

SELECT BOARD

Minutes of Meeting of September 7, 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, Dawn Holdgate, Matt Fee, and Brooke Mohr. Melissa Murphy was not present.

I. CALL TO ORDER

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

II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Bridges noted that there will be two additional announcements and that the HDC appeal will be continued to December 7, 2022.

III. ANNOUNCEMENTS

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

2. Review of Applications for Appointments to Short-term Rental Work Group; Agricultural Commission; Finance Committee; Tree Advisory Committee. Operations Administrator Erika Mooney reviewed the names of applicants for the pending committee appointments, as follows:

Short-term Rental Work Group: Kathy Baird (for Nantucket Together); Curtis Barnes; Gary Beller (for Advisory Committee of Non-Voting Taxpayers (ACNVT)); Sue Brandt; Abigail Camp; Wendy Conway Schmidt; Ernie Culkins; Jonathan W. Delano; Thomas Dixon (Affordable Housing advocate); Rebecca (Rebek) Duhaime; Geraldine (Gerri) Ferguson; Lynn Filipski; William Gardner (for ACNVT); Keith Goldstein; Karel Greenberg; JP Hernandez; Peter Hoey; Peter Kahn (for ACNVT); John Kitchener; Robert Levy; Andy Lowell; Bruce Mandel (late application); Edward Mills; Henry Mueller; Leo Mullen; Chip Newton; Robin Nydes (for Nantucket Together); Jeffrey Parker; Matthew Peel; Sam Pierpont; Joseph W. Plandowski; Sharon Quigley; Georgia Raysman; Grant Sanders; Damian Schaible (for Nantucket Together); Eric Silfen; Jim Sulzer; Catherine Ward; Linda Williams; Patsy Wright; Karen Zagayko.

Finance Committee: Jeremy Bloomer; Walter Flaherty; Joseph H. Wright.

Ms. Mooney noted that seats are still available on the Agricultural Commission and Tree Advisory Committee and that applicant introductions and appointments are scheduled for Wednesday, September 21, 2022, pursuant to the Select Board Committee Appointment Policy.

Sewer Director David Gray reviewed the timeline for the Sewer Force Main Project which is set to begin on South Shore Road on Monday, September 12 and on Step Lane on September 19.

Finance Director Brian Turbitt introduced the new Assistant Finance Director, Susan Carmel.

3. Select Board Announcements/Comments. Ms. Mohr said that the Housing Workshop held on August 23, 2022 is available for viewing on the Town's government YouTube channel.

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

No follow-up.

V. PUBLIC COMMENT

Denice Kronau, speaking as a private citizen, voiced concerns over a recently launched recall effort of the Select Board Chair and commended those in service to the Town, especially the Select Board and Chair Bridges. She said she feels the recall effort is polarizing, disheartening and a disservice to the community.

Anne Dewez noted the Select Board has an item on its September 8, 2022 executive section agenda regarding a Planning Board legal matter involving pools and spas. She read aloud an email she recently sent to the Board about this.

Charity Benz voiced her concern about a recent court ruling that upheld a Conservation Commission decision regarding the removal of the Sconset geotube project and the possibility of the Siasconset Beach Preservation Fund (SBPF) appealing that decision.

Butch Ramos spoke out against the use of antifreeze to winterize plumbing, noting that it is an environmental hazard.

Meghan Perry passed out copies of the Housing Appeals Committee (HAC) draft decision for the proposed Surfside Crossing 40B housing project to the Board members. She reviewed sections of the former Fire Chief's testimony to the HAC and asked if new information can be presented to the HAC based on the Veranda House fire in July, 2022.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Ms. Mohr moved approval of items VII 1-2; seconded by Ms. Holdgate. So voted 4 - 0.

1. Approval of Minutes of August 17, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for August 21, 2022; September 4, 2022.

3. Approval of Treasury Warrants for August 24, 2022; August 31, 2022; September 7, 2022. Ms. Mohr recused herself from this matter. Ms. Holdgate moved approval; seconded by Mr. Fee; so voted 3 - 0.

4. Approval of Pending Contracts for September 7, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Holdgate moved approval; seconded by Mr. Fee; so voted 4 - 0.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Natural Resources and Saltmarsh Senior Center: Request for Acceptance of Gifts. Ms. Holdgate moved approval of the gifts with thanks to the donors; seconded by Ms. Mohr. So voted 4 - 0. Ms. Mooney read the donors' names as indicated in the Board's agenda materials.

IX. SELECT BOARD'S REPORTS/COMMENT

1. Discussion/Potential Action Regarding Historic District Commission Advisory Committees. Chair Bridges noted that the Board has all agenda item materials in the agenda packet with the exception of a letter that

was received today from HDC Chair Ray Pohl. Chair Bridges said the Board will be discussing possible actions, including reinstating one or more of the HDC advisory committees or tabling the matter. Mr. Fee said he wants to understand why the boards were eliminated and how. He said he feels the process was not sufficient and that the Board should not have the burden placed on it to establish committees for the HDC. Mr. Fee added he feels the legal opinion from Town Counsel was used as an excuse to eliminate the HDC advisory boards and that there was not a process involved. Chair Bridges said that he spoke with Ray Pohl today as to a short-term solution whereby the Board could reinstate one or more of the committees until a longer-term solution can be recommended by the HDC and/or Planning. Ms. Holdgate said she wants to talk about solutions, not how we got here. She said that when the Historic Structures Advisory Board (HSAB) was established there was no Nantucket Historical Commission (NHC) and she feels that if the NHC has the bandwidth they should take over the role of the HSAB. Ms. Holdgate went on to say that she feels while the HDC advisory committees were valuable, the way they were established was not legal, and if the Select Board does reestablish any of them, there should be a recommendation from the HDC. Ms. Mohr said she doesn't know the history of the neighborhood committees (Sconset Advisory Board - SAB, Tuckernuck Advisory Board - TAB, Madaket Advisory Board - MAB) and she needs more time to understand their origins, but she does feel the Sign Advisory Council (SAC) is helpful. Ms. Mohr added that once the Town has an understanding that something is not legal it cannot continue. She said she feels the SAC is the most important advisory committee for the HDC and a temporary fix is to reestablish that committee then a long-term solution could be to amend the HDC Special Act to allow the HDC to legally establish the advisory committees. Mr. Fee stated that his original suggestion to the Town Manager was for her to reinstate the committees then spend time on a long-term solution. He added that the discussion of the advisory committees began a year ago so there has been time to work on this. He said the Town was being reactive instead of proactive. Ms. Mohr asked if the Select Board could vote tonight to reestablish any or all of the advisory committees and bypass its committee appointment policy. Attorney John Giorgio from Town Counsel's office said he sees no reason why the Board can't vote tonight to reestablish the SAC and reconstitute it as it was to allow the committee to work uninterrupted. Ms. Mooney reviewed the Board's committee appointment policy and the Board's allowance to bypass it. She noted that the terms and seats proposed in the packet differ somewhat from what previously existed. Ms. Mohr asked for clarification on the Board's ability to appoint members to HDC advisory committees and asked if the SAC is different from the others. Mr. Giorgio said they are all the same in that the Charter grants the authority to establish and make appointments, to the Select Board. Ms. Mohr asked if the Board doesn't reconstitute the committees, what will be the effect to pending applications. Planning Director Andrew Vorce clarified that he consulted with the chair of the HDC over a year ago and discussions included Town Counsel and the Town Manager. Mr. Vorce explained that he didn't "cancel" the committees, he had them stop meeting as staff can't provide support to committees that are not legally constituted. Mr. Vorce cautioned the Board against establishing any new neighborhood committees as it could be a burden on staff time. He added that he is in agreement with Ms. Holdgate and his staff about allocating the review of historic structures to the NHC. Mr. Fee said he wants the HDC to be involved and for the HDC to make a recommendation to the Select Board about reestablishing the committees. Preservation Planner Holly Backus stated the crux of Mr. Pohl's letter is that the HDC cannot do without the SAC. Chair Bridges reviewed possible options for the Board including waiting to get more feedback from the HDC or to reestablish the SAC now. Ms. Holdgate moved to reestablish the SAC tonight with the existing members with all terms ending June 2023 and then getting a recommendation from the HDC on the SAC in terms of mission, membership, etc. which the Board can ratify at a later meeting; seconded by Mr. Fee. Hillary Hedges Rayport asked to speak while the vote was in process. Chair Bridges said she would have to wait to speak until the vote was taken. On the motion, so voted 3 – 1. Mr. Fee was opposed as he wanted to hear from Ms. Rayport. Ms. Rayport stated she is "stunned" by the Board's decision, stating that she does not believe the Select Board has the right to

appoint HDC members. She said she felt this was a “manufactured crisis” and there are management issues that are not being addressed. Ms. Holdgate noted that the Select Board appoints the HDC Alternate members so there is already precedent for Select Board appointments of HDC-related membership. Ms. Mohr stated she sees this as an emergency response to a request from the HDC Chair, not a long-term solution. She added she would like to form a group to review the system that has been in place. Ms. Hedges stated she wants the Select Board to acknowledge that this is a manufactured crisis and management issue. Mr. Fee voiced concerns about how an assessment can be done in time to put forth a town meeting article for a home rule petition to change the HDC Special Act. Bruce Mandel suggested that neighborhoods create groups to review applications and have one person present comments to the HDC. He also suggested that if the MAB is reconstituted that two alternate seats are allowed, and that all members live in Madaket. Mr. Vorce said regarding the so-called “manufactured crisis” that the August 17, 2022 memo from Town Counsel advised discontinuation of advisory committee meetings or deliberations.

2. Committee Reports. None.

X. HDC APPEAL

1. Public Hearing to Consider the Appeal of Charles R. Schwarzapfel of Historic District Commission Disapproval of Certificate of Appropriateness No. HDC2020-10-2033 for a Pool, Patio, Screening and Fence Located at 9 Maine Avenue, Map 60.3.1, Parcel 425 (Continued from April 6, 2022, June 8, 2022; Request to be Continued to December 7, 2022). Ms. Holdgate moved to continue the public hearing to December 7, 2022; seconded by Mr. Fee. So voted 4 – 0.

XI. ADJOURNMENT

At 7:04 PM, Ms. Mohr moved adjournment; seconded by Ms. Holdgate. So voted 4 - 0.

Approved the 21st day of September 2022.

**SELECT BOARD
SEPTEMBER 7, 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. Short-term Rental Work Group appointments timeline; STRWG applicant list; Baird email; ACNVT email; Nantucket Together email; STRWG applications
- III. 2. Round 3 committee vacancy appointments timeline; Round 3 applicant list; Round 3 applications
- VII. 1. Draft minutes of 8/17/2022
- VII. 4. Pending Contracts spreadsheet
- VIII. 1. Summary of gifts received and recommended motion; NRD gift; Saltmarsh gift
- IX. 1. Memo from Town Counsel to Planning Director re: Sign Advisory Council 8/17/2022; Email/letter from former SAC members 8/23/2022; Email from Town Counsel to Planning Director re: SAC 9/1/2022; Memo from Planning Director to Select Board re: advisory board options 9/6/2022; Memo from HDC staff re: options 9/6/2022; List of HDC advisory boards, proposed seats and terms