

Town and County of Nantucket Select Board • County Commissioners

Brooke Mohr, Chair
Thomas M. Dixon
Matt Fee
Dawn E. Hill Holdgate
Malcolm W. MacNab



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C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
SEPTEMBER 18, 2024 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS
AMENDED SEPTEMBER 18, 2024***

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

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_TAooEKfvTTWFGzqP1om_Tw

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. The Town of Nantucket will Hold Influenza and COVID-19 Vaccination Clinics on **Saturday**, October 5, 2024 and **Saturday**, October 19, 2024, **9:30 AM to 4:00 PM** at Nantucket Elementary School Cafeteria (off Backus Lane).
 3. At its Meeting on September 12, 2024, the Select Board Reviewed Executive Session Minutes of July 20, 2020 and August 26, 2020 and Determined that Continued Nondisclosure was Required as the Purpose of those Executive Session Meetings Remains Ongoing, Such that the Negotiating and Litigating Positions of the Board May be Jeopardized by Disclosure at this Time.
 4. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of September 10, 2024 at 5:00 PM; September 11, 2024 at 5:30 PM; September 12, 2024 at 9:00 AM.
2. Approval of Treasury Warrants for September 18, 2024, 2024.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Town Council Study Committee Update.
2. Finance Department: Request for Approval of General Obligation Bond Anticipation Notes in the Amount of \$24,175,000, Dated October 4, 2024, for Affordable Housing Trust, Airport, Sewer, Solid Waste and General Municipal Purposes.
3. Sewer Department: Request for Select Board to Authorize Town Manager to Sign and File Nantucket Asset Management Grant Documents for Sewer, Stormwater and Water.

IX. TOWN MANAGER'S REPORT

1. Overview of Article 3 of November 7, 2023 Special Town Meeting (Acceptance of Massachusetts General Law: Adoption of Community Impact Fee on Professionally Managed Short-Term Rentals).
2. ~~Historic District Commission Operations Review~~ - Tabled
3. Waitt Drive Seasonal Dormitory Update.

X. SELECT BOARD'S REPORTS/COMMENT

1. Update from Vineyard Wind/GE Vernova on Vineyard Wind Turbine Blade Failure, Including Update on Environmental Assessment Framework.
2. Committee Reports.

XI. 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

2024

VACCINE CLINICS

This winter, protect yourself and your family from COVID and the flu!



SATURDAYS 5 & 19 OF OCTOBER

9:30 a.m. - 4 p.m.

Nantucket Elementary School Cafeteria (off Backus Lane)

**Scan the QR code or visit
www.nantucket-ma.gov/VACCINE**



CLÍNICAS DE VACUNACIÓN DEL 2024

¡Este invierno, protégete a ti y
a tu familia del COVID y la gripe!



SÁBADOS 5 Y 19 DE OCTUBRE

9:30 am a 4 pm

Nantucket Elementary School Cafeteria (Backus Lane)

**Escanea el código QR o visita
www.nantucket-ma.gov/VACCINE**



CLÍNICAS DE VACINAÇÃO DE 2024

**Neste inverno, proteja a si e à
sua família da COVID e da gripe!**



SÁBADOS 5 E 19 DE OUTUBRO

9:30 am a 4 pm

Nantucket Elementary School Cafeteria (Backus Lane)

**Escaneie o código QR ou visite
www.nantucket-ma.gov/VACCINE**



MEMORANDUM

To: Select Board
From: Joe Grause, Chair, Town Council Study Committee
Date: September 12, 2024
Re: TCSC Update

- On June 26th the TCSC voted unanimously (with one abstention) to move forward with drafting a new charter for a Town Council form of government. After diligent research into the various options, the Committee believes that voters will be persuaded that the Town Council form will be more advantageous for Nantucket than ATM, Representative ATM or Mayor/City Council.
- We are roughly half-way through composing the new Town Charter. The key decisions so far are:
 - o 9 Town Councilors, serving 3-year terms, elected at large
 - o Town Manager will have appointing authority for nearly all boards, committees and commissions subject to the disapproval authority of the Town Council
 - o Most elected boards & committees remain elected, not appointed
 - o Town Councilors would act as County Commissioners
 - o Given the historically significant change this represents, the TCSC has tried to maintain as much of the current structure and process of Town Government and Administration as possible.
- Some open issues remain to be worked out, including:
 - o Placing a Town Councilor on the School Committee in a liaison role
 - o Creating a Sewer-Water commission?
 - o NP&EDC? Who does Planning Director report to?
- Public Outreach: We have scheduled two public forums to gather citizen input on Thursday October 10 and Saturday October 5.
- We have established a TCSC email box to encourage more public input and questions.
- The current version of the draft charter has been delivered to KP Law for their review.
- Possible implementation/conversion timeline:
 - o Draft Town and County Charters to be incorporated in an Article for Town Meeting 2025.
 - o If approved by Town Meeting, the “Special Municipal Legislation” would be submitted to the State House.
 - o Assuming approval by the State Legislature the Legislation would need to be approved at the 2026 municipal election.

- o If approved at the ballot box, the Select Board/Town Administration would have to form a transition committee to manage the conversion to Town Council. (2025-2026)
- Our goal is to have the draft charters and draft Article available for Town Meeting 2025. To give the TCSC the maximum amount of time to complete its work, we respectfully request that the Select Board sponsor this Article.

Thank you very much for your support.

2024 VINEYARD WIND TURBINE BLADE CRISIS UPDATES

Public Events

Public Meetings on Town Council Proposal

Join the Town Council Study Committee (TCSC) for discussions on the proposed new Town Council structure:

When?

- Saturday, October 5 at 10 AM
- Thursday, October 10 at 5:30 PM

Where?

- Public Safety Facility Community Room, 4 Fairgrounds Road.
This meeting will be televised on Channel 8 and livestreamed on the [Town's YouTube channel](#). **Zoom information will be available soon.**

Overview

These meetings are an opportunity for residents to explore and discuss the potential transition from Town Meeting to a Town Council system of governance. Legislative responsibilities would shift from the Town Meeting to the Town Council, while executive functions currently shared between the Select Board and the Town



Manager would consolidate under the new Town Manager role.

Benefits of the Proposed Change

The Town Council Study Committee, a 10-member committee established by Article 81 of the 2023 Annual Town Meeting, unanimously supports this shift and believes it will benefit the community of Nantucket the following advantages:

Select Language

Google Translate

- Improved access and engagement for all residents.
- Streamlined decision-making and clearer communication.
- More active citizen participation.
- Enhanced oversight and flexibility to address community needs and opportunities, including financial flexibility for grants and emerging challenges.

Your Voice Matters!

Join us to voice your opinions and help us shape and update Nantucket's governance. For more details and to review the draft charter, visit the [Town Council Study Committee Information](#).

We look forward to your feedback and participation!

The Town Council Study Committee

Government Websites by [CivicPlus®](#)



Agenda Item Summary

Agenda Item #	VIII. 2.
Date	9/18/2024

Staff

Brian E. Turbitt, Finance Director

Subject

Approval of the issuance of General Obligation Bond Anticipation Notes in the amount of \$24,175,000

Executive Summary

On Thursday September 12, 2024, the Town conducted a competitive sale for the issuance of \$24,175,000 in General Obligation Bond Anticipation Notes. The sale generated 5 bids for the BANs. The winner of the sale was Jeffries LLC with a Net Interest Cost (NIC) of 3.0321%.

Staff Recommendation

Recommend approval of the sale of the bonds to Jeffries LLC

Background/Discussion

The sale provided funding for the Airport South Apron Expansion (\$14,000,000), Landfill Closure and Capping (\$100,000), Sea Street Pump Station (FM#3) (\$1,500,000), Affordable Housing (\$8,325,000) and Town – Miacomet Pond Dredging (\$250,000)

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☐

Short Term Interest

Board/Commission Recommendation

N/A

Public Outreach

N/A

Connection to Existing Applicable Plan (i.e. Strategic Plan, Master Plan, etc.)

None

Attachments

Vote of the Select Board

Sale Results



VOTE OF THE SELECT BOARD

I, the Clerk of the Select Board of the Town of Nantucket, Massachusetts, certify that at a meeting of the board held September 18, 2024, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of \$24,175,000 4.00% percent General Obligation Bond Anticipation Notes (the “Notes”) of the Town dated October 4, 2024, and payable March 21, 2025, to Jeffries LLC at par and accrued interest plus a premium of \$108,545.75.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 5, 2024, and a final Official Statement dated September 12, 2024, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Notes (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

Dated: September 18, 2024

Clerk of the Select Board

138652152v.2

Town of Nantucket, Massachusetts

\$24,175,000 General Obligation Bond Anticipation Notes

Sale Date: 9/12/2024
Dated Date: 10/4/2024
Delivery Date: 10/4/2024
Due Date: 3/21/2025
Days Per Year: 360
Day Count: 167
Bank Qualified: No
Rating: MIG-1



Bidder	Underwriter	Principal	Coupon Rate	Premium	Interest	Net Interest	NIC	Prorata Premium	Prorata Interest	Award	Reoffering Yield
Jefferies LLC	•	\$24,175,000	4.00%	\$108,545.75	\$448,580.56	\$340,034.81	3.0321%	\$108,545.75	\$448,580.56	\$24,175,000	
Fidelity Capital Markets	•	\$24,175,000	4.00%	\$108,062.25	\$448,580.56	\$340,518.31	3.0364%				
Truist Securities, Inc.	•	\$24,175,000	4.00%	\$98,634.00	\$448,580.56	\$349,946.56	3.1205%				
Oppenheimer & Co.	•	\$24,175,000	4.00%	\$96,458.25	\$448,580.56	\$352,122.31	3.1399%				
BNYMellon Capital Markets	•	\$24,175,000	4.25%	\$94,357.44	\$476,616.84	\$382,259.40	3.4086%				
Award Totals								\$108,545.75	\$448,580.56	\$24,175,000	

Weighted Average Net Interest Cost: 3.0321%



Agenda Item Summary

Agenda Item #	VIII. 3.
Date	9/18/2024

Staff

CHARLES JOHNSON Stormwater Manager, who was successful in his application for this grant.
David C. Gray Sr. Sewer Director

Subject

Nantucket CMMS Implementation & Asset Management Plan

Executive Summary

Project Description The Town of Nantucket intends to purchase and implement Computerized Maintenance Management System (CMMS) software and utilize it as a component for developing their asset management plan for both waste water and storm water collection systems in our community. The Town also intends to develop a formal Asset Management Plan (AMP) with the assistance of a prequalified consulting engineer.

Staff Recommendation

Staff recommends the Select Board authorize the Town Manager to sign and file Nantucket Asset Management Grant documents for Sewer, Stormwater and Water.

Background/Discussion

Grant Amount \$150,000.00
In-kind Services \$165,000.00
Local funding authorized? Yes
Date of authorization: 05/06/2023
Authorized amount: \$500,000.00

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐

The grant will give the departments capability to properly and efficiently operate, manage and plan for future projects. This will greatly improve the Town's ability to work across all departments allowing easier access to Town assets and infrastructure across the island.

Board/Commission Recommendation

N/A

Public Outreach

Public outreach is a component of the grant, and thus far we've had one public outreach meeting, which was well attended.

Attachments

Authority to File documents (2)



AUTHORITY TO FILE

Whereas, C. Elizabeth Gibson, after thorough investigation,
(Applicant)

has determined that the work activity consisting of: Nantucket CMMS Implementation & Asset Mgt. Plan

(describe project)

is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth (Chapter 21 and Chapter 29C) are authorized to provide financial assistance to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects and Drinking Water Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by Nantucket Select Board

(Governing Body)

as follows:

1. That Town Manager is hereby authorized on behalf
(Title of Official)

of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;

2. That the purpose of said loan(s), if awarded, shall be to fund planning activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

CERTIFYING STATEMENT FOR THE AUTHORITY TO FILE

I hereby certify that the _____ Select Board _____ of

(Name of Governing Body)

the _____ Town of Nantucket _____

(Corporate Name of Local Government Unit)

(hereinafter referred to as the "Applicant"), at a meeting noticed and conducted in accordance with all applicable legal requirements, duly voted to authorize

_____ Town Manager _____

(Title of Local Government Unit Official)

to act on behalf of the Applicant, as its agent, in filing applications for, executing agreements regarding, and performing any and all other actions necessary to secure for the Applicant such as grant(s) and/or loan(s) for planning or construction of Water Pollution Abatement Projects or Drinking Water Projects as may be made available to the Applicant pursuant to the provisions of the Massachusetts Clean Waters Act (M.G.L. c.21, section 27-33E, inclusive, as amended) and the Water Pollution Abatement Revolving Loan Program (M.G.L. c.29C) for the following project:

_____ Nantucket CMMS Implementation & Asset Mgt. Plan _____

(describe project)

I hereby certify that _____ C. Elizabeth Gibson _____ is the present incumbent of the

(Name of Person)

position referenced above, and do hereby certify:

1. That the attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the governing body held on the ____ day of September, 20____, and duly recorded in my office:
2. That said meeting was duly convened and held in all respects in accordance with law and to the extent required by law, due and proper notice of such meeting was given; and a legal quorum was present throughout the meeting, and a legally sufficient number of members of the governing body voted in the proper manner and for the adoption of said resolution; that all other requirements and proceedings under the law incident to the proper adoption or passage of said resolution, including publication, if required, have been duly fulfilled, carried out, and otherwise observed; and that I am authorized to execute this certificate:
3. That if an impression of a seal has been affixed below, it constitutes the official seal of the Applicant and this certificate is hereby executed under such official seal; but if no seal has been affixed, the Applicant does not have an official seal:

IN WITNESS WHEREOF, I have hereunto set my hand this day of _____ day of September, 20____.

Signature: _____ Title: _____
(Certifying Signatory)

Printed name: _____

AFFIX SEAL



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Nancy L. Holmes, CMC
Town & County Clerk

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Email: nholmes@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

Nov. 7, 2023

TO WHOM IT MAY CONCERN:

I, Nancy L. Holmes, duly elected Clerk of the Town and County of Nantucket, hereby certify that the Nov. 5, 2023 SPECIAL TOWN MEETING adopted **Article : 3** at the Nov. 7, 2023 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

ARTICLE 3

(Acceptance of Massachusetts General Law: Adoption of Community Impact Fee on Professionally Managed Short-Term Rentals)

To see if the Town will vote to accept the provisions of General Laws Chapter 64G, Section 3D(a), authorizing the imposition of a community impact fee of three percent (3%) on the transfer of occupancy of a short-term rental in a "professionally-managed unit", which term is defined as one of two or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family, or three family dwelling that includes the operator's primary residence; or take any action relative thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the provisions of Chapter 64G, Section 3D(a) of the General Laws, are hereby accepted.

VOTE: The vote on the motion pursuant to Article 3, as moved by the Finance Committee, was by 2/3rds Vote, Yes: 595, No: 66. The motion was adopted.

Nancy L. Holmes, CMC
Town & County Clerk

STM 23

Article 3

Page 1 of 1

ATTEST: TRUE COPY
Nancy L. Holmes
NANTUCKET TOWN & COUNTY CLERK

TO: Nantucket Select Board
CC: Town Manager
FROM: John W. Giorgio, Esq, KP-Law, P.C., Town Counsel
RE: Short-Term Rental Community Impact Fee
DATE: September 18, 2024

You have asked me to provide information regarding the community impact fee for certain types of Short-Term Rentals.

BACKGROUND

Massachusetts General Laws Chapter 64G, §3D governs the assessment of community impact fees by a Town on certain types of Short-Term Rentals. There are two types of community impact fees for short-term rentals. The first is on professionally managed units and the second is on Short-Term Rental units that are located within a single-family, two-family or three-family dwelling that includes the operator's primary residence.

At the November 17, 2023, Special Town Meeting, the voters approved the adoption of the first community impact fee and set the percentage amount at 3% of the amount of the rental. The fee must be collected by the owner or operator and remitted to the Massachusetts Department of Revenue (DOR). The DOR in turn distributes the total amount of the revenue received from the fee to the Town on a quarterly basis. Because of the timing of the Town's notification to DOR of the adoption of the fee, the fee goes into effect on October 1, 2024. It is not entirely clear from the DOR letter sent to all registered Short-Term Rental operators, but we think it is reasonable to interpret the statute to say that the fee will only be applicable to Short-Term Rental contracts that are signed on or after October 1, 2024.

Please be advised that the revenue received by the Town from DOR for the community impact fees must be treated as follows: 35% of the revenue must be placed in a receipts reserved for appropriation account and can only be expended by the Town pursuant to a Town Meeting vote for infrastructure or affordable housing. The remaining 65% is General Fund revenue. (It should be noted that at the 2023 Special Town Meeting, there was a warrant article to create a special purpose stabilization fund for affordable housing and to dedicate that 100% of the community impact fee revenue to that fund, but the vote on the motion did not garner the necessary two-thirds vote required by law for such a dedication.)

WHAT TYPES OF SHORT-TERM RENTALS ARE LIABLY TO PAY THE COMMUNITY IMPACT FEE

As previously mentioned, the Town has only adopted the community impact fee on "Professionally-Managed Units" Short-Term Rentals, which are defined in G.L. c. 64G as "1 of 2 or more short-term rental units that are located in the same city or town, operated by the same operator and are not located within a single-family, two-family or three-family dwelling that includes the operator's primary residence."

I interpret this definition as follows: if the dwelling unit meets the definition of a Short-Term Rental in G.L. c. 64G, it is subject to payment of the local rooms occupancy tax under all circumstances. With respect to the community impact fee on professionally managed units, however, the following requirements must be met before the community impact fee is required to be paid:

1. An operator of a Short-Term rental must rent at least 2 Short-Term Rental units in the Town whether the two units are located on the same lot or on separate lots within the Town.
2. If one or both of the rental units is located within a single-family, two-family, or three-family dwelling unit that includes the operator's primary residence, the unit is not subject to the community impact fee.

The critical issue is whether the rental unit is located "within" a dwelling unit that includes the operator's primary residence. Accordingly, it is my opinion that where there are at least two dwelling units located on a lot, but the units are detached from the primary residence of the operator, all of the rental units would be subject to payment of the fee. This would include any free-standing structure that is suitable to rent and would include a cottage, a pool house, a guest house, or any other type of free-standing rental including a detached garage. If, however, the garage is attached to the primary dwelling (single family home of the operator) that unit would not be subject to the fee because it would be "within" the primary residence of the operator.) Regardless of the rental activity on the same lot as the primary dwelling, any other short-term rentals located on other lots within the Town operated by the same person would be subject to payment of the fee.

WHAT IS THE RELATIONSHIP BETWEEN THE TOWN'S GENERAL BYLAW RELATING TO THE REGISTRATION AND OPERATION OF SHORT-TERM RENTALS, THE REQUIREMENT FOR PAYING THE LOCAL ROOMS OCCUPANCY TAX AND THE

COMMUNITY IMPACT FEE, AND ANY ZONING BYLAW RELATING TO SHORT-TERM RENTALS AND NANTUCKET VACATION RENTALS?

The Town's Short-Term Rental General Bylaw (§123 of the Town Code) and the Board of Health Regulations (§338) require a separate certificate of registration and payment of the applicable fee for each dwelling unit that is offered for rent as a Short-Term Rental, regardless of whether the Short-Term rental is located on the same lot as another Short-Term Rental. Currently, under the Board of Health regulations governing Short-Term Rentals, the fee is \$250 per year for each dwelling unit for which a certificate of registration is requested. A separate certificate of registration is required for each dwelling unit regardless of the number of dwelling units located on a lot. Under G.L. c. 64G, anyone operating a Short-Term Rental must also register with the DOR and pay any applicable fees.

For each dwelling unit that is operated as a Short-Term Rental, the operator must remit to DOR the applicable state and local rooms occupancy tax and the community impact fee as follows.

State rooms occupancy tax – 5.7%

Local rooms occupancy tax – 6%

Community impact fee – 3%

The total for all taxes and fees, therefore, is 14.7%. The DOR will remit back to the Town the local rooms occupancy tax and the community impact fee. I would also point out that the responsibility for registering all dwelling units operated as Short-Term Rentals has been in place since the effective date of the Town bylaw (subject to the establishment of the Registry by the Town) as well as the DOR regulations. The only requirement that was added recently and that is effective on October 1, 2024, is the obligation to pay the 3% community impact fee.

In addition to the registration requirements contained in §123 of the Town Code, any Short-Term Rental may be subject to zoning regulations should one of the zoning bylaw amendments proposed at the September 17, 2024, special town meeting be adopted and approved by the Attorney General. It is also likely that additional general bylaw regulations may be proposed at a future town meeting.

Town of Nantucket-Seasonal Workforce Housing

19 Waite Drive

Project Update 9/18/2024

Design Builder: J&J Contractors

Owner's Project Manager: The Vertex Companies, LLC

Project Overview

- 10,000square foot, two-story dormitory to house seasonal workers
- Designed to accommodate roughly 50 occupants, primarily lifeguards
 - (17) Double or triple occupancy rooms
 - (1) 2-bedroom apartment
 - (1) 1-bedroom apartment
 - (1) Accessible room
 - Common areas include kitchen, dining room, living room, laundry room, and study/computer room
- 11 Parking Spaces
 - Project received waiver from Building Commissioner based on expected vehicular usage

Project Funding

- 2019 Annual Town Meeting
 - Article 10- Seasonal Employee Housing Feasibility Study
 - Appropriation of \$300,000-Free Cash
- 2022 Annual Town Meeting
 - Article 17- Seasonal Employee Housing Construction
 - Appropriation of \$8,500,000-Borrowwing
 - Approved at Annual Town Election Ballot Question #7 (5/10/22)
- 2023 Special Town Meeting
 - Article 12- Construction of Town Employee Housing (Supplemental)
 - Supplemental appropriation of \$3,200,000-Free Cash

Waitt Drive Site Plan



Approved material laydown Area; in use from
12/1/24 thru 1/15/25



Rendering: View From Waitt Dr. Facing South



Rendering: View From Waitt Dr. Facing East



Rendering: View From Waitt Dr. Facing West



Project Status

- Design has passed through HDC
 - Team met with the HDC numerous times from February 2024 through July 2024
 - Currently awaiting Final Certificate of Appropriateness
- Site Enabling and Foundation Permit Application has been submitted
- J&J mobilized on September 4th
- Site clearing began on September 6th

Construction Schedule

- Excavation/site work begins week of September 23rd
- Modular buildings arrive on island over the month of December 2024
 - J&J will partially utilize the 2 Fairgrounds Town-owned parking lot from December 2024 thru mid-January 2025
 - A plan to clear the area of vehicles is under development
- Modular building to be installed in January 2025
- Substantial Completion to be met by April 2025

Budget Overview

- Total Project Budget: \$11.7M
- Committed to date: \$10.59M
- Spent to date: \$1.03M
- Budget Risks:
 - Potential Change Orders – Multiple under review, the most significant of which were directly related to the time and design direction from the HDC
 - Owner FF&E procurement has recently started
 - Testing & Inspections procurement has recently started
- Project is tracking under budget, though change orders related to HDC will significantly impact remaining contingency budget

Hurdles / Challenges

- Current Challenge
 - Easement Approval – Currently, a work order has been submitted to National Grid, who has recently applied to the Select Board for an easement from Amelia Way to the site; National Grid needs the easement in place to complete their engineering
- Potential Future Challenge
 - Permanent Power – Related to the above, completing power design and obtaining permanent power equipment from National Grid is a long, critical process; the team is working to stay ahead of this hurdle



QUESTIONS?

Environmental Assessment Update

September 18, 2024





Environmental Assessment Guiding Principles

- Use **widely accepted and recognized** Conceptual Site Model (CSM) tool to guide process.
- Be **conservative and protective** where assumptions are made.
- Follow the **data and technology/science** to guide decision making.

Previous Engagement & Findings

- July 23, 2024, provided initial environmental assessment using a **CSM** approach.
- Used by the US Environmental Protection Agency, the Massachusetts Department of Environmental Protection (MassDEP) and the US Army Corps of Engineers.



4 step plan for CSM framework

1. Material Assessment
2. Blade Mass Balance Recovery Assessment
3. Site Specific Assessments
 - a) Water, sediment and shellfish sampling
4. Sub-sea survey of debris

Updates today on 1, 3 and 4



Material Assessment Update

Blade architecture, material composition, Material Safety Data Sheets (MSDS) review and desktop assessment

Purpose: Understand potential long-term chemical degradation impact.

1. Evaluated the chemical composition of the blade to assess hypothetical environmental exposure to Chemicals of Potential Concern (**COPCs**).
 - Designed to be data-driven, conservative, and use assumptions that overestimate exposure.
2. Used MSDSs and blade fabrication details to identify **COPCs**, and their estimated total mass in the blade.
3. Adopted conservative assumptions to calculate water concentration for purposes of analysis: e.g. assumed no blade material recovered and 100% degraded.
4. Modeled concentrations of COPCs in sea water were then calculated and compared to health protective regulatory criteria for drinking water and aquatic environments.



Modeling Results

All modeled scenarios of **COPC concentrations** in sea water were below risk-based screening levels protective of human health and the environment



Framework Step 3: Site-specific assessments

Data collection to support further evaluation of potential risks to human / aquatic receptors.

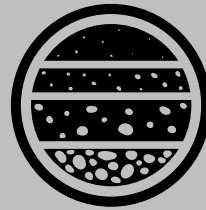
In scope:

- a. Water, Sediment and Shellfish Sampling and Analysis

Water



Sediment



Shellfish



3a: Sampling
plan

WHAT HAVE WE LEARNED | NEXT STEPS

- Conservative desktop assessment indicates minimal exposure from chemical components of blade.
- Future analyses will focus on physical hazards (i.e., plastic and glass fiber materials).
- Available evidence (e.g., reported/observed locations of debris) suggests minimal risk to shellfish and people who may consume them.
- No regulatory benchmarks are available for plastics or fibers.

Next Steps:

- Collect water, sediment and shellfish samples from Nantucket, Martha's Vineyard and background locations.
- Samples will be analyzed for plastics and fiberglass and compared to background in absence of risk-based benchmarks.



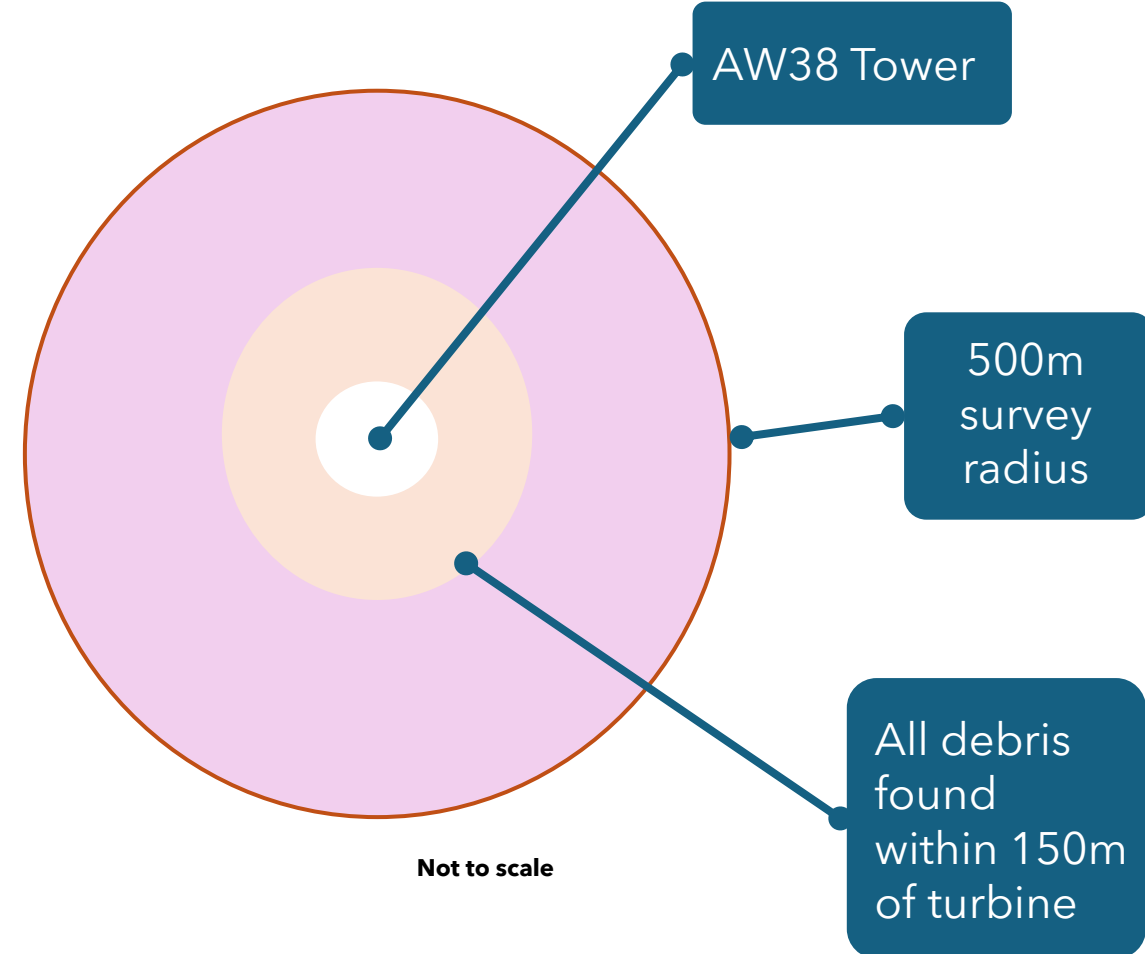
Subsea Survey Update

August 21 and 22, 2024: survey completed by Resolve.

- Complied with relevant NOAA recommendations.
- All debris found within 150m of the turbine.
- Debris was almost flat and level to the sea bottom.
- Survey results shared with Arcadis.
- Prior survey results shared by VY.
- Arcadis overlaid the survey results to check for areas of potential sensitivity (archaeological, marine and unexploded ordnances – (UXOs)).

Results

- All debris found within 150m of the turbine.
- **No intersection** with the mapped sensitive marine habitats, archeological or UXO locations.

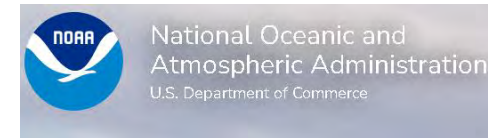


Stakeholder Engagement

Engaging,
soliciting views
and
communicating
with relevant
stakeholders.



Executive Office of Energy
and Environmental Affairs;
Department of
Environmental Protections
(DEP); Division of Marine
Fisheries



Department of
Natural
Resources

