

SELECT BOARD

Minutes of Meeting of January 19, 2022. The meeting took place via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Melissa Murphy and Dawn Hill Holdgate. Kristie Ferrantella was absent.

I. CALL TO ORDER

Chair Bridges read a prepared statement as to how the meeting will be conducted via remote participation and the ground rules for any discussion and called roll for those present. He called the meeting to order at 5:33 PM.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the following announcements.

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

2. Applicant Introduction/Review of Applications for Appointment to Council for Human Services to Fill Two New Seats Approved at 2021 Annual Town Meeting Scheduled for Wednesday, January 26, 2022, Pursuant to Select Board Committee Appointment Policy. It was noted that there are four applicants: Kelly Steffen, Tara Restieri, Veronica Bolcik and Julianne Kever.

Ms. Gibson added that the Town is resuming in-house COVID vaccination clinics, beginning this week; and, that Public Health Director Roberto Santamaria will provide more detail during his report coming up on tonight's agenda.

3. Select Board Announcements/Comments. Chair Bridges noted the arrival of baby Anthony Clyde Ferrantella on January 13, 2022; and congratulated Ms. Ferrantella and her husband.

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

Ms. Gibson noted no follow-up items.

V. PUBLIC COMMENT

There was no public comment.

VI. COVID-19 UPDATE

1. Public Health Department Update. Mr. Santamaria reviewed the details of the Town's resumption of its in-house vaccination clinic and explained how appointments should be made. He reviewed the criteria for vaccinations. He said that a current COVID surge is continuing, there has been a significant drop-off in testing which means tracking cases has gotten more difficult, although the wastewater testing of last week showed an incidence of 95 cases per day. He added that for the most part, symptoms of those who have tested positive are mild. Some discussion followed as to near-term projections of positive cases. Discussion followed as to whether a fourth booster vaccine might be coming in the future. Mr. Fee noted a recent state roll-out of a digital vaccine record, with a PR code. Some discussion followed on this. Mr. Santamaria demonstrated how to register on-line. Ms. Murphy noted the availability of at-home COVID tests through

the US Postal Service. Mr. Santamaria demonstrated the registration site for these as well and said that masks may also be available shortly through the federal government. Brooke Mohr said she was just at the Town's vaccine clinic and reviewed some additional details of how it will operate.

VII. NEW BUSINESS

Chair Bridges noted that the Board needs to appoint a temporary vice chair while Ms. Ferrantella is on maternity leave. Ms. Murphy moved to nominate Ms. Holdgate as temporary vice chair; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes. There were no other nominations and by consensus Ms. Holdgate was temporarily appointed.

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Ms. Murphy moved approval of items VIII-1 and 2; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

1. Approval of Minutes of January 12, 2022 at 5:30 PM.

2. Approval of Treasury Warrants for January 19, 2022.

3. Approval of Pending Contracts for January 19, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Fee questioned the contract with Zenergy for the public safety facility. Ms. Gibson explained. Chair Bridges clarified that the snow plowing contracts are “up to” amounts and only used if needed. Mr. Fee moved approval as presented; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

IX. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Approval and Execution for the Sandpiper Place Workforce Homeownership Development Project of: a) Assignment and Assumption of Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for “Sandpiper Place II” (North) Workforce Homeownership Development Project; b) Certification of Compliance to the Department of Housing and Community Development for Project Compliance with said Regulatory Agreement; c) First Amendment to Regulatory Agreement and Declaration of Restrictive Covenants for the Sandpiper Place Workforce Homeownership Development Project; and d) Assignment and Assumption of Regulatory Agreement and Declaration of Restrictive Covenants. Housing Director Tucker Holland introduced the agenda item with a brief overview. Attorney Vicki Marsh from Town Counsel's office further reviewed the documentation that the Board is requested to approve and execute. Chair Bridges asked if David Armanetti of Richmond wished to speak. Mr. Armanetti indicated that the documents should all be in order and is available if the Board has any questions. Mr. Fee commented on how foreclosure proceedings would initiate, if need be. Ms. Marsh explained the process and said that affordability requirements survive foreclosure proceedings and cannot be extinguished. Andrew Burek, Richmond's attorney spoke on this issue as well. It was noted that there is a proposed motion in the Board's packet, covering each document as listed.

Ms. Holdgate moved approval of the motion as contained and presented in the Board's packet (attached); seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

2. Richmond Great Point Development LLC: Request for Nantucket Sewer Commissioners to Consider Pre-June 2020 Sewer Fee Schedule for Sewer Permit Connection Fees and Sewer Capacity Fees for Meadows II and Sandpiper Place I and II Development Projects. Mr. Holland introduced the agenda item and reviewed background information, all as contained in the Board's agenda packet. Sewer Director David Gray reviewed the specifics of the fees in question. Mr. Armanetti spoke in favor of the request. He commented that Richmond is the single largest permit seeker and holder of all the developments on the Island and he noted that people often complain about government and he complimented the Town's processing of the permits, especially through the Sewer Department. He acknowledged that Richmond did not and does not have a "Grandfathering" clause in prior agreements and documents with the Town since 2015; however, he said that they relied on implications made throughout the process that the project would be grandfathered for eligible units. He said the implications are not explicit, but Richmond has contributed significantly to affordable housing on the Island to a greater extent than any other developments including contribution to the Town's Subsidized Housing Inventory (SHI). He said there were also unintended consequences throughout the permitting process which have cost Richmond more than anticipated. Some discussion followed as to the calculation of the fees in question. Mr. Gray explained the calculations and the changes made to the sewer fees in 2020. Ms. Holdgate suggested a potential compromise between apartment fees and single-family home fees. Discussion followed as to prior waivers granted for Richmond properties. Mr. Armanetti spoke on improvements Richmond undertook with respect to utility reconfigurations to assist the Town. He spoke on the compelling reasoning for their request tonight. Mr. Fee said he understands what Ms. Holdgate is suggesting and thinks that should be a staff recommendation. Ms. Murphy asked about potential precedent with any approval of all or part of the request, due to the nature of the development. Town Counsel John Giorgio said he would need to review this and determine if there is a way to amend the Board's sewer fee waiver policy to account for a situation like this, noting that the Board needs to be mindful of disparate treatment. He recommended referring the matter back to staff and Town Counsel for further review and recommendation. Mr. Fee commented on the need to defend any decision of the Board. Mr. Holland said the Board could potentially consider the SHI elements of this development in the consideration. Ms. Murphy said she supports further review by the staff regarding the SHI element. The matter was thus referred back to staff and Town Counsel for further review.

X. PUBLIC HEARINGS

1. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company for Plan #28605485 to Replace Existing Handhole in Front of 44 Center Street with New Concrete Handhole and 36" Manhole Cover to Upgrade Existing Electrical Connectors. Chair Bridges opened the public hearing. Marcial Lobaton of National Grid reviewed the petition and explained work proposed. There being no public comment, Chair Bridges closed the hearing. Mr. Fee asked if this work is consistent with other such structures around Town. Mr. Lobaton said he believed so. Mr. Fee moved approval as presented; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

XI. TOWN MANAGER'S REPORT

1. Review of FY 2023 Enterprise Fund Budgets: Sewer. Ms. Gibson introduced Sewer Director David Gray who proceeded to review the proposed FY 23 Sewer Enterprise Fund (SEF) budget. Mr. Gray reviewed the SEF budget proposal. He also spoke on the size and scope of the Town's sewer systems. He also explained a sewer pipe lining project that has been on-going for a year or so, which has eliminated a notable amount of water inflow into the system, as well as other sewer projects and administrative improvements. He reviewed department priorities for FY 23, staffing, and other on-going projects. Mr. Fee

thanked Mr. Gray for his work. Some discussion followed about erosion at the Surfside Wastewater Treatment Facility.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Continued Review/Potential Votes on Select Board-Sponsored 2022 Annual Town Meeting Warrant Articles. Ms. Gibson reviewed items that have been updated and/or modified since the Board's January 12th meeting. She reviewed potential debt exclusion articles, noting amounts and estimated tax bill impacts; and, that the Board will need to determine which if not all of these to include on the warrant. Town Counsel John Giorgio spoke about potential pending changes to the Select Board's draft short-term rental general bylaw and a companion Planning Board zoning bylaw. Mr. Giorgio also spoke on conflicts of interest with two Board members, and an absent member, leaving two remaining Board members which is not technically a quorum of the Board, which means deliberations on the short-term rental article cannot proceed. Mr. Giorgio said the remaining Board members could ask questions but not deliberate. Mr. Fee said he is very disappointed that the Board cannot act on this article at this point after he requested that the Board take up the issue of short-term rentals after the 2021 annual town meeting. Chair Bridges acknowledged this and said that is a Board dilemma. Some discussion followed. Planning Director Andrew Vorce noted that the draft zoning article currently in the warrant was referenced at a Board meeting in December. He proceeded to provide an overview of the draft article, with input from Mr. Giorgio. Ms. Gibson reviewed a pending home rule petition for a community housing bank and some possible language changes under consideration. Mr. Holland reviewed some current legislative activity on the Town's petition as well as a state initiative for a state-wide community housing bank. He discussed timing and said that some language remains to be somewhat modified. Ms. Gibson reviewed a potential real estate/housing article recently discussed by the Board that would appropriate funds of \$10 million, contingent upon a debt exclusion. Discussion followed as to including the article. Ms. Murphy said that the status of housing-related funds already appropriated should be clear and supports including the article. She noted that while physical construction has not necessarily commenced in full, there has been a lot of progress which will lead up to additional housing opportunities. Ms. Holdgate concurred with Ms. Murphy, as did Chair Bridges. Ms. Murphy spoke on the need for flexible funding to take advantage of housing-related opportunities which could arise.

2. Committee Reports. Chair Bridges said that with regard to resuming in-person Select Board meetings, his sense, due to the current level of cases, is to consider this for possibly March. Board members indicated agreement.

XIII. ADJOURNMENT

At 7:51 PM, Mr. Fee moved adjournment; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

Approved the 26th day of January 2022.

**SELECT BOARD
JANUARY 19, 2022 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 2. Council for Human Services membership & applicant list; CHS applications
- VIII. 1. Draft minutes of 1/12/2022
- VIII. 3. Pending Contracts spreadsheet
- IX. 1. AIS re: Execution of various documents for Sandpiper Place Workforce Homeownership Development Project; Sandpiper Place II Request for Consent to Sale 12.23.2021 Letter; Regulatory Agreement for Sandpiper Place II; Sandpiper Place II Special Permit; First Amendment to the Regulatory Agreement; LAU Approval Letter for Sandpiper Place II; 1/5/2022 e-mail and attachment from Christos Kuliopulos on behalf of Nantucket Property Owner LLC; Compliance matrix as provided by Richmond 12/23/2021; Assignment and Assumption of Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for "Sandpiper Place II (North) Workforce Homeownership Development Project"; Certification of Compliance to the Department of Housing and Community Development for Project Compliance with said Regulatory Agreement; First Amendment to Regulatory Agreement and Declaration of Restrictive Covenants for the Sandpiper Place Workforce Homeownership Development Project; Assignment and Assumption of Regulatory Agreement and Declaration of Restrictive Covenants for the Sandpiper Place Workforce Homeownership Development Project; Motion for item IX. 1
- IX. 2. AIS re: Richmond request to consider Pre-June 2020 Sewer Fee Schedule for Meadows II and Sandpiper Place I & II; Richmond e-mails from: 2.26.2021, 11.03.2021, 11.04.2021, 12.23.2021; Richmond Request Letter of 2.26.2021 which accompanied 11.03.2021 e-mail; Sewer Connection and Dedication Agreement; 2015 Memorandum of Understanding; 2019 Memorandum of Understanding; Special Permit – Meadows II; Special Permit – Sandpiper I; Special Permit – Sandpiper II; Performance and Compliance Matrix (prepared by Richmond 12.23.2021); 2018 MOA Summary Draft Document; Sewer Fee Calculations (Richmond); Sewer Fee Calculations (Sewer Director); AIS regarding 16 Field Avenue
- X. 1. AIS re: NGrid utility petition for 44 Center St; Departmental Comments; NGrid petition - 44 Center St
- XI. 1. Link for Sewer Department FY 2023 Enterprise Fund Budget Story
- XII. 1. Draft ATM/ATE Warrant as of 1/19/2022

Select Board Motion for Richmond Item IX. 1.

MOVED: That we vote to approve and execute the following documents for the transfer of the Regulatory Agreement for ten (10) of the affordable units at the Sandpiper Place II (North) Workforce Homeownership Development Project and the transfer of the Regulatory Agreement for the 175% AMI units for the Sandpiper Place Workforce Home Ownership Development Project from Richmond Great Point Development, LLC to Nantucket Property Owner LLC and to authorize Jason Bridges, as Chair, to execute the following documents on behalf of the Select Board:

- a) Assignment and Assumption of Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for “Sandpiper Place II” (North) Workforce Homeownership Development Project;
- b) Certificate of Compliance to the Department of Housing and Community Development;
- c) First Amendment to Regulatory Agreement and Declaration of Restrictive Covenants for the Sandpiper Place Workforce Homeownership Development Project; and
- d) Assignment and Assumption of Regulatory Agreement and Declaration of Restrictive Covenants for the Sandpiper Place Workforce Homeownership Development Project.