

## SELECT BOARD

Minutes of the Meeting of May 9, 2023. The meeting took place via remote participation using Zoom. Members of the Board present were Jason Bridges, Matt Fee, Dawn Holdgate, Brooke Mohr and Dr. Malcolm MacNab. Staff members present were Town Manager C. Elizabeth Gibson, Natural Resources Director Jeff Carlson and Attorney Janelle Austin of Town Counsel's office.

### I. CALL TO ORDER

Conservation Commission Chair Ashley Erisman called the Conservation Commission (ConCom) to order at 4:00 PM and explained the rules of this remote meeting.

Chair Bridges called the Select Board meeting to order at 4:05 PM.

### II. OPEN MEETING LAW COMPLAINT FROM MARY WAWRO, DATED APRIL 8, 2023:

#### ACKNOWLEDGEMENT OF THE OPEN MEETING LAW COMPLAINT AGAINST THE SELECT BOARD AND CONSERVATION COMMISSION, DISCUSSION AND RESPONSE TO SAME; VOTES MAY BE

TAKEN. Ms. Austin reviewed the protocol for Open Meeting Law complaints. She reviewed the Open Meeting Law complaint filed by Mary Wawro against the Town of Nantucket regarding the joint Select Board and Conservation Commission meeting held March 21, 2023. Ms. Austin explained her findings regarding the complaints as contained in the agenda packet materials. Ms. Austin recommended the following actions:

1. Acknowledge receipt of the Open Meeting Law complaint that has been circulated;
2. Discuss generally the allegations of the complaint;
3. Discuss the joint response and review the draft prepared by Town Counsel;
4. Vote to issue a response consistent with its discussion at the meeting/approve the draft prepared by counsel along with any additions/comments proposed.

Chair Bridges asked if any members of either board have questions. No one indicated any questions. Mary Wawro commented on her complaint and said that if the recommended response is approved by the boards, she will continue to pursue the complaint. She referenced a correspondence (May 8, 2023) she recently sent regarding her objections to the recommended response to her complaint. She spoke further regarding the specifics of her complaint. Mr. Fee said he agrees with some of what Ms. Wawro has said, that the intent of the meeting was positive and that unfortunately the remote component of the meeting was not necessarily conducive to public participation and that it was really designed for people to be present at the meeting. Ms. Austin spoke on the Open Meeting Law (OML) parameters with respect to the hybrid nature of the meeting in question. Conservation Commissioner Linda Williams said that Ms. Wawro's correspondence does not change her mind to follow the advice of Town Counsel. Conservation Commissioner Joseph Plandowski agreed. Ms. Wawro spoke again on her complaint. Chair Bridges said that the type of meeting that was held on March 21, 2023 was very beneficial and productive and agreed that in the future, to the extent that such meetings can be held more openly, they should be. Ms. Holdgate agreed, noting that she does not believe there was an OML violation. Conservation Commissioner Mark Beale said he is ready to proceed with the response prepared by Ms. Austin. Conservation Commissioner Ian Golding said he agrees with his fellow Commissioners and accepts the points brought up by Ms. Wawro. Ms. Williams asked about the response to the complaint with respect to "corrective action". Ms. Austin said that the relief sought in the complaint falls outside the scope of the OML. Ms. Holdgate moved to authorize Town Counsel to submit the response presented; and, to come up with better ways to serve the

public with such meetings going forward; seconded by Ms. Mohr; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

Ms. Williams moved to also authorize Town Counsel to submit the response presented; and, to come up with better ways to serve the public with such meetings going forward; seconded by Conservation Commissioner Michael Misurelli; all in favor, so voted.

Some discussion followed regarding potential ways to make workshop-style meetings clearer to the public.

### III. ADJOURNMENT

Ms. Mohr moved adjournment at 4:30 PM; seconded by Ms. Holdgate; by roll call vote: Chair Bridges – Yes; Ms. Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes. So voted.

The Conservation Commission also unanimously adjourned at 4:30 PM.

Approved the 17<sup>th</sup> day of May 2023.

**SELECT BOARD  
MAY 9, 2023 – 4:00 PM  
REMOTE PARTICIPATION VIA ZOOM  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- II. Agenda Information Sheet re: OML complaint; Mary Wawro Open Meeting Law complaint; Draft response to OML complaint; 5/8/2023 email from Mary Wawro