



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)

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2024 MAR 13 AM 10:12
NANTUCKET TOWN CLERK
Posting Number:T 257

Committee/Board/s	TOWN COUNCIL STUDY COMMITTEE
Day, Date, and Time	WEDNESDAY, MARCH 20, 2024, at 3:00PM until 5:00PM
Location / Address	MEETING TRAILER AT 131 PLEASANT STREET (Room A) AND REMOTE PARTICIPATION VIA ZOOM
Signature of Chair or Authorized Person	Joe Grause

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

Join Zoom Meeting

<https://us06web.zoom.us/j/82769464903?pwd=vMHiuabZkOHZ5mnV7rPOWaT0ta0BpQ.1>

Meeting ID: 827 6946 4903

Passcode: 668232

- I. Call to Order
- II. Acceptance of Agenda
- III. The Town Council Study Committee Meeting is being recorded.
- IV. Approval of Minutes of March 6, 2024
- V. Discussion with John Brescher, (Former) Chair of Government Study Committee (3:00-3:30pm)
- VI. Discussion with Denice Kronau, Chair of the Finance Committee (3:30-4:00pm)
- VII. Discussion with Sarah Alger, Town Meeting Moderator (4:00 -4:30pm)
- VIII. Discussion with Anthony Wilson of the Collins Center regarding next steps
- IX. Public Comment/Questions
- X. Discussion Regarding Agenda Items for Next Meeting(s)

XI. Adjournment

Town Council Study Committee
March 6, 2024

1. The bi-weekly meeting of the Town Council Study Committee was held in Meeting Trailer "A" on Wednesday, March 6, 2024, from 3:00 p.m. to 4:45pm. Attendance was in person and available on Zoom. The meeting was recorded.
2. Attending in person were Joe Grause, Chair; Beau Barber, Kelly Steffen, Rachel Mandle, Jeff Carlson, Caroline Baltzer, Tom Dixon, and Curtis Barnes. Attending via Zoom - Donna Martino, and Jeremy Bloomer.
3. The agenda (Curtis made the motion, Jeremy 2nd) and minutes (Curtis, Kelly 2nd) were approved as submitted by all in favor roll call vote.
4. Committee Discussion on Next Steps:
 - Joe provided an update on proposal from Collins Center as a resource, assisting in process steps and administrative work of developing a council charter, and public outreach. Town Manager has confirmed support financially in County budget. Contract will go to Select Board 3/27 or 4/3/24.
 - As a committee, are we decided that conversion to Town Council is what we are going to do?
 - Caroline began the discussion indicating does not feel that issue has been adequately answered. Need to engage the public and does not think anything has been done to improve ATM (referring to the 2010 memo provided by Town Admin). Nantucket is singular so hard to take a model and apply it to our community. Rachel suggested request information from Admin on action taken to date to improve ATM. Are there still things to do to improve town meeting first?
 - Jeremy – not ready to recommend form to adopt as we have not defined the issue we are solving for succinctly; we have list but more specific to be able to explain to voters. Others believe we have discussed this at length and have a list we just need to personalize it.
 - Beau added hypothesis that SB is morphing into a quasi-council already. What's being done now vs. what the charter says needs to be examined. As the community gets larger, the trend is to make legislative body smaller and there's examples as to how that is currently happening. Continue to develop list and what is the optimal form to address those issues.
 - Discussion on our committee charge. Act on the article such that if we do not recommend council then we close the committee. Would like a straw vote on who is ready to move forward with council recommendation.
 - Transparency improvement was brought up. Tom provided current extensive methods of transparency, avenues for public participation and SB meeting frequency is already more than most councils. Maybe instead of 'transparency' the goal is more 'focused access' as people have a hard time knowing where to go to find the info that is out there. There's a lot of avenues to get information but it's the waiting for the action or approval to move forward on an issue that is halted. Barnstable is a council and they still have a Town Meeting and avenue for citizen petition for legislative action so that does not have to get taken away. Non-voting citizens would also have more participation. Tom, there's still a lot of tradeoffs.
 - Kelly stated still wrestling with why not and what will still exist even if move to Council. How many of the things on our list are still not addressed? Don't feel elicited pro/con of all government forms.
 - Joe called for straw poll on where members stand on moving forward with next steps to recommend council or continue to determine which form.
 - Caroline brought discussion back needing to go out and engaging the public for

feelings, opinions and attitudes on form of government regardless of knowledge or experience in how government works. Public input is needed in the process but are we ready to do this at this stage? Do we have information to address questions such as what might actually change or what happens with some committees? Having our current charter and then a theoretical new charter will address this as a comparative document. It is a matter of sequencing; something Collins Center would help us with and is it step by step or things done in parallel. Jeff also reminded that we already have public consensus as we're here by approved voice vote at ATM to support exploring a council. Nowhere is like Nantucket, just like any other place, but Council is a common form. The Charter is the guide with our bylaws being the details. We also need feedback from various groups but what are we going to say? We don't have that comparative information yet. Kelly noted that even if we don't put forth recommendation we need to still move forward with the work even if some do not feel council is the recommended form.

- Joe non-binding formal vote to move forward with creating council form as outlined in charge of committee. Discussion continued. Two big tasks to do next – create a charter and create outreach program.
- Joe withdrew informal straw vote motion, Curtis 2nd.

5. Public comment and responses:

- Hillary Rayport expressed preference for broad discussion of the topic not necessarily as supported council.
- Pamela Suan. A well-designed survey could provide feedback and outreach at same time but until have something developed can't formulate a well-designed survey.
- Luci Hehir asked where the feedback mentioned has come from that have if public hasn't been engaged. Articles are so confusing. Is there a way to inform public on the articles before.
 - Tom suggested that the Finance Director, PLUS Director, Town Clerk, Moderator and Chair Town Government Study Committee are a couple of key people we should have come speak with us for input. Also, having someone come in and do focus groups that are anonymous and account for bias rather than each of committee members speaking to public.
- Theodore Giletti – article was exploratory but hearing a push to adopt council. Would like a full explanation. Disagree that non-citizens have rights to comment but those who live here and pay taxes do but can at Select Board. Response is refer to Article 81.

6. Tom motion to adjourn. Curtis 2nd. Roll call - All in favor. The meeting adjourned at 4:45pm.

Town Council Study Committee – Where do we go from here?

It is important to note that Article 81 of the 2023 ATM specifically states....

“.....that the Select Board establish a committee for the purpose of studying the establishment of a Town Council form of government for the Town and County of Nantucket...”

The Article approved by Town Meeting did not state “to study alternative forms of government....”

Although the Committee has appropriately noted the four forms of municipal government available in Massachusetts, its charge is not to recommend a change, for example to a Representative Town Meeting.

The Article specifically states that the charge to the TCSC is to consider a Town Council form of government. If the committee does not believe that a change to a Town Council is in the best interests of the Town at this time, then its only appropriate action is to recommend “no further action at this time” and therefore to retain the present ATM form of government for Nantucket.

Having said that, I believe it is time for the Committee to move forward in the process, possibly with the assistance of the Collins Center, and definitely with the assistance of Town Counsel KP Law.

I propose that we start with the following parameters/guidelines:

1. Propose a Town Council form of government for Nantucket.
2. The Town Council shall also serve as the County Commissioners for the County of Nantucket.
3. The Council should consist of 9 elected members.
4. Councilors should be elected for 4 year terms (vs. 3 year terms, which will allow new Councilors a year for orientation; getting up to speed).
5. All existing Select Board members should “roll over” as members of the new Council for the remainder of their current terms to provide continuity in government.
6. Councilors should be paid \$9,000 per year; the Chair/President should be paid \$12,000 per year.
7. Town Council should hire a Town Manager, who shall be the chief administrative officer of the Town.
8. Any department head who is paid by the Town should be hired by, and report to the Town Manager (via normal existing hiring, job posting procedures).
9. Departments/Commissions/Boards exempt from this procedure should include Land Bank, School, Airport, Water Commissions (Enterprise Accounts). A separate Sewer Commission (also an enterprise account) may also be established under this protocol.
10. Existing committees such as Finance, Planning, HDC, Zoning shall continue to advise the Town Council as appropriate. As a State agency, the NPD&EC shall be advisory to the Town, but not have legislative authority.
11. As the Committee develops its proposed legislation, extensive outreach efforts should be undertaken to reach out to the Nantucket community for information and feedback. Included in these efforts should be a wide range of area civic associations, The Civic League, ‘Sconset Civic Association, Rotary Club, School Committee, Builders Association, Chamber of Commerce, Non Voting Taxpayers Association; as well as local newspapers and social media (Nantucket Current, Daybreak, etc.

Curtis Barnes
3/2/2024

MORE – Where do we go from here?

1. Separate Licensing board? YES – Select Board already meets separately to review licensing applications.
2. Separate Sewer Commission? YES -- Consistent with Airport Commission, Water Commission, Land Bank Commission – greater flexibility in managing Enterprise Funds, and setting rates.
3. Town Council would require one full time staff person to be assigned to assist Councilors and prepare agendas. This could be accomplished by reassigning an existing staff member who currently works on preparing the ATM agenda.
4. In Barnstable, each Councilor is assigned to serve as on-going liaison with a particular Town department, thus assuring regular interaction and communication between staff and the legislative function.
5. Revised format for Town Council meetings (larger Board) should be designed into plans for the new Town Administration Building being planned for 2/4 Fairgrounds Road facility.

Curtis Barnes

3/4/24

2023 ATM

Technical Amendment #5

Article 81 (Town Council Form of Government)

Amend the Finance Committee Motion as follows:

FINANCE COMMITTEE MOTION: Moved to request that the Select Board establish a committee for the purpose of studying the establishment of a Town Council form of government for the Town and County of Nantucket, with the following conditions.

1. The Town Council shall serve as the legislative body for the Town and County of Nantucket.
2. The Town Council shall employ a Town Manager to manage and implement policies and procedures approved by the Council.
3. The special committee shall consider any structural or administrative details of the Town Council, including but not limited to:
 - a. The number of members of the Town Council;
 - b. How the Council might represent the voters of Nantucket;
 - c. The qualifications necessary to hold a seat on the Town Council;
 - d. The internal organization of the Town Council;
 - e. Compensation of Council members; and
 - f. Any other characteristics of the structure and processes of the proposed Town Council as may be recommended.
- ~~4. The special committee shall complete its work and submit an Article enabling the transition to a Town Council structure no later than Annual Town Meeting 2024.~~

The special committee shall complete its work and submit an Article for either an Annual or Special Town Meeting which, if passed, may enable the transition to a Town Council structure. The timing of the submission is dependent on the execution of all the necessary steps, including appointing the committee, public hearings and writing of the article.

- Planning Board

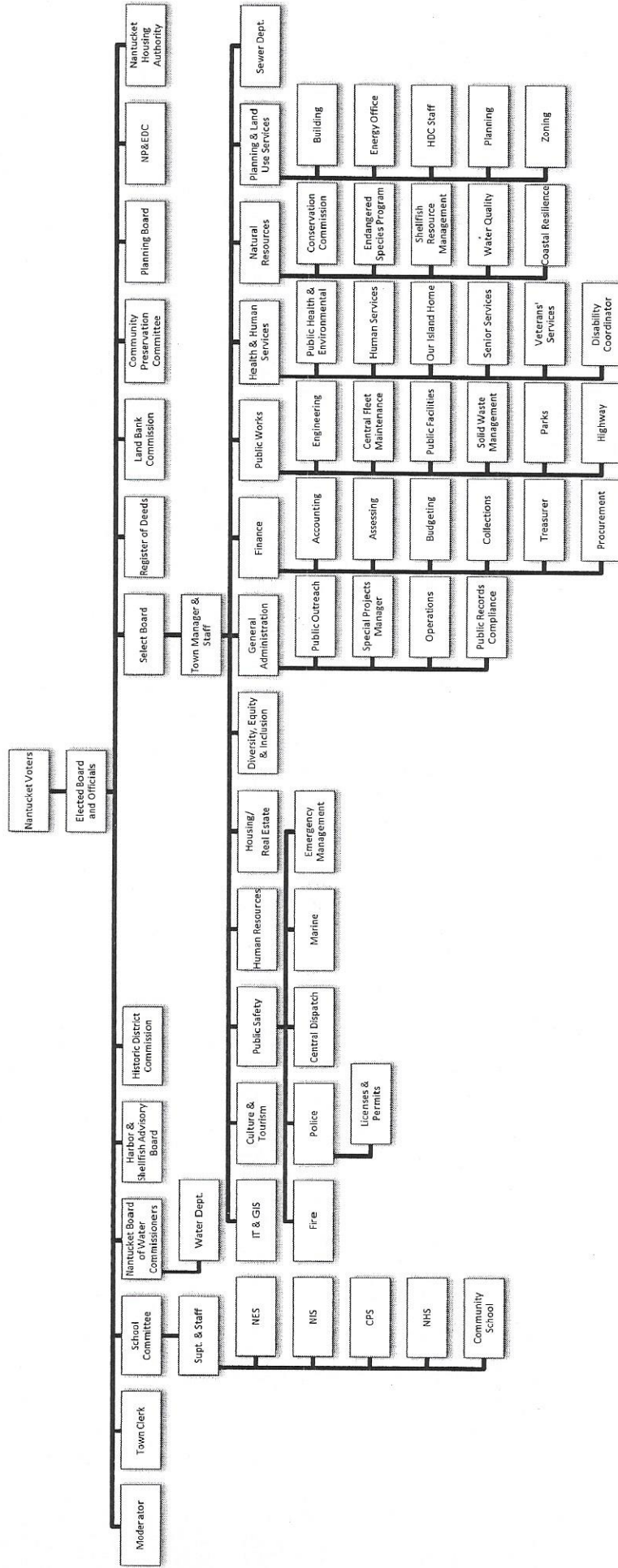
The 2012 MOA between the Town and the NPEDC represented a major step to enhance organizational effectiveness by consolidating planning and land use functions under a single department director and assigning oversight functions for the Director of Planning to the Town Manager.

The issues and needs of the Island are unique and unlike those of a metropolitan or larger planning area, which results in the RPA functioning and operating differently. Recognizing these differences and the uniqueness of Nantucket merits a discussion of how the Nantucket RPA should best be structured to meet the needs of the community. As the Town's population and economic and environmental landscape change, it may be appropriate to evaluate the following: (1) whether the NPEDC is the appropriate agency to serve as the RPA for Nantucket; and (2) should it have hiring authority and determine conditions of employment for employees who report to Town Administration. It should be noted that any modifications to the RPA structure would require special legislation. Regardless of how an evaluation proceeds, it will be important to ensure that the governing body that is considered has the capacity to take on the additional roles and duties. It will also be important for the Town to maintain its RPA designation to ensure its eligibility for future grant and other funding.

An alternative structure for the RPA could provide both efficiencies and clarity within PLUS by consolidating Planning functions under a single Board and, subsequently, reducing the number of Boards and Commissions and the amount of time spent providing administrative and staff support. In addition, PLUS operations would be centralized within the organization, with the Director of Planning clearly accountable to the Town Manager, like other department directors. An MOA would no longer be necessary to guide PLUS operations. It would also eliminate any confusion regarding which governing body has the authority to make planning decisions for the community. This change would involve modifications to State Law and Town Code.

Alternatively, the Town could choose to modify the MOA between the Town and the NPEDC and clarify that the Town Manager is the appointing authority for the Director of Planning. The current MOA establishes lines of accountability between the Town Manager and the Director but does not allow the Town Manager to establish conditions of employment (set pay rates, etc.) nor does the Town Manager have the ability to appoint the Director. This option could be implemented over time to allow the current employment agreements with the Director of Planning and Deputy Director of Planning to expire or when the incumbents leave their current positions.

Town of Nantucket Organization Chart Fiscal Year 2022



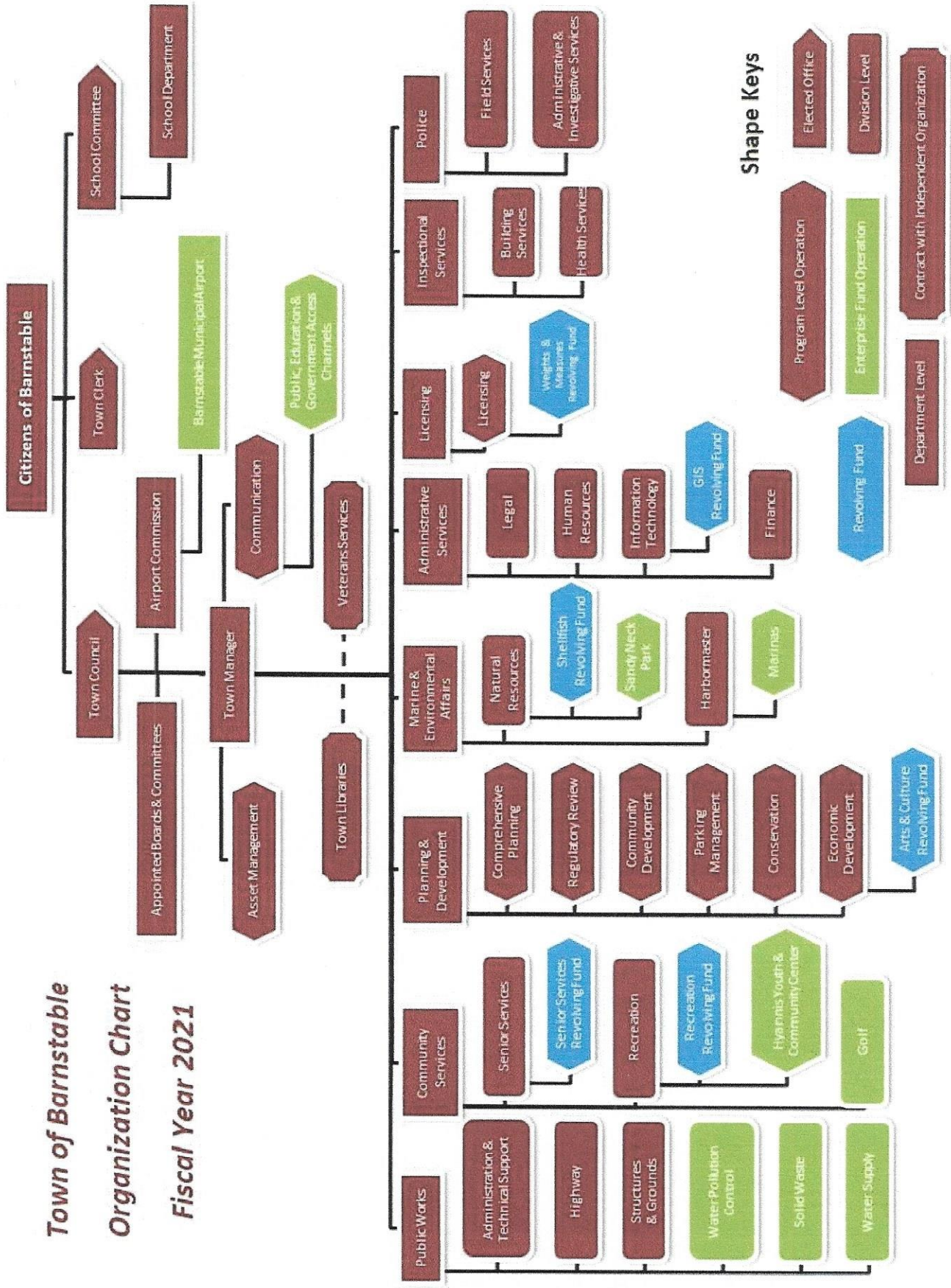
Various Boards/Committees/Commissions Appointed by the Select Board, County Commissioners & Town Manager
Excludes Airport, NRTA, County, Affordable Housing Trust

INTRODUCTION AND OVERVIEW

Town of Barnstable

Organization Chart

Fiscal Year 2021





EDWARD J. COLLINS, JR. CENTER FOR PUBLIC MANAGEMENT
JOHN W. MCCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

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Elizabeth Gibson
Town Manager
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

February 26, 2024

Dear Elizabeth Gibson:

The Edward J. Collins, Jr. Center for Public Management is pleased to present this proposal to the Town of Nantucket to assist the Town Council Study Committee.

The Center was established in 2008 in the McCormack Graduate School of Policy and Global Studies to further the public service mission of the University of Massachusetts Boston. The Center provides technical assistance to municipalities, school districts, regional governments, and state agencies on all aspects of public management.

The Center is a Massachusetts state government entity. Consequently, the laws of the Commonwealth do not require the Town and the University to engage in a statutory procurement process before executing a contract.

Please review the proposal that follows, and let us know if you have any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Ward'.

Michael Ward
Director
Edward J. Collins, Jr. Center for Public Management
McCormack Graduate School of Policy and Global Studies
UMass Boston

Nantucket Town Council Study Committee Assistance Proposal Scope of Services

1. Overview

The purpose of this project is to assist the Town of Nantucket's Town Council Study Committee ("Committee") with a comprehensive assessment of the differences between a town meeting and a town council form of government, the steps required to implement a town council form of government and drafting of a report with the committee's recommendations.

2. Services

This scope of service includes comprehensive assistance to the Committee during selected meetings and beyond, encompassing:

- A. Facilitation – The project team will help the Committee navigate significant topics, facilitating productive discussions, and aiding in decision-making plans and options. They will provide frameworks for decision-making to ensure efficient progress.
- B. Knowledge resource: Acting as a valuable resource, the project team will provide insights into various forms of Town Government that Nantucket might consider. They will respond to the Committee's inquiries regarding how different Massachusetts towns have approached similar processes.
- C. Research: Upon request, the project team will conduct thorough research, gathering examples of charters, special acts, and relevant language from comparable communities or municipalities of interest to inform the Committee's decision-making process.
- D. Drafting: Between meetings, the project team will collaborate with the Committee to draft new or revised text, ensuring clarity and alignment with the Committee's objectives.
- E. Public Outreach: Recognizing the importance of effective communication, the project team will support the development of a robust public outreach strategy. Offering suggestions for materials to enhance the efforts of the committee to explain its proposal to the general public.
- F. Development of a new Town Council Charter: The project team will propose a template for a Town Council Charter and provide consultation throughout the conversion process. They will tailor adaptations to accommodate Nantucket's unique organizational structure, including considerations for the County of Nantucket, Enterprise Funds, NE&PDC, and other relevant entities.
- G. Assistance with the Article for Town Meeting 2025: Collaborating closely with the Committee, the project team will help compose the enabling Article for Town Meeting 2025, incorporating provisions for the new Charter and ensuring its coherence and relevance to Nantucket's needs and context.

The Center project team will virtually attend up to 10 meetings during the course of the project where the project team's attendance is requested by the Committee and scheduled in advance with the project team. The project team will be available to the Committee between meetings for consultation by phone, zoom, or email, and the project team will provide research on topics requested in advance of the meeting and follow-up research on major questions raised during the meetings. (Note: The Center does not provide legal advice and strongly encourages the Town to have town counsel or special counsel review any final text drafted by the committee.)

4. Responsibilities

Responsibilities of the Center

The Center project team will act at all times in an attentive, ethical, and responsible manner. The Center will assign a project manager, who will serve as the primary point of contact for the duration of the project. The project manager shall be available to the Town to discuss any issues or challenges.

Throughout the course of the project, the project manager shall facilitate completion of work according to the agreed-upon timeline and communicate with the client project liaison to discuss and resolve any issues with the timeline and to consider proposed modifications to the timeline.

Responsibilities of the Town of Nantucket

The Town will identify a project liaison to the Center for the duration of the work. The project liaison will have responsibility for managing logistics throughout the project (e.g., scheduling meetings, identifying meeting space, etc.).

The Town shall agree to provide necessary access to its employees, records, and agreed-upon data, and to respond to requests for information, comment, and scheduling in a timely manner.

The project timeline will be determined in conjunction with the Town prior to finalizing the agreement. To facilitate completion of work according to the timeline, the Town of Nantucket will provide timely response to requests. This shall include but not be limited to: provision of documents and data, access to employees, officials and/or facilities, feedback on Center work products, etc. The project team will work to schedule the initial project meeting upon receipt of any preliminary documents and data requested.

6. Fee for Services

The Collins Center will provide the scope of services presented in this proposal for an all-inclusive fee of \$20,000. The Center will invoice the Town of Nantucket for \$10,000 after the completion of the fifth meeting and \$10,000 upon completion of the work.

The Center is available to provide additional professional services beyond the scope of this project on an hourly cost basis through December 31, 2024 at the rates provided below.

Any proposed scope expansion shall be discussed with the project manager.

Position	Hourly Rate
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Public Services Manager	\$125
Associate	\$125
Senior Associate	\$155
Director	\$155

Proposal:

Open-Ended Interview Questions to Pose to a Variety of Nantucket Voters by the TCSC

•Method

Questions should be asked in the order listed with plenty of patient pauses between questions. Some follow up questions designed to prompt full answers can be asked but not so as to influence the direction of the conversation or the person's opinion, and should be conducted by groups-of-two members of the Town Council Study Committee beginning in March 2024

•Frequency

A Sub-Committee could be formed whose members would conduct 2-3 interviews per month; these interviews should use the same series of questions agreed upon by the TCSC; their themes be tallied and recorded on a scoresheet to be reported back to the TCSC; each interview should last for approximately an hour);

The Questions:

1. What are your experiences of Nantucket's All Town Meeting (ATM)?
2. About how many ATM's and STM's have you attended in the last 10 years? Who do you tend to go with? Sit next to? Is there one that's the most memorable? Tell us about one or two stories from your Town Meeting experiences.
3. Do you think a Town Meeting form of government fits the Island of Nantucket? Is there something that you would you like to see that's different?
4. In general, what are the most important parts of Nantucket that keep Nantucket Nantucket?
5. What are your thoughts about Massachusetts Towns with a Town Council form of government? [Give them a definition if needed].
6. If Nantucket decided to vote to switch to a Town Council form of government, do you have ideas of who or what type of person would make a good Town Council member? And who would make a good Town Manager or Mayor? How long would you like to see the lengths of these terms be? How much do you believe they should get paid?
7. What governing actions can best promote trust on Nantucket?
8. What would be signs to you that Nantucket functions optimally?

Thank you for your time. It is very helpful to us. Do you have anyone to suggest to us who we could contact for another interview about Town Meeting?