



# MEETING POSTING

## 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**

2023 FEB 17 PM 02:39  
NANTUCKET TOWN CLERK  
Posting Number:T 176

**Committee/Board/s** | SELECT BOARD

**Day, Date, and Time** | WEDNESDAY, FEBRUARY 22, 2023 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://youtu.be/xStaOQnoKeY>

#### ***ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:***

[https://us06web.zoom.us/webinar/register/WN\\_u93LNafWRpm3UgY1x081Sw](https://us06web.zoom.us/webinar/register/WN_u93LNafWRpm3UgY1x081Sw)

***I. CALL TO ORDER***

***II. SELECT BOARD ACCEPTANCE OF AGENDA***

***III. ANNOUNCEMENTS***

1. The Select Board Meeting is Being Audio/Video Recorded.
2. No Select Board Meeting on Wednesday, March 1, 2023 (School Vacation Week); Next Meeting to be Held on Wednesday, March 8, 2023.
3. Select Board Announcements/Comments.

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

1. Follow-up on Public Comment from February 15, 2023 Board Meeting Regarding Short-Term Rental Certificate of Registration.

***V. PUBLIC COMMENT\****

**VI. NEW BUSINESS\***

**VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS**

1. Approval of Minutes of February 15, 2023 at 5:30 PM.
2. Approval of Payroll Warrants for February 19, 2023
3. Approval of Treasury Warrants for February 22, 2023.

**VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS**

1. Resignation Acceptance: Zoning Board of Appeals Alternate.

**IX. REAL ESTATE ITEMS**

1. Request for Approval and Execution of Acceptance of Declaration of Easements from Nantucket Conservation Foundation. Inc. over 112 Orange Street, Pursuant to Authority of Section 3.3 of Chapter 289 of the Acts of 1996.
2. Request for Approval and Execution of Quitclaim Deed for Town-owned Parcel Known as Hinsdale Road, Parcel 31 as Shown on Plan of Land Entitled "Transfer of Property to the Nantucket Island Land Bank," dated July 31, 2014, prepared by ACKME Survey LLC and recorded in Nantucket Registry of Deeds as Plan 2014-77, Pursuant to Vote on Article 81 of 2013 Annual Town Meeting.
3. Request for Approval and Execution of Quitclaim Deed for Town-owned Parcels Known as Parcels P-1, P-2, P-3, P-4 and P-5. Magnolia Avenue and Easements E-1 and E-2 on Magnolia Avenue as Shown on Plan of Land Entitled "Taking and Easement Disposition Plan, Magnolia Ave./East of Ocean Ave., Siasconset, Nantucket, Mass., Prepared for: Town of Nantucket," Dated October 26, 2022, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2022-51, Pursuant to Votes on Articles 72 and 78 of 2018 Annual Town Meeting and Chapter 190 of the Acts of 2018.
4. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel 5, Proprietors Road as Shown on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Sixty-Four Pocomo Road Realty Trust," Dated October 14, 2014, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2014-100, Pursuant to Vote on Article 99 of 2014 Annual Town Meeting.

**X. PUBLIC HEARINGS**

1. Public Hearing to Consider Application for New Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License for One Broad St. LLC d/b/a Surfside, Jared E. Smith, Manager, for Premises Located at 2 Broad Street.
2. Public Hearing to Consider Application for New Non-Live Entertainment License for One Broad St. LLC d/b/a Surfside, Jared E. Smith, Manager, for Premises Located at 2 Broad Street.

***XI. TOWN MANAGER'S REPORT***

1. FY 2023 Second Quarter Budget Reports: Sewer Enterprise Fund, Water Enterprise Fund, Airport Enterprise Fund.
2. Monthly Town Management Report.

***XII. SELECT BOARD'S REPORTS/COMMENT***

1. Committee Reports.

***XIII. HDC APPEAL***

1. Public Hearing to Consider the Appeal of Charles R. Schwarzapfel of Historic District Commission Disapproval of Certificate of Appropriateness No. HDC2020-10-2033 for a Pool, Patio, Screening and Fence Located at 9 Maine Avenue, Map 60.3.1, Parcel 425 (Continued from April 6, 2022, June 8, 2022, September 7, 2022; December 7, 2022).

***XIV. ADJOURNMENT***

***\*Identified on Agenda Protocol Sheet***

## **SELECT BOARD AGENDA PROTOCOL:**

**Roberts Rules:** The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

**Public Comment:** Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

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

**New Business:** For 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.

**Public Participation:** The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

**Select Board Report and Comment:** Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

*Approved on February 17, 2021*