

SELECT BOARD

Minutes of Meeting of March 16, 2022. The hybrid meeting took place in person at the Public Safety Facility at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Dawn Hill Holdgate, and Melissa Murphy. Kristie Ferrantella joined the meeting at 5:55 PM.

I. CALL TO ORDER

Chair Bridges read a prepared statement as to how the meeting will be conducted 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 as presented.

III. ANNOUNCEMENTS

Chair Bridges reviewed the following announcements:

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

2. Presentation of Certificate of Recognition to Kathy Richen. Chair Bridges read a Certificate of Recognition for Kathy Richen, honoring her achievements with the national Daughters of the Rebekahs organization and her recent election as the President of that Association for 2021-22. Ms. Richen made a statement, accepted the certificate and received a round of applause.

3. Applicant Introduction/Review of Applications for Appointment to Planning Board (Alternate Seat) Scheduled for Wednesday, March 23, 2022, Pursuant to Select Board Committee Appointment Policy. Chair Bridges read the names of those who have applied for the vacancy as follows: Jennifer L. Porter; F. Scott Wilson; Carl K. Borchert; Colin Wyatt Leddy.

4. Select Board Announcements/Comments. There were no Board comments.

IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS There were no follow-up comments.

V. PUBLIC COMMENT

Robert DeCosta spoke on the status of the F Street pier reconstruction project; and, asked about dredging the "ditches" in Madaket.

Josh Pruettt saying he is a representative of the National Association of Tobacco Outlets, spoke against Article 70 of the 2022 Annual Town Meeting warrant.

VI. NEW BUSINESS

No new business.

VII. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of March 7 - 8, 2022 at 8:30 AM; March 9, 2022 at 5:30 PM; March 10, 2022 at 4:00 PM. Mr. Fee moved approval; seconded by Ms. Murphy. So voted 4-0.

2. Approval of Treasury Warrants for March 16, 2022. Ms. Murphy moved approval; seconded by Mr. Fee. So voted 4-0.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUEST

1. Resignation: Council on Aging. Ms. Murphy moved to accept the resignation of Vanessa Larrabee with thanks for her service; seconded by Ms. Holdgate. So voted 4-0.

2. Licensing Office: Request for Approval of Estimated Seasonal Population of Nantucket for Seasonal Liquor Licenses. Licensing Administrator Amy Baxter reviewed the population number and explained its purpose. Licensing Administrator Amy Baxter, participating remotely, reviewed the request. Mr. Fee moved to approve the recommended seasonal population estimate of 45,000; seconded by Ms. Holdgate. So voted 4-0.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Increasing Town of Nantucket Ambulance Rates. Chair Bridges opened the hearing. Fire Chief Stephen Murphy reviewed the proposed increases and the reasoning as noted in the agenda materials. He noted some comparable rates from other towns. Mr. Fee asked about some specific charges. Chief Murphy responded. There was no public comment.

Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy. So voted 4-0.

Ms. Holdgate moved to adopt the fee increases as presented; seconded by Ms. Holdgate. So voted 4-0. It was agreed the rate changes would be effective April 1, 2022.

2. Public Hearing to Consider Application for Multiple Amendments for Seasonal All-Alcoholic Beverages Restaurant License for Change of Corporate Name from Midish Corp. dba The Tavern, Luke Tedeschi, Manager to LT ONE, LLC dba The Tavern, Luke Tedeschi, Manager; Change of Beneficial Interest; and Change of Corporate Structure, for Premises Located at 4 Harbor Square. Chair Bridges opened the hearing. Ms. Baxter explained the application, noting that applicant Luke Tedeschi was present to answer any questions. There was no public comment.

Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy. So voted 4-0.

Ms. Holdgate moved to approve the application as submitted; seconded by Ms. Murphy. So voted 4-0.

3. Public Hearing to Consider Application for Multiple Amendments for Annual All-Alcoholic Beverages Club License for Change of Officers and Alteration of Premises for Great Harbor Yacht Club, Inc. dba Great Harbor Yacht Club, Stephen Creese, Manager, for Premises Located at 96 Washington Street. Chair Bridges opened the hearing. Ms. Baxter explained the application, noting that Attorney Jamie Grifo and Christian Pavesi from Great Harbor Yacht Club were present remotely to answer any questions. There was no public comment.

Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy. So voted 4-0.

Ms. Holdgate moved to approve the application as submitted; seconded by Ms. Murphy. So voted 4-0.

4. Public Hearing to Consider Application for Alteration of Premises of Annual All-Alcoholic Beverages Restaurant License for Ridge, LLC dba Island Kitchen, Patrick Ridge, Manager, for Premises Located at 1 Chins Way. Chair Bridges opened the hearing. Mr. Fee recused from this matter and left the table. Ms. Baxter explained the application, noting that applicant Patrick Ridge was present to answer any questions. There was no public comment.

Ms. Ferrantella joined the meeting in person at 5:55 PM.

Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy. So voted 4-0.

Ms. Holdgate moved to approve the application as submitted; seconded by Ms. Ferrantella. So voted 4-0.

5. Public Hearing for Renewal of Seasonal Liquor Licenses. Chair Bridges opened the hearing. Ms. Baxter explained the renewal process. She noted if any public comments are received that could necessitate action, a separate public hearing(s) would have to be held. She reviewed licenses that will not be renewed due to ownership changes: 29 Fair Street; Boarding House/The Pearl; Beachside; Nantucket Inn. She noted that those licenses will have to be new applications at a later time. There was no public comment.

Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy. All in favor, so voted.

Ms. Holdgate moved to approve seasonal renewals as presented; seconded by Ms. Ferrantella. All in favor, so voted.

X. TOWN MANAGER'S REPORT

1. Licensing: Update on Outdoor Dining. Ms. Gibson introduced Ms. Baxter to undertake the update. She reviewed a presentation in the Board's packet, noting the current status of state legislation allowing outdoor dining and other allowances that had been granted locally during the pandemic. She noted that instances where outdoor dining will be able to continue, local approvals will be required as necessary for private property spaces. She spoke on the use of public spaces for outdoor dining and recommended that various parameters as outlined in the presentation be considered, including fees for public spaces with other specific conditions; and, that parking spaces and streets not be closed off. Mr. Fee commented that differentiating between "perimeter" and "core" space is a good idea. He said he has had feedback from the public about wanting outdoor dining to continue but that space allocation needs to be fair and certain sidewalk areas may not be appropriate. Discussion followed on this. Ms. Baxter noted there have also been abutter concerns about outdoor dining, with disruption issues. Mr. Fee said he supports a sidewalk permit for "a couple of tables" but if it's a larger area, such as a street closure, the fee should be based on a percentage of the business done there. Mr. Fee said "thought" needs to be given to the takeout businesses on Lower Broad Street, with respect to lines at night. Ms. Murphy expressed support for sidewalk seating applications with equitable and clear criteria. She said the idea of a "pedestrian plaza" may be for the future but asked that thought be given to when that could perhaps happen on a limited basis to start with. She expressed support for the recommendations. Ms. Ferrantella concurred and expressed support for outdoor dining. Chair Bridges concurred as well and said consideration needs to be given to the Town's resources that are required for something like a pedestrian plaza. He agreed street closures are not necessary any more. He said that he's heard from restaurant owners who are happy with the outdoor

seating and are willing to comply with whatever parameters there are. He asked that by the public hearings date in April, a more definitive set of recommendations be brought before the Board. Ms. Baxter said she is working on that for the Board's April 13th meeting and is busy gathering input from restaurant owners. Ms. Baxter thanked Chair Bridges and Ms. Ferrantella in particular for their support and assistance during the pandemic with outdoor dining. Mr. Fee said two streets that were closed, that "worked" for outdoor dining were North Union and Oak Street. Some discussion followed. Mr. Fee continued speaking about restaurant space differences and equitability. Ms. Holdgate said the license fee for additional seating outside should be commensurate with the space. She said the numbers reviewed by Ms. Baxter seemed too low. Chair Bridges agreed. Ms. Holdgate said it is basically "leased" space and has value. Mr. Fee spoke again on a percentage-based fee system, with and without liquor. Mr. Fee thanked Ms. Baxter for her work on this

2. Review of Potential Water Main Extension Project West of Airport, Including Funding/Financing. Ms. Gibson introduced the item and turned it over to Assistant Town Manager Gregg Tivnan to undertake a detailed review. Mr. Tivnan also introduced Town Strategic Projects Manager Chuck Larson, consultant Andy Miller from CDM Smith and Finance Director Brian Turbitt, all of whom participated remotely along with Mr. Tivnan. He reviewed discussions with the Board last summer and fall about this issue and spoke on additional actions which have happened since then, as outlined in the Board's agenda packet. Mr. Tivnan noted that this process, because of its dynamic nature, did not go through the "regular" capital project review process. He reviewed potential next step options. Mr. Fee expressed support for "option 2" of the material in the packet. Ms. Murphy concurred. Chair Bridges commented on the number of debt exclusions already on the election warrant. He said the data is also not there to support the need for the extension, nor is the study complete as to whether or not the existing water system infrastructure can support the project. Some discussion followed. Mr. Miller explained the water distribution system modelling that has been developed and calibrated but is not complete at this point. Ms. Holdgate moved to add a ballot question to the May 10, 2022 election warrant for the design of the water main extension, as described in the agenda materials; seconded by Mr. Fee. So voted 4-1. Chair Bridges was opposed.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Possible Adoption of Second Revision to May 10, 2022 Election Warrant (Pending Outcome of Agenda Item X-2). It was noted that this matter was addressed in item X-2.

2. Discussion Regarding Steamship Authority Legislation (H4527). Chair Bridges noted this came up at last week's Board meeting and was put on the agenda at the request of Ms. Murphy. Ms. Gibson reviewed a Dukes County Commission meeting today where the Steamship (SSA) legislation was discussed with Representative Fernandes, sponsor of the legislation. She noted Ms. Murphy and Ms. Ferrantella also attended the meeting. Ms. Ferrantella said the term limit provision of the legislation seems to be micromanaging and also commented on the discussion at the Dukes County meeting, at which concerns were expressed about the process. Ms. Murphy added that the concern was expressed as to how the Islands' representatives were and/or were not notified and the fact that there was no public comment in advance of the filing. She said she does not think there has been enough discussion about the merits of the legislation and that the legislation seems to be based on an audit from 2018 but because there has been a large gap since then with no discussion and then suddenly legislation is filed, there is legitimate concern. She said it has not been a good public process and that a full representation of Nantucket's views has not been able to be expressed and doesn't see the rush. Ms. Holdgate said she does not understand where the push for term limits is coming from and added that term limits are essentially within the Select Board's control as the appointing authority for Nantucket's Steamship Authority member. Ms. Murphy said she is not comfortable with the term limit provision. She said that Representative Fernandes said at today's

meeting that a best practice for boards and committees is to have term limits. She said that was a new concept to her and would be interested in the research behind that. Robert Ranney, Nantucket's SSA representative agreed with Ms. Murphy and commented that a long-term stable board member is in the best interest of the Island rather than someone who gets up to speed, which takes time, and then cannot be reappointed. He also spoke on another provision of the legislation involving a requirement for a "Chief Operating Officer" position. Some discussion followed, and Ms. Murphy reiterated a concern about the lack of communication to the Islands in advance of the legislation being filed. She added that because the legislation was filed by the Cape and Islands legislative representatives, it appears at the legislative level that the Islands support it. Tristan Israel, Dukes County Commissioner joined the meeting remotely. He spoke about his public service background with Martha's Vineyard local government. He said he agreed with Ms. Murphy's comments and the comments of the Board. He reviewed past history of prior SSA legislative issues that had serious potential to negatively impact SSA service to the Islands. He agreed that reaching out to the Islands in the way that the legislators did, caused a "disparate" reaction that isn't productive. He said that legislators representing off-island towns do not always have the same concern for the Islands.

Ms. Holdgate left the meeting at 6:56 PM and returned at 6:59 PM.

Mr. Israel suggested that the Nantucket County Commissioners and Dukes should meet sometime and share ideas. He said he is upset with Representative Fernandes and Senator Cyr and hopes this legislation does not set a trend of "micromanaging" the SSA by the legislature. Mr. Fee said that Representative Fernandes also represents Falmouth, which has different interests. He said Nantucket has a history of "saying no" before it says "yes". He commented on a high-speed ferry for vehicles and the need to be resilient and understands where Rep Fernandes is coming from. Ms. Murphy said that frustration with the SSA seems to be the main driver for this legislation and thinks that if advance conversations had been able to happen there could have been a better outcome. She suggested that the legislation add alternative members with term limits to the SSA Board. She said she hopes there will be continued discussion and hopes that the legislation will be pulled. She suggested the Board send a letter using the Dukes County letter as a model. The Board agreed to send the letter.

3. Review of Draft Memorandum of Understanding with Siasconset Beach Preservation Fund (SBPF).

Chair Bridges introduced the item and noted the staff who have worked on it, as well as Ms. Murphy and Mr. Fee. Ms. Murphy noted that the draft Memorandum of Understanding (MOU) has been sent to the Conservation Commission (ConCom) for comment. Ms. Gibson summarized the terms of the draft MOU with SBPF. Ms. Murphy spoke in favor of the process to get to this point. Mr. Fee spoke on the goals of the MOU, including compliance. He commented on trying to find a "big picture" way to handle vulnerable neighborhoods. He said some issues remain to be resolved such as "triggers" regarding the removal of the existing erosion control project. Mr. Beaugrand said that the team worked to address concerns of the ConCom, the community and other groups to move forward on a productive basis and agreed there are other parts of the island where similar agreements may be necessary. Attorney Vicki Marsh from Town Counsel's office, participating remotely, spoke on the MOU being a framework for the Town to address the aforementioned concerns and perhaps more importantly to allow time for the development of a Baxter Road relocation plan. Chair Bridges opened the discussion to the public. Rick Atherton, speaking remotely, commented on prior MOU's with the Town and SBPF. He said the Board would be "well advised" to explain the difference between an MOU and a "contract". He expressed concern about dependence on future actions that have not happened that were supposed to have happened in prior MOUs, saying there are too many contingencies. D. Anne Atherton, speaking remotely, spoke on the mission of the organization she

represents, Nantucket Coastal Conservancy (NCC). She expressed concern about the MOU and said she will be submitting written comments. She complained that there has not been enough public discussion about the MOU. Chair Bridges thanked Ms. Atherton for her comments and noted that there has been public discussion about this project. Mr. Fee said commented on the representations made by the Athertons in their comments as to the Arcadis report on the relocation of Baxter Road presented to the Board last fall. Mr. Fee said there was extensive public involvement and input in that report. Mr. Fee added that a "neighborhood perspective" has been a focal point of discussions with SBPF. Ms. Murphy said that these most recent discussions to develop the MOU were also focused on holding the Town's "partner" accountable, which have been lacking in the past. She added that it is necessary to plan this out properly and that if the Town finds itself in an emergency situation with Baxter Road it will be very costly for the taxpayers. Coastal Resilience Coordinator Vincent Murphy spoke on events leading up to the development of the MOU over the past year, including a significant effort toward "consensus building" with respect to a path forward for Baxter Road. He spoke on the inclusion of stakeholder groups in that process, including NCC. He reviewed the conclusions of the Arcadis report. He said the key recommendations are contained within the framework of the MOU.

At 7:44 PM, Ms. Murphy left the meeting and returned at 7:46 PM.

4. Review/Adoption of Select Board Comments to 2022 Annual Town Meeting Warrant Articles; and, Review of Draft Outline for Short-term Rental Regulations Pursuant to Article 39. Chair Bridges asked if Board members had any comments on any of the articles. Mr. Fee said he has concerns about Article 11 (appropriation for design of a new Our Island Home) but doesn't want to put forward a comment. He said he initially had concerns about Article 15 (appropriation for School-wide campus improvements) but now that it's reduced, no. Mr. Fee expressed concern regarding Article 51 (zoning bylaw/tertiary lots) and adding density in the countryside. Ms. Holdgate responded that she does not really share that concern. Brooke Mohr commented on the need for affordable housing. Mr. Fee spoke on the need for better design standards. Some discussion followed, and it was agreed no comment would be made. Mr. Fee asked about commenting on Article 70, a citizen article relating to a ban on plastic cigarette filters. Some discussion followed. Ms. Murphy said she would support a comment supporting the Article rather than the Finance Committee motion. Further discussion followed. Town Counsel John Giorgio, participating remotely, said he believes the article sponsor, Bruce Mandel, will be putting forward a positive motion. It was agreed no comment would be made. Mr. Fee asked about Article 71, a citizen-sponsored article about "gender equity" at beaches. He said he might prefer to limit the article to certain beaches. Ms. Murphy suggested a Board comment that supports the Finance Committee comment. Ms. Ferrantella said she thinks a comment could be made at Town Meeting. Ms. Holdgate said she does not feel a comment is necessary. Mr. Fee suggested a comment supporting the Finance Committee comment with a "phased approach" to implementation. Some discussion followed. The Board agreed to comment on Article 71 that it supports the FinCom comment and recommends a phased approach. Mr. Fee questioned Article 79, a citizen-sponsored article relating to a ban on fertilizer. Mr. Giorgio explained the Finance Committee motion. Mr. Fee said he supports the motion.

At 8:06 PM, Chair Bridges left the meeting and returned at 8:07 PM.

Mr. Fee asked about Article 80, a citizen-sponsored home rule petition regarding solar panels. Ms. Murphy suggested a comment that the Board appreciates the intent of the article sponsor but that they don't believe that a home rule petition is appropriate and to thank and encourage the HDC for continuing to examine its approval process for solar installation. The Board consensus was to include the comment in the Warrant.

Ms. Murphy thanked the Finance Committee and Planning Board for their time and dedication spent on development of their motions.

Ms. Murphy and Ms. Holdgate left the meeting at 8:11 PM.

Ms. Gibson provided an overview of what draft regulations could potentially look like, if Article 39 (Short-term Rental Regulation) is adopted. Mr. Fee commented that he does not have any concerns with Article 39. Mr. Giorgio spoke on the differences between Articles 39, and 42 (Short-term Rental Zoning Bylaw). He said each article has a different purpose. He added they are not dependent upon each other. Extensive discussion followed on the various aspects of each article. Brooke Mohr asked about the current legality of short-term rentals on the Island. She asked if year-round owners and non-year-round owners could have different rules for short-term rentals. Mr. Giorgio answered and said that could be accomplished by either limiting the number of investor-owned properties that are allowed; or, the number of days a non-resident can rent a property. Henry Sanford, participating remotely, spoke on the need for data about short-term rentals.

At 8:52 PM, Ms. Ferrantella left the meeting and returned at 8:55 PM.

Kathy Baird, participating remotely, spoke in support of Article 39 and agreed with the need for more data. David Iverson, participating remotely, spoke in favor of Articles 39 and 42. Discussion continued as to the regulatory authority to restrict short-term rentals by groups. Ms. Ferrantella said she would support a comment to recommend putting Article 42 off and supporting the adoption of Article 39. After continued discussion, Chair Bridges said he didn't think a comment would be necessary. Mr. Fee proposed a comment to Articles 42 and 43 and suggested a work group. Chair Bridges said unless there is very strong support for a comment, he is not inclined to support one. Mr. Fee spoke on a comment to postpone Article 42. Ms. Ferrantella agreed. Chair Bridges said he would not agree to a comment.

5. Committee Reports. No reports.

XII. ADJOURNMENT

At 9:23 PM, Ms. Ferrantella moved adjournment; seconded by Mr. Fee. So voted 3-0.

Approved the 23rd day of March 2022.

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

List of documents used at the meeting:

- III. 2. Planning Board Alternate Vacancy Appointment Timeline; Planning Board Alternates membership & applicant list; PB Alt Applications
- VII. 1. Draft minutes of March 7-8, 2022; Draft minutes of March 9, 2022; Draft minutes of 3/10/2022
- VIII. 1. Larrabee - Council on Aging resignation; Council on Aging membership
- VIII. 1. AIS re: Season Population; ABCC Seasonal Population Increase Estimation Form; Nantucket Seasonal Quota Summary; Nantucket Data Platform Report
- IX. 1. AIS re: Ambulance Rate increase; Memo from Fire Chief
- IX. 2. AIS re: The Tavern; ABCC Application for the Tavern; 2021 liquor license
- Ix. 3. AIS re: Great Harbor Yacht Club; Cover letter; ABCC Application for GHYC; GHYC liquor license; 56 Union liquor license
- IX. 4. AIS re: Island Kitchen; ABCC Application for Island Kitchen; Planning Board Special Permit; Island Kitchen liquor license
- IX. 5. AIS re: Season liquor license renewals; Seasonal Renewal Certification Form; List of 2022 Seasonal liquor licenses
- X. 1. Outdoor Dining Update presentation
- X. 2. AIS re: Proposed Water Main Extension project; PFAS Water Mains map
- XI. 2. Letter from Dukes County Commission re: SSA legislation; H4527 - SSA legislation
- XI. 3. Terms of draft MOU with SBPF; Final Draft of MOUS with SBPF
- XI. 4. Draft 2022 ATM Warrant as of 3/9/2022; Draft outline for Short-term Rental Regulations per A. 39