

SELECT BOARD

Minutes of Meeting of February 16, 2022. The meeting took place via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Dawn Hill Holdgate, Melissa Murphy and Kristie Ferrantella (joined at 5:36 PM).

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, Chair Bridges called the Select Board meeting to order at 5:34 PM.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted without change.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson noted announcements III-1 through 3.

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

2. Town Offices will be Closed Monday, February 21, 2022 in Observance of Presidents' Day.

3. The Select Board is Accepting Applications to Fill a Vacant Alternate Seat on the Planning Board; Applications are Due at Noon on Friday, February 25, 2022, for a Select Board Meeting on Wednesday, March 23, 2022 where Applicants can Review Applications, Pursuant to Select Board Committee Appointment Policy. An Appointment will be Made at the March 23 Meeting.

4. Select Board Announcements/Comments. No comments.

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

No comments.

V. PUBLIC COMMENT

No comments.

VI. NEW BUSINESS

It was noted that an additional contract was added to Pending Contracts.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

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

1. Approval of Minutes of February 7, 2022 at 4:00 PM; February 9, 2022 at 5:30 PM.

2. Approval of Treasury Warrants for February 16, 2022.

3. Approval of Pending Contracts for February 16, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Fee asked about a contract with

CivicPlus for additional housing pages on the Town website. Finance Director Brian Turbitt explained. Ms. Ferrantella asked about a grant agreement for Culture and Tourism. Mr. Turbitt explained. Mr. Fee asked about a contract for training for the Our Island Home business office staff. Ms. Gibson and Mr. Turbitt explained. Mr. Fee moved approval of all pending contracts except for an additional contract with Verizon, added to the agenda, today; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Ms. Gibson introduced the Verizon contract. Verizon representatives introduced themselves: Attorney Josh Swift; Tom MacNabb, Ellen Cummings. Mr. MacNabb explained the project: pole work relating to safety improvements; Verizon is undertaking a multi-year safety project for its infrastructure in the East Coast area. A third-party inspection of Nantucket's Verizon poles revealed the need for improvements to 259 poles; he reviewed what is examined (age, wood condition, strength testing) in a pole inspection and safety requirements for utility poles. He described the specific improvements to be done through trusses; and, timing, expected to take approximately 5 - 6 weeks and that it will be performed by a third-party contractor. He added that any surface disruption to sidewalks will be restored. Mr. Fee asked if any pole trusses exist on Nantucket now. Mr. MacNabb said no, but there are photos in the Board's packet. Mr. Fee asked if historic review has taken place. Ms. Gibson and Operations Administrator Erika Mooney explained that review by the Nantucket Historical Commission occurred last fall with no significant objection and with the understanding that these are safety improvements. Mr. Fee asked how long the trusses will last. Mr. MacNabb said the trusses are guaranteed for 10 years, although the expected life span is at least double that. Mr. Fee said that he believes wires should be buried. Some discussion followed. Chair Bridges reiterated that sidewalks be restored if necessary due to the work. Mr. MacNabb said he understands, Verizon has worked in historical areas with similar concerns and they will "make it right" if the Town is not satisfied. Ms. Cummings noted that the work will be done very quickly with minimal, if any, traffic disruption. Ms. Murphy moved approval of the Verizon memorandum of understanding; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes, saying his vote is contingent upon Nantucket Historical Commission "sign off"; Ms. Holdgate – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Mr. Swift expressed thanks for the Town's assistance, with particular thanks to Town Attorney Matthew Fehrer.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Capital Program Committee: Review of FY 2023 Capital Program Committee Report. Capital Program Committee Chair Stephen Welch introduced the matter and began by thanking the members of the Committee for their hard work and time put into the review of capital items. He also thanked Ms. Gibson, Finance Director Brian Turbitt and Assistant Finance Director Rick Sears, as well as the department heads for their assistance. He reviewed the report as presented in the Board's packet. Mr. Fee thanked Mr. Welch for the work of the Committee and said the quality of the report is "impressive". Chair Bridges spoke on some of the review criteria. Mr. Welch said the report will be posted on the Town website and has been sent to the Finance Committee for review as well. Chair Bridges thanked Mr. Welch and Mr. Sears for their hard work on this process. Chair Bridges asked about the tax implications of the capital projects. Mr. Turbitt explained and said that information will also be contained in the Voter's Guide for Town Meeting.

IX. PUBLIC HEARINGS

1. Nantucket Sewer Commission: Public Hearing to Consider Amendments to Nantucket Town Sewer District Pursuant to Section 10 of the Nantucket Sewer Act Regarding Articles 73, 74 and 75 of the 2022 Annual Town Meeting. Ms. Gibson introduced the agenda item noting that the Nantucket Sewer Act requires sewer district expansions to be approved by the Sewer Commission as well as Town Meeting; and if the Sewer Commission votes not to approve the expansion, a two-thirds vote rather than a majority is

then required of the Town Meeting. Ms. Gibson explained that all sewer district expansion articles go through a checklist with the Health Department, Planning and Sewer Departments, noting a report from this group is in the Board's packet. She said that approval of a sewer district expansion does not mean that the Town will extend sewer to the additional area outside of an already planned sewer extension project; and, that if the Town does not, it is possible for property owners to fund such extension, privately, subject to Town specifications. Chair Bridges opened the hearing. Sewer Director David Gray reviewed the report for each article as follows:

Article 73 (Town-sponsored) – Recommended
Article 74 (Citizen-sponsored) – Not Recommended
Article 75 (Citizen-sponsored) – Recommended

Mr. Fee asked whether a positive recommendation would have been given to the unrecommended article if criteria relating to affordable housing had been met. Mr. Gray responded and said other criteria most likely would have remained unmet and said there was a lack of details about the proposal.

Ms. Murphy moved to close the public hearing; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Ms. Holdgate moved to accept the recommendations as indicated, by individual article; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

X. TOWN MANAGER'S REPORT

1. Review of Proposed Amendments to Biodegradable Packaging Regulations. Ms. Gibson introduced the item noting that the existing biodegradable packaging regulations are outdated, do not reconcile with the most recent Single-Use Plastics Ban approved by Town Meeting and part of the Town Code; and, concurrently, pursuant to the Board's Strategic Plan Focus Area of Environmental Leadership which has a goal to "provide data-driven recommendations on island-wide solid waste management guided by principles of sustainability", these amendments are being proposed. It was noted that non-compostable materials being disposed of at the landfill are becoming an increasing cost to the Town because they have to be shipped off-island, and costs are rising. She said that today, she and Ms. Durovich and other staff members attended a Massachusetts Municipal Association webinar on solid waste and recycling at which packaging was a topic and it was emphasized that disposal of non-compostable and non-recyclable materials is becoming more expensive, more difficult; and, an increasing issue with environmental justice and equity. She said that staff is seeking authorization to schedule a public hearing and that this agenda item is for the Board to ask any questions or request additional information it might want for a public hearing. She noted Recycling Coordinator Graeme Durovich has done quite a bit of research about substitute materials. Ms. Durovich added that PFAS is also a growing concern. Chair Bridges asked about substitute products and consumer behavior. Ms. Durovich responded. Mr. Fee said that a lot of replacement products are made of paper materials containing PFAS. Ms. Durovich responded. Some discussion followed as to the specifics of the proposed amendments. Mr. Fee said that the links provided in the packet were very helpful and said he has been looking for bread bag replacements for his own business. Ms. Durovich said that a couple of on-island bakeries are using biodegradable packaging for bread. Mr. Fee asked about the packaging of items at Stop & Shop. Ms. Durovich responded that the regulations apply to items packaged on-island only. General consensus of the Board was to schedule a public hearing on the proposed amendments.

2. Review of Hybrid Meeting Protocol. Ms. Gibson said that while the State's remote meeting participation allowance is currently scheduled to expire on April 1, 2022, there is speculation that it may be allowed to continue due to overwhelming public desire for its continuation. If the legislature authorizes continuation and the Select Board makes a policy decision to continue with allowing hybrid meetings, measures will need to be taken to continue and expand the capacity for hybrid meetings. Ms. Gibson introduced Operations Administrator Erika Mooney to review the report contained in the Board's packet as to what it will take to do this. Ms. Mooney reviewed a draft protocol for hybrid meetings and explained that various measures that need to be considered and taken for hybrid meetings; reviewed meeting spaces and measures being taken to outfit spaces for hybrid meetings; and spoke on the benefits of expanded public participation and access with hybrid meetings. Ms. Murphy spoke in favor of continuing hybrid meetings and thanked Ms. Mooney for a comprehensive presentation. Ms. Holdgate concurred. Chair Bridges spoke in favor of continuing hybrid meetings. Mr. Fee commented on the potential need for additional employees and the difficulties of hiring. Some discussion followed. Rick Atherton thanked the Board and staff for their efforts to continue hybrid meetings and encouraged continuation. Mr. Atherton also said that Board members who receive text messages during meetings should be reporting them in the minutes per the open meeting law. He commented on the difficulty of determining if text messages are being received by board members during remote participation. Ms. Mooney clarified the provisions of the open meeting law with regard to this issue, noting that if text messages or emails are referenced by a board member, they must be disclosed publicly. Some discussion followed. Brooke Mohr spoke on the benefits of remote and hybrid meetings for various populations. Gary Beller, a member of the Advisory Committee of Non-voting Taxpayers spoke in favor of remote and hybrid meetings. Arthur Gasbarro thanked Town Administration for moving this forward.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review of Revised Request for Proposals for the Lease of Portion of 1 Shadbush Road for Construction and Operation of a Shooting Park Pursuant to Select Board Discussion from September 22, 2021. Ms. Gibson reviewed the Board's discussion from the fall of 2021 when it agreed to make some changes to the Request for Proposals (RFP), which have now been made and the RFP will be issued if the Board provides final approval. Town Attorney Vicki Marsh reviewed the changes made since the Board's most recent discussion; reviewed the terms of the RFP and lease, as currently drafted; and what would be required of Town Meeting, including a conservation restriction due to endangered species issues at the site. Ms. Marsh reviewed the specific articles on the 2022 annual town meeting warrant. Debbie Soffen spoke on concerns with lead contamination and the activities of a shooting park. She advocated for an environmental impact study before the matter goes to Town Meeting. Ms. Marsh said that while such a study has not been done at this point, in response to lead contamination concerns expressed by the public, the RFP was revised so that an indoor facility will be given priority. Sarah Ellis advocated for an indoor facility. Edna Schwab concurred with an indoor facility, citing contamination concerns. Nantucket Land Council Executive Director Emily Molden acknowledged and expressed thanks for revisions to the RFP reflecting suggestions to requiring environmental testing and an indoor range. Christina McDonough concurred with the concerns expressed with an outdoor range and spoke in favor of an indoor facility and thanked the Board for ensuring the revisions made. Steven Holdgate of the Nantucket Hunting Association spoke on his organization's intent to propose a phased project, with an indoor component and that outdoor skeet shooting would be environmentally safe. Mr. Holdgate spoke on the benefits of a facility that concentrates shooting in one area so that it can be more easily monitored and secured, noting that shooting, now, occurs all over the island. David Bold spoke in favor of the shooting facility and said that an organized safety-conscious, environmentally-conscious facility is needed. He said that requiring an indoor range will make the project prohibitively expensive. Ms. Soffen said the neighbors want to be supportive and spoke again in

favor of an environmental impact study. Kathleen Matthews spoke on the need for a safe facility and said she believes an indoor range provides appropriate safety measures. She thanked the Board for changes to the RFP. She said the neighborhood would be willing to work with the Hunting Association on funding an indoor range. Mr. Bold spoke on the use of non-toxic materials for skeet shooting and the measures that would be taken to contain any lead-containing ammunition that greatly reduce any environmental impact. He said trap shooting cannot be feasibly contained within an indoor range. Arthur Gasbarro spoke in support of indoor and outdoor shooting and noted that the controls and environmental protection measures, if done properly, would mitigate environmental impact. He commented on the "checks and balances" that would be in place with permits and other requirements.

Ms. Ferrantella left the meeting at 7:50 PM.

Ms. Murphy commented in support of the RFP as modified, noting that it reflects constituent concerns on all sides. She said it should move forward and expressed appreciation for Ms. Marsh's revisions. Discussion followed as to the procurement process, once the RFP is issued and proposals returned. Mr. Fee said he is pleased to hear of the neighborhood support regarding funding and suggested that they reach out to the Hunting Association.

Ms. Murphy moved to issue the RFP as modified and presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Ms. Murphy – Yes.

2. Committee Reports.

Chair Bridges reviewed upcoming agenda items.

XII. ADJOURNMENT

At 7:57 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 23rd day of February 2022.

SELECT BOARD
FEBRUARY 16, 2022 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- III. 3. Planning Board Alternate seat vacancy ad; Planning Board Alternate Vacancy Appointment Timeline
- VII. 1. Draft minutes of 2/7/2022; 2/9/2022
- VII. 3. Pending Contracts spreadsheet
- VIII. 1. Section 11-9 of Town Code: CapCom Issuance of Reports; FY 2023 Capital Program Committee Report
- IX. 1. Nantucket Sewer Act; Criteria Checklist for Expansion of Sewer District; Article 73 language, map, checklist & recommendation; Article 74 language, map, checklist & recommendation; Article 75 language, map, checklist & recommendation
- X. 1. AIS re: proposed amendments to Biodegradable Packaging Regulations; Summary of proposed amendments; Proposed amendments; Examples of PFAS-Free Composable Alternatives; Chapter 125A of Town Code: Single-Use Plastics
- X. 2. Hybrid Meeting Protocol
- XI. 1. AIS re: Request for Proposals (RFP) for Shooting Range; 12/30/21 Town Counsel email; Revised RFP; 9/20/2021 Town Counsel email; Excerpt of 9/22/2021 SB minutes