

SELECT BOARD

Minutes of the Meeting of February 8, 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 Jason Bridges, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr. Dawn Holdgate joined remotely.

I. CALL TO ORDER

Chair Bridges 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

Chair Bridges reviewed the following announcements.

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

2. Department of Public Works: April 29, 2022 Arbor Day Proclamation. The Board acknowledged and accepted the proclamation.

3. Select Board Announcements/Comments. Ms. Mohr said NCTV is presenting “The Island Cup” film tonight. She spoke on a departmental PFAS “summit” held yesterday with several Town departments and associated consultants, which she attended. She commented that Nantucket is “way ahead of other communities” in terms of testing, researching, and taking on PFAS as a priority issue.

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

1. Follow-up on Public Comment From February 1, 2023 Board Meeting Regarding Surfside Crossing 40B Natural Heritage and Endangered Species Permit. Town Manager C. Elizabeth Gibson said that a question arose at last week’s meeting about a state permit for the Surfside Crossing development that was carbon-copied to various Town staff in August, 2022 and which allowed for an appeal by private parties; however, the appeal was not acted upon. She reviewed her research regarding the matter and said that while she herself did not receive the email at the time, the staff person in the Town Administration office who was one of the several carbon-copied parties, was out of the office dealing with a close family member’s sudden and unexpected death and the email became lost in the extremely high volume of email upon her return. The other two staff members from different departments believed the email to be informational in nature and did not require action from them; and, again, the email was a carbon copy not a direct email to the Town. She said that unfortunately, the state’s Natural Heritage and Endangered Species Protection (NHESP) office used a staff person’s email rather than the official email address for Town Administration. She said it is certainly unfortunate that the email did not get to the Board; however, again, it was not an email directed to the Town. She said that nonetheless a reminder has been issued to all departments that state permits for local projects are to be closely examined as to any potential Town involvement and shared with Town Administration, that everyone in Town Administration understands how to handle such correspondence, and that her office is working to ensure that the official email address for Town Administration is conveyed to state and other agencies. Chair Bridges asked Attorney George Pucci from Town Counsel’s office what might have happened if the appeal had been filed by the Board. Mr. Pucci explained that there is a stringent standard with NHESP permits as to parties that can appeal them. He also explained the history of

the permitting process for this particular project. He explained the standing of the Board as a potential appellant if the Board were to have contemplated an appeal of the permit, reiterating that it is stringent and that the Board was previously dismissed as an appellant for lack of standing. He said that the way in which the tree clearing at the site of this project occurred was “hostile” and commented that it would have been “nice” for the Town to have been notified of the tree clearing in advance. He reviewed the rare species issues at the site relative to state permitting dating back to 2018, as well as the Town’s attempt to appeal a prior “take determination” from NHESP; however, the Town’s appeal was dismissed due to lack of standing. He said that he would have advised the Board to perhaps assist the Nantucket Land Council with an appeal but that the Board itself would not have been a valid appellant. Mr. Fee asked if Mr. Pucci was aware of the permit correspondence from August. Mr. Pucci said “no”. Mr. Fee said his concern is that this is not the first time a permit deadline has been missed and he would like to ensure that “we do better” in the future. Dr. MacNab concurred with Mr. Fee and said that he is troubled that there is a “judgement” issue here, given the controversy of the project, the Board should have been notified. Chair Bridges said he has spoken with the Town Manager about this and how to “do better” going forward. Some discussion followed. Meghan Perry expressed concern and spoke in detail about the lack of response by Town staff, calling it “inexcusable”. Rick Atherton spoke about an issue from 2015 involving documents not filed with the Town Clerk from an action approved by the Board at that time. Mr. Atherton commended the Public Works Department for brush cutting along Quidnet Road yesterday. Nantucket Land Council Director Emily Molden spoke on the NHESP permit issue as well and expressed regret for not being made aware of the permit, noting that the Land Council had previously been an appellant with an NHESP permit. Bruce Perry also spoke on the NHESP permit issue. Joan Stockman asked about how permits like this are typically handled and expressed extreme disappointment. She said she is “stunned” that no one informed the Town’s attorney about the email. Dr. MacNab asked if there are minutes taken at Town staff meetings. Chair Bridges said there are not.

V. PUBLIC COMMENT

Robert Bates expressed concern about landfill operations and recent new state requirements pertaining to certain materials.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Dr. MacNab moved approval of items VII 1 – 3; seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted. There were no pending contracts.

1. Approval of Minutes of February 1, 2023 at 5:30 PM; February 2, 2023 at 9:00 AM.

2. Approval of Payroll Warrants for February 5, 2023

3. Approval of Treasury Warrants for February 8, 2023.

VIII. REPORTS

1. Offshore Wind Update/Mayflower Wind Presentation. It was noted that “Mayflower Wind” has been changed to “Southcoast Wind”. Dan Hubbard and Kelsey Perry of Southcoast Wind reviewed a

presentation as contained in the Board's agenda packet. It was noted that a community meeting was held this afternoon about the project. Ms. Mohr asked if research has been done as to the impact on Nantucket-based tourism. Ms. Perry said not entirely. Dr. MacNab asked about the availability of studies referenced in the presentation. Ms. Perry said most should be available on the Southcoast website. Mr. Fee asked about the possibility of relocating or reducing the height of some of the turbines. Mr. Fee asked about potential risks to the community. Ms. Perry acknowledged that the viewshed is an adverse impact and they are willing to discuss potential mitigation measures. Chair Bridges asked about the height and location of the offshore substation platform. Bruce Mandel asked if the airplane notification system on the turbines regarding lighting has been approved for offshore use; how many miles of undersea cables will be tied together; how many support structures will be installed and what will they look like; will Conservation Commission approval be needed for installation of undersea cable through Nantucket waters and will the cables be low electric magnetic field (EMF) voltage. Jennifer Flood, permitting director for Southcoast Wind answered Mr. Mandel's questions, saying that the airplane notification system has been approved by the necessary federal agencies and will be used. Ms. Perry responded to the question as to how many miles of cable crossings there will be and said there may be a "couple" of overlaps but not "miles". With regard to the support structures, those are shown in a more detailed presentation and that there will not be more than 149 structures in total, including turbines and support structures. She said that it is believed that Nantucket does not have jurisdiction over the areas where the undersea cables will be installed. With regard to the use of low EMF cabling, there is a lot of information about that on their website. Clifford Williams said he would like to see studies relating to the turbines and flight activity. Vallorie Oliver commented on the number of projects that will be off-shore of the island and the years of construction that will be undertaken and the impact of that. She questioned whether or not there will be a guarantee that the wind projects will be "low cost" and "green". She said the lighting spoken about earlier "does not exist yet". She questioned the studies associated with the project and expressed concern about the industrialization of the ocean off of Nantucket and the lack of "hard data". Abby Camp expressed concern about the project. Amy DiSibio stated that public outreach for this project is lacking; and, expressed dissatisfaction as to a mitigation agreement between the Town and other parties with Vineyard Wind. She asked about the airplane notification system; and, why the name change of the organization. Ms. Flood acknowledged that the system is used with on-shore wind farms, but not offshore wind farms. Mr. Hubbard reviewed the reasoning behind the name change. Peter Burke of the Chamber of Commerce suggested that more outreach be done, with more clarity as to what sorts of permits are coming up and when, and with what permitting agency. Ms. Perry spoke on the timing of the permitting. Preservation Planner Holly Backus spoke on public engagement and thanked Mr. Burke for offering to help with outreach. She noted that she and Energy Coordinator Lauren Sinatra are the current Town staff contacts for this project. Greg Werkheiser of Cultural Heritage Partners, special counsel to the Town for offshore wind projects spoke about the commitment from Southcoast to return to the Island and conduct additional outreach but noted that the permitting process has started and will move quickly. He commented on the potential negative impact of offshore wind farms on tourism and the viewshed, citing studies that confirm this. He emphasized how quickly the permitting will be moving with this project and several others. Some discussion followed on this and other issues, including the airplane lighting system. Mr. Fee commented on selling energy generated from offshore wind farms direct to a municipality. Mr. Atherton said that prior agreements should be shared. Veronica Bonnet commented that information on these projects should not come primarily from the developer(s). She noted there could be potential dramatic impacts to the ecosystem. She emphasized the importance of credible information. Joanna Roche spoke about the timeline to build out the off-shore wind farms, including the necessary on-shore infrastructure; the height of the turbines; and the impact on wildlife including the North American Right Whale.

Chair Bridges left the meeting at 7:19 PM; he returned at 7:21 PM.

Diane Coombs spoke on the potential harmful impact on the environment, wildlife, and tourism. Andy Lowell asked that the Harbor and Shellfish Advisory Board be included in Town-level meetings about these projects. He continued to speak about the importance of the fishing industry and the necessity to fully understand the impact of off-shore wind farms. He said there are many questions that have not been answered. Mr. Fee said the difficulty for the Board is that it will have to make a decision at some point as to mitigation and it will not be able to stop the projects. Ms. Mohr said that there seems to be a perception that the Board has more power than it does with these projects and that all it can really do is be good advocates for the community and do the best it can to mitigate the impacts. Ms. Oliver asked if there are options other than financial mitigation for the Town to object. Mr. Werkheiser responded and said most likely the best position is to attempt to mitigate risks to the community. He explained, generally, some of the best ways to do this. Ms. DiSibio spoke about Indian burial grounds in the area of the offshore wind farms. Mary Chalke said opposition is growing to offshore wind farms.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Department of Public Works: Request for Acceptance of Donation of Elm Tree Located at 34 New Street, Sconset. Operations Administrator Erika Mooney explained the circumstances of the donation. Ms. Mohr moved to accept the elm tree at 34 New Street, Sconset as a Town tree, with thanks; seconded by Mr. Fee; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

2. Applicant Introduction/Review of Applications and Appointments to Council on Aging. Applicant Abigail Camp introduced herself and reviewed her application. Mr. Fee moved to appoint Ms. Camp and the other applicant, Erin Lynch, to the Council on Aging for the seats expiring in 2025; seconded by Dr. MacNab; by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

X. TOWN MANAGER'S REPORT

1. FY 2023 Second Quarter Budget Reports: General Fund, Our Island Home Enterprise Fund, Solid Waste Enterprise Fund.

General Fund. Finance Director Brian Turbitt reviewed the report for the General Fund budget as contained in the Board's packet. He noted that in the second quarter of the fiscal year, there was a \$600,000 or so decrease in the rooms occupancy tax revenue, yet an increase in the meals tax revenue. He commended the Treasurer for a significant increase in investment income, due to diligence in this area. He mentioned several other highlights from the materials in the packet. Dr. MacNab asked about debt service being higher in the second quarter. Mr. Turbitt answered that was due to bond anticipation notes coming due in this quarter.

Solid Waste Enterprise Fund. Mr. Turbitt reviewed the materials in the Board's packet and noted some significant increases with solid waste disposal costs.

Dr. MacNab left the meeting at 8:02 PM; he returned at 8:04 PM.

Our Island Home. Our Island Home (OIH) Administrative Consultant Robert Eisenstein and OIH Administrator Peter Holden reviewed the materials in the Board's packet. Mr. Holden noted that revenue is up somewhat compared with the same quarter in the last fiscal year.

At 8:05 PM, the meeting was briefly interrupted due to a fire alarm. Ms. Holdgate left the meeting at 8:05 PM. The meeting resumed at 8:11 PM.

Upon return, Mr. Holden continued with a review of the census, and expenses.

2. Update on Select Board Strategic Plan Focus Area of Environmental Leadership/Water Quality Management Plan Goal. Natural Resources Director Jeff Carlson reviewed the water quality management plan that his department has prepared in response to a Select Board Strategic Plan goal, as contained in the Board's packet. Dr. MacNab asked about the Total Maximum Daily Load (TMDL) numbers for water quality testing in certain water bodies and estuaries. Mr. Carlson explained. Dr. MacNab stated that he believes the TMDL numbers are "arbitrary" and outdated and it isn't clear that the water quality is actually improving. Mr. Carlson agreed that the numbers are arbitrary and said that at some point this baseline should be reviewed and noted that the TMDL numbers were originally established by the state. Dr. MacNab said he thinks Mr. Carlson has done a great job with this and asked for a further report as to how many additional employees are needed to fully implement this plan and how much it will cost. Mr. Carlson said he is working on that.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Board of Health: Appointment of Select Board Representative. Mr. Fee moved to appoint Dr. MacNab to replace Ms. Mohr as the Select Board representative on the Board of Health; seconded by Chair Bridges; so voted 4-0.

2. Committee Reports. There were no reports.

XII. ADJOURNMENT

Ms. Mohr moved adjournment at 8:35 PM; seconded by Mr. Fee; so voted 4-0.

Approved the 15th day of February 2023.

**SELECT BOARD
FEBRUARY 8, 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. 2022 Arbor Day Proclamation
- VII. 1. Draft minutes of 2/1/2023; 2/2/2023 open session
- VIII. 1. AIS re: Mayflower Wind presentation; 8/2/2022 letter from Cultural Heritage Partners to Mayflower Wind; Southcoast Wind (fka Mayflower Wind) presentation; Email from Lauren Sinatra with questions for Mayflower Wind
- IX. 1. Letter from DPW re: tree donation; Pam Murphy donation letter; Photos (2)
- IX. 2. Council on Aging membership & applicant list; COA applications; Committee Appointment Policy
- X. 1. FY 2023 2nd Quarter budget reports: General Fund; Our Island Home; Solid Waste
- X. 2. Select Board Strategic Plan: Environmental Leadership; Water Quality Update
- XI. 1. Select Board list of committee reps