

## SELECT BOARD

Minutes of Meeting of March 10, 2021. The meeting took place via remote participation via Zoom Webinar pursuant to Governor Baker's March 12, 2020 Order regarding the Open Meeting Law (attached). Members of the Board present were Dawn Hill Holdgate, Jason Bridges, Matt Fee, Kristie Ferrantella and Melissa Murphy.

### I. CALL TO ORDER

Chair Holdgate called the meeting to order at 5:00 PM. She read a prepared statement as to how the meeting would be conducted via remote participation and the ground rules for any discussion and called roll for those present.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted without change.

### III. ANNOUNCEMENTS

1. The Select Board meeting is being audio/video recorded.

2. Chair Holdgate acknowledged it has been three years since an act of vandalism occurred at the African Meeting House on March 13, 2018. She noted that it was a traumatic event for the community, the investigation remains open and if anyone has any information to provide regarding the incident, they urged to contact the District Attorney's office or the State Police.

### IV. COVID-19 WEEKLY UPDATE

1. Public Comment. There was no public comment.

#### 2. Report(s) from Public Health Director:

- COVID-19 Case Metrics, Including Massachusetts COVID-19 Community-Level Data Map. Human Services Director Jerico Mele noted that he is giving the report tonight, and he and Public Health Director Roberto Santamaria will, going forward be alternating their reports at the weekly Board meetings.

- COVID-19 Testing. Mr. Mele said that the sewage testing results currently show 5 cases per day, although actual tests show fewer positive cases. He said that the Health Department will be participating in a pilot program involving a "smell test" that is being conducted by Mass General Brigham. Ms. Ferrantella commended the department for the vaccination program to date, noting that it has been well run. She asked if a "call list" is being maintained. Mr. Mele explained that it is, but it is internal and managed between the Town and Nantucket Cottage Hospital. Chair Holdgate asked if the single-dose vaccine has been made available yet on the island. Mr. Mele said not yet. Mr. Fee commented on how well the vaccine center is being run, noting he received a first vaccine last week. Ms. Ferrantella also commended the Town and Hospital for a tremendous job over the past year, handling the pandemic, which began just about one year ago.

- Stop the Spread Testing Program. No update.

- Vaccine Distribution Plan Update. Mr. Mele reviewed vaccinations administered to date on the island, noting it is about 10% of the population at this point. Ms. Murphy asked what the 10% is based on. Mr. Mele

explained. Ms. Murphy asked about vaccine distribution as the seasonal population increases. Mr. Mele explained how the state's vaccine distribution process works and noted it is anticipated to increase as we move further toward summer and that the distribution is also dependent upon supply. Some discussion followed as to how actual "shots in arms" can be increased. Mr. Mele reviewed the most likely additional ways people will be able to receive vaccine, shortly. Ms. Murphy asked about equitable distribution of the vaccine. Mr. Mele said those discussions are well underway, with enrollment, communications and outreach techniques being reviewed and implemented.

- COVID19 Task Force: Weekly Report. Mr. Mele reviewed the numbers of violations, inspections, follow-ups and other interactions the Task Force has had with job sites and others, to enforce the COVID 19 safety measures and requirements.

- Economic Task Force Update. Ms. Ferrantella provided an update, she said the Task Force held a public forum today to receive feedback and input from businesses. She said messaging is being discussed as well as to how best to let seasonal visitors from other states can be informed as to what to expect on the island regarding safety protocols.

- State/Local Re-opening Plan/Guidance Update. Licensing Coordinator Amy Baxter noted recent state actions and guidance regarding gatherings. She reviewed the specifics of this. Some discussion followed about types, locations, and venues for events. Ms. Murphy noted some concerns which have come to her regarding outdoor dining, enforcement, occupancy, parking and traffic, with restaurants as it is believed to be a very busy summer with the added issue of businesses trying to "make up" for last year. Ms. Baxter said a lot of planning is underway, internally.

- Board of Health Orders. No updates.

- Other. No other business regarding COVID-19 update.

- Select Board Comments/Questions. Nothing further.

#### V. PUBLIC COMMENT\* FOR ITEMS NOT RELATED TO COVID-19 OR OTHER AGENDA ITEMS

There was no public comment.

#### VI. NEW BUSINESS

There was no new business.

#### VII. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of June 3, 2020 at 6:00 PM; November 4, 2020 at 5:00 PM; March 3, 2021 at 5:00 PM; March 4, 2021 at 9:00 AM. Ms. Ferrantella moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Approval of Payroll Warrants for March 7, 2021. Ms. Ferrantella moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

3. Approval of Treasury Warrants for March 10, 2021. Ms. Ferrantella moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

#### VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Approval to Submit Local Action Unit Application to State Department of Housing and Community Development (DHCD) for 31 Fairgrounds Road Development. Housing Director Tucker Holland introduced the item and explained it. Ms. Ferrantella asked about the details of numbers of units. Mr. Holland explained. Mr. Bridges moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

#### IX. PUBLIC HEARINGS

1. Nantucket Sewer Commission: Public Hearing to Consider Amendments to Nantucket Town and Siasconset Sewer Districts Pursuant to Section 10 of the Nantucket Sewer Act Regarding Articles 83, 84, 85, 86, 87, 88 and 89 of the 2021 Annual Town Meeting. Chair Holdgate opened the public hearing. Sewer Director David Gray reviewed each article as well as the criteria used to determine whether to recommend expansion of the sewer district(s) to include the proposed parcels. Nantucket Land Council Executive Director Emily Molden asked about buildout with respect to some of the lots. Mr. Gray explained. Ms. Molden asked for clarification as to zoning of some of the lots. Mr. Gray explained. Mr. Fee asked how the recommendations are developed. Mr. Gray explained it is done as a group with himself, the Health Director and Planning Director. Mr. Fee asked about one of the criteria relating to properties served by a potential sewer extension. Mr. Gray explained. Mr. Fee commented on improvements to this review process. Mr. Bridges concurred. Some discussion followed as to the history of adding parcels to sewer districts. Chair Holdgate stated she feels the recommendations are solid. Ms. Molden said she appreciates the information provided and asked about another parcel in Article 88. Mr. Gray explained the specifics of the recommendation, noting the parcel is in a sewer Needs Area. Mr. Fee stated that there is an assumption that sewer benefits pond or harbor water quality but that no one has studied it enough to one hundred percent prove that. Discussion followed as to articles that did not achieve enough points, requiring a 2/3 vote at Town Meeting. There being no further public comment, Chair Holdgate closed the hearing. Mr. Fee moved to approve Articles 83 and 84 to go to Town Meeting for a majority vote and Articles 85, 86, 87, 88 and 89 to go forward with a two-thirds vote; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

#### X. TOWN MANAGER'S REPORT

1. Traffic Safety Work Group Recommendations. Ms. Gibson noted that per policy of the Board, Traffic Safety recommendations that involve the loss of parking spaces are put forward to the Board for final determination; as well as stop signs. She introduced Arthur Gasbarro, Chair of the Traffic Safety Work Group to review each recommendation. Mr. Bridges asked about the membership of the Work Group. Mr. Gasbarro explained. Mr. Bridges noted that the recommendations undergo extensive review of several Town agencies and citizens. Mr. Gasbarro reviewed each recommendation, noting how it came before the Work Group, initially.

a) Extend yellow no-parking line adjacent to Land Bank Codfish Park Playground on Gully Road to allow sight lines to be maintained for people exiting the playground. Ms. Murphy moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

b) Designate no parking on south side of Macy Road, Madaket to allow for emergency vehicles and residents to pass through. Mr. Bruce Mandel, Mr. Steve Atllass and Mr. Max Brown all commented on the recommendation. Mr. Fee suggested angled parking on one side. He commented that with more houses and vehicles on the island, parking becomes a more serious problem and that ultimately all-day parking will have to be restricted. He said he supports the recommendation. Ms. Murphy moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

c) Install stop sign on Coffin Street at intersection of West Sankaty Road making three-way stop. Mr. Fee moved approval; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Operations Administrator Erika Mooney noted that a public hearing will need to be held before a stop sign can be installed.

d) Curb cut at 3 West Chester Street, resulting in elimination of less than one on-street parking space and creation of two off-street parking spaces. Mr. Fee commented that he does not like to see “parking yards” with loss of gardens and that a way should be found to allow residents to park in front of their houses. Mr. Bridges said he supports the recommendation. Mr. Bridges moved approval; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – No; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

## XI. SELECT BOARD'S REPORTS/COMMENT

### 1. Discussion Regarding Various 2021 Annual Town Meeting/Election Warrant Articles/Ballot Questions, Including but not Limited to:

- Article 23 (Appropriation for Affordable Housing Trust Fund - \$475,000)

- Article 24 (Appropriation for Affordable Housing Trust Fund - \$7,500,000)

- Article 38 (Affordable and Year-round Housing Stabilization Fund)

- Article 97 (Home Rule Petition: Allocate Portion of Land Bank Real Estate Transfer Fee to Support Year-round Housing).

Ms. Gibson introduced the item. Housing Director Tucker Holland thanked the Finance Committee for a thorough discussion of these articles on March 8, 2021. He proceeded to review the current status of the Town's Subsidized Housing Inventory (SHI) as well as where it stands with “Safe Harbor” from 40B developments. Ms. Gibson reviewed a proposal for the Board from her and the Finance Director for the Board's consideration to potentially recommend to the Finance Committee, that Articles 23 and 38 have a Finance Committee motion for “No Action” and that instead the motion to Article 8 (General Fund Operating Budget) include an appropriation of \$2,000,000 to the Affordable Housing Trust. She explained that pursuant to a Finance Committee meeting about these articles on March 8, 2021, it became apparent that the Affordable Housing Trust needs a stable, annual appropriation to do its work and further the goals of the Town with respect to affordable housing. She reviewed concerns with Article 38 as to flexibility with use of a Stabilization Fund as well as the very large appropriation that would necessitate significant General Fund budget cuts for FY 2022. She also noted that while affordable housing is extremely important, it is incumbent upon her and the Finance Director to take into consideration the “big picture” of issues facing the Town, all of which will need significant funding as well. Ms. Murphy expressed support for this recommendation and agreed that the Town has an obligation to provide a stable appropriation for affordable housing. She noted that while she appreciates the sponsor of Article 38 bringing his article forward, she is concerned about the impact to the Town budget and items mentioned by Ms. Gibson. Brooke Mohr of the Affordable Housing Trust asked about the Stabilization Fund use asked for confirmation if the proceeds in it cannot be used for borrowing. Director of Finance Brian Turbitt confirmed

and added that a borrowing authorization would be needed by Town Meeting for any borrowing. He explained the details as to the mechanics of borrowing. Mr. Fee asked about whether it is intended that this appropriation become permanent. Ms. Gibson answered affirmatively. Ms. Ferrantella asked about whether the funds in Article 8 could be used to fund a borrowing. Mr. Turbitt said he would have to consider that further and get back to her. Mr. Rick Atherton commented on the proposal and suggested that the Board resist acting on it. He added that attempts to have on-going funding dependent upon certain funding sources is ill-advised. He also commented on the Town's affordable housing numbers and that employers have a responsibility to provide housing to their employees and pay them adequately. He said that the affordable housing numbers should be able to be increased by adjusting definitions. Mr. Fee said he supports Article 38. He commented further as to affordable housing and the state's 10% requirement. Ms. Mohr noted that regardless of what housing actually exists and how it is defined, there is not enough supply of housing. Mr. Holland commented on projects that are in progress that will help with the affordable housing requirements. Ms. Murphy commented on Article 38 perhaps being considered another year. Mr. Howard Dickler commented that achieving Safe Harbor is very positive. He said that however is not a "total solution" to the housing problem. He said there will have to be other programs to help people purchase houses. He said that the short-term rental tax revenue should be used for housing. Mr. Turbitt explained in more detail how the short-term rental tax revenue is received by the Town and noted that the \$2 million proposal is approximately 28% of what has been received to date from that revenue source. Some discussion followed about the prior revenue receipts before short-term rental revenue was added by the state to the room occupancy tax. Mr. Fee spoke on what some other towns do with affordable housing requirements. He spoke about an affordable housing project a friend of his is developing in Ohio that should be reviewed as to how it worked to provide successful affordable housing, here, noting an approximately \$100 million investment profited investors \$25 million after four years, and required no money down because of state and federal grants and housing tax credits. Mr. Fee added that the Affordable Housing Trust needs to explore these programs fully once SHI protection achieved. Mr. Bob Vidoni said he is heartened by the direction of this discussion. He spoke about the importance of addressing the Island's affordable housing problem. Mr. Atherton asked about the subsidizing of affordable housing by the Town and again said that employers should be taking more of an active role, some are, and their units should be included in the Town's affordable housing numbers. Chair Holdgate commented that a lot of employers are providing employee housing and that a good amount of it, is seasonally oriented. Ms. Ferrantella said that even if employers are providing housing, that does not solve the problem because it is not sufficient, and it is not suitable to people long-term, year-round. Ms. Mohr spoke on the 10% affordable housing requirement as related to Safe Harbor and noted the complications and timing of both and noted the importance of creative programs to provide housing in the meantime, which require funding. She spoke on the need to provide housing for those whose circumstances change. Mr. Atherton said this discussion emphasizes the need for the Board to perhaps appoint a committee to get some facts. Ms. Murphy noted that the Affordable Housing Trust is the Town's agency to review or obtain information on issues that Mr. Atherton raised. She asked if the Board is to act tonight. Chair Holdgate said this was meant to be more of a discussion and that the Town Administration proposal is new tonight and the Board should think on it some more. Mr. Bridges spoke on his thoughts about the funding for affordable housing and that while he initially thought that Article 38 was a good solution, he now sees that it is not as flexible as needed. Finance Committee Chair Denice Kronau noted that she appreciates this discussion and noted that the Committee will discuss the housing articles again on March 23, 2021. She said the Town Administration proposal seems to make good sense and will bring it to the Committee's next meeting. Chair Holdgate said that with regard to the housing articles, her current position is to support the Town Administration recommendation on Article 23 and Article 8; supports Article 24; prefers an amendment to Article 38, to put the implementation date off and reduce the percentage; or not to do it at this year's Town Meeting. She added

that she does not support Article 97. Ms. Ferrantella said she was pleased by the number of housing articles put forward this year. She concurred with Chair Holdgate's position and commented that with regard to Article 97 she has received many emails about it, almost entirely a form email from the same email address which she would prefer coming from individuals instead. Mr. Fee said he favors Article 38 at 25% or 30% and to avoid having it be a Stabilization Fund. He said he does not support Article 24. He said that he supports the Town Administration recommendation for \$2 million dollars in Article 8's motion. He added there are a couple of articles the Board should not support. Ms. Julie Gesner spoke against Article 97. Ms. Murphy said that in addition to affordable housing issues, the Board has a quality of life focus area in its Strategic Plan and the Board should have more discussion as to specific issues that affect quality of life. She said she is not in support of Article 97 but that the introduction of that article has generated beneficial discussion in the community. She said she supports Article 24 and commented that it will take "selling" to the voters. She added that she also supports the Town Administration recommendation for the \$2 million dollars. Ms. Mohr explained her reasoning behind sponsoring Article 97 and that it was primarily to start the discussion that is happening now, to secure stable sufficient funding for affordable housing. She commented further on the history of the Land Bank enabling legislation and how the Island has changed since enactment. She stated that she does not believe her proposal will impair Land Bank operations. Ms. Ferrantella commented on the need for additional funds, annually for affordable housing, noting that \$2 million is a good start but more is needed. Mr. Holland said that there is a significant effort underway state-wide to implement legislation to secure additional, more stable funding directly for affordable housing for municipalities. Mr. Holland spoke on many people in the community and Town government and from Town Counsel's office who are committed to and working on this issue and also recognized Mr. Vidoni. Ms. D. Anne Atherton commented on the Town's pending housing bank legislation and suggested the Town engage a lobbyist. Chair Holdgate spoke on the positivity of this discussion tonight. Mr. Bridges said that affordable housing should be the Town's number one priority. He said he also supports the Town Administration recommendation, does not necessarily support Article 38 and supports Article 97 going before Town Meeting for discussion.

2. Committee Reports. Ms. Murphy said that the Chamber of Commerce "Rock Solid Fund" is open for businesses to apply for grants and encouraged applications.

### XIII. ADJOURNMENT

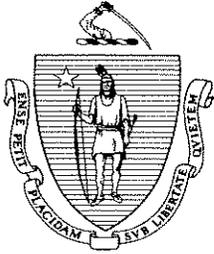
Mr. Bridges moved to adjourn at 7:37 PM; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Approved the 17<sup>th</sup> day of March 2021.

**SELECT BOARD  
MARCH 10, 2021 – 5:00 PM  
REMOTE PARTICIPATION VIA ZOOM  
PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020  
ORDER REGARDING OPEN MEETING LAW  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- VII. 1. Draft minutes 6/3/2020; 11/4/2020; 3/3/2021; 3/4/2021
- VIII. 1. AIS re: LAU application for 31 Fairgrounds Road; LAU application; Planning Board special permit; Utility Allowances; Housing Nantucket Certificate of Good Standing; Housing Nantucket IRS Determination Letter
- IX. 1. Sewer Articles Review Cover Sheet; Nantucket Sewer Act; Sewer Criteria Checklist Preamble; Articles 83, 84, 85, 86, 87, 88 and 89 with maps and associated checklists
- X. 1. Traffic Safety memo
- X. 1a. Aerial map
- X. 1b. GIS map; photo
- X. 1c. Aerial map; photos
- X. 1d. Curb cut application; site plan; GIS map; photo
- XI. 1. Link to 2021 ATM Warrant



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
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**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

**WHEREAS**, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

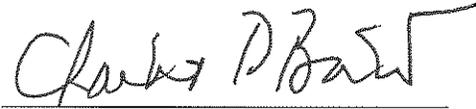
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in cursive script, reading "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts