

SELECT BOARD

Minutes of the Meeting of October 9, 2024. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Brooke Mohr, Thomas Dixon, Matt Fee, Dawn Holdgate and Dr. Malcolm MacNab.

I. CALL TO ORDER

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

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the Announcements.

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

2. Recognition of Retiring Field Assessor Maureen DiLuca with 31 Years of Service to the Town of Nantucket.

3. Recognition of Retiring Police Officer Jerry Mack with 29 Years of Service to the Town of Nantucket.

Ms. Gibson recognized both Ms. DiLuca and Officer Mack and spoke in appreciation for their years of service. Assessor Robert Ranney expressed thanks to Ms. DiLuca for her service with the Finance Department and Police Chief Jody Kasper expressed thanks to Officer Mack. The Board members and Ms. Gibson acknowledged the service of both employees with the presentation of years of service plaques. There was a round of applause from the audience for each employee.

4. Town Council Study Committee to Hold Second Public Forum on Proposed New Town Council Form of Government on Thursday, October 10, 2024 at 5:30 PM; Meeting will be Hybrid with In-Person at the Public Safety Facility Community Room at 4 Fairgrounds Road and Remote Via Zoom Webinar (See <https://www.nantucket-ma.gov/3308/Public-Events> for Links).

5. May 3, 2025 Annual Town Meeting Warrant Open for Citizen Warrant Article Submittals through November 18, 2024 at 4:00 PM. Citizen Warrant Article Guide: <https://www.nantucket-ma.gov/DocumentCenter/View/49076/Guide-to-Preparing-a-Citizen-Warrant-Article-PDF>. Ms. Gibson urged anyone considering a citizen warrant article to thoroughly review the Guide to Preparing a Citizen Warrant article as referenced in this Announcement and available on the Town website. She cautioned that the Town's legislative representatives have routinely advised the Town to carefully consider what it submits for special home rule legislation and that because the Town of Nantucket submits the most home rule petitions of any town in the Commonwealth, prioritization can be diluted.

Town Counsel will be Available for Citizen Warrant Article Consultation on Wednesday, October 16, 2024 from 10:00 AM – 12:00 PM; and Thursday, October 17, 2024 from 4:00 PM – 6:00 PM via Zoom. Contact TownManager@nantucket-ma.gov for Zoom links. Ms. Gibson, again, urged citizens considering their own articles to take advantage of this unique service.

6. New Road Closures Webpage

As Road Closure Season Begins, Stay Informed by Visiting Our New Page www.Nantucket-Ma.Gov/Roads. Updates will be Posted Every Monday, with Notifications also Available via Social Media. Communications Manager Florencia Rullo reviewed this new webpage.

7. Town Offices will be Closed Monday, October 14, 2024 in Observance of Indigenous Peoples' Day.

8. Select Board Announcements/Comments.

a. Response to October 2, 2024 Public Comments Regarding Surfside Crossing 40B. Ms. Holdgate commented on the Community Impact Fee that was implemented on October 1, 2024 resulting from a recent town meeting vote, and expressed a concern that the fee is being implemented in a way that was not intended by Town Meeting. Chair Mohr suggested scheduling this matter as an agenda item for further discussion by the Board.

Chair Mohr read the following statement relating to offshore wind farm projects: "I wanted to give the community an update regarding our ongoing advocacy following the July blade failure to make sure that offshore wind farms are required to have adequate response plans in place for mechanical failures that result in the dispersion of debris in the ocean. I have been working closely with senior officials in the Office of the Secretary of Energy and Environmental Affairs for the Commonwealth. I had a meeting on island this week with three officials to begin the process of reviewing what happened following the incident and to begin drafting a framework for a 'debris response plan.' We are working to engage in a dialogue with our legislative delegation in Washington and the federal agencies that regulate offshore wind about adding these response plans as requirements in the wind farm permitting process. I will keep the community updated on opportunities to participate in these advocacy efforts." She noted the statement will be posted on-line and in a letter to the editor in the newspaper shortly.

Chair Mohr read the following statement pertaining to public comments made at last week's Board meeting regarding statements made about a supposed agreement between the Town and the developers of the Surfside Crossing 40B: "In July, the developers of the Surfside Crossing 40B approached the Housing Office to continue discussions aimed at ensuring that 75% of the units within the development would be restricted for year-round use. On July 30th, they submitted an 'options contract' for the Town to review and for the Select Board to consider at an upcoming meeting. Throughout August, the Housing Director worked in collaboration with Town Administration and Town Counsel to analyze the contract and provide a staff recommendation. On August 19th, the Housing Director, Finance Director, and a representative from the Select Board and the Affordable Housing Trust met with the developers to present alternative strategies for reaching the 75% year-round goal. The Housing Director notified the developers that she was unable to recommend the Options Contract without a clear understanding of its financial impact on the Town's budget. Following these discussions, both parties agreed that it would be more prudent to utilize existing Affordable Housing Trust Fund programs rather than creating a new, untested program that had not been fully evaluated for fiscal responsibility, EOHLIC [Executive Office of Housing and Livable Communities] approvals, or alignment with community needs. As a result, the Housing Director notified the Chair and Vice Chair of the Select Board that the agenda item should be removed, as no formal agreement was ready. On August 31st, the developers formally withdrew the draft options contract. Both the Town and the developers concluded that using existing programs, such as the Closing Cost Assistance Program, the Year-Round Deed Restriction Pilot Program, or other future housing initiatives, would be the best approach. This path allows potential buyers to secure the deed restrictions directly, without requiring the Town to engage in a new program. The Town of Nantucket and the Affordable Housing Trust remain committed to supporting a

project that will achieve the goal of having 75% of the units in Surfside Crossing restricted for year-round use.” She noted that the statement will also be posted on the Town website. She additionally noted that Ms. Perry had requested an agenda item pertaining to alternative public uses of the privately owned Surfside Crossing property. She said that she and the Vice Chair discussed this and decline the request because it would be inappropriate to discuss the use of public uses of private property unless requested by the property owner.

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

1. The Communications Office has Launched a Public Questions and Responses Page for Questions Asked During the Public Comments Section of Select Board Meetings:

<https://www.nantucket-ma.gov/3345/Public-Questions-and-Responses>

Ms. Rullo and Operations Administrator Erika Mooney reviewed the new webpage.

2. Response to Public Questions from August 21, 2024, September 11, 2024 and September 25, 2024 Select Board Meetings. Chair Mohr noted that answers to specific questions asked under Public Comment at these meetings, are indicated in the document in the agenda packet.

V. PUBLIC COMMENT

Chair Mohr re-reviewed the Board’s Public Comment policy. She noted that at last week’s meeting “yielding time” was brought up and said that is not part of the Board’s policy. She said that a timer for Public Comment will be displayed on the screen starting next week.

Megan Perry thanked the Board for putting out a media release relating to the Surfside Crossing 40B and provided the Board with an Open Meeting Law complaint. Ms. Perry asked that the Board schedule an agenda item relating to alternative uses of the Surfside Crossing property.

Diane Coombs agreed with Ms. Perry.

Housing Director Kristie Ferrantella announced the issuance of two requests for proposals for the development of property owned through the Affordable Housing Trust. She also announced the opening of a housing lottery through the Richmond Group and reviewed the timeline for the lottery.

Dorothy Stover proposed that non-profits get together to purchase the Surfside Crossing property for intergenerational housing.

Burton Balkind thanked the Board for creating a space to answer public comments. He asked about the 3-minute public comment limit. He also asked when the housing at Wiggles Way will be habitable and asked for a breakdown of the costs of that project.

Jack Weinhold commented on storm water run-off and the need for necessary treatment in light of emerging environmental pollutants.

Veronica Bonet spoke on off-shore wind projects and associated federal government studies relating to climate change and wind projects. She stated that wind power will not “ever” offset climate change.

Linda DeRensis said that “out of the box thinking” should be used with respect to the Surfside Crossing property. She commented on several aspects of the Surfside Crossing 40B project.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Mr. Fee moved approval of items VII 1 – 3; seconded by Dr. MacNab; all in favor, so voted.

1. Approval of Minutes of October 2, 2024 at 5:30 PM; October 3, 2024 at 9:00 AM.

2. Approval of Treasury Warrants for October 9, 2024.

3. Approval of Pending Contracts for October 9, 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. Selection of Independent Firm for Review of African Meeting House Vandalism Investigation, Pursuant to Vote on Article 36 of 2024 Annual Town Meeting (Non-Binding). Chair Mohr said this matter will be postponed and reviewed her communications with the proponent of Article 36 on this matter. She noted that two firms have submitted responses to the request that was sent to three firms by the Police Chief and that she met with the Police Chief to review the responses and has reached out to the article sponsor to schedule a time for her to meet with her and the Chief to get input on the selection of a vendor.

2. Request for Waiver of Town Noise Bylaw for Sewer Main Extension Construction on Nobadeer Farm Road for Airport Housing Project from 6:00 PM to 6:00 AM, October 21, 2024 to November 8, 2024. Ms. Mooney reviewed the request. Mr. Fee moved to approve the request as presented; seconded by Ms. Holdgate; all in favor, so voted.

IX. TOWN MANAGER'S REPORT

1. Update on Proposed New Our Island Home Facility. Ms. Gibson introduced the item and provided a brief history of this project since 2017, which she noted has been included in recent project updates: at the 2017 annual town meeting, the Town proposed the acquisition of property adjacent to Sherburne Commons, plus an appropriation for a skilled nursing facility to be constructed there. Those articles were not approved by the voters.

In 2018, the Select Board directed Town Administration to determine what it would take to construct a new Our Island Home (OIH) facility at the current site on East Creek Road. Thereafter, between 2019 – 2021, architects were engaged to undertake this analysis, charrettes were held, stakeholders were interviewed, other properties close to the current site were reviewed, consultation with the state Department of Public Health (DPH) occurred and analysis of different operating models was conducted.

At its meeting on August 18, 2021, the Select Board voted to pursue a new OIH facility at the Sherburne Commons site with the current OIH to be repurposed for a Senior Center and to put forward articles at the 2022 annual town meeting (ATM) for design for a new OIH facility. At the 2022 ATM and annual town election design and associated funds in the amount of \$8.5m was approved.

In 2023, the design architect and Owner's Project Manager (OPM) were engaged, and the Board approved the Construction Manager At Risk (CMR) project delivery method. This approach also requires the approval

of the state Inspector General which was granted in early 2024. Using CMR increases the accuracy of cost estimates because the contracted builder is involved in the budgeting phases along with the design team and therefore provides a higher level of cost control. Additionally, the Construction Manager is contracted to deliver the project at a guaranteed maximum price based on an agreed set of construction documents and specifications. In accordance with statutory requirements, the contractor, Consigli Construction Company, was selected last spring.

Ms. Gibson introduced the Steering Committee for the project, including herself, Craig Piper and Richard Webb of SMRT (design architects – in person), Jon Lemieux of Vertex (OPM), Bob Eisenstein of Eisenstein Flaherty Associates (current contractor assisting with administrative oversight of the facility), Assistant Town Manager Rick Sears, Finance Committee member Peter Schaffer and Select Board member Dawn Holdgate. She said that an Advisory Committee has also been established which includes the Steering Committee members as well as representatives from Sherburne Commons, Nantucket Cottage Hospital, Our Island Home, Friends of Our Island Home, Nantucket Center for Elder Affairs and the Senior Center.

Ms. Gibson noted that while it has been established that the new facility will be located at Sherburne Commons, there is a long-term lease between the Town and Sherburne for the Sherburne facility on the Town property. She said the lease is subject to an amendment and is the subject of current discussion with the Sherburne Commons Board of Directors.

Before turning the presentation to Craig Piper of SMRT, Ms. Gibson acknowledged that this will most likely be the last Nantucket meeting that SMRT member Richard Webb attends in person, as he has essentially retired. She said that Mr. Webb has been involved in many Nantucket projects, including the Intermediate School and numerous municipal facility improvement projects and thanked him for his assistance, guidance and advice to Nantucket over the years. Mr. Piper reviewed the presentation contained in the Board's agenda packet. Brian Hamilton of Consigli spoke on discussions that are occurring as to reducing the cost of the project.

2. Monthly Departmental Update: Our Island Home. Ms. Gibson noted that earlier this year, a program of monthly departmental updates was initiated, this month's update is from Our Island Home. She introduced Mr. Eisenstein to provide the presentation. She noted that Dr. MacNab has previously requested an update on projected operating expenses for the proposed new, and current, facility and while tonight a high level FY 2025 projection will be referenced, before the end of the month, a 5-year projection with line item detail will be presented to the Board. Mr. Eisenstein proceeded to review the presentation in the Board's agenda packet. Dr. MacNab congratulated the Town on achieving a 4-star rating, noting that is a tremendous accomplishment and not easy to obtain. He stated that he does want to understand the financials and will review those when they are presented to the Board as mentioned earlier. Mr. Dixon asked about short-term rehab services at the new or current facility. Mr. Eisenstein explained what happens now and what is planned for the future and also how some of this can be accomplished, now. Ms. Holdgate thanked all of the staff and contractors who have put time and effort into getting the project to this stage. Mr. Fee stated that he is encouraged by the rating improvement. Chair Mohr concurred and said that the staffing is currently in place for a 45-bed facility, so the costs are already worked in to the operating budget. Dr. MacNab agreed but noted that there are some significant capital projects coming up and the Town might not be able to do all of them. Mr. Webb was again acknowledged and appreciation expressed for his work on behalf of the Town.

3. Review of Options for Proposed Pilot Program for One-Way Traffic on Portion of Pleasant Street and Selection of Design Option for Sparks Avenue Sidepath. Ms. Gibson introduced Transportation Program Manager Mike Burns and Public Works Director Andrew Patnode to present the agenda item. Mr. Burns reviewed the presentation in the packet, beginning with the Sparks Avenue sidepath design options, noting there are two. He reviewed both, including scope and estimated cost. Mr. Fee moved approval of Alternative 2 as presented; seconded by Ms. Holdgate; all in favor, so voted.

Mr. Burns continued to review the proposed pilot program as contained in the presentation. Mr. Burns reviewed the area of the proposed program, and noted three options under exploration for a sidewalk in the section of Pleasant Street under discussion (Williams Lane to Five Corners), as well as associated issues with the various options. He said that some of the options require space not available without property acquisition, therefore a pilot program is being recommended to make the subject section of Pleasant Street one-way to determine if a permanent traffic change would be feasible. He reviewed a recommendation for "Option 2" of the sidewalk design, with the pilot one-way study. Some Board discussion followed on Option 2. Mr. Fee asked about traffic modeling with respect to "downstream impacts" on intersections. Mr. Burns responded. Ms. Holdgate said her concern is the overburdening of nearby intersections. She said she could support a "very brief" pilot and spoke in favor of Option 1 for the sidewalk. Arthur Gasbarro referenced a letter he sent to the Board last February expressing concerns with this proposal and spoke against the pilot program. Mr. Gasbarro noted encroachments in the area that, if removed, could make the corridor safer. Discussion followed on pedestrian and bike safety in the area. Mr. Fee spoke in favor of Option 2, while acknowledging the concern of Ms. Holdgate as to the overburdening of intersections. Dr. MacNab expressed a similar concern about traffic impacts. Chair Mohr concurred and agreed that a pilot should take place in the summer in order to sufficiently test it. Discussion followed as to roadway projects that are going to be happening over the next year or so in this area. Ms. Holdgate concurred with Mr. Gasbarro and reiterated support for Option 1. She acknowledged it will be a significant effort to obtain the property needed. Mr. Patnode spoke on the timing of the pilot and said the shutdown of the road for 5-6 weeks for a sewer project opened the opportunity to try the pilot. He noted that the pilot is really not so much for bikers or pedestrians but for drivers and people living in the area. Sam Phelan spoke in favor of a sidewalk in this area and in support of the pilot. He said he believes people will rethink their routes to get to places and work it out. Mr. Fee asked if Mr. Phelan would allow a sidewalk on his property. Mr. Phelan said the property is family-controlled and could not say with certainty but expressed a belief that there would be a concern. Chair Mohr said she would support the pilot, starting at the conclusion of the sewer work. So moved by Mr. Fee; seconded by Mr. Dixon; all in favor, so voted.

4. Preliminary Review of Town-Sponsored Warrant Articles for 2025 Annual Town Meeting. Ms. Gibson reviewed the list of preliminary potential articles as contained in the Board's agenda packet. Discussion followed on several potential articles.

5. Review of Proposed 2025 Select Board Meeting Schedule. Ms. Gibson noted that a proposed 2025 Select Board meeting schedule is in the Board's packet for review and approval. The Board generally agreed to the schedule for 2025, with the revision of cancelling the September 24, 2025 meeting due to Rosh Hashanah. So moved by Ms. Holdgate; seconded by Mr. Fee, all in favor, so voted

X. SELECT BOARD'S REPORTS/COMMENT

1. Preliminary Discussion: Tax Rate Shift for FY 2025. Mr. Ranney reviewed the presentation as contained in the Board's agenda packet. Some discussion followed. Mr. Dixon asked for a reiteration of residential

exemption eligibility. Mr. Ranney responded. Discussion continued as to the impact of the seasonal community designation as defined in the Affordable Housing Act recently enacted by the Legislature.

2. Committee Reports.

Mr. Fee asked that bike path signage be reviewed at a future Board meeting.

XI. ADJOURNMENT

Mr. Fee moved adjournment at 8:14 PM; seconded by Ms. Holdgate; all in favor, so voted.

Approved the 16th day of October, 2024

**SELECT BOARD
OCTOBER 9, 2024 – 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- IV. 2. Public Comment Question Responses
- VII. 1. Draft minutes of 10/2/2024; Draft minutes of 10/3/2024 open session
- VII. 3. Pending Contracts spreadsheet – AMENDED
- VIII. 1. African Meeting House - Scope of Services for Independent Review of Investigation; Name of Firms for Consideration; Certified copy of Article 36 of 2024 ATM
- VIII. 2. AIS re: Noise Bylaw Waiver; Email from Pearl Company; Nobadeer Farm Rd sewer plan; Town Noise Bylaw
- IX. 1. Proposed New Our Island Home Facility presentation
- IX. 2. Our Island Home operations update
- IX. 3. AIS re: Sparks Ave sidepath; AIS re: Pleasant St; Sparks Ave sidepath & Pleasant St presentation
- IX. 4. Preliminary Outline #1 for 2025 ATM Warrant
- IX. 5. Draft 2025 Select Board meeting schedule
- X. 1. FY 2025 Tax Rate Shift (preliminary) presentation