SELECT BOARD

Minutes of the Meeting of May 22, 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 Brooke Mohr, Tom Dixon, Matt Fee and Dr. Malcolm MacNab. Dawn Holdgate participated remotely.

I. CALL TO ORDER

Chair Mohr called the meeting to order at 5:30 PM, following the Pledge of Allegiance.

II. ELECTION OF OFFICERS

Chair Mohr noted that election of officers occurred during this morning's swearing-in meeting where she was elected Chair and Mr. Fee was elected Vice Chair.

III. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as presented.

IV. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson read the Announcements.

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

2. 2024 Annual Town Meeting: Special Recognitions. Ms. Gibson recognized Mary and Al Novissimo for their long-time service at Town Meetings running the projection screen for voting issues. Chair Mohr read a certificate of appreciation and the Novissimos were presented with the certificate and a small gift. The audience gave the Novissimos a standing ovation.

3. Memorial Day Parade to be Held Sunday, May 26, 2024 at 1:00 PM, Leaving from American Legion at 21 Washington Street. Ms. Gibson noted the parade actually starts at Noon.

4. Town Offices will be Closed on Monday, May 27, 2024 in Observance of Memorial Day.

5. No Select Board Meeting on Wednesday, May 29, 2024 (5th Wednesday).

6. North Atlantic Right Whale Vessel Strike Reduction Rule: Update with Steamship Authority. Ms. Gibson introduced the item, noting that the Planning Commission at its meeting on May 20, 2024 discussed this matter and the Steamship Authority (SSA) General Manager Bob Davis and SSA General Counsel Terence Kenneally were asked to attend the Board meeting to explain the potential impacts of the pending rule, to Nantucket. Mr. Davis explained the rule, referring to explanatory documents in the Board's packet. He said that one of the critical restrictions would be the elimination of all fast ferries for 6-7 months during the year; would add approximately 35 minutes to the slow boat trips; and reduce the number of slow boat trips per day. He reviewed the obvious economic and social impacts of these restrictions, including supplies for the Island; medical appointments; school trips; tourism; workers who come over to Nantucket daily. He reviewed correspondence the SSA has provided to the federal government on this matter. He said there are areas which have been exempted and there is a current effort to exempt Nantucket Sound and that the SSA engaged professional services to assist with development of the dollar amount of the financial impact, which is substantial. He explained the process to provide testimony on the impact to the Island. Mr. Kenneally elaborated on what Mr. Davis indicated. He said that the Nantucket community awareness needs

to be raised so that Nantucket comments can be provided. Mr. Davis added that no right whales have been sighted in Nantucket Sound in "decades". Ms. Holdgate moved to request the consultation as explained by Mr. Davis and as requested by the Nantucket Planning & Economic Development Commission; seconded by Mr. Fee; by roll call vote: Chair Mohr – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Mr. Dixon – Yes; Dr. MacNab – Yes. All in favor, so voted.

7. Announce Applications Received (per Select Board Committee Appointment Policy) for Agricultural Commission, Airport Commission, Board of Health, Capital Program Committee, Cemetery Commission, Coastal Resiliency Advisory Committee, Conservation Commission, Human Services Contract Review Committee, Council for Human Services, Council on Aging, Cultural Council, Finance Committee, Historic District Commission Associate, Nantucket Affordable Housing Trust, Nantucket Historical Commission, Planning Board Alternate, Real Estate Assessment Committee, Roads and Right-of-Way Committee, Scholarship Committee, Tree Advisory Committee, Zoning Board of Appeals, Zoning Board of Appeals Alternate. Operations Administrator Erika Mooney read the list of applicants.

8. Select Board Announcements/Comments. There were no Board comments.

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

There were no follow-up comments.

VI. PUBLIC COMMENT

Tucker Holland said that the legislature will most likely be taking up the Governor-sponsored, pending Affordable Homes Act next week, which contains a real estate transfer fee to benefit housing. He said now would be a good time for the community to send in written support for the legislation, including personal accounts of housing challenges.

VII. NEW BUSINESS

There was no new business.

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

There were no pending contracts and the May 13th minutes were excluded, carried over to next meeting. Mr. Fee moved approval of items VIII. 1 – 2; seconded by Mr. Dixon; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate; Dr. MacNab – Yes; so voted.

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; May 13, 2024 at 11:00 AM; May 15, 2024 at 5:30 PM.

2. Approval of Treasury Warrants for May 22, 2024.

IX. APPOINTMENT

1. Joint Meeting with Planning Board to Introduce Candidates for One (1) Planning Board Vacancy Pursuant to Select Board Committee Appointment Policy; Joint Select Board – Planning Board Vote on Appointment. The Planning Board was called to order at 5:56 PM. Chair Mohr said that the process for filling a vacancy on the Planning Board is statutory pursuant to MGL CH. 41, s. 81A, and the appointment runs to the next annual town election in 2025, at which time, such office shall be filled, by election, for the remainder of the unexpired term, which is 2026. Chair Mohr said there are two applicants: John Kitchener and Hillary Hedges Rayport, and each candidate will be allowed to speak on their applications. She said

that each member of the Planning Board and Select Board will send their vote to Operations Administrator Erika Mooney, either by paper ballot if they are physically present at the meeting, or by email if they are remote, and Ms. Mooney will read each vote aloud – who made the vote and for whom – and ask the Select Board and Planning Board members to confirm their vote. Mr. Kitchener and Ms. Rayport each spoke on their applications. Votes were submitted, read by Ms. Mooney and confirmed by each member as follows:

Select Board:
Chair Mohr – Mr. Kitchener
Mr. Dixon – Mr. Kitchener
Mr. Fee – Ms. Rayport
Ms. Holdgate – Mr. Kitchener
Dr. MacNab – Ms. Rayport

Planning Board:
Chair David Iverson – Mr. Kitchener
Nat Lowell – Mr. Kitchener
Mr. Rector – Mr. Kitchener
Mr. Topham – Mr. Kitchener

So voted to appoint Mr. Kitchener, who will fill the vacancy until the 2025 Annual Town Election. Mr. Kitchener and Ms. Rayport were thanked for their applications. The Planning Board adjourned its meeting at 6:11 PM. Mr. Fee commented on a summer resident who has written a book about putting together teams of people with different views. He said the concepts could be beneficial to Nantucket and urged that more different views be sought out and discussed.

X. REAL ESTATE ITEMS

1. Request for Approval and Execution of Purchase and Sale Agreements, Quitclaim Deeds and Settlement Statements for Town-owned Yard Sale Parcels Known as Lots 169 and 170, Sandwich Road, as Shown on Plan of Land Entitled "Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," Prepared by Island Surveyors, LLC, Dated October 25, 2023 and Registered with Nantucket Registry District of the Land Court as Plan No. 10937-31, Pursuant to Vote on Article 102 of 2017 Annual Town Meeting. Real Estate Specialist Tracy MacDonald reviewed the item. Mr. Dixon moved approval; seconded by Mr. Fee; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate; Dr. MacNab – Yes; so voted.

XI. PUBLIC HEARINGS

1. Public Hearing to Consider the Taking of Portions of Various Paper Streets as Shown as Dearborn Street, Oniska Avenue, Miacomet Avenue, Monomoy Avenue, Massasoit Avenue, Central Avenue, Hawthorne Street and Irving Street, Together Being Shown as Easement "A" and Easement "B" on Plan Entitled "Plan of Taking and Disposition for The Town of Nantucket, in Nantucket, Mass.," Prepared by Earle & Sullivan, Inc., Dated April 25, 2024 and Recorded at Nantucket Registry of Deeds as Plan No. 2024-8, for Public Ways, Open Space and/or General Municipal Purposes as Authorized by MGL Chapter 79 and Vote on Article 100 of 2011 Annual Town Meeting. Chair Mohr opened the hearing. Ms. MacDonald reviewed the taking.

As there was no public comment, Mr. Dixon moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate; Dr. MacNab – Yes; so voted.

Mr. Fee moved approval; seconded by Mr. Dixon; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate; Dr. MacNab – Yes; so voted. Mr. Fee said he was pleased that coastal resiliency was considered with this transaction.

2. Public Hearing to Consider the Taking of Portions of East Hallowell Lane, Shown as Lots 1 and 2 on Plan of Land Entitled "Plan to Acquire Land for General Municipal Purposes, East Hallowell Lane, Nantucket, Massachusetts, Being a Subdivision of Land Shown on Land Court Plan 12022-B, Prepared for Town of Nantucket," Prepared by Site Design Engineering, Inc., Dated July 14, 2023 and Recorded at Nantucket County Registry of Deeds as Plan No. 2024-6, for the Purposes of Public Ways and/or General Municipal Purposes, Together with any Public and Private Rights of Passage, Pursuant to MGL Chapter 79, or Otherwise, and Vote on Article 105 of 2020 Annual Town Meeting (WITHDRAWN). Ms. MacDonald said this item is not ready for action and requested that it be withdrawn.

XII. TOWN MANAGER'S REPORT

1. 2024 Annual Town Meeting/Annual Town Election Administrative Follow-up Review. Ms. Gibson reviewed the list of warrant articles and votes from the Annual Town Meeting and reviewed next steps for each, as indicated in the Select Board agenda packet. Mr. Fee pointed out that Article 67 was actually tabled indefinitely, not approved as indicated.

Ms. Holdgate said she has to leave the meeting for a commitment and expressed gratitude to be re-elected at the May 21st election. She left the meeting at 6:27 PM.

Mr. Fee suggested that with respect to Article 78, a citizen non-binding article relating to off-shore wind farms, which passed, could be brought up when the next off-shore wind farm proposal is active with the Town and negotiations are necessary.

Dr. MacNab spoke on Article 3 of the town meeting, which was amended, and has now resulted in a public health issue pertaining to the Airport, which is scheduled for discussion at the next Board of Health meeting.

Ms. Gibson said that she convened an internal debrief meeting the week after Town Meeting with the Moderator, Finance Committee Chair, Town Clerk and Assistant Town Clerk, the Communications Manager and Assistant Town Managers. She reviewed some of the issues discussed, with potential suggestions for future town meetings, noting that the issues are somewhat categorized and referenced the document as provided in the Board's agenda packet. Mr. Fee said he feels perhaps a "macro financial" view is needed on the financial articles. Mr. Fee said he is not sure the outreach is so much of an issue with town meeting as the need to "build trust" with the community, with the process, the boards, the staff. He said he has an idea to call all articles, determine questions or suggested motions and then come back a week later with analysis to address the questions. Mr. Dixon said he agrees there is already a lot of information available and suggested perhaps a Board discussion over the summer about the results of the survey Ms. Gibson mentioned. He acknowledged the challenges of explaining complicated issues. Chair Mohr suggested more information be made available about process. Dr. MacNab commented that explanations need to be simple. Mr. Fee concurred. Mr. Fee added that articles need to be thoroughly vetted before being placed on the warrant. Mr. Dixon noted the statutory restrictions of an Open Town Meeting.

2. Monthly Town Management Report. Ms. Gibson reviewed the report as contained in the Board's packet. With respect to an update as to Town Building complex building repairs, Chair Mohr acknowledged Ms. Gibson's role in the restoration of the cupola on the 20 South Water Street building (former Police Station).

XIII. SELECT BOARD'S REPORTS/COMMENT

1. Schedule Select Board Meetings in Connection with Development of Short-term Rental Article(s) for September 17, 2024 Special Town Meeting. Chair Mohr noted activities on-going in connection with the Special Town Meeting (STM), including consultations of citizens with Town Counsel as to citizen articles. Town Counsel John Giorgio provided an update on the consultations so far, which have been solely short-term rental related. Ms. Mohr noted the deadline for the submittal of citizen articles (May 30 at 4:00 PM),which require the signatures of 100 registered voters. Chair Mohr said that several dates have been identified for Select Board meetings in early June, the purpose of which would be to try to pull together a consensus article(s) for short-term rentals. Chair Mohr said an alternative to Select Board meetings could be sub-committee meetings (which could be two Select Board members, designated by the Board),which might be less logistically difficult to schedule and hold. Some discussion followed on how many meetings and the purpose of the meetings. Mr. Dixon spoke in favor of the sub-committee approach and said he would volunteer to be on it. Dr. MacNab asked if the sub-committee could have three Board members on it, and it could proceed if only two show up. Mr. Giorgio said, yes. Matthew Peel asked that each citizen sponsor group be limited to two members for the purposes of the meeting process. John Kitchener said this should be thought through so that the members do not rotate into additional participants. Mr. Giorgio said with respect to the Open Meeting Law, the idea of limiting the number of members of each sponsor group would be problematic. Discussion continued as to whether the meetings should be the full Board, or a sub-committee; and, the potential meeting dates. Charity Benz asked who would be setting the agenda. Chair Mohr said most likely she will. Rick Atherton commented on getting sufficient public input for the potential warrant articles before the citizen article deadline. Chair Mohr said due to the timing that would be difficult if not impossible. Discussion followed on the meetings being held by the full Board or a sub-committee of the Board. Ms. Benz asked if votes would be taken at these meetings. Chair Mohr said the full Board will be voting, at regular Board meetings. Some discussion followed. Mr. Kitchener suggested that the Finance Committee and Planning Board each have a representative at the meetings. Chair Mohr said they will be invited to send representatives. Dr. MacNab moved to appoint Mr. Fee and Mr. Dixon as a sub-committee, and to meet according to the schedule shown on the screen and in the Board's agenda packet; seconded by Mr. Dixon; so voted, 4-0.

2. Committee Reports. There were no committee reports.

XIV. ADJOURNMENT

Mr. Dixon moved adjournment at 7:26 PM; seconded by Mr. Fee; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; so voted.

Approved the 12th day of June 2024

SELECT BOARD
MAY 22, 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:

- IV. 3. Legion letter re: Memorial Day Parade
- IV. 6. Email and attachment re: SSA update
- IV. 7. UPDATED Committee membership/applicant list; Committee applications
- VIII. 1. Draft minutes of 5/1/2024; draft minutes of 5/2/2024 open session; draft minutes of 5/9/2024 open session; draft minutes of 5/15/2024
- IX. 1. 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
- X. 1. AIS re: Sandwich Rd Yard Sale conveyances; P&S - Lot 169, Sandwich Rd; DEED - Lot 169, Sandwich Rd; Land Court Plan No. 10937-31; Settlement Statement - Lot 169, Sandwich Rd; P&S - Lot 170, Sandwich Rd; DEED - Lot 170, Sandwich Rd; Land Court Plan No. 10937-31; Settlement Statement - Lot 170, Sandwich Rd
- XI. 1. AIS re: Order of Taking of easements
- XII. 1. 2024 ATM/ATE Follow-up
- XII. 2. Town Manager Report