

Town and County of Nantucket Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair
Thomas M. Dixon
Matt Fee
Malcolm W. MacNab
Brooke Mohr



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 NOVEMBER 15, 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/FKZZvzLnEbo>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_w40NFcEbTvq68L4u1FZQgg

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. 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.
 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 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.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Fire Chief: Overview and Request for Approval of Nantucket Community Wildfire Protection Plan.

IX. TOWN MANAGER'S REPORT

1. Continued Preliminary Review of Town-Sponsored Warrant Articles for 2024 Annual Town Meeting.

X. SELECT BOARD'S REPORTS/COMMENT

1. November 7, 2023 Special Town Meeting Follow-up.
2. Committee Reports.

XI. 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. 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 the United States Constitution and the Massachusetts Declaration of Rights.

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 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 protected under the United States Constitution and the Massachusetts Declaration of Rights because it constitutes true threats, incitement to imminent lawless conduct, 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 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: April 26, 2023

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
November 15, 2023

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Software Agreement	DPW	CivicPlus, LLC	\$13,313.39	Initial annual subscription for See-Click-Fix application - service request management tool to intake submissions via mobile app. Includes support and virtual training services.	Public Works - General Budget	Nov 15, 2023 - Nov 14, 2024
Contract Amendment	DPW	BETA Group, Inc.	N/A	Extending contract term to November 1, 2024	N/A	Nov 6, 2019 - Nov 1, 2024
Purchase and Sale Agreement	Select Board	Habitat for Humanity	(\$3.00)	Conveyance of Lots 88, 89 and 90 located on Waitt Drive for affordable housing; Units to be constructed will be permanently deed restricted to 80% or less of AMI and will be eligible for inclusion on the Town's Subsidized Housing Inventory (SHI) List	N/A	N/A

Community Wildfire Protection Plan

Nantucket Fire Department
Fire Chief Michael Cranson

November 1, 2023



Northeast Forest and Fire Management LLC and Stakeholders

- Massachusetts Department of Conservation and Recreation
- Massachusetts Audubon Society
- Trustees of Reservations
- U.S. Fish and Wildlife Services
- Nantucket Fire Department
- Nantucket Town Manager
- Nantucket Conservation Foundation
- Nantucket Land Bank
- Wannacomet Water Company
- Nantucket Memorial Airport

Wildland Urban Interface (WUI)

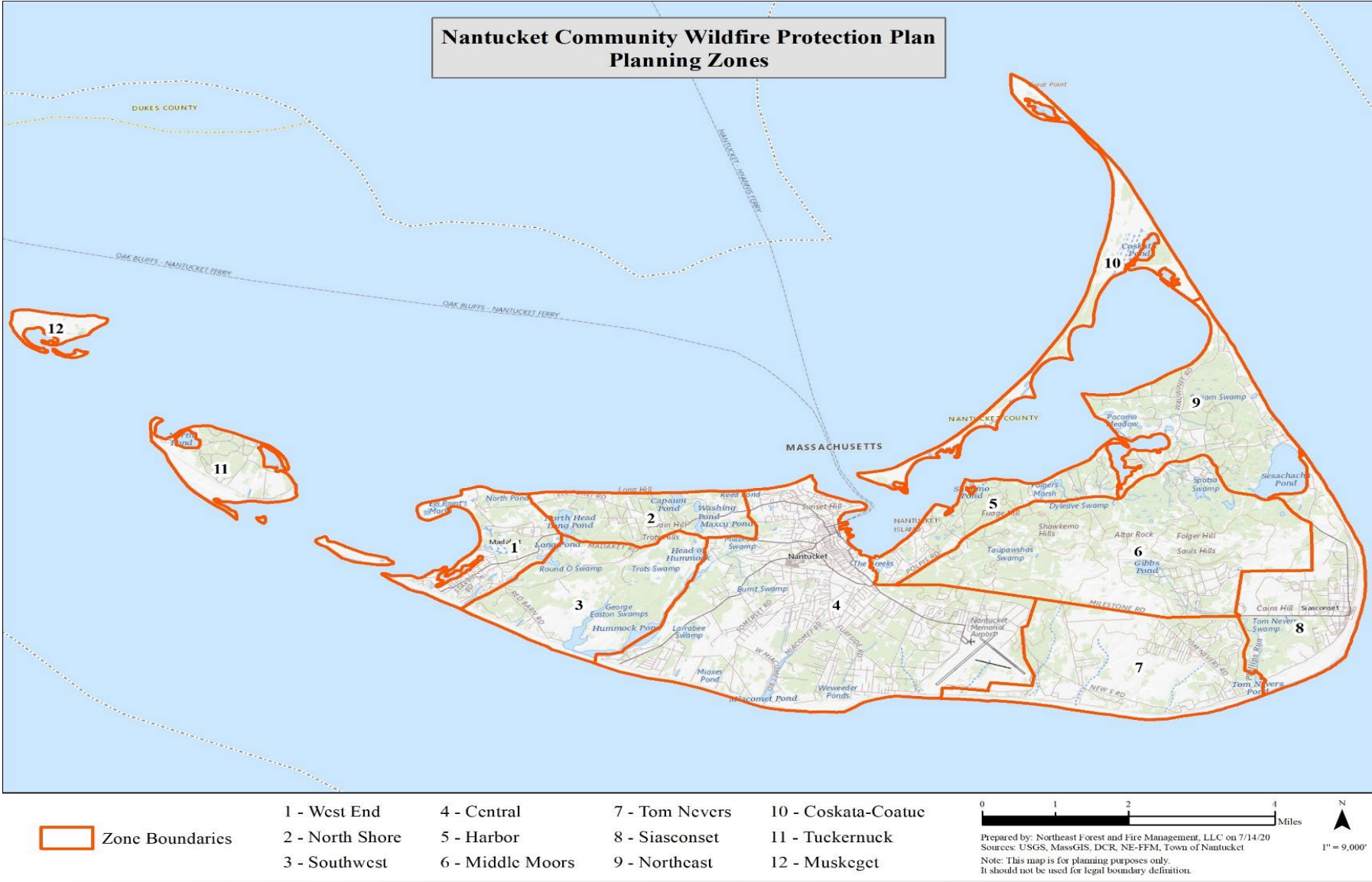
The National Wildfire Coordinating Group (NWCG) defines the wildland-urban interface (WUI) as the “the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuel.”

WUI is divided into three categories

CATEGORY 1: Interface Community	CATEGORY 2: Intermix Community	CATEGORY 3: Ocluded Community
Structures directly abut wildland fuels wildland	Structures are scattered throughout the wildland area	Structures abut an island of fuels (i.e. park or open space)
Clear line of demarcation	No clear line of demarcation	Clear line of demarcation

Nantucket geographic planning zones

Zone	Zone Name	Area (Ac.)	Island	WUI Component (Interface or Intermix)
1	West End	1,440	Nantucket	wildland urban interface; wildland urban intermix
2	North Shore	1,386	Nantucket	wildland urban intermix
3	Southwest	2,655	Nantucket	wildland urban intermix
4	Central	7,901	Nantucket	wildland urban interface; wildland urban intermix
5	Harbor	1,337	Nantucket	wildland urban intermix
6	Middle Moors	5,428	Nantucket	wildland urban intermix
7	Tom Nevers	3,410	Nantucket	wildland urban intermix
8	Siasconset	2,374	Nantucket	wildland urban interface; wildland urban intermix
9	Northeast	2,689	Nantucket	wildland urban intermix
10	Coskata-Coatue	1,419	Nantucket	mostly uninhabited
11	Tuckernuck	1,025	Tuckernuck	wildland urban intermix
12	Muskeget	313	Muskeget	uninhabited



Management Recommendations

- Incorporate Firewise practices
- Implement Fuel treatments
- Install and maintain fuel breaks
- Conduct prescribed burning to reduce wildfire risk

Annual Recommendations

- Improve Wildland Suppression Capabilities
 - Implement Wildland Fire Focused Trainings
 - Evaluate Firefighting Apparatus to Ensure Needs of Nantucket
 - Improve Water Supply to Decrease Refill Times and Increase Amount of Available Water
 - Develop Fire Department Policies and Procedures Specific to Wildland Fire

Annual Recommendations Cont'd

- Decrease Fire Danger to Community Through Fuel and Hazard Mitigation
 - Improve and Maintain Fire Breaks
 - Implement Fuel Treatments in Areas of High Fire Danger Risk
 - Implement Prescribed Fire to Reduce Fuel Loads

Annual Recommendations Cont'd

- Reduce Structural Ignitability through Firewise Measures
 - Implement Parcel-based Assessments for all Properties, Providing Landowners with Site-specific Recommendations
 - Conduct Public Outreach on Firewise Mitigation Measures
 - Develop a Process to Allow Property Owners to Implement Firewise Recommendations on Forested Lands within the Home Ignition Zone

Community Wildfire Protection Plan

The Nantucket Community Wildfire Protection Plan aims to assist our community in minimizing the potential for wildfire-related harm, ensuring the safety of residents, and securing their properties.

Fire Chief Michael Cranson



Scan the QR code
to read
the Community Wildfire
Protection Plan



Preliminary Outline #3 for 2024 Annual Town Meeting Warrant

For 11/15/23 SB review

As of 11/08/23

NOTE: Numbering & Order is NOT FINAL

Annual Articles

1. Receipt of Reports
2. Appropriation: Unpaid Bills
3. Appropriation: Prior Year Articles
4. Revolving Accounts: Annual Authorization
5. Appropriation: Reserve Fund
6. FY 2024 General Fund Budget Transfers
7. Personnel Compensation Plans for FY 2025 (*add per diem dispatcher*)
8. Appropriation: FY 2025 General Fund Operating Budget
9. Appropriation: Health & Human Services
10. Appropriation: General Fund Capital Expenditures
11. Appropriation: FY 2025 Enterprise Funds Operations
12. Appropriation: Enterprise Funds Capital Expenditures
13. FY 2024 Enterprise Funds Budget Transfers
14. Appropriation: Waterways Improvement Fund
15. Appropriation: Ferry Embarkation Fee
16. Appropriation: Ambulance Reserve Fund
17. Appropriation: County Assessment
18. Appropriation: Finalizing FY 2025 County Budget
19. Rescind Unused Borrowing Authority (*if needed*)
20. Appropriation: OPEB Trust Fund
21. Appropriation: Free Cash
22. Appropriation: Stabilization Fund

Other Select Board Sponsored Articles

NOTE: most of these were reviewed/discussed by SB and/or Town Administration since the 2023 ATM

ZONING* BYLAW & GENERAL BYLAW AMENDMENTS

**Board discussion occurred in January 2018 regarding a request/directive that all zoning articles must be accompanied by a narrative explanation as to why the item is being put forward, along with any operational or financial impacts*

Zoning Bylaws

See attached from Planning (includes Zoning and other)

General Bylaws

- ~~Paid parking (see vote on Article 66 of 2020 ATM—attached) (NOTE: when the Board discussed this potential article in 2022, it was left that it needed to understand what it will take to implement paid parking (ie—the capital and any operational investments), that analysis began with the prior Transportation Planner but has not yet proceeded due to multiple other priorities)~~ **Strike pending further info?**
- Anything for E-bikes, E-scooters? **(not sure where this stands with BPAC)**
- Noise bylaw – any changes to hours/days/summer? (brought up at NCL 2023 annual forum; 2023 Sconset Civic Assoc annual meeting) **Thoughts of SB?**

- Rental car bylaw changes? Have requested recommended amendments from Town Counsel to address surplus rental vehicle medallions; and, the “Turo issue”

HOME RULE PETITIONS

Resubmittal of Pending HRP's from prior ATMs (if these have not been acted upon by the Legislature)*

- Community Housing Bank (Article 76/2022 ATM; Article 79/2019 ATM; Article 70/2018 ATM; Article 88/2017 ATM; Article 82/2016 ATM) *Will need to be re-voted with some language changes TBD*
- Sewer Act Amendment (Article 84/2023 ATM; Article 77/2022 ATM) *Will need to re-vote*
- Gov't Study Committee Recommendations (Article 85/2023 ATM; Article 78/2022 ATM) *Will need to re-vote*
- Fertilizer Ban (Article 86/2023 ATM) *May need to re-vote*
- Real Estate Conveyances x 2 (1 – Article 87/2023 ATM, Article 94/2022 ATM: 50 Altar Rock Rd to NCF; 2 – Article 88/2023 ATM, Article 95/2022 ATM: Portion of Ames Ave) *Will need to re-vote*

NEW:

- Amend County Charter to change “Board of Selectmen” to “Select Board”
- Coastal Resiliency Districts - ? *Waiting on draft from Town Counsel; also reviewing the parameters of betterments*
- Conveyance of paper road (W Chester St ext and Grove Ln) to Land Bank
- Year-round housing deed restriction program? (not sure if this is also bylaw) *Waiting on AHT?*
- Licensing Board – *holding off until we see if new separate monthly meeting works out?*

**several of these are currently in hearings; need to confirm their status*

MGL ACCEPTANCES

- Accept MGL c. 44, s. 54(b)(1) – Relating to the standards of investments of Trust Funds

REAL ESTATE RELATED

- 31 Western Ave (under consideration - TBD)
- Conveyance of paper road (W Chester St ext, Grove Ln) to Land Bank
- Appropriation for acq of transfer station
- Appropriation for acq of composter
- *Grant easement to NGrid for EV charging stations at Surfside Beach parking lot*

OTHER

- Increase borrowing auth for Housing
- Coastal erosion structure approval in connection with SBPF/Town project at Baxter Rd?
- *Increase salary for Select Board members? (discussed by Board 10/25/23)*

BALLOT QUESTIONS

- possible debt exclusion(s) and/or capital exclusion(s) for capital projects; real estate

CITIZEN ARTICLES

Submittal deadline Mon, November 13

FY 24 State Budget Change to Standards for Investment of Trust Funds in Municipalities

September 11, 2023

The FY 24 state budget, Chapter 28 of the Acts of 2023, includes a change to the standards for investment of trust funds in municipalities. Section 26 amends G.L. c. 44, §54, to insert a local acceptance provision that allows investment in accordance with the so-called “Prudent Investment Rule” (G.L. c. 203C), which essentially allows for a broader range of investments, some of which may be “riskier” than what would otherwise be allowed for investments in savings banks. The revised version of G.L. c. 44, §54 provides as follows (with the new text italicized):

Section 54. (a) Trust funds, including cemetery perpetual care funds, unless otherwise provided or directed by the donor of the funds, shall be deposited in: a trust company, co-operative bank or savings bank, if the trust company or bank is organized or exists under the laws of the commonwealth or any other state or may transact business in the commonwealth and has its main office or a branch office in the commonwealth; a national bank, federal savings bank or federal savings and loan association, if the bank or association may transact business and has its main office or a branch office in the commonwealth; provided, however, that a state-chartered or federally-chartered bank shall be insured by the Federal Deposit Insurance Corporation or its successor or invested by cities and towns in participation units in a combined investment fund under section 38A of chapter 29 or in bonds or notes which are legal investments for savings banks. Cities and towns having such funds in the custody of the treasurer in an aggregate amount in excess of \$250,000 may also invest such funds in securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the commonwealth; provided, that not more than 15 per cent of any such trust funds shall be invested in bank stocks and insurance company stocks, nor shall more than 1 1/2 per cent of such funds be invested in the stock of any 1 bank or insurance company.

(b)(1) A city, town or district that accepts this subsection in the manner provided in section 4 of chapter 4 may manage trust funds held in the custody of the treasurer of the city, town or district as a combined investment pool and may invest said funds in accordance with chapter 203C and not in accordance with subsection (a). If any provision of this subsection conflicts with the terms of a bequest, trust or other instrument that expresses the clear intent of the donor, then such funds may be managed and invested only in accordance with the terms of such bequest, trust or other instrument.

(2) Paragraph (1) shall only apply to trust funds and shall not apply to any other money held or controlled by a city, town or district or to any money held or controlled by any other municipal authority, commission or other such entity or fund which is authorized to invest its funds pursuant to this section.

(c) Municipal trust funds subject to this section invested in a chartered, insured financial institution shall only be deposited in accordance with subsection (a).

(d) This section shall not apply to the City of Boston.

Note that since Chapter 28 of the Acts of 2023 included an emergency preamble, it took effect immediately, unless as otherwise specified. Section 115 of said Chapter 28 states that the Act took effect as of July 1, 2023.

Therefore, if towns want to include this local acceptance provision on their upcoming fall or special town meeting warrants, the article can take a form similar to the following:

To see if the Town will vote to accept the provisions of G.L. c.44, §54(b) to allow Town trust funds to be invested in accordance with G.L. c.203C, the so-called “Prudent Investment Rule”, or take any other action relative thereto.

For further information, please contact your KP Law attorney at 617.556.0007 or contact Attorney Lauren Goldberg at lgoldberg@k-plaw.com or Attorney Mark Reich at mreich@k-plaw.com

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

2024 ATM Concept List as of 10/02/23

Map Changes

R-1 to R-5 or R-5L– Hooper Farm Road/Cartwright/Shady Maple/Allens/First/Second

R-10 to R-10L Nobadeer Way (Correction)

RC-2 to CTEC – Appleton (3 Properties)

RC-2 to CMI or CTEC – 43 Nobadeer Farm Road (Single Property)

RC-2 to R-5 or CN 61 Surfside Road and 2 Miacomet Ave

RC-2 to ??? Rosebud/Hinsdale/Forrest

Bylaw Changes

Flex Development – ability for PB to grant waiver of CR when there is an affordability component to development

CMI- 40ft allowed by right when 25% is affordable (get some structural schematics)

Apartments and Apartment buildings – density increase when there is a min of 25% affordable (subject to PB review and Special Permit)

Move MMD Special Permit to ZBA (discuss with ZBA on 10/12)

Prohibit large residential swimming pools in the MMD (allow small and hot tubs by special permit?)

Technical Amendments

139-2 (update apartments building(s) to be three or more units)

139-2 (change 650 to 900 to reduce confusion with conflicting numbers)

139-2 (remove R-1 and RC-2 setback difference from the definition of yard, front)

139-12 (update language that referenced incorrect Bylaw sections)

139-12G(2)(e) (update Bylaw section reference)

139-16C(3) (remove R-1 and RC-2 setback differences)

Other articles prepared by staff NOT for Planning Board

Bylaw update to Chapter 127-20A to reference the appropriate TOD and COD map

Cannabis Advisory Committee article?

11/7/23 STM Follow-up

As of 11/08/23

Article 1 (STR General Bylaw) – Defeated. No follow-up.

Article 2 (STR – Zoning Bylaw) -- Take No Action. No follow-up.

Article 3 (Adoption of MGL for Community Impact Fee on Professionally Managed STRs) – Adopted. Follow-up being determined.

Article 4 (Establish Special Purpose Stabilization Fund for Affordable Housing and Dedicate 100% of STR Community Impact Fees to Fund). Defeated. Revenue collected will fall to the General Fund.

Article 5 (Zoning Map Change for Airport Land). Adopted. Bylaw to be sent to Attorney General by Town Clerk.

Article 6 (Real Estate Conveyance: Conservation Area Adjacent to Surfside WWTF to Land Bank) – Adopted. Follow-up being determined.

Article 7 (Real Estate Acquisition: Easements in Lovers Lane, ETC Area for Surfside Area Transportation Enhancements Project) – Adopted. Follow-up being determined.

Article 8 (HRP – Acquisition of Bike Path Easement by County) – Adopted. Town Admin will send to Legislative Reps before end of November.

Article 9 (Transfer of GF Housing Appropriations) – Adopted. The \$1m will be used to off-set the supplemental funding needed for Article 12.

Article 10 (Approp: Nobadeer Playing Fields) – Adopted. Finance and Parks and Rec Manager to work with consultant on developing bid specs. Need to work on timeline for this project.

Article 11 (Supplemental Approp: South Valley Pump Station Upgrades) – Adopted. Finance Director and Town Counsel to follow-up on agreement with Richmond; finalize procurement; develop project schedule.

Article 12 (Supplemental Approp: Town Employee Housing) – Adopted. Finance Director, Housing Director, Town Admin to follow up with Owners Project Manager on bid award, project mobilization.

Article 13 (Supplemental Approp: Airport Housing) – Take No Action. No follow-up.

Article 14 (National Opioid Settlement Payments) – Adopted. Funds to be deposited as received.

Article 15 (Amend Description of Public Works Facility Improvements Design Location) – Adopted. Contract amendment for new location to be prepared by Finance and DPW. Bid development to occur over winter to be ready for construction appropriation STM in fall of 2024. (Provided we are following the schedule in the Large Capital Projects (“Collision Presentation”) overview provided to the Board on 9/27/23)

Article 16 (Real Estate Acquisition – 8 Nichols Road) – Adopted. Need to work this into Real Estate project priorities with temporary real estate assistance.

Article 17 (Elected Official Compensation Schedule Amendment) – Adopted. Human Resources/Payroll process pay adjustment.

Article 18 (Bylaw Amendment: Sconset Sewer District – Codfish Park) – Not Adopted. No follow-up necessary.

Article 19 (Bylaw Amendment: Sconset Sewer District – Sankaty Road) – Not Adopted. No follow-up necessary.

Article 20 (Bylaw Amendment: Town Sewer District – Burnt Swamp Ln) – Adopted. Bylaw to be sent to Attorney General by Town Clerk.