



# MEETING POSTING

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**TOWN OF NANTUCKET**  
Pursuant to MGL Chapter 30A, § 18-25  
All meeting **notices and agenda** must be filed and time stamped with the  
Town Clerk's Office and posted at least 48 hours prior to the meeting  
(excluding Saturdays, Sundays and Holidays)

<b>Committee/Board/s</b>	Town Government Study Committee
<b>Day, Date, and Time</b>	Thursday May 20, 2021 9:00 AM
<b>Location / Address</b>	☐ "REMOTE PARTICIPATION VIA ZOOM Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached); the meeting will be aired at a later time on the Town's Government TV YouTube Channel <a href="https://www.youtube.com/channel/UC-sgxA1fdoxteLNzRAUHIXA">https://www.youtube.com/channel/UC-sgxA1fdoxteLNzRAUHIXA</a> "
<b>Signature of Chair or Authorized Person</b>	John B. Brescher

**WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!**

## AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting  
TO JOIN MEETING

<https://zoom.us/j/2179151123>

MEETING ID:

217 915 1123

1. Call To Order
2. Approval of the Agenda
3. Public Comment
4. Approval of minutes of May 17, 2021
5. Discussion re: finalization of report to Select Board and Town Meeting
  - a. Topics to include in report and motions related thereto
6. Other Business
7. Date and time of next meeting
8. Adjournment



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
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**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

**WHEREAS**, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in cursive script, reading "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts

## Town Government Study Committee

Minutes of the meeting of May 17, 2021. The meeting took place via Zoom. Members of the committee present were: John Brescher, Linda Williams, Rick Atherton, Curtis Barnes, Campbell Sutton, and Tucker Holland.

- 1) Chair John Brescher called the meeting to order at 9:07 am with a quorum.
- 2) Agenda: A motion was made by Curtis Barnes and duly seconded by Rick Atherton to approve the agenda as written. All voted in favor by voice vote.
- 3) Public Comment: None.
- 4) Meeting Minutes from May 13, 2021: A motion was made by Linda Williams and seconded by Curtis Barnes to approve the minutes of May 13, 2021. All voted in favor by voice vote.
- 5) Discussion re: finalization of report to Select Board and Town Meeting
  - a) Topics to include in report and motions related thereto

John Brescher announced to the Committee that members of the Committee will have the opportunity to bring forth motions so the Committee can make recommendations on certain items.

Rick Atherton submitted the first motion to the Committee. Rick's suggested motion is to move that the Charter require an annual presentation from the Select Board and Town Administration for an organizational chart.

Linda Williams asked what the purpose of this motion was and what the underlying idea was.

Rick explained that he wanted to ensure there is a process by which to show this organizational chart because it is an important issue for everyone to see the chain of command.

Rick had provided examples from what other Towns do and Linda requested that only the motion be voted on, not the examples. Rick agreed this was fine as part of his motion.

Rick also added that for all the Committees motions, there should be a proviso that all of these amendments to the Charter should, ultimately, be drafted by Town Counsel. Campbell agreed with the intent of Rick's suggested motion and also agreed that the verbiage of the Charter change should be drafted by Town Counsel.

Linda Williams formally made the motion to move to require the Charter to require an annual presentation by Town Administration or the Select Board for an organizational chart. The motion was seconded by Tucker Holland. All voted in favor by voice vote.

Rick's second motion was amend the Town Charter to require an annual presentation of the Town's enforcement activities for the Select Board to review. The intent of this amendment is to make the enforcement more transparent.

Linda had some concerns with this proposed amendment to the charter because of the amount of activity the Historic District Commission has with enforcement requests. In her opinion, this was too broad of an amendment.

Tucker had a similar comment – does the term “enforcement” need a tighter definition in this amendment because it is difficult to ascertain what rises to enforcement.

Campbell noted that the Planning Board receives a monthly enforcement memo and what actions were taken by the Staff/Enforcement officer.

Rick noted that the Town should have some discretion on how to implement these matters. There should be some benchmark and some method and it should be an annual review of what has or has not been done.

Linda agreed that it was an important issue, but disagreed that it should be in the Charter. Curtis and Tucker agreed that this issue should be noted as a comment rather than a charter amendment.

John added that it seems as though there are times the Charter needs to be amended in order to effectuate the change because some of the issues/concerns the Committee has addressed could be handled internally, but they haven't been.

Rick suggested amending the motion to remove “enforcement activities” and replace the language with “enforcement actions.” Linda noted that she was still fundamentally opposed to including any type of language like this in the Charter.

Campbell, however, agreed with Rick's change and appreciated leaving it just as enforcement.

Linda made a motion to not include language to amend the Town Charter to require an annual presentation of the Town's enforcement actions for the Select Board to review. The motion was seconded by Curtis. The voice votes were as follows:

Rick Atherton:	Nay
Tucker Holland:	Aye
Campbell Sutton:	Nay
Linda Williams:	Aye
Curtis Barnes:	Aye
John Brescher:	Aye

The motion carried 4-2 in favor, with John noting that this should be a comment directed towards Town Administration.

The Committee then began to discuss Rick's next motion to clearly authorize the Select Board the delegating authority to establish a Licensing Commission and a Parking Commission. This would empower them to do so and give them the discretion to determine if they need to do so or not.

Curtis recommended separating the two issues and they should both be placed in the Charter. Linda noted the difference between “may” and “shall” in the Charter and asked if we should include the Sewer Commission as well.

The Committee seemed to be included to include more forceful language in their recommendations because of the inaction thus far.

Rick agreed to amend the language for the new motions for the next meeting.

6) Other Business:

None.

7) Date and Time of the Next Meeting:

The Committee’s next meeting will be Thursday May 20, 2021, at 9:00 am 2021 via Zoom.

8) Adjournment:

A motion was made by Curtis and seconded by Linda to adjourn at 10:05 am.

Respectfully Submitted,  
John B. Brescher, Chair