

Town and County of Nantucket Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair
Thomas M. Dixon
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16 Broad Street
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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD MAY 22, 2024 - 5:30 PM PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/OJbyzijROyE>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_Mq2X1SqsQmCYG5l2Cxf2Tg

- I. CALL TO ORDER***
- II. ELECTION OF OFFICERS***
- III. SELECT BOARD ACCEPTANCE OF AGENDA***
- IV. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. 2024 Annual Town Meeting: Special Recognitions.
 3. Memorial Day Parade to be Held Sunday, May 26, 2024 at 1:00 PM, Leaving from American Legion at 21 Washington Street.
 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.
 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.

8. Select Board Announcements/Comments.

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

VI. PUBLIC COMMENT*

VII. NEW BUSINESS*

VIII. 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; 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.

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.

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.
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).

XII. TOWN MANAGER'S REPORT

1. 2024 Annual Town Meeting/Annual Town Election Administrative Follow-up Review.
2. Monthly Town Management Report.

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.
2. Committee Reports.

XIV. ADJOURNMENT

****Identified on Agenda Protocol Sheet***



AGENDA PROTOCOL

For all Town of Nantucket Boards, Committees, Commissions, Work Groups, Councils and Trusts
(herein collectively referred to as "Committees" in this document)

Roberts Rules: Town of Nantucket Committees follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Committees. At the Committee's discretion, matters raised under Public Comment may be directed to Town Administration and/or appropriate departmental staff, or may be placed on a future agenda, allowing all viewpoints to be represented before the Committee takes action, if any. Except in emergencies, the Committee will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Committee to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with the United States Constitution and the Massachusetts Declaration of Rights.

The agenda for regular Committee meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Committee to take up first. This time is reserved for speakers to address the Committee on matters that are not related to any other Agenda item. If a speaker wishes to address the Committee on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.

All speakers are encouraged to present their remarks in an orderly and peaceable manner, without disruption to other speakers.

All remarks will be addressed through the Chair of the meeting.

The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not protected under the United States Constitution and the Massachusetts Declaration of

Rights because it constitutes true threats, incitement to imminent lawless conduct, or engages in conduct that disrupts other speakers.

Each speaker may not exceed three (3) minutes during any Public Comment portion of the meeting.

Disclaimer: Public Comment is not a time for debate or response to comments by the Committee. Comments made during the Public Comment period do not reflect the views or positions of the Committee. Because of free speech principles, the Committee does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

Unanticipated Business: Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Committee welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at their sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Committee Members may have questions on the clarity of the information presented. The Committee will hear any staff input and then deliberate on a course of action.

Committee Report and Comment: Individual Committee Members may have matters to bring to the attention of the Committee during a meeting. If the matter contemplates action by the Committee, Committee Members will consult with the Chair and/or appropriate Town officials or employees in advance and provide any needed information by applicable Committee deadlines and/or schedule the matter for a future Committee meeting. Otherwise, except in emergencies, the Committee will not normally take action on Committee Comment.

Approved: March 27, 2024



REPLY TO
ATTENTION OF

THE AMERICAN LEGION
Byron L. Sylvaro Post #82,
Legion Hall, 21 Washington Street,
Nantucket, Massachusetts 02554

DATE: 9 May 2024

SUBJECT: Invitation to Memorial Day Events

Dear Select Board Members:

The members of Nantucket's American Legion Byron L Sylvaro Post 82 invite the Select Board and residents of Nantucket to join us on May 26, 2024 for the Memorial Day Observations to honor those veterans who gave their lives for our freedom.

A parade will step off from the American Legion Hall, 21 Washington Street, at 1:00 pm. The Prospect Hill Cemetery ceremony will begin at 1:00 pm at the Flag Pole. The events will be followed by a reception with snacks in the 21 Washington Street Hall.

We hope all of you will join us for this solemn and important occasion.

Very respectfully,

Terry L. Norton
Adjutant, Post #82
The American Legion

From: [Libby Gibson](#)
To: [Erika Mooney](#)
Subject: FW: NOAA North Atlantic Right Whale Vessel Strike Reduction Rule
Date: Thursday, May 16, 2024 4:25:49 PM

This too

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Robert Davis <rdavis@steamshipauthority.com>
Sent: Tuesday, May 14, 2024 4:39 PM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Cc: Terence Kenneally <tkenneally@steamshipauthority.com>; robr@denby.com
Subject: RE: NOAA North Atlantic Right Whale Vessel Strike Reduction Rule

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Libby,

I agree, the greater social aspects need to be raised. We recognize that a growing number of residents are now seeking medical services off-island now and with the high-speed services that helps to facilitate those opportunities. The large number of commuters heading to the island daily to work, the schools being able to conduct field trips or participate in sporting events will all be impacted by the proposed regulations.

Marine operations group is currently out of the office, but our initial analysis was that at 10 knots we would not be able to maintain a three (3) round-trip schedule with the traditional speed vessels. High-speed service meanwhile would not be efficient for the 7-month period the restricts apply. (Nov-May) Since we are limited by crewing hours the makeup of vessels assigned to the route and their respective freight carrying capacity would need to be re-evaluated.

The initial analysis on the impact on the Vineyard route wasn't as dramatic as the Nantucket route as we maybe looking at a 6-roundtrip a day schedule versus a 7-roundtrip a day

schedule per vessel. There also maybe some opportunities to adjust the schedules on that route on the turn around times to make up some of that lost time.

I likewise had a conversation with Mark Forest about this along with our legislative liaisons in Washington. They agree that more outreach, the better, including support letters from the Commonwealth. I am not certain if the period to request a teleconference is still open, but if the Town wanted to join in and/or have us include any position letter in our written submittal I have no problem with that. Of course, if the Select Board would like to discuss this just let me know. If you need any other information from me just let me know.

Bob

From: Libby Gibson <LGibson@nantucket-ma.gov>
Sent: Tuesday, May 14, 2024 2:28 PM
To: Robert Davis <rdavis@steamshipauthority.com>
Cc: Terence Kenneally <tkenneally@steamshipauthority.com>; robr@denby.com
Subject: FW: NOAA North Atlantic Right Whale Vessel Strike Reduction Rule
Importance: High

Bob: thank you very much for this information. Mark Forest contacted me last week about this and urged Nantucket to send in a letter requesting some sort of “carve out” for the ferry routes – essentially, it seems what the SSA has done. Also, I think on our end, it’s not just “economic impact” – it’s medical, food, education and other services, supplies, trips that Nantucket requires to survive. Of course the economic impact could be devastating. We sincerely appreciate your efforts to obtain the information described below. Do you recommend that we join your teleconference? Has the Vineyard been contacted at all about this? I was in touch with some of their managers in the last few days and it does not seem like there is a high level of awareness about this over there (or here for that matter). Can we use your letter as a “base” for ours? Do you think a brief Select Board agenda item prior to 6/12, with you, to discuss this might be helpful to raise awareness about this?

PS – if the speed of the ferries is reduced to 10 knots, how long would a trip on the slow boat take?

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

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disclosure.

From: Robert Davis <rdavis@steamshipauthority.com>

Sent: Tuesday, May 14, 2024 8:54 AM

To: Libby Gibson <LGibson@nantucket-ma.gov>

Cc: Terence Kenneally <tkenneally@steamshipauthority.com>

Subject: NOAA North Atlantic Right Whale Vessel Strike Reduction Rule

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Libby,

I am sure you are aware of the proposed NOAA North Atlantic Right Whale Vessel Strike Reduction Rule. Staff is concerned that the proposed restrictions would have significant impact on service to Nantucket.

We have been informed that the proposed rule has been forwarded to the *Office of Information and Regulatory Affairs* (OIRA) within the *Office of Management and Budget* (OMB) for final rule development. During the course of OIRA's review of a draft rule, the Administrator may decide to send a letter to the agency that returns the rule for reconsideration. As part of that review process, a teleconference can be requested by interested parties to provide testimony. The Steamship Authority has requested just such a conference call, and it is scheduled for June 12th.

One of the elements that is taken into account is the economic impact of a proposed rule. Our understanding is that certain thresholds trigger more in-depth analysis. In particular, a fuller economic impact study needs to be performed if the initial estimate exceeds \$100 million. Surprisingly, NOAA has estimated that the overall economic impact of the proposed rules is significantly less than that threshold. In order to obtain a better understanding of the impact on the island communities, I have reached out to find a firm qualified to draft an economic impact report, which I am waiting to hear back from on their availability.

As was pointed out in our letter to the Department of Commerce in October 2022 (copy attached), the Steamship Authority is not opposed to the protection of this endangered species but since there have been no recorded sightings or acoustical detections in Nantucket Sound or Vineyard Sound in decades the Steamship Authority has requested those bodies of water to be exempt from the regulations.

I was wondering if you, along with any other parties, would like to meet to discuss this matter? We are limited to 30 minutes in the teleconference with OIRA/OMB but do have the opportunity to submit written testimony as well.

I look forward to hearing from you.

Bob

Robert B. Davis
General Manager
Woods Hole, Martha's Vineyard and Nantucket Steamship Authority
228 Palmer Ave.
Falmouth, MA 02540
508-548-5011 Ext. 200
508-566-2424 cell



Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

AUTHORITY MEMBERS

MOIRA E. TIERNEY
New Bedford Member, Chair

ROBERT F. RANNEY
Nantucket Member, Vice Chair

ROBERT R. JONES
Barnstable Member, Secretary

JAMES M. MALKIN
Dukes County Member

PETER J. JEFFREY
Falmouth Member

ROBERT B. DAVIS
General Manager

MARK K. ROZUM
Treasurer/Comptroller

TERENCE G. KENNEALLY
General Counsel

October 28, 2022

By: Electronic Submission - <https://www.regulations.gov/>

Department of Commerce
National Marine Fisheries Service (NMFS),
National Oceanic and Atmospheric Administration (NOAA)
1401 Constitution Ave. N.W. Hoover Bldg. Rm 5128
Washington, DC 20230

Re: Comments on Proposed Amendments to the
North Atlantic Right Whale Vessel Strike Reduction Rule

Dear Sir/Madam:

The Woods Hole, Martha's Vineyard and Nantucket Steamship Authority (the "Authority") is a public instrumentality created by the Commonwealth's legislature through its Enabling Act, St. 1960, c. 701, *as amended*, to provide for the "transportation of persons and necessities of life for the islands of Nantucket and Martha's Vineyard" by operating its ferry boat line between the mainland and the islands. The Authority is the "lifeline" for those islands, providing the only year-round passenger, automobile and truck ferry service delivering food, medicine, fuel and numerous other consumables and products from the mainland. Historically, the Authority annually carries approximately 3,000,000 passengers, 475,000 cars and 195,000 trucks to and from the islands in the performance of its essential state mandated function.

The Authority has reviewed the recently published proposed amendments to the North Atlantic right whale vessel strike reduction rule. The amendments¹ include the following:

- Changes to the spatial boundaries and timing of mandatory Seasonal Management Areas (SMAs) to better address areas and times where vessel strike risk is high;

¹ As set forth in *Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule*, 87 Fed. Reg. 46,921 (Aug. 1, 2022) (to be codified at 50 C.F.R. pt. 224). Copy attached.

- Inclusion of most vessels greater than or equal to 35 ft (10.7 m) and less than 65 ft (19.8 m) in length in the vessel size class subject to the speed restriction;
- Implementation of a Dynamic Speed Zone (DSZ) framework to implement mandatory speed restrictions when whales are known to be present outside active SMAs; and
- Updates to the speed rule's safety deviation provision.

The Authority is strongly opposed to (1) changing the current Seasonal Management Areas (SMAs) protocols to the proposed Seasonal Speed Zones (SSZs) for the Atlantic region from November 1st to May 30th and (2) the implementation of mandatory speed restrictions in the proposed DSZ including Vineyard Sound and Nantucket Sound that are triggered by acoustical detection of right whales. The implementation of mandatory speed restrictions in Vineyard Sound and Nantucket Sound will result in a significant reduction in the number of scheduled trips that the Authority can complete during its winter, spring, and fall operating schedules between the Massachusetts mainland and the islands.

On its Martha's Vineyard traditional ferry (passengers and freight) route (approximately eight and one-quarter miles one way) from Woods Hole, Massachusetts, the Authority operates twenty-one (21) round trips during its winter, early spring and fall operating schedules and twenty-eight (28) round trips during its spring operating schedule at speeds between twelve (12) and thirteen (13) knots.

On its Nantucket traditional ferry (passengers and freight) route (approximately twenty-nine miles one way) from Hyannis, Massachusetts, the Authority operates six (6) round trips during its winter and fall operating schedules and nine (9) roundtrips during its spring operating schedule. The Authority also operates a high-speed (passengers only) ferry at approximately thirty (30) knots on its Nantucket route during its spring, summer, and fall operating schedules.

Currently, the Authority operates primarily on a United States Coast Guard approved eighteen (18) hour operating day on both routes. The Authority's vessel speeds are foundational operating conditions for it to meet its published and approved schedules and any reduction in those speeds will compromise or impede the Authority's ability to meet its schedules and fulfill its service obligations to the islands. These concerns are particularly heightened during the winter months because the Authority is the only lawful transporter of essentials for the islands' residents such as home heating fuel, gasoline, medicines and food.

NMFS's current regulatory measures require (1) vessels greater than sixty-five (65) feet in length to transit at speeds of ten (10) knots or less in designated SMAs (50 CFR § 224.105 - Speed restrictions to protect North Atlantic Right Whales) and (2) a minimum approach distance of 500 yards from right whales (50 CFR § 224.103 - Special prohibitions for endangered marine mammals.) A copy of NOAA's map depicting the current speed restriction SMAs is attached hereto. In its operations, the Authority implements these protocols when its vessels encounter any whales (typically humpback and minke) to avoid any vessel strikes with whales.

The proposed SSZs and mandatory speed restrictions in the proposed Vineyard Sound and Nantucket Sound DSZs will require the Authority to reduce its ferries' operating speeds to

ten (10) knots or less. A copy of NOAA's map depicting the proposed speed restriction SSZs is attached hereto. If implemented, these speed reductions will require the Authority to eliminate one-third or thirty-three percent (33%) of its year-round traditional ferry roundtrips and eliminate its high-speed service during its early spring and late fall operating schedules on the Nantucket route. The elimination of these essential services will provide less transportation capacity to island residents, cause delays in the delivery of goods to the island and result in a fundamental shift in the lifestyle of the island residents as ferry travel will become more crowded, more time consuming, and expensive as the Authority anticipates longer operating days and as a result increasing cost. Further, the island's tourist and hospitality economies will suffer significant reductions without fast, timely and reliable high-speed ferry service to deliver passengers to the island.

The Authority's concerns are not limited only to its Nantucket route. The proposed speed reductions in Vineyard Sound will require the Authority to eliminate one-seventh or some fourteen percent (14%) of its traditional ferry roundtrips to Martha's Vineyard. Furthermore, the loss of significant revenue on the Authority's Nantucket route will certainly impact its gross revenue overall leading to likely fare increases on both routes. Again, both islands' tourist and hospitality economies will suffer with a downturn in the number of passengers carried to the islands.²

The Authority also seeks to ensure that any implementation of the proposed DSZs accounts for large physical land masses such as Cape Cod or the islands of Martha's Vineyard and Nantucket. In scenarios where three (3) or more right whales are spotted, or a confirmed acoustic detection occurs south of Martha's Vineyard or Nantucket then the DSZs imposed to protect these whales should be limited to the waterways south of the islands. The same concerns arise in a scenario where whales are spotted in Cape Cod Bay, but the speed zone restrictions are potentially imposed upon stakeholders transiting Nantucket or Vineyard Sounds. To place speed zone restrictions on waterways physically blocked by land masses from where the whales are situated would be impractical, unreasonable, and utterly burdensome to vessels operating in those waters.

All of the above concerns are considered and analyzed despite the fact that the Authority during its sixty (60) plus years of operating experience across Vineyard Sound and Nantucket Sound, including nearly five hundred thousand (500,000) ferry trips over the past twenty-two (22) years, has failed to encounter, observe or been notified of any North Atlantic right whales in Nantucket or Vineyard Sounds.

The imposition of speed zones in Nantucket or Vineyard Sounds without sufficient scientific data would be an arbitrary decision that warrants further support from stakeholders that operate in the impacted waterways. The Authority is more than willing to support the federal government's efforts to obtain more data on the impacts that its ferry operations might have upon right whale habitat. As mentioned in the *Federal Register* of August 1, 2022, the installation and

² The Authority's operating revenues in 2021 totaled \$128,239,112. Passenger revenue accounted for 24.3% of the Authority's total operating revenues in 2021, while automobile revenues represented 34.7%, freight revenues represented 29.4%, parking revenues represented 5.6%, and miscellaneous revenues represented 6.0% of total operating revenues. A copy of the Authority's 2021 Annual Report can be viewed at [SSA Annual Report 2021](#).

use of avoidance technologies onboard vessels and the deployment of marine mammal observers in areas where right whales are known to congregate are better uses of resources that address vessel strikes. The Authority supports these types of measures rather than at an across-the-board reduction on vessel speeds, which is simple in articulation, but it is impractical and negatively impactful to the Authority's operations and more importantly, to the islands' residents, which the Authority is mandated to serve.

Finally, the Authority questions the reasoning behind the omissions of Buzzards Bay, Narragansett Bay and Long Island Sound from the proposed North Atlantic right whales seasonal speed zones. If observed and documented right whale activity occurs to the south of Long Island, Nantucket and Martha's Vineyard and the above-mentioned bodies of water are omitted from the proposed North Atlantic right whales seasonal speed zones, it logically follows that the waters of Vineyard Sound and Nantucket Sound (north of the islands) should also be omitted. The Authority's longstanding operations in the Sounds without encountering a right whale should be a strong indicator that it is prudent and safe for the Authority to continue to operate its vessels at their current speeds and the whales will be left to safely forage south of the islands.

We sincerely thank you for your review and consideration of the Authority's comments and request that the proposed rule be amended further to omit its application to the waters of Vineyard Sound and Nantucket Sound.

Very truly yours,



Robert B. Davis
General Manager

support MA benefit design and care delivery innovations to achieve higher quality, equitable, and more person-centered care? Are there specific innovations CMMI should consider testing to address the medical and non-medical needs of enrollees with serious illness through the full spectrum of the care continuum?

10. Are there additional eligibility criteria or benefit design flexibilities that CMS could test through the MA VBID Model that would test how to address social determinants of health and advance health equity?

11. What additional innovations could be included to further support care delivery and quality of care in the Hospice Benefit Component of the MA VBID Model? What are the advantages and disadvantages of receiving the hospice capitation payment as a standalone payment rather than as part of the bid for covering Parts A and B benefits?

12. What issues specific to Employer Group Waiver Plans (EGWPs) should CMS consider?

D. Support Affordability and Sustainability

We are committed to ensuring that Medicare beneficiaries have access to affordable, high value options. We request feedback on how we can improve the MA market and support effective competition.

1. What policies could CMS explore to ensure MA payment optimally promotes high quality care for enrollees?

2. What methodologies should CMS consider to ensure risk adjustment is accurate and sustainable? What role could risk adjustment play in driving health equity and addressing SDOH?

3. As MA enrollment approaches half of the Medicare beneficiary population, how does that impact MA and Medicare writ large and where should CMS direct its focus?

4. Are there additional considerations specific to payments to MA plans in Puerto Rico or other localities that CMS should consider?

5. What are notable barriers to entry or other obstacles to competition within the MA market generally, in specific regions, or in relation to specific MA program policies? What policies might advantage or disadvantage MA plans of a certain plan type, size, or geography? To what extent does plan consolidation in the MA market affect competition and MA plan choices for beneficiaries? How does it affect care provided to enrollees? What data could CMS analyze or newly collect to better understand vertical integration in health

care systems and the effects of such integration in the MA program?

6. Are there potential improvements CMS could consider to the Medical Loss Ratio (MLR) methodology to ensure Medicare dollars are going towards beneficiary care?

7. How could CMS further support MA plans' efforts to sustain and reinforce program integrity in their networks?

8. What new approaches have MA plans employed to combat fraud, waste, and abuse, and how could CMS further assist and augment those efforts?

E. Engage Partners

The goals of Medicare can only be achieved through partnerships and an ongoing dialogue between the program and enrollees and other key stakeholders. We request feedback regarding how we can better engage our valued partners and other stakeholders to continuously improve MA.

1. What information gaps are present within the MA program for beneficiaries, including enrollees, and other stakeholders? What additional data do MA stakeholders need to better understand the MA program and the experience of enrollees and other stakeholders within MA? More generally, what steps could CMS take to increase MA transparency and promote engagement with the MA program?

2. How could CMS promote collaboration amongst MA stakeholders, including MA enrollees, MA plans, providers, advocacy groups, trade and professional associations, community leaders, academics, employers and unions, and researchers?

3. What steps could CMS take to enhance the voice of MA enrollees to inform policy development?

4. What additional steps could CMS take to ensure that the MA program and MA plans are responsive to each of the communities the program serves?

III. Collection of Information Requirements

Please note, this is a request for information (RFI) only. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA), specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of

the agency's full consideration, are not generally considered information collections and therefore not subject to the PRA.

This RFI is issued solely for information and planning purposes; it does not constitute a Request for Proposal (RFP), applications, proposal abstracts, or quotations. This RFI does not commit the U.S. Government to contract for any supplies or services or make a grant award. Further, we are not seeking proposals through this RFI and will not accept unsolicited proposals. Responders are advised that the U.S. Government will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense. In addition, this RFI does not commit the Government to any policy decision and CMS will follow established methods for proposing future policy changes, including the MA Advance Notice and Rate Announcement process. We note that not responding to this RFI does not preclude participation in any future procurement or rulemaking, if conducted. It is the responsibility of the potential responders to monitor this RFI announcement for additional information pertaining to this request. In addition, we note that CMS will not respond to questions about the policy issues raised in this RFI.

Chiquita Brooks-LaSure,
Administrator of the Centers for
Medicare & Medicaid Services,
approved this document on July 26,
2022.

Dated: July 27, 2022.

Xavier Becerra,
*Secretary, Department of Health and Human
Services.*

[FR Doc. 2022–16463 Filed 7–28–22; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No. 220722–0162]

RIN 0648–BI88

Amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS is proposing changes to the North Atlantic right whale (*Eubalaena glacialis*) vessel speed regulations to further reduce the likelihood of mortalities and serious injuries to endangered right whales from vessel collisions, which are a leading cause of the species' decline and a primary factor in an ongoing Unusual Mortality Event. The proposed rule would: (1) modify the spatial and temporal boundaries of current speed restriction areas referred to as Seasonal Management Areas (SMAs), (2) include most vessels greater than or equal to 35 ft (10.7 m) and less than 65 ft (19.8 m) in length in the size class subject to speed restriction, (3) create a Dynamic Speed Zone framework to implement mandatory speed restrictions when whales are known to be present outside active SMAs, and (4) update the speed rule's safety deviation provision. Changes to the speed regulations are proposed to reduce vessel strike risk based on a coast-wide collision mortality risk assessment and updated information on right whale distribution, vessel traffic patterns, and vessel strike mortality and serious injury events. Changes to the existing vessel speed regulation are essential to stabilize the ongoing right whale population decline and prevent the species' extinction.

DATES: Submit comments on or before September 30, 2022.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2022–0022, by electronic submission. Submit all electronic public comments via the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA–NMFS–2022–0022 in the Search box. Click the “Comment” icon, complete the required fields and enter or attach your comments. You may submit comments on supporting materials via the same electronic submission process, identified by NOAA–NMFS–2022–0022.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). The Draft

Environmental Assessment, and the Draft Regulatory Impact Review/Initial Regulatory Flexibility Analysis prepared in support of this proposed rule, are available via the internet at <https://www.regulations.gov/> or obtained via email from the persons listed below.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Background

The North Atlantic right whale (*Eubalaena glacialis*) was severely depleted by commercial whaling and, despite protection from commercial harvest since 1935, has not recovered. Following two decades of growth between 1990 and 2010, the species has been in decline over the past decade (Pace *et al.* 2017; Pace 2021), with a recent preliminary population estimate of fewer than 350 individuals remaining. North Atlantic right whale abundance began to decline in 2010 due to a combination of increased human-caused mortality and decreased reproductive output (Pace *et al.* 2017). The decline coincided with changes in whale habitat use patterns, characterized by the whales' increasing use of areas with few protections from anthropogenic harm (Davis *et al.* 2017; Meyer-Gutbrod and Greene 2018; Record *et al.* 2019). The species' decline has been exacerbated by an ongoing Unusual Mortality Event (UME) that NMFS declared in 2017, pursuant to section 404 of the Marine Mammal Protection Act (MMPA), and includes an unprecedented 51 known mortalities and serious injuries to date, impeding the species' recovery. NMFS interprets the regulatory definition of serious injury as any injury that is “more likely than not” to result in mortality, or any injury that presents a greater than 50 percent chance of death to a marine mammal (NMFS 2014). Thus, lethal strike events are those that have or are likely to result in a mortality.

Entanglement in fishing gear and vessel strikes are the two primary causes of right whale mortality and serious injury. Human-caused mortality to adult females, in particular, is limiting recovery of the species (Moore *et al.* 2005, 2021; Corkeron *et al.* 2018; Hayes *et al.* 2019; Sharp *et al.* 2019). Anthropogenic trauma was the sole source of mortality for right whale adults and juveniles for which a cause of death could be determined between 2003 and 2018 (Sharp *et al.* 2019). North Atlantic right whale calving rates dropped from 2017 to 2020, with zero births recorded during the 2017–2018

season. The 2020–2021 calving season had the first substantial calving increase in five years, with 20 calves born, followed by 15 calves during the 2021–2022 calving season. However, mortalities continue to outpace births, and best estimates indicate fewer than 100 reproductively active females remain in the population.

NMFS has determined that the Potential Biological Removal (PBR) for the species—defined by the MMPA as “the maximum number of individuals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population”—is 0.7 whales (NMFS 2021). This means that for the species to recover, the population cannot sustain, on average over the course of a year, the death or serious injury of a single individual due to human causes. Observed human caused mortality far exceeds this level and a recent assessment of total right whale mortality estimates range-wide indicates that observed deaths likely captured only about 36 percent of the actual total deaths between 1990 and 2017 (Pace *et al.* 2021). Right whale abundance will continue to decline, imperiling species recovery, unless human caused mortality is substantially reduced in the near term.

North Atlantic right whales inhabit U.S. waters year-round but predominate during late fall through early summer. Within U.S. waters, the whales primarily forage in the greater Gulf of Maine region (Pershing *et al.* 2009; Davies *et al.* 2014). The species' only known winter calving area lies within the South Atlantic Bight between northern Florida and North Carolina (Keller *et al.* 2012; Gowan and Ortega-Ortiz 2014). The Mid-Atlantic region serves both as a migratory habitat for whales moving between calving areas and northern foraging grounds, as well as a foraging habitat. Right whales can be highly mobile, traveling upwards of 40 nautical miles per day, or, when engaged in certain behaviors (e.g., foraging), relatively stationary, remaining within several miles for days (Baumgartner and Mate 2005; Crowe *et al.* 2021). The whales' primary distribution includes seasonal coastal habitats characterized by extensive commercial and recreational vessel traffic.

North Atlantic right whales are vulnerable to vessel strike due to their coastal distribution and frequent occurrence at near-surface depths, and this is particularly true for females with calves. The proportion of known vessel strike events involving females, calves,

and juveniles is higher than their representation in the population (NMFS 2020). Mother/calf pairs are at high risk of vessel strike because they frequently rest and nurse in nearshore habitats at or near the water surface, particularly in the Southeast calving area (Cusano *et al.* 2018; Dombroski *et al.* 2021). Calving females have the longest residence time of any demographic group on the Southeast calving ground, staying on average about three months in the region before traveling with their nursing calves to northern foraging areas (Krzystan *et al.* 2018). Right whales nurse their calves for up to a year. This promotes rapid calf growth (Fortune *et al.* 2012) but also places mother/calf pairs at increased risk of vessel interactions, not only within the Southeast calving ground but also along the Mid-Atlantic and New England coasts, which are important migratory and foraging areas for right whales.

Numerous studies have indicated that slowing the speed of vessels reduces the risk of lethal vessel collisions, particularly in areas where right whales are abundant and vessel traffic is common and otherwise traveling at high speeds (Vanderlaan and Taggart 2007; Conn and Silber 2013; Van der Hoop *et al.* 2014; Martin *et al.* 2015; Crum *et al.* 2019). In 2008, NMFS implemented 10-knot (5.1 meters/second (m/s)) vessel speed restrictions for a five-year period for most vessels greater than or equal to 65 ft (19.8 m) in overall length within designated areas commonly referred to as Seasonal Management Areas (SMAs) along the U.S. East Coast to reduce the risk of mortality and serious injury from vessel strike (73 FR 60173, October 10, 2008 (50 CFR 224.105)). NMFS later removed the five-year “sunset” provision from the speed rule (78 FR 73726, December 9, 2013; 79 FR 34245, June 16, 2014), and the rule continues in effect today.

Reducing vessel speed is one of the most effective, feasible options available to reduce the likelihood of lethal outcomes from vessel collisions with right whales. Previous investigations indicate that NMFS’ speed regulations at 50 CFR 224.105 for most vessels greater than or equal to 65 ft (19.8 m) in length reduced the risk of lethal vessel strikes to right whales (Conn and Silber 2013; Laist *et al.* 2014). In 2021, NMFS released the North Atlantic Right Whale Vessel Speed Rule Assessment (hereafter “speed rule assessment”) documenting a reduction in observed right whale serious injuries and mortalities resulting from vessel strikes since implementation of the speed rule in 2008 (50 CFR 224.105), but highlighting the need for additional

action to more effectively address the risk of vessel strikes to right whales (NMFS 2020).

NMFS is addressing risk from fishing gear entanglement through separate regulatory actions from this proposed rule as informed by the Atlantic Large Whale Take Reduction Team (ALWTRT) and continues to work on additional measures to further reduce lethal entanglements. The MMPA directs NMFS to reduce incidental entanglements in commercial fisheries that cause mortalities and serious injuries of marine mammal stocks above a biological reference point (*i.e.* PBR) through a consensus-based Take Reduction Process. The ALWTRT is a large stakeholder group NMFS has convened numerous times since 1996 to develop recommendations to reduce mortality and serious injury of right whales and other large whales covered under the Atlantic Large Whale Take Reduction Plan. The ALWTRT continues to meet regularly to develop recommendations to further modify the Plan and reduce right whale entanglements in commercial fisheries.

Summary of Current North Atlantic Right Whale Vessel Strike Reduction Measures

NMFS has implemented a combination of regulatory requirements and voluntary programs aimed at modifying mariner behavior and/or increasing mariner awareness of right whale presence to reduce vessel collision risk. Together, these efforts address two aspects of reducing strike risk: (1) reducing the spatial overlap of right whales and vessels, and (2) reducing the speed of vessels in areas and at times when right whales are likely to be present. Below is a summary of vessel strike reduction actions implemented by NMFS and other Federal partners to date.

Statutory Protections

(1) “Take” Prohibitions. Both the Endangered Species Act (ESA) and the MMPA generally prohibit the unauthorized “take” of North Atlantic right whales. Under the ESA, “take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” (16 U.S.C. 1532(19)). Under the MMPA, “take means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill.” (16 U.S.C. 1362(13)).

(2) ESA Section 7 Consultations. As required by Section 7(a)(2) of the ESA, as amended (ESA; 16 U.S.C. 1531 *et seq.*), all U.S. Federal agencies must consult with NMFS to ensure that any

actions they authorize, fund, or carry out that may affect ESA-listed species under NMFS jurisdiction are not likely to jeopardize the continued existence of those species or adversely modify or destroy their designated critical habitat. When Federal agencies authorize vessel activities potentially co-occurring with right whales and engage in consultations with NMFS, they often implement measures governing vessel speed designed to reduce the risk of right whale interactions.

Regulatory Measures

(1) North Atlantic Right Whale Vessel Speed Rule. In 2008, NMFS implemented a rule requiring most vessels equal to or greater than 65 ft (19.8 m) in length to transit at speeds of 10 knots (5.1 m/s) or less in designated SMAs (73 FR 60173, October 10, 2008) pursuant to its authority under the MMPA and ESA. Some vessels are exempt from this requirement including military vessels, vessels owned, operated or contracted by the Federal government, and vessels engaged in enforcement or search and rescue activities (50 CFR 224.105(a)). Although these vessels are exempt from the speed rule, they are not exempt from consultation under section 7 of the ESA. During consultations, mitigation measures, including reduced speeds, may be recommended or specified to reduce the threat of vessels collisions with right whales. Regulatory requirements, such as those proposed here that contain a maximum vessel speed but no minimum, are separate from any requirements specified as part of ESA section 7 consultations and are not expected to result in the need to reinitiate existing consultations (50 CFR 402.16). In addition, subject to specific requirements, vessels may deviate from the speed restriction (*i.e.*, exceed the speed limit), under limited circumstances, to maintain safe maneuvering speeds (50 CFR 224.105(c)). Vessels employing this safety deviation must make a notation in the vessel logbook detailing the event. Ten SMAs were designated along the U.S. East Coast with seasonally active periods reflective of temporal trends in right whale habitat use. The locations of the SMAs were informed by vessel traffic (*i.e.*, port entrances were assumed high traffic areas relative to other areas) and right whale distribution data at the time the rule was established. NMFS selected the 10-knot (5.1 m/s) speed limit based on analyses of large whale vessel strike events where the vessel speed at the time of impact was known. Researchers found the probability of whale mortality increased substantially

with vessel speed, with the greatest increase occurring between speed of 10 to 14 knots (5.1 to 7.2 m/s; Vanderlaan and Taggart 2007). Based on these findings, NMFS determined that the use of speed restrictions was an effective means to reduce the likelihood and severity of vessel collisions.

(2) 500 Yard (457.2 m) Minimum Approach Distance. In 1997, NMFS implemented a minimum approach distance for vessels in the vicinity of North Atlantic right whales in an effort to reduce harassment and risk of injury (62 FR 6729, February 13, 1997). It is illegal for a vessel to approach within 500 yards (457.2 m) of a right whale, and if a vessel finds itself within 500 yards (457.2 m) it “must steer a course away from the right whale and immediately leave the area at a slow safe speed” (50 CFR 224.103(c)(1–2)). Exceptions are made if “compliance would create an imminent or serious threat to a . . . vessel” (50 CFR 224.103(c)(3)).

Non-Regulatory Measures

(1) Great South Channel Area To Be Avoided (ATBA). An ATBA is an International Maritime Organization (IMO)-established vessel routing measure within a specified area to avoid navigational hazards or environmentally sensitive areas. In June 2009, an ATBA was established in the Great South Channel to the east of Cape Cod, MA after gaining approval from the IMO. All vessels greater than or equal to 300 gross tons are recommended to avoid this area between April 1 and July 31.

(2) Recommended Routes. In 2006, a joint U.S. Coast Guard/NOAA effort established recommended routes for vessels transiting across Cape Cod Bay and into/out of ports in Florida and Georgia. The routes are recommended between January and May in Cape Cod Bay and between November and April off Florida and Georgia. Mariners are recommended to follow the routes to minimize their transit distance through important right whale habitat areas.

(3) Modification to the Boston Traffic Separation Scheme (TSS). In 2007, following a successful application to the IMO led by the Stellwagen Bank National Marine Sanctuary and NMFS, a modified TSS (commonly referred to as a shipping lane) was implemented to the north of Cape Cod, MA for vessel traffic navigating to and from the Port of Boston. The modification narrowed the TSS and shifted its route to the north around Cape Cod to reduce the overlap with large whale foraging grounds.

(4) Dynamic Management Areas (DMAs) and Right Whale Slow Zones. NMFS implemented a voluntary DMA

program concurrently with the mandatory speed rule in 2008. A DMA is triggered when a group of three or more right whales are sighted in close proximity. Beginning in 2020, the NMFS Greater Atlantic Region modified the DMA program to include acoustically triggered Slow Zones. Once the trigger is met, NMFS establishes a boundary around the whales for 15 days and encourages vessels either to avoid the area or transit through at speeds less than 10 knots (5.1 m/s). DMAs/Slow Zones may be extended if whales remain in the area. The agency alerts mariners to DMA and Slow Zone declarations through website postings, emails to lists of interested parties, U.S. Coast Guard Local Notices to Mariners, and U.S. Coast Guard Broadcast Notices to Mariners.

Need for Additional Action

In January 2021, NMFS released an assessment evaluating the effectiveness of the North Atlantic right whale speed rule and associated voluntary DMA program (NMFS 2020) and invited the public to submit comments. The review found that the speed rule had made progress in reducing vessel strike risk to right whales but that additional action is warranted to further reduce the threat of vessel collisions. While it is not possible to establish a direct causal link between speed reduction efforts and the relative decline in observed right whale mortality and serious injury events following implementation of the speed rule, the preponderance of evidence suggests speed reductions, as implemented, have helped. NMFS' data on documented vessel strike events continues to affirm the role of high vessel speeds (≤ 10 knots (5.1 m/s)) in lethal collision events and supports existing studies implicating speed as a factor in lethal strikes events. NMFS has documented five right whale vessel strike cases in U.S. waters that resulted in *non-serious* injuries for which vessel speed is known. Only one of the five vessels involved was transiting in excess of 10 knots (5.1 m/s) at the time of the collision. In contrast, of the nine documented lethal right whale vessel collisions in U.S. waters since 1990 for which vessel speed is known, eight involved vessels transiting in excess of 10 knots (5.1 m/s).

Since the speed rule first went into effect, NMFS has documented 12 right whale mortality and serious injury events involving vessel collisions in U.S. waters, along with an additional five mortality and serious injury events involving unknown whale species, possibly right whales. These figures likely underestimate the total number of

lethal right whale vessel strikes in U.S. waters. Strikes occurring farther offshore and/or involving large ocean-going vessels are likely underreported in the data because most large ships are not able to detect interactions with large whales, and whales that die well offshore are less likely to be detected overall. Based on estimates of total right whale deaths, documented mortalities from all sources represent approximately one-third of actual annual right whale mortality range-wide (Pace *et al.* 2021). Thus, in addition to the observed events, NMFS recognizes that additional lethal vessel strike events likely went undetected in U.S. waters.

A detailed examination of documented right whale vessel strike events in the U.S. further reveals the following:

(1) Vessels less than 65 ft (19.8 m) in length accounted for five of the 12 documented lethal strike events in U.S. waters since 2008, demonstrating the significant risk this unregulated vessel size class can present to right whales.

(2) Vessel strikes continue to occur all along the U.S. coast from the Gulf of Maine to the Florida coast. There is no indication that strike events only occur in “hot spots” or limited spatial/seasonal areas.

(3) Strikes occur both inside and outside active SMAs, but in many cases, the location of the strike event remains unknown. Four of the five collision events involving vessels less than 65 ft (19.8 m) in length occurred inside active SMAs, although the vessels involved were not subject to mandatory speed restrictions due to their size.

(4) Of the six lethal vessel strike cases documented in U.S. waters and involving right whales since 1999 where vessel speed is known, only one involved a vessel transiting at under 10 knots (5.1 m/s) (~9 knots (4.6 m/s)), although in most cases, we lack vessel speed data associated with collision events.

(5) Females, calves, and juveniles are disproportionately represented in the vessel strike data. This is concerning given the paucity of reproductively active females remaining in the population and their critical role in stabilizing the population decline.

(6) Non-lethal vessel collisions with right whales continue to occur. NMFS' best estimates indicate that vessel strikes (in U.S. waters or first seen in U.S. waters) have resulted in at least 26 non-serious right whale injuries since 2008, although these data do not account for the possibility of blunt force trauma injuries, which are not usually visibly detectable and make accurate

assessments of strike injuries challenging.

Despite NMFS' best efforts, the current speed rule and other vessel strike mitigation efforts are insufficient to reduce the level of lethal right whale vessel strikes to sustainable levels in U.S. waters. NMFS has determined that additional action is needed to address gaps in current management programs and better tailor mitigation efforts. In evaluating potential changes to the current speed rule NMFS considered up-to-date strike risk modeling, data on right whale strike events, species distribution, and vessel traffic characteristics in right whale habitat, and the extensive and informative comments received in response to the 2020 speed rule assessment.

Summary of Proposed Changes

NMFS proposes changes to the existing North Atlantic right whale vessel speed regulations. The proposed measures detailed below seek to reduce the risk of mortality and serious injury from vessel strike events in U.S. waters and include the following:

- (1) Changes to the spatial boundaries and timing of mandatory SMAs to better address areas and times where vessel strike risk is high;
- (2) Inclusion of most vessels greater than or equal to 35 ft (10.7 m) and less than 65 ft (19.8 m) in length in the vessel size class subject to the speed restriction;
- (3) Implementation of a Dynamic Speed Zone (DSZ) framework to implement mandatory speed restrictions when whales are known to be present outside active SMAs; and
- (4) Updates to the speed rule's safety deviation provision.

Modification of Seasonal Speed Zones (Currently Referred to as Seasonal Management Areas)

Since implementation of the speed rule in 2008, the distribution of right whales has shifted, resulting in a misalignment between areas of high vessel strike risk and current SMA spatial and temporal bounds. Improved data on vessel traffic and right whale distribution/habitat use further highlight this discrepancy and the need to adjust SMA boundaries to better address the risk of collisions. For example, after 2010, right whales began to frequent the region south of Martha's Vineyard and Nantucket, MA, and are now regularly observed in large aggregations foraging in the area (Leiter *et al.* 2017). Prior to this period, that region, while part of right whale habitat, was not identified as an important foraging area. In 2021 alone, 67

voluntary DMAs and Slow Zones were declared (28 of which were off Martha's Vineyard and Nantucket), demonstrating the ongoing spatial and temporal mismatch between whale aggregations and vessel strike protections.

The goal for vessel speed regulation remains unchanged—to reduce the likelihood of right whale serious injuries and mortalities from vessel collisions. To maximize the reduction of vessel strike risk, NMFS developed proposed modifications to the SMAs using a coast-wide vessel strike mortality risk model, North Atlantic right whale visual sighting (NARWC 2021) and acoustic detection (NEFSC 2022) data, recent vessel traffic Automatic Identification System (AIS) data, and information on other relevant planned ocean activities, including offshore wind development.

Additional factors were considered when developing proposed SMA spatial boundaries and timing to optimize effective right whale protection, including minimizing impacts on the regulated community:

- (1) NMFS sought to provide robust protection for right whales over a 10 to 15 year time horizon, and design built-in adaptivity to climate change and other factors to ensure that the speed rule remains resilient to shifts in right whale distribution and habitat use over time. This timeframe also provides a stable and predictable long-term regulatory structure for the maritime community.
- (2) NMFS aimed to identify the smallest spatial and temporal footprint possible for speed restricted areas to minimize the extent of regulatory action while achieving necessary conservation goals. This assumes a framework will be in place to implement mandatory speed restrictions dynamically to address right whales outside the proposed SMAs (see Mandatory Dynamic Speed Zones).
- (3) Changes to speed regulation areas/boundaries focused on reducing vessel traffic operating at speeds in excess of 10 knots (5.1 m/s), since high transit speed is implicated in strike events, and we have the ability to modify this aspect of vessel operation in right whale habitats.

Description of the Vessel Strike Mortality Risk Model

NMFS evaluated the risk of right whales being struck and killed by vessels in U.S. waters along the East Coast using an encounter risk model (Garrison *et al.* 2022). This model simulates the likelihood of a fatal vessel strike based on six sources of information: (1) the spatial distribution

and density of right whales; (2) the spatial distribution and amount of vessel traffic; (3) the likelihood that a whale and a particular vessel will be in close proximity; (4) the likelihood that a whale will be near the surface during the interaction; (5) the likelihood that a whale will successfully move to avoid the interaction; and (6) the likelihood of mortality if a collision occurs. A similar approach was previously applied to large whales on the U.S. West Coast (Rockwood *et al.* 2017, 2020) and right whales occurring off the coast of Florida (Crum *et al.* 2019).

NMFS modeled the spatial distribution of right whales using a compilation of aerial survey data collected by the agency and many different external research groups. The model and approaches are similar to those described in Roberts *et al.* (2016) and Gowan and Ortega-Ortiz (2014) and reflect the distribution of right whales since 2010 (Roberts *et al.* 2021). Environmental variables were used to predict the monthly changes in right whale distribution between Florida and the Nova Scotian shelf.

NMFS characterized vessel traffic using data collected via satellite and terrestrial based AIS that transmits information on vessel movements, speed, and characteristics for those vessels that carry AIS units. For each spatial cell in the right whale distribution model, NMFS summarized the length of transit, time of transit, and average speed of each vessel from the available AIS data. These data were summarized monthly for 2017–2019. Generally, most vessels greater than or equal to 65 ft (19.8 m) in length are required to carry AIS transceivers. While many vessels less than 65 ft (19.8 m) in length also carry AIS, they are likely to be under-represented in these data, and therefore, the risk of interactions with right whales is under-represented in the model.

NMFS modeled the likelihood of a whale-vessel encounter using the approach described in Martin *et al.* (2015), where the probability of close encounter between a whale and a vessel within a given spatial cell is a function of vessel size, whale swimming speed, and vessel speed. Given a close encounter, the probability that a whale will be near the surface (in the upper 10 m (32.8 ft) of the water column) where it would be susceptible to a vessel strike was estimated based on available data on dive-surface behavior from animal-borne tags from different regions where whales occur (Baumgartner and Mate 2003; McGregor and Elizabeth 2010; Parks *et al.* 2011; Baumgartner *et al.* 2017; Dombroski *et al.* 2021).

It remains unclear how right whales respond to close approaches by vessels (<1509 ft (460 m)) and the extent to which this allows them to avoid being struck. Rockwood *et al.* (2017) and Crum *et al.* (2019) examined different ways of accounting for avoidance behaviors within encounter risk models. Conn and Silber (2013) indicated that encounter rates were higher with fast-moving vessels than expected, which may be consistent with successful avoidance of slower vessels by whales. NMFS' model included a potential avoidance behavior accounting for random effects of the distance at which a whale reacts, the speed the whale swims to escape, and the direction the whale chooses to swim. This approach accounts for the increased likelihood that a whale will escape a slower moving vessel and includes the large amount of uncertainty in whale behavioral response to approaching vessels.

In this framework, if a collision between a whale and a vessel occurs, the likelihood that the collision will be fatal is a function of vessel speed. NMFS applied the model of Conn and Silber (2013) to evaluate this probability. It should be noted that the data in this model are primarily from larger vessels, so it may be less appropriate for some of the small vessels included in the current analysis.

Application of the Vessel Strike Mortality Risk Model

We used the mortality risk model (Garrison *et al.* 2022) to evaluate areas and times with the highest risk of vessel strike mortalities for right whales. Areas of highest risk are primarily associated with places where there is both a high density of vessel traffic and high density of right whales. In U.S. waters, these areas correspond generally to the Atlantic East Coast region, particularly between late fall and early spring (November through April). The highest risk areas occurred in the Mid-Atlantic between Cape Hatteras, North Carolina, and New York, and in relatively shallow waters over the continental shelf. High-density vessel traffic areas in approaches to major commercial ports pose the greatest risk of vessel strike mortalities. While vessels less than 65 ft (19.8 m) in length are under-represented in the AIS data, the spatial distribution of the risk of interactions with these vessels were also examined. In general, the risk of interactions with vessels less

than 65 ft (19.8 m) in length was higher close to shore. NMFS examined the monthly spatial distribution of vessel strike risk to identify regions and times where slowing vessel traffic to speeds less than 10 knots (5.1 m/s) would have the greatest impact on reducing the overall risk of vessel strike mortalities for right whales.

Once these spatio-temporal areas were identified, NMFS compared them with additional opportunistic and survey-based right whale sightings information, including demographics, acoustic detections of right whale presence, and additional information, where available, on possible future activities that might impact vessel traffic, including proposed and leased wind energy sites and U.S. Coast Guard proposed vessel safety fairways (85 FR 37034, June 19, 2020). It is important to note that the risk model is not informed by right whale sightings prior to 2010, opportunistic sightings, or acoustic detections. Additionally, as discussed above, vessel traffic from boats less than 65 ft (19.8 m) in length are under-represented in the model. Comparing these additional data with areas identified by the risk model informed optimal revised SMA boundaries based on the totality of information available.

NMFS then used the risk model to simulate the maximum overall reduction in risk of lethal right whale strikes that could be achieved with the revised SMA boundaries. The revised boundaries were identified based on evaluation of those areas and times with the greatest chance of reducing lethal strikes to right whales. For the simulation, we artificially set the speed of transits within the revised SMA time-space boundary that had an average speed greater than 10 knots (5.1 m/s) to the 10-knot (5.1 m/s) speed that would be required. We then re-calculated the total risk of vessel strike mortality for this simulated dataset and compared to the status quo, thereby providing an estimate of the lethal strike risk reduction, in time and space, should the SMA boundaries be revised to be the expanded SSZs.

Based on this analysis of the proposed SMA boundaries and the additional risk reduction expected to accrue from the use of mandatory DSZs (see Mandatory Dynamic Speed Zones), NMFS anticipates the proposed revisions would address over 90% percent of the risk reduction that can be achieved by

reducing vessel speeds to 10 knots (5.1 m/s), relative to the status quo. While the risk model underestimates the strike risk associated with traffic from vessels greater than 35 ft (10.7 m) to less than 65 ft (19.8 m) in length, given the expected coastal distribution of this traffic based on available data, we anticipate this component of strike risk will be sufficiently accounted for by the revised SMA boundaries/timing.

Proposed Boundaries and Effective Periods for Seasonal Speed Zones

NMFS proposes changes to the current boundaries and effective periods of the areas seasonally subject to the 10-knot (5.1 m/s) speed restriction along the U.S. East Coast to better address the ongoing risk of right whale mortality and serious injury from vessel collisions (Figure 1). To more accurately describe them, we will refer to the areas as Seasonal Speed Zones (SSZs) (rather than Seasonal Management Areas or SMAs). The new SSZs include substantial spatial and temporal changes in the Northeast and Mid-Atlantic regions, and more modest changes in the Southeast region. The proposed SSZs with effective dates each year are summarized as follows with geographic coordinates provided in the proposed regulatory text:

- (1) Atlantic Zone (November 1–May 30)
- (2) Great South Channel Zone (April 1–June 30)
- (3) North Carolina Zone (November 1–April 30)
- (4) South Carolina Zone (November 1–April 15)
- (5) Southeast Zone (November 15–April 15)

NMFS proposes no active SSZs between July and October, and only the Great South Channel Zone would be active during the month of June. This is consistent with data showing fewer right whales present in U.S. waters during this time period. Proposed SSZs were developed with the understanding that DSZs would be used to implement mandatory speed restrictions when appropriate outside of active SSZs. NMFS anticipates that the combination of SSZs and DSZs will provide the spatial and temporal coverage necessary to significantly reduce the risk of lethal strike events attributable to vessel traffic transiting in excess of 10 knots (5.1 m/s).

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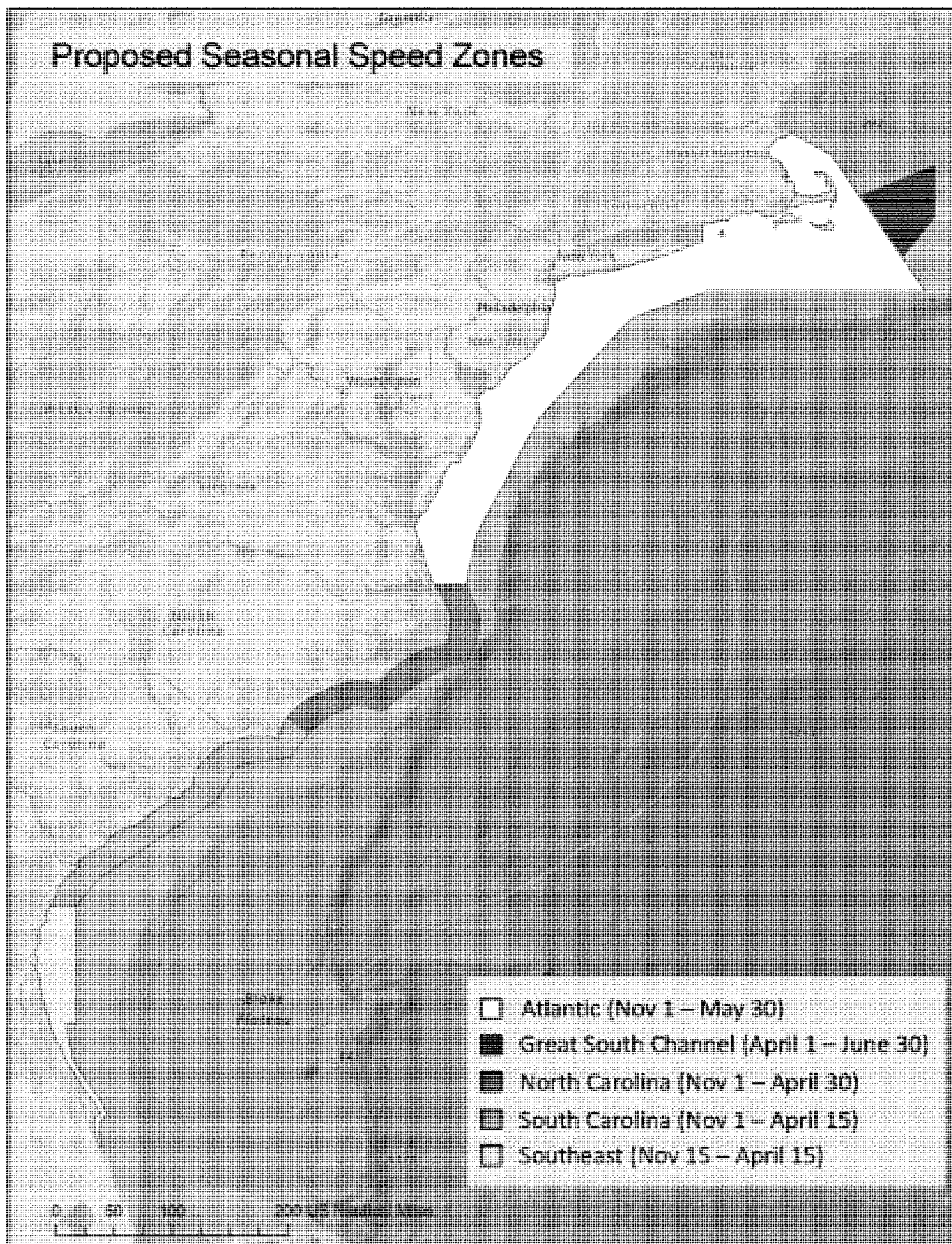


Figure 1: Proposed Seasonal Speed Zones and Effective Dates Each Year

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Regulation of Most Vessels Greater Than or Equal to 35 ft (10.7 m) in Length

The existing North Atlantic right whale vessel speed rule (50 CFR

224.105) does not address the threat of mortalities and serious injuries from strike events involving vessels less than 65 ft (19.8 m) in length. Recent vessel strike events have highlighted the lethality of collisions involving vessel

sizes not subject to the existing speed rule. Since 2020 alone, four right whale vessel strikes in U.S. waters resulted in mortalities and serious injuries: (1) a calf was seriously injured off Florida/Georgia in January 2020; (2) a calf was killed off New Jersey in June 2020; (3) a calf was killed off Florida in February 2021; and (4) its mother was seriously injured by the same vessel. For three of the four events, the vessels involved in the collisions were known to be between 35 (10.7 m) and 65 ft (19.8 m) in length and traveling in excess of 20 knots (10.3 m/s) at the time.

Since 2005, operators of vessels less than 65 ft (19.8 m) in length have reported eight right whale vessel strikes in U.S. waters. Six resulted in right whale serious injuries or mortalities. The reporting vessels ranged in length from 17–54 ft (5.2–16.5 m), with vessels involved in mortality and serious injury events ranging in size from 42–54 ft (12.8–16.5 m) in overall length. The vessel speeds at the time of the strike events ranged from less than 5 knots (2.6 m/s) to approximately 28 knots (14.4 m/s) (Henry *et al.* 2011, 2021; Wiley *et al.* 2016). Of the eight strike events involving vessels less than 65 ft (19.8 m) since 2005, five (including the recent strikes involving a mother/calf pair) occurred within active SMAs where most vessels 65 ft (19.8 m) and over are required to travel at 10 knots (5.1 m/s) or less.

In seven of the eight events involving vessels less than 65 ft (19.8 m) in length, mariners reported no sighting of the whales prior to impact with the vessel. Vessel strikes can occur even when circumstances are seemingly optimal for avoidance as illustrated by two right whale vessel strikes involving research vessels less than 65 ft (19.8 m) in length with trained observers aboard that occurred in Cape Cod Bay during daylight hours (Wiley *et al.* 2016). These events demonstrate that mariner experience and vigilance alone can be insufficient to protect against vessel collisions.

Furthermore, since 2009, operators of vessels less than 65 ft (19.8 m) in length have reported an additional six vessel collisions (including five serious injuries) with undetermined large whale species in U.S. waters that may have involved right whales based on the location and timing of the events (Henry *et al.* 2017). Documented vessel strike deaths of Southern right whales (*Eubalaena australis*) off Australia and South Africa involving a 34-ft (10.4-m) vessel and 44-ft (13.4-m) vessel respectively, further demonstrate the lethal risk vessels less than 65 ft (19.8 m) in length can pose to right whale

species more broadly (Peel *et al.* 2016; Vermeulen *et al.* 2021).

Other jurisdictions have instituted speed restrictions for vessels less than 65 ft (19.8 m) in length to mitigate vessel strike risk for North Atlantic right whales. Following a series of right whale vessel strike events, Canada expanded the length of vessels covered by dynamic mandatory 10-knot (5.1 m/s) speed restrictions in the Gulf of St. Lawrence in 2019 to include vessels 13 m (42.7 ft) or greater in length. Also in 2019, the state of Massachusetts introduced regulations restricting the speed of most vessels less than 65 ft (19.8 m) in length to 10 knots (5.1 m/s) or less when transiting through waters within, and to the north of, Cape Cod Bay during the months of March and April each year to provide protection for foraging right whales following vessel strike events in the Bay (322 CMR 12.05). Massachusetts has received no reports of strikes involving vessels less than 65 ft (19.8 m) in length, nor reports of safety concerns from mariners in this area since implementation of the regulation. The State has extended these vessel speed restrictions into the month of May during years when right whales remained in the Bay.

Collisions with vessels less than 65 ft (19.8 m) in length pose a danger to both the whale and vessel occupants. There are numerous cases from around the world of vessels sustaining significant damage, and even sinking, following collisions with whales (Ritter 2012; Peel *et al.* 2018). For example, two vessel-whale collisions that occurred in March 2009 and February 2021 resulted in vessel damage significant enough to require passenger rescue by the U.S. Coast Guard. Sailing vessels can be at particular risk of substantial damage due to their deliberately light construction (Ritter 2012) even though most transit at speeds at or under 10 knots (5.1 m/s). Moreover, collisions with vessels less than 65 ft (19.8 m) in length with whales have resulted in injuries to vessel occupants (NMFS unpublished data).

For the reasons detailed above, NMFS proposes to expand the size class of vessels currently subject to speed restrictions to include most vessels greater than or equal to 35 ft (10.7 m) to less than 65 ft (19.8 m) in overall length. Most vessels within this size class are not subject to U.S. Coast Guard AIS carriage requirements, but based on limited available AIS data and U.S. Coast Guard vessel registration data (USCG 2021), this change may affect up to 8,500–10,000 vessels (albeit to varying degrees). Best estimates indicate that approximately 80 percent of these

vessels are larger recreational boats, with commercial fishing (7 percent) and passenger vessels (6 percent) the next most common types. The remaining vessel types include work boats, pilot boats, tug and tow vessels, and other commercial vessels. The total number of affected vessels is likely substantially overestimated, particularly for recreational boats, since available data lack detail about where, when, and how frequently a boat operates within areas subject to speed regulation.

Mandatory Dynamic Speed Zones

Though NMFS' 2006 proposed speed rule included the concept of mandatory DMA speed restrictions that fall outside active SMAs (71 FR 36299, June 26, 2006), the 2008 final speed rule did not. Instead, the agency announced it would implement a voluntary DMA program creating short-term "dynamic" areas within which NMFS sought voluntary compliance with restricted speeds based on sightings of right whale aggregations. In 2020, NMFS modified the DMA program to include acoustically triggered Right Whale Slow Zones in the NMFS Greater Atlantic Region (Maine to Virginia), given the increasing availability of near-real time acoustic detectors able to accurately identify right whale presence. If followed, dynamic speed reduction areas provide vessel strike risk reduction to aggregations of right whales or areas with persistent right whale presence outside active SMAs in near-real time. The program was intended to provide protection for right whales in areas/times not covered by SMAs. As discussed above, shifts in right whale distribution and habitat use since the current SMAs were established in 2008 have resulted in a substantial number of DMA and Slow Zone declarations.

NMFS 2008 speed rule stated the agency would "monitor voluntary compliance" and if cooperation was not satisfactory would "consider making them mandatory, through a subsequent rulemaking" (73 FR 60173, October 10, 2008). Despite NMFS' best efforts to reach out to vessel operators about dynamic speed reduction areas and educate the maritime community about the need for right whale vessel strike mitigation, NMFS' speed rule assessment determined that vessel cooperation levels are low, and therefore, the reduction in risk provided by the voluntary DMAs is minimal (NMFS 2020).

As discussed above, the proposed SSZs boundaries/timing are designed to address most vessel strike risk attributable to vessels transiting in excess of 10 knots (5.1 m/s). Based on

an evaluation of recent voluntary DMAs and acoustically triggered Slow Zones, 54 of the 67 DMAs/Slow Zones triggered during 2021 (80.6 percent) would fall within the proposed SSZs. In other words, only 13 (19.4 percent) of 2021 DMAs/Slow Zones would have been triggered if the proposed SSZ boundaries were in effect. This indicates that the existing misalignment between the current SMA boundaries and elevated risk areas is substantially, but not wholly, captured by the proposed SSZs. Thus, even after adjusting the geographic boundaries and timing of the static SSZs to more accurately reflect the best available data on right whales and vessel strike risk, there is still a role for dynamic speed restrictions to protect other areas where right whales occur less predictably.

In examining the totality of information available to inform changes to the location and timing of SSZ boundaries, it became clear that for some areas and seasons, static speed management may not be sufficient as a sole strategy to reduce vessel strike risk. This is primarily the case in areas where right whale presence is less predictable or more ephemeral and/or where elevated strike risk is more moderate.

Static speed restrictions best serve areas with reliable right whale presence and elevated strike risk. For example, right whales reliably occur within the South Atlantic Bight calving ground each and every season (November through April). The total number of individuals present will vary from year to year (Krzystan *et al.* 2018), but this calving, and likely mating, habitat is an essential area for right whale reproduction and is designated (81 FR 4837, January 27, 2016) as critical habitat under the ESA. The consistency of right whale presence (especially vulnerable mothers/calf pairs) combined with high levels of vessel traffic along the Southeast coast are the primary reasons vessel strike risk in this region is best managed via a static SSZ.

In other times/areas, however, right whale presence may be less predictable and/or elevated vessel strike risk more moderate. For example, during late fall and winter, right whales have been documented over many years in the central Gulf of Maine, frequently engaged in foraging. Right whales have been visually or acoustically detected in this area during most, but not every fall/winter season, and vessel strike risk is lower in this area, relative to other parts of the U.S. East Coast, due to lower levels of vessel traffic transiting at high speeds. Vessel strike risk modeling indicates a benefit to right whales from vessel speed restriction in this area but

to a lesser degree than other places/times. With adequate seasonal monitoring for right whale presence, a dynamic area speed restriction is ideally positioned to provide vessel strike protection in this area when and where it will be most beneficial to right whale conservation.

To address elevated vessel strike risk in areas outside SSZs, NMFS is proposing to implement a mandatory DSZ framework to replace the current voluntary DMA/Slow Zone program. Under this proposed framework protocol, as described below, a mandatory DSZ would be created for an area outside an active SSZ, within U.S. waters from Maine to Florida, based on (1) a confirmed visual sighting of a right whale aggregation (three or more whales in close proximity) or a confirmed right whale acoustic detection (since it is not possible to quantify the number of individual whales present) and (2) NMFS determination that the area to be designated as a DSZ has a greater than 50 percent likelihood of right whale presence during a minimum effective period of 10 days (periods shorter than this may present practical challenges for implementation).

Existing protocols for the current voluntary DMA/Slow Zone program are proposed as a minimum trigger threshold to inform a new DSZ. Under these protocols, NMFS establishes voluntary 15-day DMAs when three or more right whales are sighted within close proximity. Depending on the size and geographic spread of the right whale aggregation, the spatial extent of the DMA is determined based on a local density method as outlined in Clapham and Pace (2001), with most zones approximately 400 square nautical miles (sq nm; 1,372 sq kilometers (sq km)). NMFS declares voluntary Slow Zones in the NMFS Greater Atlantic Region when a right whale acoustic detection is confirmed. Acoustically triggered Slow Zones extend approximately 20 nm from the detection source and remain effective for 15 days. DMAs/Slow Zones may be extended if additional sightings or acoustic detections meeting the thresholds above are detected within the latter half of the 15 day effective period. Once the initial detection trigger has been met, NMFS would then determine whether the potential DSZ has a greater than 50 percent likelihood that right whales would continue to be present within the zone (not to exceed 2,500 sq nm (8,575 sq km) commensurate with the size of the aggregation for visual detections or 400 sq nm (1,372 sq km) for acoustic detections). As with the current voluntary DMA/Slow Zone program, DSZs may be extended if

additional sightings or acoustic detections meeting the minimum thresholds occur within the effective period.

Drawing upon the agency's long-time expertise implementing voluntary dynamic areas over the last 13 years, NMFS' process for determining and implementing DSZs would follow an objective, rigorous and replicable protocol, informed by inputs such as the number of right whales detected, the dispersion of the aggregation, and whale behavior (if known). Furthermore, NMFS would provide details of the DSZ determination when providing public notice of a DSZ designation. Ensuring that DSZs meet a minimum trigger threshold and a greater than 50 percent likelihood of continued right whale presence standard would provide confidence that these zones will effectively achieve the goal of providing targeted protection to right whales (in areas not protected by static zones) from elevated vessel strike risk while avoiding unnecessary regulation of vessel speed.

The boundaries and timing of temporary DSZs for right whales are by their very nature uncertain until the conditions that trigger one are present. Once those conditions are determined to be in place, however, the need for those DSZs to be effective to protect right whales is immediate. Implementing DSZs through publication of **Federal Register** notices does not allow for timely implementation of a DSZ and could result in unnecessary avoidable risk of both vessel strikes of right whales and potentially mariner safety. The time normally required to file and publish a DSZ's boundaries and effective period in the **Federal Register** would delay implementation and diminish the value and effectiveness. Thus, this proposed rule allows NMFS to implement timely DSZs without prior publication in the **Federal Register** as follows.

When NMFS determines that the criteria for establishing a DSZ, or DSZ extension, have been met, NMFS will announce notice of the DSZ or DSZ extension through publication on the agency's website, via U.S. Coast Guard Notices to Mariners, NOAA Weather Radio announcements, and through other practicable appropriate means, as well as by Notice in the **Federal Register** as soon as practicable. NMFS requests public comment on other effective means for notifying the public, including social media, smartphone apps, email notifications and text alerts to which mariners, harbor masters, port officials, pilots, and the public can subscribe. As stated earlier, the proposed SSZs will accrue a net

expansion of vessel strike risk coverage compared to the areas in the current speed regulation, including many areas/times where voluntary DMAs and Slow Zones have been common. NMFS anticipates that under the proposed DSZs framework, the prevalence of these zones will be less frequent, given the more rigorous coverage provided by the proposed SSZ boundaries. Additionally, since 2008, nearly all voluntary DMAs and Slow Zones were triggered on the continental shelf, with 93 percent occurring in the NMFS Greater Atlantic Region (Maine to Virginia). Accordingly, NMFS anticipates that proposed DSZs would continue to be most common north of North Carolina and within coastal and shelf waters.

NMFS requests public comment on the proposed DSZ framework for the proposed mandatory DSZ program. NMFS particularly invites comment on: (1) the geographic areas that should be subject to mandatory DSZs; (2) the appropriate design of trigger thresholds using confirmed right whale acoustic and/or visual detections as well as the appropriate methodology for determining spatial extent as it relates to the greater than 50 percent likelihood standard for presence; and (3) the forms of notice mariners would find most practicable for receiving timely declarations of new DSZs.

The use of dynamic strategies to manage vessel speed for right whale protection is already customary, and employed in U.S. waters. The State of Massachusetts dynamically extends the effective period of its small vessel speed restrictions in Cape Cod Bay if the continued presence of right whales is detected in the Bay, as the State did in 2021 (Massachusetts Division of Marine Fisheries 2021). NMFS' long-time (since 1997) approach regulations also require mariners to modify their vessel operations (including speed and/or direction of travel) in real-time if they encounter right whales while transiting. Mariners must remain 500 yards (457.2 m) away from right whales unless compliance would create a serious threat to vessel safety. This strategy is also used in Canadian waters. Since 2018, Canada has implemented a seasonal system of mandatory dynamic right whale speed restrictions within the Gulf of St Lawrence shipping lanes and during the summer, creates a dynamic Restricted Area to further protect foraging aggregations, as needed, based on right whale detections, and announced through Transport Canada Ship Safety Bulletins (Transport Canada 2021a, 2021b).

Year-round visual and acoustic monitoring of right whale habitat outside proposed active SSZs will be essential to the effectiveness of the proposed mandatory DSZs. NMFS' coast-wide vessel strike mortality risk model indicates where and when elevated strike risk is present, and can serve as a resource for identifying monitoring needs (Garrison *et al.* 2022). In 2019, NMFS convened an expert working group to provide recommendations to enhance right whale monitoring along the U.S. East Coast. The effort culminated in a detailed report that included recommendations for monitoring right whale distribution (Oleson *et al.* 2020). NMFS continues to review recommendations from the monitoring report and is taking monitoring needs for proposed mandatory DSZs into consideration as it works with external partners to optimize right whale monitoring efforts.

Updates to Safety Deviation Provisions

NMFS established a safety deviation provision within the 2008 speed rule (50 CFR 224.105) to accommodate situations where transit at speeds of 10 knots (5.1 m/s) or less during severe conditions would threaten human or navigational safety. Following a review of vessel transit data and compliance information as part of the speed rule assessment (NMFS 2020), NMFS investigated options to better understand the extent of safety impacts from the speed rule and to monitor use of the safety deviation provision. Current regulations lack a mechanism by which the agency can efficiently identify which vessels are employing the safety deviation and when and where use of the safety deviation may be common. Existing information collection protocols lack sufficient detail to determine the circumstances surrounding a deviation and to assess situations where a vessel may lack reasonable grounds to employ the safety deviation. NMFS further recognizes that the current safety deviation language lacks recognition of emergency situations that do not involve a maneuverability issue, when a vessel may have immediate cause to exceed the 10-knot (5.1 m/s) speed restriction due to a medical or other emergency involving the health or life of a vessel passenger.

The proposed inclusion of vessels less than 65 ft (19.8 m) in length within the vessel size class subject to speed regulation presents a new safety issue unique to smaller and lighter boats. During severe weather conditions, vessels less than 65 ft (19.8 m) in length

may face maneuverability and associated safety issues. While some vessel operators can easily avoid such conditions, others may need to be out on the water during severe weather events to provide essential maritime services, or as a part of other work obligations.

To address the issues stated above, NMFS proposes to retain the current safety deviation provision with several changes:

(1) Expansion of the safety deviation provision to include emergency situations that present a threat to the health, safety, or life of a person;

(2) Inclusion of a new provision, applicable only to vessels less than 65 ft (19.8 m) in length, which allows such vessels to transit at speeds greater than 10 knots (5.1 m/s) within areas where a National Weather Service Gale Warning, or other National Weather Service Warning (e.g., Storm Warning, Hurricane Warning) for wind speeds exceeding those that trigger a Gale Warning is in effect. No reporting of these speed deviations would be required; and

(3) Modification of the safety deviation reporting protocols to eliminate the vessel logbook entry requirement in favor of a new requirement for vessels to submit an online report to NMFS within 48 hours of employing a safety deviation detailing the circumstances and need for the deviation.

The proposed regulations would require a vessel operator to submit, via a NMFS website, the same information currently contained in the logbook entry along with new information relevant to the deviation event, including:

(1) Vessel name, length overall, draft (at the time of the deviation) and where applicable, the vessel IMO number and Maritime Mobile Service Identity (MMSI) number;

(2) Reason for the deviation: (a) maneuverability constraints, or (b) emergency;

(3) Date, time, latitude, and longitude where deviation began;

(4) Date, time, latitude, and longitude where deviation ended;

(5) Speed or average speed at which the vessel transited during the deviation;

(6) Wind speed and direction at the time of the deviation;

(7) Information on water current speed and direction at the time of the deviation, including measurements from the vessel acoustic doppler current profiler (ADCP), if the vessel is equipped with this device;

(8) If the vessel was operating within a restricted/dredged channel, indicate

whether one-way or two-way vessel traffic was present within the channel at the time the deviation was employed;

(9) The vessel master, and, if the vessel was under pilotage, the pilot, must attest to the accuracy of the information contained within the Report. If the vessel was under pilotage, indicate the name of the harbor pilot;

(10) Opportunity to briefly provide additional narrative (300 word limit), if desired, to explain the circumstances of a safety deviation.

NMFS specifically invites comment on the proposed reporting requirements, including comments on whether a web-based reporting mechanism is practicable for mariners, who should be responsible for completing and attesting to reports (for example, whether pilots should be responsible for completing and attesting to reports when a vessel is under pilotage), and on requiring more robust logbook recordkeeping in lieu of the new reporting requirements proposed herein.

NMFS recognizes that under certain conditions, vessel maneuverability and/or navigational safety may be hampered by transiting at reduced speeds, especially within port entrance areas. NMFS' current and proposed speed regulations acknowledge this through the safety deviation provision that is available when vessel maneuverability is compromised by the speed restriction. Given the totality of changes proposed herein, particularly the expanded size class of vessels subject to regulation, most pilot vessels operating within port entrance areas will likely be newly subject to speed regulation. NMFS solicits comments on options for alternative speed reduction programs specifically within port entrance areas that best maintain navigational safety while providing comparable vessel strike protections to right whales. Alternative programs would be conducted and resourced by external partners, include comprehensive monitoring of right whale presence, and provide a level of vessel strike risk reduction equivalent to that achieved through the measures described in this rule.

Additional Enforcement Clarifications

NMFS is also clarifying that the prohibitions set forth in Section 9(g) of the ESA would apply to the speed restrictions and reporting requirements set forth in this rule. Additionally, consistent with Section 10(g) of the ESA, NMFS clarifies that any person claiming the benefit of an exception to this rule has the burden of proving that the exception applies. Sections 9(g) and 10(g) of the ESA would apply

irrespective of these changes. However, NMFS believes it is appropriate to provide additional notice to the public of how these provisions would apply under the proposed rule. This clarification would also provide consistency with other rules designed to protect North Atlantic right whales. With limited exception, regulations at 50 CFR 224.103(c) currently provide that it is unlawful "to commit, attempt to commit, to solicit another to commit, or cause to be committed" an approach within 500 yard of a North Atlantic right whale. The approach regulation also makes clear that a person claiming the applicability of an exception has the burden of proving that the exception applies.

Vessel Exemptions

The proposed rule includes one change to the exemptions for certain vessels at 50 CFR 224.105(a). Currently the speed regulations exempt vessels that are owned or operated by, or under contract to, the Federal Government, and that exemption extends to foreign sovereign vessels when they are engaging in joint exercises with the U.S. Department of the Navy. This proposed rule would extend the exemption to foreign sovereign vessels engaging in joint exercises with the U.S. Coast Guard. All other exemptions remain unchanged. As stated earlier, an exemption from the speed regulations does not affect a federal agency's consultation requirement under section 7 of the ESA, and reduced speeds may be recommended or specified as part of a section 7 consultation to reduce the threat of vessels collisions with right whales. Federal action agencies should continue to monitor their actions to determine if reinitiation of a consultation is warranted based on triggers specified at 50 CFR 402.16. This proposed action, however, does not provide a basis for reinitiation.

Stakeholder Considerations

NMFS designed the proposed changes to provide necessary enhanced protection for endangered right whales while minimizing impacts on human use of ocean resources for commerce and recreation. NMFS recognizes that vessels regularly operating at speeds in excess of 10 knots within areas/times designated for speed restriction in this proposed rule will likely experience delayed transit times within these areas, although there will be no restrictions on when or where a vessel may transit.

In addition to considering public comments from stakeholders regarding impacts of the proposed rule, NMFS will continue to work with key federal

partners, including the U.S. Coast Guard, Bureau of Ocean Energy Management, U.S. Army Corps of Engineers, and Marine Mammal Commission, to ensure mariner safety and address stakeholder concerns regarding the proposed changes. For example, NMFS is aware of the nascent offshore wind energy industry and the substantial overlap of likely future wind energy development with the proposed Seasonal Speed Zones, possible Dynamic Speed Zones, and right whale habitat generally. The proposed changes would provide a stable regulatory landscape for companies as they plan future vessel-based operations for offshore energy construction and long-term management, while providing necessary protection for right whales throughout the U.S. portions of their habitat.

NMFS anticipates the proposed rule will impact a larger number of recreational boaters and anglers than the current rule, due mostly to the inclusion of vessels equal to or greater than 35 ft in length. Recreational fishing is widely enjoyed and generates billions of dollars in overall economic contribution along the U.S. East Coast (Lovell *et al.* 2020). To better understand the impacts of the proposed rule on recreational angling, NMFS invites public comment on the degree to which the mandatory speed limit (for most vessels equal to or greater than 35 ft in length) may impact recreational angling within the active proposed Seasonal Speed Zones and Dynamic Speed Zones. NMFS anticipates that the seasonal nature of most speed restrictions will minimize the impacts of the proposed rule on recreational activities. In the Southeast and Mid-Atlantic, the proposed restrictions will be in effect during seasons with less recreational angler activity. In the greater New England area, most seasonal speed restrictions occur during periods of colder weather, when recreational activity is low, although this region is most likely to see Dynamic Speed Zones triggered during seasons of higher recreational activity based on right whale distribution data.

Other Considerations

In addition to the proposed vessel speed measures herein, NMFS plans to continue an ongoing review of vessel routing measures to examine the effectiveness of such measures and investigate opportunities to further reduce the spatial and temporal overlap of vessels and right whales through routing measures, if warranted. Effective outreach to the mariner community remains an important means of ensuring speed regulations are understood and

adhered to by the regulated community. NMFS is engaged in ongoing research to identify effective means to communicate with this community.

NMFS also recognizes the role whale avoidance technologies may one day play in preventing vessel collisions, and remains open to the future application of these technologies, if proven safe and effective. The use of onboard marine mammal observers is another strategy employed to reduce vessel strike events. For some activities and vessel types, the addition of marine mammal observers can provide an added mechanism to prevent vessel strikes in conjunction with other conservation measures; however, documented right whale vessel strikes involving vessels with trained observers demonstrate the inconsistency of this tool.

While the proposed rule is designed to address lethal right whale vessel strike risk, NMFS anticipates ancillary benefits, including reduced vessel strike risk, will accrue to other marine species. Endangered and protected cetaceans, pinnipeds, sea turtles, and certain fish species inhabit the regions/seasons covered by the proposed action. Vessel strikes are an ongoing threat to all large whale species and are contributing to two ongoing Unusual Mortality Events involving minke (*Balaenoptera acutorostrata*) and humpback whales (*Megaptera novaeangliae*). Researchers have found that the majority of large whale vessel strike mortalities involve vessels transiting at speeds greater than 10 knots (Laist *et al.* 2001; Jensen and Silber 2004; Vanderlaan and Taggart 2007; Conn and Silber 2013). NMFS expects both the spatial and temporal expansion of SSZs and inclusion of vessels equal to or greater than 35 ft in length will provide additional beneficial vessel strike risk reduction to other large whale species.

Numerous studies have linked reduced vessel transit speeds with a reduction in ocean noise (McKenna *et al.* 2012, 2013; Leaper *et al.* 2014; Gassmann *et al.* 2017; MacGillivray *et al.* 2019; Duarte *et al.* 2021). The proposed rule is expected to reduce radiated underwater ocean noise particularly in areas where substantial numbers of vessels would slow their speeds to 10 knots (5.1 m/s) or less. This change in speed would subsequently reduce noise disturbances, such as sound masking, for marine species occurring in overlapping areas/seasons. Additionally, for certain vessel types, the proposed rule is expected to result in reduced fuel use, and thus emissions, by slowing more vessels over a larger net spatial and temporal area compared to current conditions. NMFS anticipates

these reductions would contribute to enhanced air quality, and support lower fossil fuel emissions, a priority for climate change mitigation, benefiting both human health and marine species.

As with the current speed regulation, NMFS recognizes that vessel compliance and effective enforcement is critical to the effectiveness of the proposed rule. Overall vessel compliance with the current speed rule is monitored based on protocols and procedures outlined in the 2020 vessel speed rule assessment (NMFS 2020). NMFS uses the distance weighted average vessel speed to identify sections of transits that exceed 10 knots and considers the total distance at or under 10 knots as the best metric of apparent compliance. NMFS has seen increasing levels of vessel compliance over time since the speed rule first went into effect in 2008.

NOAA has already taken steps to address ongoing enforcement challenges and prepare for new challenges resulting from the inclusion of vessels equal to or greater than 35 ft in length. Specifically, the Office of Law Enforcement has upgraded capabilities for tracking vessel speed at sea, initiated research of new vessel tracking technologies, and started investigating land-based and aerial monitoring options. NMFS has also commenced staff level discussions with the U.S. Coast Guard regarding possible modification of current AIS carriage requirements to include additional vessel types and sizes. Furthermore, as discussed above, NMFS is proposing changes to the speed rule specifically designed to enhance monitoring and enforcement.

The inclusion of vessels equal to or greater than 35 ft in length under the proposed rule will involve some increased enforcement costs since many vessels in this size class are not equipped with AIS and cannot be monitored in the same way as AIS-equipped vessels. Moving forward, NOAA believes a diversified enforcement approach is needed. This would involve expanding at-sea operations in appropriate locations, using additional technologies to monitor vessel speed, providing compliance assistance to the regulated community, including outreach, and bringing enforcement cases in appropriate circumstances.

These enhancements to NOAA's enforcement efforts are not expected to substantially raise costs. NOAA intends to efficiently and effectively enforce the proposed rule building upon ongoing at-sea enforcement efforts, and we anticipate receiving continued

assistance from enforcement partners such as the U.S. Coast Guard and State law enforcement agencies. The increase in potentially affected vessels under the proposed rule is not necessarily commensurate with an increase in enforcement costs. While more vessels may be subject to speed regulation under the proposed rule, enforcement will focus on those vessels posing the greatest risk to right whales. Proposed changes to the safety deviation reporting protocols should also streamline enforcement.

NOAA brings civil administrative enforcement cases to achieve both specific and general deterrence. Violations of the current speed rule can result in significant monetary penalties, which serve as a deterrent to other potential violators. Outreach can also be an effective tool to improve compliance. This year, NOAA sent approximately 400 letters to vessels suspected of violating the speed limit to encourage compliance. NOAA is committed to continuing and expanding outreach efforts under the proposed rule.

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- 1382(a)), and ESA section 11(f) (16 U.S.C. 1540(f)).
- A Draft Environmental Assessment for this proposed action was prepared and is available at <https://www.fisheries.noaa.gov/national/endangered-species-conservation/reducing-vessel-strikes-north-atlantic-right-whales>.
- An informal consultation under ESA section 7 is currently underway for this proposed action. Consultation will be completed before a final rule is issued.
- This proposed rule has been determined to be significant under E.O. 12866 and NMFS has prepared a draft Regulatory Impact Review (RIR). NMFS estimates that approximately 15,899 vessels would be affected by the proposed revisions to the current speed rule at an estimated cost of just over \$46 million per year. Affected vessels include those that are: (1) subject to speed regulation and (2) documented or estimated to transit in excess of 10 knots (5.1 m/s) within the proposed SSZs and potential DSZs. Of the 15,899 vessels identified, 9,220 (59 percent) are recreational/pleasure boats, 3,575 (22 percent) are ocean-going commercial ships, and 3,124 (19 percent) are commercial, industrial and other vessel types, although the number of affected vessels less than 65 ft (19.8 m) is likely overestimated. The largest proportion of the overall estimated cost of the proposed changes is borne by ocean-going commercial ships (35 percent) followed by passenger vessels (26 percent) and industrial work vessels (18 percent). NMFS invites public comment on potential economic, operational or safety impacts from the proposed changes.
- NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) as required by section 603 of the Regulatory Flexibility Act. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. We anticipate a total of 2,524 small entities (individual vessels) would be affected by the proposed rule with an estimated annual cost, as a percentage of revenue, ranging from 0.06% to 2.09%, depending on the vessel type, with passenger and pilot vessels most impacted. Commercial fishing and passenger vessel entities make up a combined 60% of the total small entities affected by the rule, although as a proportion of revenue the cost of this impact is substantially lower for commercial fishing vessels. A full description of the proposed action, and the legal basis and objectives of the action, are discussed above and are not repeated here.

Classification

NMFS is proposing this rule pursuant to its rulemaking authority under MMPA section 112(a) (16 U.S.C.

The proposed action includes no day-to-day reporting requirements. A vessel operator only needs to submit a brief electronic report to NMFS if they use the safety deviation provision due to limited maneuverability affecting vessel safety or an emergency. Since these safety/emergency situations are expected to be rare, the impact on small entities should be minimal. No special professional skills are needed to submit the report other than knowledge of the vessel and the conditions relevant to the safety deviation.

NMFS considered a number of alternatives in its Draft RIR and Draft Environmental Assessment but did not identify any significant alternatives which would accomplish the stated objective of this proposed rule. Alternatives considered included:

(1) Alternative 1 (No Action Alternative) would maintain the status quo. No action would be taken and vessel traffic along the U.S. East Coast would continue as is under 50 CFR 224.105.

(2) Alternative 2 would restrict the speed of most vessels greater than or equal to 35 ft (10.7 m) and less than 65 ft (19.8 m) in length to 10 knots (5.1 m/s) or less within existing SMAs.

(3) Alternative 3 would modify the spatial and temporal boundaries of the existing SMAs to create newly proposed SSZs. The size class of vessels subject to speed regulation would remain unchanged.

(4) Alternative 4 would restrict the speed of most vessels greater than or equal to 35 ft (10.7 m) and less than 65 ft (19.8 m) in length to 10 knots (5.1 m/s) or less within existing SMAs, and establish a mandatory DSZ program.

(5) Alternative 5 (Preferred Alternative) would modify the spatial and temporal boundaries of the existing SMAs to create newly proposed SSZs, add vessels greater than or equal to 35 ft (10.7 m) and less than 65 ft (19.8 m) in length to the vessel size class subject to speed regulation, and establish a mandatory DSZ program.

The changes proposed in this action are designed to significantly reduce the risk of lethal vessel strike events involving right whales in support of broader efforts to stabilize the rapid, unsustainable decline in population. Maintaining the status quo (Alternative 1) would not result in any additional reduction in strike risk. Alternative 2 would address strike risk from most vessels greater than or equal to 35 ft (10.7 m) and less than 65 ft (19.8 m) in length but fails to fix the spatial and temporal misalignment of current SMAs, leaving right whales vulnerable

to vessel collision in many areas. Alternative 4 partially addresses this issue by further extending mandatory protections through the DSZ framework, but given the broad spatial/temporal extent of the areas NMFS has identified as high risk outside the current SMAs, the use of a dynamic framework would be inadequate to mitigate the constant strike risk in certain areas/seasons, and would create a cumbersome and less predictable regulatory environment. Alternative 3 successfully addresses much of the spatial and temporal misalignment of current SMAs but fails to address the risk from vessels less than 65 ft (19.8 m) in length, which account for at least 42% of documented lethal strike events in U.S. waters since the speed rule was implemented in 2008. Only Alternative 5, (the action proposed herein) provides a high likelihood (>90%) of substantial reduction in lethal strike events involving most vessels greater than or equal to 35 ft (10.7 m) transiting at speeds greater than 10 knots (5.1 m/s), assuming full compliance with the proposed rule.

The proposed action is not expected to have a disproportionately high effect on minority populations or low-income populations under E.O. 12898.

The proposed action does not contain policies with federalism implications under E.O. 13132.

This proposed action contains a revision to the existing collection-of-information authorization (OMB Control number 0648-0580) for this rule under the Paperwork Reduction Act (PRA). The appropriate PRA documents will be submitted following publication of the proposed rule.

List of Subjects in 50 CFR 224

Administrative practice and procedure, Boats and boating safety, Endangered and threatened species, Marine mammals, Transportation, Vessels, Whales.

Dated: July 25, 2022,

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, the National Oceanic and Atmospheric Administration proposes to amend 50 CFR part 224 as follows:

PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

■ 2. Revise § 224.105 to read as follows:

§ 224.105 Speed restrictions to protect North Atlantic Right Whales.

(a) The following restrictions apply to: All vessels greater than or equal to 35 ft (10.7 m) in overall length and subject to the jurisdiction of the United States (U.S.), and all other vessels greater than or equal to 35 ft (10.7 m) in overall length entering or departing a port or place subject to the jurisdiction of the U.S. These restrictions shall not apply to U.S. vessels owned or operated by, or under contract to, the Federal Government. This exemption extends to foreign sovereign vessels when they are engaging in joint exercises with the U.S. Department of the Navy or the U.S. Coast Guard. In addition, these restrictions do not apply to law enforcement vessels of a State, or political subdivision thereof, when engaged in law enforcement or search and rescue duties. Vessels subject to the jurisdiction of the U.S. or entering or departing a port or place subject to the jurisdiction of the U.S. shall travel at a speed of 10 knots (5.1 m/s) or less over ground within Seasonal Speed Zones (SSZs) described in paragraphs (a)(1) through (5) of this section and Dynamic Speed Zones (DSZs) established under paragraph (a)(6) of this section:

(1) Atlantic Zone (north of Kill Devil Hills, NC, to north of Gloucester, MA): During the period of November 1 to May 30 each year, includes marine waters beginning at the charted mean high water line within the area bounded by straight lines connecting the following points in the table in the order stated from north to south;

TABLE 1 TO PARAGRAPH (A)(1)

Latitude	Longitude
42°38'23" N	070°34'21" W.
42°20'10" N	069°59'30" W.
40°21'0" N	068°38'54" W.
40°21'0" N	071°51'21" W.
39°56'53" N	072°52'28" W.
38°30'46" N	074°12'12" W.
36°50'21" N	075°6'15" W.
36°6'00" N	075°15'00" W.
36°6'00" N	at shoreline.

thence bounded on the west by the shoreline and the Convention on the International Regulations for Preventing Collisions at Sea (COLREGS) Demarcation Lines, from 36°6'00" N north to 40°21'0" N; thence bounded by the following point 41°04'16" N, 71°51'21" W; thence to the shoreline at 71°51'21" W; thence bounded on the north by the shoreline and the COLREGS Demarcation Lines to 70°39'23" W, 41°30'54" N; thence bounded by the shoreline to 70°52'54" W, 42°18'37" N; thence bounded by the

following point 70°54'3"W, 42°25'14"N; thence bounded by the shoreline and the COLREGS Demarcation Lines back to the starting point.

(2) Great South Channel Zone (east of Cape Cod, MA): During the period of April 1 to June 30 each year, in all waters bounded by straight lines connecting the following points in Table 2 in the order stated.

TABLE 2 TO PARAGRAPH (A)(2)

Latitude	Longitude
41°44'08" N	069°34'50" W.
42°10'00" N	068°31'00" W.
41°24'53" N	068°31'00" W.
40°50'28" N	068°58'40" W.

(3) North Carolina Zone (Wilmington, NC, to north of Kill Devil Hills, NC): During the period of November 1 to April 30 each year, includes marine waters beginning at the charted mean high water line within the area bounded on the west by the shoreline and the COLREGS Demarcation Lines, and on the east by straight lines connecting the following points in Table 3 in the order stated from north to south.

TABLE 3 TO PARAGRAPH (A)(3)

Latitude	Longitude
36°06'00" N	at shoreline
36°06'00" N	075°15'00" W.
35°36'30" N	075°03'00" W.
35°15'10" N	075°06'30" W.
34°59'10" N	075°14'40" W.
34°53'30" N	075°32'40" W.
34°39'00" N	075°59'10" W.
34°15'50" N	076°27'30" W.
34°21'25" N	076°49'15" W.
34°11'50" N	077°13'30" W.
33°56'40" N	077°31'30" W.
34°10'30" N	at shoreline.

(4) South Carolina Zone (north of Brunswick, GA, to Wilmington, NC): During the period of November 1 to April 15 each year, includes marine waters beginning at the charted mean high water line within the area bounded on the west by the shoreline and the COLREGS Demarcation Lines, and on the east by straight lines connecting the following points in Table 4 in the order stated from north to south.

TABLE 4 TO PARAGRAPH (A)(4)

Latitude	Longitude
34°10'30" N	at shoreline
33°56'40" N	077°31'30" W.
29°45'00" N	080°51'36" W.
33°36'30" N	077°47'06" W.
33°28'24" N	078°32'30" W.
32°59'06" N	078°50'18" W.
31°50'00" N	080°33'12" W.

TABLE 4 TO PARAGRAPH (A)(4)—
Continued

Latitude	Longitude
31°27'00" N	080°51'36" W.
31°27'00" N	at shoreline.

(5) Southeast Zone (south of Cape Canaveral, FL, to north of Brunswick, GA): During the period of November 15 to April 15 each year, includes marine waters beginning at the charted mean high water line within the area bounded on the west by the shoreline and the COLREGS Demarcation Lines, and on the east by straight lines connecting the following points in Table 5 in the order stated from north to south.

TABLE 5 TO PARAGRAPH (A)(5)

Latitude	Longitude
31°27'00" N	at shoreline.
31°27'00" N	080°51'36" W.
29°45'00" N	080°51'36" W.
29°45'00" N	081°01'00" W.
29°15'00" N	080°55'00" W.
29°08'00" N	080°51'00" W.
28°50'00" N	080°39'00" W.
28°38'00" N	080°30'00" W.
28°28'00" N	080°26'00" W.
28°24'00" N	080°27'00" W.
28°21'00" N	080°31'00" W.
28°16'00" N	080°31'00" W.
28°11'00" N	080°33'00" W.
28°00'00" N	080°29'00" W.
28°00'00" N	At shoreline.

(6) Dynamic Speed Zones (DSZs):
(i) *Designation.* At all times of year and in all waters along the U.S. Atlantic seaboard, including the entire U.S. Exclusive Economic Zone, except SSZs specified in paragraphs (a)(1) through (5) of this section, a DSZ will be designated upon a determination by NMFS that there exists:

(A) At a minimum, a confirmed visual sighting of three or more North Atlantic right whales within close proximity or confirmed acoustic detection of a North Atlantic right whale; and

(B) A greater than 50 percent likelihood that North Atlantic right whales will remain within the designated DSZ while it is in effect.

(C) A DSZ shall have a minimum effective period of 10 days and shall not exceed 2500 sq nm (8575 sq km) in size for visually triggered DSZs and 400 sq nm (1372 sq km) for acoustically triggered DSZs. The DSZ may be extended for additional periods provided that NMFS makes the required determinations for designating a DSZ specified in this paragraph.

(ii) *Notice of DSZ.* Notice of a DSZ or DSZ extension will be posted at <https://www.fisheries.noaa.gov> and

disseminated via U.S. Coast Guard Notice to Mariners, NOAA Weather Radio announcements, and through other practicable appropriate means, as well as by Notice in the **Federal Register** as soon as practicable.

(b) A vessel may operate at a speed in excess of 10 knots (5.1 m/s) in an active designated SSZ or DSZ only if:

(1) Justified because an emergency situation presents a threat to the health, safety, or life of a person;

(2) Necessary to maintain safe maneuvering speed and justified because the vessel is in an area where oceanographic, hydrographic, and/or meteorological conditions severely restrict the maneuverability of the vessel and the need to operate at such speed is confirmed by the pilot on board or, when a vessel is not carrying a pilot, the master of the vessel; or

(3) A vessel less than 65 ft (19.8 m) in length is transiting within areas where a National Weather Service Gale Warning, or other National Weather Service Warning (e.g., Storm Warning, Hurricane Warning) for wind speeds exceeding those that trigger a Gale Warning is in effect.

(c) If a deviation from the requirements in paragraph (a) of this section is necessary under paragraph (b)(1) or (2) of this section, the vessel operator must complete and electronically submit an accurate and complete Safety Deviation Report to NMFS at <https://www.fisheries.noaa.gov> within 48 hours of the deviation. The Safety Deviation Report shall describe, in detail, the circumstances surrounding the deviation and need for the deviation on forms provided by NMFS. The vessel operator and, if the vessel is under pilotage at the time of the deviation, the pilot on board shall attest to the accuracy of the information in the Safety Deviation Report before it is submitted.

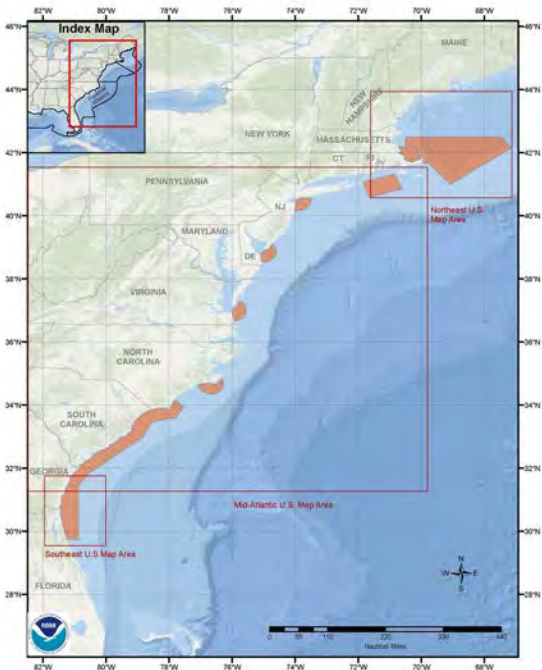
(d) Except as provided under paragraph (b) of this section, it is unlawful for any person subject to the jurisdiction of the U.S. to commit, to attempt to commit, to solicit another to commit, or to cause to be committed any speed violation with a vessel subject to the restrictions established in paragraph (a) of this section or a reporting violation described in paragraph (c) of this section.

(e) Any person or vessel claiming the applicability of any exception under paragraph (b) of this section has the burden of proving that the exception applies.

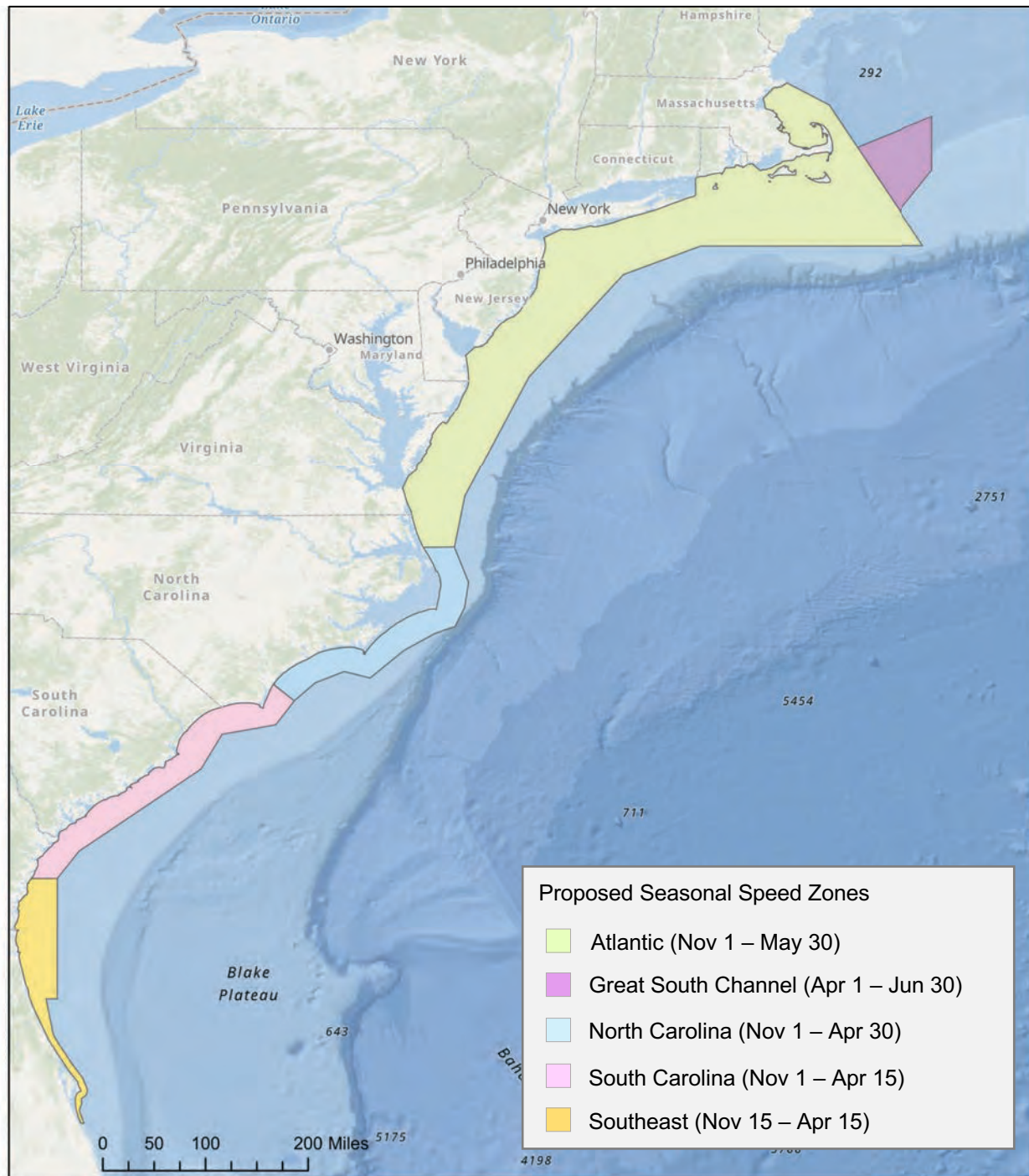
[FR Doc. 2022-16211 Filed 7-29-22; 8:45 am]

BILLING CODE 3510-22-P

Ship Speed Rule Seasonal Management Areas to Protect North Atlantic Right Whales



Proposed North Atlantic Right Whale Seasonal Speed Zones (Most Vessels 35 Feet or Longer)

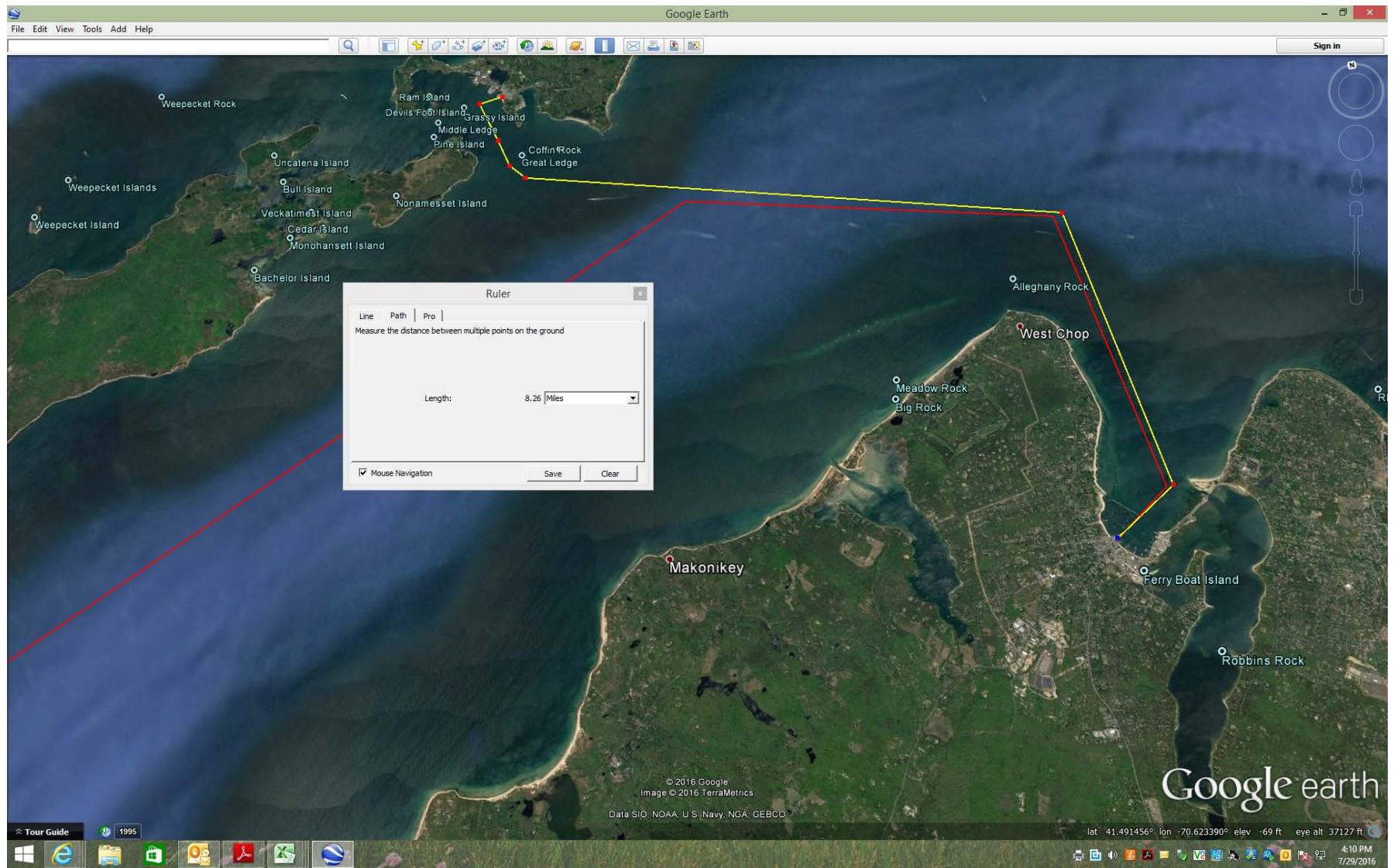


NOAA Fisheries is proposing to modify the boundaries and timing of current vessel speed restrictions (Seasonal Management Areas) along the U.S. East Coast and create proposed Seasonal Speed Zones to reduce the risk of lethal collisions with endangered North Atlantic right whales. Most vessels 35 feet or longer would be required to transit at 10 knots or less within active proposed Seasonal Speed Zones.

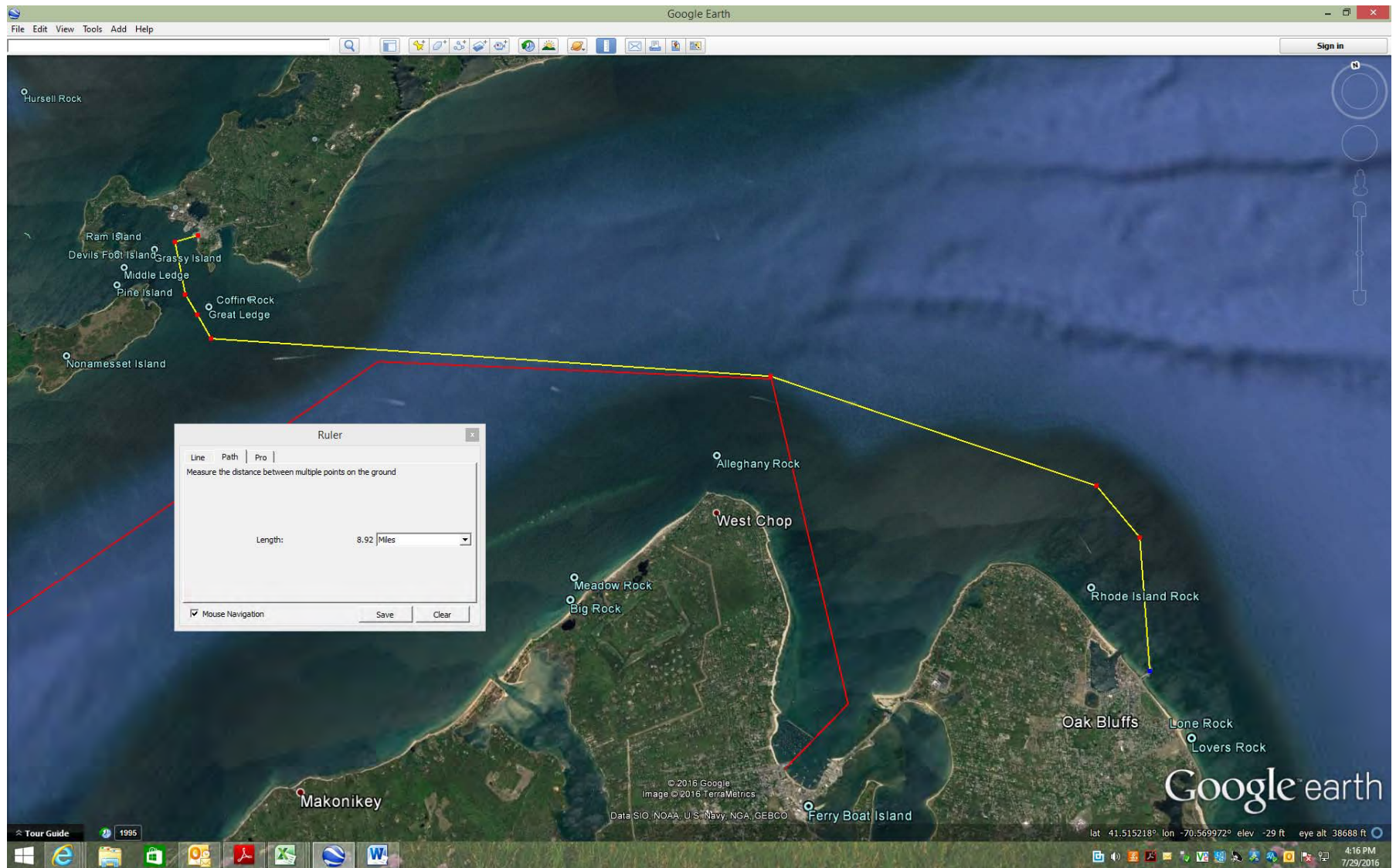
Woods Hole, Martha's Vineyard and Nantucket Steamship Authority

Vessel Descriptions

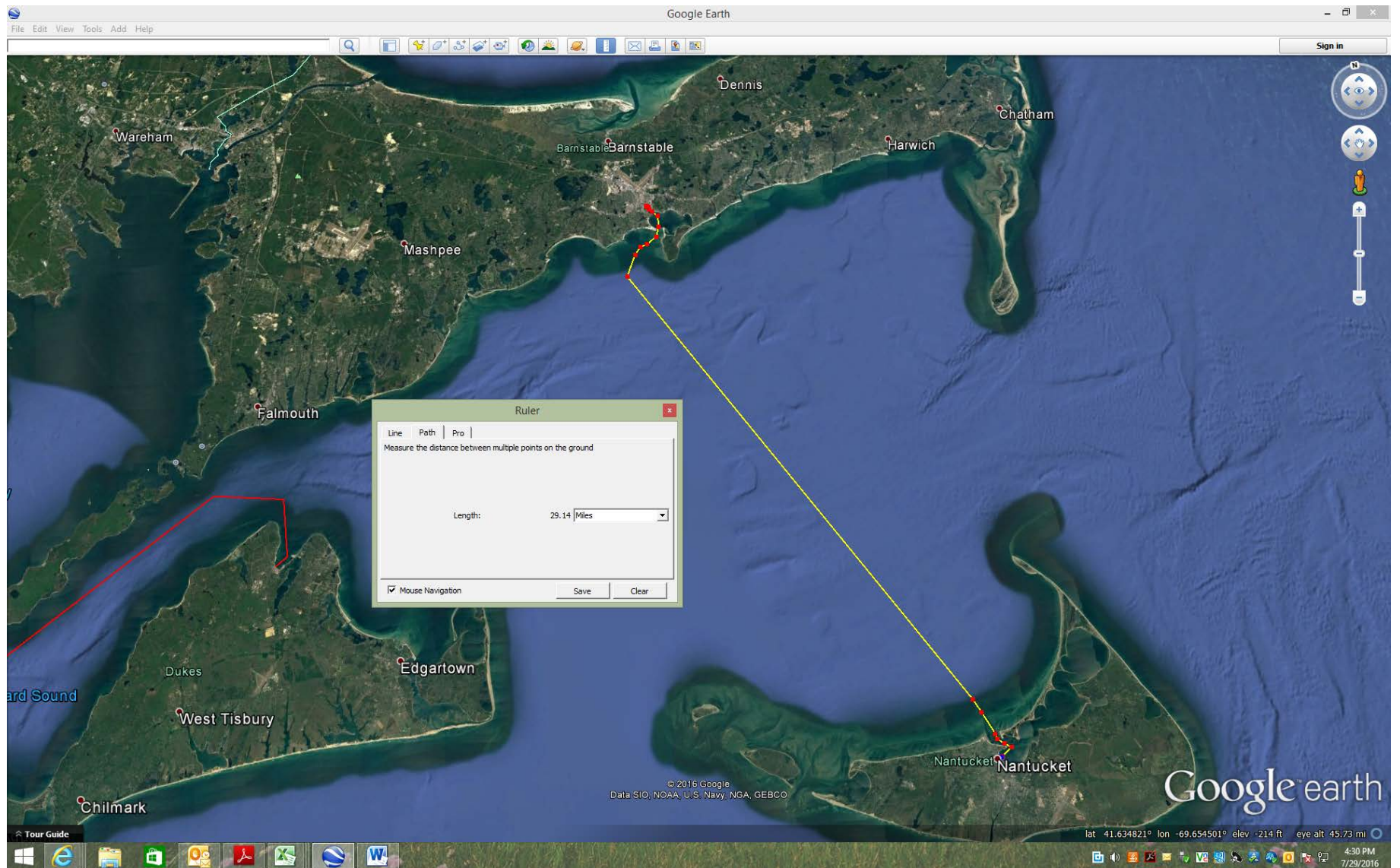
Vessel Name	Passenger Capacity (Includes crew)	Vehicle Capacity (car equivalents)	Max. Service Speed (Knots)	Length Overall (Ft)	Width (Beam)(Ft)	Year Built (Keel Laid)	Year Acquired
<i>M/V Eagle</i>	818	54	15.0	233.0	61.5	1987	1987
<i>M/V Gay Head</i>	147	39	12.5	235.0	52.0	1981	1987
<i>M/V Governor</i>	256	42	16.0	242.0	64.0	1954	1998
<i>M/V Island Home</i>	1,210	60	16.0	255.0	64.0	2005	2007
<i>M/V Iyanough</i>	400	n/a	35.0	155.0	40.0	2005	2006
<i>M/V Katama</i>	150	39	13.5	235.0	52.0	1982	1986
<i>M/V Martha's Vineyard</i>	1,275	54	15.0	230.0	60.0	1992	1993
<i>M/V Nantucket</i>	809	50	15.0	230.0	60.0	1973	1974
<i>M/V Sankaty</i>	300	38	12.5	235.0	52.0	1981	1994
<i>M/V Woods Hole</i>	453	50	14.0	235.0	64.0	2015	2016



Woods Hole, MA to Vineyard Haven, MA



Woods Hole, MA to Oak Bluffs, MA



Hyannis, MA to Nantucket, MA

2024 Annual Committee Applicants:

Agricultural Commission #

1 Seat Available; 1 Applicant

1 Seat Term Ends 2027

Current Committee Members:

Posie Constable	2024 – applied
Charity Benz	2025
Pamela Perun	2025
Jacob Tinkhauser	2026
Kelly Steffen	2026

Applicants:

Posie Constable – incumbent

Pursuant to Article 65 passed by 2022 Annual Town Meeting, “To the extent available and willing to serve, the [Agricultural] Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture.”

Airport Commission *

2 Seats Available; 3 Applicants

2 Seats Terms End 2027

Current Committee Members:

Andrea Planzer	2024 – applied
Philip Marks III	2024 – applied
Jeanette Topham	2025
Arthur D. Gasbarro	2026
Anthony G. Bouscaren	2026

Applicants:

Philip Marks III – incumbent
Andrea Planzer – new applicant
Michael Leavitt – new applicant

** Pursuant to MGL Chapter 90, Section 51E, “Of the members appointed [to the Airport Commission] at least one shall be a person having experience in aeronautics.”*

Board of Health

1 Seat Available; 3 Applicants

1 Seat Term Ends 2027

Current Committee Members:

James A. Cooper	2024 – applied
Malcolm MacNab (SB member)	2024
Meredith (Meri) Lepore	2026
Kerry McKenna	2025
Ann Smith	2026

Applicants:

James A. Cooper – incumbent
Jon Katz – new applicant
Robert Goldszer – new applicant

2024 Annual Committee Applicants:

Capital Program Committee

1 Seat Available; 0 Applicants

1 Seat Term Ends 2027

Current Committee Members:

Peter T. Kaizer (At-Large)	2024 – applied late
Stephen Welch (At-Large)	2025
Christy Kickham (At-Large)	2026
Howard Matz (At-Large)	2026
Brooke Mohr (SB Rep)	2024
Jill Vieth (Fin Com Rep)	2024
Barry Rector (NP&EDC Rep)	2024

Applicants:

Peter T. Kaizer – incumbent (late application)

Cemetery Commission

2 Seats Available; 2 Applicants

2 Seats Terms End 2027

Current Committee Members:

Lee W. Saperstein	2024 – applied
Frances Karttunen	2024 – applied
Barbara A. White	2025
Allen Reinhard	2026
Scott McIver	2026

Applicants:

Frances Karttunen – incumbent
Lee W. Saperstein – incumbent

Coastal Resiliency Advisory Committee

1 Seat Available; 2 Applicants

1 Seat Term Ends 2027

Current Committee Members:

Sarah Bois, Ph.D (At-Large)	2024 – applied
Joanna Roche (At-Large)	2025
Doug Rose (At-Large)	2026
Tim Braine (ConCom member)	2024
Abby De Molina (PB member)	2024
Matt Fee (SB member)	2024
Peter Brace (HSAB member)	2024
Jennifer M. Karberg, Ph.D (NCF designee)	2024
Rachael Freeman (Land Bank member)	2024
Christy Kickham (CapCom member)	2024
Gary Beller (ACNVT member)	2024

Applicants:

Sarah Bois – incumbent
Shelly Lockwood – new applicant

2024 Annual Committee Applicants:

Conservation Commission

2 Seats Available; 3 Applicants

2 Seats Terms End 2027

Current Committee Members:

Ian Golding	2024 – applied
Linda Williams	2024 – applied
Seth Engelbourg	2025
Michael V. Misurelli	2025
Joseph W. Plandowski	2025
Tim Braine	2026
Mark Beale	2026

Applicants:

Linda Williams – incumbent
Ian Golding – incumbent
John M. Schafer – new applicant

Contract Review Subcommittee, Human Services

1 Seat Available; 1 Applicant

1 Seat Term Ends 2027

Current Committee Members:

John W. Belash (At-Large)	2024 – applied
Dorothy Hertz (At-Large)	2025
Linda Williams (At-Large)	2026
Sue Mynttinen (CHS Rep)	2024
Veronica Bolcik (CHS Rep)	2024
Joanna Roche (FinCom Rep)	2024
Bertyl Johnson (NP&EDC Rep)	2024

Applicants:

John W. Belash – incumbent

Council for Human Services

3 Seats Available; 2 Applicants

3 Seats Terms End 2027

Current Committee Members:

Athalyn Sweeney	2024 – no response
Sue Mynttinen	2024 – applied
Veronica Bolcik	2024 – applied
Suzanne Keating	2025
Amanda Wright	2025
Tara Restieri	2025
Sarah Wright	2026
Claudia Valle	2026
Kelly Steffen	2026

Applicants:

Sue Mynttinen – incumbent
Veronica Bolcik – incumbent

2024 Annual Committee Applicants:

Council on Aging

4 Seats Available; 2 Applicants

1 Seat Term ends 2026

3 Seats Terms End 2027

Current Committee Members:

Arlene O'Reilly	2024 – no response
Judith Perkins	2024 – not reapplying
Linda Williams	2024 – applied
Robert M. Kucharavy	2025
Erin Lynch	2025
Abigail (Abby) Camp	2025
Mary Anne Easley	2026
Rocky Fox	2026
VACANT	2026

Applicants:

Linda Williams – incumbent
Lisa Sherburne – new applicant

Cultural Council ^

2 Seats Available; 1 Applicant

2 Seats Terms End 2027

Current Committee Members:

Ava Rollins (Term 1)	2024 – no response
Tony Wagner (Term 1)	2024 – applied
Sarah C. Ellis (Term 1)	2025
Bethany Oliver (Term 1)	2025
Barbara Tibbitts (Term 1)	2025
Emma Young (Term 2)	2026
Michael Kopko (Term 2)	2026

Applicants:

Tony Wagner – incumbent

^ Pursuant to the Massachusetts Cultural Council's Local Cultural Council Program Guidelines, "The term of membership for a council member is three years; members can serve a maximum of two consecutive terms, or a total of six years, unless the appointing authority removes a member before the expiration of a term. Members must remain off the council for a one-year interval before serving additional terms."

2024 Annual Committee Applicants:

Finance Committee

3 Seats Available; 5 Applicants

3 Seats Terms End 2027

Current Committee Members:

Jeremy Bloomer	2024 – applied
Joseph H. Wright	2024 – applied
Peter N. Schaeffer	2024 – applied
Christopher A. Glowacki	2025
Stephen Maury	2025
Jill Vieth	2025
Joanna Roche	2026
Denice Kronau	2026
Rob Giacchetti	2026

Applicants:

Joseph H. Wright – incumbent
Peter N. Schaeffer – incumbent
Jeremy Bloomer – incumbent
Kathleen Richen – new applicant
~~Howard Matz – new applicant – withdrew~~

Historic District Commission Associate

1 Seat Available; 1 Applicant

1 Seat Term Ends 2027

Current Associate Committee Members:

Carrie Thornewill	2024 – applied
Constance Patten	2025
Joe Paul	2026

Applicants:

Carrie Thornewill – incumbent

Nantucket Affordable Housing Trust

3 Seats Available; 6 Applicants

2 Seats (At-Large) Terms End 2026

1 Seat (Realtor) Term Ends 2026

Current Committee Members:

Reema Sherry (At-Large)	2024 – not reapplying
Shantaw Bloise-Murphy (At-Large)	2024 – applied
Meg Browsers (At-Large)	2025
Brian Sullivan (Realtor)	2024 – applied
Thomas Dixon (SB Rep)	2024
Penny Dey (Housing Authority)	2024
David Iverson (NP&EDC)	2024

Applicants:

Brian Sullivan – incumbent (Realtor)
Shantaw Bloise-Murphy – incumbent (At-Large)
Boyd S. Boggess – new applicant
Kim McMahon – new applicant
Stephen Welch – new applicant
Forest Bell – new applicant

2024 Annual Committee Applicants:

Nantucket Historical Commission

3 Seats Available; 1 Applicant

3 Seats Terms End 2027

Current Committee Members:

Angus MacLeod	2024 – applied
Milton "Mickey" Rowland	2024 – no response
Thomas Murray Montgomery	2024 – not reapplying
Abby De Molina	2025
Clement Durkes	2025
Rita Carr	2026
George Butterworth	2026

Applicants:

Angus MacLeod – incumbent

Planning Board Alternate

1 Seat Available; 3 Applicants

1 Seat Term Ends 2027

Current Alternate Committee Members:

John Kitchener	2024 – applied
Abby De Molina	2025
Stephen Welch	2026

Applicants:

John Kitchener – incumbent
Liza Hatton – new applicant
Howard Matz – new applicant

Real Estate Assessment Committee

3 Seats Available; 1 Applicant

1 Seat Term Ends 2026

2 Seats Terms End 2027

Current committee Members:

Thomas Barada (Local Resident At-Large)	2024 – no response
John B. Brescher, Esq. (Real Estate Professional)	2024 – applied
Lee W. Saperstein (Local Resident At-Large)	2025
Nathaniel Lowell (Real Estate Professional)	2026
VACANT (Real Estate Professional)	2026

Applicants:

John B. Brescher – incumbent

2024 Annual Committee Applicants:

Roads and Right of Way Committee

3 Seats Available; 3 Applicants

3 Seats Terms End 2027

Current Committee Members:

Edward Gillum	2024 – applied
Nelson Eldridge	2024 – applied
Rob Ranney	2024 – applied
Bill Grieder	2025
Allen Reinhard	2025
Rick Atherton	2025
Phil Smith	2026
Nathaniel Lowell	2026
Lee W. Saperstein	2026

Applicants:

Nelson Eldridge – incumbent
Rob Ranney – incumbent
Edward Gillum – incumbent

Scholarship Committee

3 Seats Available; 0 Applicants

3 Seats Terms End 2027

Current Committee Members:

Lee W. Saperstein	2024 – not reapplying
Leslie W. Forbes	2024 – not reapplying
Margaret (Magee) Detmer	2024 – not reapplying
Rebecca Woodley-Oliver	2025
Jeanne Miller	2025
Jana Starr Duarte	2026
Rocky Fox	2026
Beth Hallett (School Superintendent)	

Applicants:

None

Tree Advisory Committee

2 Seats Available; 2 Applicants

1 Seat Term Ends 2025

1 Seat Term Ends 2027

Current Committee Members:

Ben Champoux	2024 – applied
Judy Deutsch	2025
VACANT	2025
Whitfield C. Bourne	2026
Mary Longacre	2026

Applicants:

Ben Champoux – incumbent
Emily Molden – new applicant

2024 Annual Committee Applicants:

Zoning Board of Appeals

1 Seat Available; 1 Applicant

1 Seat Term Ends 2029

Current Committee Members:

John B. Brescher	2024 – applied
Michael O'Mara	2025
Elisa H. Allen	2026
Susan McCarthy	2027
Joe Marcklinger	2028

Applicants:

John B. Brescher – incumbent

Zoning Board of Appeals Alternate

1 Seat Available; 1 Applicant

1 Seat Term Ends 2027

Current Alternate Committee Members:

Lisa Botticelli	2024 – applied
Jim Mondani	2025
Mark W. Poor	2026

Applicants:

Lisa Botticelli – incumbent

MAY 14 2024



TOWN OF NANTUCKET COMMITTEE INTEREST FORM/INCUMBENT

For Re-Appointment by the Select Board

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Posie ConstableHome Phone: 646-483-7787Mailing Address: PO Box 996Work Phone: 508-228-3399Email Address: posieconstable@gmail.com Date Submitted: 5/14/24REQUESTING RE-APPOINTMENT TO: Agriculture Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

As Chair, and when we reached a Committee size of minimum three members, I have attended/chaired every scheduled meeting. Restoring and expanding upon Nantucket's agricultural base is of critical importance. The Committee seeks to support every aspect of farming that contributes to the local food base. I am passionate about this mission.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

The Committee was long dormant when I joined & happily, we are now a crew of five with regularly scheduled meetings. We have discussed, 4-H clubs, 6A Agricultural tax exemptions, Composting & the possible alternative siting for the MPPV to process island grown chickens. We support the island fair & will eventually seek some budget to create farm signage & a farm map.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Sustainable Nantucket - No Conflict Indicated

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY - 1 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

NANTUCKET TOWN ADMINISTRATION

Name: Philip Marsun

Home Phone: 508-228-4371

Mailing Address: 9. Wizzemost Rd NANT MA 02551

Work Phone: 508-221-1010

Email Address: phil@nantucketenergy.com

Date Submitted: 5-1-2024

REQUESTING RE-APPOINTMENT TO: Airport Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? > 90%
- Why do you want to continue serving on the committee/board/commission?

To continue working with Airport Staff to deal with Aviation related issues. And the resolution of the PFA's Problem that works over the Commission. Providing Housing for employees

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

Nantucket Business man - Builder, Pilot
By Providing my experience living and operating a business on Nantucket as well as being a Pilot

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY - 9 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Andrea Planzer

Home Phone: 508 901-5016

Mailing 22 Bluebird Lane

Address: Nantucket, MA 02554

Work Phone: cell 202 489-5277

Email Address: andreaplanzer@mc.com

Date Submitted: May 9, 2024

REQUESTING RE-APPOINTMENT TO: Airport Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I have attended 95% of Airport Commission meetings during my term. In addition to scheduled Commission meetings I meet with the Airport Manager to understand and gain insight into problems facing the airport.

I want to continue serving the Nantucket community by volunteering in a role where I have in-depth expertise. I was an aviation attorney for the FAA for 21 years. I have both defended the FAA and prosecuted violations of the Federal Aviation Regulations (FAR). While at the FAA I drafted Investigative and Enforcement Procedures used in airport compliance actions. My career with the FAA gave me direct and valuable experience on the issues we face on the Airport Commission.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

My experience and knowledge of FARs, aviation, airport operations, aviation law and the FAA enables me to provide valuable insight on key issues before the Airport Commission. I am a pilot and in the past I owned an airplane based at ACK.

My aviation background enables me to contribute to solutions that benefit the Nantucket community especially when dealing with government regulators. My experience and insight with FAA land use regulations enabled Nantucket to become the only airport in the U.S. allowed to use airport property for residential purposes. I maintain positive relationships with the FAA in Washington, DC and in the New England Regional Office.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

None

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 17 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

NANTUCKET TOWN ADMINISTRATION

Name: Michael Leavitt

Home Phone: 617-935-6000

Mailing Address: 41 Chuck Hollow Rd,
PO Box 356, Siasconset, MA 02564

Alternate Phone:

Email Address: mleavitt@windlassco.com

Date Submitted: 15/May/24

REQUESTING APPOINTMENT TO: Airport Commission

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I have attended the Zoom meetings, but not in-person meetings. I routinely read the minutes.

I have worked in the aviation industry for 40+ years, am a full-time Nantucket resident and user of the airport, and wish to contribute to its efficient operation and growth.

I am prepared to commit to monthly and potentially more frequent meetings, and to review materials prior to each meeting so that I am informed and ready to discuss items on the agenda.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I obtained my private pilot license at 16 years old and one my first solo cross country flights was to ACK (from BED), and though no longer an active pilot I am still actively involved in aviation. I have managed businesses providing services to aircraft operators, FBOs, airlines, government and aircraft users including weather information (to aviation and municipalities), flight planning, management of corporate jets and aircraft charter brokerage. I've managed businesses with 100+ employees and had P&L responsibilities for \$50mm+ organizations. Today I also co-manage a \$1bn+ private equity fund.

I believe my business, management and financial experience - especially those involving aviation can bring relevant skills to management of the airport's operations, budget and planning.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
Partner (Howard Matz) is a member of the Capital Program and Solid Waste committees.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
No.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

APR 17 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Jim Cooper

Home Phone: 508 280 7584

Mailing Address: Box 1744 Nantucket 02554

Work Phone: 508 280 7584

Email Address: JimCooperACK@gmail.com Date Submitted: 4-17-24

REQUESTING RE-APPOINTMENT TO: BOARD OF HEALTH

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I THINK I MISSED 5 OR 6 MEETINGS IN ALL MY TIME FROM THE BEGINNING WE DECIDED TO FOLLOW THE RULES THE WAY THEY WERE, BUT AT THE SAME TIME TRY TO FIND A WAY TO HELP THE PEOPLE THAT CAME BEFORE US. THERE ARE TIMES THAT EVEN THOUGH YOU DON'T WANT TO YOU NEED TO SAY NO. I'VE BEEN ON THIS BOARD FOR 16 YRS.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

NONE

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NONE



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
 For Appointment by the Select Board

1/10/24
 RECEIVED
 E. McCreary @ Nantucket - MA, JCV
 508-228-7272
 MAY 16 2024

Please return this form to the Town Administration offices by the advertised date. **NANTUCKET TOWN ADMINISTRATION**
 Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Jon Katz, MD Home Phone: 301-537-1544
 Mailing Address: 90 Goldbeach Drive Alternate Phone: Same
 Email Address: jonkatzmd@gmail.com Date Submitted: 5/16/24
 REQUESTING APPOINTMENT TO: Health

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? no
- Why are you interested in this committee/board/commission? see attached
- Are you prepared to commit to the meeting schedule of the committee/board/commission? yes, 4 PM Thursdays each month

I have been a physician for 39 years, an Ob Gyn for 35 years and a High-Risk Pregnancy Specialist for 33 years. I have spent my entire career providing advice for patients to enter pregnancy as healthy as can be, guiding thousands of women through pregnancy, delivered their children and handing over newborn babies to Pediatricians/ Family Med Physicians to start their young lives in the healthiest possible state. I support the Board of Health's mission to identify threats to the health of Nantucketers and plan to work collaboratively with my colleagues to propose solutions to better the health of all Islanders.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission? see below
- What would you hope to accomplish on the committee/board/commission?

My wife, a retired Hospice Nurse and I have been summer residents for 26 years, and through our actions, have demonstrated a commitment to improving the health and life-care of those we come in contact with. Andrea serves on the Board of PASCON, and I served from 2005-2015, under the auspices of Dr. Lepore and under three Presidents from Ms. Lucille Giddings to Dr. Margo Hartmann, as Director of Ob Gyn Quality Assurance at NCH. Given my love for the Island and inhabitants, and my experiences as a physician, I am certain I will make a positive impact as a volunteer on the Board of Health and ask you consider this application.

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. N/A
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? N/A



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: ROBERT GOLDSZER Home Phone: 305-905-4282
Mailing Address: 677 GOLDTIER DR, SUMMER
6741 BRIGHTON AVE Alternate Phone: MOBILE 305 905 4282
CORAL SHORES, FL. 33129
Email Address: rgolds@nantucket.com Date Submitted: 5/16/2024
REQUESTING APPOINTMENT TO: BOARD of HEALTH

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? — NO
- Why are you interested in this committee/board/commission? — SCIENTIFIC + VOLUNTEERING
- Are you prepared to commit to the meeting schedule of the committee/board/commission? — YES, if by zoom

I AM A SUMMER RESIDENT AT 77 GOLDTIER DR, SINCE 2003. I AM A RETIRED PHYSICIAN, UROLOGIST, NEPHROLOGIST, AND CHIEF MEDICAL OFFICER.

I WOULD LIKE TO VOLUNTEER TO HELP OUR COMMUNITY STAY AND IMPROVE OUR HEALTH. I CAN ATTEND MEETINGS WHEN ON ISLAND, OR BY ZOOM WHEN NOT ON ISLAND.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

AS A PHYSICIAN WHO CARED FOR MANY PATIENTS (1978-2024) I HAVE EXPERIENCE SPECIFICALLY WITH INTERNAL MEDICINE, KIDNEY DISEASE, AND HOSPITAL ADMINISTRATION. I LED OUR ANNUAL AND COMMUNITY HEALTH ACTIVITIES THROUGHOUT THE COVID PANDEMIC. I HOPE TO ADD A VOICE OF SENSE, COMPASSION, AND CALM AMONG PEOPLE TO OUR ANALYSIS AND DECISIONS.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. — NONE
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? — NO

Robert Goldszer

Katie Cabral

From: Robert Goldszer <rcgmiami1@gmail.com>
Sent: Thursday, May 16, 2024 11:58 AM
To: Town Administration
Subject: Application to Volunteer on Board of Health
Attachments: Nantucket Board of health volunteer 5 16 24.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please consider my application to participate with the Nantucket Board of Health.
I am a summer resident at 77 Goldfinch Dr.
We have been homeowners since 2003

I am an Internist and Nephrologist and Chief Medical Officer who took care of patients, was a teacher, and hospital administrator from 1976- 2024. I retired in January 2024 and will be spending more time at our home in Nantucket.

Some of the year I am not on Island and would participate in meetings via zoom if possible

Thank you for considering me

Robert Goldszer
rcgmiami1@gmail.com
305-905-4282

Island Address: 77 Goldfinch Dr
Mailing Address: 6741 Brighton Pl, Coral Gables, FL 33133

From: [PJ Kaizer](#)
To: [Erika Mooney](#)
Subject: CapCom
Date: Wednesday, May 22, 2024 10:51:47 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Erika,

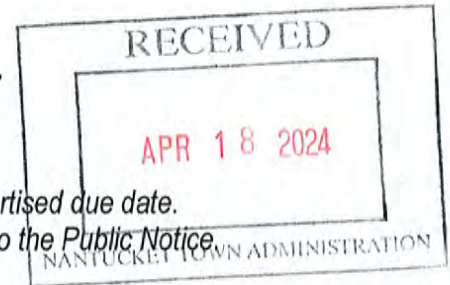
At Stephen's advice, I wanted to reach out to confirm I'm happy to serve another 3 year term on CapCom. Apologies for the delay. Hope I didn't miss the deadline! Let me know if you need anything from me.

Thanks,

Pete Kaizer
508-560-8625



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Frances Karttunen Home Phone: 508-332-0494

Mailing Address: 67 Center Street - 02554 Work Phone: Same

Email Address: Karttu@Comcast.net Date Submitted: April 22, 2024

REQUESTING RE-APPOINTMENT TO: Cemetery Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? Nearly 100%
- Why do you want to continue serving on the committee/board/commission?
 1. I consider maintenance of Nantucket's historic cemeteries an important service to the community.
 2. We are in the midst of significant restoration and conservation projects that I would like to see to completion.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?
 1. I am the author of Nantucket Places and People 4: Underground, a history of the island's cemeteries and burial grounds.
 2. I am skilled in researching queries that come to the Cemetery Commission.
 3. I have recently worked on inurnments of unclaimed remains.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

None

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No



TOWN OF NANTUCKET COMMITTEE
INTEREST FORM/INCUMBENT
For Re-Appointment by the Board of Selectmen



Please return this form to the Town Administration offices by the advertised due date. Please call for date of the Public Hearing for applications review or refer to the Public Notice

Name: Lee W. Saperstein

Home Phone: 1-508-680-1337 _____

Mailing

Address P.O. Box 1408, Nantucket, MA 02554 _____

Work Phone: 1-573-578-7750 (cell) _____

Email Address: saperste@mst.edu _____

Date Submitted: April 30, 2024 _____

REQUESTING RE-APPOINTMENT TO: Cemetery Commission _____

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?

High. Zoom attendance has provided me with a connection even when I'm off Island.

- Why do you want to continue serving on the committee/board/commission?

I have a very high hope that the Select Board will deem the land known as Newtown Cemetery as a legal and recordable cemetery in the Town of Nantucket. I have put a great deal of personal effort in researching ownership of lands surrounding the cemetery as well as obtaining a copy of the 1913 Assessor's report showing the cemetery in virtually the same location as today. The ground meets the legal requirement of being an active cemetery and of having been so for over 100 years. Before I become a candidate for interment, I would like to see Newtown recognized officially as a cemetery.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?

Past experience in writing state and local regulations for environmental control of natural resource extraction; surveying and mapping, which I taught to undergraduates; use of GIS systems; knowledge of dimension stone: the material used for monuments; and a growing awareness of Nantucket's human history including use of the NHA Research Library collection of burial records. I am the current Secretary of the Commission and have contributed to its records.

- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

As well as taking notes for minutes, I am an active discussant in committee business. I helped Nantucket join the Black Cemetery Network and I created the 2018 research file on Newtown Cemetery. I hope to see action on this file during the forthcoming term.

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Roads and Right of Way Committee, Secretary; Real Estate Assessment Committee, Nantucket Civic League Executive Committee; Nantucket Town Association, Secretary, Nantucket Town Area Plan Work Group, Secretary. Scholarship Committee.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No

Endorsed by the Board of Selectmen April 26, 2006.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY - 3 - 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Sarah Bois

Home Phone: 508-560-0683

Mailing Address: 3 Wappossett Circle

Work Phone: 508-325-0873

Email Address: stbois@lnf.org

Date Submitted: _____

REQUESTING RE-APPOINTMENT TO: Coastal Resiliency Advisory Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? *Majority of meetings only missing a few each year*
- Why do you want to continue serving on the committee/board/commission?

After completing + then having the Select Board adopt the Coastal Resiliency plan, the CRAC has been working towards implementation of the CRP priorities. I would like the opportunity to continue to plan + implement these priorities. I believe I bring relevant experience in my profession (see below) as well as my perspective as a small business owner dependent on the working water front.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

As an ecologist, land manager + Scientist, I have some professional experience in resilience planning, nature based solutions + working with our open space organizations. I also have extensive experience in grant writing and science communication which has been beneficial in CRAC. Lastly, I have been the only member with a small business dependent on the working waterfront.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I work for the Linda Loring Nature Foundation. I have been on the Visitor Services Advisory Committee but am coming off of that.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No.



TOWN OF NANTUCKET COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board

RECEIVED

MAY 16 2024

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Shelly Lockwood

Home Phone: 860-200-4139

Mailing

Address: P O Box 504 Siasconset MA 02564

Alternate Phone: _____

Email Address: shellylockwood123@gmail.com

Date Submitted: 5/15/24

REQUESTING APPOINTMENT TO: Coastal Resiliency Advisory

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I have attended several meetings via Zoom over the past year or so.
Coastal resiliency and rising sea levels are a bit of passion for me.
I am 100% committed to the committee's meeting schedule.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

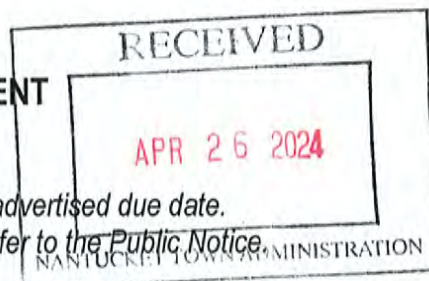
I have been listening in and contributing to CRAC meetings for about a year.
I worked with Leah Hill and Isabelle Perkins to create a continuing ed module
for real estate agents and on the consumer handout for home buyers and real
estate agents.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. none
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? no



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: LINDA F. WILLIAMS

Home Phone: 508-221-0432

Mailing Address: PO BOX 1446, NANT, MA 02554 Work Phone: _____

Email Address: CZARINALINDA@COMCAST.NET Date Submitted: 4/25/2024

REQUESTING RE-APPOINTMENT TO: CONSERVATION COMMISSION

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? REGULARLY - MISSED LESS THAN 5 in 3 yrs.
- Why do you want to continue serving on the committee/board/commission? YES

I HAVE ENJOYED MY TIME ON THE CON COM - IT IS AN IMPORTANT REGULATORY BOARD ON NANTUCKET

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

REASONABLE, RATIONAL, FAIR, THOUGHTFUL
my 41 YEARS IN TOWN GOVERNMENT ON ALL REGULATORY BOARDS GIVES ME A UNIQUE PERSPECTIVE - AND I UNDERSTAND HOW THE PROCESS WORKS - WORKING WITH THE PUBLIC

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

ON COUNCIL ON AGING, CONTRACT REVIEW COMMITTEE, HOUSING AUTHORITY, HARBOR PLAN WORK GROUP CHAIRMAN -

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? ON A PENSION FROM THE TOWN - RETIRED



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Board of Selectmen

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Ian Golding

Home Phone: 508.325.0562

Mailing Address: Box 2883, Nantucket MA 02584

Work Phone: 617.791.1551

Email Address: almac1@comcast.net

Date Submitted: May 10, 2024



REQUESTING RE-APPOINTMENT TO: Conservation Commission

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?
Continuous, either in person, by Zoom or, on a few occasions, by teleconference.

I hope that the experience that I have gained in the past twelve years, and the knowledge I have accrued, would be helpful both to the Commission and the Town going forward should the Select Board decide to reappoint me.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

Life-long association with the island, family involved in the genesis of the Conservation Foundation, resident for the past forty-four years, have served on the Energy Study Committee, the NHC, the CPC, and CRAC, current member of BPAC, also served as an evaluator for the Sustainable Planet Grants Committee of the Threshold Foundation.

I have tried to serve on ConCom with diligence, patience, courtesy and moderation, and have done my best to balance the competing interests before the Commission as far as the regulations, as I have understood them, allow.

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

ConCom; BPAC; Threshold Foundation

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No

Endorsed by the Board of Selectmen April 26, 2006.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: JOHN M. SCHAFER

Home Phone: 802-371-7552

Mailing
Address: 101A Miacomet Ave
Nantucket, MA 02554

Alternate Phone: _____

Email Address: john@stovemountainbuilders.com Date Submitted: 5/17/2024

REQUESTING APPOINTMENT TO: CONSERVATION COMMISSION

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I have never attended a meeting. I'm interested in sitting on the Commission to help protect the beautiful place in which I live and work. I am fully prepared to commit to the meeting schedule, every other Thursday at 5:00 PM.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I have been either a summer or permanent resident on the Island since 1972 and have experienced the growth and change first hand. I own and operate a small construction business and understand the necessity of the Wetlands Protection Act. I would hope to improve the communication between the Commission and the Town regarding the important issues they will face together.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

NONE

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: JOHN BELASH

Home Phone: 508-228-4003

Mailing Address: 6 Farmer St, NANTUCKET

Work Phone: _____

Email Address: john.belash@live.com

Date Submitted: May, 2024

REQUESTING RE-APPOINTMENT TO: Contract Review Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

Over 90%

I have institutional memory related to the early days of the committee and its evolution to increasing effectiveness in overseeing the effective use by the grantees of the Town of Nantucket's contributions and active promotion of interaction of grantees toward achieving the above goal.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

Active career as a practicing lawyer, experience as arbitrator in legal disputes, and history of working with Nantucket-based non-profit organizations.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. Memorial Board, NANTUCKET ARTS COUNCIL
Two Centre Street Restoration
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

APR 24 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Sue Mynttinen

Home Phone: 617-331-1278

Mailing Address: PO Box 2849, Nantucket 02584

Work Phone: —

Email Address: ms.doucet@gmail.com

Date Submitted: 4/18/24

REQUESTING RE-APPOINTMENT TO: Council for Human Services

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

My attendance at council meetings is reliable. I may have missed 1 meeting during my previous term. I am an active member of the council and have been recently elected as co-chair. I am engaged as part of the review of the Health and Human Services branch of the Town and am looking forward to continuing with the process and assisting in implementing proposed changes.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I bring over 10 years of experience working on Nantucket in the human services sector. I was part of the recent behavioral health assessment in 2021 and am an active volunteer in the community. On the council I am a voice for often overlooked populations and serve as one of the council's appointees to the Contract Review Committee where we consider applications for Town funds. I hope to continue that role and help to create a more objective and streamlined grant process.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

PASCON Foundation Employee, Warming Place member

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

I received a Town of Nantucket scholarship in 2023.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Veronica Bolcik

Home Phone: 201-788-6261

Mailing Address: 61 Old South Road Ste 325
Nantucket, MA 02554

Work Phone: —

Email Address: Vbolcik@gmail.com

Date Submitted: 4/28/2024

REQUESTING RE-APPOINTMENT TO: Council for Human Services

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

Since my appointment in February 2022, I have not missed a meeting. With hybrid option for attendance available, I have attended via zoom or in person.

My professional and personal life has always revolved around Human Services. Since joining the CHS, my knowledge of Island services and the growing need of our population has also grown. I would like to continue to serve our Island community at this critical juncture.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I joined CHS during the pandemic while the Council was reforming after years of a hiatus. My managerial and analytical skills have helped to focus the CHS as it enters a new stage in its role in the overall town delivery of Human Services. During the past 2 1/2 yrs. as part of CHS, I have sat on the Contract Review Committee. These roles are critical in funding and identifying needs. The knowledge I have gained will be helpful as the process is revamped to better serve the community and the Town of Nantucket.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

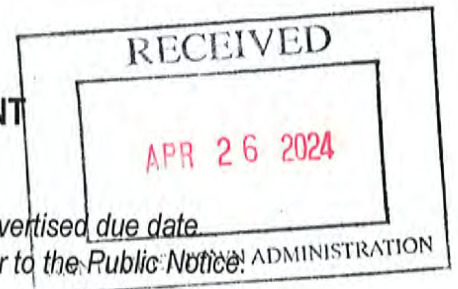
Beside CHS, I sit on the Contract Review Committee.
My husband Kerry McKenna sits on the Board of Health.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: LINDA F. WILLIAMS

Home Phone: 508-221-0432

Mailing Address: PO BOX 1446, NANT, MA 02554

Work Phone: _____

Email Address: CARINALINDA@COMCAST.NET Date Submitted: 4/26/2024

REQUESTING RE-APPOINTMENT TO: COUNCIL ON AGING

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? REGULARLY
- Why do you want to continue serving on the committee/board/commission? YES

IT IS A DEDICATED GROUP OF PEOPLE TO HELP THE OLDER MEMBERS OF THE COMMUNITY GET THE SERVICES THEY NEED.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

51 YEARS LIVING ON NANTUCKET HAS GIVEN ME GREAT INSITE INTO NEEDS OF THE OLDER MEMBERS OF THE COMMUNITY - NOT TO MENTION THAT I AM A BABY-BOOMER MYSELF - PAST MEMBER OF SEVERAL HUMAN SERVICE RELATED ENTITIES - HOSRICE, EMT, HUMAN SERVICES COMM, HABITAT, ETC.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

CONSERVATION COMMISSION, CONTRACT REVIEW COMMITTEE, HOUSING AUTHORITY, HARBOR PLAN WORK GROUP

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? TOWN RETIREE PENSION

TOWN AND COUNTY OF NANTUCKET



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

April 12, 2024

Judith Perkins
PO Box 432
Nantucket, MA 02554

Dear Jude:

Our records indicate that your term expires June 30, 2024 for your seat on the Council on Aging. If you are interested in being considered for re-appointment, please complete the attached "Committee Interest Form/Incumbent" and "Statement of Commitment" form and return them to Town Administration by email, or mail or drop off to Erika Mooney, Town Administration, 16 Broad Street, Nantucket, MA 02554 by **Friday, May 17, 2024 at 12:00 PM**. If you choose not to apply for re-appointment, please check the box at the bottom of this letter and return it to me by the methods listed above.

Please also note that you will have the opportunity to review your application with the Select Board on **Wednesday, June 5, 2024 at 5:30 PM** at the Public Safety Facility Community Room at 4 Fairgrounds Road or by remote participation via Zoom Webinar. Committee appointments are scheduled for June 26, 2024. If you have any questions or would like further information, please call (508) 228-7266 or email me at emooney@nantucket-ma.gov. Thank you.

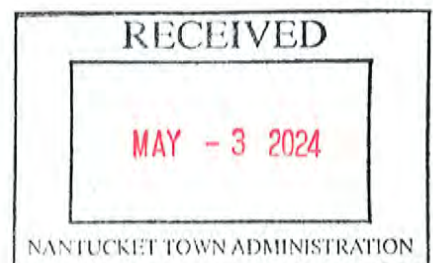
Sincerely,

Erika Mooney
Operations Administrator

Attachment

☒ I do not intend to apply for reappointment.

Signature





TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Administration

Name: Lisa Sherburne

Home Phone: 508-560-0204

Mailing Address: 7 Burnt Swamp Lane

Alternate Phone: N/A

Email Address: lisa@nantuckatrealestate.com

Date Submitted: May 16, 2024

REQUESTING APPOINTMENT TO: Council on Aging

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission? NO
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission? yes

I am very interested in helping seniors continue to have a good quality of life & not feel isolated in their later years.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I have an affinity for seniors and have worked with several in my capacity as a personal fitness trainer. I hope to bring some new ideas to help keep our senior population engaged & active.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. N/A
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? NO



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY 17 2024

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: TONY WAGNER Home Phone: 202-390-1680

Mailing Address: 41 Surfside Rd., Nantucket Work Phone: _____

Email Address: tony.wagner@gmail.com Date Submitted: 5/16/24

REQUESTING RE-APPOINTMENT TO: Cultural Council

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
 - Why do you want to continue serving on the committee/board/commission?
- I have attended all but 2 Council meetings.
- I want to continue serving because I can see the momentum and new projects that have begun and would like to continue assisting in their success. I fully believe in and am committed to the mission of the Council.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
 - How do you feel you have helped the committee/board/commission in its goal(s)/mission?
- I have brought the perspective of an island arts non-profit administrator. My experience in grant-making, peer-review and awards management has helped streamline the grants process. I believe I have helped the Council expand its goals and feel a second term will help see new projects through.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
- Just my current appointment to the NCC.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
- No

From: Joseph Wright jhw3@icloud.com
Subject:
Date: April 28, 2024 at 10:27 AM
To:

Joseph Wright
April 28, 2024



TOWN OF NANTUCKET COMMITTEE INTEREST FORM/INCUMBENT For Re-Appointment
by The Select Board

Joseph H Wright
15 Clifton Street P O Box 475, Siasconset MA 02564
Phone 508-617-0764
Email Addresses <jwright@nantucket-ma.gov> <jhw3@me.com>



REQUESTING RE-APPOINTMENT TO FINANCE COMMITTEE (FinCom)

Reasons for Committee Interest:

1) What has been your level of attendance at committee/board commission meetings?

I was advised of my election to FinCom in August of 2023. By the time I had my schedule aligned with FinCom meetings it was October 1. I had missed 3 September meetings all of which I viewed afterwards on the Town website. Since October 1 there have been 22 meetings of FinCom. I missed one which I watched the next day on the Town website.

One of my learnings from my 7 months as an active member of the FinCom is that one of the requirements in a Democracy is that there be a place where a citizen who is passionate about an idea or change in the way things are done or rules which exist may go and get a respectful hearing from those with some degree of power to effect change. We perform this function for both Citizen and Town Articles which will be discussed and voted on at Town Meeting.

2) Why do you want to continue serving on FinCom?

We are year round residents of Nantucket since October of 2021. We have owned a house here since 1992. I have been a visitor since 1948 and only missed 5 years since then without time on Nantucket. I feel it is important to give back. Although as "One from away" for many years I had a level of knowledge about the Island and how the Government worked, I am very interested in increasing that knowledge. FinCom allows me to learn about zoning; planning; governance; finances; the people in the Town Government; conservation; major social issues and much more.

3) What have I brought to FinCom in terms of experience, skills, ideas and insight?

I have a 34 years of experience as a banker and investment banker and believe I am a financially sophisticated person. My experience was in New York, Geneva Switzerland and Toronto Canada. I have served on the boards of more than 20 corporations, mostly public, and some not for profits. Three times as Chair of corporate boards. I bring many years of governance experience as well. I was Treasurer of the Siasconset Chapel for 3 years.

4) How do you feel you have helped the FinCom in its goals/mission?

As its newest member by definition I had the least knowledge of any of its members. I viewed my short term as one where I should listen more than speak which I think I did. I did comment when I felt I had the necessary facts and an opportunity to be constructively helpful. I very much hope I have an opportunity for a full term where I will be able to better contribute. Importantly, I know what I don't know. I have served on the Board of The Community Foundation since June of 2021 so I am very familiar with many of the issues addressed by this organization: mental health, housing shortages, food insecurity, lack of affordable child care for example.

Potential Conflicts of Interest:

5) Committees, local agencies or non profits of which I or a member of my immediate family are current members:

I have served as a Trustee of The Community Foundation of Nantucket since June of 2021. My term ends in June of 2024

My wife Betsy is on the Board of Nantucket Cottage Hospital

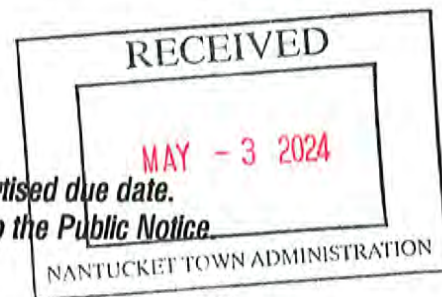
Our Daughter Amanda is Director of Crisis and Community Relations at Fairwinds

6) Am I or anyone in my family employed by or receive any financial consideration from the Town of Nantucket?

No!



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Peter N Schaeffer

Home Phone: 973-570-7632

Mailing Address: PO Box 755
Siasconset MA 02564

Work Phone: _____

Email Address: pnschaeffer@gmail.com

Date Submitted: May 1, 2024

REQUESTING RE-APPOINTMENT TO: Finance Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I believe that my attendance, over the past three years has been exceptional and to my recollection, I have not missed a meeting.

I would like to remain on the committee as it takes 2-3 years to feel comfortable commenting and participating. Being re-appointed to FinCom would be good for me as well as the committee. I also represent the committee on the Our Island Home Committee and the Solid Waste Committee.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

My participation in our discussions is frequent and I believe, helpful. My work experience relates to many of the articles as well as budget issues.

Representing FinCom on several committees I have worked hard to bring conflicting opinions together. This includes the New Senior Center Committee, and the Short-term rental committee as well as the two committees mentioned above.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

None

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Town Administration.

Name: Jeremy Bloomer

Home Phone: 203 550 2613

Mailing Address: 15 Gardner Street

Work Phone: same

Email Address: Nantucket, Mass.

Date Submitted: 4/28/24

REQUESTING RE-APPOINTMENT TO: Finance Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? very high
- Why do you want to continue serving on the committee/board/commission?

Over the last 18 months I have been fortunate to meet many members of town government, staff and volunteer committee members, as I have been exposed to two warrant review/budget analysis cycles for the ATM. I would like to use this knowledge of town government and critical personal relationships to continually improve and expand my efforts on the Finance Committee to more efficiently and productively allocate Town resources for the community.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

My over 40 years in finance serving on over a dozen boards and co-founding five major startups have given me the skills to ask the most appropriate questions of aspirants seeking town funding. This has allowed me to help shape the Finance Committee's approach to not just deciding recommendations of on Warrant articles and budgets, but improving them on behalf of the voters.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. Pascom BOD, Change of Government Study Committee, and Nantucket Offshore Wind Group
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No



**TOWN OF NANTUCKET
FINANCE COMMITTEE INTEREST FORM**

For Appointment by the Select Board

RECEIVED

MAY 14 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Kathleen Richman

Home Phone: 508-237-6883 - don't miss

Mailing Address: P.O. Box 3302, 02584

Alternate Phone: 508-259-7339

Email Address: richmankathleen@gmail.com Date Submitted: 5/14/24

REQUESTING APPOINTMENT TO FINANCE COMMITTEE

(No member of the Finance Committee shall be a Town or County officer or directly interested in the expenditures of the Town's appropriations (Nantucket Code Chapter 11-1).)

Reasons for Committee Interest

- Why are you interested in being on the Finance Committee?

The recommendations of the finance committee help to complete the work of Town Meeting. I want to participate in it.

Relevant Experience

- What experience, skills or insight would you bring to the Finance Committee?
- What would you hope to accomplish on the Finance Committee?

I was operations coordinator for the Finance Dept for over 20 years. I understand the budget process and Munis.

Ability to Participate

- Are you prepared to commit to the meeting schedule of the Finance Committee?
- Have you attended meetings of the Finance Committee and if so how many/how often?

I am ready to attend meetings. I attended fin comm meetings many times with various finance directors.

Potential Conflicts

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. I was on Council on Aging at one point. I am a Rehoboth Old Fellow.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? I work part time paying bills for CPR. I work at ATM + Elections.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

APR 18 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice

Name: Carrie Thornewill

Home Phone: 508 228 9161

Mailing Address: 48 Dukes Rd

Work Phone: 508 333 0697

Email Address: office@thornewilldesign.com Date Submitted: _____

REQUESTING RE-APPOINTMENT TO: Associate member HRC

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

Regular attendance in person and Zoom but for a few months last Fall after emergency eye surgery.
I feel that I contribute an experienced view/ perspective having worked in this field since 1996.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

My Architectural education (BA from the Boston Architectural Center) and work experience on Nantucket qualify me to sit on the HRC.
I feel that I have a balanced perspective between preservation and progress. I have either visited as a summer person or lived here since 1965-

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

husband Luke coaches NHS Tennis team



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

APR 18 2024

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Brian Sullivan

Home Phone: 508 414 1878

Mailing
Address: 21 MAIN STREET

Work Phone: 508 228 4467

Email Address: Sully@FISHERNANTUCKET.COM Date Submitted: 4/18/24

REQUESTING RE-APPOINTMENT TO: AFFORDABLE HOUSING TRUST

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

95% attendance.

I am the current chair of the AHATF. We have made great progress during my tenure in this seat. With new staff and a housing director I feel I have institutional knowledge to share that would be lost if I were not in my current role.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

Many years committed to the trust as a member including as the chairperson. 25 years as a successful full time real estate broker on Nantucket.

bringing awareness on island to achieve regular funding from ATM negotiate and target viable properties for projects.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

NONE

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

NO

TOWN AND COUNTY OF NANTUCKET



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

April 12, 2024

Reema Sherry
60 Pochick Avenue
Nantucket, MA 02554

Dear Reema:

Our records indicate that your term expires June 30, 2024 for your at-large seat on the Nantucket Affordable Housing Trust. If you are interested in being considered for re-appointment, please complete the attached "Committee Interest Form/Incumbent" and "Statement of Commitment" form and return them to Town Administration by email, or mail or drop off to Erika Mooney, Town Administration, 16 Broad Street, Nantucket, MA 02554 by **Friday, May 17, 2024 at 12:00 PM**. If you choose not to apply for re-appointment, please check the box at the bottom of this letter and return it to me by the methods listed above.

Please also note that you will have the opportunity to review your application with the Select Board on **Wednesday, June 12, 2024 at 5:30 PM** at the Public Safety Facility Community Room at 4 Fairgrounds Road or by remote participation via Zoom Webinar. Committee appointments are scheduled for June 26, 2024. If you have any questions or would like further information, please call (508) 228-7266 or email me at emooney@nantucket-ma.gov. Thank you.

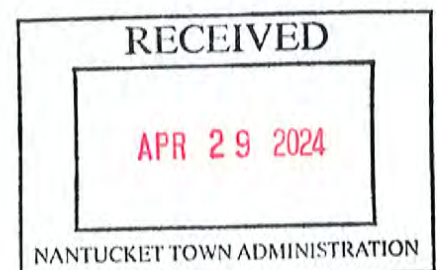
Sincerely,

Erika Mooney
Operations Administrator

Attachment

☒ I do not intend to apply for reappointment.

Signature





TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Works Administration.

Name: Shantaw S. Bloise-Murphy Home Phone: 774-236-0899

Mailing Address: 3 Spinnaker Circle, Nantucket, MA 02554 Work Phone: _____

Email Address: sbloise17@gmail.com Date Submitted: 05/08/2024

REQUESTING RE-APPOINTMENT TO: Nantucket Affordable Housing Trust

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I rarely miss a meeting & regularly participate in discussions.

Affordable Housing is a subject that hits close to home having relied on various affordable housing orgs to remain on Island. The many resources available are not well-known to the people who need it & I want to continue to play an active role in working towards affordable housing options & sharing the information.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I have ^{served} 3 years on the committee thus far. I also worked for Housing Nantucket for 3 years and have experienced the construction of Affordable houses from land acquisition through to handing over keys to residents.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Nantucket School Committee, Nantucket New School Board, Nantucket Book Foundation

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

My husband works for Nantucket Community School. I am Director of Culture & Tourism for the Town.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Boyd S. Boggess **Home Phone:** Cell: 781-960-5176

Mailing Address: 61 Old South Road, Suite 445
Nantucket, MA 02554 **Alternate Phone:** _____

Email Address: bboggess@paynebouchier.com **Date Submitted:** 5/16/2024

REQUESTING APPOINTMENT TO: Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I am a newly arrived year round resident and I am looking forward to becoming involved in the community. I am a lifelong construction industry professional; presently I am the General Manager of Construction and Property Management for Payne/Bouchier's Nantucket clients. I am interested in serving on the Nantucket Affordable Housing Trust because my skills and experience will enhance the Trust's ability to achieve its several goals.

I am prepared to commit to the Trust's meeting schedule.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

As an experienced general contractor, I will share my understanding of building restoration, construction design parameters, site planning and selection, project feasibility, cost effective scheduling and project management skills with the Trust. I also have had relevant experience with universal design and adaptive renovation for use by disabled individuals who wished to remain in their own homes.

As a Trust member, I anticipate collaborating with the individuals from other professions to foster robust strategies that we put into action to create and sustain affordable housing on Nantucket.

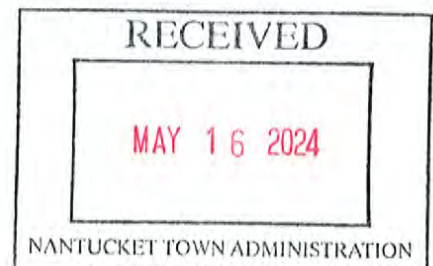
Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

None.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
No.

2015 - Present. General Manager and Project Manager, Payne/Bouchier, Boston.
2012 - 2015. Project Development Manager, Paul Morse Constructions, Somerville.
2012 - Present. Massachusetts Construction Supervisor License (unrestricted).
1999 - Present. Florida Certified General Contractor.
BA, University of Virginia.
Holderness School.





TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board

RECEIVED

MAY 17 2024

Please return this form to the Town Administration offices by the advertised due date. TOWN ADMINISTRATION
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: KIM McMahon (Schlott)

Home Phone: 908-342-1000

Mailing Address: 36B Sesachacha Rd
Nantucket (Quidnet)

Alternate Phone: _____

Email Address: kim@classicschlott.com

Date Submitted: May 16, 2024

REQUESTING APPOINTMENT TO: Affordable Housing

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Respectfully, I request that you consider the attached letter with specific responses to your questions.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Kindly see attached.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No

RECEIVED

MAY 17 2024

From: Kim Schlott
To: Maureen Coleman
Cc: Kim McMahon
Subject: TOWN OF NANTUCKET COMMITTEE INTEREST for Appointment by Select Board
Date: Thursday, May 16, 2024 2:08:36 PM

NANTUCKET TOWN ADMINISTRATION

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Select Board,

I am writing to express my sincere interest in apply for a position to help increase the availability of Affordable Housing on Nantucket.

Applicant:
Kim McMahon (Schlott)
36B Sesachacha Road, ACK
C: 908-342-1000
kimmcmahon@protonmail.com

As a 18-year homeowner in Quidnet, I only become an official resident of MA within the past few years affording me the opportunity to attend my first Town Meeting just this month. I genuinely found the entire process to be fascinating: from the high level of citizens' involvement, to their passionate testimonies, to the occasional awkwardness but consistent tone of respect, orderliness, grace and occasional wit and humor. A shining example of democracy at work. I shared my "nerdy" enthusiasm for the process with other longtime islanders (often feeling as if I were on "an island of my own" LOL) and all paths led me to you. My attorney, John Bresher, forwarded me information. My friend and taxi driver, Diane, connected me with Kristie, and various key players names came up at meetings I recently participated in as a new member of the Advisory Board to Housing Nantucket.

Why Affordable Housing?

Reasons for committee interest.

It's obvious to anyone on our tiny finite, famously expensive island how necessary and lacking affordable housing is. I recognize the need and welcome solutions.

I recently attended my first Boys & Girls Club fundraiser and walked away enlightened by the tremendous benefits the organization affords our functioning microcosm. The generosity of those with financial wherewithal providing affordable child-support to those whom, in turn, provide everyone essentials from hospital, education, fire and safety support to landscaping, housekeeping and grocery bagging ... "It takes an island" and seeing the synergistic functioning communities of our island to benefit our island-family-children made me proud. The unique finite aspect of our ocean engulfed landmass offers Nantucket the ability to be an exemplary microcosm for all. I want to be an active participant!

I recently became active as an advisory board member of Housing Nantucket and this experience has sparked my interest in finding solutions to Nantucket's affordable housing crisis.

My brief introduction to Kristie, today, afforded me some insight into the expectations of committee members. At present, I understand there is a bi-monthly commitment of approximately 2 hour meetings on Tuesdays at 12:30. My current obligations allow me to participate.

Relative Experience and Hopes for Accomplishment

In addition to my short lived involvement on the advisory board of Housing Nantucket, I would respectfully direct you to my LinkedIn page: Kim McMahon.

My array of professional, volunteer and personal experience include but are not limited to the following:

No Labels, DC, Deputy Chief of Staff '23/'24,
Smith Barney/ Morgan Stanley Licensed Financial Consultant,
Quidnet/Squam Association President,

Bernardsville, NJ Elected Town Committeewoman,
Gloria Nilson Residential Real Estate Co, Partner,
Volunteer Fresh Water Well-Driller in El Salvador,
Builder/Developer of 3 multi-million dollar personal residential properties in NJ
etc ...

As a participant of your committee, I would hope to initially observe and learn through the experience of others. I would be entering in fresh, without preconceived ideas, biases or expectations. A willingness and ability to learn, analyze and problem solve with a proven success record of common sense people and project management plus a track record of conservative fiscal responsibility and a love of our island of Nantucket.

I suspect my active involvement with Housing Nantucket may pose as a conflict of interest and further expect that we could work together to overcome any obstacles.

Thank you for your consideration. Whatever the outcome, I wish you continued success in this essential undertaking.

Respectfully,
Kim

Sent from my iPhone



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Board of Selectmen

RECEIVED

MAY 17 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice of TOWN ADMINISTRATION

Name: Stephen Welch

Home Phone: 508-228-1001

Address: P.O. Box 3777, Nantucket MA 02584

Alternate Phone:

Email Address: steph@welch-associates.com

Date Submitted: 05/17/24

REQUESTING APPOINTMENT TO: Affordable Housing Trust Fund (AHTF)

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

- I've attended prior meetings, promoting leveraged housing solutions. More recently, I've reviewed and considered a year's worth of AHTF minutes. It's clear the AHTF has an urgent and expanding responsibility; I believe my skills and experience can help AHTF meet and perhaps enhance it's obligations. I understand there's an opening due to an at-large member stepping down and no replacement candidate. I believe I can contribute in a meaningful way.

- My interests are: Development of long-lasting solutions, adding multiplicative value to outcomes; continuation of fair, even, and transparent awards process, and smart investing.

- I'm prepared to commit to the committee's meeting schedule.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

- Over 30 years managing successful projects, including companies and island communities; long record rolling up my sleeves, setting goals and turning intention into reality, motivating others to help accomplish related goals. Passionate sense of direction, no lack of perseverance, and many lessons learned. Penchant for analytics. All helped me form balanced problem-solving skills, and an aptitude for organizational development and successful outcomes--and still, I'm a work in progress ;o)

- As an involved citizen serving and having served various TON boards, commissions, and committees, I help provide a doorway between real and perceived silos. My general philosophy is: be a fair and even Stephen, reasonably anticipate at least one order of consequence beyond the initial decision; ethically and morally, be a path and not a wall--solve problems, don't create them. Last but not least, respect other people's money as if it were your own.

- Diverse professional experience--regulatory and adjudicatory leadership, community management, designer/builder, co. owner, residential brokerage, energy rater & building codes consultant; direct experience working with federal and state authorities and officials, and advocacy groups; experienced and knowledgeable in local zoning, state mandates, municipal finance, and operations of our Town and town government.

- I can help ensure we maximize usefulness of community efforts and their outcomes, leveraging taxpayer dollars, to help to strengthen and enrich the fabric of our community. No agenda otherwise.

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

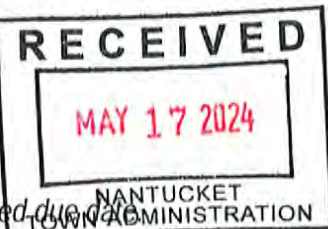
Capital Program Committee & Planning Board (appointed). Historic District Commission (elected). Nantucket Hunting Association, Maddequet Admiralty Association. NAREB.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

I serve as Local Building Inspector.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Forest Bell

Home Phone: (508) 221-4935 (cell)

Mailing Address: 9A Benjamin Dr. #1, Nantucket MA 02554

Alternate Phone: _____

Email Address: _____

Date Submitted: May 17, 2024

REQUESTING APPOINTMENT TO: Nantucket Affordable Housing Trust

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I have not attended any meetings as of yet. I am interested in joining the Trust because I am the recipient of a Habitat home. I feel it is my duty to "pay it forward" by helping others achieve the same dream.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I experienced ~~my~~ many years ~~with~~ deep within the Nantucket shuffle. My background in education and the law would also be beneficial to the Trust.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

My ex-wife, Jesse Bell, is Director of the Land Bank.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

I work at the Nantucket Community Pool on Saturdays.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Angus MacLeod Home Phone: (508) 257-6789

Mailing

Address: P.O.Box 7055, Siasconset, MA 02564 Alternate Phone: _____

Email Address: angusonack@gmail.com Date Submitted: May 16, 2024

REQUESTING APPOINTMENT TO: Nantucket Historical Commission

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Having lived in, and surrounded by 18th and 19th century houses for most of my life, specifically the last 40 years in Sconset and Town, my appreciation for the preservation of Historic Structures as individuals and as the greater fabric of the community has become my life's work. I've grown to know and love the subtle nuances of the streets, blocks, and various areas of Town and Sconset specifically, and the island in general, and want to help in every way possible to retain the character, charm, and integrity. Continuing my work with the SAG, HSAG, and the Nantucket Historical Commission would be the best way I can think to help.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

As a Design Professional with over 35 years experience of working on Nantucket, I'm intimately aware of the challenges and successes of striking a balance between creating/adapting to modern day living while preserving and enhancing this National Historic Landmark we call home. I've been grateful to have served my role on five separate boards (the other boards listed below) to further my mission of Preservation on Nantucket Island.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Nantucket Preservation Trust, South Church Preservation Fund, Sconset Advisory Group, and Historic Structures Advisory Board, Sconset Trust, and Nantucket Historical Association.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? No

TOWN AND COUNTY OF NANTUCKET



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

April 12, 2024

Thomas Murray Montgomery
33 N Liberty Street
Nantucket, MA 02554

Dear Tom:

Our records indicate that your term expires June 30, 2024 for your seat on the Nantucket Historical Commission. If you are interested in being considered for re-appointment, please complete the attached "Committee Interest Form/Incumbent" and "Statement of Commitment" form and return them to Town Administration by email, or mail or drop off to Erika Mooney, Town Administration, 16 Broad Street, Nantucket, MA 02554 by **Friday, May 17, 2024 at 12:00 PM**. If you choose not to apply for re-appointment, please check the box at the bottom of this letter and return it to me by the methods listed above.

Please also note that you will have the opportunity to review your application with the Select Board on **Wednesday, June 12, 2024 at 5:30 PM** at the Public Safety Facility Community Room at 4 Fairgrounds Road or by remote participation via Zoom Webinar. Committee appointments are scheduled for June 26, 2024. If you have any questions or would like further information, please call (508) 228-7266 or email me at emooney@nantucket-ma.gov. Thank you.

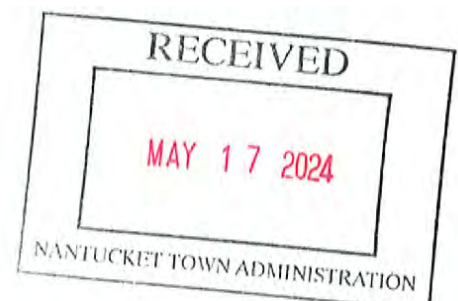
Sincerely,

Erika Mooney
Operations Administrator

Attachment

☒ I do not intend to apply for reappointment.

Signature





TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: JOHN KITCHENER

Home Phone: 917-825-4155

Mailing Address: 27 MONOMOY ROAD
NANTUCKET, MA 02554

Work Phone: 917-825-4155

Email Address: KITCHENERJ@ICLOUD.COM Date Submitted: APRIL 24 2024

REQUESTING RE-APPOINTMENT TO: PLANNING BOARD ALTERNATE

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I have already submitted an application for consideration as a Full Planning Board member to replace John Trudell. My goal is to be appointed to the Full Planning Board member position. If I am not selected as a Full time member I would like to be considered for re-appointment to the Alternate position.

Relevant Experience

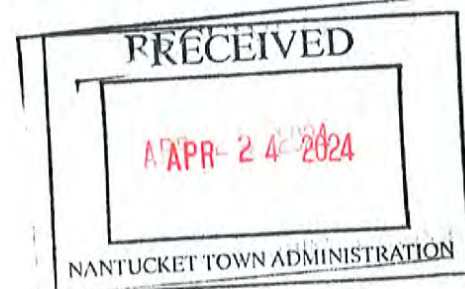
- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. *None*
- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No

Endorsed by the Select Board April 26, 2006.



JOHN KITCHENER – 2024 PLANNING BOARD APPLICATION

NANTUCKET PUBLIC SERVICE

CURRENT: Planning Board Alternate Member.

2022 / 2023: Short Term Rental Workgroup - At Large Voting Member.

2019 – 2022: Monomoy Civic Association – Executive Board Member.

My time on the STR Workgroup and as an Alternate member of the Planning Board has given me a good insight into how public service works. By necessity it is very different to the private sector. Last year I participated in the State-run Open Meeting Webinar. This proved to be a very valuable experience that has helped me on the Planning Board.

I have attended every Planning Board meeting since I was made an Alternate Member in September 2023. I look at the last eight months as an apprenticeship towards becoming a full member of the Board. I have learned a lot from the five full Board members.

FOUNDER NANTUCKET PROPERTY WATCH – PROPERTY MANAGEMENT COMPANY.

2018: Founded a Nantucket property management company with a young Macedonian partner.

2021: Handed the business over to my partner to focus on public service opportunities on the island.

FOUNDER & CEO EUROPEAN GREENFIELD STARTUP

2008: With two business partners, founded (and funded) Tatra Spring, a green field startup in Poland. Tatra Spring is a cosmetics contract manufacturing company focused on serving Europe, Middle East & Africa markets.

As CEO led the venture from a startup company with no facility, no people and no customers to an important supply chain partner for brands that include Estee Lauder, Avon and Body Shop.

2015: Sold the company to one of Europe's largest cosmetic contract manufacturers.

FOUNDER & PRESIDENT GLOBAL SUPPLY CHAIN CONSULTING

2006: Successfully launched a global supply chain consulting company working mainly with clients owned by leading investment banking firms.

After selling Tatra Spring returned to consulting. Worked with the Board of a major nutritional supplements company based in Dallas. Led a global supply chain transformation initiative, took on role of Chief of Staff to the CEO and led a redesign of the company global operating model.

SENIOR CORPORATE SUPPLY CHAIN LEADER

Until leaving in 2006 served as Avon Products (Fortune 500 company) most senior supply chain executive and a member of the corporate senior management team. Global supply chain leadership and oversight responsibility for multi-year global process and technology transformation initiative.

Lived and worked in Asia, Europe and North America. Skill set includes issue diagnosis, supply chain transformation, change management, effective communication at all levels, people development and an aggressive focus on tangible results.

Developed the people, processes and physical infrastructure needed to open key markets that included China, India, Russia, Poland, Turkey and Colombia. The ability to quickly and cost effectively enter new markets was a key driver of Avon's mid 90's – 2008 revenue, market share and margin growth.

TEACHING OTHERS

2015: Assisted the Jon M. Huntsman Business School (USU) to develop a business case module for their one-year MBA program. Included developing the problem, hosting the class for a visit to Tatra Spring Poland, remote Q&A, participating in a two-day interactive session on site at the University in Logan, Utah.

Born and educated in the UK. Now an American citizen residing permanently in the USA.

JOHN KITCHENER
917 825 4155
kitchenerj@icloud.com



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Board of Selectmen

RECEIVED

MAY 16 2024

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Liza Hatton

Home Phone: 508-280-8925

Mailing PO Box 797

Address: Siasconset, MA 02564

Alternate Phone: _____

Email Address: lizavhatton@gmail.com Date Submitted: May 16, 2024

REQUESTING APPOINTMENT TO: Planning Board Alternate

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I have attended a few planning board meetings and several other committee meetings via zoom over the past few years. I am interested specifically in the planning board because the Board is responsible for making decisions which shape the future of our island, and the direction our growth is heading. I am prepared to commit to the meeting schedule, as I live on island year-round.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I have been coming to Nantucket for almost 40 years and I have lived here year-round for 13 of them. I have had many jobs here, most recently I have worked for a general contractor and I am a real estate agent. My husband and I spent almost 10 years living in employee housing and now we are grateful to be covenant home owners. I think I would bring the perspective of a younger resident to the board, with the goal of working together with the other members to make reasonable decisions and have a positive impact on our community.

Potential Conflicts of Interest

- Please list any committees appointed by the Board of Selectmen, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I am a member of NAREB, the Nantucket Builders Association and the Sconset Civic Association and the Sconset Trust.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No, we do not.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board



*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Howard Matz

Home Phone: 917-543-6666

Mailing Address: PO Box 356, Sconset, 02564

Alternate Phone: _____

Email Address: hjmatz@gmail.com

Date Submitted: 5/17/2024

REQUESTING APPOINTMENT TO: Planning Committee

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

As a trained architect, development and urban planning has always been a passion of mine.

This seat on the Planning Committee affords me the opportunity to intelligently consider the complex planning and development issues facing Nantucket.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Currently serving as a member of the CapCom committee and the Solid Waste Committee, I can contribute my experience in municipal finance, structured finance, contract negotiation, and commercial analysis.

Over my career, I have focused on architecture, project finance, energy and renewable power generation, debt and equity investment, finance, banking and project development.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

CapCom, Solid Waste

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
-



RECEIVED

**TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT**

MAY 17 2024

For Appointment by the Select Board

NANTUCKET TOWN ADMINISTRATION

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Howard MatzHome Phone: 917-543-6666Mailing
Address: PO Box 356, Sconset, 02564

Alternate Phone: _____

Email Address: hjmartz@gmail.comDate Submitted: 5/17/2024REQUESTING APPOINTMENT TO: Finance Committee / Planning Aft*Reasons for Committee Interest*

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

The committee's contribution to community is significant. I especially appreciate the committee's deep dig into the issues confronting the town resulting in valuable recommendations presented for the community's consideration.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Currently serving as a member of the CapCom committee and the Solid Waste Committee, I can contribute my experience in municipal finance, structured finance, contract negotiation, and commercial analysis.

Over my career, I have focused on project finance, energy and renewable power generation, debt and equity investment, finance, banking and project development.

Potential Conflicts of Interest

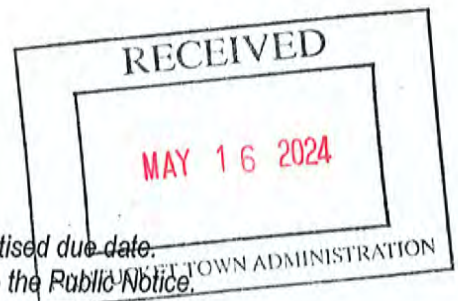
- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

CapCom, Solid Waste

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: John B. Brescher

Home Phone: 8-1706

Mailing Address: PO Box 816, Nantucket MA 02554

Work Phone: 8-8771

Email Address: john.brescher@gladden.com

Date Submitted: 5/16/24

REQUESTING RE-APPOINTMENT TO: Real Estate Assessment Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I have served as the chair of the committee the last few years and have made most if not all the meetings.

I am excited to see the mission of the committee evolve into something a little more substantial.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I have helped with the land sale process for the last 15 years and my profession as a real estate attorney has helped identify and analyze possible issues with the disposition and acquisition of land.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

ZBA; Boys & Girls Club; Nantucket New School; A Safe Place

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

N/A



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

APR 17 2024

Please return this form to the Town Administration offices by the advertised due date. NANTUCKET
Please call for date of the Public Hearing for applications review or refer to the Public Notice. TOWN ADMINISTRATION

Name: Nelson Eldridge

Home Phone: 508-257-4035

Mailing Address: Box D16 Seascourt No 02544 Work Phone: _____

Email Address: seascourt@seascourt.com Date Submitted: 4-17-2024

REQUESTING RE-APPOINTMENT TO: Roads and Right of Way Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? 90%
- Why do you want to continue serving on the committee/board/commission?
I feel all parts of the island need to be represented!

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

Lived on island 87 years

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

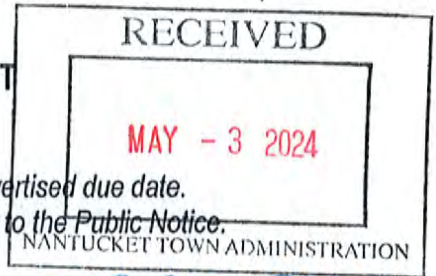
Nantucket Water Commission 36 years

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

son Earl Eldridge call firefighter



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: ROB RANNEY

Home Phone: 508-813-5657

Mailing Address: POB 851 NANTUCKET 02551

Work Phone: 508-228-7200 ext 7031

Email Address: cranney@nantucket-ma.gov Date Submitted: 5-3-2024

REQUESTING RE-APPOINTMENT TO: ROADS + RIGHT OF WAY COMMITTEE

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I am a consistent meeting attendee. I value the work of Roads + Right of Way Committee and enjoy participating in the work of the committee. I feel it is important to contribute and give back to the Town through public service.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

As the Assessor, I bring a slightly different perspective to the committee, but I share the important fundamentals of the committee. I feel I have helped the committee with my knowledge of the island, my historical perspectives, and understanding of the public good as these relate to the mission of the committee.

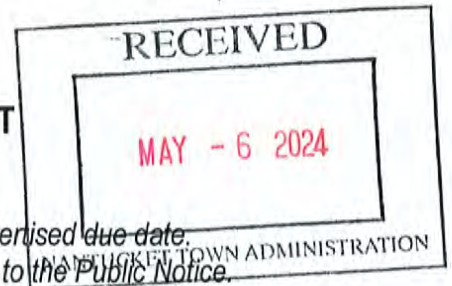
Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members. STEAMSHIP AUTHORITY BOARD

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? YES. I am the Town Assessor and my sister is the Town Manager.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board



Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Edward Gillum Home Phone: 508-325-1738

Mailing Address: 56 N. Liberty Street Work Phone: Same

Email Address: edwardgillum@gmail.com Date Submitted: 5/1/2024

REQUESTING RE-APPOINTMENT TO: Roads and Right of Way Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

- Regular attendance be it on Zoom or in person.
- To continue with projects and efforts that I have been working on with the committee and sub committees thereof.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I understand Nantucket from my 46 years association and from living here year round for 35 years. I have been in the real estate business for well over 30 years and understand the nuances and many of the back stories of areas involved in our mission of providing public access via Chapter 91, riparian roads, etc.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

None at present

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No

I have also studied the history of roads and ways on Nantucket from various readings, and I understand property title search.

TOWN AND COUNTY OF NANTUCKET



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

April 12, 2024

Leslie W. Forbes
PO Box 392
Nantucket, MA 02554

Dear Leslie:

Our records indicate that your term expires June 30, 2024 for your seat on the Scholarship Committee. If you are interested in being considered for re-appointment, please complete the attached "Committee Interest Form/Incumbent" and "Statement of Commitment" form and return them to Town Administration by email, or mail or drop off to Erika Mooney, Town Administration, 16 Broad Street, Nantucket, MA 02554 by **Friday, May 17, 2024 at 12:00 PM**. If you choose not to apply for re-appointment, please check the box at the bottom of this letter and return it to me by the methods listed above.

Please also note that you will have the opportunity to review your application with the Select Board on **Wednesday, June 12, 2024 at 5:30 PM** at the Public Safety Facility Community Room at 4 Fairgrounds Road or by remote participation via Zoom Webinar. Committee appointments are scheduled for June 26, 2024. If you have any questions or would like further information, please call (508) 228-7266 or email me at emooney@nantucket-ma.gov. Thank you.

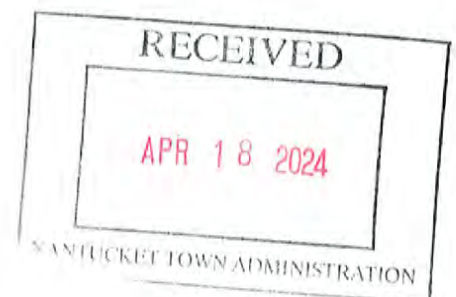
Sincerely,

Erika Mooney
Operations Administrator

Attachment

☒ I do not intend to apply for reappointment.

Signature



Erika Mooney

From: Saperstein, Lee W. <saperste@mst.edu>
Sent: Tuesday, April 30, 2024 9:52 AM
To: Erika Mooney
Subject: Committees

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Erika: I will be sending you a renewal application for the Cemetery Commission in a matter of hours. I will not be re-applying for the Scholarship Committee. Most of their work is done in June, however, and I will participate fully in this year's selection. Lee

Lee and Priscilla Saperstein
P. O. Box 1408
(use street address instead only if sending via express mail services:
20 New Street)
Nantucket, MA 02554. USA
1-508-680-1337 home
1-573-578-7750 Mobile: Lee
1-573-578-7752 Mobile: Priscilla

TOWN AND COUNTY OF NANTUCKET



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov



April 12, 2024

Margaret Detmer
94 West Chester Street
Nantucket, MA 02554

Dear Magee:

Our records indicate that your term expires June 30, 2024 for your seat on the Scholarship Committee. If you are interested in being considered for re-appointment, please complete the attached "Committee Interest Form/Incumbent" and "Statement of Commitment" form and return them to Town Administration by email, or mail or drop off to Erika Mooney, Town Administration, 16 Broad Street, Nantucket, MA 02554 by **Friday, May 17, 2024 at 12:00 PM**. If you choose not to apply for re-appointment, please check the box at the bottom of this letter and return it to me by the methods listed above.

Please also note that you will have the opportunity to review your application with the Select Board on **Wednesday, June 12, 2024 at 5:30 PM** at the Public Safety Facility Community Room at 4 Fairgrounds Road or by remote participation via Zoom Webinar. Committee appointments are scheduled for June 26, 2024. If you have any questions or would like further information, please call (508) 228-7266 or email me at emooney@nantucket-ma.gov. Thank you.

Sincerely,

Erika Mooney
Operations Administrator

Attachment

☐ I do not intend to apply for reappointment.

Signature



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

MAY 13 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Ben Champoux

Home Phone: 508-228-2515

Mailing Address: 8 Upper Taupashaw Road

Work Phone: 508-560-3368

Email Address: BenChampoux@gmail.com

Date Submitted: 5/13/2024

REQUESTING RE-APPOINTMENT TO: Tree Advisory Committee

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

- I've Attended Most if Not All Meetings
- We Are in the Middle of A project w/ Tree Mapping
+ Tree GIS updates that I want to see through

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

- ISA Certified Arborist
- Massachusetts Certified Arborist
- Many Years on TAC
- Experience w/ Other Town Commissions

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

DAVE Champoux, My Father Serves as Tree Warden

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

RECEIVED

MAY 17 2024

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: Emily Molden

Home Phone: (508) 901-1901

Mailing

Address: PO Box 811, Nantucket MA 02554

Alternate Phone:

Email Address: emilymolden@gmail.com

Date Submitted: May 17, 2024

REQUESTING APPOINTMENT TO: Tree Advisory Committee

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

I have attended several meetings of the Tree Advisory Committee in the past, and am prepared to commit to the meeting schedule going forward.

I am familiar with the work that is conducted by this Committee and their advisory role in the review, maintenance, and planning for all aspects of the Town's tree program.

I am interested in serving on this Committee as a result of my past involvement with the Town's tree program through my work with the Nantucket Land & Water Council. I believe that our Town trees are an incredibly important resource for the island and I am very interested in working with Town staff, and existing Committee members, to support this program.

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I have many years of experience providing educational programs for the community on our Town trees, and also directly supported the initial creation of a GIS tree database. I have worked alongside the Town's tree warden and arborist to support outreach efforts and am familiar with the Town's Bylaws governing Town Trees.

I would like to specifically support the completion of the Town's GIS tree database and contribute to planning efforts for the future of the program.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I am the Executive Director of the Nantucket Land & Water Council and am a member of the Nantucket and Madaket Harbor Plan Update Committee.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No.



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

APR 18 2024

Please return this form to the Town Administration offices by the advertised due date. TOWN OF NANTUCKET TOWN ADMINISTRATION
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: John B Breschur

Home Phone: 8-1906

Mailing Address: P.O. Box 816
Nantucket MA 02554

Work Phone: 8-0771

Email Address: john@gladdenandgladden.com

Date Submitted: 4/18/24

REQUESTING RE-APPOINTMENT TO: Zoning Board of Appeals

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings?
- Why do you want to continue serving on the committee/board/commission?

I believe I have attended every meeting since I was appointed. I believe the Zoning Board and the Zoning code serve a vital function for the community and I enjoy serving the town in that respect.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

I had previously been the zoning administrator and I had practiced before the Board prior to being appointed. I was elected Vice Chair this past year and have enjoyed serving on the Board.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

REAC, Nantucket Partnership for Children, Nantucket Boys & Girls Club, Sustainable Sports Foundation,

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket? A Safe Place

N/A



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/INCUMBENT
For Re-Appointment by the Select Board

RECEIVED

APR 24 2024

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: LISA BOTTICELLI Home Phone: _____

Mailing Address: 24 PINE STREET NANTUCKET MA 02554 Work Phone: 508-325 2148

Email Address: lisa@botticelliandpohl.com Date Submitted: 4/18/2024

REQUESTING RE-APPOINTMENT TO: ZBA ALTERNATE

Reasons for Committee Interest

- What has been your level of attendance at committee/board/commission meetings? 80%
- Why do you want to continue serving on the committee/board/commission?

Because I feel that my experience being a full member of the ZBA continues to be helpful for the board as a whole.

Relevant Experience

- What have you brought to the committee/board/commission in terms of experience, skills, ideas, insight?
- How do you feel you have helped the committee/board/commission in its goal(s)/mission?

Because I am an architect I believe that I have a good understanding of reading and understanding site plans and other exhibits that are often relevant to our discussions.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?
NO

Select Board
Planning Board Vacancy Appointment Timeline
As of 4/3/2024

April 4 - Advertise Planning Board vacancy on Town's website

April 10 - Planning Board vacancy to be added to Select Board agendas as announcement

April 11 and April 18 - Advertise Planning Board vacancy in the Inky

April 26 at 12:00 PM - Deadline for submitting applications for Planning Board vacancy

May 1 and May 15 - The names of applicants who have submitted applications will be read aloud and applications will be included in the Board's packet.

May 22 - Meeting for applicants to introduce themselves and review their applications; Planning Board appointment made jointly by Select Board and remaining Planning Board members.

Procedure to fill a Planning Board (elected seat) vacancy

1. Pursuant to MGL Ch. 41, s. 81A, the “unexpired term shall be filled by appointment by the [Select Board] and the remainder members of the Planning Board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term.”
2. The Planning Board vacancy is to be advertised for two weeks and the Select Board’s intent to fill the vacancy will be noted on its regular meeting agenda for two weeks prior to the date of appointment and applications will be included in the agenda packet material.
3. The Planning Office will forward all applications for the vacancy to Town Administration as soon as they are received.
4. The remaining members of the Planning Board will join the Select Board at a regularly scheduled meeting and will vote to make the appointment to fill the vacancy through the next annual election.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 41** OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS**Section 81A** Planning board; establishment; membership; tenure; vacancies

Section 81A. Any city except Boston, and, except as hereinafter provided, any town may at any time establish a planning board hereunder. Every town not having any planning board shall, upon attaining a population of ten thousand, so establish a planning board under this section. A planning board established hereunder shall consist of not less than five nor more than nine members. Such members shall in cities be appointed by the mayor, subject to confirmation by the city council and in towns be elected at the annual town meeting or be appointed in such manner as an annual town meeting may determine; provided, that a town which has a planning board established under section seventy may, at an annual town meeting or at a special town meeting called for the purpose, vote to establish a planning board under this section and may provide that the members of the planning board then in office shall serve as members of the planning board under this section until the next annual town meeting. When a planning board is first established or when the terms of members of the planning board established under section seventy serving as members of the planning board under this section expire, as the case may be, the members of the planning board under this section shall be elected or appointed for terms of such length and so arranged that the term of at least one member will expire each year, and their successors shall be elected or appointed for terms of three or five years each as determined by the city council in the case of a city and by the town meeting in the case of a town. Any member of a board so established in a city may be removed for cause, after a public hearing, by the mayor, with the approval of the city council. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term, in a city, in the same manner as an original appointment, and, in a town, if the members of the board are appointed, in the same manner as the original appointment. If the members of a planning board are elected, any unexpired term shall be filled by appointment by the board of selectmen and the remainder of the members of the planning board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term. All appointments pursuant to this section shall be in the manner provided in section eleven. Such a board shall elect annually a chairman and a clerk from among its own number, and may employ experts and clerical and other assistants. It may appoint a custodian of its plan and records, who may be the city engineer or town clerk. No member of a planning board shall represent before such board any party of interest in any matter pending before it.

Towns of less than ten thousand inhabitants, having no planning board established under this section may, by vote of the town meeting, authorize the board of selectmen to act as a planning board under this section until such a board is established; provided, that any such town, upon attaining a population of ten thousand, shall establish a planning board hereunder.

Planning Board (5-yr terms)

Dave Iverson	Chair	2024
Joseph Topham	Vice Chair	2028
Barry G. Rector		2025
John F. Trudel III VACANT		2026
Nathaniel Lowell		2027

Planning Board Alternates (3-yr terms)

John Kitchener	Alternate	2024
Abby De Molina	Alternate	2025
Stephen Welch	Alternate	2026

Applicants:

John Kitchener
Hillary Hedges Rayport



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT

For Appointment by the Select Board

RECEIVED

APR 16 2024

NANTUCKET TOWN ADMINISTRATION

Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.

Name: John Kitchener

Home Phone: 917-825-4155

Mailing Address: 27 Monomoy Road, Nantucket

Alternate Phone: _____

Email Address: Kitchenerj@icloud.com

Date Submitted: April 15th 2024

REQUESTING APPOINTMENT TO:
Planning Board Member (Replace John Trudel)

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

Since being appointed as a Planning Board Alternate member in September 2023 I have attended every regular and special Planning Board meeting. As a Voting Member of the Short Term Rental Workgroup over a one year period I attended every meeting except one (approximately 40 meetings). I commit to continue working with the Planning Board meeting schedule.

I believe the Planning Board has a critical role to play in achieving the right balance between more development and the need to maintain a sustainable level of land use on our island. As an Alternate Member I have enjoyed being part of that process. I am not an architect or a member of our real estate / construction industries. But I am reasonably intelligent and able to ask insightful questions that help get to the best solutions.

An important Planning Board role is to ensure all applications are evaluated against our State and local planning and zoning bylaws. This is not easy and demands that all Board members understand and make their decisions within the boundaries of the bylaws. Over the past eight months I have learned a lot from studying the bylaws and from watching/listening to the five Board members at our monthly meetings.

.....

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

Attached is a resume of my business and public service experience and skills. I have learned how to adapt my business skills to the world of public service. My STR Workgroup and Planning Board Alternate experience has taught me a lot about effective public service, especially in the area of Open Meeting regulations.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

Planning Board Alternate Member

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No.

JOHN KITCHENER – 2024 PLANNING BOARD APPLICATION

NANTUCKET PUBLIC SERVICE

CURRENT: Planning Board Alternate Member.

2022 / 2023: Short Term Rental Workgroup - At Large Voting Member.

2019 – 2022: Monomoy Civic Association – Executive Board Member.

My time on the STR Workgroup and as an Alternate member of the Planning Board has given me a good insight into how public service works. By necessity it is very different to the private sector. Last year I participated in the State-run Open Meeting Webinar. This proved to be a very valuable experience that has helped me on the Planning Board.

I have attended every Planning Board meeting since I was made an Alternate Member in September 2023. I look at the last eight months as an apprenticeship towards becoming a full member of the Board. I have learned a lot from the five full Board members.

FOUNDER NANTUCKET PROPERTY WATCH – PROPERTY MANAGEMENT COMPANY.

2018: Founded a Nantucket property management company with a young Macedonian partner.

2021: Handed the business over to my partner to focus on public service opportunities on the island.

FOUNDER & CEO EUROPEAN GREENFIELD STARTUP

2008: With two business partners, founded (and funded) Tatra Spring, a green field startup in Poland. Tatra Spring is a cosmetics contract manufacturing company focused on serving Europe, Middle East & Africa markets.

As CEO led the venture from a startup company with no facility, no people and no customers to an important supply chain partner for brands that include Estee Lauder, Avon and Body Shop.

2015: Sold the company to one of Europe's largest cosmetic contract manufacturers.

FOUNDER & PRESIDENT GLOBAL SUPPLY CHAIN CONSULTING

2006: Successfully launched a global supply chain consulting company working mainly with clients owned by leading investment banking firms.

After selling Tatra Spring returned to consulting. Worked with the Board of a major nutritional supplements company based in Dallas. Led a global supply chain transformation initiative, took on role of Chief of Staff to the CEO and led a redesign of the company global operating model.

SENIOR CORPORATE SUPPLY CHAIN LEADER

Until leaving in 2006 served as Avon Products (Fortune 500 company) most senior supply chain executive and a member of the corporate senior management team. Global supply chain leadership and oversight responsibility for multi-year global process and technology transformation initiative.

Lived and worked in Asia, Europe and North America. Skill set includes issue diagnosis, supply chain transformation, change management, effective communication at all levels, people development and an aggressive focus on tangible results.

Developed the people, processes and physical infrastructure needed to open key markets that included China, India, Russia, Poland, Turkey and Colombia. The ability to quickly and cost effectively enter new markets was a key driver of Avon's mid 90's – 2008 revenue, market share and margin growth.

TEACHING OTHERS

2015: Assisted the Jon M. Huntsman Business School (USU) to develop a business case module for their one-year MBA program. Included developing the problem, hosting the class for a visit to Tatra Spring Poland, remote Q&A, participating in a two-day interactive session on site at the University in Logan, Utah.

Born and educated in the UK. Now an American citizen residing permanently in the USA.

JOHN KITCHENER

917 825 4155

kitchenerj@icloud.com

Erika Mooney

From: William Saad
Sent: Friday, April 26, 2024 12:14 PM
To: Erika Mooney
Subject: FW: Planning Board appointment interest

We have one more applicant, see below.

Best,

Billy Saad
Zoning Administrator/Land Use Specialist

wsaad@nantucket-ma.gov
Town of Nantucket
Planning & Land Use Services
2 Fairgrounds Road
Nantucket, MA 02554

Tel: 508-325-7587 X 7071
Fax: 508-325-5346
www.nantucket-ma.gov



Town & County of
NANTUCKET, MA

From: Hillary Hedges Rayport <hrayport@mac.com>
Sent: Friday, April 26, 2024 11:54 AM
To: William Saad <wsaad@nantucket-ma.gov>
Subject: Planning Board appointment interest

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Billy,

Please accept this email as my application for the vacant seat on the Planning Board.

I've been attending or listening to most of the planning board meetings and the NP&EDC meetings for some years now. I've also shown my interest and qualifications by attending several citizen planner training classes that are offered by the official training body of the Commonwealth, the CPTC. I have qualifications in preservation planning and have done a lot of research on the history of planning and zoning on Nantucket.

I believe the role of a Planning Board member is to review applications and determine, with advice of staff and deliberation with applications and residents, if they follow the local and state laws. Planning Board members also have an important role planning for orderly development of Nantucket and keeping neighborhoods benefiting residents, while also planning intelligently for positive change. With the current planning cycle underway, I believe I would bring a great deal of care, attention, knowledge, and diversity of thought to the Planning Board over the next year.

Thank you for your assistance, and thanks in advance to the members of the Select Board and Planning Board for reviewing my application.

Kind Regards,
Hillary Hedges Rayport
617-697-6429



TOWN OF NANTUCKET
COMMITTEE INTEREST FORM/NEW APPLICANT
For Appointment by the Select Board

*Please return this form to the Town Administration offices by the advertised due date.
Please call for date of the Public Hearing for applications review or refer to the Public Notice.*

Name: Hillary Hedges Rayport

Home Phone: 617 697 6429

Mailing

Address: 89 Main Street, Nantucket, MA 02554

Alternate Phone: _____

Email Address: hrayport@mac.com

Date Submitted: _____

REQUESTING APPOINTMENT TO: Planning Board

Reasons for Committee Interest

- Have you ever attended a meeting of the committee/board/commission?
- Why are you interested in this committee/board/commission?
- Are you prepared to commit to the meeting schedule of the committee/board/commission?

- Yes

- I'm interested in planning for the future of Nantucket, and participating in fair review and evaluation of applications.

- Yes

Relevant Experience

- What experience, skills or insight would you bring to the committee/board/commission?
- What would you hope to accomplish on the committee/board/commission?

I have specific skills and training in Preservation Planning. I'm a good communicator and skilled at analytic reasoning. I have many connections in the community and government. I am volunteering out of care for the community and Nantucket. I am not a developer or agent.

I would hope to advocate for sustainable growth and healthy communities. I would also hope to build trust and confidence in government.

Potential Conflicts of Interest

- Please list any committees appointed by the Select Board, local agencies or non-profit organizations of which you or a member of your immediate family are current members.

I'm a director of a preservation non profit which is currently inactive.

I continue to advise a Community Fund for Preservation, which has an educational mission.

- Are you or any member of your family employed by, or receive any financial consideration from, the Town of Nantucket?

No.

Hillary Hedges Rayport

Hillary is an investor, manager, and board member with a strong interest and skills in historic preservation and community planning. A firm believer in the power of compassion, inquiry and finding common ground, Hillary believes that a shared vision for the future begins with an understanding and appreciation for the past. Her continuing education and civil service has focused on how rehabilitation and stewarding historic resources makes communities strong and healthy places to live.

Research and Papers

Copying Perfection: Analysis and Inspiration for Subdivisions on Nantucket

[Preserving Historic Pavement on Nantucket: Information and Guidelines](#)

[Roundabouts With Nantucket in Mind](#)

[Report for the Town on Harbor Place/Wilkes Square Redevelopment](#)

[A Cobblestone Gathers No Moss: A History of Nantucket's Cobble Paving](#)

[Little Gray Island: Life Stories From Nantucket](#)

Citizen Planner Training Collaborative Courses Completed

Zoning with Overlay Districts

Creating Master Plans

Vested Rights and Non-Conforming Structures and Uses

Recent graduate level courses relevant to community planning, historic preservation, and architectural history

Preservation Planning How historic properties are surveyed, registered, and protected; how historic properties contribute to sustainable and livable communities; history of the preservation movement and associated legal frameworks.

Architectural History and Community Workshop Training in interdisciplinary research skills necessary to build site-specific narratives. These narratives are used for understanding, protecting and rehabilitating historic resources in context with their communities.

Histories of Modern Architecture A reading seminar in historiography of modern architecture

Historic Preservation Theory and Practice Concepts and methods of historic theory and practice; how these theories underpin historic preservation laws and evolving policy; intersection of historic preservation with environmental sustainability and social equity.

Geographic Information Systems Introduction to methods of data capture and sources of data, nature and characteristics of spatial data and objects, data structures, modeling surfaces, volumes and time, and data uncertainty. Laboratory exercises included.

Transportation, Cars, and Community in the Modern World Advanced reading seminar in histories of mobility and multi-mobile transport, globally.

American Cultural Landscape Studies Seminar on analyzing and interpreting the American landscape.

HILLARY HEDGES RAYPORT

hlayport@mac.com

(617) 697-6429

247 Commonwealth Ave.
Boston, MA 02116

89 Main Street
Nantucket, MA 02554

Experience

- | | | |
|--------------|--|----------------------|
| 7/19 – 6/22 | NANTUCKET HISTORICAL COMMISSION
Chair <ul style="list-style-type: none">• Revived inactive commission and recruited applicants for appointment as commissioners by Select Board in 2019. Designated a Certified Local Government.• Worked with staff and other boards to initiate a state-funded update to the island-wide survey of historic resources.• Advocated successfully for the preservation of Town’s historic cobblestone streetscape. | NANTUCKET, MA |
| 1/16 – 01/18 | EF EDUCATION FIRST
A global education, language, and travel company.
Internal Consultant to the Educational Tours Executive Team <ul style="list-style-type: none">• Consulting projects included tech leadership, organizational structure and management, and corporate philanthropy. | CAMBRIDGE, MA |
| 6/06 – 2/11 | CAMBRIDGE ASSOCIATES
A global investment consulting firm working with cultural institutions, endowments, and family offices.
Senior Consultant <ul style="list-style-type: none">• Advised investment committees of major cultural institutions, schools, and family offices with investment portfolios ranging from \$80 million to \$550 million.• Planned, implemented, and monitored investment programs comprised of public and private equities.• Expanded firm revenue and selected to successfully salvage an at-risk account. | BOSTON, MA |
| 1/02 – 5/04 | CYTEL SOFTWARE CORPORATION
Privately-held firm providing statistical software and clinical trial design to the life-science industry. Company sold to New Mountain Capital.
Vice President <ul style="list-style-type: none">• Repositioned strategic focus of the company. Led new emphasis on delivering software, services, and systems for efficient clinical trials.• Developed strategic revenue accounts with three of the top ten pharmaceutical companies. Closed largest transactions in company history.• Sourced venture capital financing.• Initiated and oversaw internal activities such as office space renegotiation and renovation, marketing materials update, and financial planning. | CAMBRIDGE, MA |

1999-2001 **ARTS ALLIANCE** **NEW YORK, NY; LONDON, UK**
Venture Capital firm investing in seed and early stage new media companies.

Principal

- Responsible for deal generation, negotiation, due diligence, and investment management.
- Served as Director on the board of two portfolio companies.

1993-1997 **GEOCAPITAL PARTNERS** **FORT LEE, NJ**
Venture Capital firm focused on investing in emerging growth information technology companies.

Principal. Promoted to Principal in 1997

- Presented, negotiated with, and completed investments in seven technology companies. Exits included four sales and one IPO.
- Youngest person promoted to Principal in firm.

Senior Associate. Promoted to Senior Associate from Associate in 1995.

- Sourced and evaluated investment opportunities in over 2,000 IT companies.

Education

Present

BOSTON UNIVERSITY

BOSTON, MA

Candidate for Masters in Preservation Studies. GPA 3.91

1997-1999 **HARVARD UNIVERSITY GRADUATE SCHOOL
OF BUSINESS ADMINISTRATION**

BOSTON, MA

MBA June 1999. Summer internship in Marketing at **Adobe Systems Inc.**, San Jose, CA. Co-Founder, HBS Motorcycling Club.

1989-1993 **PRINCETON UNIVERSITY**

PRINCETON, NJ

Bachelor of Arts in English, June 1993. *Cum Laude*. GPA 3.7 Senior thesis: Herman Melville's Typee and Moby Dick. Grade: 4.0

Non Profit/

Personal

Trustee, **The Massachusetts Historical Society**. Member, Chairman's Council, **The Trustees of Reservations**. Past Director and Trustee positions: **The Nantucket Atheneum; The Boston Public Market; The Trustees of Reservations; GrubStreet**. Launched and produced *The Memoir Project: Nantucket* to collect and publish stories of long-time island residents. Published *Little Grey Island; Life Stories From Nantucket*. Authored article: *A Cobblestone Gathers No Moss; a history of stone paving on Nantucket*. Married to Jeffrey F. Rayport and mother of two boys.

HILLARY HEDGES RAYPORT

hlayport@mac.com

(617) 697-6429

247 Commonwealth Ave.
Boston, MA 02116

89 Main Street
Nantucket, MA 02554

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Agenda Item Summary

Agenda Item #	X. 1.
Date	05/22/2024

Staff

Tracy MacDonald, Real Estate Specialist

Subject

Conveyance of yard sale Lots 169 and 170 on Land Court Plan 10937-31 owned by the Town of Nantucket by virtue of Certificate of Title No. 29216, as authorized by positive Vote on Article 102 of 2017 Annual Town Meeting.

Executive Summary

Conveyance of a portion of the unconstructed way known as Sandwich Road authorized by a positive Vote of Article 102 of the 2017 Annual Town Meeting being Lots 169 and 170 on Land Court Plan 10937-31 owned by the Town of Nantucket by virtue of Certificate of Title No. 29216. Lot 169 containing 2,848± square feet on said plan is to be conveyed to the owner of Lot 167 on Plan 10937-30 (Kevin Ryder) and Lot 170 containing 2,062 ± square feet on said plan is to be conveyed to the owner of Lot 168 on Plan 10937-30 (Brian Ryder). Town Assessor Rob Ranney has provided a \$3.60 per square foot value for Lots resulting in a price for Lot 169 of \$10,252.80 and a price for Lot 170 of \$7,423.20. The Real Estate Assessment Committee has reviewed and approved the price factor. The Coastal Resilience Coordinator has reviewed and the parcels have no risk of erosion according to FEMA erosion maps and according to the Massachusetts Coastal Flood Risk Model, there is no risk of flooding and low probable risk come 2070. Therefore, there is no to low risk in the Town retaining the parcels proposed to be conveyed.

Staff Recommendation

Proceed with the approval and execution of the documents. Town Counsel has prepared and reviewed the documents with buyer's counsel.

Background/Discussion

Order of Taking dated April 24, 2019 and registered as Document No. 161653 and shown as Parcel D on Plan 2019-7 and subsequently on Land Court Plan 10937-30; as affected by an Order of the Land Court for Certificate of Title in the name of the Town of Nantucket being Certificate of Title No. 29216; thereafter, the Land Court approved the subdivision of Parcel D into Lots 169 and 170 on Plan 10937-31, with the Town of Nantucket assenting to the Petition. The original beneficiary of Parcel D was Diane M. Ryder, Trustee of T&D Nominee Trust. However, she subdivided and conveyed to each of her two sons as part of her estate planning, which required the subdivision of Parcel D into Lots 169 and 170.

Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

To complete the conveyance of a previously authorized transaction at town meeting which will increase the tax base.



Board/Commission Recommendation

Real Estate Assessment Committee reviewed the conveyance on May 13, 2024; Planning Board approved the Plan on November 13, 2023 and the Coastal Resilience Coordinator reviewed on May 15, 2024.

Public Outreach

Conveyance approved at the 2017 Annual Town Meeting

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Consistent with the Intent of the Yard Sale Program

Attachments

Purchase and Sale Agreements, Quitclaim Deeds, Settlement Statements, copy of plan



PURCHASE AND SALE AGREEMENT

Agreement made this _____ day of May 2024.

1. PARTIES AND MAILING ADDRESSES

The Town of Nantucket, a municipal corporation acting by and through its Select Board, having an address of 16 Broad Street, Nantucket, Massachusetts 02554, hereinafter called the SELLER, agrees to SELL and Kevin M. Ryder with a mailing address of P. O. Box 431, Nantucket, MA 02554 hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises are comprised of a certain parcel of land in Nantucket, Massachusetts located at 8 Chatham Road, shown as Lot 169, Sandwich Road on Land Court Plan 10937-31 containing 2,848± square feet, on a plan of land entitled "Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," prepared by Island Surveyors, LLC, dated October 25, 2023, registered with the Nantucket Registry District of the Land Court as Plan No. 10937-31 (the "Property" or "Premises"). The Premises is considered a non-conforming lot pursuant to the Town of Nantucket Code.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Intentionally Omitted (Vacant Land).

4. TITLE DEED

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven (7) days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- (a) Any liens for municipal betterments assessed after the date of this agreement;
- (b) Laws, by-laws, rules, and regulations, whether federal, state, or local, which affect the use of the Premises, including, but not limited to, rules and regulations of the Nantucket Conservation Commission, Nantucket Zoning By-Law, Nantucket Historic District Commission, Nantucket Building Department, Nantucket Planning Board and Nantucket Board of Health;
- (c) Real estate taxes for the then-current fiscal year and future periods, which are not due and payable at the time of delivery of the deed;
- (d) Any fee which may be imposed upon the transaction which is the subject of this agreement by the Nantucket Land Bank Commission, which the Buyer agrees to pay at the

time of delivery of the deed;

(e) Any right, restrictions or easements and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises for residential purposes;

(f) Any public rights existing below mean high water, if applicable; and

(i) Said deed shall contain a reversion clause and a restriction set forth in Section 35 below to require the Premises to be used, and effectively merged with, the BUYER'S existing property located at 8 Chatham Road, known as Lot 167, Chatham Road, Nantucket, Massachusetts, which is a portion of 8 Chatham Road which is shown as Parcel 230 on Town Assessor's Map 54, for residential purposes and permanently restricting any further division or subdivision of the Premises as combined with the existing property without the prior written permission of the Town of Nantucket Select Board,

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the BUYER shall deliver such plan with the deed in a form adequate for recording.

6. REGISTERED TITLE

In addition to the foregoing, if the title to the said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title to said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE

The agreed purchase price for said premises is Ten Thousand Two Hundred Fifty -Two and 80/100 Dollars (\$ 10,252.80), of which

\$ 0.00	was paid as a deposit
\$ 10,252.80	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s) or by attorney's IOLTA check.
\$ 10,252.80	Total

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Said deed is to be delivered to BUYER at the Nantucket County Registry of Deeds at 1:00 P.M. on the 23rd day of May, 2024, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISES

Full possession of said premises free of all tenants and occupants is to be delivered at the time of the delivery of the deed, said Premises to be then (a) in the same condition as they are now, and (b) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled to personally inspect the premises prior to the delivery of the deed in order to determine whether the condition of the premises complies with the terms of this clause.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. In the event that such an extension occurs, BUYER agrees to close prior to expiration of the extension period and as soon as reasonably possible after SELLER is prepared to deliver the Premises in compliance with this Agreement. In no event shall SELLER be required to expend more than a total of \$1,000.00 to clear title to and deliver possession of the Premises.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.

13. ACCEPTANCE OF DEED

The acceptance and recording of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after delivery of said deed.

14. USE OF MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

15. INSURANCE

Intentionally Omitted (Vacant Land).

16. ADJUSTMENTS

A payment in lieu of taxes shall be paid in accordance with G.L. c. 44, § 63A as of the day of performance of this Agreement and the amount thereof shall be added to the purchase price payable by BUYER at the time of delivery of the deed.

17. ADJUSTMENT OF UNASSESSED AND UNABATED TAXES

Intentionally Omitted.

18. BROKER'S FEE

Intentionally Omitted.

19. BROKER'S WARRANTY

Intentionally Omitted.

20. DEPOSIT

All deposits made hereunder shall be held in escrow by Town Treasurer, as escrow agent in a non-interest bearing account subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, escrow agent shall retain all deposits made under this agreement pending instructions mutually given in writing by the SELLER and the BUYER, or by court order by a Court having competent jurisdiction.

All deposits made hereunder shall be placed in a non-interest-bearing account. The escrow agent hereunder shall not be liable for any loss suffered with respect to the escrow account or for any action or inaction taken by the escrow agent in good faith with respect to the account or deposit. The escrow agent may resign at any time by transferring the deposit to a successor escrow agent reasonably acceptable to SELLER and BUYER which successor agrees in writing to act as escrow agent. BUYER and SELLER jointly and severally agree to indemnify and hold the escrow agent harmless for any and all costs and expenses, including reasonable attorney's fees, incurred in connection with any such dispute.

21. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages, which shall be the SELLER'S sole and exclusive remedy at law and in equity for a breach of this agreement.

22. RELEASE BY HUSBAND OR WIFE

Intentionally Omitted.

23. BROKER AS PARTY

Intentionally Omitted.

24. LIABILITY OF TRUSTEES, SHAREHOLDERS OR BENEFICIARIES

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER: NONE. SELLER and SELLER's agents have made no warranties or representations, express or implied, and BUYER is purchasing the premises in it's "AS IS" and without inspection.

26. MORTGAGE CONTINGENCY CLAUSE

None.

27. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER or their respective counsel. The Parties may rely upon facsimile copies of such written instruments. If two or more persons are named herein as BUYER, their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. TITLE STANDARDS AND CONVEYANCING PRACTICES

Any matter relating to performance of this Agreement, which is the subject of a title, practice or ethical standard of the Real Estate Bar Association of Massachusetts shall be governed by such standard to the extent applicable.

29. NOTICES

All notices, demands, consents and approvals required or permitted hereunder shall be deemed to have been duly given if in writing addressed to BUYER or SELLER at:

In the case of BUYER:

Kevin M. Ryder
P. O. Box 431
Nantucket, MA 02554

With a copy to:

Arthur I. Reade, Jr., Esq.
Reade, Gullicksen, Hanley & Gifford, LLP
6 Young's Way
Nantucket, MA 02554
(508) 228-3128

In the case of SELLER:

Town of Nantucket
Town and County Building
16 Broad Street
Nantucket, MA 02554

With a copy to:

Vicki S. Marsh, Esq.
KP Law, P.C.
101 Arch Street, 12th Fl.
Boston, MA 02110
(617) 556-0007
Facsimile: (617) 654-1735

and shall be deemed delivered upon the earliest to occur of (a) receipt or refusal to accept delivery; or (b) upon delivery prior to 5:00 P.M. on any business day by telecopy evidenced by written or printed receipt confirmation, provided a copy of any such notice sent by telecopy is sent also by means of one of the above-described manners of delivery. BUYER and SELLER may change the address to which any notice is to be sent by giving reasonable notice to the other party of such new address in the manner specified.

30. NO BROKER WARRANTY

The parties warrant and represent each to the other that there is no broker involved with the transaction to which this agreement pertains. In the event of a breach of the foregoing representation, the breaching party shall indemnify and hold harmless the non-breaching party for all expenses, including attorney's fees, which arise from such breach. The provisions of this section shall survive delivery of the deed hereunder.

31. SELLER'S CONTINGENCY

SELLER'S obligations hereunder shall be contingent upon SELLER complying prior to closing with the requirements of Massachusetts General Laws Chapter 30B concerning public procurement of

the premises and obtaining all necessary authority to sell the premises, including but not limited to a declaration that the premises constitutes surplus property and an appropriate Town Meeting vote.

32. VENUE

The parties hereto agree that all actions on this Agreement shall be brought in the Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Nantucket Division, to the extent that said Court shall have jurisdiction of the subject matter in any such action.

33. EXTENSION AUTHORITY

By executing this Agreement, Buyer and Seller hereby grant to their respective attorneys the actual authority to bind them by facsimile for the limited purpose of allowing them to grant extensions, and Buyer and Seller shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge that either party has disclaimed the authority granted herein to bind them.

34. CLOSING DOCUMENTS

BUYER agrees to sign at closing all forms reasonably required by SELLER including without limitation a disclosure statement pursuant to G.L. c. 7C, sec. 38. BUYER agrees to pay the legal costs incurred for preparing a Quitclaim Deed for the Premises.

35. MERGER OF PREMISES

BUYER shall consolidate the Premises with the BUYER'S existing abutting lot as set forth in the provisions of the "Nantucket Yard Sale Program." This consolidation process includes but is not limited to obtaining a special permit from the Zoning Board of Appeals to alter any premises which is a nonconforming lot pursuant to Town Code 139-33A (8) and, filing a new perimeter plan with the Nantucket Planning Board and Massachusetts Land Court, if applicable.

BUYER warrants that the Premises shall not be used as separate buildable lots or resold as a separate buildable lot and shall be used for residential uses only. Notwithstanding any provision herein to the contrary, BUYER shall accept the deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce such restrictions and covenants as follows:

"The Grantor's conveyance of the parcel described herein is based in part on the Grantee's warranty and representation to the Grantor that such parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property located at 8 Chatham Road, and being a portion of Parcel 230 shown on Town Assessor's Map 54, and being Lot 167 on Land Court Plan No. 10937-30, previously acquired by Grantee by Deed registered with the Nantucket County Registry District of the Land Court as Document No. 179137 on Certificate of Title No. 29463 (together, the "Combined Premises"), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor be hereafter divided, subdivided or conveyed as a separate parcel or parcels unless prior written permission is granted by the Town of Nantucket Select Board and such permission is filed with said Registry District of the Land Court. . Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held

by the Grantor, forever restricting the Parcel and the Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as may be amended from time to time, prohibiting the division or subdivision of any portion of the Combined Premises, and prohibiting the use or conveyance of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four months of the Date of the Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used or conveyed in a manner inconsistent with these restrictions unless a prior written release is granted by the Town of Nantucket Select Board and filed with said Registry District of the Land Court."

These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body" pursuant to G.L. c. 184, Section 26 such that the restrictions contained herein shall be enforceable for the full term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the grantee hereby appoints the grantor as its agent and attorney in fact to execute and record such notice and further agrees that the grantee shall execute and record such notice upon request. The representations, warranties and provisions of this Section 35 shall survive the delivery of this deed and any conveyance of the Premises, and BUYER shall accept a deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce these covenants.

36. CONDITION OF PREMISES

BUYER acknowledges that prior to the date of this Agreement, BUYER entered the Premises for the purpose of surveying and inspecting the Premises, as necessary for BUYER's financing and purchasing of the Premises and BUYER agrees that BUYER and BUYER's agents fully and completely inspected the Premises, and that BUYER is wholly satisfied with the condition of the Premises. SELLER and SELLER's agents have made no warranties or representations with respect to the Premises, express or implied, on which BUYER has relied except as otherwise set forth in this Agreement. In the event that BUYER and/or BUYER's agents, contractors and employees access the Premises to make any further inspections, assessments, surveys, appraisals or other non-invasive examination of the surface of the Premises, then such access shall be solely at the BUYER's risk, and BUYER shall indemnify and save SELLER harmless from any and all claims, demands, suits or causes of action of any nature whatsoever arising from BUYER's and its agents', contractors' and employees' presence at and/or actions upon or about the Premises, including, without limitation, any claim for personal injury or property damage made by any such person afforded access to the Premises pursuant hereto. BUYER will, and will cause its agents, employees, and contractors, to observe any posted rules and regulations on the Premises.

37. REPRESENTATION BY COUNSEL

BUYER and SELLER each acknowledge and agree that they have by counsel of their own choosing or have had an opportunity to be so represented by counsel, and both BUYER and SELLER have read and understand the terms of this Agreement.

38. ASSIGNMENT AND RECORDING OF AGREEMENT

BUYER shall not file this Agreement with any Registry of Deeds or recording office. BUYER shall not assign this Agreement to any party without SELLER's prior written consent, which consent SELLER may withhold for any or no reason. In the event BUYER files or assigns this Agreement without SELLER's prior written consent, then SELLER may elect, upon written notice to BUYER, to terminate this Agreement and to retain any and all deposits.

39. SEVERABILITY

If this Agreement shall contain any term or provision which shall be invalid, then the remainder of the Agreement, as the case may be, shall not be affected thereby and shall remain valid and in full force and effect to the fullest extent permitted by law, provided such term or provision does not materially affect the obligations of either of the parties nor the essence of the Agreement.

Signature Page to Follow

SELLER:
TOWN OF NANTUCKET
By its Select Board

ESCROW AGENT:
TOWN TREASURER

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

BUYER:

By: _____
Kevin M. Ryder

920194v2NANT19712/0001

QUITCLAIM DEED

8 Chatham Road, Nantucket, Massachusetts

The **Town of Nantucket**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Select Board (the “Grantor”), in consideration of Ten Thousand Two Hundred Fifty-Two and 80/100 Dollars (\$10,252.80), the receipt of which is hereby acknowledged, pursuant to the authority of Article 102 voted upon at the 2017 Annual Town Meeting, a certified copy of which is attached hereto, grants to **Kevin M. Ryder** (the “Grantee”) having a mailing address of P. O. Box 431, Nantucket, MA 02554, with QUITCLAIM COVENANTS, a certain parcel of land in Nantucket, Massachusetts located at 8 Chatham Road and shown as Lot 169, Sandwich Road on Land Court Plan 10937-31, containing 2,848 ± square feet on a plan of land entitled “Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket,” prepared by Island Surveyors, LLC, dated October 25, 2023, being a subdivision of Parcel D on Land Court Plan 10937-30 and Plan 2019-7 (the “Parcel”). The Parcel hereby conveyed is a portion of Sandwich Road and is vacant land.

The Grantor’s conveyance of this Parcel is based in part on the Grantee’s warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property located at 8 Chatham Road and being a portion of Parcel 230 shown on Town Assessor’s Map 54, previously acquired by Grantee pursuant to a Deed registered with the Nantucket County Registry District of the Land Court as Document No. 179137 on Certificate of Title No. 29463 (collectively, the “Combined Premises”), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is filed with said Registry District of the Land Court. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as from time to time amended; prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee’s existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Select Board and filed with said Registry District of the Land Court.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44 §63A.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

For Grantor's title, see Order of Taking by Eminent Domain of Portions of Sandwich Road dated April 24, 2019, and registered with the Nantucket Registry District of the Land Court as Document No. 161653; as affected by an Order for a New Certificate issued by the Massachusetts Land Court on June 23, 2023 and registered as Document No. 177278 on Certificate of Title No. 29216.

[Remainder of Page Intentionally Blank. Signatures Follow on Next Page.]

EXECUTED under seal this _____ day of _____, 2024.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2024, before me, the undersigned Notary Public, personally appeared Dawn E. Hill Holdgate, Brooke Mohr, Matthew G. Fee, Thomas M. Dixon and Malcolm W. MacNab, as Members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the Select Board of the Town of Nantucket.

Notary Public
My Commission Expires:

1E-L3601



10937-31

SETTLEMENT STATEMENT

Town of Nantucket ("Seller")
Kevin M. Ryder ("Buyer")
8 Chatham Road,
Nantucket, MA (Property)
May 23, 2024 (Closing Date)

Purchase Price: **\$ 10,252.80**

Less:

Deposit \$ 00.00

Plus:

Payment in Lieu of Tax Adjustment

5/23/24-6/30/24 \$ 3.51

7/1/24-6/30/25 \$ 32.08

Reimbursement of Town's Legal Fees \$ 1,200.00

Net Amount Due Seller: **\$ 11,488.39**

Checks:

Town of Nantucket \$ 11,488.39

BUYER:

**SELLER: TOWN OF NANTUCKET
SELECT BOARD**

By: _____
Kevin M. Ryder

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

PURCHASE AND SALE AGREEMENT

Agreement made this _____ day of May 2024.

1. PARTIES AND MAILING ADDRESSES

The Town of Nantucket, a municipal corporation acting by and through its Select Board, having an address of 16 Broad Street, Nantucket, Massachusetts 02554, hereinafter called the SELLER, agrees to SELL and Brian T. Ryder with a mailing address of P. O. Box 479, Nantucket, MA 02554 hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises are comprised of a certain parcel of land in Nantucket, Massachusetts located at 8 Sandwich Road, and shown as Lot 170, Sandwich Road, on Land Court Plan 10937-31 containing 2,062± square feet, on a plan of land entitled "Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," prepared by Island Surveyors, LLC, dated October 25, 2023, registered with the Nantucket Registry District of the Land Court as Plan No. 10937-31 (the "Property" or "Premises"). The Premises is considered a non-conforming lot pursuant to the Town of Nantucket Code.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Intentionally Omitted (Vacant Land).

4. TITLE DEED

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven (7) days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- (a) Any liens for municipal betterments assessed after the date of this agreement;
- (b) Laws, by-laws, rules, and regulations, whether federal, state, or local, which affect the use of the Premises, including, but not limited to, rules and regulations of the Nantucket Conservation Commission, Nantucket Zoning By-Law, Nantucket Historic District Commission, Nantucket Building Department, Nantucket Planning Board and Nantucket Board of Health;
- (c) Real estate taxes for the then-current fiscal year and future periods, which are not due and payable at the time of delivery of the deed;
- (d) Any fee which may be imposed upon the transaction which is the subject of this agreement by the Nantucket Land Bank Commission, which the Buyer agrees to pay at the

time of delivery of the deed;

(e) Any right, restrictions or easements and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises for residential purposes;

(f) Any public rights existing below mean high water, if applicable; and

(i) Said deed shall contain a reversion clause and a restriction set forth in Section 35 below to require the Premises to be used, and effectively merged with, the BUYER'S existing property located at 8 Sandwich Road, known as Lot 168, Chatham Road, which is a portion of 8 Chatham Road, which is shown as Parcel 230 on Town Assessor's Map 54, Nantucket, Massachusetts, for residential purposes and permanently restricting any further division or subdivision of the Premises as combined with the existing property without the prior written permission of the Town of Nantucket Select Board,

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the BUYER shall deliver such plan with the deed in a form adequate for recording.

6. REGISTERED TITLE

In addition to the foregoing, if the title to the said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title to said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE

The agreed purchase price for said premises is Seven Thousand Four Hundred Twenty-Three and 20/100 Dollars (\$ 7,423.20), of which

\$ 0.00	was paid as a deposit
\$ 7,423.20	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s) or by attorney's IOLTA check.
\$ 7,423.20	Total

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Said deed is to be delivered to BUYER at the Nantucket County Registry of Deeds at 1:00 P.M. on the 23rd day of May, 2024, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISES

Full possession of said premises free of all tenants and occupants is to be delivered at the time of the delivery of the deed, said Premises to be then (a) in the same condition as they are now, and (b) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled to personally inspect the premises prior to the delivery of the deed in order to determine whether the condition of the premises complies with the terms of this clause.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. In the event that such an extension occurs, BUYER agrees to close prior to expiration of the extension period and as soon as reasonably possible after SELLER is prepared to deliver the Premises in compliance with this Agreement. In no event shall SELLER be required to expend more than a total of \$1,000.00 to clear title to and deliver possession of the Premises.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.

13. ACCEPTANCE OF DEED

The acceptance and recording of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after delivery of said deed.

14. USE OF MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

15. INSURANCE

Intentionally Omitted (Vacant Land).

16. ADJUSTMENTS

A payment in lieu of taxes shall be paid in accordance with G.L. c. 44, § 63A as of the day of performance of this Agreement and the amount thereof shall be added to the purchase price payable by BUYER at the time of delivery of the deed.

17. ADJUSTMENT OF UNASSESSED AND UNABATED TAXES

Intentionally Omitted.

18. BROKER'S FEE

Intentionally Omitted.

19. BROKER'S WARRANTY

Intentionally Omitted.

20. DEPOSIT

All deposits made hereunder shall be held in escrow by Town Treasurer, as escrow agent in a non-interest bearing account subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, escrow agent shall retain all deposits made under this agreement pending instructions mutually given in writing by the SELLER and the BUYER, or by court order by a Court having competent jurisdiction.

All deposits made hereunder shall be placed in a non-interest-bearing account. The escrow agent hereunder shall not be liable for any loss suffered with respect to the escrow account or for any action or inaction taken by the escrow agent in good faith with respect to the account or deposit. The escrow agent may resign at any time by transferring the deposit to a successor escrow agent reasonably acceptable to SELLER and BUYER which successor agrees in writing to act as escrow agent. BUYER and SELLER jointly and severally agree to indemnify and hold the escrow agent harmless for any and all costs and expenses, including reasonable attorney's fees, incurred in connection with any such dispute.

21. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages, which shall be the SELLER'S sole and exclusive remedy at law and in equity for a breach of this agreement.

22. RELEASE BY HUSBAND OR WIFE

Intentionally Omitted.

23. BROKER AS PARTY

Intentionally Omitted.

24. LIABILITY OF TRUSTEES, SHAREHOLDERS OR BENEFICIARIES

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER: NONE. SELLER and SELLER's agents have made no warranties or representations, express or implied, and BUYER is purchasing the premises in its "AS IS" and without inspection.

26. MORTGAGE CONTINGENCY CLAUSE

None.

27. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER or their respective counsel. The Parties may rely upon facsimile copies of such written instruments. If two or more persons are named herein as BUYER, their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. TITLE STANDARDS AND CONVEYANCING PRACTICES

Any matter relating to performance of this Agreement, which is the subject of a title, practice or ethical standard of the Real Estate Bar Association of Massachusetts shall be governed by such standard to the extent applicable.

29. NOTICES

All notices, demands, consents and approvals required or permitted hereunder shall be deemed to have been duly given if in writing addressed to BUYER or SELLER at:

In the case of BUYER:

Brian T. Ryder
P. O. Box 479
Nantucket, MA 02554

With a copy to:

Arthur I. Reade, Jr., Esq.
Reade, Gullicksen, Hanley & Gifford, LLP
6 Young's Way
Nantucket, MA 02554
(508) 228-3128

In the case of SELLER:

Town of Nantucket
Town and County Building
16 Broad Street
Nantucket, MA 02554

With a copy to:

Vicki S. Marsh, Esq.
KP Law, P.C.
101 Arch Street, 12th Fl.
Boston, MA 02110
(617) 556-0007
Facsimile: (617) 654-1735

and shall be deemed delivered upon the earliest to occur of (a) receipt or refusal to accept delivery; or (b) upon delivery prior to 5:00 P.M. on any business day by telecopy evidenced by written or printed receipt confirmation, provided a copy of any such notice sent by telecopy is sent also by means of one of the above-described manners of delivery. BUYER and SELLER may change the address to which any notice is to be sent by giving reasonable notice to the other party of such new address in the manner specified.

30. NO BROKER WARRANTY

The parties warrant and represent each to the other that there is no broker involved with the transaction to which this agreement pertains. In the event of a breach of the foregoing representation, the breaching party shall indemnify and hold harmless the non-breaching party for all expenses, including attorney's fees, which arise from such breach. The provisions of this section shall survive delivery of the deed hereunder.

31. SELLER'S CONTINGENCY

SELLER'S obligations hereunder shall be contingent upon SELLER complying prior to closing with the requirements of Massachusetts General Laws Chapter 30B concerning public procurement of

the premises and obtaining all necessary authority to sell the premises, including but not limited to a declaration that the premises constitutes surplus property and an appropriate Town Meeting vote.

32. VENUE

The parties hereto agree that all actions on this Agreement shall be brought in the Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Nantucket Division, to the extent that said Court shall have jurisdiction of the subject matter in any such action.

33. EXTENSION AUTHORITY

By executing this Agreement, Buyer and Seller hereby grant to their respective attorneys the actual authority to bind them by facsimile for the limited purpose of allowing them to grant extensions, and Buyer and Seller shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge that either party has disclaimed the authority granted herein to bind them.

34. CLOSING DOCUMENTS

BUYER agrees to sign at closing all forms reasonably required by SELLER including without limitation a disclosure statement pursuant to G.L. c. 7C, sec. 38. BUYER agrees to pay the legal costs incurred for preparing a Quitclaim Deed for the Premises.

35. MERGER OF PREMISES

BUYER shall consolidate the Premises with the BUYER'S existing abutting lot as set forth in the provisions of the "Nantucket Yard Sale Program." This consolidation process includes but is not limited to obtaining a special permit from the Zoning Board of Appeals to alter any premises which is a nonconforming lot pursuant to Town Code 139-33A (8) and, filing a new perimeter plan with the Nantucket Planning Board and Massachusetts Land Court, if applicable.

BUYER warrants that the Premises shall not be used as separate buildable lots or resold as a separate buildable lot and shall be used for residential uses only. Notwithstanding any provision herein to the contrary, BUYER shall accept the deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce such restrictions and covenants as follows:

"The Grantor's conveyance of the parcel described herein is based in part on the Grantee's warranty and representation to the Grantor that such parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property, located at 8 Sandwich Road, which is a portion of 8 Chatham Road, shown on Town Assessor's Map 54 as Parcel 230, and being Lot 168 on Land Court Plan No. 10937-30, previously acquired by Grantee by Deed registered with the Nantucket County Registry District of the Land Court as Document No. 179138 on Certificate of Title No. 29464 (together, the "Combined Premises"), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor be hereafter divided, subdivided or conveyed as a separate parcel or parcels unless prior written permission is granted by the Town of Nantucket Select Board and such permission is filed with said Registry District of the Land Court. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent

restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and the Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as may be amended from time to time, prohibiting the division or subdivision of any portion of the Combined Premises, and prohibiting the use or conveyance of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four months of the Date of the Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used or conveyed in a manner inconsistent with these restrictions unless a prior written release is granted by the Town of Nantucket Select Board and filed with said Registry District of the Land Court."

These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body" pursuant to G.L. c. 184, Section 26 such that the restrictions contained herein shall be enforceable for the full term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the grantee hereby appoints the grantor as its agent and attorney in fact to execute and record such notice and further agrees that the grantee shall execute and record such notice upon request. The representations, warranties and provisions of this Section 35 shall survive the delivery of this deed and any conveyance of the Premises, and BUYER shall accept a deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce these covenants.

36. CONDITION OF PREMISES

BUYER acknowledges that prior to the date of this Agreement, BUYER entered the Premises for the purpose of surveying and inspecting the Premises, as necessary for BUYER's financing and purchasing of the Premises and BUYER agrees that BUYER and BUYER's agents fully and completely inspected the Premises, and that BUYER is wholly satisfied with the condition of the Premises. SELLER and SELLER's agents have made no warranties or representations with respect to the Premises, express or implied, on which BUYER has relied except as otherwise set forth in this Agreement. In the event that BUYER and/or BUYER's agents, contractors and employees access the Premises to make any further inspections, assessments, surveys, appraisals or other non-invasive examination of the surface of the Premises, then such access shall be solely at the BUYER's risk, and BUYER shall indemnify and save SELLER harmless from any and all claims, demands, suits or causes of action of any nature whatsoever arising from BUYER's and its agents', contractors' and employees' presence at and/or actions upon or about the Premises, including, without limitation, any claim for personal injury or property damage made by any such person afforded access to the Premises pursuant hereto. BUYER will, and will cause its agents, employees, and contractors, to observe any posted rules and regulations on the Premises.

37. REPRESENTATION BY COUNSEL

BUYER and SELLER each acknowledge and agree that they have by counsel of their own choosing or have had an opportunity to be so represented by counsel, and both BUYER and SELLER have read and understand the terms of this Agreement.

38. ASSIGNMENT AND RECORDING OF AGREEMENT

BUYER shall not file this Agreement with any Registry of Deeds or recording office. BUYER shall not assign this Agreement to any party without SELLER's prior written consent, which consent SELLER may withhold for any or no reason. In the event BUYER so files or assigns this Agreement without SELLER's prior written consent, then SELLER may elect, upon written notice to BUYER, to terminate this Agreement and to retain any and all deposits.

39. SEVERABILITY

If this Agreement shall contain any term or provision which shall be invalid, then the remainder of the Agreement, as the case may be, shall not be affected thereby and shall remain valid and in full force and effect to the fullest extent permitted by law, provided such term or provision does not materially affect the obligations of either of the parties nor the essence of the Agreement.

Signature Page to Follow

SELLER:
TOWN OF NANTUCKET
By its Select Board

ESCROW AGENT:
TOWN TREASURER

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

BUYER:

By: _____
Brian T. Ryder

920284v3NANT19712/0001

QUITCLAIM DEED

8 Sandwich Road, Nantucket, Massachusetts

The **Town of Nantucket**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Select Board (the “Grantor”), in consideration of Seven thousand Four Hundred Twenty-Three and 20/100 Dollars (\$7,423.20), the receipt of which is hereby acknowledged, pursuant to the authority of Article 102 voted upon at the 2017 Annual Town Meeting, a certified copy of which is attached hereto, grants to **Brian T. Ryder** (the “Grantee”) having a mailing address of P. O. Box 479, Nantucket, MA 02554, with QUITCLAIM COVENANTS, a certain parcel of land in Nantucket, Massachusetts located at 8 Sandwich Road and shown as Lot 170, Sandwich Road on Land Court Plan 10937-31 Sandwich Road, containing 2,062 ± square feet on a plan of land entitled “Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket,” prepared by Island Surveyors, LLC, dated October 25, 2023, being a subdivision of Parcel D on Land Court Plan 10937-30 and Plan 2019-7 (the “Parcel”). The Parcel hereby conveyed is a portion of Sandwich Road and is vacant land.

The Grantor’s conveyance of this Parcel is based in part on the Grantee’s warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property located at 8 Sandwich Road and which is a portion of 8 Chatham Road shown on Town Assessor’s Map 54 as Parcel 230 previously acquired by Grantee pursuant to a Deed registered with the Nantucket County Registry District of the Land Court as Document No. 179138 on Certificate of Title No. 29464 being Lot 168 on Land Court Plan No. 10937-30 (collectively, the “Combined Premises”), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is filed with said Registry District of the Land Court. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as from time to time amended; prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee’s existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Select Board and filed with said Registry District of the Land Court.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44 §63A.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

For Grantor's title, see Order of Taking by Eminent Domain of Portions of Sandwich Road dated April 24, 2019, and registered with the Nantucket Registry District of the Land Court as Document No. 161653; as affected by an Order for a New Certificate issued by the Massachusetts Land Court on June 23, 2023 and registered as Document No. 177278 on Certificate of Title No. 29216.

[Remainder of Page Intentionally Blank. Signatures Follow on Next Page.]

EXECUTED under seal this _____ day of _____, 2024.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2024, before me, the undersigned Notary Public, personally appeared Dawn E. Hill Holdgate, Brooke Mohr, Matthew G. Fee, Thomas M. Dixon and Malcolm W. MacNab, as Members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the Select Board of the Town of Nantucket.

Notary Public
My Commission Expires:

1E-L3601



10937-31

SETTLEMENT STATEMENT

Town of Nantucket ("Seller")
Brian T. Ryder ("Buyer")
8 Sandwich Road
Nantucket, MA (Property)
May 23, 2024 (Closing Date)

Purchase Price: \$ 7,423.20

Less:

Deposit \$ 00.00

Plus:

Payment in Lieu of Tax Adjustment
5/24/24-6/30/24 \$ 2.34
7/1/24-6/30/25 \$ 23.22

Reimbursement of Town's Legal Fees \$ 1,200.00

Net Amount Due Seller: \$ 8,648.76

Checks:

Town of Nantucket \$ 8,648.76

BUYER:

**SELLER: TOWN OF NANTUCKET
SELECT BOARD**

By: _____
Brian T. Ryder

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

Malcolm W. MacNab



Agenda Item Summary

Agenda Item #	XI. 1.
Date	05/22/2024

Staff

Tracy MacDonald, Real Estate Specialist

Subject

Approval and execution of Order of Taking by Eminent Domain of Easements over portions of Dearborn Street, Oniska Avenue, Miacomet Avenue, Monomoy Avenue, Massasoit Avenue, Central Avenue, Hawthorne Street and Irving Street shown on Plan 2024-8 and pursuant to MGL Chapter 79 and Article 100 of the 2011 Annual Town Meeting.

Executive Summary

Order of Taking by Eminent Domain for Easements over portions of the paper streets within a property at 6R and 8 Skyline Drive in Surfside: being shown as Easements A and 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 the Nantucket Registry of Deeds in Plan File 2024-8, Pursuant to Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 100 adopted by the Town at its 2011 Annual Town Meeting. This matter has been advertised for Public Hearing in the May 9, 2024 and May 16, 2024 Inquirer & Mirror. The Order of Taking was prepared by Town Counsel.

Staff Recommendation

To approve and execute the Order of Taking

Background/Discussion

Easement A containing a total of 148,058± square feet and easement rights of others in and over a certain parcel of land comprising a portion of Irving Street shown as Easement B containing 5,994± square feet on a Plan No. 2024- 8 (the "Plan") is required for public ways, open space or general municipal purposes and part of an ongoing project for roadway and infrastructure improvements in the Surfside area.

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐

To acquire easement rights for roadway and infrastructure improvements.



Board/Commission Recommendation

Real Estate Assessment Committee reviewed and approved the Order of Taking for Easement Rights on May 13, 2024.

Public Outreach

Advertised in May 9, 2024 and May 16, 2024 Inquirer and Mirror.

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Strategic Plan, Master Plan, Coastal Resilience Plan, Department of Public Works

Attachments

Order of Taking by Eminent Domain Document for Execution; Plan No. 2024-8



COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
SELECT BOARD

ORDER OF TAKING BY EMINENT DOMAIN
OF EASEMENTS OVER PORTIONS OF DEARBORN STREET,
ONISKA AVENUE, MIACOMET AVENUE, MONOMOY AVENUE,
MASSASOIT AVENUE, CENTRAL AVENUE, HAWTHORNE STREET
AND IRVING STREET

The undersigned being the majority of the duly elected and serving members of the Select Board of the Town of Nantucket, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, having a principal place of business at Town and County Building, 16 Broad Street, Nantucket, Massachusetts ("Town"), acting by authority of Massachusetts General Laws Chapter 40, § 14 and Chapter 79, as amended, Article III, Section 3.3 of the Town Charter, St. 1996, c. 289, § 1, and the vote on Article 100 adopted by the Town at its 2011 Annual Town Meeting, a certified copy of which is attached hereto, and by virtue of every other power and authority hereto enabling us, having complied with all the preliminary requirements prescribed by law, having determined that the taking of the easement rights of others in and over those certain parcels of land comprising portions of Dearborn Street, Oniska Avenue, Miacomet Avenue, Monomoy Avenue, Massasoit Avenue, Central Avenue, and Hawthorne Street shown as Easement A containing a total of 148,058± square feet and easement rights of others in and over a certain parcel of land comprising a portion of Irving Street shown as Easement B containing 5,994± square feet (the "Easement Parcels") on a plan of land entitled "Plan of Taking and Disposition for the Town of Nantucket in Nantucket, Mass," dated April 25, 2024, prepared by Earle & Sullivan, Inc., recorded with the Nantucket County Registry of Deeds as Plan Np. 2024- 8 (the "Plan") is required for public ways, open space or general municipal purposes, do hereby adopt and decree this Order of Taking on behalf of the Town and do hereby take from those who hold easements and other rights to the Easement Parcels, and all their successors, heirs and assigns, as their interests may appear, by the right of eminent domain, the easement rights in and over the Easement Parcels, if any.

Said Easement Parcels and easements are owned or supposed to be owned and/or formerly owned by the following Owners:

Owner: Charlene B. Engelhard and Hugh J. Freund, Trustees of CBE Skyline Nominee Trust u/d/t dated November 2, 2023, recorded with said Deeds in Book 1965, Page 283
Address: 8 Skyline Drive, Nantucket, MA 02554
Interest Taken: Easement rights of others in Easement A containing 148,058± square feet
Title Reference: Deed recorded with said Deeds in Book 1965, Page 280

Owner: Charlene B. Engelhard and Hugh J. Freund, Trustees of CBE Skyline Nominee Trust u/d/t dated November 2, 2023, recorded with said Deeds in book 1965, Page 283

Address: 6 Skyline Drive, Nantucket, MA 02554

Interest Taken: Easement rights of others in Easement B containing 5,994± square feet

Title Reference: Deed recorded with said Deeds in Book 1965, Page 280.

Any and all trees, vegetation, structures and improvements on the Easement Parcels are included in this Order of Taking.

The damages sustained by the supposed owner(s) listed above by reason of this taking of the Easement Parcels and easements are valued and awarded in a resolution of even date adopted by the Board of Selectmen in accordance with Massachusetts General Laws Chapter 79, as amended.

If any party named hereinabove as an owner of any Easement Parcels and easement rights taken hereby is not a true owner of said Easement Parcels or easement rights, then the award is made only to the true owner(s) of said Easement Parcels or easement rights.

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Adopted under seal this day , 2024

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Dawn E. Hill Holdgate

Brooke Mohr

Matthew G. Fee

Thomas M. Dixon

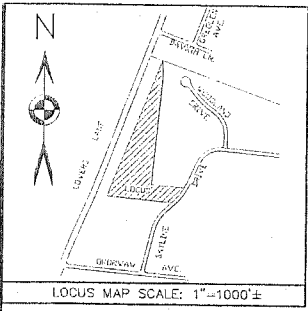
Malcolm W. MacNab

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this day of , 2024, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Brooke Mohr, Matthew G. Fee, Thomas M. Dixon and Malcolm W. MacNab, as members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Select Board of the Town of Nantucket.

Notary Public
My commission expires:



2024 000000000
Bk: Pg: 0 Page: 0
Doc: PLAN 05/03/2024 02:17 PM

NANTUCKET REGISTRY OF DEEDS
Date May 3, 2024
Time 2:17 PM
Plan No. 2024-8
Attest: James H. Fenwick
Register
Sheet 1 of 1
RESERVED FOR REGISTRY USE ONLY



"I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."
Stephen J. Sullivan 04/25/2024
PROFESSIONAL LAND SURVEYOR DATE

BEING A PLAN FOR REAL ESTATE ACQUISITION AND CONVEYANCE OF PAPER STREETS AS REFERRED TO IN ARTICLES 100 AND 101, AT THE 2011 ATM
PLAN OF TAKING and DISPOSITION FOR THE TOWN OF NANTUCKET IN NANTUCKET, MASS.
SCALE: 1"= 50' DATE: APRIL 25, 2024

EARLE & SULLIVAN, INC.
PROFESSIONAL LAND SURVEYORS
6 YOUNGS WAY
NANTUCKET, MA 02584
508-332-4808



SELECTBOARD

[Signature]
DATE SIGNED _____

EASEMENT "A"
DEARBORN ST., ONISKA AVE., MACOMET AVE., MONOMOY AVE., MASSASOIT AVE., CENTRAL AVE., AND HAWTHORNE ST.
AREA=149,059±S.F.
EASEMENT "B" (IRVING ST.) AREA=5,994±S.F.
TOTAL ROAD AREA = 154,052±S.F.

Map 79 - 4
Charlene B. Engelhard and
Hugh J. Freund, Trs.
Dd.Bk.1965 Pg.280
Lot 2 - PlanFile 54 - Z
8 Skyline Dr.

Map 79 - 210
Charlene B. Engelhard and
Hugh J. Freund, Trs.
Dd.Bk.1965 Pg.280
Lot 1 - PlanFile 54 - Z
6 Skyline Dr.

2024 Annual Town Meeting & Election Follow-up

As of 05/18/24

Article #	Title	Vote on Motion	Follow-up
1	Receipt of Financial Reports	Y	None needed; Town Report out
2	Appropriation: Unpaid Bills	Y	Bills to be processed by Finance
3	Appropriation: Prior Year Articles	Y	Finance handling; Finance/Legal/Airport – work on Airport issue
4	Revolving Accounts – FY 2025	Y	Finance handling - confirm spending limits with depts
5	Appropriation: Reserve Fund	Y	Finance handling
6	FY 24 GF Budget Transfers	Y	Finance handling with appropriate depts
7	FY 25 Personnel Comp Plans	Y	Finance & HR coordinating with appropriate depts; NOTE: may need budget transfers in FY 25 for the Misc Schedule increases
8	FY 25 GF Operating Budget	Y	Finance handling
9	FY 25 H & H Services Approp	Y	Finance setting up FY 25 accounts, Human Services & Procurement preparing contracts before 8/1/24
10	GF Capital	Y	Finance handling Capital Approp Account set-up; no expenditures w/o ADVANCE sign-off by Finance & Town Admin; authorization to proceed forms underway; procurement review will follow
11	Appropriation: Town Employee Housing Feasibility Costs	N	Town Admin will focus on preparing development concepts for: Ticcoma, Waitt Drive, Okorwaw parcels; review with SB; develop cost estimate to prepare construction plans for future Town Meeting
12	Appropriation: 31 Western	N	Determining feasibility of lower sale price; other potential partnership(s)
13*	Supp Appropriation: DPW Facility	N	Propose that Board put this on the STM warrant; Town Admin undertake additional public outreach; update scheduled for 6/12/24 SB
14*	Supp Appropriation: Newtown Road	Y	Complete the project (centralized with DPW)
15*	Appropriation: Tom Nevers	Y	Continue the project planning/permitting/design (centralized with NRD – DPW/Parks & Rec)
16*	Appropriation: Exp of Landfill Cell 3B	Y	Continue planning/permitting (centralized with DPW/Solid Waste Mgr)
17*	Appropriation: Reconstr of Jetties Tennis	Y	Complete the project (centralized with DPW/Parks & Rec)
18*	Appropriation: PSF Aux Bldg	Y	Complete the project (centralized with Police-Fire Admin)
19	Appropriation: Composter/Transfer St	Y	Complete acquisition process (Town Counsel, Town Admin, Solid Waste, Finance)

20	Appropriation: AHT	Y	Coordination of Town Admin, Finance, Housing/AHT, Real Estate, Legal
21	FY 25 EF Operating Budgets	Y	Finance handling
22	EF Capital	Y	Finance handling Capital Approp Account set-up with the Tech Amend approved at ATM; no expenditures w/o ADVANCE sign-off by Finance & Town Admin (for all except Airport & Water); authorization to proceed forms underway; procurement review will follow; need to meet internally to prioritize project administration activities
23	FY 24 EF Budget Transfers	Y	Finance handling with appropriate depts
24	Appropriation: WWIF	Y	Finance handling
25	Appropriation: Ambulance RF	Y	Finance handling
26	Appropriation: Ferry Embarkation Fee	Y	Finance handling
27	Appropriation: County Assess	Y	Finance handling
28	Finalizing FY 25 County Budget	Y	No action needed
29	Rescind Unused Borrowing Authority	Y	Finance handling
30	Approp: OPEB	Y	Finance handling
31	Approp: FY 25 Senior Work-off	Y	Finance handling
32	Approp: Spec Stab Fund for Airport Employee Accrued Liabilities	Y	No action needed
33	Approp: Spec Stab Fund for Town Employee Accrued Liabilities	Y	Finance handling
34	FY 25 CPC Approps	Y	Finance setting up accounts; CPC prepare grant agreements – before 8/1/24
36	AMH Investigation - Citizen/Non-binding	Y	SB determination; review legal options
37	PFML – Citizen	Y	Under review with Town Counsel as to bargaining; comms with State/implementation process
38 – 59	Zoning Articles	Various	Town Clerk & PLUS coordinate to send votes to AG; Town Clerk coord with General Code; PLUS coordinate for GIS map updates, education of applicable staff; follow-up review/disc with Planning Board, public as needed
60	Bylaw Amendment: STR	Y	Follow-up under review (in addition to AG approval with Town Clerk)
61 – 62	STR – Citizens	N	No action needed
63	Bylaw Amendment: Sts and Sidewalks	Y	Town Clerk send to AG; coord with General Code

64	Bylaw Amendment: Car Rental	N	New Motion: Refer for further study; need SB direction on this
65	Car Rental – Citizen	N	No action needed
66	Bylaw Amend: Sewer District Map Ch	Y	Town Clerk send to AG; coord with General Code; GIS update Town records
67	HRP – Est CRD	Y	Town Clerk prepare certified copy of vote; Town Admin forward to Legislative Reps; if enacted – implementation TBD
68	Real Estate: Baxter Rd Erosion	Y	Motion to take no action; no action needed at this time
69	Bylaw: CRD	Y	Town Clerk send to AG; coord with General Code
70	Sewer Dist/Citizen	N	No action needed
71	Sewer Dist/Citizen	Y	Town Clerk send to AG; coord with General Code; GIS update Town records
72	Repeal Stretch Code/Citizen	N	No action needed
73	MGL Acceptance re Trust Funds	Y	Town Clerk coord with General Code; Finance notify State, implement
74	No Fund SSX/Citizen	N	No action needed
75	Landfill Committee – Citizen/Non-binding	N	No action needed
76	Evictions – Citizen/Non-binding	Y	Letter to Legislative Reps (Town Admin to Prepare)
77	GNA – Citizen	N	No action needed
78	Off-shore Wind – Citizen/Non-binding	Y	SB consider when needed ?
79 – 91	HRPs	Y	Town Clerk prepare certified copy of vote; Town Admin forward to Legislative Reps
92	HRP/Citizen	N	No action needed
93 – 110	Real Estate Articles, Various	Y	Town Admin/Real Estate Specialist follow-up; will need to prioritize
111	Approp: Stab Fund	Y	Finance handling
112	Approp: Free Cash	Y	No action needed

**Contingent upon passage of Ballot Question*

5/12/24 2024 ATM Debrief

As of 5/18/24

(Moderator, FinCom Chair, Town Clerk, Asst Town Clerk, Town Mgr, Asst TMs, Comms Manager)

Organizational Issues

- Overflow rooms
 - o Better positioning of asst moderators in each room
 - o Ensure fans/cooling if needed
 - o Try to avoid use of bleachers (may mean setting up add'l gym)
 - o Better positioning of projection/video screens/sound in each room so that ALL participants can see and hear each other regardless of where they are; and, so that attendees do not need to leave their room to speak
- Future considerations:
 - o Tent – outside
- More internal pre-ATM prep with: Town Meeting workers, speakers

Outreach and Education Ideas

- “Town Meeting 101” On-demand video series
- Pre-Start Comms:
 - o Specific identification of what and where info materials are (ie Voter’s Guide)
 - o Town overview of ATM warrant article development process; budget; Capital Improvement Plan; capital articles; clarification about non-binding articles
- For each called Town-sponsored article: one designee provides 1-2 minute explanation (why, how much, what, when, where, where may info be found, is it part of a plan, etc)
- Post-ATM Survey

Select Board

- Be clear about already determined policy decisions (ie DPW facility location; the “science” behind coastal resiliency is accepted – those are not changing so no use discussing & if they want to discuss it, the venue would be at a Select Board meeting) (use OIH as a “guide”)



Town Manager's Activities Report

Agenda Item #	XII. 2.
Date	05/22/24

Staff

Town Manager, Assistant Town Managers, Administration Staff, Others

Subject

Monthly Town Management Activity Report

Business as Usual

- May 7, 2024 Annual Town Meeting attendance; follow-up coordination
- Strategic Plan Follow-up (Staff implementation groups established and underway; scheduling updates at meetings – most recent 5/15/24 SB with Environmental Leader Focus Area; next – Healthy Communities on 6/12)
- Monthly Town Manager E-news
- FY 26 Budget and Capital Prep
- Monthly SB Licensing Meeting

Strategic/Major Initiatives

- Planning, prep, coordination for September 17, 2024 STM
- Baxter Road Alt Access and SBPF Geotube Project
- Sheep Pond Road
- Our Island Home Work Group & Organization of Meetings with Sherburne Commons Board, Residents, Outreach to Abutters, Town Departments; Continuing work on design, permitting and other elements (update to SB scheduled for 7/10)
- Long-term Solid Waste Planning – completion of RFP and Waste Services Agreement for solid waste facility operations; review with SB, TBD (June)
- STR Registration Program
- DPW Facility Project planning (update to SB TBD for June)
- Waitt Drive Seasonal Housing
- Washington Street Corridor / Downtown Flood Barrier Project(s)
- Surfside Area Roadway, Stormwater and Sidepath Project
- PFAS
 - Water Main expansion west of Airport, Tom's Way, Arkansas
 - Landfill groundwater sampling
 - WWTF influent sampling

- o Foam destruction pilot project
 - o PFAS – coordination of joint meeting with BOH and SB on 6/25- 4pm
- Housing initiatives:
 - o coordination of public outreach as to Town Housing activities;
 - o internal staff group for municipal employee housing development potential;
 - o consistent updates with core housing/real estate staff on employee housing initiatives, opportunities;
 - o leases/licenses; property management issues
 - o update of 2-4-6 site plan for SB review - 6/5

Staffing / Personnel Management-Related

- Health and Human Services Director hiring process underway
- DEI Director – job description/alternative opportunities under evaluation with Town employee DEI Committee, Cabinet
- Project Manager – hired ✓
- Veteran’s Agent
- Remote Work Policy
- Staffing/Priority Hiring
- Professional development plan in progress/implementation
 - o Leadership; supervisory, conflict resolution 2-day training held 5/15 - 16

Other

- Mass Municipal Association webinars
- End of May: Mass Municipal Manager’s Association annual spring conference (2 days/Brewster, MA)
- Real Estate Issues (adding dedicated real estate-related housing legal resources)
- Town Bldg Complex exterior repairs
- Policy updates: ~~flags~~, first amendment, public art, ~~public comment~~
- Follow up with scheduling joint meetings with NP&EDC, Planning Board, ConCom, Board of Health, Finance Committee re: Strategic Planning/Communications
- Organization of Conflict of Interest and Open Meeting Law training for Board/Committee/Commission members
- Development of Departmental Monthly Reports to Select Board (replacing quarterly budget reports)
- Summer 2024 Prep

Meetings

WEEKLY MEETINGS:

- Department Heads and Assistant TMs 1:1
- Agenda Prep – weekly meetings
- PFAS weekly

- Water main ext project (weekly)

MONTHLY MEETINGS

(or sometimes Bi-Monthly or Weekly):

- Cabinet
- Town Admin Staff – 2 separate meetings monthly
- Cape Cod Managers
- Solid Waste Long-Term Planning
- OIH Facility
- Baxter Road Relocation
- Land Bank – Town Admin check in

QUARTERLY:

- Strategic Plan Internal Staff

- Cabinet Problem-Focused Retreat quarterly (ideally)

AD HOC/SEASONAL:

- TM/ATM Planning Session