

SELECT BOARD

Minutes of the Meeting of April 5, 2021. The meeting took place via remote participation using Zoom pursuant to Governor Baker's March 12, 2020 Order regarding the Open Meeting Law (attached). Members of the Board present were Dawn Hill Holdgate (Chair), Jason Bridges, Matt Fee, Kristie Ferrantella and Melissa Murphy. Finance Committee members present were Denice Kronau (Chair), Stephen Maury, Christopher Glowacki, George Harrington, Joanna Roche, Peter Schaeffer and Jill Vieth. Joe Grause and Peter McEachern were absent. Planning Board members present were Judith Wegner (Chair), Nat Lowell, David Iverson, John Trudel and alternate members Campbell Sutton and Stephen Welch. Frederick McClure and David Callahan were absent. Also present were Town Manager C. Elizabeth Gibson, Director of Municipal Finance Brian Turbitt, Assistant Director of Municipal Finance Rick Sears, Director Planning Andrew Vorce, Deputy Director of Planning Leslie Snell, Operations Administrator Erika Mooney, Administrative Specialist Catherine Ancero and Land Use Specialist Megan Trudel.

Ms. Kronau called the Finance Committee to order at 4:02 PM and 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 Finance Committee members and staff present. Chair Holdgate called the Select Board meeting to order at 4:08 PM and called roll of the Select Board. Ms. Wegner called the Planning Board to order at 4:09 PM and called roll of the Planning Board.

I. JOINT MEETING WITH FINANCE COMMITTEE AND PLANNING BOARD TO REVIEW FINAL 2021 ANNUAL TOWN MEETING WARRANT WITH MOTIONS

Ms. Kronau reviewed the Finance Committee's (FinCom) motion development process and noted the articles which generated the most discussion, including Articles 24, 38, 70, 71, 74, 75, 90, 97. She explained that with regard to the citizen warrant articles that were carried over from the 2020 Annual Town Meeting the Committee also carried over the same motions for each of those articles. Mr. Fee asked when the Select Board would be making comments on any of the warrant articles. Ms. Gibson noted that discussion is scheduled for the Board's April 7, 2021 meeting. Mr. Fee asked about a \$500,000 expenditure for an awning at Jetties Beach and if that is included in the FinCom motion to Article 10. Mr. Turbitt explained that item is not specifically listed; rather, there is a borrowing authorization for "municipal facilities" and if and when the awning would be put forward, it would most likely go through another review process with Town Administration. Mr. Fee spoke against any funding for the awning. Chair Holdgate noted that the issue with the awning is probably "moot" at this point because of recent events. Ms. Kronau continued reviewing motions on the various articles. She explained the FinCom motion to Article 70 (Noise Bylaw Amendment) which slightly modified the Article. Ms. Sutton asked about the changes in the Motion to Article 70. Mr. Schaffer explained. Ms. Kronau reviewed the FinCom Motion to Article 74 (Rental Car Bylaw Amendment), a Select Board-sponsored article, which is a "Not to Adopt" motion. Ms. Kronau continued reviewing motions. Mr. Fee asked about the FinCom discussion as to Article 90 (Short-term Rental Licensing) as far as how to assess the potential impact of the article. Ms. Kronau responded. Mr. Fee commented that there are issues which prompted the submittal of the article and that those need to be evaluated by the community, he asked if the FinCom discussed how to do that. Mr. Maury, noting that he recused from the FinCom discussions of this article, said that the submitter was asked to answer a series of questions about the impact of the article and that documentable answers were not provided but that would be a "road map" for a community evaluation. Ms. Vieth concurred with Mr. Maury's comments and said that assertions that the article would help affordable housing were not verified. Ms. Kronau reviewed the motion to Article 97 (Home Rule Petition: Land Bank Fees) and summarized the FinCom's discussion, conclusions and motions to other articles related to affordable housing appropriations. Mr. Maury added that the

Affordable Housing Trust Chair stated at a FinCom meeting that \$5,000,000 per year is needed to make progress with affordable housing initiatives and that at this Town Meeting over \$15,000,000 is being proposed. Ms. Kronau recognized the "Articles of Special Planning Concern" that were put forward by the Planning and Economic Development Commission and reviewed the FinCom's motions on those articles. Ms. Sutton asked about Article 48 (Zoning: Pools). Ms. Wegner explained the article and the Planning Board motion, which differs from the FinCom comment. Ms. Sutton spoke against the FinCom Comment to the article and commented that the Planning Board was concerned about "quality of life" with its motion. Chair Holdgate spoke on a poll done of property owners in the Old Historic District regarding pools in that area and asked why or if a similar poll was conducted for this article. Ms. Wegner explained the Planning Board's rationale, citing environmental and quality of life issues. Mr. Fee commented that electricity required to operate pools is increasing faster than solar and other alternatives and continuing on this path will require a 3rd cable, increasing rates on all ratepayers, sooner than predicted. Chair Holdgate said that she does not believe zoning is the proper area for these sorts of concerns to be addressed. Mr. Maury agreed with Chair Holdgate and commented on a prior version of this article at the 2019 Annual Town Meeting, in which the Planning Board Comment indicated that additional public input should be solicited. Mr. Iverson spoke in favor of Article 48 and the Planning Board motion. Mr. Lowell concurred with Mr. Iverson and spoke in more detail about the history of the article. Ms. Kronau thanked everyone involved in developing motions and providing input and information. Chair Holdgate concurred and thanked the FinCom and Planning Board's work to develop motions.

II. ADJOURNMENT

Mr. Lowell moved to adjourn the Planning Board at 5:02 PM; Mr. Trudel seconded. So voted by roll call vote. Ms. Wegner – Yes; Mr. Lowell – Yes; David Iverson – Yes; John Trudel – Yes.

Ms. Murphy moved to adjourn the Select Board at 5:03 PM; 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.

Mr. Schaeffer to adjourn the Finance Committee at 5:04 PM; seconded by Mr. Harrington. So voted by roll call vote. Ms. Kronau – Yes; Stephen Maury – Yes; Christopher Glowacki – Yes; George Harrington – Yes; Joanna Roche – Yes; Peter Schaeffer – Yes; Jill Vieth – Yes.

Approved the 14th day of April 2021.

**SELECT BOARD
APRIL 5, 2021 – 4:00 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:

- I. Draft 2021 Annual Town Meeting Warrant with Finance Committee Motions



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

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.

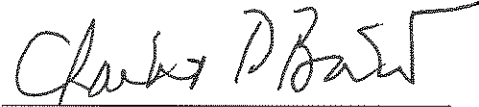
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby 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 that reads "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts