



# HISTORIC DISTRICT COMMISSION SPECIAL MEETING

2 Fairgrounds Road  
Nantucket, Massachusetts 02554  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Kristine Glazer (Chair), Diane Coombs (Vice-chair), John McLaughlin, Raymond Pohl, Abigail Camp  
**Associate Commissioners:** Vallorie Oliver, Matt Kuhnert

~~ MINUTES ~~

**Monday, August 29, 2016**

Public Safety Facility, 4 Fairgrounds Road, Training Room – 1:00 p.m.

Called to order at 1:11 p.m.

Staff in attendance: John Hedden, PLUS Administrative Specialist; Terry Norton, Town Minutes Taker  
Attending Members: Glazer, Coombs, McLaughlin, Pohl, Camp, Oliver, Kuhnert  
Absent Members: None  
Late Arrivals: None  
Early Departures: None

Agenda adopted by unanimous consent.

## I. PUBLIC COMMENT

None

## II. DISCUSSION WITH TOWN COUNSEL ON LINDA WILLIAM'S OPEN MEETING LAW (OML) COMPLAINT AND AUGUST 22<sup>ND</sup>, 2016 RECORD REQUEST BY LINDA WILLIAMS

Voting	Glazer, Coombs, McLaughlin, Pohl, Camp, Oliver, Kuhnert
Documentation	Open Meeting Law complaint; public records request.
Town Counsel	John Giorgio, Kopelman & Paige P.C.
Concerns	<p><b>Giorgio</b> – In response to the OML complaint, he will draft the response in the form of a letter to the Attorney General (AG) copied to complainant addressing each violation that needs to be addressed. Offered to provide OML training applicable to HDC's unique circumstances. Reviewed the OML complaint and related regulations. Referred to allegations that he recommends not be responded to and explained why: there are allegations about "should have done certain things" which are opinions and don't rise to the level of OML violation.</p> <p><b>Camp</b> – Asked what will happen to allegations not addressed.</p> <p><b>Giorgio</b> – Explained how he will address those allegations in his letter to the AG. The complainant can object. Explained that if necessary, he will file for an extension; noted the complainant has stated she will object to the AG over an extension. Reviewed the individual complaints and whether or not and how he will respond to them.</p> <p><u>Item 1 a, b, &amp; c</u></p> <p>Tuesday, July 12, 2016: complaint is over 30 days old and therefore not a violation.</p> <p>Tuesday, August 2, 2016: referred to documents that need to be attached to the minutes with a list of documents referred to at the meeting.</p> <p>Tuesday, August 16, 2016: 3 Old Farm Road brought up under "Other Business" is not a violation; job postings and job descriptions discussed should be attached to the minutes.</p> <p><u>Item 2 a, b, c, d, &amp; e</u></p> <p>Wednesday, July 13, 2016: allegation of an "unposted meeting" of three HDC members took place at 2 Fairgrounds Road is more than 30 days old and a review of the facts indicate it wasn't a meeting.</p> <p>Tuesday, July 19, 2016: complaint is more than 30 days and will be addressed under Item 2c.</p> <p>Tuesday, July 26, 2016: alleges the a quorum conversation took place after it was requested the recordings be shut off; if that allegation is correct, it is a likely violation of the OML and will be acknowledged as such; if the response of the individual commissioners is that no one recalls, he will need to talk to other people who were in the room at the time; explained what remedial action would be taken. Asked Mr. Pohl to listen to audio recording from July 26, 2016 and inform him if there is further information on that recording that might explain what transpired.</p> <p>Tuesday, August 2, 2016: in regards to Ms Coombs having made a statement about 11 Fayette Street before the meeting was called to order, this violation is inadvertent.</p> <p>Tuesday, August 9, 2016: in regards to the letter to BOS, should have been noted on the agenda with a more detailed description as was done on the agenda for the initial discussion.</p>

Public Records Request

Explained he will respond to this request to the AG and note that if anything further comes to light, that will be responded to at that time.

Reiterated that the BOS letter should be made part of the public record and attached to minutes; that the public didn't see the letter is not an OML violation.

Asked for another meeting to be scheduled Wednesday, September 7, 2016 at 4:30 p.m.. Reviewed prior OML complaints against the HDC.

**Pohl** – Asked if it is possible that someone who is interested in obstructing the board to file frequent OML complaints that are without substance..

**Giorgio** – If in the review of a complaint he determines a complaint to be frivolous, he does not spend much time on it. Noted that there are people who are serial complainants and the AG recognizes that.

**McLaughlin** – Wants it noted on the record that on February 10, 2016, he was certified under the conflict of interest law.

**III. HDC BUSINESS**

Approve Minutes	None
Review Minutes	None
Other Business	None
Commission Comments	None

List of documents used at the meeting:

1. Public Records Request email dated August 17, 2016 and Town Counsel response dated August 21, 2016. (attached)
2. Open Meeting Law Complaint form received by the Nantucket Town Clerk on August 23, 2016. (attached)

Motion to Adjourn: 2:22 p.m.

Submitted by:

Terry L. Norton