

NANTUCKET AFFORDABLE HOUSING TRUST

~~ MEETING MINUTES ~~

MONDAY, October 28th, 2024.

Remote Meeting via Zoom– 1:00 pm

Trust Members: Brian Sullivan (Chair), Penny Dey (Vice-Chair), Meg Browsers, Abby De Molina, Shantaw Bloise-Murphy, Forest Bell, Tom Dixon

ATTENDING MEMBERS: Brian Sullivan, Penny Dey, Tom Dixon, Abby De Molina, Forest Bell

STAFF IN ATTENDANCE: Kristie Ferrantella (Housing Director), Rachel Field (Property Manager for the Town), Lee Smith and Janelle Austin (Town Counsel)

SPEAKERS IN ATTENDANCE:

I. Call to Order

Brian Sullivan called this meeting to order at 1:08pm.

II. Approval of Agenda – ACTION

Kristie Ferrantella suggested that they hold the meeting minutes for the next meeting.

Penny Dey made a MOTION to approve the agenda as amended. Tom Dixon seconded this motion.

ROLL CALL of those participating:

1. Tom Dixon Aye
2. Penny Dey Aye
3. Abby De Molina Aye
4. Brian Sullivan Aye

III. Approval of Minutes – ACTION

This item was not on the agenda. The chair was looking at the wrong agenda.

IV. Public Comments

No public comments at this time.

V. Review and discuss Open Meeting Law complaint filed by Meghan Glowacki and proposed response prepared by Town Counsel

Janelle Austin, of KP Law, informed the board that her colleague, Brian Riley, who had been overseeing this Open Meeting Law matter, was unavailable due to a scheduling conflict. She noted

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that a copy of the complaint and a draft response had been distributed to the members in advance. She explained that an Open Meeting Law complaint was filed on October 9, 2024, concerning a press statement made on behalf of the Trust. Town Counsel reviewed the matter and prepared a draft response for the Trust's consideration.

Janelle Austin explained that the complaint alleged improper deliberation relating to the press release, which Town Counsel had reviewed thoroughly. She indicated that, following any additional feedback from the Trust members, they would need a vote to authorize Town Counsel to file the response with the complainant and the Attorney General's Division of Open Government. This response would satisfy the compliance requirements for Open Meeting Law, with any necessary adjustments made based on the Trust's input.

She welcomed any specific questions from members regarding the complaint or the draft response.

Penny Dey asked Janelle Austin if there is a limitation on how many times somebody can file open meeting law violations?

Janelle Austin said that at this time there is no limitation to the open meeting law in terms of how many complaints may be filed against a particular public body in the current law.

Penny Dey said that as a taxpayer she is concerned about how many resources this is taking, not just with the Trust but with the Town overall.

Abby De Molina asked if there could be some sort of monetary charge when an open meeting law violation is filed that is related to the amount of work it takes to investigate it? She said that she doesn't know if for open meeting law, if that's something, but she knows that for Freedom of Information Act request it is possible, to have some sort of fee with it, just so that if someone is continually filing them, there is some sort of recourse financially.

Janelle Austin explained that the Public Records Law operates under a separate statutory framework. She noted that, under this law, a fee can be assessed through what is termed a "good faith estimate," which must be provided within 10 business days for any public records requests. She added that there is also an option to petition the Supervisor of Records if someone is determined to be using the law in a vexatious manner.

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Janelle Austin highlighted that, in contrast, the Open Meeting Law currently has no such provisions for imposing fees or addressing excessive filings. While pending legislation primarily aims to extend COVID-19-related adjustments for remote and hybrid meetings, there are no proposed provisions to limit or address repetitive complaints. She acknowledged that, in some cases, mediation could be a viable option. She also noted that the draft response prepared by Town Counsel includes an overview of the Open Meeting Law matter, clarifying that the actions in question involved town personnel rather than the Affordable Housing Trust or the Select Board.

Penny Dey commended Janelle Austin for the letter, stating that it was exceptionally well written and addressed all the necessary points, and thanked her for the effort that was put into it.

Penny Dey made a MOTION to approve the letter drafted by Town Counsel and to authorize them to send it to the Attorney General. Tom Dixon seconded this motion.

ROLL CALL of those participating:

1. Tom Dixon Aye
2. Penny Dey Aye
3. Abby De Molina Aye
4. Brian Sullivan Aye

Forest Bell has joined the meeting at 11:45am.

VI. Review and discuss ZBA Request for Written Comments on Surfside Crossing 40B Development.

Kristie Ferrantella noted that she had taken the previous submission and incorporated the notes from the last two meetings. Kristie Ferrantella added that if the committee votes to approve the document, she will send it to the Zoning Board of Appeals (ZBA) for their November meeting.

Brian Sullivan thanked Kristie Ferrantella for the work that she has done to get this done and asked if any Trust member had any questions or concerns about the letter.

Penny Dey said that she only had three changes that she would like to make on the letter.

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1. On page one last paragraph says that this is a joint statement between the Trust and the Developer, signals a commitment to year-round occupancy the Trust requests further clarity on how this commitment will be implemented.
2. Where it says teachers , nurses, firefighters etc. should be changed to say essential workers, municipal workers etc.
3. On number six, Path to Safe Harbor it says “the original comprehensive permit triggered 15 qualifying units to be added to our Subsidized Housing Inventory list” should say Nantucket Subsidized Housing Inventory list not “ours” because the list is not something that belongs to the Trust.

Penny Dey made a MOTION to approve the letter with these changes and send it to the Zoning Board of Appeals. Abby De Molina seconded this motion.

ROLL CALL of those participating:

1. Tom Dixon Aye
2. Penny Dey Aye
3. Forest Bell Aye
4. Abby De Molina Aye
5. Brian Sullivan Aye

VII. Other Business

- **Next Meeting: November 19, 2024**

VIII. Board comments

No board comments.

IX. Executive Session

- 1. Purpose 6: To Consider the Purchase, Exchange, Lease, or Value of Real Property Regarding 31 Dartmouth Street, where an Open Meeting May have a Detrimental Effect on the Negotiating Position of the Affordable Housing Trust Members and the Chair so Declares.**
- 2. Purpose 6: To Consider the Purchase, Exchange, Lease, or Value of Real Property Regarding 20 Pine Grove Lane, where an Open Meeting May have a**

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Detrimental Effect on the Negotiating Position of the Affordable Housing Trust Members and the Chair so Declares.

- 3. Purpose 6: To Consider the Purchase, Exchange, Lease, or Value of Real Property Regarding 31 Fairgrounds, where an Open Meeting May have a Detrimental Effect on the Negotiating Position of the Affordable Housing Trust Members and the Chair so Declares.**

Penny Dey made a MOTION to adjourn open session, to move to executive session not to return to open session with the purpose to consider, exchange, lease , or value of real estate property , where an open meeting may have a detrimental effect on the negotiating position of the Affordable Housing Trust Fund. Tom Dixon seconded this motion.

ROLL CALL of those participating:

1. Tom Dixon Aye
2. Penny Dey Aye
3. Forest Bell Aye
4. Abby De Molina Aye
5. Brian Sullivan Aye

X. Adjourn

This meeting was adjourned at 1:25pm