

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Dawn E. Hill Holdgate
Malcolm W. MacNab
Brooke Mohr



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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD APRIL 26, 2023 - 5:30 PM PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:

<https://youtu.be/VJChsk1gcao>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_libU6_73Rte11TPbhlshfg

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. DPW: April 28, 2023 Arbor Day Proclamation; and Seedling Giveaway on Saturday, April 29, 2023 and Sunday, April 30, 2023 from 8:00 AM to 12:00 PM or When Seedlings are Gone at Nantucket Landfill (Materials Recovery Facility Area).
3. 2023 Annual Town Meeting is Saturday, May 6, 2023 at 8:30 AM at Nantucket High School, Mary P. Walker Auditorium, 10 Surfside Road.
4. Annual Town Election Scheduled for Tuesday, May 23, 2023 from 7:00 AM to 8:00 PM at Nantucket High School, 10 Surfside Road.
5. 2023 Committee/Board/Commission Vacancies.
6. 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 April 11, 2023 at 5:00 PM; April 12, 2023 at 5:30 PM; April 13, 2023 at 9:00 AM.
2. Approval of Payroll Warrants for April 16, 2023.
3. Approval of Treasury Warrants for April 19, 2023; April 26, 2023.
4. Approval of Pending Contracts for April 26, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. REPORTS

1. Short-Term Rental Work Group: Update.
2. Diversity, Equity and Inclusion Office: Presentation of Strategic Plan.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Barnstable County Retirement Association: Request to Consider Additional Two Percent Cost-of-Living-Adjustment for Retirees for Fiscal Year 2024 Only, Pursuant to Chapter 269 of the Acts of 2022.

X. PUBLIC HEARINGS

1. Public Hearing to Consider Application for Alteration of Premises of Seasonal All-Alcoholic Beverages Hotel License for Nantucket Island Management, LLC d/b/a White Elephant Hotel Residences, Bettina Landt, Manager, for Premises Located at 19 North Water Street, to Add Portion of Building 11 Including the Ballroom Back to Licensed Premises, Effective July 29, 2023 (Continued from April 12, 2023).

XI. TOWN MANAGER'S REPORT

1. Update on Baxter Road Alternate Access Options/Potential Selection of Option.
2. Monthly Town Management Report.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Approval of Statement Regarding Petitioned Short-Term Rental Warrant Articles on 2023 Annual Town Meeting (Continued from April 12, 2023).
2. Review/Amend Select Board Agenda Protocol Regarding Public Comment.
3. Committee Reports.

XIII. ADJOURNMENT

**Identified on Agenda Protocol Sheet*



TOWN OF NANTUCKET

Proclamation

WHEREAS: The National Arbor Day Foundation has declared April 28, 2023 as Arbor Day; and

WHEREAS: In 1872, the Nebraska Board of Agriculture established a special day to be set aside for the planting of trees; and

WHEREAS: Trees can be a solution to combating climate change by reducing the erosion of our precious topsoil by wind and water, cutting heating and cooling costs, moderating the temperature, cleaning the air, producing life-giving oxygen, and providing habitat for wildlife; and

WHEREAS: The Citizens of Nantucket recognize the importance historic, environmental, and aesthetic qualities which trees provide; and

WHEREAS: The Select Board supports the protection, preservation, and propagation of all Town owned trees; and

WHEREAS: The Town of Nantucket desires to enhance awareness of Arbor Day on the Island Community. Trees - wherever they are planted - are a source of joy and spiritual renewal.

NOW, THEREFORE: In recognition of the important role trees play in preserving our unique island heritage, we, the Select Board of the Town of Nantucket, in the Commonwealth of Massachusetts, do hereby proclaim April 28, 2023 as Arbor Day in the Town of Nantucket, and we urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Signed this 26th day of April, 2023.

Jason Bridges, Select Board Chair
Town of Nantucket
Commonwealth of Massachusetts

national arbor day
SEEDLING GIVE-AWAY

Saturday, April 29 & Sunday, April 30

8am – 12pm or when the seedlings are all gone!

Nantucket Materials Recovery Facility (*The Dump*)

NOTICE OF ANNUAL COMMITTEE OPENINGS

The Select Board is accepting applications for annual committee appointments. Interested individuals may obtain a “Committee Interest Form” from the Town of Nantucket’s [website](#). Completed applications can be mailed to Town Administration, 16 Broad Street, Nantucket, MA 02554 or emailed to emooney@nantucket-ma.gov. Information on the responsibilities of the various committees may also be obtained from the Town’s website. **All appointments will be made by the Select Board at its June 28, 2023 meeting.**

Applications for **all** committee vacancies must be submitted by **12:00 PM on Friday, May 19, 2023.**

Agricultural Commission #	2 Seats	Terms End 2026
Airport Commission *	2 Seats	Terms End 2026
Board of Health	2 Seats	Terms End 2026
Capital Program Committee	2 Seats	Terms End 2026
Cemetery Commission	2 Seats	Terms End 2026
Coastal Resiliency Advisory Committee	1 Seat	Term Ends 2026
Conservation Commission	2 Seats	Terms End 2026
Contract Review Committee, Human Services	1 Seat	Term Ends 2026
Council for Human Services	3 Seats	Terms End 2026
Council on Aging ^	1 Seat	Term Ends 2025
Council on Aging ^	3 Seats	Terms End 2026
Cultural Council	2 Seats	Terms End 2025
Cultural Council	2 Seats	Terms End 2026
Finance Committee	3 Seats	Terms End 2026
Historic District Commission Associate	1 Seat	Term Ends 2026
Nantucket Affordable Housing Trust, at-large	1 Seat	Term Ends 2025
Nantucket Historical Commission	2 Seats	Terms End 2026
Planning Board Alternate	1 Seat	Term Ends 2026
Real Estate Assessment Committee	2 Seats	Terms End 2026
Roads and Right of Way Committee	3 Seats	Terms End 2026
Scholarship Committee	2 Seats	Terms End 2026
Steamship Authority Port Council	1 Seat	Term ends 2025
Tree Advisory Committee	1 Seat	Term Ends 2025
Tree Advisory Committee	2 Seats	Terms End 2026
Zoning Board of Appeals	1 Seat	Term Ends 2028
Zoning Board of Appeals Alternate	1 Seat	Term Ends 2024
Zoning Board of Appeals Alternate	1 Seat	Term Ends 2026

Pursuant to Article 65 passed by 2022 Annual Town Meeting, “To the extent available and willing to serve, the [Agricultural] Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing

are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture.”

* Pursuant to MGL Chapter 90, Section 51E, “Of the members appointed [to the Airport Commission] at least one shall be a person having experience in aeronautics.”

^ Pursuant to the Massachusetts Cultural Council’s Local Cultural Council Program Guidelines, “The term of membership for a council member is three years; members can serve a maximum of two consecutive terms, or a total of six years, unless the appointing authority removes a member before the expiration of a term. Members must remain off the council for a one-year interval before serving additional terms.”

May 24, 2023 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board’s packet.

June 7, 2023 – Meeting for the applicants who applied to the following committees to introduce themselves and review their applications:

- Agricultural Commission
- Airport Commission
- Board of Health
- Capital Program Committee
- Cemetery Commission
- Coastal Resiliency Advisory Committee
- Conservation Commission
- Contract Review Committee, Human Services
- Council for Human Services
- Council on Aging
- Cultural Council
- Finance Committee

June 14, 2023 – Meeting for the applicants who applied to the following committees to introduce themselves and review their applications:

- Historic District Commission Associate
- Nantucket Affordable Housing Trust
- Nantucket Historical Commission
- Planning Board Alternate
- Real Estate Assessment Committee
- Roads and Right-of-Way Committee
- Scholarship Committee
- Steamship Authority Port Council
- Tree Advisory Committee
- Zoning Board of Appeals
- Zoning Board of Appeals Alternate

June 28, 2023 – Committee appointments.

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
APRIL 26, 2023

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Purchase Agreement	Town Administration	E.J. Prescott, Inc.	\$49,740	Purchase of materials for water main expansion project west of the Airport	Article 10 2022 ATM	April 22, 2023 - December 31, 2023
Lease Agreement	Town Administration	The Residence at Sherburne Commons (RSC)	One-time Community Fee of \$1,500 Monthly Rent of \$3,000 (utilities included)	One year lease agreement for apartment/cottage #232 - residential lease	OIH Operating Budget	April 1, 2023 - March 31, 2024
Massachusetts DOT Agreement	Town Administration & Department of Public Works	Massachusetts Department of Transportation	(\$75,000) per fiscal year	Agreement for maintenance of Milestone Road	Massachusetts DOT	June 30, 2023 - June 30, 2026 with 2 options to renew up to 1 year each
Grant Agreement	Culture & Tourism	Commonwealth of Massachusetts	(\$2,500)	Festivals and Programs Grant - for Juneteenth Celebration	N/A	N/A
Purchase Agreement	Marine	Glyn's Marine, Inc.	\$18,126	Buoy Boat Repairs	Waterways Improvement Fund Budget	April 6, 2023 - April 5, 2026
Professional Services Agreement	Our Island Home	Polished DNTL, LLC	N/A	Dental services for the residents of Our Island Home - services paid by the residents through insurance	N/A	April 1, 2023 - March 21, 2024
Amendment to Professional Services Agreement	Our Island Home	EF & Associates	Increase original contract amount of \$286,125 by \$97,300 for new contract total of \$383,425	Increase contract for business office and other training	Our Island Home Budget	Oct 31, 2022 - June 30, 2023
Professional Services Agreement	Public Works - Facilities	Damazio Builders, Inc.	\$45,777	Salt Shed Roof Replacement	Article 10 - 2019 ATM & Public Facilities Budget	April 22, 2023 - October 21, 2023

Professional Services Agreement	Public Works	Vector Disease Control International Company	\$126,250	Annual Mosquito Control Contract (surveillance, control & consulting; performing testing & treatment)	Public Works Budget	May 1, 2023 - April 20, 2024
Professional Services Agreement	Sewer	Weston & Sampson	\$495,600	Surfside WWTF Phase 2 Owner's Project Manager (OPM) services including pre-design, design & bidding phases regarding the improvements	Article 20 2019 ATM	April 21, 2023 - April 20, 2025
Professional Services Agreement	Sewer	Weston & Sampson	\$260,800	Design Services for the Sconset WWTF primary clarifier improvements to replace deteriorated mechanisms & drives	Article 12 2017 ATM	April 21, 2023 - April 20, 2025
Professional Services Agreement	Sewer	Weston & Sampson	\$60,370	Design services for South Shore Road Pump Station & force main to be located at the Surfside WWTF	Article 16 2021 ATM	April 21, 2023 - April 30, 2025

Town & County of Nantucket

**Diversity, Equity, and Inclusion
Strategic Plan**

2023

Contents

1. Purpose
2. Strategic Planning Process
3. DEI Commitment Statement
4. DEI Goals
 - a. Communications (Internal & External)
 - b. Employee Training & Professional Development
 - c. Celebration & Appreciation
 - d. Harness (Local & Diverse) Talent



Purpose

This document serves to communicate the Town & County of Nantucket's newly formalized approach to diversity, equity, and inclusion (DEI). The DEI strategic initiatives summary is meant to be a living document that will evolve, taking different shapes as the Town & County of Nantucket continues to engage in meaningful organizational DEI work. This plan envisions that all Nantucket leadership, managers, supervisors, and employees will assume direct responsibility for its implementation with the DEI Director providing guidance, support, leadership, and expertise. We recognize that promoting diversity, equity, and inclusion and ensuring opportunity are both an individual and a collective responsibility that should be a prominent part of the Town & County of Nantucket's workplace culture.

Strategic Planning Process

While the Town & County of Nantucket has championed diversity, equity, and inclusion for a number of years, the DEI strategic planning efforts formally began in 2022 in partnership with the DEI firm [Tangible Development](#) (TD). Prior to working with TD, Nantucket committed to DEI in a number of ways, most notably hiring the Town & County's first DEI Director. The Town & County of Nantucket and TD began their work together in 2021 beginning with assessment, including the DEI Climate Assessment Tool (DEI CAT) survey, focus groups, and a community DEI survey. The results of these assessments informed the Town & County of Nantucket's DEI strategic planning.

In the fall of 2022, the Town & County of Nantucket formed a DEI Visioning Group to develop the DEI commitment statement and goals. The Working Group had representation from different departments and levels and engaged in three two-hour visioning and strategy sessions. Additionally, the Cabinet, the deputy directors, and members of the DEI Committee (DEIC) were offered the opportunity to provide feedback on the drafted commitment statement and goals. Feedback was collected, thematized, and incorporated into this document.

Through this process, TD supported these efforts by:

- Facilitating strategic visioning sessions to develop the Town & County of Nantucket DEI Commitment Statement
- Facilitated strategic goal setting conversations to guide the reflection, analysis, and decision-making process
- Engaged in iterative drafting of the DEI mission, vision, and goals and responding to and incorporating input and revisions
- Assisted in the development of the DEI strategic initiatives document and helped to identify organizational priorities

DEI Commitment Statement

Open shores; open doors. The Town & County of Nantucket works to promote, foster, and sustain equal access in an equitable and inclusive work environment where diversity is celebrated and valued in the workplace and the community. We are committed to engaging with the history and story of all who live, work, and play on our beautiful shores.

Town & County of Nantucket DEI Strategic Goals

Focus Area 1: Communications (Internal & External)

Goal 1.1: Close communication gap for all employees organizationally across departments

Tasks/Strategies:

- Explore/research strategies for reaching employees without work email, as well as strategies for increasing engagement with emails (esp. DEI related) for employees with emails
 - Implement one or more strategies to address this issue
 - Assess impact of strategies after a year or more of implementation

Responsible party/parties: Communications Division, Town Manager, Cabinet

Timeline: Research strategies in 2023. Implement in 2024. Assess in 2025.

Goal 1.2: Make more visible Town & County of Nantucket's diversity with the particular goal of showing that people of different backgrounds work for/are encouraged to work for Nantucket

Tasks/Strategies:

- Get more images of diverse workforce
 - Including video of employees working/having fun
 - Consider hiring photographer/videographer
 - Find different channels to make these images high visibility in the community
- Collect employees' stories/ testimonials
- Continue Meet NEET

Responsible party/parties: Communications Division with support from the DEI Office; photographer/videographer

Timeline: First new collection of diverse photos and video and employee testimonials by end of 2023 and then ongoing with regular additions to the image and story library

Goal 1.3: Keep employees and community members up-to-date on Nantucket's DEI work

Tasks/Strategies:

- Use existing channels and platforms to share about Nantucket's DEI work, both successes and challenges
- Explore if new methods or modes are needed to reach intended audience

Responsible party/parties: DEI Office/DEI Director with support from Communications Division

Timeline: Ongoing

Focus Area 2: Employee Training & Professional Development

Goal 2.1: Offer regular DEI training and professional development, both mandatory and optional, for all employees, particularly managers, supervisor, and leadership.

Tasks/Strategies:

- Review where knowledge gaps and education requests emerged in the assessment report.
- Offer workshops that allow employees in all roles and all levels expand their skills and knowledge, meeting employees where they are at in their interest and knowledge
- Add DEI training as part of employee onboarding
- Explore adding DEI training as a required annual (or other kind of cycle) training for some or all employees
 - Implement decision
- Explore ways to offer professional classes to the high school students or recent graduates in exchange for some amount of time working for the Town and County
- Mentor program for new employees
- Provide training and professional development opportunities at times and in formats that accommodate work schedules, child care, and second jobs so that those opportunities are open to individuals across the employee spectrum

Responsible party/parties: DEI Office/Director, Human Resources, Town Manager, Cabinet

Timeline: Workshops beginning immediately with Tangible Development and offered regularly ongoing. Exploration of new/added training completed by the end of 2023 with implementation to begin in 2024.

Focus Area 3: Celebration & Appreciation

Goal 3.1: Acknowledge individuals for their accomplishments

Tasks/Strategies:

- Identify what experiences and contributions to recognize
- Create a system of visible recognition of achievement and individual contributions (e.g., certificates, pins, newsletter acknowledgements)

Responsible party/parties: HR, Town Manager (creation); HR, Town Manager, individual supervisors (implementation)

Timeline: Created for October 2023 for implementation in January 2024

Goal 3.2: Acknowledge individuals and communities for their uniqueness and value

Tasks/Strategies:

- Cultural celebrations of a range of Nantucket communities with a focus on overlooked communities on island

Responsible party/parties: DEI Director/DEI Office taking lead in partnership with all departments and community partners

Timeline: 6 months to craft an initial calendar and then ongoing indefinitely

Focus Area 4: Harness (Local & Diverse) Talent

Goal 4.1: Proactively work to promote the idea that working for the Town & County is for many different people and expand outreach on job openings to diverse residents/populations

Tasks/Strategies:

- Advertise on job sites that diverse candidates use regularly
- (START) Town Government Needs You/Your Talents campaign, to make local and diverse candidates feel comfortable and welcome applying for town jobs
- Calling All Whalers initiative: images and videos of Nantucket High School graduates promoting the benefits/satisfaction of being town employees

Responsible party/parties: DEI Office/Director, HR, Communications Division

Timeline:

Goal 4.2: Provide opportunities for tangible, resume-building professional development (like an accredited certificate/ license) and encourage or invite diverse employees to seek promotions

Tasks/Strategies:

- Create opportunities for constructive conversations on what employees want/need to develop leadership and managerial skills
- Invite employees with untapped potential (such as 'a love of math') to participate in paid opportunities for professional growth and encourage them to apply for openings
- Develop partnership/commitment with a local institution (Nantucket Community Schools or Cape Cod Community College) that offers opportunities only available to town employees such as CPR, Microsoft Excel, or typing courses
- Encourage employees (and consider how to incentivize) who have DEI options as part of their professional recertification programs to engage in those options, especially if funded by the Town & County

Responsible party/parties: Town Leadership, Cabinet

Timeline:

Goal 4.3: Cultivate an environment where belonging and inclusion are bedrocks for collaboration and innovation

Tasks/Strategies:

- Highlight workplace expectations upon hire using training that creates awareness around employees' responsibilities to ensure that all feel welcome
- Role/level specific onboarding training to address personal and implicit bias to begin self (and team, if relevant) reflection, as part of microaggression mitigation
- Continuing education for managers/supervisors/leadership to support them in creating an inclusive culture and a culture of accountability
- Create and promote opportunities for feedback and reflections within departments and throughout town government, allowing employees a routine process for having their ideas and voices heard and valued

Responsible party/parties: Cabinet, HR, DEI Director

Timeline:



Agenda Item Summary

Agenda Item #	SB – IX. 1. CC – VI. 2.
Date	4/26/2023

Staff

Brian E. Turbitt, Finance Director

Subject

Vote to approve additional 2% Cost-of-Living Adjustment (COLA) as authorized in Chapter 269 of the Acts of 2022

Executive Summary

On November 16, 2022, Governor Charlie Baker approved Chapter 269 of the Acts of 2022, which allowed for a one-time adjustment to the Cost-of-Living Adjustments for retirees. Currently the maximum adjustment is 3% on a maximum base of \$18,000. Chapter 269 would allow for an additional 2% to be applied effective July 1, 2023

Staff Recommendation

Recommend Approval of the additional 2% COLA as authorized under Chapter 269 of the Acts of 2022

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☐

Approval of the additional 2% COLA in FY23 will add an additional retirement assessment in the amount of \$113,574.13 in FY25 and \$120,161.44 in FY26. The increase in the County will be \$4,210.45 in FY25 and \$4,454.65 in FY26

Board/Commission Recommendation

N/A

Public Outreach

None

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

None

Attachments

BCRA Memo

Retirement Presentation



BARNSTABLE COUNTY RETIREMENT ASSOCIATION

750 Attucks Lane, Hyannis, MA 02601 ♦ 508-775-1110 ♦ Fax 508-775-1344 ♦ www.barnstablecountyretirement.org

MEMORANDUM

Correction

TO: Select Board
FROM: Barnstable County Retirement Association
DATE: March 7, 2023

We would like to inform you that on November 16, 2022, the Governor approved Chapter 269 of the Acts of 2022 which allows for a **1 time** adjust of the Cost-of-Living (COLA) for retirees from a maximum of 3% to 5% for **only Fiscal Year 2023 (FY2023)**. Please note that the Barnstable County Retirement Association has established a maximum of \$18,000.00 base for calculation of the COLA which would mean that if this is approved, the maximum increase to any retiree would be \$30.00 per month. Attached to this memorandum is a copy of Chapter 269 of the Acts of 2022, PERAC Memo #29/2022, a letter showing the additional total cost to the system annual for FY2025 to FY2037, what the current appropriation cost, and a spreadsheet showing an estimated additional cost per unit for only FY2025 and FY2026. This is **only an estimate**, the percentage of the total appropriate per unit changes annually. Each unit percentage is based on the reported salary on September 30 as a percentage of the total reported by all units each year. ***Barnstable County Retirement Association retirees will only receive this increase if it is approved by of the Retirement Board, Barnstable County Commissioners, and two-thirds of the towns within our system.*** If you have any questions as you are reviewing this information, please feel free to contact Susy Holmes at 508-775-1110 or by email at sholmes@barnstablecountyretirement.org

We respectfully request that the Board of Selectman review the attached information and let us know if we could be of any assistance in this matter. This matter is time sensitive as the legislation requires us to act on this by the end of this fiscal period (6/30/2023). We ask that you place it on your agenda as soon as you feel you can make an educated vote to either approve or deny this additional 2% Cost-of-Living Adjustment.

Please notify this office of your decision by May 31, 2023 by any of the following:

Regular mail to: Susy Holmes, Executive Director
Barnstable County Retirement Association
750 Attucks Lane
Hyannis, MA 02601
Fax: 508-775-1344
Email: sholmes@barnstablecountyretirement.org

Thank you for your time and consideration in this matter.

*****Correction was FY2024 to FY2023**

Town & County of Nantucket Employee Pension Overview

Finance Department

Brian E. Turbitt, Finance Director

Melinda Ernst-Fournier, Treasurer



BARNSTABLE COUNTY RETIREMENT ASSOCIATION

- Run by an Administrator hired by a Five Member Board consisting of:
 - The county treasurer as the ex-officio and chair
 - A second member appointed by the County Commissioners
 - Two members elected by members of the retirement system and are active or retirees of the system
 - The fifth member elected by the County Retirement Board Advisory Council and is the treasurer of one of the units within the system
- Actuarial Valuation is done every 2 years to determine whether the assets and contributions are sufficient to provide the prescribed benefits. The latest was on January 1, 2022. On that date they had:
 - Assets of \$1,656,015,916 invested in the Pension Reserve Investment Trust (PRIT)
 - A funding ratio of 65.8% with funding schedules to be fully funded by June 30, 2037
 - The law requires full funding by 2040
 - 4,763 active members, 3,466 retirees and 969 inactive members
- There are 50 units in BCRA. The Town of Nantucket is the second largest unit, representing 10.52% of the BCRA total and Nantucket County is .39%.

CHAPTER 269 OF THE ACTS OF 2022

- BCRA can grant retirees an annual Cost of Living Adjustment (COLA) of 3% on the first \$18,000 of wages, a maximum of \$540 per year. Chapter 269 of the Acts of 2022 allows the annual COLA to be increased from 3% to 5% for fiscal year 2023 only. This is a maximum increase of \$360 per retiree.
- In order to implement the increase, the Retirement Board has already voted to accept this chapter as must two-thirds of the cities, towns and other units of the retirement system.
- This is estimated to cost the Town of Nantucket an additional \$113,574.13 in FY 25 and \$120,161.44 in FY 26. The additional cost to the County is \$4,210.45 in FY 25 and \$4,454.65 in FY 26.
- The majority of Town/County retirees receive a pension greater than \$18,000 per year and will receive a one-time increase of \$360.

PENSION LAWS

- Most Massachusetts public employees don't pay Social Security tax (6.2%) due to a Section 218 Agreement with the SSA. They pay into a public pension system instead. We are one of eight states with a widespread mandatory public pension:
 - Any earned social security benefit is reduced for anyone receiving a public pension unless the employee has 30 years of substantial social security earnings, known as the Windfall Elimination Provision (WEP) or Government Pension Offset (GPO)
- The public pension is a contributory defined benefit plan
- Governed by MGL Chapter 32
- Administered by 104 Retirement Systems across the state. We are a member of the Barnstable County Retirement Association (BCRA)
- BCRA is overseen by the state's Public Employee Retirement Administration Commission (PERAC)

CONTRIBUTIONS

- Employees contribute 7%, 8% or 9% of their regular compensation, depending on hire date and those hired after January 1, 1979, also contribute 2% on regular compensation over \$30,000 per year or \$1,153.85 bi-weekly
- Regular compensation is defined as regular, recurring and predictable pay
 - It includes base wages, paid time off, longevity, shift differential, education and certification pay
 - It does not include overtime, one-time payments, pandemic pay, payment for unused paid time off, pay in lieu of a benefit

RETIREMENT ALLOWANCE

- Retirement allowance is based on group, age, years of service and hire date.
- There are 4 Employee Groups
- The Town has employees in 2 of the groups (Group 1 and 4)
 - Hired Before 4/2/2012, allowance will be calculated using the average of the highest 3 years of regular compensation:
 - General Employees – Group 1
 - Must be 55 years old with 10 years of service or any age with 20 years of service.
 - Public Safety Employees – Group 4
 - Must be 55 years old with no minimum service requirement or any age with 20 years of service.
 - Hired On or After 4/2/2012, allowance will be calculated using the average of the highest 5 years of regular compensation:
 - General Employees – Group 1
 - Must be 60 years old with 10 years of service
 - Public Safety Employees – Group 4
 - Must be 55 years old with no minimum service requirement

Brian E. Turbitt, Finance Director
bturbitt@nantucket-ma.gov

Melinda Ernst-Fournier
mernstfournier@nantucket-ma.gov





Agenda Item Summary

Agenda Item #	X. 1.
Date	4/26/2023

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Alteration of Premises Application – ***Nantucket Island Management, LLC DBA White Elephant Hotel Residences, 19 South Beach Street, License #00207-HT-0762***

Executive Summary

Nantucket Island Management, LLC is applying for an Alteration of Premises for a ***Seasonal Hotel All-Alcoholic Beverages*** Liquor License for ***DBA White Elephant Hotel Residences*** at ***19 South Beach Street***.

The Application requests to add on a portion of the licensed premises that was removed for a temporary restaurant, Grille 23, to operate in the ballroom space from June 20 – July 29, 2023. If approved, the effective date of the Alteration is July 29, 2023.

Staff Recommendation

Applicant has submitted required documentation as outlined below and is fully in compliance with all requirements of their Liquor and associated Licenses. White Elephant Hotel Residences has not been cited for any violation of their Liquor License.

Requirements for Alteration of Liquor License Premises:

- ABCC Alteration of Premises Application
- Floor Plan for Licensed and Proposed Premises
- Supporting Financial Records
- Legal Right to Occupy
- Advertisement and Abutter Notification

Background/Discussion

The portion to be added back to the licensed premises consists of the ballroom, kitchen, dry storage and bathrooms, located on the first floor of Building 11 (see attached plan). If approved, the amendment would be effective as of July 29, 2023.

Related applications were filed for this location and approved by the Select Board on March 15, 2023. At that Hearing the Board approved an Alteration to remove the ballroom location from the White



Elephant Village Residences to allow for a temporary New Liquor License to be issued to Grille 23 for a restaurant. Those applications are still pending ABCC review.

Comments and Consideration:

Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, decisions of the Local Licensing Authority must be based on reasonable grounds; ABCC and courts prefer findings be based on the following:

- The appropriateness of a liquor license at a particular location.
- The number of existing dispensaries in Town.
- The views of the inhabitants of the locality in which a license is sought.
- Traffic, noise, size (typically applies to a new location).
- The sort of operation that carries the license.
- The reputation of the applicant.

Impact: Environmental ☐ **Fiscal** ☐ **Community** ☐ **Other** ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Two weeks advertising; abutter notification

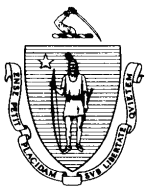
Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A

Attachments

ABCC Alteration of Premises Application and Supporting Documents; White Elephant Hotel Residences Licenses





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

00207-HT-0762

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☒ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other <input type="text"/> | ☐ Change of DBA | |

APPLICANT INFORMATION

Name of Licensee	Nantucket Island Management, LLC	DBA	White Elephant Hotel Residences
Street Address	19 South Beach Street		Zip Code 02554
Manager	Bettina Landt		
\$12 Hotel	Seasonal	All Alcoholic Beverages	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
		Granted under Special Legislation? Yes ☐ No ☐	
		If Yes, Chapter	
		of the Acts of (year)	

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Pool area, cabanas, prep kitchen; Bldg 1/Mad Hatter: 2 stories, 6 guests suites; Bldg 2/Brant Point; 2 stories, 6 guests suites; Bldg 2/Brant Point; 2 stories, 6 guest suites; Bldg 6/Climside: 2 stories, 4 guest suites; Bldg 7/Madaket: 2 stories, 4 guest suites; Bldg 8/Manchester: 2 stories, 2 guest suites and loft; ; Bldg 9/Springfield: 3 stories, 3 guest suites; Bldg. 11/Main: 3 stories, 20 guest suites, lobby, storage space

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	03/24/2023	Time		
Advertised	Yes ☒ No ☐	Date Published	03/30/23	Publication	Inquirer and Mirror
Abutters Notified:	Yes ☒ No ☐	Date of Notice	03/30/23		
Date APPROVED by LLA	04/20/2023	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)					
For Transfers ONLY:					
Seller License Number:			Seller Name:		

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

BEAUDETTE AND SWAIN
PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW
35 OLD SOUTH ROAD, SUITE D
P.O. BOX 2049
NANTUCKET, MASSACHUSETTS 02584

RICHARD P. BEAUDETTE
BRYAN J. SWAIN

PHONE: (508) 220-4455
FAX: (508) 228-3070
WWW.NANTUCKETLAWFIRM.COM

OF COUNSEL
KEVIN F. DALE
WILLIAM F. HUNTER

Monday, March 20, 2023

EMAIL AND HAND DELIVERY

Amy Baxter, Licensing Administrator
2 Fairgrounds Road
Nantucket, MA 02554

Re: Nantucket Island Management, LLC
D/B/A: White Elephant Hotel Residences
License No. 00207-HT-0762
Alteration of Licensed Premises Application
19 South Beach Street, Nantucket, MA 02554

Dear Amy:

My office represents Nantucket Island Management, LLC, D/B/A: White Elephant Hotel Residences, in the above-referenced matter. As you may recall, at the March 15, 2023, Select Board meeting, my client amended its' liquor license to remove a portion of Building 11 from its' licensed premises, with such amendment being effective as of June 20, 2023. The portion that was removed from the licensed premises consists more or less of the ballroom, kitchen, dry storage and bathrooms, located on the first floor of Building 11, with such area being shown as the area highlighted in yellow on the plan attached hereto (the "Ballroom Space"). The purpose of removing the Ballroom Space from part of the licensed premises, effective as of June 20, 2023, was to allow Grille 23, a third-party restaurant, to operate its own separate, licensed restaurant establishment, in the Ballroom Space, and have exclusive control thereof, between June 20, 2023

and July 29, 2023. In addition, you will recall that Grille 23 was issued a liquor license at the same March 15, 2023, Select Board meeting.

On July 29, 2023, Grille 23 will surrender its liquor license, and at that time, without further action, the Ballroom Space will be considered an unlicensed area. The Applicant seeks to establish the Ballroom Space as part of its licensed premises, effective as of July 29, 2023.

As part of the application to Alter the Licensed Premises, enclosed, please find the following:

1. Completed Alteration of Premises Application;
2. ABCC's Payment Receipt;
3. Corporate Vote of the Applicant;
4. The Applicant's Deed, evidencing it's right to occupy the Premises;
5. Engineered plans associated with this Application;
6. A check in the sum of \$ \$184.71, made payable to Inquirer and Mirror, for the legal notification fee;
7. A check payable to "Town of Nantucket", for the local filing fee, and
8. A certified list of abutters from the Nantucket Tax Assessor's Office.

Please let me know if you have any questions. I am available by phone at 508-228-4455 or by email at: rick@nantucketlawfirm.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard P. Beaudette".

Richard P. Beaudette, Esq.

Enc.

cc: Nantucket Island Management, LLC



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Nantucket Island Management, LLC	Nantucket	00207-HT-0762

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

See Additional Space

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Richard P. Beaudette	Attorney	rick@nantucketlawfirm.com	508-228-4455

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

See Additional Space

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

See Additional Space

Total Sq. Footage	70, 038	Seating Capacity	N/A	Occupancy Number	174
Number of Entrances	26	Number of Exits	26	Number of Floors	3

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

N/A

Proposed Street Address

N/A

3B. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

N/A

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Own

Landlord Name

N/A

Landlord Phone

N/A

Landlord Email

N/A

Landlord Address

N/A

Lease Beginning Date

N/A

Rent per Month

N/A

Lease Ending Date

N/A

Rent per Year

N/A

Will the Landlord receive revenue based on percentage of alcohol sales?

☒ Yes ☐ No

4. FINANCIAL DISCLOSURE

Associated Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):

Associated Cost(s):

\$2,500.00

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
N/A			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

APPLICANT'S STATEMENT

I, STEPHEN R. KARP the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory

of NANTUCKET ISLAND MANAGEMENT LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

NANTUCKET ISLAND MANAGEMENT LLC

Signature:

Stephen R. Karp

Date:

By: NED MANAGER LLC, Manager of Nantucket Island Management, LLC

Title:

By: Stephen R. Karp, Manager of NED Manager, LLC

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

1. Narrative Overview of the Transaction & 2A. DESCRIPTION OF ALTERATIONS

The Applicant seeks to reestablish a portion of Building 11 that was recently removed from part of its licensed premises and used independently as a separately licensed restaurant establishment by Grille 23, between June 20, 2023, and July 29, 2023 (the "Ballroom Area", shown in yellow on the attached plan). Grille 23 will surrender its liquor license as of July 29, 2023, and the Ballroom Area will be considered an unlicensed area. The purpose of this application is to reestablish the Ballroom Area as part of the Applicant's licensed premises, effective July 29, 2023.

2B. PROPOSED DESCRIPTION OF PREMISES:

Pool area including pool cabanas and prep kitchen; Building #1 (Mad Hatter): two stories, including six guests suites; Building #2 (Brant Point); two stories, including six guest suites; Building #6 (Cliffside): two stories, including four guest suites; Building #7 (Madaket): two stories including four guest suites; Building #8 (Manchester): two stories including two guest suites and a loft area; Building #9 (Springfield): three stories, including three guest suites; Building #11 (Main Building): three stories, including twenty guest suites, lobby and storage space, and Ballroom Area and kitchen area.

ENTITY VOTE

The Board of Directors or LLC Managers of

NANTUCKET ISLAND MANAGEMENT LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

and the

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize

Stephen R. Karp

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

A true copy attest,
NANTUCKET ISLAND MANAGEMENT LLC,



Corporate Officer /LLC Manager Signature

By: NED MANAGER LLC, Manager of Nantucket Island Management, LLC

By: Stephen R. Karp, Manager of NED Manager, LLC

Stephen R. Karp

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

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RJOC

DATE	
REVISION	
DATE	
REVISION	

RJOC
RJO'CONNELL & ASSOCIATES, INC.
Civil, Structural, Mechanical & Electrical Engineers
100 NANTUCKET STREET, SUITE 200, NANTUCKET, MA 02551
TEL: 508/225-1000 FAX: 508/225-1001

NANTUCKET
ISLAND RESORTS
10 AMELIA DRIVE
NANTUCKET, MA 02551-1000

WHITE ELEPHANT VILLAGE
NANTUCKET, MA

PROGRESS PRINT
Feb 22, 2022

DESIGNED BY	AAA
DRAWN BY	AAA
CHECKED BY	AAA
DATE	2/22/22

GRILLE 23 LIQUOR LICENSE EXHIBIT

EXH-A
PROJECT NUMBER 2100X

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TOWN OF NANTUCKET

LIQUOR LICENSE

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... NANTUCKET ISLAND RESORTS LLC
C/O Beaudette and Swain, LLC
MAILING ADDRESS..... 35 Old South Road, STE D, Nantucket, MA 02554
PROPERTY LOCATION..... 19 NORTH WATER STREET
ASSESSORS MAP/PARCEL..... 42.4.2 / 3
SUBMITTED BY..... Richard P. Beaudette, Esq.

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

March 21, 2023
DATE

Mary L.
Haley

Digitally signed by
Mary L. Haley
Date: 2023.03.21
09:23:51 -04'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abuffers Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
4241	32		NANTUCKET ISLAND RESORTS LLC	C/O NEW ENGLAND DEVELOP-ACCTG DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	72 EASTON ST
4241	33		TAYLOR KIMBERLY K ETAL		76 EASTON ST	NANTUCKET	MA	02554	76 EASTON ST
4241	34		MOONTIDE LLC ETAL		2 COMMONWEALTH AVE UNIT 8G	BOSTON	MA	02116	78 EASTON ST
4242	1		NANTUCKET ISLAND RESORTS LLC	C/O N E DEVELOPMENT-ACCOUNT DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	29 N WATER ST
4242	2		WINN GARY TRST ETAL		25 N WATER ST	NANTUCKET	MA	02554	25 N WATER ST
4242	4		GOOD STEPHEN & SANDRA JONES		64 GREEN HARBOR RD	EAST PALMOUTH	MA	02536	84 EASTON ST
4242	5		BIG CHICKEN LITTLE LLC		PO BOX 1407	NANTUCKET	MA	02554	82 EASTON ST
4242	6		MARTIN DOLORES PAINO		2 COMMONWEATH AV	BOSTON	MA	02116	80 EASTON ST
4242	50		15 N WATER ST 02554 LLC	C/O JOHNSON KELLY ROSS	1478 LIPTON CIR	SUFFOLK	VA	23434	15 N WATER ST
4242	51		8 SEA ST 02554 LLC	C/O JOHNSON KELLY ROSS	1478 LIPTON CIRCLE	SUFFOLK	VA	23434	8 SEA ST
4242	100		BUTTERWORTH GEORGE P & KATHLEEN		23 N WATER ST	NANTUCKET	MA	02554	23 N WATER ST
4243	75		FIRST CONGREGATIONAL CHURCH		BOX 866	NANTUCKET	MA	02554	62 CENTER ST
4243	80		MIDDLE C LLC	C/O PHILBRICK MELISSA	PO BOX 868	NANTUCKET	MA	02554	56 CENTER ST

Count: 13

NANTUCKET ISLAND RESORTS LLC
C/O NEW ENGLAND DEVELOP-ACCTING
DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

TAYLOR KIMBERLY K ETAL
76 EASTON ST
NANTUCKET, MA 02554

MOONTIDE LLC ETAL
2 COMMONWEALTH AVE UNIT 8G
BOSTON, MA 02116

NANTUCKET ISLAND RESORTS LLC
C/O N E DEVELOPMENT-ACCOUNT DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

WINN GARY TRST ETAL
25 N WATER ST
NANTUCKET, MA 02554

GOOD STEPHEN & SANDRA JONES
64 GREEN HARBOR RD
EAST FALMOUTH, MA 02536

BIG CHICKEN LITTLE LLC
PO BOX 1407
NANTUCKET, MA 02554

MARTIN DOLORES PAINO
2 COMMONWEATH AV
BOSTON, MA 02116

15 N WATER ST 02554 LLC
C/O JOHNSON KELLY ROSS
1478 LIPTON CIR
SUFFOLK, VA 23434

8 SEA ST 02554 LLC
C/O JOHNSON KELLY ROSS
1478 LIPTON CIRCLE
SUFFOLK, VA 23434

BUTTERWORTH GEORGE P & KATHLEEN
23 N WATER ST
NANTUCKET, MA 02554

FIRST CONGREGATIONAL CHURCH
BOX 866
NANTUCKET, MA 02554

MIDDLE C LLC
C/O PHILBRICK MELISSA
PO BOX 868
NANTUCKET, MA 02554

PUBLIC NOTICE

Please be advised that the Select Board will hold a public hearing on Wednesday, April 26, 2023 at 5:30 PM to consider an Alteration of Premises Liquor License Application for Nantucket Island Management, LLC, d/b/a White Elephant Hotel Residences, located at 19 South Beach Street, Nantucket, MA 02554, Bettina Landt, Manager. The alteration application requests the addition of a portion of Building 11 including the Ballroom back to its licensed premises, effective date of July 29, 2023. The hearing will be held in-person at the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road as well as via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email licensing@police.nantucket-ma.gov.

D10

SELECT BOARD

LICENSE #: TBD

LICENSE FEE: \$3900.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS A
COMMON VICTUALLER
SEASONAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES
TO BE CONSUMED ON THE PREMISES

BUSINESS: Berkeley Place Restaurant
Limited Partnership

DBA: Grille 23

PREMISES: 19 North Water Street
Nantucket, MA 02554

MANAGER: Matthew Harrington

ON PREMISES DESCRIBED AS:

The Licensed Premises is located in the building commonly referred to as the Inn at White Elephant and consists of approximately 5,147 square feet, which includes a kitchen, a ballroom, a foyer, the boardroom, and three (3) entrances and exits.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this day of , 20xx.

DRAFT

Chair, Select Board

THIS LICENSE IS VALID xx – JANUARY 15, xx

**Unless earlier suspended, cancelled, or revoked*

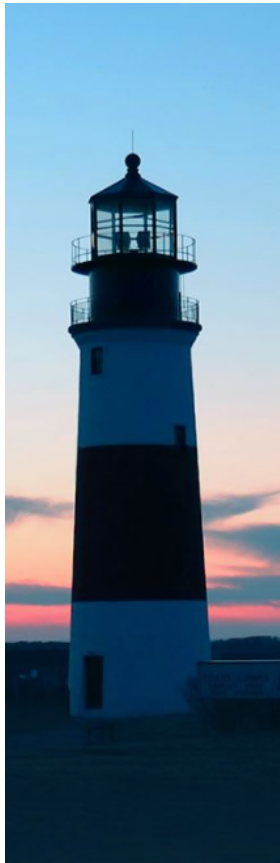
This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

Alternative Access and Utility Relocation for Continuity of Services for Baxter Road Residents

Select Board Meeting – Project Update

April 26, 2023

Agenda



- 1 **Introductions**
- 2 **Goals for Tonight**
- 3 **Project Update**
- 4 **Questionnaire & Route Recommendation**
- 5 **Schedule**
- 6 **Upcoming Work Items**
- 7 **Questions & Discussions**

Introductions – Project Team



Elizabeth C. Gibson
Town Manager



Kenneth Beaugrand
Real Estate Specialist



Vincent Murphy
Sustainability Programs Manager



William D. Casey, Jr., PE
Project Manager



**Jennifer Kelly Lachmayr, PE,
BCEE**
Project Director



Kathryn Edwards, PE
Public Outreach Lead



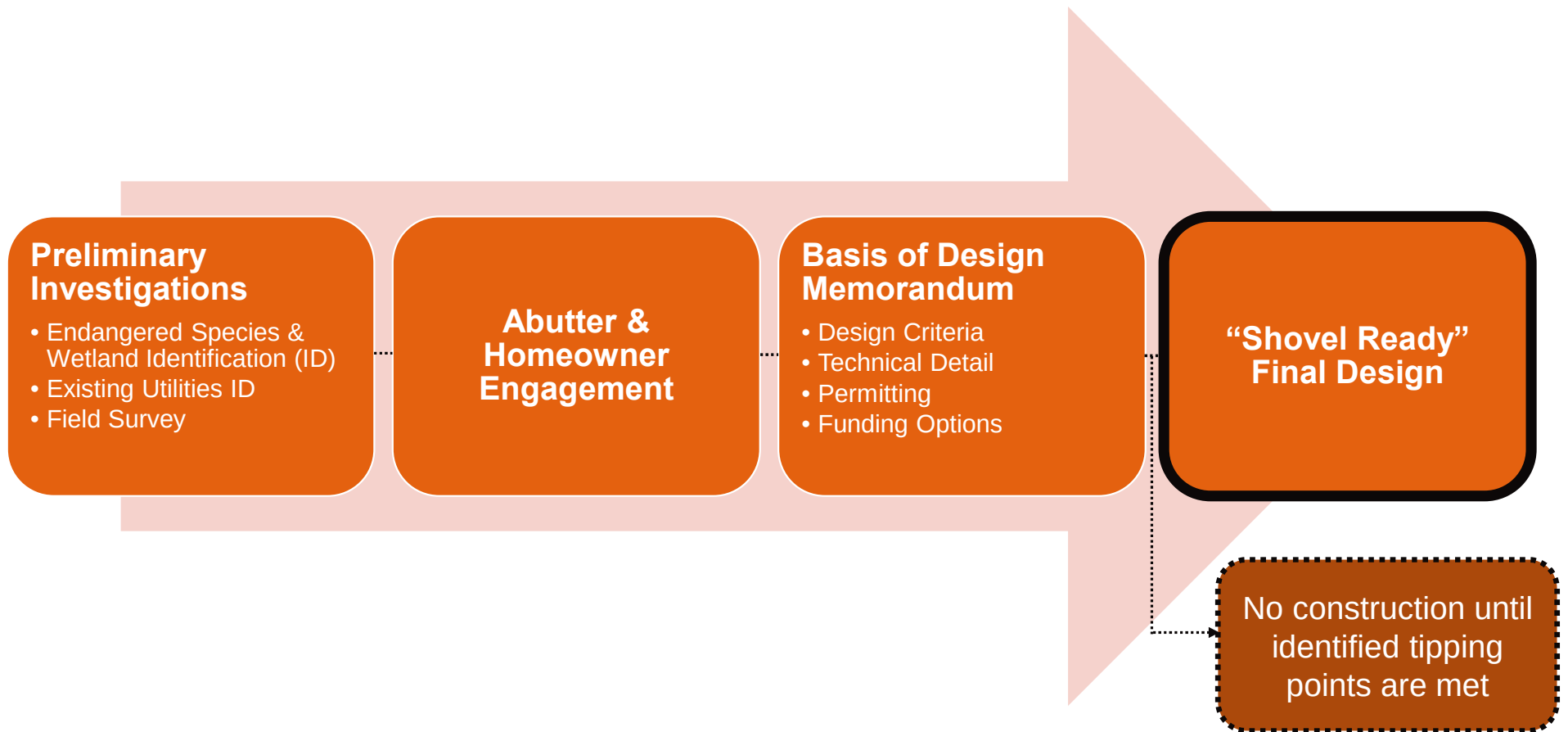
Andy Elderbrock, EI
Project Engineer

Goals for Tonight

1. Update Select Board on abutter questionnaire
2. Consensus from Select Board on a preferred route so final design can proceed
3. Update Select Board on next steps



Scope of Work

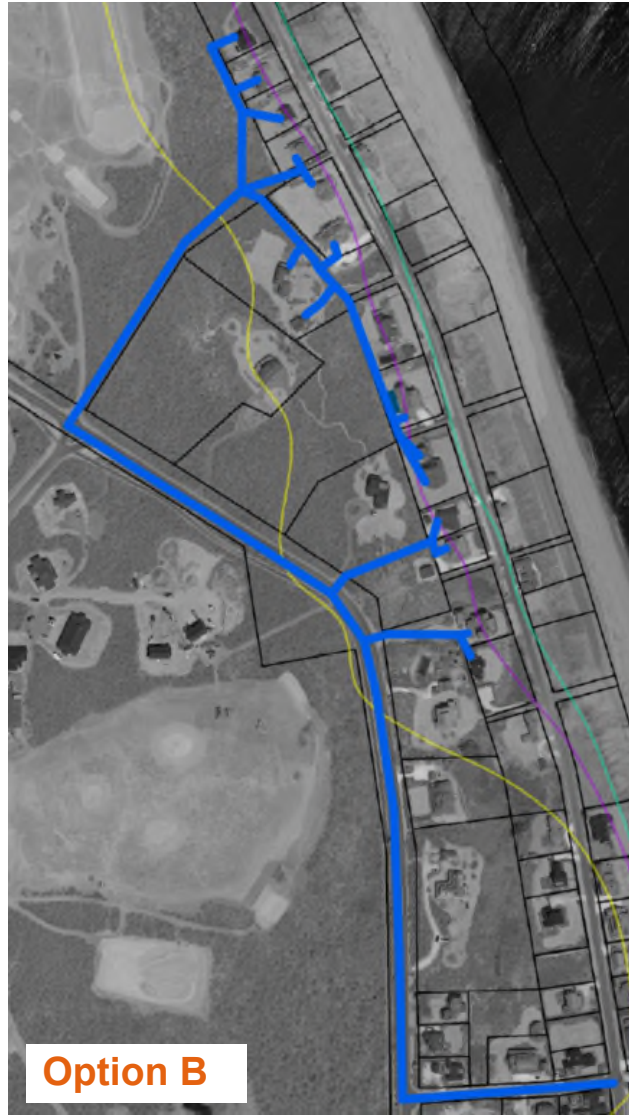
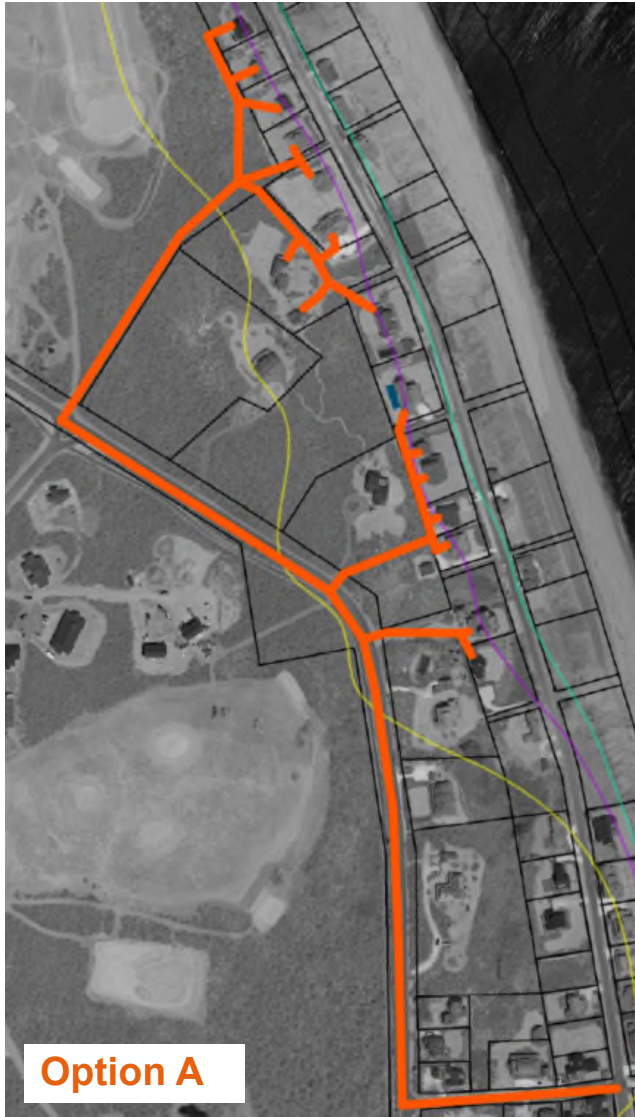


Project Update

- Since Select Board Update on January 11, 2023
 - o Basis of Design Memorandum – Uploaded on Town webpage
 - o Field Survey – final quality checks performed April 16 & 17
 - o Permitting – ongoing, will continue throughout 2023
 - Massachusetts Historical Commission – Responded requesting Archeological Survey – Date to be determined – could be multi-phased based on findings
 - o Property Owner Questionnaire – Responses received

Property Owner Questionnaire March 2023

1. Are you concerned that erosion of the bluff will affect your property? ☐ Yes or ☐ No
2. Are you concerned that erosion will affect access to your property? ☐ Yes or ☐ No
3. Are you concerned that erosion of the bluff will affect Baxter Road and the utilities (water, sewer, electric, telecommunications) contained therein? ☐ Yes or ☐ No
4. The Town must provide access to properties. In your opinion, is developing a plan for alternative access and utility relocation important? ☐ Yes or ☐ No
If so, how quickly would you like to see alternative access work proceed?
Constructed in: ☐ 1-2 years or ☐ 2-5 years or ☐ 5-10 years or ☐ 10+ years
5. Are you aware of the ongoing Baxter Road and Alternative Access Project? ☐ Yes or ☐ No
6. What is the best way for you to receive information on this project?
☐ Select Board Meetings ☐ Abutter (Property Owner) Meetings ☐ Discussions with Town
☐ Email _____
☐ Other _____
7. Are you aware of the three alternative access options presented? ☐ Yes or ☐ No
If No, the basis of design report is located on the Town's website at <https://www.nantucket-ma.gov/2654/Baxter-Road-Alternative-Access>. Graphic maps of each option are located on pages 14, 15, and 16 of the report and attached to this informational questionnaire.
8. Please rank your options in order of preference.
Option A _____ Option B _____ Option C _____



Route Options

- Three (3) options developed with Town staff & homeowner input
- Routes indicate proposed access ways AND utility corridors
- All routes:
 - Main trunk lines (water & sewer) in Polpis Road Bikepath (Sankaty Road)
 - Connection to existing infrastructure at Bayberry Lane & Baxter Road
- Routes differ in “branches” connecting properties to Sankaty Road
- Ongoing communications with Planning & Emergency Management regarding access way width

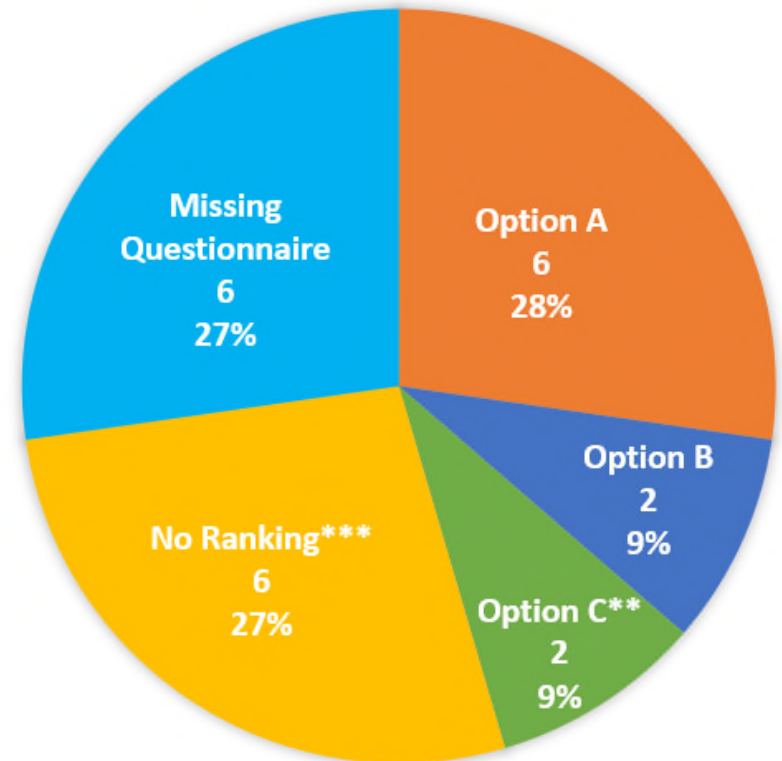
Option	Total Length (LF)	Planning Estimate
		AACE Class 4 [-30% Low/+50% High]
A	5,650	\$34,400,000 [\$24,080,000-\$51,600,000]
B	5,800	\$34,800,000 [\$24,360,000-\$52,200,000]
C	6,400	\$36,300,000 [\$25,410,000-\$54,450,000]

Baxter Road Questionnaire Responses



- Submitted Questionnaires (Phase I Area)*
 - 16 of 22 (73%)
- Q1: Are you concerned that erosion will affect your property?
 - Yes - 14 of 14 (100%)
- Q2: Are you concerned that erosion will affect access to your property?
 - Yes – 11 of 14 (79%)
 - No – 3 of 14 (21%)
- Q3: Are you concerned that erosion will affect Baxter Road and its utilities?
 - Yes – 14 of 14 (100%)
- Q4, Q5, & Q7: Do you think developing a plan is important and are you aware of the Town's current efforts?
 - Yes – 14 of 14 (100%)
- Q4: How quickly would you like to see this plan proceed?
 - 1-2 Years: 2 of 13 (15%)
 - 2-5 Years: 2 of 13 (15%)
 - 5-10 Years: 6 of 13 (46%)
 - 10+ Years: 3 of 13 (23%)

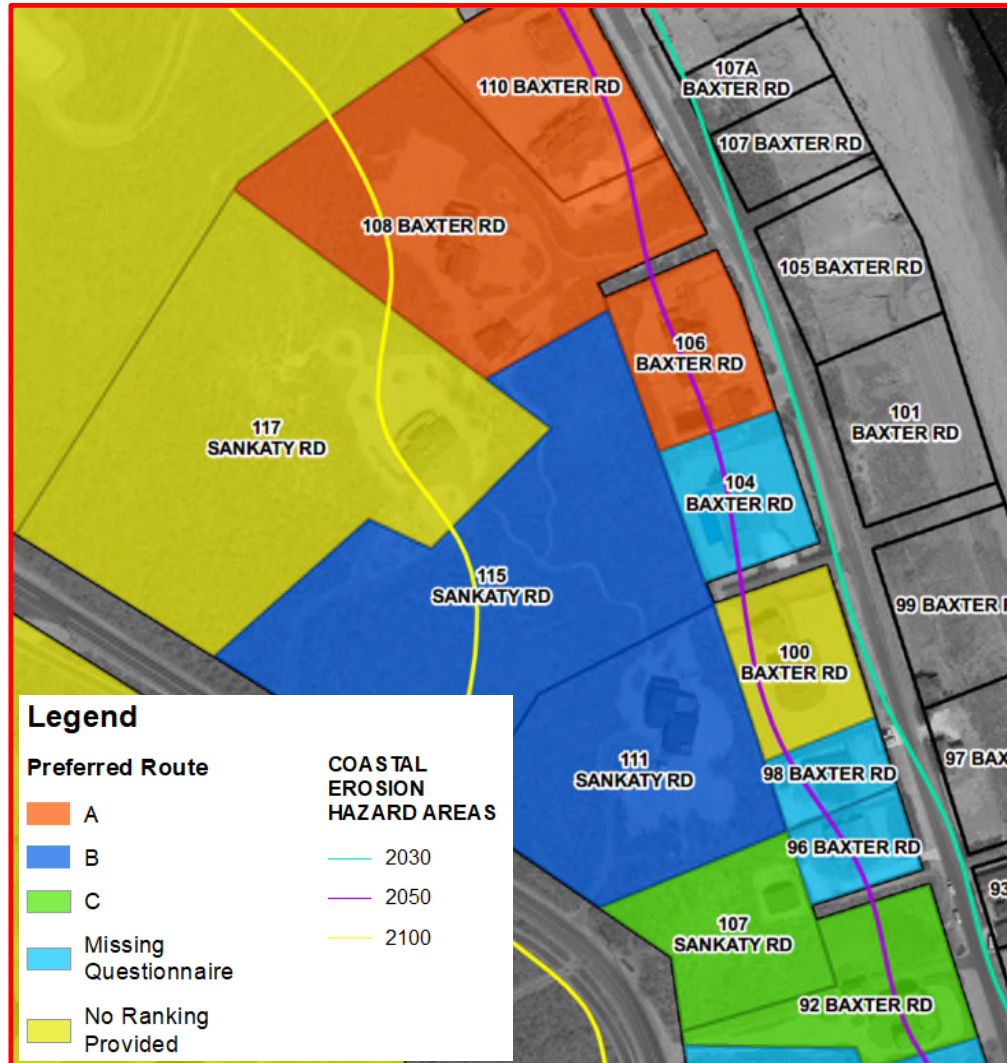
PREFERRED ROUTE



*Some responders did not answer every question on the questionnaire

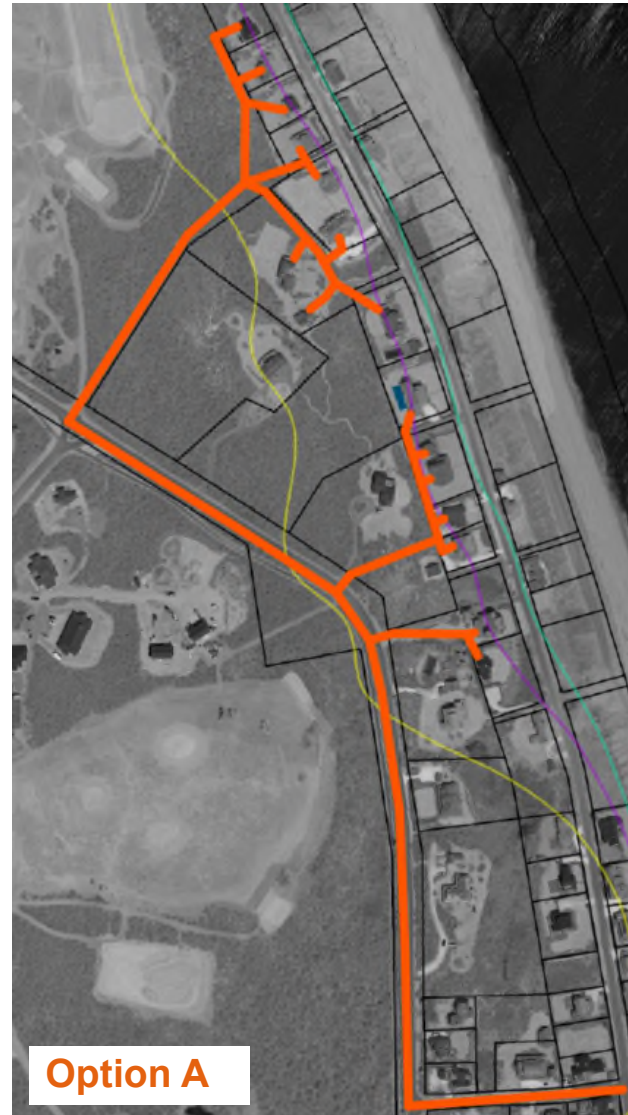
**The 2 votes for Option C came from the same property owner of adjacent parcels

***Some responders indicated Geotubes as a preference



Route Recommendation

- Based on:
 - Conversations/meetings with abutters
 - Discussions with Town staff
 - Total Cost & Property Impact
 - Questionnaire results



Schedule Post Alternative Selection*

- 60% Design
 - **60-90 Days** submittal for Town review and workshop
- Permitting
 - **90-120 Days**, may be longer pending archaeological investigations
- 90% Design
 - **60 Days** submittal for Town review and workshop
- 100% Design/Bid Ready
 - **30 Days** address final comments
- Bidding and Award (pending funding approvals)
 - **60 Days** for Bidding only
- Construction
 - **Approximately 1-2 years from Construction Contractor Award to Project Completion**

Funding

Continue to consider alternative funding mechanisms

Note: Approximately **1-year** to develop Town Warrant Article for Town Meeting

**best case scenario*

Upcoming Work Items

1. Final Design
2. Archaeological Survey (TBD)
3. Permitting
4. “Shovel-Ready” Construction Documents

Baxter Road Measurements

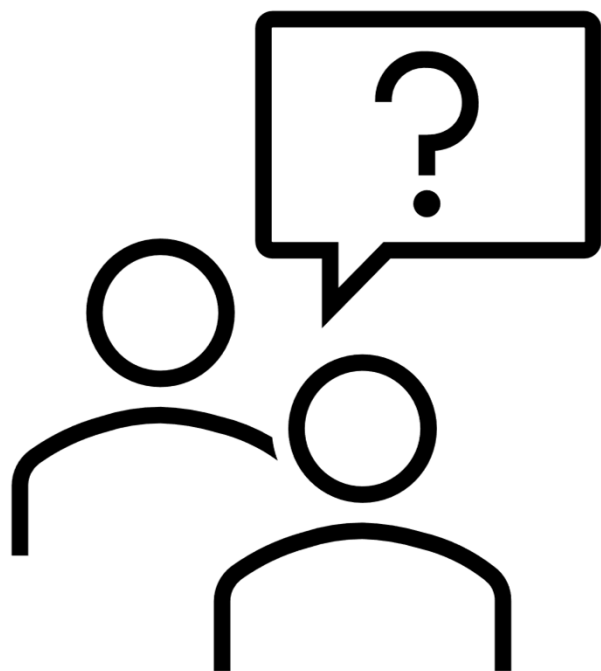
Top of Bank to Edge of Pavement

Baxter Road Top of Bank to Edge of Pavement Measurements (feet)																
	Street Address	6/2/18	10/4/18	1/30/19	8/24/20	3/3/21	*8/9/21	11/5/21	11/18/21	1/7/22	2/16/22	4/28/22	11/8/22	12/22/22	1/27/23	3/13/23
A	109		67	67	67	67	67	65	65	65	65	65	65	65	65	65
1	105	39	39	39	38	38	37	37	37	37	36	36	36	36	36	36
2	101	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35
3	91	56	56	56	56	56	56	56	56	56	56	56	56	56	56	56
4	87/Way	66	66	66	66	65	65	65	65	65	65	65	65	65	65	65
5	85	63	63	63	63	57	57	57	57	56	56	56	56	55	55	55
6	71/Way		144	144	144	144	144	144	144	144	144	144	144	144	144	144
7	67		192	192	191	191	191	190	190	190	190	190	190	190	190	190
8	61/Way		163	163	163	163	163	163	163	162	162	162	162	162	162	162

21 April 2023



QUESTIONS & DISCUSSION



Thank You!



William D. Casey, Jr., PE

Project Manager



Jennifer Lachmayr, PE

Project Director



<https://www.bostonglobe.com/metro/2014/09/28/battle-over-bluff-nantucket/L41admApMt3ZGqsO8XITl/story.html>

Arcadis. Improving quality of life.



Agenda Item Summary

Agenda Item #	XI. 2.
Date	04/26/23

As of 04/24/23

Staff

Town Manager, Assistant Town Managers, Administration Staff, Others

Subject

Town Manager Monthly Management Report

Highlighted Activity

- **2023 ATM/ATE prep**

Active items:

- o Completion of Voter's Guide
- o Meetings with community groups (Rotary, NCL/MTA, NTA)
- o Completion of informational videos and social media outreach
- o Issuance of Town Mgr E-news – ATM edition

- **Personnel:**

- o Hiring and retention remain high-priorities; concerns over short and long-term continuity of operations
- o Classification & Compensation Study – project underway; review with SB expected in May
- o Succession Planning and Retention long-term strategy – underway with internal department plan development
- o High level of vacancies continues (46 as of last week)
- o Hiring process underway for DPW Director, Police Chief, Solid Waste Manager, CTO, Project Manager
- o Continuing work on recruitment and retention strategies; employee on-boarding, morale and leadership
- o Met with union reps re \$1m rental housing assistance program in Dec; have responded to questions
- o Collective Bargaining Negotiations
 - o MOAs approved with AFSCME, Police x 2, tentative with SEIU
 - o Negotiations continuing with LiUNA, Fire to start in May

- **Baxter Road long-term planning & erosion control project**

- o Prep for 4/26 SB meeting re alternatives
- o Joint meetings with SB & ConCom
- o Working on follow-up from the above

- o Meeting with abutters 4/4
- **New Marijuana Law**
 - o still working on determination of municipal cost impacts
 - o met with CAC chair re: the above, plus development of marijuana dispensary regulations
- **Solid Waste Long-term Planning**
 - o Monthly meetings, including SB member and a FC member
 - o Solid Waste Manager position vacant – working to fill
 - o Working on update for SB for 5/3 meeting
- **Strategic Plan**
 - o Working on department resources needs list (ie, what do they need to implement goals)
 - o Prep for joint meeting with SB, PB, NP&EDC, FC, CapCom in early June
- **PFAS Town-wide Risk Assessment**
 - o Select Board update on 5/3/23
 - o On-going & active
 - o Water main extension project west of Airport scheduled for Fall '23
 - o ATM article (Article 96) to obtain easements a critical path
- **Sustainability**
 - o Sustainability Program Manager starting to hold regular meetings to refine Sustainability framework, including related Plans and projects (Coastal Resilience Plan, Green Communities requirements and other sustainability-related projects, plans and initiatives)
 - o Next Team meeting 5/2/23
- **WIIF vs CCIWPF**
 - o In process of engaging Weston and Sampson to provide evaluation/financial analysis of outstanding sewer projects in Sewer Master Plan including cost/benefit evaluation of Town joining Cape and Islands Water Protection Fund vs funding projects on our own through use of SRF loan program
- **DEP Title V Regulation Changes** – monitoring for indication from DEP as to municipal responsibilities
- **Stormwater/drainage issues**
 - o Underway:
 - 18-item mini project list - underway
 - Children's Beach watershed evaluation
 - CMOM development
 - Stormwater division within sewer dept
 - Implementation of recently-adopted illicit discharge regs

- **Project management**

- Current projects in planning phase with outside firm(s):
 - Water main expansion west of Airport
 - Lovers/Okorwaw/Monohansett roadway and bikepath projects (subject to ATM and ATE approval)
 - Pleasant St (Silver to Main)
 - Pleasant St (5 Corners to Mid-Island Roundabout)
 - Somerset Rd – Raceway Dr stormwater drainage
 - Newtown Rd (reconstruction plus side path, traffic calming)
 - Stormwater projects at numerous locations
 - Sankaty/Coffin intersection
 - Milestone/Polpis bikepath connector
 - Gully Road/Sconset - repaved

- **Projects**

- OIH/Senior Center
- PFAS water main ext and transportation improvements (Lovers Lane, Okorwaw Ave and Monohansett Rd roadway improvements and sidepaths projects), west of Airport
- Central fleet management
- DEI Assessment completed – working on elements of DEI Strategic Plan; conclusion of Town-wide awareness training (had 100% department head participation)
- DPW Facility relocation planning
- Seasonal/year-round town employee housing at Waitt Dr
- Town Bldg, 1 E Chestnut, 20 S Water window replacements and other improvements
- Public restroom improvements planning

- **Housing**

- Still finalizing \$1m Town Employee Housing Assistance pilot program
- Working on plan for how Town maintains/manages its own rental properties; and, the properties it rents
- Ticcoma lots development
- Surfside Crossing
- Upcoming Housing Summit (4/28)

As of 4/14/23
Select Board Press Release
Date:

At its April 19th meeting, the Nantucket Select Board heard a presentation from Town Counsel John Giorgio about the potential legal implications of three citizen warrant articles included in the May 6, 2023 Annual Town Meeting warrant. The articles reviewed – 59, 60 and 61 – propose amendments to the zoning bylaw related to the use and operation of short-term rentals (STR).

At the 2022 Annual Town Meeting the STR-related articles (Articles 58, 59, 60) were referred to the Planning Board, Select Board and Finance Committee for further review through the proposed establishment of a work group. The Short-Term Rental Work Group (STRWG) was subsequently formed and has held 10 meetings under the guidance of a professional, independent facilitator from the Consensus Building Institute. The Town has also engaged an independent data analysis firm – Process First – to aggregate, anonymize and analyze publicly available data on Nantucket STRs. In addition, the Nantucket Association of Real Estate Brokers (NAREB), via a third-party independent consultant, is providing to the community summary data on rental property inventory and its usage. This data will be used to help the STRWG better understand the STR market as it exists today to inform its deliberations on STR policy recommendations.

Following the discussion, the Select Board discussed its earlier unanimous votes to support the Planning Board's motions "Not to Adopt" these articles at Annual Town Meeting to give the Short-Term Rental Working Group time to complete its work and to present a comprehensive set of warrant articles for the Special Town Meeting already scheduled for November 7, 2023.

The STRWG process is well underway. Because of the legal uncertainty of how the passage of any of the three articles (59, 60, 61) could negatively impact the STRWG process, the Select Board reaffirms its recommendation that Town Meeting not adopt these articles.

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 ~~further,~~ to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with the United States Constitution and the Massachusetts Declaration of Rights. state and federal free speech laws applicable constitutional principles:

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~~ an orderly and peaceable manner, without disruption to other speakers.

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 under the United States Constitution and the Massachusetts Declaration of Rights ~~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 interest. 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, or or engages in conduct that disrupts other speakers.~~

Each speaker may not exceed three (3) minutes during any Public Comment portion of the meeting.

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.

Unanticipated Business: 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: _____

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DRAFT