

COUNTY COMMISSIONERS

Minutes of the Meeting of October 23, 2019. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Commission present were Jason Bridges, Matt Fee, Kristie Ferrantella and Rita Higgins. Dawn E. Hill Holdgate was absent.

I. CALL TO ORDER

Chair Bridges called the meeting to order at 6:00 PM.

II. ANNOUNCEMENTS

1. Chair Bridges announced that the County Commission meeting is being video/audio recorded, in accordance with the requirements of the Open Meeting Law.

III. PUBLIC COMMENT

None.

IV. NEW BUSINESS

None.

V. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of September 25, 2019 at 6:00 PM. Mr. Fee moved to approve the minutes of September 25, 2019 at 6:00 PM; Ms. Ferrantella seconded. So voted 4-0.

2. Approval of Payroll and Treasury Warrants for October 2019. Ms. Ferrantella moved to approve the payroll and treasury warrants for October 2019; Ms. Higgins seconded. So voted 4-0.

3. Approval of Pending Contracts for October 23, 2019 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Higgins moved to approve the pending contract as presented; Ms. Ferrantella seconded. So voted 4-0.

VI. REAL ESTATE MATTERS

1. Private Owner Request: a) Request for Approval and Execution of License Agreement Regarding House Relocation at 115 and 117 Baxter Road to within the Public Layout of Baxter Road; b) Request for Acceptance of Grant of "One Big Beach" Easement over portions of 115 and 117 Baxter Road. Real Estate Specialist Kenneth Beaugrand reviewed the request, noting it is similar to what the Commission previously voted for 109 Baxter Road. Mr. Fee said he feels the process could be improved upon with additional language to indemnify the Town and County in case the road must be abandoned. He suggested there be protections for the Town and County against future litigation if the parties are not working together cooperatively. Discussion among the Commission and Mr. Beaugrand regarding alternate access followed. Attorney Steven Cohen, representing the owner of 115/117 Baxter Road noted that the alternate access is provisional on the road being breached, not abandonment of the road. Mr. Fee said he wants to avoid an adversarial relationship. Mr. Fee moved to approve the license agreement on the condition that Town Counsel provides language to add to the license to protect the Town and County in case of road abandonment or future litigation and allow the chair to sign on behalf of the Commission; Ms. Higgins seconded for discussion. Attorney Cohen said Mr. Fee's motion is very broad and he understands Mr. Fee's point, but he is not in favor of holding up the process. He added that he feels this is a "last minute policy change" regarding the license for this property, which is not the same as previous agreements. Ms. Higgins said that road abandonment is a key piece for her. Ms. Ferrantella noted that this is a time sensitive request as there is a finite window to move the house from the eroding bluff. Mr. Fee spoke on his motion and said he doesn't feel this is a burdensome request. Chair Bridges said he would be more comfortable with the motion if it only includes language for road abandonment, not future litigation. Mr. Beaugrand suggested the Commission approve the documents as currently drafted and make the

proposed changes in future agreements. He noted that there is already language regarding alternate access in the license agreement. Ms. Higgins proposed a friendly amendment to Mr. Fee's motion to include hold harmless language in the license for road abandonment and/or breach and to get an opinion from Town Counsel regarding the future litigation language. Mr. Fee did not accept the friendly amendment. On Mr. Fee's motion, so voted 2-2. Chair Bridges and Ms. Ferrantella were opposed. The motion was not adopted. Ms. Higgins moved to approve the License Agreement and accept the Grant of "One Big Beach" Easement on the condition that a Hold Harmless Agreement is added to the License where the Licensee accepts the alternate access in the case of breach and/or road abandonment, and to request Town Counsel to provide an opinion on how to protect the Town and County from future litigation; Ms. Ferrantella seconded. So voted 3-1. Mr. Fee was opposed.

VII. COMMISSIONERS REPORTS/COMMENTS

None.

VIII. ADJOURNMENT

The meeting was unanimously adjourned at 6:29 PM.

Approved the 20th day of November, 2019.

*COUNTY COMMISSIONERS
OCTOBER 23, 2019 – 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS*

List of documents used at the meeting:

- V. 1. Draft minutes of September 25, 2019 at 6:00 PM
- V. 3. Pending contracts spreadsheet
- VI. 1a and 1b. Agenda Item Summary (AIS), re: 115/117 Baxter Road; License Agreement with Exhibit A;
Grant of "One Big Beach" Easement with easement plan