



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)

Committee/Board/s | Town Government Study Committee

Day, Date, and Time | Monday May 17, 2021 9:00 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

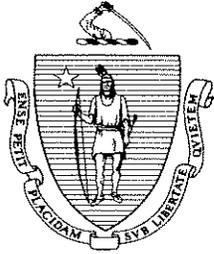
Please list below the topics the chair reasonably anticipates will be discussed at the meeting
TO JOIN MEETING

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

MEETING ID:

217 915 1123

1. Call To Order
2. Approval of the Agenda
3. Public Comment
4. Approval of minutes of May 13, 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
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

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.

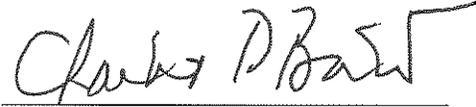
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby 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 13, 2021. The meeting took place via Zoom. Members of the committee present were: John Brescher, Linda Williams, Rick Atherton, Curtis Barnes, and Campbell Sutton.

- 1) Chair John Brescher called the meeting to order at 9:00 am with a quorum.
- 2) Agenda: A motion was made by Curtis Barnes and duly seconded by Campbell Sutton to approve the agenda as written. All voted in favor by voice vote.
- 3) Public Comment: None.
- 4) Meeting Minutes from April 13, 2021 and May 6, 2021: A motion was made by Linda Williams and seconded by Curtis Barnes to approve the minutes of April 13, 2021 and May 6, 2021. All voted in favor by voice vote.
- 5) Discussion: Review of Charter revisions from Town Counsel's Office

The Committee discussed each of the comments on Town Counsel's redlined revisions to the Town Charter.

The first item discussed was extending the length of the term of the moderator to three (3) years. The Committee overwhelmingly supported this idea, even if this item was not necessarily something they had been looking at. A motion was made by Rick Atherton and seconded by Linda Williams to recommend extending the length of the term of the moderator to three years per Town Counsel's suggestion. All voted in favor by voice vote.

The next item discussed was an edit noting that if the Moderator needs to appoint a Clerk for Town Meeting (section 2.4), that this person should be a registered voter for the Town. The Committee again unanimously supported this idea. A motion was made by Linda Williams and seconded by Rick Atherton to recommend noting in Section 2.4 of the charter that in the event the Moderator needs to appoint a Clerk of Town Meeting, that person shall be a registered voter of the Town of Nantucket. All voted in favor by voice vote.

The next comment addressed suggesting adding that the Warrant shall also be available on the Town website in Section 2.5(b) of the Charter. The Committee agreed this too was a good idea. A motion was made by Linda Williams and seconded by Tucker Holland to recommend amending Section 2.5(b) of the Charter to allow the Town Warrant to be available on the Town website as well. All voted in favor by voice vote.

The next comment addressed Section 2.5(c), which requires the Board of Selectmen to publish the Warrant by mailing it to each registered voter. The comment from Town Counsel was that many other Towns are eliminating this language. The Committee noted the importance of having a hard copy of the Warrant and while the point was well-taken, there is still a great importance to having a physical copy of the Warrant available for voters. The Committee did, however, recommend that the language in Section 2.5(c) should be amended to extend the time to deliver the Warrant to 14 days. A motion was made by Tucker Holland and seconded by Linda Williams to recommend amending Section 2.5(c) of the Charter by replacing "...seven days..." to "...fourteen days...". All voted in favor by voice vote.

The next comment was on Section 3.3 which noted that many Towns are removing the requirement to have the public notice of their vote to acquire real estate noticed in the paper. The Committee felt it imperative to leave this requirement in the Charter. A motion was made by Rick Atherton and duly seconded by Curtis Barnes to leave Section 3.3 as written. All voted in favor by voice vote.

Section 3.4(4) was the next item for discussion and the recommendation was to change some of the language relative to the fifteen-day approval. The Committee felt the language was confusing and did not want to create any unintended consequences as they were not certain what the purpose of the change was. A motion was made by Rick Atherton and duly seconded by Curtis Barnes to leave Section 3.4(4) as written. All voted in favor by voice vote.

The next section that was discussed was Section 4.2(d)(14) which would be revised to allow the Town Manager to have the power to sign the warrants for payment. The Committee overwhelmingly agreed this would be an increase in efficiency. A motion was made by Rick Atherton and duly seconded by Curtis Barnes to recommend revising Section 4.2(d)(14) of the Charter to authorize the Town Manager to sign the warrants for payment. All voted in favor by voice vote.

The comment regarding Section 4.3(a) was an administrative one and simply suggested changing "heads" to "department heads." There was discussion amongst the Committee if "department heads" is properly defined and Section 4.5 of the Charter seems to imply this. A motion was made by Linda Williams and seconded by Curtis Barnes to recommend revising Section 4.3(a) of the Charter to replace "heads" with "department heads." All voted in favor by voice vote.

The next section reviewed was Section 5.4(b) to amend this section to require petitioners be identified and who the lead petitioner is. The Committee discussed this matter at length and determined that this mechanism was already implicitly in place since the petition would be public record at the Town Clerk's office. A motion was made by Rick Atherton and duly seconded by Curtis Barnes not to amend Section 5.4(b) of the Charter. All voted in favor by voice vote.

Section 5.4(c) was the next section of the Charter that had a comment from Town Counsel's office. In this section, the suggestion was two-fold: to identify a standard from when the 20% of voters would be counted and to possibly change how long the Town Clerk has to certify the signatures. The Committee agreed that adding a benchmark to identify registered voters would be a prudent change, but did not think the change to how long the Clerk has to identify the signatories on the petition was warranted. A motion was made by Curtis Barnes and duly seconded by Linda Williams to recommend revising Section 5.4(c) of the Charter to include a standard that the 20% of registered voters shall be measured from March 1st of the previous year as established by the Town Clerk. All voted in favor by voice vote.

The next section was Section 5.4(d) and the recommendation from Town Counsel recommended changing the resignation provision from seven days to five days and to move the placement of the phrase "not less than 75 days after such certification date" after the clause, "...the Board of Selectmen shall...". The Committee discussed this at length and ultimately agreed that while it was a semantic change, it was an important one. A motion was made by Linda Williams and duly seconded by Campbell Sutton to recommend revising Section 5.4(d) of the Charter by changing the resignation provision from seven days to five days and moving the placement of the phrase "not less than 75 days after such certification date" after the clause, "...the Board of Selectmen shall...". All voted in favor by voice except for Curtis Barnes who abstained.

The next comment from the Town Counsel review was to add "name and title of office" to Section 5.4(f) of the Charter. The Committee agreed this was a smart change. A motion was made by Linda Williams and duly seconded by Curtis Barnes to recommend revising Section 5.4(f) of the Charter to read "name and title of officer". All voted in favor by voice vote.

The final comment from Town Counsel was to delete Section 6.6 in its entirety because it no longer serves a purpose. The Committee agreed and a motion was made by Linda Williams and duly seconded by Campbell Sutton to recommend to delete Section 6.6 in its entirety. All voted in favor by voice vote.

Linda Williams commented that she was hoping for a more thorough review of the Charter and noted that there was no County Charter review included.

Campbell Sutton noted that there was no discussion in this review of the Parks and Recreation department v. the Parks and Recreation commission. This discussion then developed into a history and frustration of what happened with the Parks and Recreation department.

Curtis Barnes added that he is very uncomfortable with how Parks and Recreation has been treated and it has been neglected, in his opinion, by DPW. The Parks and Recreation department and commission should be more autonomous.

John Brescher suggested that while the discussion surrounding the Parks and Recreation issue is an important one, the Committee needs to move forward with recommendations and motions at their next meeting.

Campbell Sutton asked what else the Committee would be looking at in the Charter other than requiring more than ten voters sign a warrant article.

Linda Williams added that she is interested in the section in the Charter surrounding appointing v. electing officials and that there should be something more proactive for the non-voting taxpayers.

6) Other Business:

None.

7) Date and Time of the Next Meeting:

The Committee's next meeting will be Monday May 17, 2021, at 9:00 am 2021 via Zoom.

8) Adjournment:

A motion was made by Curtis and seconded by Linda to adjourn at 10:20 am.

Respectfully Submitted,
John B. Brescher, Chair

MEMORANDUM

TO John Brescher, Chair, Nantucket Government Study Committee, john@gliddenandglidden.com
Members: Rick Atherton, rickatherton@comcast.net; Curtis Barnes, barnesack@comcast.net;
Kristi Ferantella, kferrantella1@gmail.com; Tucker Holland, acktownconsultant@gmail.com;
Campbell Sutton, ccoastpaper@gmail.com ; Linda Williams, czarinalinda@comcast.net

FROM: Nat Lowell, natlowell@comcast.net , Chair NPEDC; Judith Wegner, judithwegner@gmail.com,
Chair, Nantucket Planning Board

RE: Discussion of Nantucket Planning and Economic Development Commission (NPEDC)

DATE: April 12, 2021

Dear Members of the Nantucket Government Study Committee:

We have heard informally that the Study Committee has or might plan to engage in discussion of restructuring or other modification of the NPEDC. In our view, the information that we understand you have received to date fails accurately to characterize the Commission's mission or its structure, among other flaws. For now, we want simply to set the record straight on these two points, without giving undue significance to the views of a single individual who has asserted the virtues of major reforms. We would ask that we have the opportunity to be involved in any further discussion, if in fact you intend to pursue this issue further.

Mission:

- Regional planning agencies are created pursuant to state legislation. Nantucket's NPEDC was created by special legislation after being authorized by a home rule petition voted affirmatively at town meeting. As a result, changes would have to proceed once again through town meeting and the state legislature. Other regional planning agencies are typically much larger, better funded, with more staff, and with responsibilities associated with coordinating among adjacent locales including multiple municipalities. For example, the Vineyard's Commission is responsible for an area that includes six separate towns. Nantucket is an island with only a single town, so the particulars of the NPEDC are in important ways distinctive. It would be a mistake to assume that what works for the Boston or Cape Cod or even the Vineyard regional commissions applies readily here.
- Among other things, NPEDC and other regional planning agencies operate as "metropolitan planning organizations" (MPO) mandated by federal law as a means of facilitating transportation and transit planning and tapping federal and state funds for eligible projects within their jurisdictions. We believe Nantucket is fortunate to have been allowed to have its own regional planning organization since otherwise any available state and federal funding for transportation purposes would only be allocated if approved through another larger MPO that likely would not understand local needs and would likely allocate funding to other competing communities within its jurisdiction. The proponent of reform does not seem interested or aware of these consequences.
- The Planning Board is authorized by state statute (chapter 41, section 81D) to develop the community's master plan. It works with the NPEDC which in turn, pursuant to its authority,

coordinates work on small area plans for different parts of the island where there is need and desire by residents to address targeted issues relevant to the overall Master Plan. The NPEDC is not the ultimate authority for planning on the Island, but was constituted to include all elected members of the Planning Board to facilitate coordination on planning.

Structure

- The NPEDC is primarily composed of elected officials. Planning Board members are elected on Nantucket with the understanding that they serve both on the Planning Board itself and on the NPEDC. Other members are designated by elected officials in other elected bodies (Select Board/County Commissioners which designates one of their members to serve on the NPEDC), the Housing Authority (an elected board which designates a representative), the Conservation Commission (a board appointed by the Select Board with a member designated by the Select Board to serve on the NPEDC), for a total of 8 out of 11 members. Three members at large members are elected by the Commission, following an open application process, to provide additional relevant perspectives. Thus the characterization you have had that the NPEDC is not composed of elected representatives is flatly incorrect and misleading. The NPEDC as currently composed reflects the Nantucket view that there should be close accountability of key town government entities to the electorate. The regional commissions that have been proposed as “superior” to the current NPEDC cover much larger areas, and have multiple towns, so they lack the opportunity to maintain that kind of close connection to the electorate.
- The relationship between the NPEDC and the town is incorrectly described in the information provided to you to date. There is a memorandum of understanding in place that governs the role of the NPEDC on behalf of the town and the relationship of the Town Manager and Planning Director. The NPEDC does NOT appropriate funds from the Treasury of Nantucket. The characterization of the Novak Consulting Report is incorrect in that that report only suggested further consideration of the question of the relationship between the town and NPEDC and clearly did not recommend a change. This matter was indeed discussed with town administration after the submission of that report. It is surprising to see someone wholly uninvolved in these discussions try to cite the report as reaching definitive conclusions to the contrary.

In our shared experience, the following considerations should be borne in mind. We are one town and have regulatory boards in place that work together. There is a fantastic balance of different perspectives from those boards represented on the NPEDC. The 2012 memorandum of understanding with the town creates an effective working matrix. The current arrangement provides key financial support to the town, covering the salary of a transportation manager and leveraging available state and federal funding for transit. Changing the mission or structure of the NPEDC would likely require action at town meeting and by the state legislature, and would deny the town of an effective means of collaboration and needed funds. We ask that you bear these factors in mind as you decide whether, and under what auspices, you might recommend action changing the NPEDC as it currently exists.

Sincerely,

Nat Lowell, Chair, NPEDC

Judith W. Wegner, Chair, Nantucket Planning Board