To: Town Government Study Committee  
From: John B. Brescher  
Date: July 8, 2020  
Re: Draft Report to Select Board

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. An informational sheet that was circulated at our Public Forums is attached hereto for reference. These sheets discuss, in great detail, the four types of government that are considered.

   Furthermore, the Committee gathered an unofficial ad hoc poll from the citizens who attended the public forums and the results are attached as well. The Committee also requested two non-binding ballot questions for the 2020 election relative to the satisfaction of the electorate with the form of Town Government and the role of the Town Government Study Committee relative to investigating the topic further. Those results are below:

   *(INCLUDE CHART/DATA)*
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 elimination confusion with respect to which department has jurisdiction over which issue in order for a layperson or average citizen to better understand the roles and responsibilities of the various municipal and administrative offices and branches within the Town of Nantucket. This organization should also include a comprehensive, but understandable guide for citizens to understand and code enforcement and which office or branch has jurisdiction over the matter.

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. *(INFO TO BE PROVIDED RE: ARTICLE #)*

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. *MMY SUGGESTION IS TO COMBINE WITH #2*

5. Election and Appointment of Committees

*CAN’T RECALL WHAT WE OPINED ON THIS – MOVE TO PARK AND REC SECTION*

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 SOMETHAW 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.....?
Town Government Study Committee

Minutes of the meeting of July 8, 2020. The meeting took place via Zoom. Members of the committee present were: John Brescher, Curtis Barnes, Rick Atherton, and Campbell Sutton, Tucker Holland.

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

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

3) Minutes: Rick Atheron made a motion to approve the minutes; it was seconded by Tucker Holland. Rick, John, Tucker, and Curtis voted in favor; Campbell abstained.

4) Public Comment: None.

5) Election of Officers: A motion was made for John Brescher for Chair and was duly seconded. All voted in favor with a voice vote. A motion was made for Tucker Holland for Clerk and was duly seconded. All voted in favor with a voice vote. A motion was made and duly seconded for Campbell Sutton for Vice Chair. All voted in favor via voice vote.

6) Discussion of Select Board memo:

   Chairman Brescher opened the discussion with whether or not the Committee agreed with the form and content? Or just with the form? Or with just with the content? Tucker Holland clarified that he thought the memo was more of an update, rather than a report. Campbell Sutton echoed this and asked if this was in final form or just an update.

   Curtis Barnes opined that our final report should be more robust than the one drafted. Tucker recommended a slide presentation format, which would make it more visual, more understandable, etc… Campbell agreed and added that we should give both a report and a slideshow.

   Rick Atherton asked the Chair to ask Libby and/or Lauren Goldberg to join us. Last time, Libby was receptive.

   John then asked what the next step is - do we talk about the memo or do we ask Lauren and Libby to join us?

   Tucker suggested that we continue to discuss the memo/update and then ask Libby and Lauren to join the group.
Tucker: For Item #1: We need to add the results from the election ballot. While less meaningful statistically, we did have the forums and we did have some participation, we have some informal voting, and I think we need to include those results.

Tucker also spoke with Suzanne Kennedy, and she was asking about our work. We were discussing the ballot results and there is an organization that has effectively a group of consultants with broad experience who can assist us with the work we discussed about education/evaluation/etc… This may be a valuable resource.

Rick noted that he circulated the bylaws of other Town Charters that required the Select Board to have a process by which the Select Board was informed about the organization and process. We are still missing this.

John asked if we should do this as a charter change and Rick suggested that we do.

Campbell suggested to recommend what we have in the memo. And then add final recommendation to be submitted in final report and if it requires a charter change or not.

The discussion then focused on the need to have transparency not only in the Government, but so that a layperson could understand the transparency.

The Committee recommended revising the verbiage and voting at the next Meeting.

With respect to the Audit Committee, this was passed at 2020 Annual Town Meeting. Tucker will check with Erika; Campbell recommended adding the Article number to the memo.

The discussion then focused on the issues surrounding Code Enforcement.

John suggested adding this as a next to the organizational aspect of the Town – so that it is clear to the layperson.

The Committee discussed whether or not local officials should be elected or appointed. Campbell noted that there had not been much discussion until recently. John noted that we did initially look at this, but we never did anything with it. Campbell and Rick suggested continuing the discussion item and potentially including it in with #12 (Park and Rec).

7) Discussion of Future Responsibilities of Committee and topics investigated

The Committee recommended revisiting more of the discussion points in the memo in order to bring this to the Select Board at a future meeting.

8) Other Business: None.
9) Date and Time of the Next Meeting:

The next Zoom meeting will be held on July 22, 2020 at 10:00 am.

10) Adjournment:

A motion was made by Rick and duly seconded by Curtis to adjourn at 11:11 am.

Respectfully Submitted,
John B. Brescher, Chair