

SELECT BOARD

Minutes of Meeting of January 11, 2023. 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 Matt Fee, Dawn Holdgate, Malcolm MacNab and Brooke Mohr. Jason Bridges was absent. Vice Chair Holdgate chaired the meeting.

I. CALL TO ORDER

Ms. Holdgate 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.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the announcements:

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

2. Committee Vacancies: Council on Aging.

3. Town Offices will be Closed Monday, January 16, 2023 in Observance of Martin Luther King, Jr. Day.

4. Select Board Announcements/Comments. Dr. MacNab asked about the status of an issue the Board discussed several weeks ago regarding Historic District Commission (HDC) advisory committees. Ms. Gibson said she prepared a scope of services for the independent review that had been discussed, forwarded it to the Planning & Land Use Department (PLUS) and is awaiting response. Ms. Mohr said that the quarterly Housing E-newsletter was issued today. Mr. Fee suggested the public watch a recent Coastal Resilience Advisory Committee meeting which involved a review of Island-wide flood maps and a Land Bank-proposed project to elevate portions of waterfront property along Washington Street with a boardwalk system for pedestrian use. Mr. Fee spoke on comments he made last week about a contract for the installation of resinous flooring at the LORAN barracks, did some research and now believes the cost is reasonable for Nantucket. He said he stands corrected.

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

There were no follow-up items.

V. PUBLIC COMMENT

There was no public comment.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES AND WARRANTS

Mr. Fee moved approval of items VII 1 – 3; seconded by Dr. MacNab; so voted 4-0.

1. Approval of Minutes of January 4, 2023 at 5:30 PM; January 5, 2023 at 9:00 AM.

2. Approval of Payroll Warrants for January 8, 2023.

3. Approval of Treasury Warrants for January 11, 2023.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Town Clerk: Request for Reappointment to Registrar of Voters. Mr. Fee moved to reappoint Carolyn Gould to the Registrars of Voters; seconded by Ms. Mohr; so voted 4-0.

2. Transportation Program Manager: Request for Acceptance of Memorandum of Agreement with Federal Highway Administration's Eastern Federal Lands Division to Advance Design Work for Wauwinet Road Sidepath. Transportation Program Manager Patrick Reed introduced the item and provided background on the project, with an overview of the proposed agreement. He noted that design plans have not yet been prepared and that this agreement would advance those. Tom Dickson, Wauwinet Road resident, spoke in favor of the project. Mr. Fee asked if public meetings have been held yet on this project, saying he thinks it would be a good idea to do that. He added that he supports the project and hopes that Town resources will be able to support it. Mary Longacre, speaking as Chair of the Nantucket Planning & Economic Development Commission, spoke on the project, noting that a fund with the Community Foundation of Nantucket has been established for donations for the project. Dr. MacNab spoke on environmental impact and said that some letters received by the Board in opposition indicated concerns with this. Mr. Reed said that environmental permitting will need to be done and any impacts will be addressed through mitigation requirements or other means. Ms. Mohr spoke in favor of bike paths and noted a "flurry" of support letters coming into the Board this week for this project. Ms. Mohr moved approval of the agreement as recommended and presented; seconded by Dr. MacNab. Mr. Dickson asked for confirmation that public hearings will be held on the project. Mr. Reed responded affirmatively. On the motion, so voted 4-0. Mr. Fee suggested permitting groups look ahead at the project to understand any concerns in advance.

IX. PUBLIC HEARINGS

1. Public Hearing Regarding Proposed FY 2024 General Fund Budget. Ms. Holdgate opened the public hearing. Ms. Gibson said that she and the Finance Director presented the budget recommendations to the School Committee on January 10th. Ms. Mohr moved to close the hearing; seconded by Dr. MacNab; so voted 4-0.

Ms. Mohr moved to endorse the FY 2024 General Fund budget recommendations as proposed by the Town Manager and forward them to the Finance Committee; seconded by Mr. Fee; so voted 4-0.

X. TOWN MANAGER'S REPORT

1. Update on Baxter Road Alternative Access Project. Ms. Gibson introduced Bill Casey of Arcadis to present the update. Mr. Casey reviewed the presentation contained in the Board's agenda packet, as well as engagement with stakeholders. Mr. Fee asked if the survey work is completed and if abutters have reviewed these options. Mr. Casey responded. Mr. Fee asked if the roadways will be paved. Mr. Casey said no, and they will be approximately 20 feet wide. Some discussion followed on the size and composition of the roadways. Mr. Casey said that the remaining survey work to be completed will not impact the proposed options materially. Ms. Holdgate said she supports the option recommended by the staff/consultants who have been working on this. She noted map references in the presentation as to erosion control projections and that time is running out. Ms. Mohr asked for clarification on the recommended "option B". Mr. Casey re-reviewed option B, including pros and cons, and elaborated on the information contained in the presentation. Ms. Mohr asked if abutter concerns were taken into

consideration. Sustainability Program Manager Vincent Murphy spoke on this, noting that there is no confirmed consensus from abutters for any of the options. He said that option B has the most components that would serve the community for the longest time. Sanni Judy, 108 Baxter Road, spoke on the options, saying she and her family are strongly in favor of option A and very opposed to option B. She asked that a decision be postponed so that many of their questions can be answered. She said she does not understand the recommendation for option B and spoke on conversations with her neighbors to solve this problem. Hannah Judy, 111 Sankaty Road, spoke in favor of option B and read a statement containing her concerns and why she opposes option A. Elizabeth Grubbs, executive director of The Sconset Trust, asked about access to Sankaty Lighthouse including handicap parking. Mr. Murphy explained how this will be addressed. Lynn Matteson, 106 Baxter Road, spoke in favor of option A. She said that option B would disrupt a swimming pool on her property. She said potential costs to abutters have also not been indicated. She read a letter that was sent to the Board by her husband John Hoops earlier today. Molly Ryan, 110 Baxter Road, spoke in favor of option A. John Judy, 108 Baxter Road, spoke in favor of option A, saying that a "coalition" has been built around option A. He said if option A is not pursued "there might be problems". Sarah Ellis expressed a concern about a lack of outreach to the Sconset community. Elizabeth Grubbs emphasized the need for access to the Lighthouse. Mr. Fee responded that will be/is addressed. He added that it is a priority of the Board for the neighborhood to agree to the access plans as much as possible. He spoke on how he has handled parking for his employee housing to minimize traffic as a potential consideration here. Carol Cronin, co-trustee of 115 Sankaty Road, expressed "vigorous opposition" to option C. Ms. Holdgate said she is not equipped to make a decision tonight and suggested additional review and discussion. Some discussion followed as to how this project would be funded. Ms. Gibson said the reality is that it will most likely be a combination of taxpayer funds and betterments to property owners. She said grants will be explored but would most likely be small offsets. She noted that depending on what happens with the erosion control project in the next agenda item, the project needs to get underway, and is complicated. Ms. Mohr asked for a "well publicized agenda item" that indicates a decision will be made. Some discussion followed. Dr. MacNab agreed with additional public discussion and said that a decision needs to be made soon. Some discussion followed. It was generally agreed that the Board will hold off on making a decision pending additional discussion and/or negotiation with abutters, as well as a review of potential funding scenarios.

2. Update on Notice of Intent Application to Conservation Commission for Sconset Bluff Erosion Control Project. Ms. Gibson reviewed the receipt of a letter earlier in the week from the Sconset Beach Preservation Fund (SBPF), co-applicant with the Board for the Sconset Bluff erosion control project and an associated Notice of Intent (NOI) application with the Conservation Commission (ConCom) to expand and modify the project. She noted that the Board will have to determine whether to withdraw the NOI application, based on the SBPF's indication to the Town that it is withdrawing from the project entirely. She also noted there is a current Enforcement Order issued by the ConCom to remove the erosion control project, plans for which are being prepared by SBPF, which is obligated to undertake the removal. She added that because the consequences of removal are unknown, Town staff has started to make initial preparations for the potential need to implement alternate access at a specific section of Baxter Road, as contained in an existing memorandum of understanding with certain abutters, should the road fail following removal of the project and/or at another time if specific triggers occur. She suggested that the Board and ConCom proceed to schedule a joint workshop, facilitated by Arcadis, to discuss potential other erosion control measures while the Baxter Road alternative access planning continues. Ms. Holdgate spoke in support of the workshop idea. Mr. Free said that a "decision tree" with options and costs should be developed and discussed publicly. Dr. MacNab said he does not see the Town being in a position to maintain the project. Ms. Gibson said an open question is "maintaining what project" if it is currently under

the Enforcement Order to be removed. She said that even if the ConCom approved the project to remain in place under Town management, the Town is in no way equipped for that. Mr. Murphy spoke further on other areas of the Bluff that are also eroding which are not protected and associated with other complications. He agreed it is not feasible for the Town to take on the project. Mr. Fee spoke on legal consequences. Ms. Holdgate asked if the funds for removal have been secured. Mr. Murphy confirmed that they have. Ms. Mohr said that time should not be spent on the NOI right now and that an assessment of risk should be undertaken. She questioned the value to the Town of “buying time” by maintaining the project and associated mitigation of legal risk. Mr. Murphy explained the NOI procedure and how a withdrawal might occur. He noted that withdrawal would require Select Board agreement. Town Counsel Attorney George Pucci said that SBPF has contractual obligations with the Town, including compliance with the Enforcement Order as needed. He said an immediate concern is to ensure that SBPF complies with these contractual obligations. He further explained the NOI process with respect to the existing project and the proposed expanded project. Mr. Pucci said there is an existing sand deficit with the current project, which had a proposal to resolve from SBPF; however, even if SBPF “walks away” from the project, that deficit still needs to be addressed if the project were to somehow move forward, he said he is not sure the Town is prepared for that. He suggested that an agreement be pursued with the ConCom that the current NOI for the expanded project be withdrawn without prejudice. He said the Enforcement Order is another immediate concern that needs to be complied with in accordance with ConCom requirements. Discussion followed as to timing of the Enforcement Order compliance. Emily Van Dixhoorn asked about applying for grants through the Federal Emergency Management Agency (FEMA). She spoke on sand costs and amounts. Holly Matteson Pagon, 106 Baxter Road, urged that the situation be reviewed with “common sense”. Meridith Moldenhauer requested, on behalf of SBPF, the workshop between the Board and ConCom and also SBPF. Ms. Holdgate suggested the Board vote to withdraw the NOI as discussed. Dr. MacNab moved to withdraw the NOI without prejudice; seconded by Ms. Mohr; so voted 4-0. Ms. Holdgate said she would hope the ConCom could provide some direction.

3. Continued Review of Town-Sponsored Warrant Articles for 2023 Annual Town Meeting and/or Ballot Questions for 2023 Annual Town Election; Review of Draft 2023 Annual Town Meeting and Election

Warrant. Ms. Gibson reviewed the draft warrant as contained in the Board’s packet. Ms. Gibson reviewed changes to Article 7: hourly rates for call EMTs and call Fire Fighters have been increased, a new position of Student Police Officer has been added and they are looking at the Town Clerk’s salary. Dr. MacNab noted there is a difference between the call EMT and Fire Fighters rates and the Student Police Officer rate and asked if there is some difference. Ms. Gibson said there is and she would get back to him about what it is. Ms. Gibson reviewed articles which have been added since last week, including:

Potential stand-alone capital articles for:

Wauwinet Bike Path Construction - \$4.6m

Surfside Area Roads (water main extension/transportation improvements) - \$13m

Miacomet Pond dredging - \$4m

Town Pier Supplemental - \$2.58m

Nobadeer Fields (2 additional grass fields) - \$3.8m

Landfill Closure Phase 1 Supplemental - \$5m

Mr. Fee commented that the Board should perhaps consider prioritizing these items.

Ms. Gibson reviewed remaining new articles:

An addition to the revolving funds bylaw amendment, to add a Concessions revolving fund; False private fire alarm bylaw amendments; 31 Easy Street – two articles, one for acquisition, one for conveyance; Stone Alley – acquisition of an easement for pedestrian purposes.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Affirmation of January 5, 2023 Executive Session Vote Regarding Request for Additional Funding for 31 Fairgrounds Road Affordable Housing Project. A quorum of the Affordable Housing Trust was present both in person and remotely and called order. Housing Director Tucker Holland explained the request as contained in the Board's agenda packet materials. Some discussion followed. Ms. Holdgate noted Town Counsel advised that no additional vote is needed.

2. Committee Reports. Mr. Fee reviewed a recent CRAC meeting. Mr. Fee said an alternative legal opinion has been received regarding HDC advisory committees and requested that it be put on an upcoming agenda. Ms. Mohr noted a lottery was held in a new affordable housing development recently, which she said is exciting news.

XII. ADJOURNMENT

Ms. Mohr moved adjournment at 8:09 PM; seconded by Mr. Fee; so voted 4-0.

Approved the 18th day of January 2023.

**SELECT BOARD
JANUARY 11, 2023 – 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 Vacancy Appointments Timeline; Notice
- VII. 1. Draft minutes of 1/4/2023; Draft minutes of 1/5/2023 OS
- VIII. 1. AIS re: Reappointment of Registrar of Voters
- VIII. 2. AIS re: Wauwinet Rd Sidepath; Memorandum of Agreement for Wauwinet Sidepath; Written Community Comments
- IX. 1. FY 2024 General Fund Budget presentation; Link to FY 2024 Budget Message
- X. 1. Presentation on Baxter Rd Alternative Access
- X. 2. Email and letter from SBPF re: ConCom NOI
- X. 3. Draft 2023 ATM Warrant as of 1/9/2023
- XI. 1. AIS re: funding for 31 Fairgrounds Rd; Affordable Housing Trust packet information from 11/15/22 meeting; Housing Nantucket 31FG funding request documentation prepared by Town Counsel for cost adjustments #1 and #2; 1/5 SB executive session vote re: funding for 31 Fairgrounds Rd housing