

BOARD OF SELECTMEN

Minutes of the Meeting of 17 October 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Whiting Willauer, Allen Reinhard and Patricia Roggeveen. Chairman Willauer called the meeting to order at 6:25 PM immediately following a meeting of the Board of Health.

Announcements. Tom Kirkman of the District Attorney's office read a Proclamation for "Domestic Violence Month" and gave a brief summary of the important work A Safe Place does for Nantucket. By unanimous consent the Board endorsed the proclamation.

Public Comment. Sarah Alger, attorney representing Great Harbor Yacht Club (GHYC) stated that as a result of litigation, Harbormaster Dave Fronzuto, Selectman Michael Kopko and Town Biologist Keith Conant may be asked by the Nantucket Land Council to testify and/or provide affidavits with regard to a Department of Environmental Protection proceeding. Ms. Alger spoke against any such action. Town Administrator C. Elizabeth Gibson explained her understanding from Town Counsel is that the employee involvement would require a vote of the Board of Selectmen. Mr. Chadwick moved to send a letter to the Nantucket Land Council to advise them of procedures specific to the Town Charter, Ms. Roggeveen seconded. Ms. Roggeveen expressed her opinion that any such testimony is not appropriate. Mr. Kopko disagreed. Chairman Willauer questioned why the testimony would be inappropriate. Chairman Willauer suggested that the board discuss the matter in executive session. Mr. Chadwick withdrew his original motion. Mr. Kopko moved to discuss the item in executive session on October 18, 2007. Mr. Chadwick seconded, so voted 4-1 with Ms. Roggeveen opposed.

Approval of Minutes of 19 September 2007 at 6:00 PM; 27 September 2007 at 10:00 AM; 3 October 2007 at 6:00 PM. The Board approved the minutes by unanimous consent.

Approval of Payroll Warrant for Week Ending 14 October 2007. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for 17 October 2007. The Board approved the treasury warrant and pending contracts by unanimous consent.

CITIZEN/DEPARTMENTAL REQUESTS

Nantucket New School: Request for Approval of Temporary Pouring License and Temporary Entertainment License for Fundraiser on November 17, 2007. Mr. Kopko moved to approve, Mr. Chadwick seconded, so voted unanimously.

Finance Committee: Resignation. Chairman Willauer noted the Board has received a letter of resignation from Rick Ulmer from the Finance Committee. Mr. Kopko moved to accept the resignation with regret and thanks for Mr. Ulmer's service, Mr. Chadwick seconded, so voted unanimously. Ms. Gibson stated there are three committee openings currently being advertised: Capital Program Committee, Finance Committee and Nantucket Historical Commission.

PUBLIC HEARINGS

Public Hearing to Consider Appeal of K. Keith and Elizabeth Roe of Historic District Commission Approval of Certificate of Appropriateness No. 50517 for Property at 5 Step Lane. Ms. Gibson noted the appeal has been withdrawn by the appellant.

Public Hearing to Consider Petition #07-022 of Verizon/National Grid for Two (2) New Pole Locations/One (1) Pole Removal on Candlehouse Lane. Verizon representative, Ken Horne spoke in favor of the requested petition. Mr. Kopko reminded the Board of a Town bylaw prohibiting any new pole installations. Mr. Chadwick asked if it was the owner of the property making the request, Mr. Horne responded affirmatively. Mr. Kopko moved to deny the request and to take no action on the application, Mr. Chadwick seconded, so voted unanimously.

Public Hearing to Consider Petition #07-020 of Verizon/National Grid for One (1) Pole Relocation near 11 Union Street. Cindy Garrison owner of 11 Union Street explained the request. Ms. Roggeveen moved to approve the request providing there shall be a reservation of one (1) cross arm at a suitable point on each pole and one (1) underground conduit for the fire, police, telephone, Internet and telegraph signal wires belonging to and used by the municipality for any municipal purposes, Mr. Reinhard seconded, so voted unanimously.

Public Hearing to Consider Petition #2007-103 of National Grid for Installation of Manhole and Duct Locations for Electric Facilities on Easton Street (pole #1) and North Water Street (pole #12). Chris Raymond of National Grid spoke in favor of the request explaining approval would allow for permanent service to the Point Breeze hotel and all of North Avenue. Mr. Kopko moved to approve the request, Mr. Reinhard seconded, so voted unanimously.

Public Hearing to Consider Request for Waiver from Sanitary Sewer Policy for Installation of Low-pressure, Low-capacity Sewer Forcemain for Lots at 67 Surfside Road. Arthur Gasbarro, representing the request, spoke in favor. DPW Director Jeff Willett spoke in favor but requested any approval to be conditional upon the formation of a homeowners association which will provide maintenance and/or repairs to the system. Mr. Gasbarro noted there will be a per lot endowment to cover any repairs. Mr. Chadwick moved to approve the request with the condition, Mr. Reinhard seconded, so voted unanimously.

Public Hearing to Consider Request for Waiver from Sanitary Sewer Policy for Installation of Low-pressure, Low-capacity Sewer Forcemain for Lots at Saltmarsh Road. Mr. Gasbarro spoke in favor of the request. Some discussion followed. Mr. Kopko moved to approve with the condition of the formation of a formal homeowners association and maintenance plan and that the association be responsible for maintenance and/or repairs to the system, Ms. Roggeveen seconded, so voted unanimously.

TOWN ADMINISTRATOR'S REPORT

Planning Director: Review of Conceptual Use/Goals of Property at 2 Candle Street and Planning Director: Request for Board of Selectmen Endorsement of 2 Candle Street as a Designated MGL Ch. 43D (Expedited Permitting) Site. Ms. Gibson stated that the Planning Director Andrew Vorce was unavailable this evening but has requested a workshop session to discuss these issues. Mr. Reinhard agreed stating this is a major project in the downtown area and a workshop session is

needed to focus on this and that although this is very conceptual at this point, it is also very important.

SELECTMEN'S REPORTS/COMMENT

Mr. Kopko stated as a member of the Nantucket Lodging Association he would like to relay the Lodging Association's strong desire for the Town to pursue special legislation for a vacation rental tax. He noted the Board of Selectmen would be receiving a letter from the Lodging Association requesting a warrant article to pursue this. Ms. Gibson noted the Board of Selectmen did support the legislation that was submitted on behalf of the Town of Brewster for a similar effort.

Chairman Willauer suggested joining the Cape Cod Selectmen and Counselors Association. He noted they meet every other Friday at 7:30 am on the Cape and that Tom Keyes, President of the Association has offered to come to Nantucket to discuss. By unanimous consent, the Board agreed to join.

Chairman Willauer noted the Harbor Plan Implementation Committee has requested a Board of Selectmen liaison. Mr. Kopko nominated Chairman Willauer, Mr. Chadwick seconded, so voted.

Mr. Kopko suggested that the Board consider examining having the Town be part of the Barnstable state legislative district and reviewed some of the history about Nantucket's current legislative district status.

Chairman Willauer noted that Mark Forest of Congressman Delahunt's office was here on Sunday with some German officials to discuss coastal zones and tidal energy.

Ms. Roggeveen noted that at Board of Health meeting on October 9, 2007 to discuss a state-sponsored estuaries report, it was represented that a revised draft report would be made available and asked Ms. Gibson to find out when.

Mr. Reinhard acknowledged the "Clean Team" for the work they have done for the past few years. He noted they are out every Saturday morning at 9 am cleaning up the roadways, beaches and other areas of the island. Ms. Gibson challenged the Board of Selectmen to join the Clean Team.

The meeting adjourned at 8:38 PM.

Approved the 7th day of November, 2007