SELECT BOARD

Minutes of the meeting of July 23, 2025. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Dawn Hill, Thomas Dixon, Brooke Mohr, Dr. Malcolm MacNab and Matt Fee.

I. CALL TO ORDER

Chair Hill called the meeting to order at 5:49 PM following a meeting of the County Commissioners.

II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Hill noted that Housing items IX. 3 and 4 will be moved up in the agenda. The agenda was otherwise accepted as presented.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson reviewed the announcements.

1. The Select Board Meeting is Being Audio and Video Recorded.

2. Mandatory Outdoor Water Use Restrictions in Effect
Due to a Level 1 Drought Condition, Mandatory Restrictions Limit Lawn Irrigation to Two Designated Days Per Week Based on Street Address, with No Irrigation Allowed Friday through Sunday. For Updates, Visit https://nantucket-ma.gov/1897/Water-Department; and Social Media.

3. Take a Free Tour of the Brant Point Shellfish Hatchery
Tours Run Tuesdays at 11:00 AM Throughout the Summer. Sign-ups Open Two Weeks in Advance at: www.nantucket-ma.gov/hatchery.

4. The Take It or Leave It (TIOLI) Facility is Accepting Latex Paint for Recycling Every Wednesday and Sunday; Universal Waste Shed (next to TIOLI) Accepts Batteries on Tuesdays and Saturdays, 8am – Noon Recycling your Leftover Paint Helps Reduce Waste and Keep Nantucket Clean. Learn More: www.nantucket-ma.gov/paint.

5. Announce Applications Received for Nantucket Historical Commission Vacancies; Appointments on August 6, 2025 per Select Board Committee Appointment Process. Operations Administrator Erika Mooney read the list of applicants as found in the Select Board agenda packet.

6. No Select Board Meeting on Wednesday, July 30, 2025 (Summer Schedule); Next Meeting is Wednesday, August 6, 2025.

7. Select Board Announcements/Comments. Mr. Fee urged the public to be careful when walking or biking; and, urged those operating e-bikes and vehicles to also be respectful and careful and operate with caution. He noted injuries have occurred and can be very serious.

IV. UPDATE ON PUBLIC COMMENT QUESTIONS FROM PRIOR SELECT BOARD MEETINGS (see https://www.nantucket-ma.gov/3564/_2025)

Chair Hill noted that responses from the prior week are not yet ready for release.

V. PUBLIC COMMENT
Penny Dey asked about a community impact fee adopted by town meeting in 2024 and requested that a letter be issued to the state Department of Revenue noting that the Select Board voted to defer the fee that was supposed to go into effect on October 1, 2024.

Emmy Kilvert read a letter she had previously emailed to the Board regarding short-term rental enforcement.

Meg Ruley spoke on the need for parking solutions and enforcement on Amelia Drive, Ticcoma Way and Waitt Drive.

Ms. Dey spoke in response to a comment Ms. Kilvert made about a letter Ms. Kilvert sent to the Nantucket Association of Real Estate Brokers.

Ms. Kilvert stated that she did not receive the response that Ms. Dey referenced.

Campbell Sutton spoke about her distress with a new feature of the Town website. Ms. Campbell's time was indicated as being up.

Matthew Peel spoke on the inconsistency of cell phone service on the Island, stating that it is a public health concern.

Rick Atherton concurred with Ms. Sutton's comment.

VI. NEW BUSINESS
There was no New Business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS
Mr. Fee moved approval of items VII 1 – 4; seconded by Ms. Mohr; all in favor, so voted.

1. Approval of July 14, 2025 at 11:00 AM; July 15, 2025 at 11:00 AM; July 16, 2025 at 5:30 PM.

2. Approval of Payroll Warrants for July 20, 2025.

3. Approval of Treasury Warrants for July 23, 2025.

4. Approval of Pending Contracts for July 23, 2025 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CONSENT ITEMS
1. Gift Acceptances: Fire Department. Ms. Mohr read the donor list, amount of the gifts and purpose as noted in the Select Board agenda packet, and moved to accept all gifts for their designated purpose, with thanks to the donors; seconded by Mr. Dixon; all in favor, so voted.

IX. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS/REPORTS
3. Affordable Housing Trust: Quarterly Update. Housing Director Kristie Ferrantella and Deputy Housing Director Dylan Mesch-Ampel reviewed the update presentation as contained in the Board's agenda packet.

Ms. Mohr commented that the progress that has been made is “amazing” and thanked the Housing Office for its work. Mr. Dixon concurred and noted that the addition of dedicated staff has been beneficial.

4. Housing Office:
b) Request for Approval of ACK Mid Island LLC Local Action Unit (LAU) Application in Conjunction with Planned Development at 18, 18A, 20, 22, 24 and 26 Sparks Avenue. Ms. Ferrantella introduced and explained the item, noting 32 housing units will count on the Town’s Subsidized Housing Inventory (SHI) list. Ms. Mohr moved approval as presented; seconded by Mr. Fee; all in favor, so voted.

a) Request for Approval to Send Letter of Support to Executive Office of Housing and Livable Communities (EOHLC) on Behalf of the Town for Special Local Preference for Housing Purposes at 18, 18A, 20, 22, 24 and 26 Sparks Avenue. Ms. Ferrantella introduced and explained the item. Ms. Mohr moved approval as presented; seconded by Mr. Fee; all in favor, so voted.

1. 2025 Committee Appointments – Round 2: Cannabis Advisory Committee; Human Services Contract Review; Cultural Council; Roads and Right of Way Committee; Town of Nantucket Scholarship Committee; Tree Advisory Committee; Zoning Board of Appeals Alternate. Ms. Mooney read the names of applicants, noting none of the seats are contested. Mr. Fee moved to appoint all candidates by acclamation; seconded by Dr. MacNab; so voted 4-1. Ms. Mohr was opposed.

Appointments were made as follows:

Human Services Contract Review Subcommittee (term ends 2028) – Lee Tesser

Cultural Council (term ends 2026) – Bianca Brown

Roads and Right of Way Committee (term ends 2028) – Gordon Auchterlonie

Scholarship Committee (term ends 2028) – Rebecca Woodley-Oliver

Zoning Board of Appeals Alternate (term ends 2028) – Jim Mondani

2. Natural Resources Department: Review of Proposed Amendments to Town of Nantucket Regulations Chapter 260, Fishing and Shellfishing; Request to Schedule Public Hearing. Mr. Fee moved to schedule a public hearing as requested; seconded by Ms. Mohr; all in favor, so voted.

X. REAL ESTATE ITEMS
1. Request for Approval and Execution of Assent for Land Court Petition Complaint for approval of Plan Case No. 22 SBQ 17745 09-001 and Authorize Private Counsel to Undertake Complaint on Behalf of Town of Nantucket for Issuance of Certificate of Title in the Town’s Name for Parcels D and G on Land Court Plan No. 17745-O and Parcel H on Land Court Plan No. 17745-P. Real Estate Manager Tracy MacDonald explained the item. Ms. Mohr moved approval as presented; seconded by Mr. Fee; all in favor, so voted.

XI. TOWN MANAGER’S REPORT
1. Traffic Safety Committee Recommendations: Gold Star Drive Speed Humps. Public Works Director Andrew Patnode provided an update on the item, as well as its history. Mr. Fee stated that he appreciates all the effort by staff that has gone into this. He said there is a “bigger issue” from North Liberty Street to the

Airport and that in that area, streets need to be redesigned, over time, using designs that are intended to slow traffic. Attorney Sarah Alger, speaking on behalf of her client Maureen DiLuca, requested that the existing speed bump be removed immediately as it is having a major impact on her client. Mr. Patnode explained that a solution is being actively worked on, and that the idea is to install the solution once. He suggested that the Board consider a conditional approval to install three speed humps in new locations, pending approval of two-thirds of the neighbors. Mr. Fee suggested relocating the existing speed bump between 7 and 8 Gold Star Drive and making it a speed hump. Ms. Mohr moved to conditionally approve the installation of up to three speed humps in new locations, per the plan Mr. Patnode reviewed, pending approval of two-thirds of neighbors; seconded by Mr. Fee. Dr. MacNab stated that the existing speed bump should be removed as well. Chair Hill noted that the current speed bump will be turned into a hump. Ms. Mohr said she is not addressing removing the existing bump, but the final outcome. Dr. MacNab said a clear statement is needed that the present speed bump is to be removed. Ms. Mohr asked if the removal would happen whether or not the motion passes or if it is contingent on the motion passing. Dr. MacNab stated the speed bump was installed in the wrong place and not the location the Board previously approved, and is an inconvenience to an abutter, so should be removed. Ms. Mohr amended her motion for a conditional approval to install up to three speed humps in the locations noted on the plan and the removal of the bump; seconded by Dr. MacNab; all in favor, so voted.

<u>2. Monthly Town Management Report.</u> Ms. Gibson noted that she does not have a report for today.

<u>XII. SELECT BOARD REPORTS/COMMENT</u>
<u>3. Review/Schedule 2026 Annual Town Meeting and Election (Tabled from July 9, 2025).</u> Chair Hill said her preference is to schedule the annual town meeting for May 4, 2026 but earlier, around 4:30 PM. Mr. Fee moved to schedule the annual town meeting for Monday, May 4, 2026 starting at 4:30 PM, with the election on Tuesday, May 19, 2026; seconded by Ms. Mohr; all in favor, so voted.

<u>2. Discussion Regarding Scheduling Fall 2025 Special Town Meeting.</u> Some discussion followed on whether or not to schedule a fall special town meeting (STM). Chair Hill suggested the Board considered tentatively scheduling a STM for November 4, 2025 at 4:30 PM, with a timeline to follow pending the receipt of potential articles. Some discussion followed. Mr. Fee expressed concern about the possibility of several articles all about the same topic and his hope that the different groups will work together on a single article for short-term rentals that can pass by a two-thirds vote. Discussion followed. Ms. Mohr moved to tentatively schedule a STM for November 4, 2025, with a timeline to be considered by the Board at its next meeting on August 6th; seconded by Mr. Fee; all in favor, so voted.

<u>1. Discussion Regarding Potential for Short-Term Rental Bylaw(s) Mediation (Continued from July 9, 2025).</u>
Chair Hill recused from this item and left the table. Vice Chair Fee asked the Board how it would like to proceed, noting he has concerns as to how parties would be selected for a mediation process. Dr. MacNab said that he shares Mr. Fee's concerns and would prefer that the parties convene on their own and come up with an article. Mr. Fee noted that he understands articles are being/have been prepared by various parties but not yet formally submitted to the Board. Discussion followed as to the effectiveness or not, of mediation. Mr. Fee polled the audience to ask how many present would want to be part of mediation, and noted nine hands. He further asked how many present do not agree with mediation, and noted two to three hands. Peter Schaffer spoke against mediation but acknowledged if it happens he would want to be part of it. Some additional audience polling followed with various questions. Matthew Peel asked how the mediation would work. Attorney George Pucci from Town Counsel's office explained, noting that Town Counsel is not advocating for mediation, it was merely a suggestion as an alternative to what has already

been undertaken without success. Mr. Pucci also reported on a motion to stay the order of the judge in the Ward litigation.

Penny Dey emphasized that mediation is non-binding and stated her opinion that anyone involved in the mediation be a full-time resident and voter of Nantucket. Mike Herlihy spoke on the need for trust to get to the right solution. Town Counsel John Giorgio said that if a STM is scheduled, a mediation process could still occur. Mr. Peel expressed concern over mediation because it isn't transparent enough, and said the short-term rental regulations need to be enforced. Some discussion followed. Ms. Mohr suggested setting a timeframe within which interested parties could express interest to be appointed to a mediation process. She emphasized the difference between mediation and facilitation. Charity Benz concurred with Mr. Peel and reviewed the prior facilitation process. Rick Atherton said he thinks the Select Board and Planning Board should review potential articles and that a STM should not be scheduled until an analytical review has occurred and could even wait until the annual town meeting. Arthur Reade spoke against mediation and emphasized the need for a resolution. Virginia Vidoni spoke on the various lawsuits and the need for short-term rentals in certain cases. Peter Halle spoke in favor of including a member of the Advisory Committee of Non-voting Taxpayers in any discussions. Dawn Hill, speaking as a private citizen, urged the Board to get to a resolution as soon as possible. Kathy Baird spoke on an inadvertent error made in 2015 to the zoning bylaw that should be explained and corrected. Mr. Fee said that would still require a two-thirds vote at town meeting and that a lot of things have changed on the Island since 2015. Ms. Mohr concurred. Cathy Ward read a statement from her attorney regarding the recent court action with respect to her pending lawsuit. Mr. Pucci re-explained the court action that occurred. Some discussion followed. Ron Kokot spoke on short-term rentals, generally, and spoke against mediation. Dr. MacNab said he does not think there is sufficient time to undertake mediation prior to a November 4th STM. Mr. Dixon asked how the stakeholders would be selected. Mr. Pucci explained and said the Town would engage the mediator and select the stakeholders to participate. Ms. Mohr said if mediation is not supported, she does not see a path forward, especially with the lack of trust that has been referenced several times. Mr. Fee asked how long a mediation process could take. Mr. Pucci said it could potentially take several months. Discussion followed about the process to set up mediation. Jill Vieth asked what the goal of mediation would be. Mr. Pucci explained that there would be representatives from the Planning Board and Select Board who would ultimately sponsor a warrant article(s). Mr. Giorgio suggested that the mediator could also potentially assist with the narrowing of issues. Mr. Pucci agreed. Bobby DeCosta spoke on an article he has been made aware of for the potential STM that he expressed concern about and would prefer to be refined before presentation to a town meeting. Ms. Mohr spoke in favor of mediation as a way to refine an article with a variety of stakeholder input. Ms. Mohr asked about the process to submit other articles if citizens petition a special town meeting. Mr. Giorgio said the Board would have to call it within 45 days; the Select Board could add additional articles and other citizen-petitioned articles would be eligible with the legally required number of signatures. Dr. MacNab reiterated that November 4th is too soon for a STM; and that he supports Mr. Reade proceeding to refine the article that Mr. Reade is working on. He said that a citizen petition STM would be "chaos". Ms. Vidoni expressed concern over Mr. Reade's article as its development did not include the group she is part of, that short-term rents property "to survive". Ms. Mohr moved to reconsider the vote to tentatively schedule a STM for November 4th and to encourage those working on articles to include all groups in the conversation. Mr. Dixon agreed and said he thinks, based on what he has seen recently, he is encouraged.

Chair Hill returned to the table at 8:33 PM.

She stated that she does not think reconsideration is needed because a date was not definitively set, and the Board is re-discussing anyway on August 6th. Discussion continued about how and when mediation would be valuable. Nat Lowell provided an analogy and history about beach driving.

4. Committee Reports.
Chair Hill said that a survey is being developed regarding Our Island Home.

Mr. Fee and Chair Hill noted the Nantucket Civic League annual summer forum occurred this past Monday.

XIII. ADJOURNMENT
Mr. Fee moved adjournment at 8:36 PM; seconded by Dr. MacNab; all in favor, so voted.

Approved the 6th day of August, 2025.

SELECT BOARD
JULY 23, 2025 – 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. 5. Nantucket Historical Commission Vacancy Timeline; NHC Applicant list; NHC Applications
VII. 1. Draft minutes of 7/14/2025; 7/15/2025; 7/16/2025
VII. 4. Pending Contracts spreadsheet
VIII. 1. Gift summary & recommended motion; Fire gift
IX. 1. Round 2 Applicant List; Round 2 Applications
IX. 2. Shellfish Regulation Update presentation; Statement of Purpose; Summary of proposed amendments; Redline of Chapter 260, Fishing and Shellfishing Regulations; Clean version of Article IV, Shellfishing Regulations
IX. 3. AIS re: Affordable Housing Trust update; AHT presentation
IX. 4a. AIS re: Special Local Preference for Sparks Ave Units; Draft letter to EOHLC
IX. 4b. AIS re: Local Action Unit application for Sparks Ave Units; LAU application
X. 1. AIS re: Land Court Assent; Land Court Petition and Assent; Order of Taking; LC Plan 17745-F; LC Plan 17745-O & P; LC Plan 17745-Q; Plan No. 2013-45; Certificate of Title No. 20981; Certificate of Title No. 27531
XI. 1. Memo from Traffic Safety re: Gold Star Dr speed humps; Graphic of proposed speed humps
XII. 1. Portion of 7/9/2025 SB minutes re: STR Mediation; Memo from Town Counsel re: Mediation on Short-Term Rental Cases
XII. 3. Portion of 7/9/2025 SB minutes re: 2026 ATM/ATE dates; 2026 ATM/ATE schedule options