

## SELECT BOARD

Minutes of the Meeting of January 23, 2019. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Board present were Jason Bridges, Matt Fee, Rita Higgins, Dawn Hill Holdgate, and James R. Kelly.

### I. CALL TO ORDER

Chair Bridges called the meeting to order at 6:02 PM.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as presented.

### III. ANNOUNCEMENTS

1. Town Manager C. Elizabeth Gibson announced that the Select Board meeting is being video/audio recorded.

### IV. PUBLIC COMMENT

Resident Phil Gallagher asked the Board if it is possible for Nantucket to find additional ways of helping the U.S. Coast Guard Nantucket employees during the Federal Government shutdown.

### V. NEW BUSINESS

None.

### VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of January 9, 2019 at 6:00 PM. Mr. Kelly moved to approve the minutes of January 9, 2019 at 6:00 PM; Ms. Hill Holdgate seconded. All in favor, so voted.

2. Approval of Payroll Warrants for Week of January 20, 2019. Mr. Kelly moved to approve payroll warrants for the week of January 20, 2019; Ms. Hill Holdgate seconded. All in favor, so voted.

3. Approval of Treasury Warrants for January 23, 2019. Mr. Kelly moved to approve treasury warrants for January 20, 2019; Ms. Hill Holdgate seconded. All in favor, so voted.

4. Approval of Pending Contracts for January 23, 2019 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Kelly moved to approve pending contracts for January 23, 2019; Ms. Hill Holdgate seconded. All in favor, so voted.

### VII. CITIZEN/DEPARTMENTAL REQUESTS

1. Capital Program Committee: Review of FY 2020 Capital Projects Report (Joint Meeting with Finance Committee, Select Board, Capital Program Committee). Capital Program Committee Chair Stephen Welch provided a brief executive summary, noting that the committee received a total of 87 funding requests for Fiscal Year 2020 for a total of \$101 million dollars and that the committee recommends 75 out of the total requests for a total of \$98 million dollars. Mr. Welch continued reviewing the projects and funding recommendations as outlined in the Committee's report. The Board thanked the committee for its comprehensive, thorough report.

2. Review of Questions from Nantucket Coastal Conservancy Regarding Amendment to Existing License with Siasconset Beach Preservation Fund (SBPF) to Extend Use of Town Property for Existing Erosion

Control Project by 100 Linear Feet. Nantucket Coastal Conservancy (NCC) member Burton Balkind thanked the Board for having Town Counsel address the NCC's questions of December 19, 2018. NCC member Rick Atherton asked for clarification on some of Town Counsel's answers to NCC's questions regarding the Town/SBPF license termination timeline. Barbara Bund spoke on a document on the Town's website pertaining to the SBPF project expansion proposal. She asked the Board to address NCC's questions before anything else about this project is approved. NCC member D. Anne Atherton spoke on the importance of a coastal resiliency plan to be considered by the Conservation Commission when making decisions regarding the SBPF project. Chair Bridges noted that Town Counsel will address some of the unanswered questions in the NCC letter.

## VIII. PUBLIC HEARINGS

1. Public Hearing to Consider Application for New Annual All-Alcoholic Beverages General On-Premises License for The Nantucket Dreamland Foundation, J. Joseph Hale, Jr., Manager, for Premises Located at 17 South Water Street, Nantucket; 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. Chair Bridges opened the public hearing. Mr. Fee recused himself from this matter. Licensing Administrator Amy Baxter reviewed the application. Alicia Cardy, representing Nantucket Dreamland Foundation, answered questions from the Board noting this license approval will be beneficial to the sustainability of the theatre operations. There was no public comment. Chair Bridges closed the public hearing. Mr. Kelly moved to approve the application as presented; Ms. Hill Holdgate seconded. So voted, 4-0.

2. Public Hearing to Consider Application for Modification of Entertainment License for The Nantucket Dreamland Foundation, J. Joseph Hale, Jr., Manager, for Premises Located at 17 South Water Street, Nantucket. Chair Bridges opened the public hearing. Mr. Fee recused himself from this matter. Ms. Baxter reviewed the application and answered questions from the Board regarding music amplification, indoor music versus outdoor music and music allowed hours. The applicant answered questions from the Board. An abutter to the Dreamland, Robert Young spoke in favor of the application but requested that the Board not approve outdoor music after 9:00 or 10:00 PM. He also suggested limiting the number of events per year. Jonathan Raith, owner of 14 Easy Street agreed with Mr. Young's comments about amplified music. Attorney Arthur Reade, representing an abutter, noted that some restaurants in the area create continuous noise issues. Chair Bridges closed the public hearing. Ms. Baxter answered questions from the Board regarding limiting the number of events and such restrictions on other entertainment licenses in the area. Ms. Hill Holdgate moved to approve the application with the condition that the events per year are limited to no more than six; that the abutters be notified prior to these events; and that outdoor events with music must end at 9:00 PM; Mr. Kelly seconded. So voted, 4-0.

Ms. Hill Holdgate moved to find that, in connection with the Dreamland liquor license application, 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; Mr. Kelly seconded. So voted, 4-0.

3. Public Hearing to Consider Application for New Annual All-Alcoholic Beverages Restaurant License for Special Grapes, LLC d/b/a Petrichor Wine Bar, Jill Hollen Viselli, Manager, for Premises Located at 130 Pleasant Street, Nantucket. Chair Bridges opened the public hearing. Ms. Baxter reviewed the application, noting an issue with parking spaces for the establishment. Director of Planning Andrew Vorce noted the applicant has signed agreements with Island Pharmacy and Roast'd Nantucket for 12 extra parking spaces at Roast'd and three at Island Pharmacy. He noted the Board could approve the application with conditions

requested by the Planning Board. Attorney Reade, representing the owner of the building in which the restaurant is located, disagrees with conditions from the Planning Board. Attorney Rhoda Weinman, representing Patrick Ridge, owner of abutting restaurant Island Kitchen, noted that this location has already increased its seating three different times without increasing its parking spaces. Attorney Weinman suggested excluding Sunday brunch as a condition to the liquor license. Mr. Vorce noted the Planning Board enforced actions on previous owners. He recommended the Board only approve the license considering the Planning Board's condition(s) and that no building permit should be issued until this is resolved. Applicant Jill Hollen Viselli spoke in favor of the application, noting she is willing to give up on Sunday brunch. Ms. Baxter answered questions from the Board. Chair Bridges closed the public hearing. Mr. Kelly moved to approve the license with conditions noted by the Planning Board and with no Sunday brunch; Ms. Hill Holdgate seconded. All in favor, so voted.

4. Public Hearing to Consider Application for New Entertainment License for Special Grapes, LLC d/b/a Petrichor Wine Bar, Jill Hollen Viselli, Manager, for Premises Located at 130 Pleasant Street, Nantucket. Chair Bridges opened the public hearing. Ms. Baxter reviewed the application. There was no public comment. Chair Bridges closed the public hearing. Ms. Higgins moved to approve the application as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

5. Public Hearing to Consider Application for Change of License Type from Restaurant to General On-Premises for BOXONTEROCK, LLC d/b/a The Chicken Box, John Jordan, Manager, for Premises Located at 16 Dave Street, Nantucket. Chair Bridges opened the public hearing. Ms. Baxter reviewed the application. There was no public comment. Chair Bridges closed the public hearing. Ms. Higgins moved to approve the application as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

6. Public Hearing to Consider Application for Mobile Food Unit License for Nantucket Poke, Devon Wright, Manager for Nobadeer Beach; Overnight Parking at 61 Sparks Avenue. Chair Bridges opened the public hearing. Mr. Fee recused himself from this matter. Ms. Baxter reviewed the application; noting the applicant has a commercial lease with the Nantucket Boys and Girls Club and has signed an agreement with the Airport for Nobadeer Beach and with the Nantucket Land Bank for Cisco Beach. The mobile food unit will be parked overnight at the Boys and Girls Club. Applicant Devon Wright answered questions from the Board. Chair Bridges closed the public hearing. Ms. Higgins moved to approve the application as presented; Ms. Hill Holdgate seconded. So voted, 4-0.

Chair Bridges left the meeting at 7:29 PM and returned at 7:31 PM.

## IX. TOWN MANAGER'S REPORT

1. FY 2019 Second Quarter Budget Reports: General Fund; Our Island Home Enterprise Fund; Solid Waste Enterprise Fund. Director of Municipal Finance Brian Turbitt reviewed the General Fund budget numbers, noting that revenues are down by 3%, mainly due to property tax collection timing and that room tax revenues are up in comparison to this time last year. Mr. Turbitt answered questions from the Board. Our Island Home (OIH) Administrator Brett Lennerton noted that OIH's revenues have been steadily improving month by month. Mr. Lennerton spoke on staffing at OIH and measures taken to improve lack of staff. Public Works Director Rob McNeil noted that while overall Solid Waste Enterprise Fund revenues are at a low for the first time in six months, landfill fee revenue is up. Reasons for this are mostly linked to good weather and a strong construction activity. Mr. McNeil noted that total expenditures are 19% lower than last year. He answered questions from the Board.

2. Review of Upcoming Agenda Items. Ms. Gibson reviewed upcoming agenda items and gave an update on the status of the Marijuana Review Committee review process.

#### X. SELECT BOARD'S REPORTS/COMMENT

1. Update Regarding African Meeting House Incident Investigation. Chair Bridges read an investigation update report pursuant to a recent executive session the Board held with the Police Chief. Jim Barros stated the Select Board has shown a lack of leadership on this issue. Charity Grace Mofsen read a letter and mentioned that, even though she feels grateful for all the hard work that has been put into this matter, it is frustrating that, after almost a year, there been no updates. She urged those that might know something to speak up. Steve Bender mentioned that there are rumors in town about who might have committed this crime. Chair Bridges noted this is not the place or time to speak about rumors. The Board discussed how to bring more minority groups to participate in Town government. Brooke Mohr suggested that the Town should work on making Nantucket more welcoming to minorities. Roberto Santamaria, speaking as a resident who works for the Town, feels that suggestions that the Town is covering up this crime, are wrong.

2. Review of Our Island Home Architectural Proposals. Human Services Director Rachel Day reviewed three proposals recently received by the Town in connection with the tasks/scope of services for an architecture feasibility study at 9 East Creek Road regarding the reconstruction and/or renovation of Our Island Home at that site. She recommended that the proposal from LWDA Associates is the most responsive. Mr. Lennerton noted that LWDA architects has great experience with nursing homes. Ms. Day answered questions from the Board. Some discussion occurred as to whether or not the Landmark House should be included in any kind of review in conjunction with the Our Island Home site.

3. Discussion Regarding Board Position on Condominiums in Surfside Crossing 40B Application. Ms. Hill Holdgate noted that "condominiums" is a form of ownership, not of density. Mr. Kelly stated that he supports the concept of condominium ownership for this development. Attorney George Pucci from Town Counsel's office updated the Board on tonight's Zoning Board of Appeals (ZBA) public hearing, noting that ZBA will have two open workshops to discuss design issues and concerns with regard to Surfside Crossing. Mr. Fee moved to express that the Select Board does not support large buildings surrounded by parking lots; Ms. Higgins seconded. All in favor, so voted. Patrick Taaffe asked the Board to support the ZBA's decision not to approve these types of buildings. Meghan Perry noted that the developer calls these type of buildings "condos"; she feels it is important the Board supports ZBA's decision. Joan Stockman asked the Board to support the ZBA's decision. Attorney Pucci answered questions from the Board. The Board agreed to let the ZBA know of tonight's Select Board vote. Ms. Perry supports sending a letter to the ZBA expressing the Board's support. Ms. Hill Holdgate agreed to be part of the ZBA design issues workshop in representation of the Select Board.

4. Adoption of 2019 Annual Town Meeting and/or Election Warrant. Ms. Gibson reviewed changes to the draft warrant since last week's meeting. The Board and Ms. Gibson discussed the articles related to road improvements on Milestone and Old South Road. Regarding the short-term rental article, Ms. Gibson noted that she and Mr. Turbitt have discussed this topic with Department of Revenue (DOR) representatives. Mr. Turbitt is concerned as to the potential consequences of lowering the local tax from 6% to 4%, as voted by the Board last week. The Board discussed the possibility of not proposing an article to lower the local tax to 4%. Mr. Turbitt noted that there is still no clear direction from DOR. Ms. Hill Holdgate would like to hear from the public before making further decisions. The Board agreed to discuss the item again at next week's meeting. On an article regarding changes to the noise bylaw, Ms. Gibson reviewed changes to its language. Police Chief William Pittman noted time changes. Regarding power tools, Chief Pittman asked

the Board to be consistent with other time prohibitions already in place. Ms. Hill Holdgate agrees to the wording but suggested that the evening time would be seasonal, 8:00 PM to 7:30 AM during summer only and during winter 10:00 PM to 7:00 AM. This item will be discussed next week to include language changes discussed tonight. Ms. Gibson continued reviewing changes to the draft warrant and spoke on a new article in connection Naushop sewer system acquisitions. Sewer Director David Gray answered questions from the Board on this matter. With regard to an article the Board previously voted to include on the warrant to dissolve the "Nantucket Historical Commission", Mr. Fee would like to see the Commission active. He said he does not support dissolving this group. Mr. Fee moved to take this article off the warrant; Ms. Higgins seconded. All in favor, so voted.

5. Committee Reports. Chair Bridges noted that last weekend four members of the Board attended the Annual Mass Municipal Association meeting in Boston, along with Town Counsel, Ms. Gibson, Mr. Turbitt and Assistant Town Manager Gregg Tivnan. This will be an item on next week's agenda.

## XII. ADJOURNMENT

The meeting was unanimously adjourned at 9:23 PM.

Approved the 6<sup>th</sup> day of February, 2019.

**SELECT BOARD**  
**JANUARY 23, 2019 – 6:00 PM**  
**PUBLIC SAFETY FACILITY COMMUNITY ROOM**  
**4 FAIRGROUNDS ROAD**  
**NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- VI. 1. Draft minutes of 1/9/2019
- VI. 4. Pending contracts for 1/23/2019
- VII. 1. Capital Program Committee FY 2020 projects report
- VII. 2. Nantucket Coastal Conservancy questions sheet, re: SBPF license; Town Counsel responses
- VIII. 1. Liquor license public hearing process; Dreamland licensing recommendation; ABCC application; floor plans; determination letter
- VIII. 2. MGL, re: entertainment license; Dreamland entertainment licensing recommendation; application
- VIII. 3. Liquor license public hearing process; Petrichor licensing recommendation; ABCC application
- VIII. 4. MGL, re: entertainment license; Petrichor entertainment licensing recommendation; application
- VIII. 5. Chicken Box licensing recommendation; ABCC application
- VIII. 6. Nantucket Poke licensing recommendation; mobile food unit application
- IX. 1. FY 2019 2<sup>nd</sup> Quarter budget reports: General Fund; Our Island Home Enterprise Fund; Solid Waste Enterprise Fund
- IX. 2. Upcoming Select Board agenda items
- X. 1. African Meeting House investigation update
- X. 2. OIH summary of work to date and recent architects proposals; OIH scope; Dunlap proposal; LWDA proposal; TAAP proposal
- X. 3. Email exchange, re: Surfside Crossing 40B condos
- X. 4. Draft 2019 ATM/ATE Warrant