



Town of Nantucket Finance Committee

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Committee Members: Denice Kronau (Chair), Stephen Maury (Vice-chair), Joseph T. Grause Jr., Peter McEachern, Joanna Roche, Peter Schaeffer, Chris Glowacki, Jill Vieth, George Harrington

MINUTES

Thursday, January 9, 2020

4 Fairgrounds Road, Training Room – 4:00 p.m.

Called to order at 4:00 p.m.

Staff in attendance: Brian Turbitt, Director of Finance; Alexandria Penta, Financial Analyst; Terry Norton, Town Minutes Taker

Attending Members: Kronau, Maury, Grause, McEachern, Roche, Schaeffer, Glowacki, Vieth, Harrington

Late Arrivals: Roche, 4:02 p.m.; Harrington, 4:09 p.m.

Documents used: January 6, 2020 minutes; Citizen and Town Warrant Articles for 2020 Annual Town Meeting (ATM); FinCom Tracking of 2020 Citizen Warrant Articles

Agenda approved by unanimous consent.

I. ANNOUNCEMENTS

II. PUBLIC COMMENT

- 1. None

III. APPROVAL OF PRIOR MEETING MINUTES

- 1. January 6, 2020: **Motion to Approve.** (made by: Schaeffer) (seconded by: Maury) Carried unanimously

IV. POTENTIAL MOTIONS FOR CITIZEN AND OTHER WARRANT ARTICLES FOR 2020 ATM

- 1. Article XX Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver – Richard Atherton

Discussion **Rick Atherton**, proponent – This article is the same text as one submitted in 2015, which Town Counsel declared was legally written; it’s purpose is to let the Town be free from suits and complaints from people who develop and/or own eroding water-front property.

Glowacki – Asked about the Planning Board’s opinion.

Atherton – In 2015 the Planning Board did not like the article. Perhaps they thought there were other avenues.

Grause – Asked if this would protect the Town in the case of purchasing property that is actively eroding and if the Town can inhibit the ability of the owner to protect that property.

Atherton – He’s not sure he can give that legal advice. This is not retroactive; anyone who wants to further develop their property must comply. There is a case on municipal liability in the event of damage due to climate change.

Kronau – We are going to wait for Planning Board to come back with their recommendation.

Discussion about whether or not FinCom can make a motion that contradicts the Planning Board’s motion.

Motion N/A

Vote N/A

2. Article N Bylaw Amendment: Bicycles – New Article IV: Bicycle Accident Database – Ian Golding
3. Article O Bylaw Amendment: Bicycles – New Article IV: Bicycle Right of Way – Ian Golding
4. Article P Bylaw Amendment: Bicycles – New Article IV: Bicycle Passing Buffer Zone – Ian Golding

Discussion **Ian Golding**, proponent – This is almost the same as the single article approved last year but when there was pushed back at ATM, he withdrew it. He took it back to Bicycle-Pedestrian Advisory Board (BPAC); we broke it up from one warrant article into three. Article N has \$50,000 attached to it. There is a general agreement that these are way overdue.

Kronau – The number of stop signs has dropped from 80 to 15 or 20; asked if that is correct.

Golding – Any removal or installation of a stop sign would have to go to Traffic Safety Workgroup and Select Board.

McEachern – Asked what the database would contribute.

Golding – It could pinpoint hotspots for accidents and help planners in making adjustments to make cyclists safer.

Schaeffer – Asked if the proof of concept confirms more signs helps.

Golding – From his point of view, it is a question of taking down stop signs that private property owners have put on the bike path at their driveways.

Roche – Asked what the \$50,000 is for and who would be responsible for it.

Golding – It's an estimate to establish the database; last year Police Chief William Pittman said he had too few people to maintain a database. At this point, he doesn't know who would be responsible for the database.

Roche – Asked who would pay for the signs.

Golding – From his point of view it is more taking down improper signs; he's sure there is existing funding for management of signs on Town roads.

Glowacki – Asked if there is an estimate of accident incidents a year.

Golding – He doesn't think there is; but at last year's ATM dozens of people raised their hands when that question was posed if they had near misses. He'll try to find out.

Matt Fee, Select Board – His wife had a near miss last year. At the hospital, they said it is nearly a daily occurrence. Right now, no one is responsible; but bikers shouldn't be stopping at every driveway and every minor street. The bike path signs around the Island are all different; there's no consistency for bikers or drivers. This would put in consistency and clarity.

Glowacki – He doesn't think bike use of the roads is being enforced as it was when he was kid such as going the wrong way on a one-way street.

Fee – Enforcement isn't our strong suit.

Grause – Asked if the 3-foot passing space is a law in other municipalities.

Golding – This is copied verbatim from the Colorado code.

Kronau – Asked if the road should be a certain width to implement the 3 feet.

Golding – In Colorado it doesn't matter if the road is a street or highway.

Fee – If you go down Washington Street, there's a sign for bikes to take the whole road; bikes have as much right to be in the road as a car. This would help the issue of cars trying to pass bikes where it is unsafe.

Vieth – Asked if this includes roads with abutting bike paths.

Golding – No matter if the bike is on the designated path or lane or in the road.

Schaeffer – We don't know who would use the \$50,000 and for what.

Kronau – The article doesn't appropriate money this year; that would have to be done in a future year.

Maury – It would be better to use the \$50,000 to implement the changes and improvements in FY2021.

Kronau – We could be talking about to 1,000 to 1,500 accidents a year or 2-5 accidents a day being inputted into the database.

Golding – If it is at the hospital, it indicates those injured enough to require treatment.

Grause – Asked if there would be any changes to the articles, particularly Article N.

Golding – Articles O & P are pretty much complete. Asked if they would prefer Article N be withdrawn.

Kronau – No; but it’s good they were split up. Articles O&P focus on safety.

Jason Bridges, BPAC & Select Board – Someone died on one of our bike paths; he’s sensitive about squabbling over the \$50,000 and who will do what. We approved \$100,000 for Coastal Resiliency Plan without knowing who would do it. Feels something needs to be done.

Maury – He’s fine with Articles O & P as we know they address safety. These differ in that the Coastal Resiliency Plan is an action plan.

Fee – The \$50,000 should be authorized to set up data collection.

Glowacki – The hospital doesn’t operate out of its range very well as in data collection.

Motion N/A

Vote N/A

5. Article Q Community Preservation Committee (CPC) FY2020 Budget Transfers – Ken Beaugrand

6. Article R Appropriation: CPC FY2021 – Ken Beaugrand

Discussion **Kronau** – Asked how something is wet-proofed.

Ken Beaugrand, CPC chair – The Nantucket Historical Association hires a contractor to do that; it is to deal with the issue of flooding; he believes it lets water come through and go out and the floor a means to “breathe” to mitigate mold. To the extent of historical restoration, we could see more of this in coming years. The \$5m bond, when it’s necessary, ensures the money is available.

Turbitt – It is held in reserve until the bill can be paid down.

Grause – Asked about the CPC surcharge.

Beaugrand – It is up to 3.88%. Our sources are from the Community Preservation Act (CPA), the State, and interest on money not used or in reserve. Open Space money has been used to create new and larger projects.

Motion Motion to Adopt both. SM/PM (made by:) (seconded by:)

Vote Carried unanimously

7. Article WW Bylaw Amendment: Chapter 66 – Prohibit Obstructions on Beach – Burton Balkind

Discussion **D. Anne Atherton**, for Burton Balkind – We are calling this the Shoreline Access Article to preserve the public’s right to pass along the intertidal zone; read the article. The purpose of fishing, fowling, and navigation are arcane and stem from the 1700s. There is a lot of confusion as to the public’s rights. If you are bird watching, you can pass along the intertidal zone. Last fall the Select Board adopted a resolution to do legal research that the public right to the intertidal zone are more expansive for Nantucket than for the rest of Massachusetts because Nantucket used to be part of New York State. Coastal Conservancy is an advocacy group to protect coastal resources for future use. We have offered to do public outreach to respect the right of waterfront-property owners. We’ve begun communication with entities in our community who rope off for endangered species; if we have to, we can include that as a friendly amendment.

Schaeffer – Asked if there are a lot of places where this has become a problem.

Atherton – This is becoming an issue with all coastal communities along the eastern seaboard. We see this also as a public education effort. Beach access is a core of Nantucket to the point the Proprietors laid out access to all beaches. Property owners could block off to the high-water mark or communities could post property as private property.

Veith – Asked if we could camera monitor between the high water to the low water mark. Noted not everyone’s property goes to the low water mark; some go only to the high-water mark. People might see this article and believe that they can also block off their beach.

Atherton – That is a delicate balance. She believes this is a modest proposal to reaffirm the rights the public already has, and the citizens will appreciate it. Depending on the Select Board’s legal research if Nantucket is an exception to the public-access right in the Commonwealth, the rights we have could be expanded to include that the public right is ownership of the intertidal zone. Read the Select Board resolution adopted November 14, 2019.

Grause – Asked if this has to be reviewed by the Planning Board.

Atherton – She doesn't believe so.

McEachern – There are a lot of properties that have Chapter 91 licenses; there is a lot of murky water because a lot of those licenses are in perpetuity.

Grause – This article includes the entire Island's shoreline.

Kronau – Asked what the biggest risk might be.

Atherton – It has support from residents. We are going to meet with Chief Pittman about enforcement and we are in touch with Natural Resources about their fencing off beaches for invasive species. Sometimes the Marine Mammal stranding team has to rope off a beach for a short time. We would be happy to address their concerns. The change is that a property owner can't impede passing for fishing, fowling, and navigation and defining what those are.

Terry Norton, 24 North Cambridge Street – Cited situations the property owners along the beach face with public abuse of using the beach and frustration with getting enforcement support from trespassing. Stated the opinion that Ms. Atherton's public education should include educating public about being good guests.

Kronau – Coastal Conservancy would be interested in hearing those concerns.

McEachern – Asked if airport beach is open to public access.

Tom Rafter, Manager Nantucket Memorial Airport – The perimeter fence is at the top of the bluff. Moving the fence requires FAA approval.

McEachern – Pointed out that under the Steamship Authority Chapter 91 license you can't access their beach.

Motion N/A

Vote N/A

8. Article D Prohibiting Glyphosate – Cheryl Emery

Discussion **Kronau** – She didn't invite Ms. Emery yet. Town Counsel will be here on January 16th and 30th for projects needing legal advice.

no name given – The State ban is on pesticides. glyphosate and Roundup are herbicides. Other municipalities have tried to ban glyphosate.

Vieth – Recommend the members research this since there is a lot going on.

Motion N/A

Vote N/A

V. OTHER FINCOM BUSINESS

1. Committee Reports

a. CapCom – Peter McEachern: On January 23rd, the CapCom should approve the final report of recommendations. The dollar amount has dramatically increased since he has been on the committee; his concern is with the major issues coming up in the outyears. One committee effort is to put the onus on the department heads to do their job and get CapCom the information needed to make a decision. The cost of a project is not just initial outlay but also the cost of the debt service.

Discussion of concerns with the CapCom timeline and charter versus the new, expanded review process.

2. Schedule

Kronau – She is inviting specific people at specific times because Town Counsel will be here to provide real-time advice and she doesn't want to have too many people here at once. In light of getting people in to talk to the 53 articles, she had a spreadsheet created that shows the article names and FinCom actions. Had a meeting with Ms. Gibson, Mr. Turbitt, and Ms. Penta about meeting schedule.

January 13 Some people are scheduled to talk about their articles.

January 14 suggested cancelling Tuesday meeting.

January 16 Town Counsel will be here, and folks are invited that could use that help.

January 18 is Saturday and we'll discuss the budget; each department will have 20 minutes to present their budget; we start at 8:30 a.m. and should be done before 2:30 p.m.

January 21 is for Enterprise Funds, and we will review the schedule at that time.

3. Next meeting: Monday, January 13, 2020; 4:00 p.m.; 4 Fairgrounds Road Training Room

Motion to Adjourn at 6:00 p.m. accepted by unanimous consent.

Submitted by:

Terry L. Norton