

SELECT BOARD

Minutes of Meeting of November 2, 2022. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee and Brooke Mohr. Melissa Murphy joined the meeting remotely as noted herein. Dawn Holdgate was not present.

I. CALL TO ORDER

Chair Bridges called the meeting to order at 5:30 PM, following the Pledge of Allegiance.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the announcements and/or these were presented by others as noted:

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

2. Legislative Update with Senator Julian Cyr. Senator Cyr expressed gratitude for being able to represent the Town, noting this is his sixth year as Senator. He provided an update on pending legislation and various municipal home rule petitions related to real estate transfer fees, for affordable housing.

Ms. Murphy joined the meeting at 5:32 PM.

Senator Cyr reviewed the challenges of affordable housing in Massachusetts. He said Nantucket has been a leader in this area. He predicted that following next week's state-wide election there will be noticeable progress in municipal affordable housing initiatives; and, that ultimately there will likely be a local option fee, subject to certain requirements. He commented that there is "significant" opposition and it is important that municipalities "present a united front". Ms. Mohr asked about allocation of a certain portion of the room occupancy tax to a Stabilization Fund, in advance of any legislative action. Senator Cyr suggested the Town consider that and added that the adoption of any legislative initiative is unlikely before 2024. Mr. Fee cautioned that a Stabilization Fund adds complication because it requires a vote of Town Meeting to appropriate. He asked whether or not the legislation would address Area Median Income (AMI) levels. Some discussion followed. Senator Cyr said that housing is his "number one priority". Senator Cyr expressed gratitude for Nantucket's leadership and partnership on housing issues. He reviewed home rule petitions which have been recently approved; and what is pending. He said that "routine" home rule petitions are generally approved fairly timely but more complicated items take more time and review. Senator Cyr spoke on local options relating to funding for wastewater and water quality, including the Cape and Islands Water Protection Fund. He urged the Town to examine joining the fund. He spoke on various climate-related legislative programs. He said there has been some recent discussion with Vineyard towns and Hyannis regarding the ferry embarkation fee. Mr. Fee said he is not sure the Town's analysis as to the Water Protection Fund is complete but expressed some concern about how the funds are allocated. Senator Cyr acknowledged that Nantucket would be one of the largest contributors and said the intent is to keep communities "whole". The Board thanked Senator Cyr for his update.

3. Saturday, May 6, 2023 Annual Town Meeting:

- Warrant Open for Citizen Warrant Article Submittals through November 14, 2022 at 4:00 PM.

4. 2022 Committee Vacancies: Zoning Board of Appeals; Harbor Plan Update Committee; Agricultural Commission; Tree Advisory Committee.

5. Select Board Announcements/Comments. Ms. Mohr reviewed early voting and mail-in voting information for the November 8th election(s). Mr. Fee noted this is Ms. Murphy's last meeting.

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

There were no follow-up comments.

V. PUBLIC COMMENT

Housing Nantucket Director Anne Kuszpa said applications are now being accepted for an affordable housing subdivision and noted where additional information may be found.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Ms. Mohr moved approval of items VII 1 – 3; seconded by Mr. Fee; so voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

1. Approval of Minutes of October 17, 2022 at 5:00 PM; October 18, 2022 at 4:00 PM; October 26, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for October 30, 2022.

3. Approval of Treasury Warrants for November 2, 2022.

4. Approval of Pending Contracts for November 2, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

Mr. Fee moved approval as presented; seconded by Ms. Mohr; so voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

VIII. CONSENT ITEMS

1. Gift Acceptance: Natural Resources Department; Nantucket Fire Department; Department of Culture and Tourism; Human Services (Saltmarsh Senior Center). Ms. Murphy read the gift donors, amounts and to which departments the gifts are directed. Ms. Murphy moved to accept all the gifts with thanks to the donors; seconded by Ms. Mohr; so voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Request for Waiver of Sewer Connection Permit Fee for Covenant Lot Located at 28 South Shore Road (Lot 2B on Plan No. 2021-23). It was noted that the request is in compliance with the Board's sewer fee waiver policy. Ms. Mohr moved to waive the sewer connection permit fee as requested; seconded by Mr. Fee; so voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

2. Sewer Commissioners: Sewer Fee Waiver Policy Discussion/Action. Housing Director Tucker Holland introduced the item and explained how the possibility of amending the policy arose, which relates to encouraging additional affordable housing units at a higher AMI (175%). He reviewed how many projects might fall under an amended waiver policy, noting there are very few, estimating 10 or fewer homes. Mr. Fee said he is concerned about amending a policy for “one specific entity”, noting that the Board could potentially approve requests without changing the policy. He added he is concerned about the costs of the wastewater treatment facility to accommodate additional capacity. Megan Perry asked who makes up the difference in the sewer fees being waived. Finance Director Brian Turbitt responded. He suggested that a large-scale waiver of capacity fees has a long-term impact on the debt service payments for wastewater treatment facility accommodations. Ms. Perry spoke against waiving the fees. Mr. Fee commented on how the Board’s policy has worked, to encourage and support affordable housing. Ms. Mohr noted that the waivers in question support units that will go onto the Town’s subsidized housing inventory (SHI) list. Some discussion followed. Ms. Perry commented on a developer getting fees waived for market-rate units. Ms. Mohr said the market-rate units are rental units and also will be on the SHI list. Mr. Holland spoke on the benefits of the SHI list and the importance of “Safe Harbor” status. He reviewed the requests in more detail. Sewer Director David Gray clarified the current sewer connection fee structure and the structure prior to regulation changes that were made in 2020. Some discussion followed. Chair Bridges said he feels comfortable with the policy amendment proposal. Ms. Mohr concurred. Mr. Holland said Town Counsel has provided preliminary review of the policy. Ms. Mohr moved to amend the sewer fee waiver policy as presented in the Board’s agenda materials, subject to final approval by Town Counsel; seconded by Ms. Murphy. Mr. Fee expressed concern about amending the policy, in such a specific manner, written for a particular situation. Mr. Gray said that Mr. Fee recently asked about costs to upgrade the Naushop pump station, necessary in order to serve the Richmond development and noted the project went out to bid and the low bid is approximately \$2,000,000 which is significantly higher than earlier estimates. Ms. Mohr said that the project requires certain contributions in order to be built. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – No; Ms. Mohr – Yes; Ms. Murphy – Yes.

3. Richmond Great Point Development: Sewer Fee Waiver Request(s). Mr. Holland reviewed the request, including the amount of the waivers. Mr. Fee asked about the staff recommendation. Mr. Holland said that from a housing perspective it is recommended that the request be granted. Mr. Gray said it could have a “substantial impact on operations” and is concerned about setting a precedent. He said he is cautious, noting that the costs have risen quite a bit recently. David Armanetti of Richmond spoke at length on the request, noting that Richmond is committed to keeping its rents “affordable”. He said stewardship is important to them. He spoke on analysis conducted as to the impact of water and sewer usage since January, 2022 which he said “confirms” the rental units in the apartment complexes generate less than standard comparable single-family units. He spoke on water fees that have been paid in full and property taxes, noting that the Water Department does not allow waivers. Ms. Perry expressed concern at the waiver. Mr. Armanetti said the amount of fees would be “repaid” within approximately 4-5 years, from property taxes. Ms. Mohr said she is comfortable with the request. Mr. Fee said he would prefer to give a lesser waiver and would prefer to have a recommendation from the Finance Director. Chair Bridges said he is comfortable with the request. Ms. Murphy concurred and spoke on this being a worthwhile investment in housing. She said subsidies like this are going to be necessary in order to have quality housing. Mr. Fee asked if Mr. Turbitt has a recommendation. Mr. Turbitt spoke in favor of housing goals and progress. He said that if the request is waived in its entirety, the sewer users will ultimately end up paying in some manner. He suggested a somewhat lesser number, and acknowledged he does not have a specific recommendation. He noted that the taxpayers have made a substantial investment in the Richmond projects, totally approximately nearly \$10 million, including low borrowing costs. Mr. Fee suggested a 50%

waiver. Some discussion followed. Mr. Fee moved to approve 50% of the request. The motion died for lack of a second. Ms. Mohr moved approval of the full request; seconded by Ms. Murphy. Ms. Murphy commented that she understands what Mr. Turbitt was saying and would be perhaps more comfortable with a waiver of more than 50% but less than a full waiver. Ms. Mohr suggested a percentage, and that there be a 75% reduction in the fees that led to the \$474,925 number which covers Phases II, III, IV, V, VI for Meadows II Apartments; so moved by Ms. Mohr; seconded by Ms. Murphy. Some discussion followed. Mr. Fee expressed discomfort at how the waiver is being handled. Ms. Murphy said that going forward more financial analysis would be helpful. Mr. Fee spoke further on his concern. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – No; Ms. Mohr – Yes; Ms. Murphy – Yes.

4. Housing Nantucket: Sewer Fee Waiver Request. Mr. Holland reviewed the request, noting Housing Nantucket is asking for a waiver of the Sewer Capacity Fees in addition to sewer connection permit fees, but he recommends only waiving the sewer connection permit fees. Mr. Fee moved to waive the sewer fees as recommended by Mr. Holland; seconded by Ms. Mohr; so voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

5. Nantucket Islands Land Bank:

a) Request for Approval and Execution of Memorandum of Understanding between the Town of Nantucket and Land Bank for Construction and Maintenance of Walking Trail over a Portion of Lot 25, Cannonbury Lane, Shown on Plan Recorded with Nantucket County Registry of Deeds as Plan File 5-B.

b) Request for Approval and Execution of Acceptance of Easement from Cannonbury Holdings, LLC and Cannonbury Holdings 2, LLC, Trustees of Cannonbury Lane Homeowners Association Trust to Town of Nantucket and Nantucket Islands Land Bank of a Five Foot (5') Wide Walking Trail Easement over a Portion of Lot 25, Cannonbury Lane, Shown on Plan Recorded with Nantucket County Registry of Deeds as Plan File. 5-B and Shown as "Walking Trail Easement" on Easement Plan Attached Thereto.

Real Estate Specialist Ken Beaugrand introduced the items and explained the purpose of the recommended actions. Ms. Mohr moved approval as requested and presented; seconded by Mr. Fee; so voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

X. TOWN MANAGER'S REPORT

1. Review of Proposed Parking Advisory Committee Mission/Select Board Potential Action to Establish Committee. Ms. Gibson introduced the agenda item, noting that valuable additional staff comments were provided after the agenda was posted. She reviewed the comments and suggested that if the Board were so inclined to accept them, that a revised document could be brought before the Board next week for final approval. Some discussion followed. Ms. Mohr spoke in support of the proposal and the additional comments and noted the Committee could have subcommittees that focus on different areas. Chair Bridges concurred. Mr. Fee agreed and said potential revenue from a future paid parking program could potentially go toward Nantucket Regional Transit Authority (NRTA) improvements/service, said that he would like that included in a new committee's mission. General consensus of the Board was to accept the additional input, have it worked into a revised mission and brought back to the Board next week.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Discussion Regarding October 24, 2022 Letter from Conservation Commission in Connection with Sconset Beach Erosion Control Project. Ms. Gibson introduced the item explaining that the Board and the Sconset Beach Preservation Fund (SBPF) sent a joint letter to the Conservation Commission (ConCom) on October 5, 2022, which requested consideration as to suspension of a pending ConCom order to remove the erosion control project at Baxter Road, subject to specific conditions and for specific reasons. She said

that the ConCom sent a response dated October 24, 2022, that indicates the Commission's position and includes various conditions as to the ConCom's consideration of the proposals in the joint letter. She added that SBPF has proposed a joint response to the letter, which staff has not fully reviewed at this point. She turned the item over to Coastal Resilience Coordinator Vincent Murphy. Mr. Murphy reviewed the recent correspondence between the Town, SBPF and the ConCom as related to various applications and requests pertaining to the erosion control project. Mr. Murphy noted a proposed response to the ConCom letter has been drafted by SBPF, however, there are some concerns as to the tone of the draft and suggested that it be substantially revised. Mr. Fee commented that the Town is in a "tough situation" right now and is "stuck between two entrenched positions". He added that Mr. Murphy has invested a significant amount of time into this project in an effort to get to an agreed path forward. He spoke about the need for a path forward and concern as to the uncertainty as to what could happen if the project is removed. He said too much time is spent on "rehashing old history", which is very unproductive. Mr. Murphy spoke on a Notice of Intent that is expected to be on the Board's agenda next week, that he believes offers many benefits and as little environmental risk as possible. Ms. Mohr said she hopes "posturing" could be put aside and that a way forward needs to be found. She spoke on the Town's obligation to provide infrastructure at Baxter Road. She said this is an extremely complex issue. She said the ConCom seems to have "signaled" a decision without a process. Chair Bridges said that a lot of things have changed in his six years on the Board with this project, for the better. Mr. Fee agreed and said with additional resources, the Town has provided a lot of focus to this project. Discussion followed as to what action is needed and if the Board is prepared to issue a response to the ConCom, with SBPF. Ms. Murphy suggested a rewrite of the proposed letter. She added that the community needs to understand the need to be prepared for what may happen if the project is removed; and that it is critical that a path forward be found for the project, otherwise the cost impacts to the taxpayers could be extreme. Mr. Fee concurred with Ms. Murphy. It was generally agreed that the letter in question, back to the ConCom, will be revised, with input and final approval from Mr. Fee, acting for the Board. Mr. Murphy explained the NOI application approval that will be on the Board's agenda next week. Burton Balkind spoke in support of the ConCom's position. Mr. Murphy spoke on some of the actions and oversight the Town has put in place and required of SBPF in response to ConCom concerns, noting that a good amount of the Town Manager's time has been focused on this project to provide additional oversight. Mr. Fee agreed.

2. Committee Reports. Ms. Mohr spoke on new initiatives the Affordable Housing Trust is working on. Chair Bridges thanked Ms. Murphy for her service and contributions to the Board and Town. Ms. Murphy thanked the Board members and Town Administration staff for their hard work and leadership, noting that the decisions made on the Board's "side of the table" are complex. She thanked the community for its support as well. Ms. Mohr thanked Ms. Murphy.

Mr. Fee moved adjournment at 8:11 PM; seconded by Ms. Murphy; so voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

Approved the 9th day of November 2022.

Amended the 21st day of December 2022.

**SELECT BOARD
NOVEMBER 2, 2022 – 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 4. Committee Vacancy Appointments Timeline; Notice of Committee Vacancies; Committee Appointment Policy
- VII. 1. Draft minutes of 10/17/2022; 10/18/2022; 10/26/2022
- VII. 4. Pending Contract spreadsheet
- VIII. 1. Gift summary & recommended motion; gift acceptance request letters from Natural Resources, Fire, Culture & Tourism, Saltmarsh Senior Center
- IX. 1. AIS re: sewer fee waiver request for 28 S Shore Rd, Lot 2B; Letter from Randi Alberry Herrick; Qualified Purchaser's Certificate; Certificate of Compliance; Deed for Lot 2B, 28 S Shore Rd; Plan No. 2021-23; Sewer Fee Waiver Policy
- IX. 2. AIS re: proposed revisions to Sewer Fee Waiver Policy; Proposed revised Sewer Fee Waiver Policy
- IX. 3. AIS re: Richmond sewer fee waiver request; Richmond request; Sewer Fee Calculation Chart; Meadows II Site Map
- IX. 4. AIS re: Housing Nantucket sewer fee waiver request; Housing Nantucket request
- IX. 5. REVISED AIS re: transaction with Land Bank
- IX. 5a. FINAL Memorandum of Understanding; Morey Trail System plan
- IX. 5b. FINAL Grant of Easement; Easement Plan
- X. 1. Draft Parking Advisory Committee Mission; Email from Transportation Program Manager re: mission
- XI. 1. Letter from Conservation Commission dated 10/24/2022; Email from Steven Cohen for SBPF re: draft response to ConCom