NP&EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

Nantucket Planning & Economic Development Commission APPROVED Minutes Hybrid Participation via Zoom Webinar & Community Room 4 Fairground Rd, Nantucket, MA 02554
March 25, 2024 @ 5:00PM *ADOPTED 04/22/24*

Commissioners: Vice-Chair Barry Rector, Mary Longacre, Nat Lowell, Bert Johnson, Seth Engelbourg, Kristina Jelleme, Joseph Topham, Dave Iverson, John Trudel, Wendy Hudson, and Dawn Hill Holdgate

Staff: Leslie Snell, Director of Planning, Megan Trudel, Senior Planner, Michael Burns, Transportation Program Manager and Nicky Sheriff, Land Use Specialist

I. Call to order:

Vice-Chair Rector called the meeting to order at 5:00pm.
The Vice-Chair Barry Rector read a prepared statement in accordance with Chapter 2 of the Acts of 2023 regarding open meeting law, which outlines how the meeting is conducted via remote participation and states the ground rules for any discussion.

II. Establishment of quorum:

In Attendance:

Commissioners:
Wendy Hudson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Kristina Jelleme *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*

Staff:

Leslie Snell, Director of Planning *Aye*
Megan Trudel, Senior Planner *Aye*
Michael Burns, Transportation Program Manager *Aye*
Nicky Sheriff, Land Use Specialist *Aye*
Raissah Kouame, Regional Planning Coordinator, MassDOT *Aye*
Monica Tibbits-Nutt, CEO MassDOT *Aye*
Janelle Austin, Town Counsel *Aye*
John Giorgio. Town Counsel *Aye* (joined meeting later 5:45PM)

III. Approval of Agenda:

Leslie Snell noted that the agenda needs to be amended as there is an incorrect date on the agenda for the election of Chair and Vice-Chair item. (Aoril 15,2024 changed to April 22, 2024)

Motion/Vote: Nat Lowell made a motion to approve the agenda as amended and the motion was duly seconded by Joseph Topham and the motion was carried unanimously.

Vote taken by Roll Call:

Wendy Hudson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Kristina Jelleme *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*

IV. Public Comments:

Hillary Hedges Rayport raised concerns about potential conflicts of interest within the Planning Commission regarding discussions and votes related to the town's Department of Planning and Land Use (PLUS). She pointed out that some members of the commission have regular business with PLUS, relying on their ability to secure hearings and permits from the department. Rayport highlighted the importance of adhering to ethics laws and stated that members with financial conflicts of interest should recuse themselves from discussions about the Director of PLUS and PLUS operations to avoid breaching these laws.

Rayport specifically mentioned Dawn Holdgate's personal friendship with the Director of Planning, emphasizing that personal relationships can also be sources of conflict of interest. She requested clarification on whether Holdgate had filed a written disclosure with the town clerk ahead of time regarding this friendship, as required by ethics laws. Rayport urged commissioners to be aware of their conflicts of interest and to recuse themselves from discussions where such conflicts arise. Overall, Rayport emphasized the importance of transparency and ethical conduct within the Planning Commission to ensure fair and unbiased decision-making regarding PLUS.

Vice-Chair Rector acknowledged that the issue was brought to their attention recently, and they had a conversation with Town Counsel regarding the matter. Rector then deferred to Town Counsel Janelle Austin to provide additional comments on the issue and determine the appropriate course of action regarding the matter.

Janelle Austin, Town Counsel, expressed her opinion that public comment is an opportunity for members of the public to share their thoughts, opinions, or comments with the commission. She clarified that there is no obligation under the open meeting law or constitutional principles for the commission to respond to public comment. Austin stated that it is ultimately up to the Chair to decide whether or not to respond to public comments. Therefore, she deferred to the Chair regarding any members who might wish to respond to the public comments raised.

Nat Lowell expressed the opinion that the issue of potential conflicts of interest within the Planning Commission is a significant matter that will require thorough examination by the Town Counsel. He noted that many people on the island work in trades or industries related to land use, houses, properties, and various other areas, which could potentially lead to conflicts of interest. Lowell mentioned his past jest about the idea that eventually, everyone serving on Boards in the area would have some form of friendship or conflict.
He emphasized that this is a complex issue that extends beyond the purview of the Planning Commission and likely requires extensive examination and guidance from the Town Counsel. Lowell assumed that Town Counsel has already begun to look into this matter and anticipates that there will be substantial work involved in addressing it.

Vice Chair Rector reinforced the point made by Town Counsel that disclosure of potential conflicts of interest is a personal decision. He emphasized that individuals are not obligated to respond to public comments and should feel free to chime in only if they wish to do so. Rector assured members that they were not on the spot and that their participation in responding to public comments was entirely voluntary.

Joseph Topham addressed the concerns raised about potential conflicts of interest by affirming that he had taken steps to ensure compliance with ethical guidelines. He mentioned that prior to joining the board, he had thoroughly vetted the dos and don'ts and had been cautious about crossing any ethical lines. Topham then shared that he had recently reached out to the ethics board to reconfirm the guidance he had received over two years ago. After a conversation with the ethics board and further communication with Leslie Snell, he received confirmation that he was not in breach or violation of any ethical standards. Topham's comments aimed to reassure the commission and the public that he had acted in accordance with ethical guidelines and had sought validation from relevant authorities.

Town Counsel John Giorgio joined the meeting at this time.

John Trudel addressed the potential conflicts of interest arising from his profession as a licensed realtor and construction supervisor, which intersect with land use and development matters. He emphasized the importance of maintaining a clear boundary between his professional responsibilities and his role on the planning board. Trudel stated that he recuses himself from any controversial matters directly involving his line of work and ensures transparency by disclosing any potential conflicts of interest. Trudel mentioned that he filed the necessary disclosure forms, including form 268a, to disclose appearances with conflicts of interest. He clarified that his interactions with the planning director, Leslie Snell, are primarily related to planning board matters or his role in the Nantucket Planning and Economic Development Commission (NP&EDC), rather than personal interactions. Trudel expressed confidence that he has handled any potential conflicts appropriately and stated his willingness to abide by the decisions of relevant authorities regarding his ethical conduct.

Dawn Hill Holdgate addressed the issue of friendship potentially being perceived as a conflict of interest. She stated that she had never encountered this concern in her ethics training or discussions with Town Counsel or the ethics commission. Holdgate acknowledged her friendship with Leslie Snell, which began when they worked together at the planning department years ago but emphasized that their personal relationship does not impact her ability to make sound decisions for the community in her professional capacity. She clarified that her friendship with Leslie is entirely separate from their professional roles. Holdgate expressed her willingness to address any public perception concerns and reiterated her commitment to serving the community impartially.

Wendy Hudson expressed concern about the handling of the letter related to the task at hand, noting that its absence from the packet raised questions. She emphasized the importance of transparency and equal access to information for all members. Hudson highlighted the challenges of maintaining friendships in a small-town political environment but emphasized the need for clarity and consistency in communication processes. She urged for improved procedures in the future to ensure that all relevant documents are included in meeting packets for equal distribution among members.

Catherine Slattery expressed appreciation for the option to attend the meeting in a hybrid format, allowing members to participate both in person and remotely. She highlighted the importance of having this flexibility, as it enables members to engage in a manner that suits their preferences and circumstances. Slattery thanked the NP&EDC for implementing the hybrid meeting setup, emphasizing its value in facilitating broader participation and engagement among members.

Barry Rector expressed his support for continuing the hybrid meeting format under his leadership. He emphasized the importance of providing flexibility for members to participate either in person or remotely. Rector indicated that the current meeting would serve as a test for the format, and he would seek feedback from the commissioners to ensure its effectiveness. He affirmed his commitment to maintaining this approach moving forward.

Hillary Hedges Rayport clarified that she had sent her query regarding ethics laws on March 16th, 2024, to several relevant individuals. Rayport expressed her appreciation for the consideration of her query and emphasized the importance of continuing to keep ethics laws in mind.

Leslie Snell clarified that if members of the public want to ensure that their written correspondence makes it into the packet for meetings, they should send it directly to the NP&EDC staff rather than to individual members, such as the Town Counsel and Chairman of Boards and Commissions. This ensures that the correspondence is properly received and included in the meeting materials.

V. Approval of Minutes

February 20, 2024

Motion/Vote: Mr. Lowell made a motion to approve the minutes as drafted and the motion was duly seconded by Wendy Hudson and the motion was carried unanimously.

Vote taken by Roll Call:

Wendy Hudson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Kristina Jelleme *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*

March 04, 2024

Motion/Vote: Mr. Lowell made a motion to approve the minutes as drafted and the motion was duly seconded by Mr. Iverson and the motion was carried unanimously.

Vote taken by Roll Call:

Wendy Hudson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Kristina Jelleme *Aye*
Mary Longacre *Aye*

Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Recused*
Bert Johnson *Aye*

VI Transportation Action/Discussion Items:

A. Discuss general statewide transportation priorities with MassDOT Secretary and CEO Monica Tibbits-Nutt

MassDOT Secretary and CEO Monica Tibbits-Nutt expressed her gratitude for being invited to the meeting and highlighted the critical role of the decision-making body in shaping transportation on and around Nantucket. She emphasized the importance of equitable transportation and expanding focus beyond the Boston Metro region to include all regions of the Commonwealth. Tibbits-Nutt mentioned several accomplishments, including collaboration with stakeholders on various projects such as funding for the Cape Cod Bridges program and electrifying the NRTA fleet. She expressed her commitment to working with the Nantucket Planning and Economic Development Commission to improve the transportation system in the region and throughout Massachusetts. Tibbits-Nutt also acknowledged the importance of climate action and announced the establishment of the first-ever Office of Transportation and Climate Planning and Policy. Finally, she thanked the commission for the opportunity to join the meeting and expressed appreciation for the virtual option.

B. Transportation Program Manager Update (see packet)

1) **Unified Planning Work Program (UPWP):**

a) FY2024 update on transportation planning tasks.

Mike Burns provided a brief update on management data collection, planning priorities, and implementation activities undertaken in 2024. This included amendments to the transportation improvement program to fund a lower emission NRTA fleet, installation of additional permanent traffic counting stations, evaluation of alternatives for Pleasant Street and Williams Lane, alignment of long-range planning efforts with strategic planning, initiation of the Regional Comprehensive Safety Action Plan update, coordination with the Bicycle and Pedestrian Advisory Committee, implementation of parking management measures, and progress on various projects such as Milestone Road improvements, the Wauwinet Road path, and the Four Corners roundabout.

b) FY2024 reallocation request

Mike Burns explained that due to approved salary adjustments and subsequent needs, staff requested to reallocate funds from the direct cost budget to the salary and overhead portions of the Federal Fiscal Year 2024 (FFY 2024) Unified Planning Work Program (UPWP) budget. He provided detailed spreadsheets for review and recommended approval of the reallocation as presented.

Motion/Vote: Mr. Lowell made a motion to approve the reallocation of the FFY 2024 UPWP budget as presented and the motion was duly seconded by Mr. Topham and the motion was carried unanimously.

Vote taken by Roll Call:

Wendy Hudson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Kristina Jelleme *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*

2) **Transportation Improvement Program (TIP):**

a) FY2024-28 TIP – Highway and Transit Program Amendment Number 3

Mike Burns clarified that the Transportation Improvement Program (TIP) is a 5-year plan for transportation investments using federal funds for both highway and transit components. The proposed amendment to the 2024 through 2028 TIP involves adding approximately $1.7 million to the federal fiscal year 2025 portion of the highway program to cover additional costs related to the Milestone Road and Pulpus Road project. This increase is due to escalated material costs and utility work, with the revised project estimate now standing at $2.9 million.

For the transit elements of the TIP, funding is being added for terminal charging and infrastructure improvements to the Greenhound station, as well as for the purchase of electric demand response vans and biodiesel buses. The proposed amendments cover two years, with additional funding for bus replacement. Burns recommended initiating a public review period for Amendment Number Three to the Federal Fiscal Year 2024 through 2028 TIP from March 29th through April 22nd, 2024, with a public meeting scheduled for discussion and action on April 22nd, 2024, at 5:00 PM. Notifications of this opportunity for public participation will be distributed by the communication staff, and the draft Amendment will be made available on the public outreach website.

Motion/Vote: Mr. Lowell made a motion to authorize a public review period for Amendment Number 3 to the FFY 2024-2028 Transportation Improvement Program from March 29 to April 22, 2024 with a public meeting for discussion and action on April 22, 2024 at 5pm. the reallocation of the FFY 2024 UPWP budget as presented and the motion was duly seconded by Mr. Johnson and the motion was carried unanimously.

Vote taken by Roll Call:

Wendy Hudson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Kristina Jelleme *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*

Discussion on the Motion

Wendy Hudson expressed interest in finding more information about the Gillig bus mentioned in the presentation, particularly its intended purpose and specifications. She also raised a concern about the significant increase in project estimate from $1.2 million to $2.9 million for the Milestone Road and Polpis Road project, considering it a notable jump.

Mike Burns provided additional information in response to Wendy Hudson's inquiries. He mentioned that more detailed information about the Gillig bus would be provided at the next meeting, including its specifications and intended use. Regarding the cost escalation for the Milestone Road and Polpis Road project, he explained that the increase was partly due to the rising construction material costs and unanticipated utility work, such as the relocation of overhead power utilities.

b) FY2025-29 TIP development schedule project listing scenario for highway and transit programs.

Mike Burns provided an overview of the draft Transportation Improvement Program (TIP) for the upcoming year, focusing primarily on the highway program. He detailed the projects slated for fiscal year 2025, including the design for the Wauwinet Road multi-use path and the intersection improvements at Milestone Road and Pulish Road. Additionally, Mike mentioned ongoing design improvements for the Milestone rotary, Milsestone/Nobadeer Farm Road intersection, and the widening of Milestone Road.

He highlighted the potential for future projects to utilize funds allocated through 2029 and mentioned the option of flexing Highway funds to the NRTA for transit program purposes. Mr. Burns also shared a map illustrating completed projects and upcoming components of the Milestone Road projects. Furthermore, he summarized the budget items for the transit program, emphasizing workforce housing as the highest fund request. Mr. Burns concluded by noting that the board would be asked to approve a public review period for the draft TIP from April 26th to May 20th, with final approval scheduled for the May 20th, 2024 meeting.

3) Title VI Plan – acceptance of updated plan

Mike Burns highlighted the NP&EDC's obligation to ensure non-discrimination in its services as mandated by Title VI of the Civil Rights Act of 1964. He informed the commission and the public that any person who believes they have experienced discrimination in the program or activity may file a complaint with the NP&EDC's Title VI coordinator, who also serves as the Director of Planning. He noted that the NP&EDC updated its Title VI plan in January 2023, incorporating feedback from MassDOT and addressing comments received. This resulted in an updated website with a Title VI plan web page, providing bilingual complaint forms and information on complaint procedures. Mr. Burns outlined the complaint process, which involves submission to the Title VI coordinator, review, investigation, resolution, and appeal if necessary. He emphasized that all complaint procedures are available on the bilingual website.
Lastly, Mr. Burns requested the commission to accept the update of the NP&EDC Title VI plan, which would be provided to MassDOT following the commission's action.

Motion/Vote: Mary Longacre made a motion to accept the NP&EDC's Title VI Plan with the references to the NP&EDC commissioners and staff updated to reflect the current time frame and the motion was duly seconded by Nat Lowell and the motion was carried unanimously.

Vote taken by Roll Call:

Wendy Hudson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Kristina Jelleme *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*

Discussion on the Motion

Wendy Hudson inquired whether the notices regarding the complaint procedures and Title VI plan are posted on the buses as well.

Mike Burns suggested coordinating with Communications and NRTA staff to consider posting notices on NRTA buses regarding opportunities for public comment on transportation planning activities, including the Title VI plan. He proposed providing a link or QR code to allow the public to access planning documents and commented that such an approach would offer a broader opportunity for public engagement.

VII. Other Action/Discussion Items:

A. Resignation of Mary Longacre as Chair

Barry Rector officially acknowledged Mary Longacre's resignation as Chair of the Commission and expressed gratitude for her service.

B. Election of Chair and Vice-Chair at the April 22, 2024 meeting

Barry Rector announced the upcoming election for the positions of Chair and Vice Chair. He requested interested individuals to submit a letter of interest to.

C. Public Comment

Barry Rector outlined the process for public comment, emphasizing the need for brevity due to the anticipated volume of comments. He established a three-minute time limit per speaker and encouraged individuals to avoid repetition. He also requested Commissioners to listen attentively without engaging in back-and-forth conversations with the public.

Many of the public comments expressed concerns about the process followed in the hiring of the Planning Director and urged the commission to reconsider and restart the process with a nationwide search. Several members of the community highlighted the importance of transparency, fairness, and adherence to proper procedures, emphasizing the need to restore public trust. Some also called for updates to the job description and a broader consideration of candidates. Overall, there was a consensus that the current process did not adequately reflect the town's values and expectations for such a significant position.

The meeting went into a five-minute recess at this point (6:45pm)

Steven Cohen emphasized the significant accomplishments of Leslie Snell and Andrew Vorce in transforming the Plus Department and improving various aspects of the town's operations over the past two decades. He highlighted their efforts in streamlining processes, enhancing customer service, clarifying town meeting procedures, and revamping zoning regulations. Cohen praised Leslie's dedication, effectiveness, and amiable demeanor, advocating for her retention as a valuable asset to the community.

Linda Williams passionately defended the work of Leslie Snell and Andrew Vorce, highlighting their dedication and the user-friendly environment they have created in the building. She expressed her dismay at negative comments about their work and emphasizes the importance of institutional knowledge in serving the unique needs of Nantucket. Ms. Williams stressed that promoting from within is common and argues against the portrayal of the Planning Board as responsible for growth, clarifying their role in reviewing individual applications based on existing laws and codes. She expressed trust in the Planning Commission and urged anyone with complaints to visit the Building Department to witness its efficiency firsthand.

D. Review of Open Meeting Law determination from Division of Open Government dated March 13, 2024 regarding Open Meeting Law complaint filed by Meghan Glowacki;

Town Counsel Janelle Austin provided an overview of the open meeting law process and the complaint that has been filed. She explained that the Attorney General's office issued a determination in response to the complaint, identifying certain deficiencies in the meeting notices and discussions related to succession planning and hiring. Austin emphasized that this is primarily a procedural matter regarding open meeting law compliance and does not pertain to substantive hiring decisions. The Attorney General's office has requested that the commission remedy the process issues, release the relevant meeting minutes, and discuss the planning director hiring process and contract in an open session. She concluded by stating that the commission should consider ratifying the contract in open session, along with any further actions necessary to address the open meeting law requirements.

E. Acknowledgement of prior release of February 23, 2023 and March 20, 2023 executive session meeting minutes and release of documents from such executive sessions held on February 23, 2023 and March 20, 2023, including Director of Planning contract (Leslie Snell)

Vice Chair Rector confirmed that the commission has fulfilled the first part of the process by releasing the minutes of the executive sessions held on February 23rd and March 20, 2023. He acknowledged that although there was a delay in posting them on the website, they are now publicly available. He clarified that no further action is needed apart from the public acknowledgment of the release of the minutes. He suggested closing this aspect of the discussion unless there are any additional questions or concerns from the Commissioners.

F. Discussion of Director of Planning Hiring and Appointment, Leslie Snell

Janelle Austin clarified that the Attorney General's division of open government has stated in its determination that there should be a public discussion regarding the director of planning position. This discussion should be open and transparent, allowing members of the commission to voice their perspectives through the chair. The focus of this discussion is on the process of hiring and the retirement process, rather than the specific outcome of the hiring decision. The goal is to ensure compliance with the open meeting law, especially considering there was a previous executive session discussion. Therefore, it's necessary to have a further discussion in open session, in addition to the public ratification that occurred in May 2023.

Barry reminded the commissioners that they will each have an opportunity to comment. He requests that they focus their comments on what is being required by the Attorney General in order to ensure compliance. He acknowledged that there was a lot of information presented during the public participation phase and encourages the commissioners to stay on topic despite the complexity of the situation.

Barry Rector outlined the options available regarding Leslie Snell’s contract. He mentioned the possibility of approving and ratifying the contract, or alternatively, deciding to wait 45 days and let it run its course. He emphasized the importance of each commissioner expressing their preference based on the testimony heard and their understanding of the situation. As vice chair, he encouraged the commissioners to take an active role in determining the commission's direction moving forward.

Mary Longacre sought clarification on the ramifications of not ratifying the contract. Specifically, she asks whether Ms. Snell would revert to her Deputy Director position or if she would have no position at all. The attorney (Janelle Austin) explained that if the contract is nullified, it would require analysis of labor and employment implications. This includes examining what the contract provides from a labor and employment perspective, including due process considerations. While the attorney hasn't conducted a full analysis for the current discussion, she acknowledged that there would be various legal considerations that would need to be addressed.

Seth Engelbourg asked about the possibility of executing a new contract, such as an interim or separate contract, given the circumstances. However, Town Counsel clarified that the agenda for tonight's meeting specifically focuses on the requirements outlined in the open meeting law termination. This included reviewing the director of planning contract, the position, and the hiring process. Therefore, the discussion is centered around compliance with the open meeting law regarding the director of planning contract.

Dave Iverson expressed gratitude to everyone who has participated in the discussion, even if he doesn't fully agree with their viewpoints. He emphasized his continued support for Ms. Snell, citing her extensive experience and expertise in land use and zoning regulations. He believed it would be challenging to find a candidate as qualified as her. Iverson advocated for discussing and ratifying Ms. Snell's contract, as he sees her experience as a strong asset for the position.

John Trudel echoed Dave Iverson's sentiments and expressed appreciation for the community members who have spoken out. He emphasized the challenges of filling positions on the island due to various factors such as housing, traffic, and seasonal dynamics. Trudel believes that Leslie Snell is the best person for the job, citing her extensive experience, knowledge of the island's intricacies, and past successes in her role. He highlighted the importance of retaining Leslie to avoid losing her to another community and the potential negative consequences of leaving the position unfilled. Trudel is prepared to continue the discussion and ultimately supported ratifying Leslie Snell’s contract.

Nat Lowell addressed the audience, expressing gratitude for their attendance and engagement. He reflects on the changes in land use and planning since 2005, emphasizing the complexities of the island's development and the challenges faced by local authorities. Lowell highlighted the distinction between the planning board and the Planning Commission, acknowledging that this difference has not always been effectively communicated to the public. He reminisced about the evolution of meeting procedures and technology, noting the transition from tape recorders to modern hybrid meetings. Lowell anticipated upcoming changes in land use regulations and infrastructure, such as increased use of electric vehicles and changes in transportation patterns. He stressed the importance of understanding the island's limited buildable land and the impact of development on the community. Lowell appreciated input from members of the building trades and landowners, recognizing the diversity of perspectives in the community. Despite acknowledging areas for improvement in the hiring process, Lowell expressed support for ratifying Leslie Snell’s contract. He believes that healthy opposition can lead to positive outcomes and hopes for greater understanding of the complexities of governance and property rights on the island.

Mary Longacre provided a comprehensive explanation of the circumstances surrounding the appointment of Leslie to the senior planner position. She emphasized the challenges faced in filling the position, including a lack of applicants and the sudden retirement of Andrew Vorce with only four months' notice. Longacre highlighted the importance of local knowledge in a place like Nantucket, where expertise developed elsewhere might not fully apply. She supported Leslie Snell’s promotion from within and stressed the need to ratify the contract to address legal concerns.

Joseph Topham expressed a deep connection to Nantucket as a native, reflecting on the changes he's witnessed over time. He touched on the efforts of several individuals in preserving the island's historic character. Topham emphasized the importance of community involvement in controlling development through neighborhood associations and deed restrictions. He discussed the challenges of modernizing the planning department and acknowledged Leslie Snell’s leadership in this regard, despite facing resistance and criticism. He stressed the need to move forward with Leslie Snell in her role, recognizing her expertise and dedication to the job. He also acknowledged past mistakes and the importance of transparency and accountability in the decision-making process.

Dawn Hill Holdgate highlighted the complexity of the hiring process within the town and expressed regret over the perceived lack of transparency in Leslie Snell’s appointment. She stressed that the intention was to promote a highly qualified internal candidate, noting the significant learning curve for someone new to navigate Nantucket's zoning bylaws. Ms. Hill Holdgate acknowledged the need for clarity in defining the internal hiring process and ensuring community input earlier in the decision-making process. Despite the concerns raised, she pointed out that Leslie Snell’s tenure thus far has been without complaints about departmental operations. She advocated for continuing with the ratification of Ms. Snell’s contract, citing the lack of alternative complaints and the need for clarity in future processes. She also noted that while there may have been discrepancies in the process, Town Administration was aware of the hiring process. In conclusion, Dawn emphasized the need to move forward, learn from the current situation, and work towards better defining processes for future appointments.

Seth Engelbourg began by expressing his commitment to the principles of open meeting laws and ethical conduct as a volunteer civil servant. He apologized for any involvement in the commission's violation of these principles and emphasized the importance of maintaining staff within the Nantucket Planning and Economic Development Commission (NP&EDC) and the town's Planning and Land Use Services (PLUS) Department.

Seth Engelbourg noted the complexity of the hiring process and the significance of having qualified candidates, whether internal or external, for key positions. He acknowledged the calls for a national search but highlighted the lack of clarity regarding the logistics and time frame involved. Engelbourg proposed ratifying Leslie Snell's contract for a shorter period, such as until June or December of the current year, to allow time for further research into conducting a search process. However, he was informed by Town Counsel, John Georgio, that unilaterally modifying the contract might not be legally feasible due to contractual rights vested in the agreement. Despite this, Engelbourg reiterated his belief in Leslie Snell's qualifications for the role and emphasized the importance of having a qualified candidate in the position to avoid vacancies. In conclusion, Seth suggested ratifying Leslie Snell's contract and committing to a more robust review of the director position before its term expires. He emphasized the need for ongoing discussion and planning to ensure the effective functioning of the NP&EDC and the PLUS Department.

Bert Johnson reflected on the unexpected nature of Andrew Vorce's retirement and his decision to recommend Leslie for the position. He acknowledged Andrew Vorce's hard work in building the PLUS Department and his collaboration with Leslie over the years. Despite the challenges of relinquishing autonomy, Bert understood Andrew's reasoning in advocating for Leslie Snell as his successor. Johnson expressed support for ratifying Leslie's contract, aligning with Andrew Vorce's endorsement and recognizing Leslie Snell's qualifications for the role. His remarks underscored the importance of continuity and honoring Andrew Vorce's legacy in the department's development.

Kristina Jelleme, as a newcomer to the commission, expressed her hesitation to vote on the ratification of Leslie Snell's contract due to her limited experience and understanding of the situation. She noted that the discussion seemed to focus more on the procedures followed rather than Leslie's qualifications for the position. Jelleme emphasized the need for the commission to take ownership and responsibility for any missteps in the process, highlighting the importance of transparency and proper procedure. She expressed her commitment to being part of the solution and addressing the issues at hand. Ultimately, Ms. Jelleme decided to abstain from voting on the ratification, indicating her desire to further understand the situation and contribute positively to resolving any challenges the commission faces.

Wendy Hudson reflected on her experience transitioning from Sustainable Nantucket to the current Commission, noting similarities in tension and distrust during that time. She expressed gratitude for the public comments and emphasized her commitment to seeking the best possible outcome. Hudson acknowledged the need for an apology regarding the flawed process that led to the current situation, expressing frustration at being put in that position despite her limited understanding of open meeting laws. She praised Leslie Snell's qualifications and the importance of promoting from within to address vacancies efficiently. While acknowledging the flawed process, Wendy expressed a desire for a middle ground, hoping to find a way to proceed with an open process while also recognizing the challenges presented by the current situation. She expressed a preference for an open search process to maintain public trust but understood the limitations of the options available. In conclusion, Wendy expressed her willingness to proceed with an open search process and not ratify Ms. Snell's contract. Her remarks reflected a desire for transparency and a commitment to finding a resolution that balances the need for accountability with the importance of maintaining public trust.

Barry Rector reflected on the recent events, acknowledging the commission's failure to put their best foot forward and the need to acknowledge and learn from their mistakes. He emphasized that the actions were done in good faith, aiming to move forward positively. Rector stressed the importance of transparency and openness in addressing the situation, expressing a commitment to correcting the mistakes made. He highlighted the ongoing dialogue between PLUS and the town manager, noting that the formation of PLUS in 2012 was at the request of the town manager to improve public accessibility. Speaking highly of Ms. Snell's qualifications and experience, Rector underscored the benefits of continuity in leadership and the risks of setting Nantucket back by bringing in someone new. He advocated for ratifying Ms. Snell's contract and emphasized the importance of succession planning for the future. Looking ahead, Barry expressed a willingness to engage in dialogues and discussions to ensure the commission aligns with the needs and voices of the public. He mentioned the potential for hybrid meetings and addressing various issues beyond PLUS in the future. In conclusion, Barry conveyed a sense of determination to move forward, learn from the past, and strive for transparency and responsiveness to the community's needs.

Town Counsel Janelle Austin's suggestion to conduct two separate votes—one to appoint Leslie Snell as the Director of Planning and the other to approve and ratify her contract. This method ensures clarity and transparency in the decision-making process and allows each aspect of Leslie Snell's appointment to be considered and voted on independently.

Motion/Vote: Mary Longacre made a motion to appoint Leslie Woodson Snell as Director of Planning effective July 1, 2023, and the motion was duly seconded by Mr. Johnson and the motion was carried unanimously.

Vote taken by Roll Call:

Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*
Wendy Hudson *Abstain*
Kristina Jelleme *Abstain*

G. Approval and Ratification of Director of Planning Contract, Leslie Snell votes may be taken.

Motion/Vote: Nat Lowell made a motion to approve and ratify Leslie Woodson Snell's contract effective July 1, 2023, and the motion was duly seconded by Joseph Topham and the motion was carried unanimously.

<u>Vote taken by Roll Call:</u>

Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*
Wendy Hudson *Abstain*
Kristina Jelleme *Abstain*

<u>Discussion on the Motion</u>

Seth Engelbourg sought Town Counsel's opinion as to whether making any changes to the contract language as proposed at this point were unwarranted or if there is still an opportunity to discuss that.

Town Counsel Janelle Austin & John Giorgio emphasized the potential legal complexities and implications involved in modifying an existing contract. Attempting to alter the contract language during this meeting could raise issues related to contract law, due process, and other legal considerations beyond addressing the open meeting law violation.

Nat Lowell emphasized the importance of improving the process for internal hiring, recognizing that this effort will involve collaboration with the Select Board and Town Administration. He highlighted the complexity of the Planning Commission's role and the need for independence in its hiring process. Lowell acknowledged that town governance is multifaceted and that there's a learning curve for everyone involved. He believes that enhancing internal hiring processes will benefit the town as a whole. He also advocated for increased collaboration through joint meetings and emphasizes the potential for more effective decision-making through such efforts. Lowell appreciated Seth Engelbourg's point about the practical considerations of conducting a broader search for candidates and suggests that these factors should be part of future discussions. Overall, Nat Lowell expressed optimism about the potential for positive outcomes through collaborative efforts to improve internal hiring processes within the town government.

Seth Engelbourg acknowledged Town Counsel's clarification on the issue, recognizing that there were public questions and concerns surrounding it. While he understands and agrees with the legal opinions provided, he also points out that there may be conceptual differences between what legally makes sense and what might seem sensible in principle. He suggested that conceptually, there could have been modifications to the contract that made sense, but he acknowledged that the current legal process does not allow for such changes. As a result, he deferred to the legal process and accepts the limitations in place regarding modifications to the contract.

Dave Iverson acknowledged the open meeting law violation and extended an apology to the public on behalf of the Commission. He emphasized that the violation was unintentional but acknowledges that they (the commission) were in the wrong.

Motion/Vote: Bert Johnson made a motion that the commission apologize for the inadvertent violation of the Open Meeting Law and the motion was duly seconded by Nat Lowell and the motion was carried unanimously.

Vote taken by Roll Call:

Wendy Hudson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Kristina Jelleme *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*

Discussion on the Motion

Town Counsel Janelle Austin indicated that the actions taken by the commission during the meeting will be reported to the Attorney General's office, specifically to the Division of Open Government. This report will include any actions or decisions made during the meeting. Additionally, the report will be provided to the complainant for their information.
Mary Longacre noted her resignation letter included an apology for her own participation in the situation. She also expressed her support for the Commission if they choose to expand the apology to encompass the entire board's actions. Longacre believed that such a collective apology would be wise and appropriate given the circumstances.

Joseph Topham expressed his apologies not only to the public but also to Leslie Snell and her entire staff for the turmoil caused by the situation. He acknowledged that this mistake has been a hardship for them as they try to manage the town's affairs. Topham emphasized that the error was unintentional and expresses sincere regret for any inconvenience or stress it may have caused.

Dave Iverson suggested that every member of the Commission, as well as the Planning Board, should undergo a refresher course on Open Meeting Law. He highlighted that these courses are *easily accessible and can be completed online, emphasizing the importance of ensuring that all members have a clear understanding of the law and its implications.*

VIII. Adjournment

Motion/Vote: Nat Lowell moved to adjourn the meeting and the motion was duly seconded by Bert Johnson and the motion was carried unanimously.

Vote taken by Roll Call:
Wendy Hudson *Aye*
Nat Lowell *Aye*
Joseph Topham *Aye*
Seth Engelbourg *Aye*
Kristina Jelleme *Aye*
Mary Longacre *Aye*
Vice-Chair Barry Rector *Aye*
Dawn Hill Holdgate *Aye*
Dave Iverson *Aye*
John Trudel *Aye*
Bert Johnson *Aye*

Links to the documents included in the Meeting Packet:

1. 032524 NPEDC AGENDA.PDF
2. DRAFT MINUTES 022024 NPEDC JOINT WITH SB FINAL.PDF
3. DRAFT MINUTES 030424 NPEDC FINAL.PDF
4. TRANSPORTATION MANAGER UPDATE 032524.PDF
5. RESIGNATION LETTER_MARY LONGACRE.PDF
6. NPEDC PUBLIC COMMENT 032524.PDF
7. NPEDC OML COMPLAINT DOCUMENTS.PDF
8. NPEDC EXECUTIVE AND OPEN SESSION MINUTES.PDF
9. EFFICIENT AND EFFECTIVE TOWN OPERATIONS STRATEGIC PLAN.PDF
10. SUCCESSION PLANNING DOCUMENT.PDF
11. CONTRACT_LESLIE SNELL.PDF

Submitted by: Nicky Sheriff