

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Kristie L. Ferrantella
Dawn E. Hill Holdgate
Melissa Murphy



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD FEBRUARY 16, 2022 - 5:30 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:

<https://youtu.be/T12zKnDqSB8>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_9UsrcimAQEK80wwQ7YxKhW

- 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, February 21, 2022 in Observance of Presidents' Day.
 3. 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 February 7, 2022 at 4:00 PM; February 9, 2022 at 5:30 PM.
 2. Approval of Treasury Warrants for February 16, 2022.
 3. Approval of Pending Contracts for February 16, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Capital Program Committee: Review of FY 2023 Capital Program Committee Report.

IX. PUBLIC HEARINGS

1. Nantucket Sewer Commission: Public Hearing to Consider Amendments to Nantucket Town Sewer District Pursuant to Section 10 of the Nantucket Sewer Act Regarding Articles 73, 74 and 75 of the 2022 Annual Town Meeting.

X. TOWN MANAGER'S REPORT

1. Review of Proposed Amendments to Biodegradable Packaging Regulations.
2. Review of Hybrid Meeting Protocol.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review of Revised Request for Proposals for the Lease of Portion of 1 Shadbush Road for Construction and Operation of a Shooting Park Pursuant to Select Board Discussion from September 22, 2021.
2. Committee Reports.

XII. ADJOURNMENT

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

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

NOTICE OF COMMITTEE OPENING

The Select Board is accepting applications to fill a vacant Alternate seat on the Planning Board. Interested individuals may obtain a "Committee Interest Form" at <https://www.nantucket-ma.gov/DocumentCenter/View/105/Standard-Committee-Application?bidId=>. Information on the mission of the Planning Board can be viewed at <https://www.nantucket-ma.gov/315/Planning-Board>. Completed applications can be mailed or hand delivered to Town Administration, 16 Broad Street, Nantucket, MA 02554 or emailed to emooney@nantucket-ma.gov.

Applications must be submitted by 12:00 PM on Friday, February 25, 2022, for a Select Board meeting on Wednesday, March 23, 2022 where applicants can introduce themselves and review their applications, and appointments will be made.

Select Board
Planning Board Alternate Vacancy Appointment Timeline
As of 2/4/2022

February 4 – Advertise Planning Board Alternate vacancy on Town's website

February 10 and February 17 – Advertise Planning Board Alternate vacancy in the Inky

February 16 and February 23 – Planning Board Alternate vacancy to be added to Select Board agendas as announcement

February 25 at 12:00 PM – Deadline for submitting applications for Planning Board Alternate vacancy

March 9 and March 16 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board's packet.

March 23 – Meeting for applicants to introduce themselves and review their applications; Planning Board Alternate appointment.

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
FEBRUARY 16, 2022
*****AMENDED February 14, 2022*****

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Grant Agreement	Culture & Tourism	Massachusetts Cultural Council	(\$7,500)	Grant to support Celebrating Diversity of Nantucket's Cultural Heritage initiative	State Grant	February 16, 2022 - June 30, 2022
Grant Agreement	PLUS	Mass. Dept. of Energy Resources	(\$160,988)	Grant to fund energy conservation measures at multiple Town office spaces, including PTAC unit replacement, air source heat pump, LED lighting, Wi-Fi thermostats & admin. assistance	State Grant	February 16, 2022 - September 30, 2023
License Agreement	Town Admin	Nantucket County Sheriff	(\$5,940)	License for Nantucket County Sheriff to use 1 st floor of 20 S. Water St. for Sheriff's Office	n/a	April 15, 2022 - April 14, 2023
Service Agreement	Town Admin	CivicPlus, LLC	\$5,685.85	Updates to Town Website to include additional pages for Housing projects	Town Admin Budget	February 16, 2022 - February 15, 2023
Professional Service Agreement	Natural Resources	Arcadis U.S., Inc.	\$20,000	Massachusetts Municipal Vulnerability Preparedness (MVP) grant program application development services with focus on Downtown Neighborhood Flood Barrier project	Article 10/2019 ATM	February 16, 2022 - July 31, 2022
Professional Service Agreement	Our Island Home	CyraCom/Vizient Supply, LLC	\$5,000	Healthcare translation services & related equipment for OIH	OIH Budget	February 16, 2022 - February 15, 2023
Professional Service Agreement	Our Island Home	Eisenstein Flaherty & Associates	\$16,000	Financial consultant to train OIH business office personnel	OIH Budget	February 16, 2022 - June 30, 2022
Amendment to Professional Service Agreement	Our Island Home	Harmony Healthcare	Add \$25,000 to original contract amount of \$100,000 for new contract	Amend existing contract for MDS RN services to allow for additional hours as needed	OIH Budget	February 16, 2022 - June 30, 2022

			total of \$125,000			
Professional Services	Town Administration/DPW Facilities	SMRT, Inc.	\$49,000	Preparation/oversight of bid documents for exterior repairs to Town-owned buildings at 16 Broad St, 20 S Water St, 1 E Chestnut St	Article 10/2021 ATM	Feb 1, 2022 - March 1, 2023
Memorandum of Understanding	Select Board	Verizon New England, Inc.	n/a	MOU to allow Verizon to conduct alterations, maintenance, repairs and/or modifications on approx. 250 utility poles	n/a	February 16, 2022 - May 27, 2022

[Adopted 4-5-1977 ATM by Art. 23, approved 8-30-1977]

§ 11-6 Establishment; membership.

[Amended 4-10-1995 ATM by Art. 58, approved 5-22-1995]

There shall be a Capital Program Committee consisting of seven voting members.

- A. Four voting members will be appointed by the Select Board with terms beginning and ending with the fiscal year, July 1 through June 30. With the exception of the first appointments, each term will be three years. The first Select Board appointments will be as follows: Committee members one and two initial appointments will carry a one-year term; Committee member three initial appointment will carry a two-year term; and Committee member four initial appointment will carry a three-year term. After the initial terms, terms will follow the three-year rotation.
[Amended 6-25-2020 ATM by Art. 70, approved 10-27-2020]
- B. A fifth voting member shall be appointed by the Select Board; a sixth voting member shall be appointed by the Finance Committee; the seventh voting member shall be appointed by the Nantucket Planning and Economic Development Commission. Each of the fifth, sixth and seventh members must be members of the Board, Commission or Committee at the time of appointment. Board, Commission or Committee appointments shall be for one fiscal year and coterminous with the Town's fiscal year or at cessation of the member's term of appointment, whichever first occurs.
[Amended 6-25-2020 ATM by Art. 70, approved 10-27-2020]
- C. Members may be reappointed for consecutive terms.
[Amended 4-4-2011 ATM by Art. 66, approved 7-26-2011]
- D. The Capital Program Committee shall have a Chairman, Vice Chairman and a recording secretary. Each of the preceding members shall be elected by the Committee, and the elected term shall be for one fiscal year.
- E. Vacancies occurring shall be filled in the same manner as the original appointment, for the remainder of the unexpired term.

§ 11-7 Meetings.

[Amended 4-10-1995 ATM by Art. 58, approved 5-22-1995; 4-4-2011 ATM by Art. 66, approved 7-26-2011]

The Capital Program Committee shall meet at such times and in such places as it shall determine necessary to investigate and evaluate any proposed public-funded capital expenditure as defined in § 11-12.2. Such investigation and evaluation shall be done at public meetings held after due public notice.

§ 11-8 Compensation.

[Amended 4-4-2011 ATM by Art. 66, approved 7-26-2011]

The members of the Capital Program Committee shall not be paid for their services.

§ 11-9 Issuance of reports.

[Amended 4-4-2011 ATM by Art. 66, approved 7-26-2011; 6-25-2020 ATM by Art. 70, approved 10-27-2020]



The Capital Program Committee shall issue a report or reports on each proposed capital expenditure, which report may include the findings of the Capital Program Committee concerning the need for the project, the cost of the proposed project, the ability of the Town of Nantucket to pay for the proposed project and other information deemed by the Capital Program Committee to be relevant. Such reports shall be made to the Select Board and Finance Committee at least 30 days prior to the date of the Town Meeting called to vote on any proposed capital expenditure.

§ 11-10 Ex officio member.

[Amended 4-10-1995 ATM by Art. 58, approved 5-22-1995; 4-4-2011 ATM by Art. 66, approved 7-26-2011]

The Town Manager or the Town Manager's designee shall be an ex officio member of the Capital Program Committee but shall have no vote in the proceedings of the Committee.

§ 11-11 Evaluation and report.

[Amended 11-29-1988 STM by Art. 5, approved 2-7-1989]

No nonrecurring capital expenditure shall be voted on or considered by a Town Meeting until such proposed capital expenditure shall have been evaluated by the Capital Program Committee and until said Committee shall have made a report of its findings as stated herein; provided, however, that for all Town Meetings after March 1, 1982, a report by the Finance Committee shall satisfy all of the requirements of this Chapter 11.

§ 11-12 Neglect or failure to act.

[Added 11-29-1988 STM by Art. 5, approved 2-7-1989]

Notwithstanding the foregoing Chapter 11, the Finance Committee of the Town of Nantucket shall operate as the Capital Program Committee and shall have all rights and duties of such Committee at any time such Capital Program Committee fails or neglects to act. The Finance Committee recommendations on Town Meeting Articles shall be sufficient for fulfilling the reporting requirements of §§ 11-9 and 11-11.

§ 11-12.1 Projected funding.

[Added 4-10-1995 ATM by Art. 58, approved 5-22-1995; amended 4-4-2011 ATM by Art. 66, approved 7-26-2011]

The Town shall spend on capital projects a minimum of 1% of total Town local receipts collected in the prior fiscal year plus 1% of the total real estate and personal property taxes collected in the prior fiscal year. If local receipts fall below the 1% minimum, the Town may forego the funding requirement.

§ 11-12.2 Capital expenditure defined.

[Added 4-10-1995 ATM by Art. 58, approved 5-22-1995]

- A. A capital expenditure is a nonrecurring expenditure for land, buildings and/or building improvements having a useful life equaling or exceeding 10 years or an expenditure for municipal infrastructure and equipment having a useful life equaling or exceeding five years.
- B. Furthermore, capital expenditures must have aggregate direct and indirect costs, even if expended in multiple fiscal years, equaling or exceeding a dollar amount to be hereafter set forth by the Capital Program Committee. Any change in the dollar amount must have a two-thirds-majority vote by the Committee. Furthermore, \$50,000 is to be established as the initial amount until otherwise set forth in accordance with this article.

TOWN OF NANTUCKET – CAPITAL PROGRAM COMMITTEE

FY23 REPORT AND RECOMMENDATIONS

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INTRODUCTION

The Town of Nantucket (Town) continues to recognize that procurement, construction, and maintenance of its capital assets are critical activities essential to its future fiscal health and the appropriate delivery of services to citizens and businesses. Arising therefrom, the primary objective of Capital Program Committee (CapCom) is to develop, carefully plan, and to maintain a comprehensive Capital Improvement Plan (CIP) that promotes stability and stewardship. The foregoing, and all aspects of this report that follow, per revisions to Town Financial Policies & Procedures (FP&P) adopted by the Select Board, November 16, 2016. The FP&P represent a best practice requirement of the Town to participate in, and benefit from, the Massachusetts Community Compact program.

This report is the culmination of many dedicated hours of the CapCom, our Town Manager & Administration, the Finance Department, Department Heads, and others. CapCom is grateful for their ongoing assistance—appropriate development and success of the CIP depends on each of these efforts and objective professionalism—we take this opportunity to thank all involved for their timely contributions.

The Chair takes this opportunity to thank each of committee member listed below; your continued interest and regular engagement is a testament to community involvement; your patience through seemingly endless meetings is a worthwhile endeavor; you are planting trees whose shade you may never sit in—thank you for your efforts.

Respectfully, the Town of Nantucket Capital Program Committee:

Chair, At-large Rep – Stephen Welch
Vice Chair, FinCom Rep – Jill Vieth
Secretary, At-large Rep – Richard Hussey
Select Board Rep – Jason Bridges
NP&EDC Representative – Kristie Ferrantella
Member-At-Large Rep – Peter Kaizer
Member-At-Large Rep – Christy Kickham

SUMMARY OF CAPITAL ALLOCATIONS (BY ACCOUNT)

For Fiscal Year 2023 (FY23), of 100 requests totaling \$100.25M, the Capital Program Committee recommends capital allocations for 92 requests totaling \$97.59M.

(Note: Amounts throughout are reported in \$M with known, minor rounding deviations)

GENERAL FUND & ENTERPRISE ACCOUNTS TOTAL: \$97.59M

GENERAL FUND

Dept. Public Works (DPW)	
Facilities	\$.65M
General	\$.54M
Transportation	\$ 7.48M
Fire Dept.	\$ 1.25M
Hazard Mitigation	\$ 2.25M
Health & Human Services	\$.10M
IS/GIS	\$.56M
Marine	\$ 2.4M
Natural Resources	\$.10M
Police	\$ 4.99M
School	\$ 16.95M
Town Administration	\$ 21.93M
General Fund Total:	\$ 59.18M

ENTERPRISE ACCOUNTS

Airport	\$ 20.34M
Our Island Home	\$ 8.65M
Sewer	\$ 6.15M
Solid Waste	\$ 3.07M
Wannacomet Water Company	\$.20M
Enterprise Accounts Total:	\$ 38.40M

See too:

- Appendix A – Capital Requests by Account & Department (w/Request Descriptions)

SUMMARY OF FUNDING SOURCES

Shown are funding sources for General Fund & Enterprise Accounts:

GENERAL FUND & ENTERPRISE ACCOUNTS TOTAL: \$97.59M

GENERAL FUND

Ambulance Reserve Fund	\$0.53M
Borrowing ¹	\$6.63M
Capital Exclusion ²	\$1.02M
Chapter 90 Funds	\$1.10M
Debt Exclusion ³	\$41.90M
FEMA Grant	\$0.31M
Free Cash	\$7.04M
Raise & Appropriate ⁴	\$0.67M
General Fund Total:	\$59.18M

¹ = Town Manager anticipates these may be funded w/in Prop. 2-1/2 Levy Limit

² = See "Capital Exclusions" in Projected Taxpayer Impacts on pg. 5, which incl. request not shown here (DPW-23-012 Fleet-Mechanic's Truck \$0.12M) that CapCom rec. for out-year funding, TM rec. current year.

³ = See Projected Taxpayer Impacts on pg. 5.

⁴ = Funded by Annual Required Capital Investment (1% of prior year's total Local Receipts + 1% of prior year's total collected Real Estate & Personal Property Taxes) = \$1,070,000.00 (FY23)

ENTERPRISE ACCOUNTS

Borrowing ¹	\$27.44M
Capital Exclusion ³	\$0.04M
Debt Exclusion ³	\$8.50M
Free Cash	\$1.35M
Raise & Appropriate	\$0.40M
Reappropriation	\$0.18M
Retained Earnings	\$0.50M
Enterprise Accounts Total:	\$38.40M

¹ = Typically paid by user fees (unless a General Funds subsidy is required; if such subsidy is required, prior to the issuance of debt, individual projects must be analyzed for impact on tax rates).

² = AIP Grant funding sought to pay up to 90% cost; MASSPORT funding may be available to cover up to 5%

³ = See Projected Impacts on pg. 5.

See too:

- Appendix B – Capital Requests by Funding Source
- Appendix F – Typical MA Municipal Capital Funding Sources

FY23 REQUESTS ≥ \$1M (BY ACCOUNT)

Shown are capital requests of greater than or equal to \$1M, by Fund-type, keyed to each request's Project Code:

GENERAL FUND

ADMIN	Seasonal Employee Housing	\$8.50M
ADMIN	2 Fairgrounds Municipal Office Building	\$6.00M
ADMIN	PFAS Groundwater soil investigation	\$2.00M
ADMIN	Affordable Housing	\$1.63M
ADMIN	Baxter Road Relocation Planning	\$1.50M
DPW - TRAN.	Pleasant St. Repaving w/Sidewalk Upgrade (Silver to Main)	\$2.00M
DPW - TRAN.	Road Improv./Maint. Island Wide (SB Strategic Plan)	\$2.00M
DPW - TRAN.	Sidewalk Improvement Plan (SB Strategic Plan)	\$1.10M
MARINE	Renovate/reconstruct Harbormaster Bldg. (Supplemental)	\$2.00M
POLICE	LORAN Seasonal Housing Repairs Phase II	\$4.50M
SCHOOL	Campus-wide Improvements	\$16.40M

ENTERPRISE ACCOUNTS

AIRPORT	Airport Rescue and Fire Fighting Truck-AIP	\$1.00M
AIRPORT	A220 Gate Hardstands	\$1.10M
AIRPORT	Airport Master Plan-AIP	\$1.30M
AIRPORT	Commuter Apron Reconstruction-AIP	\$6.40M
AIRPORT	Terminal Improvements-AIP	\$8.00M
OIH (E)	Our Island Home Facility	\$8.50M
SEWER	Surfside WWTF Membrane Upgrades (Supplemental)	\$1.00M
SEWER	Capacity, Management, Operation & Maint. (CMOM)	\$2.00M
SEWER	PFAS Removal and Treatment	\$2.50M

See too:

- Appendix A – Capital Requests by Account & Department

PROJECTED COST OF BORROWING IMPACTS

Project/Purpose	Type of Exclusion	Residential		Com./Ind./PP		Open Space	
		Projected Rate	Projected Increase	Projected Rate	Projected Increase	Projected Rate	Projected Increase
Capital Equipment Exclusion ¹	Capital	\$3.79	\$0.0461	\$6.48	\$0.0785	\$3.58	\$0.0466
Our Island Home Facility-Design/OPM* Enterprise Account	Debt	\$3.76	\$0.0245	\$6.44	\$0.0416	\$3.56	\$0.0262
Loran Seasonal Housing Repairs Phase 2	Debt	\$3.75	\$0.0130	\$6.42	\$0.0219	\$3.55	\$0.0153
New Senior Center Feasibility Study	Debt	\$3.74	\$0.0015	\$6.40	\$0.0022	\$3.53	\$0.0044
2 Fairgrounds Office Building- Design & OPM	Debt	\$3.76	\$0.0173	\$6.43	\$0.0293	\$3.55	\$0.0194
Renovate/reconstruct Harbormaster Building (Supplemental)	Debt	\$3.75	\$0.0058	\$6.41	\$0.0096	\$3.54	\$0.0085
Seasonal Employee Housing-Construction	Debt	\$3.76	\$0.0245	\$6.44	\$0.0416	\$3.56	\$0.0262
Pleasant Street Repaving w/Sidewalk Upgrade-Silver to Main	Debt	\$3.75	\$0.0058	\$6.41	\$0.0096	\$3.54	\$0.0085
PFAS Groundwater Soil Investigation	Debt	\$3.75	\$0.0058	\$6.41	\$0.0096	\$3.54	\$0.0085
Nantucket Public Schools-Campus-wide Improvements	Debt	\$3.79	\$0.0473	\$6.48	\$0.0806	\$3.58	\$0.0477
Totals:		\$3.73	\$0.1024	\$6.37	\$0.1735	\$3.54	\$0.1118

Assumptions:

- Assumptions are based on FY22 approved values and tax rates using a shift of 1.70 and Residential Exemption of 25%
- FY22 Residential Tax Rate before Capital & Debt Exclusion is \$3.74 per thousand.
- FY22 Commercial Tax Rate before Capital & Debt Exclusion is \$6.40 per thousand.
- FY22 Commercial Tax Rate before Capital & Debt Exclusion is \$3.53 per thousand.
- CIP=Commercial, Ind. & Personal Property. \$2.27M was selected as the benchmark assessment for commercial properties
- Principal and Interest charges are based on 4% over 20 years

Notes:

- ¹ = Includes DPW-23-012 Fleet Mechanic's Truck recommended by TM for the current FY, which CapCom recommends be funded in an out-year; see Appendix B for complete list of Capital Exclusions (General Fund & Enterprise Accounts).
- There are currently 18 properties classified as Open Space. Their average value is \$115,594 (total value is \$2,080,700)
- Nantucket has not adopted an "Open Space Discount" / Difference between Open Space & Res. is the cost of the Res. Exemption

See too: "Appendix D – Town of Nantucket Tax Rate History"

ENTERPRISE ACCOUNTS – RATEPAYER IMPACTS

Water & Sewer: The Wannacomet Water Co. Commission sets revenue requirements resulting in a rate schedule adequate for its needs, including for ongoing operations, existing and anticipated capital improvements, and anticipated necessary reserves. Modifications to its rate schedule are through a public hearing process. (See <https://tinyurl.com/yb7p7gm9>) The foregoing is generally accurate for the Town of Nantucket Sewer Dept., through the Town of Nantucket Sewer Commission. For sewer usage, a tiered rate structure—and a sewer privilege and a capacity usage fee, as may be applicable—are intended to equitably generate revenue for sewer operations. (See: <https://tinyurl.com/y3kwrxrz>)

Airport: The Nantucket Memorial Airport pays its obligations from operating revenue derived from a rate schedule of fees and charges for aeronautical, non-aeronautical, ground transportation, advertising, and other services; its rate schedule is determined by the Nantucket Memorial Airport Commission through a public hearing process. Borrowings authorized (other than for AIP Projects) are typically funded under Bond Anticipation Notes (BANs), which are paid off by certified Retained Earnings. Latest posted rate activity is found here: <https://tinyurl.com/yd57ex8z> .

DEBT SERVICE – PRINCIPAL & INTEREST

General Fund and Enterprise Accounts Amortization Tables provide a projection of debt service schedule, including principal, coupon (interest) rate, interest (\$), and payments. Bond projections are based on the assumptions provided, below. At the time of this report, General Fund and Enterprise Accounts Amortization Tables were not available. As of their availability, a revision to this page will provide web-links to the tables.

General Fund Amortization Tables

[INSERT URL]

General Fund: Principal & Interest are based on 4% over 20 years.

Enterprise Accounts Amortization Tables

[INSERT URL]

Enterprise Accounts: Principal & Interest are based on % and years TBD.

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STATEMENT OF PROCEDURES

To address its mandate (<https://tinyurl.com/uj95b7i>), which is to help guide the Town's capital-related investments and objectives, Capital Program Committee (CapCom) maintains certain procedures and undertakes various initiatives. CapCom also conducts an annual self-examination of related matters. Of note at this time:

- **Capital Project Request Forms.** CapCom starts its review process collecting and evaluating comprehensive capital project request forms required of department heads for each capital request. For various utility, by design, form data is entered directly to a relational database; CapCom accesses this information in a secure online environment. After evaluating forms for completeness, CapCom hosts department heads and our Town Manager (TM), Finance Director, and Assistant Finance Director for in-depth Q&A sessions; supplemental information, requested as applicable, helps CapCom complete its process.
 - **Prioritization & Ranking.** After comprehensive analysis and evaluation, CapCom prioritizes and ranks each fiscal year capital request:
 - For integrity of process, linking community needs and goals (e.g., service objectives, health and regulatory requirements, and strategic and master plans) and a transparent, unbiased methodology are required.
 - To help address this task, CapCom designed and deployed an Analytical Hierarchy Process (AHP) framework keyed to the Town's Financial Policies & Procedures (FP&P) criteria; AHP establishes a comprehensive, rational framework and systematizes valuation and application of multiple, diverse criterion, incorporating the diversity of members' expertise while smoothing subjectivity; wildly oversimplified, it is a mathematically-based, human and social science-informed, blind judging framework. As a result of its use and application, each request is subject to a single set of objective review standards and analyzed in the context of community-wide needs. Use of the worksheet produces a numerical Rank of Relative Importance (RORI) per request, which rankings inform CapCom deliberations. Perhaps of interest—not every criterion (and its respective value) applies to every request, and as a result, a RORI value of “80” is actually quite high.
 - Expansion of the RORI (to include financial and social impacts, risk-management variables, “Total Cost” concepts, etc.) and developing its use (to better incorporate criteria of the FP&P, in CapCom and other Town evaluations) are necessary to meet FP&P objectives and better align the Town's capital investment with community goals.
- Note:* Subject to funding availability and deliverability within the upcoming fiscal year, higher-valued RORI requests are typically recommended for funding; lower-valued RORI requests are typically moved, as out-year review, into the Town's 10-year CIP List; whenever reliable cost-forecasting is available, that cost is included in the 10-Year CIP List and in the alternative, more often than not, order of magnitude placeholder-values are often requested.
- **Annual Timeline & Related:**
 - For the FY23 budget-cycle, due again to COVID, CapCom met via Zoom video-audio conferences with its meetings available thereafter on the Town's YouTube channel.

STATEMENT OF PROCEDURES (CONT.)

- In June, the Chair and Finance began to discuss and prepare the upcoming capital budget cycle. Due to the volume of capital requests and often the complexity and high costs of requests, CapCom’s preparation and review (including to work its broader charge under the Financial Policies & Procedures (FP&P)) require weekly meetings that span several months. This season, there will have been fifteen (15) meetings. The process is comprehensive; still, there is room for improvement.
- CapCom prefers to begin to receive access to detailed capital project requests in July. This year, review had to begin early-September. Again, this year, to address concerns for more information sharing CapCom requested its “Capital – Early & Often” initiative be extended. Under this initiative Finance Committee (FinCom) and Select Board (SB) received login-in credentials to access detailed request information on a per request level at nearly the same time as CapCom. See “Appendix E – Capital Project Request Form (Specimen)” which illustrates information CapCom requests and reviews.
- Beginning in October, the Assistant Finance Director provides the SB a monthly Capital Program update, through this the interested public is introduced to then anticipated requests with a sense of costs and TON intentions. FinCom (and CapCom) members are invited to attend.
- In mid-November, CapCom meets with FinCom and SB to jointly review capital requests and the 10-year CIP List; CapCom fields process-related questions; Town Manager is available to field request-specific questions.
- In mid-December—to facilitate planning of funding sources for its recommendations, and as a material update to the SB (through TM), FinCom (through its CapCom liaison), and NP&EDC (through its CapCom liaison)—CapCom provides a preliminary list of requests to be funded in the upcoming fiscal year.
- In early-mid January, as a function of other budgetary matters, potential funding sources are identified by the Town’s Finance Director and TM; shortly thereafter, CapCom meets to review, discuss, and vote its recommendation on funding sources and to reconcile discrepancies, if any, with the TM.
- In mid-January, after funding sources recommendations (from the Finance Director and TM) are firmed up, and the SB preliminarily adopts capital funding sources, related matters such as tax rate impacts are tallied for inclusion in the CapCom report and for notice (per Commonwealth regulation).
- In late-mid January, with relevant information in hand, CapCom prepares its draft report. Given the strong interrelationship between its recommended requests, funding and capacity, tax impacts and the like, CapCom drafts its report after relevant information is fully, or at least reasonably, gathered.
- In late January, after final review by its membership, CapCom issues its final annual report with recommendations, with original copy provided to the SB and FinCom at a

STATEMENT OF PROCEDURES (CONT.)

joint meeting hosted by the SB. Facing extensive requests and large funding requirements, and consistent with the FP&P, CapCom provides accurate funding source and tax impact information in its annual report.

Note: This year, due primarily to late arriving requests, complications with membership ranking requests in relation, but also due to an attempt to compress duties into a shorter operating period, CapCom's report was not able to be drafted until after the normally intended timeline, with the final report delayed as a result.

▪ **Other Communication & Planning:**

- *Committee Updates.* CapCom affirms the utility of SB and FinCom receiving updates on material matters throughout the course of the budget cycle, and their voicing any related concerns, as reported by their respective CapCom. CapCom notes that more regular involvement with Nantucket Planning & Economic Development Commission (NP&EDC) should be remedied going forward.

Note: In attempt to regularize committee reporting of goings-on for CapCom's SB, FinCom, and NP&EDC liaisons, an information transmittal sheet (the "Green Sheet") was attempted early in this budgeting cycle but was found wanting; alternatives are addressed in the following recommendations. Also, subject to development of database reporting capability, important information (e.g., projects, by year or otherwise; prior appropriations and expenditures to-date; project status, CapCom review status, etc.) can be readily accessible to Select Board and FinCom at the click of mouse, through a secure portal. Still, CapCom anticipates targeted future use of Green Sheets to convey timely information on topics such as Funding Capacity, Capital Reserves, etc.

- *Department Liaisons.* Ordinarily, CapCom designees serve as liaisons to departments to review current and out-year capital requests in situ, to develop a thorough understanding of department needs for insight during CapCom deliberation, and to observe capital maintenance and other reasonable concerns. As a result of CapCom composition (which as previously alluded to includes a member from each of the FinCom, NP&EDC, and SB, this exercise is also intended to foster a degree of integrational planning. However, due to COVID as with last year, during this budget-cycle CapCom liaisons were not activated by TM. CapCom reaffirms the importance of department liaisons.
- *Strategic Integrated Planning Sessions (SIPS).* To help broaden decision-maker and advisor communications and to provide an opportunity for discussion on emergent and long-term capital-related matters, and to try and maintain healthier perspective on 'Causes of The Day', CapCom suggested and initiated "SIPS" with thanks to the TM. Matters addressed or discussed included i) Town Meeting Article guidance for citizens, including a Q&A format revision regards financial and social costs and related impacts and benefits, ii) discussion around the "Bear of a Task" engaging stakeholders and constituents such that they are informed about important capital expenditures, and iii) other matters not ordinarily addressed without group support. This facility was dormant during the current budget-cycle; CapCom reaffirms the utility of brief agenda-driven SIPS.

PROCEDURAL RECOMMENDATIONS

CAPCOM AFFIRMS PRIOR YEAR COMMENTS & RECOMMENDATIONS

As stated in previous CapCom reports, the Town's aging and lack of certain essential infrastructure and equipment require appropriate capital investment—including purchase, maintenance, and replacement—while Nantucket's rapidly growing year-round and seasonal population provides constant pressure on the Town for other, new capital infrastructure and inventory. Not widely factored, currently—but to begin to come into focus—are costs to build our community's coastal resiliency and determine timely, adequate hazard mitigation measures; these remain relatively new concerns in response to changes to our natural environment. Whether it is more frequent severe storms or coastal flooding, or other hazards, the Town and community recognize the need to protect our built and natural resources by adaptation, mitigation, and other means; of course, these protections come at a cost. In addition, costs to remediate various environmental conditions are required with likely quick and substantial escalation. As a result of these circumstances, the Town's capital needs will continue to increase in a relatively dramatic fashion for a sustained period. Faced with these challenges and the associated expenses, and the stewardship of responsible governance, a robust, comprehensive, and effective Capital Improvement Plan (CIP) remains essential. Essential too, is highly-effective management of capital assets as exist, and that are acquired or constructed—improvements have been made but attention is still required. Professional fiscal management objectives of the Town's FP&P lay the groundwork; faced with these growing pains, including as a result of effects from the natural world, our shortcoming is management capacity. In conjunction with existing programming, in keeping with the intent of objectives under the FP&P, to help develop the CIP-process to its intended capacity, and in the interest of smoothing the capital planning process and its impacts, we make the following recommendations:

- *Annual Process - Timeline.* Revisit in early 2022 to determine schedule enhancements including to reevaluate and adjust information-gathering schedules and procedures as necessary to help ensure completion of CapCom's actions as required under the FP&P.
- *Biennial Procedure - CIP Capacity & Funding Analysis.* To reasonably inform CapCom recommendations, biennially model the 10-year CIP to include a 5-year outlook of revenue and expenditure projections (including sub-reports for debt burden, prospective debt issuance, and other relevant metrics). In results presented to CapCom; it is understood and acknowledged that the Town's Finance Director performs more regular, shorter-term modeling of this nature. (See too, *Development of Reliable 10-Year Capital Improvement Plan (CIP)* below.)
- *Biannual Procedure - Capital Project Status Reporting.* Better develop current biannual reporting sessions to monitor approved requests (to include expenditures to-date, the necessity for supplemental funds, scheduling exceptions, and discontinuances of projects or any severe problems, if any) to help identify capital planning shortfalls; foregoing, drawing on an active, readily accessible list of past years projects and their status.
- *System-wide Capacity - Centralize Capital Asset Management.* A result of growing pains and not a matter of blame, the Town's capital asset management is fractured in various regards and important tasks are regularly subject to competing priorities; these circumstances

PROCEDURAL RECOMMENDATIONS

CAPCOM AFFIRMS PRIOR YEAR COMMENTS & RECOMMENDATIONS (CONT.)

undermine capital programming proficiency, forming obstacles to timely, cost effective deliverables. Even simpler request and reporting duties are impaired. With too limited capacity and resources, reasonably comprehensive management of the Town's existing and rapidly expanding capital inventory is unrealistic. These and other negative effects will worsen as the number, cost, and complexity of capital projects increase. Action is required; capital programming needs to be an ongoing process with appropriate resources. A common enterprise-level solution is centralized capital asset management, which streamlines capital programming, budgeting, and sustainment, leveraging dedicated resources to eliminate issues—such as the Town currently experiences—while preempting other issues and problems. Inclusive, rapid development of certain best practices or Nantucket's version are paramount—anything worth doing is worth starting, even imperfectly. Specific examples include deployment of a comprehensive Town-wide capital asset needs assessment (CANAs), and from this data set a centrally managed asset management plan (AMP)—from which the capital planning process is administered. This level of investment is required for easier, effective, timely and informed decisions by leadership and to enhance performance of the Town's capital investments—to help ensure high-value returns to the community while helping constituents understand capital needs and the utility of improved community-wide resources. The Town's capital asset portfolio, its management, and future investments are otherwise too unwieldy.

Carefully developed and implemented, these recommendations create efficiency, savings, and still needed relief, along with increased credibility among taxpayers, ratepayers, and others—facing a spiral in capital investment these and other initiatives will prove immensely helpful. While some of the recommendations involve procedural changes absorbable through longer-term scheduling of processes, others require funding to complete stated objectives. In all regards, CapCom suggests special attention is required to limit priority-related conflicts among and between Town staff and other resources, and more so during times of cyclical responsibility (e.g., preparation and presentation of the annual operating budget and for Town Meetings, etc.).

Note: The foregoing recommendations were listed within CapCom's FY19 Report & Recommendations, in greater detail, and subsequently summarized (largely as above) in the CapCom's FY20, FY21, and FY22 Report & Recommendations. Inclusion herein above is a strong affirmation of the Town's needs and CapCom's related recommendations, which by their nature are meant to identify and inspire related, important actions. In the face of quickly escalating capital investment requirements there is a need to better equip current and future municipal leaders and decision makers with sufficient tools to act effectively, to enhance and protect the Town's capital assets, and realistically plan for Town's future.

PROCEDURAL RECOMMENDATIONS

UPCOMING YEAR - ADDITIONAL COMMENTS & RECOMMENDATIONS

- *Expansion of RORI.* See comment earlier in the body of the report, provided topically under Statement of Procedures: Prioritization & Ranking.
- *Further development of the Capital Project Request Form Relational Database.* In 2017, with bright eyes CapCom undertook to overhaul the departmental-level capital request form, conceiving it as a portal of information to a comprehensive capital projects data-collection and program management tool. The request form interface is completed, providing various benefits, not the least of which is the elimination of duplicate data entry and minimization of potential human error. The database was/is intended to be an interactive repository of ‘all things capital’ (past, present, and ‘likely future’), to provide collection and reporting efficiency and features not currently available. Of note, regards recommendations, regular reports (templated to meet Finance, SB, FinCom and CapCom needs) are relatively easily obtainable with potential to cover the entire capital planning process (from submission through financial analysis, ranking, funding source projection, to assist in rapid debt modeling, and to inform other interested public bodies). Presently, while not disparaging efforts or advances to-date, the database is under early-stage development; RORI-processing, capital request inputs by department heads, and access for their review by Finance and CapCom have been the primary focus.

So far, RORI inputs and basic management, and relatively gross reporting capabilities are proofed and in use. Properly developed, the database solves for resource conflicts, freeing professional staff for other important tasks while providing timely information access. One of many important elements is to include capital-request-related personnel costs, using an efficient click-to-enter interface for reporting capabilities, to inform Town Manager /Finance Director, Select Board and FinCom budgetary reviews. Another is automated reports to the Select Board, and FinCom, including Prior Year Appropriations w/Expenditures To-date, and direct access to individual capital request forms. Department-level training and access is imperative.

- *Review Town’s Debt and Reserve Policy in context of Capital Reserves.* (Self-explanatory.)
- *Development of Reliable 10-Year Capital Improvement Plan (CIP).* It is fair to state the current 10-year CIP is less a plan than it is a partial list of likely future capital projects. This state of affairs directly reflects the lack of capital programming capacity and resources within the Town. MA DOR advises a reasonably accurate 10-year CIP is required for adequate planning of municipal finances. And, facility and department-level equipment and infrastructure management plans, each based on well-developed and properly completed and maintained capital asset needs assessments, are essential to the successful development and efficient use of a municipality’s 10-year CIP. Provided adequate resources, development of such a plan, focused for various utility to two 5-year increments, is obtainable and broadly beneficial. An updated version of the 10-year CIP was not available at the time of printing this report.

PROCEDURAL RECOMMENDATIONS

UPCOMING YEAR - ADDITIONAL COMMENTS & RECOMMENDATIONS (CONT.)

CapCom acknowledges its recommendations may seem ambitious and understands outcomes cannot happen overnight; still, we strongly support the Town's regular steps towards enterprise-level capital asset management practices—even small regular steps help to form a material outcome.

Given additional vision and resolve, the proficiency and effectiveness of the Town's Capital Management Program are limited only by the appropriateness of resources engaged in the endeavor; properly administered over time, dramatic savings—including to help fund the capital asset management program itself—may be realized.

Appendix A – Capital Requests by Account & Department

GENERAL FUND				
Code	Department/Request	FY23 Request	CapCom Rec.	
DPW Facilities				
	<u>Parks and Rec Master Plan (Phase 1 of 3) - Supplemental</u>			
DPW-23-002	Planning to incorporate coastal resiliency and related matters into the comprehensive, expansive plan for community parks & outdoor spaces. For FY24: Implement Phase 1 of the Parks and Rec Master Plan (see Supplemental Documents).	\$0.50M	\$0.50M	
	<u>Jetties Beach tennis courts crack sealing</u>			
DPW-23-003	Courts in need of crack ceiling for safety of users and to preserve useful life of the courts.	\$0.08M	\$0.08M	
	<u>Chain-link fence replacement (TON skate park)</u>			
DPW-23-004		\$0.08M	\$0.08M	
		DPW - Facilities Total:	\$0.65M	\$0.65M
General				
	<u>Fleet-Two Ford Rangers (Replacement)</u>			
DPW-23-006	Replace Ford Rangers; utility body configuration. Both vehicles are 18 years old and did not pass inspection due to frame rot. Expected service life for the vehicles is 10 years.	\$0.10M	\$0.10M	
	<u>Fleet-Skid Steer Loader (Replacement)</u>			
DPW-23-007	Replacement of an 18 year old Bobcat. Service life is 5 years.	\$0.07M	\$0.07M	
	<u>Fleet-Ford F350 (Replacement)</u>			
DPW-23-008	Ford F- 350 with a plow and sander to replace a 16 year old T-17 truck which will not pass inspection due to frame rot. Expected 10 year service life.	\$0.07M	\$0.07M	
	<u>Fleet-Ford F 550 (Replacement)</u>			
DPW-23-009	Ford F- 550 Dump truck with plow and sander to replace a 17 year old T-17 that would not pass inspection due to frame rot. Old vehicle already sold in surplus sale. Replacement vehicle has a 10 year service life.	\$0.08M	\$0.08M	
	<u>Fleet-(Accessory)"Forestry Package" for Cat Skid Steer</u>			
DPW-23-010	Add-on package is necessary to equip the Cat with brush cutting capability.	\$0.05M	\$0.05M	
	<u>Fleet-Tandem Vibratory Roller (Replacement)</u>			
DPW-23-011	Used when doing road and bike path asphalt patching. Current Roller is over 30 years old and many parts are not available.	\$0.05M	\$0.05M	
	<u>Fleet-Mechanic's Truck</u>			
DPW-23-012	DPW Mechanic Truck for servicing breakdowns when equipment in out in the field.	\$0.12M	\$0.00M	
	<u>Fleet- Mini Sweeper</u>			
DPW-23-013	Used primarily on bike paths. This type of equipment is an improvement over what DPW currently uses which is a vehicle with a broom attachment. The sweep actually collects the sand/dirt/light debris on the bike path making it safe. The broom only sweeps it to the side which often results in the sand and dirt collecting on path all over again.	\$0.12M	\$0.12M	
		DPW - General Total:	\$0.66M	\$0.54M
Transportation				
	<u>Sidewalk Improvement Plan (SB Strategic Plan)</u>			
TRAN-17-001	Improvements to Town sidewalk network. This request provides funding for the continuation of the downtown plan (attached). Work is planned from the waterfront area and expanding out through town. The cost estimate is based on previous work on this project and greater or lesser funding impacts the number of sidewalks repaired. Outyear funding reflects a ~3%p.a. price increase.	\$1.10M	\$1.10M	
	<u>Road improvements/Maintenance Island Wide (SBSP)</u>			
TRAN-17-002	Island Wide maintenance of the roadway network. Proposed Roadway Improvements per our Pavement Management Plan. Cost Benefit List can be found here: https://www.beta-inc.com/wp-content/uploads/2018/10/Cost-Benefit-Value-Analysis-With-Cumulative-Total.pdf	\$2.00M	\$2.00M	
	<u>Millie's Bridge Redesign w/Construction</u>			
TRAN-19-009	Request is to provide funds to further develop the design and ultimate recommendation for the bridge. We currently have a contract with TEC, but the recommendation is not complete. As there may be grant money available, the request is intended to cover the costs of grant writing as well. Construction funding preliminary estimate is in FY24.	\$0.50M	\$0.50M	
	<u>Multi- Use Path Maintenance (SBSP)</u>			
TRAN-20-001	Funding for the maintenance of the town wide network of multi use paths. Proposed Multi-Use Path (MUP) Improvements per our 31 mile inventory, specific locations to be determined by our MUP Pavement Management Report (pending). Annual program based on a 15-year life cycle, current contract pricing, and is adjusted for 3% inflation. Preliminary book of work for FY23 still to be finalized. FY21 pricing \$240/foot @ 10' width.	\$0.25M	\$0.25M	
	<u>Cobblestone Improvements</u>			
TRAN-20-002	Repairs and Maintenance of the cobblestones within the towns roadway network. Proposed Cobblestone Improvements to our 18,000 SY of cobblestone streets. Annual program based on 2,000 SY and a 9-year life cycle and includes materials costs. Locations to complement our newly formed DPW Sidewalk Work Group project locations like Upper Main Street. Approved at 2021 ATM (FY22) for \$250,000. Significant work undertaken on downtown cobblestones over last 18 months and continued funding required to complete Main St and other areas.	\$0.53M	\$0.53M	
	<u>Milestone Bike Path Extension-Monomoy to Polpis</u>			
TRAN-23-001	Continuation of FY21 work along Milestone from Rotary to Monomoy. This is an additional section spanning Monomoy/Milestone to Polpis Bike Path. Cost estimate is preliminary and based on the initial stretch from Milestone to Monomoy constructed Spring 2021.	\$0.60M	\$0.60M	
	<u>Washington/Francis/Union Streets Intersections Improvements</u>			
TRAN-23-002	Improvements to truck route at Washington/Francis/Union Streets Intersections. Includes curve softening and repaving. There is a further plan to fully improve the intersection in FY25, but that requires a full scale review of coastal resilience requirements. Anticipate using Chapter 90 funds for this.	\$0.50M	\$0.50M	
	<u>Decommission Fire Cisterns²</u>			
TRAN-23-003	First year (of 2) request for funds to decommission fire cisterns. A previous allocation of \$50k will be used to identify and assess location, condition, risk and prioritization. This request is for the actual work to fill-in these under-road cisterns.	\$0.18M	\$0.00M	
	<u>Pleasant Street Repaving with Improved Sidewalk-Silver to Main</u>			
TRAN-23-004	Project includes a 2" mill and overlay with sidewalk reconstruction from Silver Street to Main Street. The stretch is a little bit over a ¼ mile. Project assumptions: 1. Concrete curbing will be replaced with new granite curbing. 2. Asphalt sidewalks will be replaced with new brick walkway. 3. Concrete walkways will be replaced with new brick walkways.	\$2.00M	\$2.00M	
		DPW - Transportation Total:	\$7.65M	\$7.48M

GENERAL FUND (cont.)				
Code	Department/Request	FY23 Request	CapCom Rec.	
<u>Fire Department</u>				
	<u>Replace SCBAs</u>			
FIRE-19-002	Replacement over a 4 year period of the fire departments self contained breathing apparatus (SCBA) equipment. FY23 requests represents year 3. Year 4 is part of the outyear forecast.	\$0.11M	\$0.11M	
	<u>Advanced Life Saving Equipment</u>			
FIRE-20-001	This request will equip the Town's ambulance with the necessary equipment for the upgrade to an ALS certified ambulance service. This will be the third appropriation to outfit the ambulances to the Advanced life support level.	\$0.06M	\$0.06M	
	<u>Replace Ambulance 3</u>			
FIRE-21-001	Scheduled replacement of Ambulance #3. Funding would allow purchase of ambulance and for some equipment to place on the ambulance. If pricing continues to increase this cost may just be for the ambulance.	\$0.37M	\$0.37M	
	<u>Technical Rescue Equipment</u> ³			
FIRE-21-002	Rescue equipment for trench or building collapses. If someone becomes trapped within a structure or has a trench collapse on them, the department does not have the appropriate equipment to affect a rescue. This equipment would provide the tools needed to carry out rescues by specially trained department members.	\$0.33M	\$0.00M	
	<u>Replace Portable Radios</u> ⁴			
FIRE-23-003	Current radios are actually designed for commercial use, not for public safety, are 15+ years old. They have become unreliable and in constant repair. These portables will allow for better communications between our department and our fellow community, state and federal agencies. A risk assessment was completed asking what the most urgent and critical need that we were not already addressing. Updating our communications equipment (associated software and accessories) to continue to meet federal compatibility requirements of Project 25, and the Mass. Statewide Interoperability Plan, was considered a major priority for the department.	\$0.40M	\$0.40M	
	<u>Administration Car (Additional) Training/EMS Officer</u> ⁵			
FIRE-23-004	Administration car for the newly created EMS/Training Officer. This vehicle would be used by the EMS/Training officer in normal duties as well as responding for emergency calls for service. The position will be responsible for the safety sector on all fire scenes and responses to serious medicals or Mass casualty incidents where they will be in charge of the EMS sector.	\$0.07M	\$0.00M	
	<u>Active Shooter Response (Protective Equipment)</u>			
FIRE-23-005	With active shooter and multi casualty incidents from active killers occurring throughout the country, the department needs to properly equip its members to meet and respond to these events. This equipment would be issued to meet NFPA 3000 standard for these events. Equipment includes, but not limited to ballistic vests and helmets. NFPA 3000™ (PS) identifies the minimum program elements needed to organize, manage, and sustain an active shooter and/or hostile event response program. The ASHER program includes topics that will assist in the reduction or elimination of the risks, the effects, and the impact on an organization or community affected by these events. ASHER also addresses the following areas of NFPA 3000: Planning, assessing risks, developing community-wide programs, responding, establishing competencies communicating to all stakeholders recovering, planning recovery efforts, and taking into account healthcare and mental health issues.	\$0.08M	\$0.08M	
	<u>Firefighting Foam-Disposal and replacement</u>			
FIRE-23-006	Disposal and replacement of Department's Fluorine firefighting foam. With fluorinated compounds being a rising health threat to Firefighters and the community, finding alternatives for use in flammable liquid fires and hazardous events is very important priority for the department. This project would properly dispose of and replace all the current foam stock, as well as engage a company to clean the tanks currently use to store the foam on the apparatus. Costs were based off estimates and prices acquired by another department involved with the Foam trailers obtained through a Homeland Security grant, of which we have as well.	\$0.11M	\$0.11M	
	<u>Replace Utility Truck</u>			
FIRE-23-007	This utility truck is used by the shift for department business while working as well as emergency responses, beaches Ems calls, limited access properties, snow removal at the station, moving the many specialty response trailers and more. The current truck is a 2005 that needs to be replaced with increasing repair costs and body rust issues that is making the truck unaffordable to maintain. This vehicle has not been in the rotation for capital replacement but in previous budgets. While the increase in cost for new vehicles the cost of replacement now rises to a capital request. This truck will be configured with full emergency lights/warning devices, 800 radio, a snowplow, tow package to move the FD's trailers, and possible Utility work body for proper tool and equipment.	\$0.08M	\$0.08M	
	<u>Utility Terrain Vehicle</u>			
FIRE-23-008	Required for crowd safety purposes at island-wide events. Build sheet attached is a possible sample build but does not include a radio and equipment to place the UTV in service.	\$0.05M	\$0.05M	
Fire Department Total:		\$1.64M	\$1.25M	
<u>Hazard Mitigation</u>				
	<u>Polpis Road/Sesachacha Pond Interim Hardening (HMP ID #F17)</u>			
HMP-22-003	Immediate request is for funds to remediate work previously undertaken to harden the pond bank as follows: In 2018 high water levels and storm damages caused the road to become undermined and it was necessary to close the road for about 1 month while repairs to the west bound traffic lane were completed. A system of concrete blocks backfilled with rip rap was also installed for shore protection along the edge of the road; however, the Town is now looking for a longer-term sheet pile design that protects the road, includes a living shoreline component along the edge of the Pond, and minimizes impacts to adjacent Mass Audubon property. Changes to the dredge footprint around the flood tidal delta inside Sesachacha Pond are also being requested to facilitate more efficient draining of the Pond when it is manually opened twice each year. Complete project FY28/29 includes increasing the elevation of Polpis Road at Sesachacha Pond and harden the embankment for wave action. Final elevation to be examined and analyzed considering sea-level rise.	\$0.25M	\$0.25M	
	<u>Sediment Transport and Dredge Plan (#SC3)</u>			
HMP-22-005	Implement a project to map the near shore sand and sediment transport to develop a sand-budget model for monitoring island wide coastal erosion, including the harbors. Side scan sonar will be used to measure bathymetry in extremely shallow water, between 0 and 20 ft. deep. Mapping in high resolution monitors the movement of sand shoals and identifies location of marine habitat on the sea floor. Information will be used to develop dredging and disposal plan, as well as the Harbor Management Plan.	\$0.55M	\$0.55M	
	<u>5-Year Review of Natural Hazard and Hazard Mitigation Plans</u>			
HMP-23-004	5-year review of natural hazard mitigation priorities, to coincide with updates of the HMP, to the NMP implementation schedule. This is a FEMA requirement and the plan must be re-approved by FEMA every 5 years.	\$0.15M	\$0.15M	

GENERAL FUND (cont.)			
Code	Department/Request	FY23 Request	CapCom Rec.
<u>Hazard Mitigation (cont.)</u>			
<u>Harbors Plan HMP Implementation (Year 2) (#SC2)</u>			
HMP-23-009	Update the Nantucket and Madaket Harbors Action Plan (HAP) to incorporate needs for Hazard Mitigation and Coastal Resilience. In 2009, the Town of Nantucket updated its Nantucket and Madaket Harbors Action Plan (Harbor Plan) under guidelines provided by the Commonwealth of Massachusetts Executive Office of Energy & Environmental Affairs. The geographic area of this plan included all of the land and water areas of Nantucket and Madaket Harbors and also extends west of Madaket Harbor to include Tuckernuck and Muskeget Islands. The 2009 Harbor Plan built upon the goals of the original 1993 Harbor Plan and carried forward a number of recommendations from that original plan while identifying new recommendations to guide public and private use of these sensitive areas. In the ten+ years that have passed the Town has begun or completed implementing many of the goals identified by that plan highlighted by some new zoning overlay districts and the development of a Shellfish Management Plan. During this time there have been substantial changes to the waterfront areas, public policy and environmental pressures not contemplated in the 2009 Harbor Plan. The Town has been experiencing the effects of increased coastal flooding, sea level rise and climate change. The Town has completed a Hazard Mitigation Plan update, become an Municipal Vulnerability Preparedness (MVP) community and begun the process of draft a Coastal Resiliency Plan in the last 12-24 months. These substantial initiatives will need to be supported and supplemented by an up to date municipal harbor plan with actionable items and goals. The RFP seeks the services of a qualified consultant or consulting firm with experience in harbor planning with experience specific to the Commonwealth of Massachusetts in the process of updating municipal harbor plans. The consultant shall lead a community driven process to establish a vision for the future of the harbors and nearby islands, building upon past objectives and integrating other related plans and community goals.	\$0.10M	\$0.10M
<u>Miacomet Pond Dredging Design and Permitting</u>			
HMP-23-013	The FY23 request is for design and permitting of the plan. If the design and permitting phase confirm that expectations of effectiveness could be met, the cost of the actually work will be \$3.7-4m. Land Bank has expressed a likelihood of being able to contribute \$1.5m to the work, private citizens have indicated potential funding of up to \$1m and the balance would be the responsibility of Town. Miacomet Pond Dredging: The 604b Study examined nutrient inputs to the Pond from surrounding sources (e.g., surface water, groundwater) and in-situ sources (sediments), and determined that both these sources were contributing phosphorous to the Pond, which has resulted in significant algal and aquatic vegetation problems. The 604b Study recommends a combination of dredging and phosphorous inactivation with aluminum to control cyanobacteria and rooted aquatic plants. Hydroraking was also mentioned as a potential method for removing the vegetation in lieu of dredging. The study is an important first step towards implementing a plan to improve the health of the Pond. GZA has provided a proposal to design the project and manage the permitting process at a cost of just under \$300,000.	\$0.30M	\$0.30M
NRD-23-002	<u>Groundwater Mapping, Nutrient Flow Investigation-Nantucket Harbor Watershed</u> This proposal seeks to sample groundwater entering the harbor, and as a result, the Town will be able to make informed decisions on nutrient management, develop action plans to ensure water safety and strengthen the islands aquatic ecosystems.	\$0.90M	\$0.90M
Hazard Mitigation Total:		\$2.25M	\$2.25M
<u>Health & Human Services (HHS)</u>			
<u>Vehicles-Replacement (1), New (2)⁶</u>		\$0.15M	\$0.10M
HHS-23-001	Replacement and New Inspection vehicles for new and existing staff. Currently, the Health and Human Services Dept has 1 vehicles that is approaching the end of operational life, in fact it did not pass inspection earlier in the year. The department is adding an additional Inspector who requires a vehicle. Additionally, the public health nurse has been using her own vehicle, but that is not sustainable. This request is for trucks with 4-wheel drive vehicle, from the state bid list, capable of reaching undeveloped lands, construction sites, and travel through soft sand to reach inspection sites. Looking to source electric or hybrid vehicles.		
Health & Human Services Total:		\$0.15M	\$0.10M
<u>IS/GIS</u>			
<u>Maintain Network Infrastructure</u>			
ADMIN-17-001	The Town network provides the foundation for the delivery of mission critical services such as financial, human resources, communications, data storage and disaster recovery. It is essential that this network operates continuously with necessary spare equipment available in the event of a sudden failure. Technological advancements and aging out of equipment necessitates the regular replacement of network infrastructure hardware and related supplies. This capital request provides for regular annual funding to implement a 10-year replacement plan for network switches, as needed replacement of all other hardware and cabling and an inventory of spares for sudden failure of mission critical components. Equipment falling under this funding article includes network switches, wireless access points, wireless communication antennas, firewalls, security appliances, storage appliances, network cabling both copper and fiber and all related installation, maintenance and construction costs.	\$0.05M	\$0.05M
<u>Server Virtualization and Maintenance</u>			
ADMIN-17-002	The Town network provides the foundation for the delivery of mission critical services such as financial, human resources, communications, data storage and disaster recovery. The virtual server installation is an essential component of the Town network. Regular health check and proactive monitoring is a part of this maintenance. Expanding the storage access network (SAN) to accommodate increasing need for digital storage is another essential component. This request for \$75,000 on alternate years provides sufficient funding to maintain the virtual server installation. Any major upgrades will be submitted as separate projects in future years if necessary.	\$0.08M	\$0.08M
<u>Replace Town Computers</u>			
ADMIN-18-001	Replacement of town desktops and laptops using a replacement cycle of five years for desktops and three years for laptops. Continuous technology advancements and aging out of equipment necessitates the replacement of desktop and laptop computers on a regular basis. The new equipment is used to replace aged out and nonoperational units as well as add to the inventory to accommodate new staff position and COVID-related demand. This request represents a 5% increase over FY22 to account for price inflation.	\$0.06M	\$0.06M
<u>GIS Digital Imaging Updates</u>			
ADMIN-18-002	This request is for a partial scan which essentially layers a new image atop an old image. The full scan (more likely req'd in FY27) updates the features from the most recent aeriels, replacing the previous data layers, cleaning up any inconsistencies that have worked their way into the system. Each set of new aeriels, while very accurate, don't always link up exactly, and so features carried over from a previous set of aeriels may look slightly off when overlaid on another set. For heavily congested places with lots of dense areas of construction and change, doing the full scan periodically helps to ensure that everything is captured correctly. The end result is the same (complete sets of data layers), but the full scan takes longer to complete, and is starting from a blank slate.	\$0.17M	\$0.17M

GENERAL FUND (cont.)				
Code	Department/Request	FY23 Request	CapCom Rec.	
<u>IS/GIS (cont.)</u>				
ADMIN-23-001	<u>Replace Wireless Network</u> Implement a wireless network to replace the existing network. The existing wireless network is aging out and does not provide centralized control to monitor, configure and troubleshoot. This network services Town Buildings except for Police, Fire, Airport, Harbormaster and School. It utilizes the underlying wired network infrastructure for connectivity to the 4 Fairgrounds data center and the IT Department.	\$0.20M	\$0.20M	
		IS/GIS Total:	\$0.56M	\$0.56M
<u>Marine Department</u>				
<u>Marine Maintenance Building Phase 2</u>				
PUBL-23-004	This is a continuation of the FY20 approved capital request of \$495k "Harbormaster Lay-up Yard" Completion of site work. Original appropriation of \$495k (\$122k remaining) to do site improvement. Building came available from Community Sailing so used part of original appropriation to acquire building instead of doing site work. Therefore original site work was not completed. Building acquired for a fraction of anticipated cost. This request is to fund fencing, parking, etc. Major component of cost will be fencing and will use airport price for fencing. Awaiting Strang LLC cost estimate for remainder of site work.	\$0.40M	\$0.40M	
<u>Renovate/reconstruct Harbormaster Building (Supplemental Funding)</u>				
PUBL-23-007	Supplemental funding request to Article 20 of the 2018 ATM "Renovate Marine Dept. Building 34 Washington". Bids have come in higher than previously estimated. Currently available funding is \$3,103,490 and the lowest bid is \$4,850,481, leaving a funding gap of \$1,746,991. Bid doc can be found in Supplemental Documents.	\$2.00M	\$2.00M	
		Marine Department Total:	\$2.40M	\$2.40M
<u>Natural Resources Department</u>				
<u>Vehicles- Replacement (1), New (1)</u>				
NRD-23-001	The Natural Resources Departmental has one vehicle are approaching the end of its operational life (2008 model year) and with the addition of a new staff member, another vehicle is required. This request is for trucks with 4-wheel drive vehicle, from the state bid list, capable of reaching undeveloped lands, construction sites, and travel through soft sand to reach inspection sites. Looking to source electric or hybrid vehicles.	\$0.10M	\$0.10M	
		Natural Resources Department Total:	\$0.10M	\$0.10M
<u>Police Department</u>				
<u>LORAN Seasonal Housing Repairs Phase II</u>				
PUBL-23-005	Two dormitory buildings totaling 20 rooms for seasonal employees that are over 50 years old require extensive work such as: Hazardous materials (Asbestos & Lead) mitigation. Replacement of below slab sanitary sewer lines and re-route for connection to municipal sewer. Interior repairs and renovations to repair disruptions caused by hazmat mitigation and sewer excavations. Upgrade all mechanical systems to current code compliance. SMRT Engineers has been retained to do a comprehensive analysis and cost breakdown of these systems. Firm project costs won't be available until the study is completed and the estimators work out the numbers.	\$4.50M	\$4.50M	
<u>Replace and Upgrade Body Camera video system</u>				
PUBL-23-006	Outfit all police officers with Axon body cameras, install new Axon police vehicle cameras, replace existing electronic control weapons (Tasers) with new Axon ECW's with built in video cameras. This is most likely to be mandatory under the Police Reform Act and there is a possibility of grant money, though too soon to know. Systems detailed in supplemental description.	\$0.49M	\$0.49M	
		Police Department Total:	\$4.99M	\$4.99M
<u>School Department</u>				
<u>NPS Roof Replacements</u>				
NPS-22-002	Many of the roofs at NPS are nearing the end of life. Prior to FY22 NPS Building Improvement monies were used for these repairs, but these repairs and upgrades need to be separately funded to ensure buildings are properly maintained. Some roofs at NHS & NES will need to be replaced in FY23.	\$0.25M	\$0.25M	
<u>Campus-wide Improvements</u>				
		Project Code: NPS 23-002 -Original FY23 Request: \$12,975,092 -Aug 19 presentation request \$15,800,000 -New FY23 Request is \$16,400,000.		
NPS-23-002	Comprehensive reconstruction of 2 large playing fields, artificial turf and a new track. This project represents the next phase of the NPS Campus Master Plan developed by SMRT. The plan detail and current cost estimate (3rd revision) are in Supplemental Documents. Scope of work and cost estimate includes demo, earthwork, design, engineering and construction. The need for this project is driven by substandard existing facilities.	\$16.40M	\$16.40M	
<u>NPS Building Improvements</u>				
NPS-23-003	Annual request for general building upgrades. Scope of work tends to be cabinet repair/replacement, rug and flooring upgrades, painting, etc. Supplemental documentation provides visual evidence of areas/items in greatest need of upgrades.	\$0.30M	\$0.30M	
		School Department Total:	\$16.95M	\$16.95M
<u>Town Administration</u>				
<u>2 Fairgrounds Municipal Office Building</u>				
ADMIN-17-004	New town office building to be located at 2 Fairgrounds. Will likely house most Town departments/staff and include meeting space. Strategy formulation contributed to by SB and Town Admin, facilitated by an outside consultant. Mid August discussion scheduled for SB. Planning includes reuse recommendations for exited space. Changed funding profile from \$30m in FY 24 to \$6m in FY23 (design and OPM) to \$50m in FY25 (Construction).	\$6.00M	\$6.00M	
<u>Town-Wide Document Management System</u>				
ADMIN-20-003	Costs associated with the continuation of an electronic document management system. Project entails scanning, categorizing and archiving hard documents into a cloud based storage system. At present there are no funding requests beyond FY23, however, a requirement may be forthcoming depending on outcome of current work.	\$0.25M	\$0.25M	
<u>Seasonal Employee Housing</u>				
ADMIN-20-004	Construction costs for seasonal housing dormitory, including design, OPM and construction costs. Design based on GHYC dormitories. Expectation that roughly 35-40 staff could be housed. \$300K appropriated in FY20 for feasibility study. Zero expended.	\$8.50M	\$8.50M	
<u>New Senior Center-Feasibility/Design/Construction</u>				
ADMIN-20-005	FY23 Request to determine what options are available for converting the current OIH campus to a new Senior Center Outyear requests reflect possible (but ungrounded) costs associated with building new on the property. Design, property acquisition, construction of new senior center SB discussion slated for August.	\$0.50M	\$0.50M	

GENERAL FUND (cont.)			
Code	Department/Request	FY23 Request	CapCom Rec.
	<u>Town Administration (cont.)</u>		
	<u>PFAS Groundwater soil investigation</u>		
ADMIN-22-004	Costs associated with Town's groundwater soil investigation of Per- and Polyfluorinated substances (PFAS) Activity to-date: The FY22 request was for PFAS Assessment Phase 2A and 2B. Phase 2A contract (\$407,500) builds upon the PFAS Assessment conducted in FY21 and adopted by the Select Board in March 2021. There are 8 tracks and multiple deliverables involving data collection for the development of a coordinated and synchronized town-wide planning approach and public outreach effort that will inform the development of testing protocols for Phase 2B. Phase 2B will begin in FY22 and continue through FY23 with sampling and analysis of identified areas as approved by MassDEP. THE FY23 REQUEST OF \$2,000,000 funds the continuation of Phase 2B and provides further funding for necessary follow-up or remediation resulting from the sampling and analysis protocols as well as provides funding for continued transparency efforts and additional PFAS-related needs not yet identified.	\$2.00M	\$2.00M
	<u>Affordable Housing</u>		
ADMIN-22-005	Costs associated with acquiring real estate, or interests in real estate, which may include affordable housing restrictions, including any buildings thereon, for the development of affordable housing, and also to pay costs of designing, constructing, reconstructing and equipping affordable housing, all of which shall be undertaken in conjunction with the Town's Affordable Housing Trust, and for the payment of all other costs incidental and related thereto.	\$1.63M	\$1.63M
	<u>New Vehicle-Parks and Rec Manager</u>		
ADMIN-23-003	The Town is hiring a Parks and Recreation manager. The position requires a town-owned vehicle. The vehicle will most likely be electric or PHEV.	\$0.05M	\$0.05M
	<u>Senior Employee Housing Feasibility Study</u>		
ADMIN-23-004	Feasibility study to determine scope, requirements and alternative approaches to developing (buy or build) quality and enduring housing solutions for Department Head level employees.	\$0.50M	\$0.50M
	<u>Coastal Resiliency Planning</u> ⁷		
ADMIN-23-005	This project has been submitted at direction of Select Board. While specific uses of the funds are as yet not determined, we expect costs for professional services to secure grants and in-kind contributions, permitting and engineering. Please note that there are outyear requests for 10 consecutive years.	\$0.50M	\$1.00M
	<u>Baxter Road Relocation Planning</u>		
ADMIN-23-006	This request is for a planning study to determine comprehensive plan for relocating Baxter Road. The study will include, required takings, environmental concerns, permitting, engineering, utilities and road relocation, and public outreach plan. Goal is to create "shovel ready" plans.	\$1.50M	\$1.50M
	<u>Island-wide Underground Wiring Feasibility Study</u> ⁸		
ADMIN-24-001	Feasibility study/assessment of town-wide or old historic district project to get all wires underground. This study has not yet been put out to bid. The project is uncertain in scope, difficult to articulate, contains myriad dependencies, complex sequencing and potential environmental hurdles. Nevertheless, the Select Board has expressed a desire to understand "what it would take to put wires underground". The potential scale of the project will require an extensive study, hence the large request (\$500k) for consulting. See Supplemental Docs for more detailed scope of work.	\$0.50M	\$0.00M
Town Administration Total:		\$21.93M	\$21.93M
GENERAL FUND SUBTOTAL:		\$59.92M	\$59.18M

Notes:

- ¹ = CapCom recommends out-year funding; TM recommends current year funding.
² = Req. a plan; \$50k prior approp. to cover interim; TM concurs.
³ = TM declined; not advanced to out-year.
⁴ = FEMA Grant funded (\$305K) Free Cash (\$95K)
⁵ = Moved to out-year by TM; position not yet established.
⁶ = Rec. (1) new, (1) replacement, 3rd vehicle to out-year; TM concurs
⁷ = Initial request \$500K, later revised to \$1M
⁸ = Moved to out-year by TM; CapCom concurs.

ENTERPRISE ACCOUNTS

Code	Department/Request	FY23 Request	CapCom Rec.
<u>Airport</u>			
NMA-23-001	<u>Nobadeer Farm Road Housing Development-Design and OPM¹</u> Project to construct two buildings each with 2 side by side duplex townhome type residences. The buildings will be constructed on a 5 acre parcel on Nobadeer Farm Road adjacent to Park Circle. All zoning requirements have been met. Phase 1 for OPM and Design Costs only. Construction is expected to cost roughly \$5.5m. Further detail in Supplemental Docs.	\$1.15M	\$0.00M
NMA-23-002	<u>Maintenance/Equipment/Vehicle Purchases</u> Request includes: Airport 11 replacement, now Compliance vehicle, new Parking Lot vehicle, a GPU, lav cart, tire dolly, maintenance trailer, generator housing and golf carts. Where possible environmentally-friendly vehicles will be purchased. Please see supplemental documents for detail.	\$0.39M	\$0.39M
NMA-23-003	<u>TSA Flooring Replacement</u> Carpet in the TSA secure area is in need of replacement as it can no longer be cleaned. This project will replace carpet with vinyl flooring.	\$0.05M	\$0.05M
NMA-23-004	<u>IT and Equipment Upgrades</u> Replacement of IT equipment such as server and multiple computers used by staff and for training purposes. Additionally, to replace numerous company radios as a lot are older models and frequently found to not operate properly.	\$0.16M	\$0.16M
NMA-23-005	<u>Paint and Beads & Rubber/Markings Removal</u> FAA Part 139 requires the airfield markings to meet certain standards. NMA has developed a multi-year plan to breakout the removal and repainting of the airfield. FAA has stated during Part 139 inspections that there should not be more than 4 layers of paint on the runway/taxiway before the layers need to be removed. This was previously performed by Mass DOT, but is now the responsibility of the airport. This request is just for runway 6/24.	\$0.73M	\$0.73M
NMA-23-006	<u>South Apron Noise Berm Construction¹</u> Construct 15' foot high noise berm as part of the South Apron expansion to limit disturbance to nearby residents.	\$1.35M	\$0.00M
NMA-23-007	<u>A220 Gate Hardstands</u> Demo existing hardstands servicing E190 aircraft in commercial apron and construct new hardstands to service A220 aircraft.	\$1.10M	\$1.10M
NMA-23-008	<u>Gate 8/ Hangar 8 Paving</u> FY23 Request in relation to a change order to a current project. Requires 40,00 sq feet of paving between Gate 8 and Hangar 8. Possible ASMP reimbursement.	\$0.35M	\$0.35M
NMA-23-009	<u>Permitting for Airport Layout Plan (ALP) Update Projects and Runway 6-24 Reconstruction-AIP</u> Funding to complete the permitting process for Runway 6-24 reconstruction project and ALP update projects.	\$0.50M	\$0.50M
NMA-23-010	<u>Commuter Apron Reconstruction-AIP</u> Reconstruction of commuter apron consisting of 122,300 sq feet located in the front of the terminal building.	\$6.40M	\$6.40M
NMA-23-011	<u>Terminal Improvements-AIP</u> Proposed terminal improvements include: Front vestibule, Common-use ticket counters and IT backbone (ASMP 80/20).	\$8.00M	\$8.00M
NMA-23-013	<u>Airport Rescue and Fire Fighting Truck-AIP</u> Purchase of an additional rescue and fire fighting truck due to change in classification and servicing larger aircraft.	\$1.00M	\$1.00M
NMA-23-014	<u>Direct Digital Control System for Terminal Geothermal (Supplemental Funding)</u> Supplemental funding to Article 16 of 2020 ATM: Furnish and install new D.D.C. controllers for following systems: hot & chilled water system, (5) Roof top units, 16 unit heaters - including new temp sensors, 20 fan powered boxes including new temp sensors, (1) network controller, (1) computer w/ 24" monitor. Bids have come in significantly higher than the original quote, therefore the supplemental funding request.	\$0.36M	\$0.36M
NMA-23-015	<u>Airport Master Plan Update-AIP²</u> Review the Airport on a holistic basis to resolve existing air carrier and general aviation capacity constraints, non-standard conditions not covered as part of the Geometry Study, and put a short-term and potentially long-term plan in place for NMA.	\$0.65M	\$1.30M
Airport Total:		\$22.19M	\$20.34M
<u>Our Island Home</u>			
OIH-17-001	<u>Our Island Home Facility</u> Design and OPM (\$8.5m) of a new Our Island Home facility. Scope of service provision and decisions about # of beds and private/shared room ratio will all drive cost. Current construction rough cost estimate if \$60-65m for a 50+ thousand sq foot facility. Scope and refined cost estimates will be facilitated by OPM. Cost estimates subject to change.	\$8.50M	\$8.50M
OIH-23-001	<u>New generator with shed</u> Replace aging generator and expand shed housing the generator. Generator has a service expectancy of 30-35 years and the current generator is 40 years old. Estimate to replace generator is \$70,000. No estimate yet available for the replacement of the generator shed. Also contemplated in this project is ensuring that the whole of the OIH building is supported by back-up power. Currently sections of the building are not.	\$0.15M	\$0.15M
Our Island Home Total:		\$8.65M	\$8.65M
<u>Sewer</u>			
SEWER-18-001	<u>Surfside WWTF Membrane Upgrades (Supplemental Funding)</u> Prior Appropriation of \$1.3m in FY17 (unspent, but required). Replace original GE Zenon Membranes with New LEEP Aeration system membranes. Membranes have a life expectancy of 7-9 years. Current membrane >10 years old. Total membrane cost is ~\$2.3m with contingency.	\$1.00M	\$1.00M
SEWER-20-008	<u>Capacity, Management, Operation and Maintenance (CMOM)</u> 7.20.21: \$4.891m authorized but unspent. (FY22: \$2m; FY21: \$52m; FY20: \$1.6m; FY19: \$.15m; FY18: \$.62m). Hazen and Sawyer currently in design phase with work expected to start Fall of 2021. The body of work repairs/replacements is informed by the last 3 years of CCTV inspections. The CMOM program ensures the Town of Nantucket operates with best practice for sewer line collection system owners and operators. Both comprehensive and holistic, the CMOM provides an information- based plan to effectively run the sewer collection system and help lower the risk of any (SSO) Sanitary Sewer Overflows or Massachusetts Discharge Monitoring permit violations.	\$2.00M	\$2.00M
SEWER-21-005	<u>Water Tight Sewer Manholes (#F24)</u> This is the year 2 request of a 3 year program. Commence an island-wide program to upgrade traditional manhole covers with watertight manhole covers where deemed necessary. Watertight manhole covers prevent discharge and inflow while suppressing odor. The program will prioritize heavily-trafficked roads as well streets that experience regular flooding, with initial work expected to be on the truck route out Washington Street from downtown. The request is for the purchase of 125 watertight covers on a phased basis. Installation will be completed by the Sewer department. Finally, the importance of this remediation work was noted in the Sewer Master Plan and is reflected in the Hazard Mitigation Plan.	\$0.05M	\$0.05M
SEWER-22-002	<u>Design of New Garage Maintenance Facility (Supplemental Funding)</u> This is for design of a new garage at SWTF which will provide maintenance bays as well as vehicle garaging and possibly administrative offices and conference room. This was originally listed as garage with possible housing. This option is too costly. Under investigation is leveraging GSA contracts it appears as though this process would be the most economical to build a Combination garage and admin facility in one foot print. Request follows on the FY22 request for design. Supplemental funding is to cover increased design cost and to account for OPM cost.	\$0.50M	\$0.50M

ENTERPRISE ACCOUNTS (cont.)				
Code	Department/Request	FY23 Request	CapCom Rec.	
	<u>Sewer (cont.)</u>			
	<u>PFAS Removal and Treatment</u>			
SEWER-23-003	In advance of PFAS limits, regulations and removal requirements for Wastewater, Biosolids (Sludge), Leachate and other potential waste streams. Information and Budgeting requested from the vendor, 374Water. This would be a pilot program that could potentially lead to an additional, larger capital request. A placeholder in FY25 for \$10,000,000 reflects the possibility of the larger program.	\$2.50M	\$2.50M	
SEWER-23-004	<u>Replace Main Generator Radiator @SSWTF</u> Existing generator nearing end of life and exhibiting significant corrosion. New generator will be an external unit designed to resist erosion. This type of generator is built for severe weather duty (e.g. use on ships).	\$0.10M	\$0.10M	
	Sewer Total:	\$6.15M	\$6.15M	
	<u>Solid Waste</u>			
	<u>Smart compacter waste receptacles</u>			
SWEF-23-002	The Town uses smart trash receptacles in less frequented locations. Currently they exist in locations such as Nobadeer Athletic Complex, Delta Fields, Coffin Park. These smart receptacles both compact trash and generate signals when they are full, thereby making the physical collection more efficient. The request is for a combination of replacement receptacles as well as new, additional receptacles. The expected lifespan of these receptacle is 6-9 years and many of the receptacles are at life-end.	\$0.15M	\$0.15M	
	<u>Materials Recovery Facility Improvements-Roof Replacement</u>			
SWEF-23-003	Replacement of 27 year old roof which has large and numerous leaks. Gaps in roof are large enough to be visible from ground level. FY23 Request \$332,000 (prior authorization \$468,000); \$100,000 reappropriation from A20 of 2020 ATM-Improve Floor Drain possible.	\$0.33M	\$0.33M	
	<u>Vehicles-Staff: (3)³</u>			
SWEF-23-004	Vehicles used for illegal dumping enforcement, plastic ban audits at restaurants and businesses, coastal plastics study required transport for sampling and random trash collection. Also used for general transport around DPW facilities and meetings at Town facilities.	\$0.12M	\$0.00M	
SWEF-23-005	<u>Materials Recovery Facility improvements-Upgrade restrooms and breakroom</u> General building improvement to original bathrooms (1990s). Long since overdue upgrade.	\$0.08M	\$0.08M	
SWEF-23-006	<u>Materials Recovery Facility Improvements-New concrete pad and catwalk</u> Addition of a 3rd catwalk for public use providing additional capacity for waste stream drop-offs. Adjacent to current drop-off area. SWEF already has the catwalk. This is primarily pad construction and installation of catwalk.	\$0.30M	\$0.30M	
SWEF-23-007	<u>Take-It-or-Leave-It (TIOLI) Improvements-Move/install 131 Pleasant trailer at TIOLI⁴</u> Placeholder for moving trailer at end of 2022. This would greatly expand TIOLI capacity and provide bathroom facilities for staff. Estimate based on previous trailer moves.	\$0.25M	\$0.25M	
SWEF-23-008	<u>Take-It-or-Leave-It (TIOLI) Improvements-Replace roof and siding</u> Roof and siding in need of replacement. Roof leaks. Includes attendant shed and main shed.	\$0.10M	\$0.10M	
SWEF-23-009	<u>Hard-To-Manage-Waste Building-New building</u> Storage space for tires, mattresses, air conditioners and electronics. In Nov 22 a waste ban goes into effect and these recyclable items must be stored indoors. Building will also provides extra space for recycling and reuse programs.	\$0.50M	\$0.50M	
SWEF-23-010	<u>Materials Recovery Facility Improvements-Replace MRF sprinklers</u> Replace existing sprinklers which are original to MRF building (mid 1990s). Safety upgrade.	\$0.06M	\$0.06M	
SWEF-23-011	<u>Landfill-Repair site fences and gates (Landfill and TIOLI)</u> TIOLI fences and gates and general landfill perimeter fencing. Replace existing damaged fencing. Improves site security.	\$0.13M	\$0.13M	
SWEF-23-012	<u>Landfill-Replace front gate</u> Gate is not automated and entry road has been expanded. Currently using temporary manual gate, but new automatic gate required for safety access. Improves site security.	\$0.06M	\$0.06M	
SWEF-23-013	<u>Storm Water Improvements-Pave composting pad/treat run-off</u> Improve storm water run-off quality and drainage around composting site. Paving will also help Improve compost quality and will help minimize nitrogen loading as a result of composting process.	\$0.60M	\$0.60M	
SWEF-23-014	<u>Materials Recovery Facility Improvements-Upgrade sorting station</u> Supplemental funding to Article 20 of 2020 ATM. Total project cost estimated at \$800,000. There are 2 main aspects to this upgrade: 1.) improve ventilation which improves safety of workers, and 2.) both feed conveyor and sorting conveyor are in need of replacement.	\$0.35M	\$0.35M	
SWEF-23-015	<u>Materials Recovery Facility Improvements-De-bagger</u> Supplemental funding to Article 12 of 2019 ATM (\$175,000). The de-bagger takes bags off waste streams and is primarily used for unbagging haulers recycling bags. Without de bagger the bags contents cannot be sorted and as a result contents get shipped off island at a higher cost to Town.	\$0.13M	\$0.13M	
SWEF-23-019	<u>Vehicle-Staff: (1) Replacement⁵</u>	\$0.00M	\$0.04M	
	Solid Waste Total:	\$3.15M	\$3.07M	
	<u>Wannacomet Water Co.</u>			
	<u>Water Main extension-Delta and Nobadeer Playing Fields</u>			
WANN-23-002	This project is driven by multiple demands, including an upgrade to managing ball field irrigation which are currently on wells (of which some are being tested for PFAS), improvements to Delta field snack bar and dugouts, the construction of the Nobadeer field house, and in support of the Parks and Rec master plan. Delta Fields: There is a main on Sun Island Road which will be used a the connect point to bring it in to the Delta field. The well at the Delta Field is used for the bathrooms, the snack shack and irrigation. Nobadeer: There is water into the Nobadeer playing fields just up to the future field house area. The well there is used for irrigation only but pipes could be extended to irrigate the fields easier than at Delta.	\$0.20M	\$0.20M	
	Wannacomet Total:	\$0.20M	\$0.20M	
Note:		ENTERPRISE ACCOUNTS SUBTOTAL:	\$40.34M	\$38.40M
¹ = CapCom rec. out-year funding; TM rec. current year funding.				
² = FY24 scope adv., req. to commence work; total rev. to \$1.3M.				
³ = Moved to out-year by TM, as two vehicle request w/ one vehicle funded FY23 (see SWEF-23-019); CapCom concurs.				
⁴ = \$180K Reappropriation, \$70K Free Cash				
⁵ = Submitted by TM after process initiated, upon review of SWEF-23-004				
GENERAL FUND & ENTERPRISE ACCOUNTS TOTALS:		\$100.25M	\$97.59M	

Appendix B – Capital Requests by Funding Source

GENERAL FUND			
Dept.	Code	Request by Funding Source	CapCom Rec.
Ambulance Reserve Fund			
FIRE	FIRE-20-001	Advanced Life Saving Equipment	\$0.06M
FIRE	FIRE-21-001	Replace Ambulance #3	\$0.37M
FIRE	FIRE-23-003	Replace Portable Radios	\$0.10M
Total Ambulance Reserve:			\$0.53M
Borrowing¹			
ADMIN	ADMIN-23-004	Senior Employee Housing Feasibility Study	\$0.50M
DPW - FAC.	DPW-23-002	Parks and Rec Master Plan (Phase 1 of 3)	\$0.50M
DPW - TRAN.	TRAN-17-001	Sidewalk Improvement Plan (SB Strategic Plan)	\$1.10M
DPW - TRAN.	TRAN-19-009	Millie's Bridge Redesign w/Construction	\$0.50M
HAZ. MIT.	NRD-23-002	Groundwater Mapping, Nutrient Flow Invest. - Harbor Watershed	\$0.90M
ADMIN	ADMIN-22-005	Affordable Housing	\$1.63M
ADMIN	ADMIN-23-006	Baxter Road Relocation Planning	\$1.50M
Total Borrowing:			\$6.63M
Capital Exclusion²			
ADMIN	ADMIN-23-003	New Vehicle-Parks and Rec Manager	\$0.05M
DPW-GNRL	DPW-23-006	Fleet-Two Ford Rangers (Replacement)	\$0.10M
DPW-GNRL	DPW-23-007	Fleet-Skid Steer Loader (Replacement)	\$0.07M
DPW-GNRL	DPW-23-008	Fleet-Ford F350 (Replacement)	\$0.07M
DPW-GNRL	DPW-23-009	Fleet-Ford F 550 (Replacement)	\$0.08M
DPW-GNRL	DPW-23-010	Fleet-(Accessory)"Forestry Package" for Cat Skid Steer	\$0.05M
DPW-GNRL	DPW-23-011	Fleet-Tandem Vibratory Roller (Replacement)	\$0.05M
DPW-GNRL	DPW-23-013	Fleet- Mini Sweeper	\$0.12M
FIRE	FIRE-19-002	Replace SCBAs	\$0.11M
FIRE	FIRE-23-007	Replace Utility Truck	\$0.08M
FIRE	FIRE-23-008	Utility Terrain Vehicle	\$0.05M
HEALTH	HHS-23-001	Vehicles-Replacement (1), New (2) (1)	\$0.10M
NAT. RES.	NRD-23-001	Vehicles- Replacement (1), New (1)	\$0.10M
Total Capital Exclusion:			\$1.02M
Chapter 90 Funds			
DPW - TRAN.	TRAN-23-001	Milestone Bike Path Extension-Monomoy to Polpis	\$0.60M
DPW - TRAN.	TRAN-23-002	Washington/Francis/Union Streets Intersections Improvements	\$0.50M
Total Chapter 90 Funds:			\$1.10M
Debt Exclusion³			
ADMIN	ADMIN-17-004	2 Fairgrounds Municipal Office Building	\$6.00M
ADMIN	ADMIN-20-004	Seasonal Employee Housing	\$8.50M
ADMIN	ADMIN-20-005	New Senior Center-Feasibility/Design/Construction	\$0.50M
ADMIN	ADMIN-22-004	PFAS Groundwater soil investigation	\$2.00M
DPW - TRAN.	TRAN-23-004	Pleasant Street Repaving with Improved Sidewalk-Silver to Main	\$2.00M
MARINE	PUBL-23-007	Renovate/reconstruct Harbormaster Bldg. (Supplemental)	\$2.00M
POLICE	PUBL-23-005	LORAN Seasonal Housing Repairs Phase II	\$4.50M
SCHOOL	NPS-23-002	Campus-wide Improvements	\$16.40M
Total Debt Exclusion:			\$41.90M
FEMA Grant			
FIRE	FIRE-23-003	Replace Portable Radios	\$0.31M
Total FEMA Grant:			\$0.31M

GENERAL FUND (cont.)

Dept.	Code	Request by Funding Source	CapCom Rec.
Free Cash			
ADMIN	ADMIN-20-003	Town-Wide Document Management System	\$0.25M
ADMIN	ADMIN-23-005	Coastal Resiliency Planning	\$0.50M
DPW - FAC.	DPW-23-003	Jetties Beach tennis courts crack sealing	\$0.08M
DPW - FAC.	DPW-23-004	Replace chain-link fence around the skate park	\$0.08M
DPW - TRAN.	TRAN-17-002	Road improvements/Maintenance Island Wide (SBSP)	\$2.00M
DPW - TRAN.	TRAN-20-001	Multi- Use Path Maintenance (SBSP)	\$0.25M
DPW - TRAN.	TRAN-20-002	Cobblestone Improvements	\$0.53M
FIRE	FIRE-23-005	Active Shooter Response (Protective Equipment)	\$0.08M
FIRE	FIRE-23-006	Firefighting Foam-Disposal and replacement	\$0.11M
HAZ. MIT.	HMP-22-003	Polpis Road/Sesachacha Pond Interim Hardening (HMP ID #F17)	\$0.25M
HAZ. MIT.	HMP-22-005	Sediment Transport and Dredge Plan (#SC3)	\$0.55M
HAZ. MIT.	HMP-23-004	5-Year Review of Natural Hazard and Hazard Mitigation Plans	\$0.15M
HAZ. MIT.	HMP-23-009	Harbors Plan HMP Implementation (Year 2) (#SC2)	\$0.10M
HAZ. MIT.	HMP-23-013	Miacomet Pond Dredging Design and Permitting	\$0.30M
IS/GIS	ADMIN-17-001	Maintain Network Infrastructure	\$0.05M
IS/GIS	ADMIN-17-002	Server Virtualization and Maintenance	\$0.08M
IS/GIS	ADMIN-18-001	Replace Town Computers	\$0.06M
IS/GIS	ADMIN-23-001	Replace Wireless Network	\$0.20M
MARINE	PUBL-23-004	Marine Maintenance Building Phase 2	\$0.40M
SCHOOL	NPS-22-002	NPS Roof Replacements	\$0.25M
SCHOOL	NPS-23-003	NPS Building Improvements	\$0.30M
POLICE	PUBL-23-006	Replace and Upgrade Body Camera video system	\$0.49M
Total Free Cash:			\$7.04M
Raise & Appropriate⁴			
ADMIN	ADMIN-23-005.s	Coastal Resiliency Planning	\$0.50M
IS/GIS	ADMIN-18-002	GIS Digital Imaging Updates	\$0.17M
Total Raise & Appropriate:			\$0.67M
GENERAL FUND SUBTOTAL:			\$59.18M

Notes:

¹ = Town Manager anticipates these may be funded w/in Prop. 2-1/2 Levy Limit

² = See "Capital Exclusions" in Projected Taxpayer Impacts on pg. 5, which incl. request not shown here ("DPW-23-012 Fleet-Mechanic's Truck \$0.12M") that CapCom rec. for out-year funding, TM rec. current year.

³ = See Projected Taxpayer Impacts on pg. 5.

⁴ = Funded by Annual Required Capital Investment (1% of prior year's total Local Receipts + 1% of prior year's total collected Real Estate & Personal Property Taxes) = \$1,070,000.00 (FY23)

ENTERPRISE ACCOUNTS

Dept.	Code	Request by Funding Source	CapCom Rec.
Borrowing¹			
AIRPORT	NMA-23-002	Maintenance/Equipment/Vehicle Purchases	\$0.39M
AIRPORT	NMA-23-004	IT and Equipment Upgrades	\$0.16M
AIRPORT	NMA-23-005	Paint and Beads & Rubber/Markings Removal	\$0.73M
AIRPORT	NMA-23-007	A220 Gate Hardstands	\$1.10M
AIRPORT	NMA-23-009	Permitting - Airport Layout Plan Update Projects and Runway 6-24 Reconstruction-AIP ^{2 (typ.)}	\$0.50M
AIRPORT	NMA-23-010	Commuter Apron Reconstruction-AIP	\$6.40M
AIRPORT	NMA-23-011	Terminal Improvements-AIP	\$8.00M
AIRPORT	NMA-23-013	Airport Rescue and Fire Fighting Truck-AIP	\$1.00M
AIRPORT	NMA-23-014	Direct Digital Control System for Terminal Geothermal (Supplemental Funding)	\$0.36M
AIRPORT	NMA-23-015	Airport Master Plan Update-AIP	\$1.30M
SEWER	SEWER-18-001	Surfside WWTF Membrane Upgrades (Supplemental Funding)	\$1.00M
SEWER	SEWER-20-008	Capacity, Management, Operation and Maintenance (CMOM)	\$2.00M
SEWER	SEWER-22-002	Design of New Garage Maintenance Facility (Supplemental)	\$0.50M
SEWER	SEWER-23-003	PFAS Removal and Treatment	\$2.50M
SLD. WASTE	SWEF-23-009	Hard-To-Manage-Waste Building-New building	\$0.50M
SLD. WASTE	SWEF-23-013	Storm Water Improvements-Pave composting pad/treat run-off	\$0.60M
AIRPORT	NMA-23-003	TSA Flooring Replacement	\$0.05M
AIRPORT	NMA-23-008	Gate 8/ Hangar 8 Paving	\$0.35M
Total Borrowing:			\$27.44M
Capital Exclusion³			
SLD. WASTE	SWEF-23-019	Vehicle-Staff: (1) Replacement	\$0.04M
Total Capital Exclusion:			\$0.04M
Debt Exclusion³			
OIH (E)	OIH-17-001	Our Island Home Facility	\$8.50M
Total Debt Exclusion:			\$8.50M
Free Cash			
SLD. WASTE	SWEF-23-002	Smart compacter waste receptacles	\$0.15M
SLD. WASTE	SWEF-23-003	Materials Recovery Facility (MRF)-Roof Replacement	\$0.33M
SLD. WASTE	SWEF-23-005	MRF-Upgrade restrooms and breakroom	\$0.08M
SLD. WASTE	SWEF-23-007	TIOLI-Move/install 131 Pleasant trailer at TIOLI	\$0.07M
SLD. WASTE	SWEF-23-010	MRF-Replace MRF sprinklers	\$0.06M
SLD. WASTE	SWEF-23-011	Landfill-Repair site fences and gates (Landfill and TIOLI)	\$0.13M
SLD. WASTE	SWEF-23-012	Landfill-Replace front gate	\$0.06M
SLD. WASTE	SWEF-23-014	MRF-Upgrade sorting station	\$0.35M
SLD. WASTE	SWEF-23-015	MRF-De-bagger	\$0.13M
Total Free Cash:			\$1.35M
Raise & Appropriate			
SLD. WASTE	SWEF-23-006	MRF-New concrete pad and catwalk	\$0.30M
SLD. WASTE	SWEF-23-008	Take-It-or-Leave-It (TIOLI)-Replace roof & siding	\$0.10M
Total Raise & Appropriate:			\$0.40M
Reappropriation			
SLD. WASTE	SWEF-23-007	TIOLI-Move/install 131 Pleasant trailer at TIOLI	\$0.18M
Total Reappropriation:			\$0.18M

ENTERPRISE ACCOUNTS (cont.)

Dept.	Code	Request by Funding Source	CapCom Rec.
Retained Earnings			
OIH (E)	OIH-23-001	New generator with shed	\$0.15M
SEWER	SEWER-21-005	Water Tight Sewer Manholes (#F24)	\$0.05M
SEWER	SEWER-23-004	Replace Main Generator Radiator @SSWTF	\$0.10M
WATER	WANN-23-002	Water Main extension-Delta and Nobadeer Playing Fields	\$0.20M
Total Retained Earnings:			\$0.50M
ENTERPRISE ACCOUNTS SUBTOTAL:			\$38.40M

Notes:

¹ = Typically paid by user fees (unless a General Funds subsidy is required; if such subsidy is required, prior to the issuance of debt, individual projects must be analyzed for impact on tax rates).

² = AIP Grant funding sought to pay up to 90% cost; MASSPORT funding may be available to cover up to 5%

³ = See Projected Impacts on pg. 5.

GENERAL FUND & ENTERPRISE ACCOUNTS TOTALS: \$97.59M

Appendix C- Appropriations & Expenditures to-date (FY23 Capital Requests)

GENERAL FUND				
Code	Dept./Request	Prior Appropriation	Expended	Balance
<u>DPW - Transportation</u>				
TRAN-17-001	Sidewalk Improvement Plan (SB Strategic Plan)	\$3.09M	\$1.70M	\$1.39M
TRAN-17-002	Road improvements/Maintenance Island Wide (SBSP)	\$4.58M	\$4.58M	\$0.00M
TRAN-19-009	Millie's Bridge Redesign w/Construction	\$0.25M	\$0.23M	\$0.02M
TRAN-20-001	Multi- Use Path Maintenance (SBSP)	\$0.71M	\$0.43M	\$0.28M
TRAN-20-002	Cobblestone Improvements	\$0.50M	\$0.25M	\$0.25M
<u>Fire Department</u>				
FIRE-19-002	Replace SCBAs	\$0.28M	\$0.28M	\$0.00M
FIRE-20-001	Advanced Life Saving Equipment	\$0.15M	\$0.00M	\$0.15M
<u>Hazard Mitigation</u>				
HMP-23-009	Harbors Plan HMP Implementation (Year 2) (#SC2)	\$0.10M	\$0.00M	\$0.10M
Admin-23-005	Coastal Resiliency Planning	\$0.55M	\$0.55M	\$0.00M
<u>IS/GIS</u>				
ADMIN-17-001	Maintain Network Infrastructure	\$0.40M	\$0.06M	\$0.34M
ADMIN-17-002	Server Virtualization and Maintenance	\$0.08M	\$0.07M	\$0.00M
ADMIN-18-001	Replace Town Computers	\$0.22M	\$0.17M	\$0.05M
ADMIN-18-002	GIS Digital Imaging Updates	\$0.18M	\$0.15M	\$0.02M
<u>Marine Department</u>				
PUBL-23-004	Marine Maintenance Building Phase 2	\$0.50M	\$0.37M	\$0.12M
PUBL-23-007	Renovate/reconstruct Harbormaster Building (Supplemental)	\$3.45M	\$0.35M	\$3.10M
<u>Our Island Home (G)</u>				
OIH-17-001	Our Island Home Facility	\$1.00M	\$0.73M	\$0.27M
<u>Police Department</u>				
PUBL-23-005	LORAN Seasonal Housing Repairs Phase II	\$0.50M	\$0.25M	\$0.25M
<u>School Department</u>				
NPS-23-002	Campus-wide Improvements	\$1.11M	\$0.00M	\$1.11M
NPS-23-003	NPS Building Improvements	\$0.90M	\$0.70M	\$0.20M
<u>Town Administration</u>				
ADMIN-20-003	Town-Wide Document Management System	\$0.60M	\$0.21M	\$0.39M
ADMIN-20-004	Seasonal Employee Housing	\$0.30M	\$0.00M	\$0.30M
ADMIN-20-005	New Senior Center-Feasibility/Design/Construction	\$0.15M	\$0.12M	\$0.03M
ADMIN-22-004	PFAS Groundwater soil investigation	\$0.75M	\$0.59M	\$0.16M
ADMIN-22-005	Affordable Housing	\$1.63M	\$1.20M	\$0.43M
ENTERPRISE FUND				
Code	Dept./Request	Prior Appropriation	Expended	Balance
<u>Sewer</u>				
SEWER-18-001	Surfside WWTF Membrane Upgrades (Supplemental)	\$0.00M	\$0.00M	\$0.00M
SEWER-20-008	Capacity, Management, Operation & Maintenance (CMOM)	\$11.75M	\$7.05M	\$4.70M
SEWER-21-005	Water Tight Sewer Manholes (#F24)	\$0.05M	\$0.00M	\$0.05M
SEWER-22-002	Design of New Garage Maintenance Facility (Supplemental Fund)	\$0.33M	\$0.00M	\$0.33M
<u>Solid Waste</u>				
SWEF-23-003	MRF Improvements-Roof Replacement	\$0.47M	\$0.00M	\$0.47M
SWEF-23-014	MRF Improvements-Upgrade sorting station	\$0.57M	\$0.11M	\$0.45M

Appendix D – Town of Nantucket Tax Rate History

Year	Rate
1971	\$73.00
1972	\$73.00
1973	\$38.00
1974	\$82.00
1975	\$86.00
1976	\$90.00
1977	\$115.00
1978	\$129.00
1979	\$134.00
1980	\$128.00

Note: In FY 1981 Nantucket was one of the first communities to classify property according to use, conduct a full revaluation of all properties and adopt a split tax rate and residential exemption.

Fiscal Yr	Rates			Residential Exemption	\$ Value of Exemption	CPA
	Residential	Open Spac	Com/Ind/PP			
1981	\$8.60	\$6.87	\$12.94	10,000	\$86.00	
1982	\$8.88	\$6.85	\$13.03	10,000	\$88.80	
1983	\$6.34	\$6.20	\$9.45	11,967	\$75.87	
1984	\$6.90	\$6.76	\$10.98	12,000	\$82.80	
1985	\$7.17	\$7.02	\$11.34	12,004	\$86.07	
1986	\$4.03	\$3.96	\$6.37	20,363	\$82.06	
1987	\$4.67	\$4.61	\$7.44	17,485	\$81.65	
1988	\$5.54	\$5.47	\$8.88	17,383	\$96.30	
1989	\$4.03	\$3.91	\$7.66	63,666	\$256.57	
1990	\$4.30	\$4.17	\$8.16	63,972	\$275.08	
1991	\$4.52	\$4.44	\$8.68	61,771	\$279.20	
1992	\$5.41	\$5.31	\$10.35	51,608	\$279.20	
1993	\$6.26	\$6.12	\$11.89	44,585	\$279.10	
1994	\$6.34	\$6.20	\$12.40	44,889	\$284.60	
1995	\$6.56	\$6.40	\$12.42	45,235	\$296.74	
1996	\$6.58	\$6.42	\$12.47	46,052	\$303.02	
1997	\$6.74	\$6.53	\$12.58	59,456	\$400.73	
1998	\$5.25	\$5.08	\$9.71	80,598	\$423.14	
1999	\$5.83	\$5.62	\$10.71	87,689	\$511.23	
2000	\$5.77	\$5.55	\$10.57	89,600	\$516.99	
2001	\$3.94	\$3.79	\$7.14	151,337	\$596.27	
2002	\$4.21	\$4.05	\$7.62	153,165	\$644.82	\$19.34
2003	\$3.42	\$3.29	\$6.11	210,261	\$719.09	\$21.57
2004	\$3.13	\$3.00	\$4.73	245,258	\$767.66	\$23.03
2005	\$3.30	\$3.16	\$4.99	248,178	\$818.99	\$24.57
2006	\$2.84	\$2.73	\$5.06	316,472	\$898.78	\$26.96
2007	\$2.49	\$2.39	\$4.46	376,097	\$936.49	\$28.09
2008	\$2.67	\$2.56	\$4.77	374,402	\$999.65	\$29.99
2009	\$2.76	\$2.65	\$4.92	375,319	\$1,035.88	\$31.08
2010	\$3.01	\$2.88	\$5.35	360,135	\$1,084.01	\$32.52
2011	\$3.58	\$3.42	\$6.41	304,992	\$1,091.87	\$32.76
2012	\$3.62	\$3.46	\$6.47	297,869	\$1,078.29	\$32.35
2013	\$3.67	\$3.51	\$6.51	303,664	\$1,114.45	\$33.43
2014	\$3.76	\$3.60	\$6.68	299,187	\$1,124.94	\$33.75
2015	\$3.61	\$3.45	\$6.38	336,917	\$1,216.27	\$36.49
2016	\$3.36	\$3.22	\$5.93	362,525	\$1,218.08	\$36.54
2017	\$3.39	\$3.24	\$5.99	373,635	\$1,266.62	\$38.00
2018	\$3.53	\$3.34	\$5.97	486,050	\$1,715.76	\$51.47
2019	\$3.36	\$3.20	\$5.71	518,251	\$1,741.32	\$52.24
2020	\$3.45	\$3.29	\$5.86	528,618	\$1,823.73	\$54.71
2021	\$3.63	\$3.43	\$6.30	522,914	\$1,898.18	\$56.95
2022	\$3.74	\$3.53	\$6.40	541,019	\$2,023.41	\$60.70

Appendix E - Capital Project Request Form

(Specimen of data fields within Capital Request Database)

Town of Nantucket
FY ____ Capital Project Request Form

PROJECT INTRODUCTION

Department:

Project Title:

Project Summary:

Project Location:

Project related to other depts/agencies, explain:

Submittal Date:

Contact Person:

CLASSIFICATION

Type: (Check all applicable)

- | | |
|--------------------------|---|
| ☐ | Land or Land Improvements |
| ☐ | Building or Building Improvement |
| ☐ | Infrastructure |
| ☐ | Outdoor Asset (park, playing fields, etc.) |
| ☐ | Soft Cost (design, study, plans, permitting) |
| ☐ | Vehicles (on or off-road, specialty) |
| ☐ | Equipment, Machinery, Fixture, Furniture (long-life, durable) |
| ☐ | Intangible (software, other licenses, permits, covenants) |

Nature: (Check all applicable)

- | | |
|--------------------------|---|
| ☐ | New Asset--if new operation too, explain: |
| ☐ | Upgrade/Improvement |
| ☐ | Replacement |
| ☐ | Renovate/Repair |
| ☐ | Decommissioning |
| ☐ | Heritage/Culture/Legacy/Tradition |
| ☐ | Purchase |
| ☐ | Lease |

PRIORITIZATION

- | | |
|--------------------------|--|
| ☐ | Low/Elective - Dept quality or functional enhancement if funding permits |
| ☐ | Med./Recommended - Dept necessary functions impaired -- explain: |
| ☐ | High/Required - Dept mission critical -- explain: |

☐ If not funded, Alternative Action available--explain:

(Check all applicable)

- | | |
|--------------------------|---|
| ☐ | Imminent threat to public safety or property, explain: |
| ☐ | Preservation of operations |
| ☐ | Legal requirement of Federal, State or Local agencies |
| ☐ | Improvement to infrastructure |
| ☐ | Improvement in the efficiency and effectiveness of service delivery, explain: |

☐ Minor

☐ Major

- | | |
|--------------------------|---|
| ☐ | Alleviation of an overstressed/overburdened situation |
| ☐ | Supports strategic plan (i.e. master plan, housing prod. plan, facilities maint plan, CWMP, etc.) |
| ☐ | Results in lower energy consumption |
| ☐ | Results in lower operations and maintenance costs |
| ☐ | Phased funding/included in a prior year's budget |
| ☐ | Scheduled replacement (i.e. motor vehicles, roofs, computers) |
| ☐ | Placeholder -- explain: |

COSTS & FUNDING

Basis for Cost:

Source of Quote or Estimate:

- | | |
|--------------------------|-------------------------|
| ☐ | Informal (name source): |
| ☐ | Comparable Valuation |
| ☐ | Historic Reference |
| ☐ | Other -- explain: |
| ☐ | Quote (written) |
| ☐ | Bid |

Cost Breakdown:

\$ Amounts (±)		FY19	FY20	FY21	FY22	FY23	Totals
☐	Land	\$	-	\$	-	\$	-
☐	Aquisition Cost(s):						
☐	± Appraisal(s)	\$	-	\$	-	\$	-
☐	± Survey(s)	\$	-	\$	-	\$	-
☐	Other Legal:	\$	-	\$	-	\$	-
☐	Design	\$	-	\$	-	\$	-

☐	Permitting	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Construction	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Equipment or Fixture:	\$	-	\$	-	\$	-	\$	-	\$	-
☐	±Installation Cost(s)	\$	-	\$	-	\$	-	\$	-	\$	-
☐	±Trade-in/Redemption Cost(s)	\$	-	\$	-	\$	-	\$	-	\$	-
☐	OPM (Owner's Project Manager)	\$	-	\$	-	\$	-	\$	-	\$	-
☐	O+M or Post-Const.	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Disposal	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Contingency	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Financing	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Insurance	\$	-	\$	-	\$	-	\$	-	\$	-
☐	Other, explain in cost doc.	\$	-	\$	-	\$	-	\$	-	\$	-
Total		\$	-	\$	-	\$	-	\$	-	\$	-

☐	'Green' Component(s):	\$	-	\$	-	\$	-	\$	-
☐	Compliance requirement:	\$	-	\$	-	\$	-	\$	-
Explain:									

Net effect on Operating Budget:		FY19	FY20	FY21	FY22	FY23	Totals
☐	Maintenance Cost	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
☐	Personnel Cost	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
☐	Utilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Maintenance Plan:		FY19	FY20	FY21	FY22	FY23	Totals
☐	Annual Cost	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Anticipated Useful Life: _____
Average Use Hrs/Day (approx.): _____
Annual Days-in-use (approx.): _____

Outsourcing Alternative(s) Applicable(Yes/No) -- explain:

PROJECT TIMELINE

Project Manager:

Other Departments Involved in the Project:

Timeline (leading to anticipated completion date):

	FY19	FY20	FY21	FY22	FY23
☐	Procurement	--	--	--	--
☐	Aquisition	--	--	--	--
☐	Design	--	--	--	--
☐	Permitting	--	--	--	--
☐	Construction	--	--	--	--
☐	Substantial Comp.	--	--	--	--
☐	Full Completion	--	--	--	--
☐	One-time:				
☐	Decommission	--	--	--	--
☐	Removal	--	--	--	--
☐	Installation	--	--	--	--
☐	Final Delivery	--	--	--	--

SUPPLEMENTAL DOCUMENTS REQUIRED

- ☐ Detailed Project Description and Photos
- ☐ Basis for Cost
- ☐ Documentation for Operating Budget Impact
- ☐ Summary Plan for Maintenance

Appendix F – Typical MA Municipal Capital Funding Sources

Local

1) Borrowing:

- a) **General Obligation Bonds (aka, "GO Bonds").** These are issued for a period of time ranging from 5 to 30 years, during which time principal and interest payments are made. Making payments over time has the advantage of allowing the capital expenditures to be amortized over the life of the project. Funding sources used to pay back the debt can include:
 - i) **Bonds funded within the tax limits of Proposition 2 ½:** Debt service for these bonds must be paid within the tax levy limitations of proposition 2 ½. Funds used for this debt must be carefully planned in order to not impact the annual operating budget.
 - ii) **Bonds funded outside the tax limits of Proposition 2 ½ -- Debt Exclusion Bonds¹:** Debt service for these bonds is paid by increasing local property taxes in an amount needed to pay the annual debt service. Known as a Debt Exclusion, this type of funding requires approval by 2/3 vote of the local appropriating authority (e.g., city council or town meeting) and approval of majority of voters participating in a ballot vote. Prior to the vote, the impact on the tax rate must be determined so voters can understand the financial implications.
 - iii) **Bonds funded with Enterprise Funds:** Debt service for these bonds is typically paid by user fees, such as water and sewer revenue. Depending upon the type of project, interest costs may be subsidized by the Commonwealth and at times partial grant funds may be available (see below). Enterprise funds do not affect the general operating budget unless general funds are needed to subsidize revenues from the enterprise. Prior to the issuance of debt, the projects must be analyzed for their impact on rates.
- b) **Capital Exclusion:** Capital Exclusion projects are similar to Direct Appropriation (Pay-as-You-Go, below) except taxes are raised outside the limits of Proposition 2 ½ and are added to the tax levy only during the year in which the project is being funded. As with a Debt Exclusion, Capital Exclusion funding requires approval by 2/3 vote of the local appropriating authority (e.g., city council or town meeting) and approval of a majority of voters participating in a ballot vote. Prior to the vote, the impact on the tax rate must be determined so voters can understand the financial implications. Capital Exclusions may be authorized for any municipal purpose for which the city or town would be authorized to borrow money.

¹ = Debt Exclusion is different from a property tax override in that an exclusion is temporary, it is only in place until the incurred debt is paid. An override becomes a permanent part of the levy limit base.

2) Other:

- a) **Bond Proceeds:** Municipalities sell bonds at a premium over par, which premium funds bond issuance and service; any excess is reserved for specific uses based on the type of account (General Fund, Enterprise Fund, or School) with that excess available to fund like capital projects.
- b) **Free Cash:** Free Cash is the difference between annual revenues and expenditures and is certified by the Commonwealth each year. After certification, free cash is available for appropriation for any municipal purpose, including capital projects.
- c) **Direct Appropriation/ Pay-as-You-Go:** Direct Appropriation capital projects are funded with current revenues, and the entire cost is paid off within one year so no borrowing takes place. Projects funded with current revenues are customarily lower in cost than those funded by general obligation bonds because there are no interest costs. However, funds to be used for this purpose must be carefully planned in order to not impact the annual operating budget. For this reason, Pay-as-You-Go capital projects are typically lower in value than projects funded by borrowing.
- d) **Sale of Surplus Real Property:** Pursuant to Massachusetts General Laws, when real estate is sold, the proceeds must first be used to pay any debt incurred in the purchase of the property. If no debt is outstanding, the funds "may be used for any purpose or purposes for which the city, town or district is authorized to incur debt for a period of five years or more...except that the proceeds of a sale in excess

of five hundred dollars of any park land by a city, town, or district shall be used only by said city, town, or district for acquisition of land for park purposes or for capital improvements to park land" (MGL Chapter 44, Sec. 63).

e) **Stabilization Fund:**

- i) **Capital Stabilization Fund:** Local officials can set aside money in a stabilization fund -outside of the general fund- to pay for all or a portion of future capital projects. A 2/3 vote of city council or town meeting is required to appropriate money into and out of this fund.
- ii) **Enterprise Retained Earnings (as a form of Stabilization Fund):** Enterprise operations, such as water and sewer, are able to maintain an operating surplus that can be utilized for future enterprise fund costs. These funds can be used to stabilize the user rates, apply to annual budget needs, and/or invest in capital replacement and expansion.

f) **Special Purpose Funds:** Communities also have established numerous "Special Purpose Funds" for which the use is restricted to a specific purpose, some of which may be investment in department facilities and equipment. Numerous state statutes that govern the establishment and use of these separate accounts. Examples include the sale of cemetery lots and off-street parking fees accounts.

Federal, State, and Private Grants and Loans

- 1) **Office of Aviation Airport Improvement Program (AIP):** Funding is available to airports that are part of the National Plan of Integrated Airport Systems by the FAA. The AIP provides funds for projects to improve infrastructure, including runways, taxiways, aprons, noise control, land purchases, navigational aids, safety and security.
- 2) **Massachusetts Chapter 90 Roadway Funds:** Each year, the Massachusetts Department of Transportation (MassDOT) allocates funds to cities and towns for roadway construction, maintenance, or improvement. Funds may also be used for other work incidental to roadway work, such as the construction of a garage to house related vehicles, or the purchase of related vehicles, equipment, and tools. Chapter 90 is a 100% reimbursable program. Funding is accomplished through the issuance of transportation bonds and apportioned to municipalities based on three factors: 1) accepted road miles, 2) population, and 3) total employment within the municipal borders. The number of accepted road miles is the most heavily weighted factor at 58.33%; the others are each weighted at 20.83%.
- 3) **Massachusetts Department of Environmental Protection's State Revolving Funds (SRF):** The Clean Water State Revolving Fund (CWSRF) provides financing for sewer and drainage projects intended to reduce sewer overflows and the Drinking Water State Revolving Fund (DWSRF) provides financing to improve the quality of the drinking water system. The CWSRF and DWSRF programs typically offer a mix of low interest (2%) loans and grant funds. Repayment does not begin until two years after the monies have been borrowed.
- 4) **Massachusetts School Building Authority (MSBA):** The MSBA provides funding for school feasibility, design, and construction. Projects must be accepted into the process in response to the submission of a Statement of Interest which identifies a facility problem to be solved. Subsequently, the community must appropriate funding for schematic design and later for construction before the MSBA will commit to its share of the project. If accepted, the MSBA determines the amount of reimbursement it will offer based upon community need, with a minimum base rate of 31%. The percent of reimbursement can then be increased based upon three factors: community income factor, community property wealth factor, and community poverty factor.
- 5) **Mass DOT Complete Streets.** Funding program that allows up to \$400,000 in construction funds.
- 6) **MA Community Compact Grants** (fit in where/how?)... eg. funds upwards of \$68,000 for a particular MA town's IT equipment.
- 7) **MA Other.** Many Commonwealth departments also offer annual grant opportunities that are available to municipalities typically through a competitive application process. State grant programs that may be used for capital expenses include, but are not limited to the Green Community grants (project to improve sustainability) and Parkland Acquisitions and Renovations for Communities (PARC) grants.

Chapter 396 of the Acts of 2008

AN ACT AUTHORIZING THE ESTABLISHMENT OF THE NANTUCKET SEWER COMMISSION AND SEWER DISTRICTS IN THE TOWN OF NANTUCKET.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The town of Nantucket, acting by and through the Nantucket sewer commission described in section 3, may lay out, plan, construct, maintain and operate a system or systems of common sewers for a part or whole of its territory, as may be from time to time defined and established by adoption by town meeting of one or more by-laws as a designated sewer district under the jurisdiction and control of the sewer commission, with such capacity limitations, connections, pumping stations, treatment plants and other works, as may be allocated in such by-law to such sewer district as required for a system or systems of sewage treatment and disposal, and may construct such sewers and related works in said sewer districts defined and established by by-law as may be necessary. No other sewers shall be constructed in any public roads or ways of the town which are not within the limits of such designated sewer districts and which are not under the control of the sewer commission.

SECTION 2. The town may make and maintain, within sewer districts defined and established as set forth in section 1 in any way therein where common sewers are constructed, such connecting sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way within such district.

SECTION 3. Notwithstanding the provisions of chapter 169 of the acts of 1965, the town may, at any town meeting, by a two-thirds vote, vote that the board of selectmen shall act as a Nantucket sewer commission, or that there shall be a separate Nantucket sewer commission, the members of which shall be appointed by the board of selectmen or elected by popular vote for 3 year terms. The number, constitution and the choice of elected or appointed commissioners of a separate sewer commission shall also be determined by a two-thirds vote of town meeting. If a separate Nantucket sewer commission is established by town meeting, any selectman shall be eligible to serve as a member thereof. Town meeting shall be authorized to change the method of establishment of the Nantucket sewer commission described herein without any limitation on the number of times such commission may be established or re-established as the case may be, by a two-thirds vote. Whenever the phrase "Nantucket sewer commissioners" appears in this act, such phrase shall include within its meaning either the board of selectmen acting as Nantucket sewer commissioners, or the separate appointed or elected Nantucket sewer commission.

SECTION 4. The Nantucket sewer commission, acting for and on behalf of the town of Nantucket, shall have charge of and shall be responsible for the policies, finances, and overall goals of the sewer system, but shall be subject to the charter of the town of Nantucket as to the administration and management of the systems operation and maintenance, and shall be responsible for the good order of all sewers, pipes, pumping stations, treatment and disposal works, and the like. The operations of the Nantucket sewer commission shall be governed by, and any staff or employees shall be considered part of town administration within the meaning of, the charter of the town of Nantucket unless changed or modified pursuant to said charter.

SECTION 5. The board of selectmen acting for and on behalf of the town of Nantucket, after being duly authorized to do so by town meeting, may take by eminent domain pursuant to chapter 79 of the General Laws or otherwise may, utilizing the procedures described in the charter of the town of

Nantucket acquire by purchase or gift any lands, rights of way, or easements, public or private, in the town necessary for accomplishing any purpose mentioned in this act and may construct such sewers under or over any state road, any bridge, pier, tidelands, boulevards or other public way, or within the location of any state land, without the necessity for any formal filings in the registry of deeds, and may enter upon and dig up any private land or any public land or public way, for the purpose of laying such sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act.

SECTION 6. The financial operations of the sewer system shall be an Enterprise Fund within the meaning of section 53F1/2 of chapter 44 of the General Laws, except as modified herein, and any expenditure from such fund shall be only upon authorization of the Nantucket sewer commission. The town shall, by vote at town meeting, determine whether it shall pay the whole or a portion of the cost of said system or systems of sewerage and sewage disposal, and if a portion, what proportion. If the town votes to pay less than the whole cost, in providing for the payment of the remaining portion of the cost of said system or systems, the town, acting through the Nantucket sewer commission, may avail itself of any or all of the methods permitted by the General Laws; and the provisions of the General Laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments or the additional methods set forth in section 8, and as to liens therefor and to interest thereon, shall apply to assessments made pursuant to this act by the Nantucket sewer commission, except that interest shall be at the rate as may be established by the Nantucket sewer commission from time to time.

At the same meeting at which town meeting determines that any portion of the cost is to be borne by the town, it may by vote determine by which of such methods the remaining portion of said cost shall be provided for.

The collector of taxes of said town shall certify the payment or payments of any such assessment or apportionments thereof to the sewer commission or to the selectmen acting as such, who shall preserve a record thereof.

SECTION 7. The revenues received by the fund described in section 6 of this act from sewer assessments, fees, charges, contributions from the town towards the costs of such sewer system as described in section 6, and the like as receipts or revenues, shall be applied to the payment of charges and expenses incident to the design, construction, maintenance, and operation of said system or systems of sewerage and sewage disposal or to the extensions thereof, to the payment of principal or interest upon bonds or notes issued for sewer purposes, or to the payment or redemption of such bonds or notes.

SECTION 8. The Nantucket sewer commission may, in its discretion, prescribe for the users of said sewer systems and disposal works such annual charges, connection fees, assessments, privilege fees, and the like, based on the benefits derived therefrom as such sewer commission may deem proper, subject however, to such by-laws as may be adopted by vote of the town, or as may be provided for in the General Laws. Notwithstanding any law to the contrary, the commission is authorized to impose and collect such charges, fees, or assessments prior to connection or operation of such system of sewers, and may enter into agreements for the payment thereof over such time as the sewer commission shall determine. In fixing the charges to be imposed for said system, the Nantucket sewer commission is authorized to make use of any fee, charge, assessment or betterment provided for by the General Laws and further may take into consideration all costs for ongoing removal of infiltration and inflow of non-wastewater into the system as part of the normal operating costs of the system; may include, in setting privilege fees, capital costs and interest charges applicable thereto; may impose late fees for unpaid billings; may assess a capacity utilization fee to new estates and properties added to a sewer district authorized by this act from outside a designated needs area in addition to any privilege fee; may charge betterments, special assessments, or any other charge to the estates and properties being served by collection system improvements and extensions to pay for all costs for sewer line extensions to serve

new connections, both within the sewer districts authorized by the act and in any areas added to such sewer district; and may impose such charges on properties within a sewer district authorized by the act whether or not such estates and properties are then connected to the sewer system.

SECTION 9. The Nantucket sewer commission may, from time to time, adopt and prescribe rules and regulations for the means of connection of estates and buildings with sewers and for inspection of the materials, the construction, alteration, and use of all connections entering to such sewers, but not including the expansion of districts except as provided in sections 1 and 10, and may prescribe penalties, not exceeding \$300 for the violation of any such rule or regulation. Such rules and regulations shall be available for public review at the sewer commission's designated office during regular office hours. Any changes, deletions, additions or revisions to said rules and regulations deemed necessary by the Nantucket sewer commission from time to time, shall take full effect after a notice of change has been published at least once a week for 2 successive weeks in a newspaper of general circulation in the town of Nantucket, which notice shall detail where and when such revised rules and regulations may be viewed by the general public.

SECTION 10. Notwithstanding any provision of law to the contrary, owners of land not within the sewer districts defined and established pursuant to section 1 of this act shall not be permitted to connect to the town's sewer system except as is set forth in this act. The territory covered by said sewer districts may be amended from time to time by the board having charge of sewers, after a public hearing conducted to consider such amendment, upon approval of the department of environmental protection if otherwise required by law and upon enactment by town meeting of a by-law defining or establishing a new or expanded sewer district. In the event that the board having charge of sewers votes not to amend the territory of any sewer district in accordance with the foregoing sentence, the amendment may nevertheless be enacted in a form of a by-law upon a two-thirds vote of town meeting. Any by-law adopted pursuant to the authority granted to the town of Nantucket by this act may include authorization to the Nantucket sewer commission without a town meeting vote to add to the sewer districts created pursuant to this act properties located within "needs areas" as defined by Nantucket's Comprehensive Wastewater Management Plan prepared by Earth Tech dated March 2004, approved by the secretary of environmental affairs on May 14, 2004, with such conditions and limitations with respect to such authorization as such by-law may provide.

SECTION 11. Notwithstanding anything to the contrary contained herein, the board having charge of the maintenance and repair of sewers may at any time permit extensions, new connections or increases in flow to the sewer system, subject to capacity, to serve municipal buildings or public restrooms or other public service uses as defined by the municipality; provided, however, that such uses may include, but shall not be limited to, affordable housing constructed pursuant to chapters 40B and 40R of the General Laws, without thereby creating any entitlement on the part of any person to connect to such sewer system, and subject to capacity, in order of application, may permit or if in the public interest, may require, extensions, new connections or new flow to the sewer system within such districts.

SECTION 12. This act shall take effect as of July 1, 2008.

Approved December 17, 2008

Return to:

List of Laws passed in 2008 Session



TOWN OF NANTUCKET

Criteria Checklist for Proposed Expansion of the Sewer District

Checklist Preamble:

The purpose of this checklist is to implement the policy that access to centralized wastewater treatment systems should be evaluated based on objective criteria. The following principles support that policy:

1. The use of wastewater treatment facilities should be optimized to support environmental and public health goals, while also maintaining the traditional appearance of Nantucket's neighborhoods.
2. Private property development and use is managed through zoning, rather than access to public water and centralized wastewater treatment.
3. The following criteria will be used to evaluate applications to expand the sewer districts:
 - Is adequate WWTF capacity available?
 - Do on-site (septic) systems perform well and fit in the neighborhood?
 - Does the application comply with Master Planning and Zoning?
 - Is the proposed expansion a valuable addition to the existing sewer system?
 - Is the proposed expansion adequately funded?

ARTICLE 73

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

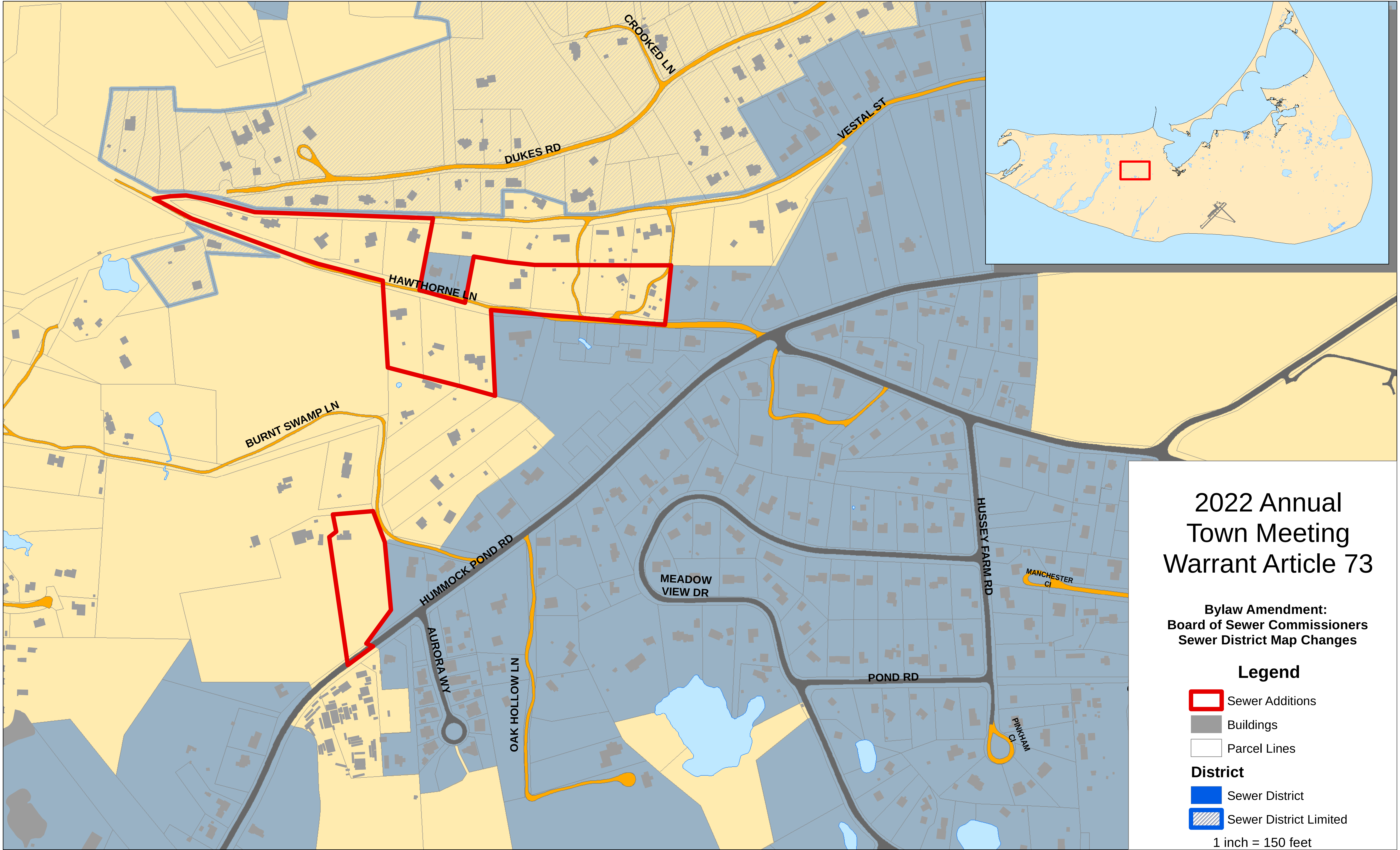
To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the “Hummock Pond North” sewer needs area designated within the Comprehensive Wastewater Management Plan, adopted in October 2014, to the Town Sewer District:

Map	Lot	Number	Street
56	320	69	Hummock Pond Road
56	260	5	Hawthorne Lane
56	261	7	Hawthorne Lane
56	262	9	Hawthorne Lane
56	263	11	Hawthorne Lane
56	224	12	Hawthorne Lane
56	225	14	Hawthorne Lane
56	226	16	Hawthorne Lane
56	265	15	Hawthorne Lane
56	268	17	Hawthorne Lane
56	267	19	Hawthorne Lane
56	244	21	Hawthorne Lane

All as shown on a map entitled “2022 Annual Town Meeting Warrant Article 73” dated January 2022 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)



Data Sources:
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2013 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2013.

The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.



Town of Nantucket - GIS Mapsheet



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January, 2022

Please send identification of any errors and corresponding corrections to:

GIS Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554

CHECKLIST

CRITERIA TO EVALUATE NON-NEEDS AREA PROPERTIES FOR ENTRY INTO THE SEWER DISTRICT

Property Address to be added to the Sewer District: **2022 Annual Town Meeting, ARTICLE 73**
(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change – 5, 7, 9, 11, 12, 14, 16, 15, 17, 19 and 21 Hawthorne Lane and 69 Hummock Pond Road)

1. Capacity:

● Yes ○ No Is there adequate capacity in the sewer system pipes/pump stations, etc.?

All the Hawthorne Lane properties are within a listed needs area in the 2004 and 2014 CWMP and are adjacent to a current Sewer District. (When Hawthorne Park was built a sewer line with future capacity was installed in Hawthorne Lane with sufficient capacity for these properties.)

● Yes ○ No Is there adequate capacity in the WWTP?

2. Septic System Criteria:

● Yes ○ No Is the system hydraulically failed according to the Local Board of Health Regulations?

○ Yes ● No Is the system technically failed according to the Local Board of Health Regulations?

○ Yes ● No A septic system conforming to Local Board of Health Regulations cannot be installed on the property? (Correct = yes)

● Yes ○ No Are soil structure/ground water elevations problematic?

● Yes ○ No Is the existing or proposed septic system within 100 feet of a resource area?

● Yes ○ No Is an alternative septic system is required?

3. Zoning and Land Use:

● Yes ○ No Does the property comply with the 2009 Master Plan?

○ Yes ● No Is this an affordable housing project under Chapter 40B or 40R?

● Yes ○ No Is the Lot size less than 40,000 sq ft?

● Yes ○ No Is the property within one of the following Overlay districts: Well head, Nantucket Harbor, Town, Madaket Harbor, Hummock Pond watershed (Miacomet watershed may be added after pond study)

4. Sewer system:

● Yes ○ No Is the property location contiguous to the existing sewer district?

● Yes ○ No Does the number of properties which would be served by the extension exceed 5?

● Yes ○ No Does this sewer extension have potential for future extension of the sewer collection system?

5. Financial:

● Yes ○ No Is the sewer being extended to the Town's specifications?

● Yes ○ No Will the proponent be providing alternative public access to the public sewer such as through easements or the construction of pump stations or mains sized for additional connections?

TOTAL YES Answers (must equal or exceed 9 for a positive recommendation): 14

These parcels do meet the requirement for a positive recommendation. These parcels are adjacent to existing town sewer district and other parcels recently added at prior ATM.

Recommend adding to Sewer District

ARTICLE 74

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change: 44 Skyline Drive)

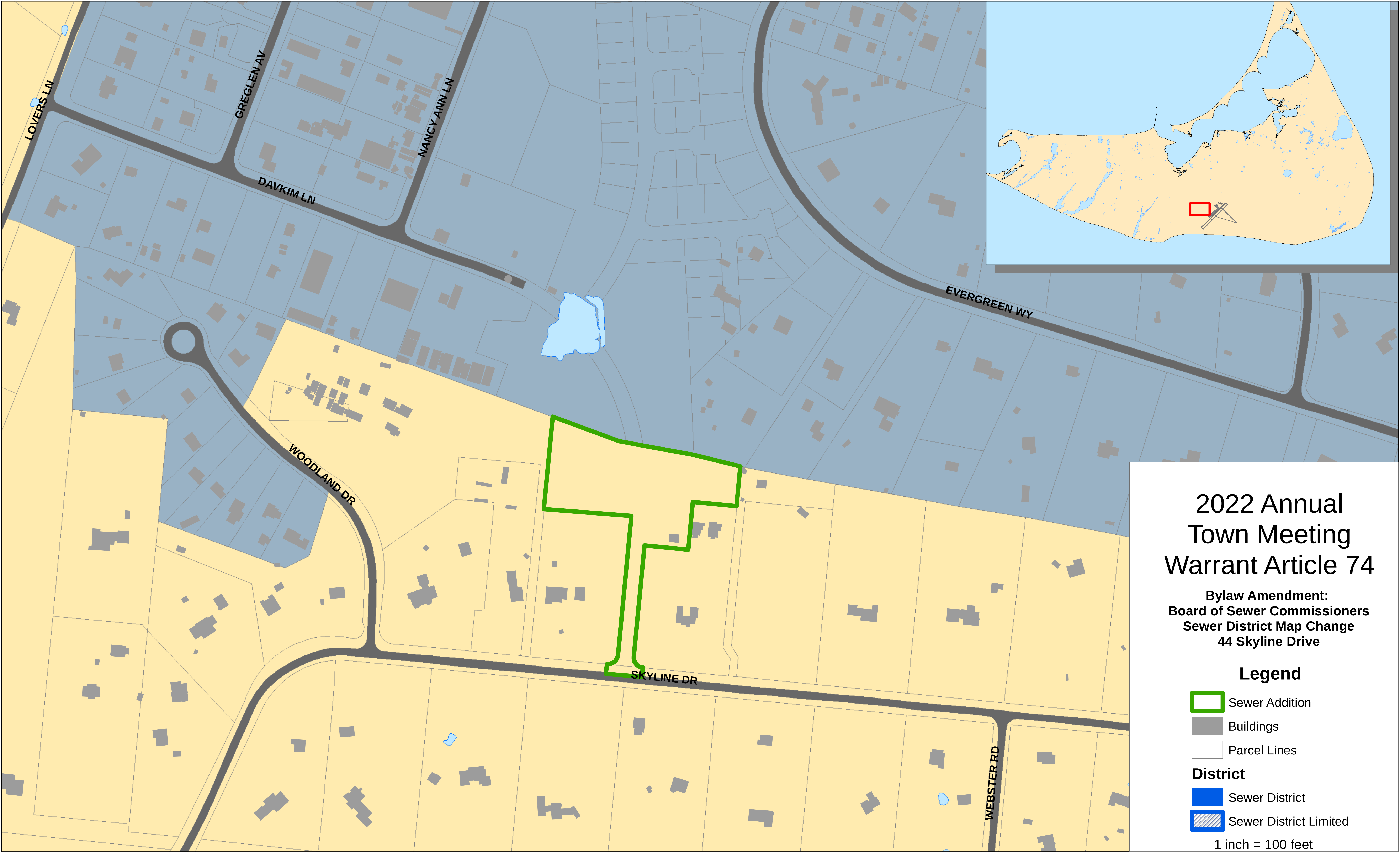
To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the code of the town of Nantucket by adding the following property, currently outside of the district:

Map	Lot	Number	Street
79	990	44	Skyline Drive

All as shown on the attached map.

Or to take any other action related thereto.

(Clifford Williams, et al)



2022 Annual Town Meeting Warrant Article 74

Bylaw Amendment:
Board of Sewer Commissioners
Sewer District Map Change
44 Skyline Drive

Legend

- Sewer Addition
- Buildings
- Parcel Lines
- District**
- Sewer District
- Sewer District Limited

1 inch = 100 feet

Data Sources:
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Town of Nantucket - GIS Mapsheet



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November, 2021

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GIS Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554

CHECKLIST

CRITERIA TO EVALUATE NON-NEEDS AREA PROPERTIES FOR ENTRY INTO THE SEWER DISTRICT

Property Address to be added to the Sewer District: **2022 Annual Town Meeting, ARTICLE 74**

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change – 44 Skyline Drive)

1. Capacity:

☐ Yes ☒ No Is there adequate capacity in the sewer system pipes/pump stations, etc.?

This property is NOT within a listed needs area as shown in the 2004 and 2014 CWMP. (When the Richmond project was constructed it was not designed with the capacity for any properties outside of the project boundaries.)

☐ Yes ☒ No Is there adequate capacity in the WWTP?

This property was not calculated in any future flows in the CWMP's

2. Septic System Criteria:

☐ Yes ☒ No Is the system hydraulically failed according to the Local Board of Health Regulations?

☐ Yes ☒ No Is the system technically failed according to the Local Board of Health Regulations?

☐ Yes ☒ No A septic system conforming to Local Board of Health Regulations cannot be installed on the property? (Correct = yes)

☐ Yes ☒ No Are soil structure/ground water elevations problematic?

☐ Yes ☒ No Is the existing or proposed septic system within 100 feet of a resource area?

☒ Yes ☐ No Is an alternative septic system is required?

3. Zoning and Land Use:

☐ Yes ☒ No Does the property comply with the 2009 Master Plan?

☐ Yes ☒ No Is this an affordable housing project under Chapter 40B or 40R?

☐ Yes ☒ No Is the Lot size less than 40,000 sq ft?

☐ Yes ☒ No Is the property within one of the following Overlay districts: Well head, Nantucket Harbor, Town, Madaket Harbor, Hummock Pond watershed (Miacomet watershed may be added after pond study)

4. Sewer system:

☒ Yes ☐ No Is the property location contiguous to the existing sewer district?

☒ Yes ☐ No Does the number of properties which would be served by the extension exceed 5?

☐ Yes ☒ No Does this sewer extension have potential for future extension of the sewer collection system?

5. Financial:

☐ Yes ☐ No Is the sewer being extended to the Town's specifications? **Unknown; no plans provided**

☐ Yes ☐ No Will the proponent be providing alternative public access to the public sewer such as through easements or the construction of pump stations or mains sized for additional connections?

Unknown

TOTAL YES Answers (must equal or exceed 9 for a positive recommendation): 3

This parcel does NOT meet the requirement for a positive recommendation.

ARTICLE 75

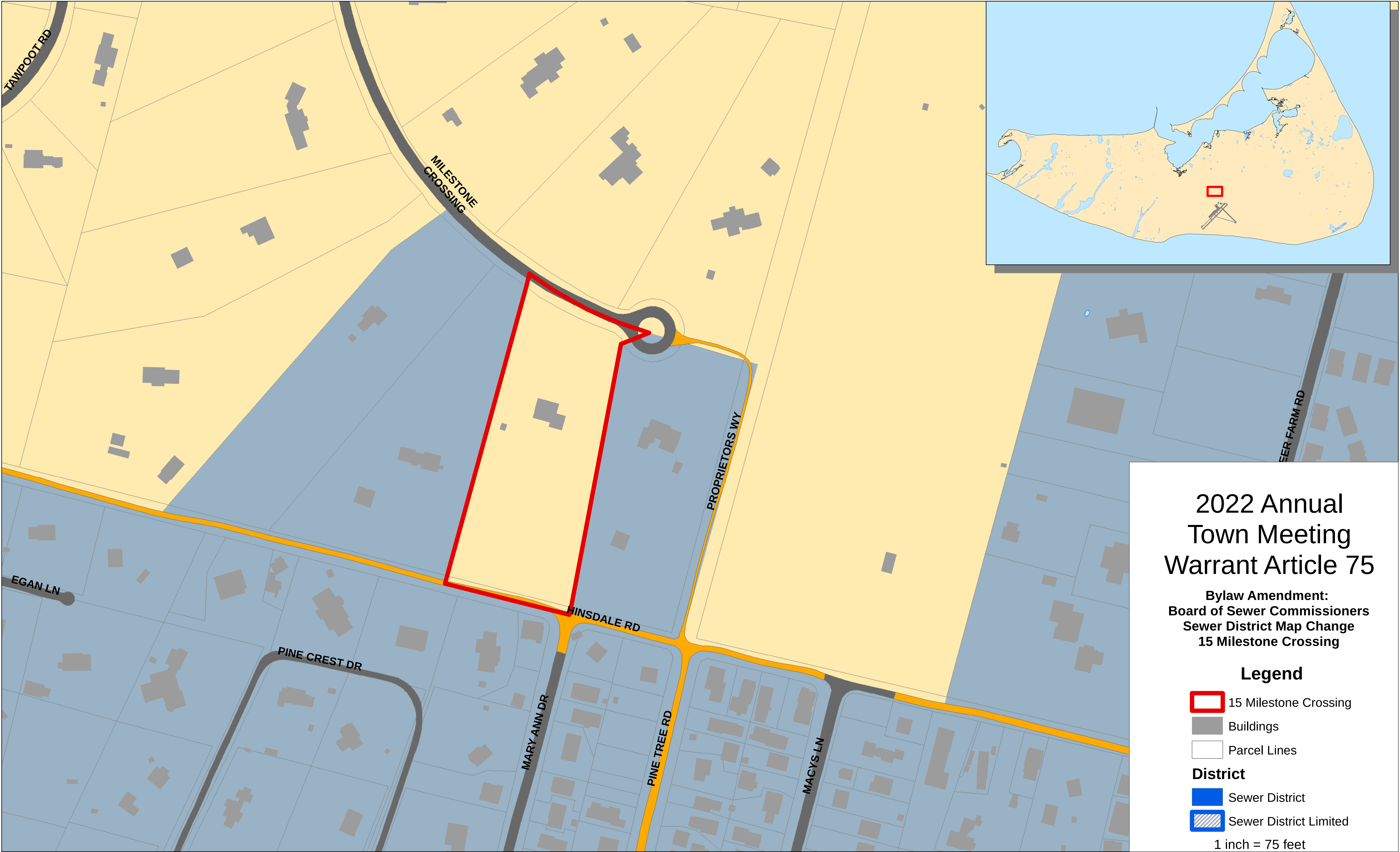
**(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change
- 15 Milestone Crossing)**

To see if the Town will vote to:

Amend the sewer district map to include 15 Milestone Crossing, identified as Nantucket Tax Assessor's Map 68, Parcel 457, which is currently outside the core sewer district

; or otherwise act thereon.

(David J. Buckley, et al)



2022 Annual Town Meeting Warrant Article 75

Bylaw Amendment:
Board of Sewer Commissioners
Sewer District Map Change
15 Milestone Crossing

Legend

-  15 Milestone Crossing
-  Buildings
-  Parcel Lines
- District**
-  Sewer District
-  Sewer District Limited

1 inch = 75 feet

Data Sources:
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November, 2021

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Nantucket, MA 02554

CHECKLIST

CRITERIA TO EVALUATE NON-NEEDS AREA PROPERTIES FOR ENTRY INTO THE SEWER DISTRICT

Property Address to be added to the Sewer District: **2022 Annual Town Meeting, ARTICLE 75**
(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 15 Milestone Crossing)

1. Capacity:

- Yes ○ No Is there adequate capacity in the sewer system pipes/pump stations, etc.?
- Yes ○ No Is there adequate capacity in the WWTP?

2. Septic System Criteria:

- Yes ● No Is the system hydraulically failed according to the Local Board of Health Regulations?
- Yes ○ No Is the system technically failed according to the Local Board of Health Regulations?
- Yes ● No A septic system conforming to Local Board of Health Regulations cannot be installed on the property? (Correct = yes)
- Yes ● No Are soil structure/ground water elevations problematic?
- Yes ● No Is the existing or proposed septic system within 100 feet of a resource area?
- Yes ○ No Is an alternative septic system is required?

3. Zoning and Land Use:

- Yes ● No Does the property comply with the 2009 Master Plan?
- Yes ● No Is this an affordable housing project under Chapter 40B or 40R?
- Yes ● No Is the Lot size less than 40,000 sq ft?
- Yes ○ No Is the property within one of the following Overlay districts: Well head, Nantucket Harbor, Town, Madaket Harbor, Hummock Pond watershed (Miacomet watershed may be added after pond study) (**yes Zone II Wellhead Protection Zone**)

4. Sewer system:

- Yes ○ No Is the property location contiguous to the existing sewer district?
- Yes ● No Does the number of properties which would be served by the extension exceed 5?
- Yes ● No Does this sewer extension have potential for future extension of the sewer collection system?

5. Financial:

☒ Yes ☐ No Is the sewer being extended to the Town's specifications?

☐ Yes ☒ No Will the proponent be providing alternative public access to the public sewer such as through easements or the construction of pump stations or mains sized for additional connections?

TOTAL YES Answers (must equal or exceed 9 for a positive recommendation): 7

Although this parcel does NOT meet the requirement for a positive recommendation, it is adjacent to existing town sewer district and other parcels recently added at prior ATM, and has the extenuating circumstance of being in the Zone II Wellhead Protection Zone.

Therefore, recommend adding to Sewer District to protect Wellhead Protection Zone.

DCG-NSD- Review 02-08-2022



Agenda Item Summary

Agenda Item #	X. 1.
Date	2/16/2022

Staff

Graeme Durovich, Recycling Coordinator
Roberto Santamaria, Public Health Director
Libby Gibson, Town Manager

Subject

Pre-public hearing review of proposed amendments to Biodegradable Packaging Regulations

Executive Summary

The Biodegradable Packaging Regulations need to be reconciled with the Plastics Ban bylaw in the Town Code. Language and provisions that are inconsistent are causing confusion and compliance difficulties. The Regulations also contain references or provisions that are either no longer relevant or are outdated. The proposed amendments also connect with the Board's Environmental Leadership Focus in its Strategic Plan.

Staff Recommendation

Schedule a public hearing to consider the proposed amendments.

Background/Discussion

The Regulations are Board of Public Works regulations which are enforceable through the Health Department. Since initial adoption of the regulations, advances in biodegradable technology have occurred making products much more available to vendors and useable by consumers. Unfortunately, since initial adoption, there has also been a concurrent significant increase in the use of plastic materials which not only are not biodegradable or compostable but are contributing to increased cost to the Town to dispose of these materials. These Regulations – with proposed amendments – connect directly to the Board's Strategic Plan Focus Area of Environmental Leadership, with its associated Aspirational Statement: *"Nantucket residents and visitors share responsibility for the long-term sustainability of our beautiful island. We recognize our stewardship of the land, air and water and work to ensure our community is resilient and self-sufficient. Other communities look to Nantucket to learn how to care for the natural environment."* as well as Goal 1 of this Focus Area: *"Provide data-driven recommendations on Island-wide solid waste management guided by principles of sustainability"*. Reducing non-compostable, non-biodegradable products contribute to less waste needing to be processed and/or shipped off the island. It is clearly also environmentally responsible.

Impact: Environmental ☒

Fiscal ☐

Community ☒

Other ☐



Board/Commission Recommendation

N/A

Public Outreach

Will be needed if amendments are adopted

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Directly relates to Board's Strategic Plan as noted above

Attachments

- Summary of proposed amendments
- Proposed amendments
- Copy of Plastics Ban bylaw



**Summary of Proposed Changes to
Board of Public Works
Biodegradable Packaging Regulation 71.00
February 2022**

The proposed changes to the Biodegradable Packaging regulation seek to:

- Remove the exemption for “durable” plastic take-out containers, which are typically single-use in practice
- Remove a provision requiring signage about the regulation on vendors’ cash registers, as it is not particularly beneficial nor currently enforced
- Remove a no longer relevant provision
- Provide clarity and accurateness
- Correct grammatical and spelling errors

Additionally, the definition of “Biodegradable” in this regulation is outdated and lacks clarity. The simplest solution would be to adopt the same standard for compostable/biodegradable as is used in the Single-Use Plastics Bylaw (125A)—the ASTM International Standards. However, many communities (including San Francisco, Minneapolis, and Ann Arbor) require Biodegradable Products Institute (BPI) certification for compostable/biodegradable packaging and food service products. BPI certification tests products to ensure compliance with the ASTM International Standard for compostability (ASTM D6400 and/or ASTM D6868). Concerned by the prevalence of added organic fluorinated chemicals, such as perfluorinated and polyfluorinated substances (PFAS), in compostable products, BPI went a step further in 2020 to additionally require that all BPI-certified products meet the following criteria:

- The product formula must not have fluorinated chemicals — as evidenced by safety data sheets for all ingredients.
- Test results from a BPI-approved lab showing a maximum of 100ppm total fluorine.
- A statement of no intentionally added fluorinated chemicals, signed by the manufacturer.

-[Biodegradable Products Institute, Fluorinated Chemicals \(PFAS\) webpage](#)

Given the importance of reducing PFAS at its source, particularly to limit consumers’ exposure, BPI certification is worth the Board’s consideration in the Biodegradable Packaging Regulation.

The BPI Product Catalog serves as a valuable resource for identifying compostable products that meet the BPI criteria pertaining to PFAS: <https://bpiworld.org/Find-Certified-Products>.

BOARD OF PUBLIC WORKS REGULATION 71.00

BIODEGRADABLE PACKAGING

71.1 Authority and Intent

- a. Board of Public Works Regulation 71.00 is adopted by the Board of Public Works pursuant to the authority granted under section 125-3 of the Code of the Town of Nantucket and the general authority of the Board of Public Works pursuant to Chapter 169 of the Acts of 1965, as amended by Chapter 259 of the Acts of 1987.
- b. The Town of Nantucket recognizes that discarded packaging constitutes the largest single category of waste within the Town and County of Nantucket's waste stream and is, therefore, a necessary focus of any effort towards reducing ~~the filling of the Towns landfill~~landfilling, as well as towards reducing the economic and environmental costs of waste management.
- c. The Town finds that discarded non-biodegradable packaging and plastic contained within the waste stream of Nantucket is a fundamental cause of problems associated with solid waste disposal.
- d. The Town understands that the landfill space within the Town and County of Nantucket is diminishing rapidly; that the availability of solid waste receiving areas outside the Island of Nantucket is becoming increasingly uncertain and expensive; and, that for both economic and environmental reasons, measures to simplify the chemical complexity of solid waste and, thereby, to streamline solid waste management must be vigorously pursued.
- e. The Town finds that the chemical composition and the ability of a substance to biodegrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, and otherwise anticipate environmental problems that may be caused by municipal solid waste disposal programs.
- f. The Town finds and determines that the use of plastics and other non-biodegradable packaging has become widespread throughout the island and the resulting mixed substance waste stream is a serious impediment to solid management programs for the Town and County of Nantucket.
- g. The Town further finds that the widespread use of plastics and non-biodegradable packaging poses a threat to the environment on the Island of Nantucket by causing rapid filling of the landfill space and by the possible introduction of toxic by-product into the groundwater and general environment of the island of Nantucket.
- h. The economic and environmental problems associated with the mixed

substance waste stream are so severe that a policy goal of the Town of Nantucket is to a program of incrementally simplify the chemical composition of solid waste, ~~thereby~~ encouraging the composting of putrescible wastes and encouraging other forms of recycling of solid waste substances, is ~~a policy goal of the Town of Nantucket.~~

71.2 Definitions.

As used in this Regulation No. 71.00, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

- a. Biodegradable – means the entire product or packaging is ~~not made of plastic or Styrofoam and is made of a material that will completely breakdown and return to nature i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal~~ compostable as defined by ASTM International.
- b. Package or packaging – means any packaging, including without limitation, bags, boxes, containers and wrapping.
- c. Vendor – means any person, corporation, partnership, business venture, public sports, or entertainment facility, government agency, street vendor at public events or festivals or organizations that sell or provide merchandise, goods or materials including, without limitation, clothing, food, beverages, household goods, or personal items of any kind directly to a customer. Examples include but are not limited to department stores, restaurants, food vending trucks, farmers markets and temporary food vendors of food and merchandise at street fairs and festivals. Food banks and other food assistance programs are not considered to be retail establishments for the purpose of this section.
- d. Reusable Container – means a bag or container that is specifically designed and intended for reuse and is either made of cloth or machine washable fabric or is made of other non-plastic durable material that is intended for reuse and is capable of being cleaned and disinfected.

Commented [GD1]: Use BPI certification (PFAS-100ppm; none intentionally added) instead here and in SUP Ban?
<https://www.bpiworld.org/Fluorinated-Chemicals>

71.3 Use of Biodegradable Packaging.

- a. All packaging added to or supplied by a vendor within the Town of Nantucket for the purpose of transporting merchandise of any type shall be biodegradable.
- b. Reusable Containers and ~~recyclable biodegradable~~ paper or cardboard containers are allowable alternatives and vendors shall encourage the use of such containers ~~by~~ allowing customers to bring their own containers or by providing reusable containers at no charge or for a reasonable fee.
- c. ~~Enforcement of these Regulations shall be deferred until June 1, 2015. Existing stock of non biodegradable packaging shall be phased out by that date, and any stock remaining after that date shall be properly disposed of~~

~~by the vendor. No non-biodegradable packaging shall be used after June 1, 2015.~~

Commented [GD2]: DELETE?

- ~~d. Each vendor within the Town of Nantucket shall display a notice proximate to the cash register and plainly visible to its patron stating the following:~~

Commented [JG3R2]: Yes., this provision is no longer relevant so it can just be deleted.

~~"All packaging added or supplied by this vendor or commercial establishment for merchandise of any type being removed from this establishment must be biodegradable packaging. No non-biodegradable packaging may be added to or supplied by this vendor or commercial establishment for merchandise of any type being removed from the establishment. Board of Public Works regulation 71.00."~~

Commented [GD4]: What is this achieving? Perhaps shorten to make more realistic. Or delete if this is not being enforced, or of benefit.

- ~~e-c.~~ This regulation No. 71.00 shall not apply to packaging or merchandise which package is applied to the merchandise by the manufacturer, producer or shipper of the merchandise which manufacturer, producer or shipper is not a vendor within the Town of Nantucket.

Commented [GD5R4]: As discussed internally, we recommend this be deleted as it is not particularly beneficial, nor currently enforced

71.4 Waiver.

- a. Upon written application, the Board of Public Works, after a public hearing, may waive application of this Regulation for a vendor for upon a showing that strict enforcement -will cause undue hardship. For purposes of this Regulation, an undue hardship is a situation unique to the vendor where there are no reasonable alternatives to the use of non-biodegradable packaging and compliance with this Regulation would cause significant economic hardship to the vendor.
- b. Waivers may be granted for a period of one year and may be renewed upon a showing that the conditions justifying the original waiver still apply.
- c. The Board of Public Works may approve the waiver application, in whole or in part, with or without conditions, that it deems necessary to protect public health and further the interests of the Regulation.

71.5 Enforcement.

- a. The Health ~~d~~Department or its designee shall enquire on an annual basis regarding any food establishment's compliance with this Regulations as a condition for the renewal of the vendor's food service permit.
- b. The ~~h~~H Health Department, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 105 CMR 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this Regulation.

- c. The Health Department or its designee and the Board of Public Works and its designee are authorized to take any and all actions reasonable and necessary to further the purpose of this Regulation or to obtain compliance, including, but not limited to, inspecting any vendor's premises to verify compliance in accordance with applicable law.
- d. The Health Department and/or Board of Public Works or their designee may enforce this Regulation or enjoin violations hereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

Commented [GD6]: And their designees?

Commented [JG7R6]: It should say "or their designee."

71.6 Penalties.

- a. Whoever violates any provision of this Regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by the law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars.
- b. As an alternative to initiating criminal proceedings, this Regulation No. 71.00 may be enforced pursuant to the noncriminal disposition procedure as set forth in M.G.L. c.40 subsection 21 D and Chapter 1, Article II of the Town Code, in which case the Board of Public Works, the Health Department or their agents shall be the enforcing persons and the penalty shall be \$300.00 for each offense. Fines are cumulative and each day or portion thereof that a violation continues shall constitute a separate offense.

Commented [GD8]: What is an offense? Per violating item? Per day? Need consequence of significance so complying is cheaper than paying the fine.

Commented [JG9]: I recommend revising this provision by adding after "thereof" "that a violation continues..."

In terms of consequences, keep in mind that in a situation where a major violation is continuing, the Town always can seek enforcement through a civil action in Superior Court by means of an injunction followed by contempt proceeding if the violations continues.

Examples of PFAS-Free Compostable Alternatives

<https://products.bpiworld.org/>; <https://www.bpiworld.org/Fluorinated-Chemicals>

Bread Bags

Single-Use

<https://www.biopacktech.com/Eco-friendly-PLA-Material-Biodegradable-Transparent-Bread-Packaging-Bags-pd46314755.html>

<https://www.biopacktech.com/Compostable-Bio-Plastic-Bread-Packaging-Bag-with-Clear-Window-pd41314755.html>

<https://www.foodbizsupply.com/biodegradable-bags/kraft-bread-paper-bags-compostable-biodegradable?limit=32>

https://www.vegwareus.com/us/catalogue/bags_to_go/

and/or go reusable:

<https://www.fillgood.co/collections/new-products/products/bread-bag>

<https://think4earth.com/pages/collections>

<https://www.netzerocompany.com/products/linen-bread-bags>

https://www.amazon.com/Natural-Linen-Bread-Bags-Housewarming/dp/B076KWT8ZR/ref=pd_lpo_2?pd_rd_i=B076KWT8ZR&psc=1

Other Baked Goods

<https://goodnaturedproducts.com/pages/bakery-packaging>

<https://www.biobagusa.com/products/retail-products/resealable-food-storage-products/>

<https://elevatepackaging.com/solutions/eco-friendly-food-packaging/?sort=featured&page=1>

<https://goodnaturedproducts.com/pages/search-results-page?collection=cookie-packaging>

<https://naturestarglobal.com/products/>

<https://responsibleproducts.com/collections/compostable-food-bags>

https://www.vegwareus.com/us/catalogue/bags_to_go/

https://www.vegwareus.com/us/catalogue/hot_bags_wraps/

<https://greenpaperproducts.com/compostable-bakery-packaging.aspx>

Hot food takeout containers

<https://www.ecoproductsstore.com/vanguard-renewable-and-compostable-sugarcane-clamshells-6in-x-6in-x-3in.html>

<https://www.stalkmarketproducts.com/food-container-16oz-planet.html>;

<https://www.stalkmarketproducts.com/lid-for-planet-food-container-compostable-12-16-32oz-pla-lined-paper.html>

<https://www.innopak.com/products/molded-fiber-containers-lids/>

<https://goodnaturedproducts.com/pages/search-results-page?q=microwavable+to+go>

<https://earth-to-go.org/earth-bowl/compostble-soup-bowls>

<https://earth-to-go.org/earth-maize/earth-maize>

https://www.vegwareus.com/us/catalogue/gourmet_range/

<https://greenpaperproducts.com/biodegradable-hot-food-containers.aspx>

Reusable takeout program (e.g. <https://foreverware.org/>)

Sushi Trays

<https://www.stalkmarketproducts.com/take-out-tray-with-lid-combo-7x4-x1.html>

https://www.ecoproducts.com/premium_sushi.html

https://www.vegwareus.com/us/catalogue/sushi_trays/

Soufflé cups

<https://www.stalkmarketproducts.com/cup-clear-2oz-pla.html>; <https://www.stalkmarketproducts.com/lid-clear-souffle-cup-pla.html>

https://www.vegwareus.com/us/catalogue/portion_pots/

https://www.ecoproducts.com/round_deli_and_portion_cups.html

Wrapped Utensils

<http://www.g2bychefschoice.com/utensils-2/scvyk2wcjm76dorb2izvtgbh6eyfab>

<https://store.worldcentric.com/store/cutlery/wrapped-cutlery>

<https://greenpaperproducts.com/compostable-green-cutlery-kit-158.aspx>

<https://greenpaperproducts.com/biodegradable-cutlery-sets-cpla-005.aspx>

https://www.amazon.com/GreenWorks-Compostable-Individually-Disposable-Bags%E2%8C%8CAAlternative/dp/B07XHKNP93/ref=pd_lpo_3?pd_rd_i=B07XHKNP93&psc=1

Chapter 125A
SINGLE-USE PLASTICS

ARTICLE I

Regulation of Sale, Distribution and Commercial Use of Certain Single-Use Plastics**[Adopted 10-10-2018 STM by Art. 16, approved 5-8-2019]****§ 125A-1. Definitions and purpose.****A. Definitions:**

BOXED WATER — Any type of drinking water, flavored water, carbonated water, energy drink packaged in an aseptic carton, like the type often used for holding coconut water, soy milk, soups, and the like. These cartons are typically promoted as being more than 75% made from recycled paper or other fibers, but the rest of it is often a set of plastic parts such as a cap and pouring ring and internal layers or linings made from petroleum-based plastics such as polyethylene and aluminum.**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

CARBONATED WATER — Water that contains dissolved carbon dioxide gas, either artificially injected under pressure or occurring due to natural geological processes. Carbonation causes small bubbles to form, giving the water an effervescent quality. Also known as "sparkling water," "tonics," "soda water," "club soda," "tonic water," "seltzer," "pop" and the like.**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

COMMERCIAL USE — Use by a business, directly/indirectly for financial gain or convenience.**[Amended 6-25-2020 ATM by Art. 72, approved 10-27-2020]**

DRINKING WATER — Potable, unflavored, noncarbonated water that is safe to drink or to use for food preparation.**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

ENERGY DRINK — A type of drink containing sugar and/or other stimulant compounds when packaged in a petroleum-based plastic container or packaged in a plastic-lined paper or similar fiber package.**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

FLAVORED WATER — A category of beverage marketed as water which contains an array of additional ingredients, including, but not limited to, natural and artificial flavors, sugars, sweeteners, vitamins, minerals, and other "enhancements."**[Added 6-5-2021 ATM by Art. 75, approved 10-7-2021]**

PETROLEUM-BASED PLASTIC — Plastic materials manufactured using petroleum-derived polymers. Compostable plastics as defined by ASTM International are exempted from this bylaw.**[Amended 6-25-2020 ATM by Art. 72, approved 10-27-2020]**

SINGLE-USE PLASTICS — Petroleum-based plastic products that are intended to be used only once before they are thrown away. They are "disposable" products. The items covered by this bylaw are listed herein.

B. Purpose: The purpose of the bylaw is to protect the health and safety of Nantucket's present and future generations, protect the Town's single-source aquifer, its scenic visage, historic status, reduce litter, reduce the threat to the environment caused by rapid filling of the landfill space and by possible introduction of toxic by-products

into the groundwater and general environment, protect marine animals and food sources and save the citizens of the Town money. There are safe alternatives for each of the single-use petroleum-based plastic items banned.

§ 125A-2. Sale, distribution and commercial use of petroleum-based single-use plastic products. [Amended 6-25-2020 ATM by Art. 72, approved 10-27-2020; 6-5-2021 ATM by Art. 75, approved 10-7-2021]

- A. It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2020:
- (1) Straws and drink stirrers;
 - (2) Flexible can and bottle yokes;
 - (3) Drinking cups and lids;
 - (4) Plates, bowls and eating utensils;
 - (5) Drinking water in plastic or nonrecyclable containers of one liter (34 ounces) or less; and
 - (6) Single-use, nonrecyclable beverage pods.
- B. It shall be unlawful to sell, distribute or commercially use the following single-use petroleum-based plastic products in the Town and County of Nantucket on or after June 1, 2022:
- (1) Flushable wipes containing plastic fibers, cloth fibers and/or antibacterial chemicals;
 - (2) Plastic stick ear swabs.

§ 125A-3. Exemption for emergencies and other.

- A. Drinking water. Sales occurring after a declaration of an emergency adversely affecting availability and/or quality of drinking water to Nantucket residents by the Emergency Management Director or other duly authorized Town, Commonwealth or United States official shall be exempt from this bylaw until seven calendar days after such declaration has ended.
- B. Medical packaging and medically required usage are exempted providing no recyclable alternatives are available.
- C. Compostable plastics are exempted from this bylaw. **[Amended 6-25-2020 ATM by Art. 72, approved 10-27-2020]**

§ 125A-4. Enforcement process.

Enforcement of this bylaw shall be the discretionary responsibility of the Town Manager or her/his designee. Police officers and health agents have the authority to enforce this bylaw. The Town Manager shall determine the inspection process to be followed,

incorporating the process into other Town duties as appropriate. Any establishment conducting sales, distribution or otherwise engaging in the commercial use of the prohibited plastic products in violation of this bylaw shall be subject to a noncriminal disposition fine as specified in Article II of Chapter 1 of the Code of the Town of Nantucket under MGL c. 40, § 21D. Any such fines shall be paid to the Town of Nantucket. Enforcement shall be through the process of noncriminal disposition under MGL c. 40, § 21D, and Article II of Chapter 1 of the Code of the Town of Nantucket.

§ 125A-5. Suspension of bylaw.

If the Town Manager determines that the cost of implementing and enforcing this bylaw has become unreasonable, then the Town Manager shall so advise the Select Board, and the Select Board shall conduct a public hearing to inform the citizens of such costs. After the public hearing, the Select Board may continue this bylaw in force or may suspend it permanently or for such length of time as they may determine.

§ 125A-6. Severability. [Amended 6-5-2021 ATM by Art. 75, approved 10-7-2021]

The provisions of this bylaw are severable. If any part of this bylaw should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the bylaw, and the remainder of the bylaw shall stay in full force and effect.

Hybrid Meeting Protocol

Current Practices

Almost all regulatory and non-regulatory boards, commissions, committees, councils, trusts and work groups (“boards”) (approximately 40 total) have been meeting remotely via Zoom since allowed by the State of Emergency in 2020. The Operations Administrator has been working as the Zoom Coordinator since March 2020 and schedules all Zoom meetings, both regulatory and non-regulatory. The Town has three Zoom committee accounts, in addition to the Town Zoom account NCTV uses, and the Operations Administrator uses these accounts to schedule over 60 meetings per month. The Operations Administrator sends the Zoom Webinar and Zoom Meetings links to regulatory boards who run meetings with the assistance of NCTV so that the links can be included on meeting postings.

Regulatory Boards Using Zoom Webinar with NCTV

The Select Board, Planning Board, Nantucket Planning and Economic Development Commission, Zoning Board of Appeals and Board of Health meet using the Zoom Webinar platform with assistance from NCTV where there are panelists and attendees; attendees must raise their digital hands to be recognized by a board chair and allowed to speak on a matter. Town staff that work with boards during Zoom meetings are termed Zoom Moderators (or Hosts), and they bring attendees in and out of meetings to speak only when called on by board chairs. They keep on the lookout for potential Zoom “bombers” and will not allow an attendee to speak whose full name is not clearly identified. Zoom Moderators have complete control over what attendees are allowed to do when allowed to participate in a matter, including whether they can share video and audio. NCTV sends out the panelist links to meeting invitees, starts and stops the Zoom Webinar meetings, makes sure the live stream is working and is “on call” to troubleshoot and assist during meetings. Zoom Webinar meetings are recorded and shown live on the Town’s Government YouTube channel; the live video becomes the archived version for future viewing. The Select Board meeting also airs live on NCTV Channel 18.

Regulatory Board Meeting In-Person Only Filmed by NCTV

The School Committee has transitioned from meeting remotely via Zoom Webinar to meeting in-person at the Large Group Instruction Room at the High School. NCTV covers the School Committee meetings live on the Town’s Government YouTube channel with “multi-cam” coverage as well as on NCTV Channel 18; the live video becomes the archived version for future viewing. As both the School Committee and the HDC meet on the same date and time, NCTV has had to hire someone to cover the School Committee meetings. No remote participation from the public is allowed.

Regulatory Boards Using Zoom Meetings with NCTV Assistance

The Conservation Commission and Historic District Commission meet using Zoom Meetings, also with assistance from NCTV, but there is no delineation between panelists and attendees. Through Meetings, everyone can participate in a virtual discussion, screen share, and interact with video and audio. However, virtual waiting

rooms are used, and Staff Zoom Moderators determine who is let into a meeting. If someone is not properly identified with a full name, they are not allowed into the meeting from the waiting room. Zoom Moderators can also remove people from meetings if they are being disruptive or Zoom “bombing” the meeting. There are no panelist links for NCTV to send out. NCTV starts and stops the meeting recording, makes sure the live stream is working and is “on call” to troubleshoot and assist during meetings. The ConCom and HDC Zoom Meetings are recorded and shown live on YouTube; they are also uploaded to the Town’s Government YouTube channel for future viewing.

Regulatory and Non-Regulatory Boards Using Zoom Meetings without NCTV

The Airport Commission, Finance Committee and all non-regulatory boards also use Zoom Meetings but without the assistance of NCTV. Virtual waiting rooms are used, and Staff Zoom Moderators determine who is let into a meeting. If someone is not properly identified with a full name, they are not allowed into the meeting from the waiting room. Zoom Moderators can also remove people from meetings if they are being disruptive or Zoom “bombing” the meeting. Zoom Moderators start and stop the Zoom Meetings and record the meetings which are uploaded after the meetings to the Town’s Government YouTube channel for future viewing.

Hybrid Meetings

What is a hybrid meeting?

A hybrid meeting refers to the physical location of participants. In a hybrid meeting, a subset of the people attending the meeting is located together in the same place. Other participants join the meeting by conference call or web conference. Facilitation of the meeting is both in-person and virtual. The Town of Nantucket uses Zoom as its web conference platform.

One example of a hybrid meeting is when three members of a committee meet in person at the PSF Community Room while the remaining two members participate remotely from their homes. Members of the public may do the same.

Hybrid meetings have become more and more common in 2021. Prior to COVID, the Open Meeting Law remote participation allowance focused on the public body (committee, board, commission, work group, etc.), not members of the public. In responding to COVID, the state allowed the focus of remote participation to expand for public access and participation. Hybrid meetings provide more flexibility for participants and allows for greater access and participation for the public.

Hybrid meetings for Town public bodies

Following the State of Emergency, Chapter 20 of the Acts of 2021 was signed into law and extended certain COVID measures, namely that remote meetings of public bodies could continue through April 1, 2022. The Act allows for “adequate, alternative means of public access.”

Equal footing for participation is key. Public bodies want to avoid making remote attendees feel like second-class citizens. The goal is to make remote participants to feel as included and valued as in-person participants.

Pursuant to the Act referenced above, once the Town resumes in-person and/or hybrid meetings, the chair does not need to be physically present at a meeting in order to run the meeting. However, if the State Legislature does not pass legislation to extend the remote meeting provisions of the Act, all Open Meeting Law rules in place before the State of Emergency will be reinstated including but not limited to the requirement for a quorum of the public body to be physically present at a specified meeting location and the chair needing to be physically present in order to run a meeting.

Town staff members who work with public bodies will be the hybrid meeting liaison to facilitate the hybrid meeting. Public bodies without Town staff will have to appoint a member of the public body to be the liaison to facilitate the hybrid meeting.

During hybrid meetings, the hybrid meeting liaison will use Zoom to screen share discussion materials so that both in-person and remote participants can see what is being discussed.

For hybrid meetings held in the PSF Community Room, NCTV18 will record the meeting. However, the staff liaison will be in charge of facilitating remote participation. The Town is looking into improving the microphones in the Community Room, as well as the video screens.

For hybrid meetings held in the trailer at 131 Pleasant Street, NCTV18 will not be part of meetings with the exception of the Airport Commission and Finance Committee. NCTV will stream these two boards live on the Town's Government YouTube channel but not on NCTV Channel 18, and will not be at the Trailer in person, they will offer remote assistance if needed. Meeting Owl Pro devices (all-in-one speaker, camera, microphone) will be used along with Town-issued laptops. Training by NCTV18 to use the Owl devices will be available. The Town is in process to set up the rooms at the trailer with Owls, laptops and video screens.

Tips for making hybrid meetings work

1. Use the waiting room feature to control who can enter the meeting.
2. Start the meeting a few minutes early to check that everything is working properly before attendees are allowed in.
3. Members of public bodies should keep their cameras on as much as possible. Public body chairs may request that other panelists and attendees keep their cameras off until their agenda items are called.
4. Don't hold side conversations while someone is talking and mute yourself when you are not talking.

5. Screen share meeting materials and be sure to point to things with the cursor, not physically.
6. Focus attention equally on remote participants and in-person participants.
7. If an in-person attendee brings a computer to a meeting room and logs into the Zoom meeting, their microphone must be muted and outgoing sound off or connected to headphones.
8. The Zoom Webinar/Meeting Liaison should monitor virtual raised hands so as not to overlook participants on Zoom with questions.

Making Hybrid Meetings Work for Nantucket Boards

Town meeting space for in-person meetings is limited. The first floor Community Room at the Public Safety Facility at 4 Fairgrounds Road is set up for larger regulatory meetings that have large public attendance (approximately 100 seats) and most regulatory boards will be prioritized in this space. The Town is in the process of setting up the trailer at 131 Pleasant Street as meeting space. The trailer consists of two rooms and will better accommodate smaller boards that have more limited attendance (20-25 seats).

Meeting Spaces:

- First Floor Community Room at Public Safety Facility, 4 Fairgrounds Road
 - Select Board, Planning Board, Nantucket Planning and Economic Development Commission, Zoning Board of Appeals, Board of Health, Conservation Commission and Historic District Commission meetings will be prioritized at this location.
 - Airport Commission will not be able to meet at the PSF Community Room unless it changes its meeting time or day.
- Trailer at 131 Pleasant Street
 - Airport Commission, Finance Committee and non-regulatory meetings will be scheduled to meet here.
 - With two meeting rooms, two meetings can occur at the same time if necessary.

Equipment:

Equipment upgrades are needed for the PSF Community Room to improve audio and video quality. Proposed equipment upgrades include but are not limited to: Microphone headsets, monitors for board members, and new cabling. Total cost for improvements is \$3,375.

New equipment for the 131 Pleasant Street Trailer includes two Owl cameras, two laptops, two TV monitors, TV stands, cabling, power cords, etc. Both rooms at the Trailer need to be outfitted. Total costs for improvements is approximately \$4,300.

Staffing:

No new staffing or additional Town resources are required to provide current levels of service as described above. Current staff members are handling these additional services; however, it has resulted in other tasks not always being able to be accomplished in a timely manner and/or increases in overtime.

NCTV currently provides the following services relating to public meetings:

1. Covers all regulatory meetings live on YouTube. Select Board and School Committee air live on NCTV Channel 18 and YouTube. Except for Airport Commission due to scheduling conflicts.
2. Provides on-call tech assistance during regulatory meetings assuming none are double-booked.
3. Provides live, multi-cam coverage for Select Board, Annual Town Meeting and School Committee. All other meetings are single camera, live coverage. If meetings are double-booked, NCTV cannot guarantee both will be covered live.
4. Provides a staff person on-site for the duration of Select Board and School Committee meetings (although Select Board is not in-person now).

If the Town (as indicated by the Select Board) wants to move to hybrid meetings for all boards, NCTV is proposing a new Government Coordinator position. Total cost for FY 23 would be \$64,240 (salary + benefits). The Coordinator would be employed by NCTV. The Town is being requested to fund half of the total amount for this new hire (\$32,120 for FY 2023.).

With funding for a new Government Coordinator position from the Town, NCTV can also provide the following meeting-related services:

1. Cover a reasonable amount of non-regulatory meetings live on YouTube.
2. Expand its capacity for simultaneous live coverage of double-booked meetings beyond HDC/School Committee.
3. Assist with scheduling meetings.
4. Assist the Operations Administrator and Public Outreach Manager with other tasks in relation to audio/video production for the Town.
5. Expand NCTV's hybrid model support. Currently, NCTV has only offered that option to HDC and Select Board.



Agenda Item Summary

Agenda Item #	XI. 1.
Date	2/16/2022

Staff

Ken Beaugrand, Real Estate Specialist
Vicki Marsh, Town Counsel's office

Subject

Final review of Request for Proposals (RFP) for Shooting Range at Portion of 1 Shadbush Road

Executive Summary

Pursuant to most recent discussion at 9/22/21 Select Board meeting (minutes attached), Town Counsel has made revisions to the RFP intended to be issued prior to the May 2, 2022 Annual Town Meeting. Revisions were to come back to Board for final approval and then issuance of RFP.

Staff Recommendation

N/A

Background/Discussion

See 9/22/21 minutes

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐

Board/Commission Recommendation

N/A

Public Outreach

N/A

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A

Attachments

- 12/30/21 Town Counsel email re: revisions as discussed at 9/22/21 Select Board meeting
- Revised RFP
- 9/20/21 Town Counsel email re: status of RFP for 9/22/21 Select Board meeting
- Excerpt from 9/22/21 Select Board meeting minutes regarding Shooting Range RFP discussion



Libby Gibson

Subject: FW: Shooting Park Request for Proposals
Attachments: KP-#773264-v5-NANT-Request_for_Proposals_-_Shooting_Park_.DOCX

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

From: Vicki Marsh <VMarsh@k-plaw.com>
Sent: Thursday, December 30, 2021 10:41 AM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Cc: Ken Beaugrand <kbeaugrand@nantucket-ma.gov>; John Giorgio <JGiorgio@k-plaw.com>; 'rwoodley-oliver@nantucket-ma.gov' <rwoodley-oliver@nantucket-ma.gov>; Brian Turbitt <bturbitt@nantucket-ma.gov>; Erika Mooney <EMooney@nantucket-ma.gov>
Subject: Shooting Park Request for Proposals

Libby-

Enclosed please find for your review the Request for Proposals for the Shooting Park Lease containing the most recent red-lined revisions made in response to comments by the Select Board at their Select Board meeting on October 7.

In addition I revised Section 4 to include a more detailed Lead Management Plan to be submitted by the proposers. These recommendations were made by the Nantucket Land Council in its letter to the Town to address their concerns about lead contamination.

I also provided an initial rent payment in Section 8 of \$3,000. This can certainly be revised to an amount the Select Board wishes. The only information to still be included are the dates for the timeline.

If you have any questions or comments, please do not hesitate to contact me. If you wish to speak with me, I am available at 978-821-1409.

Vicki

Vicki S. Marsh, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 556 0007
F: (617) 654 1735
vmarsh@k-plaw.com
www.k-plaw.com

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Town of Nantucket

REQUEST FOR PROPOSALS FOR THE LEASE OF A PORTION OF 1 SHADBUSH ROAD, NANTUCKET, MA FOR CONSTRUCTION AND OPERATION OF A SHOOTING PARK

IMPORTANT DATES

- Central Register Posting:
- 1st Local Advertisement:
- RFP Available Online:
- 2nd Local Advertisement:
- Optional Pre-Proposal Site Tour:
- Alternate Weather Date for Pre-Proposal Site Tour:
- Deadline for Written Inquiries:
- Inquiries Answered By:
- Proposal Submission Deadline:
- Public Opening:
- Proposal Presentation(s):
- Proposal Selection:

I. Request for Proposals

The Town of Nantucket (the “Town”) is seeking proposals from qualified proposers for the development and operation of a shooting park on a portion of the Town-owned land at 1 Shadbush Road, Nantucket shown as Lot 3 on a plan of land entitled “Subdivision Plan of Land in Nantucket, MA, prepared for Town of Nantucket, dated September 3, 2009 prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2009-44 (the “Property”). The Town intends to enter into a long-term ground lease for a minimum 50-year term with the selected proposer who shall be allowed to construct and erect structures and improvements purely for the convenience of the tenant, pending approval of the Town and any applicable state and local permits, to be used in the operation of a shooting park and various other recreational uses and restricting the use of the Property for such purposes. The award of a lease pursuant to the RFP

shall be subject to a vote at the 2022 Annual Town Meeting authorizing a lease for a term of at least 50 years.

The Select Board has determined that it is in the public interest to make Town land available for the construction and operation of a shooting range by a private non-profit entity so that the residents of Nantucket have a facility that will promote gun safety and firearms training in a secure professional manner. The land being made available for this purpose is well suited for this purpose, ~~and the Town does not believe that this land is suitable for any other purpose at this time.~~ Accordingly, the Select Board will not consider proposals for other uses of this land in response to this RFP.

The purpose of this RFP is to select a proposer with demonstrated experience and capacity to develop, operate, and manage a shooting park that best addresses the needs and allowed uses of the Nantucket Community as described in this RFP. The Town anticipates that proposers and/or members of their respective groups/teams will be able to demonstrate the capacity for operation of a shooting park and will be able to agree to all terms and conditions of the lease as outlined herein.

II. Proposal Submission

The Town has determined that the award of this contract is subject to M.G.L. c. 30B, § 16, known as the Uniform Procurement Act. Therefore, the provisions of M.G.L. c. 30B, § 16 are incorporated herein by reference.

1. The Request for Proposals can be obtained online only from the Town's website at <https://nantucket-ma.gov/bids.aspx> and proposals will be accepted at the below address.

All proposals must be received by **DATE TIME, 2021** and submitted to:

**Town of Nantucket
Procurement Office
RE: Shooting Park RFP
37 Washington Street
Nantucket, MA 02554**

2. Proposals must be submitted in a **SEALED ENVELOPE** clearly marked:

Proposal for Shadbush Shooting Park Lease

3. Proposers should note that unlike the Chapter 30B RFP requirements for supplies and services, the Chapter 30B requirements for real property transactions under Section 16 do not allow for separate submissions of price (technical) proposals. They are to be included in the same sealed envelope. Moreover, real property proposals, including price proposals, are opened publicly and are not confidential after they are opened.

If the proposal is mailed, the sealed proposal must be enclosed in a sealed mailing envelope. Failure to comply strictly with these requirements may result in the rejection of a proposal.

4. Proposals shall be opened publicly. Proposals will be opened at the Procurement Office, 37 Washington Street, Nantucket, Massachusetts at the date and time specified in this RFP, subject to any potential state or local restrictions due to COVID-19. Should Town offices be closed to the public, the opening shall be held via Zoom and interested parties may attend the opening through a Zoom link to be provided by the Town.

5. To be considered a complete proposal, all submittals must include the following:

- a. Cover page labeled “Nantucket Shooting Park Proposal. “The cover page should also identify the responding entity, the primary contact person, and all contact information including mailing address, telephone number, and email address;
- b. All required documents as outlined by this RFP, completed and signed by a duly authorized signatory;
- c. One (1) clearly marked original proposal and ten (10) unbound and organized copies in an easily copied format;
- d. An electronic version of the complete proposal (on a CD or USB/flash drive).

6. Proposals that are incomplete or conditional will be rejected per M.G.L. c. 30B. Proposals received after the specified date and time will be considered non-responsive and will be returned to the proposer unopened per M.G.L. c. 30B. A proposer may correct, modify, or withdraw a proposal by written notice received prior to the date and time set for opening of proposals. Modifications must be submitted in a sealed envelope labeling the modification and must reference the original RFP proposal.

The Town reserves the right to reject any or all proposals, to waive any minor informalities, or to cancel this RFP in its entirety at any time if, at the Town’s sole discretion, it is determined to be in the best interest of the Town.

7. All questions should be sent via email and must be in writing. Questions may be directed to Town of Nantucket, Procurement Office at procurement@nantucket-ma.gov. Questions must be received by **DATE TIME, 2021**. Inquiries should have a subject line entitled: *1 Shadbush Rd Shooting Park RFP*. Any questions received after the specified date and time will not be accepted. All questions and responses will be shared with Registered Proposers in the form of an addendum to the RFP and will be emailed to all those on record as having requested the RFP. As questions are submitted, answers will be provided as expeditiously as possible to all parties registered to the Registered Proposers list. **Attempts made by proposers to contact Town employees directly with questions may subject the proposer to disqualification.**

In order to insure fair competition, if any prospective proposer would like to submit a proposal that deviates from any of the terms in this RFP, the proposer should do so by

submitting Questions as set forth in the above paragraph. If the Town determines that any proposed modification of the terms of the RFP are in the Town's interests, the Town may issue an addendum setting forth any revised terms that the Town deems to be in the best interests of the Town.

8. In order to receive answers to all inquiries and to ensure receipt of any changes or addenda to the RFP, all interested parties must be registered as a Registered Proposer with the Town. To register, please visit the Town's website at <https://nantucket-ma.gov/bids.aspx>. When the RFP is posted, interested parties may click the posting and follow the prompts to register to the Registered Proposers list. The RFP and any addenda or other related documents will only be available for download from the Town's website. It is the sole responsibility of interested parties to ensure receipt of all documents related to the RFP.

9. The Town makes no representations or warranties, express or implied as to the accuracy and/or completeness of the information provided in this RFP. This RFP, including all attachments and supplements, is made subject to errors, omissions, prior sale, lease or financing and withdrawal without prior notice, and changes to, additional, and different interpretations of laws and regulations.

10. Proposers' Responsibility for Due Diligence: *Proposers should undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, and other development and legal considerations.*

11. Negligence on the part of the proposer in preparing the proposal confers no rights for the withdrawal of the proposal after it has been opened.

12. The Town of Nantucket will not be responsible for any expenses incurred by the proposer in preparing and submitting a proposal. All submittals shall become the property of the Town of Nantucket. All plans, specifications, and other documents resulting from this contract shall become the property of the Town of Nantucket. All proposals shall be deemed a public record.

13. The successful proposer must be willing to enter into a ground lease substantially similar to the Ground Lease attached hereto as Attachment C (the "Ground Lease") in accordance with the terms of this RFP.

14. Sealed proposals received prior to the date of opening will be kept unopened. No responsibility will attach to an officer or person for the premature opening of a proposal not properly addressed, sealed, and/or identified.

15. Any proposals received after the date and time for opening will be returned to the proposer unopened. There are no exceptions to this rule. Email submissions are not accepted in lieu of mailed packages that will not arrive on time.

16. The Tax Compliance Certification and Certificate of Non-Collusion, included in this RFP, must be completed, signed, and enclosed with the proposal. These forms must be signed by the authorized individuals(s).

17. If, at the time of the scheduled proposal opening, Town offices are closed due to uncontrolled events, such as pandemic response, fire, snow, ice, wind, or building evacuation, the response opening will be postponed until 3PM on the next normal business day. Proposals will be accepted until that date and time.

18. Proposers should be aware that many overnight mailing services do not guarantee service to Nantucket. All major carriers deliver to Nantucket Island (USPS, UPS, FedEx, and DHL). It is best to allow for two additional days for delivery to the island.

19. Responses to the RFP must be prepared according to the guidelines set forth herein. Selection of the successful proposer will be based upon an evaluation and analysis of the information and materials required under the RFP, and in accordance with M.G.L. c. 30B, § 16.

III. Site Tour and Briefing

Interested parties are strongly encouraged to attend an on-site briefing session on **DATE TIME 2021**, which will be held at **LOCATION ADDRESS**. Note: alternate weather date will be **DATE TIME 2021**. Interested parties must email procurement@nantucket-ma.gov by DATE TIME to register as an attendee for the site visit.

The site tour and briefing will be an opportunity, in a group setting, for questions to be asked and answered. The Town will take record of questions asked and answers given, as well as a list of attendees, and send summary minutes of the Meeting to all those registered; however, the Town is not responsible for making sure all aspects of the meeting and group discussion are relayed to anyone not in attendance at this Site Tour.

Following the Site Tour, the Town reserves the right to amend the RFP criteria.

IV. Objectives

The Town is seeking proposals from qualified interested parties to lease a portion of the parcel of Town-owned property, located at 1 Shadbush Road, and the subsequent development of the land for the demarcation, design, layout, construction, maintenance, and operation of a recreational shooting facility for use by members of the successful proposer for rifle, pistol, shotgun, and ~~skeet shooting, and~~ archery, and also skeet shooting upon terms to be negotiated, upon ranges to be designated thereon.

The successful proposer may also provide access to the facility by members of the public who are not affiliated with the successful proposer for certain events including fundraising and social gatherings, in accordance with a plan to be submitted with the Proposal. The successful proposer

shall also offer access to the facility for training purposes and shooting practice to the law enforcement agencies on Nantucket including but not limited to the Nantucket Police Department, Nantucket County Sheriff, Massachusetts State Police and the United States Coast Guard and the Transportation Security Administration.

1. Background

Currently, there is no official designated shooting range on Nantucket. Recreational shooting requires a designated range as, without such, individual shooters in the past have sought out their own informal shooting locations around Nantucket Island resulting in safety issues, as well as the issue of trash and debris being left at the sites.

2. Defined Terms

For the purposes of this RFP, the term “Tenant” shall mean the qualified not-for profit entity organized to do business in the Commonwealth of Massachusetts selected by the Town of Nantucket to lease the Property.

The “Town” shall mean the Town of Nantucket acting by and through its Select Board.

The “Property” shall mean the 27±- acre parcel of land located at 1 Shadbush Road and shown as Parcel 5, on Assessor’s Map 78, attached as Attachment A.

The “Leased Premises” shall mean a 9± acre portion of the Property to be leased to the successful proposer.

This “Project” or “Development” shall mean the lease of the Leased Premises, and the design, construction, and maintenance of the proposed Shooting Range Area.

3. Performance Obligations of Tenant

A. It is the Town’s intent to allow the Leased Premises to be used for the construction of an indoor and/or outdoor shooting park that will also include space for law enforcement -training, as well as a clubhouse, concession, or event space; on-site parking; road improvements; and/or other outdoor activities. Any improvements made to the site shall be for the sole benefit of the Tenant.

B. The proposed use of the Property is contingent upon the receipt of a Conservation and Management Permit (CMP) from the MA Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program (“NHESP”) for which the successful proposer is solely responsible for obtaining at its cost and expense. The successful proposer must be able to comply with the requirements of the CMP should they receive it, as well as the Habitat Management Plan and the Environmental Stewardship Plan and to fund the Escrow Fund required by NHESP for the costs

of the Habitat Management Plan. The proposed Property use will also be subject to local permitting requirements including, but not limited to zoning, Nantucket Historic District Commission (HDC) approval, building permits, Nantucket Police Department (NPD) approval, and/or any other local or state approvals or requirements.

C. Proposers should note that the final CMP cannot be granted unless and until the Town executes a ground lease with the successful proposer for use of the Leased Premises and grants a conservation restriction on a portion of the Property, both of which shall be subject to voter approval at the 2022 Annual Town Meeting.

D. The Property contains 27± acres of vacant land in total; however, 18± of those acres shall be subject to a perpetual conservation restriction as required by NHESP. The proposers should note that ~~no more than only~~ nine (9) of the acres shall be leased for building and/or other uses and they should factor this in to their submittal accordingly. The grant of a perpetual conservation restriction on a portion of the Town's Property is contingent upon a vote of approval by the 2022 Annual Town Meeting. The Town is not required to grant the conservation restriction until such time as the permitting process with the Commonwealth of Massachusetts is complete, all approvals and permits obtained and the construction for the project is to commence. A full plot plan with markings showing available acreage is included in Attachment A.~~7~~

E. Tenant must be willing to adhere to the definitions and bylaws provided in the *Code of the Town of Nantucket*, M. G.L. c.140, §§ 131 and 129C, as well as any and all other local and state regulations or laws that may apply. The Tenant must also adhere to the any requirements included in the vote at the Annual Town Meeting 2022 authorizing said lease.

F. The intent of the Town is to lease the Leased Premises to a not-for-profit organization principally located on Nantucket and which has been duly incorporated pursuant to M.G.L c. 180; whose members have experience in the conduct or organization of such shooting activities; and which subscribes or belongs to such state and national organizations as are normally involved in training and educational activities for adults and juniors in the safe and proper use of firearms and in organized programs for marksmanship and competition. The terms and conditions to be negotiated and granted by the Select Board shall include such terms related to exclusive use, as the Board shall deem reasonable and necessary under the circumstances.

G. The Tenant may be required to design, construct, and maintain a shooting range and parking areas. Use of the shooting range shall be regulated and overseen by the Tenant. The purpose of the shooting range is to provide citizens with a safe environment to participate in shooting sports with an emphasis on firearm safety, hunter education, hunter sight-ins, new shooter recruitment, firearms education and training and wildlife management.

H. Any reconfiguration of the property must conform to all applicable zoning bylaws. Under this circumstance, the Tenant shall be responsible for any survey and plan preparation and plan filing costs associated with parcel reconfiguration.

I. Tenant will be responsible for all aspects of the development of the property including obtaining all financing, all local and state permits and licenses, providing all reports and/or studies that may be required by local and state regulatory boards, and for obtaining any other professional services necessary for the successful completion of the Project.

J. The Tenant or its representative(s) shall be required to attend all meetings held with local and state officials or any review committee that may be appointed to represent the interests of the Town concerning this contract and/or this project.

4. Specific Requirements

A. An archaeological survey of the Property, prepared in accordance with the methods and guidelines of the Massachusetts Historical Commission, shall be required prior to the commencement of any development.

B. A rare plant survey of the Property, conducted in accordance with the methods and guidelines of NHESP, shall be required prior to commencement of any development.

C. Any and all additional state and local permits required, shall be obtained prior to any development of the Property.

D. The ranges must be built to National Rifle Association's (NRA) specifications and an NRA representative must advise and/or inspect and certify the construction of the actual ranges.

E. Tenant shall comply with all federal and state laws pertaining to lead contamination in the soil and water and is required to conduct periodic soil and water testing for lead and other contaminants upon execution of the ground lease in compliance with the final Environmental Stewardship Plan with NHESP and federal and state laws as may be mandated.. The reports from water and soil testing shall be submitted to the Town, ~~and~~ NHESP and to the Massachusetts Department of Environmental Protection ("MassDEP") for review. The Town of Nantucket, ~~and~~ NHESP and MassDEP, in their sole discretion shall reserve the right to require remediation or shut down operations of the park should unacceptable levels of contamination determined by federal and state laws be found in soil or water supply stemming from the park's operations. Tenant shall with all due diligence, at its own cost and expense, and in accordance with federal and state laws, (and in all events in a manner reasonably satisfactory to the Town) take all actions as shall be necessary or appropriate for the remediation of any lead contamination on the Property including all removal, containment and remedial actions. The Tenant shall submit a lead testing proposal as part of their proposal, which shall be subject to approval by the Town and NHESP. The lead testing proposal shall include the following annual tests:

(i) Lead Management Protocol- describing a timeline and methods for removal of solid waste that may contain lead, such as discarded metal shot and shell casings;

(ii) Soil Monitoring Plan- annual analysis of soil to determine compliance with state and federal standards for lead;

(iii) Groundwater Monitoring Plan- annual testing of groundwater to determine compliance with state and federal standards;

(iv) Reporting Plan- for annual reporting to the Town and state agencies as may be required. Baseline Documentation of the soil and groundwater shall be collected prior to commencement of clearing the property for construction.

5. Site

A. The Property is shown on a plan attached hereto as Attachment A and is shown on Assessor's Map 78 as Parcel 5. The Leased Premises and the location of the conservation restriction are shown on a plan attached hereto as Attachment A. It is located off Bunker Road, and abuts property owned by 10 Industry LLC, the Nantucket Islands Land Bank, the Nantucket Conservation Foundation, Inc. and the Town of Nantucket. The Property is currently heavily wooded. The site has water and electricity in close proximity, but there is no sewer connection in this area. The Property is located in the Town's LUG3 Zoning District. A copy of Nantucket Zoning Bylaw is attached hereto as Attachment E.

B. It is an objective of the Town that the design of the Project retains the Property's unique growth, i.e. vegetation and trees, as identified by the Town where possible. The Project is required to meet lighting objectives, parking requirements, safety requirements, and ensure privacy from the surrounding properties.

6. Design and Aesthetics of Building(s)

A. The design and aesthetics of any structures that the proposers(s) propose constructing on the site should reflect the design and character of Nantucket and will be subject to review and approval of all applicable Town agencies. Proposers are encouraged to use creativity in their proposed use of the site, including building design, site layout, parking, and landscaping. Materials and construction methods should be compliant with local standards and energy efficient where possible. The overall site design plan will be evaluated as part of the Comparative Evaluation Criteria described in Attachment D.

B. Structures or improvements which may be included in the proposed plan, are space for shooting practice and training including covered shooting line pavilion with partial sides, overhead bullet baffles, concrete range diving walls and earthen berms as side and back stops, an archery range storage shed, administration/training building with ammunition storage, small concrete trap house, bathroom facilities, a clubhouse or concession stand, parking lot and/or bicycle storage, road improvements, and fencing enclosing the shooting range area as necessary.

The proposed range and all facilities must be ADA compliant, which must be demonstrated in their proposal,

C. Building and site designs should be mindful of energy and utility costs and strains on the Town's infrastructure, as well as limit the project's environmental impact. Significant energy efficiency incentives have been made available to Nantucket in the past. Proposers are encouraged to reach out to Lauren Sinatra, Energy Coordinator for the Town to learn about current programs they may want to consider incorporating (lsinatra@nantucket-ma.gov).

D. The Town intends to lease the property on a long-term basis, to allow, but not require, the tenant to make improvements to the property, including the construction of outdoor and indoor facilities solely for the convenience of the tenant, and to require the tenant to remove all improvements to the Property at the end of the lease term. The Tenant shall obtain written approval from the Town for all construction prior to the commencement of construction. The Town believes that such conditions will not require the tenant to comply with the Massachusetts Public Construction Laws (M.G.L. c. 149 for Building Construction and M.G.L. c. 30, § 39M for Public Works Construction) when constructing the facilities on the site based on the standards set forth in Brassi Development Corp. v. Attorney General, 456 Mass. 684 (2010).

Nevertheless, proposers should be aware of the potential that compliance with the Public Construction laws may be required. Ultimately, the successful proposer will be responsible for compliance with all laws that are deemed applicable to this project, and shall indemnify and hold harmless the Town and its officials in such an event. Proposers are strongly encouraged to consult with their own legal counsel prior to submitting a proposal.

E. It is the Town's intent to allow the proposer to construct structures and improvements on the site with the understanding that at the end of the lease term, or upon termination of the lease agreement, the proposer shall remove any structures or improvements in their entirety and restore the site to its original state at the sole cost of the proposer.

7. Repair of Road Damages

The Tenant will be responsible for repair of any significant damage done to any road used consistently during construction of any structures to the Town's satisfaction. The Town will solely be responsible for determining if the damage is significant as well as the liability of the Tenant, if any.

8. Rental Payment

The Town is offering to lease the Leased Premises for a minimum of fifty (50) years to the successful proposer, for an initial payment detailed below and at an annual rent thereafter to be paid at the time of the execution of the Ground Lease for the term of the lease and subject to the

Town's right to review an escalation of rent during the term of the Lease. The Town requests a minimum initial rent of \$3,000 per year for the first five (5) years of the term, whereupon the rent shall be doubled every five (5) years until the rent per year is calculated at \$48,000 per year; whereupon the rent shall be adjusted every year based upon the United States Department of Labor Statistics Northeast Consumer Price Index or comparable index, ~~and shall not exceed a rent of \$60,000 per year.~~

9. Safety

A. Public Safety: The Tenant will provide adequate supervision and security to ensure public safety. The Tenant shall provide first aid training to all personnel with direct oversight of public shooting and will ensure that first aid kits are adequately kept and maintained in all buildings.

B. The Tenant will fence in the entire parcel of land before any other development of the property using fencing approved by the appropriate Town of Nantucket agencies, as well as NHESP.

C. The Tenant is responsible for the security of the property upon execution of the lease agreement. The Tenant shall recognize the legal jurisdiction of the NPD and its officers to enforce the law and order and to uphold regulations in effect within the facility. The sole responsibility for the establishment of internal and external security measures adequate to protect the Tenant's property and all of the facilities shall be imposed on the Tenant during the entire effective term of the agreement.

10. Operations

The Tenant shall submit as part of their proposal a construction plan showing all buildings and other improvements to be constructed at the site in sufficient detail to allow the Town to evaluate proposals.

Sufficient personnel must be employed to provide adequate levels of public safety and service and to provide site maintenance. The Tenant shall submit as part of their proposal a safety plan for operation of the shooting park detailing experience and training of personnel, which shall be subject to approval of the Nantucket Police Department. The Tenant will be required to provide capital outlay to operate the range at a high-level of service.

11. Operation Restrictions

A. The Tenant shall observe and comply with all federal, state, and local laws, orders, bylaws, and regulations as well as safety policies specified by the Town and County of Nantucket.

B. The Tenant agrees to allocate sufficient annual budget funds for the continuous development, maintenance, and operation of the Project and its facilities and improvements.

C. The Tenant may operate certain events and social gatherings on the Premises, with food subject to obtaining the necessary permits and approvals from the Town with the requirements that the Tenant must review the event plans and the access and parking with the NPD for their approval. If the NPD requires a police detail at the Property for the event then the ~~dd~~Detail will be at the Tenant's sole cost and expense.

Alcoholic beverages shall not be offered or allowed on the Property and are strictly prohibited during the operation hours of the shooting range; this shall be strictly enforced by the Town and the Nantucket Police Department. Alcoholic beverages may be served at events on the Property provided the requisite permits are obtained from the Town.

12. Initial Lease Payment

A. The Town will require an initial lease payment ~~of \$5,000.00\$XXXX~~ to cover all costs incidental to the lease of this site. Thereafter, the yearly lease payments shall be ~~for shall be~~ at a minimum of \$3,000 per year as described above in Section IV (8)

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13. Escrow Agreement for Habitat Management Plan

As a condition of the award of the Conservation and Management Permit, NHESP shall require the successful proposer to deposit funds in an escrow account for the funding of the Habitat Management Plan. The successful proposer will be obligated to fund this escrow fund for the required time outlined in the Escrow Agreement of up to twenty (20) years pursuant to an Escrow with NHESP, and will be required to execute the CMP, the Habitat Management Plan and the Escrow Agreement in order to lease the Leased Premises from the Town.

14. Lease Agreement

If the most advantageous proposal is selected, the Town shall execute a Ground Lease, in a form substantially similar to that attached in Attachment C. The Town shall retain the right to terminate the Ground Lease if the Tenant fails to deliver a building plan to the Town within five (5) years from the commencement date of the Lease, and then if it fails to commence construction of the project within ten (10) years ~~—~~from the commencement date of said Lease.

15. Indemnification

The successful proposer shall indemnify and hold harmless the Town from any liability and damages from and against any suits, claims and demands of any kind or nature, including reasonable attorneys' fees and expenses, by and on behalf of any person or entity, arising out of or based upon any occurrence, injury, death or damage which occurred to person or property on or about the Property or improvements which results from the condition, maintenance, repair,

alteration, use, occupation or operation of the Property, the construction and installation of any improvements thereon or from the removal of any property therefrom.

16. Insurance Requirements

A. Successful Proposer - Insurance Requirements

The successful proposer as the Owner/Operator of the shooting park shall, its sole cost and expense, obtain and maintain during the full term of the Lease the following types of insurance and for limits no less than the following:

(i) Workers' Compensation and Employers Liability Insurance

Workers Compensation - State Statutory Amounts

Employer Liability:

\$1,000,000 - Bodily Injury by Accident

\$1,000,000 - Bodily Injury by Disease - policy limit

\$1,000,000 - Bodily Injury by Disease – each employee

(Lower amounts of coverage for Employer Liability Insurance may be maintained if they meet the Umbrella Policy underlying limit requirements)

Workers compensation policies and employers liability insurance shall be maintained by the successful proposer and contractors for the project.

(ii) Commercial General Liability Insurance

(Including Premises-Operations; Products and Completed Operations; Broad Form Property Damage and Blanket Contractual Liability):

Bodily Injury and Property Damage (including coverage for XCU hazards) Liability

\$1,000,000 - Each Occurrence

\$2,000,000 - General Aggregate

\$2,000,000 - Products and Completed Operations Aggregate (per project/job)

Personal & Advertising Injury Liability

\$1,000,000 Each Occurrence and Aggregate

(iii) Commercial Automobile Liability Insurance

(Covering all owned, non-owned and hired vehicles):

\$1,000,000 - Bodily Injury and Property Damage - Each Accident

The commercial automobile liability insurance shall be carried by all of the contractors as well as the successful proposer and shall name the Town as an additional insured.

(iv) Umbrella/Excess Liability

\$10,000,000 - Each Occurrence

\$10,000,000 - Aggregate

The Umbrella/Excess policy must include, as scheduled policies, the Employer's Liability insurance, Commercial General Liability insurance, and Automobile Liability insurance. The Umbrella/Excess will be "following form" and the scope of coverages shall be no less than that provided by the underlying policies.

(v) Pollution Liability Insurance

\$1,000,000 - Each Claim

Shooting range location must be listed as a covered site on the Pollution policy. Coverage under a "claims made" policy must remain in effect for a period of 3 years after completion of the work.

(vi) Builders All-Risk Insurance

From the first equipment delivery date and through Final Completion, the successful proposer shall maintain or cause to be maintained builder's all-risk insurance (including earth movement and flood, collapse, sinkhole and subsidence, transit and offsite storage) on a completed value form (the Builder's All-Risk Policy) subject to the terms contained in this Section. All such insurance shall be on a "replacement cost" basis covering the full replacement value of the structures, machinery, equipment, facilities, fixtures and other property constituting a part of the completed project. It shall name the Town of Nantucket and all Subcontractors of any tier as additional insured and include a waiver of subrogation in favor of the Town of Nantucket.

Claims – All parties shall assist and cooperate in the preparation of all claim loss documentation, claims forms, proof of loss statements and working with various underwriters and adjusters with respect to all claims made under the Builder's Risk insurance.

Deductible – The deductible under the Builder's Risk policy shall be the responsibility of the successful proposer.

Successful Proposer, Contractor, and Subcontractor Equipment – It is understood that all personal property, tools, construction equipment, property of successful proposer, Contractors, and Subcontractors and any similar owned property of any tier that is owned, leased or rented, whether at the Site or not, is not covered by the Builder's Risk insurance, and that the successful proposer, Contractor or Subcontractors shall assume all risk of loss, damage and/or destruction of this personal property. Successful proposer Contractor and Subcontractors and their insurers shall waive rights of subrogation against the Town of Nantucket and any third party the Town of Nantucket requires for damage to such property.

1. Property Insurance

Successful proposer shall maintain “All risk” property insurance on an agreed amount (coinsurance provision waived) replacement cost basis, in an amount equal to the replacement value of the building, secondary structures, business personal property and servicing equipment. Policy shall include coverage for machinery breakdown, building ordinances and laws, broad form flood and broad form earthquake perils. Policy shall include a Debris Removal sublimit of 25% for any loss (inclusive of deductible plus any amount paid by insurer for direct physical loss) and policy shall be endorsed to include an additional \$50,000 for debris removal, above the 25% sublimit. In addition, successful proposer agrees that in the event of loss, insurance proceeds shall be payable to the Town of Nantucket (Loss Payee). Successful proposer shall retain all risk of loss for loss of or damage to its business personal property, property of customers, and loss to the building, without any recourse to the Town of Nantucket.

B. Endorsements required and to be stated on the Certificates of Insurance:

(i) The General Liability, Auto Liability and Umbrella Liability Insurance maintained shall include the Town of Nantucket and their public officials and employees as additional insureds.

(ii) Town of Nantucket and their public officials and employees must be included as additional insured on a primary and non-contributory basis, with respect to General Liability and Umbrella/Excess Insurance

(iii) The Workers Compensation, General Liability, Auto Liability, Umbrella/Excess and Property (including Builders Risk) policies must contain a waiver of subrogation in favor of the Town of Nantucket and their public officials and employees.

C. Other Insurance Related Requirements

(i) Certificates of insurance must be on file with the Town of Nantucket prior to commencement of operations, and such coverage must remain in effect for the duration of this Agreement.

(ii) Successful proposer must provide thirty (20) days written notice to the Town of Nantucket prior to cancellation or non-renewal of any of the insurance policies required herein.

(iii) All insurance policies must be issued by companies lawfully authorized under the laws of the Commonwealth of Massachusetts to write the types of insurance required.

(iv) The insurers shall have a financial strength rating of A- VIII or better as assigned by AM Best or equivalent rating assigned by a similar rating agency acceptable to the Town of Nantucket.

(v) If broader coverage and/or higher limits than referenced hereunder are maintained by successful proposer r, the Town of Nantucket shall be entitled to such broader coverage and/or higher limits maintained.

(vi) All deductibles and retentions must be declared to and approved by the Town of Nantucket and shall be borne by the successful proposer The successful proposer shall be fully responsible for the payment of deductible or retention amounts.

Any Subcontractor used must maintain limits and coverage similar in nature to that of the successful proposer.

V. Proposal Submission Requirements

The Tenant shall submit a proposal that includes a business plan that clearly addresses the Lease Agreement Terms of this RFP.

The Town shall open and evaluate proposals according to Section VII of this RFP and select the most advantageous proposals based on proposal ratings.

1. The Proposer and Team

The proposal must include a description of the proposer(s), including an organization history, resumes of three highest-level staff persons, and a thorough description of the services currently offered by the organization. Proposals must include:

- The name, mailing address, e-mail address, and telephone number of the proposer(s), the name of the representative(s) authorized to act on their behalf, the name and contact information of the contact to which all correspondence should be addressed, and the names and primary responsibilities of each individual on the team
- If the proposer is not an individual doing business under his/her own name, a description of the firm and status of the organization (e.g. whether a for profit, not-for-profit or charitable institution) and a description of the proposed ownership entity (e.g., a general or limited partnership, a corporation, LLC, LLP, business association, or joint venture) and the jurisdiction(s) in which it is registered to do business. If the proposer is a non-profit, please include a list of the organization's Board of Directors and areas of expertise they represent.
- The nature of the entity to enter into the long-term lease of the Property and the borrower and guarantors of debt, if any.
- Identification of all principals, partners, co-ventures or sub-developers participating in the transaction, and the nature and share of participants' ownership in the project.
- Identification of the development team, if any, such as architects, engineers, lawyers, landscape designers, contractors, development consultants, lenders and/or investors.

Background information, including firm resumes and resumes for principals and employees expected to be assigned to the project, shall be provided.

- A summary of first, the proposer’s and secondly, their team’s experience collectively and individually. Proposer should demonstrate the ability to perform as proposed and to complete the project in a competent and timely manner, including the ability to pursue and carry out design, permitting, financing, construction, and other related duties.
- Provision of ~~three~~ **NUMBER** references with contact names, titles, current telephone numbers, and email addresses of those who can provide information to the Town concerning the proposer’s relevant experience to successfully complete and manage the project
- Proposed project financing and timeline, which shall include (a) a proposed pre-development budget, including all projected sources to be used to secure the necessary permits and approvals for the construction and operation of the development; (b) a construction and development budget, which includes detailed sources of funds and uses. At least one (1) letter of interest from a recognized financial institution for a loan amount sufficient for the developer to construct and operate the project.
- Completion of disclosures and certificates in Attachments G – “Certificate of Non-Collusion”, H – “Tax Compliance Certificate”, and I – “Disclosure Statement for Transaction with a Public Agency Concerning Real Property, M.G.L. c. 7C, § 38.”
- A rent payment proposal shall be included as part of the proposal.

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2. Project Concept

The proposal must include a detailed description of the Project for the Leased Premises and its uses/improvements, including but not limited to:

- Preliminary site design
- Discussion of the physical plan and architectural character of the project and the various programmatic and physical elements of the development
- Construction staging plan and discussion of construction impacts, including but not limited to how the project will be managed to limit impact on neighbors, in particular noise and traffic during the construction period.
- Development schedule for all elements of the plan including key milestones, financing and timeframes for occupancy, including state and local approval processes.
- Outline of required land use, environmental, operational and other governmental or regulatory approvals for the necessary permits and noting any permits or waivers, which will be required.

3. Conceptual Design/Facility Plan:

The proposal must include 11” x 17” plans including:

- Site plans that include building footprints, parking layout, drainage, recreation areas, access to bike paths and/or roads, numbers of parking spaces
- Landscape plan with sufficient detail on how the plan addresses limiting the project impact on surrounding areas
- Floor plans
- Elevations (building materials should be identified on elevations)
- Plans for other improvements to the site – road improvements, fencing, etc.

4. Plan of Services (Business Plan)

- Description of the proposed business plan for the shooting park and other outdoor recreation spaces, concessions, etc., including but not limited to, pricing, hours of operation, education programs, etc., as well as a long-term revenue plan for operation and maintenance of the facility and support for the Habitat Management Plan.
- The proposal must include a plan for the ongoing management and maintenance of the facility throughout the lease term
- Tenant's safety plan
- Operation and maintenance plan for the proposed facility including the actual ranges, buildings, and property maintenance (daily and long-term)
- Documentation that the proposer has discussed public safety training requirements with the Nantucket Police Department and has identified potential cooperative firearms training programs where Tenant will agree to provide access at mutually agreed upon times for police firearms training
- Plan for accommodation of a variety of shooting interests, including but not limited to, Rifle, Pistol, Archery, and Clay Target ranges
- Plan for Tenant to become an authorized hunting license dealer and deer weigh-in station

VI. Evaluation Criteria

The Chief Procurement Officer shall establish a Review Committee to evaluate the proposals according to the evaluation criteria contained below. Submittals that comply with the minimum qualification requirements will be further evaluated based on the comparative criteria detailed below and the price.

Rating	Mark	Measure
<i>Highly Advantageous</i>	HA	Response is superior and excels on the specific criterion
<i>Advantageous</i>	A	Response is satisfactory and meets evaluation criteria
<i>Not Advantageous</i>	NA	Response does not fully meet the criterion or leaves a question or issue not fully addressed
<i>Unacceptable</i>	U*	Does not address the criterion

*Proposal may be automatically eliminated from further consideration if U is received in any category

Minimum Criteria

Proposals that do not clearly and full comply with these Minimum Criteria will be rejected as non-responsive and will not be considered.

1. Conformance with all submission requirements
2. Technical Proposal
3. Submission of required forms (Attachments G, H, I)
 - a. Certificate of Non-Collusion
 - b. Tax Compliance Certification
 - c. Disclosure Statement for Transaction with a Public Agency Concerning Real Property, M.G.L. c. 7C, § 38.
4. Proof of Insurance(s) as required by the Town of Nantucket
5. Evidence of Financial Stability – IRS determination letter under Section 501(c)(3) of the Internal Revenue Code **OR** an Audited Financial Statement of the applying organization
6. List of References

~~7.~~
~~8-7.~~ Acknowledgement of any Addenda issued by the Town

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Comparative Evaluation Criteria

Projects meeting the Minimum Threshold Criteria will then be rated based on the Comparative Evaluation Criteria (Attachment D). The Town will use the comparative criteria for each subject and each will be rated on a scale of Unacceptable, Not Advantageous, Advantageous, or Highly Advantageous. These criteria should be addressed in the written proposal and will be explored further in any interview(s) with the proposer.

VII. Selection Process and Rule for Award

All proposals submitted by the deadline will be opened in public and recorded. All information contained in the proposals is public at the time of opening. The Town or its designee(s) (i.e. an evaluation committee) will review and evaluate all proposals that have been received by the submission deadline based on the criteria outlined in the “Comparative Evaluation Criteria.” Evaluation of the proposals will be based on the information provided in the proposer’s submission in accordance with the submission requirements of this RFP and any references, and additional information requested and/or gathered by the Town. The most highly advantageous proposal from the proposer deemed most responsive and responsible, taking into consideration all evaluation criteria set forth in the RFP and the rent payment proposal, will be selected by the Town or its designees. **The Town reserves the right to select the proposal that best meets the needs of the community and that may not be the proposal that offers the highest rent.**

The Town will notify all proposers in writing of its decision. The Town may condition an award to a proposer on successful negotiations of the revisions specified in the award letter.

VIII. Post-Selection

The execution of the ground lease shall be subject to approval of the 2022 Annual Town Meeting, which is scheduled for May, 2022. It is the intent of the Town, assuming approval of voters at Town Meeting, to enter into the Ground Lease with the successful proposer within fourteen (14) days of approval at Town Meeting, in substantially the same form as the Ground Lease attached in Attachment C.

Chapter 30B Real Property Dispositions to Promote Public Purpose Requirements

The name of the selected proposer and the amount of the transaction will be submitted for publication in the state's *Central Register*.

If the Town has determined that the public purpose of the project is best met by disposing of the property for less than fair market value, the Town will post a notice in the state's *Central Register* explaining the reasons for this decision and disclosing the difference between the property value and the price to be received. This notice will be published before the Town enters into any agreement with the successful proposer

IX. Attachments

- A. Maps of the Property & Surrounding Area
- B. Town Meeting Vote & Quitclaim Deed
- C. Draft Form of Ground Lease
- D. Comparative Evaluation Criteria
- E. Nantucket Zoning Bylaws
- F. Environmental Reports
- G. Certificate of Non-Collusion
- H. Tax Compliance Certificate
- I. Disclosure Statement for Transaction with a Public Agency Concerning Real Property
- J. Acknowledgement of Receipt of Documents

ATTACHMENT A

Maps of the Property & Surrounding Area(s)

ATTACHMENT B
Quitclaim Deed

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ATTACHMENT C
Draft Form of Ground Lease

ATTACHMENT D

Comparative Evaluation Criteria

1 Shadbush Road – Shooting Park

**note: If a proposal fails to address a criterion, it may receive a rating of “Unacceptable”; any proposal that receives an “Unacceptable” rating may automatically be disqualified*

	Highly Advantageous	Advantageous	Not Advantageous
Proposer Experience & Capacity (team)			
• Demonstrated experience in and capability for designing, permitting, constructing and managing shooting park or recreational facility • Demonstrated experience securing financing for similar projects • Property management experience with similar projects • Quality of team’s reputation and references, particularly in terms of its regulatory experience, and ability to complete projects as proposed	Development team members have significant and substantial successful development of shooting park or other recreational facilities including significant legal, design, financing, environmental, management and	Development team members have had significant experience in the development of a shooting park or other recreational facilities including, significant legal design, financing, environmental, management and	Development team members have had only minimal experience in the development of recreational facilities, including legal, design, environmental, development financing and management of a

Town of Nantucket RFP – Shadbush Shooting Park

	development experience.	development experience.	project of similar scope.
Site Design			
● Thoughtful and efficient site design of buildings that may be constructed and outdoor shooting ranges and recreational facilities ● Underground utilities ● Recreational areas designed with maximum safety measures ● Exterior lighting- minimal impact to neighbors ● Buffer to neighboring properties ● Landscape plan including parking area ● Central trash and recycling area, appropriately screened ● Adequate number of bathroom facilities appropriately located on site and screened ● Fencing located in areas and of materials approved by State and Town officials	Proposal meets all “Advantageous” criteria and respects adjacent properties with buffers including for noise, provides increased attention to safety measures, landscaping plan, fencing, grading, parking and traffic control, lighting, and restoration of vegetation <u>and design of site for less than the nine-acre parcel available for leasing.</u>	Proposal meets or exceeds all design requirement of the RFP with location of buildings and improvements, minimal impact of exterior lighting and development design, and inclusion of landscaping plan <u>and design of site using the entire nine- acre parcel.</u>	Proposal fails to include or address all site design criteria.
Building and Improvements Design			
● Construction of indoor shooting range, and outdoor shooting range, and other recreational facilities ● Construction of buildings and improvements for clubhouse or concessions, administration buildings and bathroom facilities ● Completion of construction within five (5) years ● Exterior design and materials is of level of quality suitable for these recreational purposes, while compatible with appropriate design and standards ● Design that is cost effective and quality materials ● Management office on-site with storage facilities	Construction of indoor shooting range and proposal completed within first five (5) years of lease, and provides a project that is cost-effective, energy efficient and has an attractive design and efficient use of interior space.	Construction of indoor and outdoor shooting ranges with completion within -first five (5) to ten (10) years of the lease with an efficient use of space and layout and energy efficient.	Construction of just outdoor shooting ranges during the first five (5) to ten (10) years <u>years of lease -with lease with</u> no plans for construction of an indoor shooting range within first five-ten years or later.
Financial Feasibility			
● Adequacy of proposed budgets for development and operating ● Appropriateness of membership fees ● Track record of securing proposed financing ● Fundraising efforts to supplement financing	Proposal contains realistic development and operating budgets and evidence of high degree of success in securing necessary financing and other sources of funding including fundraising and donations	Proposal contains realistic development and operating budgets and evidence of success in securing necessary financing, fundraising and donations.	Proposal does not demonstrate a reasonable development and operating budgets for the project and evidence of sufficient funds to support the development of project.

Safety, Mitigation and Business Plans			
● Proposal contains safety plan including safety training and equipment ● Environmental Stewardship Plan ● Habitat Management Plan and funding of requisite escrow with NHESP ● Lead Testing and Remediation Plans ● Plan of services ● Plan for operation and maintenance	Proposal contains safety plan with detailed provisions as to safety training of personnel, operational safety of shooting range and safety equipment on-site in compliance with state, federal and local laws and regulations; detailed provisions as to compliance with NHESP Environmental Stewardship Plan and Habitat Management Plan and funding of the Habitat Management Escrow fund; and detailed lead testing and remediation plans for soil and groundwater complying with or exceeding requirements of MassDEP and NHESP. Proposal contains a plan for services offered at the shooting park for indoor onlyincluding shooting and indoor/outdoor archery, concessions and or social events and shooting practice and training for law enforcement, and detailed plans for maintenance of the buildings and landscaping and parking	Proposal contains safety plan with detailed provisions as to safety training of personnel and operations of shooting range and equipment available on-site in compliance with federal, state and local laws and regulations, agreement as to compliance with NHESP Environmental Stewardship Plan and Habitat Management Plan and funding Habitat Management Escrow funds; and lead testing and remediation plans for soil and ground water testing complying with requirements of MassDEP and NHESP Proposal contains a plan for indoor and outdoor shooting and archery. Concessions, and social events and shooting practice at limited times for law enforcement, and plan for maintenance of building and landscaping as needed.	Proposal contains safety plan as to safety training for personnel and operation of shooting range and equipment available on-site complying state, federal and local laws and regulations, agreement to comply with NHESP Environmental Stewardship Plan and Habitat Management Plan as may be requested by NHESP, and lead testing and remediation plans for soilsoil and water testing meeting requirements of MassDEP and NHESP. Proposal contains a plan for only outdoors shooting, archery and concessions as may be available with shooting practice at limited times for law enforcement, and plan for outdoor maintenance of ranges.

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ATTACHMENT E

Nantucket Zoning Bylaws

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ATTACHMENT F

Environmental Reports

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ATTACHMENT G
Certificate of Non-Collusion

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ATTACHMENT H
Tax Compliance Certification

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ATTACHMENT I

Disclosure Statement for Transaction with a Public Agency Concerning Real Property

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ATTACHMENT J

Acknowledgement of Receipt of Documents

From: Vicki Marsh
To: Libby Gibson
Cc: Erika Mooney, Ken Beaupre, John Giorgio
Subject: Request for Proposals - Shooting Park Lease
Date: Monday, September 20, 2021 3:02:02 PM
Attachments: KP-#773264-v3-NANT- Request for Proposals - Shooting Park .DOCX

from 9/22/21
discussion/
agenda
packet

Libby-

Enclosed please find the latest version of the Request for Proposals for the Shooting Park Lease for review and consideration by the Select Board. When reviewing the RFP please note the following terms:

1, Objective of RFP- The Town is seeking proposals to enter into a long term ground lease for a minimum 50 year term for a portion of the 27 acre site at 1 Shadbush Road (the "Property") for the construction and use of the land for a recreational shooting facility for use by its members and other authorized members of the public and law enforcement for training purposes and shooting practice. The Town shall lease a 9 acre portion of the Property (the "Leased Premises") for the shooting park and the Town shall grant a conservation restriction on the balance of the land as required by Natural Heritage Endangered Species Program ("NHESP").

2. Section IV (3)- Performance Obligations of Tenant- Tenant is obligated solely at its cost and expense (1) to obtain a Conservation and Management Permit from NHESP, (2) must be able to comply with the Habitat Management Plan and the Environmental Stewardship Plan and to fund the Escrow Fund required by NHESP for the costs of the Habitat Management Plan, (3) obtain all necessary permits for the construction and use of the Property for a recreational shooting park, and (4) execute a Ground Lease with the town substantially in the form attached to the RFP. The Town shall be required to grant a conservation restriction on the remaining 18 acres of the Property. The 2022 Annual Town Meeting must approve of the Ground Lease and the Conservation Restriction.

3. Section IV (4)-Specific Requirements- The construction of the shooting ranges must be in accordance with National Rifle Association's specifications and be inspected and certified by an NRA representative. The Tenant must also comply with all federal and state laws for testing for lead contamination in the soil and water, is required to conduct periodic soil and water testing for lead and other contaminants and shall submit the reports to the Town and NHESP for review. The Town and NHESP can require in their discretion the Tenant's remediation as needed should unacceptable levels of lead or contaminants found in the soil or water stemming from the shooting range's operations.

4. Section IV (6) Design and Aesthetics of Buildings- The design and aesthetics of any structures the Tenant proposes to construct shall be subject to review and approval of all applicable Town agencies or boards. Structures or improvements may include space for shooting practices and training as well as an archery range storage shed, administrative training building, a clubhouse or concession stand and bathroom facilities, and fencing enclosing the shooting range as required. The proposed range and all facilities must be ADA compliant.

5. Section IV (6) (D) Although the Town is entering into a long term lease with the Tenant, the Town is not requiring the Tenant to make improvements to the Property, including the construction of outdoor and indoor facilities solely for the convenience of the Tenant, and to require the Tenant to remove all improvements to the Property at the end of the lease term. The Tenant shall obtain written approval from the Town for all construction prior to the commencement of construction. The inclusion of these conditions will in our opinion not require the Tenant to comply with the Massachusetts Public Construction Laws (m>G.L. c. 149 for Building Construction and M.G.L. c. 30, Section 39M for Public Works Construction) when constructing the improvements on the Property based on the standards set forth in the case of Brassi Development Corp. v. Attorney General 156 Mass. 684 (2010).

In the RFP, we advise the proposers that there is still the possibility that they may be required to comply with the Public Construction laws. We recommend that the proposers consult with their own legal

counsel. They are also required to indemnify and hold harmless the Town and its officials if such a determination is made.

Although the Town allows the Tenant to construct improvements on the Leased Premises, they will be required at the end of the lease to remove any structure in their entirety and restore the site to its original state at their sole cost.

6. Section IV (8)- Rent- The Town requests a minimum \$3000 per year rent for the first 5 years of the term, whereupon the rent shall be doubled every 5 years until the rent per year is calculated at \$48,000 per year, whereupon the rent shall be adjusted every year based upon the United States Department of Labor Statistics Northeast Consumer Price Index or a comparable index, and shall not exceed \$60,000 per year.

7. Section IV (9) Safety- The Tenant must insure that there is adequate supervisions and security to ensure public safety. All personnel will be required to have first aid training and first aid kits and equipment are kept and maintained in all buildings. The Tenant will be required to fence in the entire parcel of land before any development on the site using fencing approved by the Town and NHESP.

8. Section IV (10) Operations- The Tenant shall submit to the Town as part of its proposal a construction plan showing all buildings and improvements to be constructed and a safety plan for operation of the shooting park detailing experience and training of personnel, subject to approval of the Nantucket Police Department.

9. Section IV (11) – Operations Restrictions- Tenant must comply with all federal, state, and local laws bylaws and regulations as well as safety policies specified by the Town and County of Nantucket. Tenant will need to allocate budget funds for the operation and maintenance of the facility. They may operate events and social gatherings with food provided that the Tenant obtains the necessary permits and approvals including from the Police Department for access and parking to the Property. If a police detail is required the Tenant will provide the Detail at its sole cost and expense. Alcoholic beverages shall be strictly prohibited during the operation hours of the shooting range, which shall be enforced by the Nantucket Police Department, Alcoholic beverages may be served at events on the Property provided the Tenant obtains the requisite permits.

10. Section IV (12) . Initial Lease Payment- Will the Select Board request an initial payment to cover any incidental costs incurred by the Town prior to the lease of the Property.

11. Section IV (13) The Tenant will be required to deposit funds in an escrow account for the funding of the Habitat Management Plan as a condition to the award of the Conservation and Management Permit awarded by NHESP. The Tenant will be required to fund this Escrow Agreement for up to twenty years and will be required to execute the Conservation and Management Permit with NHESP, the Habitat Management Plan and the Escrow Agreement in order to lease the Leased Premises.

12. Section IV (14) Lease Agreement- The Tenant will be required to execute a Ground Lease substantially in the form attached to the RFP. The Town shall have the right to terminate the Ground Lease if the Tenant fails to deliver a building plan to the Town within 5 years from the commencement of the Lease, and then if it fails to commence construction of the project within 10 years from the commencement date of the Lease.

13. Section IV (15) Indemnification- The Tenant shall indemnify the Town from any liability and damages of any kind or nature, arising out of any occurrence, injury, death or damage which occurred to person or property on the Property which results from the condition, maintenance, repair alteration, use occupation or operation of the Property, the construction and installation of any buildings and improvements or from the removal of any property therefrom.

14. Section IV (16) Insurance- The RFP provides for detailed insurance coverage which has been reviewed and recommended by the Town's insurer.

15. Section V- Proposal Submission- Identification of the team of the proposer and their experience to construct and operate this project.. The Select Board should consider the number of references required. They also shall submit a project financing and timeline, a conceptual design/facility plan, and a business plan.

I have not received the final versions of the Attachments so I am unable to comment on those to make sure that they will not require any further revision.

If you have any questions or additional comments, please do not hesitate to contact me.

Vicki

Vicki S. Marsh, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 556 0007

F: (617) 654 1735

vmarsh@k-plaw.com

www.k-plaw.com

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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.