

## **SELECT BOARD**

Minutes of the Meeting of November 15, 2023. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Dawn Holdgate, Thomas Dixon, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr.

### **I. CALL TO ORDER**

Chair Holdgate called the meeting to order at 5:30 PM following the Pledge of Allegiance.

### **II. SELECT BOARD ACCEPTANCE OF AGENDA**

Chair Holdgate noted there will be a couple of extra announcements. The agenda accepted.

### **III. ANNOUNCEMENTS**

Chair Holdgate reviewed the announcements.

#### **1. The Select Board Meeting is Being Audio/Video Recorded.**

#### **2. No Select Board Meeting on Wednesday, November 22, 2023; Town Offices Closed on Thursday, November 23, 2023 in Observation of Thanksgiving.**

Chair Holdgate said that the American Legion will be holding a Thanksgiving dinner at its premises, on that day, free for the public.

Police Chief Pittman, retiring at the end of the month, introduced new chief Jody Kasper, she introduced herself and indicated she'll start in January and was meeting with staff and others today. The Board welcomed Chief Kasper.

#### **3. Select Board Announcements/Comments.** Ms. Mohr reported on a long-term solid waste work group meeting and said that a public informational session is being scheduled for January 11. She said the intent is to provide a comprehensive overview of solid waste planning for the community.

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

There was no follow-up.

### **V. PUBLIC COMMENT**

Campbell Sutton thanked all those involved with the November 7, 2023 special town meeting, especially those who proposed and worked on the short-term rental articles. She thanked the Town and Ms. Mohr for the efforts to provide informational sessions. She commented on the articles.

Megan Perry thanked everyone who attended a recent site visit and court transaction that recently occurred regarding the Surfside Crossing 40B project on South Shore Road.

### **VI. NEW BUSINESS**

There was no new business.

### **VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS**

Mr. Fee moved approval of items VII 1 – 3; seconded by Dr. MacNab; all in favor, so voted.

1. Approval of Minutes of October 24, 2023 at 10:30 AM; November 1, 2023 at 5:30 PM; November 2, 2023 at 9:00 AM; November 6, 2023 at 12:30 PM.

2. Approval of Payroll Warrants for November 12, 2023.

3. Approval of Treasury Warrants for November 8, 2023; November 15, 2023.

4. Approval of Pending Contracts for November 15, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Fee questioned the See Click Fix contract, Ms. Mohr responded. Mr. Fee questioned the Habitat transaction. Housing Director Tucker Holland responded. Chair Holdgate suggested that the Board review a site plan of the property and determine remaining decision points. Mr. Fee expressed concerns about parking and design of housing at the site.

Ms. Mohr moved approval of the pending contracts as presented; seconded by Mr. Fee; all in favor, so voted.

#### VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Fire Chief: Overview and Request for Approval of Nantucket Community Wildfire Protection Plan. Fire Chief Michael Cranson introduced Josh Nigro, District 1 Fire Warden for Barnstable, Dukes and Nantucket Counties for the state Department of Conservation and Recreation and together they reviewed the plan, using the presentation in the Board's agenda packet. Some discussion followed on the hazards and ways to address and mitigate these. Ms. Mohr moved to adopt the Plan; seconded by Mr. Fee; all in favor, so voted.

#### IX. TOWN MANAGER'S REPORT

1. Continued Preliminary Review of Town-Sponsored Warrant Articles for 2024 Annual Town Meeting. Ms. Gibson reviewed an updated list of potential warrant articles and requested direction and/or provided updates on the articles which were highlighted. Discussion followed on a home rule petition for a community housing bank with a real estate transfer fee and the likely need for some revised language. Mr. Holland noted a hearing that occurred at the State House yesterday on the legislation which is pending. Operations Administrator Erika Mooney noted that the citizen articles are in the process of being uploaded to the Town website. Ms. Gibson said that a legal review will be undertaken of those and could be ready for the Board's review in the next few weeks. Some discussion followed about the noise bylaw. The general consensus was not to proceed with amending the noise bylaw at the 2024 town meeting. Mr. Fee suggested that the Board consider short-term rental article(s) for 2024 with the intent to bring something forward that could represent a "unified" position. Ms. Mohr said that the issue which seems to have the most consensus involves regulating corporate short-term rentals, so perhaps the Board could put forward something about those. Dr. MacNab said the Board should put something forward that is "palatable to everyone". Some discussion followed. Mr. Dixon agreed that the Board should consider putting forward an article(s) that perhaps contains the "non-controversial" items that were not contentious at the special town meeting. He referenced an article recently approved at a Provincetown special town meeting regarding fractional ownership, that might be considered. Rick Atherton commented on the special town meeting warrant articles and suggested the Board not bring forward a zoning article, such as Article 2 of the special town meeting. Discussion followed on an article for the regulation of e-bikes and e-scooters. Ms. Mohr noted there is a lack of clarity at the state level about these devices. It was agreed to request that someone

from the Bicycle Pedestrian Advisory Committee come to the Board's next meeting to review what the Town could do. Dr. MacNab asked about paid parking, which was stricken on the outline and asked that it be discussed soon.

#### X. SELECT BOARD'S REPORTS/COMMENT

1. November 7, 2023 Special Town Meeting Follow-up. Ms. Gibson reviewed the list of special town meeting warrant articles as contained in the Board's agenda packet. Discussion followed on Article 3, a general law acceptance about a community impact fee on professionally managed short-term rentals, with some questions about who it applies to and when it is applicable. Penny Dey asked several questions and commented on the article, noting there is conflicting information about this. Attorney Brian Riley of Town Counsel's office indicated that he is working toward resolving the conflicting information and reviewed his opinion as to when the impact fee is effective, which is if tenancy and the rental is paid in 2024, the 3% impact fee will apply. Chair Holdgate asked if any clarity can be addressed at the 2024 annual town meeting. Some discussion followed. Mr. Riley indicated that a delay in filing notice of the vote with the state might be an option to delay implementation of the fee. Ms. Mohr said she would support a delay in filing.

#### 2. Committee Reports.

Chair Holdgate reported out on a meeting this week on the new Our Island Home and said that the "price tag" is increasing significantly from any prior numbers which have been indicated. Ms. Mohr and Mr. Fee spoke on the need for housing associated with this project.

Mr. Fee reported on a Coastal Resiliency Advisory Committee meeting, which focused on chapter 91 licensing. Mr. Fee also commented on a legislative hearing he attended remotely regarding a home rule petition involving the Planning Commission. He also elaborated on how the legislature handles remote participation, stating that it is disappointing.

Mr. Dixon asked what the Board members thought of the separate licensing meeting that occurred on Monday and whether it was effective to have a separate meeting. Chair Holdgate said she appreciated the focus of the meeting. Ms. Mohr concurred. Mr. Fee concurred. Dr. MacNab said he wasn't able to attend.

Mr. Dixon spoke on a Land Bank meeting he attended this week during which the topic of wildfire came up and he was pleased that it relates to the wildfire plan adopted earlier in the meeting.

#### XI. ADJOURNMENT

Ms. Mohr moved adjournment at 7:20 PM; seconded by Mr. Fee; all in favor, so voted.

Approved the 29<sup>th</sup> day of November 2023.

**SELECT BOARD  
NOVEMBER 15, 2023 – 5:30 PM  
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD  
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- VII. 1. Draft minutes of 10/24/2023; 11/1/2023; 11/2/2023 open session; 11/6/2023 open session
- VII. 4. Pending Contracts spreadsheet
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- IX. 1. Outline #3 for 2024 ATM Warrant articles; KP Law Update re: Investment of Municipal Trust Funds;  
Planning 2024 ATM concept list
- X. 1. 11/7/2023 Special Town Meeting Follow-up