

MINUTES
Nantucket Land Bank Commission
Regular Meeting of June 13, 2017
Land Bank Meeting Room, 22 Broad Street
Nantucket, Massachusetts

CALL TO ORDER: 3:00 p.m.

PRESENT: Richard Glidden, Neil Paterson, Allen Reinhard, John Stackpole.

ABSENT: Kristina Jelleme.

STAFF PRESENT: Eric Savetsky, Executive Director; Jesse Bell, Assistant Director; Marian Wilson, Assistant Administrator.

Peter Sutters, Inquirer and Mirror Reporter; David Pumphrey, Citizen; Alan Costa, NGM Inc. President; Walter Lankau, Golf Controller and Sean Oberly, Miacomet Golf Course Superintendent were also present at call to order.

A. CONVENE IN OPEN SESSION

1. TRANSFER BUSINESS:

a. May 2017 Transfers – Record Nos. 38449 through 38531: The Commission reviewed transfers for the period of May 1, 2017 through May 31, 2017.

b. 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. 38450 Olivier Payot and Lisa Silveira
No. 38460 Simonas Zekas and Edita Zekas

c. Five-Year Ownership Non-Compliance – Payoff/Release of Lien – No. 34766
Action Sparks: Ms. Bell explained that she received a request from Ms. Spark’s attorney for a payoff amount of the fee, interest and penalty on the above-referenced transfer, as the property was being sold prior to the expiration of the five-year domicile/ownership term under the “M” exemption. Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Glidden, it was unanimously VOTED to approve and execute a Release of Lien which will be provided to Ms. Sparks or her representative upon full payment of the fee (\$6,500), penalty (\$1,625) and accrued interest (\$3,263.37).

Commissioner Jelleme entered the meeting at 3:10 p.m.

2. FINANCIAL BUSINESS:

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

3. GOLF BUSINESS:

a. Sconset Golf Course – Draft Budget Presentation: Mr. Costa reviewed the draft budget for 2017 as compared to 2016 actual figures and answered questions from the Commission on expense items. Mr. Oberly attributed the rise in seasonal labor costs to the increase in wage rates under the H2B visa program for 2017.

b. Miacomet Golf Course – Draft Budget Presentation: Mr. Costa reviewed the proposed budget for 2017 against the 2016 actuals, pointing out the significant increases. Commissioner Glidden and Walter Lankau both noted that it was a realistic budget.

Dr. John West and Mary West entered the meeting at 3:51 pm.

Commissioner Jelleme stated that she preferred to complete the budget review at the next meeting when Susan Campese, Land Bank Administrator/Finance Manager would be present, before voting for approval. After a brief discussion, Mr. Savetsky suggested that the Commission continue the budget review at the next Land Bank Meeting when Ms. Campese would be present. The commission agreed to meet at 3:30 pm on Tuesday, June 27, 2017 for further review of the proposed 2017 golf budgets.

Mr. Costa, Mr. Lankau and Mr. Oberly departed the meeting at 3:57 pm.

4. CITIZEN BUSINESS/ ANNOUNCEMENTS:

a. Lily Pond Property Walking Easement: Dr. John West and his wife, Mary, residents at 35 Lily Street, were present to voice their concerns about preserving public access to the Lily Pond property via the right of way and easement at 36 Lily Street. The Wests attended the Historic District Commission meeting, indicating that Sarah Alger, attorney representing the new owner, Alfred T. Sanford, stated that the access (which the public has been using for years) was in fact a private way and not public. Mr. Savetsky assured the Wests that the Land Bank would take steps to defend the public access if need be, however it was his understanding that the new owners planned to preserve the status quo. Chairman Paterson thanked Dr. and Mrs. West for their comments and said the Commission would continue to monitor the situation.

Ms. Chloe Sanford, Resident of 6 Micheme Lane; Kristine Sanford, resident of 13 Pleasant Street; Environmental Coordinator, Rachael Freeman and Property Management Coordinator, Dane DeCarlo entered the meeting at 4:00 pm.

b. Memorial Tree Request: Commissioner Paterson presented a request from Lucy Leske for a harbor front tree in memory of Tobey Leske and asked the Commission for input as to a suitable location. Mr. Savetsky said he would talk to staff and present some location options for Ms. Leske to consider.

5. TRANSFER HEARING: Two-Year Domicile Non-Compliance – No. 35405 Patrick McEvoy

Pursuant to Section 14 of the Land Bank Act, the Commission held a hearing on the matter of the Notice of Assessment from the Nantucket Islands Land Bank Commission dated June 13, 2017, to Patrick McEvoy.

The hearing was tape recorded.

The hearing was opened by Chairman Paterson.

Assistant Director, Jesse Bell provided a brief summary of events leading up to the Notice of Assessment.

Ms. Bell asked the documents presented to the Commission be entered into the record as exhibits. The following exhibits were entered without objection by the Commission:

Exhibit A, Transfer Documents Record No. 35405, including Form 1, Form M and deed conveying 7 Madaket Road from Peter M. Cardos and Nanette M. Cardos to Patrick McEvoy, with a purchase price of \$860,000 (claiming the “M” exemption on \$400,000 of stated purchase price), recorded at the Nantucket Registry of Deeds on August 1, 2014, as Book 1444, Page 169;

Exhibit B, Correspondence from the Nantucket Islands Land Bank to Patrick McEvoy dated August 8, 2014, restating the requirements of the “M” Exemption;

Exhibit C, Nantucket Islands Land Bank Notice of Lien dated September 9, 2014, to Patrick McEvoy, recorded at the Nantucket Registry of Deeds as Book 1449, Page 326 on September 10, 2014;

Exhibit D, Computer printout of Patrick McEvoy’s Facebook page dated August 3, 2016 that states Mr. McEvoy lives in New York, NY;

Exhibit E, Email Correspondence dated August 3, 2016 between Marian Wilson, Assistant Administrator, Nantucket Land Bank to Nancy Holmes, Assistant Town Clerk of Nantucket asking for census information for the address of Patrick McEvoy with a response from Ms. Holmes stating that there is no information on Mr. McEvoy, and providing alternate information on the current resident of 7 Madaket Road according to voter registration records.

Exhibit F, Promotional video of 7 Madaket Road as a rental property posted by Dirty Water Media on June 28, 2016 https://www.youtube.com/watch?v=_sTzjwRrXik;

Exhibit G, Correspondence dated August 3, 2016 regarding “M” exemption non-compliance from Allen B. Reinhard, Chairman, Nantucket Land Bank Commission to Patrick McEvoy sent to 7 Madaket Road, Nantucket and carbon copied to the same at 1 Christopher Street, Apt 9 H, New

York, NY 10014 and carbon copied to attorney John B. Brescher. The correspondence mailed to 7 Madaket Road, Nantucket was returned as undeliverable;

Exhibit H, Computer printout of 7 Madaket Road listed as a weekly vacation rental with Maury People Sotheby's International Realty dated November 2, 2016 listing 7 Madaket Road as available to rent by the week through October 2017;

Exhibit I, Correspondence dated November 4, 2016 regarding "M" exemption non-compliance from Allen B. Reinhard, Chairman, Nantucket Land Bank Commission to Patrick McEvoy sent to 1 Christopher Street, Apt 9 H, New York, NY 10014 and carbon copied to the same at 7 Madaket Road, Nantucket and carbon copied to attorney John B. Brescher. The correspondence mailed to 7 Madaket Road, Nantucket was returned as undeliverable;

Exhibit J, Correspondence dated December 12, 2016 regarding "M" exemption non-compliance from Allen B. Reinhard, Chairman, Nantucket Land Bank Commission to Patrick McEvoy sent to 1 Christopher Street, Apt 9 H, New York, NY 10014 by certified mail with return receipt requested and carbon copied by regular mail to the same at 7 Madaket Road, Nantucket and carbon copied to attorney John B. Brescher. Correspondence to 1 Christopher Street, Apt 9H, New York, NY 10014 was signed for and return receipt attached. The correspondence mailed to 7 Madaket Road, Nantucket was returned as undeliverable;

Exhibit K, Excerpts from the minutes of the Nantucket Islands Land Bank meeting on January 24, 2017 where the Commission voted to issue a Notice of Assessment to Patrick McEvoy and place an unsubordinated lien for the fee, penalty and interest from the date of the transfer on record at the Nantucket Registry of Deeds in the event the purchaser did not request a hearing by February 24, 2017;

Exhibit L, Notice of Assessment from the Nantucket Land Bank Commission dated January 25, 2017, to Patrick McEvoy, and cover letter from Allen B. Reinhard, Chairman to Patrick McEvoy, dated January 25, 2017 sent to 1 Christopher Street, Apt. 9H, New York, NY 10014 by certified mail, return receipt requested and carbon copied to attorney John B. Brescher by regular mail; Correspondence to 1 Christopher Street, Apt 9H, New York, NY 10014 was signed for and return receipt attached.

Exhibit M, Email string dated February 24, 2017 through February 26, 2017 from Patrick McEvoy to Eric Savetsky, Executive Director with responses by Susan Campese, Administrator/Finance Manager requesting information and a hearing on the Nantucket Islands Land Bank Notice of Assessment to Patrick McEvoy with attachment of Form M, Land Bank Act and Rules and Regulations provided to Patrick McEvoy;

Exhibit N, Nantucket Islands Land Bank Notice of Lien dated January 24, 2017, to Patrick McEvoy, recorded at the Nantucket Registry of Deeds as Book 1581, Page 296 on March 6, 2017;

Exhibit O, Email string dated March 9, 2017 through March 11, 2017 between Susan Campese and Patrick McEvoy requesting availability for hearing with scheduling on the Nantucket Land Bank

meeting agenda of March 14, 2017;

Exhibit P, Excerpts from the minutes of the Nantucket Islands Land Bank meeting on March 14, 2017 tabling the scheduling of the hearing until March 28, 2017;

Exhibit Q, Email dated March 27, 2017 from Patrick McEvoy to Susan Campese requesting the hearing be scheduled on April 25, 2017;

Exhibit R, Excerpts from the minutes of the Nantucket Islands Land Bank meeting on March 28, 2017 where the Commission scheduling a hearing April 25, 2017 at the request of purchaser, Patrick McEvoy;

Exhibit S, Email string between Susan Campese and Patrick McEvoy dated April 4, 2017 reporting that the hearing was scheduled for April 25, 2017 at 4:00 p.m.;

Exhibit T, Computer printout of Town of Nantucket Assessors database for 7 Madaket Road showing owner of record address as 1 Christopher St # 9H, New York, NY 01220;

Exhibit U, Email string between Susan Campese and Town of Nantucket Tax Collector, Elizabeth Brown confirming mailing address for tax bill for 7 Madaket Road as 1 Christopher St # 9H, New York, NY 01220

Exhibit V, Email string between Susan Campese and Patrick McEvoy regarding canceling the hearing on April 25, 2017 and rescheduling the hearing to June 13, 2017.

Exhibit W, Email between Susan Campese and Patrick McEvoy regarding his Statement be read to the Commissioners at the hearing on June 13, 2017.

Ms. Bell reviewed the Exhibit items; she also noted that Mr. McEvoy's primary residence listed on his FaceBook and LinkedIn page is in New York. Furthermore, Ms. Bell played the promotional rental video featuring the property at 7 Madaket Road and stated that it was also listed on the Maury People Real Estate website as a weekly vacation rental.

Ms. Bell stated that Mr. McEvoy's lack of responsiveness to Land Bank correspondence, his absence of a listing in the local phone books, and his representations made on FaceBook and LinkedIn, all demonstrated a lack of social connection to the Nantucket community. Lastly, she read Mr. McEvoy's prepared statement to the Commissioners due to the fact that Mr. McEvoy was not present at his hearing.

Based on the facts presented at the hearing, it was determined that Mr. McEvoy had not established Nantucket as his actual domicile and therefore the requirements of the "M" exemption had not been met. Staff recommended that Mr. McEvoy pay the \$8,000 fee that was exempted when he claimed the "M" exemption, in addition to penalty and interest accrued since the date of purchase, August 1, 2014.

After some discussion, and there being no further information or evidence to be provided, upon a motion made and duly seconded, it was unanimously VOTED to close the hearing.

Upon a motion made by Commissioner Reinhard and duly seconded by Commissioner Jelleme, it was unanimously VOTED to accept the staff recommendation and direct Ms. Bell to draft a Decision and Determination which will be reviewed and voted on at the following Land Bank Meeting on June 27, 2017.

6. TRANSFER BUSINESS: continued.

a. Two-Year Domicile Non-Compliance/Discussion – No. 36191 Chloe Sanford: Ms. Bell informed the Commission that during a routine two-year check on “M” exemption compliance, a few sources raised questions regarding the actual domicile of Ms. Sanford. Staff’s written correspondence was quickly responded to by Ms. Sanford confirming that she is a year round resident despite the fact that her mailing address is listed at 13 Pleasant Street. Furthermore, the year round domicile requirement was being examined due to the fact that Ms. Sanford’s property at 6 Micheme Lane was listed on two realtor websites as a weekly vacation rental property. Ms. Sanford explained that the reason she had listed the property available for rent was because she was planning a five week family vacation this summer. She inquired where specifically in the “M” exemption was it stated that the owner cannot rent out their property. Commissioner Paterson thanked Ms. Sanford for her comments and advised her that Ms. Campese will come back to the Commission with a recommendation after consulting with the Land Bank’s legal counsel.

Ms. Chloe Sanford and Ms. Kristine Sanford departed the meeting at 4:20 pm.

7. PROPERTY MANAGEMENT:

a. July 4th Preparation Plans: Mr. Savetsky reviewed the strategy laid out by the Nantucket Police Department relative to Land Bank beach properties, citing their plan to utilize the Land Bank’s Nobadeer beach parking lot as a command center for the expected heavy use at that beach on the holiday weekend. In addition, the Town requested that an extra port-a-pottie and dumpster be placed in the Land Bank parking area at 40th Pole for the holiday.

b. Property Projects Update: Mr. DeCarlo updated the Commissioners on the status of renovation plans for the Land Bank office building. He reported that the water fountain has been installed at the Codfish Park playground and the dock at the Sharpe property would be installed on June 20, 2017 after repairs were completed. Further, road grading improvements have been made on Eel Point Road and West Miacomet Road, as well as the Cisco beach and Gardner Farm parking lots. Mr. Savetsky added that the Land Bank had received some neighborhood contributions to assist with the road grading expense in Smooth Hummocks. Ms. Freeman updated the Commission on plans for improving handicap accessibility to trails, viewing areas and parking lots at McAlinden, Settlers Landing and Keane properties and the culvert/bridge permitting at Norwood Farm. Mr. DeCarlo confirmed that they had received permits to move forward with building the viewing access areas for Keane and Settlers Landing as well as expanding the parking areas to include additional accessible spaces. Furthermore, Mr. DeCarlo reported that he had received

approvals from the Historic District Commission for the Ray boathouse relocation to the Soverino property. Additionally, the dock at the Bachman Property should receive permits and begin construction by mid-July. Ms. Freeman reviewed the plan for the Reyes property which includes restoring the pergola and the removal of certain trees as recommended by Bartlett Trees Experts. Lastly, the Fairy Trail had been installed on the Milestone Crossing property.

c. Mr. Savetsky displayed before and after photographs of the Summer House encroachment area, reporting that ninety-five percent of the items that had been encroaching on the abutting Land Bank property had been removed and the remaining issues would be resolved soon.

Mr. DeCarlo and Ms. Freeman departed the meeting at 5:00 pm.

8. APPROVAL OF MINUTES: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Jelleme it was unanimously VOTED to accept, approve and release the regular session minutes of May 25, 2017 as written.

9. REGULAR BUSINESS: None.

10. FINANCIAL BUSINESS: continued.

a. Warrant Authorization – Cash Disbursements: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Jelleme, it was VOTED to execute the June 13, 2017 warrant document in the amount of \$172,429.29 to be provided to the county treasurer.

b. Warrant Authorization – 2009 Series A Bond Semi-Annual Payment: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Glidden, it was VOTED to approve payment and authorize staff to wire the 2009 Series A semi-annual bond payment of interest and principal in the total amount of \$1,263,956.25 from the Land Bank's Collection Account to the Bond Trustee at U.S. Bank.

B. EXECUTIVE SESSION: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Glidden, it was unanimously VOTED to go into executive session in order to discuss the purchase, exchange, lease or value of real property and review and approve executive session minutes. A roll call vote was taken: Reinhard-Aye; Stackpole-Aye; Glidden-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.

Mr. Sutters and Mr. Pumphrey departed the meeting at 5:07 pm.

C. RECONVENE IN OPEN SESSION:

ADJOURNMENT: Upon a motion made by Commissioner Stackpole and duly seconded by Commissioner Glidden, it was VOTED to adjourn at 5:26 p.m.

Attested to: _____
Richard J. Glidden, Secretary

Accepted, Approved, and Released by the VOTE
of the Commission this 27th day of June, 2017.

Neil Paterson, Chairman