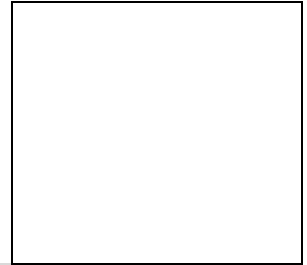




UPDATED MEETING POSTING

Original Posting Date __
Original Posting Number __
TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25
All meeting notices and agenda must be filed and time stamped with the
Town Clerk's Office and posted at least 48 hours prior to the meeting
(excluding Saturdays, Sundays and Holidays)



Committee/Board/s | FINANCE COMMITTEE

Day, Date, and Time | Monday, January 8, 2024 @ 4:00PM

Location / Address | 131 PLEASANT STREET, TRAILER ROOM A AND REMOTE PARTICIPATION VIA ZOOM
The meeting will be aired at a later time on the Town's Government TV YouTube Channel
<https://www.youtube.com/channel/UC-sgxA1fdoxteLNzRAUHIxA>

Signature of Chair or Authorized Person | Susan Carmel

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

UPDATED AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

Join Zoom Meeting

<https://us06web.zoom.us/j/82470891407?pwd=Gwu8S0ngVJiYMY0IEuY0rVL1grJdCf.1>

Meeting ID: 824 7089 1407
Passcode: 655555

1. Call to Order
2. Audio/Video Announcement
3. Approval of Agenda
4. Public Comment
5. Potential Adoption of Meeting Minutes from January 31, 2023
6. Discussion of Citizen Warrant Article G: Bylaw Amendment – Ch. 58 Equal Access to Vehicle Rental Medallions
7. Discussion of Citizen Warrant Article I: Madaket Landfill Committee
8. Discussion of Citizen Warrant Article J: Request for Town Assistance with Evictions

9. Discussion of Citizen Warrant Articles
10. Assign Department Liaisons for the January 27, 2024 Budget Review Meeting
11. Date of Next Meeting – Thursday, January 11, 2024 @ 4:00 PM
12. Committee Reports
13. Other Business
14. Adjournment



Town of Nantucket Finance Committee

www.nantucket-ma.gov

Committee Members: Denice Kronau (Chair), Joseph T. Grause Jr. (Vice-chair), Jeremy Bloomer
Chris Glowacki, Steve Maury, Peter McEachern, Joanna Roche, Peter Schaeffer, Jill Vieth

MINUTES

Tuesday, January 31, 2023

ZOOM – 4:00 p.m.

Called to order at 4:02 pm. by Ms. Kronau.

Staff in attendance: Libby Gibson, Town Manager; Gregg Tivnan, Assistant Town Manager; Rick Sears, Assistant Town Manager; Brian Turbitt, Director of Finance; Susan Carmel, Assistant Director of Finance; Mariya Basheva, Financial Analyst; Terry Norton, Town Minutes Taker

Attending Members: Kronau, Grause, Bloomer, Glowacki, Maury, Roche, Schaeffer, Vieth

Absent Members: McEachern

Documents used: Departmental budget projections for FY2024s; Capital Program Committee Report

Adoption of Agenda

Motion **Motion to Approve.** (made by: Schaeffer) (seconded)

Roll-call Vote Carried 8-0// Schaeffer, Vieth, Maury, Bloomer, Grause, Glowacki, Roche, and Kronau-aye

I. ANNOUNCEMENTS AND PUBLIC COMMENTS

1. Kronau called for public comments. (None)

II. APPROVAL OF PRIOR MEETING MINUTES

1. January 26, 2023

Motion **Motion to Approve minutes of the January 26, 2023, meeting.** (made by: Grause) (seconded)

Roll-call Vote Carried 8-0// Schaeffer, Vieth, Maury, Bloomer, Grause, Glowacki, Roche and Kronau-aye

1.

III. DISCUSSION AND POTENTIAL ADOPTION OF MOTION OF CITIZEN WARRANT ARTICLE #1 TOWN COUNCIL FORM OF GOVERNMENT

Discussion: **Kronau** – Stated that the committee extensively discussed Curtis Barnes article several weeks ago. Now, committee members are invited to share any additional comments or questions related to the article.

Vieth – Asked the question, If the focus shifts to studying, does that imply adherence to specific parameters preferred by the speaker, or is there flexibility for exploring a wide range of subjects?

Barnes – Responded by stating that in the discussion with non-resident taxpayers, he conveyed that, based on John Giorgio's guidance, the suggested approach is to form a committee for in-depth study. From Barnes' perspective, this committee is granted considerable flexibility to assess aspects like the viability of the idea, the optimal number of commissioners, distribution strategies, and various procedural steps. The study committee would be entrusted with the responsibility to analyze and recommend the direction it deems most appropriate.

Grause - Recalled from the last meeting, the Town Council outlined the expected process, emphasizing the formation of a study committee. The understanding is that this committee should consist of individuals selected for their relevance to the task and aligned with the goals of the study. The idea is to ensure that the committee comprises the right people who support the concept.

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Barnes - Anticipating the Select Board's role in appointing the committee, Barnes acknowledges that applicants may have varying perspectives. Mentioned viewpoints include Brooke Moore's preference for an all-at-large approach. Notes discussions with Tucker Holland, who is developing a matrix to explore geographically representative options for the island. The parameters for committee composition, whether geographically specific or at-large, are expected to be determined by the committee itself.

Glowaki - Posed a question, expressing some uncertainty but indicating that he watched or listened to the relevant information. The question pertains to the current voting requirements, specifically in the context of a Town Council model. The speaker seeks clarification on whether the existing two-thirds majority for zoning and overrides would seamlessly transfer to a Town Council system, where a two-thirds majority of counselors would be needed for actions like overriding a two-and-a-half percent limit.

Barnes - Admits not having an answer to a previous question but emphasizes the importance of avoiding external consultants. Instead, he highlighted Mass Municipal as a free service with the capability to assist in the creation of a charter, which is anticipated to emerge from the process. Barnes expresses a desire for an efficient timeline, stating the belief that once the proper parameters are identified, actions like overrides, planning, and zoning would remain, but citizens could approach the Town Council more promptly with ideas or proposals. This streamlined process is seen as a way to avoid delays and frustrations experienced in the current system, allowing for quicker approvals and preventing the loss of opportunities, such as airport financing or affordable housing projects.

Maury - In the context of real estate, the speaker notes that the common challenge is not obtaining funds from reserves but rather seeking authorization to borrow. They raise a question about how this process would function in the proposed scenario, especially considering that, traditionally, an election is required after obtaining authorization to borrow.

Barnes - In the case of the water company, the speaker explains that they possess retained earnings, which could potentially be utilized for housing initiatives. However, despite having these retained earnings, the speaker clarifies that they still need to seek authorization from Town meeting to utilize these funds. Barnes stated that his intent is to streamline government and make it more efficient.

Maury - (Same as above) The speaker acknowledges the merit in the mentioned approach but raises a concern. If they are constrained by an annual balance and still require a mechanism to authorize borrowings, he expressed uncertainty about effectively addressing some of the larger issues at hand.

Kronau - Recalled a discussion at the Select Board several weeks ago. Initially, the Board considered initiating the process, but later they opted for a more prudent approach, suggesting that the decision to move forward with the study should be left to the voters at Town meeting. Asked Libby Gibson, Town Manager, if she had any additional input or comments on this matter. Ms. Gibson had no further comments.

Committee discussion ensued during which they sought clarification on the current status of the process. They explain that the current motion involves determining whether to form a study committee, which would subsequently work on sorting out the details. This motion is in the form of an article. Questions were asked about how this process differs from asking the voters directly at town meetings.

It is explained that the current motion is essentially a recommendation to create a study group, which will undergo a vote.

Barnes - Clarifies that the current committee's purpose is distinct from the government study committee. The ongoing committee is specifically tasked with delineating the parameters for transitioning to a Town Council form of government. This includes the creation of a charter that outlines and implements the necessary changes. In essence, the committee's charge is unique and focuses on the specific aspects related to the shift in the form of government.

Schaeffer - Questioned whether, after the committee makes a recommendation and puts it forward, the outcome might still face challenges and delays in the legislative process. Raised a timeline concern, questioning how long it might take before any action resulting from the town meeting could be implemented. They suggest that the process might extend to at least a year.

Kronau – Called for public comment.

Rick Atherton offered a general comment on the importance of the motion's language. Expressed concern about the phrase "to study converting to a Town Council form of government" and suggest that the committee's charge should encompass reviewing various forms of town government, including the current one. The emphasis is on allowing the committee to explore and evaluate different forms without pre-judging that a Town Council is the only possible alternative.

Barnes - Provided context about the article he authored, stating that it is based on the four forms of government options available in Massachusetts. He clarified that, in his view, a Town Council is the most appropriate choice. Barnes also shared his involvement in meetings with Barnstable and Falmouth, explaining that a mayor-based system is not feasible due to size constraints. The four options mentioned are open town meeting, open representative Town Council, mayor-council, and Town Council.

Motion **Motion to close the public hearing.** (made by: Maury) (seconded)

Roll-Call Vote: Carried 8-0// Schaeffer, Vieth, Maury, Bloomer, Grause, Glowacki, Roche and Kronau-aye

Discussion:

Schaeffer – Stated he has spoken to a number of people about this since the article was written and noted that the feedback has been unanimous in favor of a change to a council situation, with not a single person expressing a desire to maintain the current system.

Kronau - Addressed the complexity of the situation, mentioning that the current article is in front of them and requires a motion. She highlighted that the next article is deemed unimplementable due to legal issues. Despite the interest in hearing about it, even a positive motion for the next article may not be feasible, according to Town Council, due to its deficiencies.

By consensus, the Committee wanted to hear from both articles before making a recommendation on the current one. The discussion moved to the next item.

Discussion resumed following the discussion and vote to Item IV listed below.

Motion to adopt. (made by: Grause (seconded by: Schaeffer)

There was a motion made, but the subsequent discussion led to deferring the vote to the following Monday's meeting.

Discussion: Committee discussion ensued during which they stressed the importance of including specificity in the comment, highlighting the intention for the motion to lead to definitive action rather than merely resulting in a study that sits on a shelf. They express the need to discuss this aspect further in subsequent conversations when revisiting the minutes, underscoring the desire for a clear and impactful outcome, with a target date no later than the Town meeting 2024.

Glowacki - Expressed confusion about the details in the article related to what the charter would include. He inquired whether the action described, possibly in the form of a motion, has to encompass the specific points listed from one through six in the article to be considered successful.

Maury - Expressed a lack of concern about this particular detail but emphasized the importance of the warrant being inclusive of the article that includes a Town Council. He clarified that their focus is on ensuring the article is specifically targeted towards studying the potential implementation of a Town Council rather than being a broad study of all potential forms of government.

Committee discussion ensued during which they suggested clarifying the motion to include only the first bullet point about the Town Council serving as the legislative body and then proceeding with the motion to adopt with this edited content. However, they considered waiting until Monday to finalize the article's wording with input from John Giorgio. They aim to gather specific text for everyone to review before the vote, ensuring clarity on what is being discussed. They plan to forward the text to the committee members, Town Manager, and John Giorgio before the next meeting on Monday. The decision to wait until Monday is made to ensure alignment with Robert's Rules of Order.

IV. REVIEW AND DISCUSSION OF CITIZEN WARRANT ARTICLE #6 CHARTER CHANGE – TOWN COUNCIL – TOWN MANAGER FORM OF GOVERNMENT; POTENTIAL ADOPTION OF MOTION

Discussion: Jeff Carlson and Beau Barber

Carlson - Emphasizes alignment with the preceding discussion and expresses a collective interest in creating a more efficient form of government that better serves the citizens. They aim to incentivize officials to enhance their capabilities and drive progress. Carlson notes a concern about the current structure, where five volunteers are tasked with substantial responsibilities. He expressed the need to provide these volunteers with sufficient time and resources to contribute effectively. Carlson references the challenge of avoiding a scenario where a government study committee's recommendations end up shelved, emphasizing the importance of bringing informed conversations to voters. He acknowledged the intricacies involved and sees the value in the previously discussed article, which he views as a crucial step in committing to decisions and fostering substantive discussions about the proposed form of government for Nantucket.

Barber - Noted that the ongoing discussions primarily focus on Charter questions. He mentioned that, according to John Giorgio, a charter commission would be instrumental in navigating and finalizing these detailed decisions.

Carlson - Acknowledges the legal deficiencies highlighted by Town Council's review but emphasizes the importance of being at the table to initiate the conversation. He expressed a commitment to presenting the proposal to the public, enabling informed decision-making about the best direction for Nantucket's evolving landscape.

Bloomer - Inquired about the efforts made to address and resolve those issues. He highlighted the importance of addressing any deficiencies to ensure that the proposal aligns with legal requirements and can proceed smoothly through the approval process. Bloomer sought clarity on the committee's stance and actions regarding the identified issues that need correction before moving forward.

Carlson - Addressed the legal deficiencies, explaining that the issue lies in the filing method. He clarified that the typical Charter amendment process at town meetings allows for small changes, but in this case, where a significant replacement of the charter is sought, specific state law procedures come into play. According to Carlson, there are two options to address this: either collect signatures from 15% of registered voters to form a charter commission or pursue

the special legislation path discussed earlier. He stressed that even with the amended language, the current process won't meet the required legal standards under state law.

Carlson recognizes that the proposed change represents one of the most substantial alterations to government business since the town's incorporation in 1672. He stressed the importance of making these changes known to the public, ensuring people understand the implications and potential alterations to their interactions with the government. Carlson acknowledges that the transition won't be as straightforward as attending a town meeting or approaching the Select Board, anticipating a shift in interaction dynamics.

Maury - Recognizing the extended nature of the process, asks if the co-sponsors, including Roberto Santamaria and Barber, are supportive of Barnes's efforts as a means to initiate the necessary discussions. The goal is to pave the way for a future town meeting or potentially navigate the special legislation route. Maury sought confirmation of support for Barnes's approach, aiming to facilitate a discussion that could lead to an actionable outcome in the future.

Carlson - Affirms their support, stating that anything that promotes and advances the conversation, providing people with more information, is something they are genuinely interested in.

Schaeffer - Expresses concern about potential confusion among voters due to the presence of both articles on the warrant. He acknowledges the challenge of conveying to voters that both articles essentially aim to achieve the same objective. Schaeffer suggests considering options, such as joining forces or finding a way to communicate effectively to avoid potential complications. Stated that the current situation as a problem needs thoughtful consideration and a strategic approach to address it.

Roche - Expresses support for the ideas presented but raises a concern about potential confusion among people. She suggested a course of action, proposing the removal of the article since it cannot be enacted in its current form. The idea is to avoid adding unnecessary complexity to the situation and provide clarity to the voters.

Carlson - Acknowledges the opportunity to make a final decision between now and town meeting. He highlighted the chance to seek answers to questions and explore possible improvements to the proposal. Carlson emphasized the importance of avoiding confusion among voters and expressed a desire to ensure that there isn't a situation where essentially the same thing is presented twice, signaling a commitment to clarity and understanding.

Bloomer - Questioned what it would take for Carlson to go back to his constituents and withdraw his article.

Carlson - Explained that there is a procedure to withdraw but they are still exploring what options may be available for the article that would not cause confusion to voters.

Barnes - Shared his perspective, aligning with the idea that the ultimate objective of the study group should be to present a charter as part of their report. He expressed hope that the study group, with assistance from Mass Municipal, will go through the details and preferences, ultimately providing a draft charter. Barnes envisions that this draft charter could then be presented as part of the final report. He emphasized a comprehensive approach that integrates the charter into the final outcomes of the study group.

Roberto Santamaria - Noted that the charter being referenced is based on Franklin, which is the most recent one with input from the advisor who spoke at the Select Board meeting.

Kronau - Outlined two paths, as explained by John Giorgio. Path A involves electing a charter commission to draft a new charter, which is then approved through a ballot question at the annual election. Path B requires town meeting votes to petition the legislature through a home rule petition for a new form of government. She suggests that the study group's objective should be to propose a proactive path, either A or B.

Kronau proposed the option of postponing the motion until Monday's public hearing with John Giorgio, seeking his assistance in formulating concrete comments on the motion. While

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acknowledging the desire for a single article in town meeting discussions, she believes that voters can discern the differences between the two proposals.

Motion **Motion to close the public hearing.** (made by: Schaeffer) (seconded)

Roll-Call Vote: Carried 8-0// Schaeffer, Vieth, Maury, Bloomer, Grause, Glowacki, Roche and Kronau-aye

Motion **Motion to take no action.** (made by: Bloomer) (seconded)

Roll-Call Vote: Carried 8-0// Schaeffer, Vieth, Maury, Bloomer, Grause, Glowacki, Roche and Kronau-aye

The committee moved their discussion back to the previous item.

V. REVIEW AND DISCUSSION OF CITIZEN WARRANT ARTICLE #11 HOME RULE PETITION - NPEDC; POTENTIAL ADOPTION OF MOTION

Discussion: **Hillary Hedges Rayport** presented her proposed warrant.

Article 83 aims to support and facilitate long-range planning and achieve strategic investment for Nantucket. The important aspect to understand is that regional planning law is designed to attract state and federal funding, technical expertise, and coordinated long-range planning to regions. This is achieved by designating Regional Planning Agencies (RPAs).

The objective of Article 83 is to support and facilitate long-range planning and achieve strategic investment for Nantucket. This will be accomplished by:

Differentiating Nantucket's long-range Regional Planning Agency (RPA) from its short-term land-use function.

Increasing interdepartmental collaboration.

Maximizing federal and state grant writing and administration within the RPA, benefiting the Town and County of Nantucket.

The purpose is to enhance the RPA's focus on long-term planning issues and to attract funding and expertise for strategic investments. The article aims to clarify the name and mission of the RPA, reconfigure its composition for more diverse input, and ensure that the powers of the Commission remain advisory without adding any regulatory authority. The proposed changes include renaming the RPA to the Nantucket Planning Commission and expanding its mission to encompass not only physical and economic resources but also environmental, cultural, and historical preservation, affordable housing, and other natural resources.

The proposed changes reconfigure the composition of the RPA. The current structure involves five Planning Board members, one Select Board member, three at-large members appointed by the NP&EDC, one Conservation Commission member, and one Housing Authority member. The proposed structure includes one Select Board member, one Conservation Commission member, one Housing Authority member, one Planning Board member, one Land Bank member, and one Historical Commission member. This change aims to provide more diverse input from the community, with equal representation from different boards and a 10-year term limit.

The article emphasizes the need to differentiate between short-term land-use functions and long-range planning tasks. The current overlap of NP&EDC and Planning Board functions is seen as limiting the effective pursuit of long-range goals. The proposed changes aim to create a dedicated Regional Planning Agency focused on long-range planning without adding regulatory authority.

The new governance structure involves a core of five people elected specifically for regional planning and six equally represented boards. These boards include the County Commissioners,

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Planning Board, Conservation Commission, Housing Authority, Land Bank, and Historical Commission. The goal is to ensure more efficient coordination and collaboration among different entities overseeing various functions important for the town and county.

The creation of PLUS and the appointment of its director and employees remain the sole decision of the Town manager, and Article 83 does not make any comments or changes to the PLUS management structure. Article 83 and PLUS are distinct entities with different purposes.

Article 83 does not add any regulatory authority to the Commission. The primary goal is to update and enhance the RPA's role in long-range planning without introducing new regulatory responsibilities.

Bloomer – Questioned if the aim was to optimize grant writing and federal funding acquisition, aligning with a comprehensive long-term strategic plan, all within the framework of integrating it into the construct of PLUS.

Rayport – Stated the proposed change, akin to altering the form of government to a Town Council, doesn't guarantee specific outcomes. Instead, Article 83 introduces a different governance structure, fostering discussions on long-range planning, expanding inclusivity, and providing equal representation for various boards and commissions. She believes this change is positive and increases the likelihood of establishing a regional planning agency capable of achieving goals similar to other regional planning agencies.

Vieth – Questioned the use of the title “agency,” which comes with the indication of “authority.”

Rayport - Concurs with the mentioned perspective and acknowledges referring to it as "Authority" in the past. However, the official designation is determined by Massachusetts 40B, a general law. The proposal involves renaming it to the "Nantucket Planning Commission," emphasizing its classification as a regional planning agency by state law.

Grause - The central point being conveyed is that the primary alteration proposed involves modifying the composition of the governing body, while still being affiliated with PLUS.

Rayport - The overarching idea is to enhance the capabilities of the RPA by expanding its support system, such as having a grant writer, and encouraging collaboration with other entities to contribute to more effective long-term planning.

Libby Gibson, Town Manager - Raised a concern about the practicalities of incorporating grant writers, noting that securing grants is one aspect, but managing the subsequent projects and grants poses another challenge.

Glowacki – Sought clarification on how adjusting governance would alleviate staff from short-term pressures. Additionally, there's a question about the potential introduction of additional staff, particularly in planning functions, and whether this indicates a growth in the overall staff base.

Rayport - Clarified that the proposed article does not introduce additional staff or make a definitive decision on staff growth. However, the key point being communicated is the opportunity presented by having a state agency. She emphasized the potential to apply for grants through this agency to facilitate long-range planning. The current challenge, as expressed, is that the town has been hindered in its efforts due to complexities and entanglements with the planning board and various ongoing activities, suggesting that restructuring could unlock more effective utilization of available resources and opportunities for grants.

In response to the question of funding, the speaker suggests disentangling the two groups (presumably referring to the town and the Regional Planning Agency) and allowing a properly scoped Regional Planning Agency the freedom to decide its course of action.

Rayport provided an example involving receiving annual local technical assistance funds from the state, typically around fifty thousand dollars. However, this year, they received over eighty

thousand dollars, with the additional funds allocated to assist Regional Planning Agencies in securing federal grants.

Vieth - Highlighted a perceived inconsistency in the proposed structure. On one hand, there's an expectation of an independent group bringing in substantial funds and contributing positively to the town. However, the staff intended to work for this group would still be contracted with the town.

Bloomer - Questioned the decision to position the proposed endeavor next to PLUS instead of establishing it as a completely new initiative. There's a concern raised about the potential challenges that might arise in dealing with governance, organizational structures, and the combination of two distinct aspirational goals.

Maury - Expressed confusion about how the proposed changes to the governing body would impact the issue at hand, perceiving it as more of a staffing concern. He suggests that historical progress on planning issues has been achieved by creating specific positions, such as an energy coordinator or housing coordinator, and securing private funding initially before transitioning to public funding. There's a belief that this method is a more practical way to achieve the goal of dedicating more staff time and resources to long-range planning, which the speaker sees as not effectively addressed by the proposed structural changes.

Roche - Reflected on past instances of reorganizing town departments and emphasized that systemic improvements are needed, which is widely recognized. However, she expressed hesitation about legislating such changes outside of a process where those responsible for the work can architect the improvements. The sentiment is similar to recent discussions with the Historic District Commission (HDC). Additionally, Roche raised a practical concern regarding the acceptance of grant money by an outside commission. She emphasized that, in this case, it may not be feasible for an external commission to receive a grant directly, as such funds typically need to be received by the town through its finances.

Mary Longacre, NP&EDC, Chair - Clarifies that the NP & EDC has been actively engaged in discussions and planning for several months, considering potential changes to its Charter. Longacre asserts that there have been initiatives, such as proposing a land bank member, originating from within the NP & EDC. Additionally, Longacre refutes certain statements made by Hillary, highlighting that the open space plan is provisionally accepted by the state, and work on the master plan has indeed begun under the jurisdiction of the planning board.

Longacre challenges the accuracy of the presented organizational chart, expressing that the NP & EDC is not involved in daily activities like permit reviews and distinguishes between the functions of the planning board and the NP & EDC. There's an emphasis on the complex funding structure, with most funding coming from the town. Longacre contends that the proposed changes in the article may not guarantee the desired outcomes and underscores that ongoing discussions within the NP & EDC are broader in scope.

Finally, Longacre indicates that the NP & EDC recommended not adopting the proposed article to allow uninterrupted discussions about the organization's structure and approach.

Kronau - Questions the rationale behind changing the composition, particularly concerning the assumption that the five at-large, elected members would be more effective than the existing highly qualified and talented individuals. Kronau expresses difficulty in understanding how altering the composition would lead to achieving the goals Hillary has outlined. Kronau seeks clarification on how the proposed changes would address the identified challenges and enhance the effectiveness of the NP and EDC.

Rayport - Emphasizes the need to launch a conversation, pointing out that the Planning Board, responsible for subdivision control and various town-related tasks, doesn't necessarily have to be the same group as the Regional Planning Agency. Rayport suggests the possibility of having a distinct commission that doesn't completely overlap with the Planning Board, which could potentially attract a different set of individuals.

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The suggestion is to attract a core group of five people dedicated specifically to long-range planning.

Veith - Expresses a perspective that town staff are knowledgeable about grants relevant to their areas of expertise. Vieth questions the effectiveness of elected individuals in understanding the intricacies of different grants and suggests that town staff, with their specialized knowledge, are better suited for this task. The implication is that town staff are well equipped to assess which grants are suitable for various purposes based on their existing expertise and experience.

Maury - Agrees that having more people involved could be beneficial. However, he points out that the proposed changes alter the composition of the commission without necessarily increasing the number of individuals actively engaged in the work, such as a grant writer or administrator. The concern is raised that the proposed changes don't address the need for additional personnel to handle the workload effectively.

Bloomer - acknowledges the complexity of navigating grant processes, emphasizing that it is challenging even for those familiar with the field. He recognizes the substantial opportunity presented by the outlined new funding but expresses skepticism about directly addressing governance, structure, and process issues.

Bloomer suggests that while there is a great need for outside expertise to tap into these new funding opportunities, confronting governance and structural challenges head-on might not be the most effective approach. He proposes exploring alternative avenues to bring in additional resources, likening it to finding a different method to access a valuable resource. Bloomer highlights the potential difficulties in navigating entrenched interests and busy schedules, emphasizing the need for a strategic and nuanced approach to unlock the identified opportunity.

Grause - Inquired about the additional functions and tasks they perform beyond grant writing.

Rayport - Explained that such entities are supposed to conduct careful studies of resources, problems, possibilities, and needs within the district. Additionally, they are tasked with preparing a comprehensive plan of development, recommending plans for societal governance, and ensuring the protection of the environment.

Motion: **Motion to close the public hearing.** (made by: Maury) (seconded)

Roll-Call Vote: Carried 8-0// Schaeffer, Vieth, Maury, Bloomer, Grause, Glowacki, Roche and Kronau-aye

Kronau re-opened the public comment period so that Rayport can respond to additional questions:

Bloomer - Suggested the possibility of creating something aspirational that avoids the identified problems. He expresses concerns about the current construction, noting that it leads to the inclusion of individuals who may not share a common vision or commitment. Bloomer implies a need for a different approach that fosters a more cohesive and aligned group of individuals.

Rayport - Explained the process for changing the form of government, highlighting that it involves establishing a study committee. She clarifies that this committee must be independent and distinct from the current government, requiring a separate process to form and appoint members to it.

Anne Dewez - Expressed support for Hillary's initiative, agreeing that changing from within in this circumstance is almost impossible. Dewez notes the absence of a debate on the town floor last year and emphasizes the need for one. They highlight the lack of significant study until October of the current year, pointing out that change from within has not occurred voluntarily and constructively.

Dewez shares their opinion that a different structure is needed, acknowledging that opinions have been expressed forcefully but reminding others that these are individual perspectives. She commends Hillary for her extensive work and careful consideration, advocating for a reasonable motion to enable proper debate and let the voters have a say on this critical aspect

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of town government related to long-range planning. Dewez emphasizes the importance of giving voters the opportunity to have a say in the decision-making process for the benefit of the community.

Longacre - Explains that the delay in discussing a certain topic was intentional, waiting until a stable board with consistent members was in place, which occurred in August. This decision aimed to ensure that new voices on the board could contribute to the full conversation. Longacre acknowledges that the public may not always perceive the workings of government, emphasizing that even if not visible, the wheels of government are indeed in motion.

Kronau - Expresses that there is considerable energy and enthusiasm regarding the topic at hand, with everyone's intentions focused on doing what is right for the island. Kronau emphasizes that she has no doubt about the genuine intentions of those presenting citizens' Warrant Articles. As a member of the Finance Committee, Kronau explains their role in making recommendations on Articles not led by the Planning Board or Sewer Commission, basing judgments on what they believe is in the best interest of Nantucket. She underscores that while everyone has opinions, these are formed through diligent homework and are part of the process.

D Anne Atherton - Addresses their question to Mary through the Chair, inquiring whether Mary believes that the NP & EDC might have some recommendations by the upcoming special Town meeting in the fall.

Longacre - Responded that she does not have a specific timeline for the recommendations. She explains that the effort is aimed at a comprehensive approach, and as a result, she cannot provide a definite answer regarding whether the NP & EDC will have recommendations by the upcoming special Town meeting in the fall.

Motion: **Motion to close the public hearing.** (made by: Glowacki) (seconded)

Roll-Call Vote: Carried 8-0// Schaeffer, Vieth, Maury, Bloomer, Grause, Glowacki, Roche and Kronau-aye

Committee Deliberation:

Grause - Expresses admiration for the work done by Hillary, acknowledging her extensive knowledge and kindness. However, Grause expresses reservations about citizens proposing solutions without a deep understanding of the internal workings of the planning function. Drawing on a recent Historic District Commission discussion, Grause voices concern about the effectiveness of "parachuting" solutions and suggests that change is more likely to be successful when initiated from within the organization rather than imposed from outside.

Maury - Expresses sympathy for the idea of needing more assistance and expertise to delve into long-range plans and ensure their execution. However, he doubts that the proposed article achieves this goal, as it may not create more work but rather involve a different set of voices directing an already overburdened planning process. Maury suggests the need for additional staff, particularly advocating for filling the senior planner position and possibly adding more staff, similar to the approach taken with roles like Energy Coordinator and Housing Director.

Veith - Expresses agreement with the sentiments stated by Grause and Maury. She highlights that the focus shifted towards arguments on grant writing, raising concerns about who will handle these tasks. Veith mentions existing staff responsible for grants but questions the need for more elected individuals without technical expertise on the planning board, especially if they have been in their positions for a while. She sees the issues of grant writing and the composition of the Planning Board as separate matters, noting that the emphasis on grant-related discussions has complicated the situation. Despite this, Veith commends the efforts and work put into the issue.

Bloomer – Emphasizes his extensive experience in change management, asserting that their perspective differs from Hillary's. He suggests that successful change often originates from external factors rather than attempting to transform an existing structure. Bloomer applauds

Proposed FinCom Minutes for January 31, 2023

Hillary's aspirations but questions the feasibility of achieving them within the current organizational framework. He proposes considering alternative structures and cultural approaches to realize the desired changes.

Motion: **Motion to not adopt the proposed Article 83 .** (made by: **Grause**) (seconded)

Roll-Call Vote: Carried 8-0// Schaeffer, Vieth, Maury, Bloomer, Grause, Glowacki, Roche and Kronau-aye

VI. REVIEW OF 2022 ANNUAL TOWN MEETING WARRANT BY TOWN ADMIN

Kronau deferred the review of the 2023 Annual Town Meeting Warrant until the next meeting.

VII. DATE OF NEXT MEETING

Next meeting: Thursday, February 2, 2023; 4:00 pm.

VIII. COMMITTEE REPORTS

Kronau differed the review of the 2023 Annual Town Meeting Warrant until the next meeting.

IX. OTHER BUSINESS

Kronau differed the review of the 2023 Annual Town Meeting Warrant until the next meeting.

X. ADJOURNMENT

Motion **Motion to Adjourn at 6:04 pm.**

Roll-call Vote Carried 7-0//Schaeffer, Maury, Bloomer, Glowacki, Grause, Roche, and Kronau-aye

Submitted by:
Elaina Cano

Raymond P. Conlon
66 Skyline Drive
Nantucket, MA 02554

December 11, 2023

Finance Committee
Town of Nantucket
Proposed Article G

Re: Opposing Article to Alter Rental vehicle Laws

I am writing in opposition to the proposed Citizen article pertaining to rental vehicle licensing and medallion distribution. In full disclosure, I own and operate Nantucket Windmill Auto Rental.

The current bylaw has been in place since 1988 and has worked well to control the number of rental cars on Nantucket up to 2021. In 2021 the number of rental vehicles on the island increased dramatically due to unlicensed entities renting vehicles which do not have medallions. In 2022 as well as 2023 this number continued to grow. Our streets are in gridlock much of the year – this worsening condition can be directly attributed to this large number of unsanctioned vehicles. Our ability to drive and park anywhere on the island is problematic and our quality of life has suffered. This proposed bylaw would increase the number of medallions – an action which will make a bad situation only worse.

The number of medallions owned by each of the existing rental car companies in 1988 was set by historical usage in prior years and was capped at 700 to prevent problematic growth.

In the thirty-nine years I have owned Nantucket Windmill Auto Rental I have built a business around full utilization of allocated medallions with a loyal following of travelers, citizens of Nantucket and state agencies such as the Department of Children and Families. Under the proposed article my number may be substantially reduced causing great financial harm. I have always done business within the laws of Nantucket, trying my best to be a good citizen. To impose a reduction of my number is not equitable or justified. Especially because the proposed article would reallocate current medallions and allocate those in excess of 700 to currently unlicensed entities who in fact have blatantly and knowingly violated our laws. I have a lease with the Nantucket Memorial Airport for counter space and parking and maintain a support facility directly across the street at 21 Airport Road for vehicle storage and operation of our business. Entities who do not own commercially zoned property or lease the same should not be allowed to conduct this commercial activity.

To reward such entities who have violated our laws with business licenses and medallions is just plain wrong. Please give the article a negative recommendation.

Sincerely,

Raymond P. Conlon
66 Skyline Drive

SHEEHAN PHINNEY

Boston, MA | Manchester, NH | Upper Valley | Concord, NH

John H. Perten, Esquire
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Boston, MA 02109-1700
Facsimile: 617.439.9363
www.sheehan.com

December 29, 2023

Via E-mail and First-Class Mail

Ms. Denice Kronau, Chair
Town of Nantucket
Finance Committee
37 Washington Street
Nantucket, MA 02554

Re: Citizen Warrant Article, Article G, Chapter 58

Dear Ms. Kronau and Members of the Finance Committee:

This firm represents Nantucket Auto Rental, Inc. d/b/a Nantucket Island Rent-A-Car (“Nantucket Rent-A-Car”) and Affordable Rentals of Nantucket, Inc. (“Affordable Rentals”). We have been engaged to assist Nantucket Rent-A-Car and Affordable Rentals in their opposition to the proposed amendment to Chapter 58 of the Town Code. We appreciate the opportunity to address the Finance Committee at its meeting on January 8, 2024 and address any questions that the Finance Committee may have. In anticipation of that meeting, we are providing this letter to allow you to better understand our clients’ position in advance of the meeting so that you can formulate any questions that you may have. For the reasons outlined below, we strongly urge the Finance Committee not to recommend passage of Citizen Warrant Article, Article G, seeking to amend Chapter 58.

First, a little context: Chapter 58 of the Town Code requires that anyone wishing to rent automobiles on the Island apply for an annual license (medallion) from the Select Board. (§58-2). The cost for the license is \$100 per vehicle, which fee is set by statute, unless an excise tax is already being paid to the Town for rental vehicles registered in Nantucket. (§58-3(A)). The by-law caps the total number of rental vehicles available for lease at 700 (§58-3(B)), and for each approved vehicle, the Town issues a medallion. Renting or leasing vehicles without a medallion is deemed unlawful (§58-2) and is punishable by a fine of \$300, “each day being considered a separate offense.” (§58-5).

Section 58-1 of Chapter 58 broadly defines “rental or lease” as “to grant or make available the use, possession or enjoyment of a motor vehicle for an agreed period of time in exchange for an agreed payment, whether or not such transaction is a separate agreement in itself or is part of a broader agreement between the parties thereto.” Thus, Chapter 58 not only applies to traditional car rental businesses, but also to persons who rent vehicles, for example, as part of a summer rental of a property.

Currently, there are five car rental companies operating on the Island. Nantucket Rent-A-Car is a locally owned company which has been operating at one of the airport kiosks since 2004. John

O'Hara, Nantucket Rent-A-Car's principal, has strong ties to the Island. His wife was born and raised there; they own a home in Nantucket, and their now grown children were born on the Island and spent much of their childhood there. (They are fourth generation Islanders). Nantucket Rent-A-Car currently has 93 car rental medallions. Depending on the year, it pays the Town approximately \$50,000 in excise taxes for the vehicles it leases on the Island. Its rental cars are serviced on the Island. It employs between 5 to 9 residents depending on the season.

Affordable Rentals is also a local business. It holds 70 medallions and has been operating since 1983. Its principal, Timothy Mahoney, is a year-round Island resident and too employs local residents. The company also services its rental vehicles on Island. It also pays excise taxes to the Town for the vehicles it rents. Mr. Mahoney also owns Cook's Cycles. Neither of my clients can recall a single occasion where there has been a demand for cars that it or its fellow rental companies have been unable to meet. The 700-vehicle cap has been more than sufficient to cover consumer demand.

Recently, my clients have observed a proliferation of unlawful car rental companies, blatantly violating Chapter 58. These companies openly advertise on-line and in print. Additionally, many homeowners who provide seasonal or short-term rentals are also offering the rental of vehicles to prospective lessees, which too is a violation of Chapter 58. As a result, my clients filed a formal complaint to the Select Board asking that Chapter 58 be enforced, and identified several companies that were openly renting vehicles on the Island without a medallion. I enclose a copy of that complaint. In response, the Select Board requested that the Police Department contact offending companies and that the public be educated as to the existence and breadth of Chapter 58.

By way of example, one of the company's that appeared to be openly operating a car rental business without a medallion was Becky's Broncos. Becky's Broncos is owned by Rebecca McCrensky and James Broad and registered in Chelmsford, MA. These are the same two persons who are the sponsors of this Citizen Warrant Article. After being contacted by the police, Ms. McCrensky was quoted extensively in the Nantucket Current. A copy of that article is enclosed.

The proposed amendment to Chapter 58 is not revenue neutral and has the potential to cost the Town and its citizens thousands of dollars. It also poses a threat to property values, and, without a doubt, will exacerbate the already significant traffic situation that plagues Nantucket during high season. If passed, it will also be a significant and costly burden on Town administrative resources.

As noted above, there is no consumer demand for additional car rentals. The current supply is more than adequate. Some have suggested that Hertz, the largest medallion holder, is hoarding 100 medallions that it is not even using. While we do not know if this is true or not, logically, if Hertz believed there was demand for those 100 extra cars, surely it would use them. It is in the business to make money. By opening up an additional 300 new medallions (plus the 100 which the amendment provides would be forfeited back to the Town for redistribution), there would be 400 additional rental vehicles competing for the already saturated rental market and 400 additional rentals exacerbating the already intolerable traffic situation.

Each additional rental represents an economic loss to the existing medallion owners who are primarily local and have invested thousands of dollars into their Island businesses, employ Island residents, and utilize Island services. The Airport Commission has already noted a decrease in

revenue from rentals at the airport, which would decrease even further with the additional 400 medallions proposed. We note that although the proposed amendment suggests that preference be given to Nantucket residents, it does not require that the vehicles be registered in Massachusetts, thereby allowing a significant loss of excise tax to the Island. As far as the suggestion that the current medallion holders do not offer fairly priced rentals, we suggest that the rental cost of vehicles is controlled by the market. My clients have not experienced any decline in rental volume due to the prices they offer. The cost of a car rental is not a major issue for the vast majority of those that vacation on the Island. The continued viability of the current car rental agencies will be directly threatened by the 400-vehicle increase, and the economic impact to the Island if these companies either reduce their fleets or pull out altogether will be immense.

Another significant financial impact relates to property values. If one wants to open a car rental agency, that must be done in an area that is zoned for commercial enterprises. This is not something that can be operated in a residentially zoned area or some sort of a “cottage industry.” And, the vehicles have to be stored somewhere. They cannot (or should not) be parked on the street, taking up the already limited public parking spaces. Already, my clients have observed unauthorized car rental companies using the Stop & Shop parking lot and the area where the ferry docks as a staging area. Already, there is a “Hy-Line” traffic jam and a proliferation of new auto rental companies will only make this worse. Moreover, if properties are now going to be used for business operation, that would likely require Planning Board approval, and there is little property, if any, available for additional commercial use. As more property is used commercially and there is a proliferation of new car rental companies, the value of adjacent residential properties will undoubtedly decrease. Who wants to live next to a car rental agency?

When the Select Board considered the complaint about the proliferation of unlawful car rentals on the Island, one of the enforcement concerns vocalized was the cost to the Town for enforcement of the Code. It was argued that the Town simply does not have the resources to police the current version of the Code. The proposed revision would require even greater administration. The new regime would require, at a minimum, someone to track the percentages of medallions held, check the residency requirements, monitor which medallions are “active” or “inactive,” maintain a priority list and “keep an accounting for public record...” While none of these tasks, in a vacuum, may appear significant, collectively, running the new program would take a significant amount of ongoing time and administration in addition to all the responsibilities that the Town staff already have. It would also require more time spent by the Select Board, the Planning Board, the Police Department, and every other Town department that will have to be consulted. All of that time will come at a cost to the Town. Either more staff will have to be hired, or existing staff will have to take on additional duties on top of their already full plates.

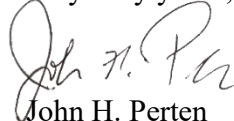
The purpose of Chapter 58 was, as we understand it, to reduce traffic on the Island. The Article proponents suggest that the largest contributor to traffic is the vehicles coming onto the Island via the ferry. Accepting that traffic is bad and that cars coming over on the ferry may be the largest contributor to traffic, adding another 400 rental vehicles can only exacerbate an already intolerable traffic condition. The answer to too many vehicles, is not to add another 400. My clients have already observed multiple unlawful rental vehicles being picked up and dropped off at the steamship parking area, in contrast to the majority of pick-ups and drop-offs that the current medallion holders provide at remote locations.

The Article proponent also suggests that increasing the number and availability of medallions will provide residents “with additional sources of income to survive on Island” and provide priority to “Nantucket residents and Massachusetts based businesses.” It is unclear how providing a business located in Chelmsford, for example, will assist local residents. And, how does one define “resident?” There is no distinction between part-time residents and those who live on the Island year-round. More importantly, with respect, the goal of Chapter 58 was not to increase revenue sources but to control traffic. The economic impact of taking revenue out of the mouths of local businesses who have, for years, invested in the Nantucket economy, cannot be ignored.

Amending a bylaw is a significant action which should never be done lightly. It should be reasoned, concrete, and well vetted. The number of holes in this proposed amendment is significant. In addition to economic concerns, there are zoning concerns and traffic concerns. The negative impact on the existing medallion holders, who (with the exception of Hertz) are local businesses that have invested deeply in the Island, will be direct and disastrous.

We respectfully urge you to vote against supporting the proposed amendment to Chapter 58.

Very truly yours,



John H. Perten

JHP/lmb
Enclosure

Cc: Select Board members (via e-mail)
Clients (via e-mail)

SHEEHAN PHINNEY

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Facsimile: 617.439.9363
www.sheehan.com

July 10, 2023

Via E-mail and Overnight Mail

Town of Nantucket
Select Board
37 Washington Street
Nantucket, MA 02554

Re: *Illegal Car Rentals*

Dear Members of the Select Board:

This firm represents Nantucket Island Rent-A-Car (“Nantucket Rent-A-Car”) and Affordable Rentals. Nantucket Rent-A-Car is the current holder of 93 automobile rental medallions and Affordable Rentals holds 70 medallions. Both companies are locally owned businesses with a long personal and financial commitment to Nantucket. Both pay thousands of dollars annually for car rental medallions and for excise tax on vehicles garaged in Nantucket. Both companies employ local residents, generate revenue for the Town, and are good corporate citizens.

Chapter 58 of the Town By-laws requires that anyone wishing to rent automobiles on the Island apply for an annual license (medallion) from the Select Board. (§58-2). The cost for the license is \$100 per vehicle, which fee is set by statute, unless an excise tax is already being paid to the Town for rental vehicles registered in Nantucket. (§58-3A). The by-law caps the total number of rental vehicles available for lease at 700, and for each approved vehicle, the Town issues a medallion. The cap on the number of medallions, as we understand it, was instituted, in large part, to limit the number of rental cars on the island and the resultant traffic congestion.

It has come to the attention of my clients that multiple businesses appear to be renting cars on the Island without being licensed to do so. Not only is this in violation of the by-laws, but it is having a direct financial impact on the Town and on my clients. We understand that this has been brought to the attention of the Select Board informally, but to our knowledge the Select Board has declined to address the issue, perhaps because until a formal complaint is issued the Board cannot proceed. To that end, by this letter, we are formally requesting that the Select Board investigate the situation, order any offending companies to cease the unlicensed rental of automobiles, and issue fines as permitted under Section 58-5 of the by-laws. We also request that the Nantucket Police Department be instructed to take all necessary steps to enforce the car rental medallion by-law.

Although we believe the problem is larger than we even recognize, to assist the Select Board in its investigation and enforcement efforts, we are aware of at least the following companies that appear to be violating the Town by-law:

1. Becky's Broncos Nantucket (www.beckysbronzos.com). According to their website, they are "Your Go-To Bronco Only Rental Car Fleet On ACK." Not only does Becky's Broncos hold no medallions, it has no permission from the Airport Commission to be renting cars at the airport. Becky's Broncos has an address on the Island at 1 Yawkey Way, Unit 1. According to the Secretary of State's website, Becky's Broncos also has an address at 248 Mill Road, Suite 3, Chelmsford, MA 01824.
2. Nantucket Classic Car Rentals (www.ackccr.com). Their website urges consumers to "Discover Nantucket's charm with our vintage car rentals, perfect for exploring the island or enhancing special events." We understand that Nantucket Classic Car Rentals operates out of the Great Harbor Yacht Club at 56 Union Street. Nantucket Classic Car Rentals holds no rental car medallions.
3. ACK Jeeps (www.ack-jeeps.com). ACK Jeeps bills itself as the "The Authentic Nantucket Experience". We do not know if they also rent from the airport as their name suggests, though if they are, it is without permission from the Airport Commission. Our clients observe that although rented on Nantucket, the rental vehicles have Connecticut license plates so the Town is missing out on the excise tax too. No medallions have been issued to ACK Jeeps.
4. ACK Rentals (www.ackeventsandrentalservices.com). ACK Rentals "welcomes you to Nantucket" and offers a variety of additional products (such as coolers, beach chairs, picnic baskets) to allow visitors to enjoy the Island beaches. No medallions have been issued to ACK Rentals.
5. VRBO (www.vrbo.com) is offering multiple property rentals for which you can add on a car rental. As an example, take a look at Rental # 2831090. The property description is: "Gorgeous house with heated pool, JEEP Rental – Nantucket." Even if we assume that the primary purpose of VRBO and the property owners is to rent vacation homes, part of the business is also clearly renting motor vehicles. We note that Section 58.2 of the Town By-law defines the "Rental or Lease" of motor vehicles as "to grant or make available for use, possession or enjoyment of a motor vehicle for an agreed period of time in exchange for an agreed payment, **whether or not such transaction is a separate agreement in itself or is part of a broader agreement between the parties thereto.**" (Emphasis added). Clearly, the VRBO renter is not exempt from the rental car licensing by-law simply because the primary goal is the renting of a home.
6. Turo (www.turo.com). Turo bills itself as a car sharing marketplace. If you search on the website, there are currently approximately 200 motor vehicles available for rental on Nantucket. Our understanding is that these cars remain continuously on the Island during the high season.

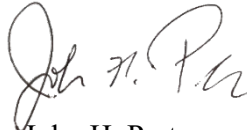
Select Board
July 10, 2023
Page 3

Assuming that our understanding of these businesses is true, even this small sampling demonstrates that this is not an isolated issue. Not only is this directly impacting revenues which should go to rental car companies that are complying with the Town by-laws, it also clearly impacts revenues that should be paid to the Town. Both the Town and our clients are losing thousands of dollars annually. Non-compliant companies are undermining and doing an “end run” around the Town by-laws, and are contributing to traffic congestion. Adding insult to injury, the Town sells resident beach permits to the illegally rented vehicles at the resident rate, while licensed car rental companies have to pay a higher rate for beach stickers. That is fundamentally unfair.

As noted above, on behalf of our clients, we formally request that the Select Board investigate this growing situation and take all necessary steps to stop it. Our clients and we are available to assist the Board in whatever manner it deems appropriate. We also request that we be kept apprised of the Board’s actions.

Thank you for your anticipated action.

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Perten". The signature is fluid and cursive, with the first name "John" being the most prominent.

John H. Perten

JHP/lmb

Cc: Select Board members (via e-mail)
Airport Commission (via e-mail)
Nantucket Rent-A-Car
Affordable Rentals

Police Begin Crackdown On "Illegal" Car Rentals

[N nantucketcurrent.com/news/police-begin-crackdown-on-illegal-car-rentals](https://nantucketcurrent.com/news/police-begin-crackdown-on-illegal-car-rentals)

Jason Graziadei • Oct 01, 2023



"“We didn’t want a sea of parked cars at the airport...If we ignore this, we are undermining ourselves.” - Select Board member Matt Fee said. Image via Shutterstock

Just one day after the Select Board discussed a formal complaint concerning "illegal rental cars" on the island last Wednesday, Rebecca McCrensky says she got a call directly from Nantucket chief of police Bill Pittman.

McCrensky, who owns the downtown pet store Pawsitivity with her husband, also operates "Becky's Broncos," a new Ford Bronco vehicle rental company that they founded to earn additional income to support their family on Nantucket. But in the wake of the complaint filed by two of the island's longstanding car rental agencies, McCrensky and three other companies renting vehicles on Nantucket were contacted by police.

"We were a target of the Select Board’s intimidation tactics utilizing the chief of police to squash new rental car businesses," McCrensky told the Current. "The chief contacted us (Thursday), threatening us with fines of \$300 per day unless we shut down."

The basis for the complaint is a section of the town code - Chapter 58 - which governs rental cars on Nantucket through a medallion system and caps the number of rentals at 700 for the entire island. The regulations require companies to obtain a medallion from the town for each rental car they are operating and establish a fine of \$300 per day for any violations. Attorney John Perten, who represents Nantucket Rent-A-Car and Affordable Rentals, submitted a list to the town of more than 150 individuals

renting vehicles through Turo, the giant online car-sharing platform, along with the names of four small rental car companies - including Becky's Broncos - alleging they are all renting cars on Nantucket illegally without medallions.

"Unless the town enforces its by-law, the island will continue to be flooded by illegal car rentals which will negatively impact the town's quality of life through additional traffic congestion," Perten wrote to the Select Board. "Neither the town nor my clients can turn a 'blind eye' to this very real problem."

McCrensky confirmed Becky's Broncos has no medallions but, she said, it wasn't for lack of trying.

"We contacted the town last spring to attempt to purchase medallions for our two new rental cars after forming a legal Massachusetts LLC (limited liability company) and getting our cars commercially insured," McCrensky said. "The town informed us no medallions were available, although some of the medallions were being held and not used. The town indicated they had no immediate plan to fix this situation and that they were considering clawing back medallions not being used or possibly issuing new medallions. Per their suggestion, we put our name on a 'medallion wait list' and were essentially told to go away.

"Hertz controls nearly 50 percent of the medallions, some or all of which could be clawed back," McCrensky continued. "If Nantucket is pro-small business, why is the Select Board protecting an \$8.7 billion company? Hertz controls more medallions than Turo and all the 'illegal' rental car companies combined."

Last Thursday, Nantucket Police Lt. Angus MacVicar confirmed that the department had been in touch with several of the companies identified in the complaint. It does not appear that the police have targeted individual Turo hosts, but rather the small companies that had established websites and/or advertising of rental cars on Nantucket.

"The Nantucket Police Department spoke with three of the four operators," MacVicar said in an e-mail, referring to the companies named in the complaint letter. "Two of the three operators we spoke to have taken down their website and the third has agreed to do the same. We are still working on contacting the fourth operator. We will continue to monitor this situation and take appropriate follow-up measures to address any violations."

MacVicar did not respond to several follow-up questions regarding the enforcement measures.

In the wake of the Current's reporting on the situation last week, numerous individuals have reached out regarding the island's rental car landscape, stating the established companies enjoy an oligopoly, charge excessive rates, and that the competition from Turo and smaller companies is much needed. Beyond the fact that getting a ferry reservation is difficult and rental cars are expensive, they said, many island residents supplement their income by renting a vehicle on Turo to make ends meet with Nantucket's high cost of living.

McCrensky emphasized several of these arguments.

"The town's medallions unfairly eliminate competition, which results in higher prices and worse service for consumers both of which are evident in island rental car companies' largely poor ratings and high prices," McCrensky said. "If the town was not supporting a multi-member monopoly they could also issue more medallions. The rental car bylaw was created in 1988 when the population was less than half of its current size. So the number of occupied homes, vacation rentals, and hotels skyrockets on-island, but the town does not issue even one more medallion during this 35-year period of unprecedented growth?"

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TOWN OF NANTUCKET
2024 Annual Town Meeting
Citizen Warrant Article Submissions
Town Counsel Comments
December 1, 2023

	Lead Petitioner	Article Description	Comment
A.	Mimi Huber	Zoning Map Change – R-40 to CN – 1 Evergreen Way and 21 Airport Road	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
B.	Susan Ottison	Zoning Map Change – R-10 to CN – 3 Cobble Court	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
C.	Patricia Halsted	Real Estate Acquisition: Unnamed Way (Surfside)	This article is not in proper form but may be cured by motion. The petition did not provide a sufficient description of the parcel or a plan. The Assessors Map provided is not sufficient, but NP&EDC located a plan that may be used in the motion. This article is the acquisition portion of a Yard Sale transaction.
D.	Patricia Halsted	Real Estate Conveyance: Unnamed Way (Surfside)	Approved as to form, subject to comments on Article C. This article is the conveyance portion of a Yard Sale transaction.
E.	Meghan Glowacki	No Town funds to be used re: Surfside Crossing development	A majority vote in favor would be nonbinding. If the Affordable Housing Trust already has funds available for a proper purpose, no Town Meeting vote is required. If the AHT is approved for additional bonding authority, that vote would be

TOWN OF NANTUCKET
2024 Annual Town Meeting
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			effective even if this article receives a majority vote in favor.
F.	Meghan Glowacki	Charter Change – Department Heads report to Town Manager	This article is in proper legal form. It seeks to <u>authorize</u> the Select Board to request a special act of the General Court to amend Sections 4.2, 4.4 and 4.5 of the Town Charter.
G.	Rebecca McCrensky	Amend Chapter 58 of Town Code – Car Rental Agencies	The subject matter of this proposed bylaw is generally valid, but not presented in proper form for insertion into Chapter 58 (changes are presented in outline form); this could be remedied by motion. Recommend deleting reference to “unpurchased” medallions and replace with “unissued.” Recommend making licenses inactive for two years subject to cancellation after hearing, not “automatically returned.” Provision reserving certain licenses to residents would be analyzed by Attorney General on “equal protection” basis but appears valid.
H.	Anne Kuszpa	Zoning Bylaw Amendment – Middle Income Inclusionary Housing	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
I.	Cliff Williams	Authorize Select Board to appoint Madaket Landfill Committee	Approved as to legal form. This article would be nonbinding if approved; expression of voter support for an advisory committee on landfill issues.

TOWN OF NANTUCKET
2024 Annual Town Meeting
Citizen Warrant Article Submissions
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J.	Cliff Williams	Request for Town Assistance with Evictions	This proposes a nonbinding vote. Any dispute between an owner of residential property and a tenant is a private legal matter. Providing Town funds or resources to benefit an individual in such circumstances would likely violate the Anti-Aid Amendment (MA Constitution, Articles of Amendment, Art. CIII).
K.	Leah Hill	Adopt M.G.L. 175M – State Family and Medical Leave Statute	This article is in proper legal form; adopting c.175M would require a majority vote. Even if adopted, however, implementing the benefits pursuant to the statute would require negotiation with unions and with nonunion employees. An appropriation of funds would be required to implement the benefits if the statute is adopted.
L.	Emily Molden	Zoning Bylaw Amendment – Chapter 139-13(C), prohibit pools/hot tubs in Moorland Management District	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
M.	Michael Kopko	General Bylaw Amendment – Chapter 123, Short-Term Rentals	This article is in proper legal form, adding text to Chapter 123. Approval will require a majority vote.
N.	Robert Sarkisian	Bylaw Amendment – Sewer District Map Change – 62 and 64 Sankaty Road	This would add two parcels on Sankaty Road to the sewer district. The article is approved as to form. Unless the Select Board recommends this article, a two-thirds vote will be required for passage.

TOWN OF NANTUCKET
2024 Annual Town Meeting
Citizen Warrant Article Submissions
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O.	John Fones	Amend Bylaw - Rescind Chapter 141, Stretch Energy Code	This article is in proper legal form. General rule for rescission of previously accepted statutes or similar state requirements is that at least three years have passed since acceptance (Stretch Energy Code accepted in 2019). If approved, this may impact the Town’s designation as a “Green Community.”
P.	Steven Cohen	General Bylaw Amendment – Revisions to Chapter 123 of Town Code, Short-Term Rentals	This article is in proper legal form, making revisions to Chapter 123. Approval will require a majority vote.
Q.	Steven Cohen	Zoning Bylaw Amendment – Revisions to Chapter 139 of Town Code to add regulation of Short- and Long-Term Rentals	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
R.	Irean Shreiber	Zoning Map Change – LUG-2 to R-20 – 25 Rugged Road	This article is not in proper form. It seeks to rezone a “portion” of a lot, but there is no metes and bounds description, no plan provided and no definite description (“not to exceed 30,000 sf”). Nonetheless, because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation; petitioner may be able to work with the Planning Board to resolve these issues. Passage of this article by Town Meeting will require a two-thirds vote.
S.	Anne Kuszpa	Zoning Map Change – R-5 to CN – 75B Old South Road	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required

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			public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
T.	Gail Holdgate	Independent Investigation re: 2018 Historic African Meeting House Incident	This article is approved as to form. It would be a nonbinding vote, as Town Meeting cannot compel Town officials to take certain action or expend funds. In addition, the article states that the “article sponsors” would oversee the requested independent investigation funded by town public funds; this would violate the Anti-Aid Amendment to the MA Constitution.
U.	Arthur Reade	Bylaw Amendment – Sewer District Map Change – 16 Rabbit Run Road	This would add a parcel on Rabbit Run Road to the sewer district. The article is approved as to form. Unless the Select Board recommends this article, a two-thirds vote will be required for passage.
V.	Arthur Reade	Real Estate Acquisition: Bank Avenue	Approved as to form, except (1) motion should refer to “Select Board” rather than “Board of Selectmen,” and (2) copy of recorded plan should be filed with Town Clerk [recorded plan was viewed online and is in proper form]. This article is the acquisition portion of a Yard Sale transaction.
W.	Arthur Reade	Real Estate Conveyance: Bank Avenue	Approved as to form. This article is the conveyance portion of a Yard Sale program transaction, same comments as Article V.
X.	Vallorie Oliver	Withdraw Town from “Good Neighbor Agreement” with Vineyard Wind, LLC	This article is approved as to form. It would be a nonbinding vote, as Town Meeting cannot compel Town Administration or Select Board to take certain actions within their jurisdiction.

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Y.	Vallorie Oliver	Offshore Wind Power – Require Town Meeting Vote	This article is approved as to form. It would be a nonbinding vote, as Town Meeting cannot compel Town Administration or Select Board to take certain actions within their jurisdiction, or mandate a prior Town Meeting vote if not legally required.
Z.	Kenneth Gullicksen	Real Estate Acquisition: Portion of Hamblin Road	Approved as to form, except (1) motion should refer to “Select Board” rather than “Board of Selectmen,” and (2) copy of recorded plan should be filed with Town Clerk [recorded plan was viewed online and is in proper form). This article is the acquisition portion of a Yard Sale transaction.
AA.	Kenneth Gullickson	Real Estate Conveyance: Portion of Hamblin Road	Approved as to form. This article is the conveyance portion of a Yard Sale program transaction, same comments as Article Z.
BB.	Beth Jekanowski	Zoning Bylaw Change – Add “Greenhouse” to Definition of “Ground Cover in Chapter 139	This article is approved as to form; “greenhouse” already appears in definition of “outbuilding.” Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.
CC.	David Buckley	Zoning Map Change – LUG-2 to R-40 – 71 Hummock Pond Road	This article is approved as to form. Because this is a zoning amendment, the article should be referred to the Planning Board for the required public hearing, and a report and recommendation. Passage of this article by Town Meeting will require a two-thirds vote.

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