

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Dawn E. Hill Holdgate
Malcolm W. MacNab
Brooke Mohr



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
COUNTY COMMISSIONERS
APRIL 26, 2023 - 5:30 PM
PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS***

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtu.be/VJChsk1gcao>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_libU6_73Rte11TPbhlshfg

I. CALL TO ORDER

II. ANNOUNCEMENTS

1. The County Commission Meeting is Being Audio/Video Recorded.

III. PUBLIC COMMENT*

IV. NEW BUSINESS*

V. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of March 22, 2023 at 5:30 PM.
2. Approval of Payroll and Treasury Warrants for April, 2023.

VI. OFFICIAL BUSINESS

1. Request for Approval and Execution of Assent to Petition to Recognize 1975 Order of Taking of Derrymore Road and Approve Registration of Subdivision Plan of Lot 10 Showing Lots 1, 2 and 3 on Land Court Plan No. 13199-H for 78 Cliff Road.
2. Barnstable County Retirement Association: Request to Consider Additional Two Percent Cost-of-Living-Adjustment for Retirees for Fiscal Year 2024 Only, Pursuant to Chapter 269 of the Acts of 2022.

VII. COMMISSIONERS REPORTS/COMMENTS

1. Review/Amend County Commission Agenda Protocol Regarding Public Comment.

VIII. ADJOURNMENT

****Identified on Agenda Protocol Sheet.***



Agenda Item Summary

Agenda Item #	VI. 1.
Date	4/26/2023

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Approval and execution of Assent by the County to a Petition to recognize the 1975 Order of Taking of Derrymore Road and approve the registration of a subdivision plan of Lot 10 Showing Lots 1, 2 and 3 on Land Court Plan No. 13199-H for 78 Cliff Road.

Executive Summary

The Land Court requires the County assent to the Petition which requests that as the County is the owner of the fee in the way known as Derrymore Road by virtue of the Order of Taking by Eminent Domain dated October 29, 1975 filed with Nantucket Registry District of the Land Court as Document No. 16543, the Land Court recognize the line of the Taking in fee by the County of Derrymore Road and approve the registration of the Subdivision Plan of Lot 10 Showing Lots 1, 2 and 3 on Land Court Plan No. 13199-H.

Staff Recommendation

Recommend the County Commissioners approve and allow Town Counsel to execute the Assent.

Background/Discussion

Town Counsel has reviewed the Petition for Approval of a Plan, the Assent, the Order of Taking, the Certificate of Title for Lot 10 Derrymore Road and the Subdivision Plan of Lot 10 Derrymore Road which is Land Court Plan No. 13199-H and she is of the opinion that this documentation does not adversely affect the County's ownership of the fee in Derrymore Road, does not change the lines of the taking of Derrymore Road and its use as a public way. Town Counsel approves of the form of the Assent and recommends its approval.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Allows for the Land Court's approval of the Subdivision Plan.

Board/Commission Recommendation

N/A

Public Outreach

N/A



Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Fits within the plan goals of efficient County operations

Attachments

Assent, 1975 Order of Taking of Derrymore Road, Land Court Plan No. 13199-H; proposed subdivision plan



COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

Land Court Department
Supplementary Complaint
No. 23-SBQ-13199-3-1

Thomas B. McGrath, Trustee
of the T. McGrath 2012
Qualified Personal Residence
Trust u/d/t dated December 20,
2012

)
) ASSENT TO
) COMPLAINT TO RECOGNIZE
) TAKING AND APPROVE PLAN

Sandra J. Medallis, Trustee
of the S. Medallis 2012
Qualified Personal Residence
Trust u/d/t dated December 20,
2012

Plaintiff

The County of Nantucket hereby acknowledges receipt and sufficient notice of the Complaint to Recognize Taking and Approve Plan of Thomas B. McGrath, Trustee of the T. McGrath 2012 Qualified Personal Residence Trust u/d/t dated December 20, 2012 and Sandra J. Medallis, Trustee of the S. Medallis 2012 Qualified Personal Residence Trust u/d/t dated December 20, 2012, which Petition is dated March 28, 2023, and assents to the Petition, the Plan filed by the Plaintiff, and the lines of the taking of Derrymore Road shown on said plan, and hereby assents that an Order may issue for the relief requested therein, namely (1) recognizing the Order of Taking by eminent domain of portions of Derrymore Road by the County of Nantucket dated October 29, 1975, filed with the Nantucket Registry District of the Land Court as Document No. 16543, and (2) approving for registration the Subdivision Plan of Lot 10 shown on Land Court Plan No. 13199-H, without further notice to it.

SIGNATURE PAGE TO FOLLOW

Executed and sealed on _____, 2023.

COUNTY OF NANTUCKET

By its attorneys

hereunto duly authorized:

KP Law, P.C.

By:

Vicki S. Marsh, Attorney

(BBO # 307040)

101 Arch Street

Boston, MA 02110

(617) 556-0007

ORDER OF TAKING

Pursuant to Chapter 434 of the Acts of 1975, and in accordance with the vote under Article 17 of the Town of Nantucket Annual Town Meeting, April, 1975, we, the duly elected and qualified Commissioners for the County of Nantucket, at a meeting held Oct. 29, 1975, have determined and adjudged upon consideration of the matter that common convenience and necessity require that Delaney Road from Derrymore Road northerly to Cliff Road, approximately 731 feet; and Derrymore Road running westerly from North Liberty Street for approximately 699 feet and thence northerly approximately 963 feet to Cliff Road

be laid out as and for a highway in accordance with Exhibit "A" attached hereto and made a part hereof, excluding however, from said layout all portions of the said Delaney Road and Derrymore Road which are unpaved as shown on the plan to be recorded herewith.

The preliminary requirements of law relating to notice of a meeting for the purpose of a public hearing of all parties interested in a petition for the laying out as a highway of Delaney Road and Derrymore Road

were complied with on June 1, 1929

as reported in the records of the Board of County Commissioners for the County of Nantucket, Vol. IV page(x) 232 .

NOW, THEREFORE, we, the undersigned, being a majority of the Board of County Commissioners for the County of Nantucket, by right of eminent domain under the provisions of Chapter 79 of the General Laws, and by the powers conferred by Chapter 434 of the Acts of 1975 above mentioned, and by right of any and every other power and authority in us, hereto take, and in fee simple, any and

A TRUE COPY 3/21/83

ATTEST: *Gennifer Fenevia*
REGISTER OF DEEDS NANTUCKET COUNTY

all right, title and interest of any nature or description in the
land in said County bounded and described as set forth in Exhibit

"A" as amended, all for the purpose of Delaney Road from Derrymore
Road northerly to Cliff Road, approximately 731 feet; and Derrymore
Road running westerly from North Liberty Street for approximately
699 feet and thence northerly approximately 963 feet to Cliff Road

hereby laid out.

IN WITNESS WHEREOF, we have hereunto set our hands and the
seal of Nantucket County this 29th day of October, 1975.

Gertude E. Whelden
Clerk

Charles J. Fawcett
Chairman

Mitchell Todd

Esther W. Gibbs

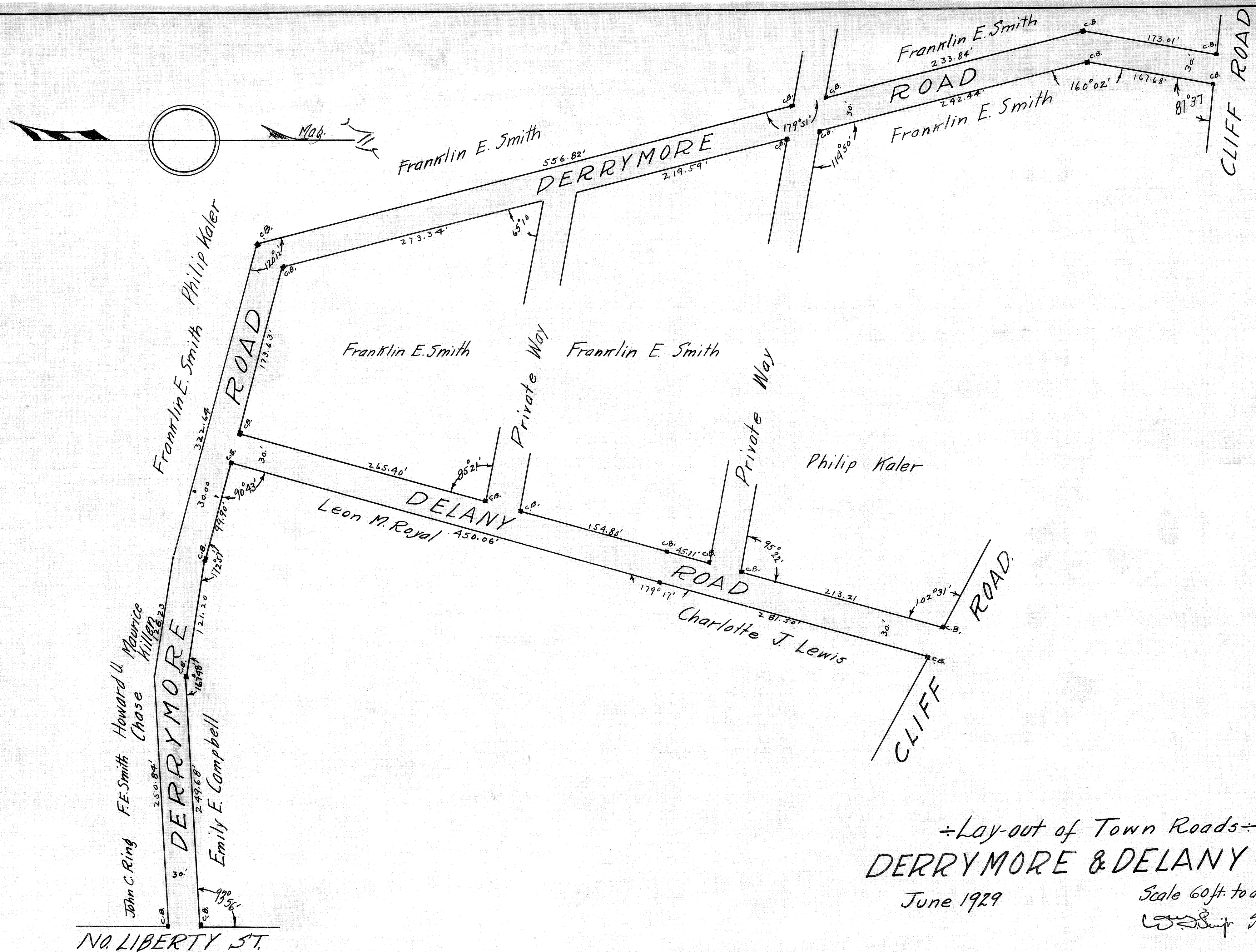
Robert S. Haffey

Bertrand J. Haffey

Delaney Road
Derrymore Road

Certain land in Nantucket, Nantucket County, shown on a plan entitled "Lay-out of Town Roads - Derrymore & Delany Roads" by W. F. Swift dated June 1929 to be recorded herewith, showing Delan(e)y Road extending from Derrymore Road northerly to Cliff Road, for a distance of approximately 731 feet; and Derrymore Road running westerly from North Liberty Street for approximately 699 feet and thence northerly approximately 963 feet to Cliff Road; to be recorded herewith. *See Road Plans Drawer #1*

Plan No. 129.



÷ Lay-out of Town Roads ÷
DERRYMORE & DELANY ROADS

June 1929

Scale 60 ft. to an inch

W. B. Smith Surveyor

OCT 30 1975 3:46 PM
RECEIVED AND ENTERED WITH
NANTUCKET COUNTY DEEDS BOOK OF
PLANS DRAWER #1
JAMES H. BROWN
REGISTER

Delaney RoadExhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Bedell, George H. Bedell, Theresa	5223	\$ 1.00
Cranston, Malcolm J. Cranston, Helen	4128	1.00
Desrocher, Leo S. Desrocher, Mary G.	3657	1.00
Finney, Howard J. Finney, Susan L.	6241	1.00
Francis, Elwyn R., Jr.	4999	1.00
Hamblin, George A. Hamblin, Donna L.	4768	1.00
Pope, Russell E. Pope, Olive C.	2528	1.00
Rex, Harry W., Jr. Rex, Georgia R.	5544	1.00
Royal, Allan Royal, Barbara	7095	1.00
Stanshigh, Folmer Stanshigh, Rose	3774	1.00
Tunning, Arthur B. Tunning, Germaine A.	5517	1.00
Yates, Tony W. Yates, Grace E.	4127	1.00

The names of owners herein given as supposed owners, although supposed to be correct, are such only as matters of information, opinion and belief and are listed for information purposes only.

Derrymore RoadExhibit "B"

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Cahill, Anthony B. Cahill, Valerie F.	6550	\$ 1.00
Carroll, James E., Jr. Carroll, Mary B.	5288	1.00
Coote, Margaret Q.	7221	1.00
Cranston, Malcolm J. Cranston, Helen	4128	1.00
Dee, Maurice J. Dee, Jeanette T.	5483	1.00
Desrocher, Leo S. Desrocher, Mary G.	3657	1.00
Fritch, Nancy B. (now Nancy B. Wood)	4876	1.00
Hamblin, George A Hamblin, Donna L.	4768	1.00
Jelleme, Howard M.	5215 7424	1.00
Johnson, William E. Johnson, Vincenza F.		1.00
Kenyon, Rowland A., Jr. Kenyon, Doris E.		1.00
King, Keith Keith , Cynthia A. King	5318	1.00
Lambert, Audrey N.	7038	1.00
Lawrence, Barbara	4118 5674	1.00
Lawrence, Douglass	3768	1.00
Lathrop, Oliver A., Jr.	6775	1.00
Mariana, Theodore F. Mariana, Veronica B.	7177	1.00
McAuley, Kenneth B. McAuley, Paula M.	6098	1.00

Derrymore RoadExhibit "B" - 2

<u>Supposed Owners</u>	<u>Certif. No.</u>	<u>Award</u>
Oliver, Charles P.	4779	\$ 1.00
Oliver, Gladys V.		
Pfieffer, Paul H.		1.00
Pfeiffer, Valerie P.		
Rex, Harry W., Jr.	5544	1.00
Rex, Georgia R.		
Runge, Paul M.	5425	1.00
Runge, Alice		
Stanshigh, Folmer	4860	1.00
Stanshigh, Rose		
Stendahl, Krister		1.00
Stendahl, Britta K.		
Watts, James A.	5349	1.00
Watts, Priscilla F.		
Yates, Tony W.	4127	1.00
Yates, Grace E.		

The names of owners herein given as supposed owners, although supposed to be correct, are such only as matters of information, opinion and belief and are listed for information purposes only.

NANTUCKET COUNTY

Received and Entered

Attest

JOSEPH S. BARNETT
OCT 30 1975

2:48 P.M.

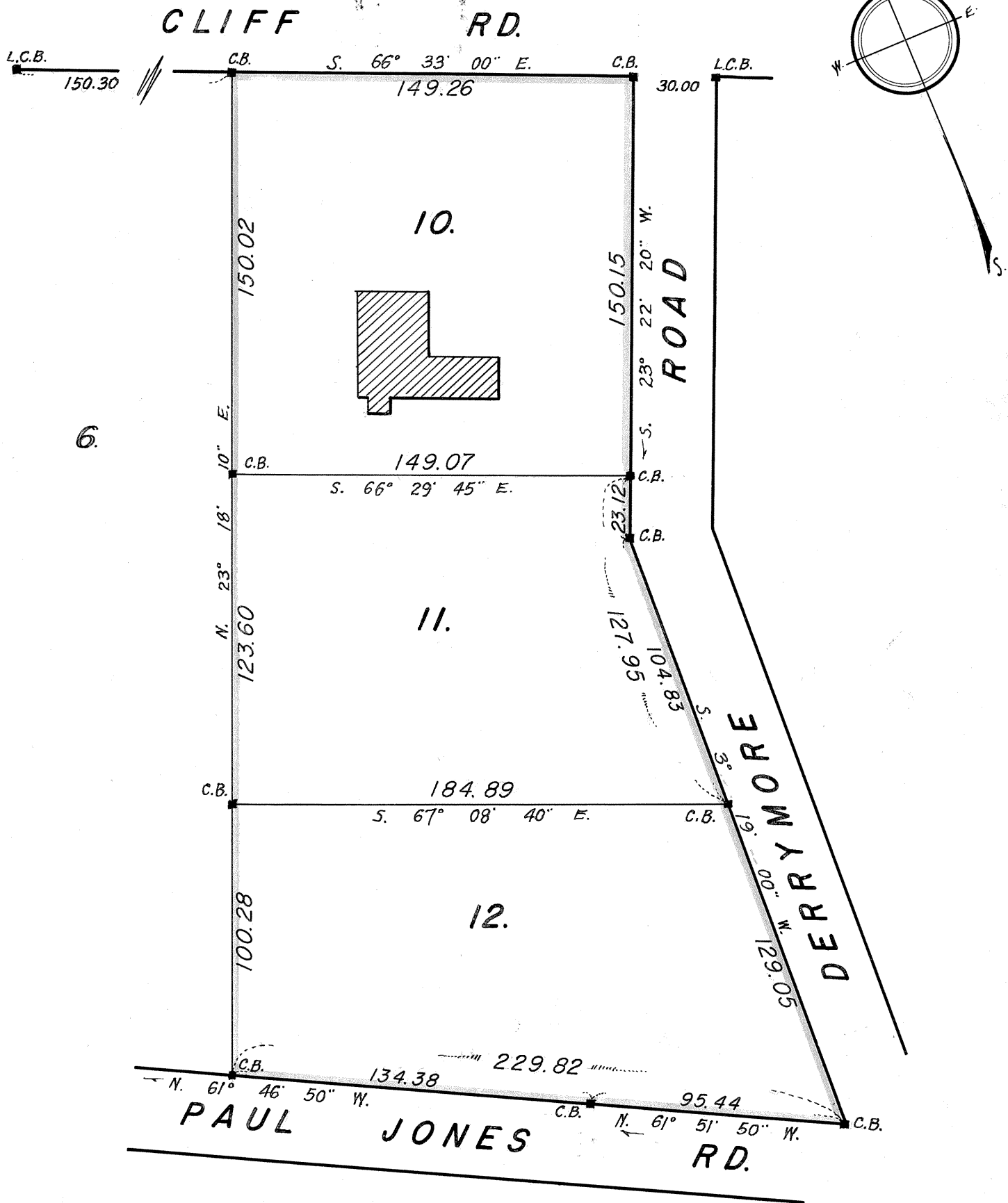
Register

SUBDIVISION PLAN OF LAND IN NANTUCKET

Josiah S. Barrett, Engineer

March 20, 1957

13199H



Subdivision of Lot 7
Shown on plan 13199F
Filed with Cert. of Title No. 3972.
Registry District of Nantucket County

Separate certificates of title may be issued for land
shown hereon as Lots 10, 11, and 12
By the Court.

M.C.D. MAR. 25, 1957

Recorder.

Copy of part of plan
filed in
LAND REGISTRATION OFFICE
MAR. 25, 1957
Scale of this plan 50 feet to an inch
C.M. Anderson, Engineer for Court

This plan filed with Certificate No. 41178

LOT 7 ON PLAN No. 13199-F FILED
WITH CERTIFICATE No. 3922 HAS
BEEN SUBDIVIDED AND PLAN No. 13199-H
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 4118
FURTHER CERTIFICATES FOR SAID LOT 7
ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT.

LOT 12 ON PLAN No. 13199-H FILED
WITH CERTIFICATE No. 4118 HAS
BEEN SUBDIVIDED AND PLAN No. 13199-O
SHOWING SUCH CHANGES IS FILED WITH
CERTIFICATE NO. 8010
FURTHER CERTIFICATES FOR SAID LOT 12
ON SAID EARLIER PLAN WILL
NOT BE ISSUED UNLESS AUTHORIZED BY
THE COURT.

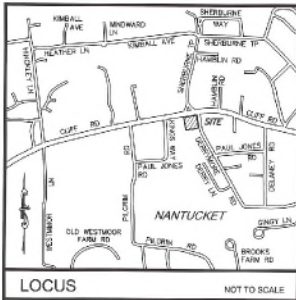
Nantucket Registry District
MARCH 14, 1958

RECEIVED FOR REGISTRATION
10 O'CLOCK — m A M

This plan filed with Certificate No.

Attest

Joseph S. Barrett
Assistant Recorder



NOTES

1. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE THE EXISTING PARCEL (MAP 30, PARCEL 71) TO CREATE LOTS 1, 2, AND 3 AS SHOWN.
2. THIS PLAN REPRESENTS A SUBDIVISION OF LOT 10 SHOWN ON LAND COURT PLAN 13109-H.
3. THE SITE IS NOT LOCATED WITHIN ANY KNOWN SPECIAL FLOOD HAZARD AREAS AS DETERMINED FROM THE TOWN OF NANTUCKET FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230-0086 Q (MAP EFFECTIVE DATE JUNE 9, 2014).
4. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
5. BUILDING OFFSET DISTANCES ARE FROM BUILDING CORNER BOARDS AT APPROXIMATELY 5' ABOVE GROUND LEVEL.
6. ALL DISTANCES WERE MEASURED BY EDM.

OWNERS & APPLICANTS

T. MCGRATH 2012 QUALIFIED PERSONAL RESIDENCE TRUST
THOMAS B. MCGRATH, TRUSTEE

S. MEDALLIS 2012 QUALIFIED PERSONAL RESIDENCE TRUST
SANDRA J. MEDALLIS, TRUSTEE

10359 STRATHMORE DRIVE
LOS ANGELES, CA 90024

TITLE REFERENCE
CERTIFICATE NO. 24663

PLAN REFERENCE
PLAN NO. 13109-H (LOT 10)

SITE LOCATION
78 CLIFF ROAD
NANTUCKET, MASSACHUSETTS

ASSESSORS REFERENCE
MAP 30, PARCEL 71

TRAVERSE CLOSURE DATA

LENGTH OF TRAVERSE = 554.77'
ANGULAR ERROR = 0'00"01"
CLOSURE DISTANCE = 0.014'
DIRECTION = S71°38'33"E
PRECISION = 1:38,191

INSTRUMENTATION

LEICA TS12 P 3 R4000
SERIAL NO. 270769
EDM ACCURACY 3(1mm + 1.5ppm)
LEICA GEO SYSTEMS CALIBRATION
CERTIFICATE NO. 270769-02262022

RESIDENTIAL 1 (R-1) ZONING DISTRICT

REGULATION	REQUIREMENT	PROVIDED
		LOT 1 LOT 2 LOT 3
MIN. LOT AREA	5,000 S.F.	6,953 S.F. 7,524 S.F. 7,903 S.F.
LOT FRONTAGE	50'	50' 75.15' 75'
FRONT SETBACK	10'	75.84' N/A 36.85'
SIDE SETBACK	5'/10'	6.87' N/A 5.89'
REAR SETBACK	5'	17.89' N/A 5.66'
GROUND COVER RATIO	30%	11.7% N/A 21.8%

*SIDE YARD SETBACK OF 10' WHEN ABUTTING ANY RIGHT-OF-WAY

OVERLAY DISTRICT APPLICABILITY

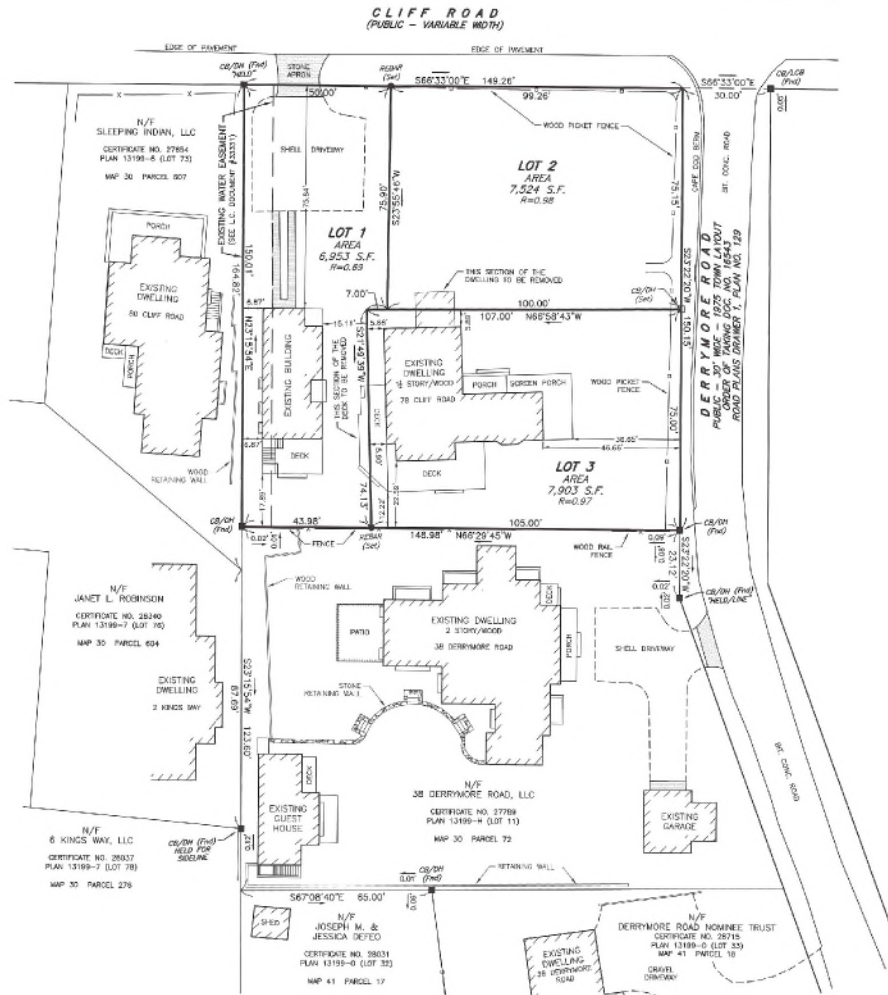
TOWN
TOWN SEWER

I CERTIFY THAT AS OF THE DATE OF THIS SURVEY, THE MONUMENTS CONTROLLING PRIOR PLANS ARE IN THE GROUND AS SHOWN AND DESCRIBED HEREON. I FURTHER CERTIFY THAT ANY ADDITIONAL MONUMENTS SHOWN HEREON HAVE BEEN SET IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 AS OF THE DATE OF THIS SURVEY.

I CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS OF 2006 BETWEEN 7/26/2022 AND 7/29/2022.

PROFESSIONAL LAND SURVEYOR

9-21-2022
DATE



LEGEND

- CS/WH CONCRETE BOUND W/DRILL HOLE
- CS/WH CONCRETE BOUND W/DRILL HOLE SET
- CS/WH CONCRETE BOUND W/DRILL HOLE SET



**SITE DESIGN
ENGINEERING, LLC.**

11 CUSHMAN STREET
MEDFORD, MA 02155
T: 508-867-9875 F: 508-867-9874
WWW.SDE-LLC.COM

NO.	DATE	DESCRIPTION	APPROVED

PLAN REVISIONS

DATE: SEPTEMBER 21, 2022

DRAWN BY: RLM COMPS BY: RLM CHECK BY: RLM/DCM

PROJECT NO: 22055

ISSUED FOR:

ANR ENDORSEMENT



PLAN OF LAND

BEING A SUBDIVISION OF LOT 10
SHOWN ON LAND COURT PLAN 13109-H
78 CLIFF ROAD
NANTUCKET, MASSACHUSETTS
ASSESSORS MAP 30, PARCEL 71
PREPARED FOR
SANDRA J. MEDALLIS

NANTUCKET PLANNING BOARD
APPROVAL UNDER THE SUBDIVISION
CONTROL LAW NOT REQUIRED

[Signature]
[Signature]

DATE ENDORSED: 10-13-2022

PLANNING BOARD FILE NO.

PLSMB-2022-10-00345

PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE
A DETERMINATION OF CONFORMANCE UNDER ZONING

DRAWING TITLE:

APPROVAL NOT
REQUIREMENT

SCALE: 1" = 20'

SHEET NO.

1 OF 1



Agenda Item Summary

Agenda Item #	SB – IX. 1. CC – VI. 2.
Date	4/26/2023

Staff

Brian E. Turbitt, Finance Director

Subject

Vote to approve additional 2% Cost-of-Living Adjustment (COLA) as authorized in Chapter 269 of the Acts of 2022

Executive Summary

On November 16, 2022, Governor Charlie Baker approved Chapter 269 of the Acts of 2022, which allowed for a one-time adjustment to the Cost-of-Living Adjustments for retirees. Currently the maximum adjustment is 3% on a maximum base of \$18,000. Chapter 269 would allow for an additional 2% to be applied effective July 1, 2023

Staff Recommendation

Recommend Approval of the additional 2% COLA as authorized under Chapter 269 of the Acts of 2022

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☐

Approval of the additional 2% COLA in FY23 will add an additional retirement assessment in the amount of \$113,574.13 in FY25 and \$120,161.44 in FY26. The increase in the County will be \$4,210.45 in FY25 and \$4,454.65 in FY26

Board/Commission Recommendation

N/A

Public Outreach

None

Connection to Existing Applicable Plan (i.e. Strategic Plan, Master Plan, etc.)

None

Attachments

BCRA Memo

Retirement Presentation



BARNSTABLE COUNTY RETIREMENT ASSOCIATION

750 Attucks Lane, Hyannis, MA 02601 ♦ 508-775-1110 ♦ Fax 508-775-1344 ♦ www.barnstablecountyretirement.org

MEMORANDUM

Correction

TO: Select Board
FROM: Barnstable County Retirement Association
DATE: March 7, 2023

We would like to inform you that on November 16, 2022, the Governor approved Chapter 269 of the Acts of 2022 which allows for a **1 time** adjust of the Cost-of-Living (COLA) for retirees from a maximum of 3% to 5% for **only Fiscal Year 2023 (FY2023)**. Please note that the Barnstable County Retirement Association has established a maximum of \$18,000.00 base for calculation of the COLA which would mean that if this is approved, the maximum increase to any retiree would be \$30.00 per month. Attached to this memorandum is a copy of Chapter 269 of the Acts of 2022, PERAC Memo #29/2022, a letter showing the additional total cost to the system annual for FY2025 to FY2037, what the current appropriation cost, and a spreadsheet showing an estimated additional cost per unit for only FY2025 and FY2026. This is **only an estimate**, the percentage of the total appropriate per unit changes annually. Each unit percentage is based on the reported salary on September 30 as a percentage of the total reported by all units each year. ***Barnstable County Retirement Association retirees will only receive this increase if it is approved by of the Retirement Board, Barnstable County Commissioners, and two-thirds of the towns within our system.*** If you have any questions as you are reviewing this information, please feel free to contact Susy Holmes at 508-775-1110 or by email at sholmes@barnstablecountyretirement.org

We respectfully request that the Board of Selectman review the attached information and let us know if we could be of any assistance in this matter. This matter is time sensitive as the legislation requires us to act on this by the end of this fiscal period (6/30/2023). We ask that you place it on your agenda as soon as you feel you can make an educated vote to either approve or deny this additional 2% Cost-of-Living Adjustment.

Please notify this office of your decision by May 31, 2023 by any of the following:

Regular mail to: Susy Holmes, Executive Director
Barnstable County Retirement Association
750 Attucks Lane
Hyannis, MA 02601
Fax: 508-775-1344
Email: sholmes@barnstablecountyretirement.org

Thank you for your time and consideration in this matter.

*****Correction was FY2024 to FY2023**

Town & County of Nantucket Employee Pension Overview

Finance Department

Brian E. Turbitt, Finance Director

Melinda Ernst-Fournier, Treasurer



BARNSTABLE COUNTY RETIREMENT ASSOCIATION

- Run by an Administrator hired by a Five Member Board consisting of:
 - The county treasurer as the ex-officio and chair
 - A second member appointed by the County Commissioners
 - Two members elected by members of the retirement system and are active or retirees of the system
 - The fifth member elected by the County Retirement Board Advisory Council and is the treasurer of one of the units within the system
- Actuarial Valuation is done every 2 years to determine whether the assets and contributions are sufficient to provide the prescribed benefits. The latest was on January 1, 2022. On that date they had:
 - Assets of \$1,656,015,916 invested in the Pension Reserve Investment Trust (PRIT)
 - A funding ratio of 65.8% with funding schedules to be fully funded by June 30, 2037
 - The law requires full funding by 2040
 - 4,763 active members, 3,466 retirees and 969 inactive members
- There are 50 units in BCRA. The Town of Nantucket is the second largest unit, representing 10.52% of the BCRA total and Nantucket County is .39%.

CHAPTER 269 OF THE ACTS OF 2022

- BCRA can grant retirees an annual Cost of Living Adjustment (COLA) of 3% on the first \$18,000 of wages, a maximum of \$540 per year. Chapter 269 of the Acts of 2022 allows the annual COLA to be increased from 3% to 5% for fiscal year 2023 only. This is a maximum increase of \$360 per retiree.
- In order to implement the increase, the Retirement Board has already voted to accept this chapter as must two-thirds of the cities, towns and other units of the retirement system.
- This is estimated to cost the Town of Nantucket an additional \$113,574.13 in FY 25 and \$120,161.44 in FY 26. The additional cost to the County is \$4,210.45 in FY 25 and \$4,454.65 in FY 26.
- The majority of Town/County retirees receive a pension greater than \$18,000 per year and will receive a one-time increase of \$360.

PENSION LAWS

- Most Massachusetts public employees don't pay Social Security tax (6.2%) due to a Section 218 Agreement with the SSA. They pay into a public pension system instead. We are one of eight states with a widespread mandatory public pension:
 - Any earned social security benefit is reduced for anyone receiving a public pension unless the employee has 30 years of substantial social security earnings, known as the Windfall Elimination Provision (WEP) or Government Pension Offset (GPO)
- The public pension is a contributory defined benefit plan
- Governed by MGL Chapter 32
- Administered by 104 Retirement Systems across the state. We are a member of the Barnstable County Retirement Association (BCRA)
- BCRA is overseen by the state's Public Employee Retirement Administration Commission (PERAC)

CONTRIBUTIONS

- Employees contribute 7%, 8% or 9% of their regular compensation, depending on hire date and those hired after January 1, 1979, also contribute 2% on regular compensation over \$30,000 per year or \$1,153.85 bi-weekly
- Regular compensation is defined as regular, recurring and predictable pay
 - It includes base wages, paid time off, longevity, shift differential, education and certification pay
 - It does not include overtime, one-time payments, pandemic pay, payment for unused paid time off, pay in lieu of a benefit

RETIREMENT ALLOWANCE

- Retirement allowance is based on group, age, years of service and hire date.
- There are 4 Employee Groups
- The Town has employees in 2 of the groups (Group 1 and 4)
 - Hired Before 4/2/2012, allowance will be calculated using the average of the highest 3 years of regular compensation:
 - General Employees – Group 1
 - Must be 55 years old with 10 years of service or any age with 20 years of service.
 - Public Safety Employees – Group 4
 - Must be 55 years old with no minimum service requirement or any age with 20 years of service.
 - Hired On or After 4/2/2012, allowance will be calculated using the average of the highest 5 years of regular compensation:
 - General Employees – Group 1
 - Must be 60 years old with 10 years of service
 - Public Safety Employees – Group 4
 - Must be 55 years old with no minimum service requirement

Brian E. Turbitt, Finance Director
bturbitt@nantucket-ma.gov

Melinda Ernst-Fournier
mernstfournier@nantucket-ma.gov



COUNTY COMMISSION AGENDA PROTOCOL:

Roberts Rules: The County Commission follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Commission. ~~The Commission welcomes concise statements on matters that are within the purview of the County Commission.~~ At the Commission's discretion, matters raised under Public Comment may be directed to County Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Commission takes action, if any. Except in emergencies, the Commission will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Commission to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with the United States Constitution and the Massachusetts Declaration of Rights.~~state and federal free speech laws:~~

The agenda for regular County Commission meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Commission to take up first. This time is reserved for speakers to address the Commission on matters that are not related to any other Agenda item. If a speaker wishes to address the Commission on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.

All speakers are encouraged to present their remarks in an orderly and peaceable manner, without disruption to other speakers.~~a respectful manner.~~

All remarks will be addressed through the Chair of the meeting.

The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not under the United States Constitution and the Massachusetts Declaration of Rights~~constitutionally protected~~ because it constitutes true threats, incitement to imminent lawless conduct, ~~comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests.~~ ~~Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Commission's authority~~or engages in conduct that disrupts other speakers.

Each speaker may not exceed three (3) minutes during any Public Comment portion of

the meeting.

Disclaimer: Public Comment is not a time for debate or response to comments by the Commission. Comments made during the Public Comment period do not reflect the views or positions of the Commission. Because of ~~constitutional~~ free speech principles, the Commission does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Commission welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Commission Members may have questions on the clarity of the information presented. The Commission will hear any staff input and then deliberate on a course of action.

Commissions Reports and Comments: Individual Commission Members may have matters to bring to the attention of the Commission during a meeting. If the matter contemplates action by the Commission, Commission Members will consult with the Chair and/or County Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Commission meeting. Otherwise, except in emergencies, the Commission will not normally take action on County Commission Comment.

Approved _____

COUNTY COMMISSION AGENDA PROTOCOL:

Roberts Rules: The County Commission follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Commission. At the Commission's discretion, matters raised under Public Comment may be directed to County Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Commission takes action, if any. Except in emergencies, the Commission will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Commission to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with the United States Constitution and the Massachusetts Declaration of Rights.

The agenda for regular County Commission meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Commission to take up first. This time is reserved for speakers to address the Commission on matters that are not related to any other Agenda item. If a speaker wishes to address the Commission on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.

All speakers are encouraged to present their remarks in an orderly and peaceable manner, without disruption to other speakers.

All remarks will be addressed through the Chair of the meeting.

The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not under the United States Constitution and the Massachusetts Declaration of Rights because it constitutes true threats, incitement to imminent lawless conduct, or engages in conduct that disrupts other speakers.

Each speaker may not exceed three (3) minutes during any Public Comment portion of the meeting.

Disclaimer: Public Comment is not a time for debate or response to comments by the Commission. Comments made during the Public Comment period do not reflect the views or positions of the Commission. Because of free speech principles, the Commission does not have

authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Commission welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Commission Members may have questions on the clarity of the information presented. The Commission will hear any staff input and then deliberate on a course of action.

Commissions Reports and Comments: Individual Commission Members may have matters to bring to the attention of the Commission during a meeting. If the matter contemplates action by the Commission, Commission Members will consult with the Chair and/or County Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Commission meeting. Otherwise, except in emergencies, the Commission will not normally take action on County Commission Comment.

Approved _____