

SELECT BOARD

Minutes of Meeting of January 26, 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

Following a meeting of the County Commissioners at which 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, Chair Bridges called the Select Board meeting to order at 5:44 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.

Ms. Gibson introduced the Administrator for Our Island Home, Robert Petrof who provided an update as to a COVID outbreak at the facility and what is being done in response. He reviewed the status of the positive cases of Our Island Home residents and staff. He noted that the state Department of Public Health has provided a Rapid Response Team of registered nurses to assist and reviewed the isolation and testing protocols, reporting requirements, visitation guidelines and other measures being taken to address the outbreak. He noted similar outbreaks at nursing facilities across the state. He reviewed treatment that is being administered to the positively tested residents, by a second Rapid Response Team which arrived today. He noted that Nantucket Cottage Hospital provided some needed Personal Protective Equipment (PPE) which was much appreciated. He thanked the Our Island Home staff and community for their hard work and efforts to keep the residents safe. Ms. Murphy thanked Mr. Petrof for his work, the Our Island Home team's work. Chair Bridges concurred. Mr. Fee said we are fortunate this happened now and not during the height of COVID because now people know more about the disease. Mr. Petrof agreed and noted that vaccinations and booster shots have certainly helped as well.

2. Select Board Announcements/Comments. Ms. Murphy commented on her attendance at a Cannabis Advisory Committee meeting last week and said there is some debate as to whether to bring forward a warrant article next year to increase the number of marijuana dispensary licenses and/or other activities that require a town meeting vote such as delivery. Chair Bridges commented on today's wastewater testing for COVID, which shows an incident of 10 cases per day which is much lower than in prior weeks.

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

There were no follow-up comments from prior Board meetings.

V. PUBLIC COMMENT

No public comments.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES AND WARRANTS AND PENDING CONTRACTS

Ms. Holdgate moved approval of items VIII 1-3; 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 19, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for January 23, 2022.

3. Approval of Treasury Warrants for January 26, 2022.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Applicant Introduction/Review of Applications and Appointment to Council for Human Services, Pursuant to Select Board Committee Appointment Policy. It was noted that the applicants are: Tara Restieri, Kelly Steffen, Veronica Bolcik and Julianne Kever. Ms. Restieri, Ms. Kever, and Ms. Bolcik spoke on their applications. Ms. Murphy disclosed that she has a business relationship with Ms. Bolcik that she has reviewed with Counsel and it will not preclude her voting for any of the applicants. It was agreed that Town Administration staff will work out the terms of the appointees. It was agreed that each member of the Board will send their vote to Operations Administrator Erika Mooney by email, who will read each vote individually. Votes were submitted, read by Ms. Mooney and confirmed by each member as follows:

Kelly Steffen

Tara Restieri – received votes from Mr. Fee, Ms. Holdgate, Chair Bridges

Veronica Bolcik – received votes from Mr. Fee, Ms. Holdgate, Chair Bridges, Ms. Murphy

Julianne Kever – received a vote from Ms. Murphy

So voted to appoint Ms. Restieri and Ms. Bolcik. Ms. Murphy thanked all the applicants. Brooke Mohr, member of the Council for Human Services concurred and invited those not appointed to attend the Council's meetings.

2. Nantucket Conservation Foundation: Request for Preliminary Review of Conservation Restriction to be Held by Nantucket Conservation Foundation, Inc. for Land Located at 35 Shawkemo Road. Attorney Arthur Reade, representing the owner of the property, introduced the item and explained the request, indicating that his client will reimburse the Town for its legal costs. Chair Bridges asked about public access through the property. Mr. Reade said there is no public access through the property and reviewed its configuration. Ms. Murphy moved to advance the matter for legal review; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

IX. REAL ESTATE ITEMS

1. Request for Approval and Authorization for Town Counsel to Execute Supplemental Petition for Approval of a Subdivision Plan for 35 Nonantum Avenue Delineating Parcel T-1, Masquetuck Street. Real Estate Specialist Ken Beaugrand introduced the item. He explained that these transactions are due to new Land Court requirements, similar to what the Board acting as County Commissioners earlier this evening acted upon. Mr. Fee asked about the parcel's location on the map. Attorney Vicki Marsh from Town Counsel's office answered. Mr. Fee moved approval as presented; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

2. Request for Approval and Authorization for Town Counsel to Execute Assent to Complaint to Recognize Taking and Approve Plan, Amending Legal Description of Lot 2 on Land Court Plan No. 43353-A and Approving of Registration of Subdivision Plan of said Lot 2 for Property Located at 51 Weweeder Avenue. Real Estate Specialist Ken Beaugrand introduced the item, and explained it, noting that there are no negative impacts to the Town. Mr. Fee moved approval as presented; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

X. TOWN MANAGER'S REPORT

1. Diversity, Equity and Inclusion Director: Activity Update. Ms. Gibson introduced DEI Director Kimal McCarthy who provided a DEI activity update, including: work on the Town's DEI Strategic Plan, recent initial activities associated with the Plan and some upcoming activities, development of an internal employee DEI committee. Mr. McCarthy encouraged town employee participation. He reviewed his participation in the Massachusetts DEI Coalition and discussed what that group has been working on. He reviewed some activities being planned for Black History Month and invited community participation. He reviewed a meeting that took place today in which he participated, to discuss some community activities throughout the year and various groups that could take the lead on different DEI related programs and events. He urged the community to participate. Ms. Murphy commented on a leadership readiness program associated with the DEI Strategic Plan that she and Chair Bridges participated in recently and emphasized that the Board's leadership will be necessary to make lasting change. She spoke on language usage at board/committee and commission meetings and becoming familiar with various words that may have racist connotations.

2. Review of FY 2023 Enterprise Fund Budgets: Our Island Home. Ms. Gibson introduced OIH Administrator Bob Petrof and Finance Director Brian Turbitt to review the proposed budget. Mr. Turbitt provided an overview of the materials in the Board's packet. Mr. Petrof reviewed goals, initiatives and accomplishments and priorities for FY 2023, as well as current activities in the nursing home industry. Mr. Petrof thanked Michelle Munroe, the Assistant Administrator for her invaluable assistance during his initial tenure at OIH.

3. Monthly Town Management Report. Ms. Gibson reviewed the report as contained in the Board's agenda packet. Mr. Fee commented that he thinks the entire town-owned Fairgrounds property should be developed for town employee housing.

4. Review of FY 2022 Free Cash Allocation Recommendations. Ms. Gibson and Mr. Turbitt reviewed the recommendations as contained within the Board's agenda packet. Ms. Gibson and Mr. Turbitt explained that the significant amount of General Fund Free Cash certified for FY 2022 is highly unusual and is not to be expected in the future. He explained that the amount relates to budget and revenue uncertainties with respect to the COVID pandemic, better than expected revenue receipts and tight spending during FY 2021. Ms. Gibson urged the Board not to rely on a large number like this going forward and to be cautious with spending as the economy remains uncertain. Mr. Turbitt concurred. Mr. Fee said he agreed with the stabilization fund allocations and said the capital projects stabilization fund should continue to be funded for coastal resiliency projects and historic buildings. Chair Bridges said he would like to see some "one off" projects involving health and human services.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Adoption of 2022 Annual Town Meeting and Election Warrant. Ms. Gibson reviewed the most recent draft Warrant, noting changes and updates from the Board's January 19th meeting. Mr. Fee spoke against a

debt exclusion for design for a new Our Island Home facility, saying he has serious concerns as to the Town's ability to operate a new facility. Discussion continued as to a debt exclusion for affordable housing and what the appropriation would be intended to accomplish; and, how it is worded currently. Ms. Murphy spoke in favor of the wording as it exists in the draft warrant in the Board's packet. Ms. Marsh spoke on how the wording developed, which used an article from the 2021 annual town meeting as a model. Ms. Holdgate said that she favors the wording as is. Mr. Fee questioned whether the article as drafted allows for the purchase of "buydowns", restrictions or property interests. Ms. Marsh said the language could be modified to allow for those acquisitions. After some discussion, the Board agreed to modify the language to allow for those items.

Rick Atherton asked how the Board will handle public comment on warrant articles tonight. Chair Bridges suggested comments be made as the Board goes through the warrant.

Housing Director Tucker Holland commented that the intention is that this article be very flexible due to the uncertainty of what types of opportunities might arise. Ms. Gibson proceeded to review a Select Board-sponsored article for a general bylaw to regulate short-term rentals. Town Counsel John Giorgio explained changes since the Board's last meeting. He reviewed a meeting he attended with the Planning Board this week during which a companion zoning bylaw article was also discussed and refined. Chair Bridges noted that due to the conflicts of two Board members causing them to recuse from this discussion, the remaining two Board members do not constitute a quorum and as a result can only ask questions but may not deliberate. Chair Bridges asked if the two non-conflicted Board members wanted to change something in any of the short-term rental articles, could that happen. Attorney Giorgio said "no". Mr. Fee commented that he is not clear on how the companion zoning article would operate. Mr. Fee continued to question how the zoning article was placed in the warrant without a Board vote and said he was concerned that the Board is tacitly supporting an article it did not discuss. Mr. Atherton commented that there are issues with the zoning article and said he does not feel enough public discussion has occurred with respect to options. Mr. Fee said he is flummoxed at how to deal with this, due to the Board's quorum issue. Planning Board member David Iverson asked if there is a way for the Planning Board to regulate short-term rentals without first codifying them in the zoning bylaw. Mr. Giorgio said that could potentially be done if a property requires a special permit and conditions could be applied; however, that is not a recommended approach necessarily. Some discussion followed as to the differences between the general bylaw and the zoning bylaw. Mr. Fee asked questions about the general bylaw and whether it could be used to regulate where short-term rentals are located. Planning Board member Nat Lowell spoke on the impact (or not) of short-term rentals on housing. Brooke Mohr said she does not understand the need for a zoning bylaw at this town meeting when it does not seem like there are "clear answers" to the housing impact issue. She said a way to "slow down" short-term rentals must be found. Chair Bridges asked if public comment was allowable during this discussion. Attorney Giorgio said "yes" and reiterated that the two Board members cannot deliberate. Mr. Iverson commented that he shares the concerns of Ms. Mohr but cautioned the need to be careful and said a decision needs to be made to do something and the debate can continue up to, and at, Town Meeting. Deputy Planning Director Leslie Snell noted that the general bylaw is not necessarily connected to the zoning article. Mr. Atherton spoke in favor of not proceeding with the zoning article. Tobias Glidden strongly encouraged the Board not to include the zoning article because it has not been thoroughly debated. Attorney Giorgio noted that it has been the Select Board practice to include zoning articles on the warrant for the Planning Board, to bring matters before Town Meeting. He added that a "myriad" of opportunities remain before Town Meeting for extensive debate on the zoning article. Mr. Fee asked if the general bylaw regulates the location of short-term rentals. Attorney Giorgio responded "no". Mr. Fee asked when/where it would appropriate to address the loss of year-round housing. Discussion continued on other articles.

Attorney Marsh reviewed a home rule petition for a community housing bank and how it has been modified since the Board's January 19th meeting, noting that it now mirrors legislation that would apply to all towns that is currently pending before the Legislature. Mr. Holland concurred with Attorney Marsh and explained in more detail the differences between the prior Town home rule petition and the pending state legislation. Mr. Fee commented on a citizen article for a home rule petition to ban fertilizer application and that it may not be needed, because due to subsequent discussions, there is another approach to achieve the same result. Attorney Giorgio agreed and said that due to additional research he has conducted, he could potentially prepare a motion reflecting the new approach. Mr. Fee asked additional questions about the zoning short-term rental article with respect to scope of the article. Attorney Giorgio said scope questions need the input of the Moderator.

Ms. Holdgate moved to adopt the 2022 town meeting and election warrant with the changes as noted earlier to Article 20 (debt exclusion for affordable housing); seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

2. Committee Reports. No committee reports.

XII. ADJOURNMENT

At 8:23 PM, Ms. Murphy moved adjournment; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Murphy – Yes.

Approved the 2nd day of February 2022.

SELECT BOARD
JANUARY 26, 2022 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- VIII. 1. Council for Human Services Membership & Applicant List; CHS appls
- VIII. 2. AIS re: Conservation Restriction for 35 Shawkemo Rd; Conservation Restriction & Preservation Restriction Policy; Email from Arthur Reade; 35 Shawkemo Rd CR; State CR Submission Form; Title; LC Plan No. 13364-R; LC Plan No. 13364-J; LC Plan No. 13364-N; GIS Map
- IX. 1. AIS re: 35 Nonantum Ave; 35 Nonantum Ave Supplemental Petition; Title; Plan; Order of Taking of Masquetuck St & Atlantic Ave
- IX. 2. AIS re: 51 Weweeder Ave; 51 Weweeder Ave Assent; Title; Subdivision Plan; Order of Taking of (Mount) Vernon St & Waverly St
- X. 2. FY 2023 Our Island Home Budget Story
- X. 3. Monthly Town Management Report
- X. 4. FY 2022 Free Cash Allocation Recommendations
- XI. 1. DRAFT as of 1/21/2022 ATM/ATE Warrant; DRAFT as of 1/26/2022 ATM/ATE Warrant; Implementation of 6 Points from Planning Board Short-Term Rental Presentation; Local STR Data & Bylaw amendment Options PPT 11/30/2021