

SELECT BOARD

Minutes of Meeting of May 11, 2022. 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, Matt Fee, Brooke Mohr and Melissa Murphy. Dawn Holdgate joined at 5:34 PM. 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, then moved item III-4 and acknowledged and welcomed newly elected Board member Brooke Mohr and re-elected member Matt Fee to the Board.

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. The Select Board is Accepting Applications for Annual Committee Appointments. Information on Seats Available Can be Viewed at <https://www.nantucket-ma.gov/DocumentCenter/View/24245/Select-Board-appointed-Committee-Openings-PDF?bidId=>. The Committee Appointments Timeline Can be Viewed at <https://www.nantucket-ma.gov/DocumentCenter/View/24243/2022-Committee-Vacancies-Appointment-Timeline-PDF?bidId=>.

3. The Select Board is Accepting Applications to Fill a Vacant Planning Board Seat. Applications are Due at Noon on May 27, 2022; Applicant Review of Applications and Joint Appointment by Select Board and Remaining Planning Board Members to be Held June 22, 2022.

4. Select Board Announcements/Comments.

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

There was no follow-up on prior comments.

V. PUBLIC COMMENT

There was no public comment.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES AND WARRANTS

Mr. Fee moved approval of items VII 1 – 3; seconded by Ms. Murphy; so voted 4-0.

1. Approval of Minutes of April 25, 2022 at 4:00 PM; April 27, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for May 1, 2022.

3. Approval of Treasury Warrants for May 4, 2022; May 11, 2022.

At 5:34 PM Ms. Holdgate joined the meeting.

4. Approval of Pending Contracts for May 11, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Murphy moved approval of the pending contracts as presented; seconded by Mr. Fee; all in favor, so voted.

VIII. CONSENT ITEMS

1. Gift Acceptance: Our Island Home; Fire Department. Ms. Murphy moved to accept the gifts as noted in the Board's agenda packet, with thanks; Ms. Holdgate seconded; all in favor, so voted.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Finance Department: Request for Approval to Increase FY 2022 Airport Aviation Fuel Revolving Fund Spending Limit. Director of Finance Brian Turbitt reviewed the request, noting that the spending limit increase is due to the rise in fuel prices. He noted that pursuant to Massachusetts General Law, this type of action for this type of revolving fund requires approval of the Select Board and the Finance Committee. He noted the Finance Committee has already approved the request. Ms. Murphy moved approval as presented; seconded by Mr. Fee; all in favor, so voted.

2. Taxi Owner: Request for Amendment to Taxi/Limousine/Charter/Tour Vehicle Regulations to Remove Requirement for Taxi/Tour/Limo/Charter Drivers to have Massachusetts Drivers Licenses. Chair Bridges introduced the request. Taxi owner/licensee Kenneth Turgeon explained the request and referred to his letter, which is in the Board's agenda packet. Ms. Murphy moved to schedule a public hearing for consideration of the requested amendment; seconded by Ms. Holdgate, 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; April 27, 2022). Chair Bridges reopened the public hearing. Town Manager C. Elizabeth Gibson noted that no further information has come in regarding this issue and recommended closure of the hearing with no action at this time. Ms. Holdgate so moved to close the hearing; seconded by Ms. Mohr; all in favor, so voted. Ms. Holdgate moved to take no further action at this time and to refer the matter to staff; seconded by Mr. Fee; all in favor, so voted.

XI. TOWN MANAGER'S REPORT

1. FY 2022 Third Quarter Budget Reports: Airport Enterprise Fund; Water Enterprise Fund; Sewer Enterprise Fund. Ms. Gibson introduced the department heads as follows for review of the third quarter budget reports:

Airport Manager Tom Rafter. Mr. Rafter reviewed the Airport budget report as presented in the Board's agenda packet. He noted that fuel sales are up significantly. He referenced a current pilot shortage which is resulting in fewer flights on the commercial side. He said that private flights have increased substantially.

Water Department. Water Manager Mark Willett was not present, and Mr. Turbitt reviewed the report as contained in the Board's packet.

Sewer Director David Gray. Mr. Gray spoke on chemical costs, sewer connection numbers and supply chain issues that are somewhat impacting operations, mostly with equipment repairs.

2. Natural Resources Department: Update on Maintenance Dredging at Long Pond/First Bridge Culvert (Continued from April 13, 2022). Ms. Gibson introduced Coastal Resilience Coordinator Vincent Murphy, for a review of this issue, noting that Mr. Murphy prepared a comprehensive report which is in the Board's agenda packet. Mr. Murphy explained the report and the findings of numerous measuring exercises performed at the site in connection with clearance for herring to run (swim) into Long Pond, which had been a concern expressed by a citizen at the April 13th meeting. He further reviewed his findings as to metrics for herring access through available resources at federal and state agencies. He reviewed the various depths at the site as measured throughout various tidal conditions. He explained some potential ways to address silting into the pond from a nearby bank and from the roadway. He stated that there is no environmental reason to initiate any dredging. Dr. Sarah Bois of the Linda Loring Foundation, an adjacent property owner, spoke in support of Mr. Murphy's conclusions and recommendations. Mr. Fee said that if he were a fish, he'd want the depth deeper. He said that increasing the flow would "help things out there". He asked about a comment made at the prior meeting regarding the state's dredging approval process. Natural Resources Director Jeff Carlson answered. Some discussion followed on next steps. Chair Bridges re-reviewed the recommendation, noting that dredging is not intended to occur at this time, rather other actions will be explored to address the silt issue.

3. Natural Resources/Health Department: Update Regarding Fertilizer Regulations – Enforcement/Amendments/Outreach/Update from 2022 Annual Town Meeting, Article 79. Ms. Gibson introduced Mr. Carlson and Public Health Director Roberto Santamaria to provide an update on this matter. Mr. Santamaria reviewed a presentation, as contained in the Board's packet. He said that proposed amendments are going before the Board of Health for review next week, and then will go to the Nantucket Planning & Economic Development Commission, consistent with legal requirements for this type of regulation; if the NP&EDC approves the amendments, they will be put before a public hearing. He noted the amendments have already gone through legal review. He reviewed outreach and education programs with respect to the fertilizer regulations; and enforcement protocols and challenges to enforcement. Mr. Carlson supplemented Mr. Santamaria's presentation and explained some specific examples of enforcement challenges. He reviewed some of the specifics of the proposed amendments. Some discussion followed on the proposed amendments and the process for adoption. Mr. Fee expressed support for the amendments. Discussion continued as to enforcement methodology; and other ways to provide education and outreach. Ms. Murphy commented on translating information into other languages. Mr. Santamaria stated that has been done, in Spanish and Portuguese. Discussion continued as to enforcement protocols. Ms. Mohr suggested embedding a QR code in landscaper invoices that could link to a video for homeowners. Chair Bridges asked how regulatory success is measured. Mr. Carlson responded that it would result in increased water quality improvement with decreases in certain types of sediment and invasive species. Additional discussion followed on types of measurements. Nantucket Land Council Director Emily Molden thanked the Board and staff for this presentation and discussion. She added that the NLC supports the proposed amendments. She spoke in support of a more robust enforcement and outreach program, adding that NLC is willing to assist. Ms. Molden commented on the status of a regulatory advisory group.

4. Review Follow-up with 2022 Annual Town Meeting and Election Results. Ms. Gibson reviewed next steps with actions taken at the May 2, 2022 Annual Town Meeting, including financial approvals to be

processed in the Finance Department, and general bylaw and zoning amendments to be forwarded to the Attorney General's office by the Town Clerk. She noted that questions and commentary have been coming in regarding the outcome of Article 71 (Gender Equality at Beaches). She said that until the general bylaw amendment is acted upon by the Attorney General's (AG) office, there is really no action to be taken by the Town, until there were to be a violation of existing state law which essentially involves lewd behavior. She said that if Article 69 (ban on nip bottles) is approved by the AG's office, there will need to be significant outreach to educate businesses and the public of the ban. She continued explaining next steps: home rule petitions to be forwarded to the Town's legislative representatives by Town Administration; real estate articles to be prioritized and processed within Town Administration and the Real Estate Specialist. She noted that with respect to Article 101 (long-term lease authorization for shooting range on Town property), an internal staff group will be convened shortly to review the proposal submitted in response to the Town's recently issued Request for Proposals for this project and will subsequently make a recommendation to the Board. She said that Article 82, which was a citizen article seeking a "ombudsman" for citizen complaints, and which had been flagged in December, 2021 and at Town Meeting by Town Counsel as being legally flawed and not binding may need some direction from the Board as to how it would intend to address this. Ms. Gibson reviewed the results of the May 10th Annual Town Election ballot questions, noting that Question 6, which was Article 16 at the 2022 Annual Town Meeting, for a central municipal facility, did not pass at the Town Meeting, therefore, will not proceed as debt exclusions require the approval of both town meeting and the voters at an election. With regard to the rest of the ballot questions, these will need to be prioritized and associated steps specific to each project or transaction developed and taken. Ms. Gibson noted that with respect to Articles 42 and 43 (relating to short-term rentals) and a work group that was voted to be formed, should have some Board discussion. Ms. Murphy and Ms. Holdgate recused from this discussion, left the table and took seats in the audience. Finance Committee Chair Denice Kronau spoke on proposed next steps at to the establishment of the voted work group, suggesting that a small work group with representatives from the Board, Finance Committee and Planning Board meet to come up with the actual framework and work plan for the work group as voted by Town Meeting. Mr. Fee questioned who will facilitate the work group and how data will be gathered. He said he would like to see a "consensus driven" process. Ms. Kronau agreed that the work group should be transparent and representative of the various stakeholders. Ms. Mohr said there are many constituencies associated with this issue and advocated for an independent, professional facilitator. Ms. Gibson asked who the other Select Board member will be for the initial work group. Ms. Mohr volunteered, and Chair Bridges and Mr. Fee expressed support. It was generally agreed that this initial work group will meet as soon as it can be arranged. Mr. Fee commented on the "ombudsman" article and Town Counsel's advice of today. He said he thinks the Board should have some additional discussion about the options put forward by Town Counsel in the email that came in today. Ms. Gibson concurred as did Chair Bridges. Ms. Murphy said outreach could be clearer to the community as to what avenues are available for assistance when there is a dispute of some sort. She said perhaps the DEI Director could have a role here. She added that the Town is not responsible for any issues with the Nantucket Public School system. Ms. Mohr agreed with Ms. Murphy. Ms. Murphy commented further on outreach regarding Article 71 and suggested that an explanatory paragraph on the website. Ms. Murphy commented on litter and trash. Some discussion followed. Ms. Gibson said a correspondence will be coming out shortly from Town Administration to businesses requesting that they step up and help prevent and/or clean up litter. Discussion continued on litter issues and how to deal with them. Chair Bridges asked how the Board members felt about Town Meeting. Ms. Murphy expressed thanks to the Town Clerk's office and other staff for the setup. She said that when Town Meeting takes place is always an issue and suggested that a Government Study Committee be reconvened to focus on the types of Town government, specific to Town Meeting. Ms. Holdgate said she is very pleased with electronic voting; suggested a concession be allowed in the lobby for snacks and said she prefers a Saturday town meeting. She said she

was pleased with the outcome of the financial articles and ballot questions. Mr. Fee said he was initially hesitant about the electronic voting but now prefers it and said he agrees with the other comments. Ms. Mohr said while she was not able to attend in person, the only issue she was made aware of was the people in the gym seemed unsure about how/when they could speak. Some discussion followed as to a representative vs an open town meeting. Ms. Murphy suggested that translation of the warrant and other documents be available; and, that the hard of hearing be offered assistance. Chair Bridges said having food trucks available could be helpful. He said childcare is always a problem and relayed a suggestion he heard from a business owner about the provision of childcare combined with being able to move certain articles to the beginning of the meeting. Ms. Mohr suggested the possibility of a subsidy to assist with childcare. Chair Bridges said he thinks the Select Board members' votes should be displayed. He said he has frustrations with "calling the question". Ms. Mohr commented on multiple amendments being confusing to those new to town meeting. Ms. Holdgate said the way the articles were ordered was helpful.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Chair Bridges noted that the Board will review and act on its committee representatives next week.

XIII. ADJOURNMENT

At 7:23 PM, Ms. Murphy moved adjournment; seconded by Ms. Holdgate; all in favor, so voted.

Approved the 18th day of May 2022.

**SELECT BOARD
MAY 11, 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. 2. Committee Appointments Timeline; 2022 Committee Openings Info
- III. 3. Planning Board vacancy appointment timeline
- VII. 1. Draft minutes of 4/25/2022; Draft minutes of 4/27/2022
- VII. 4. Pending contracts spreadsheet; 74 Cliff Rd guard rail gift
- VIII. 1. Gift summary & recommended motion; Our Island Home gift letter; Fire Dept. gift letter
- IX. 1. AIS re: Increase FY22 Airport Aviation Fuel Revolver Cap
- IX. 2. Email from Ken Turgeon re: Taxi/Tour/Limo/Charter regulations amendment
- X. 1. AIS re: Verizon/NGrid utility petition; Departmental comments; Verizon/NGrid petition; Portion of 4/13/2022 SB minutes
- XI. 1. FY22 3rd Q budget report – Airport; FY22 3rd Q budget report - Water Dept.; FY22 3rd Q budget report – Sewer
- XI. 2. Update on Long Pond at First Bridge
- XI. 3. Fertilizer Program Update presentation