SELECT BOARD

Minutes of the Meeting of January 24, 2024. 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 Hill Holdgate, Brooke Mohr, Matt Fee, Thomas Dixon and Dr. Malcolm MacNab.

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

The agenda was accepted as presented.

III. ANNOUNCEMENTS

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

2. Select Board Announcements/Comments. Ms. Mohr reviewed hearings on the state Affordable Housing bill which took place last week, and at which she, Mr. Dixon, Housing Director Kristie Ferrantella, Affordable Housing Trust Chair Brian Sullivan gave testimony and gave special thanks and recognition to Mr. Sullivan's seventh grade son, Fisher, who also attended.

Chair Holdgate said some of the Board members and staff attended the Massachusetts Municipal Association Annual Meeting in Boston last weekend.

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

There were no follow-up comments.

V. PUBLIC COMMENT

Tucker Holland wished Chair Holdgate a happy birthday.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Mr. Fee moved approval of items VII 1 – 4; seconded by Ms. Mohr; all in favor, so voted.

1. Approval of Minutes of January 17, 2024 at 5:30 PM.

2. Approval of Payroll Warrants for January 21, 2024.

3. Approval of Treasury Warrants for January 24, 2024.

4. Approval of Pending Contracts for January 24, 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. Nantucket Soccer Club: Request for Indoor Community Athletic Field House Feasibility Study. Human Services Director Jerico Mele spoke in favor of a facility for human services reasons. Niki Drew, member of

the Parks and Recreation Commission spoke in favor of such a facility. Chair Holdgate noted that many people probably agree with the need for a facility and said that a feasibility study is really the issue for the Board, including how such a facility would be located, designed, constructed and operated. Jill Vieth said a study has been done that identifies the need for such a facility and said she believes an additional study needs to be done to identify the size and what could be in it. Ms. Mohr said she believes most people agree with a facility as described and suggested that the funding be used to determine stakeholders and what services would be contained in such a facility. She added that if this were to be a municipal initiative it could be more difficult to implement, than if it were a community or private initiative, because of the cost. She suggested that private sector stakeholders might be better positioned to utilize the funding to set up more of a specific proposal for the Town to consider. Ms. Vieth spoke in favor of the Town leading the initiative. Michael Cozort, member of the Parks and Recreation Commission, said that the Commission has discussed this and would most likely support a formal process to determine what is practical. Parks and Recreation Manager Charles Polachi agreed with what Ms. Mohr and Chair Holdgate spoke about and said he has been researching indoor facilities. Ms. Mohr said she believes the first step with something like this should be gathering stakeholders and community engagement. Chair Holdgate suggested that engaging a "professional" who understands building such facilities should guide the engagement. Finance Director Brian Turbitt said that a defined scope should be prepared before any such study is done because of procurement requirements. Mr. Giorgio spoke further on the procurement requirements for a feasibility study. Mr. Fee commented that what Mr. Giorgio and Mr. Turbitt are saying is why a municipality taking this on is complicated and expensive. He asked where such a facility would be located and said that should be established first. He suggested that the Parks and Recreation Commission should spearhead a stakeholder gathering effort. He added that the Town has many expensive projects on its horizon. He reviewed how the playing fields at the Delta property were constructed, largely through private initiative. Mr. Polachi reviewed the layout of current and proposed fields at the Delta and Nobadeer fields sites. He said that having an idea of the size of a facility is necessary before undertaking a feasibility study. Chair Holdgate asked if Mr. Polachi and the Parks and Recreation Commission have the bandwidth to take on stakeholder engagement. Mr. Polachi responded affirmatively. Justin Quinn, speaking for the Nantucket Soccer Club spoke in favor of a feasibility study. He added that people need a place to go to get out of crowded housing. Mr. Dixon spoke on the Nantucket Sports Racquet Association, which has a facility on Land Bank property, wants to expand and has to comply with municipal procurement processes. Cory Partida and Wilmer Ortiz spoke in favor of an indoor facility. Sarah Ray asked to be "walked through the process" of how a facility like this would get going. Ms. Mohr suggested that Mr. Polachi and the Commission begin a community engagement process for this, including multi-lingual outreach. Dr. MacNab supported Ms. Mohr's suggestion. Mr. Fee asked if the hockey rink at Tom Nevers is functional. Mr. Polachi said no, but a reconstruction is in a planning process. Mr. Fee suggested that a roof be put over it. Mr. Turbitt asked what the expected Town involvement would be, given the procurement implications for a feasibility study. Mr. Fee said that the Parks and Recreation Commission should determine that. Chair Holdgate said her thinking would be that construction of such a facility would be privately funded and operated. Ms. Vieth spoke on a "seasonal bubble" for the existing turf field. Mr. Polachi said his initial research for a bubble is approximately $8,000,000. Ms. Mohr that the Board express support for an indoor recreation center, to collaborate with stakeholders and to charge the Park and Recreation Commission with determining what it could look like. Mr. Cozort asked what level of expertise Mr. Polachi would have access to in order to further this initiative. Ms. Ray said she believes the $30,000 which has been granted to the soccer club could possibly be used if professional services are needed. Chair Holdgate pointed out there is no budget for this, so it might also need to be privately funded.

Ms. Mohr moved that the Board commit the Parks and Recreation Commission to begin the process to evaluate an indoor recreation facility on Nantucket; seconded by Mr. Dixon. Ms. Mohr said that with respect to the potential need for funds to begin the process, she suggested that the donors be asked to consider using the funds for community engagement vs a feasibility study. On the motion, all in favor, so voted. Mr. Dixon and Mr. Fee offered to attend the Park and Recreation Commission meetings and report back to the Board.

~~2. Request for Approval to Submit Local Action Unit Application to State Executive Office of Housing and Livable Communities (EOHLC) for Habitat for Humanity Nantucket's Waitt Drive Village.~~ Tabled to January 31, 2024.

2. Conservation Commission: Request for Special Counsel for Joint Town of Nantucket/Sconset Beach Preservation Fund Notice of Intent for Baxter Road Erosion Control Project. Conservation Commission (ConCom) Chair Ian Golding said he was present to listen, ask questions and make comments. Chair Holdgate said that the Notice of Intent (NOI) process is intended to be collaborative with the Town and the ConCom and she has some concern that engagement of special counsel does not further that goal necessarily. She noted the ConCom has yet to have a hearing on this and wondered if the request should wait until the ConCom has actual legal questions about the project. Ms. Mohr said that the purpose of the request is unclear to her. Mr. Giorgio commented that legal questions by any Town board are typically answered by Town Counsel. He said this is a policy issue for the Board. He said there is a concern about setting up an adversarial situation, unintentionally. He said that if the Board does agree with the request, KP Law could provide a wetlands expert, which is what is needed here. Some discussion followed. Dr. MacNab said he supports the ConCom request and pointed out issues with the Town's Memorandum of Understanding with the Sconset Beach Preservation Fund (SBPF). Mr. Fee asked about putting a limit on the cost and spoke about being on the "same page" with the ConCom. He added that he believes litigation will result in one way or another. Ms. Mohr asked the ConCom members present at the meeting about Mr. Giorgio's suggestion of offering a different attorney from his firm who is an expert in wetlands, rather than starting with a third counsel. Mr. Golding, speaking for himself, said while he respects Mr. Giorgio and attorney George Pucci, outside parties have raised legal issues that he personally believes need an independent assessment. Chair Holdgate spoke on the potential engagement of a completely independent counsel, with a well-defined scope of work. Ms. Mohr noted that the history of the prior special counsel "straying" into areas not truly covered under the scope of work was an issue for her. She said that one of the conditions is that there should be a vote of the ConCom when questions are asked of the special counsel, and then, there should be an approval through Town Administration. She said she would prefer that the special counsel expertise be in wetlands and projects like what is proposed, not litigation. Chair Holdgate concurred and said this shouldn't be an attorney who sits through every meeting on this, but is asked specific technical questions as they arise, in writing. Mr. Golding said SBPF could also be assessed legal fees. Chair Holdgate questioned this. Mr. Giorgio suggested that the Board make a final decision on an actual engagement letter setting forth experience and legal costs, which is presented to the Board. Megan Perry expressed support for independent counsel for the ConCom. Ms. Mohr noted that there seems to be an assumption that there is a bias in Town Counsel's opinions for the ConCom. She said she has no such assumption. Chair Holdgate concurred. Mr. Dixon agreed and expressed support for Mr. Giorgio's suggestion. Ms. Mohr moved to instruct Town Administration to engage a law firm as independent counsel for the ConCom for advice on technical issues for the NOI, with the following parameters: all requests for independent legal advice come from a majority vote of the ConCom and submitted in writing to Town Administration, and then transmitted to independent counsel for written response; attendance of independent counsel at ConCom meetings will be subject to Town Administration approval; and to set a

cap of $10,000; seconded by Mr. Dixon. ConCom member Mark Beale said he is confused about submitting their questions to Town Administration. Mr. Giorgio said that the Town Manager will determine that the questions are limited to technical legal issues about the NOI and/or wetlands bylaw and regulation issues. Chair Holdgate said if there is any dispute about what a legal issue is, the issue can be referred to the Board. Dr. MacNab said he is not sure about the Town Administration determination. Some discussion followed. On the motion, all in favor, so voted.

IX. TOWN MANAGER'S REPORT

1. Review of Proposed FY 2025 Enterprise Fund Budgets: Airport; Solid Waste.

Assistant Town Manager Gregg Tivnan introduced each department head and/or representative.

Airport Manager Noah Karberg reviewed the budget presentation for the Airport, a link for which was in the Board's agenda packet.

Public Works Director Drew Patnode and Solid Waste Manager Chris Lowe reviewed the budget presentations for Solid Waste, a link for which was in the Board's agenda packet.

At 7:15 PM, Chair Holdgate left the meeting; she returned at 7:20 PM.

X. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Mr. Fee said he attended a Coastal Resiliency Advisory Committee meeting yesterday. Chair Holdgate said there was a meeting today for Our Island Home and they are looking to hold a joint Select Board-Finance Committee-Capital Program Committee meeting on March 20th. Dr. MacNab spoke on an increase in the number of cases of Lyme's disease.

XI. ADJOURNMENT

Mr. Fee moved adjournment at 7:33 PM; seconded by Dr. MacNab; all in favor, so voted.

Approved the 31st day of January 2024

SELECT BOARD
JANUARY 24, 2024 – 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 1/17/2024
VII. 4. Pending Contracts spreadsheet
VIII. 1. Email from Justin Quinn/ Nantucket Soccer Club re: Indoor Sports Facility Feasibility Study; Attached letter; Vieth donation letter; Slides from Parks & Rec Manager re: playing fields
VIII. 2. Letter from Conservation Commission re: request for special counsel
IX. 1. Links for FY25 Budget Enterprise Funds: Airport, Solid Waste