SELECT BOARD

Minutes of Meeting of October 6, 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, with the addition of two announcements.

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 Clinic: 131 Pleasant Street Trailer, Sundays from 12:00 to 3:00 PM. See https://www.nantucket-ma.gov/2028/COVID-Vaccine for Full Schedule.

Additional Announcements: Ms. Gibson said that Town offices will be closed on Monday, October 11th in observance of Indigenous People's Day; Ms. Murphy said the Cape Cod and Islands Commission on the Status of Women in partnership with the Nantucket Community School is sponsoring an "informal listening circle" on Saturday, October 23rd at 1:30 PM, which is open to the public.

3. Select Board Announcements/Comments. No comments.

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

No comments.

V. PUBLIC COMMENT

Megan Perry commented on recent votes and/or action of the Select Board and Conservation Commission (ConCom) with respect to the Sconset Beach Preservation Fund (SBPF) erosion control project along Baxter Road; and, the Arcadis report (on tonight's agenda) and asked if recent executive session minutes relating to these matters, as well as a request from ConCom for special counsel, would be made public. Chair Bridges said this could be brought back up for response at next week's Board meeting.

VI. COVID-19 UPDATE

1. Public Health Department Update. Public Health Director Roberto Santamaria reviewed positive cases, testing and vaccination rates, including third doses for those eligible. He noted that cases are currently remaining fairly low and that at its meeting on October 21st, the Board of Health will be reviewing its indoor face covering order. He noted over 40 other cities and towns in the state continue to retain indoor face covering orders, despite some public speculation to the contrary. He said vaccinations for children are still pending Centers for Disease Control (CDC) approval. He spoke on current flu shot availability and urged people to get that shot, emphasizing its importance, especially for COVID-related reasons.

VII. NEW BUSINESS
No new business.

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS
1. Approval of Minutes of September 29, 2021 at 5:30 PM. Ms. Ferrantella moved approval; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

2. Approval of Payroll Warrants for October 3, 2021. Mr. Fee moved approval of items VIII 2 – 3; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

3. Approval of Treasury Warrants for October 6, 2021. Approved as noted above.

4. Approval of Pending Contracts for October 6, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Fee questioned a contract with Weston & Sampson for the Nobadeer Field House. Finance Director Brian Turbitt answered. Ms. Murphy moved approval of the pending contracts except for the first two on the Pending Contracts list with Weston & Sampson; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

Ms. Murphy moved approval of the two contracts with Weston & Sampson; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ferrantella – Yes; Mr. Fee – No; Ms. Holdgate – Yes; Ms. Murphy – Yes. Mr. Fee said he feels the Nobadeer Field House project is too expensive and it is irresponsible to spend any more money on this project.

IX. REPORTS
1. Arcadis Presentation of Final Baxter Road Long-Term Planning Summary of Findings. Chair Bridges introduced the item noting that a number of individuals submitted information in connection with this item to the Board, but it is not in the Board's packet. He added it is not the intent of the Board to take any significant actions on the report tonight – it is meant to be a presentation. Coastal Resilience Coordinator Vincent Murphy explained that Arcadis was engaged by the Board earlier this year to prepare this report and has conducted numerous stakeholder meetings, including two with the Board. He introduced Jennifer Lachmayr of Arcadis to provide an introduction to the report. Ms. Lachmayr reviewed the project tasks and noted all of the tasks were completed. She said that most recently on September 14, 2021 the stakeholders met, provided additional input and observations which she reviewed and said these items are addressed/responded to in the final report. Ms. Lachmayr reviewed project goals, scopes and mission, and noted next steps are recommended in the final report. Kate Edwards of Arcadis proceeded to review the presentation and report as contained within the Board's agenda materials, including adaptation alternatives, short-term recommended actions, monitoring and evaluation recommendations. She said removal of the existing erosion control system is not recommended until a long-term plan is in place and can be readily implemented. She said if the system were to be removed, emergency interim measures are recommended and noted those will not provide an equivalent level of protection. She said with the submittal of this report, Arcadis's current role will be completed. Chair Bridges thanked the Arcadis representatives and Mr. Murphy for their work on this project. He asked for the Board's input. Mr. Fee said the report is "great"; and that the work now has to be prioritized, funding determined and staff resources secured to proceed. He noted this

will not be easy. Ms. Lachmayr noted a section in the report relating to cost recovery but there is no "magic bullet". Ms. Murphy also thanked those involved in getting the report completed. She asked why extension of the current erosion control project was not recommended. Ms. Edwards said evaluation of that issue related mostly to permitability of project extension, the feasibility of which was questionable. Chair Bridges opened up questions to the public. Mary Longacre, Chair of the Coastal Resilience Advisory Committee, reviewed discussions the Committee had with Arcadis, which are available on the Town website. Emily Molden of the Nantucket Land Council (NLC) spoke on the NLC's participation in the process as a stakeholder and said NLC's consultant submitted comments to Arcadis and to the Select Board on the final report and reviewed those comments, mostly relating to the impact of the erosion control project and mitigation issues. She emphasized long-term operating costs of various approaches. She said it is clear that a long-term retreat plan needs to be developed in the short-term. She urged the Board to "step up" compliance with any future/further erosion control projects and acknowledge responsibility as a property owner. Mr. Fee said he read the NLC comments and with respect to cost, what is missing is "who" is going to pay, which needs to be analyzed; as well as the cost of a cooperative vs adversarial approach. He agreed that compliance needs to be a priority. He said there is disagreement among various parties as to timing and that it is going to take time to develop a solid plan. Ms. Murphy agreed with Mr. Fee and said she wonders how to move forward with next step planning and to incorporate this into the Board's priorities. She said the complexities of relocation are going to take time and resources. Mr. Fee responded that he is a bit hesitant to really launch such an effort without an understanding of a legal strategy/implications. He said a way needs to be found to proceed cooperatively, hold SBPF accountable, navigate a number of legal issues, find a sand source and a location(s) to store it. He said there are a lot of things to balance. Barbara Bund commented that consensus was a project goal and it was not achieved. She expressed concern about an "agreement" between the Board and SBPF "behind closed doors". Burton Balkind asked about expansion of the current erosion control project and whether or not that is recommended by Arcadis. Ms. Edwards answered that expansion is considered an adaptive alternative which would be recommended if effectiveness was the only criteria, but it was not a recommended pathway because of other criteria not met. Mr. Fee commented that "consensus" was a goal but clearly has not been reached. He added that there is no "agreement" with SBPF and the Town, that has yet to be reached. Ms. Holdgate concurred with Mr. Fee and added that the Board is trying to find a path forward without endless litigation. Chair Bridges said there have been discussions with SBFP, and the Town for over a year about the current project, which have been publicly discussed and agreed with Mr. Fee that there is no written "agreement". He said there are parallel paths with stabilization of the bluff while a long-term plan is developed. Rick Atherton observed that press accounts indicate that an agreement was reached with the Town and SBPF and asked for a copy of it. Ms. Gibson explained that that is not quite what the statement put out by the Town indicated, read from the statement and said there is no formal agreement with SBPF. Some discussion followed as to whether the Town and SBPF will file a joint application to expand the current project. D. Anne Atherton spoke on the Arcadis report, the possibility of a joint application and her basic disappointment in the process and actions taken by the Board. There being no further comments, Chair Bridges said a future agenda item will be scheduled to discuss specific next steps. Ms. Edwards said they tried very hard to reach consensus but admittedly it did not happen, saying it was very difficult. Mr. Murphy asked if the Board wanted to continue accepting written comments on the report. There was general Board consensus to do that for one week. Mr. Fee said he believes some consensus with the report was in fact reached. Chair Bridges indicated that the Board will have a future agenda to specifically discuss next steps.

X. CONSENT ITEMS

1. Gift Acceptance: Fire Department; Our Island Home. Ms. Holdgate moved to accept the gifts for their designated purposes, with thanks for the donors; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

XI. CITIZEN/DEPARTMENTAL REQUESTS

1. Finance Department: Request for Approval of Sale of General Obligation Bonds in the Amount of $20,315,000 Made up of $15,977,500 in General Obligation Bonds and Debt Refunding in the Amount of $4,337,500. A typographical error was noted in the agenda item, with a correction as follows: "… ~~$20,315,000~~ $20,312,200 Made up of $15,977,500 in General Obligation Bonds and Debt Refunding in the Amount of ~~$4,337,500~~ $4,334,700". Finance Director Brian Turbitt proceeded to review both of the bond sale agenda items.

Ms. Ferrantella moved approval of both bond sale agenda items pursuant to the vote in the packet dated October 6, 2021; seconded by Ms. Murphy So voted by roll call vote: Chair Bridges – Yes; Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

2. Finance Department: Request for Approval of Sale of Bond Anticipation Notes (BAN) in the Amount of $35,818,400 Made up of Series A Notes in the Amount of $26,818,400 and Series B Notes in the Amount of 9,000,000. Approved as noted above.

XII. PUBLIC HEARINGS

1. Public Hearing to Consider Amending Chapter 250, Harbors and Town Pier Regulations (to be Known as Chapter 278, Harbors and Waterways) (Continued from July 14, 2021; August 18, 2021). Chair Bridges re-opened the hearing. Ms. Gibson introduced the item and noted a stakeholder meeting was recently held regarding concerns expressed in the prior hearings which was facilitated by Ms. Holdgate. Ms. Holdgate reviewed the concerns and said that most of them have been resolved, the outstanding issue being town pier slips and whether to maintain the current lottery or a different method of allocating slips. Harbor Master Sheila Lucey agreed and said that the general comments mostly revolved around the slip lottery and keeping it as is. Deputy Police Chief Charles Gibson reviewed the packet material and said the wording has been revised to keep the slip lottery as is. John O'Connor suggested a different method of allocating slips. Deputy Chief Gibson said the system is already mostly structured as suggested by Mr. O'Connor. Tom Szydlowski, of the Harbor and Shellfish Advisory Board, said that HSAB supports keeping the slip lottery as is. Mr. Fee commented on the live-aboard language and suggested dye tablets be required. Ms. Lucey said that dye tablets are already required. There being no further public comment, Chair Bridges closed the hearing. Mr. Fee so moved to adopt the regulations as amended and contained in the Board's packet as of October 6, 2021; as well as the fee schedule attached to the regulations as an appendix; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes. Chair Bridges thanked the staff and Ms. Holdgate for putting a lot of time into this process.

XIII. TOWN MANAGER'S REPORT

No report.

XIV. SELECT BOARD'S REPORTS/COMMENT

1. Review and Determination as to Outdoor Dining Parameters. Licensing Administrator Amy Baxter introduced the item and reviewed a list of parameters needing Select Board input and approval for public

property and private property for the continuation of outdoor dining for licensing purposes. Ms. Baxter reviewed a meeting she convened with some restaurants on this. Some discussion followed about street closures and the impact those have on traffic and businesses. She said there was some concern expressed about this during the meeting she had. Discussion followed as to a fee to be paid for the use of public property and how that might be structured and whether occupancy would be the same or additional. Ms. Baxter clarified that it would be additional. Mr. Fee commented on the need to make a fee fair and equitable because it is a significant advantage to those able to utilize public property to expand their businesses. He said that the outdoor dining set up materials need improvement. Ms. Ferrantella expressed support for outdoor dining and for collaborating to help businesses other than restaurants. Some discussion followed. Mr. Fee said those without seating need to be considered as well. Chair Bridges said he does not necessarily support street closures except for certain circumstances. Ms. Murphy said she would like to see some feedback from the Commission on Disability. Board members commented on the need to be fair and equitable. Discussion continued as to parameters. Ms. Murphy thanked Ms. Baxter for working on this with stakeholders. Ms. Baxter indicated that with the input from the Board, she will work toward developing specific parameters, including fees and any regulation changes and restaurant licensed premises changes to be brought back before the Board.

2. Committee Reports. Mr. Fee asked the Board to review an article he sent to the earlier today about electric public transit vehicles and gondolas. He said the Board members also may be contacted by Ayesha Khan about turf fields, as he recently was and recounted the general discussion which relates to litigation with PFAS manufacturers.

XV. ADJOURNMENT

Ms. Murphy moved to adjourn at 7:36 PM; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ferrantella – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

Approved the 13th day of October 2021.

SELECT BOARD
OCTOBER 6, 2021 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

III. Announcement - CCICSW Hearing More Voices Listening Circle
VIII. 1. Draft minutes of 9/29/2021
VIII. 4. Pending Contracts spreadsheet
IX. 1. Arcadis presentation re: Baxter Road Long-Term Planning; Arcadis Baxter Rd Long-Term Planning Summary of Findings – FINAL
X. 1. Gift summary & recommended motion; Fire gift memo; Our Island Home gift memo
XI. 1. AIS re: Sale of General Obligation Bonds
XI. 2. AIS re: Sale of General Obligation Bond Anticipation Notes (BAN)
XI. 1 & 2. Vote of Select Board for Sale of Bonds and BANs
XII. 1. Redline of Harbors and Waterways/Town Pier Regulations as of 10/6/2021; Email from Deputy Police Chief Gibson re: Harbor Regs - Schedule of Fees; Harbor Regs - Schedule of Fees; Portion of minutes of 8/18/2021, 7/14/2021, 6/2/21; Email from Elaine Russell
XIV. 1. Outdoor Dining Update presentation