SELECT BOARD

Minutes of the Meeting of May 1, 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 and Dr. Malcolm MacNab. Brooke Mohr participated remotely.

I. CALL TO ORDER

Chair Holdgate called the meeting to order at 5:34 PM, following a meeting of the County Commission.

II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Holdgate announced that items VIII. 2 and 3 will be switched in order, items VIII. 6 and 7 have been tabled to the Board's May 15th meeting, and that there will be an extra announcement. The agenda was otherwise accepted as presented.

III. ANNOUNCEMENTS

Assistant Town Manager Rick Sears reviewed the announcements.

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

2. Announce Applications Received for Planning Board Vacancy; Appointment to be Made at May 22, 2024 Select Board Meeting. Operations Administrator Erika Mooney reviewed the timeline for appointment for the Planning Board vacancy and announced that two candidates have submitted for consideration: John Kitchener and Hillary Hedges Rayport.

3. 2024 Annual Committee/Board/Commission Vacancies. Ms. Mooney reviewed the timeline and noted that information on the vacancies is on the Town's website.

4. 2024 Annual Town Meeting is Tuesday, May 7, 2024 at 5:00 PM at Nantucket High School, Mary P. Walker Auditorium, 10 Surfside Road; Review of Informational Town Meeting Warrant Article Videos. Mr. Sears introduced Communications Manager Florencia Rullo, who demonstrated how to access the videos on the Town's website.

Ms. Rullo announced that a survey regarding the Select Board's Strategic Plan survey is currently available online and encouraged the public to respond.

5. No Select Board Meeting on Wednesday, May 8, 2024 (Annual Town Meeting); Next Meeting to be Held on Wednesday, May 15, 2024.

6. Annual Town Election Scheduled for Tuesday, May 21, 2024 from 7:00 AM to 8:00 PM at Nantucket Hight School, 10 Surfside Road.

7. Select Board Announcements/Comments. Mr. Dixon noted that the Voter's Guide for Annual Town Meeting is on the 2024 town meeting page on the Town website.

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

There were no follow-up comments.

V. PUBLIC COMMENT
Charity Benz noted that a group called “Put Nantucket Neighborhoods First” is gathering signatures to petition for a special town meeting regarding short-term rentals.

Meghan Perry spoke on a recent finding by the Attorney General that the Affordable Housing Trust violated the Open Meeting Law.

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; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

1. Approval of Minutes of April 8, 2024 at 11:00 AM; April 10, 2024 at 5:30 PM.

2. Approval of Payroll Warrants for April 14, 2024; April 28, 2024.

3. Approval of Treasury Warrants for April 17, 2024; April 24, 2024; May 1, 2024.

4. Approval of Pending Contracts for May 1, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Chair Holdgate noted Ms. Mohr and Mr. Dixon have conflicts with two of the contracts. Mr. Fee moved approval of all contracts with the exception of Process First and the Food Pantry; Dr. MacNab seconded; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted. Ms. Mohr recused herself from the Process First contract. Mr. Dixon moved approval of the Process First contract; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; so voted. Mr. Dixon recused himself from the Food Pantry contract. Mr. Fee moved approval of the Food Pantry contract; seconded by Dr. MacNab; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS
1. Finance Department: Request for Approval of General Obligation Bond in the Amount of $20,610,000 for Various Municipal Purposes, Water and Sewer Projects. Finance Director Brian E. Turbitt reviewed the request, noting the amount ended up being $19,240,000. Mr. Fee asked about the percentage of interest. Mr. Turbitt responded. Mr. Fee moved approval based on the vote as found in the Select Board’s agenda packet dated May 1, 2024; seconded by Dr, MacNab; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

3. HallKeen: Update on Ticcoma Green/6 Fairgrounds Road Housing Project. Housing Director Kristie Ferrantella noted that the Town’s Safe Harbor designation expires in December 2024; she introduced Andy Burnes of HallKeen to give an update on the Ticcoma Green project. Mr. Burnes introduced David Oliveri and Taylor Bearden who are also working on the project. Mr. Burnes said they are on track to move the project forward and HallKeen will have its closing documents ready by fall 2024 but the bond allocation for tax credits won’t be ready until the early part of 2025. Mr. Fee asked about staying in Safe Harbor if the closing isn’t until 2025. Ms. Ferrantella said that HallKeen will be working on pulling building permits this fall which will keep the Town in Safe Harbor.

2. Housing Director: Affordable Housing Trust Quarterly Report. Ms. Ferrantella reviewed a quarterly report on behalf of the Affordable Housing Trust Fund (AHTF), as contained in the Board's agenda packet. Mr. Fee asked about Safe Harbor and the Subsidized Housing Inventory (SHI) list. Ms. Ferrantella responded.

4. Request for Taxicab License Legacy Transfer of "Pirate's Taxi". Operations Administrator Erika Mooney reviewed the request, noting that the requestor, Nancy Shaw, meets the criteria of the Taxi Regulations to be granted a taxicab license legacy transfer of her late husband's "Pirate's Taxi." Mr. Dixon moved approval; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

5. Appeal of Tree Removal Denial to Board of Public Works: 39 Hooper Farm Road. Ms. Mooney explained that this is not a public hearing. Jim Wiemann reviewed his appeal of the Tree Warden and Tree Advisory Committee decision to deny the removal of a Town-owned tree located in the front yard of his property at 39 Hooper Farm Road, noting damage the tree has caused to his property. He said the property is used for employee housing and the tree needs to be removed as it is impacting the house foundation, the sewer line, the grade of the property and the walkway. Mr. Wiemann said he would be willing to plant two new trees if he can take this tree down, which he said was planted too close to the house. Tree Advisory Committee member Mary Longacre said it is an owner's responsibility to find out ownership of trees on their property. Tree Warden David Champoux said this tree is one of 800 trees planted as a result of an Island-wide tree planting program sponsored by Walter Beinecke in 1983. He said the tree has historical significance because of that tree planting program and it is a healthy tree. Mr. Champoux said he would like to see the Town grant a tax abatement for the impacts to Mr. Wiemann's sewer line and he feels the house could be jacked up to accommodate the tree. Chair Holdgate said it seems the tree is very close to the house; she asked if that is normal. Mr. Champoux explained that the former property owner chose the location and during the planting program, the homeowners had to dig their own holes into which the trees were planted. Ms. Mooney asked how these trees became Town trees if they were planted as part of Mr. Beineke's tree program as he was not affiliated with the Town. Mr. Champoux said he gave the list of trees planted to a former Town Arborist and they were then maintained over the years by the Town. Mr. Wiemann said he was told that to replace or repair his sewer line, it would kill the tree, and reiterated that the tree is causing unreasonable damage to the property. Chair Holdgate asked if there is a list of Town trees. Mr. Champoux said not yet, but one has been started. Chair Holdgate asked if there is no list, how can people even find out what trees are Town trees. Mr. Fee said the issue for him is taking down trees and turning greenspace into "parking yards" which is a bigger issue that can't be solved tonight. Dr. MacNab said he loves trees but the impacts of the tree on the sewer line makes this a public health issue. Ms. Mohr said she walked the property and that forcing someone to spend money to lift a house to save a tree is not common sense, and she is inclined to make an exception with mitigation. Dr. MacNab said he is not worried about precedent as this involves public health. Mr. Dixon agreed with Dr. MacNab. Mr. Fee spoke against the amount of parking being planned for the property but said he has no issue with taking down the tree. Ms. Mooney explained that the parking was approved by the Planning Board and is not part of the discussion or the Select Board's purview. Mr. Champoux said that if the Board votes to allow removal of the tree, he recommends mitigation of $1,500 per caliper inch of the existing tree. Mr. Wiemann said he is open to mitigation and said the Tree Warden can pick the replacement trees. Some discussion followed on mitigation. Ms. Mohr moved approval subject to a mitigation plan to be prepared by the DPW, Town Arborist and Tree Warden and if they can't come to an agreement with the property owner, the mitigation issue should come back to the Select Board; seconded by Dr. MacNab; by roll call vote: Chair Holdgate –

Yes; Mr. Dixon – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted. Mr. Fee abstained and said it is because he is against the parking plan for the property.

6. Siasconset Beach Preservation Fund (SBPF): Update on Notice of Intent Application before Conservation Commission for Sconset Bluff Erosion Control Project. This matter was tabled to the Board's May 15th meeting.

7. Conservation Commission: Request for Approval of Special Counsel Contract. This matter was tabled to the Board's May 15th meeting.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Amending Chapter 316, Pedicabs Regulations including § 316-1 Allowing Pedal Assist Bicycles; § 316-2(A) to Allow for Four (4) Pedicab Licenses; § 316-2(P) Allowing Fees for Pedicab Service vs Gratuity; § 316-4 (A)(3) Extending Service Area Map. Chair Holdgate opened the hearing. Ms. Mooney reviewed the proposal to amend the Pedicab Regulations, noting that the proposal has been reviewed by the Traffic Safety Work Group (TSWG), the Bicycle and Pedestrian Advisory Committee (BPAC) and the Nantucket Planning and Economic Development Commission (NP&EDC), with associated recommendations in the Board's agenda packet. NanTukTuk pedicab owner Michael Gormley spoke on the pricing structure, noting this is an "amenity transportation service", more of a "whimsical experience" and voiced opposition to a structured fee. He noted that BPAC recommended a posted pricing structure on each pedicab to allow for price transparency, and that the price will be agreed upon before the ride begins. Mr. Fee spoke in favor of the Town service area map as recommended by the TSWG, and the Bartlett Farm Road map as recommended by BPAC and the NP&EDC. Ms. Mohr asked about the number of allowable licenses and whether procurement is required. Ms. Mooney explained that the regulation allows for the Board to set the number of pedicab licenses annually.

Mr. Dixon moved to close the hearing; seconded by Dr. MacNab; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Mr. Fee moved approval of the amendments to the Pedicab Regulations as presented, to issue four licenses in 2024 and to expand the Service Area Map as recommended by the TSWG, and the Bartlett Farm Road map as recommended by BPAC and the NP&EDC; seconded by Ms. Mohr, who asked that the motion also include the posting of fares and for fares to be submitted to Licensing and Town Administration. Chair Holdgate said that might be problematic as the fares could change on demand. Mr. Fee suggested offering a range of fares. Ms. Mooney asked if the expectation is to have staff update the rates online as that will not be able to happen. Ms. Mohr removed the request about submitting fares to the Town. On Mr. Fee's motion with the addition of posting the price structure on the pedicabs: by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted. Ms. Mooney said the amendments to the regulations will not be effective until advertised which will occur May 9th.

2. Public Hearing to Consider Increasing Town of Nantucket Taxi Rates and Amending Chapter 367, Taxicabs, Charter, Limousine and Tour Vehicles Regulations including 367-4 (Prohibited Practices) E (Taxicab Operator Dress Code) (3) and (4); 367-6 (Violations and Penalties) A (Fines); and Introduce a Minimum Vehicle Age for Taxicabs; and to Amend 367-2 M (Accessible Taxicabs). Chair Holdgate opened the hearing. Ms. Mooney introduced this matter and the various amendments proposed. Taxi owner Stan Pavlov reviewed his proposals including proposed increases to the Taxi Rates. Chair Holdgate said the

only feedback she has received on the proposed amendments is on the age of vehicles, noting that a car can be older and well maintained. Mr. Pavlov said this would be a maximum age of vehicles, noting newer vehicles are safer, more enjoyable and environmentally friendlier. He suggested a 15-year maximum age limit. Commission on Disability Chair Mikey Rowland reviewed the proposed amendments to the Taxi Regulations regarding accessible taxis which he hopes will make accessible taxicab ownership more desirable in an effort to get more accessible taxis on the road. Taxi owners Patrick Nolan, Andy Reis and Doralee Nolan spoke against the proposed maximum age limit of taxi vehicles. Mr. Reis spoke in favor of the rate increase.

Dr. MacNab moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Mr. Fee moved approval of the taxi rate increases and all the proposed amendments to the Taxi Regulations with the exception of the maximum age limit of taxi vehicles; seconded by Dr. MacNab; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted. Ms. Mooney said the rate increase and amendments to the regulations will not be effective until advertised which will occur May 9th.

X. TOWN MANAGER'S REPORT

There was no Town Manager report.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review/Discussion of Proposed Draft Timeline for Fall Special Town Meeting. Ms. Mohr reviewed reasons to consider scheduling a special town meeting, including the expectation of further business regarding short-term rentals (STRs) after the annual town meeting and to signal to the community that the Select Board is open to further discussion. She added that while she recognizes the community's right to petition a special town meeting and she asks people to recognize the plan for a fall special town meeting. Ms. Mooney noted the difficulty in scheduling a special town meeting as the Town Clerk will be overly burdened with the presidential election which is extremely involved.. Mr. Fee said he feels that if Article 59 of the 2024 Annual Town Meeting passes, the conversation is done on STRs. Chair Holdgate disagreed with Mr. Fee, saying the general bylaw for STRs can have "guardrails" put in place. Mr. Fee spoke on the amount of information in the community regarding STRs. Ms. Mohr disagreed with Mr. Fee's assessment if Article 59 passes, saying more will be known after next week's town meeting but that the conversation is not over. She added that she agrees that narratives in the community are hyperbolic and fear inducing, stating that the "world will not end" either way. Charity Benz said she is gathering signatures to call a special town meeting, noting the intent is not to cause distress to administrative resources, but rather to be ready based on the outcome of town meeting. Dr. MacNab said he supports the concept and while he understands the difficulty of resources, they should be prepared to act immediately. Some discussion followed on the possibility of Articles 59 and 60 being called out of order on town meeting floor. Ms. Mohr reviewed the timeline for a petitioned special town meeting which would be required to be held within 45 days of certification of signatures. She questioned the value of this narrow timeframe. She noted a fall special town meeting would allow more time for discussion and public hearings. She said rushing a special town meeting could lead to confusion and wasted resources. Mr. Dixon spoke in favor of the proposed fall town meeting timeline.

2. Committee Reports. There were no committee reports.

XII. ADJOURNMENT
Dr. MacNab moved adjournment at 7:58 PM; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Approved the 22nd day of May 2024

SELECT BOARD
MAY 1, 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:

III. 2. Planning Board vacancy timeline; Procedure to fill Planning Board vacancy; MGL Ch 41, s. 81A; Planning Board membership (elected & appointed) & applicant list; Kitchener application; Rayport application
III. 3. 2024 Annual Committee Appointments timeline; Committee openings chart
VII. 1. Draft minutes of 4/8/2024; Draft minutes of 4/10/2024
VII. 4. Pending contracts spreadsheet
VIII. 1. AIS re: Finance - General Obligation Bonds; Vote of Select Board dated 5/1/2024
VIII. 2. AIS re: Affordable Housing Trust Fund (AHTF) update; AHTF Quarterly Report
VIII. 3. AIS re: HallKeen Ticcoma Green/6 Fairgrounds Rd update
VIII. 4. AIS re: Legacy Taxi License Transfer; Letter from Nancy Shaw; § 367-2(F)(3) of Taxi Regulations
VIII. 5. AIS re: Tree hearing for 39 Hooper Farm Rd; Email from Jim Wiemann; Memo from Tree Advisory Committee (TAC); TAC minutes of 2/15/2024; § 132-2 - Town tree designation; Photos of tree; Email from Buzz Polchinski; Curb cut permit with plan; Letter from Planning Board
VIII. 6. Siasconset Beach Preservation Fund (SBPF) overview of ConCom activity
VIII. 7. Email from Natural Resources Director re: funding for ConCom special counsel; Proposal for special counsel
IX. 1. Public hearing notice to amend Pedicab Regulations; Requested amendments to Pedicab Regulations with recs from TSWG, BPAC, NP&EDC
IX. 2. Public hearing notice to amend Taxi rates & Regulations; Request from Stav Pavlov to amend Taxi Regs; Proposed taxi rate increase; Percentage increase on taxi rates; Emails from Police Chief & Town Clerk re: proposed amendments to Taxi Regs; Livery detail list; Commission on Disability request for Taxi Regs amendment
XI. 1. Draft timeline for fall special town meeting