Roche	Straight Wharf	Nantucket	MA	02554	PO Box 388	Nantucket	MA	02554
16	76200051	Restaurant/Alc	Joseph Pantomo	Nantucket Lobster Trap	Joseph Pantomo	20 Straight Wharf	Nantucket	MA	02554	PO Box 1852	Nantucket	MA	02554
17	76200058	Restaurant/Alc	Larry B. Whelden	The Ropewalk	Larry B. Whelden	1 Washington St	Nantucket	MA	02554	PO Box 388	Nantucket	MA	02554
18	76200057	Imb/Alc	Nantucket Island Management LLC	The Waunwet Inn	Beating Landi	120 Waunwet Rd	Nantucket	MA	02554	PO Box 1138	Nantucket	MA	02554
19	76200075	Package/Alc	Finch Group Hotels & Resorts, Inc	Sisconsset Book Store	Rolf M. Nelson	Walt St & Elbow Lane	Sisconsset	MA	02554	40 The Brook Rd	Nantucket	MA	01002
20	76200080	Imb/Alc	Nantucket, Inc.	The Ships Inn	Scott Thomas	1 Miller Lane	Nantucket	MA	02554	1 Miller Lane	Nantucket	MA	02554
21	76200085	Imb/Alc	Walk The Dog LLC	Cambridge Street	Mark H. Getwald	13 Fair St	Nantucket	MA	02554	13 Fair St	Nantucket	MA	02554
22	76200089	Restaurant/Alc	Nantucket Island Management LLC	White Elephant/Bright Pt Grill	Eric Landi	12 Cambridge St	Nantucket	MA	02554	12 Cambridge Street	Nantucket	MA	02554
23	76200115	Restaurant/Wine/Malt	Devan's, Inc	Arno's Main Street Grill	Christopher M. Morris	41 Main St	Nantucket	MA	02554	PO Box 1138	Nantucket	MA	02554
24	76200123	Restaurant/Wine/Malt	ROCO LLC	Tutto Strogilia	Ronald Suhansky	49A Pleasant St	Nantucket	MA	02554	49A Pleasant St	Nantucket	MA	02554
25	76200132	Restaurant/Wine/Malt	Offshore Beachside, Ltd.	Beachside at Nantucket	Mary Louise Fischer	39 North Beach St	Nantucket	MA	02554	39 North Beach St	Nantucket	MA	02554
26	76200137	Restaurant/Wine/Malt	Fog Island Cafe, Inc.	Fog Island Cafe	Mark Dawson	17 South Water St	Nantucket	MA	02554	7 South Water St	Nantucket	MA	02554
27	76200138	Restaurant/Alc	Easy Dreamz, Inc.	Schooner's Restaurant	Jonas M. Baker	14 Old South Wharf	Nantucket	MA	02554	9 Pine Grove Lane	Nantucket	MA	02554
28	76200140	Restaurant/Alc	Vanessa Associates LLC	Summer House Beachside Bistro	Terrence Cullinan	16 Ocean Ave	Nantucket	MA	02554	PO Box 880	Sisconsset	MA	02554
29	76200144	Restaurant/Alc	VNH Lg.	Oran Mor	Vanessa Noel Ginley	5 Chestnut St	Nantucket	MA	02554	31 Easy St	Nantucket	MA	02554
30	76200151	Restaurant/Alc	Oran Mor Bistro LLC	West End Madaket, Inc.	Christopher Freeman	2 South Beach St	Nantucket	MA	02554	PO Box 524	Nantucket	MA	02554
31	76200152	Restaurant/Alc	West End Madaket, Inc.	The Collar	Michael P. Sturgis	5 Amelia Dr	Nantucket	MA	02554	14 Seabrook Place	Nantucket	MA	02554
32	76200157	Restaurant/Alc	West End Madaket, Inc.	The Collar	Michael P. Sturgis	5 Amelia Dr	Nantucket	MA	02554	5 Amelia Drive	Nantucket	MA	02554
33	76200160	Restaurant/Alc	West End Madaket, Inc.	The Collar	Michael P. Sturgis	5 Amelia Dr	Nantucket	MA	02554	PO Box 219	Nantucket	MA	02554
34	76200163	Restaurant/Alc	West End Madaket, Inc.	The Collar	Michael P. Sturgis	5 Amelia Dr	Nantucket	MA	02554	PO Box 219	Nantucket	MA	02554
35	76200168	Restaurant/Alc	West End Madaket, Inc.	The Collar	Michael P. Sturgis	5 Amelia Dr	Nantucket	MA	02554	PO Box 219	Nantucket	MA	02554
36	76200170	Club/Alc	West End Madaket, Inc.	The Collar	Michael P. Sturgis	5 Amelia Dr	Nantucket	MA	02554	PO Box 219	Nantucket	MA	02554
37	76200170	Club/Alc	West End Madaket, Inc.	The Collar	Michael P. Sturgis	5 Amelia Dr	Nantucket	MA	02554	PO Box 219	Nantucket	MA	02554
38	76200174	Restaurant/Alc	Jonas Beach, Inc.	The Chanticleer LLC	Leslie Ann Sheppard	1 Windy Way	Nantucket	MA	02554	PO Box 698	Nantucket	MA	02554
39	76200178	Restaurant/Wine/Malt	High Life Productions, Inc.	Current Wintags	Angela Reynor	12 Federal St	Nantucket	MA	02554	10 Westmor Lane	Nantucket	MA	02554
40	76200177	Package Store/Wine Malt	A.C.D.C. Productions LLC	Current Wintags	J. Brent Tarmello	10 Westmor Lane	Nantucket	MA	02554	PO Box 7308	Sisconsset	MA	02554
41	76200178	Package Store/Wine Malt	Andie Associates	Current Wintags	Susan E. Handy	9 New St	Nantucket	MA	02554	40 Main St	Nantucket	MA	02554
42	76200179	Imb/Alc	Andie Associates	Current Wintags	Marshall Thompson	4 Bathing Beach Rd	Nantucket	MA	02554	50A Union Street	Nantucket	MA	02554
43	76200183	Club/Alc	Great Harbor Yacht Club, Inc.	Harpoon Liquors	David V. Canella	1 North Beach St	Nantucket	MA	02554	12 Tennessee Ave	Nantucket	MA	02554
44	76200187	Package Store/Alc	Fish Six LLC	Harpoon Liquors	Terrence Cullinan	98 Washington St	Nantucket	MA	02554	PO Box 880	Nantucket	MA	02554
					Joshua Harde	85 East Point Road	Nantucket	MA	02554	85 East Point Road	Nantucket	MA	02554