

SELECT BOARD

Minutes of Meeting of April 27, 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, Kristie Ferrantella, Dawn Holdgate and Melissa Murphy. The meeting opened with the Pledge of Allegiance.

I. CALL TO ORDER

Chair Bridges read a prepared statement as to how the meeting will be conducted and the ground rules for discussion and called roll for those present. Chair Bridges called the Select Board meeting to order at 5:31 PM.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as presented.

III. ANNOUNCEMENTS

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

2. 2022 Annual Town Meeting is Monday, May 2, 2022 at 5:00 PM at Nantucket High School, Mary P. Walker Auditorium, 10 Surfside Road. Town Manager C. Elizabeth Gibson noted that the annual Voter's Guide to the warrant articles is now on-line and informational videos have been posted for articles contingent upon ballot questions.

3. Annual Town Election Scheduled for Tuesday, May 10, 2022 from 7:00 AM to 8:00 PM at Nantucket High School, 10 Surfside Road.

4. 2022 Committee/Board/Commission Vacancies. Ms. Gibson reviewed current vacancies and the timeline for annual appointments.

5. Select Board Announcements/Comments. Chair Bridges noted this is Ms. Ferrantella's last Wednesday Board meeting before the annual election on May 10th and thanked her for her service. A round of applause followed.

Chair Bridges noted that the Host Community Agreement item XI-1 on the agenda is not specific to a particular business; he said it is for Board review and approval of the type of agreement the Board would want for a cannabis cultivator business. He said any agreement with a specific business will come back to the Board for approval.

Chair Bridges suggested the word "cannabis" be used instead of "marijuana", saying that "marijuana" has derogatory connotations.

Chair Bridges noted that the shooting range item XI-4 is an update only, no action will be taken by the Board.

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

No follow-up.

V. PUBLIC COMMENT

Robert Cole spoke on local cannabis rules and regulations and activities at a recent Cannabis Advisory Committee meeting. He spoke on the complications of testing.

VI. NEW BUSINESS

No new business.

VII. APPROVAL OF MINUTES AND WARRANTS

Ms. Ferrantella moved approval of items VII 1-3; seconded by Mr. Fee; all in favor, so voted.

1. Approval of Minutes of April 13, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for April 17, 2022.

3. Approval of Treasury Warrants for April 20, 2022; April 27, 2022.

4. Approval of Pending Contracts for April 27, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Holdgate moved approval of the pending contracts as presented; seconded by Ms. Ferrantella; all in favor, so voted.

VIII. PUBLIC HEALTH DEPARTMENT

1. Monthly COVID Report/Update. Human Services Director Jerico Mele provided an update, noting the current status of COVID testing and vaccination clinic schedule and how to sign up. He said that the most recent wastewater testing results indicate a slight elevation of positive cases, most likely related to last weekend's busy island activities.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Salt Marsh Senior Center: Request for Gift Acceptance. Chair Bridges noted the amount of the gift and donor, as contained in the agenda packet. Ms. Ferrantella moved approval as presented, with thanks; seconded by Ms. Murphy; all in favor, so voted.

2. Bartlett Tree Experts: Request for Waiver of Town Noise Bylaw from 5:00 AM to 8:00 AM, April 28 to October 1, 2022 for Multiple Locations for Spraying. Ms. Gibson noted that this request was approved by the Board in 2021 with a request that any noise complaints as a result of the work be reported to the Board for future requests and that no noise complaints associated with Bartlett Tree's work were taken by the Police Department since 2021. Ms. Holdgate so moved approval; seconded by Mr. Fee; all in favor, so voted.

3. Nantucket Preservation Trust: Request for Preliminary Review of Historic Preservation Restriction to be Held by Nantucket Preservation Trust, Inc. for Property Located at 55 Union Street. Mary Bergman of Nantucket Preservation Trust reviewed the proposed restriction. Ms. Murphy moved to proceed with legal review; seconded by Ms. Holdgate; all in favor, so voted.

4. Human Services Contract Review Committee: Review of FY 2023 Reports (2) and Recommendations for 2022 Annual Town Meeting. Chair Bridges recused from this item and left the table. Dorothy Hertz, Chair of the Human Services Contract Review Committee (CRC), reviewed the reports the CRC prepared for the Town Meeting, in connection with two funding articles. She noted the specific recommended funding

allocations. Mr. Fee and Ms. Ferrantella complimented Ms. Hertz on the thoroughness of the report. Mr. Fee commented on items in the report mentioning social acceptance of alcohol and suggested the Board take that into consideration with regard to events that it approves, involving alcohol. The Board thanked Ms. Hertz for the report.

5. Request for Approval and Execution of Release of Easements for Areas "E1" and "E2," Shown on Plan of Land Entitled "Roadway Easement Acquisition Plan, Hancock Street in Nantucket, Massachusetts," Dated October 26, 2021, Prepared by Earle & Sullivan, Inc., Pursuant to Vote on Article 105 of 2021 Annual Town Meeting, to be Granted to: a) Kristopher Megna and Douglas Carlson, Easement "E-1," Hancock Street; b) Randi A. Alberry, Easement "E-2," Hancock Street. Real Estate Specialist Ken Beaugrand introduced the item and explained the recommended actions.

Ms. Holdgate moved approval as presented; seconded by Mr. Fee; all in favor, so voted.

X. PUBLIC HEARINGS

1. Public Hearing to Consider a Utility Petition from Verizon New England Inc. and Nantucket Electric Company for Plan #MA2021-26 to Relocate Two Jointly Owned Poles (Pole 19/1 and Pole 19/2) on North Beach Street at Easton Street, and Associated Wires, Cables and Fixtures to Facilitate the Visibility of a Stop Sign (Continued from April 13, 2022; Request to Continue to May 11, 2022). Ms. Gibson noted that this item is not ready to proceed. Ms. Ferrantella so moved to continue the hearing to May 11, 2022; seconded by Ms. Murphy; all in favor, so voted.

2. Public Hearing to Consider the Taking of Portions of Hawthorne Street, as Shown as Parcels 3, 4 and 5 on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," Dated September 23, 2021, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2021-67 for Public Access and/or General Municipal Purposes and for the Purpose of Conveyance of the Fee Title or Lesser Interests, Together with any Public or Private Rights of Passage, as Authorized by MGL Chapter 79 and Vote on Article 98 of 2011 Annual Town Meeting. Chair Bridges opened the hearing. Mr. Beaugrand introduced the matter and explained the recommended actions.

There being no public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy; all in favor, so voted.

Ms. Holdgate so moved approval as recommended; seconded by Ms. Murphy; all in favor, so voted. Mr. Fee noting that there are several references to former (deceased) Town Clerk Catherine Stover in the agenda packet, and said he misses her.

3. Public Hearing to Consider Application for Amended Bulk Fuel Storage License for Nantucket Memorial Airport to Change One 20,000-gallon UST from AvGas to Jet A fuel, for Property Located at 14 Airport Road, Nantucket (Map 78, Parcel 1), Pursuant to MGL Ch. 148 § 13. Chair Bridges opened the hearing. Fire Chief Stephen Murphy introduced the item and noted his condition to recommend approval is retaining the existing fire suppression system.

There being no public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Ferrantella; all in favor, so voted.

Ms. Holdgate so moved to approve the application as presented; seconded by Ms. Ferrantella; all in favor, so voted.

4. Public Hearing to Consider Sidewalk Dining Permit Fees and Applications for 2022. Chair Bridges opened the hearing. Licensing Administrator Amy Baxter introduced the item and explained that the hearing is for approval of fees for outdoor dining, as well as the temporary extension of previously approved outdoor dining spaces and associated conditions as existed during the COVID pandemic State of Emergency for certain establishments that had outdoor dining during that period of time. She further explained that new spaces will require an application with an associated public hearing. She reviewed the status of approval of private outdoor dining spaces. She referred to a presentation in the Board's agenda packet. Ms. Baxter proceeded to review the specifics of the fee recommendations for use of public space. Some discussion followed as to fee equity. Ms. Baxter then reviewed sidewalk dining license conditions, as outlined in the Board's packet. Ms. Baxter reviewed a list of businesses for temporary extension of approved use of outdoor public spaces; and, for outdoor private spaces. Discussion followed as to timing of application submittals and approvals. Ms. Murphy spoke on concerns as to hardships that some businesses may be facing with timing and suggested exploring ways of alleviating that. Ms. Holdgate agreed. Ms. Baxter spoke on concerns she has recently received regarding the use of certain areas of public and private property no longer used as they traditionally were, which in some cases is causing localized problems, such as parking areas now used for dining, with people now parking elsewhere and impacting nearby neighborhoods. Some discussion followed. Ms. Murphy and Ms. Ferrantella spoke in favor of temporary extensions for this summer for some of these situations. Mr. Fee spoke on staffing deficiencies adding complication to some of these issues. Debba Pitcock of the Rose and Crown spoke on the economic benefit of outdoor dining and spoke in favor of continuing it, saying it has been a "game changer". She said the nightclub aspect of her business is not the main part of her revenue anymore, outdoor dining is, she spoke on the benefits of being able to use public space. Amy Young of The Beet agreed that outdoor dining has been of great benefit and customers really like it. Discussion followed among the Board members. Ms. Baxter commented there are many factors to consider with the use of public spaces. Ms. Murphy asked about retailers' reaction to restaurant use of outdoor space. Ms. Baxter said reviews have been mixed. Mr. Fee said fairness has to be considered all around. Phil Osley thanked the Board allowing a street closure for a business (Juice Bar) near his business (Sunken Ship). He commented that his retail business nearly doubled as a result of outdoor dining.

There being no further public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy; all in favor, so voted. Mr. Fee said that when paid parking is instituted, the result is what Mr. Osley described.

Ms. Holdgate so moved to approve the fees and conditions as presented; seconded by Ms. Murphy; all in favor, so voted.

XI. TOWN MANAGER'S REPORT

Request for Review and Approval of Host Community Agreement Policy Terms for Marijuana Cultivators.

Ms. Gibson introduced the item, noting that Town Administration has received its first request for a cannabis cultivation business, that Town Counsel was consulted and that the role of Town Administration/Select Board with such a proposal is to negotiate a Host Community Agreement (HCA) and develop an application policy and procedure. Attorney Nicole Costanzo of Town Counsel's office explained the customary terms of an agreement, noting that the terms are policy-related, thus necessitating Board review and approval. She said that next steps would be for Town Administration to proceed to negotiate the

HCA within the policy and procedure terms adopted by the Board and bring it back to the Board for final approval. She noted that the Town already has HCAs for its cannabis dispensaries and reviewed the general terms of such HCAs. She also reviewed the state licensure process and typical requirements from the local community. Ms. Murphy asked if there is a limit on the number of cultivator licenses. Ms. Costanzo said "no" the Town's zoning bylaw does not currently have a limit on the number of cultivator licenses. Ms. Murphy asked about the definition of a cultivator. Ms. Costanzo explained the state definition. Chair Bridges asked about fees and taxes that the Town can collect. Ms. Costanzo explained the general statutory parameters of the fees. Some discussion followed as to the amount to be charged to cover the Town's legal expenses associated with the negotiation of an HCA, which would go into an escrow account. Ms. Holdgate suggested a \$5,000 fee. Mr. Cole spoke on the prior HCA agreements with the current dispensaries. He said the Town had an "aggressive" fee and that the "state rules have changed" since the prior agreements were negotiated. Some discussion followed about whether or not to limit the number of cultivation licenses; and, that current zoning specifies where commercial cultivation can occur. Mr. Cole spoke about the lack of action by the Cannabis Advisory Committee (CAC) as to developing proposed rules for cultivators. Barry Rector, chair of the CAC said that the Committee spoke with Ms. Costanzo a few months ago and reiterated her remarks and noted the changes that have occurred with the state over the last couple of years. Ms. Gibson commented that Town Administration would be glad to invite a member of the CAC to the negotiations with applicants.

Mr. Fee so moved to adopt the terms of the HCA policy and procedure as discussed and presented, with a \$5,000 escrow amount for Town legal expenses; seconded by Ms. Holdgate; all in favor, so voted. Mr. Rector commented on issues associated with limiting cultivator licenses.

Ms. Murphy left the meeting at 7:12 PM; she returned at 7:14 PM.

2. FY 2022 Third Quarter Budget Reports: General Fund; Our Island Home Enterprise Fund; Solid Waste Enterprise Fund. Ms. Gibson introduced Finance Director Brian Turbitt to lead review of the budget reports as follows:

General Fund – Finance Director Brian Turbitt reviewed the presentation as contained in the Board's agenda packet. He noted that short-term rental revenue has continued to exceed projections.

Our Island Home – Administrator Peter Holden and Our Island Home Consultant Robert Eisenstein reviewed the presentation as contained in the agenda packet.

Ms. Holdgate left the meeting at 7:15; she returned at 7:19 PM.

Solid Waste – Mr. Turbitt reviewed the presentation as contained in the agenda packet.

3. Update on Airport Water Main Extension Project and Cost Repaving/Repairing Private Road. Ms. Gibson reviewed the Board's previous action in November 2021 to approve an expenditure from Town funds to cover the cost of curb-to-curb paving of a portion of a private road within which the Airport is installing a water main to a certain group of properties impacted by PFAS contamination caused by activities that took place on Airport property.

Chair Bridges left the meeting at 7:31 PM; he returned at 7:33 PM.

Ms. Gibson noted that since the Board's approval in November, the cost estimate has been refined and has more than doubled, with a total project amount of over \$1.5 million, up from an original "ballpark estimate" of \$500,000. She noted that the Airport will cover the trench paving and the Town's funding to "fill the gap" for curb-to-curb paving. She reviewed the Town Admin recommendation to proceed, despite the significant additional expense, and without any additional drainage structures. She noted that because this is a private road, the Town would not be undertaking continued maintenance of the road or drainage structures. Ziad Kary of Environmental Partners Group, the Town's engineer for this project, used a presentation to review the detail of the revised estimate, as well as the condition of the road and the options for paving. He noted that the trench paving is not recommended because the roadway conditions, being as poor as they are, cannot support only paving the trench. He added that while the option noted by Ms. Gibson is recommended, there will be degradation of the road without proper on-going maintenance. Mr. Fee asked if money was no object, what would the recommendation be different. Ms. Gibson said no because of the on-going maintenance issue. She noted that the project will be paid for from American Rescue Plan Act (ARPA) funds, not local property tax revenue. Mr. Fee asked if betterments were considered. Ms. Gibson reviewed the purpose of the project, noting that it is happening on the initiative of the Airport, not the residents and as a result it was felt that betterments were not appropriate. Mr. Fee said that the Town should be taking roads in this area but only if they are "up to snuff". He advocated for betterments to improve private roads. Discussion followed about betterments. Ms. Gibson noted that with regard to roads in this area, there were discussions by prior Select Boards to assess betterments to improve them; however, those Boards did not ever ultimately approve betterments. Mr. Fee again advocated to assess betterments wherever possible, however, said that in this particular instance he supports the recommendation. Ms. Holdgate moved to approve the recommendation to fund "option 2" as presented in Mr. Kary's presentation contained in the Board's agenda packet; seconded by Ms. Ferrantella; all in favor, so voted.

4. Update on Request for Proposals for Shooting Range Facility at Portion of 1 Shadbush Road. Ms. Gibson reviewed that pursuant to prior Board action, a Request for Proposals was issued for a shooting range at the subject property, contingent up a vote of the 2022 Annual Town Meeting to authorize the Board to enter into a long-term lease with the successful proposer. She said that one proposal has been received and is in the process of being evaluated per procurement requirements. Mr. Fee commented that the Board has some leeway with respect to a lease with the proposer, if the authorization for the long-term lease is approved by Town Meeting.

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

6. State of the Town Report. Ms. Gibson introduced a video which she said is intended to provide a broad overview of the state of the Town, including the Town's strengths, and where patience and understanding is needed for the coming summer, as well as to review the initiatives being put into place to address the identified issues. She said she would like to dedicate the video to Bill Sherman – long-time Civic League member and Town board volunteer, noting that decades ago, Bill recognized the need for Town government to modernize and was instrumental, along with many others, in working to develop the Town Charter. She said Bill has been a supporter of Town Administration and has continuously encouraged a "State of the Town" message. The video was displayed on screen. Following the video, Chair Bridges and the other Board members expressed thanks and appreciation for the video. Ms. Gibson thanked Public Outreach Coordinator Florencia Rullo for producing the video as well as input from the Assistant Town

Managers, Culture and Tourism Director Janet Schulte and the other Cabinet members. Ms. Gibson said that the video would be put out onto social media and hopefully other outlets.

Ms. Gibson noted that there is no Select Board meeting on May 4th because of the 2022 Annual Town Meeting starting on Monday, May 2nd.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Mr. Fee commented on a recent Coastal Resilience Advisory Committee meeting. Chair Bridges thanked Ms. Ferrantella again for her leadership, especially during the COVID pandemic and with helping to bring forward Diversity Equity and Inclusion as a part of the Town.

XIII. ADJOURNMENT

At 8:11 PM, Ms. Ferrantella moved adjournment; seconded by Ms. Holdgate; all in favor, so voted.

Approved the 11th day of May 2022.

SELECT BOARD
APRIL 27, 2022 – 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. 4. Committee Appointments Timeline; 2022 Committee Openings Info
- VII. 4. Pending Contracts spreadsheet
- IX. 1. Gift summary & recommended motion; Saltmarsh Center Gift Memo
- IX. 2. AIS re: Noise Bylaw Waiver request; Email from Bartlett Tree Experts
- IX. 3. AIS re: Nantucket Preservation Trust Preservation Restriction; CR/HPR policy; Cover letter from NPT; Draft HPR for 55 Union St; Letter from Mass. Historical Commission
- IX. 4. CRC FY 2023 Human Services Grant report & recommendations; CRC FY 2023 Cannabis Grant report & recommendations
- IX. 5. AIS re: Easements - Hancock St; Release of Easement for Easement 1, Hancock St; Release of Easement for Easement 2, Hancock St; Easement Plan; Articles 104 &105 of 2021 ATM; GIS plan
- X. 2. AIS re: Order of Taking of Portions of Hawthorne St; Order of Taking; Articles 98 & 99 of 2011 ATM; Plan No. 2021-67; Public hearing notice
- X. 3. AIS re: Airport Bulk Fuel Storage License; Cover letter from Airport; Application for amended bulk fuel storage license; Plan; Abutter notification info
- X. 4. AIS re: Outdoor Dining public property fees; Outdoor dining presentation
- XI. 1. Email from Town Counsel re: HCA for Marijuana Cultivators; Draft HDC Policy & Procedure for Marijuana Cultivator License Applicants
- XI. 2. FY22 3rd Q budget reports - General Fund; Our Island Home; Solid Waste
- XI. 3. AIS re: Airport Water Main Extension Project Update; Email thread re: new "gap" amount for paving; 11/10/2021 AIS re: gap funding; Full road paving estimate; Trench patch paving estimate; Portion of 11/10/2021 SB minutes
- XI. 4. Update on RFPs for Shooting Range
- XI. 5. Monthly Town Management Report
- XI. 6. State of the Town video - <https://youtu.be/wYcnSA2DKjY>