



## Town of Nantucket Finance Committee

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**Committee Members:** David Worth(Chair), Stephen Maury(Vice-chair), Clifford Williams, Joseph T. Grause Jr., Peter McEachern, Henry Sanford, Joanna Roche, Denice Kronau, Peter Schaeffer

### MINUTES

**Tuesday, January 8, 2019**

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:02 p.m.

Staff in attendance: Brian Turbitt, Director of Finance; Alexandria Penta, Financial Analyst  
Attending Members: Worth, Maury, Williams, Grause, Roche, Kronau, Schaeffer  
Absent Members: McEachern, Sanford,  
Late Arrivals:  
Early Departures: Roche, 5:25 p.m.  
Documents used: December 13, 2018 minutes; Citizen Warrant Articles for 2019 Annual Town Meeting.

#### I. PUBLIC COMMENT

1. Rob Bamber – He supports the creation of the “Complaint Committee”  
Worth – Suggested he wait until that article is discussed.

#### II. APPROVAL OF PRIOR MEETING MINUTES

1. December 13, 2018: Held

#### III. ANNOUNCEMENTS

1. Worth – FinCom will meet Saturday, January 26, 2019 from 8:30 a.m. to 2:30 p.m. The department heads need to be informed; as on last year, there will be a Thursday January 24 session for Water and Airport. Also, we’ve asked two people to team up on budgets and become experts to explain it to the other Commissioners; he will assign as per last year. Confirmed at least five commissioners will attend the Saturday meeting.
2. Turbitt – The Capital Program Committee presentation to FinCom and Select Board is scheduled for the January 23, 2019 Select Board meeting.

#### IV. REVIEW AND DISCUSS AND VOTE CITIZEN WARRANT ARTICLES FOR 2019 ANNUAL TOWN MEETING (ATM)

##### CITIZEN ARTICLES

1. Article A (Appropriations – CPC) Ken Beaugrand  
Discussion **Worth** – Referred to the letter from Ken Beaugrand about Academy Hill. That has been submitted into the record that Hallkeen will receive no more CPC funds.  
**Maury** – FinCom wasn’t invited to take part in the renegotiation of the Hallkeen lease. The Town has obligated itself for \$450,000 to repair windows; that is more than the Town’s initial obligation more than 40 years ago when the lease was given to Hallkeen; it is also more than FinCom was aware the Town obligated itself two years ago when the first set of windows was up for discussion.  
**Williams** – Asked if going forward “we” will have oversight on the lease.  
**Worth** – He doesn’t think so.  
**Maury** – The lease going forward is not in the Town’s favor; we need to keep that in mind with other projects where the Town would be landlord. The management company can say they will not come back but they will, and we have three years of precedent of bending.

**Worth** – He’s on the Nantucket Housing Authority (NHA) board so is recusing from the vote.

Motion **Motion to Adopt the article as presented.** (made by: Roche)

Vote Carried 6-0//Worth recused.

2. Article C (CPC Transfers) Ken Beaugrand

Discussion None

Motion **Motion to Adopt.** (made by: Grause)

Vote Carried unanimously

3. Article B (Bike Bylaw) Ian Golding

Discussion **Worth** – We are waiting on Town recommendations for this.

Motion No action at this time.

Vote N/A

4. Article G (Height Limitations in Flood Zones) Arthur Reade

Discussion **Maury** – This is bringing all parts of the Town Code in line with each other. FEMA dictates how high the first floor must be in a Flood Plain. Currently waivers must be issued for raising houses; this makes that by right. Currently approvals lie with the Zoning Board of Appeals.

Motion **Motion to Adopt.** (made by: Roche)

Vote Carried unanimously

5. Article H (Ambulance Transport Fund/Behavioral Health Patients) Walter Wieners

Discussion **Maury** – While he was on the Contract Review Committee, they reviewed an applicant’s budget for months and determined that the need was there but also determined the recipient was not good with their own money, therefore should not receive Town Money. Recommended a lower amount and were taken to task by the Select Board and at Town Meeting. He thinks something like that will happen here. He’d like to see some other community organization step up in the future. This is likely to be funded so least figure out the mechanism lease likely to cause trouble for the Town.

**Grause** – He doesn’t think this is a Town responsibility. There is a need but he doesn’t feel the proponents of the article have pursued other funding sources both here on the Island and within the Commonwealth. He feels FinCom should take a negative position.

**Maury** – Suggested recommendation of not funding with a comment that if it is funded, this where there those funds should come from.

**Roche** – She has heard that not supporting this is equal to not supporting the year-round community. She’s disappointed because it seems the hospital is shirking their responsibility.

**Kronau** – The hospital is asking for their Social Services Department to be funded through the Contract Review Committee.

**Worth** – Right now the bill goes to the hospital. We have heard the Sheriff Jim Perelman transports patients in the back of his van. The service is getting delivered; the question is, is it befitting a community like ours with all the resources available. The short-term answer is to provide \$100,000 on time to clean this up with no future funding commitment; we put the onus back on the proponents to find help.

**Maury** – Asked if a portion of the excise tax on MJ sales can be apportioned to this.

**Turbitt** – We haven’t started collection; the Department of Revenue won’t allow us to spend that money or budget it before we collect it. Right now, we are \$200,000 under levy with two serious problems with Solid Waste and Our Island Home.

Discussion about the soonest the taxes would be received and when the money could be budgeted and options to start setting that up.

**Turbitt** – The FinCom has \$500,000 discretionary money for unanticipated expenditures.

**Maury** – He could make a cogent argument that this money is an unexpected expense; the governor has declared an opiate crisis. We do have the ability to find the money.

**Kronau** – She doesn’t feel sufficient effort has been made to find alternative funding. She would be reluctant to start a funding platform without an alternate funding proposed.

**Maury** – The appropriate place for these guys to get their money is through the Contract Review Committee or CPC; we need to direct them to the proper agencies in the future.

**Worth** – Suggested not taking a vote at this time. He will reach out to the proponents about what seeing something from them about how to fund this in the outyears. We could use an override, but he'd rather not have to put it on the ballot. He'd also like to talk to the hospital. He'll report back at the January 14, 2019 meeting.

Motion No action at this time.

Vote N/A

6. Article K (Committee for Sensible Cannabis Policy) Robert Cole

Discussion **Roche** – Thinks the more input the better.

Motion **Motion to Adopt.** (made by: Maury)

Vote Carried unanimously

7. Article L (Appropriation: Stop Signs at Bartlett/Surfside) Campbell Sutton

Discussion **Maury** – He doesn't understand the cost. There was a request for \$100,000 to put two stop signs at every intersection along the bike paths. Here we're talking about two stop signs which is in the \$100s; that's not the reason he doesn't support this. He'd like to know if the intersection traffic data is available. For him, a rotary is contradictory to safety of children who must cross the street. This is not the way to plan traffic safety. The Bartlett Road Rotary was defeated but other money has been found.

**Turbitt** – The preliminary funding was allocated to 25% design efforts for three rotaries. Two were advanced and are asking for construction money.

**Kronau** – This is a busy intersection and thinks ATM floor will support this.

**Maury** – He doesn't think a rotary is the answer but neither does he believe it appropriate for anybody to second guess the Town Traffic Planner. He hopes the Select Board puts forth an article relative to this.

**Worth** – We pay Mike Burns to plan traffic and Town meeting floor and citizen articles are not the way to legislate these. He's prepared to take a vote.

**Grause** – Suggested a comment that FinCom doesn't believe this is the right way to make traffic policy.

Motion **Motion not to Adopt.** (made by: Roche)

Vote Carried unanimously

8. Article M (Stretch Energy Code) Tobias Glidden

Discussion **Maury** – He'd like to hear the feedback from the Builders Association. He thinks this will have an impact on building costs and thus a large percent of the Island's economy.

Motion No action at this time.

Vote N/A

9. Article N (Appropriation: Municipal Energy Study) Tobias Glidden

Discussion **Worth** – We do not have a funding source for this.

**Grause** – These are laudable goals, but the Town has an Energy Coordinator and he'd like to hear from Lauren Sinatra.

**Roche** – She thought the decision was to wait to hear from Ms. Sinatra.

**Kronau** – She wants to hear from Libby Gibson about the Town's stance on this.

**Worth** – Ms. Sinatra informed him that she has all the baseline data Mr. Glidden wants about our energy use. She doesn't have a plan due to lack of cooperation from the department heads.

**Maury** – There is a \$20M cap on the money for Green Energy Communities. Only 30% of the qualified communities have receive money. The more communities going into the fund, the fewer will receive funding. Saving energy and the planet can be done without doing any of this. He feels this will be onerous on builders and a whole range of trades.

**Worth** – He's ready for a vote; a lot of this work can be done internally without spending \$100,000 on it.

**Maury** – Clarified that Ms. Sinatra represented that she has all this baseline information. We could go forward on our own to reduce our energy use.

**Worth** – Feels a comment would help explain the vote.

Motion **Motion not to Adopt.** (made by: Grause)

Vote Carried unanimously

10. Article O (Appropriation: \$30M for Affordable Housing) Tobias Glidden

Discussion **Worth** – We’re holding on this until toward the end of January.

Motion No action at this time.

Vote N/A

11. Article P (Zoning Bylaw Amendment: Solar Energy Overlay District) Tobias Glidden

Discussion **Worth** – We will wait for the Planning Board to weigh in.

Motion No action at this time.

Vote N/A

12. Article Q (Zoning Bylaw Amendment: Swimming Pools) Frederick McClure

Discussion **Worth** – We wanted to hear from Mr. McClure again; he will schedule that.

Motion No action at this time.

Vote N/A

13. Article R (Feasibility Study, Creation of Residential Rental Registration) Judith Wagner

Discussion **Worth** – He heard from her, her article goes beyond short-term rental; it asks for all registration. The question is if this makes sense do we need a committee to look at this or put it in the hands of the body that would look at all rentals.

**Williams** – Feels she needs to ask for Federal money.

**Maury** – This is just a feasibility study. He doesn’t think the Town has a handle on how big the rental market is or what the problems might be in those homes. He thinks it a good idea to discuss what types of regulation might be necessary.

**Roche** – Believes inspections are necessary to ensure there are CO<sup>2</sup> detectors, smoke detectors, and egress; successful completion provides a certificate.

**Maury** – There should also be a number or website where renters or neighbors can go to report violations or issues. There are a lot of good examples around the country on how to do this and it is past time for Nantucket to do this. This could require the hiring of a new employee.

Discussion about the program being its own source of continued funding.

Motion **Motion to Adopt.** (made by: Kronau)

Vote Carried 6-1//Williams opposed

14. Article S (Complaints Committee) Theresa Williams

Discussion **T. Williams** – Explained an incident she had that was the motivating factor behind this. She has a legally binding agreement and she has pursued remedy through the courts but has run out of money for further court action.

**Kronau** – The Contract Review Committee looks at organizations that apply for funding from the Town; one organization that applied this year is Cape Mediation, which provides mediation services for free. Asked if Ms. Williams has talked to them; they could do for here what this proposed committee would do. Noted that they might not be well known on the Island.

**T. Williams** – She’s not the only person who has issues with the Town; that’s why she thinks the committee would be helpful.

**Schaeffer** – Looking at the warrant in terms of the power the committee would have, there are a lot of legal actions they would be able to take. The committee members probably won’t have a legal background and certainly won’t have the right to enforce their decision. He doesn’t see where this committee could do anything beyond discussing it.

**T. Williams** – She asked the Government Study Committee (GSC) about who the Town Attorney works for and she was told the citizens.

**Maury** – Town Counsel represents the Town of Nantucket; Town Counsel could not represent a citizen against the Town of Nantucket; their job is to protect the Town of Nantucket and its institutions.

**Worth** – In the fall, Town Counsel is made available to citizens to help craft articles. He or she represents the institutions of the Town so would be on the side of the Town or its entities. If a citizen has a grievance, they are not getting representation from Town Counsel. Ms. Kronau's suggestion to approach a professional mediation group is very good; this committee won't have that expertise. He's willing to hold on a decision about this to allow Ms. Williams to look into other avenues for resolution.

**Maury** – The article's language doesn't obligate anyone to action; it doesn't state who would appoint the committee members or the timeframe in which to do that.

**Williams** – It would be helpful of Town Counsel were made available on a Saturday.

**Roche** – The past year, a similar article did not pass.

Discussion about the Town GSC and whether or not they plan to take action on Ms. Williams issue.

**Maury** – To create a board that binds the Select Board and department heads requires a changing of the charter; the requires a recommendation from the GSC and a vote of two-thirds at town meeting. This would be a fundamental change to the Town's power structure.

**Worth** – Offered Mr. Bamber the opportunity to speak; if so he would have to come to the mic. Asked someone to contact John Brescher, Chair of GSC, to find out where Ms. Williams' issue lies with them. We'll hold off making a decision on this until we hear from Mr. Brescher.

**Maury** – Would also like to hear from Town Counsel on the Town's stance on Ms. Williams' issue.

**Worth** – He will contact John Gorgio, K&P Law.

Motion No action at this time.

Vote N/A

15. Article BB (Authorization of Lease ("Sconset Bluff)) Steven Cohen

Discussion **Worth** – He told Mr. Cohen that he would not take up any of his articles.

Motion No action at this time.

Vote N/A

16. Article CC (Real Estate Acquisition: Washington Avenue) Steven Cohen

17. Article DD (Real Estate Conveyance: Washington Avenue) Steven Cohen

Discussion **Worth** – There are a group of Madaket residents who want to speak to these two articles. Apparently, none of the abutters were notified about this article.

Motion No action at this time.

Vote N/A

18. Article EE (Sense of the Meeting: World Whale Heritage Site) Tobias Glidden

Discussion **Kronau** – She can't read the writing so is having trouble understanding the article.

**Maury** – He doesn't if his office gets any calls asking if Nantucket is a World Whale Heritage Site. This could be a boon to the Island. Our comment would be there is not financial impact on the Town. Given our history, it might be good to do this. Noted that there is a newly established Massachusetts Whale Trail.

**Grause** – This relates to the Island, so he'd be happy to vote for it.

**Schaeffer** – His concern is that there might be an unseen cost to the Town.

Motion **Motion to Adopt.** (made by: Kronau)

Vote Carried 5-1//Schaeffer opposed

**V. NEXT MEETING DATE/ADJOURNMENT**

Date: Monday, December 14, 2019; 4:00 p.m.; 4 Fairgrounds Road Training Room

Motion to Adjourn at 5:38 p.m. accepted by unanimous consent.

Submitted by:  
Terry L. Norton