

SELECT BOARD

Minutes of Meeting of September 21, 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 Matt Fee, Brooke Mohr, Jason Bridges and Dawn Holdgate. Melissa Murphy was not present.

I. CALL TO ORDER

Chair Bridges called the meeting to order at 5:32 PM following the Pledge of Allegiance.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted, with a minor change to switch the order of items VIII 1 and 2.

III. ANNOUNCEMENTS

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

2. Sewer Force Main Project Update. Sewer Director David Gray provided an update, noting that the project just started this past Monday and is only just getting underway. He said nothing unexpected has arisen at this point. He reviewed a public informational session that took place last week, which seems to have answered some questions of abutters. Operations Administrator Erika Mooney urged the public to stay away from the area(s) under construction. Mr. Fee asked about work in the vicinity of the Veranda House on Step Lane with respect to rebuilding it following the July 9th fire. Mr. Gray explained that has been taken into consideration already and the schedule/work plan has been adjusted to accommodate this work.

Mr. Gray said that paint dumping into storm drains has recently been a problem and that public outreach has been put out about this, today.

Chair Bridges thanked Mr. Gray for responsiveness to abutters along the sewer force main route.

3. DPW: Fall Road Maintenance and Repair. DPW Director Stephen Arceneaux reviewed current fall road work, including: a portion of Madaket Road from the DPW Facility to Warren's Landing; Eel Point Road from Madaket Road to #73 Eel Point Road; a portion of New Street in Sconset from Milestone Road to Burnell Street. Chair Bridges asked about timing. Mr. Arceneaux said generally paving should be completed by November 15th, weather depending.

4. May 6, 2023 Annual Town Meeting:

- Warrant Opens for Citizen Warrant Article Submittals September 29, 2022 through November 14, 2022 at 4:00 PM.

- Town Counsel Citizen Warrant Article Consultation Scheduled for Tuesday, October 4, 2022 from 2:00 PM – 4:00 PM; and Wednesday, October 5, 2022 from 9:00 AM – 11:00 AM via Zoom; email TownManager@nantucket-ma.gov for Zoom Links.

5. Select Board Announcements/Comments. Chair Bridges commended the IT Department for their on-going help to respond as needed, even during off hours – noting an issue tonight that was responded to quickly, here at the meeting.

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

No follow-up comments.

V. PUBLIC COMMENT

Megan Perry displayed photos of the audience at a 2018 Zoning Board of Appeals public hearing for the Surfside Crossing 40B affordable housing development and said the picture should “talk” regarding the potential for an appeal of a recent state Housing Appeals Court decision to approve the project.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

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

1. Approval of Minutes of September 7, 2022 at 5:30 PM, September 14, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for September 18, 2022.

3. Approval of Treasury Warrants for September 21, 2022.

4. Approval of Pending Contracts for September 21, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Gibson asked Police Chief Pittman to review a pending contract pertaining to the acquisition of body cameras for police officers pursuant to the Police Reform Act of 2021. Chief Pittman reviewed an upcoming mandate for body cameras in Massachusetts and reviewed how the system will work. Some discussion followed as to the associated data storage for the video footage generated by the cameras.

Ms. Holdgate moved approval of the pending contracts, as presented; seconded by Ms. Mohr; all in favor, so voted.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

2. Applicant Introduction/Review of Applications and Appointments to Finance Committee. Via paper ballot to Ms. Mooney, the Board voted as follows:

Jeremy Bloomer: Mr. Fee, Ms. Holdgate

Walter Flaherty: no votes

Joseph Wright: Chair Bridges, Ms. Mohr

In an effort to break the tie, another round took place with the 2 applicants, with identical results. In a further effort to break the tie, the Board agreed to a coin toss, with Mr. Bloomer being selected if the coin lands on “heads”. The coin toss resulted in “heads”. Mr. Fee moved to appoint Mr. Bloomer to the Finance Committee for a term ending in 2024; seconded by Ms. Holdgate; all in favor, so voted.

1. Applicant Introduction/Review of Applications and Appointments to Short-Term Rental Work Group. Ms. Holdgate recused from this item and left the table. Finance Committee Chair Denice Kronau and Ms. Mohr explained the appointment process, as laid out by the Short-term Rental organizational work group

pursuant to a meeting held on September 20, 2022. It was noted that the voting will be done with the group of Chair Bridges, Ms. Mohr, Mr. Fee, Ms. Kronau and Planning Board member David Iverson. Ms. Mohr stated that the appointing group will accept the primary and alternate candidates put forth by the Planning Board, Finance Committee, Advisory Committee of Non-voting Taxpayers, ACK Now, Nantucket Together, and an Affordable Housing Advocate. Some discussion followed as to primary and alternate appointees and whether or not third candidates put forward by some groups could join the at-large candidate group; it was agreed they would be allowed. It was noted that all candidates will be allowed to speak for one minute each.

Ms. Kronau said the first motion is to accept the nominations for alternate and primary seats from the Planning Board, Finance Committee, Advisory Committee of Non-voting Taxpayers, ACK Now, Nantucket Together, and an Affordable Housing Advocate. Ms. Mooney read the names of the applicants: David Iverson and Barry Rector from the Planning Board, Peter Schaeffer and Joe Grause from the Finance Committee, Peter Kahn and William Gardner from the Advisory Committee of Non-voting Taxpayers, Julia Lindner and Carl Jelleme from ACK Now, Kathy Baird and Robin Nydes from Nantucket Together, and Thomas Dixon as an Affordable Housing Advocate. Mr. Fee so moved to make the appointments; seconded by Ms. Mohr. So voted by roll call vote: Chair Bridges – Yes; Mr. Mohr – Yes; Mr. Fee – Yes; Ms. Kronau – Yes; Mr. Iverson – Yes.

Ms. Kronau said that applicants for the at-large seats will now be allowed to speak for one minute each. Applicants spoke on their applications; and questions were asked of them as follows:

Curtis Barnes spoke on his application. Ms. Kronau asked about collaboration. Mr. Barnes responded.

Sue Brandt spoke on her application.

Abby Camp spoke on her application.

Wendy Conway Schmidt – not able to attend.

Ernie Culkins spoke on his application.

Jonathan Delano spoke on his application.

Rebecca Duhaime spoke on her application.

Gerri Ferguson spoke on her application.

Lynn Filipski spoke on her application.

Keith Goldstein spoke on her application.

Karel Greenberg – not able to attend.

JP Hernandez – not able to attend.

Peter Hoey spoke on his application.

John Kitchener spoke on his application.

Robert Levy spoke on his application.

Andrew Lowell withdrew his application.

Bruce Mandel submitted a late application that disqualifies him from consideration.

Edward Mills – not able to attend.

Henry Mueller spoke on his application.

Leo Mullen - not able to attend.

Chip Newton – not able to attend.

Jeffrey Parker – not able to attend.

Matthew Peel spoke on his application.

Sam Pierpont spoke on his application. Ms. Mohr asked where Mr. Pierpont works in real estate as indicated in his application. Mr. Pierpont responded, noting he has a business based off-island.

Joseph Plandowski – not able to attend.
Sharon Quigley spoke on her application.
George Raysman – not able to attend.
Grant Sanders spoke on his application.
Eric Silfen – not able to attend.
Jim Sulzer spoke on his application.
Damien Schaible spoke on his application.
Gary Beller spoke on his application. He also questioned an appointee application from the Affordable Housing Trust. Ms. Mooney responded.
John Sylvia – not able to attend
Catherine Ward spoke on her application.
Linda Williams spoke on her application.
Patsy Wright spoke on her application.
Karen Zagayko spoke on her application.

Ms. Mohr reviewed the next steps in the appointment process: with each voting member nominating 4 people with a description as to their reasoning for their selections. Mr. Fee suggested including Mr. Sanders as a “housing alternate”, as volunteered by Mr. Sanders earlier. Discussion followed and it was generally agreed to have an alternate be put forward by the Affordable Housing Trust or stakeholder group. Ms. Kronau reviewed and spoke on her considerations for nominees and the process she used to select nominees. Chair Bridges suggested that instead of each member putting forward their names one by one after presenting their considerations, that the email method be followed first, to eliminate any potential bias from members hearing from each other. The group agreed to forward their names to Ms. Mooney via email and then review their individual considerations. Chair Bridges, Ms. Mohr, Mr. Fee and David Iverson proceeded to review their considerations for nominees. Ms. Mooney read the nominee names:

Ms. Kronau: Curtis Barnes, Jon Delano, John Kitchener, Karen Zagayko

Chair Bridges: Ernie Culkins, Peter Hoey, John Kitchener, Jim Sulzer

Mr. Fee: Peter Hoey, John Kitchener, Sharon Quigley, Grant Sanders

Ms. Mohr: Sue Brandt, Ernie Culkins, Keith Goldstein, Jim Sulzer

Mr. Iverson: Jon Delano, John Kitchener, Jim Sulzer, Karen Zagayko

Each member confirmed their nominees.

Discussion continued with members reviewing their considerations as related to their nominees. Mr. Iverson said they have two potential candidates: Mr. Kitchener who received four nominations and Mr. Sulzer who received three nominations. Some discussion followed on year-round vs. seasonal residents and having a “balance” on the Short-term Rental Work Group. Mr. Fee moved to appoint John Kitchener and Jim Sulzer to two primary at-large seats; seconded by Mr. Iverson. So voted by roll call vote: Chair Bridges – Yes; Mr. Mohr – Yes; Mr. Fee – Yes; Ms. Kronau – Yes; Mr. Iverson – Yes. The voting group agreed to continue with voting and discussed the procedure for the remaining two members with the person with the most votes getting the primary seat and the person with the second most votes getting the alternate seat. Voting group members emailed their votes to Ms. Mooney.

Mr. Bridges left the meeting at 7:10 PM; he returned at 7:12 PM.

Mr. Fee disclosed that his sister is married to Grant Sanders, an applicant. Votes were read as follows:

Ms. Kronau: Jon Delano, Karen Zagayko

Chair Bridges: Jon Delano, Peter Hoey

Mr. Fee: Peter Hoey, Sharon Quigley

Ms. Mohr: Peter Hoey, Karen Zagayko

Mr. Iverson: Jon Delano, Karen Zagayko

Each member confirmed their votes.

As Mr. Delano, Mr. Hoey and Ms. Zagayko each received three votes, another vote followed to break the tie. Voting group members emailed their votes to Ms. Mooney.

Ms. Kronau: Jon Delano, Karen Zagayko

Chair Bridges: Peter Hoey, Karen Zagayko

Mr. Fee: Peter Hoey, Karen Zagayko

Ms. Mohr: Peter Hoey, Karen Zagayko

Mr. Iverson: Jon Delano, Karen Zagayko

Each member confirmed their votes.

Ms. Zagayko received five votes and was appointed to the primary at-large seat. Mr. Hoey received three votes and was appointed to the alternate at-large seat. Mr. Hoey stated that he would like to withdraw his application, not realizing he might be designated as an alternate. Ms. Mohr nominated Jon Delano for the alternate at-large seat; seconded by Mr. Iverson. So voted by roll call to appoint Mr. Delano to the alternate at-large seat: Chair Bridges – Yes; Mr. Mohr – Yes; Mr. Fee – Yes; Ms. Kronau – Yes; Mr. Iverson – Yes.

The Board members thanked Ms. Kronau for her efforts in organizing this process. All applicants were thanked and encouraged to consider other volunteer opportunities with the Town.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Application for New Common Victualler License for ShangriLa Kitchen, Bharat Banjara, Manager, for Premises Located at 149 Orange Street. Chair Bridges opened the public hearing. Licensing Administrator Amy Baxter reviewed the application. There being no public comment, Ms. Holdgate moved to close the public hearing; seconded by Ms. Mohr; all in favor, so voted. Ms. Holdgate moved to approve the application as presented; seconded by Ms. Mohr; all in favor, so voted.

2. Public Hearing to Consider the Taking of Portions of Folger Road, Shown as Parcels A, B, C, D, E and F on Plan of Land Entitled "Plan to Acquire Land for General Municipal Purposes, Folger Road, Nantucket, Massachusetts, Assessors Map 30" Dated September 22, 2021, Prepared by Site Design Engineering, LLC and Recorded at Nantucket County Registry of Deeds as Plan No. 2021-68, for the Purposes of Public Ways and/or General Municipal Purposes and Conveyance of the Fee Title or Lesser Interests, Together with any Public or Private Rights of Passage, Pursuant to MGL Chapter 79, or Otherwise, and Vote on Article 102 of 2015 Annual Town Meeting. Chair Bridges opened the hearing. Real Estate Specialist Ken Beaugrand reviewed the proposed transaction and the subsequent process. There being no public comment, Ms. Holdgate moved to close the public hearing; seconded by Ms. Mohr; all in favor, so voted. Ms. Holdgate moved to approve the transaction as presented; seconded by Ms. Mohr; all in favor, so voted.

3. Joint Public Hearing with Board of Health to Consider Adoption of Short-Term Rental Regulations. The Board of Health called its meeting to order with members Meri Lepore, Jim Cooper, Kerry McKenna (remote) and Brooke Mohr present. James Cooper recused from this matter, citing his involvement in a real estate business. Ms. Gibson reviewed the recent history of the development of the regulations. Chair Bridges opened the hearing. Ms. Gibson reviewed changes/updates that have occurred since this matter was last before the Boards, in August. Ms. Holdgate spoke on the fee and suggested a "scaled fee". Discussion followed as to tiering the fees based on occupancy. Town Counsel John Giorgio cautioned that fees need to be commensurate with services provided by the Town. It was generally agreed to start with a standard fee of \$250 and to determine whether or not to implement a tiered fee, later. Curtis Barnes said he thinks these regulations should be referred to the short-term rental work group that the Board just appointed. He spoke on fees in other towns on the Cape. Jim Sullivan asked about a provision with respect to requiring an individual to be physically present on Island within a certain period of time, to respond to issues with rentals. Health Director Roberto Santamaria explained this is intended for emergency situations. Mr. Sullivan said that he believes the regulations should be clearer; and, spoke against the provision. Ms. Holdgate agreed with Mr. Barnes that the short-term rental work group should review these regulations and agreed further with Mr. Sullivan, citing the difficulty of contracting with caretakers for response purposes and the need to be clearer with the language. Discussion followed as to how "lower level" short-term rental complaints are "logged" and addressed. Ms. Mohr commented that the short-term rental work group was designed specifically for zoning issues, not these regulations. Ms. Holdgate suggested that nonetheless she thinks at least one review by the work group would be helpful. Board of Health member Kerry McKenna asked for clarification about some of the provisions, which were answered. Rick Atherton, referring to Mr. Cooper's recusal, stated that he did not think that recusal was necessary. Mary Longacre expressed concern as to the potential for license revocation with respect to when it would be effective. Mr. Santamaria explained that the provision in question is no different from the state lodging code. Some discussion followed.

Ms. Holdgate left the meeting at 8:00 PM.

Mr. Santamaria suggested some of these details being brought up could be addressed through policy clarifications. He added that revocation would be subject to a Board of Health vote. Ben Cooper said he supports the gathering of data to be used for decision-making and not "random" fee setting. Some discussion followed. Kathy Baird expressed support for starting with an across-the-board fee of \$250. She said she agreed with what Ms. Holdgate referenced about being clearer with regard to the necessity of a physical presence of someone to handle short-term rental issues. She said there is not a lot of time between now and when the regulations would be effective on January 1, 2023 for the registration program

to launch, and suggested consideration be given to that. Mr. Santamaria concurred. Linda Williams expressed concern that the regulations are not user friendly for “lay people”; as well as concerns over some of the requirements. She said additional conversation should occur on these regulations. Edward Sanford commented on the cost of managing this program. Mr. Santamaria said that remains to be seen but there is some idea of it. Mr. Sanford said he does not see an issue with a fee of \$250. He asked for clarification of signage indicating egress. Mr. Santamaria responded. Mr. Sanford asked about certain other documents to be posted. Mr. Santamaria responded. Rebecca Duhaime concurred with Ms. Williams’ comments. She questioned the insurance requirements and said she does not see the need for those. Mr. Fee asked about the record-keeping provision and to what extent it would have to be made available. Ms. Mohr said she would be in favor of continuing the hearing. Some discussion followed regarding the timing of implementation. Chair Bridges asked if the hearing is continued, what remains to be determined by the Board. He added that he does not feel the regulations need to be reviewed by the short-term rental work group. Ms. Mohr concurred. Some discussion followed as to the changes to be made: registration fee of \$250; add a Code of Massachusetts Regulations (CMR) reference to the section as to the physical presence requirement (draft section XX.04C(4); add “make available upon request” language to draft section XX.06A. Chair Bridges asked if the Board of Health is ready to vote. Board of Health members indicated they are ready to vote, tonight.

There being no further public comment, Ms. Mohr moved to close the public hearing; seconded by Board of Health member Meri Lepore. So voted by roll call vote: Chair Bridges – Yes; Mr. Mohr – Yes; Mr. Fee – Yes; Ms. Lepore – Yes; Mr. McKenna – Yes. Ms. Lepore moved approval of the regulations with language changes as discussed; seconded by Ms. Mohr. So voted by roll call vote: Chair Bridges – Yes; Mr. Mohr – Yes; Mr. Fee – Yes; Ms. Lepore – Yes; Mr. McKenna – Yes. It was noted that several administrative tasks are now required, including advertising, formatting of the actual regulations, outreach.

X. TOWN MANAGER’S REPORT

1. Review of Preliminary FY 2024 General Fund Budget Projections. Finance Director Brian Turbitt and Ms. Gibson reviewed the presentation as contained in the Board’s packet. Discussion followed regarding potential priority focus areas.

XI. SELECT BOARD’S REPORTS/COMMENT

1. Committee Reports. Chair Bridges commented on discussions the Bicycle and Pedestrian Advisory Committee has been having about electric conveyance devices (i.e. electric bikes, scooters, long boards). Some discuss followed as to bike path maintenance.

XII. ADJOURNMENT

At 9:11 PM, Mr. Fee moved adjournment; seconded by Ms. Mohr; all in favor, so voted.

Approved the 28th day of September 2022.

**SELECT BOARD
SEPTEMBER 21, 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. 3rd Sewer Force Main Project construction schedule; Work zone map
- III. 3. DPW road projects
- VII. 1. Draft minutes of 9/7/2022; 9/14/2022
- VII. 4. Pending Contracts spreadsheet
- VIII. 1. Short-term Rental Work Group appointments timeline; STRWG applicant list; Baird email; ACNVT email; Nantucket Together email; Damian Schaible email; STRWG applications
- VIII. 2. Round 3 committee vacancy appointments timeline; Round 3 applicant list; Round 3 applications
- IX. 1. AIS re: Shangri-La Common Victualler license; Shangri-La CV application; Menu; Food for Here & There CV
- IX. 2. AIS re: Taking of Folger Rd; Order of Taking; Plan No. 2021-68
- IX. 3. AIS re: public hearing to consider adoption of STR Regs; Draft STR regs; Email from Town Manager; Public Hearing notice; Granicus STR Memo; Article 39/2022 ATM - STR Regs
- X. 1. FY 2024 General Fund Preliminary Budget Projections PPT