



# Town of Nantucket Finance Committee

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**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

Thursday, January 26, 2023

*This meeting was held via remote participation using ZOOM and YouTube.*

Called to order at 4:00 pm by Ms. Kronau

Staff in attendance: Libby Gibson, Town Manager; Brian Turbitt, Director of Finance; Mariya Basheva,  
Financial Analyst; Terry Norton, Town Minutes Taker

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

Remote Participant: Vieth

Absent Members: McEachern

Late Arrivals: Maury, 4:15 pm

Early Departures: None

Documents used: Draft minutes as listed; Citizen Warrant Articles for 2023 Annual Town Meeting.

Adoption of Agenda

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

Roll-call Vote Carried 6-0//Glowacki, Roche, Bloomer, Grause, Kronau, and Vieth-aye

### I. ANNOUNCEMENTS

### II. PUBLIC COMMENT

1. None

### III. APPROVAL OF PRIOR MEETING MINUTES

1. January 9, 2023
2. January 12, 2023

**Grause** – The date on the minutes say January 15; should be January 12

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

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

### IV. PUBLIC HEARING AND DISCUSSION OF CITIZEN WARRANT ARTICLES FOR 2022 ANNUAL TOWN MEETING (ATM)

1. Bylaw Amendment – Motorized Devices, Bruce Mandel

Discussion **Jason Bridges**, Chair Bicycle, Pedestrian Advisory Committee (BPAC) – We reviewed this Article and overall don't support it. Equity, sustainability, and mobility; we want more of these motorized devices; it means fewer people in cars. We agree there is a safety problem.; but, this is not the way to address safety successfully. We can work with Police on spot enforcement and with the Chamber on education. You can regulate and or educate businesses that rent motorized devices.

**Grause** – Asked if BPAC has statistics on pedestrian collisions with bicycles.

**Bridges** – The police, hospital, and State do have the data; we don't. We wanted to find where the most accidents happen.

**Schaeffer** – He asked the police, but they said they have accident information only if it involves a car.

**Vieth** – Asked for expansion on the comment about the expanded use of the electric “vehicles.”

**Bridges** – More mobility means more access to jobs, and these are more affordable than cars.

**Mandel** – Mr. Bridges was focusing on motorized bicycles; the objective is the safety of pedestrians who are using the side paths. The objective is to update the vehicles not allowed on sidewalks and to equate side paths to sidewalks. Nantucket’s bike paths were intended for use of non-motorized vehicles. There are no material changes to Chapter 98. He understands the concerns expressed but he has an e-bike that he has used on the roads without incident. Referenced a study from the Netherlands regarding e-bike usage.

**Kronau** – We have the document Mr. Mandel referenced.

**Schaeffer** – Many of the motorized vehicles on the road don’t have the safety features necessary to be used on the road. Scooters are already not allowed on the bike paths. We are talking about the bike paths not sidewalks.

Motion **Motion to Close Public Comments.** (made by: Schaeffer) (seconded)

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

**Kronau** – Asked if members have enough information to vote on a motion today.

**Schaeffer** – The danger of having all these small vehicles on the road offsets the danger of having them on the bike paths.

**Bloomer** – Everyone acknowledges there’s a problem; asked if it’s FinCom’s role to fix a problem.

**Kronau** – That’s what BPAC is for; they understand the possible solutions.

Motion **Motion not to Adopt.** (made by: Maury) (seconded)

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

2. Independent HDC Administrator, Diane Coombs

Discussion **Coombs** – She’s asking for the Historic District Commission (HDC) to have its own advisor (sic) as it used to. We had our own team dedicated to the HDC, and the administrator reported to the Town Manager. Explained problems she has perceived with HDC applications under the current staffing. We aren’t saying the existing staff aren’t good; we have 3 people working a great many applications. She has documentation indicating HDC can appoint its own advisory groups; HDC was told it can’t do that. In order to perform our work, we need to know our staff are working for the HDC; our current staff works for Planning and Land Use Services (PLUS) and have no requirement to report to HDC. According to the Department of Interior National Registry of Historic Places, we have 5000 historic structures and Nantucket is the largest contiguous historic district. Referenced HDC’s mission per the Enabling Act.

**Schaeffer** – It sounds like HDC needs an Administrative Assistant rather than a manager.

**Coombs** – An administrator surveys the applications and recognizes the appropriateness of the proposals. We need someone with knowledge who can lead us just as other boards have.

**Grause** – Asked how the other HDC members stand for the article.

**Coombs** – They are for it. You should have letters of support from all the members.

**Kronau** – We have two commissioner letters only, Ms. Coombs and Ms. Camp. Mickey Rowland also sent a letter of support.

**Grause** – Asked if the whole board is behind this why only Ms. Coombs’ name is on the article and why it isn’t being handled administratively.

**Coombs** – It was challenged by Esmerelda Martinez and Holly Backus. The warrant has in my name because the others were too busy to take it on.

**Bloomer** – Asked how many applications HDC reviews in a year and how many support staff.

**Coombs** – We have 3 staff members who work very well.

**Bloomer** – This feels like a very direct focus issue. Doesn’t understand why this is here.

**Vieth** – Asked how many administrators we have for other commissions. The Zoning Board of Appeals (ZBA) doesn’t have a dedicated administrator.

**Holly Backus**, Preservation Planner – The HDC has 3 staff members who handle the heavy lifting; within PLUS, we have 6 staff members who assist in receiving and processing applications and assisting applicants. This position was eliminated in 2016. No one person can do the work; it’s a team effort. There are 80 to 100 applications for new business and 40 to 80

for old business. Supporting HDC is a multi-staff effort. HDC has not been able to fully discuss this article because of the number of applications; they've requested a special meeting to discuss it. She questioned why this wasn't brought to the Commission before going to an article. Changing the Enabling Legislations requires a Home Rule Petition, and we don't want to open that up. If you say we need additional staff, that would be another technical person with a preservation background.

**Roche** – When you talk about requiring a home rule petition, asked if that is to have people outside the commission approve basic applications or just to authorize hiring an administrator.

**Backus** – Allowing the approval of basic applications by persons outside the commission would require a home rule petition.

**Roche** – Asked the application triage process to winnow out incomplete applications.

**Backus** – Explained how applications are processed and ensured to be complete before they go before the Commission. We have a good team that can answer applicant questions. This should have been handled internally.

**Bloomer** – Asked if Ms. Backus can define the problem this Article addresses.

**Backus** – As of March 2021, Nantucket became a Certified Local Government; that gives us access to federal funding. For that she had to provide her first report in September; she reported 5500 Certificates of Appropriateness (COA) in the past year.

**Bloomer** – He's trying to understand the nature of the problem: wonders what one extra person would do in solving the problem.

**Kronau** – She'd want to see how the end-to-end process works and where the bottleneck exists.

**Leslie Snell**, Assistant Director PLUS – We did have a position for an HDC Administrator for many years, but it wasn't working when PLUS was created and HDC integrated into it. HDC has more staff than they ever had. The process driven by the HDC is out-of-date, clunky, and requires a lot of staff time. The solution can't be to just add more people; they have to modernize. The HDC needs to look at steps to take to operate more efficiently. It would have been more appropriate to take up the issue with PLUS staff. The staff feels this article is insulting to the efforts they put in.

**Maury** – Several years ago we talked about modernizing PLUS. Asked if there are metrics on how much faster work is done or a measure of the progress made.

**Snell** – People will tell you PLUS is now more efficient. We did a customer survey and got great results on the helpfulness and knowledge of our staff. According to our Annual Town Report, HDC issued 2500 COAs and did 200 inspections last year.

**Bloomer** – Asked how long those applications were in the system.

**Snell** – That's hard to say; it depends on the scope of work and complexity of the project.

**Backus** – There are a lot of factors that impact the timeframe. Currently there is a backlog in hearing the applications.

**Kronau** – As the HDC hasn't discussed this, it would be prudent to let them do that and provide us feedback.

**Roche** – The public isn't all that sympathetic to the HDC; she thinks there's a piece of this that will impact the voters.

**Coombs** – We support our staff completely. We are working on conduct during application hearings to help speed up the review. We have an application that's been before us almost 4 years.

**Snell** – Regarding how a staff person would be added, normally HDC would come to us and if we agree, we put in a budget request.

**Maury** – Asked if the kind of help they want is commentary on an application such as the ZBA gets.

**Coombs** – That's what our advisory committees did. HDC will be discussing this Article next Thursday and will forward the results to FinCom.

**Angus MacLeod** – There is a lot to unpack and many facets to the issue. The intention wasn't meant to insult anyone, but it is a cry for help. The issue lies with the appropriateness of articles coming before the board. The number of inappropriate applications have increased and are being passed through to the Commission. Back when there was a dedicated HDC office, the staff would send the project back so that it was more appropriate when it got to the HDC.

**Backus** – Point one, her position has been in place since 2019 and she's been providing comments to the commission. Point two, this was on a normal HDC agenda but was moved to a special meeting. Point three, the days of the independent office are gone; she has sat down with applicants to work with them to ensure their projects can go through HDC review quickly.

**Kronau** – The Select Board was going to look at the end-to-end process of the HDC. Asked if that is going to happen.

**Gibson** – The Select Board has an upcoming meeting with HDC Chair, PLUS, and Ms. Backus.

Motion **Motion to Close Public Comment.** (made by: Schaeffer) (seconded)

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

**Glowacki** – He can't support this Article.

**Grause** – This Article is a waste of time. It's an internal staff issue.

**Roche** – The term "independent" is where this falls apart. To do that, HDC has to be moved out of the PLUS Department; therefore, it can't work.

**Maury** – That's his point as well.

Motion **Motion Not to Adopt.** (made by: Grause) (seconded)

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

3. Bylaw Amendment – Outdoor Lighting, Catherine Gail Walker

Discussion **Walker** – Read a prepared statement: Replace the existing outdoor lighting bylaw to meet current Best Management Practices (BMP). Light pollution has increased since 2012; we are fortunate that the Milky Way can still be seen from some parts of the Island. We need better regulations. Light pollution is starting to erode the Island's historic character. Two of the experts she consulted have joined via ZOOM: Glenn Heinmiller, Lighting Design/LAM Partners and James Lowenthal, President Mass Chapter of IDA

**Kronau** – FinCom got Ms. Walker's detailed document and had time to review it.

**Schaeffer** – Right now we have regulations that are violated every day; asked why we don't start with fining the builders and architects.

**Walker** – If you don't bring the bylaw up to date, you would be imposing out of date standards. There's nothing in the bylaw that allows you to fine the builders and architects. Homeowners trust their agents will comply with the codes; part of the proposed enforcement would be an outdoor lighting permit. The existing bylaw was adopted in 2017; up-lighting has always been out of favor with Dark Skies proponents.

**Vieth** – Asked if the Lighting Enforcement Officer (LEO) would be a new full-time position. Also wants to understand LEDs and lumen reduction; it's difficult to retrofit LEDs with a dimmer. Also wants to know how much of the pollution is residential versus municipal.

**Walker** – The LEO is currently assigned to the Zoning Enforcement Officer (ZEO); when she's complained, nothing happened probably because the ZEO doesn't have time to follow up. LEDs emit more blue light which is harmful to plants and animals; another matter is the intensity, which can be dimmed. She doesn't have a way to determine how much of the increase is residential versus commercial; you're seeing the increase of lights in Sconset and Madaket. She doesn't think it's from streetlights, but there is an increase of light at places like 4 Fairground Road and the school and they would be subject to enforcement.

**Heinmiller** – Reducing the output can be done by replacing the bulb. If the fixture is too powerful, you might have to replace it or shield it.

**Bloomer** – Asked if there's an estimate of how much the changes might reduce electrical consumption.

**Walker** – She’s not sure that can be predicted. Our Peak Flow growth increased 8% from last year.

**Lauren Sinatra**, Energy Coordinator – Our peak load occurs around 4 pm. most of it is residential in nature and isn’t lighting related. She’s concerned about swapping out current low wattage with LEDs and the resulting waste. The energy reduction wouldn’t impact the need for a 3<sup>rd</sup> cable.

**Glowacki** – He’s appreciative of the detail and sympathetic to the cause. The approach is a problem for him; if we were going with a positive recommendation, we’d need a full day to go through this piece by piece with experts. He’d like it broken up into pieces: municipal, residential, enforcement.

**Kronau** – Ms. Walker put effort into BMP, which requires getting resistant people to contribute to the article; Town Administration has concerns. She’s looking at getting BMP to happen in a constructive way.

**Walker** – She tried to get Town officials at the table, but people are too busy. She would welcome a full session to hash this out. It’s important to talk to people about bad neighbors; regulating residents is equally important. A lot of towns are taking the approach she’s proposing.

**Roche** – Asked about the source of supply to comply with the bylaw. If she went to Amazon, she wouldn’t be able to determine the appropriate product.

**Grause** – He’s bought lighting by color temperature.

**Roche** – The other thing is enforcement; many people come to us with articles that would be hard to enforce; some we have adopted and some not. She also thinks we’re coming off a bunch of things we want to adopt but require enforcement. However, we are one of the last places on the east coast where you can see the Milky Way with your bare eyes; she’d hate to see that go away. She supports the articles but there are problems.

**Lynn Filipski**, President ‘Sconset Civic Association (SCA) – This topic came up in our survey when we were writing our Master Plan for the Town. People can be easily educated on lumens and color; that’s how we tried to change people. To us, the workday of the LEO and their ability to respond to complaints is not a reason to not pass this. We support this article.

**Kronau** – Asked why this is a problem when the Village is behind this.

**Filipski** – There are new developments that are not complying with high wattage and up-lighting. The Village itself is complying.

**Maury** – Asked if there’s an estimate for the percentage of homes not in compliance or the estimate of the cost to bring a private home into compliance.

**Walker** – She doesn’t have that percentage; her electrician would know better. To come into compliance would be replacing bulbs to bring the lumens down or redirect/cover the units; she doesn’t feel it would be expensive to the homeowner.

**Lowenthal** – Dark Skies is an international movement; every species studied is negatively affected by light pollution. In the US, thousands of communities have adopted similar bylaws. All elements are consistent with BMP. The most egregious offenders on Nantucket are split half municipal and half private residential/commercial properties. It is so easy and cheap to get this right; the compliant lightbulbs can be bought at any hardware store. It might take some education. Recently a Massachusetts town replaced their lightbulbs with the least amount of blue, glare, and lumens; they happened to be the cheapest bulbs on the market.

**Heinmiller** – A homeowner would just change a lightbulb for a couple of bucks. If they had to change a fixture, Home Depot could provide a list of compliant fixtures. He offers himself to the committee and Town as an expert.

**Kathy Baird** – She supports this Article. Our dark skies are a special treasure we need to preserve.

**Mark Jones** – He has a burdensome light problem from the exterior, unshielded lights on houses around him; at night we have to pull our shades. He has down-lights on his house, and the conversion was a simple process. He supports this Article.

**Scott Wilson**, SCA – biggest offenders are up lights.

**Kronau** – We will have to continue this; she'll contact Ms. Walker about that date. Explained the process for further review of this Article. We can't fix an Article, we make recommendations.

Motion No action at this time.

Roll-call Vote N/A

## **V. REVIEW AND DISCUSSION OF FY2024 COUNTY BUDGET**

Discussion **Turbitt** – There are 2 offices within the county: County Administration and Registry of Deeds. Reviewed county revenue sources. Projected revenue: Town Assessment \$179,075; Deeds Excise Receipts \$584,325 - County Administration \$350,625; Registry of Deeds \$233,750; Recording Fees \$171,500; and Correction of Deeds Excise \$250,000. The total is \$11,184,950.

County Fund Requirement Non-deed Excise increased 2.5% per year, final \$179,475.

Projected Expenses: County Administration \$258,984 level funding; Registry of Deeds has 3 fulltime employes \$547,580; Public Safety Facility debt service \$250,000. The total expense is \$1,056,564.

Compared FY24 with FY23 - \$1.03m to \$1.05m.

This will be in the County Assessment Article.

Motion **Motion to Adopt the FY2024.** (made by: Roche) (seconded)

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

## **VI. NEXT MEETING DATE/ADJOURNMENT**

Date: Saturday, January 28, 2023; 8:00 am.

## **VII. COMMITTEE REPORTS**

1. None

## **VIII. OTHER BUSINESS**

1. Adjournment

Motion **Motion to adjourn 6:28 pm.** (made by: Glowacki) (seconded)

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

Submitted by:

Terry L. Norton