SELECT BOARD

Minutes of the Meeting of May 15, 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, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr. Tom Dixon participated remotely.

I. CALL TO ORDER

Chair Holdgate called the meeting to order at 5:46 PM, following a meeting of the Nantucket Regional Transit Authority Advisory Board.

II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Holdgate noted two minor changes to the agenda: minutes will be tabled in Item VII; and the word "extinguish" is actually "abate", in Item VIII-4.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson read 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. Ms. Gibson noted that pursuant to the Board's Committee Appointment Policy, applicant names are read at a Board meeting prior to appointments. She said two applications have been received: John Kitchener and Hilary Hedges Rayport. She added that the process to fill a Planning Board vacancy when a seat becomes vacant prior to term expiration is statutory and made jointly by the Select Board and Planning Board.

3. 2024 Annual Committee/Board/Commission Vacancies. Ms. Gibson said that the deadline for application submittals for annual committee appointments is Friday, May 17th at Noon and that information may be found on the Town website, including Committee Interest Forms and information as to committee openings.

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

5. Select Board Announcements/Comments.

Mr. Fee said that he made an inappropriate comment at last week's Annual Town Meeting, and he apologized if he insulted anyone.

Ms. Mohr provided background about a warrant article seeking design funding for a new Public Works (DPW) facility, which did not pass at Town Meeting, however, is also a ballot question at the May 21st election. She added that Town Administration will be providing a more complete update on the project, which will be on a Board agenda in June. She noted that timing with respect to necessary permitting is also a major factor with the DPW facility and a co-located proposed shooting range with the Nantucket Hunting Association.

Chair Holdgate requested that political signs brought in by audience members should be removed from the meeting room.

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

1. Executive Session Meeting Posting Protocols Resulting from Recent Open Meeting Law Complaints and May 1, 2024 Public Comment. Chair Holdgate read the statement contained in the Board's agenda packet. It was agreed by the Board to put this on next week's agenda for potential Board action.

V. PUBLIC COMMENT

Charity Benz spoke on an article she intends to submit for a special town meeting and provided a copy of it to the Board.

Megan Perry thanked all those who attended the 2024 Annual Town Meeting.

Ms. Perry asked about the legality of Article 59 of the 2024 Annual Town Meeting warrant with respect to some confusion she said occurred on the first night of Town Meeting. She also spoke on the legality of allowing a non-voter to speak at Town Meeting. She spoke on her desire for personal legal representation at the town meeting and other items that related to the 2024 town meeting. Chair Holdgate requested that if Ms. Perry has specific questions, to please put those in writing.

VI. NEW BUSINESS

There was no new business.

The Board agreed to take item VIII-3 out of order due to a commitment by one of the presenters.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

3. Housing Office: Review of Year-Round Deed Restriction Pilot Program; Request for Authorization for Affordable Housing Trust to Fund Program up to $2,000,000. Affordable Housing Trust (AHT) consultant Judi Barrett spoke on the program and explained how it would be structured, monitored and assessed; and then, potential modifications would be made. Dr. MacNab asked about the feedback from community outreach on the program. Ms. Barrett responded. Further discussion followed on the potential interest of people in the community who might participate in the program; potential benefits and challenges; terms and conditions of affordability restrictions and property tax impact. Ms. Mohr moved approval of the pilot program launch and the funding as requested; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; Mr. Dixon – Yes. So voted.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of May 1, 2024 at 5:30 PM; May 2, 2024 at 9:00 AM; May 9, 2024 at 9:00 AM. The minutes were tabled until May 22, 2024.

Mr. Fee moved approval of items VII 2 – 4; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; Mr. Dixon – Yes. So voted.

2. Approval of Payroll Warrants for May 12, 2024.

3. Approval of Treasury Warrants for May 8, 2024; May 15, 2024.

4. Approval of Pending Contracts for May 15, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Siasconset Beach Preservation Fund (SBPF): Update on Notice of Intent Application before Conservation Commission for Sconset Bluff Erosion Control Project (Tabled from May 1, 2024). Sustainability Programs Manager Vincent Murphy provided an update of the project, utilizing documents in the Board's agenda packet.

At 6:45 PM, Ms. Mohr left the meeting; she returned at 6:48 PM.

2. Conservation Commission: Request for Approval of Special Counsel Contract (Tabled from May 1, 2024). Conservation Commission (ConCom) Chair Ian Golding and Vice Chair Seth Engelbourg requested an additional $15,000 (above the previously approved $10,000) for the engagement of special counsel in connection with the project reviewed in Item VIII-1. Mr. Engelbourg said the ConCom understands the other parameters that were approved by the Board previously. Chair Holdgate said she does not have an issue with the additional funding. Dr. MacNab concurred. Some discussion followed. Megan Perry spoke in support of the ConCom's request. Dr. MacNab moved to approve the request as presented; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; Mr. Dixon – Yes. So voted.

4. 21 Sheep Pond Road Property Owners: Request to Extinguish Betterment due to Erosion. Ms. Gibson introduced the item and reviewed the background and recommendation contained in the Board's agenda packet. Some discussion followed. Ms. Mohr moved approval of the abatement in the amount of $2,630.25, finding that the property has suffered from coastal erosion, that the property owner is current with taxes and has cleared from the property the prior septic system; and, that a precedent will not be set with the approval; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; Mr. Dixon – Yes. So voted.

5. Finance Department: Review of FY 2023 Annual Comprehensive Financial Report (ACFR) (Financial Audit). Director of Municipal Finance Brian Turbitt introduced the Town's auditor Tony Roselli, Managing Partner, of Roselli Clark Associates to provide an overview of the FY 2023 Town financial audit.

At 7:03 PM, Chair Holdgate left the meeting; she returned at 7:06 PM.

Mr. Roselli proceeded to provide the overview and spoke on the timeliness of the audit. He spoke favorably as to the Town's progressively positive history with reserve balances, noting that the Town's Aaa rating with Moody's Financial Services demonstrates a very high level of confidence; and, is the only known island municipality to have achieved this rating. He spoke on "dark internal control problems" existing over ten years ago that have been resolved and the controls improved and strengthened. He said the Town is doing well "walking the fine line" between maintaining and increasing reserves and not taxing to the levy limit. He spoke on the benefits of a favorable bond rating. Mary Longacre asked about the level of reserves that the Town would seek to reach. Mr. Turbitt responded. Mr. Roselli spoke on Other Post Employment Benefits (OPEB) liability and said Nantucket is in very good shape. He emphasized the importance of maintaining network security and said the Town is doing well with its protocols and training. He commended the Town on its investment income return and management. Mr. Roselli concluded with findings and recommendation and added that there are actions identified, or will be, to address the findings. Mr. Fee commended the Finance Department and Town Administration for their successful efforts to improve the Town's financial processes. Ms. Gibson thanked Mr. Roselli and his team for their help and advice and also commended Mr. Turbitt and his team for their dedicated work.

IX. TOWN MANAGER'S REPORT

1. Monthly Departmental Report: Finance Department. Ms. Gibson introduced the item and explained that Town Administration, starting in April, began a monthly program of departmental reports from each of its departments as the result of a request from the Board to replace quarterly budget reports with more departmental operational and project reports. She introduced Finance Director Brian Turbitt to undertake the Finance Department report. Mr. Turbitt reviewed the report as contained in the Board's packet. Assistant Finance Director Susan Carmel and Assessor Robert Ranney assisted Mr. Turbitt with parts of the presentation. Ms. Carmel spoke on improvements with the Town's capital planning process. Ms. Mohr spoke positively with respect to the capital planning process improvements, noting her first year as the Board's representative to the Capital Program Committee was this past year. Mr. Ranney spoke on the revaluation process of properties.

2. Select Board Strategic Plan Update: Environmental Leadership Focus Area. Ms. Gibson introduced the item, noting that as indicated at recent Board meetings, Town Administration has established teams of staff to assist with implementation of the Board's Strategic Plan, with a Board liaison assigned to each Focus Area of the Plan. She said that updates are scheduled throughout the next several months. She said this is the second such update and is tonight with the Environmental Leadership Focus Area. She introduced Natural Resources Director Jeff Carlson to provide the update, noting that the Board's liaison for this Focus Area is Ms. Mohr. Mr. Carlson introduced the team involved in this focus area, Solid Waste Manager Chris Lowe, Coastal Resilience Coordinator Leah Hill and Water Quality Specialist Emma Morgan, and proceeded to review the presentation as contained in the Board's agenda packet. Ms. Mohr commented that a community discussion around the use of fertilizer and ways to "story tell" about its detrimental impacts is important.

X. SELECT BOARD'S REPORTS/COMMENT

1. Review/Vote on Proposed Draft Timeline for Fall Special Town Meeting/ Discussion of Potential Articles. Ms. Gibson reviewed the draft timeline, as well as a preliminary list of potential Town-sponsored warrant articles. She said that following the development of the list, further internal discussion occurred, today, with respect to an appropriation for the DPW facility. She said the revised thinking is to resubmit the supplemental design appropriation request and to spend additional time on public outreach for the project. Ms. Mohr said one of the original reasons for a special town meeting was construction funding for the DPW facility, which is now likely changing to supplemental design instead. She asked for Board input on how it feels about short-term rental article(s) and whether or not a compromise(s) could be reached with various stakeholders. She suggested that the Board consider what sort of process this might entail. Chair Holdgate noted a request earlier today from Finance Committee Chair Denice Kronau that there may not be sufficient time to develop a compromise. Matthew Peal said his group ("Put Nantucket Neighborhoods First") has enough signatures to either call a special town meeting or submit a warrant article. He noted a website where people could provide feedback. Chair Holdgate asked Mr. Peal if a September 17th special town meeting would be soon enough to hold off on a petitioned town meeting. Mr. Peal responded affirmatively. Charity Benz said her group ("Put Nantucket Neighborhoods First") is happy to review the components of an article. Mr. Fee said he believes a "shift" has occurred since the 2024 town meeting in which people are going to be more willing to listen and compromise. Ms. Mohr encouraged anyone considering submitting a citizen warrant article to take advantage of the opportunity the Town provides for consultation with Town Counsel, as indicated in the timeline. Ms. Mohr said she is happy to participate in meetings about the warrant articles, in a "mediative" fashion. She added that she would like to see an agenda item on every Board meeting agenda through adoption of the warrant. Some discussion followed. She asked Town

Counsel John Giorgio if that process would be appropriate. Mr. Giorgio responded and said it would be helpful for him to be provided with copies of any draft article proposals or concepts. He said in terms of an open and transparent process, the Board should dedicate time and post meetings for discussion of potential articles. Mr. Dixon noted that meetings during the summer on this are going to be problematic given summer activities; and, that the other boards that need to provide input are going to need time as well. He said he hopes good faith efforts will be put forward by all. Dr. MacNab said he hopes citizens will recognize the need to limit the number of warrant articles. Mr. Fee said a strong effort needs to be made to focus in on one agreed upon article. He said sometimes open discussion can be an impediment to productive discussion. He said an agreed upon set of facts is important. Mr. Giorgio said that with respect to Article 60 of the 2024 annual town meeting, the Board undertook the initiative to coordinate two other citizen articles into one, which was approved. He suggested a similar process. Ms. Mohr said that in terms of transparency, the discussion will have to occur outside the Board's regular weekly meetings. She suggested possibly posting a couple of meetings per week in June for this purpose. Mr. Giorgio agreed. Ms. Mohr moved to schedule a special town meeting for September 17, 2024 in accordance with the draft timeline; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; Mr. Dixon – Yes. So voted. Ms. Benz said that if the process isn't going well, her group wants to "reserve its right" to petition a special town meeting. Ms. Mohr said she will work with Town Administration on a proposed schedule for these meetings.

<u>2. Committee Reports.</u> Dr. MacNab asked about the committee appointment meeting, if it could be rescheduled. Discussion followed on this. It was agreed to examine the prior week and make a decision at the Board's meeting next week.

Chair Holdgate spoke on recent abutters meetings regarding the Our Island Home project.

<u>XI. ADJOURNMENT</u>
Ms. Mohr moved adjournment at 8:59 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 15, 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
IV. 1. Public Comment Follow-up re: OML violations; AHT OML violation
VII. 4. Pending contracts spreadsheet
VIII. 1. SBPF overview of ConCom activity
VIII. 2. Email from Natural Resources Director re: funding for ConCom special counsel; Proposal for special counsel
VIII. 3. AIS re: AHT Program & Funding; Year-round Deed Restriction Guidelines & Application
VIII. 4. AIS re: request for betterment abatement; Request from 21 Sheep Pond Rd for betterment extinguishment; Email from Assessor; Town Counsel opinion
VIII. 5. Auditor Governance Letter; Audit Exit Conference presentation; FY 2023 Management Letter
IX. 1. Departmental Update: Finance
IX. 2. Strategic Plan Update: Environmental Leadership
X. 1. Draft Fall STM timeline; Outline #1 of proposed STM Warrant articles