SELECT BOARD

Minutes of the Meeting of March 20, 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 Holdgate, Tom 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 New Business item which was not reasonably anticipated by her 48 hours in advance of the meeting. The agenda was otherwise accepted as presented.

III. ANNOUNCEMENTS

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

2. Select Board Announcements/Comments. Chair Holdgate noted some community comments expressing concern about Town regulatory boards still meeting fully remote and suggested that these boards begin hybrid meetings as soon as possible, and added that a March 25, 2024 Nantucket Planning and Economic Development Commission (NP&EDC) meeting will be a hybrid meeting, at the Public Safety Facility Community Room.

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

There were no follow-up comments.

V. PUBLIC COMMENT

Veronica Bolcik, of Arkansas Avenue in Madaket said that recent well water tests of wells in her neighborhood have revealed levels of PFAS that exceed the state limit. She encouraged property owners in the area to test their wells. She added that she will be seeking “next steps” from the Town, in the near future.

Hillary Rayport commented on a recent NP&EDC Open Meeting Law violation. Chair Holdgate noted that Ms. Rayport has exceeded the Public Comment 3-minute limit. Ms. Rayport continued speaking for a few moments.

Melissa Murphy expressed concern about 2024 annual town meeting warrant Article 60.

Megan Perry commented on the NP&EDC Open Meeting Law violation and asked that a search process for the Director of Planning be undertaken.

Jason Graziadei asked the Board to “suggest” to the Land Bank Commission that its meetings also be made hybrid.

VI. NEW BUSINESS

Chair Holdgate introduced attorney John Giorgio of Town Counsel’s office to review the recent Ward v. ZBA decision (Land Court No. 22 MISC 000064 MDV). Mr. Giorgio explained the history and timeline of the case and the legal actions that led to the decision. He reviewed the timeframe of any decision to appeal and noted that executive sessions of the Zoning Board of Appeals (ZBA) and Select Board will be scheduled over the next two weeks to discuss this. Mr. Fee asked if “customarily incidental” is defined in the local Zoning Bylaw. Mr. Giorgio said it is not and noted the typical legal definition, which relates to customary practice in the particular community. Mr. Fee commented on the complications of the local decision-making. He said he hopes an “accessory use” definition can be adopted at the 2024 annual town meeting. Chair Holdgate said potentially a special town meeting could be called within the annual. She asked if the Ward decision impacts long-term rentals. Mr. Giorgio responded. Mr. Fee asked about reassuring property owners that short-term rentals will be “status quo” for this summer. Mr. Giorgio explained that the decision allows for a remand to the ZBA, and said he sees “no reason to panic” for this summer. He noted he has been recommending for quite some time that this issue be addressed via the Zoning Bylaw and urged the Town to do so. Mr. Fee commented that he is not sure how to achieve community consensus. Some discussion followed as to a special town meeting within the annual.

VII. APPROVAL OF MINUTES AND WARRANTS

Ms. Mohr moved approval of items VII. 1 - 3; seconded by Mr. Fee; all in favor, so voted, with Dr. MacNab abstaining from approving the March 11, 2024 minutes.

1. Approval of Minutes of February 8, 2024 at 9:00 AM; March 11, 2024 at 11:00 AM; March 13, 2024 at 5:30 PM; March 14, 2024 at 9:00 AM; March 14, 2024 at 4:00 PM.

2. Approval of Payroll Warrants for March 17, 2024

3. Approval of Treasury Warrants for March 20, 2024.

4. Approval of Pending Contracts for March 20, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Mohr clarified that the funding for the dormitory on Waitt Drive is from the 2022 (not 2023) annual town meeting and a special town meeting in 2023. She added that this funding is not from the Affordable Housing Trust. Mr. Fee asked about occupancy for the dormitory. Ms. Gibson responded. Mr. Fee commented on the Our Island Home-related projects. Mr. Fee asked that “all forms of government” be looked at by the Town Council Study Committee, not just a Town Council with respect to the contract with the Collins Institute to provide professional assistance to the Committee. Dr. MacNab and Chair Holdgate agreed. Mr. Dixon, a member of the Committee, said he believes a majority of the Committee does believe it should be Town Council-focused. Ms. Mohr said the mandate of the Committee comes from the Select Board and agreed other forms of government should be examined. Mr. Giorgio said that the Town Meeting vote directed a study of a Town Council form however nothing precludes it from studying other forms. Mr. Fee said he believes it will be hard to eliminate Town Meeting. Mr. Dixon suggested that the contract be held pending clarification on the issue of only reviewing a Town Council form of government. Some discussion followed. Chair Holdgate suggested that the contract be approved but held until the Committee is notified and has confirmed that other forms of government will be examined. The Board generally agreed with this suggestion. Operations Administrator Erika Mooney noted the contract with EPG has been removed from the Pending Contract list. Ms. Mohr moved to approve the pending contracts, minus the one with EPG and to hold funding for the Collins Center contract for now; seconded by Mr. Fee; all in favor, so voted. Mr. Fee said he has no “preconceived notions” about the Town’s form of government.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. NanTukTuk Pedicab: Request for Public Hearing to Consider Amendments to Chapter 316 (Pedicabs) of the Town Regulations, Including a) § 316-1 Allowing Pedal Assist Bicycles, b) § 316-2(A) to Allow for Four (4) Pedicab Licenses, c) § 316-2(P) Allowing Fees for Pedicab Service (vs Gratuity) and d) § 316-4 (A)(3) Extending Service Area Map; Review of Traffic Safety Work Group, Bicycle and Pedestrian Advisory Committee and Nantucket Planning and Economic Development Commission Recommendations. Transportation Program Manager Mike Burns explained the proposed recommendations, as contained in the Board's agenda packet, if the Board determines to move forward with a hearing and a positive vote. Ms. Mohr moved to schedule a public hearing; seconded by Dr. MacNab; all in favor, so voted. Mr. Fee asked about lighting and suggested that it be addressed in any final vote.

IX. TOWN MANAGER'S REPORT

1. Review Status of Design of New Our Island Home Facility. Ms. Gibson introduced the agenda item, noting that this project has a lengthy history. She said that most recently, as the Board will recall, at the 2017 annual town meeting, the Town proposed the acquisition of property adjacent to Sherburne Commons, plus an appropriation for a skilled nursing facility to be constructed there. Those articles were not approved by the voters. In 2018, the Select Board directed Town Administration to determine what it would take to construct a new Our Island Home (OIH) facility at the current site on East Creek Road. Thereafter, between 2019 – 2021, architects were engaged to undertake this analysis, charettes were held, stakeholders were interviewed, other properties close to the current site were reviewed, consultation with the state Department of Public Health occurred and analysis of different operating models was conducted. At its meeting on August 18, 2021, the Select Board voted to pursue a new OIH facility at the Sherburne Commons site with the current OIH to be repurposed for a Senior Center and to put forward articles at the 2022 annual town meeting for design for a new OIH facility. Brenda Johnson was engaged to assist with public outreach and to gather and provide feedback and input for a new facility. At the 2022 annual town meeting and annual town election, design and associated funds in the amount of $8.5 million was approved. In 2023, the design architect (SMRT) and Owner's Project Manager (OPM) were engaged. Ms. Gibson introduced the Steering Committee for the project, including herself, Craig Piper and Richard Webb of SMRT, OPM Jon Lemieux of Vertex, Bob Eisenstein of Eisenstein Flaherty Associates (current contractor assisting with administrative oversight of the facility), Assistant Town Manager Rick Sears, Finance Committee member Peter Schaffer and Select Board member Dawn Holdgate. She said that an Advisory Committee has also been established which includes the Steering Committee members as well as representatives from Sherburne Commons, Nantucket Cottage Hospital, Our Island Home, Friends of Our Island Home, Nantucket Center for Elder Affairs and the Senior Center. Ms. Gibson noted that while it has been established that the new facility will be located at Sherburne Commons, there is a long-term lease between the Town and Sherburne for the Sherburne facility on the Town property. She said the lease is subject to an amendment which allows for a skilled nursing facility to be located on the property and which is subject to a cap of 55,000 square feet for a facility. She noted that the definition of "facility" is potentially unclear with respect to the necessary area for parking. She said this issue is the subject of discussion with the Sherburne Commons Board of Directors. Ms. Gibson introduced Craig Piper of SMRT to present an update as to the design and siting of the facility at Sherburne Commons. Mr. Piper proceeded to review the presentation as contained in the Board's packet. Mr. Eisenstein also reviewed portions of the presentation. Mr. Piper reviewed the areas where Select Board direction is needed, including number of beds, site location and facility configuration; Town to bear the cost of relocating the Sherburne Commons employee housing. Chair Holdgate said the team for this project has been very thorough. Ms. Mohr thanked everyone involved in the project. She said she is impressed by the design and that she is pleased it addresses a number of issues of concern, such as couples. She said she is happy to support the direction so far. Diane

Egan spoke in support of the project and said she is very happy to see it progressing. She thanked everyone involved in the project, saying she believes it is desperately needed. Dr. MacNab stated that he is impressed with the presentation and work to date. He said he is still awaiting what the potential cost is, noting that sometimes nice things cannot be afforded. Mr. Fee concurred with Dr. MacNab. Mr. Fee asked about the levels of care for current residents. Mr. Eisenstein responded. Mr. Fee asked about the need for any collective bargaining. Ms. Gibson responded, noting that other than the facility being new and providing improved working conditions, there should be little to bargain over but the collective bargaining units will be consulted.

Mr. Fee asked about shared services with Sherburne. Ms. Gibson responded that the Town is certainly open to that discussion but that it will come down to regulatory compliance.

Mr. Fee said he wants to make sure the staffing will be sufficient. He said emotionally, it is a needed project but that the cost is likely to be very high and has concerns about that. Dr. MacNab asked about operational costs. Mr. Piper said that the staffing requirements will not change except for possible a minimal increase in custodial staffing. Dr. MacNab asked about pending federal requirements for nursing home staffing. Mr. Eisenstein responded. Chair Holdgate noted that utilities should not change much from the current facility, even though the new facility would be larger, it will be much more energy efficient. Mr. Piper explained that in the coming months, the cost estimating will be more solid as the design progresses. Mr. Dixon expressed support for the work done so far and the numerous options considered. He asked about double occupancy and Department of Public Health (DPH) requirements. Mr. Piper responded. Mr. Eisenstein spoke about revenue pro forma projections that will be developed shortly. Peter Schaffer commented that the staff of OIH is incredibly dedicated and that the team working on this is working on all ways to reduce costs and enhance revenue. Discussion followed as to seeking an increase in the number of beds and the associated DPH Determination of Need process. Ms. Gibson commented on size, cost and impact of the project. Chair Holdgate agreed and spoke on employee housing as well. Ms. Mohr moved to affirm the direction put forward by the team in the presentation and authorized the Town Manager to proceed with getting costs; Mr. Fee seconded. Some discussion followed. Mr. Fee spoke in support of sizing the facility for the future. On the motion, all in favor, so voted.

X. SELECT BOARD'S REPORTS/COMMENT

1. Preliminary Review of Select Board Comments to May 7, 2024 Annual Town Meeting Warrant Articles. Chair Holdgate stated that she has been cleared by the State Ethics Commission to site on the Ward case but is recusing from the discussion of short-term rental articles. Ms. Gibson spoke on the timing of the printing and mailing of the warrant booklet. Mr. Fee asked about two citizen-sponsored wind articles. Chair Holdgate said if the Board is comfortable with the Finance Committee motions on these articles, she does not see a need to comment. Discussion followed on Article 80 with the Board agreeing to review a draft comment at next week's meeting, in support of the Finance Committee motion with emphasis that housing is a strong component of the Board's Strategic Plan. Mr. Fee asked about Article 92 and why it was deemed not in proper form. Mr. Giorgio spoke on the way the article was written and that it has the potential to impact other internal structure that would require additional charter changes. Discussion followed on what it would take to accomplish the intent of Article 92. Mr. Giorgio suggested that the Board undertake a discussion with the NP&EDC on what is being proposed by this article. Ms. Mohr said she is not ready to add a comment to this motion. Some discussion followed. No action was taken on Article 92.

2. Committee Reports. There were no committee reports.

XI. ADJOURNMENT

Mr. Fee moved adjournment at 7:34 PM; seconded by Ms. Mohr; all in favor, so voted.

Approved the 27th day of March 2024.

SELECT BOARD
MARCH 20, 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 2/8/2024 open session; draft minutes of 3/11/2024 Licensing; draft minutes of 3/13/2024; draft minutes of 3/14/2024 open session; draft minutes of 3/14/2024 FinCom-Planning Board
VII. 4. Pending Contracts spreadsheet
VIII. 1. NanTukTuk requested amendments to Pedicab Regulations with Traffic Safety, BPAC & NE&EDC recommendations
IX. 1. Our Island Home - status of design of new facility – presentation
X. 1. Draft 2024 ATM Warrant as of 3/14/2024