

## SELECT BOARD

Minutes of the Meeting of July 19, 2023. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Thomas Dixon, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr. Dawn Holdgate joined remotely.

### I. CALL TO ORDER

Chair Holdgate called the meeting to order at 5:30 PM following the Pledge of Allegiance and turned the meeting over to Vice Chair Mohr.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

### III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the announcements:

#### 1. The Select Board Meeting is Being Audio/Video Recorded.

2. Announce Applications Received for 2023 Committee Vacancies – Round 2: Agricultural Commission, Cemetery Commission, Council for Human Services, Council on Aging, Cultural Council, Finance Committee, Harbor and Shellfish Advisory Board, Planning Board Alternate, Real Estate Assessment Committee, Town Council Study Committee, Tree Advisory Committee. Operations Administrator Erika Mooney read the names of the applicants for Round 2 appointments to fill vacancies, as follows:

Agricultural Commission: Kelly Steffen

Cemetery Commission: Allen Reinhard (incumbent but applied late for annual appointments)

Council for Human Services: Claudia Valle (incumbent but applied late for annual appointments); Sarah Wright; Kelly Steffen

Council on Aging: no applicants

Cultural Council: no applicants

Finance Committee: Joseph H. Wright

Harbor and Shellfish Advisory Board: James Sjolund

Planning Board Alternate: John Kitchener; Cameron Murphy; Kelly Steffen

Real Estate Assessment Committee: Nathaniel E. Lowell

Town Council Study Committee: Peter N. Schaeffer; Michael L. Alvarez; Jerico Mele; Beau Barber; Curtis Barnes; Donna Martino (Advisory Committee of Non-Voting Taxpayers representative); Jill Vieth; Jeff Carlson; John Riccio; Hillary Hedges Rayport; Kelly Steffen; Joseph T. Grause Jr. (applied late); Caroline Baltzer (applied late)

Tree Advisory Committee: Whitfield C. Bourne (incumbent but applied late for annual appointments); Mary Longacre

3. No Select Board Meeting on Wednesday, July 26, 2023 (Summer Schedule); Next Meeting to be Held on Wednesday, August 2, 2023.

4. Select Board Announcements/Comments.

There were no Board comments.

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

There was no follow up.

V. PUBLIC COMMENT

Ms. Mohr reminded the public that the limit on public comment is 3 minutes.

Meridith Lepore asked about the Fire Department and boat emergencies.

Megan Perry commented on emails she has recently sent to the Board to which she has not received responses. Ms. Perry asked who is on the Town's "crisis communications team".

Ms. Mohr indicated that answers to questions will be provided at the Board's next meeting.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Dr. MacNab commented on something he is quoted as saying at the July 12<sup>th</sup> Board meeting. It was agreed that the video would be reviewed and if confirmed, the minutes will be amended to reflect the correct wording used by Dr. MacNab. Dr. MacNab moved approval of items VII 1 – 3, with the potential amendment as noted; seconded by Mr. Fee; by roll call vote: Vice Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

1. Approval of Minutes of July 11, 2023 at 9:30 AM; July 12, 2023 at 5:30 PM; July 13, 2023 at 9:00 AM.

2. Approval of Treasury Warrants for July 19, 2023.

3. Approval of Pending Contracts for July 19, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Resignation Acceptances: Short-Term Rental Work Group. Ms. Mooney notes that the following Short-Term Rental Work Group members submitted resignations: David Iverson, Peter Schaeffer, John Kitchener, James Sulzer, Karen Zagayko and Kathy Baird. Ms. Holdgate recused herself from this item and turned off her video. Mr. Fee commented on the discussion at last week's Board meeting regarding the articles. Mr. Fee said one of the resignees indicated that the "Town would not support the articles put forward by the committee". He added that was not his understanding or intent. Some discussion followed.

Mr. Fee asked about additional support with respect to the articles, with the group having resigned, specifically, the data contractor. Ms. Mohr said she believes that could be provided. She suggested that the Board accept the resignations with thanks for their work, conclude the work group and seek additional funds for the data collection support and assistance, as needed. So moved by Mr. Dixon; seconded by Dr. MacNab; by roll call vote: Vice Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; so voted.

David Iverson, stating that he is representing a majority of the work group, read a statement in support of the articles proposed by the group.

2. Update Regarding Short-Term Rental Registration Program. Public Health Director Roberto Santamaria gave an update on the short-term rental registration program which is being developed by Granicus. He said training has been scheduled for next Wednesday and that per Granicus, after that, the program should go “live”. Board members commented on the delays that have been experienced and ensured that the program is fully functional as soon as possible.

Mr. Fee recused himself from items VIII 3 – 5; he left the table and took a seat in the audience.

3. Request for Approval of Application for Change of Manager of Seasonal All-Alcoholic Beverages Hotel License for Nantucket Island Management, LLC dba Brant Point Grill/White Elephant from Bettina Landt, Manager to Bernhard Johannes Duermeir, Manager, for Premises Located at 50 Easton Street. Licensing Administrator Amy Baxter reviewed the change of manager request for the Brant Point Grille/White Elephant. She thanked Mr. and Mrs. Landt for their service with the business. Mr. Dixon moved approved as presented; seconded by Ms. Holdgate; by roll call vote: Vice Chair Mohr – Yes; Mr. Dixon – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

4. Request for Approval of Application for Change of Manager of Seasonal All-Alcoholic Beverages Hotel License for Nantucket Island Management, LLC dba White Elephant Hotel Residences from Bettina Landt, Manager to Bernhard Johannes Duermeir, Manager, for Premises Located at 19 South Beach Street. Ms. Baxter reviewed the change of manager request for the White Elephant Hotel Residences. Mr. Dixon moved approved as presented; seconded by Dr. MacNab; by roll call vote: Vice Chair Mohr – Yes; Mr. Dixon – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

5. Request for Approval of Application for Change of Manager of Seasonal All-Alcoholic Beverages Hotel License for Nantucket Island Management, LLC dba The Wauwinet Inn from Eric Landt, Manager to Jennifer Mandell Hudson, Manager, for Premises Located at 120 Wauwinet Road. Ms. Baxter reviewed the change of manager request for The Wauwinet Inn. Mr. Dixon moved approved as presented; seconded by Ms. Holdgate; by roll call vote: Vice Chair Mohr – Yes; Mr. Dixon – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

## IX. TOWN MANAGER’S REPORT

1. Continued Review of Potential Warrant Articles for November 7, 2023 Special Town Meeting, Including Proposed Short-Term Rental Articles. Ms. Gibson reviewed the list provided to the Board at its June 28<sup>th</sup> meeting and noted the list in the packet has not been updated. Mr. Fee questioned a potential supplemental appropriation for an upgrade to the Naushop sewer pump station. Some discussion followed. Ms. Gibson resumed review noting that an additional article came to her attention today, which would be a home rule petition relating to the property at 1 Milestone Road and a planned solar project. She said an

article not yet on the list, but which was mentioned at the June 28<sup>th</sup> meeting is authorization for an eminent domain taking in connection with a bike path along Somerset Lane.

Ms. Holdgate recused herself from the discussion about the short-term rental articles.

Ms. Mohr asked the former Short-Term Rental Work Group members to articulate to the community what the process of developing the proposed articles was like. Peter Schaffer spoke on the work group's process and purpose. He noted that it was very difficult to get the members of the work group to the consensus that was ultimately reached. He said that facilitator Stacie Smith was instrumental to the process. He said that overall the members of the group treated each other with respect and worked together to come up with well thought out proposed articles. John Kitchener spoke on his desire to be a member of the work group, noting that the group met 25 times with over 60 hours of time put in and that the proposals were data driven. He said that the public input was extensive, and that Town Counsel John Giorgio and consultant Judi Barrett were "unsung heroes" with their assistance to the work group. Kathy Baird spoke on the data and how the work group used it to prepare its proposals. Karen Zagayko spoke on the work group's process and how much she appreciated it. Julia Lindner, Executive Director of ACK Now and former work group member, spoke on the work group's proposals and the composition of the work group. She said a lot of data has been obtained in a very helpful way. She said ACK Now does not believe the work group was balanced and that it seemed like it was on a "path", noting the most serious concern is the proposed zoning change. Peter Kahn, member of the former work group, noted he has not resigned. He noted he submitted a minority report to the work group's report, citing legal concerns. Ms. Mohr asked Mr. Kahn to speak to the process the work group used. He said he was "fine" with the process and would speak to the articles when appropriate. Ms. Mohr asked if the Board members have any other questions. Mr. Fee said he is undecided as to whether he will support the articles and has not yet made up his mind. He spoke on some of the details of the proposals. Mr. Iverson spoke further on the reasoning behind the proposed articles, with respect to the zoning proposal. Ms. Mohr asked Mr. Giorgio to explain some of the legal specifics of the articles. Mr. Giorgio clarified that, contrary to some public comments, he has never stated or indicated that regulating short-term rentals through zoning is not "legal". He spoke on the issue of short-term rentals being an accessory use in Nantucket's zoning bylaw and explained the legality around this. Discussion followed on regulation of short-term rentals (STR) by general bylaw and/or zoning. Mr. Giorgio said that if the regulation of STRs were to be done entirely through the zoning bylaw there could be a number of ramifications, legally. Discussion continued on legal issues. Dr. MacNab said he remains concerned about the proposals and intends to continue challenging them. Ms. Mohr opened the discussion to the public, noting that she will impose a 3-minute time limit on speakers. Mr. Kahn, on behalf of the Advisory Committee of Non-Voting Taxpayers, stated an objection to the proposed "Article 3", based on legal issues. Emmy Kilvert read a statement about the proposed articles, and indicated that she does not believe the community will support the proposals. Bruce Mandel referenced an email he sent earlier today about concerns from Madaket about the proposals. He asked if his email had been received and read. Ms. Mohr confirmed receipt of the email and said she is not sure everyone has had a chance to read it in detail. Mr. Mandel added that the public input allowed by the work group was "frustrating". Mr. Dixon expressed wholehearted disagreement that public input was limited as characterized by Mr. Mandel and said public comment was afforded at every meeting. Ron Kokut expressed support for the work group's proposals. Robin Nydes said he is puzzled by efforts to make STRs an accessory use, especially considering the legal advice the Town has from Mr. Giorgio not to do that. Bob Vidoni thanked the work group for its time and effort. He criticized a comment Dr. MacNab made last week about affordable housing in connection with STRs saying that it is not supported by data. Peter Hoey commented that the work group put forward a flawed proposal. He suggested that the special town meeting be abandoned, and a new work group

appointed to come up with proposals for the 2024 annual town meeting. Peter Halle, the chair of the Advisory Committee of Non-Voting Taxpayers, cautioned on overregulation vs under regulation and that the data is extremely important. He spoke in support of the issues the proposals will address. Donna Martino commented that she thinks "a lot more work needs to be done on this topic". Charity Benz spoke against the proposed articles. Anne Dewez spoke against the proposed articles. Catherine Slattery spoke on the transition of housing units from year-round to seasonal and/or short-term rental, acknowledged the work of the work group and suggested a change of community "tone" about this topic. Tucker Holland agreed with the change of tone suggestion and thanked those who are working hard to try to resolve this. Grant Sanders said that decisions should not be based on fear but on data and from a public policy standpoint. Eric Silfen spoke on preserving the character of the Island and expressed concern at commercial interests taking over residential areas. Virginia Vidoni stated that the proposals do not allow for corporate short-term rentals. Rick Atherton spoke against the proposals and agreed with the comments Mr. Hoey made. Ms. Mohr reviewed the timeline for the Board's adoption of the special town meeting warrant and noted adoption is scheduled for August 16<sup>th</sup>. She asked for Board direction on how to proceed. Mr. Dixon said the work group's process was transparent, involved a lot of public input and the group ultimately reached consensus. He said going any further than the group did would have been very difficult and he did not think consensus would have been reached. Mr. Fee said he is struggling with how to move forward and does not think he can support amending the zoning use chart as proposed. He added that he is not currently convinced by the data. Dr. MacNab concurred with Mr. Fee. He said that anecdotal information is data. Ms. Mohr spoke on her perspective of how the proposals will deter an increase in STRs and spoke on other ways to increase year-round housing. She said she believes the work group came up with a framework that is flexible enough to be changed over time. Mr. Fee asked about the possibility of a 2-2 vote on whether or not to include these articles on the warrant. Mr. Giorgio spoke on the Town's practice with the development of town meeting warrants. Dr. MacNab questioned how the Board votes to adopt the warrant and acknowledged that town meeting is the legislature not the Board. Mr. Giorgio noted the Board frequently provides comments on warrant articles, and that the Board could potentially make a comment as to approval vs disapproval of the proposed articles. Discussion followed as to how warrant articles become placed on the warrant. Ms. Mohr asked if the Board is comfortable with the Town Manager preparing a draft warrant, including the proposed articles. Some discussion followed. Ms. Mohr asked if the Board would be comfortable putting the articles on the draft warrant at this time. Some discussion followed with no resolution. Ms. Mohr asked that Town Counsel be prepared to discuss these issues at the Board's next meeting, with respect to articles on the warrant. Mr. Giorgio reviewed the process for Finance Committee motions and Select Board comments, and the timing on that. Mr. Fee asked about scope issues with the articles, at town meeting. Mr. Giorgio addressed this and explained how an "out of scope" article(s) could be avoided. Mr. Giorgio encouraged the Board members to seriously consider using its comments on warrant articles as the avenue to get points across to town meeting. Some discussion continued on this and whether or not the proposals could/should be modified. It was agreed that Mr. Giorgio could potentially work on this with any Board member.

2. Monthly Town Management Report. Ms. Gibson said that while she does not have a written report tonight, she did meet earlier today with the chair of the Massachusetts Municipal Manager's Association's Form of Government Committee about the Town Council Study Committee. She reviewed the highlights of that discussion which included advice that the Committee review a variety of options to change Nantucket's form of government; that any effort to change government requires a significant amount of planning, preparation and outreach; that there are a number of issues associated with a Town Council form of government that need to be determined, such as roles, administrative rules, appointments and other related matters; that the charters of other towns be reviewed and data from those compiled. She said the

committee will need to be tasked with quite a bit of data gathering, and outreach. She said it is recommended that there not be more than 1 member from any particular group appointed to the committee, that it not be too large and that it represent a cross-section of the community. She said it is recommended that a facilitator be engaged that she has some names for that but has yet to reach out to them to determine interest, availability or cost. She noted there are no funds specifically appropriated for this effort. She said she would keep the Board updated as she explores the engagement of a facilitator.

#### X. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. No reports.

#### XI. ADJOURNMENT

Mr. Fee moved adjournment at 8:04 PM; seconded by Mr. Dixon; by roll call vote: Vice Chair Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes; Dr. MacNab – Yes; so voted.

Approved the 2<sup>nd</sup> day of August 2023.

**SELECT BOARD  
JULY 19, 2023 – 5:30 PM  
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD  
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 2. 2023 Committee Vacancies Timeline - Round 2; List of Committee Vacancy Applicants - Round 2; Committee Applications - Round 2
- VII. 1. Draft minutes of 7/11/2023; 7/12/2023; 7/13/2023 open session
- VII. 3. Pending Contracts spreadsheet
- VIII. 1. Short-Term Rental Work Group membership list; Statement from 6 former STRWG members; STRWG resignation letters
- VIII. 3. ABCC Change of Manager application for Brant Point Grille/White Elephant
- VIII. 4. ABCC Change of Manager application for White Elephant Hotel Residences
- VIII. 5. ABCC Change of Manager application for The Wauwinet Inn
- IX. 1. Outline for 11/7/2023 STM Warrant; Draft Short-Term Rental warrant articles; Letter from Franci Neely; Email from Eric Silfen