



Town of Nantucket Finance Committee

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Committee Members: Denice Kronau (Chair), Joseph T. Grause Jr. (Vice-chair), Jeremy Bloomer
Chris Glowacki, Steve Maury, Joanna Roche, Peter Schaeffer, Jill Vieth

MINUTES

Thursday, December 15, 2022

Community Room 4 Fairgrounds Road and remote participation using ZOOM.

Called to order at 4:00 pm by Ms. Kronau

Staff in attendance: Libby Gibson, Town Manager; Brian Turbitt, Director of Finance; Mariya Basheva, Financial Analyst

Attending Members: Kronau, Grause, Bloomer, Roche, Schaeffer, Vieth

Remote: Vieth

Absent Members: Maury, Glowacki

Town Counsel: John Giorgio, K&P Law

Documents used: November 15, 2022 draft minutes; Citizen Warrant Articles for 2023 Annual Town Meeting.

Adoption of Agenda

Motion **Motion to Approve.** (made by: Grause) (seconded)

Roll-call Vote Carried 6-0//Roche, Schaeffer, Grause, Bloomer, Vieth, and Kronau-aye

I. ANNOUNCEMENTS

II. APPROVAL OF PRIOR MEETING MINUTES

1. November 15, 2022

Motion **Motion to Approve.** (made by: Schaeffer) (seconded)

Roll-call Vote Carried 6-0//Roche, Schaeffer, Grause, Bloomer, Vieth, and Kronau-aye

III. PUBLIC COMMENT

1. None

IV. PUBLIC HEARING AND DISCUSSION OF CITIZEN WARRANT ARTICLES FOR 2022 ANNUAL TOWN MEETING (ATM)

Kronau – Set ground rules for the public hearing; People can speak to zoning and sewer articles, but the Planning Board and Sewer Commission will review them and make recommendations.

1. Town Council Form of Government, Curtis Barnes

Discussion **Barnes** – He feels Nantucket has outgrown open Town Meeting. He proposes looking at a Town Council form of government. This article is to appoint a committee to review the idea of a Town Council or other options. According to the City Council Association, the majority of any Town over 2500 is a council form of government. He used the Barnstable Town Council as a model but proposes 9 council members. This article proposes a professional administrator, another article talks about a paid mayor; you can't have 2 bosses. He put in a provision for expenses.

Schaeffer – Asked Mr. Barnes if he'd be willing to combine this with Article 6.

Barnes – He reached out regarding that and never heard back. He is willing to work with them for a better management system for the Town. Cited examples whereas grants and funding are lost because of the need for ATM approval.

Bloomer – We need to figure out how to get these together. Asked if Town Counsel would mediate pulling these together.

Kronau – FinCom doesn't rewrite articles, but we can make recommendations based on what Town Counsel says. On the floor of Town Meeting, one sponsor can say they support the other article, and the second article is pulled.

Giorgio – Changing the charter to a Town Council form of government is significant; there are a lot of policy and technical issues to be addressed. He thinks it best for ATM to approve the appointment of a committee which would decide what is best for the Town. Doing that would serve the Town well; look at authorizing appropriation to hire a consultant. Article 6 is legally defective; you can't have ATM vote to adopt a charter that changes the form of government. Explained that ATM would authorize establishment of a committee, which would write the new charter; that charter would be reviewed by the State Attorney General; then it is presented to the voters at a standard election. Could also write a charter as a home-rule petition. He wouldn't recommend approving Article 6 without a robust debate about what would be in that charter; it's not appropriate to do that on ATM floor.

Grause – Asked how long the process would take.

Giorgio – If you start a commission at the May 2023 election, they would have 18 months to go through the process then submit a report; you're looking at 2 years. The home rule process would also take about 2 years. Deciding the type of government the Town would go to is not the job of FinCom; that is the job of an advisory committee.

Roche – Our Town Government committee has looked at this.

Barnes – That committee still exists; the majority of them support his proposal.

Bloomer – Asked if it's possible a committee could work this between now and May.

Kronau – the Select Board discussed this several meetings ago; the consensus was they want to let the voters decide about proceeding.

Gibson – The Government committee was dissolved once the report was submitted; it is reconstituted every 5 years and it hasn't been 5 years. With the submission of the 2 articles, the Select Board has decided to wait for ATM outcome.

Barnes – In order to get the resources, Mass Municipal has people willing to come in and help. The City Council group is also available.

2. Independent Sewer Commission, Curtis Barnes

Discussion **Barnes** – He feels an independent Sewer Commission would give the Sewer Department the flexibility as the Wannacomet Water to move directly on problems of concern. The Sewer Commission is currently a subset of the Select Board.

Bloomer – The Select Board has a more global view than a single-view commission would have.

Barnes – Compared this with the Water Commission. It works well on the water side, and he feels would work well on the sewer side.

Vieth – If we moved forward with the new form of government, asked if we would need Water and Sewer Commissions or if the council could function in those capacities.

Barnes – When he looked at the Barnstable model, they still have independent Boards and Commissions. We would have to look at it.

Gibson – We've talked about a combined water and sewer commission; it would be a policy issue. David Grey reports to the Town Manager whereas the Water Company does not.

Giorgio – This article would create an elected separate Sewer Commission. There is the option for an appointed commission. If FinCom recommends this, we should have some transition language as to how the commissioners are elected or appointed.

Barnes – He submitted additional information in response to that.

3. Bylaw Amendment – Motorized Devices, Bruce Mandel

Discussion **Mandel** – This proposed to amend Chapter 98 for safety reasons. No language is proposed to be deleted; he sent out copies of a highlighted article indicating the changes. The intent is to equate multi-use paths with sidewalks because they are used where no sidewalks exist. It would provide the same level of safety to the multi-use paths as are found on the sidewalks because of the increased use of motorized vehicles. The types of personal motorized vehicles have expanded; they travel at speeds between 20 mph and 40 mph. They are excluded from traveling on sidewalks; that same safety standard should apply to bike paths. People are being hit by these devices causing injuries; that includes himself and his granddaughter. There has been no indication where these personal motorized vehicles have been involved in a crash with a car when using the roads. Cited people who support this article. Reviewed his research supporting restricting motorized vehicles for multi-use paths. Doesn't feel it would cause the Town any significant cost beyond getting the word out and some signage. The only opposition he's had has been from a few e-bike riders who want slower-rated e-bikes to be exempt because they don't go over 12 mph.

Giorgio – It presents policy questions the Town needs to think about; much can be regulated through traffic regulations.

Mandel – He spoke to a couple of attorneys about this. They said without the amendment, the Town could be liable for allowing these to operate on paths where people are walking.

Kronau – Without a specific case, that is only speculations.

Giorgio – Explained how the Town is immune from liability. It's an insurance issue.

Vieth – Asked if we have a speed limit on the bike paths. She thinks it was discussed.

Gibson – We don't have a speed limit and we have complaints that there are too many signs on the bike paths as is.

Roche – Mr. Giorgio indicated there is no delineation in the article between the existing bylaw and what is proposed.

Mandel – Mr. Giorgio had a poorly highlighted version; he sent out a properly highlighted article.

Kronau – No one need recuse on this unless they financially benefit from an e-bike business.

Schaeffer – You didn't mention how fast a regular bike goes and they go pretty fast. With all the road problems we've had, you should address what would happen if all these motorized vehicles are moved from the bike path to the road.

Anne Dewez – She appreciates this initiative; she's also been hit. However, she has concerns because she doesn't know how you would differentiate from a motorized bike going 30 mph and a scooter going 15 mph. Passive enforcement doesn't work when someone flies past you. Asked if there is a role to license these types of vehicles.

Eric Silfen – There are multiple issues; he doesn't think looking at one particular issue will fix it. We need to look at personalized travel and the existing roads.

4. Affordable & Year-Round Housing Stabilization Fund, Arthur Reade

Discussion **Reade** – This is the same as an article submitted 2 years ago; it would establish a stabilization fund with 2/3rd of the Town's receipts from the occupancy tax. The only difference is the effective date being 2025. It is important we use every available method to provide as much funding as possible to address the housing crisis.

Roche – She thought one issue last time was the availability of the funds and it wasn't immediately available.

Reade – This provides the funding; the mechanism for getting the funds out for use on a particular project can be dealt with.

Kronau – A Stabilization fund has certain requirements.

Turbitt – The mechanics would require us to start 67% from the occupancy tax, which says nothing about affordable housing; it requires a 2/3rd vote to get the money out. There would be no funds available to housing trust on July 1, 2024 delaying their ability to do anything for a year and they would have to put in an article to get the money out. All this article does is authorize the implementation of a special purpose stabilization fund and sets the funding mechanism. The

appropriation mechanism is a 2nd step required by ATM every time we want to take money out of it.

Vieth – Asked how many Stabilization funds the Town has.

Turbitt – The General-Purpose Stabilization Fund, Capital Stabilization Fund, OPEB Special-use Stabilization Fund, and Substance Abuse Special-use Stabilization Fund. In his 9 years, we've never taken money out of the General or Capital Stabilization Funds.

5. Zoning Map Change – RC2 & CI to CMI – Arrowhead Dr, Arthur Reade

Discussion None

6. Charter Change – Town Council-Town Manager Form of Government, Jeff Carlson

Discussion **Kronau** – Mr. Carlson told her they weren't available for tonight.

7. Zoning Map Change – R40 to CN – Evergreen Way & Airport Rd, John Kane

Discussion None

8. Zoning Bylaw Amendment – Swimming Pool – Residential, Campbell Sutton

Discussion None

9. Bylaw Amendment – Noise, Campbell Sutton

Discussion None

10. Independent HDC Administrator, Diane Coombs

Discussion None

11. Home Rule Petition – Amend NPEDC, Hillary Rayport

Discussion None

12. Zoning Map Change – LUG2 to R20 – 69 Hummock Pond Rd, Christine McGrath Iller

Discussion None

13. Zoning Bylaw Amendment – Short-Term Rental Accessory Use, Emily Kilvert

Discussion None

14. Bylaw Amendment – Sewer District Map Change – 25 Millbrook Rd, Martin McGowan

Discussion None

15. Bylaw Amendment – Outdoor Lighting, Catherine Gail Walker

Discussion None

16. Zoning Bylaw Amendment – Swimming Pool – Residential, Linda Williams

Discussion None

17. Zoning Map Change – SOH to VN – Elbow Ln, Linda Williams

Discussion None

18. Zoning Map Change – R20 to CN – Old South Rd/Little Isle Ln/Miller Ln/ Airport Rd, Linda Williams

Discussion None

19. Zoning Map Change – Accessory Uses, Linda Williams

Discussion None

20. Zoning Map Change – Definitions - Commercial, Linda Williams

Discussion None

21. Zoning Map Change – Definition Use Principal, Linda Williams

Discussion None

22. Zoning Map Change – Intensity Regulations – Exception for frontage, Linda Williams

Discussion None

23. Zoning Map Change – R20 to R10 – Old South Rd/Miller Ln, Linda Williams

Discussion None

24. Zoning Bylaw Amendment – Pre-Existing Non-Conforming Status of Lots, Emily Molden

Discussion None

25. Zoning Bylaw Amendment – Lots Created Under MGL 41-81L, Emily Molden

Discussion None

Giorgio – Some zoning articles will require careful consideration, but they can wait for the Planning Board to weigh in.

V. COMMITTEE REPORTS

1. Contract Review Committee: Roche
2. Coastal Resiliency Advisory Committee: Roche
3. Our Island Home/Senior Center Committee: Schaeffer. Discussion about demographics of users versus need.
4. Short-term Rental Working Group: Schaeffer
5. Capital Program Committee: Vieth
6. Solid Waste: Grause. Waste Options contract expires on December 1, 2025.

VI. NEXT MEETING DATE/ADJOURNMENT

Date: Monday, January 9, 2023; 4:00 p.m.

VII. OTHER BUSINESS

1. Giorgio – He'll be around as FinCom moves into a deeper dive of the articles.
2. Adjournment
Motion **Motion to Adjourn 5:13 pm.** (made by: Schaeffer) (seconded)
Roll-call Vote Carried 6-0//Roche, Schaeffer, Grause, Bloomer, Vieth, and Kronau-aye

Submitted by:

Terry L. Norton