

BOARD OF SELECTMEN

Minutes of the Meeting of 17 June 2009. 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 6:12 PM after a meeting of the NRTA Advisory Board.

ANNOUNCEMENTS

A Division of Capital Asset Management (DCAM) Contractor Certification Seminar will be held 18 June 2009 at 6:00 PM at 2 Fairgrounds Road.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Payroll Warrant for Week Ending 14 June 2009. The payroll warrant for the week ending 14 June 2009 was approved by the unanimous consent of the meeting.

Approval of Treasury Warrant and Pending Contracts for 17 June 2009. The treasury warrant and pending contracts for 17 June 2009 were approved by the unanimous consent of the meeting. Assistant Town Manager Malachy Rice requested the Board also approve a Laborers Union Memorandum of Agreement as an additional pending contract. Mr. Rice reviewed the Memorandum of Agreement, noting the Laborers Union is the Town's largest union and the agreement will realize a savings to the Town of \$272,000 which includes a wage freeze for FY 2010. Mr. Atherton moved to approve the Laborers Union Memorandum of Agreement; Mr. Reinhard seconded. All in favor, so voted.

CITIZEN/DEPARTMENTAL REQUESTS

Treasurer: Request for Approval to Borrow \$26,170,000 in Short-term Bonds for Various Projects Voted at 2008 Annual Town Meeting and 2009 Annual Town Meeting (continued from 10 June 2009). Treasurer Deborah Weiner explained that the request for borrowing is primarily for the Airport, but also includes the new police station and Wannacommet and Siasconset Water. Mr. Reinhard read the motion for approval to borrow \$26,170,000 in short-term bonds for various projects voted on at the 2008 Annual Town Meeting and the 2009 Annual Town Meeting (attached); Mr. Atherton seconded. All in favor, so voted.

Beach Manager: Town Beach Classifications for 2009 Summer Season. Postponed to 24 June 2009.

Parks & Recreation: Request for Bunker Property at 130 Tom Nevers Road to be Declared Surplus (continued from 13 May 2009; 10 June 2009). Mr. Atherton moved to declare the Bunker property at 130 Tom Nevers Road surplus; Ms. Roggeveen seconded. All in favor, so voted. Mr. Rice said the Town's Projects Administrator has asked for direction on the language of the request for proposal (RFP) for the property, noting that the Parks and Recreation Commission has drafted recommendations for the RFP. The Board noted it is in agreement with the Parks and Recreation recommendations (attached). A brief discussion followed on the RFP stipulation of a non-profit and status of the current tenants.

Planning Office: Request for Release and Disposition of 1 Waitt Drive (Map 67 Parcel 709) as Authorized by Article 98 of 2009 Annual Town Meeting for the Purpose of Creating Ownership Affordable Housing. Housing Planner Susan Bennett Witte spoke in favor of the request, noting the Town has an opportunity to acquire a free house from the Nantucket Island Land Bank which could be moved to the site in question. Ms. Witte said a request for proposal needs to be issued for affordable housing and ownership of the land and house. A brief discussion followed regarding selling the property vs. the Town renting out a house on the property. Ms. Roggeveen moved to approve the request for the release and disposition of 1 Waitt Drive (also known as lot 75/Ticcoma Way); Mr. Atherton seconded. All in favor, so voted.

Dorothy Harris Egan Foundation: Request for Acceptance of \$15,000 Donation to be Used Exclusively for Training for Direct Patient Care Services by Medical Staff at Our Island Home. Mr. Chadwick moved to accept the donation from the Dorothy Harris Egan Foundation and send a letter of thanks; Mr. Atherton seconded. All in favor, so voted.

PUBLIC HEARINGS

Public Hearing to Consider Appeal of Three Martins Lane LLC of Historic District Commission Disapproval of Certificate of Appropriateness No. 53732 for Property Located at 3 Martins Lane. Chairman Kopko opened the public hearing. Mr. Reinhard moved to continue the public hearing to 8 July 2009; Ms. Roggeveen seconded. All in favor, so voted.

Public Hearing to Establish Application Fee of \$50 for Newly Required Trench Permit as Authorized by Article 12 of 8 December 2008 Special Town Meeting. Chairman Kopko opened the public hearing. He said the Board's requested action is to establish the amount of the fee for a trench permit, which has been recommended by the Fire Chief to be \$50. As there were no additional comments, Chairman Kopko closed the public hearing. Mr. Chadwick moved to approve the \$50 fee for the newly required trench permit; Mr. Reinhard seconded. All in favor, so voted.

Public Hearing to Consider National Grid Petition for NG Plan # 6142685 to Locate Manholes, Wires, and Ducts on Harbor View Way, Nantucket. Chairman Kopko recused himself from this public hearing item as his place of business is on Harbor View Way. Vice-chairman Roggeveen opened the public hearing. Steve Breton of National Grid spoke in favor of the request. Department of Public Works Director Jeff Willett said the request is associated with the downtown stormwater drainage improvement project. Ms. Roggeveen closed the public hearing. Mr. Reinhard moved to approve National Grid's request to locate manholes, wires, and ducts on Harbor View Way; Mr. Atherton seconded. All in favor, so voted.

Public Hearing to Consider Application for New Common Victualler License for Siam Ice, Inc. d/b/a Siam To Go, Thitima Sasomsin (a/k/a Bo Sasomsin) and Seubsiri Thairatana, Managers for Premises Located at 10 Backus Lane, Nantucket. Chairman Kopko opened the public hearing. Attorney Jessie Glidden, representing the applicants, spoke in favor of the application. Chairman Kopko closed the public hearing. Mr. Reinhard moved to approve the new Common Victualler license for Siam To Go; Ms. Roggeveen seconded. All in favor, so voted.

Public Hearing to Consider Application for Public Assembly Permit for Nantucket Dreamland Foundation, Inc. to Use its Outdoor Premises Located on South Water Street During Summer 2009 for Staging of Fundraisers for Nantucket Dreamland Foundation and Showing of Movies Between

6:00 PM and 10:30 PM on Thursdays, Fridays, Saturdays, and Sundays From 2 July to 13 September. Ms. Roggeveen recused herself from this public hearing item as she is employed by Nantucket Dreamland Foundation, Inc. Chairman Kopko opened the public hearing. Jordana Fleischer of Nantucket Dreamland Foundation, Inc. spoke in favor of the application. Chairman Kopko questioned the hours of the public assembly permit. A discussion followed on expanding the hours of the public assembly permit or allowing further approval of the Town Manager. Chairman Kopko closed the public hearing. Mr. Chadwick moved to approve the public assembly permit for the Nantucket Dreamland Foundation, Inc.; Mr. Reinhard seconded. All in favor, so voted.

Public Hearing to Consider Application for Amended Entertainment License for Great Harbor Yacht Club, Inc. d/b/a Great Harbor Yacht Club – Sailing Center & Lawn for Premises Located at 96 Washington Street, Nantucket. Chairman Kopko opened the public hearing. Great Harbor Yacht Club General Manager Michael Mooney spoke in favor of the application, noting the request is to expand the hours of the current entertainment license inside the clubhouse. Mr. Chadwick said he is concerned about noise in a residential neighborhood. Mr. Atherton questioned if the times being requested are later than what is allowed by other clubs on island. Chairman Kopko suggested continuing the public hearing to 24 June 2009 to check with the licensing agent on Mr. Atherton's question. Mr. Atherton moved to continue the public hearing to 24 June 2009; Ms. Roggeveen seconded. All in favor, so voted.

TOWN MANAGER'S REPORT

Status of FY 2009 Solid Waste Enterprise Fund and Sewer Enterprise Fund Budgets; Review of Preliminary End-of-Year General Fund Transfers. Finance Director Connie Voges updated the Board on the status of the FY 2009 Solid Waste Enterprise Fund (SWEF) and Sewer Enterprise Fund (SEF) budgets. She noted the SWEF has a projected 2009 year end deficit of \$200,000 and that FY 2009 actual sewer connection permits are down 70% from FY 2008. A discussion on Ms. Voges' presentation followed. A discussion followed on keeping enterprise funds as they are or incorporating them into the General Fund.

SELECTMEN'S REPORTS/COMMENT

Mr. Chadwick noted the Great Harbor Yacht Club travel lift is operational but the crane is having issues with raising sailboat masts. The Board agreed to communicate Mr. Chadwick's concern with the Planning Office as it is an issue with Great Harbor's special permit and authorized Mr. Chadwick to review the letter before it is sent.

Mr. Atherton noted the Board has scheduled an additional goals meeting for 26 June 2009 and suggested that the Board meet instead on one of its "open" Wednesday nights during its summer schedule. Mr. Chadwick inquired why an additional goals meeting is necessary. Chairman Kopko said he feels the Board didn't get an opportunity to voice more of its goals and that there are no timelines or deliverables set with the goals established at its 5 June 2009 goals and objectives meeting. Mr. Atherton moved to move the 26 June meeting to an "open" Wednesday night in July; Ms. Roggeveen seconded. Mr. Chadwick said the meeting should be held on a scheduled Wednesday night meeting. Chairman Kopko, Ms. Roggeveen, and Mr. Rice agreed they will endeavor to schedule a goals session for a scheduled Wednesday night meeting. Mr. Atherton withdrew his motion.

Mr. Reinhard said the Roads and Right of Way Committee met yesterday and discussed the Boulevard area roads. He said the recommendation from Roads and Right of Way is that the Town take the roads, which are private, and improve them, estimating that the cost will be approximately \$1.5 million to take the roads and bring them up to the Town standards. Mr. DeRensis said the project can be done through betterments and the cost borne by those who benefit from it. It was agreed to place the matter on the 24 June 2009 County agenda.

Mr. Reinhard updated the Board on the status of the Nantucket Hunting Association lease.

The meeting was unanimously adjourned at 8:21 PM.

Approved the 20th day of January, 2010.

Voted: to approve the sale of a \$26,170,000 1.50 percent General Obligation Bond Anticipation Note (the "Note") of the town dated June 23, 2009, and payable February 26, 2010, to Morgan Stanley & Co. Incorporated at par and accrued interest plus a premium of \$180,834.70.

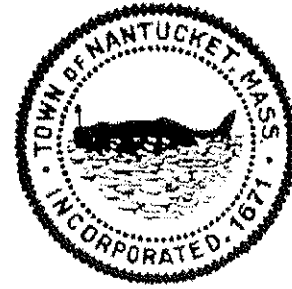
Further Voted: that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 5, 2009, and a final Official Statement dated June 11, 2009, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the consent to the financial advisor bidding for the Note, as executed prior to the bidding for the Note, is hereby confirmed.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a material events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

MEMO



TO: Board of Selectmen

FROM: Diane O'Neil
Projects Administrator

PC: Libby Gibson

DATE: April 16, 2009

RE: Park & Recreation Commission recommendations for the Lease of the Bunker

Parks & Recreation would prefer to have a lessee who is connected with non-profit recreation interests.

They would like to have written in the lease the right to inspect the leased property at any time.

They do not want the tenants to occupy or visit the premises during the scheduled seasonal, especially summer, events and activities to which the Parks is committed and dedicates maintenance.

If it is leased for storage, they would require an inventory of what is to be stored there.