



# AMENDED MEETING POSTING

Original posting date: 09/23/2022 Original Posting # T 859  
Amended posting date: 09/23/2022 Amended Posting # T 861

## 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**

2022 SEP 26 AM 08:19  
NANTUCKET TOWN CLERK  
Posting Number:T 862

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

**Day, Date, and Time** | WEDNESDAY, SEPTEMBER 28, 2022 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/e1EDr-0vTHk>

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

[https://us06web.zoom.us/webinar/register/WN\\_RDdxO8azQOm\\_CJdfd97uEQ](https://us06web.zoom.us/webinar/register/WN_RDdxO8azQOm_CJdfd97uEQ)

***I. CALL TO ORDER***

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

***III. ANNOUNCEMENTS***

1. The Select Board Meeting is Being Audio/Video Recorded.
2. Sewer Force Main Project Update.
3. May 6, 2023 Annual Town Meeting:
  - Warrant Opens for Citizen Warrant Article Submittals September 29, 2022 through November 14, 2022 at 4:00 PM.
  - Town Counsel Citizen Warrant Article Consultation Scheduled for Tuesday, October 4, 2022 from 2:00 PM - 4:00 PM; and Wednesday, October 5, 2022 from 9:00 AM - 11:00 AM via Zoom; email [TownManager@nantucket-ma.gov](mailto:TownManager@nantucket-ma.gov) for Zoom Links.
4. Select Board Announcements/Comments.

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

**V. PUBLIC COMMENT\***

**VI. NEW BUSINESS\***

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

1. Approval of Minutes of September 21, 2022 at 5:30 PM.
2. Approval of Treasury Warrants for September 21, 2022.

**VIII. REPORTS**

1. Presentation of Diversity, Equity and Inclusion (DEI) Assessment Report.

**IX. DEPARTMENTAL REQUESTS**

1. Natural Resources Department: Request to Establish Harbor Plan Update Committee.

**X. REAL ESTATE ITEMS**

1. 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, Hawthorne Street as Shown on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," Dated September 23, 2021, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2021-67, Pursuant to Vote on Article 99 of 2011 Annual Town Meeting.
2. Request for Approval and Execution of Release of Subdivision Restriction to the Owner of 104 Surfside Road, the Owner of the Yard Sale Parcels by Virtue of Deed Recorded with Nantucket County Registry of Deeds in Book 1496, Page 335, Regarding Parcels 2 and 3, Cotton Street, Parcels 4 and 5, MacLean Street, and Parcel 6, Copeland Street, Shown on Plan Entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Nantucket 106 Surfside Realty Trust," Dated June 2, 2014 and Recorded with Nantucket County Registry of Deeds as Plan No. 2014-52.

**XI. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS**

1. KOBO Utility Construction Corp.: Request for Waiver of Town Noise Bylaw from 10:00 PM September 29, 2022 to 7:00 AM September 30, 2022 at 1 South Beach Street for Environmental Spill Cleanup of Leaked Electric Transformer (Work to be Done with Clean Harbors).
2. Request for Approval of Application for Change of Manager of Annual All-Alcoholic Beverages Hotel License for LH Manager Northeast, LLC dba Faraway Hotel from Evan Bailey, Manager to MarcAnthony Crimi, Manager, for Premises Located at 11 India Street.
3. Request for Acceptance of Surrender of Annual Wine and Malt Beverages Restaurant License for NoMoDo, Inc. dba Sophie T's Pizza, Robert D. Noll, Manager, for Premises Located at 8 Bayberry Court.

***XII. PUBLIC HEARINGS***

1. Public Hearing to Consider Applications for New Common Victualler with Annual Wine and Malt Beverages Restaurant License and New Entertainment License for Annapurna Restaurants, LLC dba Sophie T's, Bharat Banjara, Manager, for Premises Located at 8 Bayberry Court.
2. Public Hearing to Consider Applications for New Common Victualler with Seasonal All-Alcoholic Beverages Innholder License and New Entertainment License for LH Manager Northeast, MMC dba Beachside at Nantucket, MarcAnthony Crimi, Manager, for Premises Located at 10 North Beach Street.
3. Public Hearing to Consider Application for New Annual Wine and Malt Beverages General-On-Premises License for Nantaco ACK LLC dba Nantaco, Cynthia Milazzo, Manager, for Premises Located at 21 South Water Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.

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

1. Preliminary Discussion: Tax Rate Shift for FY 2023.
2. Committee Reports.

***XIV. TOWN MANAGER'S REPORT***

1. Select Board Strategic Plan/Transportation Focus Area, Goal Update: Downtown Parking Management System (Potential Paid Parking Program).
2. Monthly Town Management Report.

***XV. 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*