



Town of Nantucket Finance Committee

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Committee Members: Denice Kronau (Chair), Stephen Maury (Vice-chair), Joseph T. Grause Jr., Peter McEachern, Joanna Roche, Peter Schaeffer, Chris Glowacki, Jill Vieth, George Harrington

MINUTES

Monday, March 1, 2021

*This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

Called to order at 4:00 pm by Ms. Kronau

- Staff in attendance: Libby Gibson, Town Manager; Brian Turbitt, Director of Finance; Richard Sears, Assistant Director of Finance; Ken Beaugrand, Real Estate Specialist
- Attending Members: Kronau, Maury, Grause, Schaeffer, Glowacki, Vieth, Harrington
- Absent Members: McEachern, Roche
- Late Arrivals: Schaeffer, 4:02 p.m.; Maury, 4:30 p.m.
- Early Departures: Harrington having technical sound difficulties
- Town counsel: John Giorgio, K&P Law PC
- Other Speakers: Brian Riley; Bruce Mandel; Jason Bridges; Graeme Durovich
- Documents used: Warrant Articles for 2021 Annual Town Meeting.

Adoption of agenda.

Motion **Motion to Approve.** (made by: Grause) (seconded)

Roll-call Vote Carried unanimously//Vieth, Grause, Schaeffer, Harrington, and Glowacki, and Kronau-aye

I. ANNOUNCEMENTS

II. PUBLIC COMMENT

1. None

III. APPROVAL OF PRIOR MEETING MINUTES

1. None

IV. COMMITTEE REPORTS

1. Contract Review Committee: Vieth

V. WARRANT ARTICLES FOR 2021 ANNUAL TOWN MEETING (ATM)

1. Article 75 (Bylaw Amendment: Single-Use Plastics) Bruce Mandel

Discussion **Mandel** – This was original prepared from his participation on the Town workgroup on single-use plastics. This Bylaw pertains only to commercial distributors and vendors. During the workgroup meetings Town Administration thought to merge the biodegradable code with single-use regulation. His article was drafted and reviewed by the workgroup and submitted for the 2020 ATM. Town then decided not to merge the articles; this was amended to remove the language addressing the merger. He is seeking a favorable motion for this amended article.

Giorgio – An emerging issue with respect to these types of bylaws, which has to do with the fact that this bylaw would ban nip bottles; there has been a lot of industry opposition to that resulting in a potential legal challenge. If FinCom wants to make a positive motion, he or Mr. Turbitt should drive a motion that brings this down to a short, concise bylaw.

Kronau – Asked if FinCom could make such an expansive change.

Giorgio – You can't change the article before it goes on the warrant. However, once it gets to Town Meeting, it is no longer the petitioner's article. It would be subject to a ruling by the Moderator that the change is still within the scope of the original intent.

Kronau – It appears you have added 16 things to be excluded .

Mandel – Those were in the article. Regarding nip bottles, those are a huge litter issue. This would eliminate the small bottles, but the larger bottles would still be available. If this will be a real problem, he’s willing to strike nip bottles out of the article now.

Giorgio – If there were a legal challenge to the bylaw, that is a potential legal cost the FinCom might want to consider. There is time for Mr. Mandel to make his decision before ATM and after the Attorney General issues his ruling.

Kronau – On Item I, cellulite acetate and any other type of plastic, fiber cigarette filters, asked if all cigarette filters have cellulite acetate in them.

Mandel – His research indicates no; it is a very toxic element and is the number 1 most littered item on the Island. These filters are eaten by animals and birds and are hard to pick up. The toxic elements leach into the ground if they aren’t picked up.

Schaeffer – Asked if any other communities have done this with cigarettes. He wants to know how much money vendors will lose if they can’t sell cigarettes. They’ve had a tough year.

Mandel – He hasn’t researched that. Doesn’t know of any place in the US that has done this. It’s been done in Europe and they’ve adjusted. This wouldn’t go into effect until June 2022.

Grause – We aren’t going to reopen the Take no Action vote from last year. All we can do is offer a motion at ATM striking the language.

Kronau – We have the option today to reopen the article for a new motion. We’d make a favorable motion “with the following wording.”

Giorgio – You can make a different motion. Asked Ms. Gibson when the motion booklet will be printed. Getting this motion into the booklet would preclude the need for a technical amendment.

Gibson – FinCom should adopt all final motions before or on April 1. The booklet goes to the printer about April 16th.

Mandel – The reason he requested Take no Action on the prior article is because the Town came forward with its own article and his article conflicted with that.

Glowacki – Asked if Article 72 of the 2020 Warrant was adopted (yes). Asked if FinCom made a comment on the Take no Action vote (no).

Motion **Motion to reconsider the motion to Take no Action.** (made by: Glowacki) (seconded)

Roll-call Vote Carried 6-0//Grause, Vieth, Glowacki, Schaeffer, Maury, and Kronau-aye

Glowacki – People are confused about this and it should probably come back clean.

Schaeffer – Asked if the article addresses coffee cup caps (yes). Asked if there is an available degradable coffee-cup caps.

Mandel – Those are covered under Item C.

Bridges – At the Handlebar, we went to compostable lids; but there is an issue as to whether or not they decompose in our landfill.

Durovich – In October 2018, the original plastic bylaw was voted to go into effect June 2020; last year there were small amendments voted in. This article would add items but has extraneous language. It doesn’t change what has already gone into effect.

Grause – He’s confused about what is being carved out of the long version.

Mandel – The previous intent was to merge biodegradable packaging law with Regulation 71 single-use plastics; this revised article removes the merging language, keeps the definition, and adds six single-use plastic items.

Gibson – The question is, what items are we talking about including versus the ones that were in the original article. Suggested Mr. Giorgio write up a motion to be distributed to and discussed by FinCom at a later date.

Giorgio – We should take the existing bylaw with amendments already in the code and create a new bylaw showing additional language and the stricken language.

Glowacki – Asked if the bylaw has support from the workgroup.

Mandel – He believe it does; it has been reviewed and edited by them.

Vieth – Asked if we will have an amendment every year adding products.

Mandel – His intent is for the list to be all inclusive. That's not to say someone will come up with a product later.

Vieth – Pointed out that all these items can be purchased on line and on the mainland.

Mandel – He realizes that. The intent is to get the distributors and vendors to take some responsibility.

Durovich – We do Waste Sorts twice a year at the landfill; where we sort bags of household trash into categories. Single-use plastics are sorted into their own category and weighted; since the initial bylaw, the amount has dropped to virtually nothing since the bylaw went into effect in 2020.

Vieth – Asked if Nantucket has enough capacity to recycle here and how much is sent off.

Durovich – If it won't turn into dirt, we send it off. The items Mr. Mandel would like to add are prevalent in our environment and are a hazard.

Giorgio – Mr. Mandel proposes additional language in terms of purpose of the bylaw which goes well beyond what currently exists; asked if those will be added.

Mandel – That is to be removed in the amended version.

Giorgio – We should discuss the definitions to align what's in the current bylaw.

Kronau – We will discuss this further once Mr. Turbitt and Mr. Giorgio come back with a draft motion.

Motion No action at this time.

Roll-call Vote N/A

2. Article 34 (Appropriation: Incineration of Solid Waste) Cliff Williams

Discussion Not called to change the 2020 motion – Motion Not to Adopt.

Motion No action.

Roll-call Vote N/A

3. Article 35 (Appropriation: Legal Opinion for Beach Access) Cliff Williams

Discussion Not called to change the 2020 motion – Motion Not to Adopt.

Motion No action.

Roll-call Vote N/A

4. Article 36 (Appropriation: Hazardous Waste) Andrew Lowell

Discussion Not called to change the 2020 motion – Motion Not to Adopt.

Motion No action.

Roll-call Vote N/A

5. Article 37 (Re-establish Parks and Recreation Department) Maria Zodda

Discussion Not called to change the 2020 motion – Motion Not to Adopt.

Motion No action.

Roll-call Vote N/A

6. Article 52 (Zoning Map Change: R-10 to CN – 3 Cobble Court) S. Ottison

Discussion Not called to change the 2020 motion – FinCom supports the Planning Board Motion.

Motion No action.

Roll-call Vote N/A

7. Article 53 (Zoning Map Change: VR to VN – Polpis Road and Chatham Road) R. Von Kampen

Discussion Not called to change the 2020 motion – FinCom supports the Planning Board Motion.

Motion No action.

Roll-call Vote N/A

8. Article 63 (Zoning Bylaw Amendment: Commercial Mid-Island – Height Restriction) Val Oliver

Discussion Not called to change the 2020 motion – FinCom supports the Planning Board Motion.

Motion No action.

Roll-call Vote N/A

9. Article 64 (Zoning Bylaw Amendment/Home Rule Petition: Coastal Erosion Liability Waiver) Rick Atherton
Discussion Not called to change the 2020 motion – FinCom supports the Planning Board Motion.
Motion No action.
Roll-call Vote N/A
10. Article 65 (Affordable Housing Requirements) Andrew Lowell
Discussion Not called to change the 2020 motion – Motion Not to Adopt.
Motion No action.
Roll-call Vote N/A
11. Article 66 (Public Property Damage) Andrew Lowell
Discussion Not called to change the 2020 motion – Motion Take no Action.
Motion No action.
Roll-call Vote N/A
12. Article 67 (Prohibiting Roundabouts Near Schools) John McGrady
Discussion Not called to change the 2020 motion – Not to Adopt.
Motion No action.
Roll-call Vote N/A
13. Article 69 (Complaint Committee) Theresa Williams
Discussion Not called to change the 2020 motion – Motion Not to Adopt.
Motion No action.
Roll-call Vote N/A
14. Article 76 (Bylaw Amendment: Bicycles: Right of Way) Ian Golding
Discussion Not called to change the 2020 motion – Motion to Adopt.
Motion No action.
Roll-call Vote N/A
15. Article 77 (Bylaw Amendment: Bicycles: Buffer Zone) Ian Golding
Discussion Not called to change the 2020 motion – Motion to Adopt.
Motion No action.
Roll-call Vote N/A
16. Article 78 (Bylaw Amendment: Bicycles: accident Data Base) Ian Golding
Discussion Not called to change the 2020 motion – Motion Not to Adopt.
Motion No action.
Roll-call Vote N/A
17. Article 79 (Bylaw Amendment: Outdoor Lighting) Linda Williams
Discussion Not called to change the 2020 motion – Motion Not to Adopt.
Motion No action.
Roll-call Vote N/A
18. Article 80 (Bylaw Amendment: Noise – Gas-powered Leaf Blowers) Julia Lindner
Discussion Not called to change the 2020 motion – Motion Not to Adopt.
Motion No action.
Roll-call Vote N/A
19. Article 85 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change - 154R Cliff Road) Brian Swain
Discussion Not called to change the 2020 motion – Motion Take no Action.
Motion No action.
Roll-call Vote N/A
20. Article 86 (Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Change – 18 Kimball Avenue) Bryan Swain
Discussion Not called to change the 2020 motion – Motion Not to Adopt.
Motion No action.
Roll-call Vote N/A

21. Article 99 (Real Estate Acquisition: 114 Orange Street)
Discussion Not called to change the 2020 motion – Motion to Adopt.
Motion No action.
Roll-call Vote N/A
22. Article 100 (Real Estate Conveyance: 114 Orange Street)
Discussion Not called to change the 2020 motion – Motion to Adopt.
Motion No action.
Roll-call Vote N/A
23. Article 101 (Real Estate Acquisition: 64 North Liberty Street)
Discussion Not called to change the 2020 motion – Motion to Adopt.
Motion No action.
Roll-call Vote N/A

VI. PUBLIC HEARING ON ANY WARRANT ARTICLES

Kronau – Asked if there is any discussion on Warrant Articles; there is a meeting scheduled for discussion and vote on the articles.
None

VII. REVIEW/DISCUSSION AND POTENTIAL ADOPTION OF MOTIONS

1. Article 32 (Appropriation: FY2021 Community Preservation Committee(CPC)) Ken Beaugrand
Discussion None
Motion **Motion to Adopt.** (made by: Grause) (seconded)
Roll-call Vote Carried 6-0//Grause, Glowacki, Schaeffer, Vieth, Maury, and Kronau-aye
2. Article 33 (Community Preservation Committee: Fiscal Year 2021 Budget Transfers) Ken Beaugrand
Discussion None
Motion **Motion to Adopt.** (made by: Maury) (seconded)
Roll-call Vote Carried 6-0//Grause, Glowacki, Schaeffer, Vieth, Maury, and Kronau-aye
Turbitt – Noted that this was misidentified as Article 28 in the motion. Asked that any motion be held; the article contains a math error that must be rectified. We will provide corrected motions for FinCom to act on.
Kronau – We will hold both Article 32 and 33 for the corrected articles.
Turbitt – Article 33 is okay and could adopted.
Motion **Motion to Reconsider the motion to adopt made for Article 28 and 33.** (made by: Maury) (seconded)
Roll-call Vote Carried 6-0//Grause, Schaeffer, Glowacki, Vieth, Maury, and Kronau-aye
Motion **Motion to Adopt Article 33.** (made by: Maury) (seconded)
Roll-call Vote Carried 6-0//Grause, Schaeffer, Vieth, Glowacki, Maury, and Kronau-aye
1. Article 81 (Bylaw Amendment: Community Preservation Committee) Ken Beaugrand
Discussion **Beaugrand** – When CPC was set up, the terms were staggered so 3 members would be up for election each year; the two at-large members ended up being elected the same year. He and Mr. Giorgio came up with language that will adjust the two at-large persons terms to rectify that.
Giorgio – If this is a public hearing, Ms. Kronau should open it and when it is done, close the public hearing.
Kronau – Opened the public hearing at 5:00 p.m. No public wishes to speak. Closed the public hearing at 5:00 p.m.
Motion **Motion to Adopt as written.** (made by: Schaeffer) (seconded)
Roll-call Vote Carried 6-0//Grause, Vieth, Glowacki, Schaeffer, Maury, and Kronau-aye

VIII. NEXT MEETING DATE/ADJOURNMENT

Date: Tuesday, March 2, 2021; 4:00 p.m.
Thursday, March 4, 2021: 4:00 p.m.

Glowacki – Asked if there is an updated spreadsheet for articles.

Kronau – She sent that out.

Vieth – Asked about Select Board and Planning Board articles and motions.

Gibson – The Select Board doesn't make motions. Every article in the warrant now is subject to FinCom or Planning Board motions. Planning Board handles all zoning articles. On the rest, FinCom will make motions and the Select Board will make comments.

Adjournment:

Motion **Motion to Adjourn at 5:10 p.m.** (made by: Schaeffer) (seconded)

Roll-call Vote Carried 6-0//Grause, Schaeffer, Maury, Glowacki, Vieth, and Kronau-aye

Submitted by:

Terry L. Norton