

SELECT BOARD

Minutes of Meeting of February 23, 2022. The meeting took place via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Dawn Hill Holdgate, and Kristie Ferrantella. Melissa Murphy 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, Chair Bridges called the Select Board 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 announcements as listed on the agenda:

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

2. 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 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 Select Board Meeting.

3. Legislative Update with Representative Dylan Fernandes and Senator Julian Cyr. Chair Bridges welcomed Rep. Fernandes and Sen. Cyr to the meeting. Sen. Cyr made an introductory statement and reviewed timing of the current legislative session. He commented that Nantucket files the most home rule petitions of any municipality in the state. He reviewed the status of the Town's pending home rule petitions, noting that most of them are non-controversial. He reviewed the status of a home rule petition that is controversial which seeks a real estate transfer fee for housing purposes. He spoke about its status as related to other similar bills pending before the legislature. He said that he is confident that a bill will be passed but is unsure when. He said there is a "palpable" change at the State House with respect to the urgency of addressing housing issues. He said he could not be more worried about this issue and that he and Rep. Fernandes are doing their best to give Nantucket and other communities the tools needed. He thanked town officials for their efforts to deal with COVID issues. Mr. Fee asked if Nantucket should "feel reluctant" to send forward home rule petitions. Sen. Cyr said that if the Town Meeting is willing to pass them, he would encourage the practice to continue. Housing Director Tucker Holland thanked the legislators for their efforts and said he agrees with the "palpable change" comment. He asked if he had heard Sen. Cyr correctly in saying that Boston's housing legislation would not pass if Nantucket is not part of it. Sen. Cyr said that was correct and that "over my dead body" would he let that happen. Some discussion followed. Sen. Cyr reviewed his political connections and position in the legislature and expressed confidence with success. Rep. Fernandes said that he agrees with all of what Sen. Cyr said and that a recent Boston Globe editorial supporting the Boston housing legislation is positive for Nantucket. He also reviewed the status of Nantucket home rule petitions in the House. He spoke on recent legislation passed by the House to allow undocumented immigrants to obtain driver's licenses, saying this will be a significant benefit for Nantucket. He spoke on legislation he filed regarding the Steamship Authority (HB 4841) and spoke on an operating audit performed on the Authority from several years ago which supports "minor tweaks" to the legislation. He spoke on pending beach access legislation and an amendment that

would add the word "recreation" to what activities are allowed to occur on certain portions of private tidelands. He said he thought this would be of benefit to the island. He commented that Nantucket is a "really well-run Town" and said he appreciates working with the town's officials. Chair Bridges said that some constituents have expressed concern about the SSA legislation and whether other issues not beneficial to the Island could be tacked on to the bill. Rep. Fernandes said no that would not be possible but on the "incredible off chance" that something was proposed, he and Sen. Cyr would "kill it". Operations Administrator Erika Mooney asked about the current remote participation allowance which is currently set to expire on July 15, 2022 and spoke in favor of its continuation. Rep. Fernandes asked if the Town supports it and spoke on his position to support it. Discussion followed on this. Sen. Cyr spoke in favor of continuing the allowance. He said the Town should weigh in its position with the Massachusetts Municipal Association. Chair Bridges agreed with continuing remote participation for the benefits of increased public involvement. Ms. Ferrantella agreed and said that Nantucket's seasonal population has benefitted also. Ms. Ferrantella asked how the Town could help support its legislators regarding the housing bill. Sen. Cyr said collaboration with other towns and organizations is important. Mary Longacre spoke against the Steamship bill with respect to a provision as to term limits, saying that should be left to the appointing authority. Some discussion followed as to whether or not outdoor dining allowances and "cocktails to go" will be allowed to continue. Chair Bridges thanked Rep. Fernandes and Sen. Cyr for joining the meeting.

4. No Select Board Meeting on Wednesday, March 2, 2022; Next Meeting to be Held on Wednesday, March 9, 2022.

5. Select Board Announcements/Comments. No comments.

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

No follow-up comments.

V. PUBLIC COMMENT

Megan Perry asked about "unintended consequences" with the School's proposed artificial turf field and pending litigation against PFAS manufacturers. She asked if "hired consultants" can be committee members, and said she wonders if that is a conflict. She asked if "products not meeting the specifications would void a contract" and asked further questions about "leaching" from an artificial turf field; and soil sample collections. Chair Bridges said these will be responded to at the Board's next meeting.

VI. COVID-19 UPDATE

1. Public Health Department Update. Human Services Director Jerico Mele reviewed current positive cases, noting that we are in the "best" situation of COVID cases for quite some time with very low rates but that spikes should be kept in mind as school vacation weeks approach. He spoke on additional variants which are being detected and emerging. He spoke on vaccine clinic status.

VII. NEW BUSINESS

No new business.

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Ms. Ferrantella 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. Ferrantella – Yes.

1. Approval of Minutes of February 16, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for February 20, 2022.

3. Approval of Treasury Warrants for February 23, 2022.

4. Approval of Pending Contracts for February 23, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Fee moved approval of pending contracts; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes.

IX. CONSENT ITEMS

1. Gift Acceptance: Natural Resources Department. Natural Resources Director Jeff Carlson explained the purpose of the gift and its value and expressed appreciation for it. Mr. Fee moved to accept a gift of \$98,725 from Great Harbor Yacht Club to be used by the Natural Resources Department for the purchase of an underwater harbor water quality monitoring camera system with great thanks and appreciation; seconded by Mrs. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes.

X. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Nantucket Island Chamber of Commerce:

a) Request for Approval and Execution of MassDOT Event Notification Form for Daffodil Parade and Sconset Tailgate Picnic to be Held Saturday, April 23, 2022.

b) Annual Request for Waiver of Chapter 54(1)(c) (Alcoholic Beverages) of the Code of the Town of Nantucket for Daffodil Festival Tailgate Picnic in Sconset.

Licensing Administrator Amy Baxter reviewed the requests and noted some issues that need to be improved upon by the Chamber to lessen the “party atmosphere”, commercialism, trash and to return the event to be more community oriented. She emphasized Town staffing limitations including with public safety. Mr. Fee asked if the Town does not have enough staff, “what is the plan”. Ms. Baxter acknowledged that it is something that needs to be worked on. Shantaw Bloise-Murphy of the Chamber, spoke on the Chamber’s plans if Town staffing is not available and stated that the event would be scaled back as needed.

Ms. Ferrantella moved approval of items X 1a -b as presented and with the conditions as outlined in the staff recommendation; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes.

Mr. Fee said he is glad to see that some of the alcoholic consumption events are lessened. Chair Bridges thanked the Chamber representatives. Ms. Ferrantella said she is glad to see this event back.

2. Semester Cinema: Requests Regarding “Lost Nation” Film Production Scheduled to Take Place on Nantucket from March 14, 2022 to April 8, 2022:

a) Permission to Film on Town-Owned Property and Approval of Various Street and Sidewalk Blockings:

b) Waivers of Town Noise Bylaw for Multiple Dates, Time and Locations:

c) Approval of Film Permit.

Ms. Baxter reviewed the requests and spoke on the conditions and the need for the filming group to be respectful of the community. Ms. Ferrantella asked about any public concern with filming locations. Ms. Baxter responded. Mr. Fee commented on Town staffing resources and that events like this need to "be on their best behavior" and that event sponsors need to take responsibility.

Ms. Holdgate moved approval of items X 2a -c as recommended by staff with the conditions as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes.

XI. REAL ESTATE MATTERS

1. Request for Approval and Execution of Purchase and Sale Agreement for Two Parcels Known as 10 Washington Street, Shown as Lot 2 on Plan of Land Entitled "Plan of Land Prepared for Dorothy Leichter," Dated October 3, 1984 and Recorded in Plan File 2-E with Nantucket County Registry of Deeds, and 12 Washington Street, Shown on Plan of Land Entitled "Plan of Land in Nantucket, Massachusetts, drawn by Schofield Brothers, Inc.," Dated January 29, 1969. Vicki Marsh, Attorney from Town Counsel's office, introduced the item and explained the use of the property, noting the purchase is contingent upon affirmative Town Meeting and ballot votes.

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. Ferrantella – Yes.

XII. PUBLIC HEARINGS

1. Public Hearing to Consider the Taking of Easements in Portions of Hancock Street, Shown as "Easement 1 and Easement 2" on Plan of Land Entitled "Roadway Easement Acquisition Plan, Hancock Street in Nantucket, Massachusetts," Dated October 26, 2021, Prepared by Earle & Sullivan, Inc., for the Purposes of Public Way, Drainage, and/or General Municipal Purposes and for Conveyance of the Fee Title or Lesser Interests, Together with any Public and Private Rights of Passage, Pursuant to MGL Chapter 79, or Otherwise and Vote on Article 104 of 2021 Annual Town Meeting. Chair Bridges opened the hearing. Mr. Beaugrand introduced the item and reviewed a map of the property.

There being no further public comment, Ms. Ferrantella moved to close the hearing; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes.

Ms. Ferrantella moved to approve the taking as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes.

2. Public Hearing to Consider the Taking of Portions of Cherry Street, Shown as "Parcel A and Parcel B" on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, MA, Prepared for Town of Nantucket," Dated October 28, 2021, Prepared by Blackwell & Associates, Inc. and Recorded at Nantucket County Registry of Deeds as Plan No. 2021-77, for the Purposes of Public Access, and/or General Municipal Purposes, Together with any Public and Private Rights of Passage, Pursuant to MGL Chapter 79, or Otherwise, and Vote on Article 109 of 2020 Annual Town Meeting. Chair Bridges opened the hearing. Mr. Beaugrand introduced the item and reviewed a map of the property. Ms. Marsh added that ultimately some of this property will be conveyed back to abutters and noted an emergency access will also be made available.

There being no further public comment, Mr. Fee moved to close the hearing; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes.

Ms. Ferrantella moved to approve the taking as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes.

XIII. TOWN MANAGER'S REPORT

1. FY 2022 Second Quarter Budget Reports: General Fund, Our Island Home Enterprise Fund, Solid Waste Enterprise Fund. Ms. Gibson introduced Finance Director Brian Turbitt to review the reports and noted that due to a miscommunication, the Our Island Home budget report will be taken up at a later time. Mr. Turbitt reviewed the reports, beginning with the General Fund. He explained local rooms tax receipts and stated that these have far outpaced projections. He reviewed other activity in the General Fund, noting nothing of concern. Mr. Turbitt continued to review the Solid Waste budget and said while the second quarter looks decent, this budget needs to be monitored closely.

2. Review of Revisions to Committee Handbook. Ms. Gibson said that pursuant to the Board's revision of its committee appointment policy, the state's remote meeting participation allowance and some other issues that have arisen since the most recent edition of the Committee Handbook, it has been revised and updated. She reviewed the revisions and the manner in which the handbook will be made available to committee members. She thanked staff members Gregg Tivnan, Erika Mooney and Maureen Coleman for their work to update the handbook. Chair Bridges spoke on policies, such as electronic communications during meetings. Mr. Fee asked about "rolling meetings".

3. Monthly Town Management Report. Ms. Gibson reviewed the report as contained in the Board's agenda packet. Chair Bridges asked about the resumption of the Surfside Road sewer project and timing with the compensation and classification study. Ms. Gibson responded.

XIV. SELECT BOARD'S REPORTS/COMMENT

1. Discussion Regarding Potential Select Board Comments on Article 39 (Bylaw: Short-term Rentals); Article 42 (Zoning: Short-term Rentals). Ms. Holdgate recused from this matter and did not participate in the discussion. Chair Bridges introduced the item and said that it needs community discussion, he said this is an important moment for the community. Mr. Fee said he has many concerns. Ms. Ferrantella spoke on the need for data, which has not been obtained and wondered what problem is being addressed with regulating short-term rentals. Planning Director Andrew Vorce explained Article 39 and what the regulations so authorized would potentially cover. He agreed there is a lack of data available to "pinpoint" a problem. Ms. Ferrantella asked if year-round rentals should be included. Mr. Vorce said that has come up in the past but has not progressed. Some discussion followed on whether or not that inclusion would be of value. Mr. Fee said he agrees with the need for more data. He said he feels that rather than making short-term rentals allowable everywhere, there should be limitations and understands that is best done through zoning. Town Counsel John Giorgio said that with respect to zoning, properties cannot be treated differently based on ownership. He commented on recent legal challenges as short-term rentals have increased. He said the "nuisance impacts" of short-term rentals are best addressed through regulations, which is the purpose of Article 39. Some discussion followed. Mr. Fee asked if short-term rentals can be prohibited in certain areas, using a general bylaw. Mr. Giorgio said yes, pursuant to a new state statute, adding that it hasn't been legally tested yet. Mr. Fee spoke about his concern with a growing trend of groups that pool funds to buy residential homes to use them solely for short-term rentals. Ms. Ferrantella asked about the difference

between Article 42 and Article 39 or a future general bylaw article. Mr. Giorgio explained and read the provision of the state's short-term rental law as related to operators of such rentals. Ms. Ferrantella said she is concerned that investors are purchasing residential housing on the island, which is having a likely impact on workforce housing. Mr. Vorce spoke about timing of the proposed regulations and zoning bylaw. Mr. Fee asked again about where and when short-term rentals can occur. Some discussion followed as to how a general bylaw will/could work. Mr. Giorgio spoke about legal ramifications with not proceeding with Article 42 concurrently with Article 39. Mr. Vorce said it would be helpful to have clear direction on what to include in regulations. Chair Bridges asked about the difference between the State's short-term rental registry and the potential Town registry. Mr. Vorce explained. Chair Bridge asked, if the community wants to stop investor-owned short-term rental properties, which article would control that. Mr. Vorce said zoning relates to the use and that the regulations that would result from the general bylaw would be the avenue for what Chair Bridges is asking and also a way to collect data. Mr. Fee asked if the Board of Health is "ready" for the potential adoption of regulations. Board of Health Chair Stephen Visco responded affirmatively. Chair Bridges opened the meeting for public comment and asked that speakers be brief. Brooke Mohr asked about the process from passage of Article 39 to regulations. She asked if the regulations could cover ownership. Mr. Giorgio explained that regulations could be adopted subsequent to passage of Article 39 and that ownership could be a possible regulatory restriction but suggested that it may be more appropriate to amend the general bylaw to allow for that. Henry Sanford commented on assumptions that he observes are being made as to short-term rentals and spoke on various economic implications. He suggested a workgroup to help develop regulations. Rick Atherton said that he appreciates the Board's discussion tonight and supports the idea of a workgroup. He said the implementation of Article 42 should be delayed for further study. Alan Rubinstein concurred with Mr. Atherton. Howard Dickler also concurred with Mr. Atherton and added that Article 39 is also problematic and that short-term rentals should not be enabled or codified. Kathy Baird spoke in favor of Articles 39 and 42 and agreed with the need for data to identify a particular problem(s), including economic impact on the island. Robin Nydes said he does not understand objections to either article and spoke in favor of both, including the value of data collection. Bruce Mandel said he appreciates the discussion. He said communities on the Island differ and disparate treatments should be taken into consideration. Mr. Giorgio suggested that Article 39 is best initially used to collect information and determine where problems may be occurring to determine what further actions should be taken. Edward Sanford said he agrees that impact of short-term rentals on housing stock on the Island needs to be determined and said a workgroup should investigate this. He asked about a current legal case involving short-term rentals. Mr. Giorgio responded. David Iverson, Planning Board member, said that a common theme is that people want more data and the ability to restrict short-term rentals, which is exactly what is being put forward with Articles 39 and 42. He added that economic impact needs to be considered. Nat Lowell, Planning Board member agreed with Mr. Iverson and spoke on Nantucket's zoning history. He added that the potential for lawsuits is concerning. Mr. Atherton commented that a fear of lawsuits should not be part of Planning Board or Select Board considerations. Henry Sanford spoke again about economic impacts. Ms. Ferrantella said she thinks a workgroup should be considered, with clarity about a charge. Mr. Fee spoke on the need for data and economic impact analysis and need to regulate ownership of short-term rentals. He said he is glad for tonight's discussion. Chair Bridges said that the Board will have more opportunity for discussion when it considers comments to warrant articles on March 16th.

Ms. Holdgate left the meeting at 8:38 PM.

2. Committee Reports. Mr. Fee spoke on a Coastal Resilience Advisory Committee meeting last week, which focused on grants.

XV. ADJOURNMENT

At 8:46 PM, Mr. Fee moved adjournment; seconded by Ms. Ferrantella. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes.

Approved the 9th day of March 2022.

SELECT BOARD
FEBRUARY 23, 2022 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- III. 2. Planning Board Alternate seat vacancy ad; Planning Board Alternate Vacancy Appointment Timeline
- III. 3. Email re: House Bills to be discussed by State Legislators; HD.4841 – SSA; H.908 - Private Tidelands; List of House Bills pending re: Open Meeting Law; H.3152 – OML; H.3213 – OML
- VIII. 1. Draft minutes of 2/16/2022
- VIII. 4. Pending contracts spreadsheet
- IX. 1. Gift summary & recommended motion; NRD gift letter; Letter from Great Harbor Yacht Club Foundation
- X. 1. a & b. AIS re: Daffodil Festival; Event Notification Form; 2022 Daffodil Parade Route; Letter from Chamber; Ch. 54 of Town Code - Public Consumption; Street blocking application for Main St (Town) & maps; Street blocking application for Main St (Sconset) & maps; Daffodil Festival Event Description
- X. 2. a, b & c. AIS re: "Lost Nation" Film Permit; Film Permit request; Street blocking application; Sidewalk & Parking Requests with location maps; Applicant Information; Noise Bylaw Waiver requests; Shooting schedule; Location details with maps; Film, Video and Photography Policy
- XI. 1. AIS re: Purchase & Sale Agreement for 10-12 Washington St; Purchase & Sale Agreement; Survey Plan; GIS map
- XII. 1. AIS re: Taking of Easement Areas of portions of Hancock St; Order of Taking of Easements - Hancock St; Article 104, 2021 ATM; Easement plan - Hancock St
- XII. 2. AIS re: Taking of portions of Cherry St; Order of Taking of portions of Cherry St; Article 109, 2020 ATM; Plan No. 2021-77
- XIII. 1. FY 2022 2nd Q Budget Report - General Fund; FY 2022 2nd Q Budget Report - Our Island Home; FY 2022 2nd Q Budget Report - Solid Waste
- XIII. 2. Summary of changes to Committee Handbook; Committee Handbook
- XIII. 3. Monthly Town Management Activities Report (UPDATED)
- XIV. 1. Article 39, 2022 ATM; Article 42, 2022 ATM; Article 42 - Planning Board motion