

## BOARD OF SELECTMEN

Minutes of the Meeting of 13 October 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 6:54 PM following a meeting of the Board of Health.

### I. ANNOUNCEMENTS

1. The 2011 Annual Town Meeting Warrant is open for the submission of citizen articles starting 14 October 2010 through 18 November 2010 at 4:00 PM. A minimum of ten registered voter signatures are required.

2. Town Counsel will be available to assist citizens with "How to Prepare a Warrant Article" on Thursday, 21 October 2010 from 9:00 AM to 11:00 AM and Wednesday, 3 November 2010 from 2:00 PM to 4:00 PM in the Town Building Conference Room.

### II. PUBLIC COMMENT

1. Richard Cooper requested that the Board work with the Nantucket Hunting Association to open the hunting range property temporarily to allow hunters to sight their weapons, as hunting season is about to start. Mr. Chadwick said that he has been working closely with the Hunting Association and that a finished lease should be forthcoming shortly. Mr. Chadwick added that there may be possible insurance issues with opening the property prematurely.

2. Dave Fredericks of National Grid, who said he is working as a private citizen with the Nantucket Public Schools on its wind turbine project, gave an update on the wind turbine, noting that it has been installed and will begin operation next week. Mr. Fredericks discussed the safety of the chosen location and the history of the chosen wind turbine.

### III. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1. Approval of Minutes of 20 January 2010 at 6:00 PM; 3 February 2010 at 6:00 PM; 6 October 2010 at 6:00 PM. The minutes of 20 January 2010 at 6:00 PM, 3 February 2010 at 6:00 PM, and 6 October 2010 at 6:00 PM were approved by the unanimous consent of the meeting.

2. Approval of Payroll Warrant for Week Ending 10 October 2010. The payroll warrant for the week ending 10 October 2010 was approved by the unanimous consent of the meeting.

3. Approval of Treasury Warrant and Pending Contracts for 13 October 2010. Town Manager C. Elizabeth Gibson reviewed the various pending contracts. Mr. Atherton suggested Town Administration prepare a public review of the Town's pension program, insurance policies, vacation and sick policies, step increases, longevity, and other associated topics as a future agenda item as it relates to budgets. Mr. Kopko moved to approve the treasury warrant and pending contracts for 6 October 2010; Mr. Atherton seconded. All in favor, so voted.

### IV. CITIZEN/DEPARTMENTAL REQUESTS

1. Roger Decker: Request for Transfer of Mobile Food Unit License. Roger Decker spoke in favor of the request. Chairman Roggeveen noted that mobile food unit licensees must pick up trash at the beaches they go to at the end of each day they are there and dispose of it properly. Mr. Decker acknowledged and agreed with the obligation. Mr. Chadwick moved to approve the transfer of the

mobile food unit license from Raymond Symer, d/b/a the Happy Dog, to Roger Decker, d/b/a Nantucket Beach Dogs; Mr. Willauer seconded. All in favor, so voted.

2. Sustainable Nantucket: Request for Approval for 2011 Farmers and Artisans Market. Michelle Whelan, executive director of Sustainable Nantucket, spoke in favor of the request to continue the Farmers and Artisans Market in the same location on Upper Cambridge and North Union Streets for 2011, with the exception of 2 July 2011, as that is when St. Mary's Fair occurs at that location. Mr. Chadwick moved to approve the 2011 Farmers and Artisans Market and schedule on Upper Cambridge and North Union Streets; Mr. Willauer seconded. All in favor, so voted.

3. Planning Office: Request for Approval of Letter of Support for Wilkes Square Redevelopment Final Report. Mr. Chadwick moved to approve the letter of support for the Wilkes Square Redevelopment Final Report (attached); Mr. Atherton seconded. Mr. Kopko said he will not vote in favor of the motion as he feels it is a "Trojan horse plot" to get a parking garage built at the Wilkes Square location. On the motion, so voted 4-1. Mr. Kopko was opposed.

#### V. PUBLIC HEARINGS

##### 1. Public Hearing to Determine Tax Allocation by Classification; Percentage of Residential Exemption to be Granted for FY 2011 (Continued from 22 September 2010; 6 October 2010).

Assessor Deborah Dilworth reviewed her memo to the Board dated 13 October 2010, noting that proposed tax rates for FY 2011 are \$3.55 for residential; \$3.40 for open space; and \$6.36 for commercial, industrial, and personal property classes. She requested the Board adopt a shift of 175% to the commercial, industrial, and personal property classes and a residential exemption of 20%. Ms. Dilworth answered questions from the Board. Ms. Gibson inquired how Nantucket's tax rates compare to other towns. Ms. Dilworth said they are among the lowest in the state. Chairman Roggeveen closed the public hearing. Mr. Chadwick moved to approve the tax allocation by classification and a 20% residential exemption for FY 2011 as presented; Mr. Willauer seconded. All in favor, so voted.

#### VI. TOWN MANAGER'S REPORT

1. Request for Technical Amendment of Policy for the Installation of Memorial Plaques, Benches, and Trees in the Town of Nantucket. Ms. Gibson explained that the technical amendment to the memorial policy clarifies that certain Town properties are under the jurisdiction of the Parks and Recreation Commission and will require a separate review and approval through the Commission, in addition to the associated application for the Town's memorial policy. Mr. Chadwick moved to approve the technical amendment of the memorial policy; Mr. Atherton seconded. All in favor, so voted.

Ms. Gibson noted that the Town received an appropriation at the 2010 Annual Town Meeting for the redesign/reuse of the 20 South Water Street building, adding that a request for qualifications (RFQ) was issued and five responses have been received. She said three of the respondents were interviewed today and she hopes to have a contract ready for approval in the next few weeks, and a firm number for the 2011 Annual Town Meeting for the construction costs.

Ms. Gibson said she and Assistant Town Manager Gregg Tivnan are actively seeking outside funding for an energy coordinator for the Town, as energy-related projects have increased substantially.

## VII. SELECTMEN'S REPORTS/COMMENT

1. Discussion of Possible Letter to Department of Public Utilities Regarding Possible Cape Wind – National Grid Contract. Mr. Atherton said when National Grid held a public hearing on Island this summer regarding a possible contract with Cape Wind, there were many concerned citizens. He said he feels the Board should not ignore the issue, and that it is not about whether a person supports Cape Wind or not, but rather how alternate energy is to be paid for. Mr. Atherton said he has written a letter to the Department of Public Utilities (DPU) as a private citizen and he hopes that the Board will send one as well. Mr. Chadwick said he agrees with Mr. Atherton's letter and supports the Board writing a letter to the DPU. Mr. Kopko said he doesn't feel Mr. Atherton's letter represents all the citizens of Nantucket and that he feels it prudent of the Board not to take a position on behalf of the Town. A discussion among Board members followed. Grant Sanders and Carl Borchert spoke in favor of the contract between National Grid and Cape Wind. Mr. Atherton said it is clear to him following Board discussion that most of the Board does not want to formally comment but he added that it is a political matter and he feels the Board can have influence on the legislators. No action was taken.

2. Review of Legal Costs. Mr. Kopko said he asked for this matter to be placed on tonight's agenda. He said that in April 2009 the Board revised its policy on the use of Town Counsel and use of legal services. Mr. Kopko reviewed a spreadsheet he provided showing legal costs for FY 2009 and FY 2010, noting that legal fees, not including the retainer, have reduced 25% and that the estimated average hourly rate is around \$137. Mr. Atherton said it is up to the Board to have a management process over legal services. Mr. Kopko said he feels the Town hadn't been a "good client" to its legal services contractor in the past but has since made significant changes in the management of legal services. Mr. Willauer asked what drives the legal services caseload. A discussion among Board members followed. Mr. Willauer said he feels the downturn in the economy has much to do with the lower legal services caseload and a corresponding decrease in legal bills.

3. Committee Reports. Mr. Willauer updated the Board on the Shellfish Management Plan and energy initiatives.

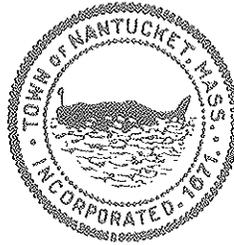
## VIII. ADJOURNMENT

The meeting was unanimously adjourned at 8:08 PM.

Approved the 27<sup>th</sup> day of October, 2010.

Town and County of Nantucket  
Board of Selectmen • County Commissioners

Patricia Roggeveen, Chairman  
Rick Atherton  
Brian J. Chadwick  
Michael Kopko  
Whiting Willauer



16 Broad Street  
Nantucket, Massachusetts 02554

Telephone (508) 228-7255  
Facsimile (508) 228-7272  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

C. Elizabeth Gibson  
Town & County Manager

October 13, 2010

Dear Supporter of Nantucket's Downtown:

We, the Board of Selectmen, are pleased to accept the Final Report of the Wilkes Square prepared by CBT Architects. The report is the capstone of five years of examination by the Board of planning options for an important area of Nantucket's downtown. The Board believes that the report contains exciting ideas about how an area containing potential for complementing and enriching Nantucket's historic downtown can be redeveloped. While the report is now finalized, the Board believes that its acceptance also marks a beginning of a proactive, rather than a reactive, approach to guiding the future of the downtown.

In 2005, the Board requested that a comprehensive study be conducted of a broader area around the former Nantucket Electric Company property, then being considered for a transportation center. The Board considered whether public involvement was prudent and considered ideas and received support from the Nantucket Planning and Economic Development Commission (NP&EDC) between 2006 and 2008. Throughout this time period, the Board consistently voted to proceed. In mid-2008, the Board created the Downtown Revitalization Committee (DRC), which ultimately developed a Request for Proposals (RFP) in early 2009. In 2009, the Board issued the contract to CBT Architects of Boston after a competitive process that generated interest from local, regional and national firms. Throughout 2009, CBT and the Nantucket Planning Office staff conducted an intensive public outreach program eventually leading to the final report.

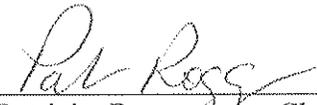
The report should be viewed as a potential outline for action, but not as proscriptive. A road, open space network and block pattern that is consistent with the historic pattern of the downtown has been proposed but can be modified. The uses suggested have been selected for their contribution to the customer base and vibrancy of downtown but there is not one specific overall use proposal within the document. Some uses have received extensive support such as the retention of a grocery in the downtown area and a transportation center. Other uses will need further community discussion and the examination for synergy and compatibility of other related goals of the Board and for the benefit of the downtown.

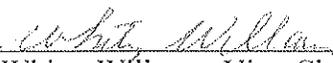
The report was written based on the presumption that development would be undertaken by private parties and that the Town would not purchase the property. Instead, the public participation would be to leverage value through amending its zoning and other regulatory changes as well as seeking the participation of State and Federal partnerships. An example is the adoption of Warrant Article 90 of the 2009 Annual Town Meeting, which make the project area eligible for "streamline permitting" under Massachusetts's Chapter 43D economic development program. The Board and the Planning Office have identified other potential programs that might benefit the implementation of a plan.

The Board thanks the many residents, public officials and business/institutional representatives that have committed their time to providing input to the process. The Board hopes that the report will be the first step to toward implementing a program to redevelop this important waterfront resource in a way that achieves both public and private benefits. The Board sees the opportunity for meaningful partnerships between the Town and other entities, both governmental and private. The Board sees roles for many to assist including but not limited to Town Boards such as the Planning Board, Historic District Commission, Harbor Implementation Committee, Conservation Commission and Land Bank. There are opportunities for private businesses as well as non-profit arts, educational and museum organizations. If successful, these groups and our citizens have the ability to proactively influence a rewarding outcome.

In the coming months, the Board will work with the Planning Office to develop a strategy to continue the development of implementation measures and advancing the dialogue between private property owners and other stakeholders. We urge you to stay involved and positively engage in the process.

Sincerely,

  
Patricia Roggeveen, Chairman

  
Whitey Willauer, Vice-Chairman

  
Rick Atherton

  
Brian Chadwick

\_\_\_\_\_  
Michael Kopko

***BOARD OF SELECTMEN  
13 OCTOBER 2010 – 6:00 PM  
COURT ROOM, TOWN & COUNTY BUILDING  
16 BROAD STREET  
NANTUCKET, MASSACHUSETTS***

List of documents used at the meeting:

- III. 1. Draft minutes of 20 January 2010 at 6:00 PM; 3 February 2010 at 6:00 PM; 6 October 2010 at 6:00 PM
- III. 3. Pending contracts spreadsheet for 13 October 2010
- IV. 1. Note from Town Administration, re: beach clean up by mobile food unit licensees; letter from Roger Decker requesting transfer of mobile food unit license; application for mobile food unit license; inspection sign-off form for transfer of mobile food unit license
- IV. 2. Letter from Sustainable Nantucket, re: 2011 Farmers and Artisans Market; application for street blocking, re: 2011 Farmers and Artisans Market
- IV. 3. Email from Andrew Vorce, re: Wilkes Square letter of support; draft letter of support for Wilkes Square Redevelopment Final Report
- V. 1. Memo from Assessor, re: proposed tax rates and residential exemption for FY 2011
- VI. 1. Amended Policy for the Installation of Memorial Plaques, Benches, and Trees
- VII. 1. Copy of Rick Atherton's letter to Dept. of Public Works, re: contract between National Grid and Cape Wind
- VII. 2. Legal Services Costs spreadsheet (compiled by Michael Kopko)