SELECT BOARD

Minutes of the Meeting of February 12, 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 and Matt Fee. Dawn Holdgate and Dr. Malcolm MacNab participated remotely.

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. Chair Mohr noted that Ms. Holdgate and Dr. MacNab were participating remotely, and all votes will be taken by roll call vote.

III. ANNOUNCEMENTS

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

2. Announce Applications Received for Committee Vacancies – Round 4: Council for Human Services; Council on Aging; Cultural Council; Town of Nantucket Scholarship Committee; Zoning Board of Appeals Alternate – Appointments to be Made March 5, 2025. Operations Administrator Erika Mooney read the names of the applicants: Kendall Graham and Jeremy White for Cultural Council; Peter A. Morrison, Alexis M. Sturgis and Jeannie Critchley for the Town of Nantucket Scholarship Committee; and Peter W. Lisi and Robert A. Constable for Zoning Board of Appeals Alternate. Ms. Mooney noted there were no applicants for the Council for Human Services or the Council on Aging.

3. Workgroup Openings: African Meeting House Investigation Procurement Workgroup, Two Citizen Seats Available. Applications Due no Later than 12:00 PM on Friday, February 28, 2025. Appointments to be Made on Wednesday, March 19, 2025.

4. Master Plan Visioning Process Kick-Off Event

Join Charles Marohn, Founder and President of Strong Towns, to Launch the Nantucket Master Plan Visioning Process on Thursday, February 13, 2025 at 5:00 PM at The Nantucket Inn; Plenary Session and Reception to Follow. Free Event Open to All, but Space is Limited. RSVP by emailing laurel@barrettplanningllc.com.

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

Host a Kitchen Conversation—A Small-Group Discussion You Can Facilitate from Your Kitchen, Office, Coffee Shop, or Anywhere. Share Ideas with Friends and Neighbors about Nantucket's Strengths and Challenges to Help Update the Master Plan. To Learn More, Email Megan Trudel at mtrudel@nantucket-ma.gov. Deadline Extended to February 21, 2025.

6. Dr. Howard Dickler Citizens Award

The Nantucket Affordable Housing Trust is Accepting Nominations for the Dr. Howard Dickler Citizens Award Starting February 18, 2025, with a Deadline of April 4, 2025. Community Members are Encouraged to Submit Nominations to Ellis Ramos at eramos@nantucket-ma.gov. The Trust will Review Nominations and Announce the Recipient at the Annual Town Meeting on May 3, 2025. This Award Will Recognize an Individual Who Embodies Dr. Dickler's Spirit — Through Dedication, Creativity, Inclusiveness, and a Fearless Willingness to Share Ideas that Advance Housing Opportunities for our Year-Round Community.

Ms. Gibson announced that Town offices will be closed Monday, February 17, 2025 in observance of Presidents' Day.

7. Select Board Announcements/Comments.
Mr. Dixon commented that the Governor is including the closure of a behavioral health center in Pocasset in her state budget proposal for FY 2026. He noted that other Cape towns have sent in letters of support to keep the center open. By unanimous consent, the Board agreed to send a letter to the Governor's office in support of keeping the center open as it can be crucial for Nantucket residents in emergency need of services.

Mr. Fee said that recent snowfall is a good indicator of roof condition; and, how long cars remain parked in the same spots.

IV. FOLLOW-UP ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS
Chair Mohr read responses to public comment questions from the February 5, 2025 meeting, which she added have been uploaded to the Town's website at https://www.nantucket-ma.gov/3564/_2025.

V. PUBLIC COMMENT
Brook Gibbs suggested putting timers on all electric water heaters on the Island and to restrict these appliances from being on during certain hours, as an energy savings measure.

Mr. Gibbs said he would like to volunteer to install the plumbing in the new proposed Our Island Home "for nothing". He noted that he is unlicensed but knows how to install plumbing.

Mr. Gibbs asked for an update on the Christmas Stroll power outage. He exceeded 3 minutes and returned to his seat.

Megan Perry spoke on a recent Zoning Board of Appeals hearing regarding Surfside Crossing and thanked citizens who spoke regarding fire safety, water pressure and contamination.

Amy Eldridge spoke on the one-way pilot program on Pleasant Street and said the temporary bike and pedestrian lane should be properly maintained with plowing when there is snow.

Meridith Lepore spoke on development with respect to PFAS contamination and said it should be taken seriously.

VI. NEW BUSINESS
There was no New Business.

VII. APPROVAL OF MINUTES AND WARRANTS
Mr. Fee moved approval of items VII. 1 – 2; seconded by Mr. Dixon; 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 February 5, 2025 at 5:30 PM; February 6, 2025 at 9:00 AM.

2. Approval of Treasury Warrants for February 12, 2025.

VIII. CONSENT ITEMS

1. Gift Acceptances: Natural Resources Department. Natural Resources Director Jeff Carlson reviewed the gift and its purpose. Mr. Fee moved to accept the gift for its designated purpose, with thanks to the donor; 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.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Request for Select Board to Declare a State of Emergency Regarding Nantucket Water Department Well 15 PFAS (Per- and Polyfluoroalkyl Substances) Contamination. Finance Director Brian Turbitt reviewed the request, noting the statutory emergency declaration allows for expedited procurement and unappropriated funding to be advanced for the design, construction and installation for a mobile treatment facility located at well #15, the water from which has been found to have detectable concentrations of PFAS. Mr. Fee moved to declare a state of emergency regarding Nantucket Water Department Well #15 as follows:

> *EMERGENCY DECLARATION VOTE*
>
> *WHEREAS, in December 2024, through routine water quality sampling, the Nantucket Water Department discovered the presence of PFAS in reportable concentrations in Well #15 located in Wyers Valley;*
>
> *WHEREAS, the Water Department, after notifying the Department of Environmental Protection, has temporary discontinued the use of Well #15;*
>
> *WHERAS, Well #15 is a public water supply well for both drinking water and fire protection to the residents of the island of Nantucket and is an essential part of the Town's water supply system especially during the summer months;*
>
> *WHEREAS, the Water Department is in the process of contracting for the design, construction, and installation, on an emergency basis, of a mobile treatment facility located at Well #15, which hopefully will be available for operation for the summer of 2025;*
>
> *WHEREAS, Well #15 will remain offline until such time as the emergency treatment facility is operational;*
>
> *WHEREAS, pursuant to General Laws c. 44, § 31, the Select Board has determined that the discovery of PFAS in Well #15 constitutes an immediate threat to the health and safety of persons and properties located in Nantucket and that emergency spending is necessary in order to bring Well #15 back online prior to periods of high demand;*
>
> *THEREFORE, pursuant to the authority granted under G.L. c. 44, § 31, the Select Board of the Town of Nantucket hereby declares that an emergency exists. The Town Manager acting in conjunction with the Nantucket Water Commission and Nantucket Water Department is empowered by this vote to authorize expenditures for all purposes required to carry out the Town' s obligations with respect to this matter to such degree and in such amounts as is deemed to be necessary; subject to all necessary approvals from the Commonwealth of Massachusetts, including*

but not limited to, the Department of Revenue Bureau of Accounts, the Department of Environmental Protection, and the Division of Capital Asset Management.

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.

X. TOWN MANAGER'S REPORT

1. FY 2026 Enterprise Fund Budget Reviews: Our Island Home; Sewer/Stormwater; Water. Town Manager C. Elizabeth Gibson introduced Our Island Home (OIH) Administrator Peter Holden to review the OIH enterprise fund budget for FY 2026. Ms. Gibson noted that the Enterprise Fund budget managers have given these presentations to the Finance Committee already. Mr. Holden proceeded to review the OIH budget, using the link in the packet which allowed for display of the budget details on screen.

Sewer Director David Gray reviewed the Sewer/Stormwater enterprise fund budget for FY 2026 using the link in the packet which allowed for display of the budget details on screen. Mr. Fee and Chair Mohr expressed support for stormwater infrastructure improvements.

Water Department Director Mark Willett reviewed the Water enterprise fund budget for FY 2026 using the link in the packet which allowed for display of the budget details on screen.

XI. SELECT BOARD REPORTS/COMMENT

1. Review and Possible Adoption of New Public Comment Policy. Chair Mohr explained that Attorney John Giorgio from Town Counsel's office recently provided a proposed draft revised Public Comment Policy for the Board's consideration and introduced Mr. Giorgio to review the policy. Mr. Giorgio turned the item over to Attorney Lauren Goldberg. Ms. Goldberg said that KP Law drafted this policy for all of its municipal clients in response to recent court cases regarding public comment to better protect the municipalities and to ensure that First Amendment rights of citizens are also protected. Chair Mohr noted there is also a memo in the packet, explaining the specifics. She asked for any Board comment or questions. Mr. Fee questioned a 10-minute limit, noting that he thinks there should be a limit on repetitive items but that 10 minutes is too limiting. He added that the rest of the policy seems to make sense to him. Dr. MacNab concurred, as did Mr. Dixon. Mr. Dixon asked for a brief overview of the various sections of the policy. Ms. Holdgate concurred with the 10-minute limit comments. Ms. Goldberg stated that the 10-minute limit is not necessarily a recommendation but more of a point for discussion. Chair Mohr asked about leaving the limit to the discretion of the Chair. Ms. Goldberg said that is fine but that whatever the limit is should perhaps be made at the beginning of the meeting and based on "time place or manner" criteria, including the length and complexity of the meeting agenda. Some discussion followed on the length of a limit, and whether it should be the same for every meeting or can be modified. Ms. Goldberg reiterated that if a specific limit is not specified, it should be prior to the start of public comment. Mr. Dixon stated that everyone should be afforded the same amount of time. Charity Benz questioned the difference between the Public Comment section of the agenda and public comment on specific agenda items. Ms. Goldberg said that is up to the Board and noted that this tends to vary by community. Ms. Benz suggested those two types of public comment should be made clear and spoke against a 10-minute limit. Amy Eldridge spoke against the 10-minute limit and for the importance of public comment. Chair Mohr stated that the 10-minute limit is basically off the table. Megan Perry questioned the purpose of limiting public comment. Ms. Perry exceeded the 3-minute limit. Brooke Gibbs spoke against limiting public comment. Campbell Sutton spoke against limiting public comment and suggested more public hearings vs public comment. Jason Graziadei said that it is a disservice for comments or questions not to be addressed at the Public Comment section of

the agenda, in "real time". Ms. Goldberg recommended against addressing public comments during that section of the agenda, for legal reasons including risk of civil rights violations which may have associated financial and other penalties, as well as open meeting law considerations. Mr. Giorgio elaborated on Ms. Goldberg's comments with respect to the potential for open meeting law violations. Jim Mondani stated that he appreciates the dialogue on this topic and questioned the 3-minute limit. He asked if the policy will apply to all Town committees. Ms. Goldberg recommended that the policy applies to all Town boards, committees and commissions for consistency and to, again, reduce legal risk to the Town. Chair Mohr said that having the same time limit for everyone is important for fairness, consistency, reduction of legal risk and other reasons. Tucker Holland spoke in favor of time limits on the Public Comment section of the agenda and for a 3-minute limit, noting that is the limit at the State House. He said he does not agree with limiting public comment on agenda items. Mr. Fee noted that at the State House, legislators often leave the room or do other things during a hearing, whereas, the Select Board is sitting at a table actively listening to Public Comment. He spoke in favor of a standard time limitation and not changing it from meeting to meeting. Chair Mohr asked about the origin of the recommended 3-minute limit. Ms. Goldberg said her experience is that 3 minutes is a "typical" amount of time, citing town meetings, municipal meetings that she is familiar with as examples. Nat Lowell concurred with Mr. Holland and added that contentious issues necessitate the need for orderly meetings. Mr. Lowell said that hybrid and remote meetings have increased transparency and openness. He thanked Chair Mohr for her service. D. Anne Atherton said she is confused about time limits with respect to Public Comment and public participation for agenda items. Ms. Atherton commented that if the Town government values citizen participation, then it should be responsive. Megan Perry thanked the Board for the discussion. There being no further public comment on this matter, Chair Mohr asked the Board where it stands. Mr. Dixon spoke in favor of the policy as presented with the removal of the 10-minute time limit and to make it possibly 30 minutes, with the ability to modify that as needed. Mr. Fee said he agrees with a 30-minute time limit and if it seems there is more public comment, that the Board hold a "listening session". Dr. MacNab said he concurs with Mr. Dixon's suggestion. Ms. Holdgate concurred with Dr. MacNab and Mr. Dixon. With regard to agenda items, Chair Mohr said she is not so much in favor of a time limit but agrees with a 30-minute limit for Public Comment, with perhaps a show of hands prior to Public Comment to determine if the 30-minute limit is sufficient or not. Some discussion followed. Mr. Giorgio suggested retaining the policy with removal of the 10-minute limit and to potentially revisit the policy in 6 months or so to determine if there have been any issues. Mr. Giorgio noted that the 3-minute rule of the policy does not apply to public hearings. Ms. Holdgate moved to adopt the policy with removal of the 10-minute limit; 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.

2. Committee Reports.
There were no committee reports.

XII. ADJOURNMENT
Ms. Holdgate moved adjournment at 7:51 PM; 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.

Approved the 19th day of February, 2025.

SELECT BOARD
FEBRUARY 12, 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 Applicants List - Round 4; Applications; Committee Vacancy Appointment Timeline - Round 4
III. 3. African Meeting House Investigation Procurement Workgroup appointments timeline
III. 4. Master Plan Visioning Process Kick-Off flyer
III. 6. Dr. Howard Dickler Citizens Award Nominations announcement
VII. 1. Draft minutes of 2/5/2025; Draft minutes of 2/6/2025 open session
VIII. 1. Gift summary & recommended motion; Natural Resources gift
IX. 1. Emergency Declaration Vote
X. 1. FY 2026 Budget Stories Links
XI. 1. Memo from Town Counsel re: proposed Public Comment Policy; Draft Public Comment Policy