

MINUTES  
Nantucket Land Bank Commission  
Regular Meeting of April 11, 2017  
Land Bank Meeting Room, 22 Broad Street  
Nantucket, Massachusetts

CALL TO ORDER: 4:00 p.m.

PRESENT: Robert Gardner, Neil Paterson, Allen Reinhard, John Stackpole.

ABSENT: Richard Glidden.

STAFF PRESENT: Eric Savetsky, Executive Director; Jesse Bell, Assistant Director; Susan Campese, Administrator/Finance Manager; Marian Wilson, Assistant Administrator.

*Peter Sutters, Inquirer & Mirror reporter was also present at call to order.*

I. CONVENE IN OPEN SESSION:

A. CITIZEN BUSINESS/ANNOUNCEMENTS: None.

*Mr. Sutters departed the meeting at 4:02 p.m.*

II. EXECUTIVE SESSION: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Gardner, it was unanimously VOTED to go into executive session in order to discuss the purchase, exchange, lease or value of real property. A roll call vote was taken: Reinhard-Aye; Stackpole-Aye; Gardner-Aye; Paterson-Aye. The Chairman under Purpose 6 [G.L. c. 30A, 21(a)(6)] declared that discussion of these matters in open session may be detrimental to the Land Bank's negotiating position and that the Commission would reconvene in regular session following executive session.

III. RECONVENE IN OPEN SESSION

*Arthur Reade (Attorney) and Paul Santos (Nantucket Surveyor), Alan Costa (President of Nantucket Golf Management) and Peter Sutters (Inquirer and Mirror reporter), entered the meeting at 4:41 p.m.*

A. PROPERTY MANAGEMENT:

1. Madaket Harbor/199 Eel Point Road Property – Abutter Request Regarding Access Right of Way: Mr. Reade explained that his client was hoping to purchase the paper road along the border of his property from the Town of Nantucket through a negotiated deal which would include the property owner conveying a one big beach easement to the Town. In order for the conveyance to move forward the Town is looking for the abutter to work out access issues with the Land Bank, whose only legal access to its property is this right of way. Mr. Reade suggested that if

the Land Bank consented, a five foot easement could be given by the owner along the paper road for pedestrian access. Mr. Reade explained that his client needed the land in order to construct a garage to house the mechanical equipment needed to winterize his house. Upon further review of the survey plan, Mr. Santos pointed out an alternative foot access path that could possibly be used to access the Land Bank's beach property. The Commission was receptive to using this foot path if it were an option, as it would be more welcoming to the public. Following a brief discussion, Mr. Savetsky recommended that the Commission view the area and suggested that Mr. Reade confer with his client regarding the alternate route, and to bring the item back at a subsequent meeting when more information could be presented.

*Mr. Reade and Mr. Santos departed the meeting at 5:07 p.m.*

2. Cisco Beach Use Request – Nantucket Island Surf School: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Paterson, the Commission unanimously VOTED to approve a request from Gary Kohner of Nantucket Island Surf School, to allow his use of a portion of the Land Bank's Cisco Beach property to rent surfboards and provide surfing lessons subject to Mr. Kohner continuing to provide stewardship of the property, carrying insurance protection with \$500,000 coverage per occurrence and \$1,000,000 in aggregate with the Land Bank named as additionally insured, and requiring students and board renters to sign hold-harmless agreements. The Commission agreed to a fee of \$5,000 to allow Mr. Kohner to provide these services for the 2017 summer season.

#### B. GOLF BUSINESS:

*Chris Calvert, Club Consultant and Robert Lamb, Membership Attorney joined the meeting via conference call at 5:10 pm.*

1. Miacomet Golf Course – Membership Documents Review: Mr. Savetsky explained that an exhaustive search of existing rights and privileges of members was performed and has been codified in the proposed membership documents, indicating that he had gone through several rounds of revisions with special golf counsel, Alan Costa, and Club Consulting. The new "Membership Plan", "Rules and Regulations" and the "Membership Application & Agreement" were also reviewed by Land Bank general counsel Valerie Swett, the Commission, and the Miacomet Membership Committee prior to the meeting. Mr. Savetsky proceeded to review outstanding concerns raised by the Membership Committee which had not yet been resolved in order to review and if necessary, revise the language with the Commission.

a. In accordance with the Membership Plan, Section H – Dues, Fees and Other Charges: The Membership Committee did not agree with the statement that "Owner reserves the right, after consulting with the Advisory Committee, to recover a portion of the capital costs associated with any future capital improvements to the facilities provided at Miacomet by virtue of an assessment on the Members." Mr. Calvert explained that in a non-equity club, it is not common to have an owner assess the membership for capital improvements. However, it would be appropriate if the owner did not want to make capital improvements asked for by the membership, and this language was merely permissive in that it gives the Commission the ability to do an

assessment depending on the circumstances. Mr. Savetsky stated that in reality, the Commission was unlikely to issue an assessment without the support of a majority of the members. Upon a motion made by Commissioner Paterson and duly seconded by Commissioner Gardner, it was unanimously VOTED to accept Section H, Dues, Fees and Other Charges, as written. *Commissioner Stackpole recused himself from the matter.*

b. In accordance with the Membership Plan, Section H – Charging Privileges and Billing Procedures: The Miacomet Membership Committee objected to the requirement of having credit card information stored on file, citing a concern about recent internet database security failures to protect confidential financial information. Mr. Calvert stated that it is common practice for golf clubs to utilize protected credit information for automatic billing purposes. Mr. Costa informed the Commission that currently many members keep their credit cards on file at MGC for billing purposes. Upon a motion made by Commissioner Paterson and duly seconded by Commissioner Gardner, it was unanimously VOTED to accept Section H, Charging Privileges and Billing Procedures, as written. *Commissioner Stackpole recused himself from the matter.*

c. In accordance with the Membership Plan Section I – A Leave of Absence May be Available: Mr. Savetsky questioned why there was a firm limit on one leave of absence per member. Mr. Lamb explained that it was written to prevent abuse of the privilege, emphasizing the significant loss of income in membership dues for each leave of absence. The Commission felt the language was too harsh as written, and requested that some owner discretion be allowed. In response, Mr. Lamb suggested amending the statement to read, “The opportunity for a leave of absence is limited to one time during the term of the membership, *unless otherwise approved by Owner.*” Upon a motion made by Commissioner Paterson and duly seconded by Commissioner Gardner, it was unanimously VOTED to accept and approve this language, as amended. *Commissioner Stackpole recused himself from the matter.*

d. In accordance with the Membership Plan Section J – Advisory Committee: Owner will establish an Advisory Committee comprised of members whose purpose includes fostering good relations between members, management, and the Land Bank. The Membership Committee objected to the Land Bank’s designation of members of the committee. Mr. Savetsky explained that the Land Bank would accept nominations from the membership and pick nine members that would represent a diverse range in the demographics of membership. Upon a motion made by Commissioner Paterson and duly seconded by Commissioner Gardner, it was unanimously VOTED to accept and approve the Advisory Committee language, as written. *Commissioner Stackpole recused himself from the matter.*

Upon a motion made by Commissioner Gardner and duly seconded by Commissioner Paterson, it was unanimously VOTED to adopt the Miacomet Membership Plan, Rules and Regulations and Membership Application and Agreement, as amended. *Commissioner Stackpole recused himself from the matter.*

Furthermore, Mr. Savetsky noted that revamping the membership agreement documents had been a long process; however, it provides some much needed clarity for everyone and should result in an

improved relationship between the Land Bank and membership going forward. He expressed gratitude to Mr. Calvert and Mr. Lamb for their diligent work.

*Mr. Calvert and Mr. Lamb departed the meeting at 6:00 p.m.*

2. Sconset Golf Course/Seasonal Malt License Discussion – Mr. Costa provided a justification for the having bar service in general at golf courses, explaining that it was part of the whole experience and enjoying the comradery of the game with fellow players. Further, Mr. Costa anticipated that the income received would exceed the additional expense, and he was not concerned about it becoming too popular, as last call would be at 5:30 p.m. Upon a motion made by Commissioner Gardner and duly seconded by Commissioner Paterson, it was VOTED to authorize Mr. Costa to apply for the Seasonal Malt License for the Sconset Golf Course. *Chairman Reinhard was opposed.*

*Mr. Costa departed the meeting at 6:14 p.m.*

C. APPROVAL OF MINUTES: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Gardner, it was unanimously VOTED to accept, approve and release the regular session minutes of March 28, 2017, as written.

#### D. TRANSFER BUSINESS:

1. March 2017 Transfers – Record Nos. 38289 through 38377: The Commission reviewed transfers for the period of March 1, 2017 through March 31, 2017.

2. Current “M” Exemptions and Liens: The Commission authorized the placing of liens against the following properties as a result of the purchasers claiming the “M” exemption as first-time buyers of real property:

No. 38299 Aleksandar Popnikolov and Teodora Veleva  
No. 38317 Gregory Margolis and Joy M. Margolis  
No. 38323 Christopher R. Swiatek and Wendi Noelle Swiatek  
No. 38325 Joseph E. Lloyd and Holland W. Talbott  
No. 38330 Norman T. Gauvin and Genevieve L. Gauvin  
No. 38336 Gregoire M. King and Katherine R. Cabral

#### E. FINANCIAL BUSINESS:

1. Monthly Transfer Statistics: Monthly transfer statistics reports comparing fiscal years 2016 and 2017 through March 2017 were presented to the Commission.

2. Warrant Authorization – Cash Disbursements: Upon a motion made by Commissioner Paterson and duly seconded by Commissioner Gardner, it was unanimously VOTED

to execute the April 11, 2017 warrant document in the amount of \$158,849.98 to be provided to the county treasurer.

F. REGULAR BUSINESS:

1. Execution of Release Deed in the so-called “Thompson lot” to Town of Nantucket Airport Commission – Block 294 on Plan entitled “Plan of Nobadeer Section of Surfside, Nantucket, Mass” by Codd & Allen Surveyors, May 1890, recorded in the Registry of Deeds in Plan Book 2, Page 69 (also shown on Town of Nantucket Assessor’s Map as Lot 88-18): Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Gardner, it was unanimously VOTED to execute the documents necessary to release the Deed to the Town of Nantucket Airport Commission.

2. “O” Exemption/Rules and Regulations Amendments – Review: Upon a motion made by Commissioner Paterson and duly seconded by Chairman Reinhard, it was unanimously VOTED to accept and approve the “O” Exemption Rules and Regulations, as written.

3. “O” Exemption/Resolution to Schedule Public Hearing: Ms. Campese requested permission to schedule the required public hearing for the changes to the Rules and Regulations and forms for the new “O” exemption on April 23, 2017. The consensus of the Commission was to schedule the public hearing as requested.

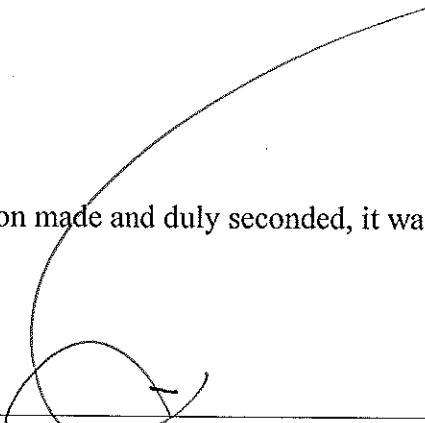
4. Recognition of Commissioner Gardner: Everyone thanked Commissioner Gardner for his ten years of service on the Land Bank Commission, and congratulated him on his upcoming retirement.

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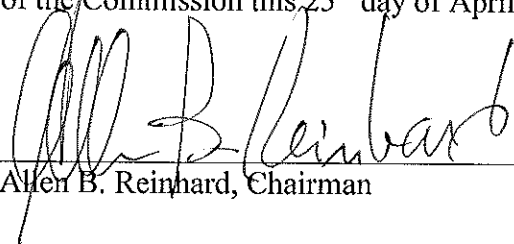
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ADJOURNMENT: Upon a motion made and duly seconded, it was VOTED to adjourn at 6:33 p.m.

Attested to: \_\_\_\_\_

  
Richard J. Glidden, Secretary

Accepted, Approved, and Released by the VOTE  
of the Commission this 25<sup>th</sup> day of April, 2017.

  
Allen B. Reinhard, Chairman