



Town of Nantucket Finance Committee

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

MINUTES

Thursday, December 9, 2021

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

Called to order at 4:03 p.m. by Ms. Kronau

Staff in attendance: Libby Gibson, Town Manager; Erika Mooney, Operations Administrator; Brian Turbitt, Director of Finance; Richard Sears, Deputy Finance Director; Mariya Basheva, Finance Analyst; Terry Norton, Town Minutes Taker

Attending Members: Kronau, Maury, Roche, Schaeffer, Glowacki, Vieth, Harrington

Late Arrival: Harrington

Absent Members: Grause, McEachern

Town Counsel: John Giorgio, KP Law P.C.

Documents used: Draft minutes September 13, 2021; Citizen Warrant Articles for 2022 Annual Town Meeting.

Adoption of Agenda

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

Roll-call Vote Carried 6-0//Schaeffer, Roche, Vieth, Glowacki, Maury, and Kronau-aye

I. ANNOUNCEMENTS

II. APPROVAL OF PRIOR MEETING MINUTES

1. September 13, 2021

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

Roll-call Vote Carried 6-0//Schaeffer, Roche, Vieth, Glowacki, Maury, and Kronau-aye

III. PUBLIC COMMENT

1. None

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

1. Article B: Rescind Article 77 of 2018 ATM

Discussion **Giorgio** – This is not in proper legal form. It's an attempt to rescind a prior ATM vote. At that time, he indicated a necessary step was for the School Committee to declare the land surplus; once they do that, the land transfers by operation of law to the Town. Once that happens there is no way to rescind the prior vote unless the Select Board declares the land surplus.

2. Article D: Bylaw Amendment – Single-Use Plastics – Alcoholic Beverages Container

3. Article E: Bylaw Amendment – Single-Use Plastics – Tobacco Filters

Discussion **Giorgio** – Both articles have drafting errors that could be easily corrected. It would be subject to scope determination by the ATM moderator. Article D needs to specify the water bottles, and Article E needs to have plastic tobacco filters added.

4. Article F: Home Rule Petition – Prohibiting Fertilizer

Discussion **Michael Misurelli**, Chairman Fertilizer Advisory Board (FAB) – The FAB has done a lot of work putting a licensure program in place. Prohibiting things doesn't do well historically and turns the progress we've made backwards.

Roche – Asked why in 2012 the General Court didn't act on the home rule petition.

Giorgio – The General Court hasn't enacted the law, so often you see an article coming up for re-authorization; that's what this article does. If it passes, it has to go to the State legislature. In 2012 the Board of Health (BOH) enacted fertilizer regulations that are more restrictive than the State; those regulations are enforceable. If the Town wants to enact more stringent regulations, the Town would submit the home rule change or NP&EDC would draft further regulations that the BOH would adopt.

Glowacki – He'd like to know more about FAB and how it interfaces with the Town.

Misurelli – Roberto Santamaria and Jeff Carlson are members of the FAB as well as other community members. Article 68 formed the Best Management Practices, which is a living document.

Glowacki – He would like Mr. Santamaria or Mr. Carlson be invited to the follow up hearing for this article.

5. Article H: Home Rule Petition - Solar

Discussion **Hillary Rayport** – There is a provision in the State General Law Chapter 40A § 6B; Nantucket should maybe consider that language.

Giorgio – A home rule petition, if enacted supersedes, any general law; if the town deems the general laws to be inadequate, the home rule would be the appropriate avenue.

6. Article I: Ombudsman Establishment - Complaints

Discussion **Giorgio** – This has come before ATM in various iterations; he doesn't believe it has ever passed in any form. If the intent is to create a complaint resolution process that allows the ombudsman to overrule the Select Board, it requires a charter change and possibly special legislation. This was put forward as a charter amendment, but it isn't ready because there are no details. Given the potentially significant impact on Town Boards and their statutory authority, the Legislature won't act upon it.

7. Article M General Bylaw re. Town wharf and waterways

Discussion **Giorgio** – He has determined that this provision is a regulation of the Town, not a bylaw. ATM can't amend a regulation; that is the purview of the Select Board.

8. Article N: Home Rule Petition - Nantucket Planning and Economic Development Commission (NP&EDC).

Discussion **Hillary Rayport**, sponsor – The first change is the make up; the purpose is to increase transparency and accountability. The second change requires NP&EDC submit an annual report. The last change expands their mission.

Roche – Asked how the number of requested home rule changes impacts how they are received by the State and the chance of their being approved.

Giorgio – Nantucket has an extraordinary number of home rule petitions each year; the more petitions you send to the State, inevitably their impact becomes diluted and clogs up the calendar.

Vieth – Asked for clarification on the proposed makeup and why two Planning Board members should be replaced.

Giorgio – *Ex officio* is anyone who is a member by virtue of an office already held. Someone appointed by a board is not *ex officio*. If this passes, the Planning Board would appoint 3 members.

Rayport – NP&EDC is in charge of long-range planning; the Planning Board deals with near-term issues, so the roles are very different. Also, she thinks there's a benefit to opening the positions to others.

Schaeffer – Asked if any other commissions have a mixture of elected and appointed members and if it diminishes the power of people who were elected.

Rayport – This commission is a regional planning authority operating at the county level, which is different from other boards and commissions. She thinks it's an anomaly to have a commission that appoints its own members. It does remove it from the voters a little more.

Kronau – Clarified that this would take two elected Planning Board members and using those seats to elect people directly to the NP&EDC.

Rayport – The 5 Planning Board members were elected to the Planning Board; then there are 3 appointed people who would now be elected to the NP&EDC.

Kronau – By that logic, then everyone on the NP&EDC should be elected.

Penny Dey, Chair Nantucket Housing Authority (NHA) – Asked the rationale in changing their seat on the NP&EDC to the Affordable Housing Trust. She would have appreciated a direct discussion about this prior to submission of this article. Pointed out that NHA is not a Town agency; it's an independent agency.

Rayport – She spoke with Tucker Holland and brought this proposal to the Government Study Committee (GSC) in April. Mr. Holland made the point that long-range housing planning falls on the Affordable Housing Trust. NP&EDC is about long-range planning; to date it's comprised of people from other agencies also committed to long-range planning. She's willing to discuss this.

Vieth – Pointed out the NHA gets a lot of State funds.

Kronau – Asked if the Select Board supports these proposed changes.

Rayport – Planning Board doesn't plan on behalf of the Select Board but on behalf of the voters. From the perspective of the State, NP&EDC is a funding vehicle. Except for Matt Fee, she doesn't know if the Select Board supports this article; though she has emailed them and asked for feedback. She spoke with Dylan Fernandez about this; he said he'd support it.

Vieth – Asked where the Planning Board stands on this.

Rayport – Except for Fritz McClure, she doesn't know where they stand on this. She can guess they like the current make up. She's written to the Planning Board asking to speak to them about this.

Maury – Asked what problem this article would solve.

Rayport – One change is to encourage more effective long-range planning out 20 or 30 years. This would also put more faith in the voters and gives more accountability to the voters. An annual report would increase transparency. A lot of people don't understand what the NP&EDC does. The 13 Regional Planning Authorities in the State operate at the county level.

Maury – To suppose the understanding of this commission has faded is to suppose there ever was understanding of their role. Talking about it as operating at the county level is erroneous and implies all Town committees operate at a county level; this Town is a County, not separate and apart.

Rayport – For example, the FinCom is appointed by the Select Board; the NP&EDC isn't under the authority of the Select Board. All 13 State Regional Planning Commissions are attached to the county.

Maury – We are being asked to consider a proposal to replace elected town planners with people from other boards and commissions and to place one housing agency over another. Asked for an explanation behind her thoughts.

Rayport – When she considered the structure of the NP&EDC; she looked at other planning commissions and found no others have *ex officio*; she tried to take a view that considered other models without it getting larger. Explained the removal of Public Works director and the why that person should be on the committee. The Nantucket Historical Commission (NHC) is the preservation planning commission and explained why she feels NHC should have a seat on the NP&EDC.

Maury – Asked what the feedback from the GSC was.

Rayport – They felt it was worth discussing with one person thinking it was inappropriate for them to discuss this. One suggestion was that all commissions and committees review their charter. The GSC wrote to the chairs of Planning Board and NP&EDC and got a response; she's willing to share that.

Kronau – Asked that Ms. Rayport share the GSC response with the FinCom.

Rayport – Her impression is they didn't think her observations were valid and looking at other commission was irrelevant.

Vieth – Liked the point that the Nantucket Islands Land Bank germinated from NP&EDC. It's hard for her to support taking people with less technical knowledge and putting them on a very technical board; people on the Planning Board have that technical knowledge.

Kronau – Considering tonight's discussion, she thinks it would be interesting to add an NHC member to the NP&EDC, and once that is done, let them suggest changes from the inside.

Rayport – It sounds like FinCom thinks the article should have stopped at adding an NHC representative to NP&EDC. This is about cultural resources but sustainability, quality of life, protection of natural resources; she doesn't think an NHC member could do all that.

Kronau – Asked that when Ms. Rayport come back, she be prepared to be clear about the issues she's hoping to fix and why she thinks long-range planning isn't effective.

V. COMMITTEE REPORTS

1. Capital Program Committee: Vieth
2. Contract Review Committee: Roche

Suggested FinCom invite someone to speak about the Coastal Resiliency Plan.

VI. NEXT MEETING DATE/ADJOURNMENT

Date: Monday, January 10, 2022; 4:00 p.m.

VII. OTHER BUSINESS

1. **Kronau** – Suggested FinCom remain on ZOOM through April; feels we get better public participation through ZOOM.

Schaeffer – Feels FinCom gets better participation in person.

Maury – Likes being able to sign on immediately before and go right back to working at the end of a meeting.

Mooney – She will be reaching out to all boards, commissions, and committees about meeting in person; she would prefer those that aren't regulatory continue to meet via ZOOM. The State is changing it's focus to keep the remote public participation.

2. **Kronau** – Said she's very sad about Judith Wegner and wants to Board to recognize her work for the Town.

Motion **Motion to acknowledge the work of Judith Wegner.** (made by: Roche) (seconded)

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

Adjournment

Motion **Motion to Adjourn at 5:32 pm.** (made by: Roche) (seconded)

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

Submitted by:

Terry L. Norton