



AMENDED MEETING POSTING

Original posting date: 3/21/2025 Original Posting # T 275
Amended posting date: 3/24/2025 Amended Posting # T 278

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting notices and agenda must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

RECEIVED

2025 MAR 24 PM 02:07
NANTUCKET TOWN CLERK
Posting Number: T 281

Committee/Board/s | SELECT BOARD

Day, Date, and Time | WEDNESDAY, MARCH 26, 2025 AT 5:30 PM

Location / Address | PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND
REMOTE PARTICIPATION VIA ZOOM WEBINAR

Signature of Chair or
Authorized Person | ERIKA MOONEY

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

YOU TUBE LINK FOR VIEWING ONLY:

https://youtube.com/live/9A_0zif-Eul

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_OO3MtADLQWOUhEHcHh0HZw

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio and Video Recorded.
2. **Town-Wide Info Session on Proposed New Our Island Home**
Join the Town on Thursday, March 27th at 5:30 PM to Learn about the Vision for Nantucket's Proposed 45-Bed Skilled Nursing Facility and How it will Enhance Long-Term Elder Care for Generations to Come. More Information at www.nantucket-ma.gov/newoih.
3. **Building for the Future: The Case for a New Department of Public Works Facility**
Explore the Current DPW Facility and Learn About the Proposed Future Facility. Ask Questions and Share Your Feedback. Open Houses will be Held on April 5th and April 19th. Learn More at www.nantucket-ma.gov/newdpw.
4. **Master Plan Two-Part Visioning Program Event**
The Planning and Land Use Department (PLUS) Invites Residents to a Two-Part Master Plan Visioning Program on April 4th and 5th to Help Shape Nantucket's Future.

Participate in Person at Nantucket High School Cafeteria, 10 Surfside Road or Online.
Learn More at www.nantucket-ma.gov/masterplan.

5. Nantucket Lights: Request to Proclaim April 21 - 28, 2025 “International Dark Sky Week” on Nantucket.
6. Select Board Announcements/Comments.

IV. UPDATE ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS
(see <https://www.nantucket-ma.gov/3564/> 2025)

V. PUBLIC COMMENT*

VI. NEW BUSINESS**

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of March 19, 2025 at 5:30 PM; March 20, 2025 at 9:00 AM.
2. Approval of Treasury Warrants for March 26, 2025.
3. Approval of Pending Contracts for March 26, 2025 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. REAL ESTATE ITEMS

1. Request for Approval and Execution of Purchase and Sale Agreements, Quitclaim Deeds and Settlement Statements of Town-owned Yard Sale Parcels Known as Parcels A, B, C, D, E and F, Folger Road as Shown on Plan of Land Entitled “Plan to Acquire Land for General Municipal Purposes, Folger Road, Nantucket, Massachusetts,” Dated September 22, 2021, Prepared by Site Design Engineering, LLC and Recorded with Nantucket County Registry of Deeds as Plan No. 2021-68, Pursuant to Vote on Article 103 of 2015 Annual Town Meeting.
2. Request for Approval and Execution of the Following Items with Charlene B. Engelhard and Hugh J. Freund, Trustees of CBE Skyline Nominee Trust under Declaration of Trust Dated November 2, 2023 for 8 and 8R Skyline Drive Regarding the Surfside Area Transportation Enhancements Project over Lovers Lane, Okorwaw Avenue and Monohansett Road:
 - a) Memorandum of Understanding.
 - b) Acceptance of Grant of Drainage Easement for Two Permanent Non-Exclusive Easements In, On, Over and Under the Portion of Property Shown as “Parcel D-2” and “Parcel D-3” on Plan Entitled “Plan of Easements at Lovers Lane in Nantucket, MA, Nantucket County Prepared for the Town of Nantucket,” Dated May 17, 2024, Prepared By Greenman-Pedersen, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2025-1, Sheet 1 of 11, for the Purpose of Constructing, Inspecting, Maintaining, Repairing, Removing, Replacing, Operating, Relocating and Abandoning in Place Stormwater Drain or Drains, and any Manholes, Pipes, Conduits and Other Structures or Facilities for the Drainage of Stormwater, and for All Uses and Purposes Incidental or Related Thereon; and Three Temporary Non-Exclusive Easements In, On, Over and Under the Portion of the Property Shown as “Parcel TE-2”, “Parcel TE-3” and “Parcel TE-4” and Together with the Permanent Easement Premises for

Construction Purposes for the Stormwater Drain or Drains, and any Manholes, Pipes, Conduits and Other Structures or Facilities for the Stormwater Drainage Including and Including but Not Limited to the Grading of Land, Landscaping, Loaming and Seeding, and Realigning or Reconstructing Slopes of Excavation.

- c) Release of Easements in Portions of Property Shown as Dearborn Street, Oniska Avenue, Miacomet Avenue, Monomoy Avenue, Massasoit Avenue, Central Avenue and Hawthorne Street, Shown as Easement A, and in Portion of Irving Street, Shown as Easement B, on Plan of Land Entitled "Plan of Taking and Disposition for the Town of Nantucket, Nantucket, Mass.," Dated April 25, 2024, Prepared by Earle & Sullivan, Inc. and Recorded with said Deeds as Plan No. 2024-8.

3. Request for Approval and Execution of the Following Items with Joanne C. Johnsen, Trustee of Johnsen III Family Trust Dated August 1, 2024 for 40 Lovers Lane Regarding the Surfside Area Transportation Enhancements Project over Lovers Lane, Okorwaw Avenue and Monohansett Road.

- a) Memorandum of Understanding.
- b) Acceptance of Grant of Drainage Easement for a Permanent Non-Exclusive Easement In, On, Over and Under the Portion of Property Shown as "Parcel D-1" on Plan Entitled "Plan of Easements at Lovers Lane in Nantucket, MA, Nantucket County Prepared for the Town of Nantucket," Dated May 17, 2024, Prepared By Greenman- Pedersen, Inc. and Recorded With Nantucket County Registry of Deeds as Plan No. 2025-1, Sheet 1 of 11, for the Purpose of Constructing, Inspecting, Maintaining, Repairing, Removing, Replacing, Operating, Relocating and Abandoning in Place Stormwater Drain Or Drains, and any Manholes, Pipes, Conduits and Other Structures or Facilities for the Drainage of Stormwater, and for All Uses and Purposes Incidental or Related Thereon; And a Temporary Non-Exclusive Easement In, On, Over and Under the Portion of Property Shown As "Parcel TE-1" for Construction Purposes for Stormwater Drain or Drains, and any Manholes, Pipes, Conduits and Other Structures or Facilities for Stormwater Drainage Including and Including but Not Limited to the Grading of Land, Landscaping, Loaming and Seeding, and Realigning or Reconstructing Slopes of Excavation.

IX. TOWN MANAGER'S REPORT

- 1. Monthly Town Management Report.

X. SELECT BOARD REPORTS/COMMENT

- 1. Review/Adoption of Select Board Comments to May 3, 2025 Annual Town Meeting Warrant Articles.
- 2. Committee Reports.

XI. ADJOURNMENT TO EXECUTIVE SESSION, NOT TO RETURN TO OPEN SESSION

XII. EXECUTIVE SESSION, PURSUANT TO MGL C. 30A § 21(A)

- 1. Purpose 3: To Discuss Strategy with Respect to Litigation Regarding National Opioid Litigation, where an Open Meeting May have a Detrimental Effect on the Litigating Position of the Select Board/County Commissioners and the Chair so Declares; Votes May be Taken.

XIII. ADJOURNMENT OF EXECUTIVE SESSION

**Public Comment: please see attached Public Comment Policy which can also be found at <https://www.nantucket-ma.gov/DocumentCenter/View/51055/Public-Comment-Policy---Adopted-by-the-Select-Board-on-February-12-2025-PDF>.*

***New Business: Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.*

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
March 26, 2025

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Contractual Services						
Professional Services Agreement	Natural Resources	CYY, Inc. (Crosby Yacht Yard, Inc.)	\$26,003.43	Repair of 2005 24' Privateer Boat	Division of Marine Fisheries County Funds	Mar 26, 2025 - Mar 25, 2026
Contract Amendment	Our Island Home	Fusion Staffing	Add \$75,000 to original amount of \$300,000 for new amount of \$375,000	Provide temporary RN/LPN staffing to ensure 24/7 care to residents & cover vacancies	OIH Administration - Travel Nurses	Jul 1, 2024 - Sep 30, 2027
Professional Services Agreement	Parks & Recreation	Murtagh Landscaping	\$315,000	3-year contract for playing fields & park maintenance	Parks & Rec - Professional Services	Mar 25, 2025 - Dec 31, 2027
Purchase Agreement	Police	Colonial Ford, Inc.	\$74,793.77	Replacement of Ford F250 marked pickup truck	Beach Revolver - Police Vehicles	Mar 26, 2025 - Mar 25, 2028
Professional Services Agreement	Police/Marine	Ludlow Memorial Company	\$18,800	Supply & installation of 20' vehicle gate & 6' ATV gate at Marine Maintenance Bldg/ Shadbush Rd	Article 10 ATM 2020	Mar 26, 2025 - Mar 25, 2028
Purchase Agreement	Police	New England Cycle Works	\$37,675.50	Replacement & trade-in of five (5) ATVs for beach & lifeguard patrol	Beach Revolver - Police Vehicles	Mar 26, 2025 - Mar 25, 2028
Purchase Agreement	Police/Marine	Ocean State Forklift	\$13,000	Purchase of used forklift for Marine Dept	Beach Revolver - Waterway	Mar 26, 2025 - Mar 25, 2028
Professional Services Agreement	Public Works	Clean Harbors, Inc.	\$50,000	Removal of household hazardous waste from the Island	Solid Waste Budget - Hazardous Waste	Jan 1, 2025 - Dec 31, 2025
Professional Services Agreement	Public Works	CDM Smith	\$93,800	Minor modification & labor performing PFAS sampling at landfill	Article 18 ATM 2022	Apr 1, 2025 - Sep 1, 2025

Contract Amendment	Public Works	Greenman-Pedersen, Inc.	Add \$85,360 to original amount of \$229,025 for new amount of \$314,385	Additional scope items added for final design phase engineering & bidding services for Surfside Area Transportation Improvements Project	Article 12 ATM 2022	May 16, 2024 - Jun 30, 2025
Professional Services Agreement	Public Works	Nantucket Septic, Inc.	\$91,948	Extension of septic service contract for portable toilets for an additional year	Public Facilities - General Custodial	May 1, 2025 - Apr 30, 2026
Contract Amendment	Public Works	Sanborn Head & Associates, Inc.	N/A	Extension of contract for solid waste-related engineering services through 2027	N/A	Nov 1, 2024 - Oct 31, 2027
Contract Amendment	Town Administration/Select Board for Town Council Study Committee	UMass Boston - Collins Center for Public Management	Up to \$5,000	Extension of contract for next phase of Town Council charter preparation	County Budget	Jun 1, 2024 - Jan 1, 2026



Town of Nantucket
Public Comment Policy
Adopted by Select Board
February 12, 2025

A. Purpose:

This Policy is adopted to facilitate orderly and efficient public comment periods at meetings of Town public bodies. It will protect the ability of the residents of Nantucket, and other persons, to provide feedback or information to pertinent public bodies regarding matters of public interest, Town initiatives, operations, services, and programs. To allow speakers a fair opportunity to address a public body, and to ensure the public body may accomplish its stated business in an efficient manner, these guidelines seek to ensure compliance with the Open Meeting Law and meet other legal and constitutional obligations. Meetings of public bodies in the Town of Nantucket should be places to engage in orderly and peaceable discourse.

B. Authority:

Principles of free speech and freedom to petition the government, fundamental rights protected by the United States and Massachusetts Constitutions, prohibit public bodies from preventing all speech that may be upsetting or offensive. As such, this Policy establishes reasonable time, place, and manner restrictions sufficient to facilitate orderly and peaceable public comment periods at meetings of elected and appointed public bodies of the Town.

C. Legal Standards:

Meetings of public bodies are subject to the requirements of the Open Meeting Law, G.L. c. 30A, §§ 18-25. The Open Meeting Law empowers the chair of a public body to preside at and regulate the proceedings of meetings. Pursuant to G.L. c. 30A, § 20(g), no person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. Any person wishing to speak at an open meeting must first be recognized by the chair. All questions raised and all comments made by a duly-recognized speaker must be directed to the chair of the public body alone, not to individual members of the public body, staff, or the public. The chair is authorized to maintain order, and, although a rare occurrence, has authority, after appropriate

warnings are ignored, to take action up to and including removal of a person who is disrupting a meeting.

D. Application:

To secure the rights of the public to participate in public comment periods in the Town of Nantucket in a manner consistent with law, and, to thereby protect the Town and members of elected and appointed bodies from civil rights claims, this policy shall apply to all public bodies in the Town of Nantucket.

E. Procedures:

1. All agendas of multiple-member bodies in the Town of Nantucket shall include a period for Public Comment, subject to the limitations set forth in paragraph 3. Where to place Public Comment on the agenda is at the discretion of the chair. If public comment is invited during a separate agenda item, this Policy shall govern.
2. While statements made during a Public Comment period are not required to address an agenda item for that particular meeting, such comments must relate to a matter within the public body's jurisdiction. Public comments on matters outside the public body's jurisdiction may be ruled out of order by the chair. To avoid due process issues, a person seeking to provide comments on a matter appearing on the same agenda will be asked to defer until the specific agenda item is reached.
3. Each speaker will be allowed to speak once for up to 3 minutes. The chair will curtail verbal comments exceeding the allotted time.
4. A recognized speaker may not cede or assign their time to another unless such an assignment is required as reasonable accommodation for such person because of a disability. All speakers who may need an accommodation are strongly encouraged to contact Town staff or the chair of the public body at least 48 hours prior to the meeting. That said, to facilitate an efficient public comment period, groups that have multiple speakers with the same viewpoint may consider consolidating their comments or designating one person to speak on their individual behalf's.

F. Disruptive Conduct/Unprotected Speech:

Disruptive conduct and engaging in other unprotected speech, including but not limited to the following, may be grounds for the chair of a public body to curtail speech and take other action as appropriate:

1. Speaking without being recognized;
2. Continuing to speak after the chair has curtailed additional verbal comment;
3. Interrupting a recognized speaker;
4. Speaking about matters not within the jurisdiction of the public body;
5. Engaging in conversations while another person is speaking;

6. Making true threats of violence directed toward a particular individual; and
7. Making comments inciting imminent lawlessness.

G. Public Body Response:

1. A public comment period is a listening session, and the public body is there to listen. The public body, in fact, should not respond to matters raised at the meeting unless it is
2. Matters raised during public comment periods are not required to, and are unlikely to, be addressed or resolved by the public body at the same meeting. Individual members of the appropriately deferred to a noticed-agenda item due to Open Meeting Law considerations.
3. At the sole discretion of the chair of the public body, matters raised during public comment may or may not appear on a future agenda or be referred to the Town Administrator for appropriate action, if any.
4. A public body cannot demand that persons attending meetings or participating in public comment be civil to one another. Nevertheless, the Town, or the members of the public, and those that appear before them are encouraged to make any/or all residents of the Town feel welcome, including listening to them speak, and acknowledging that speakers may have a different viewpoints.

Disclaimer: A Public Comment period is not a time for debate or response to comments by the public body. Comments made during the Public Comment period do not reflect the views or the positions of the public body. Because of constitutional free speech principles, the public body does not have the authority to prevent all speech that may be upsetting and/or offensive during the public portion of the meeting.

H. Enforcement:

Concerns about Public Comment Periods may be brought to the attention of the Town Manager, who will discuss the concerns with the chair of the public body, and take appropriate action. Failure to comply with this Policy may be deemed a violation of the Town's Code of Conduct, and grounds for the removal of an appointed official.