

SELECT BOARD

Minutes of Meeting of August 4, 2021. The meeting took place via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Kristie Ferrantella and Melissa Murphy. Dawn Hill Holdgate arrived during the meeting, as noted herein.

I. CALL TO ORDER

Chair Bridges called the meeting to order at 5:30 PM. He read a prepared statement as to how the meeting would be conducted via remote participation and the ground rules for any discussion and called roll for those present.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.

2. Upcoming Select Board Workshop Meetings:

- Events Workshop to be Held Remotely on Tuesday, August 10 at 10:00 AM via Zoom Webinar; to view on YouTube: <https://youtu.be/W252UPSI5pY>; to Register to be an Attendee: https://us06web.zoom.us/webinar/register/WN_-Y4n6-hGRlgrjYiV8N27fA.
- Facilities Master Plan Workshop to be Held Thursday, August 19 at 1:00 PM in the PSF Training Room, 4 Fairgrounds Road.

3. Next Regular Select Board Meeting: August 18, 2021 at 5:30 PM (Summer Schedule).

4. COVID Vaccine Clinics: 1st Way School Administration Site, Thursdays from 4:30 to 6:30 PM and Sundays from 12:00 to 2:00 PM. See <https://www.nantucket-ma.gov/2028/COVID-Vaccine> for Full Schedule.

5. Nantucket Historical Commission, Nantucket Land Bank and Museum of African American History: Public Unveiling of Monument Honoring the Life of Arthur Cooper to be Held August 12, 2021 at 4:00 PM, Garden by the Sea Park, Angola and North Mill Streets. Ms. Gibson read a statement explaining the event and noted that masks are requested during the event.

6. Nantucket Cottage Hospital: Request for Nantucket Cottage Hospital Week (Week of August 9, 2021) Proclamation. Mr. Craig Mulhauser read the Proclamation. Mr. Fee moved to approve the proclamation; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

7. Committee Applicant Status for Various Board/Committee/Commission Vacancies; Appointments Scheduled for Wednesday, August 18, 2021; See Agenda Packet for Complete List of Committees and Applicants. Chair Bridges read the names of applicants for vacancies as follows:

Council for Human Services: Athalyn Sweeney (incumbent); Kelly Steffen; Ruth Tonico; Sallyanne Austin; Janet Forest; Colin Ferguson; Veronica Bolcik; Jordynn Lydon. Some discussion followed as to a vacancy created by a recent resignation on the Council for Human Services, and whether or not the process must

start all over again or whether the Board under its recently revised Committee Appointment Policy could make an additional appointment since there are several applicants.

Cultural Council: Ava Rollins; Philip Santarelli; Sarah C. Ellis; Kathy Melrod.

Nantucket Historical Commission Alternate: Susan Locke; Linda Williams; Ethan Griffin; Barbara Ann White; Gerri Ferguson.

Planning Board Alternate: David Callahan (incumbent); Charles Kilvert IV; Abigail Camp.

Tree Advisory Committee: Ben Champoux (incumbent); Steven Williams.

Zoning Board of Appeals: Elisa Allen; Abby De Molina; David Pumphrey.

Zoning Board of Appeals Alternate: Geoff Thayer (incumbent); David Pumphrey.

8. Select Board Announcements/Comments. Mr. Fee said that two of his employees have been hit by cars this year on their way to work and both were riding electric bikes at the time. He asked if bike accidents could be identified clearly in the police log. He urged people to be careful when driving or riding.

IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS

Town Manager C. Elizabeth Gibson reported no follow-ups from prior meetings.

V. PUBLIC COMMENT

Sarah Ellis said that Public Service Announcements should be made by the Board more frequently and in a more "urgent way".

Campbell Sutton thanked Mr. Fee for his comment on the traffic and the need for people to be careful.

VI. COVID-19 UPDATE

1. Public Health Department Update. Public Health Director Roberto Santamaria said that the sewage testing for COVID virus incidence this week shows a level of 40 cases per day. He acknowledged there are a lot of people on the Island but that the level is concerning with respect to the potential for hospitalizations. He said there will be an emergency Board of Health meeting tomorrow and he will be recommending a local Indoor Mask Order; and a 75% occupancy limit. Human Services Director Jerico Mele reported on current recent positive case numbers, testing numbers and vaccine administration numbers. He said that a high number of cases will likely continue for at least the next 2 weeks. He spoke on where testing is available on the Island. He said the state has provided home rapid antigen test kits, which are available at the Health Department. He concurred with Mr. Santamaria as to the levels of virus being detected with the sewage testing. He characterized it as "alarming". Mr. Fee asked about the antigen test being offered with the state's test kit. Mr. Mele explained and said it is extremely accurate especially with negative results. Mr. Mele cautioned that a positive result using this antigen test requires PCR verification; and, that there is an incubation period with the virus and a test must be occur after that, in order for results to be reliable. Mr. Fee asked where transmission on the island is occurring. Mr. Mele explained that the contract tracing takes time and an accurate idea has not yet emerged. Ms. Ferrantella asked how many of the state test kits the Town will be receiving. Mr. Mele said he is receiving a "steady supply" but it will not be enough to test for

“all needs”. Ms. Murphy noted logistic issues with the state mobile testing unit and asked if there is any other way to increase testing capacity. Some discussion followed. Mr. Mele urged anyone who is unvaccinated to get vaccinated. Ms. Murphy noted that children under 12 cannot currently get vaccinated. She urged that all options be explored to expand testing capacity.

Dawn Holdgate joined the meeting at 6:02 PM.

Ms. Ferrantella asked about the guidance for testing, for vaccinated people. Mr. Mele said regardless of vaccination status, those who have been exposed should get tested after 72 hours unless they have symptoms in which case it should be sooner. Mr. Bridges said he was under the impression that a local mask order was not allowed absent a state of emergency and now it seems that it is allowed without such a declaration. Mr. Santamaria explained the legal advice that has been given in light of a Board of Health – Select Board order recently issued by Provincetown and that it has changed somewhat. Ms. Ferrantella asked about the issuance of fines for Mask Order violations. Mr. Santamaria said that if patrons of a business are not wearing a mask, the business would be cited. Ms. Murphy said that small businesses are under a tremendous amount of pressure right now and she encouraged collaborative ways to support them. Mr. Fee agreed. He asked how individuals can be ticketed, by positioning enforcement at the boats. Mr. Santamaria explained that obtaining the identity of individuals in that manner is legally challenging. He spoke against citing business owners. Mr. Mele spoke about the COVID Task Force that operated during the pandemic and that if there is a desire to cite individuals, numerous additional resources will be required. Chair Bridges asked about a way to get the information out before violations are issued. Mr. Santamaria agreed and said violations will not immediately commence. Ms. Ferrantella asked about expanding outdoor dining, at this point to address the indoor occupancy restriction. Some discussion followed. Licensing Coordinator Amy Baxter said that will have to be addressed on a case by case basis. Chair Bridges said some business are already operating at a reduced capacity. Ms. Holdgate questioned the occupancy restriction and if there is data to support that action. Mr. Santamaria said that spread is happening in restaurants and cited three instances of that, this week. Mr. Mele added that public health guidance generally errs on the side of caution, if the data is not 100% conclusive. Ms. Holdgate asked about the type of spread with the restaurants – whether it was workers to customers or between workers. Mr. Santamaria explained. Discussion followed on restaurant transmission. Ms. Murphy commented that towns in several counties in the state seem to be considering mask orders. Ms. Murphy suggested being clear about who has to wear a mask indoors and when, at the Board of Health meeting. Discussion followed about where transmissibility is most likely. Mr. Mele commented on the need for mask wearing on public transportation, especially the boats. Mr. Santamaria commented that, at this point, everyone knows what it takes to prevent COVID and there is a personal responsibility to be careful. Ms. Ferrantella asked if there are incremental steps that could be taken regarding this proposed mask order, such as requiring the workers to wear masks. She asked if other towns have implemented capacity restrictions. Mr. Santamaria indicated that those things could be discussed at the Board of Health meeting tomorrow and he would try to find out about what other towns are doing.

VII. NEW BUSINESS

There was no new business.

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACT

Mr. Fee moved approval of items 1 through 3; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

1. Approval of Minutes of January 29, 2020 at 6:00 PM; February 5, 2020 at 6:00 PM; July 21, 2021 at 5:00 PM.

2. Approval of Payroll Warrants for July 25, 2021.

3. Approval of Treasury Warrants for July 28, 2021; August 4, 2021.

4. Approval of Pending Contracts for August 4, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Chair Bridges said that the Vineyard Wind agreement and the Jetties concession bid award and lease will be taken up separately. Mr. Fee moved approval of the remaining contracts; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

With regard to the Jetties concession, Mr. Fee said he filed a disclosure regarding a conflict of interest and said he will be voting on this. Director of Municipal Finance Brian Turbitt explained the Request for Proposals (RFP) procurement process as prescribed by state law. He reviewed the specifics of how and when this RFP was issued, how many proposals were received, how they were evaluated and by whom. He said the recommendation is to award the proposal to Sandbar. Mr. Fee said this was a different process than was done previously and said the responses were not in the Board's packet. He asked about the attendance of the public meetings held for the evaluations and if people without a vested interest attended. Mr. Turbitt said he did not know but that the meetings were posted and open to the public. Mr. Fee commented that one of the proposers (Millie's) offered \$300,000 in repairs to the concession building and asked how that was considered in the evaluation. Mr. Turbitt explained that was not something required in the RFP, so it was not evaluated. Ms. Murphy agreed the information that Mr. Fee referenced is helpful and commented that having served on an evaluation committee, she appreciates the work that goes into this process. Ms. Holdgate moved to award the proposal to Sandbar ACK, LLC; and, to execute the associated lease agreement; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Abstained; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes. So voted 4-0.

Chair Bridges recused, removed himself from the meeting for this item and did not participate. Ms. Marion Werkheiser and Mr. Greg Werkheiser explained the Consent and reviewed the status of the Vineyard Wind project. Mr. Fee commented on the purpose of the Assignment and feels comfortable with the legal review. Bruce Mandel questioned the Assignment and said he feels it needs more “public exposure”. He asked that an email he sent to the Board earlier today (attached) with concerns be included in the record of documents for this meeting.

Mr. Fee moved to approve the Consent to Assignment for Vineyard Wind, LLC; seconded by Ms. Murphy. So voted by roll call vote: Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes. So voted 4-0.

IX. CONSENT ITEMS

1. Resignation Acceptance: Council for Human Services. Ms. Murphy moved to accept the resignation of Vanessa Rendeiro with regret and with thanks for her service to the Town; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

X. CITIZEN/DEPARTMENTAL REQUESTS

1. Town Clerk: Request for Appointment/Reappointment of Election Officers. Town Clerk Nancy Holmes introduced the item. Ms. Holdgate moved to approve the appointments and reappointments of the election officers as recommended in the list attached to these minutes; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

2. Surplus Property Conveyance: Request from Unitarian Universalist Church to Take Ownership of Old Roman Numerals from Town Clock. Ms. Gibson explained the request, noting these numerals are no longer needed for the Town Clock. Ms. Murphy moved to convey the numerals as described and recommended to the Unitarian Universalist Church; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

XI. PUBLIC HEARING

1. Public Hearing to Consider Application for New Mobile Food Unit for Snick Snack, LLC, Krista Lewis, Manager. Chair Bridges opened the hearing. Mr. Fee recused from this matter. Ms. Baxter reviewed the application and noted that the number of mobile food unit applications has significantly increased lately. She reviewed mobile food unit license regulations and the responsibilities of the operators of such units. She said that this particular application is currently utilizing only one location for public service and any others will have to be approved separately. Ms. Baxter said that the application was somewhat incomplete. Mr. Charles Lewis complained about this and said he wants a place to park his unit. He objected to the mobile food unit rules. Chair Bridges explained the purpose for the rules. Ms. Baxter noted that information about one of the proposed locations came in, today. Ms. Krista Lewis asked where they can park their food truck and expressed frustration about getting the business underway. Discussion followed on this. Ms. Baxter re-explained the mobile food unit application process and added that this process was started late in the season by the applicants. Ms. Baxter said the Town does not have a location to provide. Ms. Lewis said their plan is to set up somewhere when other businesses are not open. Ms. Ferrantella suggested extending the hearing so that a location could be secured. Some discussion followed. Mr. Lewis questioned why a location could not be designated for him. Ms. Holdgate moved to continue the hearing to August 18, 2021; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes. So voted 4-0.

XII. TOWN MANAGER'S REPORT

1. Annual Review of Water Quality Testing Report (for Calendar Year 2020). Ms. Gibson introduced Thaïs Fournier, the Town's Water Resource Specialist. Ms. Fournier explained the timing of the report in final form and reviewed the presentation contained within the Board's agenda packet materials. She explained test results, comparison to Massachusetts Estuaries Project (MEP) Total Managed Daily Load (TMDL) numbers, regulatory changes, various issues relating to the water quality in each of the noted MEP areas for Nantucket and several water quality improvement projects underway. Ms. Fournier answered questions from the Board members. Mr. Fee commented on maintenance of wetlands in order for them to be effective filters. He asked if water samples are tested for substances other than nitrogen. Ms. Fournier explained the other items for which water quality is tested. Chair Bridges thanked Ms. Fournier for a very informative presentation.

2. FY 2021 Fourth Quarter/End of Year Budget Reports: Wannacommet Water Company; Siasconset Water Company; Solid Waste Enterprise Fund; Sewer Enterprise Fund. Budget reports were presented as follows:

- Wannacomet Water and Sconset Water – Director Mark Willett. Mr. Willett reviewed the documents in the packet, noting the 4th quarter of FY 2021 for the Wannacomet system was the largest amount of water gallonage pumped, ever. He commented that it does not appear to be slowing down so far in FY 2022. He continued to review the Sconset Water numbers. He said that despite these very large pumpage numbers, there is no need at this point for water conservation strategies to be implemented. He added that the “aquifer is in really good shape”.

- Solid Waste – the Solid Waste budget report was tabled to August 18, 2021.

- Sewer Enterprise –Director David Gray. Mr. Gray reviewed the documents in the packet, noting that sewer revenues and permits are up.

Ms. Gibson commended the Harbor Master’s office for the Nantucket Lifeguard program being featured in the United States Lifesaving Association “August 2021 Spotlight Agency” program and said that it is one of very few programs in New England to be certified by the USLA.

She added that she will be travelling to Wisconsin on Friday, August 6 with the Harbor Master and Public Outreach Coordinator for the christening ceremony of a new Navy vessel, the USS Nantucket, on Saturday, August 7 and will report back at the Board’s next meeting.

3. Traffic Safety Work Group Recommendations:

- a) Install Yellow No-Parking Line on York Street Across from 10 York Street to Allow for Driveway Access.
- b) Designate No Parking Either Side on Parker Lane.

Ms. Gibson reviewed the recommendations. Ms. Ferrantella expressed a concern as to where the cars parking on Parker Lane now, will park. Mr. Fee spoke on the need for zoning changes to address road improvements for multiple purposes, including safety. Ms. Murphy expressed support for the recommendation.

Ms. Murphy moved approval of each recommendation; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

XIII. SELECT BOARD’S REPORTS/COMMENT

1. Committee Reports. Ms. Ferrantella spoke on a recent visit that Town officials and some others made to Martha’s Vineyard to discuss housing issues and said that it was very collaborative and productive. Mr. Fee spoke on the need to “figure out housing”. Ms. Murphy said she was glad to hear about the success of the Vineyard trip as described by Ms. Ferrantella.

XIV. ADJOURNMENT

Ms. Murphy moved to adjourn at 8:04 PM; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

Approved the 18th day of August 2021.

SELECT BOARD
AUGUST 4, 2021 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- III. 5. The Life of Arthur Cooper announcement; Who was Arthur Cooper?
- III. 6. Nantucket Cottage Hospital proclamation
- III. 7. Policy/Procedures for Appointments to Committees, Commissions, Boards; Committee membership/applicant list for vacancies; Committee applications
- VIII. 1. Draft minutes of 1/29/2020; 2/5/2020; 7/21/2021
- VIII. 4. Pending Contracts spreadsheet; AIS re: Vineyard Wind, Vineyard Wind Assignment and Assumption Agreement, Vineyard Wind Consent to Assignment, email from Bruce Mandel; Memo from Finance Director re: Jetties Concession Award
- IX. 1. Rendeiro - Council for Human Services resignation; CHS membership list
- X. 1. AIS re: appointment of election workers; Election Workers list
- X. 2. Letter from Unitarian Church re: old Town Clock Roman numerals
- XI. 1. AIS re: Snick Snack Mobile Food Unit application; Snick Snack MFU application; Photo of MFU; Snick Snack Menu; MFU License Application Guidelines; Location permission from Nantucket Bank
- XII. 1. 2020 Water Quality Report
- XII. 2. FY21 Q4 budget reports for Wannacomet Water, Siasconset Water, Sewer
- XII. 3. Traffic Safety Work Group memo re: Select Board action; TSWG minutes from 4/12/2021; 10 York St materials; Parker Ln materials

From: [Libby Gibson](#)
To: [Erika Mooney](#)
Subject: FW: Vineyard Wind transfers obligations under Good Neighbor Agreement
Date: Thursday, August 12, 2021 10:36:36 AM

Below is the Mandel email (I never actually rec'd it direct from him)

C. Elizabeth Gibson
Town Manager
Town of Nantucket
(508) 228-7255

From: Melissa B. Murphy
Sent: Wednesday, August 4, 2021 6:55 AM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Cc: Jason M. Bridges <jmbridges@nantucket-ma.gov>
Subject: FW: Vineyard Wind transfers obligations under Good Neighbor Agreement

Libby, can you help me understand this concern? Valid? Thanks, MM

From: Bruce Mandel <bruce.mandel@gmail.com>
Date: Tuesday, August 3, 2021 at 4:36 PM
To: "Melissa B. Murphy" <mbmurphy@nantucket-ma.gov>
Subject: Vineyard Wind transfers obligations under Good Neighbor Agreement

Dear Melissa - there is an agenda item on tomorrow's Select Board Agenda to transfer Vineyard Wind LLCs obligations under the Good Neighbor Agreement to a new LLC, Vineyard Wind Shareco LLC.

I suggest caution in considering the signing of the requested "Assignment" with Vineyard Wind at this time. Vineyard Wind apparently needs the Assignment in time for a financial closing this week, but hasn't provided the documents in a timely manner for public review and comment. Review time was unfortunately limited. While Town Counsel has reviewed the proposed Agreement, is that review from a perspective of legal form, business sense, or both? Amongst other concerns, I share the following thoughts for your consideration:

- Liability transfer.

It is common in the wind energy industry for developers and owners to liabilities and for other financial reasons. Some LLCs are simply an transfer, sell or otherwise change ownerships via LLCs in order to limit empty shell with few, if any assets, to be used to fulfill obligations. It would be our obligation to try to understand this LLC and its ability to perform as the Good Neighbor Agreement intends. LLCs can be used to veil ownership and insulate parent / original entities from liabilities.

- Are funds available?

Good Neighbor Agreement obligates Vineyard Wind LLC to fund \$ 4 million to the Offshore

Wind Community Fund but is not clear about when that funding is to take place. Staff states the funds "...are **expected** (my emphasis) to be disbursed to Nantucket..." this week, linked to Vineyard Wind's financial closing. This obligation to pay the \$ 4 million is being transferred to a new entity, Vineyard Wind Shareco LLC. There are no financial statements provided to indicate Vineyard Wind Shareco LLC has any such assets.

- Which entity pays Nantucket in the future?

Unclear which LLC entity will be funding the \$4million at the VW closing and whether there are assets to fund the subsequent findings for the 4 remaining projects (\$ 3 million each).

- Missing exhibits.

Exhibits are missing – Schedule 1; Schedule 2

Why not get answers and present the documents in sufficient time for public review and comment?

Thank you,
Bruce Mandel

This email was scanned by Bitdefender

NANTUCKET 2021 ELECTION WORKERS LIST – TERMS TO EXPIRE AUG. 31, 2022

WARDEN: FRANCIS PSARADELIS
DEP. WARDEN: MICHAEL DAY
SENIOR CLERK: COLLEEN MCLAUGHLIN

ELECTION WORKERS:

MARY ADAMS
JERRY ADAMS
JEAN ALLEN
LAURA ANDERSON
DIANE ASCHE
ANNIE BISSINGER
ELAINE BOEHM
DAVID BOSSI
FAY KERR BROWN
JOAN BUNTING
JOHANNA CAMPBELL
SUSAN CARY
CAROLE CORKISH
SUZETTE BROWN
SUZANNE DAUB
JANICE DAVIS
PENNY DEY
ELIZABETH FLANAGAN
MARGARET-ANN FLEMING
ELAINE FLYNN
ELSIE GAW
PATRICIA GILES
KATHLEEN GRIEDER
WILLIAM GRIEDER
JEAN GRIMMER
GARTH GRIMMER
KENNETH HILBIG
BARBARA JENKINS
SUZANNE KENNEDY
VIRGINIA KINNEY
CINDY KOSCIUK
BARBARA KOTALAC
RICHARD LEONE
PAMELA LOHMANN
MARY MALAVASE
GREGORY MEHRINGER
SARAH ANN MILLER
JOYCE MONTALBANO
VENESSA MOORE

NANCY MOYLAN
SANDIE OWEN
LINDA PATTON
JAMES PERELMAN
SHERI PERELMAN
RUTH PITTS
JULIE REINEMO
KATHY RICHEN
ELEANOR ROETHKE
BINTH RUSTAD
SHIRLEY SMITH
ANN STOCK
JOANNE SULLIVAN
JUSTINE TIMMS
MARTHA TIRK
JEANETTE TOPHAM
RUTH TONICO
JOYCE VAN VORST
NELL VAN VORST
KRYSTEN WALLACE
CATHY WARD
RHODA WEINMAN
BARBARA WHITE