

SELECT BOARD

Minutes of the Meeting of October 19, 2022. The meeting took place via remote participation using Zoom. Members of the Board present were Matt Fee, Dawn Holdgate and Brooke Mohr. Jason Bridges and Melissa Murphy were not present. Also present were Police Chief William Pittman, Attorney Brian Riley from Town Counsel's office, Attorney James Merberg, appellant Christopher Johnson, Ceon Johnson and Eric Goddard.

Vice Chair Dawn Holdgate called the meeting to order at 9:03 AM.

1. TAXI LICENSE APPEAL - HEARING TO CONSIDER THE APPEAL OF CHRISTOPHER JOHNSON RE: DENIAL OF APPLICATION FOR TAXI LICENSE PURSUANT TO §367-2 OF THE TOWN CODE. Mr. Riley outlined the hearing procedure. Mr. Fee asked for additional particulars to process and appeal. Mr. Riley explained. Chief Pittman reviewed the taxi application process, citing Chapter 367, D-3 of the Town Charter which provides discretion for a first felony or misdemeanor, and noted it is very rare an application is reviewed by a command officer. Chief Pittman reviewed Mr. Johnson's involvement in an undercover operation conducted by Cape Cod Drug Enforcement Agency, State and Local Police several years ago and stated that the outcome of the investigation prompted denial of the license.

Mr. Merberg stated Mr. Johnson was found not guilty in Superior Court, his driver's license and taxi operator's licenses were returned to him. Mr. Merberg stated that Mr. Johnson has not had any motor vehicle violations in 18 years. Mr. Merberg asked Chief Pittman for details of Mr. Johnson's name being dropped from the taxi wait list this year without notice to Mr. Johnson. Chief Pittman was unable to answer. Ms. Mohr asked what the Board is deciding today. Mr. Merberg stated an appeal for a taxi owner's license for Mr. Johnson. Chief Pittman said he thought the appeal was for Mr. Johnson's taxi operator's license. Some discussion followed. Ms. Mohr asked what the reasoning/criteria for Mr. Johnson being passed over for a taxi owner's license was. Chief Pittman was unable to answer. Further discussion followed. Ms. Holdgate asked if the Board could issue a taxi owner's license if the Town is already at its quota of 60. Chief Pittman stated per the Town Charter, the Select Board could override the quota and issue a taxi owner's license. Ms. Holdgate said that the taxi owner's license denial, public safety-wise, needs clarity. Mr. Fee said thought he would uphold denial decision but because of the lack of clarity of the denial, he would make a motion to support Mr. Johnson's appeal and issue him a taxi owner's license; seconded by Ms. Mohr. So voted by roll call vote: Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Mohr – Yes. Some discussion followed about how to address going over the quota of 60 by issuing the taxi owner's license. Operations Administrator Erika Mooney suggested that the next time a taxi owner's license becomes available, that it is not issued, bringing the total number of licenses back to 60. Ms. Mohr moved to expand the number of taxi owner's licenses to 61 with the caveat to reduce that number back to 60 upon the next surrender of a taxi owner's license; seconded by Mr. Fee. So voted by roll call vote: Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Mohr – Yes.

II. ADJOURNMENT

At 9:54 AM, Ms. Mohr moved adjournment; seconded by Mr. Fee. So voted by roll call vote: Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Mohr – Yes.

Approved the 30th day of November 2022.

**SELECT BOARD
OCTOBER 19, 2022 – 9:00 AM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- I. Email thread between Town Counsel and Town Manager; letter from Attorney James Merberg dated 7/14/2022; copy of taxi license application denial for Christopher Johnson; email thread between Town Manager, Town Counsel and Police Chief; Police Incident Report dated 5/3/2016; letter from Attorney James Merberg dated 8/18/2022; copies of Christopher Johnson's MA driver's license, taxi operator's license, voter registration card; Case Details from MA Trial Court for Christopher Johnson; Court order for return of Christopher Johnson's taxi operator's license; letter from Town Counsel dated 9/6/2022