

BOARD OF SELECTMEN

Minutes of the Meeting of July 7, 2010. 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, Patricia Roggeveen, and Whiting Willauer. Chairman Roggeveen called the meeting to order at 6:44 PM following a meeting of the Board of Health.

ANNOUNCEMENTS

Chairman Roggeveen thanked recently retired Clerk of Courts Patricia Church for her years of service for the County.

Chairman Roggeveen announced that Town Clerk Catherine Stover has been declared a "Giraffe Hero" by Giraffe Heroes Project for "sticking her neck out" against discrimination of same-sex couples.

There is no Board of Selectmen meeting on Wednesday, 14 July 2010 due to the summer meeting schedule.

Town Manager C. Elizabeth Gibson announced that on 10 July 2010 the Madaket bus route will not be in service between 12:30 PM and 2:00 PM due to the Nantucket Triathlon.

Police Chief William Pittman gave an update of the Fourth of July weekend. Mr. Kopko, Chairman Roggeveen, and Mr. Chadwick applauded the conduct of the police officers they each observed over the holiday weekend.

PUBLIC COMMENT

Venessa Moore of 8 Second Way asked if there has been any progress regarding a long-term plan for Miacomet Pond. Ms. Gibson explained that nothing will be forthcoming until the end of summer or early fall, at the earliest.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Minutes of 28 January 2010 at 10:00 AM; 18 March 2010 at 2:00 PM. The minutes of 28 January 2010 at 10:00 AM and 18 March 2010 at 2:00 PM were approved by the unanimous consent of the meeting.

Approval of Payroll Warrants for Weeks Ending 27 June 2010; 4 July 2010. The payroll warrants for weeks ending 27 June 2010 and 4 July 2010 were approved by the unanimous consent of the meeting.

Approval of Treasury Warrants for 30 June 2010; 7 July 2010 and Pending Contracts for 7 July 2010. Ms. Gibson reviewed the various pending contracts. The treasury warrants for 30 June 2010 and 7 July 2010 and pending contracts for the week ending 7 July 2010 were approved by the unanimous consent of the meeting.

CITIZEN/DEPARTMENTAL REQUESTS

Assessor: Request for Endorsement of Abatement Advisory Committee Appointments. Mr. Kopko moved to approve the slate presented by the Assessor for the Abatement Advisory Committee consisting of Judith A. Moran, Joseph J. McLaughlin, and H. Flint Ranney; Mr. Chadwick

seconded. All in favor, so voted. Mr. Atherton noted that he would appreciate the Assessor giving an update on abatements and assessments in the near future.

2010 – 2011 Annual Committee Appointments (Continued from 16 June 2010). Chairman Roggeveen said appointments will be made at the Board's 21 July 2010 meeting. Town Clerk Catherine Stover asked the Board to consider adding one additional seat to the Cemetery Commission Work Group. The Board consensus was to approve the additional seat. Chairman Roggeveen added that applications will be accepted for any open seats through 21 July. Mr. Willauer said the Energy Study Committee would like to increase its size by two seats. After a brief discussion on Mr. Willauer's request, Mr. Atherton moved to expand the Energy Study Committee by two more seats; Mr. Kopko seconded. All in favor, so voted. Chairman Roggeveen then reviewed the list of committee openings and asked any applicants to speak on their applications if they wished. Mike Glowacki and Doug Unruh spoke in favor of their applications to the Finance Committee and answered questions from the Board. Jon St. Laurent asked that his application to the Town Government Study Committee be withdrawn. Mr. Willauer encouraged more people to apply to the Town Government Study Committee.

BG's Taxi: Request for Taxi License Renewal Extension. Ms. Stover gave background information on the BG's Taxi request, noting a one-year extension was already informally granted by her office in 2009 and that BG's Taxi failed to renew its taxicab license before this year's deadline. Ms. Gibson added that meanwhile, five taxicab licenses have been offered to people on the waiting list which resulted from 2010 non-renewals including BG's Taxi. Jon St. Laurent, spoke in favor of BG's Taxi request on behalf of the Taxi Owners Association. Mr. Atherton said the Board could add one additional taxicab license for BG's Taxi and when the next license becomes available, do not fill it so the number goes back down to the current cap of 60. Mr. Chadwick said he was not in favor of adding an additional taxicab license or taking one of the five away that have already been offered; he said the regulations were put in place for a reason and stated that no extensions or grace periods shall be allowed after the renewal period ends. Town Counsel Paul DeRensis then informed the Board that a public hearing is required to amend the current taxicab regulations in order to grant a license to BG's Taxi due to the wording in the current taxicab regulations. Mr. Willauer moved to hold a public hearing to amend the regulations to allow a discussion regarding a grant of license; Mr. Kopko seconded. Discussion on the motion followed among Board members. Chairman Roggeveen said she is concerned that a decision is being made because of a specific person and not based on policy. Mr. Kopko offered an amendment to the motion that the amendment be made specifically to Chapter 240, Article I, section L (1); Mr. Willauer accepted the motion amendment. On the motion, so voted 2-3. Chairman Roggeveen, Mr. Atherton, and Mr. Chadwick were opposed. Mr. Atherton suggested the Board charge the Town Manager with drafting language that would "keep the topic going". The Board agreed.

Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Conveyance of Town "Yard Sale" Property Described as Portion of West Tristram Avenue, Map 32, Parcel 21, also known as Parcel T1, Pursuant to Vote on Article 118 of 2008 Annual Town Meeting and Vote of Board of Selectmen on 2 December 2009. This matter was taken off the agenda.

Request for Award of Proposal and Execution of Deed for Real Estate Conveyance of Portion of Town Property at Miller Lane Pursuant to Prior Town Meeting Votes. Housing Specialist Susan

Witte reviewed the request, noting the land would be awarded to Housing Nantucket and asked the board to execute the accompanying quitclaim deed. Mr. Chadwick questioned who would be paying for associated legal expenses. Mr. Kopko moved to award the proposal to Housing Nantucket and execute the associated quitclaim deed; Mr. Atherton seconded. All in favor, so voted.

Request for Declaration of Surplus Property: Portions of Woodbine, Holly, Pequot and Masquetuck Streets Pursuant to Affirmative Vote on Article 108 of 2008 Annual Town Meeting. Mr. Kopko moved to approve the declaration of surplus property as presented; Mr. Atherton seconded. All in favor, so voted.

PUBLIC HEARINGS

Cisco Brewers: Entertainment License Update. Chairman Roggeveen opened the public hearing. Mr. Kopko recused himself from the hearing. Attorney Sarah Alger, representing Cisco Brewers, said they have abided by the mitigation conditions set forth in the 24 March 2010 entertainment license approval. She said there has been only one parking citation noted in the police report provided to the Board, and there are no new complaints from neighbors. Ms. Alger said Cisco Brewers continues to work with the Nantucket Land Council and Bartlett's Farm on traffic and parking, noting there is some confusion regarding parking on Hummock Pond Road, as some patrons have received parking tickets even though there are no "no parking" signs on the road. Chairman Roggeveen noted there seems to be very few calls for service and the establishment seems to be compliant with its license terms. She then closed the public hearing. No action was taken.

TOWN MANAGER'S REPORT

Town Administration: Request for Approval of FY 2010 Year End Budget Transfers. Ms. Gibson explained that the Finance Committee approved the transfers at its meeting held yesterday. The Board and Assistant Finance Director Irene Larivee reviewed some of the transfers. Mr. Chadwick moved to approve the FY 2010 year end budget transfers (attached); Mr. Willauer seconded. All in favor, so voted.

Appointments: Advisory Committee of Non-Voting Taxpayers; Building Department; Commission on Disability. Ms. Gibson recommended the following appointments: Advisory Committee of Non-Voting Taxpayers for terms to expire June 30, 2013 – Louis Bassano, Harris Stone, and Susan Matloff; Building and Code Enforcement Department each for a term of one year – Wiring Inspector William Larrabee, Assistant Wiring Inspector Joseph Swain, Assistant Wiring Inspector Jeffrey Nicholson, Plumbing/Gas Inspector William Ciarmataro, Assistant Plumbing/Gas Inspector Thomas Paterson, Assistant Plumbing/Gas Inspector Edmund Ramos, Jr., Assistant Local Inspector Alan Noll; Commission on Disability for terms to expire June 30, 2013 – Ellen Braginton-Smith and David Gray, Sr. Mr. Kopko moved to endorse the appointments by the Town Manager as presented; Mr. Atherton seconded. All in favor, so voted.

Update on 2010-11 Board of Selectmen Goals. Ms. Gibson gave an update on the 2010-11 Board goals, noting Town Administration is working on an action plan for the implementation of the Board's goals including deliverables and timelines and that they are working with various departments regarding their involvement in the implementation. A brief discussion regarding the Capital Program Committee followed, as well as Sustainable Nantucket's upcoming presentation to

the Board regarding a draft Climate Protection Action Plan. Ms. Gibson said another update on the implementation of the Board's goals will be given at the Board's 4 August 2010 meeting.

SELECTMEN'S REPORTS/COMMENT

Review Recommendations of Legal Services Report. Chairman Roggeveen recapped the Board's previous discussions regarding the Legal Services Report, prepared for the Board by FAA Associates, noting that tonight's discussion would focus on the Request for Proposal (RFP) process. Mr. Atherton and Mr. Chadwick both spoke in favor of issuing a RFP for the Town's legal services. Mr. Kopko said he does not object to the concept of a RFP but said he is not convinced that there is a problem with the Town's current legal services. Mr. Willauer voiced his concern regarding who Town Counsel reports to – the Board or the Town Manager. Chairman Roggeveen said she would like to see some model RFP's. Following discussion among Board members, Mr. Chadwick moved to charge the Town Manager with obtaining model RFP's from other towns and drafting an outline of scope of work for the Board's review; Mr. Willauer seconded. All in favor, so voted.

Committee Reports. Committee reports were not given due to the lateness of the meeting.

Mr. Chadwick said he has reviewed the recently issued RFP for property in South Pasture which requires the successful respondent to pay for associated legal fees and survey work, which he feels is unreasonable. Ms. Gibson noted that the Town and more specifically the Nantucket Islands Land Bank have assumed the legal fees to date, and maybe going forward the successful bidder would assume costs, perhaps with a cap. Mr. Atherton said he feels the Land Bank should "chip in a substantial portion" of the expenses and that the Board needs to get an idea of the actual costs. Chairman Roggeveen suggested the Town follow its policy and get a legal services estimate then the Board can negotiate with the parties about responsibility for payment.

Mr. Kopko said he attended yesterday's Finance Committee meeting and noted the committee has requested a minute-taker for its meetings. Mr. Kopko suggested the Board authorize the Finance Committee to use the remaining \$7,000 in the FY 2010 Reserve Fund to hire a minute-taker. Mr. DeRensis said the Town cannot expend FY 2010 money for FY 2011 uses. Mr. Kopko moved to endorse the Finance Committee to transfer up to \$5,000 from the FY 2011 Reserve Fund to minute-taking purposes for FY 2011; Mr. Atherton seconded. All in favor, so voted.

Ms. Gibson noted that there is a Zoning Board of Appeals meeting tomorrow at 1:00 PM regarding the Abrem Quarry sewer privilege fee waiver request, and said Board members are encouraged to attend.

The meeting was unanimously adjourned at 9:50 PM.

Approved the 21st day of July, 2010.

2010 Year End Budget Transfers

Authorized under Chapter 44 Section 33B. Allows budgetary transfers from May 1 through July 15, 2010, if approved by the BOS & Finance Committee. Amount transferred from any budget may not exceed 3% of the original budget amount or \$5,000, whichever is greater.

BUDGET INCREASE * NOTES:

BUDGET DECREASE TO:

FROM: From	ORIGINAL BUDGET	BUDGET DECREASE	BUDGET INCREASE	NOTES:
Legal Operating Budget	\$ 440,050.00	\$ 13,000.00	\$ 6,500.00	Costs associated with accounting for payroll through June 30, 2010. In the past, overlap days between fiscal years were paid in next fiscal year.
Public Buildings Operating Budget	\$ 709,500.00	\$ 21,000.00	\$ 6,500.00	Costs associated with accounting for payroll through June 30, 2010. In the past, overlap days between fiscal years were paid in next fiscal year.
Fire Department Operating Budget	\$ 2,488,910.00	\$ 35,000.00	\$ 1,000.00	Costs associated with accounting for payroll through June 30, 2010. In the past, overlap days between fiscal years were paid in next fiscal year.
Building Inspectors Operating Budget	\$ 646,295.00	\$ 9,000.00	\$ 55,000.00	Costs associated with accounting for payroll through June 30, 2010. In the past, overlap days between fiscal years were paid in next fiscal year.
Snow & Ice Removal Operating Budget	\$ 64,000.00	\$ 5,000.00	\$ 3,500.00	Costs associated with accounting for payroll through June 30, 2010. In the past, overlap days between fiscal years were paid in next fiscal year.
Town Gas Operating Budget	\$ 350,000.00	\$ 10,500.00	\$ 1,500.00	Costs associated with accounting for payroll through June 30, 2010. In the past, overlap days between fiscal years were paid in next fiscal year.
Contingency Salaries Operating Budget	\$ 247,000.00	\$ 7,300.06	\$ 6,000.00	Costs associated with accounting for payroll through June 30, 2010. In the past, overlap days between fiscal years were paid in next fiscal year.
Debt Service Operating Budget	\$ 9,050,000.00	\$ 238,000.00	\$ 150.00	FY2009 operating expenses approved by Fin Director to pay in FY2010.
Solid Waste Operating Budget	\$ 8,888,930.00	\$ 3,500.00	\$ 300.00	FY2009 operating expenses approved by Fin Director to pay in FY2010.
Wannacomet Water Operating Budget	\$ 4,293,450.00	\$ 17,000.00	\$ 150.06	Rescinded in excess of remaining budget in FY2008 ATM.
			\$ 20,200.00	FY2010 Assessment in excess of budgeted appropriation.
			\$ 238,000.00	MWPAT debt issuance not included in original budget.
			\$ 3,500.00	Employee out leave, needed to ensure coverage of service by backfilling hours.
		\$ 359,300.06	\$ 17,000.00	FY2010 Debt Service in excess of budgeted appropriation due to new borrowing.
		\$ 359,300.06	\$ 359,300.06	

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Approved by Board of Selectmen on
Approved by Finance Committee on

BOARD OF SELECTMEN
7 JULY 2010 - 6:00 PM
COURT ROOM, TOWN & COUNTY BUILDING
16 BROAD STREET
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- I. 1. Letter to Catherine Stover, Town Clerk, from Giraffe Heroes Project, re: nomination for "Giraffe Hero"
- III. 1. Draft minutes of January 28, 2010 at 10:00 AM; March 18, 2010 at 2:00 PM
- III. 3. Pending contracts spreadsheet for July 7, 2010
- IV. 1. Memo from Assessor, re: Abatement Advisory Committee annual appointments; affirmation of appointments memo from Finance Director
- IV. 2. List of remaining Annual Committee openings and applications for Finance Committee (Mike Glowacki; Doug Unruh) and Town Government Study Committee (Betsy Kidon)
- IV. 3. Letter from Oscar (Ben) Grangrade, re: request for taxicab license renewal extension and medical information; portion of Chapter 240, Article 1 of the Taxi Regulations, re: duration of license.
- IV. 4. Agenda request letter from Attorney Emily Avery, re: Lot T1, West Tristram Avenue
- IV. 5. Memo from Housing Specialist, re: award of land for Miller Lane; associated quitclaim deed
- IV. 6. Declaration of Surplus Property for portions of Woodbine, Holly, Pequot and Masquetuck Street(s)
- V. 1. Cisco Brewers: memo, re: March 24, 2010 Board of Selectmen vote to approve new entertainment license for Cisco Brewers; copy of 2010 entertainment license for Cisco Brewers; copy of June 11, 2010 letter to Board of Selectmen from Cisco Brewers; Cisco Brewers event schedule for 2010; Cisco Brewers "mitigation" outline dated March 24, 2010; memo from Police Chief Pittman to the Town Manager, re: report of complaints for Cisco Brewers; email letters from Francis W. Pease, Frank Powers, Nick and Sueanne Rorick, Karen Alence, Stephen and Vicki Cherner
- VI. 1. Memo from Town Manager stating FY 10 end-of-year budget transfers are to be emailed to the Board; copy of 2010 year end budget transfers spreadsheets; copy of MGL Chapter 44, section 33B
- VI. 2. List of Town Manager annual committee appointment recommendations, re: ACNVT; Building Dept; Commission on Disability
- VI. 3. Memo from Town Manager that a handout will be provided, re: update on 2010-2011 Board of Selectmen goals; copy of goals outline
- VII. 1. Memo from Town Manager requesting the Board to bring their copies of the Independent Review of Legal Services to the meeting