



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25
All meeting **notices and agenda** must be filed and time stamped with the
Town Clerk's Office and posted at least 48 hours prior to the meeting
(excluding Saturdays, Sundays and Holidays)

RECEIVED

2022 DEC 16 PM 02:22
NANTUCKET TOWN CLERK
Posting Number:T 1123

Committee/Board/s | SELECT BOARD

Day, Date, and Time | WEDNESDAY, DECEMBER 21, 2022 AT 5:30 PM

Location / Address | PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND
REMOTE PARTICIPATION VIA ZOOM WEBINAR

**Signature of Chair or
Authorized Person** | ERIKA MOONEY

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF
MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML
STATUTE, NO MEETING MAY BE HELD!

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

YOU TUBE LINK FOR VIEWING ONLY:

<https://youtu.be/eoPjrVvPEcA>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_LOGZA9i-Q_m0Feo-kY19GA

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Town Offices will be Closed Monday, December 26, 2022 in Observance of Christmas and Monday, January 2, 2023 in Observance of New Year's Day.
 3. No Select Board Meeting on Wednesday, December 28, 2022.
 4. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of December 14, 2022 at 5:30 PM; Amended Minutes of November 2, 2022 at 5:30 PM.
2. Approval of Treasury Warrants for December 21, 2022.
3. Approval of Pending Contracts for December 21, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Gift Acceptance: Natural Resources Department; Fire Department.
2. Short-Term Rental Work Group: Update from Facilitator.
3. Preservation Planner: Update on FY 2021 Massachusetts Historical Commission Project/Certified Local Government Status.
4. Licensing: Request for Renewal of Annual Licensing Categories Including Common Victualler, Local Entertainment, Rental Car Agencies, Motor Vehicle Sales Class I, II and III, Mobile Food Units and Local Flower/Produce Vendors.
5. Licensing: Request for Renewal of Annual Liquor Licenses.

IX. REAL ESTATE ITEMS

1. Request for Approval and Execution of Licenses with the Nantucket Islands Land Bank for Land Bank to Provide Public Access to Land Bank's 19 East Creek Road Property:
 - a) License Agreement - East Creek Road (Roadway Improvements Using a Portion of the Town Roadway Layout Shown as "Proposed License Area" on Drawing Entitled "License Agreement Exhibit Plan East Creek Road"; Construction, Maintenance and Repair of Boardwalk to Provide Public Access to 19 East Creek Road Public Dock and Viewing Deck and Minor Grading to Accommodate an Accessible Parking Space on Adjacent Town-owned Property).
 - b) License Agreement to Construct, Maintain and Repair a Parking Space on Town-owned Property to Provide Access to 19 East Creek Road Public Dock and Viewing Deck, Remove Invasive Species, Add Additional Native Plantings and Construct, Maintain and Repair an American with Disabilities Act-Compliant Connector Path to Our Island Home.
2. Request for Approval and Authorization for Town Counsel to Execute Assent to Complaint to Recognize Taking and Approve Plan, for Taking of Hawthorne Street, Vernon Street and Nonantum Avenue.
3. Request for Approval and Authorization for Town Counsel to Execute Assent to Complaint to Recognize Taking and Approve Plan, for Taking of Vernon Street and Waverly Street.

X. PUBLIC HEARINGS

1. Public Hearing to Consider the Takings of the Fee or Lesser Interests, Together with any Public or Private Rights of Passage of All or Any Portions of the Following Paper Streets, Authorized by MGL Chapter 79 and Town Meeting Votes Noted Below:

- a) Lots A and B, Masaquet Avenue, Lot C, Masaquet Avenue and Atlantic Avenue and Lot D, Masaquet Avenue and Atlantic Avenue on Plan of Land Entitled "Roadway Acquisition Plan in Nantucket, Mass. of Portions of Unconstructed 'Masaquet Avenue' 'Atlantic Avenue'," Prepared by Bracken Engineering, Inc., Dated June 13, 2022 and Recorded at Nantucket County Registry of Deeds as Plan No. 2022-48, Pursuant to Vote on Article 98 of 2011 Annual Town Meeting for Public Ways and/or General Municipal Purposes.
 - b) Magnolia Avenue, Shown as Lots P-1, P-2, P-3, P-4 and P-5 and Easements E-1 and E-2 on Plan of Land Entitled "Taking & Easement Disposition Plan, Magnolia Ave./East of Ocean Ave., Siasconset, Nantucket, Mass., prepared for: Town of Nantucket," Prepared by Blackwell & Associates, Inc., Dated October 26, 2022 and Recorded at Nantucket County Registry of Deeds as Plan No. 2022-51, Pursuant to Vote on Article 87 of 2012 Annual Town Meeting for Open Space Purposes.
2. Public Hearing to Consider Utility Petition from Verizon New England Inc. for Plan #MA2022-39 to Place One 4" Conduit Approximately 453' Beginning at Existing Manhole (MH 3138) on the Southerly Side of Madaket Road, Extending in a Westerly Direction along Madaket Road Approximately 344' to Existing Manhole (MH 3138-2) to Provide Service to 262 Madaket Road.

XI. TOWN MANAGER'S REPORT

1. Diversity Equity Inclusion (DEI) Director: End of Year Report.
2. Continued Discussion on FY 2024 General Fund Budget.
3. Continued Preliminary Review of Town-Sponsored Warrant Articles for 2023 Annual Town Meeting and/or Ballot Questions for 2023 Annual Town Election.
4. Monthly Town Management Report.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Request from Airport Counsel for Select Board to Consent to Waive Potential Conflict to Represent Keep Nantucket Real Fund/Community Foundation for Nantucket with Respect to Whether Historic District Commission has Authority to Appoint Advisory Committees.
2. Committee Reports.

XIII. ADJOURNMENT

****Identified on Agenda Protocol Sheet***

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
DECEMBER 21, 2022

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Residential Lease Agreement	Town Administration	Town of Nantucket Affordable Housing Trust Fund	\$45,576 (annual)	Lease Agreement for Town Employee Housing at 14 Somerset Rd	Town Administration Budget	November 1, 2022 - October 31, 2023
Restated Land Lease: 1 Milestone Rd – Solar Project	Town of Nantucket/Select Board; Nantucket Water Commission	TotalEnergies Distributed Generation USA	(\$1)	Restated land lease agreement, extending contract period from 20 to 25 years, as authorized by 2016 Annual Town Meeting Article 90 “Lease of Town Land for Renewable Energy Projects”	n/a	25 years
First Amendment to the Agreement for Payment in Lieu of Taxes (“PILOT”): 1 Milestone Rd – Solar Project	Town of Nantucket/Select Board	TotalEnergies Distributed Generation USA	(\$651,885)	Contract for reassessed PILOT (“Payment In Lieu of Taxes”) paid by solar developer to Town of Nantucket as authorized by 2016 Annual Town Meeting Article 91 “PILOT Agreements for Renewable Energy Facilities”	n/a	25 years
Amended and Restated Net-Metering Credit Purchase Agreement: 1 Milestone Rd – Solar Project	Town of Nantucket/Select Board (Nantucket Water Commission)	TotalEnergies Distributed Generation USA	(\$6,788,361)	Amended and restated contract for discounted electric bill credits generated by Standalone Solar Tariff Generation Unit (STGU) at 1 Milestone Road due to design modifications	n/a	25 years
Engineering, Procurement and Construction Agreement (“EPC”): Solar-PV System at Surfside WWTF	Sewer Department	TotalEnergies Distributed Generation USA	\$64,969	Contract for the design and purchase of a 106.2 kWDC solar-PV system, with primary funded from \$200,000 MassDEP grant	Municipal Operation Aggregation Adder Revolving Fund	N/A
Grant Agreement	Council on Aging	Elder Services of Cape Code and the Island, Inc	(\$7,500)	Grant to provide home modification services	Federal “Title III” Grant	October 1, 2022 - September 30, 2023

Professional Services Agreement	IT	Center for Internet Security, Inc (CIS)	\$13,980.00	ALBERT Network monitoring system to enhance cyber security readiness and response	IT Budget	December 21, 2022 - December 31, 2023
Amendment to Professional Services Agreement	Marine Department	Robert B. Our, Marine Division, LLC	Add \$41,682.07 to original contract amount of \$3,633,361.40 for new contract total of \$3,675,043.47	Amendment to existing contract for Town Pier Improvements to add welded bottom plates for wave break piles	Article 13 - ATM 2020	September 13, 2022 - September 6, 2025
Purchase Agreement	Natural Resources	Fisher Scientific	\$12,000	Purchase of Fisherbrand SterilElite 40L Tabletop Autoclave and Installation	Natural Resources Budget	December 12, 2022 - June 30, 2023
Professional Services Agreement	Our Island Home	Encore Fire Protection	\$7,565.98	Replacing leaking pipe on dry sprinkler at Our Island Home	OIH Budget	December 14, 2022 - March 1, 2023
Amendment to Professional Services Agreement	Department of Public Works	BETA Group, Inc	N/A	Amendment to existing contract for MUP Design: Williams, Sparks and Pleasant St. to extend the contract term to November 1, 2023.	N/A	November 6, 2019 - November 1, 2023
Amendment to Professional Services Agreement	Sewer Department	Robert B. Our Co, Inc.	Add \$26,369.89 to original contract amount of \$5,621,781.72 for new contract total of \$5,648,151.61	Amendment to existing contract for Surfside Rd Area Sewer System Improvements	Article 16 ATM 2020	May 12, 2021 - January 13, 2024
Professional Service Agreement	Town Clerk	Kofile Technologies, Inc.	\$45,000	Restoration and Preservation Service of Annual Municipal Records including Births, Deaths, Marriages, Street Lists, Town Meeting Records	Town Clerk Budget	December 21, 2022 - December 31, 2025

SELECT BOARD AGENDA PROTOCOL:

Roberts Rules: The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

Select Board Report and Comment: Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

Approved on February 17, 2021