

**BOARD OF SELECTMEN
MINUTES
Wednesday, September 7, 2016
PSF, 4 Fairgrounds Road, Training Room – 6:00 p.m.**

**Purpose: Special Joint Meeting with BOARD OF SELECTMEN, HISTORIC DISTRICT
COMMISSION, NP&EDC**

ATTENDING BOARD OF SELECTMEN MEMBERS & STAFF: Jim Kelly (Chair), Dawn E. Hill Holdgate (Vice Chair), Rick Atherton, Robert DeCosta, Matt Fee, C. Elizabeth Gibson (Town Manager)

NP&EDC STAFF IN ATTENDANCE: Andrew Vorce, Director of Planning; Leslie Snell, Deputy Director of Planning; Eleanor W. Antonietti, Zoning Administrator

ATTENDING NP&EDC MEMBERS: Nat Lowell (Chair), Kara Buzanoski, Matt Fee, Jack Gardner, Wendy Hudson, Leslie Johnson, Barry Rector (arrives after meeting called to order), John Trudell

QUORUM ESTABLISHED AT 6:19 PM

NP&EDC MEMBERS ABSENT: Andrew Bennett (Vice Chair), Bert Johnson, Joe Marklinger

ATTENDING HISTORIC DISTRICT COMMISSION MEMBERS: Kristine Glazer (Chair), Diane Coombs (Vice Chair), Raymond Pohl, John McLaughlin, Abby Camp, Vallorie Oliver (Associate Member), Matthew J. Kuhnert (Associate Member)

PUBLIC PRESENT: *See minutes.*

I. Call to Order:

The meeting was called to order at 6 p.m. by BOS Chairman Jim Kelly and HDC Chair Kristine Glazer. M/S/A to recess and move to 1st floor Conference Room
UNANIMOUS by both BOS & HDC

II. Establishment of Quorum:

Quorum established for BOS & HDC at 6 p.m.
Quorum for NP&EDC established at 6:19 p.m.

III. Approval of Agenda:

Adopted by UNANIMOUS consent.

IV. PUBLIC COMMENTS:

Michael May – Nantucket Preservation Trust – reads from prepared statement. In favor of giving HDC all the tools it needs. Town support has declined. NPT conducted best practice study in 2015 to study other communities' endeavors to protect their historic fabric. Inadequate staffing and lack of human resources. Meetings are too long and people don't want to serve on HDC. Needs professional in house staff to assist applicants and provide technical input to commissioners. It was set up to be an independent board. In favor of HDC being involved with selection of new staff. PLUS has overstepped and HDC needs to remain free from perception of outside agency influence. NPT agrees with and supports HDC's request for more independent staff role. Urges BOS to give them resources they are requesting.

Charles Stott – Co-President of Nantucket Civic League – reads from prepared statement. Cites historical activities of NCL. HDC is vital to preservation of island's architectural integrity. HDC's 8/9/2016 Memo to BOS was discussed at Exec. Committee last night. Broad consensus that trained dedicated staff is essential. No position on removal of HDC from agreement.

Lucy Dillon – reads from prepared statement from former HDC member Kevin Kuester

In favor of supporting HDC's request.

Steven Cohen – attorney – agrees that HDC is critical to island economy but there is confusion of issues. We are more on the same page than parties seem to realize. No one doing reports before and after meetings. But moving it out of PLUS makes no sense. They just need more integrated support. Problem is that it is understaffed and underserved. It has begun to operate more within its proper jurisdiction lately. Major mistakes were corrected in 2012. Keep the network of PLUS intact but give HDC the additional support staff that it needs. Before PLUS, things were bad and they are better now. Services have improved. Continuing along that path will benefit all.

Linda Williams – speaking as former Chairman and Board member & not as NPEDC member – I will not repeat what I have already said in print. Been involved with town government since 1983. (Lists all of her various TON positions, past and present.) It was chaos before consolidation. Cannot have one rogue staff and board. PLUS was contracted to keep everyone under one roof and to save money. This is not a pro-development issue. Ashamed of actions of some HDC and BOS members. Blaming the staff is wrong. Libby should be given latitude to handle staffing. BOS should not insert itself into her hiring operation. Charter would need to be changed. You would need at least 7 members to vote to terminate the contract. Keep HDC under TON administration and keep the contract with PLUS. A previous Chairman of HDC told HDC Administrator not to do reports. A lot of things have been signed off on that should not have been signed off on. As Chairman, I was kept abreast of personnel issues. We have been discussing staff reorganization for several years. This is no surprise. When I left the Board, the current Chairman was in constant communication with PLUS staff. Give it a chance. If it fails, we reassess. No. 1 job candidate has a Historic Preservation degree. He will be well acquainted with Nantucket. They will have a dedicated Minutes person and a support staff clerical person to help John. Andrew and Leslie reorganized. You should support Libby. Do not undercut Libby's jurisdiction. That is not allowed under the Charter. HDC is in desperate need of 3 new staff members. Ridiculous to stop the hiring. Don't get lost in the weeds of "protecting the streetscapes". No one has to do anything if HDC stays within their jurisdiction. Verbal abuse, disrespect and rudeness has been dealt Libby, Andrew, and Leslie.

Ken Beaugrand – Chair of Nantucket Preservation Trust – Need for independent and qualified professionals. Critical that job descriptions are acceptable to the HDC. That has not been full understanding.

Barry Rector – Notes for the record that there is now fully constituted quorum of NP&EDC called at 6:19

David Barham – Former Chairman of HDC – 4 reorganizations in 5 years does not speak to a record of success. Feels that no one has consulted with HDC as to its needs. Indicative of staff that is not attuned to needs of the board it is serving.

Brian Chadwick – former BOS member – reads from part of letter addressed to I&M. Appalled at behavior of BOS and HDC. Served 2 terms as member of BOS and NP&EDC. BOS spent a lot of effort to improve professional and administrative management. We strengthened the intent of the 1996 legislation established by the Charter. Direct reports to TON manager. HDC is part of TON administration and should conduct its departmental functions according to rules established under administration. HDC Enabling Legislation remains unaffected. PLUS oversight has led to improvements and interfering with a hiring process is unnecessary. End the interference and unprecedented meddling. Let professional managers do their jobs.

Mike Glowacki Is this the PUBLIC COMMENT part of the Agenda?

Jim Kelly This isn't a public hearing. I know the NP&EDC wishes to speak afterwards.

Glowacki So now is the time to talk. This seems to be a tempest in a teapot. Cooperation is a 2-way street. Charter and OML exist. Difficult to find BOS minutes on line.

Kelly We are changing that.

Bob DeCosta You are off topic

Glowacki I am talking about BOS complying with the Charter.

Catherine Stover (Liberty Street) A Charter change is not a hard thing to accomplish. It happened in 2002 when HDC was put under Town management. What we have now is not what the people voted for. All it takes is a Warrant Article.

V. ACTION DISCUSSION ITEMS

A. Discussion with Board of Selectmen regarding the Historic District Commission's ("HDC") Memo dated August 9, 2016, requesting the removal of the HDC from the 2012 Agreement between the Town of Nantucket and NP&EDC.

Jim Kelly invites **Kristine Glazer** to speak.

Glazer – Chair of HDC – apologizes that PowerPoint she wanted to present is not working due to technology problem. Has handed out a chart illustrating a chronology of changes that have impacted HDC from 2006-2016 taken directly from TON Annual Reports. Thanks all for participating. Reads from prepared statement cataloging history of HDC administration and activity. 44% decline in HDC submissions in 2010 due to market crash. The Chart lists percentages of numbers of applications and inspections. In 2011, several TON departments were consolidated. HDC assistant was reconstituted to become a minute taker. Streamlined permitting was the goal. As of 2016, these goals have not been fulfilled. Continue to use paper system and commission is encumbered by incomplete applications. Operational, managerial, budgetary efficiency were the goal of the consolidation. 2012 is the year of the MOU. Was supposed to improve customer service but HDC dedicated personnel was reduced from 4 to 2. Negative results of this consolidation include 1) Impact on enforcement and compliance, 2) loss of professional / institutional memory, and 3) lack of accountability and oversight. Best practices and regulatory process are not well known by current HDC members. NP&EDC is a Regional Planning Agency separate and distinct from Nantucket. Outsourcing is problematic. It is parallel but not part of town government.

Matthew Kuhnert – Associate Member of HDC – Our effectiveness has been compromised by erosion of dedicated staff. HDC should be consulted in development of proposed restructuring. Should be under direct oversight of Town Manager. HDC regulates changes of about 7,000 historic buildings. We have no dedicated staff to administer policy. Volume has increased to higher levels. To fulfill our mandate as an elected board of volunteer lay people we need dedicated staff. We do need clerical staff and an inspector but we also need professional expertise. Minimum qualifications are not robust and don't reflect the work that needs to be performed. BA is minimum qualification, not even a graduate degree. There are no assurances that these proposed staff would be exclusively dedicated to HDC. HDC requests that BOS articulate its support of HDC and we want Town manager to oversee HDC and support staff should be replenished to 2012 levels.

Dianne Coombs – Vice Chair of HDC – has served on HDC for 14 years. Highly respected board. Elected by public. It has been a commission for over 50 years. Shouldn't be part of another department. It should be able to stand by itself. Wrote a letter to Jim Kelly. We need an administrator who knows what he is doing. Staff should be aware of the history of what has been passed already. Important independent commission. Libby's supervision worked before and it will work again. We should have that option available to us. We know what is needed to be qualified for the job. You now have 5 volunteers doing office work. We need what we had before. 4 staff people.

John McLaughlin – Member of HDC – Interferences from other departments are preventing us from running things properly. TON needs to change that legislation. I will write a letter to the paper. A lot of things need to be straightened out.

Kelly ask HDC members to summarize a specific request.

Glazer et al Ask that the BOS articulate its support. Transfer supervision back to Town manager. Restore staff to 2012 levels and allow HDC to participate in hiring of said staff.

DeCosta explain what staff of 4 is going to be doing that the current PLUS staff is not doing. Previous chairman stopped technique of reviewing plans before applications are submitted.

Glazer HDC wants people right away. We did not understand the mechanics of the hiring.

Ray Pohl – Member of HDC – I have a self-interest which is the interest of the board. We have had a longstanding need for staff and we need it right away. Don't want to get too embroiled in mechanics of switching out of PLUS. We need to hire. Go forward with PLUS hiring process – there are good candidates. We have time to vet candidates to see if they will work for our Board and if not we reevaluate. I am in favor of immediate hiring. We may not need 4 but need more than zero. I don't know if seceding from PLUS is the answer. The short term goal is to garner support.

DeCosta There are many problems. You need a staff person. The way system is set up in PLUS Dept. now is phenomenally better. There is always someone there who understands all the applications in there. If someone goes on vacation or gets sick, the dept. cannot come to a screeching halt. The inspector position ... it's quick now. What is lacking lately is someone to review the documents when they come in to decide what goes on consent, what needs to go back, or what needs to be changed. Now it is up to the Board. Many things could bypass HDC hearing which are so long they run out of time. You need to be able to concentrate on important things and weed out the like kind or consent applications. Thinks BOS should be taken out of HDC appeal process. It should just go right to the courts. Unfair pressure from neighbors on you when you are there to concentrate on exterior architectural features. Drags meetings on and on. Things end up before the board that should not. Having a staff person to weed those out would be efficient. I won't support independent staff that reports to just HDC b/c HDC changes every year.

Atherton I don't think BOS will support staff that literally reports only to HDC. Having a professionally qualified staff member is important. Reviewing applications, filtering them, examining the plans, someone with architectural knowledge. We could compromise. Having a professional administrator is something we can all agree on.

Kelly that is why I asked for summary as you had sort of eliminated the charter amendment request. Personally reluctant to get into what kinds of people need to be hired but it is up to the TON administration to give you the resources you need and you are the best placed to know what that is. We need to provide you the staff you need.

Holdgate As to verbalizing support of HDC, I spent years on HDC b/c I care about it. It is important to the community and getting through the workload has been a struggle through the years. We could move in the direction of supporting their reasonable requests.

Fee agrees with Dawn. Professional reviewing and a few dedicated and a few shared staff are warranted. Like with Conservation Commission and Board of Health – it is a regulatory board. We need enforcement. Still should be housed at 2 Fairgrounds. Very convenient. Charter change is in the future, if at all. We want it to work better. Has been an issue for 4 years and has gotten worse, partly because Linda did a lot of work and she is not there. You cannot have something sustainable if volunteers are doing all the work.

Atherton come to resolution on job description including certain professional criteria/qualifications.

McLaughlin we have no staff. We should be hiring them to work for us, not another department. This is a take-over. Want people to know what is going on.

Atherton staff can be located in PLUS dept. but they don't necessarily have to report to PLUS staff. There are other organizational structural options. HDC's responsibility is a little different from that of other dept.s located in PLUS. We should not rule out switching it to some other part of Town administration. Do we discuss that now?

Kelly want this board to take a position and make a decision.

Coombs background of person hired as administrator is critical. John Hedden has learned very quickly. But we need someone more qualified as to historic restoration and zoning.

McLaughlin are there any comments from Town Counsel?

Kelly TC is prepared to talk about options

John Georgio – Town Counsel – This is a pure policy question as to how TON should organize PLUS dept. There are some legal issues which need addressing depending on which option. May not be productive to have that discussion tonight. You have an MOU and you have a Charter. Important for BOS to come to consensus as to how you want to proceed and we can advise you.

Kelly do we agree that Charter Amendment is off the table?

Polls sitting members. All agree to take Charter Amendment off the table.

Discussion about what staff description should be. Consensus is that HDC needs help handling applications. They are asking for a dedicated staff.

DeCosta Jeff Carlson is dedicated ConCom staff, but he has a whole other dept. he works for. You have to be careful with Union. They have to work for either PLUS or Town but not only the HDC. The person they have ready to hire could fill that position.

Kuhnert a lot of commentary about preliminary review personnel but we need someone who can provide research and input to the public as to historic preservation etc... The Section 106 process and the MEPA process.

DeCosta disagrees. Applicants need to be able to do their own due diligence.

Kuhnert one can never trust the applicant to provide information that is not in their best interest. We are only asking for 4 personnel. We could collaborate to devise adequate job descriptions to make sure that the work is being done properly.

Holdgate my understanding is that a consultant would be hired for additional level of expertise, would be paid for by the applicant, and would be of the HDC's choosing.

Kuhnert have not seen any such job description. Ensuring continuity of professional and policy and regulatory norms. This is not currently being achieved.

Atherton having a professional of this type on Town's staff who could have a broad perspective and do the detail work is necessary. Broader responsibility to interface with the community is needed.

Kelly synthesizes what they are asking for. They are asking for an HDC Administrator.

HDC Consensus YES

Barry Rector – commenting as NPEDC member – thinks HDC should have approached PLUS staff to be involved in hiring. Have served on boards and commissions for 15 years. Things are in place and HDC needs to talk to the staff who has developed them. Need to understand what has been brought into place. Go through Libby or PLUS staff.

Libby Gibson we have been at this for months in trying to provide HDC with higher level of staffing. There have been communications. Detailed memos. Stuck with living within collective bargaining obligations and a strict budget which hampers ability to hire exactly who HDC would prefer. We want help in developing an RFP in engaging a firm on an as-needed basis. We cannot hire an administrator in a vacuum here. How many historic structures have come before the HDC that could have used more detailed review? No one knows. Also dealing with changing board. Stuck with an elected board that is independent and makes its own decisions. Another idea is to conduct an operational review of the HDC to answer several questions. Worried about hiring someone with high qualifications whom we could not adequately compensate. This is not likely to be a non-union position.

Kelly Operational review should be done before candidates are identified.

Gibson would caution you all. Administrative changes to bring HDC staff under Town administration would be time consuming.

DeCosta asks to hear from Andrew

Gibson advised all to avoid delving into qualifications of applicants.

Andrew Vorce – Executive Director of PLUS – There is a part-time minute taker and another administrative specialist. Our administrative staff works very hard for HDC. John Hedden works very hard and does a fine job. All of our staff has been cross trained. It has not been overnight but they work well helping people. Final position is the Historic Compliance Coordinator who would be in the field following up on the enforcement. We know that people filling in have caught some things that were not caught before. The candidate meets those qualifications and would be a great asset for the commission.

Kelly we have taken the issue of the Charter Amendment off the table. Can we agree to move forward with hiring practices?

Pohl point of clarification. Personally – not speaking for entire board. The need is acute and longstanding. He is in favor of hiring candidates right now as it will take weeks to get familiar with the process. Urgent need

Fee difference of perception needs to be bridged. There needs to be a mechanism to solve this type of problem.

Kelly you shouldn't have to come before the BOS.

DeCosta we have an RFP out for an independent consultant whom you can request when your building is historic and in the historic district. He would not be full time. This is how we do a lot of things b/c we cannot afford such full time staff. This board asks for outside expertise/consultants all the time.

Glazer cites Andrew's memo dated 8/1/2016. Reads it aloud. Says the discussion was not inclusive. This Board has worked very hard since April. Glad Diane and Ray were able to meet with the candidate.

John Giorgio It's important to read the MOU. May be an issue of perception. MOU makes it very clear that while PLUS provides services to the HDC, the Director of PLUS reports to the Town Mgr. Policies flow from BOS. Seems that if there is an issue with whether or not HDC is being included in some of this decision making, those concerns would be brought up with the Town Mgr.

Kelly that is what we are doing tonight.

Giorgio It's an issue of staff. The line here is to go to Town Mgr. who is ultimately responsible to the board and to the town for the effective administrator of this MOA.

Nat Lowell – Chair of NP&EDC – My signature is on that MOU. Town Counsel points out that this could have all have been handled through Libby without need for airing dirty laundry in the paper and in public forum. Andrew's job comes under the NP&EDC. He cannot be fired by BOS. Linda was doing all the work. PLUS staff is cross trained and this is why PLUS was created. Let the people running things manage things and if you have a question, talk to them.

Kelly would like to resolve this tonight. There is a lack of quality communication between some of the parties. Question is how do we go forward tonight?

DeCosta Let staff do their job. We don't hire people.

Kelly Libby needs to meet the expectations of this Board.

Val Oliver – Associate Member of HDC – PLUS staff does an excellent job. What is lacking is that specific person. This job description is nebulous. We don't want to have 6 hour meetings. We are asking for a dedicated support person who can go through the applications. Linda did the lion's share of that job. As volunteers, who will hold us accountable if we make a mistake?

Kelly You are talking about adding another person or altering the job description. We need to rely on HDC to tell town administration what they need.

Fee they are telling us what they need. Are we listening?

Gibson confused about what is wanted here. We could tweak the job descriptions. We asked for help and input from them about preservation consultant. If the board wants to see some sort of stronger position but there is always going to be collective bargaining.

Oliver face of HDC for the public, looks at applications, inspects ... one person.

Gibson We can refine the Compliance Inspector position. The Administrative Assistant is the other job.

Holdgate could 2 delegated members of HDC be involved in hiring? BOS should be taken out of this.

DeCosta We are micromanaging. We should hire and if it doesn't work after 90 days, start over again.

Pohl feels that the candidates have been thoroughly vetted. People can grow into a job. Every demand doesn't need to be met right now. Let's hire.

Kelly We need one voice to articulate.

Glazer didn't attend the interview. Ray and Diane met the Historic Compliance Coordinator applicants.

Kelly asks for clarity

Glazer we want an administrator in addition to the assistant who comes to our meetings.

Kelly would you work with the Town Mgr. ?

DeCosta warns about this resulting in every board coming in to ask for new staff

Gibson we are trying to hire and fill the positions.

Glazer Hire them. Wants to know if the clerical person be working with John Hedden?

Holdgate you need to sit down with Town Admin. You can always come back for an additional position if the budget permits.

Kelly we have eliminated the Charter Amendment.

Atherton there is a perception that PLUS admin. primarily reports to NP&EDC.

DeCosta PLUS is overseen by Andrew.

Kelly you don't need an MOU for Libby to delegate to Andrew. Looking for consensus. Conversation between HDC and Town Administration. I wouldn't recommend a change in the reporting relationship or asking Libby to change that.

Fee what is the management mechanism to solve disputes or misunderstandings in the future? This is overkill. It got to this point so we need to be here, but how can we avoid this?

Kelly it goes to Andrew and if that does not resolve the problem, they go to Libby and if that doesn't resolve the problem then they come here.

Gibson happy to meet with a few HDC members about this.

DeCosta if you have a grievance with PLUS, you can come to Libby. Her door is open.

Kelly No motions were taken.

Holdgate. Do you want to designate 2 members?

Giorgio Refers to OML. If Board were to designate members, those meetings with Libby would have to be posted as that would constitute a subcommittee. Suggests that Chairman of HDC makes an appointment to meet with Libby. Don't want to violate the OML unintentionally or otherwise.

ADJOURNMENT M/S/A to ADJOURN MEETING at 8:20 p.m.

BOS Bob DeCosta Dawn Holdgate 2nds
HDC Ray Pohl Abby Camp 2nds
NPEDC Linda Williams Matt Fee 2nds

Submitted by:
Eleanor W. Antonietti

Approved the 26th day of October, 2016.

**BOARD OF SELECTMEN
SEPTEMBER 7, 2016 – 6:00 PM
PUBLIC SAFETY FACILITY COMMUNITY ROOM
4 FAIRGROUNDS ROAD
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- XI. 1. Letter from HDC to Selectmen dated August 9, 2016, re: request for removal of HDC from PLUS; agreement between Selectmen and NPEDC, re: management of PLUS; HDC Act; letters from Diane Coombs, Caroline Ellis; Justin Strauss/Advisory Committee of Non-voting Taxpayers, Michael May/Nantucket Preservation Trust; memo from Town Manager to Selectmen, re: MOU for PLUS & Public Health