

## SELECT BOARD

Minutes of the Meeting of April 26, 2023. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Dawn Holdgate, and Dr. Malcolm MacNab. Brooke Mohr participated remotely. Matt Fee joined the meeting later as noted.

### I. CALL TO ORDER

Chair Bridges called the meeting to order at 5:30 PM following the Pledge of Allegiance.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted, with two exceptions: item VIII -1 to be taken up following item IV and there is one New Business item.

### III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the announcements:

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

2. DPW: April 28, 2023 Arbor Day Proclamation; and Seedling Giveaway on Saturday, April 29, 2023 and Sunday, April 30, 2023 from 8:00 AM to 12:00 PM or When Seedlings are Gone at Nantucket Landfill (Materials Recovery Facility Area). Chair Bridges read the Proclamation.

3. 2023 Annual Town Meeting is Saturday, May 6, 2023 at 8:30 AM at Nantucket High School, Mary P. Walker Auditorium, 10 Surfside Road. Ms. Gibson noted that the April edition of the Town Manager e-news will be dedicated to the 2023 Annual Town Meeting and will be issued tomorrow.

4. Annual Town Election Scheduled for Tuesday, May 23, 2023 from 7:00 AM to 8:00 PM at Nantucket High School, 10 Surfside Road.

#### 5. 2023 Committee/Board/Commission Vacancies.

#### 6. Select Board Announcements/Comments.

Chair Bridges asked the public if it likes going to the Stop & Shop to buy food, go to the post office and mail items, and other various necessities that require employees. He displayed a bumper sticker received anonymously by Town Administration this week reading "If you want affordable housing go to Cape Cod where you belong". He said it is not a funny subject and that housing is an extremely serious issue on the island. Ms. Mohr said that she is angry at the bumper sticker but more saddened by it, saying that housing touches all aspects of the community. Ms. Holdgate concurred and relayed a personal story about housing to emphasize that housing is as difficult for newer people to the island as it is for long-time residents and native Nantucketers. Dr. MacNab concurred as well.

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

There were no follow-up items.

Mr. Fee joined the meeting, remotely at 5:41 PM.

## VIII. REPORTS

1. Short-Term Rental Work Group: Update. Stacie Smith of the Consensus Building Institute (CBI), facilitator for the Work Group, provided an update of the Group's recent meetings. She said data is being received and collected and spoke on some areas where the Group is finding some consensus, including the protection of residential homes for people who are connected to Nantucket and the integrity of residential neighborhoods. She said the Work Group is working to "hone in" on a package that the group can support and then to draft language for warrant articles for the special town meeting scheduled for November 7, 2023, as well as public informational forum(s). Ms. Mohr said she is pleased with the progress as reported. Ms. Smith suggested that the public needs to be informed as much as possible as to what the Work Group is working on. Mr. Fee asked about a general bylaw vs a zoning bylaw. Ms. Smith said that at this point, the Work Group is focused on a general bylaw. Some discussion followed. Mr. Fee spoke in support of a two-thirds vote for approval.

## V. PUBLIC COMMENT

Joan Stockman said she spoke at the first Zoning Board of Appeals meeting held about the Surfside Crossing 40B several years ago and said while she is in awe of the Select Board and its volunteer commitment, she is appalled by the Board's recent action to withdraw an appeal of the project to the state Housing Appeals Court (HAC). She asked how the Board could have done such a thing and spoke on other aspects of the project and her disappointment with the vote. She asked who prepared the statement about the vote, issued last week.

Megan Perry displayed a photo of a ZBA meeting which she said was attended by 800 people who all indicated their objection to the project. She read a letter from the Select Board issued in connection with the initial appeal. She said none of the concerns expressed in that letter have been addressed. She read and referenced several documents in connection with the project and spoke on concerns with the project, the developers, Town staff employment contracts and communication with the Zoning Board of Appeals. She spoke further on appropriations for affordable housing and what has been accomplished with those funds, and other related concerns.

Chair Bridges noted that Public Comment is supposed to be three minutes.

Diane Cabral expressed disappointment with the way in which the appeal was withdrawn and said that it was "disgraceful" that the ZBA was not informed ahead of time. She expressed other concerns about the project.

Hadley Dutra commented on vandalism and vaping in the School bathrooms. She said there are technological solutions to the problem and said a "vape detection system" should be installed.

Brent Tartamella concurred with Ms. Dutra, adding that this is a "community problem" and that two School Resource Officers are needed in the School.

Emily Molden, speaking on behalf of the Nantucket Land Council, expressed frustration and disappointment with the withdrawal of the HAC appeal regarding Surfside Crossing and agreed with concerns expressed by others speaking on this tonight. She said the Select Board "owes" the community an explanation as to why the ZBA was "undermined".

Ms. Perry asked if anyone has done a "return on investment analysis" of the Surfside Crossing Project.

Ms. Stockman said with respect to the concerns about vaping, Narcan is readily available.

## VI. NEW BUSINESS

There was one item of new business: a request from Board of Health member Meredith Lepore for the appointment of an alternate member to the Short-term Rental Work Group. Ms. Holdgate moved to authorize the appointment of Health Director Roberto Santamaria to fill in as needed; seconded by Dr. MacNab; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

## VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Dr. MacNab moved approval of items VII 1 – 3 as presented; seconded by Ms. Holdgate; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

1. Approval of Minutes of April 11, 2023 at 5:00 PM; April 12, 2023 at 5:30 PM; April 13, 2023 at 9:00 AM.

2. Approval of Payroll Warrants for April 16, 2023.

3. Approval of Treasury Warrants for April 19, 2023; April 26, 2023.

4. Approval of Pending Contracts for April 26, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Chair Bridges noted that the amounts for the last two items should be reversed. Ms. Mohr moved approval of Pending Contracts as presented and with the change as noted by Chair Bridges; seconded by Ms. Holdgate; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

## VIII. REPORTS

2. Diversity, Equity and Inclusion Office: Presentation of Strategic Plan. Diversity, Equity and Inclusion (DEI) Director Dr. Kimal McCarthy introduced the item and reviewed the actions leading to the development of this Plan. Dr. McCarthy thanked all parties involved in the development of the plan as well as Dr. Bree Becker of Tangible Development, consultants engaged by the Town to develop a DEI Strategic Plan, for her valuable assistance. Dr. Becker reviewed the process by which the plan was developed as well as the plan, as contained in the Board's packet. Chair Bridges asked if Dr. McCarthy is involved in reviewing the Board's Strategic Plan through a "DEI lens". Dr. McCarthy responded affirmatively. Ms. Mohr said she appreciates the commitment statement contained in the Plan and the time that has been put into this Plan by Town staff. She said there is a "long way to go" but she is very hopeful with this Plan. Chair Bridges noted that some DEI principles have been put in place with some Town personnel practices.

## IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Barnstable County Retirement Association: Request to Consider Additional Two Percent Cost-of-Living-Adjustment for Retirees for Fiscal Year 2024 Only, Pursuant to Chapter 269 of the Acts of 2022. Chair Bridges noted that "FY 2024" in the agenda item title should actually be "FY 2023". Finance Director Brian Turbitt reviewed the presentation contained in the Board's packet and noted that the request, if favorably approved by the Board, also needs action by the County Commissioners (as scheduled for the April 26<sup>th</sup> County Commission meeting, to follow the Select Board meeting). Mr. Turbitt noted that Treasurer Melinda Ernst-Fournier is also present if the Board has any questions. Dr. MacNab questioned the percentage of Town and County membership in the system. Mr. Turbitt responded.

Ms. Holdgate moved approval of the additional two percent cost-of-living increase as presented; seconded by Dr. MacNab; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

## X. PUBLIC HEARINGS

1. Public Hearing to Consider Application for Alteration of Premises of Seasonal All-Alcoholic Beverages Hotel License for Nantucket Island Management, LLC d/b/a White Elephant Hotel Residences, Bettina Landt, Manager, for Premises Located at 19 North Water Street, to Add Portion of Building 11 Including the Ballroom Back to Licensed Premises, Effective July 29, 2023 (Continued from April 12, 2023). Chair Bridges opened the hearing. Licensing Administrator Amy Baxter reviewed the application. Mr. Fee recused from this item.

Ms. Holdgate moved to close the hearing, there being no public comment; seconded by Dr. MacNab; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

Ms. Holdgate moved approval of the application as presented; seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

## XI. TOWN MANAGER'S REPORT

1. Update on Baxter Road Alternate Access Options/Potential Selection of Option. Ms. Gibson introduced the agenda item, noting that additional work has been done on this project since the last update to the Board in January. She added that two joint workshop meetings were held last month with the Select Board and Conservation Commission (ConCom) regarding the erosion control project at Baxter Road and that follow-up from those meetings is continuing at the staff level. She said that staff expects to have a report with recommendations for the Board within the next month or so. She turned the item over to William Casey of Arcadis, the Town's consultant for this project.

Dr. MacNab left the meeting at 7:06 PM; he returned at 7:07PM.

Mr. Casey reviewed the presentation contained in the Board's agenda packet. Mr. Casey noted that the staff and consultant's recommendation is for "Option A" as indicated in the presentation. Sustainability Program Manager Vincent Murphy reviewed the current measurements of vulnerable areas of the bluff along Baxter Road, as related to the distance between the road and the edge of the bluff. Mr. Murphy emphasized the need to select an option and move ahead on design. Dr. MacNab questioned the responses to the questionnaire issued to abutters. Mr. Casey reviewed the responses in detail. Dr. MacNab questioned why those who did not respond, did not respond. Mr. Fee asked if whatever Option is selected, will there be an opportunity to make field adjustments. Mr. Casey responded affirmatively. Mr. Fee acknowledged the need to keep this project moving. Ms. Mohr agreed. Hannah Judy of 111 Sankaty Road read a statement and spoke about the results of the questionnaire. She spoke against Option A. She said her property will suffer the most detrimental consequences of any other property. She spoke in favor of Option B. David Bailey of 100 Baxter Road said that he was noted as not responding to the questionnaire, however, he said he did and prefers Option C, with Option B as second choice. John Judy spoke in support of Option A. Chair Bridges asked how the homeowners could be made to feel comfortable that they will be accommodated as much as possible. Mr. Murphy spoke on the process to develop the Options. He reviewed the ways in which impacts could be mitigated as the design develops. He noted that every Option has issues for abutters and the fact is that all of the abutters need to be provided with access to their

properties. Dr. MacNab asked if Mr. Murphy could summarize the staff preference for Option A. Mr. Murphy explained. Sanni Judy spoke against Option A, noting that she understands the difficulty of selecting an Option. Ms. Mohr moved to support Option A; seconded by Ms. Holdgate. Dr. MacNab noted that Option A will be most likely adjusted as the process continues. Ms. Holdgate agreed. By roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Dr. MacNab – Yes. So voted.

2. Monthly Town Management Report. Ms. Gibson reviewed the report as contained in the Board's agenda packet.

Ms. Holdgate left the meeting at 7:46 PM; she returned at 7:48 PM.

## XII. SELECT BOARD'S REPORTS/COMMENT

1. Approval of Statement Regarding Petitioned Short-Term Rental Warrant Articles on 2023 Annual Town Meeting (Continued from April 12, 2023). Dr. MacNab expressed concern about the accuracy of certain portions of the statement. He added that he is not sure a statement is even needed. Ms. Holdgate said she has a concern about issuance of a statement that does not have unanimous support of the Board. Mr. Fee said he would be interested in what the Short-term Rental Work Group may propose. Ms. Mohr said she understands Dr. MacNab's comments and that she also heard from Ms. Smith earlier that the Work Group believes there is not enough public knowledge about these articles. She added that she agrees with Ms. Holdgate regarding the unanimity of a Board vote. Chair Bridges asked if there were some edits that could be made that would make the Board comfortable.

Chair Bridges left the meeting at 8:08 PM; he returned at 8:09 PM.

Dr. MacNab reiterated that he is not sure the Board needs to issue a statement on this and prefers to see what the Work Group comes up with. Some discussion followed. Ms. Holdgate moved adoption of the statement contained in the Board's packet and amended as follows: delete the first paragraph; modify the second paragraph to reflect that that 2022 annual town meeting articles were 42 and 43; modify the third paragraph to strike the words "discussed its earlier unanimous votes to support" and replace those words with the word "supported"; delete the fourth paragraph. Seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Ms. Mohr – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Mr. Fee – Yes. So voted.

2. Review/Amend Select Board Agenda Protocol Regarding Public Comment. Town Counsel John Giorgio reviewed a recent court ruling regarding public comment at municipal meetings and explained the revisions proposed to the Board's Public Comment Policy, which were prepared by his office in response to the court ruling (Barron v Kolenda, also known as "Southborough"). Mr. Fee asked if this applies to Town Meeting. Mr. Giorgio said that the court decision did not address public comment at Town Meetings but he said his advice would be to apply the same standards to Town Meeting discussions. Some discussion followed as to what a "threat" is, with Mr. Giorgio indicating that a true threat may be handled differently. Discussion followed as to the length of time public comment can take and whether or not three minutes is sufficient. Dr. MacNab said he thinks a three-minute limit will be troublesome. Ms. Holdgate said she feels it's reasonable. Ms. Mohr agreed. Ms. Mohr asked if public comment can be capped to a total number of minutes. Mr. Giorgio said he would not advise that. Sarah Alger noted the word "protected" is missing in one section. Mr. Giorgio agreed.

Dr. MacNab moved approval of the revised Public Comment policy as presented with the word Ms. Alger referenced, to be added; seconded by Ms. Holdgate; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

Kathy Baird, a member of the Short-term Rental Work Group, commented that the statement the Board discussed previously is important to demonstrate support for the Work Group's work.

3. Committee Reports. Mr. Fee agreed that he felt the bumper sticker mentioned earlier was entirely inappropriate. He pointed out that he does have a feeling that public support for affordable housing may not be as strong as people think.

### XIII. ADJOURNMENT

Ms. Holdgate moved adjournment at 8:33 PM; seconded by Dr. MacNab; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

Approved the 3<sup>rd</sup> day of May 2023.

**SELECT BOARD**  
**APRIL 26, 2023 – 5:30 PM**  
**PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD**  
**AND REMOTE PARTICIPATION VIA ZOOM WEBINAR**  
**NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 2. Arbor Day Proclamation; Seedling Giveaway flyer
- III. 5. Annual Committee Openings
- VII. 1. Draft minutes of 4/11/2023; 4/12/2023; 4/13/2023
- VII. 4. Pending Contracts spreadsheet
- VIII. 2. DEI Strategic Plan; DEI presentation on commitment statement & goals
- IX. 1. AIS re: AIS re: BCRA Retiree COLA increase; Memo from BCRA; Pension presentation
- X. 1. AIS re: White Elephant Hotel Residences; ABCC certification form; ABCC application; License
- XI. 1. Update on Baxter Rd Alternate Access Options
- XI. 2. Monthly Town Management Report
- XII. 1. Draft Statement re: petitioned STR warrant articles
- XII. 2. Proposed SB Agenda Protocol amendments; Proposed SB Agenda Protocol amendments - CLEAN