MEETING POSTING

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)

Committee/Board/s: Town Government Study Committee

Day, Date, and Time: Wednesday July 8, 2020 10:00 AM

Location / Address: 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
https://www.youtube.com/channel/UC-sgxA1fdoxteLNzRAUHixA

Signature of Chair or Authorized Person: 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/92721362736?pwd=RFVCM3dKUDBIr1UySTlpZU8ycm5JZz09

MEETING ID: 927 2136 2736

PASSWORD: 399540

1. Call To Order
2. Approval of the Agenda
3. Public Comment
4. Approval of minutes of June 24, 2020
5. Election of Officers
6. Discussion of report to Select Board
7. Discussion of Future Responsibilities of Committee and topics investigated
8. Other Business
9. Date and time of next meeting
10. Adjournment
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 12:40 PM this 12th day of March, two thousand and twenty.

[Signature]

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts
**Town Government Study Committee**

Minutes of the meeting of June 24, 2020. The meeting took place via Zoom. Members of the committee present were: John Brescher, Curtis Barnes, Rick Atherton, and Tucker Holland.

1) Chair John Brescher called the meeting to order at 10:05 am with a quorum.

2) Agenda: Tucker Holland moved approval of the agenda, seconded by Curtis Barnes. All voted in favor by voice vote.

3) Public Comment: None.

4) Discussion of remaining tasks in order to finalize report to Town Meeting and Select Board:

   The question was raised by the Chair about what we should be doing with the tasks of the Committee in light of the COVID-19 pandemic and what the next steps for the Committee are since many of the Warrant Articles at 2020 Annual Town Meeting would be tabled, or at least not called and discussed at the June meeting.

   The Committee also reviewed the results of the non-binding ballot questions that were voted on by the electorate in June. Tucker commented that it appeared as though the satisfaction with Town Government appears to be even. However, this may be interpreted as approval and appreciation of our local officials during a truly unprecedented time.

   Curtis commented that while the satisfaction appeared to be relatively even, there was overwhelming support for the Committee to continue to investigate other forms of Government.

   Rick suggested that one of our next steps should be to write a report stating where we are and present it to the Select Board to see what they would like to do. Another critical component of our discussion will be to see what the census numbers are when they come back.

   Curtis suggested that in the event we are tasked with investigating Representative Town Meeting further, that we develop a matrix to analyze how precincts would be set up, how the population would be divided, etc…and what the next steps for implementing any change to Town Meeting would be. However, the next step would be to get on the Select Board’s agenda. Also, Zoom could potentially help with Representative Town Meeting.
Rick suggested that the Chair or the Committee reach out to the Town Manager to give them an update on where we are and then request to be on an agenda to discuss our progress and what next steps the Select Board would like our committee to take.

Tucker suggested using the update to get on the Select Board’s agenda. The report we submit should be fairly comprehensive and identify what steps we still need to take.

5) Discussion of Non-binding Ballot Question Results

John opined that he assumed that the COVID-19 pandemic and the “shutting-down” of the Town over the last few months would impact the results. Rick thought that the results could be viewed as the Town doing a great job.

Tucker, however, was hesitant to draw conclusions from these simple questions - the only comfortable conclusion is that the voters that turned out would like the options to be investigated and presented to the community/

6) Discussion of Future Responsibilities of Committee and topics investigated

John asked the Committee what on earth our next steps should be in light of everything that has occurred over the last three months. Curtis suggested that the next step is to draft the report and circulate it to the Select Board. Rick commented on what other Government Study Committees did in the past and that we should include the list of issues that we’ve had and the discussion points we’ve made.

Rick also suggested that we not do a report by committee; let’s get a report together and then reconvene and discuss comments.

7) Other Business:

None.

8) Date and Time of the Next Meeting:

The next Zoom meeting will be held on July 8, 2020 at 10:00 am.

9) Adjournment:

A motion was made by Rick and duly seconded by Curtis to adjourn at 10:45 am.

Respectfully Submitted,
John B. Brescher, Chair
Dear Members of the Select Board:

Over the past three years, the Town Government Study Committee has been meeting on a monthly or bi-monthly basis on the charge of analyzing the role and efficacy of the form of Town Government for the Town and County of Nantucket.

Over this time, the Committee has met with various members of the public, employees and staff of the Town of Nantucket, as well as elected officials to receive their feedback and opinion on the form and function of the Town Government.

While the Committee was on track to deliver a report at 2020 Annual Town Meeting, the COVID-19 pandemic and its impacts sidetracked the Committee’s mission. Nonetheless, as we approach three years of activity on this Committee, the Committee thought it prudent to update the Select Board on what the Committee has done and the role of the Committee moving forward:

Items Reviewed:

1. The Basic Form of Government in Nantucket:

   The Committee reviewed the basic form of government in Nantucket, Open Town Meeting, and sought to identify any problems or concerns and ways to improve the function of Government.

   The Committee, without making any determination, reviewed the four types of government available in the Commonwealth of Massachusetts: Town Council with Mayor or Town Manager, Representative with Town Manager, Town Meeting with Town Manager.

   Some of the factors and considerations the Committee reviewed while looking at these forms of Government were:
   - Ease of decision making;
   - A cumbersome election process for representative
   - Which forms are further removed from citizen participation
   - The requirements for ballot approval of overrides and debt exclusions
   - The realities of needing quorums at annual and special Town Meetings;
   - The number of signatures for open town meeting articles;
   - The length of presentations at Annual or Special Town Meetings;
   - The time of any town meeting such as summer/winter.

2. Organization of Local Government:
The Committee also reviewed the organization of Nantucket’s government. The Committee concluded that it would be advantageous for the public and the local officials for a comprehensive organizational chart to be submitted and displayed. This, in turn, would help eliminate confusion with respect to which department has jurisdiction over which issue.

3. Examine the Audit Committee:

After discussions with the Finance Director and the Chair of the Finance Committee, the Town Government Study Committee submitted a warrant article relative to updating the audit committee.

4. Code Enforcement:

The Committee recommended that the role of code enforcement be clearly explained and spelled-out in order to eliminate any confusion there may be when a violation occurs.

5. Election and Appointment of Committees

CAN’T RECALL WHAT WE OPINED ON THIS

6. HDC Charter

The Committee suggests having a more comprehensive amendment to the HDC Charter to better address any inconsistencies and mechanisms for appeal.

7. The Town Government Study Committee:

Is the role of the Committee clear enough to be a charter amendment?

8. Establishment of a Licensing Commission or Board

The Committee heard from members of the public and the Select Board regarding the licensing duties of the Select Board. It seemed prudent to the Committee that if the Select Board deems it appropriate to create its own Licensing Committee, this could be done administratively and would not need any type of charter amendment. This type of Commission would be a step in lessening the amount of time the Select Board spends on certain issues.

9. Parking Commission:

NOT SURE WHAT WE WANT TO SAY; PERHAPS CURTIS CAN WEIGH IN BECAUSE I’M NOT SURE HOW THIS WAS LEFT IN MARCH.

10. Establishment of a Sewer Commission
Similar to the Licensing Board or Commission, in the even the Select Board wants to set up a Sewer Commission, further due diligence should be done to better understand the roles and responsibilities of waiving sewer fees, etc…

11. Ways to integrate Wannacomet and Airport operations with the Town

I FEEL LIKE WE PUNTED ON THIS TOO…

12. Revisions to the Parks and Recreation Commission

I’M HOPING LINDA OR CAMPBELL CAN ADDRESS THIS; IT WAS SOMewhat STYMIED BY THE WARRANT ARTICLE AND I’M NOT SURE WHAT WE SHOULD/SHOULD NOT SAY…

13. The creation of a Town Ombudsman to settle disputes

After a lengthy review of this issue with members of the public and Town Counsel, the Committee concluded that it was not feasible from a legal standpoint to create an ombudsman or a position that could settle disputes between citizens and the Town. There are already legal mechanisms in place to resolve such disputes and having a position like this would erode the checks-and-balances in place.

14. Review of Airport statute as enterprise fund, etc…

The Committee was cautiously optimistic, but cognizant of potential unintended consequences of this warrant article. KNOWING THAT THIS ARTICLE IS PENDING, I’M NOT SURE WHAT WE WANT TO DO…

15. More…..?