SELECT BOARD

Minutes of Meeting of September 22, 2021. The meeting took place via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Kristie Ferrantella, Dawn Hill Holdgate and Melissa Murphy.

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

Town Manager C. Elizabeth Gibson reviewed the announcements as follows:

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

2. 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.

3. F Street Pier Repairs Start on Monday, October 4; Pier will be Closed – Jackson Point Boat Ramp is Alternate.

4. Proposed Harbor Regulation Amendments Stakeholder Meeting Scheduled for Friday, September 24, 2021 at Noon via Zoom:
https://us06web.zoom.us/j/82695864963?pwd=YS9wWnBOVzVqaTlodldQMDNBblJCQT09
Meeting ID: 826 9586 4963; Passcode: 446831.

5. Select Board Announcements/Comments. Ms. Holdgate noted that she attended the unveiling of the crest for the USS Nantucket with Ms. Gibson and Harbormaster Sheila Lucey earlier this week and reviewed the associated ceremonies that took place at the Whaling Museum and the Great Harbor Yacht Club.

Chair Bridges said that he would like to remind the public of the various activities that the Public Works Department is responsible for and is currently working on island-wide, despite short-staffing. He reviewed a list of on-going and current activities. He said he wanted to acknowledge the department's hard work despite the current staffing challenges.

Mr. Fee said he recently went to an exhibition at the Macy Warehouse on sea level rise and urged the public to visit it. He commented that it is quite eye-opening and contains very interesting and creative ideas.

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

1. Island Supply Chain Project with Martha's Vineyard – Follow-up from August 18, 2021 Public Comment.
Strategic Projects Manager Chuck Larson provided an update on this project, noting that it originally

contained the words “carrying capacity” but not in the sense of the Islands’ capacity for people, but rather the carrying of supplies. He reviewed the project history and status and what the outcome will be used for. He said it could be very helpful with federal and state funding opportunities.

V. PUBLIC COMMENT

There was no public comment.

VI. COVID-19 UPDATE

1. Public Health Department Update. Public Health Director Roberto Santamaria provided an update as to positive cases, testing and vaccinations. He reviewed the most recent wastewater testing results, noting that those results are currently indicating a low incidence of COVID, approximately one case per day. He said the positivity rate is around 3%. He said that third vaccine doses are being administered for the immunocompromised. He noted that youth doses (ages 5 – 11) are expected to be approved for issuance, soon. He said once that happens and a good number of additional persons are vaccinated, mask mandates may start being lifted in municipalities. Ms. Ferrantella asked if the youth doses are approved, will the Town administer them. Mr. Santamaria said that remains to be seen but that a more “clinical setting” would be more appropriate for that group. Ms. Ferrantella asked if there are any other Massachusetts towns with current mask mandates. Mr. Santamaria said over half of the towns in Massachusetts have current mask mandates and shared a chart showing this. He said Provincetown is the only town that has rescinded its mandate.

VII. NEW BUSINESS

There was no new business.

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of September 14, 2021 at 3:30 PM; September 15, 2021 at 5:30 PM. Mr. Fee moved approval of the minutes with a minor amendment to the September 15th minutes; and the next two items; 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.

2. Approval of Payroll Warrants for September 19, 2021.

3. Approval of Treasury Warrants for September 22, 2021.

4. Approval of Pending Contracts for September 22, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Ferrantella moved approval; 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.

IX. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Approval of Application for Change of Manager of Annual All-Alcoholic Beverages General On-Premises License for Nantucket Historical Association dba Whaling Museum from James P. Russell, Manager to Johanna Richard, Manager, for Premises Located at 11, 13 and 15 Broad Street. Licensing Administrator Amy Baxter introduced the item and reviewed the application. Mr. Fee moved approval of the

application; 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.

X. TOWN MANAGER'S REPORT

1. Per- and Polyfluoroalkyl Substances (PFAS) Island-wide Assessment Update. Ms. Gibson introduced Mr. Larson to provide the update. Mr. Larson reviewed a presentation as contained in the materials included in the Board's posted agenda packet, showing major tasks, status and next actions. Chair Bridges asked how much time Mr. Larson estimates that he spends on PFAS-related issues. Mr. Larson said probably about 80%, not including the time spent by Assistant Town Manager Gregg Tivnan and Public Health Director Roberto Santamaria. Chair Bridges expressed thanks to Mr. Larson and the efforts of other staff. Ms. Gibson commended Mr. Larson, noting that even with the level of effort by Mr. Larson and others the Town is still short on resources to deal with this issue; and, that it is going to be costly and on-going.

2. Review of Preliminary FY 2023 General Fund Budget Projections. Ms. Gibson noted that this annual review is part of the budget development process and she and Finance Director Brian Turbitt have met with the Finance Committee and Ad Hoc Budget Work Group with these preliminary projections. Mr. Turbitt and Ms. Gibson reviewed a presentation as contained in the materials included in the Board's posted agenda packet. Mr. Fee asked about health insurance and how much is COVID-related. Mr. Turbitt said there is a claims breakdown, but he is not sure how much would be related to COVID. He reviewed how the health insurance projection is developed and said that stop loss insurance is increasing. Mr. Turbitt reviewed what stop-loss insurance is and does. Chair Bridges asked about projected operating expenses being down. Mr. Turbitt noted that relates to the removal of items that were one-time expenses in FY 22.

3. Review of FY 2023 Preliminary Capital Projects Requests. Ms. Gibson introduced Assistant Finance Director Rick Sears to review a presentation as contained in the materials included in the Board's posted agenda packet. Mr. Sears reviewed the presentation and spoke as to the status of review of proposed projects with the Capital Program Committee. Mr. Fee said that some of the projects, such as with the Park and Recreation Master Plan, need resources to be able to progress before they are funded. Some discussion followed on this. Mr. Fee asked about extending sewer to Madaket. Ms. Gibson said that issue still needs to come to the Board for further review and discussion. Chair Bridges noted that some of these projects are included as "placeholders". Mr. Fee commented on how much improved the process is. Ms. Murphy concurred noting this is a very thorough report. Mr. Fee said he is glad to see employee housing is being proposed for funding. Ms. Murphy agreed and said prioritization needs to be worked on by the Board. Ms. Murphy and Mr. Fee spoke in favor of dedicated additional funding to housing initiatives. Rick Atherton commented on the room occupancy fund projection from the budget presentation and asked it to be broken down by type of revenue. Mr. Atherton said that road reflectors be installed in major roads as part of road improvement projects for safety purposes. Mr. Atherton said that the Harbor Master building should be "dismantled".

4. Review/Issuance of Request for Proposals (RFP) for Shooting Range. Ms. Gibson introduced the item noting that the Board's most recent action which took place in executive session was to direct staff to prepare an RFP and when ready place it on a Select Board meeting agenda as a public notification that the RFP is being issued. Attorney Vicki Marsh reviewed the terms of the RFP. Ms. Murphy thanked Ms. Marsh for a clear summary. She asked if any of the environmental protection laws evolve during the lease term, will the lessee be required to comply. Ms. Marsh responded affirmatively. Mr. Fee asked about the conservation restriction requirement and whether it relates to the use of the site. Ms. Marsh said that the restriction is more related to size and design and the location of the affected habitats. Mr. Fee said he

would prefer not to cap lease payments. He said at one point the neighbors said they would fund an indoor range and asked if that is still a possibility could it be written into the RFP. Ms. Marsh said that if funding is provided for an indoor facility, that could be included in the proposal. Mr. Fee asked about noise complaints and whether those could be resolved with staff action if complaints become routine. Ms. Marsh said the proposer will have to comply with all laws and bylaws but if the activity is allowed, it may not be subject to enforcement. She said it would depend on the nature of the complaint(s). Some discussion followed. Ms. Marsh noted there are/will be enforcement provisions in the lease. Edna Schwab, a seasonal resident with nearby property, asked if an environmental impact review of the materials to be used has been conducted. Ms. Gibson said that all such materials used would have to be used in compliance with environmental rules and laws. Ms. Schwab expressed continued concern. Attorney Arthur Reade, representing 38 neighbors of the area, expressed concern about noise, lead, environmental impact, and said the land could be used for something else more appropriate, such as affordable housing or a mental health facility. He said the rental payments are too low and that "a lot things need to be thought about". Emily Molden of the Nantucket Land Council spoke on the possibility of an indoor range and why that is not being pursued; and, having strong requirements for environmental monitoring; and who in the Town would review the requirements and if the proposed plan would be public. Ms. Marsh responded and said that the state's Natural Heritage Endangered Species Program (NHESP) will be reviewing and providing guidance on this. Regarding an indoor range, Ms. Marsh said that is quite possible within the terms of the RFP, but it is not required. Mr. Fee said that it is costly to construct an indoor range. Carl Marci commented on the length of the lease and the stewardship of the Nantucket Hunting Association of the property. He asserted that no tests of the property have been conducted, that toxic levels of lead have been detected and "deeply requested" that the Board undertake testing. Allen Reinhard spoke on the use of public land to which only members of an association would have access. He expressed concern about noise generated from the facility. He said there are higher value uses of this property. He said the Board will be "inundated" with complaints if the facility is constructed.

Chair Bridges suggested that the Board move the next agenda item to next week's meeting. The Board was in concurrence with this.

Steven Holdgate, of the Nantucket Hunting Association (NHA), asked if the lease attached to the RFP is a draft. He commented on noise concerns and spoke on the measures to be taken to mitigate and minimize noise and environmental impact. He spoke on historical use of some of the site for "unofficial" shooting and said that if that is continuing to occur now, it is not connected to the NHA. He spoke in detail on the Association's plans for the facility and how some activities could be inside in the future. He said the facility would be open to the public not just to members. Chair Bridges asked if the RFP requires that the facility be open to the public. Ms. Marsh said she thought it was to be private except for certain events. Some discussion followed on this. Dr. Alan Woolf spoke on his experience as a pediatrician with children with lead poisoning. He spoke on outdoor shooting ranges being a major source of dangerous levels of lead pollution. He cited examples of where this has occurred and provided detailed information as to the sampling and levels detected. Richard Schwab said he thought the RFP should require an indoor site. He expressed concern about environmental impact and the detrimental potential exposure for pollution. Rick Atherton said he was on the Select Board when this matter first came forward and a lease was executed. He said times have changed and the Board should only proceed with an indoor facility at this time. Debbie Soffen spoke in support of Dr. Woolf's remarks. She said that if lead gets into the aquifer or wells, there is no way to remedy it. Jeannine Randolph spoke on alternative use of the site for community wellness. She also spoke on prior lawsuits and what was settled and not settled; and, that the various impacts are very concerning. Ms. Molden spoke on the environmental monitoring and that a more appropriate state agency for this would be the Department of Environmental Protection not NHESP. Mr. Holdgate said that shotgun shooting at clay targets is also very popular and very difficult to enclose. He suggested that be an exception to an indoor range. Chair Bridges opened the discussion to the Board. He noted that this proposal was approved in 2004 with very little opposition at Town Meeting. He asked about the RFP process once it is issued. Town Counsel John Giorgio spoke on the process and the necessity for a Town Meeting vote for a long-term lease. He reviewed the various procurement requirements. He said it will be up to Town Meeting as to whether to approve a long-term lease. Ms. Ferrantella asked if changes could occur on the Town Meeting floor. Mr. Giorgio said that there could possibly be lease changes, but the RFP would already have been issued. Ms. Murphy said she is conflicted about this and acknowledged community changes since initial approval. She asked if there could be a requirement that an indoor facility be constructed within a certain period. Discussion followed as to an indoor facility. Ms. Marsh reviewed the RFP terms as to an indoor facility as currently written. Mr. Giorgio said that the evaluation criteria in the RFP could include preference for an indoor facility. Chair Bridges asked for Board feedback. Ms. Holdgate said there will be a re-evaluation once proposals have been received. She said she feels this is ultimately up to Town Meeting. She said there is a need for some kind of facility. Ms. Murphy asked about adding a requirement in the RFP to meet funding goals to build an indoor range. Some discussion followed. Mr. Giorgio suggested evaluation criteria that requires an indoor facility within a certain period of time if the Board wants to see an indoor facility. He explained further how the evaluation criteria could be structured. Ms. Murphy said her concern with using the evaluation criteria may not be as strong of a way to require an indoor facility than just making it an outright requirement. Discussion followed on this. Mr. Giorgio explained further how to accomplish the desire for an indoor facility using the evaluation criteria. Mr. Fee asked if the proposal(s) could be rejected. Mr. Giorgio said yes, that RFP will be worded so as to allow the Board sole discretion to reject. Mr. Fee said he would like to see the criteria before an RFP is issued and suggested that the Board consider other uses of the property. Ms. Murphy asked how to move this forward tonight. Mr. Giorgio suggested approving the draft RFP with evaluation criteria to be developed and brought back to the Board for final approval. So moved by Ms. Murphy; 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. Ms. Murphy suggested additional criteria be developed regarding restrictions on outdoor shooting during certain times of year.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Discussion Regarding Town Government Study Committee Report. Tabled to September 29, 2021.

2. Committee Reports. No committee reports.

XII. ADJOURNMENT

Ms. Murphy moved to adjourn at 8:35 PM; 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.

Approved the 29th day of September 2021.

SELECT BOARD
SEPTEMBER 22, 2021 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

VIII. 1. Draft minutes of 9/14/2021; Draft minutes of 9/15/2021
VIII. 4. Pending contracts spreadsheet
IX. 1. AIS re: Nantucket Historical Association Change of Manager; ABCC Change of Manager Application; NHA current liquor license
X. 1. AIS re: PFAS Update; PFAS Project List with Task Manager/Project Manager and Status; PFAS Project List with Action Items
X. 2. FY 2023 General Fund Preliminary Budget Projections
X. 3. FY 2023 Preliminary Capital Projects Requests
X. 4. Shooting Range RFP Term Sheet; Draft Request for Proposals for Shooting Range
XI. 1. Town Government Study Committee establishment, responsibilities; Town Government Study Committee 2021 Final Report