SELECT BOARD

Minutes of the Meeting of November 6, 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, Matt Fee, Dawn Holdgate and Dr. Malcolm MacNab. Thomas Dixon participated remotely. Chair Mohr noted that due to Mr. Dixon's remote participation, all votes will be by roll call.

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

Chair Mohr said that item X-3 has been tabled until November 20, 2024. The agenda was otherwise accepted as posted.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the Announcements.

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

2. Nantucket Regional Transit Authority Service and/or Route Changes:
a) During 2 Fairgrounds Parking Lot Temporary Closure (November 11, 2024 to February 1, 2024), Parking for NRTA Shuttle will be Relocated to Surfside Beach Parking Lot; b) Fast Ferry Shuttle Will Start November 11, 2024; c) Fare Free NRTA Shuttle Service to Continue Through December 2025. NRTA Administrator Gary Roberts reviewed the NRTA announcements.

3. 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 emphasized the importance, for those considering the submittal of citizen warrant articles, of reviewing the Town's guide.

4. Vineyard Wind Turbine Blade Failure Damage Information Collection Form Link: Damages Information Collection Form. Mr. Fee spoke on the purpose of the information collection and urged people who may have incurred economic damages due to the blade failure of July 2024 to file relevant information.

5. Town Offices will be Closed Monday, November 11, 2024 in Observance of Veterans' Day.

6. Select Board Announcements/Comments. Chair Mohr said that the crew of the USS Nantucket will be visiting the Island this weekend to learn about their ship's namesake. She added that the Commissioning of the vessel will occur in Boston on November 16, 2024.

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

Chair Mohr reviewed the follow-up and said that follow-up responses have been posted on the Town's website.

V. PUBLIC COMMENT

Chair Mohr reminded those wishing to make Public Comment of the Board's 3-minute time limit policy.

Jesse Sandole spoke in opposition to offshore wind projects and requested that the Board withdraw from the “Good Neighbor Agreement” with Vineyard Wind.

Meridith Lepore spoke in favor of the Town joining the State’s Paid Family Medical Leave program per a Town Meeting vote at the 2024 annual town meeting.

Ms. Lepore spoke on citizen articles generally.

Ms. Lepore asked further questions about the Paid Family Medical Leave issue.

Evie O’Connor spoke in opposition to offshore wind projects, stated that she is speaking on behalf of indigenous tribes in opposition to offshore wind and spoke on regulatory issues with offshore wind which she indicated support her position. She submitted a petition to the Select Board on behalf of “Keep Nantucket Wild”.

John Walker, vice president of the Wauwinet Landowner’s Association, spoke against the Town’s involvement in the “Good Neighbor Agreement”.

Jim Mondani spoke on the Zoning Board of Appeals request for special counsel and asked that the request be added to the Select Board’s agenda.

Megan Perry expressed concern about a recent Nantucket Planning and Economic Development Commission meeting regarding a home rule petition intended to be submitted directly to the Legislature without going through Town Meeting.

Ms. Perry asked about Public Comment time limits and when the Board voted on this.

Ms. Perry commented on a “proper review” of the Surfside Crossing 40B project and said she thinks departments may be “uncomfortable” providing comments to the Board.

Ms. Perry asked about independent counsel for the Zoning Board of Appeals.

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 Ms. Holdgate; 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 October 16, 2024 at 5:30 PM; October 21, 2024 at 11:00 AM; October 22, 2024 at 9:00 AM; October 23, 2024 at 5:30 PM.

2. Approval of Payroll Warrants for October 27, 2024.

3. Approval of Treasury Warrants for October 30, 2024; November 6, 2024.

<u>4. Approval of Pending Contracts for November 6, 2024 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.</u> Dr. MacNab asked about the purchase of an emergency response boat and which department(s) it would serve. Ms. Gibson said it would be for use by Marine/Police and Fire. Fire Chief Michael Cranson spoke on the joint use of the boat. Mr. Fee moved approval of the Pending Contracts as presented; 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.

<u>VIII. CONSENT ITEMS</u>
<u>1. Gift Acceptances: Human Services (Saltmarsh Senior Center); Department of Public Works.</u> Chair Mohr read the list of donors, amounts and purposes. Ms. Holdgate moved to accept all gifts for their designated purpose, with thanks to the donors; 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.

<u>IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS</u>
<u>1. Selection of Independent Firm for Review of African Meeting House Vandalism Investigation, Pursuant to Vote on Article 36 of 2024 Annual Town Meeting.</u> Chair Mohr reviewed the matter, and described the process used to obtain proposals for the review of the investigation. She noted she recently met with Article 36 sponsor Gail Holdgate and advocate Barbara Burgo, at which she reviewed the responses with them and said that they were in agreement with the selection. Ms. Burgo acknowledged the meeting that Chair Mohr described and expressed her opinion that the process of selection was not independent and does not reflect what was voted at Town Meeting. Chair Mohr responded and explained that the scope of work was discussed and approved by the Board at more than one public meeting. Dr. MacNab said he concurs with Chair Mohr and expressed support for the process. Ms. Burgo questioned the process further and expressed doubt as to the selection being "unbiased". Dr. MacNab stated that he doubts the Article 36 proponents are unbiased either. Discussion followed as to the firms listed in the packet and the firm selection process. Gail Holdgate spoke further on the selection of the firm and said that the selection did not happen as she had anticipated. Clifford Williams spoke on the selection of the firm and said the Article Sponsor should select the firm without Town involvement. Ms. Holdgate said she does not feel comfortable moving forward until the sponsors are comfortable. Ms. Holdgate moved to delay action until this is "worked out"; seconded by Mr. Fee. Mr. Fee said that a delay would be unfortunate and that he hopes this can be done quickly and that trust can be regained. Dr. MacNab said he was clear on the process but if the process is not clear to the proponents, he agrees the process cannot move forward. Mr. Dixon said he was clear on the process but until the proponents can be clear, he agrees with delaying. By roll call vote: Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab - Yes; so voted. Mr. Fee expressed thanks for Chair Mohr's efforts on this. Ms. Holdgate concurred.

<u>2. Appointment to Fill School Committee Vacancy – Term to Expire at 2025 Annual Town Election.</u> Chair Mohr reviewed the process for filling mid-term School Committee vacancy. Ms. Holdgate moved to appoint Vincent Murphy to the School Committee for a term to expire at the 2025 Annual Town Election; 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.

<u>3. Board of Health: Request for Select Board Review and Approval of "Policy Relating to the Registration of Short-Term Rentals" Dated October 17, 2024.</u> Health Director Roque Miramontes explained the request.

Mr. Fee moved to endorse the policy as recommended and 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.

<u>X. TOWN MANAGER'S REPORT</u>
It was agreed that due to a time constraint of the consultant, item X-2 will be moved ahead of X-1.

<u>2. Planning Director: Update on Master Plan.</u> Planning Director Leslie Snell explained the need and purpose of a Master Plan and introduced the consultant assisting with Master Plan development, Judi Barrett of Barrett Planning Group, LLC. Ms. Barrett reviewed the presentation contained in the Board's agenda packet. Ms. Barrett said that she does believe a more robust public engagement process should be considered and noted that would require additional funding. Mr. Fee spoke in support of the additional public engagement. Ms. Holdgate concurred as did Chair Mohr and Mr. Dixon. Mr. Dixon commented on Ms. Barrett's experience with public engagement, from a project with the Affordable Housing Trust and spoke favorably. Chair Mohr thanked Ms. Barrett for her presentation and feedback.

<u>1. Monthly Departmental Report: Planning and Land Use Services (PLUS) Department.</u> Planning Director Leslie Snell reviewed the presentation contained in the Board's agenda packet with assistance from Land Use Specialist Billy Saad, Historic Preservation Planner Holly Backus, Energy Coordinator Lauren Sinatra, Transportation Program Manager Mike Burns and Building Commissioner Paul Murphy. Dr. MacNab asked when an HDC operational review will be brought before the Board. Chair Mohr said, next week. Mr. Fee spoke on the need for additional discussion about communications and the Memorandum of Understanding (MOU) with the Board and the Nantucket Planning and Economic Development Commission (NPEDC). Dr. MacNab agreed. Chair Mohr reminded the Board of the outcome of a meeting earlier this year where it was agreed that the chairs and vice chairs of the Select Board, Planning Board and NPEDC would meet and that has been scheduled to continue the collaboration between the boards to review the effectiveness of the MOU and any changes that might be needed.

<u>3. Overview of FY 2026 Proposed Capital Projects and Capital Improvement Plan (FY 2026 – FY 2036).</u>
Ms. Gibson noted this item is tabled to November 20, 2024.

<u>4. Solid Waste Facility Operations Request for Proposals Update.</u> Ms. Gibson provided background on the Request for Proposals (RFP), noting that a contract operator, Waste Options, currently manages solid waste operations at the 188 Madaket Road site including:

- operation of the Composter to process incoming Mixed Solid Waste (MSW) and wastewater treatment plant sludge
- operation of the Materials Recovery Facility (MRF) and marketable recyclables
- operation of the transfer station to ship construction and demolition (C&D) waste, Non-Recyclable Non-Compostable (NRNC) waste, difficult-to-manage waste and residuals to the mainland
- composting of yard waste, mulching of brush and landscape waste
- cells of landfill for compost residuals and processed sludge; maintain the site overall
- operation of the scale and scale-house

She said the total cost to operate the facility in FY 2024 was approximately $14.1 million. The existing Waste Services Agreement (WSA) expires November 30, 2025. She explained that in anticipation of WSA expiration, after over two years of preparation, an RFP was issued in June, 2024, under Massachusetts procurement law Chapter 30B. The RFP included a new Waste Service Agreement template, and sought detailed Technical and Price Proposals. A pre-proposal conference/site tour was held on July 30, 2024 which was well attended by multiple potential proposers. The RFP deadline was September 26. She said one proposal was received from Waste Options, the current operator. Pursuant to the General Laws, an Evaluation Committee was established which includes the Solid Waste Director, Finance Director, Town Manager, member of the Capital Program Committee and the Town's solid waste consultant George Aronson. She said the RFP is evaluated for several criteria, including completeness and compliance with RFP requirements. She said the Committee is also determining the need for clarification of WSA issues. She said the Price Proposals were opened last week, and the Technical Evaluation remains in progress. She concluded that no action is required at this time and that the Town team will come back to the Board when the Price Proposal reviewe is complete.

5. Continued Preliminary Review of Town-Sponsored Warrant Articles for 2025 Annual Town Meeting. Ms. Gibson reviewed "Outline #3" of potential warrant articles in the Board's packet, noting that items shown in bold are new or modified since the Board's October 23rd meeting. With respect to a pending, and, potential, new home rule petition regarding the membership of the NPEDC, Chair Mohr explained discussions that have occurred at recent NPEDC meetings and what the timing could be for a new home rule petition to be submitted for the 2025 annual town meeting on this. Some discussion followed. Ms. Holdgate and Mr. Fee spoke in favor of this new potential home rule petition to be submitted to Town Meeting and not directly to the Legislature as had been discussed at NPEDC meetings. Mr. Fee spoke in favor of collaboration with the sponsor of the other home rule petition (HRP). Mr. Dixon agreed and urged that only one HRP be submitted. Dr. MacNab said he feels the Board is obligated to resubmit the pending HRP. Hillary Rayport, sponsor of the pending HRP, spoke in favor of collaboration. Discussion followed as to a single article, scheduling, how to go about a collaborative discussion. It was agreed to put this matter on an upcoming Board meeting agenda for further discussion. Mr. Dixon re-emphasized the importance of one compromise HRP, and that "competing" HRPs have little to no chance of even being discussed by the Legislature.

XI. SELECT BOARD'S REPORTS/COMMENT
It was agreed that due to a time constraint with Town Counsel items XI 1 and 2 will be reversed.

2. Town Counsel: Overview of Eminent Domain Taking Process. Town Counsel John Giorgio introduced Attorney Jeffrey Blake of Town Counsel's office to provide the overview. Mr. Blake reviewed the presentation contained in the Board's agenda packet. Some questions followed.

1. Review/Adoption of Select Board Comment Letter for Surfside Crossing 40B Zoning Board of Appeals Remand Hearing. Ms. Gibson explained that a draft letter has been prepared by Town Counsel with input from the Board through comments it made at its October 23rd meeting. She reviewed the items needing additional policy direction from the Board, as noted in the letter, specifically: restrictions on short-term rental (STR) of units in the development. Dr. MacNab agreed with restrictions on STRs. Mr. Fee asked if the Zoning Board of Appeals (ZBA) addressed this in its prior letter on this project. Chair Mohr said that answer will have to be obtained. Mr. Giorgio pointed out that the STR Bylaw does contain restrictions on STRs in affordable housing developments, but agreed to be clear, it could be in the letter. Discussion followed on potential restrictions. Dr. MacNab spoke on the Board of Health's letter to the ZBA. Mr. Fee suggested adding a request for updated financial information. The other Board members did not object to this. Mr. Fee suggested the ZBA consider wider roads with parallel parking on one side for traffic calming. The Board members did not object to this. Mr. Fee suggested the ZBA consider a requirement for maintenance of

stormwater collection systems, with a monitoring requirement. Fire Chief Cranson spoke on the road width issue raised by Mr. Fee, noting that the Fire Department comments come from specific fire codes. Mr. Fee suggested the ZBA consider a parking management plan. The Board did not object to this. Several additional items were reviewed and were contained in the letter already and/or will be made more specific. Ms. Gibson stated that the letter will be revised and brought back before the Board later this month.

3. Committee Reports. Mr. Fee spoke on a panel he recently participated on with the Nantucket Historical Association on coastal resiliency with individuals from all over the world, who are on Island currently.

XII. ADJOURNMENT

Ms. Holdgate moved adjournment at 8:16 PM; 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.

Approved the 13th day of November, 2024

SELECT BOARD
NOVEMBER 6, 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:

III. 2. NRTA announcements; Ferry Route 1; Ferry Route 2
IV. Public Comment Question Responses
VII. 1. Draft minutes of 10/16/2024; draft minutes of 10/21/2024; draft minutes of 10/22/2024; draft minutes of 10/23/2024
VII. 4. Pending Contracts spreadsheet
VIII. 1. Gifts summary & recommended motion; Saltmarsh gifts; DPW gift; F St Town property map
IX. 1. African Meeting House - Scope of Services for Independent Review of Investigation with list of firms contacted; Comprehensive Investigations and Consulting proposal; Billingsgate Associates L.L.C. proposal
IX. 2. Letter from School Committee re: recommended applicant; Letter from School Superintendent re: vacancy outreach; Pauline Proch resignation; MGL Ch. 41, s. 11 re: filling vacancy; Town Charter re: filling vacancy
IX. 3. Board of Health Policy Relating to the Registration of Short-Term Rentals
X. 1. Planning & Land Use Services departmental update
X. 2. Memo from Planning Director re: Master Plan update; Contract with Barrett Planning Group, LLC re: Master Plan update; Barrett Planning Group proposed contract amendment; Master Plan Update presentation
X. 5. Outline #3 for 2025 Annual Town Meeting Warrant; Planning article concept list
XI. 1. Draft letter to Zoning Board of appeals re: Surfside Crossing 40B Remand; Link for Surfside Crossing 40B remand docs; Departmental comments on remand; Select Board comments on Surfside Crossing 40B - 7/13/2018
XI. 2. Memo from Town Counsel re: Overview of Eminent Domain Taking Process