

BOARD OF SELECTMEN

Minutes of the Meeting of 21 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, Michael Kopko, Allen Reinhard, and Patricia Roggeveen. Chairman Kopko called the meeting to order at 6:00 PM.

Chairman Kopko discussed changes to the agenda.

ANNOUNCEMENTS

Clean wood is available at the Landfill on Tuesdays and Thursdays from 12:00 PM to 3:00 PM, and Saturdays from 8:00 AM to 12:00 PM.

The Civic League is meeting Monday, 26 January at 5:30 PM at the Nantucket Atheneum; guest speakers will be Marine Superintendent Dave Fronzuto and Health Director Richard Ray regarding water quality issues.

Police Chief Pittman said there will be a taxi meeting tomorrow, 22 January at 5:00 PM at the LGI room at the High School to discuss proposed new taxi rates, meters, and other issues.

PUBLIC COMMENT

Richard Cooper posed questions from last week's Board of Selectmen meeting regarding Town-owned vehicles, insurance carried for employees, and budget cutbacks. Town Manager C. Elizabeth Gibson answered Mr. Cooper's questions.

APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

Approval of Minutes of 3 December 2008 at 6:00 PM. The minutes of 3 December 2008 at 6:00 PM were approved by the unanimous consent of the meeting.

Approval of Payroll Warrant for Week Ending 18 January 2009. The payroll warrant for the week ending 18 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 21 January 2009 were approved by the unanimous consent of the meeting.

TOWN MANAGER'S REPORT

Overview Presentation of Projected FY 2010 Solid Waste Enterprise Fund Budget. The Town's solid waste consultant George Aronson gave a presentation on the Solid Waste Enterprise Fund (SWEF). He reviewed various waste management activities funded through the SWEF and reviewed the projected FY 2010 SWEF budget, which shows a gap of roughly \$4.7 million. That number comes from an existing operating override of \$2.8 million, a General Fund planned subsidy of \$600,000, and a budget gap of \$1.3 million. Mr. Aronson explained that the gap exists because existing revenue doesn't cover the costs, which he also reviewed. He further reviewed options to close the gap, including cutting expenses, raising fees and revenues, and enforcing legal requirements for waste management, and noted some of these cost saving measures are already being implemented by the Town. Mr. Aronson noted that the gap is more than a one-time issue, that it is a structural gap that has existed for a number of years. He said "band-aid" attempts to close gaps have been made over the years, but the problem should be permanently addressed. Mr. Aronson also noted that the SWEF is the source of funds used to clean up the landfill, and although progress has been made, there are expensive tasks ahead. He briefly reviewed a proposed mining plan and the costs associated with capping and closing various cells at the landfill. Ms. Gibson concluded Mr. Aronson's presentation by saying the goal is to get the entire SWEF subsidy out of the General Fund and enabling the SWEF to be self-sufficient. Mr. Aronson then fielded questions on his presentation from the Board.

PUBLIC HEARINGS

Liquor License Violation Hearing: Cinco. Nantucket Police Lt. Jerry Adams reviewed various police reports regarding Cinco's liquor license violation of serving alcohol after hours on 16 December 2008. Chairman Kopko said the Board would consider acting in a two step process: deciding if a violation occurred and determining what the penalty should be. Michael Sturgis, owner of Cinco, apologized to the Board and to the Police Department for the incident and his behavior on the night of the incident. Christopher Morris, owner of Arno's Restaurant, said he was at Cinco's the night of the incident, and spoke on behalf of Mr. Sturgis saying patrons were not consuming alcohol, had "lost track of time", and were waiting for taxis. Chairman Kopko closed the public hearing. A discussion ensued among the Board members as to whether a violation occurred. Mr. Chadwick moved that the Board has reason to find cause of a violation; Mr. Atherton seconded. All in favor, so voted. Chief Pittman spoke to the penalty, and stressed the importance of having compliant liquor license holders. Mr. Chadwick moved to suspend Cinco's liquor license on June 4, 5, and 6, 2009; Mr. Atherton seconded. A discussion followed whether or not a three-day suspension is an adequate penalty. All in favor, so voted.

Application for New Seasonal All-Alcoholic Beverages Restaurant License for La Serena, Inc. dba La Serena, Jane Stoddard, Manager, for Premises Located at 21 South Water Street, Nantucket. Ms. Roggeveen recused herself. Attorney Melissa Philbrick, representing owners Angela and Seth Raynor, spoke in favor of the application. Chairman Kopko closed the public hearing. Mr. Reinhard moved to approve the application; Mr. Atherton seconded. All in favor, so voted.

Application for New Common Victualler License for La Serena for Premises Located at 21 South Water Street, Nantucket. Ms. Roggeveen recused herself. Attorney Melissa Philbrick, representing owners Angela and Seth Raynor, was present. There was no public comment and Chairman Kopko closed the public hearing. Mr. Reinhard moved to approve the application; Mr. Atherton seconded. All in favor, so voted.

Application for New Entertainment License for La Serena for Premises Located at 21 South Water Street. Ms. Roggeveen recused herself. Attorney Melissa Philbrick, representing owners Angela and Seth Raynor, spoke in favor of the application. Chairman Kopko closed the public hearing. Mr. Reinhard moved to approve the application; Mr. Atherton seconded. All in favor, so voted.

Application for New Seasonal All-Alcoholic Beverages Package Store License for Madaket Sunset, LLC dba West End Market, Joseph Ringenberg, Manager, for Premises Located at 324 Madaket Road, Nantucket. Applicant Joseph Ringenberg spoke in favor of the application. Audience members spoke for and against the application. Chairman Kopko closed the public hearing. A discussion took place among the Board members regarding the square footage that should be allowed for alcohol sales, as well as the time alcohol sales would be allowed. Mr. Chadwick move to approve the application, restricting the square footage of retail space for alcohol to 50 square feet, and restricting alcohol sales from 8:00 AM to 8:00 PM Monday through Saturday, 12:00 PM to 8:00 PM on Sundays; Ms. Roggeveen seconded. So voted. Mr. Reinhard opposed.

Application for New Seasonal All-Alcoholic Beverages Innholder License for Nantucket Island Management, LLC dba Jared Coffin House, James Storey, Manager, for Premises Located at 29 Broad Street, Nantucket. Attorney Bill Hunter and applicant James Storey were present. There was no public comment. Chairman Kopko closed the public hearing. Mr. Atherton noted his disappointment that the Jared Coffin House is no longer a year-round restaurant establishment. Mr. Reinhard moved to approve the application; Ms. Roggeveen seconded. All in favor, so voted.

Application for New Common Victualler License for Nantucket Trading Post for Premises Located at 12 Nobadeer Farm Road, Nantucket. There was no public comment. Chairman Kopko closed the public hearing. Ms. Roggeveen moved to approve the application; Mr. Reinhard seconded. All in favor, so voted.

Application for Change of Corporate Name from Moors, Inc. dba Miacomet Golf to Nantucket Golf Management, Inc. dba Miacomet Golf, Alan Costa, Manager for Annual All-Alcoholic Club License for Premises Located at 12 West Miacomet Road, Nantucket. Applicant Alan Costa spoke in favor of the application. Chairman Kopko closed the public hearing. Ms. Roggeveen moved to approve the application; Mr. Chadwick seconded. All in favor, so voted.

Public Hearing to Consider Fee Increases for Liquor Licenses. Ms. Gibson explained that there is a projected gap in the FY 2010 General Fund budget and the Town is looking at ways to close that gap, including increasing fees. She noted that liquor license fees have not been increased since 2002, and that Administration did review fees around the Cape for comparison. There is no difference between seasonal and year-round fees on Nantucket; Administration reviewed current liquor license fees and said potential increases could generate new revenue of about \$31,725 for the Town. A discussion took place among the Board members regarding the various existing fees and the recommended increases. Members of the public spoke, urging the Board to take the current state of the economy as well as square footage of different establishments into consideration when deciding to raise license fees. Mr. Atherton moved to continue the public hearing to 4 February 2009 to allow Administration to run some numbers on annual vs. seasonal establishments; Mr. Reinhard seconded. All in favor, so voted.

Public Hearing to Consider Fee Increases for Residential Parking Permits. Chairman Kopko and Ms. Roggeveen both recused themselves from the hearing, as they both purchase residential parking permits. Mr. Chadwick served as acting-chair. A discussion took place about the definition of residential parking and who is allowed to secure a permit. Ms. Gibson reviewed the current and proposed fee schedule. The current fee of \$10 for a residential parking permit purchased between 1 January and 30 June would be increased to \$50; a residential parking permit purchased after 30 June would be increased from \$50 to \$75; and residential parking permits for guest houses would be increased from \$50 to \$100. Ms. Gibson noted that an effective date would be necessary when increasing fees, and suggested 20 February 2009. Mr. Chadwick closed the public hearing. Mr. Reinhard moved to increase the fees as proposed by Administration; Mr. Atherton seconded. All in favor, so voted.

Public Hearing to Consider Modification/Fee Increases for Beach Vehicle Permits. Beach Manager Jeff Carlson explained that the money from the sale of beach stickers is currently earmarked for the Beach Management Revolving Fund, and that he is exploring options to "pick up" some of the General Fund budget gap. For example if the lifeguards need a piece of equipment and the General Fund is short, the Beach Management Fund could incur that expense if funding is available. Mr. Carlson said he felt the structure of the proposed fee increases is fairly reasonable. In the current fee structure, between 1 January and 1 June, a resident of Nantucket is charged \$50 for a beach permit and non-residents pay \$100; residents and non-residents pay \$100 after 1 June; and rentals are charged \$100 per vehicle. The new fee structure proposes that a resident, between 1 January and 31 May, will be charged \$50, and from 1 June to 31 December \$100; non-residents, between 1 January and 30 June, will be charged \$100, between 1 July and 30 September \$150, and from 1 October to 31 December \$100; and rental cars will be charged \$200 per vehicle. Maureen Beck, chair of the Beach Management Advisory Committee, endorsed the proposed increases. Richard Cooper asked how much money would be generated from the increases; Chairman Kopko said over \$100,000. Chairman Kopko closed the public hearing. Mr. Chadwick moved to approve the beach vehicle permit fee increases effective 13 February 2009; Mr. Atherton seconded. All in favor, so voted.

Landfill Fees (Continuation of Public Hearing). Chairman Kopko explained that the intent is to close the public hearing which has been continued numerous times. Ms. Gibson said Administration is still working on structures for commercial user fees, new residential fees, and increasing fees in some waste categories. Ms. Roggeveen moved to close the public hearing; Mr. Reinhard seconded. All in favor, so voted. Ms. Gibson noted a new public hearing will be scheduled at a later date.

TOWN MANAGER'S REPORT

Overview of Projected FY 2010 Sewer Enterprise Fund Budget. Continued to 28 January 2009.

Review of 2009 Annual Town Meeting Warrant Articles. Ms. Gibson reviewed updates to the Annual Town Meeting warrant articles. Planning Director Andrew Vorce reviewed new articles for the warrant from the Planning Office. Mr. Chadwick reviewed real estate transactions he would like to see come to fruition and his ideas on how proceeds from those potential sales could be spent. Ms. Gibson asked the Board for direction on which articles to keep working on for the Annual Town Meeting warrant. Mr. Vorce noted that the Planning Board articles have already been written. Richard Cooper inquired why the proceeds from the real estate transactions Mr. Chadwick proposed would not be used to close the budget gap. Assistant Town Manager Malachy Rice explained that potential sales cannot be depended upon for the budget; and further that it is not good fiscal policy to use one-time revenue sources to solve ongoing budget gaps. Ms. Gibson said Administration will begin drafting the warrant the following week including articles discussed.

SELECTMEN'S REPORTS/COMMENT

Downtown Revitalization Committee Report. Ms. Roggeveen explained that the committee was formed last spring, began meeting in the fall, and has since met every week for 20 weeks. She noted the committee is made up of representatives from the Chamber of Commerce, the Historic District Commission, Visitors Services, Sustainable Nantucket, the Steamship Authority, the Planning Board and the Planning Office, as well as Mr. Chadwick of the Board and a citizen representative. Ms. Roggeveen said the committee's recommendation is to develop a Request for Qualification (RFQ) for preliminary design services for the downtown property being called Wilkes Square on Candle Street. She explained that the committee would like to expand the discussion on what should happen on that corner, and discuss what it would encourage a developer to do there. The committee also made the request to continue meeting in order to look into a business improvement district for downtown. Ms. Roggeveen thanked Whitey Willauer, who, while not an official member of the committee, attended all the meetings and helped develop the preliminary RFQ. Mr. Vorce showed a map of the Wilkes Square redevelopment site and explained that Wilkes Square is named for Francis Leroy Wilkes, an African American, Nantucket resident, and World War I veteran who lost his life on a destroyer that was sunk in the English Channel, and that the current memorial in the triangle is named after him. Mr. Vorce said the RFQ would bring designers to the Board and then a decision would be made as to whether the designers had appropriate skills to bring forth a design for the site; he also noted that the size of the redevelopment site is 5.6 acres. Chairman Kopko said he felt it is a good idea to keep the committee going and will discuss putting the RFQ on a future agenda during an agenda setting meeting, shortly. The Board consensus is to continue the committee.

FY 2010 General Fund Budget. Ms. Gibson said that as presented last week at the 14 January 2009 meeting there could be funding options for the FY 2010 General Fund budget through some expense refinements and possible ongoing revenue possibilities. She noted that at yesterday's Board workshop there were no real changes to the spending reductions that were suggested and that she would require more time to pull together information requested by the Board between yesterday and this evening.

Regarding the budget, Mr. Atherton suggested finding a way to write budget plans down, as he feels it is important to have a written understanding of where the Town is headed. Ms. Roggeveen offered to draft a statement for the Board.

The meeting was unanimously adjourned at 10:08 PM.

Approved the 22nd day of July, 2009.