



# 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>	Monday May 17, 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 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 1<sup>st</sup> 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