SELECT BOARD

Minutes of the Meeting of December 11, 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.

She reminded the audience to avoid side conversations.

II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Mohr noted that a review and explanation from National Grid about a power outage which occurred during Stroll weekend, on Saturday December 7th into December 8th and affected downtown businesses, has been added as a New Business item. She said that public comment on the matter would be accepted. She stated that this matter was not reasonably anticipated 48 hours prior to the meeting.

Chair Mohr said that item XI-1 will be tabled.

The agenda was otherwise accepted as posted.

III. ANNOUNCEMENTS

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

2. Announce Applications Received for 2024 Committee Vacancies – Round 3: Capital Program Committee; Council for Human Services; Council on Aging; Cultural Council; Real Estate Assessment Committee; Town of Nantucket Scholarship Committee; Zoning Board of Appeals. Operations Administrator Erika Mooney read the names of the applicants: Caroline Baltzer for Capital Program Committee, Jesse Bell for Real Estate Advisory Committee and Lisa Botticelli for Zoning Board of Appeals.

3. Select Board Announcements/Comments.

No announcements or comments.

IV. FOLLOW-UP ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS

Chair Mohr noted that a follow-up response to Mary Chalke's comments from the December 4th meeting is posted online.

V. PUBLIC COMMENT

Burton Balkind stated that a letter was recently sent to the Board from his group, Nantucket Coastal Conservancy, regarding concerns about the joint Sconset Beach Preservation Fund/Town geo tube project. He spoke on the concerns.

VI. NEW BUSINESS

Chair Mohr introduced the item. Nantucket Chamber of Commerce Executive Director Peter Burke spoke on the situation and noted initiatives that are being explored, including acquiring data as to economic impact to businesses; refreshing an emergency action plan for such an event; potential assistance with filing claims; exploration of potential relief or support for lost revenue. He said he has been in contact with the Governor's office as to potential state assistance. Chair Mohr said she has spoken with the Governor's office, Senator Markey's office and state Senator Cyr as to the incident. She noted a letter received late today from the Department of Public Utilities requesting that National Grid (NGrid) undertake an investigation of what happened. The following National Grid representatives were present remotely: Jeffrey Merritt, Head of Electric Field Operations; Shaun Vacher, VP New England Electric; Joseph Carroll, Director Stakeholder Engagement, Corporate Affairs; William Ciocca, Principal Program Manager, Customer and Community Management; Bill Malee, Chief Customer Officer; Joe Tormay, Nantucket Overhead Supervisor; and Steve Holdgate, Nantucket Operations Supervisor. Chair Mohr turned the item to Mr. Vaucher. Mr. Vaucher spoke on preparations and actions being taken currently by NGrid in response to a storm occurring throughout the state this evening, both on-island and on the mainland and said all NGrid officials on the call will have to leave at 6:30 PM due to this storm. He thanked several Town departments and other agencies who assisted throughout the power outage event and expressed regret over the event. Mr. Merritt explained the timeline and actions that were taken from start to finish of the event including what it took to diagnose the problem and specifically how the problem was repaired and what it took to repair it. He noted that crews had to arrive from the mainland in the evening and very early morning on December 8th, with specialty equipment and vehicles. Mr. Vaucher reviewed the history of the electric wires in the affected area and spoke on redundancy of the system. He noted that is why the initial area impacted was reduced quickly. He said that there is an NGrid project in the permitting/approval stage with the Town to increase the level of redundancy in this area, which is fully designed. Mr. Fee asked what caused the failure and if there are other wires that might be at risk. Mr. Vaucher explained the details of the failure and subsequent analysis that is underway with the wire section that failed. Chair Mohr said questions about financial mitigation will likely be asked and asked if the NGrid team online is prepared to address those. Mr. Melee said he would be able to and acknowledged that the timing of the outage was very unfortunate. He reviewed the claims process. Mr. Fee asked about the basis for approving or denying a claim. Mr. Melee responded and said each claim is reviewed individually. Chair Mohr opened the discussion to questions. Mr. Burke said that several claims have already been filed and denied in a "robotic" manner and asked for more attention to be provided to these claims. He suggested that infrastructure improvements be made for communications, as well as a preventative action plan. Mr. Carroll said he and Mr. Ciocca will work on the communications improvements. Mr. Vaucher stated that NGrid does not wait for a cable to fail before fixing it and explained that the underground cables are reliable and resilient and that the project he described earlier is related to redundancy. He said that the cable impacted in this event has never failed before. Chair Mohr thanked the NGrid team for attending and requested that the claims be taken seriously. Mr. Fee commented that in the last 20 years, power outages have been far less than prior to then, noting that perspective is important.

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 December 2, 2024 at 4:00 PM; December 4, 2024 at 5:30 PM; December 5, 2024 at 9:00 AM.

2. Approval of Payroll Warrants for December 8, 2024.

3. Approval of Treasury Warrants for December 11, 2024.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Housing Office:

a) Request for Approval and Execution of Joinder to Global Participation Agreement for the Town's Participation in MassDocs Program for Affordable Housing Projects. Housing Director Kristie Ferrantella explained the item. Mr. Dixon spoke in favor of the request. Mr. Fee moved approval as requested; seconded by Ms. Holdgate; all in favor, so voted.

b) Request for Authorization to Submit Housing Production Plan (HPP) Certification Request Letter to Executive Office of Housing and Livable Communities (EOHLC) for Safe Harbor. Ms. Ferrantella explained the item and reviewed the information in the Board's agenda packet. Some discussion followed. Chair Mohr reviewed the challenges of Chapter 40B, specifically that it encourages affordable housing, but the parameters are restrictive. Mr. Fee moved approval as requested; seconded by Ms. Holdgate; all in favor, so voted.

c) Request for Authorization of Additional Funding from Affordable Housing Trust for Housing Nantucket's Housing Project at 1, 2, 3, 4, 5, 7, 9 and 11 Wiggles Way (Formerly Known as 31 Fairgrounds Road). Ms. Ferrantella introduced the item as well as Housing Nantucket Director Anne Kuszpa and owner's agent Steve Hollister. Affordable Housing Trust Vice Chair Penny Dey spoke on the project and noted its importance and uncertainty with Nantucket construction costs and comparison to other similar projects. Ms. Kuszpa provided an overview of the project and when it is expected to be completed (by the end of March, 2025). She acknowledged that some challenges have been faced with the project, which have caused delays and cost overages. She noted that approximately \$3.8 million is needed to complete the project as a result of these issues. She said that at this point, \$2.545 million is requested from the Town through the Affordable Housing Trust (AHT). She spoke on the merits of the project, including community benefits. Dr. MacNab stated while he understands that the project is important, he is "annoyed" that this additional amount is being requested at this time and asked if an audit would be conducted. He added that he would like to see this audit before voting. Mr. Hollister explained the situation further and what is being done to address the issues. Mr. Fee concurred with Dr. MacNab but also acknowledged that construction projects are costly on the Island and hopes there are "lessons learned". He suggested a forensic audit. Finance Director Brian Turbitt agreed and said he is planning to pursue this. Chair Mohr noted a letter from Ms. Dey in the Board's packet that "contextualizes" the situation. Ms. Holdgate said she will support the request but does have concerns about the cost and associated planning challenges and to ensure better project budget management going forward. Ms. Holdgate moved approval of the request as presented; seconded by Mr. Fee. Mr. Dixon, the Board's representative on the AHT, spoke on the development of the request, concurrence with the need for an audit and the quality of the project. He agreed there are lessons to be learned. Town Counsel attorney Vicki Marsh explained the agreement associated with the funding. On the motion: so voted 4-0. Dr. MacNab abstained.

2. Sewer Department: Update on Third Sewer Force Main Project. Ziad Kary of Environmental Partners Group (EPG), engineer for the project and Owner's Project Manager Frank Ayotte of Hazen & Sawyer provided the update using the documents in the Board's agenda packet. Mr. Ayotte said the project is within the appropriation and is expected to be completed within that number, in 2025. Mr. Kary reviewed the status of the project and noted some of the complications encountered; and, restoration progress. Mr. Fee asked about the base used for the sidewalk work. Mr. Kary explained. Some discussion followed as to the durability of the sidewalks and the impact of cars and larger vehicles parking on and driving over them. Dr. MacNab asked about the installation of cobblestones and said someone told him Nantucket's cobblestones are installed "incorrectly". Mr. Kary said the necessary parties will be consulted prior to installation.

3. Town Council Study Committee: Request for Non-binding 2025 Annual Town Meeting Warrant Article and 2025 Annual Town Election Ballot Question Regarding Change of Government. Town Council Study Committee (TCSC) Chair Joseph Grause reviewed a memo in the Board's packet seeking approval for a 2025 annual town meeting warrant article and companion ballot question in connection with the Committee's recommendations. He said the Board previously suggested "sense of the meeting" requests, those were developed by the Committee and given to Town Counsel for review. Town Counsel John Giorgio spoke on the pros and cons of both a warrant article and a ballot question; or, just a ballot question which he indicated is likely to have broader voter exposure. Discussion followed as to the ways in which a Town Charter with a change of government may be adopted. Mr. Grause explained why the TCSC is recommending both actions. Mr. Giorgio stated that his recommendation would be a ballot question only but that is just based on his experience and the possibility of differing votes, noting that either approach is fine. Mr. Fee moved to proceed with a warrant article and ballot question as recommended by the TCSC; seconded by Mr. Dixon; all in favor, so voted. Mr. Grause spoke on TCSC planned activities for the next several months. It was noted that Mr. Giorgio will finalize the language of both items for the Board's consideration when it is time to adopt the warrant(s). He said the Board should contemplate the "pros and cons" that would be included on the election warrant associated with the ballot question.

IX. PUBLIC HEARINGS

1. Public Hearing to Determine Tax Allocation by Classification (Chapter 369, Acts of 1982, as Amended); Percentage of Residential Exemption to be Granted for Fiscal Year 2025 (Continued from December 4, 2024). Chair Mohr re-opened the hearing. Assessor Robert F. Ranney reviewed the information contained in the Board's agenda packet. Mr. Fee commented on lessening the tax shift on the commercial tax base. Some discussion followed. Ms. Holdgate spoke in favor of leaving the allocations as is for this year and potential reconsider if some upcoming major projects are approved.

Ms. Holdgate moved to close the hearing; seconded by Mr. Fee; all in favor, so voted.

Ms. Holdgate moved to approve the tax rates as reviewed based on a shift of 170% of the tax burden to the commercial, industrial and personal property classes and to retain a residential exemption of 25% for fiscal year 2025; seconded by Mr. Fee; all in favor, so voted.

X. TOWN MANAGER'S REPORT

1. FY 2026 General Fund Budget Presentation. Town Manager C. Elizabeth Gibson and Finance Director Brian Turbitt reviewed the materials in the Board's agenda packet. Mr. Turbitt also reviewed the Town's OpenGov program on the Town's website. Mr. Fee said the improvement with the budget over the years has been "incredible".

2. Continued Review of Town-Sponsored Warrant Articles for 2025 Annual Town Meeting. Ms. Gibson reviewed an updated outline of Town-sponsored warrant articles, as contained in the Board's agenda packet, noting that new or updated information is shown in bold. She reviewed the timeline for Board adoption and said that a draft warrant will be presented soon. She added that the Board will need to make some decisions on articles very shortly.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review Letter of Engagement for Zoning Board of Appeals Independent Special Counsel and/or Consultant for Surfside Crossing, LLC Application 25-24; Possible Votes Taken (Tabled from December 4, 2024). This matter was tabled.

2. Announcement of Response to Bureau of Energy Management (BOEM) Mitigation Proposal for SouthCoast Wind (Offshore Wind Project). Chair Mohr noted that the Board has sent a response to BOEM with its mitigation proposal and heard back yesterday from that agency, with an indication that nearly all of the Town's proposals have been deemed out of scope.

3. Committee Reports.
Mr. Fee commented that the Town's successes with housing have been because staffing resources were established and dedicated to it.

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

Approved the 18th day of December 2024.

SELECT BOARD
DECEMBER 11, 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. Round 3 Committee Vacancy Timeline; Committee membership & applicant list; Committee applications
VI. 1. Letter from State Department of Utilities to National Grid re: Stroll Power Outage
VII. 1. Draft minutes of 12/2/2024 NPEDC; Draft minutes of 12/4/2024; Draft minutes of 12/5/2024 Open Session
VIII. 1a. AIS re: MassDocs application for affordable housing; Joinder to Global Participation Agreement
VIII. 1b. AIS re: Housing Production Plan (HPP) Certification; Draft HPP Certification request; Deed-restricted units created since 2019; Master plan for staying in Safe Harbor
VIII. 1c. AIS re: Housing Nantucket's Wiggles Way project; Housing Nantucket request letter; Wiggles Way funding & contract overview; Land Development Agreement Change Order # 6; Letter from Penny Dey
VIII. 2. 3rd Sewer Force Main Update presentation
VIII. 3. Town Council Study Committee draft non-binding warrant article; Email from Town Counsel with recommended form of ballot question; Town Counsel redline ballot question
IX. 1. AIS re: Tax Rate hearing; LA4 Comparison; Shift comparison chart; 5-year tax rate history; Options chart; Memo from Assessor
X. 1. FY 2026 Town Manager's Budget Message; FY 2026 General Fund Budget recommendations
X. 2. Preliminary Outline # 6 for 2025 ATM; Email thread re: proposed Noise Bylaw amendments; Proposed amendment to Chapter 127 for Traffic calming signage exemption; Proposed amendments to Chapter 136: Wetlands; Article re: establishment of Coastal Resilience District
XI. 2. Response to BOEM re: SouthCoast Wind; Email thread, re: Town's response to BOEM re: SouthCoast Wind; BOEM response to CHP/Town letter