SELECT BOARD

Minutes of Meeting of November 3, 2021. The meeting took place via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Kristie Ferrantella, Dawn 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 will 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 following announcements:

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.

3. May 2, 2022 Annual Town Meeting:
- Warrant Open for Citizen Warrant Article Submittals through 4:00 PM on November 15, 2021.

4. Select Board Announcements/Comments. No comments.

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

No follow-up items.

V. PUBLIC COMMENT

Meghan Perry expressed thanks to the Select Board and Conservation Commission (ConCom) for meeting jointly on November 1, 2021 regarding the Sconset Beach Preservation Fund (SBPF) erosion control project on Baxter Road. She asked when the Board will decide with respect to a ConCom request for special counsel in connection with an enforcement order issued by the ConCom for the removal of the erosion control project.

Sarah Ellis asked about a pending contract relating to a historical survey of the “fish lots”. Ms. Holdgate explained what the contract is for. Chair Bridges said there will be more information under Pending Contracts.

Helmut Weymar spoke in favor of continuing the Baxter Road erosion control project and said he appreciates the Board’s support for the project especially considering the historic homes along the Baxter Road bluff.

VI. COVID-19 UPDATE

1. Public Health Department Update. Human Services Director Jerico Mele spoke on current testing, positive cases and vaccine distribution. He said the positivity rate is less than 2% over the last 7 days. He said the wastewater testing report shows a low incidence of COVID, although there has been a "slow and steady" increase over the last few weeks and said that this is expected to increase with more indoor activities and holiday gatherings. He spoke on testing requests being fairly low, which is a good sign although with the increased use of rapid tests which are not reported, those numbers may not be entirely indicative of current positive cases. He reported out on the recent Centers for Disease Control (CDC) authorization for pediatric vaccinations and that a program is being established now through the Hospital and should be up and running shortly. He said the Town has ceased its booster shot program as of today and reviewed where the booster shots are being administered elsewhere. He said the Town's standing clinic is phasing out and will be closed before the end of the year. Mr. Fee asked about the level of pediatric vaccinations once underway as related to the number of COVID cases possibly expected. Mr. Mele explained this. Chair Bridges asked about the benchmark number in connection with positive cases and the mask order. Mr. Mele responded to this. Chair Bridges asked about the wastewater testing. Mr. Mele reviewed the most recent wastewater report specifics.

VII. NEW BUSINESS

No new business.

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of October 27, 2021 at 5:30 PM. Mr. Fee moved approval of items VIII 1-3; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

2. Approval of Payroll Warrants for October 31, 2021.

3. Approval of Treasury Warrants for November 3, 2021.

4. Approval of Pending Contracts for November 3, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Gibson noted that with respect to the contract with CDM Smith for water distribution system modeling for a defined area of properties west of the Airport, there should be an upcoming policy discussion/decision to be made by the Select Board regarding the potential extension of water service to this area due to PFAS found in some private wells. She suggested that prior to the Board authorizing the proposal of an appropriation, which could also generate requests for other such projects, that additional information be obtained from the Department of Environmental Protection as to the necessity of water connections due to PFAS concerns; and, a review of the "big picture" as to the capacity to pump water to additional areas. She added that the source of PFAS in this area has not been determined. Mr. Fee agreed that a "big picture" analysis is necessary and important to understand the capacity of the water system to convey water to more areas.

Sarah Ellis asked about implications to the properties contained within the aforementioned historical survey contract. Operations Administrator Erika Mooney said that she would put Ms. Ellis in touch with Town Preservation Planner Holly Backus to explain the purpose of the survey.

Ms. Murphy moved approval of the pending contracts; Ms. Holdgate seconded. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

IX. CONSENT ITEMS

1. Gift Acceptance: Our Island Home; Health and Human Services Department; Fire Department. Ms. Holdgate moved to approve the gifts as contained in the Board's agenda materials with thanks to the donors; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

X. CITIZEN/DEPARTMENTAL REQUESTS/REPORTS

1. Richmond Great Point Development: Request for Confirmation of Waiver of Sewer Connection Permit Fees for Six (6) Units of 50% AMI (Area Median Income) Restricted Units within Wildflower Acceleration Portion of Meadows II Rental Community off Old South Road. Housing Director Tucker Holland introduced the item and said that previously there was a general agreement that sewer connection fee waivers for the affordable units within the Richmond development that meet the criteria of the Select Board's sewer fee waiver policy, would be approved. He recommended waiving the sewer connection fees for the requested 50% AMI units, and noted that the Sewer Fee Waiver Policy also allows for the waiver of 75% of the sewer connection fees for 100% AMI units, of which there are six. Mr. Fee asked as to conditions being met as outlined in all previous agreements. Mr. Holland said pursuant to a previous update to the Board pre-COVID, at that time all conditions had been met but at this moment in time, he could not be definitive about that. Mr. Fee moved approval of the request as submitted as well as waiving 75% of the sewer connection fees for the six 100% AMI units, provided that all conditions have been met; he added he would like the Board to get an update on the conditions; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

XI. TOWN MANAGER'S REPORT

1. Review of Proposed Revisions to Sewer Regulations. Ms. Gibson introduced the item, noting that in the spring of 2020, the Board acting as the Sewer Commissioners, adopted amended sewer regulations and, since then some issues have arisen which require additional amendments to resolve, including situations when a private property owner seeks to extend a sewer line along a road or way at their expense outside of a Sewer Needs Area. Ms. Gibson said that there have been issues with other property owners who have not been made aware of the extension and find themselves in a position where they are unexpectedly required to connect. She noted other issues are addressed as well, including the potential for waivers or fee reductions in certain cases for year-round property owners and Fats Oils and Grease (FOG) amendments intended to provide for additional protections to the Town for the disposal of FOG material which can be very damaging to the sewer system. She thanked Sewer Director David Gray; Operations Administrator Erika Mooney; a team from Hazen Sawyer, the Town's consultant on sewer regulations; and Town Counsel. She introduced Saya Qualls of Hazen Sawyer to provide an overview of the proposed amendments. Ms. Qualls reviewed an Executive Summary of the proposed amendments as contained with the Board's agenda packet. Mr. Fee asked about an amendment relating to Town Meeting approval of sewer regulations. Town Counsel John Giorgio explained. Mr. Fee asked about "tiering" sewer fees and whether or not granting certain waivers for "public purposes" requires a home rule petition, such as for first-time home buyers. Mr. Giorgio said that in general tying certain waivers to "public policy" can, in some circumstances be authorized through a policy of the Board/Sewer Commissioners but that special legislation is advisable. Mr. Fee asked the Board to consider the implications of private sewer line extensions and the various circumstances under which those extensions might be necessary or desired; and, who should pay. Some discussion followed. Mr. Fee advocated for betterments to fund private sewer extensions. Discussion continued. Mr. Giorgio noted that no one has a "right" to install a sewer extension and reviewed the Town's discretionary authority to regulate and/or approve them. Discussion continued on

various scenarios to illustrate what is intended to be accomplished and how to best lay out a process for private sewer line extensions. Mr. Giorgio said that the regulations as currently drafted allow the Board leeway to make discretionary decisions regarding sewer extensions; and, an internal policy could be used to lay out what is required in order for the Board to consider a sewer extension. Mr. Fee spoke about coastal resilience and sea level rise as related to sewer extensions. He said sewer extensions in low-lying areas should perhaps not be encouraged. Mr. Giorgio asked if the Board wants him to draft a home rule petition to allow the Board to waive or partially waive sewer connection fees based on residential exemption status. Ms. Holdgate said she would like to have the option. Ms. Ferrantella expressed support. Mr. Fee said he does not think it is needed. Ms. Holdgate moved to authorize Mr. Giorgio to draft a home rule petition; Ms. Ferrantella seconded. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – No; Ms. Murphy – Yes. Ms. Holdgate moved to schedule a public hearing on the regulations; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes. Mr. Gray thanked the staff and consultants for their time on this, noting it took a lot of time and effort. Mr. Fee expressed support for the FOG amendments, noting they are in-line with industry standards.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Continuation of Consideration/Discussion/Adoption of Select Board Position Statement Regarding Baxter Road Erosion Control Project (Continued from October 20, 2021). Chair Bridges referred the Board to a document in the materials for the meeting, which contains notes compiled from public feedback received on this statement at the Board's October 20th meeting. He reviewed the Board's options regarding the document, such as adopt it, further amend it, continue discussing it. He continued to review the sections of the draft statement and suggested a minor amendment to the "Town Goal" section. No comments. He asked for comment on items 1 – 8 under ''Town Concerns". No comments from either the Board or the public. Under the section "Town Strategy Moving Forward", Ms. Murphy noted prior discussion on the definition of the word "harm" as contained in item #7 under this section, saying she wanted to further review this herself through other documents, such as the Arcadis report on Baxter Road options. Mr. Fee said he doubted the Arcadis report would be helpful for this, but that additional general language may be more appropriate. Ms. Murphy concurred and said the statement is dynamic and can be modified as needed going forward. Ms. Holdgate agreed and commented that the statement is not a policy. Ms. Murphy agreed and said it is more of a guide for the Board to explain to the community as to how it is proceeding with the Baxter Road erosion control project. Some discussion followed. Mr. Fee reviewed several of the numbered items under various categories and spoke on the reasoning behind them. Ms. Murphy suggested removing item 10 under Town Strategy Moving Forward and making a minor revision to items 1 and 1a. The Board was in general agreement to make this change. Chair Bridges asked for public comment. Burton Balkind asked if the items are listed in order of importance. Chair Bridges said no. Bob Burke of 31 Baxter Road thanked the Board for its hard work on this issue and commented that he feels the Board's process is very transparent. David Golden of 70 Baxter Road, concurred with Mr. Burke, saying he appreciates the Board's work to find a way forward. Fred Singer of 63 Baxter Road agreed that it has been helpful to see and hear the Board's deliberations, adding that there are numerous historic landmarks on Baxter Road and hopes that the project could be a model for a public-private partnership for other such situations across the island. Mr. Fee reviewed some comments he had in general about measures to be taken in light of coastal resiliency in vulnerable areas such as this. Ms. Murphy said the Board can bring the statement back at any time as the situation and/or circumstances may change. The Board generally agreed not to take a vote to adopt the statement, but to keep it as discussed for now and revisit it as necessary.

2. Discussion Regarding Establishment of Special Commission to Review Alternative Forms of Town Government: Open Town Meeting vs Representative Town Meeting. Chair Bridges noted it might be also the form of government in addition to town meeting options. Ms. Murphy spoke on what the goal of a special commission might be, including a thorough review of the choices available to the town, with community focus groups, with a report back through the Board to Town Meeting. She emphasized the need for the community to be thoroughly educated on options. Chair Bridges spoke on the need to determine what sort of resources this effort might need. Ms. Ferrantella suggested a commission be comprised of the former Town Government Study Committee members if they were agreeable, along with other members of the community. She said this could be a multi-year process and most likely does not need to be rushed. Ms. Murphy asked Ms. Ferrantella asked about her thoughts for administrative support, since Ms. Ferrantella previously served on the Committee. Ms. Ferrantella said she thinks the Commission should talk with and meet with officials from other towns, and that staff resources are not necessary. Ms. Holdgate agreed. Chair Bridges said he thinks this is a good start but doesn't think that, without proper resources, the effort will go very far. Ms. Ferrantella suggested the commission look at a town that has recently changed its form of government to determine what resources were used. Mary Longacre asked if a consulting firm should be hired to conduct the necessary research. Some discussion followed on this. Ms. Murphy commented that she does feel there are other priorities right now but has concerns if the effort does not start at some point soon. Some discussion followed. Diane Coombs commented on what towns to review and urged that care be taken on which towns should be reviewed. Some further discussion followed as to the effectiveness of the open town meeting. Ms. Murphy suggested that the Town Manager's office reach out to the prior Committee and see if they are willing to come back and review a potential consultant for this work. There was general consensus to pursue in this manner.

3. Committee Reports. No reports.

XIII. ADJOURNMENT

At 7:30 PM, Ms. Murphy moved adjournment; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Holdgate – Yes.

Approved the 10th day of November 2021.

SELECT BOARD
NOVEMBER 3, 2021 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

VIII. 1. Draft minutes of 10/27/2021
VIII. 4. Pending Contracts spreadsheet
IX. 1. Gift summary & recommended motion; Our Island Home gift; Health & Human Services gift; Fire Dept. gift
X. 1. AIS re: sewer fee waiver for Richmond - Wildflower/Meadows II; Email from David Armanetti/Richmond; SB Policy for Sewer Fee Waiver Requests; 2015 Richmond - Town Memorandum of Agreement; 2019 Richmond - Town Memorandum of Agreement; 2016 Sewer Connection & Dedication Agreement; 2019 Waiver of Sewer Connection Permit Fees letter; Meadows II Site Plan; 2021 Wildflower Memorandum of Understanding; Wildflower Grant & Loan Agreement
XI. 1. Executive Summary for proposed revisions to Chapter 336, Sewer Regulations; Redline proposed changes to Sewer Regulations
XII. 1. Draft SB position statement re: Sconset Bluff Erosion Control Project
XII. 2. Town Government Study Committee - Forms of Government