

SELECT BOARD

Minutes of the Meeting of October 4, 2023. 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 Dawn Holdgate, Thomas Dixon, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr.

I. CALL TO ORDER

Chair Holdgate called the meeting to order at 5:30 PM following the Pledge of Allegiance.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson introduced Will Cook and Robin Ziegler of the National Alliance of Preservation Commissions (NAPC), who are part of a team undertaking an operational review of the Historic District Commission (HDC), noting they have been here this week beginning interviews with stakeholders.

Ms. Gibson reviewed the announcements:

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

2. May 7, 2024 Annual Town Meeting Warrant Open for Citizen Warrant Article Submittals through November 13, 2023 at 4:00 PM.

3. Information Sessions on November 7, 2023 Special Town Meeting Short-Term Rental Articles via Remote Participation via Zoom Webinar:

- Thursday, October 5, 2023 at 4:30 PM (Register at https://us06web.zoom.us/webinar/register/WN_xTxL43foToSMcOdN5Zlgxw)
- Thursday, October 12, 2023 at 5:30 PM (Register at https://us06web.zoom.us/webinar/register/WN_Vx_ygpoEQF2lwL587PxdVA)

4. Latex Paint Collection Day on Saturday, October 21, 2023 from 9:00 AM to 12:00 PM at DPW Garage, 188 Madaket Road.

5. Announce Applications Received for Committee Vacancies – Round 3: Council on Aging, Cultural Council, Real Estate Assessment Committee, Tree Advisory Committee; Appointments to be Made October 18, 2023. Operations Administrator Erika Mooney read the names of the applicants for Round 3 appointments to fill vacancies, as follows:

Council on Aging: no applicants

Cultural Council: Darcy Volpe, Kit Murphy, Olivia Vlahos, Bethany Oliver, Barbara Tibbitts

Real Estate Assessment Committee: no applicants

Tree Advisory Committee: no applicants

6. Town Offices will be Closed Monday, October 9, 2023 in Observance of Indigenous Peoples' Day.

Ms. Gibson added a Public Service Announcement about detours in connection with a sewer project currently underway on Surfside Road. She urged those who find themselves using a detour to be respectful of the neighborhoods they are driving through and follow the posted speed limits.

7. Select Board Announcements/Comments.

There were no comments.

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

1. Follow-up on Public Comments from September 27, 2023 Select Board Meeting. Housing Director Tucker Holland provided a follow-up on a Public Comment made at last week's Board meeting regarding an action the Board took with respect to certain local preference for Town-related housing projects, at its meeting on September 20, 2023. He reviewed explanatory materials which were displayed on the screen and, attached to these minutes.

V. PUBLIC COMMENT

There was no public comment.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Mr. Fee asked for a clarification to be made on the minutes. Ms. Gibson explained that the contract with Island Eye Property Management is an "up to \$150,000" contract with an hourly rate. Ms. Mohr moved approval of items VII 1 – 4; seconded by Mr. Fee; all in favor, so voted.

1. Approval of Minutes of September 27, 2023 at 5:30 PM.

2. Approval of Payroll Warrants for October 1, 2023.

3. Approval of Treasury Warrants for October 4, 2023.

4. Approval of Pending Contracts for October 4, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CONSENT ITEMS

1. Gift Acceptances: Natural Resources Department. Chair Holdgate read the names of the donors. Ms. Mohr moved to accept all gifts for their designated purposes, with thanks to the donors; seconded by Mr. Fee; all in favor, so voted.

IX. PUBLIC HEARINGS

Public Hearing to Consider Adoption of Electric Vehicle Charging Station Cost Recovery Policy Fee Structure. Chair Holdgate opened the hearing. Marina Dzvonic expressed concern about the proposed rates. Energy Coordinator Lauren Sinatra explained the details of the proposed fee structure. She noted

that this is a policy that will most likely evolve since it is new and somewhat complex, but a starting point is needed. Mr. Fee said he was impressed with the work that went into the development of the policy; he asked about the proposed \$5/hour fee. Ms. Sinatra explained, noting the municipal EV chargers are not meant for full charges; rather they are meant for equitable access. Ms. Sinatra added that research was undertaken to develop the policy with other municipalities, the proposal is in line with those, and it is believed to be fair. Anton Ragozin questioned the proposed fees and suggested some changes. Ms. Mohr reiterated that the policy being proposed can be revised as necessary and as more is learned as it is implemented. Chair Holdgate asked about the fine for a gas-powered vehicle parking in an electric vehicle parking space. Chief William Pittman explained that some signage needs to be installed in order to trigger the fine, which is \$50. Some discussion followed as to what restrictions the Board would want with respect to electric vehicle spaces.

There being no further public comment, Mr. Fee moved to close the hearing; seconded by Ms. Mohr; all in favor, so voted. Chair Holdgate commented that an electric vehicle charging station is needed in Sconset. Some discussion followed as to the fees.

Mr. Fee moved adoption of the fee schedule as presented, and to have signage installed at the municipal charging stations saying no parking unless the vehicle is an EV or charging; seconded by Dr. MacNab; all in favor, so voted.

X. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Appointments to Town Council Study Committee. Chair Holdgate reviewed the structure of the Committee as it currently stands, with 7 seats, plus 1 ex officio Select Board member and 1 ex officio Finance Committee member. She noted that Jill Vieth has been appointed as the Finance Committee ex officio member, so her name was removed from the list of applicants. Ms. Mooney read the names of the applicants and the Board voted for seven members by paper ballot. While the votes were being tallied, Chair Holdgate took up the following agenda items.

XII. SELECT BOARD'S REPORTS/COMMENT

- 3. Notice of Non-Exercise of Right of Refusal Regarding 32 Washington Street. Chair Holdgate announced that this vote was taken by the Board in executive session on September 14, 2023.

- 4. Discussion Regarding Future Agenda Items. There were no requests.

- 5. Committee Reports. There were no committee reports.

X. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS

1. Appointments to Town Council Study Committee. Ms. Mooney read the votes as follows:

Peter N. Schaeffer – received a vote from Dr. MacNab

Michael L. Alvarez – received a vote from Mr. Fee

Jerico Mele – received a vote from Ms. Mohr

Beau Barber – received votes from Chair Holdgate, Mr. Fee and Dr. MacNab

Curtis Barnes – received votes from Chair Holdgate, Ms. Mohr, Mr. Dixon, Mr. Fee and Dr. MacNab

Donna Martino – received no votes

Jeff Carlson – received votes from Chair Holdgate, Ms. Mohr, Mr. Dixon and Dr. MacNab

John Riccio – received no votes

Hillary Hedges Rayport - received votes from Mr. Fee and Dr. MacNab
Kelly Steffen - received votes from Chair Holdgate, Ms. Mohr, Mr. Dixon and Mr. Fee
Joseph T. Grause Jr. – received votes from Chair Holdgate, Ms. Mohr, Mr. Dixon and Dr. MacNab
Caroline Baltzer - received votes from Chair Holdgate, Ms. Mohr, Mr. Dixon and Mr. Fee
Rachel Mandle - received votes from Chair Holdgate, Ms. Mohr and Mr. Dixon
Adam Dread, Esq. – received a vote from Dr. MacNab
Jeremy Bloomer – received no votes
Linda Williams – received no votes
Susan Carmel – received votes from Mr. Dixon and Mr. Fee

So voted to appoint Mr. Barnes (5 votes), Mr. Carlson (4 votes), Mr. Steffen (4 votes), Mr. Grause (4 votes), Ms. Baltzer (4 votes), Mr. Barber (3 votes) and Ms. Mandle (3 votes).

Chair Holdgate noted that Town Administration will coordinate the first meeting of the group and that Mr. Dixon will chair the first meeting.

2. Coastal Resilience Advisory Committee: Review of Recommendations for Proposed Coastal Resilience Districts Guiding Principles. Sustainability Program Manager Vincent Murphy introduced the item. Coastal Resilience Coordinator Leah Hill reviewed the materials in the Board's packet, noting that while Coastal Resilience Districts (CRDs) are common in the southern United States, there are currently none in Massachusetts. Mr. Fee spoke on another chart in the packet that has not been reviewed by the Committee but that he and another individual worked on separately. Mr. Dixon suggested that Ms. Hill contact Representative Dylan Fernandes' office about potential legislation since it would be new to the Commonwealth. Discussion followed as to what might be put before the 2024 annual town meeting for CRDs. The consensus of the Board was to proceed to develop warrant articles for a bylaw and a home rule petition for the 2024 annual town meeting. Some discussion followed, with Mr. Fee stating that he wishes to proceed with whatever other avenues to assess costs for coastal resilience projects, currently exist in the event that the bylaw and/or home rule petition could take some time. Dr. MacNab thanked the staff and Committee for their work on this.

XI. TOWN MANAGER'S REPORT

1. Update on Baxter Road Alternate Access Plan. Ms. Gibson introduced Mr. Murphy for an overview of the status of the plan. Mr. Murphy provided the overview and turned the presentation in the packet over to William Casey of Arcadis. Mr. Casey reviewed the presentation. Hannah Judy Gretz commented on the design plans so far and expressed safety concerns with the location of one of the egress ways near her driveway. She added that she does appreciate the design plans at this stage. Some discussion followed.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Consideration of Request to Resubmit Notice of Intent (NOI) to Conservation Commission for Sconset Beach Erosion Control Project. Mr. Murphy reviewed the item and indicated the items that would need to be addressed if the Board is so inclined to jointly resubmit the NOI, including an outstanding sand mitigation deficit issue, funding, town meeting requirement, revisions to a memorandum of understanding and license for use of Town property, keeping the geotubes covered while the talks and NOI proceed, the pending Conservation Commission (ConCom) enforcement order for the removal of the current project. Chair Holdgate noted that she and Mr. Murphy met with Siasconset Beach Preservation Fund (SBPF) attorney Steven Cohen about these issues, yesterday. Mr. Cohen said that SBPF is seeking to get the pending enforcement order rescinded and is willing to work with the Town on the steps necessary in order for that to

happen and is willing to assist with funding the professional services needed for the NOI application. Burton Balkind said that he has video footage that the geotubes are currently not covered with sand. He urged the Board to include provisions in any agreement with SBPF to ensure that conditions are met, noting that he is not opposed to an NOI. Meridith Moldenhauer of SBPF spoke on the group's willingness to cooperate with the Town's requirements. She acknowledged there are "small areas" where the geotubes are not covered with sand. Mr. Cohen reiterated what is and is not currently in place with agreements and permits. Mr. Fee spoke in favor of filing the NOI. Mr. Murphy noted that a written plan is needed from SBPF that ensures the geotubes will remain covered with sand while the NOI is underway. Mr. Cohen said the reality is that SBPF "has no money to put more sand on a project that is under a removal order". Chair Holdgate asked if the existing sand will be made to cover the geotubes. Mr. Cohen responded affirmatively. Ms. Mohr asked what would happen if the existing sand does not last. Some discussion followed with Mr. Cohen indicating that whether or not more sand is added to the project depends on the status of the enforcement order and the NOI progress. Mr. Fee said that if the geotubes are uncovered for long periods of time, it will not be helpful for a future town meeting vote. Ms. Moldenhauer commented that the sand issue is another reason to move forward quickly with filing the NOI. Mr. Balkind commented on the long-standing sand deficit with this project. Mr. Fee moved to file the NOI with the stipulations reviewed by Mr. Murphy; seconded by Ms. Mohr. Dr. MacNab commented that he may at a later time speak to this project in context with other large costly projects in the Town. Ms. Mohr said she appreciated the numerous emails she received on this item over the last few days. On the motion, all in favor, so voted.

2. Review/Adoption of Select Board Comments to November 7, 2023 Special Town Meeting Warrant Articles. Chair Holdgate said that she will recuse and leave the table if the Board wants to make any comments on the short-term rental articles (Articles 1 and 2). Mr. Fee suggested that the Board add a comment that it supports the Finance Committee motion to Article 18; he so moved; seconded by Mr. Dixon; all in favor, so voted. Chair Holdgate recused herself from the rest of the meeting and left the meeting at 7:11 PM. Vice Chair Mohr asked Town Counsel John Giorgio to brief the Board on the Finance Committee motions to Articles 1 and 2. Mr. Giorgio explained the differences between the Finance Committee motions and the Articles as printed in the Warrant by the Select Board following discussions with former Short-term Rental Work Group members on their recommendations. Dr. MacNab said he opposed the Work Group's recommendations and also opposes the Finance Committee motions. Mr. Fee spoke on the changes and said he prefers the Board support the original articles, not as recommended by the Finance Committee. Some discussion followed. Mr. Giorgio spoke on scope issues of the Articles and motions with potential amendments. Discussion followed among the Board members and Town Counsel as to the articles, any relation with pending short-term rental-related lawsuits and the dependence (or not) on Articles 1 and 2 to each other.

Mr. Fee moved that the Board add a comment to Article 1 that it doesn't support the Finance Committee motion; rather that it supports the Article as printed in the Warrant; seconded by Mr. Dixon; So voted 4-0. Dr. MacNab said that while he does not support the Article or the motion, he supports this vote.

Discussion followed on Article 2. Mr. Fee said he would prefer that no action be taken on this article so that more time can be devoted to developing a solution. He said he does not support Article 2. Mr. Dixon said he supports Article 2 as written, noting that the Short-term Rental Work Group spent a significant amount of time on this. Dr. MacNab said he does not support Article 2, saying he thinks it is "idealistic" and unenforceable. Ms. Mohr concurred with Mr. Dixon. Mr. Fee suggested a comment that indicates if Article 1 is "weakened", the Board does not support Article 2. Mr. Giorgio noted that since there is no agreement among the sitting members, possibly a comment could be that two members support Article 2 and two

members do not, with the reasoning indicated by Mr. Fee and Dr. MacNab. Mr. Fee expressed support for this suggestion. Dr. MacNab said a comment is not necessary. Discussion followed. Mr. Fee moved that the Board's comment indicate that the Board does not support Article 2 if Article 1 is passed substantially in the form that the Finance Committee is recommending; seconded by Dr. MacNab. Discussion followed. Dr. MacNab withdrew his second, stating that it's too complicated. He said he would support either no comment or a comment opposing the article. Mr. Dixon said he still favors the comment suggested by Mr. Giorgio that indicates differences of opinion of the Board members. Ms. Mohr said she is inclined to go without a comment on Article 2 at this point. Some discussion followed. Ms. Mohr stated that the upcoming Information Sessions are not intended to be debate on the articles, but rather explanation of what the motions and articles mean.

3. Notice of Non-Exercise of Right of Refusal Regarding 32 Washington Street. This item was taken up earlier in the meeting, as noted.

4. Discussion Regarding Future Agenda Items. This item was taken up earlier in the meeting, as noted.

5. Committee Reports. This item was taken up earlier in the meeting, as noted.

XIII. ADJOURNMENT

Dr. MacNab moved adjournment at 7:45 PM; seconded by Mr. Dixon; all in favor, so voted.

Approved the 11th day of October 2023.

SELECT BOARD
OCTOBER 4, 2023 – 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. Latex Paint Collection Day flyer
- III. 5. Round 3 committee applicant list; Applications
- IV. 1. Slides from Housing Director on Special local Preference request as it relates to Surfside Crossing and 31 Fairgrounds Road housing projects
- VII. 1. Draft minutes of 9/27/2023
- VII. 4. Pending Contracts spreadsheet; Conservation & Management Permit
- VIII. 1. Gift Summary & Recommended Motion; Natural Resources gift
- IX. 1. AIS re: EV Charging Station Fee Structure; Minutes of 9/6/2023; 9/6/2023 AIS; Draft Electric Vehicle Charging Station Cost Recovery Policy; Map of current EV Charging Station locations
- X. 1. Town Council Study Committee applicant list - updated as of Noon on 10/2; Applications
- X. 2. AIS re: CRAC recs for Coastal Resilience Districts; CRAC recommendations; Draft Chart for Coastal Resilience Plan implementation (Not part of CRAC recs)
- XI. 1. AIS re: Baxter Rd Alternative Access; Arcadis presentation on Baxter Rd Alternative Access
- XII. 2. Draft 11/7/2023 STM Warrant with FC recs - updated 10/2

Local Preference – 80% AMI Households

Allowable Preference Categories (*at initial fill up*)

- (1) Current residents: A household in which one or more members is living in the city or town at the time of application. Documentation of residency should be provided, such as rent receipts, utility bills, street listing or voter registration listing.
- (2) Municipal Employees: Employees of the municipality, such as teachers, janitors, firefighters, police officers, librarians, or town hall employees.
- (3) Employees of Local Businesses: Employees of businesses located in the municipality.
- (4) Households with children attending the locality's schools, such as METCO students.

Local Preference – 80% AMI Households

Example

- 10 units
- 100 applications from locals
- 2 applications from off-island
- 70% (7 units) guaranteed to go to locals if Local Preference granted
- 93 + 2 remaining applicants put in pool for the 3 remaining units
- Probability that last 3 units also go to locals: 98%

Special Local Preference Request

- *New territory – no guarantee of approval*
- 31 Fairgrounds (request to EOHLC)
 - 6 units at 80% AMI
 - 70% = 4 units
 - Seeking 2 units restricted to Category 2 – Municipal Employees only
 - 16 units above 80% AMI
 - Seeking 6 units (3 at 110% AMI and 3 at 150% AMI) for Municipal Employees only
- Surfside Crossing (request to Mass Housing)
 - 39 units at 80% AMI
 - 70% = 27 units
 - Seeking 6 units restricted to Category 2 – for Municipal Employees only
- Seeking that Municipal Employee units serve at initial fill-up and upon turnover

Municipal Employee designated,
if approved: **36%**

Municipal Employee designated,
if approved: **15%**