

BOARD OF SELECTMEN

Minutes of the Meeting of 7 January 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, Allen Reinhard, and Patricia Roggeveen. Vice-chairman Roggeveen called the meeting to order at 6:00 PM.

ANNOUNCEMENTS

Ms. Roggeveen reviewed a Division of Marine Fisheries hearing yesterday in Hyannis which went well and had a good turn-out. A decision on SHAB's scallop workgroup recommendations, which the Board approved on 22 December, will be made by the state next week. Ms. Roggeveen thanked Martha's Vineyard representatives for attending the hearing in support of Nantucket.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Minutes of 29 October 2008 at 4:00 PM; 6 November 2008 at 9:00 AM; 12 November 2008 at 6:00 PM; 19 November 2008 at 6:00 PM; 8 December 2008 at 12:00 PM; 10 December 2008 at 6:00 PM; 17 December 2008 at 11:30 AM. The minutes of 29 October 2008 at 4:00 PM as amended, 6 November 2008 at 9:00 AM, 12 November 2008 at 6:00 PM, 19 November 2008 at 6:00 PM, 8 December 2008 at 12:00 PM, 10 December 2008 at 6:00 PM, and 17 December 2008 at 11:30 AM were approved by the unanimous consent of the meeting.

Approval of Payroll Warrant for Weeks Ending 21 December 2008; 28 December 2008; 4 January 2009. The payroll warrants for the weeks ending 21 December 2008, 28 December 2008, and 4 January 2009 were approved by the unanimous consent of the meeting.

Approval of Treasury Warrants for 24 December 2008; 31 December 2008; 7 January 2009 and Pending Contracts for 7 January 2009. Town Manager C. Elizabeth Gibson added an additional contract not listed on the schedule, which is a construction contract with Massachusetts Highway for the construction of the Nobadeer Farm Road bike path. It is a 110% reimbursement contract, where the extra 10% allows for some minimum amount of overages; anything above that the Town is responsible for. The treasury warrants for 24 December 2008, 31 December 2008, and 7 January 2009 and pending contracts for 7 January 2009 were approved by the unanimous consent of the meeting.

CITIZEN/DEPARTMENTAL REQUESTS

Citizen Request for Appointment of Selectmen Liaison for Planning of New Courthouse for Nantucket. Ms. Gibson explained this request was made by Wayne Holmes but said she spoke with him and he now doesn't think it should be a formal agenda item. She said Mr. Holmes suggested he meet with Ms. Gibson. Ms. Gibson said it is clear that this will not be a Town funded project.

Police Department: Request to Schedule Hearing for Liquor License Violation(s)/Cinco Restaurant. Police Chief William Pittman reviewed the violations, which involve after-hours alcohol service. Mr. Reinhard moved to schedule a public hearing on the matter for 21 January 2009; Mr. Atherton seconded. All in favor, so voted.

Save Our Sound: Request for Execution of Letter to Federal Minerals Management Service (MMS) Regarding Circulation of Final Environmental Impact Statement for Cape Wind Project. Ms. Gibson said an email request was received from the Save Our Sound (SOS) group asking the Town to send the requested letter. Mr. Chadwick said he felt the SOS –drafted letter accused the MMS of thwarting the public process and said he would not support or sign it as drafted. Mr. Atherton said he agreed and asked if there was a way to re-draft the letter. Mr. Reinhard said he also objected to the tone of the letter, is reluctant to sign it, and suggested the Board pass on it. Mr. Atherton said the Board should not disregard the letter as it is an appropriate time to reassert the Town’s view. Director of Planning Andrew Vorce said the NP&EDC is also a cooperating agency and suggested the Board send a simple letter to the MMS requesting a copy of the final environmental impact report before it is released to the public. Mr. Atherton suggested the letter be jointly signed by the Board and the NP&EDC. Mr. Vorce said the NP&EDC could hold a special meeting on 12 January to review the letter and vote on signing it with the Board.

Request for Acceptance of \$7,500 from Siasconset Beach Preservation Fund (SBPF) to Defray Legal Expenses Associated with Review of Licenses for Use of Town Property for Erosion Control Project. Attorney Kevin Dale, representing SBPF, asked the Selectmen to accept the \$7,500 gift. Ms. Gibson explained the “gift” is one of the conditions the Board imposed on SBPF in connection with the Town’s approval of a license agreement for the use of Town land. Mr. Chadwick moved to accept the \$7,500 gift from SBPF to defray legal expenses associated with the review of licenses; Mr. Atherton seconded. All in favor, so voted.

TOWN MANAGER’S REPORT

Preliminary Review of 2009 Annual Town Meeting Warrant Articles. Mr. Vorce, along with Senior Planner Leslie Snell and Land Use Planner Tom Broadrick, reviewed Planning Board-sponsored warrant articles and asked that the Board include them in the 2009 Annual Town Meeting warrant. Mr. Vorce encouraged citizens to contact the Planning Office if they have questions on the articles. Ms. Gibson then reviewed proposed Selectmen-sponsored warrant articles as well as articles requested by other departments. Both Ms. Gibson and Mr. Vorce answered the Board’s questions that came up as they reviewed the warrant articles. Attorney Melissa Philbrick, representing Sherburne Commons, elaborated on the zoning change request from Sherburne Commons. The request is for the Board to sponsor a town meeting warrant article to change the zoning on the lot of the assisted-independent living facility. Ms. Philbrick said the requested change is 1) a definitional change to permit skilled-nursing which is currently not permitted; 2) addresses restrictions with ownership and management of the facility; and 3) addresses the maximum number of units on the site. She explained that Sherburne Commons is currently in bankruptcy court and is trying to restructure to become solvent and successful. Ms. Philbrick said there is still the land lease with the Town which imposes its own issues, but that the proposed zoning change could add flexibility to widen the pool of potential buyers. Vice-chairman Roggeveen said it is important to note that the request is coming forward from Sherburne Commons and has not been initiated by the Town. Ms. Philbrick said the intention of the request is to initiate a discussion and it is just a concept, not a draft of an article. Town Counsel Paul DeRensis suggested waiting to change zoning until a potential buyer is involved, and that the general practice is make changes with the new buyer, not the seller. Ms. Philbrick said Sherburne Commons doesn’t want to end up excluding potential buyers and that they hope to start a discussion with the Board at the end of January or early February. Vice-chairman Roggeveen said the Administration will discuss the issue with

Planning and they will leave the meeting with the commitment to keep looking at the issue, but not to include that article at this time.

Ms. Gibson informed the Board that Administration has spent a good amount of time the last couple of days working on projects to submit for the federal economic stimulus package. The Town was contacted by the Lt. Governor's office last week about submitting projects; each project requires a multi-page application and the applications are due tomorrow. Administration is also sending packets to federal congressional delegates as well as the Town's state delegation. Ms. Gibson explained there are certain criteria to apply for funds, including the projects being "shovel-ready" by the end of May 2009, the permitting and bidding being complete, the projects must demonstrate an economic stimulus impact, and they must be completed within two years of groundbreaking. Various eligible areas include public safety buildings, waste water facilities, water facilities, solid waste facilities, and recreational, municipal and general governmental buildings. Administration prepared 19 project applications, including the police phase of the public safety facility, two waste water, four transportation, three recreational, four general governmental municipal buildings, and five for school. Ms. Gibson said if funding does come through, depending on which application(s) are approved, the Town would probably have to go back to a special town meeting to get the funds appropriated. Ms. Gibson recognized Assistant Town Manager Malachy Rice for preparing and putting together a very professional package. Vice-chairman Roggeveen asked for clarification these are grant dollars to facilitate these various projects; Ms. Gibson affirmed this. Mr. Rice acknowledged the help and support of various department heads as well as school officials and the leadership of Town Administration to make this application package happen. Mr. Atherton said he encouraged Administration to identify support for Nantucket's effort, and suggested possibly hiring a lobbyist or getting residents involved with political clout.

Ms. Gibson explained that on 31 December 2008 the Board and staff spent a lot of time on the property transaction for Ryan/Millie's Cottage approved by the 8 December 2008 Special Town Meeting. She said the last item that needs to be done is for the Board to formally vote to accept a gift from the Ryans in the amount of \$12,500 to defray legal and other expenses. Mr. Chadwick moved to accept the gift; Mr. Atherton seconded. All in favor, so voted. Mr. DeRensis thanked the Board for holding a special meeting, as well as the Town Manager and staff for going out of their way to make sure the transaction took place, acknowledging that it was a lot of work was done on short time. Vice-chairman Roggeveen thanked the Planning Board for also holding a special meeting to approve the site plan.

SELECTMEN'S REPORTS/COMMENT

Discussion Regarding Nantucket Hunting Association (NHA) Lease of Town Property. Vice-chairman Roggeveen explained that Mr. Reinhard and Mr. Chadwick have met with the NHA as liaisons for the Board. Mr. Reinhard said their meeting was a positive one and the focus of the meeting was concerns with the existing ground lease. He said his main concern was with essentially "giving over" 50 acres of Town-owned property and that the ultimate decision the Board will make is what the public benefit is of the NHA shooting range. Mr. Reinhard said they also identified concerns of noise, the mitigation required for endangered plants, any other mitigation necessary, and mainly finances. He said whatever proposal the NHA comes forward with has to be financially sound. Mr. Reinhard said they discussed a closed range at another location but that there was no positive response from the NHA. They also addressed the concerns on the use of lead shot, the hours of operation, and the state of the property when it is returned to the Town at

the end of the lease. Mr. Chadwick said they agreed to meet again. Mr. Reinhard said the NHA wants to get back to the Zoning Board of Appeals and is currently soliciting the Nantucket Conservation Foundation, the Land Bank, and the neighbors regarding their concerns. Vice-chairman Roggeveen said the Board has discussed this matter often in executive session and the goals for tonight should be to have the public understand where the Board is coming from and to let the Board share its concerns. She went on to say that the NHA's outreach needs to include all stakeholders in the range other than NHA members. Mr. Reinhard said he's also concerned that it sounds like the shooting range is more like a private club for the NHA members who total about 60-80, when there are approximately 600 gun owners registered on island and he questioned what use would the public have of the facility. He said the original proposal was a range for local residents to learn safety and have a place to site their weapons during hunting season. Mr. Reinhard said in his opinion the original proposal including a skeet range, archery range, clubhouse, and potential liquor license "morphed" beyond the scope of what was approved at the 2004 Annual Town Meeting. Vice-chairman Roggeveen said she would like to see safety training integrated into any proposal NHA comes forward with. Mr. Atherton asked if an indoor facility was discussed and if it could address the issues of noise and safety. Mr. Reinhard said it was mentioned but the drawback for the NHA is being able to have a skeet range, which they view as their main source of revenue. Mr. Atherton said the Board needs to find out if skeet is a determining issue for the NHA. Vice-chairman Roggeveen questioned the viability of the skeet range and a business plan where employees are really volunteers. She said she was concerned about the financial impacts. Mr. Reinhard said a sound financial plan is essential and the lease has to be carefully vetted with Town Counsel. Vice-chairman Roggeveen said the next step would be for Mr. Reinhard and Mr. Chadwick to continue meeting with the NHA and to let the Board know when the lease can be discussed by the Board again.

Discussion Regarding Fiscal Year 2010 General Fund Budget. Ms. Gibson explained that Town Administration is in the process of finalizing a recommendation for a balanced fiscal year 2010 budget and will present that to the Board on 14 January. She said Administration has had extensive discussion with various department heads about how to close the gap. Ms. Gibson noted that a portion of the gap will have to be addressed with a reduction in personnel expenses; however, the specifics on that may not be known until after the 2009 Annual Town Meeting. Ms. Gibson reviewed the Board's upcoming schedule for budget discussions. Concerning the budget, Ms. Gibson said there have been some changes to earlier expense and revenue projections including the Barnstable County Retirement assessment which came in at \$150,000 lower, and it remains uncertain whether local aid will be cut for fiscal year 2010 and perhaps for fiscal year 2009. She also said the motor vehicle excise amount, which comes from the state, is expected to be lower and could affect fiscal year 2010 projections. Ms. Gibson said Administration is still working on the Solid Waste Enterprise Fund. Vice-chairman Roggeveen stated that as the process continues she would like to recognize where the Board is in the process, and let people know the Board is still working it out and is not making final decisions yet. Ms. Gibson said solid waste and sewer enterprise fund reports will be ready for 21 January, rather than 14 January.

The meeting was unanimously adjourned at 8:40 PM.

Approved the 25th day of March, 2009.