

MINUTES
Nantucket Land Bank Commission
Regular Meeting of April 24, 2018
Land Bank Meeting Room, 22 Broad Street
Nantucket, Massachusetts

CALL TO ORDER: 3:00 P.M.

PRESENT: Kristina Jelleme, 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.

Brown, Lindquist, Fenuccio & Raber Architects, Kurt Raber; Architectural Consulting Group (“ACG”) & Owners Project Managers (“OPM”), Michael Josefek and Donald Velozo; Miacomet Golf Course (“MGC”) General Manager, Alan Costa; Nantucket Land Bank Golf Controller, Walter Lankau; Golf Superintendent, Sean Oberly; Inquirer and Mirror Reporter, Peter Sutters were also present at call to order.

I. CONVENE IN OPEN SESSION:

A. PUBLIC COMMENT / STAFF ANNOUNCEMENTS: Mr. Savetsky informed the Commission that staff approved of the placing of a banner at Peter Puck Park over Daffodil weekend for Palliative and Supportive Care on Nantucket (“PASCON”). Further, he explained that the Commission had approved this in prior years and that PASCON had planted the daffodils at the park several years ago.

B. GOLF BUSINESS:

1. Miacomet Golf Course Clubhouse – Project Update: Mr. Velozo reported the Historic District Commission application for the clubhouse was submitted and on their agenda for May 1, 2018. He explained that the application was submitted 18 days behind schedule due to an engineering error on the plans that needed to be corrected. Further he explained that the preliminary estimates had come in and the design team was going through them line by line. Mr. Raber stated the estimator added in a 35% island factor which may be a little low. Once the estimate is fine-tuned, it will be brought before the Commission for review and consideration. Meanwhile, detailed structural plans were being developed and Leo Asadoorian of Blackwell and Associates was working on drainage and septic plans as well as the site plan for the trailers. Mr. Savetsky reported that Mr. Costa and Christopher Calvert of Club Consulting Group were starting to plan for sound systems, music and other items that require wiring for incorporation into the architect’s structural plans.

2. Miacomet Golf Course Temporary Facilities Relocation – Bid Review: Ms. Bell reported that the only bidder to move the temporary facilities was Barrett Enterprises with a bid price of \$73,500 which included all anchoring work, concrete blocks and roof repairs. Upon

approval by the Commission, the move would be scheduled for June 5th with a rain date of June 6th and a deadline to complete all work by June 22nd. Mr. Costa was asked when the facilities would be open for business and he replied that if he could do some of the work before June 22nd then it would be within a few days of that, however if he could not access the buildings he expected it would take two weeks to complete the required work. Chairman Paterson asked Mr. Costa to send out a progress update to the MGC members. Mr. Savetsky said he expected insurance to pay for one half to three quarters of cost of the move. After some discussion, upon a motion made by Commissioner Jelleme and duly seconded by Commissioner Reinhard, it was VOTED to accept the bid from Barrett Enterprises and to authorize Mr. Savetsky to execute the contract. *Commissioner Stackpole abstained from the vote.*

3. Sconset Golf Course (“SGC”) – Manager’s Monthly Review: The Commission reviewed the balance sheet and profit and loss comparison through March 2018. Mr. Lankau explained that expenses were a little higher than last March, but that was due to timing of payments and the new payroll company was now allocating the payroll expenses directly to SGC in real time so there was no delay caused by journal entries.

4. Miacomet Golf Course – Manager’s Monthly Review: The Commission reviewed the balance sheet and profit and loss comparison through March 2018, as well as the check register and departmental profit and loss summary for March 2018. Mr. Lankau noted that despite the lack of golf income due to weather they were ahead of 2017 and ahead overall in all department of the projected budget. Mr. Costa said there were 30 new members and the membership count currently stood at 394 but he expected it to be full soon as there were 160 people on the waiting list. Mr. Lankau presented a cash monitoring report and pointed out some variations on the monthly summary report. It was the consensus of the Commission to simplify by removing the current month and prior year month from the report. Mr. Costa informed the Commission that the USGA was very interested in holding Mid-Am tournament at MGC and Sankaty Golf in 2021. Hosting the tournament would mean closing down the course for a few days with no spectators allowed. The event was considered to be very prestigious but it would not yield any income to MGC. He would update the Commission once he had more information.

5. Miacomet Golf Course Dormitory and Clubhouse – Executive office or Energy and Environmental Affairs (“EEA”) Lack of Response to Repeated Attempts to Communicate: Mr. Savetsky stated that all emails and calls have gone unanswered from EEA, and therefore counsel was recommending that the Commission vote to proceed with construction of both the employee dormitory and clubhouse projects under the independent statutory authority of Chapter 270 of the Acts of 1994 (the “Golf Act”), and to notify EEA of its intentions accordingly.

Commissioner Jelleme read some background information for the record and made motion to authorize Land Bank staff to move forward with Phase 2 of the contract for construction of the dormitory under the Commission’s existing statutory authority contained in the Golf Act. Upon the motion made by Commissioner Jelleme and duly seconded by Commissioner Stackpole, it was unanimously VOTED to move forward as stated in the motion.

Commissioner Jelleme further moved to authorize Land Bank staff to proceed with seeking all necessary permits and approvals for replacement of the clubhouse which was destroyed by fire on August 21, 2017 under the Commission's existing statutory authority contained in the Golf Act. Upon a motion made by Commissioner Jelleme and duly seconded by Commissioner Reinhard, it was unanimously VOTED to move forward as stated in the motion.

Mr. Costa, Mr. Lankau and Mr. Oberly departed the meeting at 4:09 p.m.

C. PROPERTY MANAGEMENT:

1. Hinsdale Park Playground – Update: Ms. Bell and Mr. Savetsky informed the Commission that they had met with a landscape architect Kris Horiuchi of Horiuchi Solien for the playground project and recommended entering into a contract with her for \$48,100 which covered conceptual design all the way through to construction oversight. He also recommended entering into a contract for \$15,000 with Horiuchi Solien for master planning for the remainder of the 10-acre property. Mr. Savetsky explained that the estimate for equipment and surface material for the accessible playground was close to \$500,000 which was about the amount Maria Mitchell and the Land Bank were hoping to receive through grant funding sources. That estimate did not include site work and the sub-base for the surface which may cost an additional \$200,000. Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Reinhard, it was unanimously VOTED to authorize Mr. Savetsky to enter into both contract with Horiuchi Solien for the playground project and Hinsdale Park masterplan.

Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Reinhard, it was unanimously VOTED to authorize the expenditure of up to \$250,000 in Land Bank funds towards the Hinsdale Park Playground project.

D. APPROVAL OF MINUTES: Upon a motion made by Commissioner Reinhard and duly seconded by Commissioner Jelleme, it was unanimously VOTED to accept, approve and release the regular minutes of March 27, 2018, as written.

E. TRANSFER BUSINESS:

1. Five-Year Domicile and Ownership Compliance – Release of Liens: Upon a motion made by Commissioner Glidden and duly seconded by Commissioner Jelleme, it was unanimously VOTED to execute and authorize the issuance of Releases of Liens for the following transfers as a result of the purchasers fulfilling all of the requirements of Section 12, subsection (-m-):

No. 34006 Paul Abbott and Megan McLaughlin
No. 34037 Geoff Smith
No. 34067 Nancy Wynn Koyl
No. 34071 Yolanda Fernandez Grant
No. 34072 Jeffrey K. Mattheson and Caitlin Mattheson

2. “M” Exemption Ownership Non-Compliance/Notice of Assessment – No. 39393 Jose Regalado and Blanca Tejada de Regalado: Ms. Campese explained that the property was purchased on February 1, 2018 and Mr. and Mrs. Regalado claimed the “M” exemption. Subsequently on February 25, 2018 one-third interest in the property was transferred to Mr. Regalado’s sister who was not eligible to claim the “M” exemption. Referring to Section 12(-m-) of the Land Bank Act, Ms. Campese indicated that the terms of the “M” exemption prohibit subsequent transfers of the exempted property within the five-year term, except for the transfer of a mortgage to an institutional lender. Further, Ms. Campese explained the timing of the transfer suggested an intent to evade a portion of the Land Bank fee and told the Commission they could choose to include a fraud penalty in the Notice of Assessment. Pursuant to this statutory violation, upon a motion made by Commissioner Reinhard and duly seconded by Commissioner Jelleme, it was unanimously VOTED to issue a Notice of Assessment for the outstanding Land Bank fee plus penalty and interest accrued since the date of the transfer.

3. “C” Exemption Non-Compliance/Notice of Assessment – No. 39456 Jose Regalado, Blanca Tejada de Regalado, Berta Regalado: Ms. Campese explained that in seeking information regarding No. 39393 from Jose Regalado and Blanca Tejada de Regalado on why they had transferred real interest in 18 Bailey Road to Berta Regalado she received a written explanation from the original purchasers that they had transferred the interest to Berta Regalado because she had paid for significant repairs on the property and they wanted her to receive her investment back in the future. Ms. Campese explained to the Commission that explanation invalidated the “C” exemption as it is not considered a gift if the transfer recipient invested in the property. Upon a motion made by Commissioner Reinhard and duly seconded by Commissioner Jelleme, it was unanimously VOTED to issue a Notice of Assessment for the outstanding Land Bank fee plus penalty and interest accrued since the date of the transfer.

F. FINANCIAL BUSINESS:

1. Monthly Financial Report: The Commission accepted the March 2018 financial report including the balance sheet and income statement previously provided by email.

2. Warrant Authorization – Cash Disbursements: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Reinhard, it was unanimously VOTED to execute the April 24, 2018 warrant document in the amount of \$104,292.40 to be provided to the county treasurer.

Mr. Sutters departed the meeting at 4:45 p.m.

G. REGULAR BUSINESS:

1. Annual Election of Officers: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Reinhard the following slate of officers were elected:

Neil Paterson	Chairman
Allen B. Reinhard	Vice Chairman

Richard J. Glidden	Secretary
Kristina Jelleme	Treasurer
John J. Stackpole	Vice Secretary/Vice Treasurer

II. EXECUTIVE SESSION: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Jelleme, it was unanimously VOTED to go into executive session to discuss the purchase, exchange, lease or value of real property and review executive session minutes. A roll call vote was taken: Stackpole-Aye, Paterson- Aye, Reinhard-Aye, Jelleme-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 not reconvene in regular session at the conclusion of executive session.

ADJOURNMENT: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Jelleme, it was unanimously VOTED to adjourn the meeting at 5:35 p.m.

Attested to: _____
Richard Glidden, Secretary

Accepted, Approved, and Released by VOTE
of the Commission this 8th day of May, 2018.

Neil Paterson, Chairman