



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

Monday, January 9, 2023

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

Called to order at 4:00 pm by Mr. Grause

Staff in attendance: Libby Gibson, Town Manager; Rick Sears, Assistant Town Administrator; Brian Turbitt, Director of Finance; Mariya Basheva, Financial Analyst; Terry Norton, Town Minutes Taker; Police Chief Williams Pittman

Attending Members: Grause, Maury, Bloomer, Glowacki, Schaeffer, Peter McEachern

Absent Members: Kronau, Roche, Vieth

Documents used: December 15, 2022 draft minutes; Citizen Warrant Articles for 2023 Annual Town Meeting.

Adoption of Agenda

Motion **Motion to Approve the agenda as drafted.** (made by: Schaeffer) (seconded)

Roll-call Vote Carried 6-0//Maury, Schaeffer, Glowacki, McEachern, Bloomer, and Grause-aye

I. ANNOUNCEMENTS

II. PUBLIC COMMENT

1. None

III. APPROVAL OF PRIOR MEETING MINUTES

1. December 15, 2022

Motion No action at this time.

Roll-call Vote N/A

IV. DISCUSSION OF CITIZEN WARRANT ARTICLES FOR 2023 ANNUAL TOWN MEETING (ATM)

1. Bylaw Amendment Town Code Chapter 98 – Motorized Devices, Bruce Mandel

Discussion **Mandel** – When Chapter 98 was adopted in 2008, it was for personal motorized passenger devices. Since then, more types of motorized vehicles have been developed and so the list of devices needs to be updated in the Town Code. The proposed amendment does not change the language; it adds to the types of motorized devices allowed on side paths. Enumerated the vehicles and their speeds that would be added to the list to include electric powered bicycles: Level 1 pedal assisted up to 20 mph; level 2 up to 25 mph; and level 3 up to 40 mph. No business will be adversely impacted by this change. No additional costs to the Town are anticipated with passing this amendment. The devices proposed to be added in this amendment are already using Nantucket roads, about 200 miles of which have no side paths. Referenced a 400-page study on use of motorized bicycles in the Netherlands that indicates they should not share the side paths with pedestrians. This proposal brings Chapter 98 current with the motorized personal vehicles use on “sidewalks.”

Pittman – This is a situation where the problem doesn’t have an easy solution. If we remove these items from the bike pathways, it puts them into the roadways and possibly cause traffic congestion and road rage in the summer as well as add to the burden of the Police to enforce the law. It will require some installation of signage. E-bikes are a problem on the bike paths because

they travel at higher speeds; however, putting them on the road switches one problem for another.

Schaeffer – The professional bikers travel up to 40 mph on the roads but also ignore the intersections and stop signs. Suggested bikes using the roads must have front and rear lights, helmets, and be registered.

Pittman – He's not sure who would enforce that; with 3 officers per shift, we don't have the time and manpower.

Mandel – The enforcement would remain passive as already written. He was hit by an e-bike; his granddaughter was injured by an e-bike. The idea is to protect the safety of the public.

Bloomer – If we pass this, asked what the penalty for a violation would be.

Mandel – He doesn't envision any fine; he doesn't see the police stopping a motorized vehicle from using the side path. He thinks the public will eventually understand motorized vehicles belong off the side paths.

Bloomer – Asked Chief Pittman what mechanisms would drive the public to an expected behavior.

Pittman – He doesn't know. It's well known you can't drive mopeds on the bike paths; but we get calls when someone is on the bike path because they're scared of riding the moped in the road. A ticket is a \$25 fine; the most we could make the fine is \$300. We have young children and people from other cultures using e-bikes on the bike paths.

Mandel – This is something we need to do to equate use of personal motorized devices on sidewalks.

Maury – There have been complaints around the schools of people zooming in and out of vehicle traffic on the road causing traffic issues. This would require them to be on the road; for him that's a problem. A car hitting an e-bike would result in the possibility of a greater casualty even death.

Mandel – He met with the Bicycle and Pedestrian Advisory Committee (BPAC) in September; they decided they wanted to discuss this further; they have not met nor published the minutes from that meeting.

Maury – Thinks we can allow certain types of these bikes on the bike paths if they are relegated to a maximum speed; that would be safer for the user than pushing them onto the street. We built bike paths to get bikes off the road. We all are aware of people on mopeds being hit by cars and an accident that resulted in a death. We could end up putting young people and their e-bikes in danger on the roads.

Glowacki – Asked if bicycles are allowed on sidewalks (not downtown).

Schaeffer – The issue is the danger of putting electric-powered devices on the road; for him the danger factor is more important than enforcement. Only the highest level of e-bike has a throttle; the other two are pedal assisted.

Grause – Asked if there are other ways to improve safety on the bike paths – signage, center-lane lines, speed limit, and sight lines.

Mandel – We considered these and wanted to incorporate them. You could have a dedicated bike lane on the 8' paths. Signage is a good idea to raise consciousness of safety issues. Trying to get the e-bike rental companies to register them with a distinctive plate. The essence is to update Chapter 98 to include these motorized vehicles and equip the side paths with sidewalks. Enforcement is currently passive, and it will probably remain so; the idea is to improve the safety for pedestrians.

Gibson – When this first came to us, our main concern was enforcement. The Town is hoping to put together a bike safety video for all these devices laying out what is and is not appropriate.

Pittman – The school has a serious problem with students riding e-bikes to school and not obeying the rules in place.

Grause – What bothers him about the documents is the equation of multi-use paths to sidewalks; the paths were created to help bicycles get safely to and from the beach. This squeezes them off the bike paths and onto the streets.

Mandel – They started as bike paths, became multi-use paths, and now are being called side paths on the Town website. It's a changing dynamic and feels Chapter 98 needs to be updated. People are walking on them; they are essentially sidewalks.

Grause – This is a well-researched and presented article. Asked how the Committee wants to proceed.

Schaeffer – He wants to discuss this more.

Consensus agrees.

Grause – Putting these onto the roads would make the roads less safe. New York City bans e-bikes from Central Park on the weekend. Part of the issue is road safety and speed.

Maury – The users aren't required to know the rules of the road. Buying a car is a luxury not everyone can afford; e-bikes are being used more often for getting from home to work.

Bloomer – The issue is how fast these devices go. The number of these will increase and we say education doesn't really work and we don't want to create safety issues on the roads. We are talking about how to get the culture we need on Nantucket regarding use of the bike paths.

Glowacki – We have too many people going many different speeds in a small area.

Grause – We could say anything that goes more than 25 mph isn't allowed on the bike paths.

Bloomer – If someone gets into an accident, that could lead to a civil lawsuit; if they broke the law causing the accident, the insurance company won't cover it. If you widen the roads, you will get more users.

Maury – We know someone was killed on the road while using a moped; this is putting more "mopeds" on the road.

Mandel – Getting hit by an e-bike going 20 mph is equivalent to being hit by a linebacker. Without a restriction and if someone were injured, the Town could be liable because these e-bikes are allowed on the side paths; Town Counsel said protecting the Town from liability is the purpose of insurance. The bike paths were intended for non-powered bicycles.

Bloomer – It might be good to know if there's a way to get the insurance companies to drive this. Registering these vehicles would be very complicated.

Schaeffer – We have to do what's best for the people who use these facilities.

Maury – In Florida they have street-legal golf cart with special plates. Some of these bikes can go fast but a lot can't; we are forcing all of them onto the street. The safety issue is the real problem for drivers, road rage, and operators. We're looking for better behavior and better safety on the paths. Some people don't have the option to use a car. Asked that we reach out to BPAC for their comments on this article; an email from them would be satisfactory.

Motion No action at this time.

Roll-call Vote N/A

V. COMMITTEE REPORTS

1. None

VI. NEXT MEETING DATE

Date: Thursday, January 12, 2023; 4:00 p.m. in the Trailer.

VII. OTHER BUSINESS

1. Adjournment

Motion **Motion to Adjourn at 5:05 pm.** (made by: Glowacki) (seconded)

Roll-call Vote Carried 6-0//Bloomer, McEachern, Maury, Schaeffer, Glowacki, and Grause-aye

Submitted by:

Terry L. Norton