

BOARD OF SELECTMEN

Minutes of the Meeting of 12 November 2008. 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, Allen Reinhard and Patricia Roggeveen. Chairman Kopko called the meeting to order at 6:00 PM.

ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson announced that a public informational meeting on the Fiscal Year 2010 budget will be held on Tuesday, November 18, 2008 at 8:30 AM in the Nantucket High School cafeteria.

Ms. Roggeveen announced that a meeting will be held with the Shellfish and Harbor Advisory Board (SHAB) on November 19, 2008, at 4:30 PM, to discuss State shellfish regulations as they pertain to scallops. Chairman Kopko stated that he is recusing himself from discussions involving scalloping regulations.

Public Comment

Steve Bender commented on the recent history of scallops and their growth rings.

Approval of Payroll Warrants for Week Ending 9 November 2008. The payroll warrant for the week ending 9 November 2008 was approved by the unanimous consent of the meeting.

Approval of Treasury Warrant and Pending Contracts for 12 November 2008. Ms. Roggeveen recused herself from considering a collective bargaining agreement for the Laborers Union. The treasury warrant and pending contracts for 12 November 2008 were approved by the unanimous consent of the meeting.

Citizen/Departmental Requests

Planning Office: Request for Approval of Update to Town of Nantucket Housing Production Plan. Susan Witte, Housing Planner, began by explaining the definition of a Housing Production Plan. She stated that the requirement to produce such a document comes from the State Department of Housing and Community Development. Ms. Witte added that a plan is good for five years, and that the purpose of the plan is to develop a strategy to meet housing needs in a method consistent with Massachusetts General Law Chapter 40-B regulations. Mr. Atherton asked Ms. Witte to elaborate on the goal of producing 22 housing units per year. Ms. Witte explained that an objective of the plan is to "enumerate a goal," and that using numbers reflecting the required amount of units during the five year period and subsequently dividing by five resulted in a yearly goal of 22 units. Ms. Roggeveen moved to approve the update to the Town of Nantucket's Housing Production Plan; seconded by Mr. Reinhard. So voted unanimously.

Request for Acceptance of Sewer Easements/Oak Hollow Lane. Attorney Julie Fitzgerald stated that she represents Mark Hogan and Susan Tate, the owners of 7 Oak Hollow Lane, and commented that they have been paid for and installed a sewer line in Oak Hollow Lane. Ms. Fitzgerald explained that there are four sewer easements before the Board, and that the plans have been approved by both the Department of Public Works and Town Counsel. Mr. Atherton asked if the sewer lines will be owned by the Town, to which Jeff Willett, Department of Public Works Director, responded in the affirmative. Mr. Reinhard moved to approve the acceptance of

the four sewer easements on Oak Hollow Lane; seconded by Ms. Roggeveen. So voted unanimously.

Citizen Advisory Committee for Public Safety Facility: Final Report. Wayne Holmes, Chairman of the Citizen Advisory Committee for Public Safety Facility, stated that the Board requested that the Committee study options for a Public Safety Facility. In the process of evaluation, Mr. Holmes stated that the committee arrived at the conclusion that the Police Department's situation is critical, while the situations of the Fire Department and the Courthouse are less pressing. Mr. Holmes stated that the Committee has identified four options: Police Station only; combined Police and Fire Station; combined Police and Fire Station with Courthouse facilities; Police Station with a deferred option to include the Fire Department at a later date. Mr. Holmes noted that throughout the Committee's investigations and discussions they were aware of the need for funding. Highlighting concerns over negative voter reaction to the last override proposal to provide funding for a Public Safety Facility, Mr. Holmes stated that the Committee believes voters will support funding for a new Police Station if information is presented in an honest transparent manner. In summing up the recommendations of the Committee, Mr. Holmes said that Nantucket needs a new Police Station.

Mr. Reinhard complimented the Committee on its work and noted that the report was completed ahead of the time limit. He also stated that he "entirely" agreed with the conclusions of the Committee. Ms. Roggeveen echoed Mr. Reinhard's comments. Chairman Kopko thanked the Committee on behalf of the Board.

Planning Office: Review of Options for Four Corners Intersection Improvements. T. Michael Burns, Transportation Planner, thanked the Board for the opportunity to study different options for the improvement of traffic flow at the intersection known as Four Corners; (intersection of Atlantic Avenue, Sparks Avenue, Surfside Road and Prospect Street). Mr. Burns noted that a report was issued by VHB Consultants in June, 2008, regarding traffic volume and pedestrian traffic. The consultants recommended a roundabout in order to maximize safety and minimize impact. Mr. Burns stated that the project proposal was vetted with School Administration, Nantucket Cottage Hospital Administration, abutting property owners and the Nantucket Planning and Economic Development Commission (NP&EDC). He noted that this option uses a longer turning lane along Surfside Road than the original proposal with a similarly configured roundabout.

Curtis Barnes voiced concern over the impact upon traffic coming from Vesper Lane, expressing his belief that a roundabout would make it difficult for drivers attempting to make a left hand turn from that roadway. He also asked if the recommendations would be different if the large, old elm tree were not on the corner of Surfside Road and Sparks Avenue, citing his belief that planners were so concerned about the preservation of the tree that it affected the way they looked at the project.

William Pittman, Chief of Police, stated that he has concerns about the proposed roundabout, but he believes the proposal will help improve the flow of traffic at the intersection. He echoed Mr. Barnes' concern over traffic attempting to exit Vesper Lane, and added his concern for children attempting to negotiate crossing the roundabout. Chief Pittman stated his belief that the roundabout will require two if not three crossing guards.

Regarding previous statements in regard to vetting, Mr. Atherton took note that the Traffic Safety Work Group developed a consensus, and citing School safety asked if the School Committee has an opinion on the project. Chairman Kopko said that he has recently spoken with members of the School Committee, and they have not seen a presentation of the proposal. Chairman Kopko asked that the Board take no action until feedback from the School Committee could be obtained. Chairman Kopko expressed concern that a memo before the Board stated that stakeholders indicated approval for the project, yet the School Committee has not yet seen the proposal. Mr. Burns said the Planning Office will be meeting with the School on November 18, 2008.

Ms. Roggeveen stated that existing conditions are not optimal for traffic or safety, and commented that she sees many positive aspects of the project. Mr. Reinhard asserted his belief that the intersection verges on being a failed intersection during the summer months. He added that straightening the intersection would not make sense, and stated that he believes a roundabout is the best option. Contributing information about the elm tree, Mr. Reinhard said the tree is known as the Cyrus Pierce elm, planted in 1852, and that the tree is one of the few remaining of 232 elms planted that year. In light of that history, Mr. Reinhard stated that he feels it is very important to preserve the tree.

Addressing comments regarding the need for additional crossing guards, Mr. Chadwick asked why there are no crossing guards at the intersection now. He voiced his opinion that the question of what to do at the intersection is not only a problem for today but will also affect future decisions. Chairman Kopko stated that he has concerns about the project. He cited concerns over planning and decision making and the kinds of questions these actions sought to answer. Chairman Kopko pointed out that the question of how to keep traffic moving was not the initial question to ask, stating his belief that the Town needs to make decisions on how it will accommodate levels of growth and traffic. He added that perhaps the Town does not wish to accommodate these factors. Chairman Kopko also noted that the current configuration requires motorists to stop, and highlighted his concern that a roundabout would allow traffic to flow unimpeded through the school zone.

Citing significant recent development in the Surfside area, Ms. Roggeveen stated that she feels it is important to take a realistic look at alternatives to the current configuration at the Four Corners intersection. She pointed to the residual effects on safety when traffic builds up on the roads around the school, noting the danger of children walking between cars in the road. Mr. Reinhard stated that he feels safety is the primary concern, and added his assessment that the current configuration is not at all safe. He advocated for a roundabout in the location. Chairman Kopko agreed with Mr. Reinhard's assessment regarding vehicles but disagreed with the assessment on pedestrians, stating his belief that the safest configuration for pedestrians is to have stop signs at crosswalks.

Welcoming comments and concerns raised by the Board, Barry Rector, Planning Board Chairman, explained that the State requires public meetings at four stages of the design phase. Mr. Rector suggested that almost everyone in the community agrees that the current configuration does not work. He cited backups of one quarter to a half of a mile on summer days, concerns over air pollution, and the gas consumption of cars waiting in backups. Mr. Willauer stated that he had been cogitating about heavy truck and emergency vehicle traffic, noting no one had addressed these issues. Nat Lowell, Planning Board member, pointed to the success of the roundabout at

Sparks Avenue and Pleasant Street and its success in dealing with heavy truck traffic and emergency vehicles.

Planning Office: Review of Options for Prospect Street Sidewalk Extension. Mr. Burns outlined four options for the Board:

- Option One: a pedestrian only sidewalk on Prospect Street to Quaker Road and Milk Street.
- Option Two: a bicycle path over "Chicken Hill" to Joy Street.
- Option Three: a bicycle path that utilizes an existing paper road south of "Chicken Hill" to connect with Joy Street.
- Option Four: a bicycle path that utilizes an additional paper road going further south of "Chicken Hill" to connect with Joy Street.

Mr. Burns stated that he hopes the Board will indicate a preference in terms of the options outlined.

Mr. Atherton commented that he has walked the area of Option One, and although space is limited there is enough room for a five foot wide sidewalk through the area. Mr. Atherton indicated his preference for either Option Two or Three, noting that these options take advantage of Town land, take pedestrians out of intersections, and expand the use of the area. Ms. Roggeveen agreed.

Planning Office: Review of Status of In-Town Bicycle Path Project. Mr. Burns explained that the County Commissioners along with the NP&EDC approved an option for a sidewalk and a four feet wide bicycle lane on Orange Street that will connect to a ten foot wide shared use path utilizing an old Nantucket Railroad right of way. Mr. Burns noted that there is some money remaining from a grant for the purpose of designing this project that will expire in June of 2009. In the hope of progressing with the project, Mr. Burns stated that he would like to begin by implementing the portion of the shared use path on the railroad right of way.

Complimenting the work done by the NP&EDC, Mr. Reinhard stated that he is very much in favor of this project.

TOWN MANAGER'S REPORT

Update Regarding Taxi Regulation Amendments. Ms. Gibson stated that her office is working to have new taxi regulations available to be advertised by the end of the November, and to have a public hearing on the regulations on December 17, 2008.

Potential Funding Sources for FY 2009 Budget Shortfall. Ms. Gibson reviewed Articles 7 and 8 of the December 8, 2008, Special Town Meeting (STM) warrant. She explained that Article 7 addresses shortfalls in the FY 2009 General Fund budget and Article 8 addresses shortfalls in the FY 2009 Solid Waste Enterprise Fund budget. She recommended that the shortfall in the Solid Waste budget be funded from the Stabilization Fund and that the Stabilization Fund be replenished according to its policy. In an effort to clarify understanding of the policy, Chairman Kopko asked if the Town uses the fund and is unable to replenish it will the Town be unable to utilize the fund before the money is repaid. Ms. Gibson answered that the policy currently states that no additional withdrawals may be made until previous withdrawals have been repaid. Chairman Kopko asked what amount is being sought for the transfer, to which Finance Director Constance Voges

answered that she proposed making a withdrawal of \$750,000 from the total balance of \$2.7 million.

Ms. Roggeveen stated that she is concerned with the prospect of using the Stabilization Fund. Chairman Kopko commented that the worst of the downturn in the economy may be yet to come, and asserted his belief that it would be imprudent to commit the Town to repay money before it could utilize any additional money from the Stabilization Fund. Mr. Atherton echoed Chairman Kopko's concerns, stating his belief that every effort should be made to find a different method of covering the shortfalls. He noted that the School was facing a similar challenge, and in the School's case methods are being identified to reduce expenses in order to cover the shortfall.

Revisiting the history of the Solid Waste Enterprise Fund, Ms. Voges explained that the Fund has a history of requiring support on a regular basis. She also explained that building the Stabilization Fund is a deliberate act intended to smooth out the differences between good years and bad years. Discussion followed regarding the details of the policy. Mr. Atherton stated that it may be better to make hard choices now rather than waiting to make those choices during the FY 2010 budget process. Ms. Roggeveen expressed her hesitation to proceed with budget cuts without proper vetting, adding her opinion that more time is need to address budget issues.

Reviewing the necessity for Article 7, Ms. Voges explained that the General Fund has experienced a loss in revenue due to three main factors:

1. A downward revision in revenue from Building Permits by \$580,000.
2. Decline in revenue from Our Island Home due to a decline in census.
3. Anticipated decline in revenue from Motor Vehicle Excise Tax.

Highlighting the proposed solution to the shortfall, Ms. Voges noted that the Health Insurance Trust Fund (HIT) has shown an increasing balance for the last three years. She also explained that due to a billing error the fund received a credit of \$1.8 million in FY 2007. Because of good experience with claims and the large credit, Ms. Voges suggested that the HIT could be used to help cover the gap between expenditures and revenues in the FY 2009 budget. She explained that the Town and employees would refrain from paying health insurance premiums for three to four months, and in the process reduce the amount paid to the HIT by \$600,000 each month while retaining the \$600,000 each month in the General Fund. The Board took the matter under advisement.

Selectmen's Reports/Comment

Discussion of Selectmen's Goal #1 "Improve Administrative Management: Review and Analyze Town's Planning Function" Objective. Mr. Atherton stated his goal of raising questions about the organization of the Town for the sake of making sure that methods of organization make sense to the community. Among those questions, he noted an article at the 2008 Annual Town Meeting which raised the issue of the reporting relationship between the Planning Director and the Town Manager. In an effort to understand the current relationship, Mr. Atherton stated that he reviewed the Town Charter, where the relationship between the Planning Department and the Town Manager is discussed. Mr. Atherton said that the Town Charter seems to indicate that the Planning Director should report to the Town Manager.

Chairman Kopko stated that over the past few years the Board and Town Administration have worked in a partnership to evaluate the way the Town does business. He cited the organizational

studies of the Department of Public Works and the Finance Department as examples, and added that similar studies of other departments will be equally productive moving forward.

Pointing to differences of opinion as to what Selectmen's Goal #1 actually stipulates, Ms. Roggeveen said that she does not understand how this goal relates to the Planning Department. She added that she does not feel this is the best area on which to focus the Board's attention, noting that the Town has been taking positive steps with the Planning Board. She encouraged all parties to find productive ways to move forward. Chairman Kopko agreed, stating that he opposed the article at Annual Town Meeting because he feels it should be studied on its own. He suggested that the Board establish a workgroup to work with all planning agencies and look at organization. Mr. Chadwick pointed to a lack of resources as one of several reasons in disagreeing with the creation of a workgroup. He asserted a belief that such actions would effectively prove to be a setback for relations.

Utilizing the Master Plan as a vehicle to look at purposes and relationships between agencies and the Town was proposed as the preferred solution by Ms. Roggeveen. Mr. Barnes stated his understanding that the Board was going to address the issue directly. Referring to a point made by Nathaniel Lowell, Ms. Roggeveen proposed that the Board of Selectmen and the Planning Board hold a joint meeting to discuss these issues. Mr. Chadwick agreed with Ms. Roggeveen, adding that a joint agreement could come from the process.

Discussion Regarding Development of Liquor License Violation Policy. Mr. Kopko stated that in the process of studying different methods for developing a liquor license violation policy he has engaged in discussions with Licensing Agent Anne McAndrew and Police Chief Pittman, and asked Mary Beth King, Communities Mobilizing for Change on Alcohol Coordinator, to make comment. Pointing to the need to involve all stakeholders, Ms. King proposed that license holders as well as law enforcement and members of the community be involved in discussions. Mr. Atherton stated his belief that a policy will be good for the Board, as it will take the personalities out of the decision and allow for more uniform enforcement. Mr. Chadwick disagreed, stating his belief that each license violation should be questioned on the merits of the organization.

Discussion Regarding Taxi Meters. Tom Landry, taxi operator, advised the Board of his opinion that the new rate proposal to be used with meters will require taxi drivers to take a "substantial hit" to their revenues. Mr. Kopko informed Mr. Landry that a proposal is already under review by the Nantucket Police Department.

The meeting was unanimously adjourned at 9:19 PM.

Approved the 7th day of January, 2009.