

BOARD OF SELECTMEN

Minutes of the Meeting of 14 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. Chairman Michael Kopko was absent. Vice-chairman Roggeveen called the meeting to order at 6:02 PM.

ANNOUNCEMENTS

None.

PUBLIC COMMENT

Curtis Barnes commented on the conditions of the downtown roads during the sewer construction and requested weekly notices of the roads that are going to be blocked. Town Manager C. Elizabeth Gibson and DPW Director Jeff Willett agreed public notice is a good idea and will discuss getting information up on the website.

Nat Lowell suggested adding road improvements at the corner of Francis and Union Streets and Orange and Union Streets to the capital projects to be put forward for fiscal year 2010, saying there would be a "huge" public benefit.

Health Inspector Richard Ray said to date he has received three applications for the Tick-borne Disease Committee and said he hopes to receive about a dozen more and encouraged people to apply for the committee.

Police Chief William Pittman said there will be a meeting on 22 January with taxi owners at 5:00 PM at the LGI room at Nantucket High School to discuss taxi meters rates and expects a report will then be drafted with recommendations for the Board of Selectmen.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Payroll Warrant for Week Ending 11 January 2009. The payroll warrant for the week ending 11 January 2009 was approved by the unanimous consent of the meeting.

Approval of Treasury Warrant and Pending Contracts for 14 January 2009. The treasury warrant and pending contracts for 14 January 2009 were approved by the unanimous consent of the meeting.

CITIZEN/DEPARTMENTAL REQUESTS

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 (tabled from 7 January 2009). The Board ratified a vote to sign and send a revised letter to the MMS taken at its 13 January 2009 Board meeting.

Human Services Center, Inc.: Request for Designation of Portion of Town-owned Property at 7 Miacomet Road for 40B Housing Development. Reverend Georgia Ann Snell, representing Nantucket Human Services Center, Inc., said the group has hired Housing Assistance Corp. as a consultant on the housing development portion of the Human Services Center. Reverend Snell said she was present to update the Board on the status of Human Services Center, Inc.'s 40B housing process, and to request permission to have Human Services Center, Inc.'s attorney work on a lease with the Town with Town Counsel. She said they have a donor who is willing to help fund two Human Services Center buildings for housing, and they have a deadline of March 1 to get a signed lease with the Town, otherwise they risk losing the funding. Gisele Gauthier from Housing Assistance Corp. said Human

Services Center, Inc. is close to being ready to send a request to the state Department of Housing and Community Development (DHCD) for a site eligibility letter in order to get permission to apply for a 40B housing project. Ms. Gauthier said in order to do so, Human Services Center, Inc. has to demonstrate such things as being in compliance with the state Natural Heritage and Endangered Species Program, vetting its project through the MA Historical Commission, and can demonstrate site control. She added that Human Services Center, Inc. is working with Natural Heritage and MA Historical has approved its site plan; however, the state needs to know Human Services Center, Inc. is working on lease negotiations in order to issue a site eligibility letter. Ms. Gauthier said Human Services Center, Inc. needs to have a comprehensive permit substantially complete in order to apply for state funding in June and that Human Services Center, Inc. would like to begin the comprehensive permit process in March. She said assuming Human Services Center, Inc. gets its site eligibility request to the state by the end of January they will ask the Board to comment on the proposal and the Board's comments will then be incorporated into the site eligibility letter. Reverend Snell clarified that there are two aspects to the project: first are the two Human Services Center buildings, for which a donation is pending, and the second is the housing with which Ms. Gauthier is helping. Mr. Reinhard said he understands the two components – housing and the Human Services Center buildings – but is confused that they seem to be moving along together. Ms. Gauthier said they are both moving along, but not together, and that they each have very different funding sources and will move at the pace funding will allow. Mr. Reinhard also asked if the Human Services Center, Inc. has met with the Town's housing specialist Susan Witte; Ms. Gauthier said they have not. Mr. Chadwick said he wants the lease to have a clause guaranteeing funding. Reverend Snell said the two Human Services Center buildings are now estimated to cost \$5 million each and the donor has offered Human Services Center, Inc. \$5 million to build one of those buildings. Ms. Gauthier said the donor will not guarantee funding unless a lease is in place or going through negotiations in order to demonstrate site control. Vice-chairman Roggeveen said the Board needs to see a business plan for the Human Services Center – not the housing – as Town Meeting voted this property for a Human Services Center. She stressed that the Board needs to see a business plan before they will be comfortable going forward with a lease. A discussion followed about the housing and the Human Services Center buildings in regards to which should/could occur first. Mr. Atherton asked for clarification as to what was before the Board tonight. Ms. Gauthier explained that they are asking the Board for permission to have Human Services Center, Inc.'s attorney to speak with Town Counsel about the ground lease. Ms. Witte said she supports the request for the ground lease so as to ensure site control. Vice-chairman Roggeveen stressed approval must come with the condition that a revised business plan be submitted for the Human Services Center. Mr. Reinhard asked the applicant to discuss the 40B project and the housing units. Ms. Gauthier said there will be 14 housing units with ten of them being two-bedroom units, four one-bedroom units, and two handicapped accessible with all being 100% affordable with the rents marketed at those earning 80% AMI or less. Rich Brannigan, vice-chairman of the Community Preservation Committee (CPC), spoke in favor of the project, and noted CPC funds have been appropriated and used for the project in recent years. Ms. Gibson suggested the Board obtain a cost estimate from Town Counsel for the cost of discussing the lease as it is not included in the retainer and suggested the Human Services Center, Inc. pay for that cost. She also informed the Board that there is a pending home rule petition regarding lifting the open space designation for this property which has not been approved yet and will be on the 2009 Annual Town Meeting warrant. Director of Planning Andrew Vorce commented on the 40B process, informing the Board that it does require public hearings before the Zoning Board of Appeals. Mr. Chadwick asked Mr. Vorce if a 40B is necessary or could it go forward under the current zoning. Mr. Vorce said although the overall project meets the density standards, because of the archeological sites and remains, a 40B is necessary for setbacks and individual lot layout. Mr. Reinhard moved to authorize Town Counsel to speak with Human Services Center, Inc.'s attorney with the condition of getting a budget on the costs and the Center paying that cost; Mr. Atherton seconded. All in favor, so voted.

TOWN MANAGER'S REPORT

Presentation of Recommendations to Balance FY 2010 General Fund Budget. Ms. Gibson made a presentation on the FY 2010 General Fund budget and noted the Solid Waste Enterprise Fund is a significant issue and could have a major impact on the General Fund budget. Mr. Atherton said he recognizes the process is "not fun" and said the staff and departments have done a great job in the development of a proposed budget. Vice-chairman Roggeveen thanked the department heads for coming to the presentation and for their hard work in the process. Finance Committee chairman Jim Kelly said he applauds staff and said they have done an outstanding job in proposing a balanced budget. Audience member Steve Bender suggested the Town eliminate take-home vehicles and overtime and asked how the school and Town's shares of the budget are computed. Assistant Town Manager Malachy Rice said staff has looked into the take-home vehicle issue and elimination would not be a significant cost savings. Vice-chairman Roggeveen said the Board will continue to review the budget.

Presentation of Department of Public Works Organizational Review Report. Steve Egan of the Mercer Group, who wrote the DPW organizational review report, reviewed the draft report. He said the Mercer Group was asked to look at two basic issues: the DPW organizational operation and how to manage the Town's fleet operation. Mr. Egan said the DPW is generally well managed and offers a good level of service. He reviewed the department's strengths and weaknesses as well as the fleet operations and suggestions to improve the fleet management program. Mr. Reinhard complimented the "very detailed" report and "strong" recommendations, and said he was drawn to the section regarding maintenance of the Town facilities and the reference to having a Town surveyor. Mr. Egan said the Town should consider institutionalizing an engineer with a focus on making sure the Town's infrastructure is up to par; he also said having a surveyor is important to keep track of surveys and records.

Monthly Update Regarding Finance Department and Organizational Improvements; FY 2008 Audit. Ms. Gibson reviewed the implementation plan status from a Finance Department review report done last fall. Some Phase I items have been implemented and Mr. Abrahams of the Abrahams Group which prepared the Finance Department report will review and independently confirm. Ms. Gibson said completion of the 2008 audit is the Finance Department's number one priority at this time. Ms. Gibson said there are some delays in the implementation of certain recommended improvements because the department is working on other big items such as the 2008 audit and the FY 2010 budget. Vice-chairman Roggeveen said that she, Mr. Kelly, Ms. Gibson, and Finance Director Connie Voges of the Audit Committee have met with the auditor and they are on track with the established timeline. She said there are some delays with 2008's cash reconciliation but 2009 is on track and they are updating it on a monthly basis.

Request to Schedule Workshop Meeting with Park & Recreation Commission Regarding Paid Beach Parking. Ms. Gibson said in December the Board held a workshop where it discussed meeting with Park and Recreation to review potential revenue beach parking fees. Mr. Chadwick said he felt the Board should not meet with Park and Recreation and said the Town should not charge beach parking fees. Mr. Reinhard said he was strongly resistant to beach parking fees and said he felt it was not an appropriate way to generate revenue. Mr. Atherton said he would like to hear Park and Recreation's thoughts, either through a memo or a meeting, and would like more information on beach parking fees. Mr. Reinhard agreed with Mr. Atherton and said he would listen to the case of beach parking fees. Mr. Chadwick asked what the Beach Management Advisory Committee's position was on the subject. Ms. Gibson said the committee hasn't been asked. Park and Recreation member Jack Gardner said when the beach parking fees came up in the past he was the lone opponent and said he feels fees could

push people to private beaches and that it also cuts into the concessionaires. Mr. Atherton said if Park and Recreation doesn't seem interested why bother to go forward. The Board consensus was to not look further into beach parking fees at this time.

Request for Adoption of Revised "Town Office Closure Policies". Ms. Gibson said the Town office closure policy was adopted by the Board in March 2000. She said some technical amendments have been made to the policy as well as a policy change regarding holiday closings, specifically that departments cannot close early on days preceding or following holidays without approval beforehand. Mr. Reinhard moved to adopt the policy amendments; Mr. Atherton seconded. All in favor, so voted.

Ms. Gibson reviewed the Board's meeting schedule for the following week.

SELECTMEN'S REPORTS/COMMENT

Update Regarding Solid Waste Management Issues and Recent Meeting with Department of Environmental Protection. Vice-chairman Roggeveen said the Board promised to look into the solid waste management issues and they have, in detail. She said the Board has worked with Waste Options Nantucket (WON), the Town's special legal counsel Michael Leon and solid waste consultant George Aronson, and the Board has learned a lot in the process. She said at the 21 January Board meeting there will be an in-depth Solid Waste Enterprise Fund budget discussion along with some policy decisions that will need to be made.

Review of 2009 Annual Town Meeting Warrant Articles. Ms. Gibson said there is one additional article put forth from the Police Department regarding controlled substances and the newly enacted state marijuana law. She said it was not finalized yet and she was hesitant to put it before the Board for review until it is final. Police Chief Pittman explained that the warrant article is a result of the new law which made it a civil violation rather than criminal to possess one ounce or less of marijuana. Chief Pittman said chiefs in other communities are working on bylaws to stop people from walking on the streets smoking marijuana.

The meeting was unanimously adjourned at 8:18 PM.

Approved the 22nd day of April, 2009.