

ADVISORY COMMITTEE OF NONVOTING TAXPAYERS
Notes of meeting 10 A.M., SATURDAY, February 6, 2021 via Zoom

1. Attending members: Kathy Baird, Bill Gardner, Gary Beller, Don Green, Peter Halle, Peter Kahn, and Bill Sherman; Members absent include Lou Bassano and Mary Russell. Guest speaker was John Brescher (Chair – Town Government Study Committee (TGSC)). Other Guests in attendance included Wendy Conway, Jon and Jane Delano, Paul Flanigan, Michelle Lease, Robin Nydes, Damian Schaible, Edna Schwab, Kate Shea, Pamela Suan, Alison Taylor, Anthony N. Tomasiello, Jr., Esq., Robert Vidoni, Cathy Lema Westbury, Richard Wolfe.
2. Chair Gary Beller opened the meeting at 10:03 a.m., welcoming all attendees. Gary read the script for Zoom meetings provided by the town and declared a quorum present. The agenda for today's meeting and minutes for the January 16, 2021 meeting were approved by roll call vote.
3. Gary introduced our guest John Brescher and provided some background on the TGSC along with thoughts about how issues (and there are many these days) drive higher participation in governance.
4. John began by stating that the TGSC was originally tasked three years ago to do a town charter review and deliver a report to Annual Town Meeting (ATM) in 2020 but their activities were derailed due to the pandemic. They had gotten back to work sent a report to the Select Board in November that he would be willing to share them. [Note: The report and its attachments were sent to ACNVT and are included as part of these minutes]. He noted that although they had looked at proposing changes to the audit committee and reviewed existing bylaws/governance for compliance to state law, they were now focused on educating the public which may be a better path to address many of the current concerns with the existing form of town government. John indicated that his committee members, along with others immersed in town government, are familiar with its complexities and how it operates but that most residents are not so 'How To' brochures on common transactions or other communications might be a useful place to start. He also believed that before residents considered the next logical move (if a change is needed) to representative town meeting, they should be educated in how that works and what would be different from ATM.

5. John described a ‘field trip’ taken by the TGSC to Falmouth, which has had a representative form of town government since 1918 (created when their ATM was overwhelmed by special interest groups). He said they had precincts defined within districts with several hundred elected representatives as their legislative body. John suggested that before any actions to change Nantucket’s form of government was taken, the TGSC might submit some warrants and propose other administrative changes that would address identified efficiency issues. He stated that it would be extremely challenging to divide the island into voting precincts and districts.
6. John stated that the Commonwealth permits four types of town government, Open Town Meeting (OTM), representative Town Meeting, City Council and Mayoral (which requires a minimum population of 50,000 so is not an option for Nantucket).
7. Q&A began with a question as to how ACNVT could operate under a representative form of government and John responded that he was unaware how Falmouth handled this but believed the flexibility of available models could accommodate non-voting taxpayers.
8. Peter Halle suggested that town government education be included in school curriculum. He also noted that the Select Board and other committees have now proven to operate well using Zoom since it increases transparency and reveals the dedication, knowledge and judiciousness of the members. He asked if there was a way to elevate the Select Board with perhaps additional elected district or at-large members to function as a Town Council?
9. John responded that there is flexibility in the different governance models. Peter noted that Nantucket is small in terms of population but large in terms of budget so that needs to be a consideration.
10. Don Greene cited sources suggesting that voter representatives be divided up by issue rather than by land.
11. Bill Sherman noted that Nantucket’s elected Select Board also serves as the Board of County Commissioners and offered the idea to expand the authority of the County Commissioners to make some of the decisions that now must be delayed to town meeting.
12. John agreed that was an interesting idea that should be considered.
13. Visitor Robin Nydes suggested there were three issues to note from the discussion: taxation without representation by such a relatively large group of indirect and direct taxpayers, participation (which has been greatly enhanced through the use of Zoom but is only permissible on a temporary basis); and the obligation to inform

- which has been revealed by the emergence of the ACK Now Short Term Rental bylaw that is unknown to most and affects so many.
14. John responded that these were all excellent points and there should be a way to address them.
 15. Gary re-focused the discussion on pursuing the possibility of ACNVT continuing the use of Zoom even after the emergency order is lifted due to quorum restrictions that include only in-person attendees. Gary asked what could be done to allow electronic participation to continue after the emergency order is lifted so that we could continue to meet in the off-season and accept new members who are not on island for much of the summer. Kathy noted that this issue was of particular importance to ACNVT who would be the most affected by the in-person quorum restrictions, during the off-season when town governance is so active.
 16. John responded that this was a great concept and volunteered to take it forward to those who could affect such a change.
 17. Peter cited the G.L. c. 30A & 20(d) language in the Governor's emergency order, noting that a small legislative wording change could take care of the issue.
 18. Gary thanked John for his participation in our meeting.
 19. Gary moved to the next agenda item to follow up on the Short Term Rental (STR) issue, noting he had appointed Bill Gardner as chair of the 5 member subcommittee to address this at the last meeting and asked for his report.
 20. Bill relayed the discussions they had about a process that would be appropriate and some of the sub-issues, concluding that it was premature to take a stand before the FinCom had deliberated on the proposed warrant article.
 21. Gary agreed and noted that ACK Now had acknowledged that changes were often made during the FinCom process and that process should play out first. Gary noted his major concern was the discriminatory treatment between year round and seasonal residents and did not want ACNVT to be the forum for the debate on this issue. He suggested another group be formed to address STR.
 22. Visitors to the meeting including Anthony Tomasiello, Robin Nydes, Michelle Lease, Damian Schaibel, Jon Delano and Wendy Conway offered their input on the ACK Now issue and volunteered to be part of the separate advocacy subgroup to be formed.
 23. Gary recommended that everyone complete the Affordable Housing Trust Survey and learn more about the issue.

24. Wendy Conway asked how ACNVT goes about getting the pulse of the non-voting taxpayers and Gary responded that we did so through discussion with our neighbors in different neighborhoods on the island and through these meetings. Wendy offered to follow up by brainstorming ideas on solicitation of input.
25. Don noted that ACNVT was permitted to have up to 15 members and only had 11 so we do have openings for others to join.
26. Kathy stated that Denice Kroneau will inform ACNVT of the ACK Now bylaw discussions at FinCom meetings (tentative dates 2 or 4 March). These are public meetings that anyone can attend as an individual. Kathy agreed to send out the FinCom meeting information to ACNVT members and known interested parties for all warrant article discussions once the agenda is posted.
27. A discussion of the next ACNVT meeting and guest speakers resulted in agreement to hold the next meeting on Saturday March 6 at 10AM to discuss town warrants with no speaker guest specified at this time. Since Kathy will not be able to attend on that date, she will send detailed instructions to Gary and Peter Halle regarding the process for hosting using the Town's Zoom logins and protocols.
28. There was a motion, seconded and approved by roll call to adjourn the meeting. The meeting was adjourned at 11:52 a.m.

Respectfully submitted,

Kathy Baird, Secretary

The following link represents the recording of this meeting located on the Town of Nantucket YouTube website.

https://www.youtube.com/watch?v=llJV_MgkHYc

Attachments:

- 1) Memo to the Select Board (11/3/2020)
- 2) Exhibit A to Memo
- 3) Exhibit B to Memo
- 4) Exhibits B-1 and B-2 to Memo
- 5) Exhibit C to Memo (Pages 132-135 of the 2020 Town Warrant
<https://www.nantucket-ma.gov/DocumentCenter/View/36671/2020-Annual-Town-Meeting-Warrant-with-Finance-Committee-Motions-PDF>)
- 6) Exhibit D to Memo