



Town of Nantucket Finance Committee

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Committee Members: Denice Kronau (Chair), Stephen Maury (Vice-chair), Joseph T. Grause Jr., Peter McEachern, Joanna Roche, Peter Schaeffer, Chris Glowacki, Jill Vieth, George Harrington

MINUTES

Monday, February 10, 2020

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

Called to order at 4:00 p.m.

Staff in attendance: Libby Gibson, Town Administrator; Brian Turbitt, Director of Finance; Alexandria Penta, Financial Analyst

Attending Members: Kronau, Maury, Grause, Roche, Schaeffer, Glowacki, Vieth, Harrington

Absent Members: McEachern

Documents used: Warrant Articles for 2020 Annual Town Meeting.

Agenda adopted by unanimous consent.

I. ANNOUNCEMENTS

II. APPROVAL OF PRIOR MEETING MINUTES

1. None

III. PUBLIC COMMENT

1. **D. Anne Atherton** – Relative to Article 74 (Bylaw Amendment: Coastal Areas and Open Spaces, Protection of), we want to share information we have gathered since the public hearing.

Balkind – Spoke to Chief Pittman who stated there was no conflict with State law and wouldn't add to enforcement. Also spoke to the bird monitor and a conference call with state wildlife enforcement officer and Massachusetts Natural Heritage for wording regarding protection of endangered species; we altered language regarding that, which has gone to Town Counsel.

Atherton – If we had the time, we would have suggested tabling it or recommending the article to a committee to provide more time for this Article to allow time to engage in public education. We are concerned about the motion not to adopt. If the article is called on Town Meeting floor, we might call to move to table it but not sure of that's allowable. Asked the board to reconsider the vote. We used to have Beach Management Advisory Committee and we could reconstitute that.

Gibson – We had that committee when we had a beach manager; that is now under the Department of Public works.

Atherton – There seems to be a misunderstanding of the law and we thought it would be helpful to have another layer of local law. Also, the commission seemed reluctant to act to a single incident and we don't want to wait for 10 or 20 people are roping off the intertidal zone. As we understand it from Chief Pittman, what happened last summer was in error and the homeowner should have never been allowed to put in the rope fence. Chapter 91 gives people the right to pass the intertidal zone for fishing, fowling, and navigation.

Grause – That is not correct; the property owner has a deed giving him rights to the low-water mark. Attorney John Giorgio stated that is a fact, regardless of whether or not people like that. That is true but the it doesn't allow for walking the dog or sitting on the sand.

Atherton – Beach access is part of Nantucket's culture. We are trying to protect the limited rights of the public.

Vieth – It seems the circumstances of the property owner changed after the Land Bank put in a parking lot. That resulted in a tough lesson for the property owner and the public. It might be incumbent upon the Land Bank to put of signs informing people of the private property.

Atherton – Referred to the Baxter Bluff walk and what resulted from discussions regarding intrusion that respects the rights of the public and property owners.

Roche – Her question to Town Counsel is which law supersedes which.

Atherton – Her understanding is that Chapter 91 grew out of the colonial laws.

Maury – His understand is the public raised concerns about the barrier; the Select Board asked that it come down; and it was removed by the property owner. Now we are in compliance with the law.

Atherton – We don't want it to happen again. All this is why we are asking the FinCom to reconsider the vote in favor of a reconsider.

Kronau – Someone who voted in favor of the motion not to adopt has to make a motion to reconsider.

Motion Motion to reconsider for the purpose of considering a motion to table the article. (made by: Kronau) (seconded)

Vote Carried Not carried (1 for, 7 opposed)

IV. WARRANT ARTICLES FOR 2020 ANNUAL TOWN MEETING (ATM)

1. Article 81 (Bylaw Amendment: Washington Street Parking Lot) Robert DeCosta

Discussion **DeCosta** – This would require a vote of Town Meeting to allow paid or valet parking in the Town parking lot and limit the spaces available for that to 7 parking spaces. The reason is there are a lot of people working downtown who can't use bikes, mopeds, or public transportation and the only place to park is the Town lot and can't afford paid parking. Town Counsel has some legal concerns; but he wants to move forward even if it does get kicked back from the State. He feels the only fix is a parking garage. He hopes that in the summer the valet parking uses some un-utilized property but not the Town parking lot.

Schaeffer – Asked if it is intended for valet parking to use the Town lot again this coming summer.

Grause – Having Town meeting having veto power over the Select Board is not a good idea.

DeCosta – Believes parking was the purview of Town Meeting once.

Gibson – There might have been a bylaw that allowed Town Meeting to enforce parking regulations.

DeCosta – Clarified the parking spaces associated with Town Pier slips would not be impacted by this article. He would clarify the article to detail the footprint of parking spaces included in this article. We constantly hear about Town business being moved out of Town; if this lot becomes paid parking, it will be the nail in the coffin for downtown. His customers liked the convenience of valet parking at the electric company lot and he would reimburse their parking; if they park at the Town lot, his customers don't want to pay because it's not convenient.

Kronau – This article is legally defective.

Maury – That does impact his view of this article; there is a longer view to be considered.

Vieth – We don't know if the attorney general will sign it or not and she doesn't think FinCom should make decisions based upon that. However, the issue for business and their employees' ability to park speaks to her. She supports this article.

Glowacki – He supports this as well. Timing is an issue because the Select Board has a right to make regulations.

DeCosta – Regardless of how FinCom votes, he is going to call this article so there is a debate that can provide a consensus of Town Meeting.

Schaeffer – He agrees with Mr. DeCosta about the issue of parking but feels parking should be looked at as a big package.

Motion **Motion to Approve.** (made by: Glowacki) (seconded)

Vote Carried 7-1//Kronau opposed

2. Article 30 (Nantucket Islands Land Bank Financing)

Discussion **Turbitt** – This asks the Town to back a \$25m bond authorization. Since he's been with the Town, he hasn't done a revenue bond for the Land Bank.

Vieth – The rate difference is 3.2% without Town backing and 1.9% with Town backing.

Jesse Bell, Nantucket Islands Land Bank – Issuance costs without the backing of the town would \$1.3m.

Turbitt – The last time the Town backed a Land Bank bond was at 2007 Special Town Meeting for \$35m. This article would include authorization for refunding.

Vieth – This article is for expenses and acquisition; the Town essentially endorses whatever the money is used for.

Turbitt – Once this is voted; there has to be a memorandum of agreement (MoA) laying out parameters of use.

Vieth – In 2007 Land Bank was authorized to borrow \$35m; 2010 saw the lowest receipts for the Land Bank, around \$10m when the average is \$22m. They have a lot of money and residents pay them a 2% privilege fee and now they are asking for another privilege fee.

Turbitt – They have a reserve that they can't touch for a year so there is a safeguard in place that gives them time regarding a default.

Glowacki – Asked if other municipalities have done this.

Turbitt – He doesn't know of other municipalities that have done this, but other land Banks are independent of the town. He's comfortable with this.

Discussion about Land Bank's assets.

Vieth – She'd be more comfortable with less money and it being over 20 years when we don't know what is going to happen with the real estate market. Also, the assets aren't something that can be sold.

Roche – Feels this is one of the most important relationships the Town has.

Motion **Motion to accept.** (made by: Schaeffer) (seconded)

Vote Carried 7-1//Vieth opposed

3. Article 91 (Acceptance of Massachusetts General Law: Part-time Building Inspector)

Discussion No further discussion.

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

Vote Carried unanimously

4. Article 5 (Appropriation: Reserve Fund)

Discussion **Gibson** – Numbers have been included.

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

Vote Carried unanimously

5. Article 11 (Appropriation: Newtown Road Transportation Improvements)

Discussion **Turbitt** – There as small add addressing the authorization to borrow for this; read it.

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

Vote Carried unanimously

6. Article 12 (Appropriation: Reconstruction of Lover's Lane)

Discussion **Turbitt** – There as small add addressing the authorization to borrow for this; read it.

Motion **Motion to Adopt.** (made by: Glowacki) (seconded)

Vote Carried unanimously

7. Article 13 (Appropriation: Construction and Improvements to Amelia Drive and Waitt Drive)

Discussion **Turbitt** – There as small add addressing the authorization to borrow for this; read it.

Motion **Motion to Adopt.** (made by: Glowacki) (seconded)

Vote Carried unanimously

8. Article 14 (Appropriation: Construction and Improvements to Children's Beach Storm Water Pump Station)

Discussion **Turbitt** – There as small add addressing the authorization to borrow for this; read it.

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

Vote Carried unanimously

9. Article 18 (Appropriation: Waterways Improvement Fund)

Discussion **Glowacki** – Asked how the number was arrived at.

Turbitt – Explained it's based on a discussion about the design and a lot is reserve that can be used for repairs.

- Motion **Motion to adopt.** (made by: Glowacki) (seconded)
Vote Carried unanimously
10. Article 19 (Appropriation: Ambulance Reserve Fund)
Discussion No discussion
Motion **Motion to adopt.** (made by: Grause) (seconded)
Vote Carried unanimously
11. Article 20 (Appropriation: Ferry Embarkation Fee)
Discussion No further discussion.
Motion **Motion to adopt.** (made by: Maury) (seconded)
Vote Carried unanimously
12. Article 21 (Appropriation: County Assessment)
Discussion No discussion
Motion **Motion to adopt.** (made by: Schaeffer) (seconded)
Vote Carried unanimously
13. Article 24 (Appropriation: Other Post-Employment Benefits Trust Fund (OPEB))
Discussion **Glowacki** – Asked if \$500,000 might be considered too aggressive.
Turbitt – We can discuss that next year.
Motion **Motion to adopt.** (made by: Grause) (seconded)
Vote Carried unanimously
14. Article 25 (Appropriation: Fiscal year 2021 Senior Work-off Program)
Discussion No further discussion.
Motion **Motion to adopt.** (made by: Maury) (seconded)
Vote Carried unanimously
15. Article 27 (Appropriation: Special Purpose Stabilization Fund for Town Employee Accrued Liabilities)
Discussion No further discussion.
Motion **Motion to adopt.** (made by: Glowacki) (seconded)
Vote Carried unanimously
16. Article 29 (Appropriation: Harbor Place/Professional Services)
Discussion **Maury** – The \$150,000 seems too little to do anything significant; asked how they came by it.
Gibson - From discussion with the consulting engineer as well as previous experience.
Discussion about what this consultant would do for the Town.
Maury – If the Town learns that a good consultant will cost more, encouraged they come back for that; this is something that should be done right.
Motion **Motion to adopt.** (made by: Grause) (seconded)
Vote Carried unanimously
17. Article 48 (Zoning Bylaw Amendment: Swimming Pool – Residential)
Discussion **Kronau** – Spoke with Judith Wegner of the Planning Board about the pool article; she will come in on February 18.
Motion No action at this time.
Vote N/A
18. Article 58 (Zoning Bylaw Amendment: Commercial Mid-Island – Height Restriction) Vallorie Oliver
Discussion **Kronau** – We have not ruled yet on this article; we were talking about getting Historic District Commission’s (HDC) input on this.
Maury – He thinks this article is waiting for him to write something. He met with Director of Planning Andrew Vorce about it; he committed to bringing an article that would limit buildings in the CMI to being no more than three stories. He feels that will help; buildings over 40 feet tall are institutional or historic. Structures that are 3.5 to 4 stories would feel very urban. This is a more important area than we give it credit.
Harrington – He thinks about take no action on this. If there isn’t a set of rules on the books, the CMI is going to develop without constraint, which could make that area ugly.

Maury – In 2016, an article raised the CMI height limit to 40 feet; since then there have been a handful of applications exceeding 30 feet. His concern is about the feel and look of the Island. A developer would otherwise try to squeeze a fourth floor into the building.

Kronau – Ms. Oliver is concerned about impact of allowing 40-foot tall buildings on the National Landmark as well as density.

Vieth – She agrees Ms. Oliver’s points are excellent and 40 feet are huge, and she doesn’t think people realize that; she’s comfortable with the fact municipal buildings are exempt.

Kronau – Asked Ms. Oliver is amenable with going to 35 feet. Planning is coming back on February 18th.

Maury – The purpose of the 40 feet was to allow a useable 3rd floor; less than that and the roof slope creates a lot of unusable space.

Vieth – That’s not true; she’s building a house at 30 feet with a 3rd floor where the ceiling is about 7 feet, which allows plenty of clearance, instead of 9 or 10 feet.

Maury – If we vote to take no action, this identical article can come back next year. If we motion to not to adopt, it can’t unless it’s substantially changed. It is important for HDC to protect the Island, so people come back; he feels we should support the HDC. He does want to discuss this when Planning Board speaks to us.

Vieth – She would prefer to wait until the Planning Board speaks to us.

Motion No action at this time.

Vote N/A

19. Article 62 (Bylaw Amendment: Preservation of Historically Significant Buildings) Mary Bergman

Discussion **Kronau** –Mary Bergman will speak to us on February 18th.

Motion No action at this time.

Vote N/A

V. NEXT MEETING DATE/ADJOURNMENT

Date: Thursday, February 13, 2020; 4:00 p.m.; 4 Fairgrounds Road Training Room
Tuesday, February 18, 2020; 4:00 p.m.; 4 Fairgrounds Road Community Room

VI. COMMITTEE REPORTS AND OTHER BUSINESS

1. Meet the Articles

Kronau – The Civic League is going to have their Meet the Articles program the day after ours is scheduled.

Maury – The scheduling is unfortunate but still feels it is important for FinCom to be in the room.

Kronau – The Civic League is supporting our program.

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

Submitted by:

Terry L. Norton