

## **SELECT BOARD**

Minutes of the Meeting of December 6, 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

Following a meeting of the Nantucket Regional Transit Authority Advisory Board, Chair Holdgate called the meeting to order at 6:09 PM.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Holdgate noted there is one New Business items. The agenda was otherwise accepted as posted.

### III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson read the announcements.

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

Ms. Gibson introduced newly hired Housing Director Kristie Ferrantella, who will start in the job full-time in a couple of weeks and will work with current Director Tucker Holland during a transition period. She noted that Mr. Holland and Ms. Ferrantella have already started meeting together and with Town Administration. Ms. Ferrantella was welcomed by the Board.

#### 2. Select Board Announcements/Comments. There were no comments.

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

There were no follow-up comments.

### V. PUBLIC COMMENT

There was no public comment.

### VI. NEW BUSINESS

Chair Holdgate noted an issue that arose yesterday with respect to pending legislation relating to the Steamship Authority that could negatively impact Nantucket. She asked for the Board's consent to authorize the Town Manager to work with the Chair to draft a letter of opposition. It was noted that the legislative comment period is understood to be December 12<sup>th</sup>. Ms. Gibson noted that she communicated with the Dukes County Administrator late today and learned Duke County Commissioners voted late today to seek a joint letter to be sent from the Vineyard and Nantucket in opposition. Dr. MacNab moved to authorize Ms. Gibson and Chair Holdgate to prepare and send such a letter, with the Vineyard; seconded by Mr. Fee; all in favor, so voted.

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

Ms. Mohr moved approval of items VII 1 – 2; seconded by Mr. Fee; all in favor, so voted.

#### 1. Approval of Minutes of November 29, 2023 at 5:30 PM.

#### 2. Approval of Treasury Warrants for December 6, 2023.

3. Approval of Pending Contracts for December 6, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Mohr and Mr. Dixon indicated that they would recuse from the vote on the grant agreement with the Interfaith Council. Dr. MacNab moved to approve all contracts with the exception of the Interfaith Council grant agreement; seconded by Mr. Fee; all in favor, so voted. Mr. Fee moved approval of the Interfaith Council grant agreement; seconded by Dr. MacNab; so voted 3-0, with Ms. Mohr and Mr. Dixon recused.

#### VIII. CONSENT ITEMS

1. Gift Acceptances: Planning and Land Use Services (PLUS); Human Services (Saltmarsh Senior Center); Natural Resources Department. Ms. Mohr read the names of the donors. Ms. Mohr moved to accept all gifts for their designated purposes, with thanks to the donors; seconded by Dr. MacNab; all in favor, so voted.

#### IX. REAL ESTATE MATTERS

1. Request for Re-execution of Documents with GG Development, LLC (Previously Approved March 3, 2021): a) Acceptance of Roadway Improvements on Mill Hill Court, Pursuant to December 17, 2014 License and Planning Board Subdivision Approval; b) Acceptance of Third Amendment to Woodland Hill Subdivision Declaration of Protective Covenants Easements and Restrictions, and Non-Exclusive Pedestrian, Bike and Vehicular Easement as set forth therein; c) Acceptance of First Amendment to Woodland Hill Subdivision Grant of Right to Enforce Restrictions. Operations Administrator Erika Mooney introduced the item, explained that it was previously approved by the Board in 2021, that the documents became “stale” because they were not filed by the applicant in a timely manner and must now be re-voted by the Board. Mr. Fee moved to re-vote the same vote as the Board took on March 3, 2021, as indicated in the Board’s agenda packet for this meeting; seconded by Mr. Dixon; all in favor, so voted.

#### X. PUBLIC HEARINGS

1. Public Hearing to Determine Tax Allocation by Classification (Chapter 369, Acts of 1982, as Amended); Percentage of Residential Exemption to be Granted for Fiscal Year 2024 (Continued from November 29, 2023). It was noted that this matter is still not resolved with the necessary state Department of Revenue approval. Dr. MacNab moved to continue the hearing to December 20, 2023; seconded by Ms. Mohr; all in favor, so voted.

#### XI. TOWN MANAGER’S REPORT

1. Continued Preliminary Review of Town-Sponsored Warrant Articles for 2024 Annual Town Meeting; Review of Citizen Warrant Articles. Ms. Gibson reviewed an updated outline of potential Town-sponsored warrant articles, as contained in the Board’s packet. Attorney Brian Riley from Town Counsel’s office reviewed the legal research undertaken with respect to the rental car bylaw (Chapter 58), including a special act from 1988 for Nantucket with respect to motor vehicle rental agency regulation, on which he is working to obtain more background. He noted a legal distinction between car rental agencies and individuals renting vehicles through platforms such as “Turo”. He expressed doubt that the Town would be able to successfully enforce and/or regulate the bylaw with respect to individual vehicle “car sharing”. Mr. Fee commented on policy implications with rental vehicles. He spoke in favor of putting forward a bylaw amendment to “tighten up” the language on individual vehicle rentals. He said he does not see a distinction between a rental car agency and an individual renting a vehicle, stating that both are renting vehicles, therefore the bylaw should apply to both. He spoke on policy issues that relate to an increase in rental cars on-island, such as space on the car ferries. Ms. Mohr commented and indicated a different point of view on

the matter. She asked if a class of license could be created for “car sharing” with registration to a Nantucket address, instead of increasing the number of rental car medallions. Dr. MacNab said the implications should be carefully considered. Airport Manager Noah Karberg provided an update from the Airport as to actions it is taking to prevent “Turo” vehicles from being at the Airport without being properly registered, including a “cease and desist order” issued to Turo. Mr. Riley reviewed the short-term rental community impact fee that was discussed at the November 29th Board meeting, with respect to who it applies to (and does not apply to). Mr. Riley indicated that a definitive answer from the state as to the effective date of the application of the impact fee has been challenging to obtain. He reviewed his opinion as to what the legislation indicates and what steps might be taken to “delay” the implementation of the fee. Mr. Fee asked when the notification to the state would be made if the Board wanted implementation to begin on January 1, 2025. Mr. Riley explained it would most likely be October 1, 2024. Some discussion followed. Ms. Mohr suggested the Board determine when it wants the implementation to begin and go from there. She said she favors a “start date” of October 1, 2024. Some discussion followed. It was generally agreed that Town Counsel will send the Board a letter describing the process by which to do that, which is through the Town Clerk notifying the state after June 1, 2024. Discussion occurred as to how applicable property owners would be notified of the fee and it was determined that the state would be responsible for that, since it is a state-imposed fee. Campbell Sutton asked who the community impact fee applies to. Discussion followed on this. Mr. Riley again clarified to whom the fee applies. Mr. Dixon moved to authorize the Town Clerk to notify the state of the Town’s adoption of the community impact fee at the November 7, 2023 special town meeting so that the implementation date is October 1, 2024 and to accompany that notification with a written opinion from Town Counsel; seconded by Dr. MacNab; all in favor, so voted.

Mr. Riley reviewed the legal review undertaken so far on the citizen warrant articles for the 2024 annual town meeting, as contained in the Board’s packet. Ms. Gibson noted that the Finance Committee will be holding its annual public hearing on these articles at its December 14<sup>th</sup> meeting at 4:00 PM. Discussion occurred on various articles. D. Anne Atherton asked if the citizen article sponsors are required to disclose if they are being paid to put forward an article. Mr. Riley said there is no such requirement. Some discussion followed. Ms. Gibson noted that while there is no such requirement for the submittal of a citizen warrant article, there is a Town bylaw, Chapter 44, section 7.1 that relates to someone making a certain type of disclosure when speaking on a warrant article at Town Meeting. She read the bylaw: “Any person who is employed by another person regarding any matter under discussion at a meeting shall disclose the fact of his/her employment before speaking thereon.” Campbell Sutton commented on the submittal of citizen warrant articles for non-Nantucket residents.

## XII. SELECT BOARD’S REPORTS/COMMENT

1. Committee Reports. There were no committee reports.

## XIII. ADJOURNMENT

Mr. Fee moved adjournment at 7:37 PM; seconded by Ms. Mohr; all in favor, so voted.

Approved the 13<sup>th</sup> day of December 2023.

**SELECT BOARD  
DECEMBER 6, 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 11/29/2023
- VII. 3. Pending Contracts spreadsheet
- VIII. 1. Gift Summary & Recommended Motion; PLUS gift; Saltmarsh gift; NRD gift
- IX. 1. AIS re: Woodland Hills; Portion of 3/3/2021 minutes from previous approval; Gift of Roadway Improvements; Third Amendment to Declaration of Protective Covenants, Easements & Restrictions; First Amendment to Grant of Right to Enforce Restrictions; Woodland Hills plan
- XI. 1. Outline #5 for 2024 ATM Warrant Articles; Planning concept articles; Email & attachment from Transportation Planner re: e-bikes & e-scooters; Email from Town Counsel re: STR Community Impact Fee; Town Counsel comments on citizen warrant article submissions; Citizen Warrant Article sponsor list; scans of citizen warrant articles