SELECT BOARD
JOINT MEETING WITH NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

Minutes of the meeting of February 20, 2024. The hybrid meeting took place in person in Room A of the Meeting Trailer at 131 Pleasant Street; and, via remote participation using Zoom Webinar. Select Board Members present in person were Dawn Holdgate, Thomas Dixon, Matt Fee, and Brooke Mohr. Dr. Malcolm MacNab was presently remotely. Also present in person were Town Manager C. Elizabeth Gibson and Assistant Town Manager Gregg Tivnan. Assistant Town Manager Rick Sears and Attorney John Giorgio of Town Counsel's office were present remotely.

Nantucket Planning and Economic Development Commission (NP&EDC) members present in person were Chair Mary Longacre, Barry Rector, Nat Lowell, Kristina Jelleme, Dawn Hill Holdgate and Seth Engelbourg. Dave Iverson, John Trudel, Wendy Hudson and Joseph Topham were present remotely. Bert Johnson was absent. Planning and Land Use Services (PLUS) staff present in person were Planning Director Leslie Snell, Senior Planner Megan Trudel, and Transportation Program Manager Mike Burns.

I. CALL TO ORDER

Chair Holdgate called the Select Board meeting to order at 6:03 PM. She noted the original purpose of the meeting was to discuss the MOA, which will be moved to the beginning of the meeting. Some discussion followed about the order of the agenda items.

II. JOINT MEETING WITH NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

5. Review/Possible Action of Proposed Updates to Memorandum of Agreement Between Select Board and NP&EDC for Operation of Planning and Land Use Services (PLUS) Department. Ms. Gibson reviewed the history of the Memorandum of Agreement (MOA) and a summary of proposed amendments. She noted correspondence received today from the Laborer's Union questioning a provision as to how personnel issues are handled. She said that issue was reviewed with Labor Counsel and Town Counsel and the provision in question has nothing to do with collective bargaining. Ms. Snell reviewed certain provisions as well. Mr. Fee noted at the time the MOA was initiated, funding was also an issue. Chair Holdgate asked for any thoughts on proposed amendments. Ms. Mohr said that many Town functions have changed quite a bit since the MOA originated and suggested moving to item #3 before continuing discussion on item #2.

3. Review of Planning and Land Use Services Department Staffing Recommendations (Excerpt from Town-wide Staffing Study/December, 2018); and Planning and Land Use Services Operational and Staffing Review/May, 2019. Ms. Gibson gave a brief overview of both studies. Ms. Snell reviewed the status of the recommendations of both studies and also what has changed since those studies. Some discussion followed on the various recommendations. Mr. Fee commented on permitting and the order in which permits are sought and/or issued/approved, saying that sometimes there are conflicts with the regulatory agencies. He spoke on an "inherent conflict" with serving development, enforcement and permit approvals. He suggested a change in the MOA might address some of this. Dr. MacNab said he will have to be convinced that the MOA is still necessary. He said he struggles with the concept of "outsourcing" the activities of the MOA. He said the Planning Director should report to the Town Manager. Joseph Topham spoke on permitting and the issues Mr. Fee referenced, stating that his observations over time are that the "PLUS Department" functions more efficiently now than in the past. Mr. Rector spoke on his recollections of the originations of the MOA and agreed with Mr. Topham that the coordination and organization of PLUS is much improved from 12 years ago. He questioned a comment Mr. Fee made about long-term planning. Some discussion followed. Mr. Fee said he thinks there could be efficiency improvements with PLUS. Discussion continued about the 2019 PLUS report. Mr. Rector spoke further on long-term planning. Mr.

Engelbourg spoke on the order of permitting and noted there is a certain order, depending on what permits are required. He acknowledged that sometimes that order is knowingly “ignored”. He suggested a meeting of Chairs of regulatory boards to discuss some of this. Chair Holdgate said that was an initiative of hers which has fallen in priority level but can be resurrected. Some discussion followed on such a meeting, with favorable comments on the idea. Mr. Lowell commented on the improvements to regulatory process that have occurred with the formation of the PLUS department. He spoke on the various areas where long-term planning is occurring. He noted that operational “tweaks” may be necessary but not “blowing up” the MOA. Dr. MacNab said he is still unsure about whether or not the MOA is necessary.

Dr. MacNab left the meeting at 6:40 PM.

Mr. Fee agreed with Dr. MacNab. John Trudel commented on the advances that have been made with the PLUS department in terms of coordination of permits, regulatory approvals, professionalism. He said, “if it ain’t broke, don’t fix it”. Mr. Rector spoke in more detail on how departmental functions used to work and how they work now, noting that in his opinion, coordination is much improved. He said he would like specific examples of what is not working and concurred with Mr. Lowell that “tweaks” may be necessary. Emily Molden of the Nantucket Land and Water Council spoke in support of the idea of a “developmental review team” comprised of Town staff and including the input of other boards, committees and commissions. She spoke on code compliance, tracking and use of software for these activities. Rick Atherton expressed concern as to the MOA, with respect to it having no termination date and cannot be changed without mutual agreement by both parties. Curtis Barnes spoke on the efficiency of the PLUS department and referenced a suggestion from the 2019 study report as to the reporting structure of the department. Chair Holdgate said, again, that if any of the parties to the MOA have specific suggestions, now would be a good time to bring them forward. Leah Hill, of the Laborer’s Union spoke on a concern of the Union that a provision of the MOA violates the union contract. Town Counsel John Giorgio commented that the MOA in no way violates the union contract. He reviewed the language of the MOA noting that it is standard language, standard operating procedure and has nothing to do with the union contract. He added that language is necessary. Ms. Hill expressed disagreement with Mr. Giorgio’s statement. Ms. Gibson agreed with Mr. Giorgio and stated that as Mr. Giorgio indicated, grievances are handled internally in a certain way that is not subject to the union contract. David Iverson asked why the language would not “mirror” the union contract. Mr. Giorgio responded and further explained the grievance procedure and why it is necessary for department heads to coordinate with Human Resources for grievance responses. Ms. Mohr noted that the language seems to be consistent with how grievances are handled, and is merely a “codification” of that, adding that she supports the proposed language. Some discussion followed. Mr. Fee questioned, again, why the agreement is needed. Mr. Engelbourg said the existence of the agreement is not what is on the agenda. He added that there is a “potential” for activities of the Town vs NP&EDC to be unequal. Mr. Iverson said he has not heard any specific reasons why the MOA is not needed. He questioned what is not working. Mr. Lowell agreed and spoke on what the NP&EDC is, and is not, and spoke on the need for the MOA so that the Town activities can be specified. Mr. Topham agreed with Mr. Lowell. He said that he is not sure what the complaints are about the MOA. Chair Longacre noted that the Planning Director has provided services to the Town since 1973 when the NP&EDC was first established, and that the MOA merely formalizes that existing arrangement. She said if the agreement is to be removed, there should be a discussion as to what should replace it. Arthur Gasbarro spoke on the need for increased permit compliance and a structural deficiency that should be corrected. Discussion continued about enforcement, staffing and complexity of workload. Ms. Gibson suggested that perhaps these issues be brought before a meeting of board/committee/commission chairs that Chair Holdgate referenced earlier. Ms. Mohr summarized her thoughts about the MOA, indicating that she supports moving forward with it.

Ms. Hill spoke, again, about the provision she previously mentioned. Ms. Gibson responded. William Saad spoke on the provision as well. Ms. Gibson responded again. Mr. Atherton spoke on the lack of termination language. Mr. Rector spoke on the termination language. Mr. Engelbourg suggested that additional language be added which requires more regular review. There was general support for this idea. Mr. Lowell spoke on the need for mutual respect and the fact that everyone involved in all of these activities are all part of "the Town". He agreed with Chair Longacre as to the fact that the MOA formalizes something that is already happening. Some discussion followed as to how often the MOA should be reviewed. Mr. Fee said a review of the MOA should occur now. Chair Holdgate commented that the proposed changes, in her view, constitute the results of a review. Discussion followed. Chair Holdgate reiterated that if there is a specific proposal, it should be brought forward. Ms. Mohr moved adoption of the proposed agreement, with an additional revision that at a minimum of every three years, the agreement be reviewed by the Select Board Chair, NP&EDC Chair, Town Manager, Planning Director and Town Counsel; seconded by Mr. Dixon; by roll call vote: Chair Holdgate – Yes; Ms. Mohr – Yes; Mr. Dixon – Yes; Mr. Fee – No; so voted.

Mr. Engelbourg moved adoption of the proposed agreement, with an additional revision that at a minimum of every three years, the agreement be reviewed by the Select Board Chair, NP&EDC Chair, Town Manager, Planning Director and Town Counsel; seconded by Mr. Lowell; by roll call vote: Mr. Engelbourg – Yes; Ms. Holdgate – Abstain (since she voted for Select Board); Ms. Hudon – Yes; Mr. Iverson – Yes; Ms. Jelleme – Yes; Mr. Lowell – Yes; Mr. Topham – Yes; Mr. Trudel – Yes; Mr. Rector – No; Chair Longacre – Yes; so voted.

1. Presentation of Bicycle and Pedestrian Advisory Committee (BPAC) Recommendation for Pilot Program of One-way Conversion and Bike/Pedestrian Improved Access along Williams Lane and Pleasant Street. Mr. Burns reviewed the presentation contained in the agenda packet. It was generally agreed that the Select Board will take up this issue at an upcoming meeting for public comment and to which the NP&EDC would be invited.

2. Request for Review of Pending Four Corners Intersection Improvement (Roundabout) Project and Potential Reappropriation of Outstanding Funding (Current Funding for Design and Permitting). Ms. Gibson explained that in the annual review of unexpended capital projects, this item has been dormant for at least four years and was brought forward for potential reappropriation. Discussion followed about the project, community opposition and priority. Mr. Engelbourg suggested the funds be reappropriated, noting they are most likely insufficient anyway to complete the design of this project, and a sufficient amount may be sought later. Mr. Lowell spoke on the length of time this particular project has undergone discussion and spoke in favor of roundabouts. Discussion followed as to the favorable and not favorable feedback from the community about this project. Mr. Fee moved to take no action with the understanding that Mr. Burns will determine if the existing funds are sufficient to complete the design of the project; seconded by Ms. Mohr; so voted 4-0.

4. Presentation of NP&EDC Draft Vision and Mission Statements for Select Board Comment. Chair Longacre reviewed and explained the materials in the agenda packet. She commented that she is pleased "planning" has "infiltrated" Town operations. She asked for comments from the Board. Ms. Mohr said there seems to be "a lot" and expressed support, especially with community engagement and inclusion. Mr. Fee spoke in favor of the inclusion of engagement, gathering and utilizing data. Chair Holdgate agreed and expressed support for the economic development area. Mr. Fee agreed with a strong mention of housing. He asked if there was any discussion of including carrying capacity. Discussion continued about housing and associated planning measures and legislative initiatives. Mr. Iverson expressed concern about

spending much time on determining carrying capacity. Some discussion followed. The Board was generally supportive of what was brought forward.

III. ADJOURNMENT

Ms. Mohr moved to adjourn at 8:29 PM; seconded by Mr. Fee; so voted 4-0.

Approved the 6th day of March 2024.

SELECT BOARD
FEBRUARY 20, 2024 – 6:00 PM
ROOM A AT MEETING TRALIER, 131 PLEASANT STREET
AND REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

II. 1. BPAC presentation re: Williams St and Pleasant St
II. 2. Email re: Four Corners capital project; Article 10/2018 ATM; Four Corners presentation
II. 3. Memo re: PLUS staffing and operational review; PLUS Staffing Report (Dec 2018); PLUS Operational & Staffing Review (May 2019)
II. 4. NP&EDC draft Vision and Mission
II. 5. Memo re: PLUS Agreement proposed modifications; Draft proposed modifications to PLUS Agreement; 2012 PLUS Agreement