

# Town and County of Nantucket Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair  
Jason Bridges  
Matt Fee  
Kristie L. Ferrantella  
Melissa Murphy



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Nantucket, Massachusetts 02554

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C. Elizabeth Gibson  
Town & County Manager

## ***AGENDA FOR THE MEETING OF THE SELECT BOARD JULY 7, 2021 - 5:00 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS***

### ***YOU TUBE LINK:***

<https://youtu.be/pAiorh3gjsq>

### ***ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:***

[https://us06web.zoom.us/webinar/register/WN\\_h6W8f6WjQXipVfHfz6wNiA](https://us06web.zoom.us/webinar/register/WN_h6W8f6WjQXipVfHfz6wNiA)

- I. CALL TO ORDER***
- II. MOMENT OF SILENCE FOR FORMER SELECT BOARD MEMBER NANCY J. SEVRENS***
- III. ELECTION OF OFFICERS***
- IV. SELECT BOARD ACCEPTANCE OF AGENDA***
- V. ANNOUNCEMENTS***
  1. The Select Board Meeting is Being Audio/Video Recorded.
  2. Next Select Board Meeting (Wednesday, July 14, 2021, 5:00 PM) will be In-Person at Public Safety Facility Community Room, 4 Fairgrounds Road.
  3. 2021 Boards/Commissions/Committees Vacancies.
  4. Nantucket Community Association Annual Forum to be Held Remotely Tuesday, July 13, 2021 at 9:30 AM via Zoom.
  5. Single-use Plastics Ban Compliance Visits - Summer 2021.
- VI. COVID-19 WEEKLY UPDATE***
  1. Public Comment.
  2. Report from Health Director.
  3. Other Reports/Comments/Updates.
- VII. PUBLIC COMMENT\* FOR ITEMS NOT RELATED TO COVID-19 OR OTHER AGENDA ITEMS***

***VIII. NEW BUSINESS\****

***IX. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***

1. Approval of Minutes of June 23, 2021 at 5:00 PM; June 29, 2021 at 3:30 PM.
2. Approval of Payroll Warrants for June 27, 2021.
3. Approval of Treasury Warrants for June 30, 2021; July 7, 2021.
4. Approval of Pending Contracts for July 7, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

***X. CONSENT ITEMS***

1. Gift Acceptances: Human Services (Saltmarsh Senior Center).

***XI. PUBLIC HEARINGS***

1. Public Hearing to Consider Application for Transfer of Annual Wine and Malt Beverages Package Store License from Brooklyn Books, Inc. dba Annye's Whole Foods, Nancy Camara, Manager, to Pip and Anchor, LLC dba Pip and Anchor, Christopher Sleeper, Manager, for Premises Located at 14 Amelia Drive.

***XII. TOWN MANAGER'S REPORT***

1. Review Progress with Scope of Work for PFAS (Per- and Polyfluoroalkyl Substances) Town-wide Assessment Phase 2A.
2. Review of Fiscal Year 2020 Town Financial Audit and Management Letter with Auditor and Director of Municipal Finance.
3. Review of 2021 Police Reform Legislation Implementation for Nantucket Police Department.
4. Natural Resources Department: Update on Aquaculture Licensee (Ted Lambrecht) Compliance (Continued from May 12, 2021).
5. Post July 4<sup>th</sup> Weekend Report.

***XIII. SELECT BOARD'S REPORTS/COMMENT***

1. Review of 2021 Annual Committee Appointment Process and Committee Talent Bank.
2. Discussion/Vote on Proposed 2022 Annual Town Meeting and Election Dates:
  - Annual Town Meeting: Monday, May 2, 5:00 PM
  - Annual Town Election: Tuesday, May 10
3. Committee Reports.

***XIV. ADJOURNMENT***

***\*Identified on Agenda Protocol Sheet***

## **SELECT BOARD AGENDA PROTOCOL:**

**Roberts Rules:** The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

**Public Comment:** Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

*Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.*

**New Business:** For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

**Public Participation:** The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

**Select Board Report and Comment:** Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

*Approved on February 17, 2021*

**Select Board**  
**2021 Committee Vacancy Appointments Timeline**  
***As of 6/24/2021***

**June 24** – Advertise committee vacancies on Town’s website

**July 1 and July 8** – Advertise committee vacancies in the Inky

**July 7 and July 14** – Committee vacancies to be added to Select Board agendas as announcement

**July 16 at 12:00 PM** – Deadline for submitting applications for committee vacancies. This includes applications for:

- Agricultural Commission;
- Council for Human Services;
- Cultural Council;
- Nantucket Historical Commission Alternate;
- Planning Board Alternate;
- Roads and Right of Way Committee;
- Tree Advisory Committee;
- Zoning Board of Appeals; and
- Zoning Board of Appeals Alternate.

**July 21 and August 4** – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board’s packet.

**August 18** – Meeting for applicants to introduce themselves and review their applications; committee appointments.

## NOTICE OF COMMITTEE VACANCIES (as of 6/24/2021)

Applications are being accepted by the Select Board to fill vacancies on the following committees:

- Agricultural Commission - two seats, terms expire 2022
- Agricultural Commission - one seat, term expires 2023
- Agricultural Commission - one seat, term expires 2024
- Council for Human Services - one seat, term expires 2024
- Cultural Council - one seat, term expires 2022
- Cultural Council - one seat, term expires 2024
- Nantucket Historical Commission Alternate - one seat, term expires 2024
- Planning Board Alternate - one seat, term expires 2024
- Roads and Right of Way Committee - one seat, term expires 2024
- Tree Advisory Committee - one seat, term expires 2024
- Zoning Board of Appeals - one seat, term expires 2026
- Zoning Board of Appeals Alternate - one seat, term expires 2024

Interested individuals may obtain a "Committee Interest Form" by clicking [here](#). Information on the responsibilities of the various committees may be obtained from the Town's website. Completed applications can be mailed or hand delivered to Town Administration, 16 Broad Street, Nantucket, MA 02554 or emailed to [emooney@nantucket-ma.gov](mailto:emooney@nantucket-ma.gov).

Applications must be submitted by **12:00 PM on Friday, July 16, 2021**, for a Select Board meeting on **Wednesday, August 18, 2021** where applicants can introduce themselves and review their applications.

**EXHIBIT 1**  
**AGREEMENTS TO BE EXECUTED BY TOWN MANAGER**  
**UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD**  
**July 7, 2021**

| Type of Agreement/Description              | Department                            | With                                                        | Amount           | Other Information                                                          | Source of Funding            | Term                              |
|--------------------------------------------|---------------------------------------|-------------------------------------------------------------|------------------|----------------------------------------------------------------------------|------------------------------|-----------------------------------|
| Federal Grant Award                        | Town of Nantucket                     | U.S. Federal Government - American Rescue Plan Act ("ARPA") | (\$1,193,116.86) | Town allocation of ARPA funds - subject to various conditions and purposes | Federal Grant - US Treasury  | June 16, 2021 - December 31, 2024 |
| Town Contracts for Health & Human Services | Town Admin/Council for Human Services | A Safe Place, Inc.                                          | \$55,000         | Allocation as approved per 2021 Annual Town Meeting                        | Article 9 2021 ATM \$745,000 | July 1, 2021 - June 30, 2022      |
| Town Contracts for Health & Human Services | Town Admin/Council for Human Services | Elder Services of Cape Cod and the Islands, Inc.            | \$20,000         | Allocation as approved per 2021 Annual Town Meeting                        | Article 9 2021 ATM \$745,000 | July 1, 2021 - June 30, 2022      |
| Town Contracts for Health & Human Services | Town Admin/Council for Human Services | Health Imperatives, Inc.                                    | \$90,000         | Allocation as approved per 2021 Annual Town Meeting                        | Article 9 2021 ATM \$745,000 | July 1, 2021 - June 30, 2022      |
| Town Contracts for Health & Human Services | Town Admin/Council for Human Services | Fairwinds - Nantucket's Counseling Center, Inc.             | \$176,323        | Allocation as approved per 2021 Annual Town Meeting                        | Article 9 2021 ATM \$745,000 | July 1, 2021 - June 30, 2022      |
| Town Contracts for Health & Human Services | Town Admin/Council for Human Services | Martha's Vineyard Community Services, Inc.                  | \$18,000         | Allocation as approved per 2021 Annual Town Meeting                        | Article 9 2021 ATM \$745,000 | July 1, 2021 - June 30, 2022      |
| Town Contracts for Health & Human Services | Town Admin/Council for Human Services | South Coastal Legal Services, Inc.                          | \$4,600          | Allocation as approved per 2021 Annual Town Meeting                        | Article 9 2021 ATM \$745,000 | July 1, 2021 - June 30, 2022      |
| Town Contracts for Health & Human Services | Town Admin/Council for Human Services | Nantucket Interfaith Council                                | \$70,000         | Allocation as approved per 2021 Annual Town Meeting                        | Article 9 2021 ATM \$745,000 | July 1, 2021 - June 30, 2022      |
| Town Contracts for Health & Human Services | Town Admin/Council for Human Services | Nantucket Cottage Hospital                                  | \$130,671.20     | Allocation as approved per 2021 Annual Town Meeting                        | Article 9 2021 ATM \$745,000 | July 1, 2021 - June 30, 2022      |

|                                             |                                       |                                                                         |                                                                                         |                                                                                                                                         |                                          |                              |
|---------------------------------------------|---------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------------------------|
| Town Contracts for Health & Human Services  | Town Admin/Council for Human Services | Small Friends                                                           | \$15,000                                                                                | Allocation as approved per 2021 Annual Town Meeting                                                                                     | Article 9 2021 ATM \$745,000             | July 1, 2021 - June 30, 2022 |
| Town Contracts for Health & Human Services  | Town Admin/Council for Human Services | Artist's Association of Nantucket                                       | \$18,200                                                                                | Allocation as approved per 2021 Annual Town Meeting                                                                                     | Article 9 2021 ATM \$745,000             | July 1, 2021 - June 30, 2022 |
| Town Contracts for Health & Human Services  | Town Admin/Council for Human Services | Cape Cod Dispute Resolution Center, Inc. d/b/a Cape Mediation           | \$2,205.80                                                                              | Allocation as approved per 2021 Annual Town Meeting                                                                                     | Article 9 2021 ATM \$745,000             | July 1, 2021 - June 30, 2022 |
| Town Contracts for Health & Human Services  | Town Admin/Council for Human Services | National Alliance on Mental Illness (NAMI) Cape Cod & the Islands, Inc. | \$95,000                                                                                | Allocation as approved per 2021 Annual Town Meeting                                                                                     | Article 9 2021 ATM \$745,000             | July 1, 2021 - June 30, 2022 |
| Town Contracts for Health & Human Services  | Town Admin/Council for Human Services | National Alliance on Mental Illness (NAMI) Cape Cod & the Islands, Inc. | \$50,000                                                                                | Allocation as approved per 2021 Annual Town Meeting                                                                                     | Article 9 2021 ATM \$745,000             | July 1, 2021 - June 30, 2022 |
| License Agreement                           | DPW                                   | PeopleGIS, Inc.                                                         | \$33,800                                                                                | Annual license fee for DPW online work order software                                                                                   | DPW Budget                               | July 1, 2021 - June 30, 2022 |
| Professional Service Agreement              | DPW                                   | Commonwealth Resource Management Corp.                                  | \$200,000                                                                               | Solid waste consulting services                                                                                                         | Solid Waste Budget                       | July 1, 2021 - June 30, 2024 |
| Professional Service Agreement              | DPW                                   | Victor Brandon Corp.                                                    | \$4,000,000                                                                             | FY22 annual Town-wide roadwork                                                                                                          | Various Dept. Budgets & Capital Articles | July 1, 2021 - June 30, 2022 |
| Professional Service Agreement              | DPW                                   | SumCo Eco Contracting                                                   | \$24,525                                                                                | Installation of landscaping at 131 Pleasant St including for meeting trailer screening                                                  | Article 10/2019 ATM                      | July 7, 2021 - June 30, 2022 |
| Professional Service Agreement              | DPW                                   | Greenman-Pedersen, Inc.                                                 | \$61,430                                                                                | Engineering design services for shared-use path on Milestone Rd from Monomoy Rd to Polpis Bike Path                                     | Chapter 90 Funding                       | July 7, 2021 - June 30, 2022 |
| Purchase Agreement                          | DPW                                   | MHQ                                                                     | \$112,474.50                                                                            | Purchase of replacement trash compactor truck                                                                                           | Article 10/2019 ATM                      | July 7, 2021 - June 30, 2022 |
| Amendment to Professional Service Agreement | DPW                                   | Beta Group, Inc.                                                        | Add \$33,400 to original contract amount of \$24,900 for new contract total of \$58,300 | Add to bike path condition assessment contract: additional analysis, bike path maintenance plan development, and construction oversight | DPW Budget                               | July 7, 2021 - June 4, 2022  |

|                                             |                 |                                                                         |                                                                                                 |                                                                                                                               |                                           |                                  |
|---------------------------------------------|-----------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|----------------------------------|
| Amendment to Professional Service Agreement | DPW             | Mabbett & Associates, Inc.                                              | Add \$3,142.16 to original contract amount of \$8,950 for new contract total of \$12,092.16     | Add to asbestos abatement monitoring services contract: additional services for 20 S. Water St                                | Article 10/2011                           | July 7, 2021 - July 31, 2021     |
| Amendment to Professional Service Agreement | IS/GIS          | LCN Networks                                                            | Add \$5,554.27 to original contract amount of \$22,217.10 for new contract total of \$27,771.37 | Add to IT installation contract: installation of network switches and wireless access points at 131 Pleasant St               | Article 10/2019 ATM                       | July 7, 2021 - December 31, 2021 |
| Construction Agreement                      | Marine          | Barrett Enterprises                                                     | \$625,290                                                                                       | Repairs to solid fill pier and bulkhead at Madaket F-Street pier                                                              | Article 10/2016 ATM & Article 10/2021 ATM | July 7, 2021 - June 30, 2024     |
| Professional Service Agreement              | Our Island Home | Norton and Associates, Inc. d/b/a Norton Nursing Group Nursing Services | \$300,000                                                                                       | Temporary nursing services (RNs & LPNs)                                                                                       | OIH Budget                                | July 1, 2021 - June 30, 2024     |
| Professional Service Agreement              | Our Island Home | Dan's Pharmacy                                                          | \$30,000                                                                                        | Purchase of pharmaceutical and nutritional products                                                                           | OIH Budget                                | July 1, 2021 - June 30, 2024     |
| Supply Agreement                            | Our Island Home | ENOS Home Oxygen Therapy, Inc.                                          | \$15,000                                                                                        | Purchase of oxygen and related equipment                                                                                      | OIH Budget                                | July 1, 2021 - June 30, 2024     |
| Transfer Agreement                          | Police          | Officer Keith A. Mansfield                                              | n/a                                                                                             | Agreement for transfer of ownership of NPD canine Moby to handler Officer Keith Mansfield upon Moby's retirement from service | n/a                                       | July 7, 2021                     |
| Professional Service Agreement              | Police          | SMRT Engineers-Architects, Inc.                                         | \$249,200                                                                                       | Engineering analysis and design for connection of LORAN dorns to municipal sewer system                                       | Article 10/2021 ATM                       | July 7, 2021 - June 30, 2024     |
| Professional Service Agreement              | Sewer           | Hazen and Sawyer, P.C.                                                  | \$138,075                                                                                       | Engineering and design services for replacement of dewatering equipment at the Surfside Wastewater Treatment Facility         | Article 16/2021 ATM                       | July 7, 2021 - July 31, 2022     |
| Professional Service Agreement              | Sewer           | SunPower Corporation                                                    | \$259,111                                                                                       | Installation of rooftop solar - PV system at the Surfside Wastewater Treatment Facility                                       | MassDEP Grant & Sewer Budget              | July 7, 2021 - July 6, 2022      |

|                                |               |                                  |             |                                                                                                                                    |                     |                              |
|--------------------------------|---------------|----------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------------------|
| Professional Service Agreement | Sewer         | Weston & Sampson Engineers, Inc. | \$198,800   | Engineering design services for South Shore Road Sewer Extension                                                                   | Article 16/2021 ATM | July 7, 2021 - June 30, 2024 |
| Professional Service Agreement | Sewer         | VeloDyne                         | \$21,867    | Contract for liquid polymer preparation system for replacement dewatering centrifuge at the Surfside Wastewater Treatment Facility | Article 16/2021 ATM | July 7, 2021 - June 30, 2022 |
| Professional Service Agreement | Tax Collector | Globe Direct                     | \$62,755.50 | Tax bill printing services                                                                                                         | Collector Budget    | July 1, 2021 - June 30, 2024 |

## ***CONSENT AGENDA ITEMS FOR 7/7/2021 SELECT BOARD MEETING***

### **1. Gift Acceptances**

Recommend the acceptance of the following gifts to Town agencies:

- Human Services (Saltmarsh Senior Center):
  - o Gift of \$100 from C E Sutton for the Saltmarsh Senior Center
  - o Gift of \$100 from Elaine Boehm for the Saltmarsh Senior Center

*Recommended Motion: To accept all gifts for their designated purposes, with thanks to the donors.*

Town Administration will ensure that letters of thanks are sent.

# MEMO



**Date:** June 22, 2021  
**TO:** Dawn Hill-Holdgate, Select Board Chair  
**CC:** Jerico Mele, Director of Human Services  
**FROM:** Laura Stewart, Saltmarsh Senior Center, Program Coordinator  
**RE:** Request for acceptance of gift

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I am writing to request acceptance of the following gift donations:

From C E Sutton: \$100.00 a gift for the Saltmarsh Center

From Elaine Boehm: \$100.00 a gift for the Saltmarsh Center

Thank you,

Laura Stewart

*from the desk of.....*

Laura Stewart  
Program Coordinator,  
Senior Services  
81 Washington Street  
Nantucket, MA 02554  
508-228-4490

phone: 508-228-4490  
fax: 508-325-5366  
e-mail: [lstewart@nantucket-ma.gov](mailto:lstewart@nantucket-ma.gov)

## Select Board Liquor License Public Hearing Process

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### Liquor License Public Hearing Process

1. The chairman opens the public hearing and may outline the procedure to be followed.
2. The applicant reviews their pending application.
3. Public comment is taken.
  - If applicable, read into record any written objections received from school, church or hospital located within 500 feet.
4. The chairman invites questions from the Board and closes the public hearing.
5. The Board makes a decision to approve or deny.
6. Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, denials must be based on reasonable grounds; ABCC and courts prefer findings based on:
  - the appropriateness of a liquor license at a particular location
  - the number of existing dispensaries in Town
  - the views of the inhabitants of the locality in which a license is sought
  - traffic, noise, size (typically applies to a new location)
  - the sort of operation that carries the license
  - the reputation of the applicant
7. A written decision is required to be sent to the applicant. No need for reasons if the application is simply approved, but if there is a denial or conditions are imposed, the reasoning for this is required to be in the decision. Therefore, the Board should vote on basis for denial or conditions as well [concerns with traffic, another licensee located adjacent to property, limiting hours, etc.].



## Agenda Item Summary

|               |          |
|---------------|----------|
| Agenda Item # | XI. 1.   |
| Date          | 7/7/2021 |

### Staff

Amy Baxter, Licensing Administrator

### Subject

Liquor License Application – License Transfer –Pip and Anchor, LLC, 14 Amelia Drive

### Executive Summary

Application for Transfer of an Annual Wine and Malt Beverages Package Store License # 00143-PK-0762 at 14 Amelia Drive from: Brooklyn Books, Inc., Nancy Camara, Manager to Pip and Anchor, LLC., Christopher Sleeper, Manager.

#### OPERATIONS:

The License under a transfer application is still valid with the original LLC in charge of operations and with full liability for staffing, liquor sales and all aspects of the license until such time that the transfer is approved by the LLA (Select Board) and ABCC. The establishment does not need to close during the application process as is the case with a surrender and a new license application. The applicant is also agreeing to take on the License with all current conditions and is responsible for any previous violations or outstanding debts, etc. The history of the license travels with the transfer to the new LLC.

#### This License has NO violations on record.

#### HOURS:

A Section 15 Package Store/Supermarket/Convenience Store licensee chooses the hours of sale on a Sunday, so as long as the sales do not commence before 10:00 a.m. and conclude no later than 11 p.m., or 11:30 p.m. on a day before a legal holiday.

#### OWNERSHIP:

Applicants for a Package Store Licenses must be both a citizen and resident of Massachusetts and the maximum numbers of Sec. 15 Licenses allowed for one entity is nine (9). The applicants are residents of Massachusetts and have no current or previous ownership of a Sec. 15 License in Massachusetts.

### Staff Recommendation

There are no objections to this transfer.

Applicant must follow all procedures for verifying age of person purchasing and taking possession of alcohol per MGL Chapter 138, Section 34 and Town of Nantucket Chapter 250. Pick-up of grocery orders



containing alcohol must only take place within authorized days and hours for alcohol sales. No alcohol sales, deliveries or 'pick-up' are allowed outside the hours listed above.

#### Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

#### Board/Commission Recommendation

N/A

#### Public Outreach

Inquirer and Mirror Public Notice 1/7 & 1/14; Abutter Notification

#### Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A

#### Attachments

Select Board Public Hearing Process; Cover letter from applicant; ABCC Transfer Application; Public Notice; Current Annye's Whole Foods Liquor License; abutter list



June 1, 2021

**To: Nantucket Select Board**

Dawn Hill-Holdgate, Matt Fee, Jason Bridges, Kristie Ferrantella, Melissa Murphy

**From: Pip and Anchor LLC**

Rita Higgins, Mayumi Hattori, Chris Sleeper

To the Select Board and Chair, Dawn Hill-Holdgate,

We are writing to you today to request a transfer of the annual off-premise liquor license held by Brooklyn Books Inc (DBA Annys's Whole Foods) to Pip and Anchor LLC which will reside and operate from the same building and space at 14 Amelia Drive.

We will be utilizing the ground floor and basement to fulfill our weekly curbside pick-up grocery. Initially, we will not be open to the public and purchases will be pre-orders, made online.

We will have a small, curated selection of natural/organic wines and local beers made by small producers.

We will be storing the alcohol in a locked storage room in the basement.

In the future, we intend to be open to the public as a grocery and will amend our application at that point to indicate the location where we will have beer and wine available on the ground floor retail space.

Alcohol is a benefit to our business but it is neither a driving nor integral component. Our mission is to feature local, small, like-minded and mission-driven producers. As such, we will maintain only a small alcohol section that complements our produce-centric grocery and is part of a 'complete shop' grocery experience.

Thank you very much for your consideration,

Chris Sleeper, owner and proposed manager

Rita Higgins, owner

Mayumi Hattori, owner



The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

00143-PK-0762

ABCC License Number

Nantucket

City/Town

06/17/2021

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- |                                                         |                                                          |                                                                           |                                                                       |
|---------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> New License                    | <input type="checkbox"/> Change Corporate Name           | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)        | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input checked="" type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of DBA                   | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change of Hours                              |
| <input type="checkbox"/> Change of Manager              | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder   |
| <input type="checkbox"/> Change of Beneficial Interest  | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement               |

APPLICANT INFORMATION

Name of Licensee Pip and Anchor, LLC

D/B/A Pip and Anchor

ADDRESS: 14 Amelia Drive

CITY/TOWN: Nantucket

STATE MA

ZIP CODE 02554

Manager Christopher Sleeper

Granted under Special Legislation? Yes ☐ No ☒

\$15 Package Store

Annual

Wines and Malt Beverages

If Yes, Chapter

of the Acts of (year)

Type  
(i.e. restaurant, package store)

Class  
(Annual or Seasonal)

Category  
(i.e. Wines and Malts / All Alcohol)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the  
Local Licensing Authority: Approves this Application

Please indicate what days and hours  
the licensee will sell alcohol:

If Approving With Modifications, please indicate below what changes the LLA is making:

Please indicate if the LLA is  
downgrading the License  
Category (approving only Wines  
and Malts if applicant applied for All  
Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area  
Total Square Footage

Seating Capacity

Indoor Area  
Total Square Footage

Number of Entrances

Number of Exits

| Floor Number | Square Footage | Number of Rooms |
|--------------|----------------|-----------------|
|              |                |                 |
|              |                |                 |
|              |                |                 |
|              |                |                 |

Abutters Notified: Yes ☒ No ☐

Date of Abutter  
Notification

Date of  
Advertisement

6/24/21 & 7/1/21

Please add any  
additional remarks or  
conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

Date APPROVED by LLA

*The Commonwealth of Massachusetts*  
*Alcoholic Beverages Control Commission*  
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**APPLICATION FOR A TRANSFER OF LICENSE**

Municipality

**1. TRANSACTION INFORMATION**

- |                                                         |                                                     |                                                                                             |
|---------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Transfer of License | <input type="checkbox"/> Pledge of Inventory        | <input type="checkbox"/> Change of Class                                                    |
| <input type="checkbox"/> Alteration of Premises         | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change of Category                                                 |
| <input type="checkbox"/> Change of Location             | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Change of License Type<br>(\$12 ONLY, e.g. "club" to "restaurant") |
| <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Other <input type="text"/> |                                                                                             |

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

We are taking over the space at 14 Amelia and will be doing curbside pickup of groceries, including wine and beer, based on ur once/week online order platform. We will also be providing in-store grocery retail in the future where we will have a small selection of wine and beers, both refrigerated and on the shelf. Inventory will be stored in a locked room in the basement.

**2. LICENSE CLASSIFICATION INFORMATION**

**ON/OFF-PREMISES**

Off-Premises-15

**TYPE**

\$15 Package Store

**CATEGORY**

Wines and Malt Beverages

**CLASS**

Annual

**3. BUSINESS ENTITY INFORMATION**

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number

FEIN

Entity Name

DBA

Manager of Record

Street Address

Phone

Email

Add'l Phone

Website

**4. DESCRIPTION OF PREMISES**

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

The premises consists of two floors - a ground floor and basement with a total of 2600 sq ft. The ground floor is open plan with a small selection of alcohol stored on the shelves. Downstairs has two mechanical rooms, an office and storage room, a walk in freezer and walk in cooler, and two bathrooms. We will

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

## APPLICATION FOR A TRANSFER OF LICENSE

### 5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name Brooklyn Books, Inc. DBA Annys's Whole Foods By what means is the license being transferred? Purchase

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

| Name of Principal                                                               | Title/Position                                                      | Percentage of Ownership                                            |
|---------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------|
| <span style="border: 1px solid black; padding: 2px;">Rita Higgins</span>        | <span style="border: 1px solid black; padding: 2px;">Partner</span> | <span style="border: 1px solid black; padding: 2px;">33.33%</span> |
| <span style="border: 1px solid black; padding: 2px;">Mayumi Hattori</span>      | <span style="border: 1px solid black; padding: 2px;">Partner</span> | <span style="border: 1px solid black; padding: 2px;">33.33%</span> |
| <span style="border: 1px solid black; padding: 2px;">Christopher Sleeper</span> | <span style="border: 1px solid black; padding: 2px;">Partner</span> | <span style="border: 1px solid black; padding: 2px;">33.33%</span> |
| <span style="border: 1px solid black; padding: 2px;"></span>                    | <span style="border: 1px solid black; padding: 2px;"></span>        | <span style="border: 1px solid black; padding: 2px;"></span>       |
| <span style="border: 1px solid black; padding: 2px;"></span>                    | <span style="border: 1px solid black; padding: 2px;"></span>        | <span style="border: 1px solid black; padding: 2px;"></span>       |

### 6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:  
**On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;  
**Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

| Name of Principal                                                               | Residential Address                                                                                | SSN                                                                    | DOB                                                                    | Title and or Position                                               | Percentage of Ownership                                            | Director/ LLC Manager                                                                                                     | US Citizen                                                                                                                | MA Resident                                                                                                               |
|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <span style="border: 1px solid black; padding: 2px;">Rita Higgins</span>        | <span style="border: 1px solid black; padding: 2px;">39.5 Millbrook Rd. Nantucket, MA 02554</span> | <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span> | <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span> | <span style="border: 1px solid black; padding: 2px;">Partner</span> | <span style="border: 1px solid black; padding: 2px;">33.33%</span> | <span style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> | <span style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> | <span style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> |
| <span style="border: 1px solid black; padding: 2px;">Mayumi Hattori</span>      | <span style="border: 1px solid black; padding: 2px;">30B Somerset Rd. Nantucket, MA 02554</span>   | <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span> | <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span> | <span style="border: 1px solid black; padding: 2px;">Partner</span> | <span style="border: 1px solid black; padding: 2px;">33.33%</span> | <span style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> | <span style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> | <span style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> |
| <span style="border: 1px solid black; padding: 2px;">Christopher Sleeper</span> | <span style="border: 1px solid black; padding: 2px;">10 Bartlett Rd. Nantucket, MA 02554</span>    | <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span> | <span style="border: 1px solid black; padding: 2px;">[REDACTED]</span> | <span style="border: 1px solid black; padding: 2px;">Partner</span> | <span style="border: 1px solid black; padding: 2px;">33.33%</span> | <span style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> | <span style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> | <span style="border: 1px solid black; padding: 2px;"><input checked="" type="radio"/> Yes <input type="radio"/> No</span> |
| <span style="border: 1px solid black; padding: 2px;"></span>                    | <span style="border: 1px solid black; padding: 2px;"></span>                                       | <span style="border: 1px solid black; padding: 2px;"></span>           | <span style="border: 1px solid black; padding: 2px;"></span>           | <span style="border: 1px solid black; padding: 2px;"></span>        | <span style="border: 1px solid black; padding: 2px;"></span>       | <span style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</span>            | <span style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</span>            | <span style="border: 1px solid black; padding: 2px;"><input type="radio"/> Yes <input type="radio"/> No</span>            |

## APPLICATION FOR A TRANSFER OF LICENSE

### 6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

|                                          |                                          |                                                    |                                                    |
|------------------------------------------|------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| Name of Principal                        | Residential Address                      | SSN                                                | DOB                                                |
| <input style="width: 90%;" type="text"/> | <input style="width: 90%;" type="text"/> | <input style="width: 90%;" type="text"/>           | <input style="width: 90%;" type="text"/>           |
| Title and or Position                    | Percentage of Ownership                  | Director/ LLC Manager                              | US Citizen                                         |
| <input style="width: 90%;" type="text"/> | <input style="width: 90%;" type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |
|                                          |                                          |                                                    | MA Resident                                        |
|                                          |                                          |                                                    | <input type="radio"/> Yes <input type="radio"/> No |

|                                          |                                          |                                                    |                                                    |
|------------------------------------------|------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| Name of Principal                        | Residential Address                      | SSN                                                | DOB                                                |
| <input style="width: 90%;" type="text"/> | <input style="width: 90%;" type="text"/> | <input style="width: 90%;" type="text"/>           | <input style="width: 90%;" type="text"/>           |
| Title and or Position                    | Percentage of Ownership                  | Director/ LLC Manager                              | US Citizen                                         |
| <input style="width: 90%;" type="text"/> | <input style="width: 90%;" type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |
|                                          |                                          |                                                    | MA Resident                                        |
|                                          |                                          |                                                    | <input type="radio"/> Yes <input type="radio"/> No |

|                                          |                                          |                                                    |                                                    |
|------------------------------------------|------------------------------------------|----------------------------------------------------|----------------------------------------------------|
| Name of Principal                        | Residential Address                      | SSN                                                | DOB                                                |
| <input style="width: 90%;" type="text"/> | <input style="width: 90%;" type="text"/> | <input style="width: 90%;" type="text"/>           | <input style="width: 90%;" type="text"/>           |
| Title and or Position                    | Percentage of Ownership                  | Director/ LLC Manager                              | US Citizen                                         |
| <input style="width: 90%;" type="text"/> | <input style="width: 90%;" type="text"/> | <input type="radio"/> Yes <input type="radio"/> No | <input type="radio"/> Yes <input type="radio"/> No |
|                                          |                                          |                                                    | MA Resident                                        |
|                                          |                                          |                                                    | <input type="radio"/> Yes <input type="radio"/> No |

Additional pages attached? ☐ Yes ☒ No

#### CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

#### 6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name | License Type | License Name | Municipality |
|------|--------------|--------------|--------------|
|      |              |              |              |
|      |              |              |              |
|      |              |              |              |

#### 6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name           | License Type | License Name |  |
|----------------|--------------|--------------|--|
| Mayumi Hattori | Restaurant   | Club Car LLC |  |
|                |              |              |  |
|                |              |              |  |

## APPLICATION FOR A TRANSFER OF LICENSE

### 6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Date of Action | Name of License | City | Reason for suspension, revocation or cancellation |
|----------------|-----------------|------|---------------------------------------------------|
|                |                 |      |                                                   |
|                |                 |      |                                                   |
|                |                 |      |                                                   |

### 7. CORPORATE STRUCTURE

Entity Legal Structure

Date of Incorporation

State of Incorporation

Is the Corporation publicly traded? ☐ Yes ☒ No

### 8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales? ☐ Yes ☒ No

### 9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Phone:

Title:

Email:

## APPLICATION FOR A TRANSFER OF LICENSE

### 10. FINANCIAL DISCLOSURE

|                                       |  |
|---------------------------------------|--|
| A. Purchase Price for Real Estate     |  |
| B. Purchase Price for Business Assets |  |
| C. Other* (Please specify)            |  |
| D. Total Cost                         |  |

\*Other: (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

#### SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

| Name of Contributor | Amount of Contribution |
|---------------------|------------------------|
|                     |                        |
|                     |                        |
|                     |                        |
|                     |                        |
| Total:              |                        |

#### SOURCE OF FINANCING

Please provide signed financing documentation.

| Name of Lender                  | Amount  | Type of Financing | Is the lender a licensee pursuant to M.G.L. Ch. 138.          |
|---------------------------------|---------|-------------------|---------------------------------------------------------------|
| Kelly A. Laurel Revocable Trust | 200,000 | loan              | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Richard Rainwater               | 50,000  | loan              | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Matthew and Jessica Rainwater   | 50,000  | loan              | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Karen Rainwater                 | 100,000 | loan              | <input type="radio"/> Yes <input checked="" type="radio"/> No |

#### FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

### 11. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

## 12. MANAGER APPLICATION

### A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name  Date of Birth  SSN

Residential Address

Email  Phone

Please indicate how many hours per week you intend to be on the licensed premises

### B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?\* ☒ Yes ☐ No \*Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

| Date | Municipality | Charge | Disposition |
|------|--------------|--------|-------------|
|      |              |        |             |
|      |              |        |             |
|      |              |        |             |

### C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

| Start Date | End Date  | Position                | Employer                  | Supervisor Name  |
|------------|-----------|-------------------------|---------------------------|------------------|
| 6/1/2003   | 9/15/2010 | Outside Ops, Bartender  | Miacomet Golf Course      | Allyson Mitchell |
| 5/15/2011  | 2/10/2019 | Server, General Manager | Straight Wharf Restaurant | Scott Fraley     |
| 3/15/2019  | 11/1/2020 | General Manager         | The Nautilus Restaurant   | Stephen Bowler   |
|            |           |                         |                           |                  |

### D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

| Date of Action | Name of License | State | City | Reason for suspension, revocation or cancellation |
|----------------|-----------------|-------|------|---------------------------------------------------|
|                |                 |       |      |                                                   |
|                |                 |       |      |                                                   |
|                |                 |       |      |                                                   |

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date

### 13. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

☐ Yes ☒ No

If yes, please fill out section 13.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

**IMPORTANT NOTE:** A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

#### 13A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name

Address

Phone

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

#### CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

☐ Yes ☐ No

If yes, attach an affidavit providing the details of any and all convictions.

### 13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

#### LICENSE

Does any individual or entity identified in question 13A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name | License Type | License Name | Municipality |
|------|--------------|--------------|--------------|
|      |              |              |              |
|      |              |              |              |
|      |              |              |              |

### **13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE**

Has any individual or entity identified in question 13A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Name | License Type | License Name | Municipality |
|------|--------------|--------------|--------------|
|      |              |              |              |
|      |              |              |              |
|      |              |              |              |

### **13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT**

Has any individual or entity identified in question 13A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Licensee Name | License Type | Municipality | Date(s) of Agreement |
|---------------|--------------|--------------|----------------------|
|               |              |              |                      |
|               |              |              |                      |
|               |              |              |                      |

### **13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION**

Have any of the disclosed licenses listed in question section 13B, 13C, 13D ever been suspended, revoked or cancelled?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

| Date of Action | Name of License | City | Reason for suspension, revocation or cancellation |
|----------------|-----------------|------|---------------------------------------------------|
|                |                 |      |                                                   |
|                |                 |      |                                                   |
|                |                 |      |                                                   |

### **13F. TERMS OF AGREEMENT**

a. Does the agreement provide for termination by the licensee?

Yes ☐ No ☐

b. Will the licensee retain control of the business finances?

Yes ☐ No ☐

c. Does the management entity handle the payroll for the business?

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

**ABCC Licensee Officer/LLC Manager**

**Management Agreement Entity Officer/LLC Manager**

Signature:

Signature:

Title:

Title:

Date:

Date:

### ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

## APPLICANT'S STATEMENT

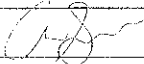
I, Christopher Sleeper the: ☐ sole proprietor; ☒ partner; ☐ corporate principal; ☒ LLC/LLP manager  
Authorized Signatory

of Pip and Anchor  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 5.1.2021

Title: Partner

## CORPORATE VOTE

The Board of Directors or LLC Managers of

Pip and Anchor

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

4.15.2021

Date of Meeting

For the following transactions (Check all that apply):

- |                                                                        |                                                                                                   |                                                                           |                                                                       |
|------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> New License                                   | <input type="checkbox"/> Change of Location                                                       | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input checked="" type="checkbox"/> Transfer of License                | <input type="checkbox"/> Alteration of Licensed Premises                                          | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input type="checkbox"/> Change of Manager                             | <input type="checkbox"/> Change Corporate Name                                                    | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement               |
| <input type="checkbox"/> Change of Officers/<br>Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest<br>(LLC Members/ LLP Partners,<br>Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Change of Hours                              |
|                                                                        | <input type="checkbox"/> Other                                                                    |                                                                           | <input type="checkbox"/> Change of DBA                                |

"VOTED: To authorize

Rita Higgins

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Christopher Sleeper

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

*Rita Higgins*

Corporate Officer /LLC Manager Signature

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



Commonwealth of Massachusetts  
Department of Revenue  
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L1931267904  
Notice Date: May 26, 2021  
Case ID: 0-001-181-034



## CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



BROOKLYN BOOKS INC  
14 AMELIA DR  
NANTUCKET MA 02554-6064

### *Why did I receive this notice?*

The Commissioner of Revenue certifies that, as of the date of this certificate, BROOKLYN BOOKS INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

**This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.**

### *What if I have questions?*

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

### *Visit us online!*

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief  
Collections Bureau



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT  
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Charles D. Baker  
GOVERNOR  
Karyn E. Polito  
LT. GOVERNOR



350252516

Rosalin Acosta  
SECRETARY  
Richard A. Jeffers  
DIRECTOR

BROOKLYN BOOKS INC  
14 AMELIA DRIVE  
NANTUCKET, MA 02554

EAN: 83219280  
May 24, 2021

Certificate Id:48166

The Department of Unemployment Assistance certifies that as of 5/24/2021 ,BROOKLYN BOOKS INC is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires in 30 days from the date of issuance.

Richard A. Jeffers, Director

Department of Unemployment Assistance

# Certificate of Completion

This Certificate of Completion of  
**eTIPS On Premise 3.0**  
For coursework completed on July 26, 2019  
provided by Health Communications, Inc.  
is hereby granted to:

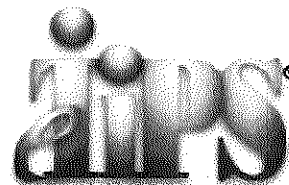
**Christopher Sleeper**

Certification to be sent to:

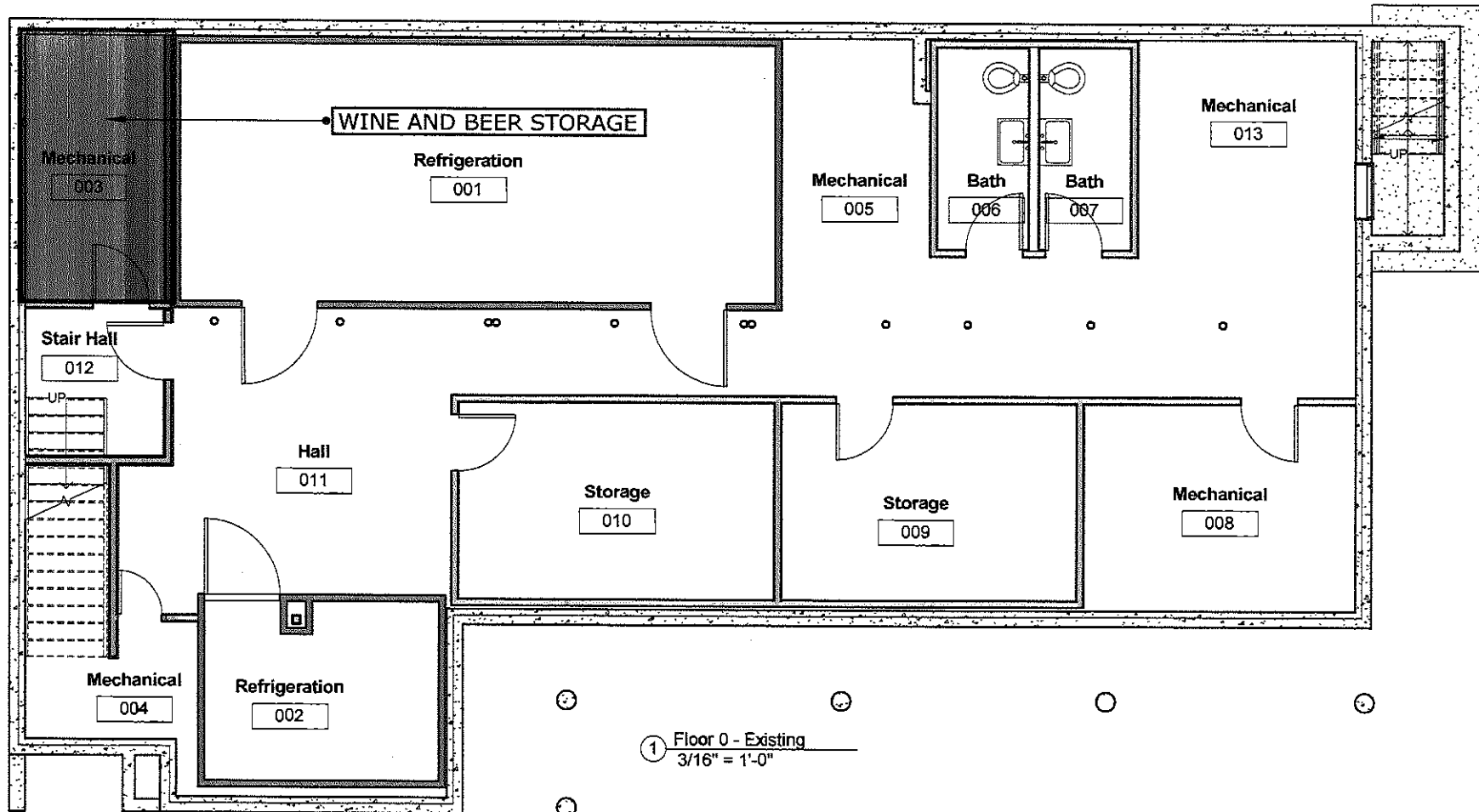
**The Nautilus  
12 Cambridge St  
Nantucket MA, 02554-3585 USA**



HEALTH COMMUNICATIONS INC.



This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.

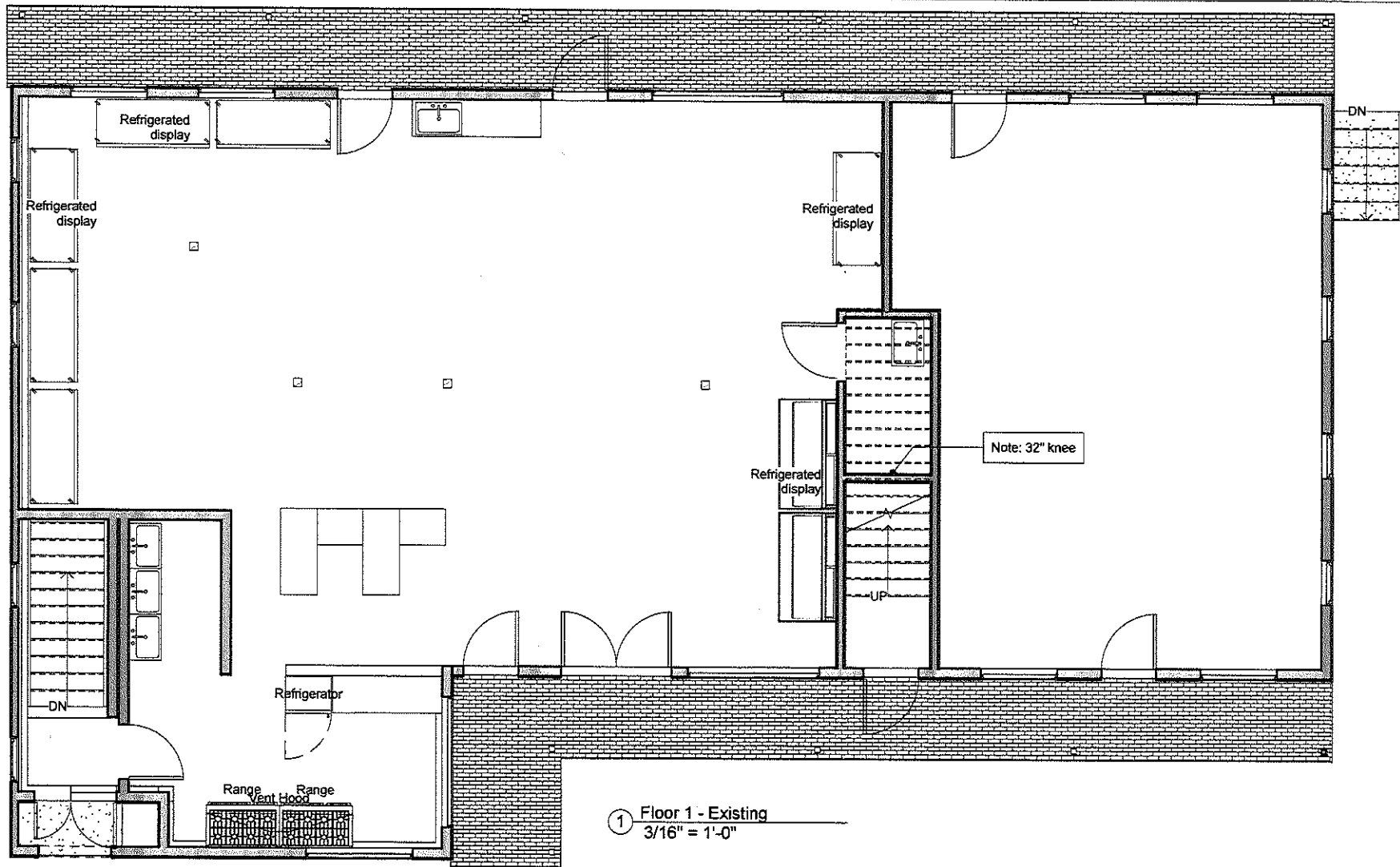


Centre of Town  
14 Amelia Drive

| No. | Description | Date       |
|-----|-------------|------------|
| 1   | SD1         | 2021.05.24 |
|     |             |            |
|     |             |            |
|     |             |            |
|     |             |            |
|     |             |            |

#### Existing Plan

|                     |                |       |
|---------------------|----------------|-------|
| Project number      | Project Number | PD1.0 |
| Date                | Issue Date     |       |
| Drawn by            | Author         |       |
| Checked by          | Checker        |       |
| Scale 3/16" = 1'-0" |                |       |



Centre of Town  
14 Amelia Drive

| No. | Description | Date       |
|-----|-------------|------------|
| 1   | SD1         | 2021.05.24 |
|     |             |            |
|     |             |            |
|     |             |            |
|     |             |            |

### Existing Plan

|                |                |
|----------------|----------------|
| Project number | Project Number |
| Date           | Issue Date     |
| Drawn by       | Author         |
| Checked by     | Checker        |

PD1.1

Scale 3/16" = 1'-0"

### **PUBLIC NOTICE**

Please be advised that the Select Board will hold a Public Hearing on Wednesday, July 7, 2021 at 5:00 PM to hear the application for a Transfer of Annual Package Store, Wine and Malt Beverages Liquor License from Brooklyn Books Inc., DBA Annys's Whole Foods to Pip and Anchor LLC, DBA Pip and Anchor, located at 14 Amelia Drive, Nantucket, MA 02554, Christopher Sleeper, Manager. The hearing will be held via Zoom Webinar Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law. Information on viewing the meeting can be found at <https://www.nantucket-ma.gov/138/Boards-Commissions/Committees>. Questions and comments may be sent to [licensing@police.nantucket-ma.gov](mailto:licensing@police.nantucket-ma.gov).

G34

LICENSE #: 00143-PK-0762

LICENSE FEE: \$1,500.00

THE LICENSING BOARD *for the*  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN  
**ANNUAL RETAIL PACKAGE STORE LICENSE**  
TO EXPOSE, KEEP FOR SALE, AND TO SELL  
**WINE AND MALT BEVERAGES**

TO BE CONSUMED OFF THE PREMISES

BUSINESS: Brooklyn Books, Inc.

DBA: Annye's Whole Foods

PREMISES: 14 Amelia Drive  
Nantucket, MA 02554

MANAGER: Nancy Camara

ON PREMISES DESCRIBED AS:

First floor unit of a two unit condominium.

1433 sq ft

**The hours during which alcoholic beverages may be sold:** In accordance with MGL Chapter 138 and amendments thereto with the local provision that **patrons shall not be sold alcoholic beverages after 11:00PM**, including Sundays, or after 11:30PM on the day immediately before a legal holiday. **Sunday sales shall not begin until 12:00PM** (Noon). Package stores shall not sell or deliver alcoholic beverages on Thanksgiving Day or Christmas Day. Package stores may not sell alcoholic beverages until 12:00 noon on Memorial Day. Any restrictions apply as are on file by the Local Licensing Authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places Within The Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th day of December 2020.



Dawn Hill Holdgate  
Chair, Select Board

**THIS LICENSE WILL EXPIRE DECEMBER 31, 2021**

*\*Unless earlier suspended, cancelled, or revoked*

ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY IN RESPONSE TO COVID-19. ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY. ORIGINAL LICENSE WILL BE ISSUED UPON LIFTING OF EMERGENCY ORDERS.

RECEIVED  
BOARD OF ASSESSORS  
JUN 28 2021  
TOWN OF  
NANTUCKET, MA

TOWN OF NANTUCKET

LIQUOR LICENSE

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... AMELIA DRIVE LLC  
MAILING ADDRESS..... C/O ALGER SARAH F PC, 4 N WATER ST, NANTUCKET MA 02554  
PROPERTY LOCATION..... 14 AMELIA DR  
ASSESSORS MAP/PARCEL..... 67-442.1  
SUBMITTED BY..... SANDY

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

Digitally signed by Rob Ranney  
DN: cn=Rob Ranney, o=Town of Nantucket,  
ou=Assessor's Office,  
email=rranney@nantucket-ma.gov, c=US  
Date: 2021.06.28 10:15:18 -04'00'

6-28-2021

DATE

ASSESSOR'S OFFICE  
TOWN OF NANTUCKET

Abutters Listing

| MBLU | Lot | Lot Ord | Owner Full Name               | Co-Owner Full Name         | Address Line 1             | City          | State | Zip   | Location          |
|------|-----|---------|-------------------------------|----------------------------|----------------------------|---------------|-------|-------|-------------------|
| 67   | 45  |         | RULEY CATHERINE               |                            | 100 SARATOGA AVE           | BURLINGTON    | VT    | 05408 | 16 TOMS WY        |
| 67   | 46  |         | ATKINS ROSEMARY R & VERNARD B |                            | 751 NOE STREET             | SAN FRANCISCO | CA    | 94114 | 14 TOMS WY        |
| 67   | 47  |         | RULEY ROBERT E & MARGARET M   |                            | PO BOX 703                 | NANTUCKET     | MA    | 02554 | 12 TOMS WY        |
| 67   | 441 | 1       | ROBERTS NATHAN A              |                            | 16 AMELIA DRIVE            | NANTUCKET     | MA    | 02554 | 16 A AMELIA DR #A |
| 67   | 441 | 2       | ROBERTS NATHAN A & TRACY L TR | ROBERTS AMELIA DRIVE TRUST | 16B AMELIA DRIVE           | NANTUCKET     | MA    | 02554 | 16 B AMELIA DR #B |
| 67   | 441 | 3       | ROBERTS NATHAN A & TRACY L TR |                            | 16C AMELIA DRIVE           | NANTUCKET     | MA    | 02554 | 16 C AMELIA DR #C |
| 67   | 441 | 4       | HAMIDEH ALESIA                |                            | 16D AMELIA DR              | NANTUCKET     | MA    | 02554 | 16 D AMELIA DR #D |
| 67   | 441 | 5       | AMOS SHANE                    |                            | 16E AMELIA DR              | NANTUCKET     | MA    | 02554 | 16 E AMELIA DR #E |
| 67   | 442 | 2       | ACK N BACK REALTY TRUST       | C/O RUSSELL JACOBSON       | 104 PLEASANT ST SUITE 2    | HYANNIS       | MA    | 02601 | 14 B AMELIA DR #2 |
| 67   | 442 | 3       | KELLY THOMAS                  |                            | 1950 SOUTH OCEAN DR APT 2B | HALLANDALE    | FL    | 33009 | 14 C AMELIA DR #3 |
| 67   | 443 | 1       | LIBERTY DEVELOPMENT CO INC    |                            | 12 AMELIA DR               | NANTUCKET     | MA    | 02554 | 12 A AMELIA DR #A |
| 67   | 443 | 2       | C VICTORY LLC                 | C/O CHRISTINA SCHWEFEL     | PO BOX 414902820           | SIOUX FALLS   | SD    | 57186 | 12 B AMELIA DR #B |
| 67   | 443 | 3       | AUGUST POINT LLC              | C/O BELLER GARY            | 125 EAST 72ND STREET       | NEW YORK      | NY    | 10021 | 12 C AMELIA DR #C |
| 67   | 443 | 4       | LOUGHMAN PETER J III          |                            | BOX 1641                   | NANTUCKET     | MA    | 02554 | 12 D AMELIA DR #D |
| 67   | 443 | 5       | FOWLER PETER B                |                            | 12 E AMELIA DRIVE          | NANTUCKET     | MA    | 02554 | 12 E AMELIA DR #E |
| 67   | 443 | 6       | GALLINA JOSEPH                |                            | 12 F AMELIA DRIVE          | NANTUCKET     | MA    | 02554 | 12 F AMELIA DR #F |

Count: 16

# PFAS Assessment Update

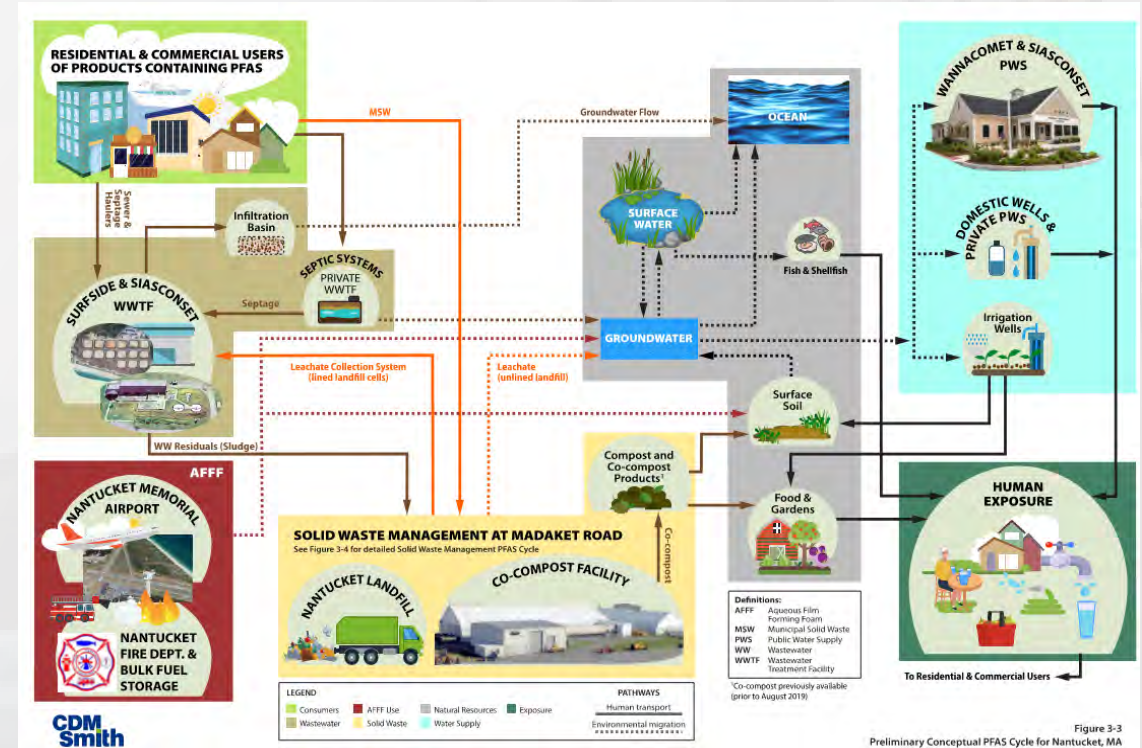
PFAS Team

July 7, 2021



# Agenda

- **Gregg Tivnan, Assistant Town Manager**
  - Introduction
- **Lydia Silber, PFAS Summer Intern**
  - Tufts University Practicum; PFAS outreach
- **Roberto Santamaria, Health Director**
  - PFAS public health issue
- **Chuck Larson, P.E., Mgr. of Strategic Projects**
  - UMass Sampling; Complexity of Elective Response; Role of Mass DEP
- **Andy Miller, P.E., CDM Smith**
  - Phase 2A; Site Visits; Sampling Workplan Develop.
- **Mark Willett, Wannacomet Water Company**
  - Recent testing; Water system expansion planning



**PFAS Cycle on Nantucket**

# PFAS Testing on Nantucket

Discussion Draft – Basic Comparison of PFAS Testing on Nantucket (v1.3)

|                             | <b>MCP<br/>(Airport PFAS)</b>               | <b>Municipal Water<br/>Testing for PFAS<br/>(Wannacomet)</b>              | <b>Co-compost Testing<br/>for PFAS<br/>(Town)</b>                          | <b><u>Elective</u> Testing for PFAS<br/>(Town)</b>                                                                                  | <b>UMass PFAS Testing</b>                                                                               |
|-----------------------------|---------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Why</b>                  | Groundwater contamination, AFFF cleanup     | Safe drinking water                                                       | Suitability for land application, Future source ident. & control/reduction | Characterize occurrence & presence, with goal of source ident. & control/reduction                                                  | Safe drinking water; Source ident. & control/reduction                                                  |
| <b>Town Dept</b>            | Airport & LSP (Weston Solutions)            | Wannacomet Water Co. (WWC)                                                | Waste Options (WON) & DPW                                                  | Town Admin., DPW, Wastewater, WO, Health, Nat. Res., WWC, Fin., etc.                                                                | Health & other depts., BOH                                                                              |
| <b>MassDEP Oversight</b>    | Bureau of Waste Site Cleanup (BWSC)         | Drinking Water Section                                                    | Solid Waste Section                                                        | Solid Waste, Drinking Water, Wastewater Mgt. Sections, BWSC, etc. <i>Requires prior approval of appropriate MassDEP division(s)</i> | Drinking Water Section? and/or BWSC?                                                                    |
| <b>Media</b>                | Groundwater, Domestic wells & Soils         | Municipal Wells                                                           | Final Co-compost Material                                                  | TBD; Groundwater, surface water at landfill, Wastewater                                                                             | Domestic Wells                                                                                          |
| <b>Governing Regulation</b> | Mass. Contingency Plan (MCP) 310 CMR 40.000 | Mass. Drinking Water Regulations 310 CMR 22.00, MCL Public Drinking Water | Per AOS Permit, No standards exist for Co-compost (poss. future?)          | Dependent on media & purpose                                                                                                        | Sampling, reportable cond. if PFAS6 at or exceeding 20 ppt, owner may have add'l responsibilities (MCP) |
| <b>Where</b>                | Area identified by step-out testing, MCP    | At Town facility                                                          | At Town facility                                                           | TBD in consultation with MassDEP                                                                                                    | 20-40 homes island-wide                                                                                 |
| <b>When</b>                 | 5 Phases in MCP process, (Phase I complete) | Quarterly (4/21) for WWC, Quarterly (10/21) for Sconset                   | Quarterly (10/20)                                                          | Plans/approach developed in Phase 2A, Testing follows in Phase 2B                                                                   | Samples in 2021, results soon thereafter                                                                |

# Phase 2A of Town-wide PFAS Assessment

Andy Miller, P.E., Project Manager, CDM Smith

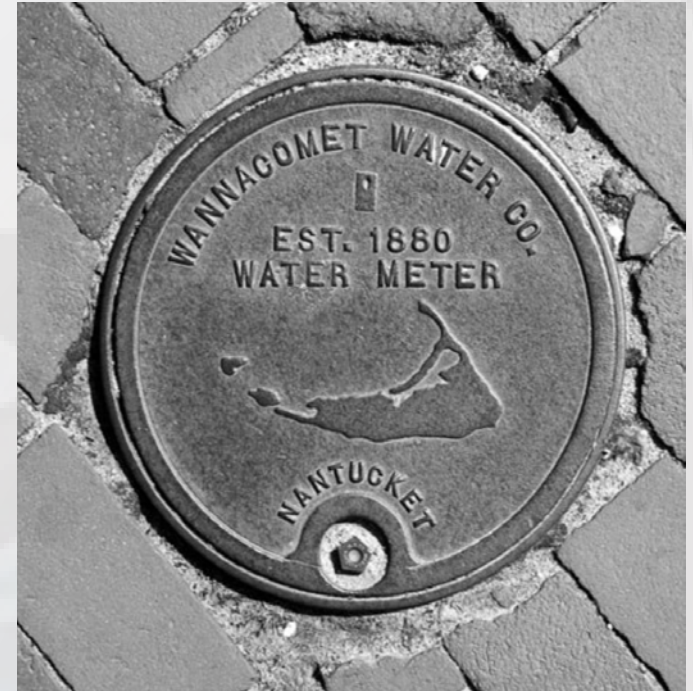
- ***Met with Town Departments:*** Administration, Wastewater, DPW/Landfill, Health, Natural Resources, Wannacomet, Airport
- ***Toured Facilities:*** Surfside & Siasconset WWTFs; Landfill & surrounding area; Co-compost facility
- ***Data Gathering:*** Ongoing and being synthesized
- ***Immediate Next Steps:*** Development of sample approaches (Decision Matrices) and meetings with MassDEP



# Wannacomet Water Company

Mark Willett, Director of Wannacomet Water Company

- WWCo Testing Results
- Expansion Planning
- Airport Water Main Expansion
- Permit Process



# PFAS Assessment Update

- Continued meetings with MADEP for guidance and protocols
- Creation of Community Action Group (CAG) in July
- Public Listening Session, first week of August
- Phase 2A update, first week of October

[pfas@nantucket-ma.gov](mailto:pfas@nantucket-ma.gov) • 508-325-4171 x-1400





DEPARTMENT OF MUNICIPAL FINANCE

TOWN OF NANTUCKET

(508)228-7200  
Finance Department  
37 Washington Street  
Nantucket, MA 02554

TO: Select Board  
CC: C. Elizabeth Gibson, Town Manager  
FROM: Brian E. Turbitt, Finance Director   
DATE: July 1, 2021  
RE: Town of Nantucket FY20 Management Letter

---

Enclosed are the responses to the FY20 Town of Nantucket Management Letter. The management letter for FY20 does not include any significant deficiencies. The letter does include informational items and Findings. The management letter has been reviewed and the Finance Department has worked very hard to review how the close cycles and reviews are done, to ensure that they are done in a timely and efficient manner.

**INFORMATIONAL ITEMS:**

- 1) **Other Post-Employment Benefits:** The Town has recognized the significant impact that OPEB will have in FY20 and beyond. The Select Board did adopt a policy that would direct the savings in the pension assessment to the OPEB trust fund. This is anticipated to begin in FY2038, once the unfunded pension obligation schedule is met. That will dedicate the pension funding to OPEB when the pension system is fully funded.

The Town is working with its investment advisors on a long-term strategy for the investment of the OPEB funds. The Town's goal is to be able to, over time, increase the discount rate that it can use in its valuation.

- 2) **Network Security:** The Town takes the security of its network infrastructure very seriously, especially while so many employees were working from remote locations during the pandemic. The Town working through its IT Department has implemented various network security trainings, offered by the Commonwealth of Massachusetts. The Town continues to develop additional strategies to protect the integrity of the network.

- 3) **New GASB pronouncements:** The Town is aware of both the new GASB pronouncements and will be prepared to implement them during the required implementation years.
- 4) **Nantucket Regional Transit Authority:** The Town has reviewed this, and will work with the NRTA to either implement an agreement that outlines the administrative support functions that it provides for them, or define a transition period prior to ceasing to provide the administrative support to the NRTA

## **FINDINGS AND RECOMMENDATIONS:**

- 1) **Tax Rate Recap Process:** The Town during the tax rate setting process for FY2020 neglected to include the capital exclusion in the levy limit calculation. The expenditures were included as authorized. Upon the notification by the auditors of this issue, the Finance Director immediately reached out to the DOR to discuss the issue. The Town was very fortunate to have had receipts more than the budget, which were able to cover this error. After discussion with DOR, it was determined that no other action was necessary by the Town.

There were discussions with all individuals who participate in the tax rate recap process, and a new review process was implemented, that included a review of the document, and the Annual Town Meeting actions to ensure that everything that was approved included in the recap by the Town's audit firm. This process was utilized for the FY21 Tax Rate Setting process.

- 2) **Closing Process:** The closing process for FY20 was a difficult one with the global pandemic in full effect. The Town did close the books timely, and consistent with the schedule that it has maintained over the last few years. The Town has worked very hard to strengthen its closing process every year. The issues that were highlighted have been discussed and reviews focused in those areas have been done on a more frequent basis. One of the issues that arose during the FY20 audit was specifically focused on the CARES Act. This program was implemented near the end of the Fiscal Year, with guidance on expenditures evolving while trying to administer the program. The review process has been enhanced, and all expenditure accounts are reviewed monthly to ensure that any expenditures that should have been charged to the CARES Act are journaled into the account in a timelier manner.
- 3) **DESE/Chart of Accounts:** The Finance Director and the School CFO have been in communication regarding this finding. It is the intention of both the Finance Director and the School CFO to bring the chart of accounts for the school into compliance. The conversion of the chart of accounts, will be a multiyear process, and will involve not only the Town and School, but the town's software provider as well. The expectation is that this will take more than 1 year to implement; preliminary work is expected to begin in FY21, with a goal of completing it in FY22.
- 4) **Abatement Accounts:** The Town has created one (1) abatement account, and all abatement balances have been transferred to this account. Moving forward this account will be the only one used.
- 5) **Tipping Fees:** The Finance Director and the DPW Director have been discussing this issue. One option that has been discussed is for this to be brought into the Collector's office. While other options are being explored a new policy to determine who can access charging at the facility, and how to better manage the receivables list is being developed. The focus is on the credit granting process, as well as the possibility of using outside collection agencies to service the delinquent balances. As a start, the Town has been liening delinquent balances to tax bills

when that is a possibility. The Town does recognize that an increasing accounts receivable will certainly put a strain on the financial operations of the Solid Waste Facility.

- 6) **Water Inventory:** This observation is still being worked on. It is expected that a process will be developed and implemented in both FY21 and FY22.
- 7) **Consolidation of Bank Accounts:** The Town Treasurer has been reviewing the number of accounts and does consolidate when the opportunity arises. The focuses have been on making sure during the AP warrant process that the funds are transferred from all the necessary bank accounts, as wells as reviewing periodically to ensure that the accounts have been "trued" up.
- 8) **Payroll Testing:** The HR and Payroll Departments have begun periodic reviews of employee files to ensure that all required forms are in fact in the employee files. It is our understanding that the Auditors will be doing a random sampling of this again in FY21.
- 9) **Old Personal Property Receivable Balances:** This is a work in process, and it is expected that it will be completed in FY22. The Collectors office will be working with the Assessor's Office to complete this process in FY22. The goal was to have this done sooner, however with the transitions over the last year in the offices and the pandemic, this has not been able to be completed as of yet.

**ROSELLI, CLARK & ASSOCIATES**  
Certified Public Accountants

**TOWN OF NANTUCKET, MASSACHUSETTS**

Management Letter

Year Ended June 30, 2020



**TOWN OF NANTUCKET, MASSACHUSETTS**

**MANAGEMENT LETTER  
YEAR ENDED JUNE 30, 2020**

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| Evaluation of Operations .....    | 2              |
| Informational Items .....         | 3 – 4          |
| Findings and Recommendations..... | 5 – 8          |



**ROSELLI, CLARK & ASSOCIATES**  
CERTIFIED PUBLIC ACCOUNTANTS

500 West Cummings Park  
Suite 4900  
Woburn, MA 01801

Telephone: (781) 933-0073

[www.roselliclark.com](http://www.roselliclark.com)

**TRANSMITTAL LETTER**

Select Board  
Town of Nantucket  
Nantucket, Massachusetts

In planning and performing our audit of the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of the Town of Nantucket, Massachusetts, (the "Town") as of and for the year ended June 30, 2020 in accordance with auditing standards generally accepted in the United States of America, we considered the Town's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal controls.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control.

Our consideration of internal control was for the limited purpose described in the first paragraph and may not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. This communication is intended solely for the information and use of management, the members of the Select Board, and others within the organization, and is not intended to be and should not be used by anyone other than these specified parties.

*Roselli Clark & Associates*

Roselli, Clark & Associates  
Certified Public Accountants  
Woburn, Massachusetts  
December 31, 2020

## EVALUATION OF TOWN OPERATIONS

Fiscal 2020 will always be remembered for what is arguably, one of, if not, the beginning of one of the Nation's most daunting historical challenges. In January 2020, a virus known as Covid-19, made its appearance in the United States. Within two months, its devastating effects were being experienced on a large-scale basis and became a pandemic. In order to mitigate the wide-spread impacts, the entire Nation came to a virtual stand-still as schools, colleges, and non-essential businesses and activities were all shut down and citizens were required to shelter in their homes.

Because the resultant unemployment skyrocketed to levels never seen before, it had, and continues to have a dramatic impact on the world economy; This impact has been felt at the Global, National and Local level.

While the Town could never prepare itself to face such an unprecedented challenge, years of strong fiscal management set up the Town to withstand this tragedy, better than most. Despite the economy being locked down for basically the entire fourth quarter, the Town was still able to ride the back of a strong first half of the year and end the year with positive operations and balance a budget for fiscal 2021.

The following are some key financial highlights:

1. Unassigned fund balance increased by \$0.7 million.
2. The OPEB fund increased to \$3.7 million.
3. Stabilization funds increased to almost \$6.8 million.
4. Levy capacity was almost \$3.2 million.

This along with continued strong financial management has enabled the Town to maintain its top bond rating of AAA. This is the highest bond rating a community can receive and enables the Town to reduce its financing costs on its future borrowings.

In addition, the strong financial position will leverage the Town's efforts to mitigate the economic impacts of Covid-19 in fiscal 2021 and beyond.

The remainder of this letter addresses items of interest that we are communicating to the Town in the form of "Informational Items"; (these are not considered findings) and a section labeled "Findings and Recommendations", which are our observations in areas that the Town is encouraged to devote attention to. Improvements in these areas are recommended in an effort to improve internal control and efficiency.

## INFORMATIONAL ITEMS

### **Other Postemployment Benefits**

The Town has been aggressively managing its OPEB Trust for several years now. Annual funding has allowed the plan assets to grow to almost \$3.7 million and funding OPEB has become hardcoded in the Town's annual budget.

Despite this, the Town's unfunded liability continues to grow and has reached almost \$125 million as of June 30, 2020. This is about a \$40 million increase since fiscal 2015.

One of the largest drivers in calculating the unfunded liability is the discount rate. The current year valuation uses a discount rate of 3.75% which is low compared to many other communities. Each percent is worth about \$20 million in valuation.

The Town should consider evaluating efforts to increase the discount rate. This could be accomplished through a combination of policy changes:

1. Increase annual funding to OPEB.
2. Adopt a funding schedule that uses the pension funding windfall that becomes available once the pension is fully funded.
3. Consider converting the investment policy to a modern portfolio with a greater equity allocation rather than fixed income. Since the investment goal is a long-term objective it should be managed like pension assets, whereas it is currently managed more like an intermediate vehicle.

The combination of these efforts could lower the liability considerably.

### **Network Security**

In the prior year, we alerted the Town to continue to monitor its network security (the Town had a network security assessment completed recently). We remind the Town that given the remote processing of its financial transactions during this social distancing period that network security becomes more vulnerable and should continue to be evaluated on an ongoing basis.

### **New GASB pronouncements**

The GASB approved two new pronouncements these were extended and go into effect in fiscal year 2021 and 2022.

**GASB 84** which requires the Town to record certain custodial fiduciary activities such as student activities as special revenue funds goes into effect during fiscal year 2021.

**GASB 87** which requires the Town to revise the manner in which it accounts for its operating leases goes into effect in fiscal year 2022. Previously, governmental entities reported their leases similarly to how private entities reported leases under ASC 840.

While finance leases would be capitalized on the balance sheet, operating leases would be reported in the footnotes. However, GASB 87 requires that all operating leases now be accounted for as finance leases.

As a result, leases previously classified as operating leases will not only be capitalized on the statement of net position, but also be reported differently in the statement of activities.

**Nantucket Regional Transit Authority (update)**

Currently, the Town serves as a service provider for the Nantucket Regional Transit Authority, or NRTA. The services extend to payroll, and payroll related benefits. In a prior year letter to management, we outlined the risks associated with such an arrangement and recommended the Town pare back in those areas it can.

The Town began evaluating this suggestion and has taken some remedial actions; however this is still a work in progress as it involves complicated areas of human resources and will take more time to discuss with legal counsel prior to reaching a more knowledgeable conclusion.

## **FINDINGS AND RECOMMENDATIONS**

### **Tax Recap Process**

The completion of the Tax Recap is a very important step in the annual municipal financial cycle as it is the financial document completed and then approved by DOR that allows the Town to set its annual tax rate.

Our review of this process determined that not all expenditures were included in the fiscal 2020 tax recap when submitted to the DOR. Thus, the document was not accurately completed.

The Town was fortunate that its local receipts were well above forecast, and this covered any potential short fall that may have existed. In addition, the Town contacted the DOR immediately upon our communication of this situation and learned that no remedial action needs to be undertaken.

The Finance Department has established procedures that it will put in place for fiscal 2021 to avoid a repeat occurrence of this issue.

### **Closing Process**

The current fiscal year audit was a very challenging audit due to the social distancing restrictions imposed by the Governor. As a result, the majority of the audit was completed remotely, and this placed many challenges on both the financial staff and our audit team. In addition, there were numerous distractions such as managing the Cares Act, balancing the fiscal 2021 budget and working remotely. Despite this, we are pleased to report that the Finance Department closed the books on time and allowed us to complete the audit on time. This is a significant achievement given that many communities throughout the Commonwealth have fallen well behind in closing the books.

The challenging close caused the financial department to overlook a handful of items that most likely would have been completed properly in a normal situation.

These include:

1. Not making all budget entries to records. This caused deficits at year-end, some of which may need to be raised when setting the tax rate and
2. Not making all Cares Act and FEMA transfers.

It is important that the Town closes its books in time to complete a thorough internal review. Such exceptions that we observed could be avoided with ample review time.

### **DESE/Chart of Accounts**

The Massachusetts Department of Elementary and Secondary Education (DESE) requires all school districts to maintain an accounting system in accordance with 603 CMR 10.03(3)(a) which states:

Each school district shall utilize a financial reporting system that permits the reporting of all school district expenditures by fund source, object and function and permits the reporting of certain costs by program and school. The fund

source, object, function, program, and school classifications for which reporting shall be required shall be those identified and described with specificity in the guidelines published by the Department.

The current MUNIS general ledger chart of accounts utilized by the Town and School does not include the DESE object codes and utilizes the DESE function codes inconsistently. As a result, the School is not in compliance with DESE regulations. In addition, the completion of the annual DESE End of Year Financial report is made more cumbersome as many costs must be allocated using multiple spreadsheets. We recommend that the School update its chart of accounts to comply with DESE guidelines. This will most likely be a project that takes more than one fiscal year due to the need to redesign the chart of accounts and to have MUNIS implement the changes while keeping the historical activity in the general ledger. This would also be an opportune time for the Town to examine whether non-school accounts should also be updated to enhance reporting capabilities.

#### **Abatement Accounts (repeated)**

The Town currently maintains approximately thirty abatement accounts in its general ledger. These reflect accounts for years going back into the 1980's. Under the municipal modernization act that was authorized into law in 2016, communities are allowed to consolidate these into one account. We suggest the Town make the necessary journal entries to accomplish this. This will clean up the general ledger and eliminate many accounts with deficits that are not true deficits under the new regulations.

#### **Tipping Fees (repeated)**

Tipping fees for the landfill are billed and collected by the Department of Public Works. The department's skill set is managing and performing public works projects; its efficiency and effectiveness in managing financial-based processes is not as great as within the Collector's Department.

We observed that the department's receivable aging deteriorated significantly. This occurs when amounts billed are not collected efficiently. Such a process, if left uncorrected, could lead to a write-off of a Town asset. Additionally, the build-up of receivables is a consumption of the Town's cash resources.

We recommend the Town's Finance Department to assess this situation and determine the cause for this. Once this is completed, a plan should be developed to bring this under control.

#### **Water Inventory (repeated)**

In the prior year, we completed observation tests at the Wannacomet Water Department. The purpose of our test was to evaluate the controls associated with its inventory. We made the following recommendations as a result of our procedures:

1. Perform physical inventory counts periodically (semiannual is preferred, annual at a minimum)
2. Compare actual counts to the inventory records.
3. Investigate any variances.

4. Consider surveillance in the building, especially in the inventory areas.
5. Limit access to the “locked” room.
6. Place the meters in the locked room instead of the unlocked front room.
7. Write-off any variances that can’t be resolved.
8. Write-off old obsolete inventory.

We understand that the Water Department Office Manager retired, and then the Covid pandemic hit. As a result, implementing these recommendations was understandably not given a high priority during the year. We understand that this is an area that will be addressed and corrected by the close of fiscal year 2021.

#### **Consolidation of Bank Accounts (repeated)**

The Town currently maintains almost sixty bank accounts. Many were set up years ago and do not seem to serve a purpose. The Town should review each bank account and determine why it is being used and close those that can be consolidated into other accounts.

In addition, in certain situations, the Town maintains dedicated bank accounts for certain of its fund balances such as the Cafeteria (School Lunch), the Ambulance, Health Insurance Trust and others. These accounts are used for deposits of the various activities they are set up for, however it does not appear that these bank balances are “trued” for disbursements of these activities made from the general depository. If the Town chooses to set up dedicated accounts so that each activity earns its own interest, it is important for the Town to adjust these to the fund balance amount on a periodic basis, or alternatively, in those situations where dedicated accounts are not required to be maintained by statute, they should be closed and consolidated into the depository account.

#### **Payroll Tests (repeated)**

In the prior year, we tested twenty-five employees as part of a payroll test. We discovered that five had not completed and passed the State Ethics examination and eleven were missing I-9 Forms in their files. We recommend that the Town bring into compliance all employees who are currently in violation of these Human Resource covenants. In addition, we recommend that the Town begin a process whereby periodic payroll audits are completed as part of the Town’s quality control process of payroll/personnel.

*We did not conduct specific tests in this area in the current year, however we are aware that the Town has yet to set up an internal audit process to satisfy the prior year comment.*

#### **Old Personal Property Receivable Balances (repeated)**

The Town has done a nice job cleaning up most of its old receivable balances. This was a comment in several previous letters to management. Both boat excise and motor vehicle excise are now carried for approximately six years on the Town’s general ledger. However, the Town still maintains personal property taxes dating back to 1989, which serve to clutter the general ledger. Many of these balances are immaterial in relation to the overall Town activity and the only means of collection enforcement is through small claims court or enforced through nonrenewal of business permits.

In order to address this further, the Collector’s Office can create a schedule and identify the holder of each account. This could then be cross referenced to the Town Clerk’s Office where

business permits are maintained. In doing so the Town could learn which businesses are still active and if in default, either revoke the business permit or not renew the business permit on next renewal.

Once these efforts have been exhausted, a request to the Assessors to abate the tax under MGL Chapter 59 Section 71 makes most sense using the following steps:

- a) If the collector is satisfied that a tax on tangible personal property is uncollectible because of death, absence, poverty, insolvency or other inability of the person assessed to pay, he/she may notify the assessors under oath that these taxes cannot be paid. The assessors must decide within 30 days after receipt of the notice whether to abate the personal property taxes.
- b) If an abatement is granted, the assessors must certify the abatement in writing to the collector. The certification will discharge the collector from any further obligation with respect to this tax.

# Town of Nantucket

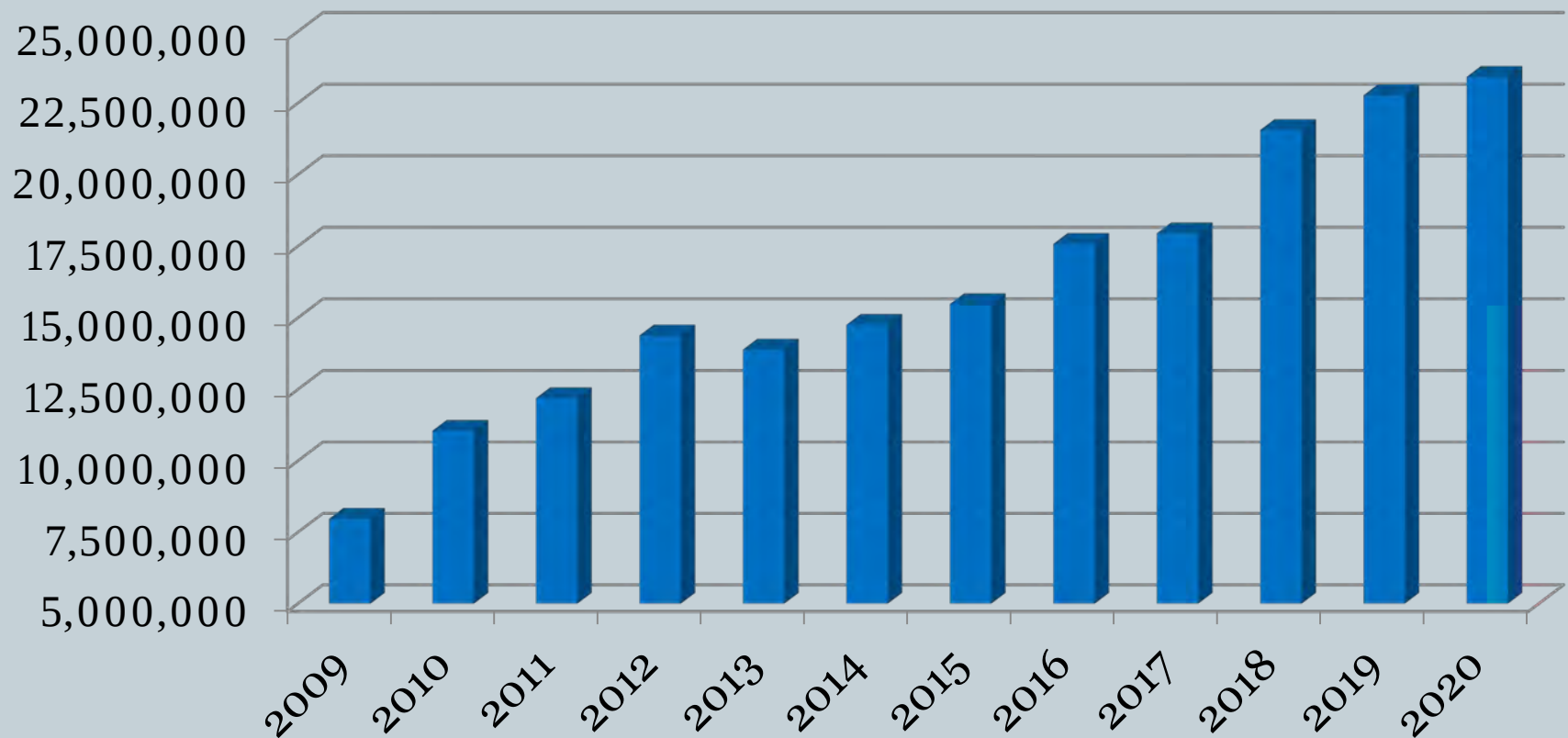


**AUDIT EXIT CONFERENCE – SELECT BOARD  
ROSELLI, CLARK & ASSOCIATES  
JULY 7, 2021**

# Economic Trends

2

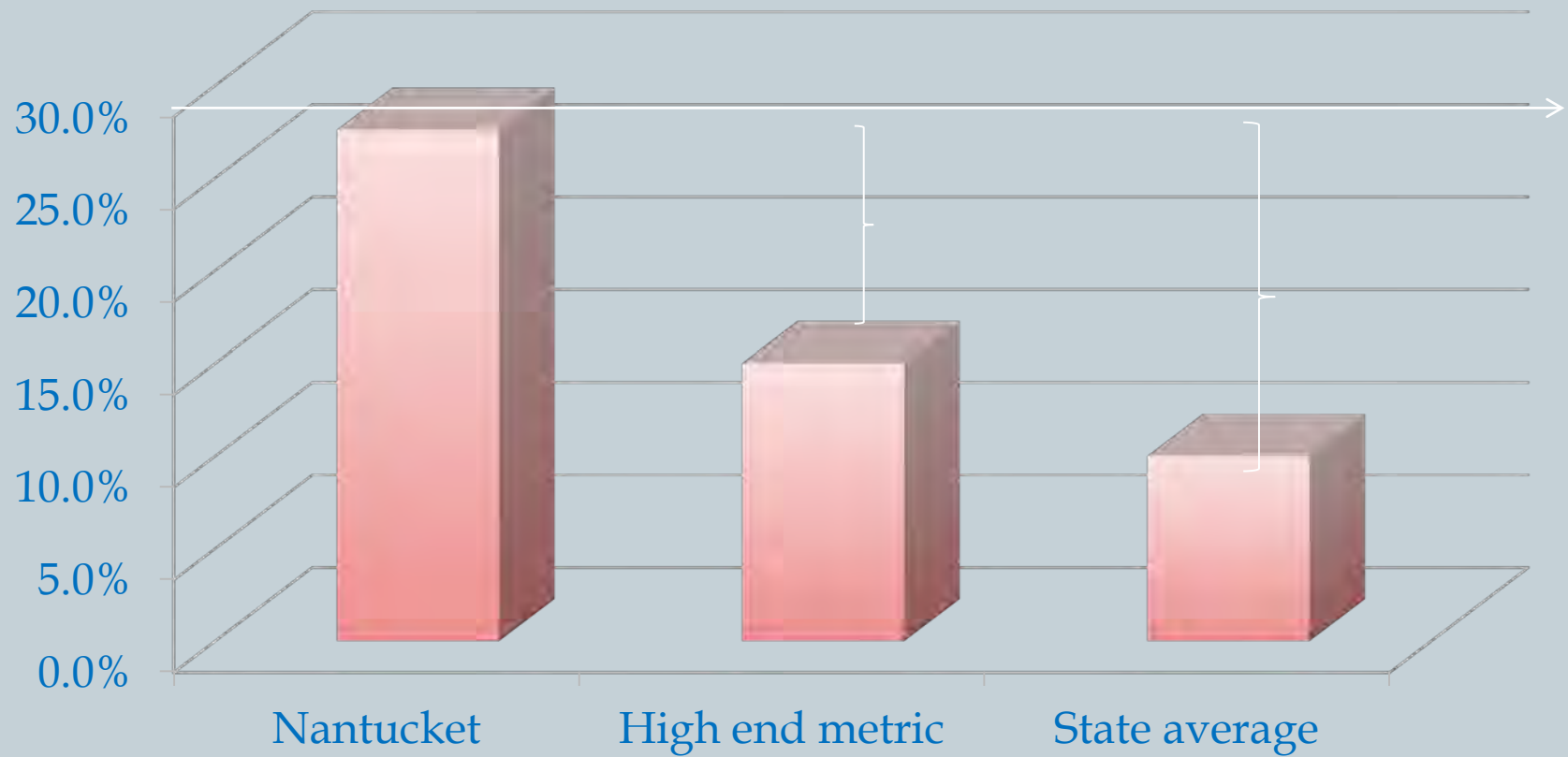
## Reserve balances (millions \$)



# Economic Trends

3

## Reserve Ratio %



# Economic Trends

4

- ❑ Financial trends remain excellent
- ❑ Metric significantly exceeds high-end credit rating floor of S+P 15% modelling and 30% Moody's modelling.
- ❑ Metrics exceed State averages significantly
- ❑ New Growth continue near record levels
- ❑ Continue walking the line between reserves and levy capacity very well

# Economic Trends

5

- ❑ Target bond rating Aaa has been achieved with Moodys in 2018
- ❑ Town has been rewarded for the diligent efforts of its financial and management teams
- ❑ One of 15 communities State-wide to achieve this goal
- ❑ One of the items highlighted by Moodys in addition to strong reserves and strong management was the Town's ability to produce a final financial statement by early October
- ❑ The Town is and will continue to experience significant savings in the form of reduced interest expense as it continues its ongoing capital improvement program
- ❑ Important to maintain this momentum and maintain consistency in reserves

# Informational Items

6

- ❑ **OPEB**

Status and funding progress

- ❑ **Network Security**

Remain vigilant

- ❑ **Nantucket Regional Transit Authority (NRTA)**

Consider risk of being a service provider to NRTA

- ❑ **GASB update**

# Findings and Recommendations

7

- ❑ Tax recap process
- ❑ Closing process
- ❑ DESE chart of accounts
- ❑ Water inventory procedures

# Findings and Recommendations

8

- ❑ Abatement accounts
- ❑ Old Outstanding receivables
- ❑ Collection of Tipping fees
- ❑ Consolidate bank accounts
- ❑ Payroll Tests

# Questions

9



# 2020 Comprehensive Annual Financial Report (CAFR)

<https://records.nantucket-ma.gov/WebLink/ElectronicFile.aspx?docid=158656&dbid=0&repo=TownofNantucket>

# Town of Nantucket Police Department

William J. Pittman  
Chief of Police

Charles Gibson  
Deputy Chief of Police



4 Fairgrounds Road  
Nantucket, Massachusetts  
02554-2804

Telephone (508) 228-1212  
Facsimile (508) 228-7246  
[www.nantucket-ma.gov/police](http://www.nantucket-ma.gov/police)

May 24, 2021

Ms. Libby Gibson,  
Town Manager  
16 Broad Street  
Nantucket, MA 02554

RE: Police Reform Legislation, Department Implementation Efforts

Dear Ms. Gibson,

With the passing of Police Reform Legislation in Massachusetts we are now in the process of working through an action plan that will guide us through the necessary changes that have to be made by nearly all law enforcement agencies in Massachusetts. While the legislation provided short time-lines, it also created much uncertainty as it relates to future regulations that may be promulgated by the each of the several boards and commissions created by the legislation.

As it relates to the Nantucket Police Department the legislation requires work in several different areas. The legislation requires adoption of specific policy language as it relates to bias crimes, use of force, police misconduct investigations and police officer qualifications. It further requires that police officers must now be POST certified and must renew that certification every three years. This will require changes in our annual in-service training and reporting of all training, past and future to the newly created POST Commission. The deadline for submission of this information for existing police officers is July 1, 2021. We have been working with the MPTC and our training vendors to gather the required documentation for all sworn officers.

The legislation also addressed police misconduct. It requires adoption of certain standards for conducting internal investigations and mandates that all allegations of misconduct, past and future be reported to the newly created POST Commission. While the legislation still leaves the power to investigate misconduct complaints with each police department, it provides for concurrent authority for the POST Commission's, Division of Police Misconduct to also conduct independent investigations in certain circumstances.

The legislation created several commissions with specific tasks to review various issues and make recommendations that may ultimately end up being codified into regulations as well. One such commission is studying body cameras and is charged with developing standards and regulations more than likely mandating their use by police officers. Another commission is studying responses to crisis situations and is charged with making recommendation as to how communities should handle the

response to a behavioral health crisis or other situations that some think are better responded to by social services rather than police officers. Those recommendations are to then be reviewed by the legislature and turned into law as appropriate. Another commission is reviewing School Resource Officer programs and will be making recommendations related to the MOU's between local school districts and police departments that provide guidance on the duties and responsibilities of the SRO's.

Currently I have drafts of the major policy changes done. In virtually every one of these policy changes it is necessary to sit down with the unions representing the employees of the department to discuss implementation and impact concerns. I will be starting this process in the next few weeks with a goal of having the major policy changes done and in place by July 1<sup>st</sup>. We are working on reporting to the MPTC all training requirements for active full-time and part-time police officers to meet the certification deadline of July 1<sup>st</sup> as well.

While the status of police reform in Massachusetts is dynamic in that it is still changing, I feel confident that the NPD will continue to be able to navigate this and implement whatever changes are necessary. While some things may require future budgetary changes, most of it is procedural and policy. Please let me know if you have any questions.

Best Regards,

A handwritten signature in blue ink, appearing to read 'William J. Pittman', with a long horizontal flourish extending to the right.

William J. Pittman  
Chief of Police

cc: file

## State Enacts Extensive Police Reform Legislation

### Establishes new “POST” Commission, Police Officer Certification System, and Law Enforcement Standards

February 17, 2021

At the close of 2020, comprehensive police reform legislation for the Commonwealth was enacted, which establishes a Peace Officer Standards and Training (“POST”) Commission and certification system. This legislation, entitled “An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth,” (the “Act”) was the product of various compromises between the Governor and the state Legislature. Some of the Act’s provisions are currently in effect, while others will take effect over the course of 2021. Some of the significant changes that require specific attention and response by municipal police departments at this time include:

- **Internal Affairs Complaints and Investigations.** Effective July 1, 2021, internal affairs:
  - Complaints must be reported to the POST Commission within two (2) business days of receipt;
  - Investigations must be completed within one (1) year of receipt of the complaint (or notice of a complaint being filed with the POST Commission), unless extended by the POST Commission for good cause;
  - Investigation reports must be transmitted to the POST Commission immediately upon completion of the investigation; and
  - Final disposition reports must be transmitted to the POST Commission immediately upon final disposition.

The POST Commission will establish forms for the reporting of complaints, investigations, and dispositions. Separately, the POST Commission is authorized to independently conduct officer misconduct investigations and hearings regarding alleged misconduct, and those investigations and procedures are to begin July 1, 2021.

- **Disciplinary Records/Law Enforcement Misconduct Investigations.** The Act establishes requirements for statewide law enforcement databases. At this time, it is not clear what information will be made publicly available, although it appears that some degree of police officer disciplinary complaints/records will be publicly accessible. By September 30, 2021, departments must provide the POST Commission with a complete disciplinary history for each *current* police officer the department employs, which must include all complaints, disciplinary records, and final dispositions and discipline imposed, if any. By December 1, 2021, the POST Commission will distribute to all departments a list of all police officers currently employed in the state, and each department will then be required to review that list and provide a complete disciplinary history, including the information and records noted above, for all officers on that list that the department *previously employed*. Presently, there is no firm response date for this subsequent reporting requirement. The Act states these reporting requirements are not subject to collective bargaining.

- **Public Records Law.** Effective immediately, the Act amends the Public Records Law as follows:

*(c) personnel and medical files or information and any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy; **provided, however, that this subclause shall not apply to records related to a law enforcement misconduct investigation.*** (G.L. c. 4, §7(26)(c) - amendment in bold)

At this time, the full scope of this statutory amendment to so-called “Exemption (c)” is unclear. As a threshold matter, the appellate courts have determined that police department internal affairs “files,” except disciplinary documents resulting from an internal affairs investigation, are public records and not exempt from public disclosure under the first clause to Exemption (c).<sup>1</sup> While this amendment to Exemption (c) appears to codify those judicial decisions, it may also go further, and additionally encompass any police misconduct records including those in the possession of the POST Commission. We await guidance on this issue from the Supervisor of Records and/or POST Commission during the Act’s implementation. In the meantime, should you receive a public records request seeking such records that would normally be withheld under Exemption (c), you may wish to contact counsel to discuss appropriate response(s) to such a request.

- **Department Certification and Policies.** The Act mandates that all departments be certified by the POST Commission beginning July 1, 2021, which certification is contingent on the promulgation and implementation of certain regulations and model policies.<sup>2</sup> It is important to note the Act largely codifies best practices, and many departments already have in place the types of policies that are now mandated. However, some of these policies may need to be updated to comply with the Act, such as certain definitions in a department’s Use of Force Policy, as well to conform with model policies and regulations to be issued in the future. The POST Commission will establish department certification standards in the future; however, we know now, at minimum, police departments will be required to have policies regarding the following:

- o Use of force and reporting the use of force
- o Officer code of conduct
- o Officer response procedures
- o Criminal investigation procedures
- o Juvenile operations
- o Internal affairs and officer complaint investigation procedures
- o Detainee transportation
- o Collection and preservation of evidence

Additionally, under the Act’s duty to intervene provisions, departments must also establish a policy and procedure for officers to report officer abuse without fear of retaliation or actual retaliation by July 1, 2021. The POST Commission will promulgate regulations and model policies relative to these requirements in the future, and we will keep you updated regarding such requirements.

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<sup>1</sup> Worcester Telegram & Gazette v. Chief of Police of Worcester, 58 Mass. App. Ct. 1, rev. denied 440 Mass. 1103 (2003).

<sup>2</sup> Presidential Executive Order No. 13929 also makes discretionary federal grant funding contingent on police departments being credentialed by independent state bodies (like the Massachusetts Police Accreditation Commission) and having use of force policies that: (1) prohibit the use of chokeholds, and (2) comply with all federal, state, and local laws.

- **Police Officer Certification.** A major component of the Act is the establishment of a police officer certification system. No person will be eligible for original appointment as a police officer without being certified by the POST Commission, and officers must maintain certification throughout their employment. The POST Commission will establish the conditions for certification by regulation, but the parameters and conditions contained in the Act indicate the criteria will relate to the candidates' education, training, and criminal history. Certification lasts for three (3) years, and officers must apply for renewal before their current certification expires. Existing officers, and those that have been appointed and complete academy training by December 1, 2021, will be deemed certified as of July 1, 2021, and will then need to apply for re-certification before that certification expires. The POST Commission can revoke or suspend an officer's certification for a number of enumerated reasons related to officer misconduct following a hearing before the POST Commission.
- **School Resource Officers.** The Act contains provisions, effective immediately, governing the deployment of School Resource Officers ("SRO"). Specifically, the Act mandates that future Memorandums of Understanding ("MOU") entered into between a police department and a school district follow a model MOU that will be established by the newly formed Model SRO Memorandum Review Commission. Furthermore, SROs are prohibited from disclosing to the school information related to students' or their family members' immigration or citizenship status, neighborhood of residence, religion, national origin, ethnicity, or suspected or confirmed gang affiliation unless disclosure is: relevant to a specific law enforcement incident; for the purpose of submitting a "51A report"; required to comply with a court order; or provided with the student or family member's consent. Additional training programs for SROs will be developed as well.

As with all extensive reform efforts, it will take time for the promulgation of relevant state regulations implementing the Act, and then for the Act and its implementing regulations to be interpreted by relevant state agencies, officials, and, as necessary, the courts. Additionally, while the Act contains many mandates and new reporting requirements for police departments that municipalities must follow, the implementation of these new requirements could arguably be subjects of mandatory union bargaining. Therefore, you may consider initiating discussions with the appropriate union representative in a good faith effort to ease and expedite the implementation of these substantial changes to law enforcement agencies/departments.

While the full impacts of this legislation will only be fully realized over time, we have summarized here the major and immediate changes applicable to municipal police departments, as we currently understand them. This summary is subject to change, however, as more information becomes known regarding the Act and its implementation and requirements over the coming year. In the coming weeks, we will also be releasing more detailed, section-specific eUpdates on the POST Commission and police officer and police department certification requirements, as well as the Act's impact on department policies and practices, internal affairs and officer misconduct investigations, civil rights claims, school resource officers, and the Public Records Law.

In the meantime, if you have any specific questions regarding the Act, bargaining obligations with respect to any part of it, and how it will impact your police department, please contact your KP Law attorney or any member of the firm's Labor and Employment Practice Group at 617.556.0007.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

Chapter 253 of the  
Acts of 2020 - Police  
Reform Act

**From:** [Jeff Carlson](#)  
**To:** [Erika Mooney](#); [Jonathan C. Johnsen](#); [Joanne Dodd](#)  
**Subject:** Ted Lambrecht  
**Date:** Wednesday, June 30, 2021 1:03:19 PM

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Good afternoon,

I wanted to provide an update as to the status of Ted Lambrecht's aquaculture leases. We believe Mr. Lambrecht launched his boat last Sunday June 27th. To date the Natural Resources Department has not seen or documented any work on the existing gear to date and have not been requested to inspect any gear by Mr. Lambrecht. In the opinion of the department the lease sites continue to not be in compliance with the requirements of his lease. We will be inspecting the area again this coming Thursday or Friday. Natural Resources continues to recommend revocation of the leases given the four years of not actively working the leases and maintaining the leases in good working order. I will be in attendance at the Select Board meeting to answer any questions in regards to this matter.

Thank you,  
Jeff Carlson  
Natural Resources Director  
Town of Nantucket

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This email was scanned by Bitdefender

b) Renewal of Private Shellfish Aquaculture License held by Pocomo Meadows, LLC.

Chair Holdgate opened the public hearing. Natural Resources Director Jeff Carlson introduced the item, noting a staff recommendation for renewal. There being no further public comment, Chair Holdgate closed the hearing. Mr. Fee asked about trends in reports received by the two licensees. Mr. Carlson explained. Some discussion followed about environmental conditions in the areas. Mr. Fee moved approval of both licenses; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes; Ms. Murphy – Yes.

2. Public Hearing to Consider the Revocation of Private Shellfish Aquaculture Licenses held by Theodore Lambrecht. Chair Holdgate opened the hearing. Mr. Carlson introduced the item. Mr. Carlson explained that the licenses are not in compliance and that the Harbor and Shellfish Advisory Board (SHAB) has also recommended revocation; and, to re-issue them, noting there are three people on a waiting list. Mr. Ted Lambrecht stated that he “ran into difficulties” for a period of time and is now “ready to go”. Following questions by Board members, Mr. Carlson spoke on additional time that had been provided to the licensee in order to come into compliance, but it was not achieved. Mr. Lambrecht commented on being told “not to work” last year. Mr. Fee asked who told him not to work. Mr. Lambrecht said it was because of COVID and said he has been working on gaining compliance but has not been able to meet the deadlines. Some discussion followed as to the number of licenses held by Mr. Lambrecht and their status. Mr. Carlson said that at least one of the licenses was not renewed by Mr. Lambrecht. Mr. Lambrecht said he was not aware of that and did not know the licenses were staggered. Mr. Carlson reviewed the renewal process, noting that the process was not followed by Mr. Lambrecht. Mr. Fee suggested giving Mr. Lambrecht one year to come into compliance for the remaining two licenses that he currently holds, noting the other has expired as explained by Mr. Carlson. Some discussion followed. Mr. Carlson reviewed the location of these licenses and said there is gear that should have been removed four years ago that was not, despite repeated requests; and, that is a main reason for the revocation recommendation. Additional discussion followed as to the history of the lack of gear removal. Mr. Lambrecht spoke about health issues he experienced a few months ago and his plans to address the gear issue. Some discussion followed. Mr. Fee reiterated his suggestion, citing understanding for health issues. There being no further public comment, Chair Holdgate closed the hearing. Mr. Fee moved to continue the licenses for one year and if compliance has not been achieved to re-visit; seconded by Mr. Bridges. Ms. Ferrantella suggested a deadline for addressing the gear equipment, noting the recommendation from SHAB. She asked Mr. Carlson what a reasonable amount of time would be. Mr. Carlson suggested 30 days. Mr. Fee asked if Mr. Lambrecht could accomplish this in 30 days. Mr. Lambrecht said he is not sure what “total compliance” means. He said he could “get some stuff done in 30 days”. Chair Holdgate suggested 45 or 60 days.

Ms. Murphy left the meeting due to technical difficulties at 6:20 PM.

Mr. Bridges suggested specificity as to what compliance means. Mr. Carlson provided a description as to compliance, that he can provide to Mr. Lambrecht in writing. Discussion continued as to the timeframe. Mr. Fee withdrew his motion with the consent of Mr. Bridges. Ms. Ferrantella suggested a 45-day timeframe for the gear to be in compliance and if it is, to continue the licenses for one year and if not, another revocation hearing to be scheduled; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

X. TOWN MANAGER'S REPORT

Ms. Gibson said that public access restrictions to Town offices, put in place due to the COVID pandemic will be lifted as of Monday, May 17, 2021 and that safety measures will be in place at all public buildings,

*July 7, 2021 Select Board Meeting Agenda -- Town Manager's Report*

**Proposed Dates for 2022 Annual Town Meeting and Election:**

**Town Meeting: Start Monday, May 2, 2022 5pm at NHS**

**Town Election: Tuesday, May 10, 2022**

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*INFORMATION FROM:*

*June 23, 2021 Select Board Meeting Agenda -- Town Manager's Report*

**Potential Dates for 2022 Annual Town Meeting:**

Sat, Apr 2

Mon, Apr 4

*With ATE: Tues, Apr 12*

Mon, May 2

Sat, May 7

*With ATE: Tues, May 10? Or Tues, May 17?*

*Notes:*

Patriot's Day: Monday, Apr 18

School Vacation Week: Week of April 18

Passover starts: Fri, Apr 15

Easter: Sun, Apr 17

If we have ATM in April, we need to start ATM prep 2 weeks earlier bc of the Barada change (add'l requirement with more time needed to mail the warrant to voters – even though it won't actually be effective w/o a vote of the 2022 ATE))