SELECT BOARD

Minutes of the Meeting of June 5, 2024. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Thomas Dixon, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr. Dawn Holdgate participated remotely.

I. CALL TO ORDER

Chair Mohr called the meeting to order at 5:36 PM, following a meeting of the County Commissioners. She asked for a moment of silence for Ken Beaugrand who passed away last week, noting that he was a long-time member of the Community Preservation Committee and also served as the Town's Real Estate Specialist for a time. She said his service to the Town is valued and appreciated. A moment of silence ensued.

II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Mohr noted a minor change in Section X of the agenda, to switch the order of items 1 and 2.

III. ANNOUNCEMENTS

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

2. Short-Term Rental Registration Program Update. Finance Director Brian Turbitt provided the update, stating that the schedule of full implementation has been somewhat delayed due to insurance requirement issues, payment issues and staffing changes; however, with the assistance of a recently engaged project manager it is getting back on track.

3. Announcement: Nantucket Offshore Wind Community Fund Grant Awards. Ms. Gibson read the list of grant awards, as in the pending contracts list. She also acknowledged several people/organizations who were instrumental in developing this fund, which resulted from an offshore wind mitigation agreement, from which these first year grant awards have been made, including: David Worth, Rita Higgins, Matt Fee, Holly Backus, Stephen Welch, Denice Kronau, Maureen Phillips, Mary Bergman, the Community Foundation of Nantucket, Jeremy Bloomer, Niles Parker, Christian Hoffman, Lauren Sinatra and Vince Murphy. She gave additional thanks to Energy Coordinator Lauren Sinatra for spear-heading this effort beginning in 2018; and, to Sustainability Program Coordinator Vincent Murphy for his more recent contributions.

4. Select Board Announcements/Comments.

Chair Mohr announced the launch of a voluntary labeling program for e-bikes and helmet wearing. She displayed the labels and said that this program is the result of a collaboration with the Transportation Program Coordinator Mike Burns, Chamber of Commerce Director Peter Burke and the Town's Communications Manager Florencia Rullo. She further reviewed the specifics of the different classes of e-bikes including where they are and are not allowed. Chair Mohr and Mr. Burns noted where the labels may be obtained. Mr. Fee commented on safety issues associated with e-bikes, especially because they are so quiet. Chair Mohr urged e-bike riders to indicate by vote or bell or other method to signal when they are passing someone.

Kathy Baird was allowed to ask a short-term rental registration program question. She asked about the timing of registrations for this year and next year; and, a question about insurance. Mr. Turbitt responded and added that he will also get back to Ms. Baird.

IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS
There was no follow-up comment.

V. PUBLIC COMMENT
Stephen Welch, speaking for the Capital Program Committee, spoke about the upcoming schedule for capital projects, through the committee.

Bill Grieder said that a street light at the Walter Barrett Pier in Madaket is not working and requested that it be repaired. He added that there is also “non-boating activity” occurring at night at that location.

Meri Lepore commented on an emergency medical services call she heard about that the Fire Department responded to “wearing all their gear” and this is very concerning to her due to PFAS issues.

Campbell Sutton said she appreciates recent paving in front of the High School, but is concerned about the current state of the nearby sidewalks with no painted line delineations for safety reasons. She said that she is also concerned about parking along bike paths. She also commented on public outreach with respect to town meeting warrant articles. She further said that if people have different ideas about things, they should not be restricted from being included in the discussion.

Operations Administrator Erika Mooney explained the schedule for line painting in the location noted by Ms. Sutton.

VI. NEW BUSINESS
There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS
Approval of the minutes of May 13, 2024 at 11:00 AM and May 22, 2024 at 5:30 PM was tabled. Mr. Dixon moved approval of items VII 1 – 4; seconded by Mr. Fee; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

1. Approval of Minutes of May 13, 2024 at 11:00 AM; May 22, 2024 at 10:00 AM; May 22, 2024 at 5:30 PM.

2. Approval of Payroll Warrants for May 26, 2024.

3. Approval of Treasury Warrants for May 29, 2024; June 5, 2024.

4. Approval of Pending Contracts for June 5, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS
1. KOBO Utility Construction Corp.: Request for Waiver of Town Noise Bylaw from 5:00 AM to 7:00 AM (7:30 AM after June 15th) from June 12, 2024 through June 26, 2024 at 6 Broad Street to Repair Electric Manhole Structure. Ms. Mooney explained the request, its location and the need for it to be done very soon. Ms. Holdgate moved approval as presented; seconded by Mr. Fee; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

2. Airport:
a) Request for Increase to Fuel Revolver Cap. Mr. Turbitt explained the purpose for the increase, noting that it was approved by the Finance Committee on June 4th. Mr. Fee moved approval as presented; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

b) Request for Borrowing Authorization for Grant Funded Capital Project for Environmental Monitoring. Mr. Turbitt explained the request. Mr. Karberg supplemented Mr. Turbitt's explanation. Mr. Fee moved approval as presented; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

3. Housing Office:
a) Affordable Housing Trust: Request for Authorization of Funding for:
1) Housing Nantucket – House Recycling Grant for House Move to 66 Pochick Avenue. Housing Director Kristie Ferrantella explained the request, asking for Select Board approval subject to final wording from Town Counsel. Mr. Fee moved approval as presented; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

2) Richmond Great Point Development, LLC - Grant for the Buydown of Units in Phase V and VI in Meadows II known as Gooseberry Place. Ms. Ferrantella explained the request, noting that the units would be able to be added to the Town's Subsidized Housing Inventory (SHI), which will help the Town maintain its Safe Harbor status with Massachusetts General Law Chapter 40B. She added that there will be able to be units designated for municipal employees. She asked for Select Board approval subject to final wording from Town Counsel. Mr. Dixon spoke in favor of the request. Dr. MacNab moved approval as presented, contingent upon financial review; seconded by Ms. Holdgate; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

b) Request for Approval and Execution for Documents in Connection with Meadows II Rental Housing Development Project: 1) Certification of Compliance to Executive Office of Housing and Livable Communities for Project Compliance with Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants as amended of Meadows II Rental Housing Development Project; 2) Any Other Necessary Documents Related to Funding of Buydown of Units in Phases 5 and 6 of Meadows II known as Gooseberry Place. Ms. Ferrantella explained the request, noting that the units would be able to be added to the Town's Subsidized Housing Inventory (SHI), which will help the Town maintain its Safe Harbor status with Massachusetts General Law Chapter 40B. She asked for Select Board approval subject to final wording from Town Counsel. Mr. Dixon moved approval as presented and authorized the chair/vice chair to sign any documents; seconded by Ms. Holdgate; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted. Mr. Fee commented that he would like to see a per unit cost at some point.

c) Request for Approval and Execution of Regulatory Agreement and Declaration of Restrictive Covenants for Ownership Project, Waitt Drive Project, between the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities, the Town and Habitat for Humanity Nantucket, Inc. Ms. Ferrantella explained the request, noting the agreement will ensure these units remain affordable and on the SHI. She asked for Select Board approval subject to final wording from Town Counsel. Mr. Fee spoke in favor of the request. Mr. Fee moved approval as presented; seconded by Dr. MacNab; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted. Chair Mohr asked

Ms. Ferrantella to note the affordable housing lotteries that are currently open. Ms. Ferrantella did so, explaining the locations for each lottery and the affordability requirements.

4. Request for Select Board Review of Planning Board Major Commercial Development Special Permit Condition of Easement for Public Sidewalk being Shifted onto Private Property to Accommodate the Installation, Construction, Maintenance and Operation of Improvements Shown on Plan Captioned "Proposed Drop-off Exhibit." Planning Director Leslie Snell explained the Planning Board's special permit conditions for this property and the reasoning behind them, having a lot to do with access and traffic. She said that the public sidewalk shift would create a pull-off for traffic purposes; however, would be technically placed on private property, hence the purpose of the requested easement. Attorney Michael Wilson, speaking on behalf of the applicant, explained the details of the subject space. Mr. Fee asked about signage for the area, saying that he does not want to see this area become permanent parking. Ms. Snell said any signage recommendations would go through the Traffic Safety Work Group. Mr. Fee asked if the Historic District Commission (HDC) or Nantucket Historical Commission (NHC) have reviewed this. Mr. Wilson said it has not, because those approvals are not required. Preservation Planner Holly Backus clarified that the project did go through the HDC. Dr. MacNab said he needs additional time to consider this request. Rita Carr of the NHC suggested a review of that group occur. Ms. Holdgate expressed support for the project and the pull-off, noting that it will help alleviate traffic congestion. Chair Mohr said she supports the concept and requested that such requests come to the Board far earlier in the process. Stephen Welch stated that he does not recall the HDC reviewing this project and asked that it be included in further review. The Board was in general agreement to put the item back on the agenda after the Traffic Safety Work Group, NHC and HDC have reviewed and commented.

5. Applicant Introduction/Review of Applications for Agricultural Commission, Airport Commission, Board of Health, Capital Program Committee, Cemetery Commission, Coastal Resiliency Advisory Committee, Conservation Commission, Contract Review Committee (Human Services), Council for Human Services, Council on Aging, Cultural Council. Operations Administrator Erika Mooney read the applicant names from the list contained in the Board's packet. Applicants speaking on their applications were: Michael Leavitt/Airport Commission; Robert Goldszer/Board of Health; Lee Saperstein/Cemetery Commission; Sarah Bois/Coastal Resilience Advisory Committee; Linda Williams/Conservation Commission. Ms. Holdgate asked the two incumbents why the Commission has not moved to the hybrid meeting format, as requested by the Board several months ago. Ms. Williams responded and said that she agrees with moving to the hybrid meeting format and hopes it will happen soon. Ian Golding/Conservation Commission spoke on his application and spoke in support of the hybrid meeting. John Schafer/Conservation Commission spoke in support of his application. Linda Williams spoke on her application for the Council on Aging. Ms. Mooney noted that the Cultural Council will have an additional vacancy due to a resignation. Chair Mohr encouraged applicants for committees/boards/commissions to either attend or watch meetings of the group to which they are applying. Dr. MacNab concurred.

IX. TOWN MANAGER'S REPORT

1. Monthly Departmental Report: Culture and Tourism Department. Ms. Gibson introduced the item and explained that Town Administration, starting in April, began a monthly program of departmental reports from each of its departments as the result of a request from the Board to replace quarterly budget reports with more departmental operational and project reports. She introduced Culture and Tourism Director Shantaw Bloise-Murphy to undertake the Culture and Tourism Department report. Ms. Bloise-Murphy reviewed the report as contained in the Board's packet. Mr. Fee complimented Ms. Bloise-Murphy on an impressive presentation. He asked how commuters and visitors are differentiated in data collection. Ms.

Bloise-Murphy explained, noting the utilization of AI. Mr. Dixon thanked Ms. Bloise-Murphy for the presentation as well as stepping up to process the passports.

2. Review of Solid Waste Facility Operations Request for Proposals and Waste Services Agreement. Ms. Gibson introduced the item and said that as the Board knows, the Waste Services Agreement with the current operator of the Town's solid waste facility expires at the end of 2025 and preparations for that expiration and potential transition have been underway for several years. She said that most recently in January 2024, the Board was given a comprehensive overview of long-term solid waste planning, including plans to issue a Request for Proposals (RFP) which includes a re-written Waste Services Agreement in the spring of 2024. She said these documents have been prepared, reviewed and discussed with the Administrative Long-term Solid Waste Work Group, as well as special counsel, and are ready for review with the Board and issuance this month. She introduced the Town's solid waste consultant George Aronson to review the presentation contained in the Board's packet. She noted that Solid Waste Manager Chris Lowe is also present to help with any questions. Mr. Aronson reviewed the presentation in the Board's agenda packet. Ms. Holdgate said she is grateful for all the work that has gone into this and is glad to see it is happening well in advance of the contract expiration and has been well thought out. Mr. Fee asked about the process to evaluate proposals. Mr. Aronson explained. Mr. Fee said he is pleased with the expertise utilized by the administrative work group. Chair Mohr thanked the group.

3. Overview of Site Planning for 2, 4 and 6 Fairgrounds Road; Town-owned Lots on Waitt Drive and Ticcoma Way. Ms. Gibson introduced the item, noting that this overview was requested some time ago by Mr. Fee.

At 7:30 PM, Ms. Mohr left the meeting; she returned at 7:32 PM.

She said that much has changed since the Town purchased the former Nantucket Electric Company property at 2 Fairgrounds Road. She said that in addition to her, Planning Director Leslie Snell, Housing Director Kristie Ferrantella and Assistant Town Manager Rick Sears will each review parts of the presentation contained in the Board's packet. She commenced the review and the other staff people referenced joined the review as well. Mr. Sears also spoke on efforts being made by Town Administration regarding Town employee housing. Ms. Holdgate said that with regard to a lot off Waitt Drive, she noted it had previously been identified as a potential lot for a playground. She said parking management and enforcement will be important. Mr. Fee concurred about the playground. He expressed caution about how an employee housing survey, as referenced by Mr. Sears in remarks about Town employee housing, is constructed. Mr. Fee said the housing should be consistent and parking should be hidden. He added that the highest and best use of the area where the parking lot is currently located is not parking, but housing. He spoke about row housing in the back of the public safety facility for public safety staff.

X. SELECT BOARD'S REPORTS/COMMENT

2. Change Select Board Short-Term Rental Subcommittee Representative. Mr. Dixon moved to substitute Dr. MacNab for Mr. Fee on the Subcommittee; seconded by Ms. Holdgate; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted. Mr. Fee explained that he resigned from the subcommittee so as to avoid any appearance of conflict.

1. Select Board Short-Term Rental Subcommittee Update on Short-Term Rental Warrant Articles for September 17, 2024 Special Town Meeting. Mr. Dixon provided an update on the first two subcommittee meetings that took place on June 3 and June 4. He said there is a strong effort to find consensus wherever

possible. He said everyone is aware of the tight timeline leading up to the September 17th special town meeting. Chair Mohr urged the public to watch and/or attend the subcommittee meetings. Mr. Fee and Chair Mohr commented that the meetings seem to be participatory, and that people are listening to each other.

3. Committee Reports. Mr. Fee said he hopes the public comment about PFAS will be responded to.

XI. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of Nantucket Preservation Trust of Historic District Commission Approval of Certificate of Appropriateness No. HDC2023-11-9542 to Demolish the Dwelling "Meridian" at 29 Commercial Wharf, Map 42.2.4, Parcel 3. Town Counsel Attorney George Pucci reviewed the process for an HDC appeal and explained the adjudication process as laid out in the HDC enabling legislation, noting that the standard the Board is to use for determining the appeal is whether or not the HDC acted in an arbitrary and capricious manner. He cautioned the Board not to substitute its own judgement for that of the HDC. He noted two issues regarding the appeal which have been recently raised: standing of the appellant and "mootness" as the structure at issue has already been demolished. He said that with respect to the issue of standing of the appellant, he does not feel comfortable advising that the appellant does not have standing. Chair Mohr opened the hearing. Mary Bergman, Director of the Nantucket Preservation Trust, presented the appeal using documents contained in the Board's agenda packet. She stated that the HDC did not follow its own guidelines in this instance and that even though the building is demolished, she wants the Board to require the HDC to follow its guidelines. HDC Commissioner Ray Pohl spoke on the HDC process and "significant structures" and disputed what Ms. Bergman presented. HDC Commissioner Stephen Welch asked if the Board would indicate its position on the matter of standing and the "mootness" issue. Mr. Fee said his position is that in accordance with what Mr. Pucci said, standing is not an issue. Dr. MacNab and Ms. Holdgate concurred. Mr. Welch spoke to what Ms. Bergman put forward and disputed it. He spoke on the criteria for a significant, or protected contributing structure. Rick Beaudette, representing the property owner, disagreed that the appellant has standing. He said the HDC did not act arbitrarily or capriciously and the HDC decision should be upheld. He spoke on the issuance of the HDC certification of appropriateness, the timing of a building permit for the demolition, and the demolition. Dr. MacNab moved to close the hearing. Mr. Fee said he has questions. Dr. MacNab withdrew the motion. Mr. Fee asked about timing of demolitions and filings and expressed concern that the system is not working. Chair Mohr stated she recognizes Mr. Fee's frustration but the issue before the Board is not the process, but the HDC's decision. Mr. Welch said that the Select Board should not be "interfering" with the HDC process. Chair Mohr confirmed that is what she was indicating. Mr. Fee said he remains concerned about the process. Mr. Welch said that since this demolition occurred, the HDC's internal process has changed to address Mr. Fee's concern. Ms. Holdgate said she is glad to hear the process has been corrected and would like to focus on the HDC's decision. Hillary Rayport spoke in support of the appeal and said there is no issue with "mootness". Chair Mohr cautioned Ms. Rayport that the 3-minute time limit for public comment is reached. Ms. Rayport continued speaking and Chair Mohr said she could have one more minute to speak. Preservation Planner Holly Backus explained the specifics as to the timing of the HDC's decision and the sequence of events leading up to it and after it. Mr. Beaudette disputed Ms. Rayport's comments as to "mootness" of the appeal. Mr. Welch reiterated that the HDC made an informed, factual decision. Mr. Welch asked about the legality of a remand with conditions as to process improvements, as is being requested by the appellant. Ms. Bergman disputed some of the statements made by HDC Commissioners. Dr. MacNab moved to close the public hearing; seconded by Mr. Dixon; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted. Dr. MacNab said he does not think the HDC acted arbitrarily. He moved to deny the appeal and uphold the HDC; seconded by Ms. Holdgate.

Mr. Fee said he feels the HDC did act arbitrarily. By roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – No; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted. Chair Mohr noted an HDC operational review is expected to be coming to the Board soon.

XII. ADJOURNMENT

Mr. Fee moved adjournment at 8:55 PM; seconded by Ms. Holdgate; by roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

Approved the 12th day of June 2024

SELECT BOARD
JUNE 5, 2024 – 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

VII. 1. Draft minutes of 5/22/2024 Swearing-in
VII. 4. Pending Contracts spreadsheet
VIII. 1. AIS re: KOBO Noise Bylaw Waiver; email from KOBO
VIII. 2a. AIS re: Increase to Airport Revolver Cap; Fuel Revolver presentation; Fuel Revolver Backup
VIII. 2b. AIS re: Airport Borrowing Authorization; Environmental Monitoring presentation
VIII. 3a. 1. AIS re: AHT request for Housing Nantucket; Housing Nantucket request; Building photos; budget; timeline
VIII. 3a. 2. AIS re: AHT for Richmond; Richmond Gooseberry Proposal; Grant Agreement
VIII. 3b. AIS re: Richmond LIP; LIP Amendment
VIII. 3c. AIS re: Habitat for Humanity Waitt Dr
VIII. 4. AIS re: The Brant pull-off concept; The Brant - Planning Board Special Permit; plan
VIII. 5. Committee membership/applicant list; SB appointment considerations; Committee applications
IX. 1. Culture & Tourism Dept Departmental update
IX. 2. Solid Waste presentation
IX. 3. Site Planning for 2, 4, 6 Fairgrounds Rd; Waitt Dr & Ticcoma Way