

## **SELECT BOARD**

Minutes of Meeting of September 28, 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, and Brooke Mohr. Melissa Murphy joined the meeting later as noted and Dawn Holdgate were not present.

### I. CALL TO ORDER

Chair Bridges called the meeting to order at 5:32 PM following a County Commissioners meeting.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

### 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 there have been “no surprises” yet.

3. 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](mailto:TownManager@nantucket-ma.gov) for Zoom Links.

4. Select Board Announcements/Comments. Mr. Fee spoke on rising winter National Grid electric rates, noting that the electric aggregation program will be a lesser increase and urged people to examine their bills and join the aggregate.

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

No follow-up comments.

### V. PUBLIC COMMENT

No public comment.

### VI. NEW BUSINESS

There was no new business.

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

Mr. Fee moved approval of items VII 1 – 2; seconded by Ms. Mohr; so voted 3-0.

1. Approval of Minutes of September 21, 2022 at 5:30 PM.

2. Approval of Treasury Warrants for September 28, 2022.

## VIII. REPORTS

1. Presentation of Diversity, Equity and Inclusion (DEI) Assessment Report. Town Manager C. Elizabeth Gibson provided brief background on the item and introduced DEI Director Kimal McCarthy for a more detailed review. Dr. McCarthy explained the matter in more detail with timing and scope of the Report's development; and introduced Dr. Bree Becker of Tangible Development, the firm engaged by the Town to prepare a DEI Assessment Report. Ms. Becker reviewed the presentation as contained in the Board's agenda packet. Mr. Fee asked how the questions were asked for the "Staff Tolerance Thermometer". Dr. Becker explained.

Ms. Murphy joined the meeting remotely at 5:57 PM.

Mr. Fee asked about a reference in the presentation as to employees identifying the opportunity for greater accountability of the Select Board. Dr. Becker said she would have to look through the backup material to obtain more detailed information. Ms. Mohr asked about if there is a DEI "lens" being used in a concurrent compensation and classification study. Dr. McCarthy answered affirmatively. Chair Bridges asked how long it might take to "move the needle" on progress with follow-up actions. Dr. Becker said that typically organizational changes might take approximately three years. Chair Bridges asked if anything was surprising as a result of the assessment. Dr. McCarthy responded that he was surprised at a high level of response, especially at the staff level. Dr. Becker said she wasn't particularly surprised but that it is worth noting that the line between organization and community is very fine. Ms. Mohr commented that a "silo effect" impacts feelings of inclusion both positively and negatively. Ms. Murphy asked about integration of some of the recommendations into the Board's Strategic Plan. Dr. Becker re-reviewed a slide showing recommendations already being implemented; and, noted that nothing came out of the report that was urgently needed. Dr. McCarthy and Dr. Janet Schulte both spoke on the integration of the DEI Strategic Plan into the Board's Strategic Plan. Dr. McCarthy made some concluding remarks.

## IX. DEPARTMENTAL REQUESTS

1. Natural Resources Department: Request to Establish Harbor Plan Update Committee. Natural Resources Director Jeff Carlson reviewed the requirement for the Committee and reviewed the proposed membership composition and mission. Chair Bridges asked if an At Large position could be designated/dedicated to a newly-formed Clean Water Coalition. Mr. Carlson answered affirmatively, if that is what is desired by the Board. Ms. Mohr moved to establish the Committee as proposed, with a position for the Clean Water Coalition; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

## X. REAL ESTATE ITEMS

1. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel 5, Hawthorne Street as Shown 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, Pursuant to Vote on Article 99 of 2011 Annual Town Meeting. Attorney Vicki Marsh of Town Counsel's office introduced the item and explained the recommended action. Chair Bridges asked about the specifics of what can/cannot be subdivided. Ms. Marsh explained. Rick Atherton expressed a concern about conveying title of the property, saying that he would prefer that any yard sale transaction not be allowed to provide for further subdivision. Mr. Fee asked about the zoning and the size the existing lot. He said he agreed with Mr. Atherton. Some discussion followed as to what is/is not allowed for further buildability. Mr. Atherton suggested the Board have an open public discussion as to the

underlying purpose of its Yard Sale program. Some discussion followed as to whether or not the matter should be continued. Mr. Fee moved approval of the transaction as presented, with the condition that the Board undertake a policy discussion as to the goals of the Yard Sale policy; seconded by Ms. Mohr. Ms. Marsh reviewed the action taken by the Real Estate Assessment Committee, which was to recommend approval. Ms. Marsh re-reviewed the specifics of the transaction. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

2. Request for Approval and Execution of Release of Subdivision Restriction to the Owner of 104 Surfside Road, the Owner of the Yard Sale Parcels by Virtue of Deed Recorded with Nantucket County Registry of Deeds in Book 1496, Page 335, Regarding Parcels 2 and 3, Cotton Street, Parcels 4 and 5, MacLean Street, and Parcel 6, Copeland Street, Shown on Plan Entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Nantucket 106 Surfside Realty Trust," Dated June 2, 2014 and Recorded with Nantucket County Registry of Deeds as Plan No. 2014-52. Ms. Marsh introduced the item and explained the recommended action. Ms. Mohr asked about the specifics of the subdivision restriction. Ms. Marsh said she would have to further research that. Ms. Mohr said support of a deed-restricted year-round housing unit is important. Bryan Swain, attorney for the applicant spoke on the subdivision potential. Some discussion followed as to the subdivision potential. Mr. Fee moved approval as presented; seconded by Ms. Mohr. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

#### XI. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. KOBO Utility Construction Corp.: Request for Waiver of Town Noise Bylaw from 10:00 PM September 29, 2022 to 7:00 AM September 30, 2022 at 1 South Beach Street for Environmental Spill Cleanup of Leaked Electric Transformer (Work to be Done with Clean Harbors). Operations Administrator Erika Mooney explained the request and reviewed the details of the work. Ms. Mohr moved approval as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

2. Request for Approval of Application for Change of Manager of Annual All-Alcoholic Beverages Hotel License for LH Manager Northeast, LLC dba Faraway Hotel from Evan Bailey, Manager to MarcAnthony Crimi, Manager, for Premises Located at 11 India Street. Licensing Administrator Amy Baxter reviewed the application. Ms. Mohr asked about how many properties for which one person may be the licensed Manager. Ms. Baxter said there is no law restricting the number of properties, however Town policy has tended to be no more than two. Ms. Mohr moved approval as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

3. Request for Acceptance of Surrender of Annual Wine and Malt Beverages Restaurant License for NoMoDo, Inc. dba Sophie T's Pizza, Robert D. Noll, Manager, for Premises Located at 8 Bayberry Court. Ms. Baxter reviewed the application. Ms. Mohr moved to accept the surrender as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

#### XII. PUBLIC HEARINGS

1. Public Hearing to Consider Applications for New Common Victualler with Annual Wine and Malt Beverages Restaurant License and New Entertainment License for Annapurna Restaurants, LLC dba Sophie T's, Bharat Banjara, Manager, for Premises Located at 8 Bayberry Court. Chair Bridges opened the hearing. Ms. Baxter reviewed the application. Ms. Baxter noted a request for later hours, which would be subject to approval by the Planning Board through a special permit. Ms. Baxter reviewed the statutory

criteria that may be used by the local licensing authority for the consideration of liquor licenses. Some discussion followed about the closure hour. Ms. Mohr asked about abutter notification regarding the hours and suggested that neighbors be given an opportunity to understand the request for an increase in hours from the former operation which closed at 9:00 PM. Chair Bridges suggested that the Board approve the application with a closure of 9:00 PM and the applicants can return if they so choose.

There being no further public comment, Mr. Fee moved to close the hearing; seconded by Ms. Mohr. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

Mr. Fee asked how abutters could be notified in the future regarding hours of operation. Ms. Baxter said hours could be included in the public notice, going forward.

Mr. Fee moved approval of the applications as presented, however, with closure at 9PM; seconded by Ms. Mohr. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

2. Public Hearing to Consider Applications for New Common Victualler with Seasonal All-Alcoholic Beverages Innholder License and New Entertainment License for LH Manager Northeast, MMC dba Beachside at Nantucket, MarcAnthony Crimi, Manager, for Premises Located at 10 North Beach Street.

Chair Bridges opened the hearing. Ms. Baxter reviewed the application.

Chair Bridges left the meeting at 7:08 PM; he returned at 7:09 PM.

Mr. Crimi explained the operational intentions of the establishment. Several questions were asked as to where on the premises, alcoholic beverages would be allowed/served. Mr. Crimi clarified there will be no “free standing bar” on the premises and there are no plans for that. Chair Bridges asked if, with this license, there “could” be. Ms. Baxter said that would require an Alteration of Premises application. Arthur Reade, attorney for nearby property owners, said that his clients are not opposed to liquor service inside the building but object to liquor service and music around the pool for potential noise reasons. Ms. Baxter noted a time restriction for outside liquor service at a nearby separate location. Bob and Mary Moore, abutters on Cliff Road, expressed concern about the potential for increased activity, noise and odors in close proximity to a residential neighborhood. Ryan Gazda, attorney for the applicant, stated that the operators would work with neighbors as needed to reduce any impact on the neighborhood. Mr. Crimi reiterated Mr. Gazda’s comments. Ms. Mohr said her biggest concern is noise in the pool area. Mr. Crimi said that there is one speaker near the pool area and said he feels that is not an issue. Ms. Murphy concurred with Ms. Mohr and added that noise should be restricted. Mr. Fee agreed. Chair Bridges said he is not concerned with drinking at the pool and that he is more concerned with the management of the establishment.

There being no further public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

Chair Bridges asked about limiting events. Ms. Baxter explained a number of events could be included on the entertainment license. Some discussion followed. Discussion followed about limiting the hours of outside music. Mr. Fee said no significant changes from the way the establishment has been operated should occur without additional approval.

Mr. Fee moved approval of the application as presented with outdoor music not to occur after 8:00 PM, mini bars for the rooms including balconies, and special events to require a temporary license or an amendment

to the special license; seconded by Ms. Mohr. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

3. Public Hearing to Consider Application for New Annual Wine and Malt Beverages General-On-Premises License for Nantaco ACK LLC dba Nantaco, Cynthia Milazzo, Manager, for Premises Located at 21 South Water Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138. Chair Bridges opened the hearing. Mr. Fee recused from the discussion and left the table. Ms. Baxter reviewed the application. She explained a recent state Alcoholic Beverages Control Commission (ABCC) denial of recent restaurant license for this establishment because of a lack of bathroom facilities and said a “path forward” for the establishment is a different type of license: General-on-Premises. She explained what that license covers and said it is typically issued for event establishments, such as theaters. Ms. Mohr asked about other situations where licenses have been issued for places without bathrooms. Ms. Baxter said, none that she knows of. Ms. Mohr asked if the licensed operation could change to not serve food. Ms. Baxter said “yes”; however, noted that the premises also has a common victualer license. Ms. Mohr said she is concerned about unintended consequences. Town Counsel John Giorgio said these licenses are discretionary and also still require approval of the ABCC. Some discussion followed. Ms. Murphy said she supports the application and said the space is “clearly” for takeout.

There being no further public comment, Ms. Mohr moved to close the hearing; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

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

### XIII. SELECT BOARD’S REPORTS/COMMENT

1. Preliminary Discussion: Tax Rate Shift for FY 2023. Assessor Robert Ranney reviewed the presentation contained in the Board’s agenda packet. Mr. Fee spoke on various issues with the tax rate shift as it relates to tax bills. Some discussion followed. Rick Atherton commented that the beneficiaries to tax rate shifts should be for residential taxpayers.

2. Committee Reports. Mr. Fee said the Coastal Resiliency Advisory Committee met recently.

### XIV. TOWN MANAGER’S REPORT

1. Select Board Strategic Plan/Transportation Focus Area, Goal Update: Downtown Parking Management System (Potential Paid Parking Program). Ms. Gibson introduced the item, noting that just prior to the COVID pandemic in March of 2020, the Select Board was discussing a paid parking program and had agreed to schedule a public hearing on the matter which never occurred due to the pandemic. Meanwhile, a citizen petition (Article 66) of the 2020 Annual Town Meeting which requests that the Select Board seek prior approval of Town Meeting before implementing a paid parking program, was approved. Subsequently, in the fall of 2020, when reviewing warrant articles for the 2021 annual town meeting, the Board agreed to “pass” on further discussion at that time due to competing priorities and lack of resources to work on this. In the fall of 2021, when reviewing warrant articles for the 2022 annual town meeting, the same determination was made, with the Board indicating that in order to consider whether or not to seek the requested Town Meeting approval, it needed a greater understanding of how a paid parking program would/could work. One of the first tasks of Transportation Planner Patrick Reed who started work early this year, was to prepare an

overview of a potential paid parking program. Staff has met internally to discuss and prepared the presentation in the Board's packet. Ms. Gibson introduced Mr. Reed to review the presentation

Chair Bridges left the meeting at 8:27 PM; he returned at 8:31 PM.

Mr. Reed reviewed the presentation contained in the Board's packet. Mr. Fee said revenue should go to NRTA service improvements. He said there should also be a Parking Commission. He asked how adjacent neighborhoods would be protected from overflow parking. Mr. Reed responded. Mr. Fee asked if Mr. Reed has had a chance to review data that has been obtained through the use of license plate readers for parking enforcement. Mr. Reed said he has not. Mr. Fee spoke in favor of a mobile app for paid parking. Some discussion following as to parking meters and potential locations and numbers of their locations. Chief Pittman and Mr. Reed commented on the need for meters to be visible and numerous, especially in a tourist community. Discussion followed on how data would be extracted from where it is kept. Mr. Fee said business opposition is a "misconception" and that after a year or so, businesses become supporters. He spoke in support of a program. Chair Bridges commented on the need for reliable Wi-Fi. Mr. Reed said that no system is infallible and has "down times" when enforcement has to be suspended occasionally. Ms. Murphy asked about next steps. Ms. Gibson said perhaps public input and also at some point, a determination from the Board as to whether or not it intends to seek town meeting approval. Mr. Fee reiterated the need for a separate Commission. Ms. Mohr concurred. Some discussion followed about timing, funding and resources. Rick Atherton commented that this is a complicated issue and the Board most likely has more important issues rather than this one to address. Ms. Murphy agreed with Mr. Atherton and added that she supports the idea of a Parking Commission. She said she does not think this issue is ready for the 2023 annual town meeting. Ms. Mohr suggested that a Parking Commission be tasked with outreach, planning and communications with the community. Chief Pittman spoke in favor of a Parking Commission. Ms. Gibson said Town Administration would determine the next steps to establish a Parking Commission and bring that back to the Board.

2. Monthly Town Management Report. It was agreed to move this item to October 5<sup>th</sup>.

#### XV. ADJOURNMENT

At 9:22 PM, Mr. Fee moved adjournment; seconded by Ms. Murphy. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; Ms. Murphy – Yes.

Approved the 12<sup>th</sup> day of October 2022.

**SELECT BOARD  
SEPTEMBER 28, 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
- VII. 1. Draft minutes of 9/21/2022
- IX. 1. Memo from Natural Resources Director re: Harbor Plan Update Committee
- X. 1. AIS re: Yard Sale of Parcel 5, Hawthorne St; Quitclaim Deed; P&S; Settlement Statement; Plan No. 2021-67
- X. 2. AIS re: Release of Subdivision Restriction for 104 Surfside Rd; Release of Subdivision Restriction; Yard Sale Deed; Plan No. 2014-52
- XI. 1. AIS re: Waiver of Town Noise Bylaw for KOBO; KOBO request; Portion of 5/19/2021 minutes
- XI. 2. ABCC application for Change of Manager for Faraway Hotel
- XI. 3. Letter of Surrender of Sophie T's liquor license; Copy of current liquor license
- XII. 1. AIS re: new CV with Liquor License for Sophie T's (new owner); ABCC Summary Form; Liquor, CV, Ent application; ABCC application; Floor plans; Current CV license; Current liquor license
- XII. 2. AIS re: new CV with Liquor License for Beachside; ABCC Summary Form; Liquor, CV, Ent application; ABCC application; Floor plans; email thread; Copy of current liquor license
- VII. 3. AIS re: new Liquor License for Nantaco; ABCC Summary Form; ABCC denial; ABCC Recommendation of Investigator; Portion of 5/18/2022 minutes; New ABCC application; Floor plans; Photos; Copy of prior liquor license at location; Determination Letter
- XIII. 1. FY2023 Tax Rate Shift PPT
- XIV. 1. AIS re: Paid Parking; On-Street Paid Parking Pilot PPT; Article 66 of 2020 ATM
- XIV. 2. Monthly Town Management Report