SELECT BOARD

Minutes of the Meeting of January 22, 2025. 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 and Dr. Malcolm MacNab. Dawn Holdgate was absent.

I. CALL TO ORDER

Chair Mohr called the meeting to order at 5:30 PM following the Pledge of Allegiance. Chair Mohr asked that the audience please limit cross conversations.

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 and Video Recorded.

2. Committee Vacancies – Round 4: Council for Human Services; Council on Aging; Cultural Council; Town of Nantucket Scholarship Committee; Zoning Board of Appeals Alternate.

3. Massachusetts Division of Fisheries and Wildlife (MassWildlife) is Holding Two Virtual Public Hearings on January 23, 2025 at 1:30 PM and 6:00 PM via Zoom Regarding Proposed Regulations Relating to Deer Hunting and Other Deer-Related Issues. For Further Information, Visit https://www.mass.gov/news/public-hearing-on-proposed-deer-regulations-set-for-january-23.

4. Master Plan Update: Help Shape Nantucket's Future!

Share your Thoughts in the Master Plan Community Survey, Open until January 24, 2025. Your Input is Essential to Updating the 2009 Master Plan. Take the Survey Today: www.nantucket-ma.gov/masterplan.

5. Francis Street Beach Coastal Resiliency Improvement Project
A Recording of the Virtual Open House, Held on January 13 and January 15 is Now Available. Visit www.nantucket-ma.gov/francisstreet to Watch the Recording and Take a Survey.

6. Special Event Permitting Moves to Culture and Tourism Department
As of January 1, 2025, the Town of Nantucket has Transitioned Film, Photo Shoot and Special Event Permitting from the Police Department to the Culture and Tourism Department. Any Questions Contact Cultural Affairs and Special Events Coordinator Deana Weatherly at dweatherly@nantucket-ma.gov or (508) 228-7200 ext. 7314.

7. Select Board Announcements/Comments.

Mr. Dixon commented that he spoke with eighth graders at the Nantucket New School last week about civic affairs and government and said the students were very impressive.

Chair Mohr spoke on a competition that a local youth theater group recently won and congratulated the group.

IV. FOLLOW-UP ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS
There were no questions posed at the January 15, 2025 meeting.

V. PUBLIC COMMENT
Vallorie Oliver spoke on offshore wind project federal permitting; and, a Vineyard Wind turbine blade failure follow-up input session with the federal Bureau of Safety and Environmental Enforcement (BSEE) that has been rescheduled.

Mary Chalke spoke on the blade failure and a recent allowance by the federal government for the Vineyard Wind project to resume operations, expressing concern about environmental safety issues.

Chamber of Commerce Executive Director Peter Burke spoke on the Christmas Stroll power outage and commented on a report subsequently issued by National Grid and questioned whether it has been publicly released.

Megan Perry asked if public comment will be taken during the Capital Program Committee report. Chair Mohr replied affirmatively.

Ms. Perry commented on the Board's 3-minute Public Comment rule and asked where it came from.

Veronica Bonnet commented on the Vineyard Wind project resumption and complained about a lack of transparency to the public.

Casey Kiley spoke on the Christmas Stroll power outage and asked what the Town is doing to advocate for the businesses.

Meridith Lepore requested a legal opinion as to the Paid Family and Medical Leave Act and an article approved at the 2024 annual town meeting.

VI. NEW BUSINESS
There was no New Business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS
Mr. Fee moved approval of items VII. 1 – 4; seconded by Mr. Dixon; so voted 4-0.

1. Approval of Minutes of January 13, 2025 at 1:00 PM; January 15, 2025 at 5:30 PM.

2. Approval of Payroll Warrants for January 19, 2025.

3. Approval of Treasury Warrants for January 22, 2025.

4. Approval of Pending Contracts for January 22, 2025 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Joint Meeting with Capital Program Committee and Finance Committee to Review FY 2026 Capital Program Committee Report. Chair Mohr introduced Capital Program Committee Chair Jill Vieth who recognized and thanked the members of the Committee and also acknowledged, thanked and commended Town staff, including Finance Director Brian Turbitt and Assistant Finance Director Sue Carmel, and the Department Heads, all of whom assist with and contribute to the Committee's review process. Ms. Vieth summarized the report as contained in the Board's agenda packet. Dr. MacNab asked to review the methodology of the project ranking system. Some discussion followed. Mr. Fee moved to endorse the report; seconded by Mr. Dixon; so voted 4-0.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Amending Town Regulations Chapter 375, Traffic. Ms. Gibson explained that Police Chief Jody Kasper and Transportation Program Manager Mike Burns presented proposed amendments to the Traffic Regulations at the Board's December 18, 2024 meeting. Mr. Burns summarized the recommended amendments. Some discussion followed. Meg Ruley spoke on possible unintended consequences of paid parking at the lot at 2 Fairgrounds Roaf and questioned if people will park around the neighborhood rather than pay to park in the lot. Mr. Burns and Chief Kasper answered questions from Board members.

As there was no public comment, Mr. Fee moved to close the hearing; seconded by Dr. MacNab; so voted 4-0.

Mr. Fee moved to adopt the amendments to the Traffic Regulations as proposed; seconded by Dr. MacNab; so voted 4-0. It was agreed that the effective date would be March 1, 2025 or a date determined by Town Administration to allow time for outreach on the changes.

X. TOWN MANAGER'S REPORT

1. Review, Discussion and Select Board Adoption of May 3, 2025 Annual Town Meeting and Election Warrant, Including Specific Discussion on:

- Potential Amendments to Chapter 58 of the Town Code (Car Rental Agencies, Registration of). Chair Mohr said that Attorney Brian Riley of Town Counsel's office has prepared an article incorporating the concepts as requested by the Board at its January 15th meeting. Mr. Riley reviewed the draft article as posted on the screen. Some discussion followed. Mr. Fee spoke against the article as written, stating that it isn't what he understood. Discussion continued as to the administration of a program that would require the registration of peer-to-peer car shares. Mr. Fee said that he is "adamantly opposed" to the draft article. Dr. MacNab said he supports a system to allow people to rent peer-to-peer cars with a specific cap. Chair Mohr re-explained her suggestions from the January 15th meeting. Discussion followed as to a cap for peer-to-peer car sharing. Chair Mohr reviewed options for the article with the Board, including not including an article in the warrant. Discussion followed. Chair Mohr asked Mr. Riley if the bylaw stands as is, without being amended, is peer-to-peer car sharing covered by the bylaw as a "rental agency". Mr. Riley said it could be interpreted that way but enforcement is very difficult. Mr. Dixon asked if this situation is similar to Uber and Lyft services several years ago which were ultimately regulated by the state. Mr. Riley said yes and that there are bills pending at the state level. Dr. MacNab spoke in favor of the article as presented. Mr. Fee re-reviewed the article in the draft warrant from the 2024 annual town meeting warrant and spoke in favor that. Some discussion followed. Chair Mohr asked for direction from the Board. Ms. Gibson re-reviewed the specifics of the article from 2024 and noted that it would seem to accommodate most of the issues the Board is concerned with. Mr. Dixon said he would like to address transferability so that the Town has control over it. Steven Cohen spoke in favor of transferability limits and regulations vs a bylaw to address peer-to-peer car sharing. Danilo Kozic spoke in favor of retaining the allowance for peer-to-peer car sharing. Rob Giachetti commented that peer-to-peer car sharing is a rental agency and suggested that the platforms be given a cap. John Perten, counsel for Affordable Rental and Nantucket Rental Cars, concurred with Mr. Fee's concerns. He said peer-to-peer should be kept under the bylaw and the cap should not be raised. Discussion followed as to specific language to be added and modified. Mr. Perten questioned the legality of restricting license transferability. Discussion followed as to the Town's exposure or not; whether to further modify the language; whether to proceed or not. Denice Kronau, Finance Committee Chair, spoke on the discussion and said if this is not clear, it will not be successful, as it was not, last year. Chair Mohr said she is comfortable with how the article has been modified through the Board's discussion. Mr. Cohen said he supports what the Board is proposing and suggested that peer-to-peer be exempted from the definition and instead give the Board the authority to regulate it. It was agreed that Mr. Riley will update the proposed article, send it to Town Administration and the Board in the morning for final review and inclusion in the warrant.

- <u>Potential Amendments to Town Code to Regulate E-Bikes, E-Scooters.</u> Mr. Riley reviewed the articles (2) that he prepared as contained in the Board's packet. Joe Topham spoke in favor of the articles and in favor of more signage for bike paths as to safety issues. Discussion followed on the language specifics. It was generally agreed to retain the article that was drafted in the packet for Chapter 57 and not to make changes to Chapter 98 at this time.

- <u>Draft Zoning Bylaw Amendments, Including "Cottage Communities" and Pickleball.</u> Chair Mohr noted that the pickleball "ban" as was proposed last week at the Board meeting has received regional attention and that there really is not an outright ban being proposed, it is more about ensuring that pickleball is more regulated so as to be less of a nuisance to neighbors and neighborhoods. Planning Director Leslie Snell spoke on a modified article from last week contained in the draft warrant. She clarified that the article was written to allow the Planning Board as much leeway as possible to modify it, through its Motion, noting that Motions can be less restrictive not more. Mr. Fee praised the Planning Board for bringing this forward, noting that the noise issues from pickleball are significant. Jill Veith spoke on the article and expressed concern about what is exactly proposed to be banned. Ms. Snell spoke on the Cottage Community proposed article and explained the specifics. Art Gasbarro expressed concern about the article, with the amount of additional development that it would allow. Dr. MacNab said he has concerns as well and does not support it at this time. Some discussion followed. Dr. MacNab moved to exclude the Cottage Community article from the warrant; seconded by Mr. Fee; so voted 2-2. Dr. MacNab and Mr. Fee voted yes; Mr. Dixon and Chair Mohr voted no. The motion failed, the article will remain on the warrant. Mr. Fee commented on a zoning article pertaining to tertiary dwellings. Ms. Snell explained the article in detail. Mr. Fee asked about a real estate article pertaining to a long-term lease for Town-owned property on Amelia Drive. Chair Mohr and Mr. Dixon explained it.

Mr. Fee moved approval of the 2025 annual town meeting warrant as modified through the discussion tonight; seconded by Mr. Dixon; so voted 4-0.

XI. SELECT BOARD REPORTS/COMMENT

1. Select Board Strategic Plan Update. Ms. Gibson said that as a result of the Board's October 22, 2024 facilitated annual strategic plan retreat, some changes as described in the retreat report have been incorporated into an updated Strategic Plan, which is in the Board's packet. She said that if the Board follows past practice and adopts the updated Plan, Town Administration will reformulate its Focus Area teams and begin implementation planning, with reports out to the Board every so often. Mr. Fee moved adoption as presented; seconded by Dr. MacNab; so voted 4-0.

2. Committee Reports. Chair Mohr thanked all of the staff who contribute to the development of the Town Meeting warrant.

XII. ADJOURNMENT

Mr. Fee moved adjournment at 8:12 PM; seconded by Dr. MacNab; so voted 4-0.

Approved the 29th day of January, 2025.

SELECT BOARD
JANUARY 22, 2025 – 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. Committee Appointment Timeline - Round 4; Committee Vacancy Notice
III. 3. Email from MassWildlife re: public hearings re: deer hunting
VI. 1. Draft minutes of 1/13/2025; Draft minutes of 1/15/2025
VII. 4. Pending Contracts spreadsheet
VIII. 1. FY 2026 Capital Program Committee Report & Recommendations – UPDATED
IX. 1. AIS re: Amendments to Town Regulations Ch. 375 – Traffic; Proposed Amendments to Town Regulations Ch. 375 – Traffic; Slides for Amendments
X. 1. Draft Warrant for 2025 ATM/ATE; Draft amendments to Ch. 58 - Car Rental Agencies; Draft amendments to Ch. 57 - Bicycle Right of Way; Draft amendments to Ch. 98 - Motorized Passenger Devices
XI. 1. Updated Select Board Strategic Plan - Oct 2024; Select Board Strategic Plan Workshop Report