

BOARD OF SELECTMEN

Minutes of the Meeting of May 12, 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 6:02 PM.

ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the 2010 committee/board/commission vacancies, noting all the openings and applications are listed on the Town's website.

Ms. Gibson acknowledged all the volunteers who helped with the Teen Center rehabilitation project as part of a Pepsi Challenge grant, last weekend.

Health Director Richard Ray announced the Tick-borne Disease Committee will be holding a public hearing on 28 May 2010 at 4:00 PM at the Nantucket High School Large Group Instruction Room.

PUBLIC COMMENT

Venessa Moore of 8 Second Way inquired about a long-term plan for Miacomet Pond.

Foster Herman of Aunt Leah's Fudge requested the Board grant permission for him to sell breakfast goods on New Whale Street during Memorial Day weekend. Chairman Roggeveen said she will discuss the matter with the Town Manager and let him know.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Payroll Warrant for Week Ending 9 May 2010. The payroll warrant for the week ending 9 May 2010 was approved by the unanimous consent of the meeting.

Approval of Treasury Warrant for 12 May 2010. The treasury warrant for the week ending 12 May 2010 was approved by the unanimous consent of the meeting.

CITIZEN/DEPARTMENTAL REQUESTS

Ratification of Deed for Conveyance of Property on Muskeget Island to Nantucket Islands Land Bank Pursuant to Article 9 of December 8, 2008 Special Town Meeting (continued from 21 April 2010; 28 April 2010; 5 May 2010). Planning Director Andrew Vorce noted staff and Town Counsel worked on the final deed language today, and said that Nantucket Islands Land Bank Executive Director Eric Savetsky has given his okay on the new language. Mr. Vorce said he hopes the Board will entertain a motion to execute the deed which includes a revision allowing a research tower, and noted that language amending the Town's conservation restriction (CR) for Muskeget for the same revision will be forthcoming. Ms. Zimmerman reviewed the history on the "moving parts" from when the CR process started with the Snow family to today. She said the Board has thoroughly vetted the Snow's CR as well as the Town's CR for Muskeget and approved them both. She said the Snow family and the Land Council had been unaware of the possibility of a research tower on Muskeget until they read about it in the local newspaper in April. Nat Lowell, chairman of the Nantucket Planning and Economic Development Commission (NP&EDC) explained that the research tower would only be in place for two years, and Muskeget was deemed the best location to collect data for the feasibility of off-shore wind turbines in the vicinity of Muskeget. Mr. Vorce reviewed the new language of the deed, explaining that the deed reserves the right to seek

permitting for the research tower and that the timeline is open to seek permits, and he reviewed the tower construction timeline. Ms. Zimmerman then spoke on the preliminary language amending the Town's CR. Mr. Vorce said the process is still not complete, and that the matter before the Board tonight is the deed from the Town to the Land Bank. Mr. Atherton said he hopes to entertain a motion to express the Board's commitment to transfer the land to the Land Bank then work out the details of the research tower at a later time. Chairman Roggeveen added that the Board is moving forward positively with a commitment to continue working on the CR. Crocker Snow expressed his frustration that the research tower is being added at the "eleventh and a half hour" and feels it will be very intrusive to Muskeget, adding that his family's granting of a CR was always contingent on the Town doing so as well. He also said signing the deed before the CR is finalized is "putting the cart before the horse". Mr. Vorce explained that the deed authorizes the transfer, but will not be recorded until the Town's CR is approved by the state. Mr. Kopko noted he is "troubled" by the events at hand and said he would be more in favor of executing the deed with the Land Bank and allowing the existing CR to be approved as is, and to let the Land Bank work out a deal regarding the research tower at a later time. Mr. Atherton read the following motion prepared by Town Counsel: "The Board hereby votes to grant to the Nantucket Islands Land Bank the Town of Nantucket's interest in Muskeget Island, reserving a temporary easement to the Town for research purposes, pursuant to the Quitclaim Deed, Reservation of Easement and Agreement before the Board and to execute such Quitclaim Deed, but to hold and not to deliver the Quitclaim Deed until a final conservation restriction for the Muskeget Island premises is resolved to the satisfaction of and executed by the Board."; Mr. Chadwick seconded. Discussion on the motion followed. Land Bank commission member Allen Reinhard said the Land Bank is in favor of the motion, noting the hope is to see the entire Island of Muskeget protected. On the motion, all in favor, so voted. Chairman Roggeveen thanked all parties involved. Mr. Snow said it is his inclination not to record his CR until the proposed research tower is constructed, served its purpose and removed.

Request for Waiver of Sewer Connection Fees for 28 Young's Way, Nantucket. Ms. Gibson explained that two sewer connection permits were granted by the Department of Public Works for 28 Young's Way and fees paid, but that the permits expired with the building permit as construction did not start within the required timeframe. She reviewed the sewer connection policy and said similar waivers have been granted at times in the past. Ron Winters said the property is owned by his daughter, and that when the economy declined the project was halted. Mr. Kopko moved to grant the waiver for the renewal of two sewer connection fees for 28 Young's Way; Mr. Chadwick seconded. All in favor, so voted.

Great Harbor Yacht Club: Request for Acceptance of Grant of Emergency Access Easement Located at 96 Washington Street to Town, Pursuant to Planning Board Special Permit Conditions. Mr. Vorce reviewed the emergency access easement, the pedestrian easement, and associated easement plans, noting all the easements are a condition of the Planning Board special permit granted to Great Harbor Yacht Club. Mr. Kopko moved to accept the emergency access easement from Great Harbor Yacht Club as presented; Mr. Chadwick seconded. Mr. Willauer asked what rights the Town has to invoke the emergency access easement. Mr. Vorce said the Harbormaster has the right to invoke as he sees fit in an emergency. On the motion, all in favor, so voted.

Great Harbor Yacht Club: Request for Acceptance of Grant of Pedestrian Easement over Great Harbor Yacht Club Property to Inhabitants of the Town of Nantucket, Pursuant to Planning Board Special Permit Conditions. Mr. Atherton asked if Great Harbor has been consulted on marking the

public ways. Mr. Reinhard of the Roads and Right of Way Committee responded affirmatively. Mr. Kopko moved to accept the pedestrian easement from Great Harbor Yacht Club as presented; Mr. Atherton seconded. All in favor, so voted.

Request for Approval of Petition to County for Alteration of Layout of Sheep Pond Road. Ms. Gibson explained that she has met with the director of the Nantucket Conservation Foundation about using a portion of its property to alter the layout of Sheep Pond Road to address a potential future erosion issue and that approving this petition is the first of many steps in the process. She added that a layout plan will be reviewed by the Planning Board at its 17 May 2010 meeting. Ms. Gibson stated there is a significant cost for altering the layout, in the range of \$200,000 to \$300,000, which she hopes can be recouped through betterments. She acknowledged the work of Department of Public Works Assistant Director Mohamed Nabulsi with his help with the surveyor. Mr. Kopko moved to approve the petition to Nantucket County for the alteration of the layout of Sheep Pond Road; Mr. Atherton seconded. All in favor, so voted.

PUBLIC HEARINGS

Public Hearing to Determine Tax Allocation by Classification; Percentage of Residential Exemption to be Granted for FY 2010. Chairman Roggeveen opened the public hearing. Assessor Debbie Dilworth explained that FY 2010 is a tax revaluation year, and she reviewed the proposed tax rates. A brief discussion followed on a new law which allows the residential exemption to be increased from a maximum of 20% to 30%. Chairman Roggeveen closed the public hearing. Mr. Kopko moved to approve the tax rate and percentage of residential exemption as presented (attached); Mr. Willauer seconded. All in favor, so voted.

TOWN MANAGER'S REPORT

Ms. Gibson noted Mr. Atherton gave her a proposed resolution regarding water quality issues and that she will put together an administrative work group to review it and provide recommendations to the Board. She asked the Board members to forward any ideas regarding a resolution to her as soon as possible.

Ms. Gibson updated the Board on a grant which the Town has applied for with the Massachusetts Clean Energy Center (CEC) for a proposed wind turbine at the landfill. She said she, Mr. Willauer and Assistant Town Manager Gregg Tivnan participated in a telephone interview today with the CEC regarding the Town's application. Ms. Gibson said there is some funding available to engage a professional to assist with this project, which is necessary because of its complexity. A discussion followed on the need for public outreach.

SELECTMEN'S REPORTS/COMMENT

Harbor Plan Implementation Committee: Review of Harbor Plan Priorities and Update on Priority Recommendations of the Committee. This matter was continued to the 19 May 2010 meeting.

Discussion Regarding Guidelines and Process for Request for Proposals for Annual Health and Human Services Contracts for FY 2012. Chairman Roggeveen noted that during Human Services Collaborative Work Group meetings, discussions occurred regarding the existing contract award process as not being the appropriate way to award these contracts. She added that the Board should be setting priorities as far as where the money should be allocated. Ms. Gibson said a RFP should be issued noting the services desired vs. the organizations coming to the Town and

proposing services. Mr. Kopko suggested taking the current contracts, "backing out the services provided", and drafting a RFP for services the Town desires. A discussion on the Council for Human Services developing a "needs survey" followed. Mr. Kopko offered to draft a resolution for the Council regarding Human Services contracts for the Board to review next week.

Discussion Regarding Establishment of Committees Pursuant to Votes on Articles 28 (Plan for Polpis Bike Path), 30 (Establish Local Procurement Study Committee) and 36 (Bylaw Amendment: Streets and Sidewalks) of 2010 Annual Town Meeting. Ms. Gibson reviewed the Town Meeting votes on each article. She added that from a Town management perspective, she is not in favor of establishing Board of Selectmen committees with vague objectives, and suggested that staff develop a policy which the public would have a chance to review with regard to Articles 28 and 36. The Board was in general agreement. Donna Hamel said the intent of Article 30 was to organize an in-depth analysis on giving more opportunities and advantages to local businesses, adding there are many studies across the country related to this issue. A discussion followed on whether the organization "Think Local First" could be the committee, with Town staff or a Board liaison. Mr. Kopko suggested Think Local First get in touch with the NP&EDC to discuss the issues. Chairman Roggeveen asked Think Local First to come back to the Board and give an update on their findings to date.

2010 - 11 Board Representative Appointments: Harbor Plan Implementation Committee; Human Services Contract Review Committee. Mr. Kopko suggested Mr. Willauer be the Harbor Plan Implementation Committee (HPIC) representative as he already attends the meetings. Mr. Willauer declined to be the representative as he is an active HPIC member and he "wears a different hat" when he attends the meeting. Mr. Atherton offered to be the representative. The Board consensus is to have Mr. Atherton be the HPIC representative. Mr. Kopko offered to continue as the Contract Review Committee representative. The Board was in favor.

Committee Reports.

Mr. Kopko stated he and Mr. Willauer recently attended a Human Services Collaborative luncheon regarding putting a collaborative together.

The meeting was unanimously adjourned at 8:29 PM.

Approved the 26th day of May, 2010.

TO: Board of Selectmen
PC: Connie Voges, Finance Director
FROM: Debbie Dilworth, Assessor
DATE: May 12, 2010
RE: Tax Rate Hearing Fiscal Year 2010

The proposed tax rates for the fiscal years 2010, subject to final certification by the Department of Revenue are listed below:

	FY 2010	FY 2009
Residential	\$3.01	\$2.76
Open Space	\$2.88	\$2.65
Com/Ind/Pers	\$5.35	\$4.92

These rates are based on a maximum shift of 175% to the commercial, industrial and personal property classes and a residential exemption of 20% of the average residential value. For the fiscal year 2010 this average value is \$1,80,063

It is important to understand that the average residential value* for purposes of determining the residential exemption includes vacant land and is not truly representative of what the average homeowner pays. Accordingly, I have provided the following information for your review:

	2010	2009
*Average Res Value	\$1,800,673	\$1,876,594
Average Tax Bill	\$ 5,420.03	\$5,179.40
Residential Exemption	-360,135	-375,319
Average Tax Bill w/Exempt.	\$4,336.02	\$4,143.52
Average Year Round Value	\$1,298,211	\$1,396,522
Average Year Round Bill Value w/Ex	\$2,823.61	\$2,818.52

I look forward to any questions you may have at the hearing this evening.