NP&EDC

NANTUCKET PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

NP & EDC – FRIDAY, NOVEMBER 15, 2024 @ 1:00PM APPROVED MINUTES

ZOOM ONLY

Link to YouTube:

https://www.youtube.com/watch?v=PZH6JrX-cWE

Commissioners: Chair Barry Rector *(remote participation)*, Vice-Chair Nat Lowell *(remote participation)*, Brook Mohr *(remote participation)*, Bert Johnson *(remote participation)*, Abby De Molina *(remote participation)*, Joseph Topham *(remote participation)*, Dave Iverson *(remote participation)*, John Kitchener *(remote participation)*, Wendy Hudson *(remote participation)*, Kristina Jelleme *(remote participation)*, and Michael Misurelli - *Absent*

Staff: Leslie Snell, Director of Planning *(remote participation)*, Megan Trudel, Senior Planner *(remote participation)*, Michael Burns *(remote participation)*, Transportation Program Manager *(remote participation)*, and Catherine Ancero, Administrative Specialist

I. **Call to order:**

Chair Barry Rector called the meeting to order at 5:00pm.

Chair Rector stated that this is a special meeting to discuss the Commission's enabling legislation. This session was intended solely for the Commissioners to review and process the relevant information, with no public testimony being accepted during this phase.

A roll call was conducted to confirm attendance.

Vote taken by Roll Call:
John Kitchener – *Aye (remote participation)*
Vice-Chair Nat Lowell – *Aye (remote participation)*
Brook Mohr – *Aye (remote participation)*
Dave Iverson - *Aye (remote participation)*
Joseph Topham - *Aye (remote participation)*
Kristina Jelleme – *Aye (remote participation)*
Abby De Molina – *(remote participation)*
Wendy Hudson – *Aye (remote participation)*
Bert Johnson - *Aye (remote participation)*
Michael Misurelli – *may or may not join*
Barry Rector – *Aye (remote participation)*

Staff:
Megan Trudel, Senior Planner – *Aye (remote participation)*
Leslie Snell, Director of Planning – *Aye (remote participation)*
Mike Burns, Transportation Planner – *Aye (remote participation)*

Chair briefly asked if there were any public matters not listed on the agenda. Hearing no response from the public, the meeting moved into the scheduled agenda.

II. Approval of Agenda:

Motion/Vote: Mr. Kitchener made a motion to approve the agenda and the motion was duly seconded by Mr. Iverson and the motion was carried unanimously.

John Kitchener – *Aye (remote participation)*
Vice-Chair Nat Lowell – *Aye (remote participation)*
Brook Mohr – *Aye (remote participation)*
Dave Iverson - *Aye (remote participation)*
Joseph Topham - *Aye (remote participation)*
Kristina Jelleme – *Aye (remote participation)*
Abby De Molina – *(remote participation)*
Wendy Hudson – *Aye (remote participation)*
Bert Johnson - *Aye (remote participation)*
Michael Misurelli – *may or may not join*
Barry Rector – *Aye (remote participation)*

Documentation: File with associated plans, photos and required documentation

Mrs. Snell addressed emails sent over the weekend related to the session and would like to enter into the record. Mrs. Snell explained that she had emailed the Commission to notify them about the meeting's purpose and several individuals replied to all recipients with questions or comments. One individual pointed that discussion via email should be avoided. To maintain transparency four emails were entered into the record. Mrs. Trudel displayed the emails on the screen for the Commission's review. Chair Rector reminded the Commissioners based on guidance from Town Counsel, to refrain from "reply all" email responses, stressing that only scheduling matters should be discussed through email. No action was required regarding the emails.

Hillary Rayport raised a point of order expressing concern that the communications entered into the record were not fully disclosed as they were only briefly displayed making it unreadable to some. Ms. Rayport requested that the emails be reposted, added to the meeting packet, or shared in a way that would allow for proper review.

In response, the email was read out loud to provide clarity by Mrs. Trudel. Ms. Jelleme requested clarification on the relevant Select Board meeting and answers to John's questions. Mr. Iverson raised concerns that the email thread could be interpreted as an Open Meeting Law violation and request should go through the Chair. John Kitchener replied asking for specific details on the direction previously provided and whether it was documented in writing. Mrs. Snell's email notified the Commissioners of a potential legal issue regarding the NP & EDC legislation changes discussed unexpectedly at a recent Select

Board meeting. Mrs. Snell explained that further deliberation would take place at the Select Board's November 13th meeting and that will need to have a special NP & EDC meeting on November 15th to address potential changes, depending on the Commissioner's approach.

Chair Rector stated that he acknowledges the concerns and confirmed that the meeting IS being recorded and that the recording will be available on YouTube for further reference.

III. <u>Ongoing Discussion, Enabling Legislation,</u> *votes may be taken*

Mrs. Snell stated that the NP & EDC will need to discuss the next steps for amending its enabling legislation which must proceed via the home rule petition process. Unlike other regional planning agencies created through state statute, the NP&EDC was established through a home rule petition. Senate Counsel clarified that the Commission must go through the home rule petition process. Mrs. Snell stated that here are the following options for moving forward: Pause – wait to see how the changes approved at the Special Town Meeting progress in the legislature before deciding; Citizen Petition – Submit a citizen petition directly to Town Meeting by the upcoming Monday deadline; and Select Board sponsor the warrant article for the changes.

Chair Rector suggested that the best course of action would be to submit a Citizen's Warrant Article. This would initiate the process of bringing the issue before Town Meeting, which offers the Commission more control over how the article progresses through the Financial Committee and Town Meeting. Chair Rector stated that this method was used effectively in their previous role with the Community Preservation Committee.

Mohr – Who serves on the Select Board and will vote on the final warrant, explained the reasoning behind the Select Board's prior discussion. The conversation originated from advice received through Senate Counsel, and the Select Board's goal was to assess potential support for the Commission's actions. Ms. Mohr clarified that the Select Board's intention was to offer guidance to the Commission regarding whether to pursue a citizen petition or aske the Select Board to sponsor the article. Ms. Mohr stressed the importance of understanding the legal implications and that the Commission's decision would influence how they vote.

Iverson – Expressed concern about bringing the issue to Town Meeting. Mr. Iverson stressed the complexity of the matter, stating that many voters may not understand the functions of the Regional Planning Agency or the NP&EDC. Mr. Iverson felt that asking the electorate to make an informed decision at Town Meeting could be problematic as it might lead to misunderstanding. Mr. Iverson referenced Ms. Jelleme's comment about struggling to grasp the complexities despite having been involved for months. Mr. Iverson suggested pausing and allowing the process to unfold further before involving the Town Meeting.

Vice- Chair Lowell – Vice-Chair Lowell agreed with Mr. Iverson's concerns. Expressing on the challenges of presenting the legislation to Town Meeting. Vice-Chair Lowell suggested that if the process resembled a public hearing, the Commission could better explain the complexities of the Planning Commission and its role. Vice-Chair Lowell compared the situation to the Island Home presentation, stating that a similar clear and detailed presentation about the NP&EDC's functions would be beneficial. Vice-Chair Lowell pointed out how the public often misunderstands the commission's role, citing an example of being wrongly blamed for decisions made by other bodies like the Historic District Commission. Vice-Chair Lowell stressed the need for more public collaboration and explanation to improve understanding. Vice-Chair Lowell also praised the draft legislation, stating that the thorough process it underwent, and expressed support for waiting while securing a knowledgeable external speaker, such as Judy Barrett, to clarify the issues. Vice-Chair Lowell stated that Ms. Barrett could provide an outside perspective and offer comparisons with the other

12 agencies that have regulatory powers.

Kitchener - Agreed with Mr. Iverson and Vice-Chair Lowell in favoring a pause on the enabling legislation process. Mr. Kitchener stressed that the Commission's strong foundation, praising its capable and dedicated members. While recognizing the potential benefits of the legislation, Mr. Kitchener expressed confidence in the Commission's ability to make meaningful progress without it. Mr. Kitchener advocated for shifting focus to their ongoing work, suggesting that building a successful track record over the next year could create a stronger basis for revisiting the legislation in the future.

Jelleme - Expressed support for pausing the enabling legislation process but offered additional insights. Ms. Jelleme acknowledged Mr. Iverson and Vice-Chair Lowell's concerns about the public's lack of understanding of the commission's role and the proposed legislation. However, Ms. Jelleme feels that these challenges could be addressed through public education and outreach. Ms. Jelleme stressed the importance of joint meetings and clear presentations to inform and engage the public, making sure that the public have a better understanding of the Commission's work and the legislation's purpose. Ms. Jelleme stated that town meeting had previously mandated the Commission to bring forward its own plan and stressed that effective communication would be crucial for success in the future.

Hudson - Supported pausing the enabling legislation, echoing Ms. Jelleme's emphasis on public outreach and education. Ms. Hudson suggested using the pause as an opportunity to revamp meetings and make them more community-focused, which could help broaden participation and understanding. Ms. Hudson believed this approach could strengthen the commission's efforts during the waiting period.

Topham - Concurred, advocating for public education while allowing the legislation to proceed to the state level to observe its progress. Mr. Topham stated that while the commission's groundwork was complete, the next step was to monitor its advancement at the state level.

De Molina - Supported pausing the enabling legislation to focus on public education and consensus-building. Ms. De Molina stressed the need for dual meetings and a comprehensive presentation to clearly communicate the commission's role and the rationale behind proposed changes. Ms. De Molina stated that reflecting on feedback from a previous public hearing, Ms. De Molina stated that the legislators stressed the importance of broad community consensus and collaboration with various groups. Ms. De Molina stated that there is a need to engage diverse community groups and stressed the collaborative process behind the changes, especially the balance between elected and appointed roles. Using public meetings, presentations and outreach to dispel misconceptions and showcase the inclusive nature of the Commissoin's efforts. Making sure that the approach aligns with legislative expectations for broad community support, making the case that the Commission has worked diligently to reflect community input.

Mohr – Expressed agreement with the consensus of the Commissioners and supported what has been discussed.

Johnson - Expressed agreement with Vice-Chair Lowell about the importance of educating the public on the Commission's work and its implications. Mr. Johnson stated that this educational effort should take place before presenting any proposals for a Town vote. Mr. Johnson confirmed his support for pausing immediate action, need to focus on public education and outreach at this time.

The Commission supports “pausing” immediate legislative action to focus on refining the proposal, building collaborative consensus, and engaging in well-timed public education to make sure that community has an understanding and support.

MOTION/VOTE: Ms. Mohr made the motion to rescind its prior decision to submit the proposal directly to the legislature. The motion was duly seconded and carried unanimously.

Vote taken by Roll Call:
John Kitchener – *Aye (remote participation)*
Dave Iverson - *Aye (remote participation)*
Joseph Topham - *Aye (remote participation)*
Bert Johnson - *Aye (remote participation)*
Vice-Chair Nat Lowell – *Aye (remote participation)*
Brook Mohr – *Aye (remote participation)*
Abby De Molina – *Aye (remote participation)*
Joseph Topham - *Aye (remote participation)*
Kristina Jelleme – *Aye (remote participation)*
Wendy Hudson – *Aye (remote participation)*
Barry Rector – *Aye (remote participation)*

MOTION/VOTE: Mr. Iverson made a motion to take no immediate action on the legislative proposal while continuing the importance of public education about the commission’s work and its legislative changes. The motion was duly seconded by **Mr. Kitchener** and the motion was carried unanimously.

Vote taken by Roll Call:
John Kitchener – *Aye (remote participation)*
Dave Iverson - *Aye (remote participation)*
Bert Johnson - *Aye (remote participation)*
Vice-Chair Nat Lowell – *Aye (remote participation)*
Brook Mohr – *Aye (remote participation)*
Abby De Molina – *Aye (remote participation)*
Joseph Topham - *Aye (remote participation)*
Kristina Jelleme – *Aye (remote participation)*
Wendy Hudson – *Aye (remote participation)*
Barry Rector – *Aye (remote participation)*

There was a brief discussion on the next steps for the legislative process regarding the home rule petition. Ms. Mohr suggested sending a letter to the appropriate Senate committee to update them on the Commission’s progress and efforts. Mrs. Snell clarified that the current bill, based on the first version of the home rule petition, will expire with the legislative session on December 31, as only non-controversial items are addressed before then. A new bill, resulting from the fall Special Town Meeting, will be filed in the new legislative session starting January 1.

The Commission decided to take no action until the new bill is filed and assigned a number. At that point, they will determine their role in the legislative process. Mrs. Snell agreed to track the bill's progress and suggested it be included in future agendas, likely starting after January when updates may be available.

Chair Rector commended the Commissioners for their hard work and dedication throughout the process.

III. Adjournment:

Ms. Mohr made a motion to adjourn the meeting at 1:58 PM. The motion was duly seconded by **Mr. Kitchener** and the motion was carried unanimously.

Vote taken by Roll Call:

John Kitchener – *Aye (remote participation)*
Dave Iverson - *Aye (remote participation)*
Bert Johnson - *Aye (remote participation)*
Vice-Chair Nat Lowell – *Aye (remote participation)*
Brook Mohr – *Aye (remote participation)*
Abby De Molina – *Aye (remote participation)*
Joseph Topham - *Aye (remote participation)*
Kristina Jelleme – *Aye (remote participation)*
Wendy Hudson – *Aye (remote participation)*
Barry Rector – *Aye (remote participation)*

Submitted by: *Catherine Ancero, Administrative Specialist*

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NP & EDC Packet: No packet available