SELECT BOARD

Minutes of Meeting of September 8, 2021. The meeting took place via remote participation using Zoom Webinar. Members of the Board present were Matt Fee, Kristie Ferrantella and Melissa Murphy. Jason Bridges arrived later in the meeting, as noted in the minutes. Dawn Hill Holdgate was absent.

I. CALL TO ORDER

Vice Chair Ferrantella called the meeting to order at 5:30 PM. She 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.

The meeting was recessed at 5:35 PM for a meeting of the NRTA Advisory Board. The meeting reconvened at 5:38 PM with Chair Bridges in attendance.

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. Recognition of Retiring Assistant Health Director Artell Crowley with 30 Years of Service to the Town of Nantucket. Health Director Roberto Santamaria recognized Artell Crowley, noting Mr. Crowley was unable to join the meeting this evening. Operations Administrator Erika Mooney displayed the plaque that will be sent to Mr. Crowley. Ms. Mooney and Mr. Fee both spoke of their remembrances of Mr. Crowley.

3. Nantucket Cultural District Received Five-year Designation from Massachusetts Cultural Council. Janet Schulte, Culture and Tourism Director, made the announcement noting that the Nantucket Cultural District boundary was expanded to include the African Meeting House, the Egan Maritime Institute and the Shipwreck and Lifesaving Museum.

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. Human Services Director Jerico Mele noted that 3rd doses are not being administered at the clinics, that they are only for immunocompromised individuals.

5. Applicant Introduction/Review of Applications for Appointment to Vacant Roads and Right of Way Committee Seat Scheduled for Wednesday, September 15, 2021, Pursuant to Select Board Committee Appointment Policy. Ms. Mooney reviewed the list of candidates for the open seat on the Roads and Rights of Way Committee.

6. 2021 Commissions/Committees Vacancies: Agricultural Commission and Cannabis Advisory Committee.

7. Fall Road Related Projects Update. Ms. Mooney reviewed a list of road-related projects and an accompanying map (attached to these minutes), noting there will be many impacted roadways between various Town construction projects, house moves and private construction projects.

8. Select Board Announcements/Comments. None.

Fire Chief Steve Murphy announced that the Fire Department will be holding a 9/11 Remembrance Ceremony on Saturday, September 11 at 10:00 AM.

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

There were no follow-up issues.

V. PUBLIC COMMENT

Bill Grieder asked what the schedule is for repairs to the Walter Barrett Pier on F Street. Ms. Mooney said she would find out and let him know.

VI. COVID-19 UPDATE

1. Public Health Department Update. Public Health Director Roberto Santamaria provided updates as to testing, positive cases and vaccine distribution. He noted there has been a significant demand for PCR testing for back to school and travelling. He said masks work and the proof is in the data, and that the Board of Health will review its indoor mask order at its September 16 meeting. Mr. Santamaria reviewed the COVID variants and discussed the difference between a booster shot and a 3rd dose, noting they are not the same. He added that Massachusetts is not currently entertaining a COVID passport like New York and while COVID cases are still very high nationally, cases are lower in New England due to the high vaccination rates. Mr. Mele reviewed the lambda and mu variants, noting they are more mutated and verging on a new virus. He stated that all boosters are 3rd doses but not all 3rd doses are boosters. Mr. Mele explained that 3rd doses are being administered now only for immunocompromised people with specific criteria. He noted booster shots should be starting around November or December. Ms. Murphy asked if there is data on how many COVID infections are in under-21 school-aged children. Mr. Santamaria said they will have that information at the September 16 Board of Health meeting. Mr. Mele noted the cases occurring in this age group is a serious concern.

VII. NEW BUSINESS

There was no new business.

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of August 18, 2021 at 5:30 PM; August 19, 2021 at 1:00 PM. Mr. Fee noted an amendment he has to the August 18 minutes. Ms. Murphy moved to approve the minutes, including August 18 as amended; Mr. Fee seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Approval of Payroll Warrants for August 22, 2021; September 5, 2021. Ms. Murphy moved to approve the payroll warrants; Mr. Fee seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

3. Approval of Treasury Warrants for August 25, 2021; September 1, 2021; September 8, 2021. Ms. Murphy moved to approve the payroll warrants; Mr. Fee seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

4. Approval of Pending Contracts for September 8, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Karen Macumber from the Chamber of

Commerce reviewed the Rock Solid grant, noting they have expended all but $3,000 from the past $150,000 grant and will have $50,000 in matching funds from ReMain Nantucket for this new grant round. Ms. Macumber answered questions from Mr. Fee and Sarah Ellis. Fire Chief Steve Murphy noted that the grant the Fire Department is receiving is a very competitive grant process. Ms. Murphy moved to approve the pending contracts; Ms. Ferrantella seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

IX. CONSENT ITEMS

1. Gift Acceptance: Fire Department; Planning and Land Use Services. Ms. Mooney reviewed the gifts. Ms. Ferrantella moved to accept the gifts for their stated purposes and to send letters of thanks to the donors; Ms. Murphy seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

X. CITIZEN/DEPARTMENTAL REQUESTS

1. Nantucket Preservation Trust: Request for Approval of Historic Preservation Restrictions to be Held by Nantucket Preservation Trust for: a) Nantucket Island School of Design and the Arts (NISDA), 23-25 Wauwinet Road. Nantucket Preservation Trust (NPT) executive director Mary Bergman reviewed the request. Ms. Murphy moved to approve the Historic Preservation Restriction (HPR) for 23-25 Wauwinet Road and to find it in the public interest; Mr. Fee seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

b) 79 Orange LLC, 79 Orange Street. Mr. Fee recused himself from this matter. Ms. Bergman reviewed the request. Ms. Murphy moved to approve the HPR for 79 Orange Street and to find it in the public interest; Ms. Ferrantella seconded. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Nantucket Land Council: Request for Re-execution of January 8, 2020 Select Board Approval and Execution of Conservation Restriction to be Held by Nantucket Land Council, Inc. for Portion of 16 Medouie Creek Road. Nantucket Land Council executive director Emily Molden reviewed the request, noting the Conservation Restriction (CR) was previously approved by the Board at its January 8, 2020 meeting, but with COVID, the final document was not completed, and the signatures are now stale, necessitating the need for a re-approval. Mr. Fee moved to re-execute the CR for 16 Medouie Creek Road and to find it in the public interest; Ms. Murphy seconded. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

XI. PUBLIC HEARINGS

1. Public Hearing to Consider the Revocation of Private Shellfish Aquaculture Licenses Held by Theodore Lambrecht of 10 Trotters Lane, Known as Licenses #12 and #12B, Head of the Harbor, Consisting of 4 Acres Each. Chair Bridges opened the public hearing. Natural Resources Director Jeff Carlson noted this is the 3rd meeting in 2021 with Mr. Lambrecht about his licenses. He reviewed the situation, noting he has been working with Mr. Lambrecht for three years to get his licenses into compliance and noted that the Harbor and Shellfish Advisory Board (HSAB) has recommended revocation of the licenses due to continued non-compliance. Mr. Carlson added that there was a shellfish handling issue in July which resulted in confiscation of oysters on Mr. Lambrecht's boat as he did not have an off-site culling permit. He said that the most recent inspection of Mr. Lambrecht's licensed area continues to indicate substantial non-functional gear underwater and said he supports revocation due to insufficient progress. Mr. Lambrecht said that he has been working to get the gear up off the harbor floor and he has marked the license corners

and put new seed out; he said he has been working “the entire time”. Mr. Fee said he is having trouble squaring up the packet material with Mr. Lambrecht’s testimony. Mr. Carlson said that Mr. Lambrecht has been putting work in, but the gear has sat for so long that it is a substantial effort to get it back into working order which is very time consuming. He reiterated that due to non-compliance of the policy and the licenses, the effort made is not sufficient to achieve compliance. Mr. Fee asked what is compliance. Mr. Carlson explained that compliance is functional equipment not grown into the bottom of the harbor, that gear and license conditions are actively being worked on and proper shellfish handling. Mr. Fee asked if Mr. Lambrecht is working too slowly. Mr. Carlson said this matter has been going on for 18 months without compliance. Ms. Murphy stated that the Select Board agreed that substantial progress was to be made and the gear removed by now. She said that Mr. Lambrecht made that commitment to the Board and it is still not done. Ms. Murphy stated that she feels the Board is not seeing enough progress since May and she is not leaning towards allowing the gear to stay. Ms. Ferrantella said that in July, the Board asked Mr. Lambrecht if 60 days was enough time and they were told it was, but the work hasn’t happened and there are others who are ready and willing to work the licenses. Chair Bridges agreed with Ms. Murphy and Ms. Ferrantella, noting he was ready to vote to revoke at the July meeting. Regarding the shellfish handling issue, Mr. Lambrecht said that he didn’t realize his state permit didn’t allow him to cull oysters off-site, but he has since corrected that. He added that he has “good seed” in gear in the water and he is continuing to pull gear off the bottom which takes time. He added that he can’t do anything more than he is doing now. Mr. Carlson said he understands, that the revocation process was not started lightly and that it has been almost five years since there has been production from these licenses, adding that while progress has been made, it is not sufficient. Mr. Fee said he is struggling with this matter as he feels effort has been made. He asked if partnerships are allowed to work sites. Mr. Carlson answered affirmatively, adding that the Select Board can subdivide license areas as they see fit. He added that anyone who holds a license on a site has to be licensed through the state but there is nothing in the regulations that prohibits partners or employees. Ms. Murphy noted that the July minutes state that a full harvest will be ready for 2022. Mr. Carlson reiterated there is seed in some gear but there is still a substantial amount of gear on the bottom and the licenses are not in compliance. Mr. Lambrecht stated that his gear is in good working order, it just needs to come up and out. Mr. Fee asked what would happen if the licenses were revoked, if the gear with new seed would have to come up as well. Mr. Carlson answered affirmatively but added that permitting is available to transfer it to someone else. Mr. Lambrecht stated that he is doing everything possible to have his licenses in full compliance and that by next spring, he should be fully operational. He noted that if someone else takes over there is no way they would be set up for the 2022 season. He stated his licenses are functioning and he is moving forward. Ms. Murphy said she shares the frustration, but the equipment is still not removed and that was the most important part of this that was supposed to happen by now. She said the Board has been lenient with Mr. Lambrecht but that she feels it is disrespectful to the community that this hasn’t been prioritized and she doesn’t have a sense of confidence that this will happen. She said Mr. Lambrecht is stating it will happen on *his* time. Mr. Lambrecht countered by saying that he didn’t say all the gear would be removed as that takes time and he can only go so fast. Sarah Ellis asked how many years the license was held before it fell into non-compliance. Mr. Carlson said he thinks it has been 7-8 years so five of 8 years it has been in non-compliance. HSAB member Peter Brace gave some history on the licenses and asked how much gear has been pulled up and how much is left. Mr. Lambrecht responded about 30% of the gear has been pulled up and cleaned. Mr. Brace said that the HSAB letter recommending revocation wasn’t written lightly and HSAB understands Mr. Lambrecht has had hardships but progress has never been made. Ms. Ferrantella asked if the Board revokes the licenses, will all the gear need to be removed. Mr. Carlson answered affirmatively. Mr. Fee asked what percentage of the licensed sites is Mr. Lambrecht using. Mr. Lambrecht said he plans to use all of it. Ms. Murphy thanked Mr. Brace for providing some history on this matter. She said if the Board extends the time for Mr. Lambrecht, hard deadlines have

to be in place. She asked with 30% of the gear up, what is the reasonable expectation to have 100% of the gear removed. Mr. Lambrecht stated 90 days. Ms. Murphy suggested to continue the public hearing for 90 days, and if 100% of the gear is not pulled up, a revocation will be made. Ms. Murphy made that her motion, to continue the public hearing to December 8, 2021; Mr. Fee seconded. Mr. Carlson said he is afraid this is going to perpetuate, especially with fall weather approaching. He said he doesn't have good faith that the licenses will be in compliance by December 8. He said that Mr. Lambrecht's gear has been on the bottom so long that it has become an artificial reef and is sustaining other creatures. Some discussion followed on a timeline if the licenses are revoked, to get another fisherman permitted and set up. Mr. Carlson suggested compliance for the motion should include all gear on the bottom is to be up within 90 days, any gear set in the water will need to be inspected by the Shellfish Warden and there shall be no handling issues, and if handling issues do occur, it shall result in automatic revocation. Ms. Murphy agreed to make that part of her motion; Mr. Fee agreed. On the motion, so voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – No; Ms. Murphy – Yes.

XII. TOWN MANAGER'S REPORT

1. FY 2021 Fourth Quarter/End of Year Budget Reports: Airport Enterprise Fund (Tabled from August 18, 2021). Assistant Airport Manager Noah Karberg reviewed the materials in the Board's agenda packet, noting that total revenue is up 3% over FY 2020 as a result of a decrease to the Fuel Revolver Cap and an increase in fuel sales. He stated expenses were down 31% as a result of payroll expenses due to reimbursements from the CARES Act.

XIII. SELECT BOARD'S REPORTS/COMMENT

1. Preliminary Discussion Regarding Potential Select Board-sponsored Articles for May 2, 2022 Annual Town Meeting. Chair Bridges asked if Board members have any Board-sponsored article proposals for the 2022 Annual Town Meeting (ATM) warrant. Mr. Fee asked how to move forward on "leveling the playing field" for housing for workers and year-round residents. He asked how that would be analyzed, what part of the government would examine that with the Board or for the Board and questioned if that were a Planning function. Mr. Fee noted the Board had a joint meeting with the Planning Board earlier this summer during which a lot impacts identified through the course of Article 90 of the 2021 ATM were discussed, but it became so polarized the issues weren't thoroughly examined or discussed. Mr. Fee said we need to find a way to rein in the housing crisis, and not just focus on short-term rentals; he added that he is worried a Planning Board recommendation will be a way to make short-term rentals legal. He said he feels the focus should be wider. He noted housing this summer in general, for Town employees and employees of island businesses was in jeopardy and there were not enough service workers this summer, and he's not sure next year will be any better. Mr. Fee said he doesn't think "throwing money" at the issue is a solution and changes to regulations and/or policies might be needed and questioned how that gets done. Chair Bridges noted at the joint meeting there was discussion as to redefining short-term rentals and he would like to see a group work on this together instead of possibly having 3-4 citizen warrant articles saying the same thing and being confusing. He questioned if a work group could be convened made up of Select Board and Planning Board members, staff, ACK Now and Affordable Housing Trust to get work done in three months. Mr. Fee questioned who the group would be, who would convene them, what the mission would be. He added he would like to work with the Planning Board too, but he doesn't want to exclude other options. Mr. Fee said he worries that this will be to last-minute and not sufficiently reviewed. Ms. Ferrantella noted that the Nantucket Planning and Economic Development Commission (NP&EDC) cancelled its last meeting, so the matter hasn't been discussed with that group, and there has been no progress from the Planning Board about forming a work group. Brooke Mohr said she has a "grave concern" that the "unfettered" short-term rental industry will have life-changing impacts. She noted that short-term rentals have always been around,

but they have changed with the advent of online-platforms, with investments way up. Ms. Mohr encouraged managing growth over time, adding that there weren't enough service members vs the number of visitors this summer. Sarah Ellis said a lot of people she knows are struggling with housing and they aren't considered low-income. Rick Atherton said his recollection of the end of the joint Select Board-Planning Board meeting was an article was to be prepared for town meeting that would make clear that short-term rentals are to be authorized under the bylaws, unless the Board said no, that it is not what we want. He encouraged the Board to take action to ensure this doesn't occur. Mr. Fee said currently it does not look like a good outcome. Ms. Ferrantella asked if it would be worth another joint meeting with the Planning Board. Ms. Mohr said that efforts are being made to making housing available to middle-income people, but we need to figure out the number of workers to balance the number of visitors, which would inform the Town how much year-round housing is needed.

Chair Bridges noted other items that should be on the ATM and election ballot including the design of a new Our Island Home Facility and a senior center feasibility study. He added that the School has a "big ask" to redevelop the playing fields. He added the potential acquisition by the Town of the "Greenhound" building at 10/12 Washington Street and road projects.

Ms. Ferrantella said she looks to the Board's Strategic Plan for warrant articles and that paid parking downtown needs to go to ATM if the Board wants it considered. She also spoke in support of funding a child-care program, noting Wellfleet and Eastham have such funding in place.

Mr. Fee said looking at the Strategic Plan is a good idea and housing is first. He noted an article about "paid parking derangement system" was sent to the Board today.

2. Committee Reports. None.

XIV. ADJOURNMENT

Mr. Fee moved to adjourn at 7:47 PM; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Approved the 29th day of September 2021.

SELECT BOARD
SEPTEMBER 8, 2021 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

III. 5. Roads & Right of Way Committee membership/applicant list; Applications for vacant RROW seat; Committee Appointment Policy
III. 6. 2021 Committee Vacancy Appointments Timeline as of 8/12/2021; Current Committee Vacancies
III. 7. Fall Road Related Projects list; project map
VIII. 1. Draft minutes of 8/18/2021; Draft minutes of 8/19/2021
VIII. 4. Pending Contracts spreadsheet
IX. 1. Gift summary & recommended motion; Fire gift; PLUS gift
X. 1. AIS re: Historic Preservation Restrictions (HPR) for 23-25 Wauwinet Rd & 79 Orange St
X. 1a. Town Counsel opinion letter re: 23/25 Wauwinet Rd; HPR for 23-25 Wauwinet Rd
X. 1b. Town Counsel opinion letter re: 79 Orange St; HPR for 79 Orange St
X. 2. AIS re: Conservation Restriction (CR) for 16 Medouie Creek Rd; CR for 16 Medouie Creek Rd; Town Counsel opinion letter from 1/8/2020 meeting
XI. 1. Letter to Lambrecht dated 8/24/2021 re: non-compliance; 7/16/2021 Confiscation report & photos; Minutes of 7/7/2021; Minutes of 5/12/2021
XII. 1. Airport FY21 Q4 budget report

Road Related Projects Update

- SEWER
    - Continuation of Surfside Road Sewer Improvements
        - Sept. 13 start date through Nov. 19
    - 3rd Sewer Force Main
        - Bid opening Oct. 6; possible start around December
    - South Shore Rd Sewer Extension
        - Anticipate going out to bid Jan 2022
- AIRPORT
    - Water Main Extension
        - Nov. 1 start date – project anticipated to last 142 days (April/May)
- DPW
    - SIDEWALKS – Fall 2021
        - Easy Street Sidewalk from Land Bank Park to Cambridge St
        - Town Hall
        - Atheneum
        - Lily Pulitzer/5 South Water St
        - Jared Coffin House
        - Hotel Pipa/5 Chestnut St
        - Proprietors/9 India St
        - Candle St – west side between Salem St and Main St
    - PAVING – Fall 2021
        - Madaket Rd - mill & overlay from DPW entrance 4,500' east towards town
        - DPW garage-area parking
        - Landfill entrance driveway

        - Old South Rd – area in front of Inky parking lot/Rotary
    - OTHER
        - North Liberty St-area drainage and/or final pave - TBD
        - Washington St & Francis St intersection widening - TBD
        - Waitt Dr construction – under construction
        - Bike Path Maintenance - BETA plan to seal cracks has begun (Madaket, Milestone and Polpis Road bike paths only)
- WATER
    - Washington St water main replacement – on hold until Washington St & Francis St intersection widening is scheduled
    - Water Main Extension (See Airport)
- OTHER
    - Town proposed water main expansion west of Airport – PFAS-related project
    - Richmond – line markings on Old South Rd and final sidewalk/shoulder work – week of Sept. 7
    - Sidewalk blocking on New Whale Street re: bulk fuel tank farm dismantling
    - Weekly house moves and modular moves
    - Street blockings

Madaket Rd
Mill and Overlay

Garage Area &
Landfill Entrance
Paving

3rd Sewer
Force Main

Easy St
Sidewalk

Washington and Francis St
Intersection Widening

Water Main
Replacement

Old South Road
Paving

Surfside Rd
Sewer
Improvements

Waitt Dr
Construction

Airport Water
Main Extension

South Shore Rd
Sewer Extension

Town Proposed
Water Main
Extension

Sidewalk Repairs

1 inch = 979 feet

2,300 1,150 0 2,300 Feet

N
W E
S

Legend

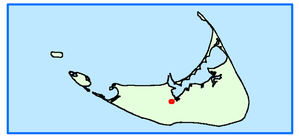
- DPW_SidewalkRepairs
- DPW - Old South Rd Paving
- DPW - Easy Sidewalks
- DPW - Intersection Widening
- DPW - Madaket Mill and Overlay
- DPW - Wiatt Construction
- DPW - Garage & Landfill Paving
- Sewer - 3rd Force Main
- Sewer - S Shore Extension
- Sewer - Surfside Improvements
- Wannacomet - Main Replacement

Type

- Airport
- Town Proposed

Please send identification of any errors
and corresponding corrections to:
GIS Coordinator
Town of Nantucket
2 Fairgrounds Rd
Nantucket, MA 02554

**2021 - 2022
Construction Projects**



The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.

7/14/2021

Town of Nantucket - GIS Mapsheet

Nantucket governmental agencies will not necessarily approve applications based soley on GIS data. Applicants for permits and licensesmust inquire of the relevant agency for applicable requirements.

The presence of information of this mapsheet does not necessarily imply public right-of-way or the right of public access.

The planimetric data on this mapsheet is based primarily upon interpretation of April, 2003 aerial photography. It was compiled to meet the ASPRS Standard for Class I Map Accuracy for 1"=100' scale maps.

The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2014.