



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)

RECEIVED

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NANTUCKET TOWN CLERK
Posting Number: T 372

Committee/Board/s	TOWN COUNCIL STUDY COMMITTEE
Day, Date, and Time	WEDNESDAY, May 1, 2024, at 3:00PM until 5:15PM
Location / Address	MEETING TRAILER AT 131 PLEASANT STREET (Room B) 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

<https://us06web.zoom.us/j/82555041666?pwd=3aKqvfTalkY55kKa7fM84TvdgcUKX1.1>

Meeting ID: 825 5504 1666

Passcode: 738290

- I. Call to Order
- II. Acceptance of Agenda
- III. The Town Council Study Committee Meeting is being recorded.
- IV. Approval of Minutes of April 17, 2024
- V. Collins Center: Hypothetical Issues - Open Town Meeting versus Town Council
- VI. Public Outreach Discussion
- VII. Meeting dates through August
- VIII. Public Comment/Questions
- IX. Adjournment

Proposed Meeting Dates Through August

- May 15
- May 29
- June 12
- June 26
- July 17
- August 14

Open town meeting	Rep. Town Meeting	Council -Manager	Council Mayor
Electorate not represented • ¼ of elections turnout • 10% of all voters • No access for non-resident tax payers and immigrants • Some feel unheard (being heard vs voting) ++++			
Infrequent Meetings • Inability to get grants +			
Voter preparation • apathy • disengaged • loss of continuity b/c of new voters +++			
Difficult to explain issues			

Skepticism of administrations • selectboard opaque • lack of transparency ++			
Logistical issues related to putting on town meeting			
Select board and planning board sometimes unsure of process			

Forms of Government in Massachusetts

Town of Nantucket

April 17, 2024

Patricia Lloyd, Associate,

Mel Kleckner, Associate

Anthony Wilson, Project Manager

*Edward J. Collins, Jr. Center for Public Management
McCormack Graduate School of Policy & Global Studies
UMass Boston*

Four Basic Forms of Government in Massachusetts

Town

Open Town Meeting

Towns: 260

Representative Town Meeting

Towns: 32

City

Mayoral-Council

Cities: 44

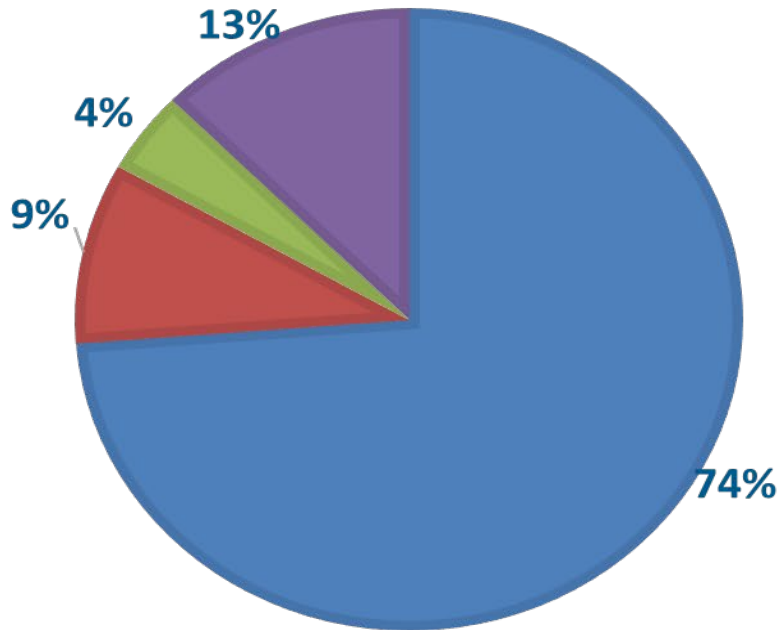
Council-Manager

Cities: 15

Breakdown by Forms of Government

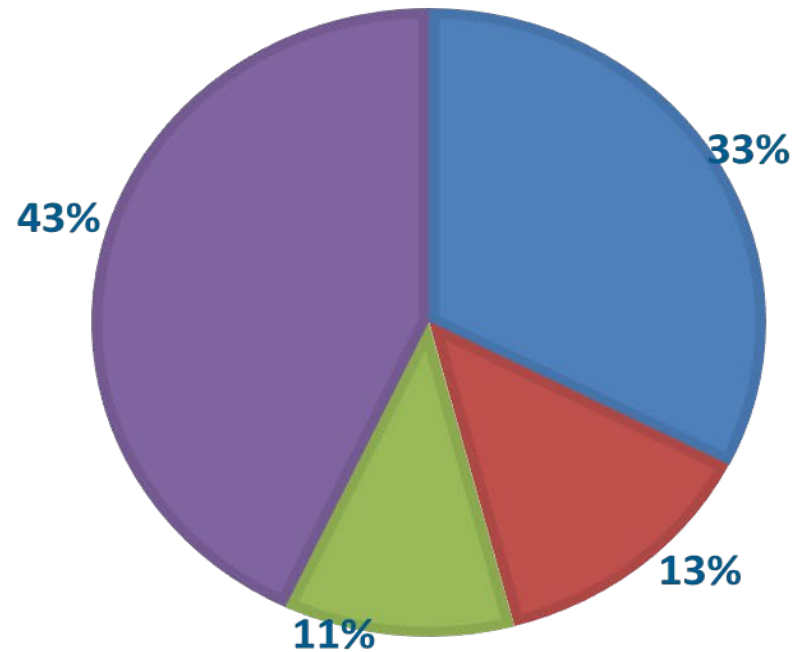
**FORMS OF GOVERNMENT OF ALL
351 MUNICIPALITIES**

■ Town - OTM ■ Town - RTM
■ City - Council/Manager ■ City - Mayor/Council



**MASS POPULATION LIVING IN EACH
FORM OF GOVERNMENT**

■ Town - OTM ■ Town - RTM
■ City - Council/Manager ■ City - Mayor/Council



Representative Town Meeting Details

- Representative Town Meeting is the legislative body of the Town
 - Required by law to meet at least once annually, but it usually meets more frequently
 - Usually between 100 to 250 elected members (smallest is Saugus with 55 and the largest is Fairhaven with >400)
 - RTM is run by an elected moderator
 - The warrant (i.e., agenda) is provided to it
- The Select Board (historically Board of Selectmen) is the head of the executive branch of the town
 - Usually consists of 3 or 5 members, elected every 2-3 years
 - The Select Board appoints a Town Administrator or Town Manager
- Town Administrator or Town Manager manages the day-to-day operations of the town under the direction of the Select Board.
- Finance or Advisory Committee advises RTM on the budget and other matters

Open Town Meeting Details

- Town Meeting is the legislative body of the town
 - Required to meet annually to adopt legislation and often meets more frequently on other matters
 - All registered voters eligible to participate in town meeting
 - Town meeting is managed by an elected moderator
- The Select Board (historically Board of Selectmen) is the chief executive officer of the town.
 - Usually consists of 3 to 5 residents elected every 2-3 years
 - Select Board appoints a Town Administrator or Town Manager
- Town Manager or Town Administrator manages the day-to-day operations of the town under the direction of the Select Board.
- Finance or Advisory Committee advises town meeting on the budget and other matters.
- Towns of less than 6,000 must have an open town meeting.

City: Mayoral Form Details

- Mayor is the Chief Executive Officer of the City
 - Usually elected every 2 or 4 years
 - Responsible for day-to-day operations of the city
 - Appoints most, if not all, city employees and volunteer boards
 - Mayor submits budget to council
 - Mayor is often on (and sometimes chair of) school committee
- City Council is the legislative body of the City
 - Usually consists of 9 to 15 members (the smallest is 7 and the largest is 24)
 - Elected every 2 or 4 years
 - Usually meeting weekly or bi-monthly
 - Usually very limited appointment power
 - Usually a mix between councilors elected at large and those elected by ward
 - Council approves or rejects budget

Town: Council-Manager Form Details

- Town Manager is the Chief Executive Officer of the Town
 - Appointed by the Town Council
 - Manages day-to-day operations of the town
 - Implements policies created by the town council
 - Appoints and manages subordinate officers and employees
 - Submits budget to the town council
- Town Council is the legislative body of the town
 - Usually consists of 9 to 15 members elected every 2 years
 - Usually meeting weekly or twice a month
 - Usually appoints town manager, town auditor, and town clerk
 - Council approves or rejects budget
 - Council president is sometimes on school committee

Potential Areas of Confusion in Mass Forms of Government

- Cities called towns (i.e., "the City known as the Town of")
- Some cities use the term mayor for the president of the city council
 - In this case, the mayor is not the chief executive
- One town renamed its board of selectmen a town council
- Population does not determine form
 - There are cities as small as 12,500 and towns as large 63,000 (Brookline)
- Town meeting is a legislative body, not an election
- A dozen cities still have "plan" forms of government
 - Plans were template charters provided in state law in the first half of the 20th century; no longer available

Comparisons to Other Forms - Method of Selection

Component	OTM	RTM (Ludlow)	Council- Manager	Council- Mayor
Legislative branch	All registered voters who appear	Elected body	Elected body	Elected body
Chief executive	Elected body	Elected body	Appointed individual	Elected individual
School committee	Elected body	Elected body	Elected body	Elected body
Boards and committees	Mixed elected and appointed (more often elected)	Mixed elected and appointed	Mostly appointed by chief executive	Mostly appointed by chief executive

Comparisons to Other Forms - Budget Process

Role	OTM	RTM (BROOKLINE)	Council- Manager	Council-Mayor
Budget creation	Varies (TA, TM, FinCom, Selectboard)	Usually TA or TM	Manager (usually after receiving council priorities)	Mayor
Budget review	FinCom, Selectboard	FinCom, Selectboard	n/a	n/a
Budget presentation	Varies (TA, TM, FinCom, Selectboard)	Varies (TA, TM, FinCom, Selectboard)	Manager	Mayor
Budget debate and approval	Town Meeting	Town Meeting	Council	Council

Trends in Form of Government in Massachusetts

- In the last few decades, one town changes to a city form roughly every few years
- As far we are aware, no municipality in Massachusetts has ever transitioned from town to city and then chosen to return to a town form
- As far we are aware, no municipality has adopted a representative town meeting form since Chelmsford in 1989
 - In 1979, there were 48 RTMs, now there are 32
- Within the town form, trend towards reduction of elected positions and granting town administrator/manager more authority
- The Mass Constitution restricts the forms of government available to the ~190 towns with populations <12,000

Some Commonly Noted Strengths and Weaknesses of Forms

- OTM:
 - Strengths: direct democracy; all voices can be heard...
 - Weaknesses: ...if you're available during the meeting; non-continuous and infrequently meeting legislative body creates inefficiencies
- RTM:
 - Strengths: large legislative body provides broad representation, and select board allows for multiple-member body as head of executive
 - Weaknesses: RTM seats are often uncontested (or even unfilled), and voters may not know their representatives; does not meet as regularly as a council
- Mayor/Council:
 - Strengths: unifying executive authority and political power can lead to more rapid and significant change
 - Weaknesses: elected mayor may not professional management skills
- Council/Manager:
 - Strengths: professional management plus efficient legislative branch
 - Weaknesses: unelected executive with significant authority and limited checks on authority

Structural differences between cities/towns

- Town bylaws require AG approval while city ordinances do not
- Most city boards are appointed rather than elected
- City budget process subject to specific procedural requirements, deadlines, and a streamlined process. Cities do not have finance committees to recommend budgets or approve reserves.
- City elections are held in the fall while town elections are in the spring

Charters can override some of these differences.

Questions to Discuss

THANK YOU!

**We're happy to take
your questions.**

TOWN-CITY CHARTER COMPARISONS

	Population	Density	Budget	Charter Est.	Legislative	Executive	Other Elected Officials/Boards	Authority of Town Council	Authority of Town Manager
COUNCIL- MANAGER									
Town of Barnstable	16,430	1,263	\$59.2	2016	7-member Town Council elected at large for three year, staggered terms.	Town Manager appointed by Town Council for a term to be negotiated. Must be town resident within 6 months of appointment.	School Committee	Acts as legislative body. Appoints Town Manager. President of the Council elected by Town Council prepares agendas and presides over meetings of the Town Council. Appoints committees of the Council.	Acts as CEO. Appoints all officials, employees, and boards of the Town, some that are subject to Town Council veto. Prepares and submits Budget and CIP to the Town Council for approval.
Town of Bridgewater	28,633	1,048	\$59.7	2011	9-member Town Council elected for three year staggered terms; seven elected by district and two elected at-large. No member can serve more than 12 consecutive years.	Town Manager appointed by Town Council for a term to be negotiated. Must be a citizen of the United States.	School Committee, Town Clerk, Library Trustees	Act as Legislative Body. Appoints Town Manager. President and Vice President of the Council elected by Town Council. President prepares agendas, presides over meetings of the Town Council and convenes various required public processes.	Acts as CEO. Appoints all officials, employees and boards of the Town, subject to ratification of the Town Council. Prepares and submits Budget, CIP and Long-range financial forecast to the Town Council for approval.

	Population	Density	Budget	Charter Est.	Legislative	Executive	Other Elected Officials/Boards	Authority of Town Council	Authority of Mayor
MAYOR-COUNCIL									
Town of Agawam	28,692	1,231	\$94.4	1988	11-member Town Council elected at large for two year terms.	Mayor elected at large for a two year term.	School Committee	Acts as Legislative body. Appoints the Town Accountant, Clerk of the Council (not town clerk), and the Zoning Board of Appeals. President of the Council elected by Town Council prepares agendas and presides over meetings of the Town Council.	Acts as CEO. Serves as member and Chair of the School Committee. Appoints all city officers, department heads and members of multiple-member bodies. Prepares and submits Budget and CIP to the Town Council for approval. Maintains veto power over Town Council actions.
City of Gloucester	29,952	1,143	\$120.0	1922	9-member Town Council elected partially at large and partially by ward for two year terms.	Mayor elected at large for a two year term.	School Committee	Acts as Legislative body. Appoints the City Clerk and City Auditor. President of the Council elected by Town Council prepares agendas and presides over meetings of the Town Council.	Acts as CEO. Appoints all city officers, department heads and members of multiple-member bodies subject to rejection by City Council within 30 days. Prepares and submits Budget to the Town Council for approval. Maintains veto power over Town Council actions.

	Population	Density	Budget	Charter Est.	Legislative	Executive	Other Elected Officials/Boards	Authority of Select Board	Authority of Town Manager
TOWN MEETING-SELECT BOARD-TOWN MANAGER									
Town of Auburn	16,889	1,091	\$58.8	2009	Representative Town Meeting consisting of 135 members elected by precinct 3-year terms.	Five member Select Board elected at large for three year terms who appoint a Town Manager, who must be a resident with twelve months of appointment.	School Committee, Town Moderator, Town Clerk, Library Trustees.	Is the chief policy board. Appoints the Town Manager, Finance Committee and Zoning Board of Appeals. Also appoints the Town Accountant and Town Counsel subject to Town Manager recommendation.	Acts as CAO. Appoints most employees of the Town subject to Select Board approval. Also appoints the Board of Assessors, Board of Health, Board of Cemetery Commissioners, Planning Board, and some boards of the Town. Prepares and submits Budget and CIP to the Select Board and Finance Committee for approval and presentation to Town Meeting.
Town of Falmouth	33,128	752		1990	Representative Town Meeting consisting of 243 members elected by precinct 3-year terms.	Five member Select Board elected at large for three year terms who appoint a Town Manager, who must be a resident with eight months of appointment.	School Committee, Town Moderator, Town Clerk, Library Trustees, Planning Board	Is the chief policy board. Appoints the Town Manager, the Town Accountant and the Board of Registrars.	Acts as the CAO. Appoints an Assistant Town Manager, a Town Planner, a Town Counsel, a Finance Director, a Director of Personnel and other department and division heads subject to approval of the Select Board within ten days. Prepares and submits the Budget to the Select Board.
Town of Nantucket	14,491	322		1996	Open Town Meeting.	Five member Select Board elected at large for three year terms who appoint a Town Manager, who must be a resident with eight months of appointment.	School Committee, Town Moderator, Town Clerk, Library Trustees????, Planning Board, CPC, HDC, Land Bank, Haroher/Shellfish, Water Commission	Is the chief policy board. Appoints the Town Manager, the Town Counsel and the Board of Registrars.	Acts as the CAO. Appoints the heads of all Town Administration departments subject to a vote of disapproval by the select board within 15-days. Prepares and submits the Budget to the Select Board.

SCENARIO 1- DEVELOPMENT PROJECT:

A complex development project that requires multiple legislative approvals, including a comprehensive development agreement that provides property tax certainty, direct mitigation payments and community benefits including affordable housing, all conditional on a zoning change that will accommodate a large residential development. The agreement also calls for the town and the developer to exchange certain parcels of adjacent land.

Council-Manager/Mayor (3-6 months)	Town Meeting-Select Board/Town Administrator (9-12 months)
<u>Development Agreement</u> The Mayor or City Manager meets (often multiple times) with the developer to negotiate a development agreement acceptable to the City, including community benefits conditional on a zoning change. The development agreement is submitted to the Council for review and approval in coordination with other actions, including a land swap and zoning change. The Council convenes a series of public meetings and a hearing. The Council considers and approves the agreement in coordination with other required approvals (zone change and land deal).	<u>Development Agreement</u> The Town Manager seeks authorization from the Select Board to engage with the developer and under what parameters. The Select Board will often convene a committee of experts, representatives of relevant town boards, and concerned residents to work with staff in reaching a tentative agreement with the developer acceptable to the Town, including community benefits conditional on a zoning change. After multiple meetings, the committee and staff recommend that the Select Board approve the agreement subject to Town Meeting approval. The Select Board convenes a series of public meetings and hearings The Select Board votes to approve the agreement subject to Town Meeting approval and call a Special Town Meeting. The Finance Committee convenes a series of meetings to develop its recommendations for Town Meeting. Public communication and education period ensues (methods differs between an open and a representative town meeting) The Special Town Meeting considers and approves the articles in the Warrant in

	coordination with the zoning amendment (see below).
<u>Zoning Amendment</u> City Manager or Mayor submit petition to Council requesting a zone change for affected parcel(s) Planning board conducts a public hearing about the zone change within 60 days of submission. Council conducts public hearing about the zone change (within 65 days of planning board recommendation). Meeting notice must be posted in newspaper 14 days prior to meeting. If the Council approves the zone change, it becomes effective without AG approval	<u>Zoning Amendment</u> Following approval of the overall development agreement, the Select Board inserts in the Warrant a zone change and refers the matter to the Planning Board for their required public hearing and recommendation. Planning board conducts public hearing about the zone change within 60 days of submission Special Town Meeting approves the zone change. In a representative form of town meeting, a period of 7 days must elapse to provide an opportunity for a referendum on the town meeting action. Within 30 days of the adjournment of town meeting, the Town Clerk submits the zoning change to the Attorney General of the Commonwealth, who must approve or reject within 90 days
<u>Land Swaps</u> Mayor or City manager submits an order to Council to <u>dispose</u> and <u>acquire</u> property by purchase, taking or conveyance. City Council votes to accepts conveyance or acceptance of real property	<u>Land Swaps</u> Land acquisition and sale generally require Town Meeting approval (Nantucket charter authority to Select Board notwithstanding). Once approved by Town Meeting, the Select Board adopts the required order and related approvals to effect the disposal and acquisition of town property.

SCENARIO 2: SPECIAL BUDGET APPROPRIATION AND FINANCING

An opportunity has arisen to secure federal infrastructure funding for an essential public works project. The terms of the grant require a financial commitment from the legislative body (25% share). To retain financial flexibility, staff recommends a combination of appropriation from available special funds combined with the authority to borrow funds.

Council-Manager/Mayor	Town Meeting-Select Board/Town Administrator
Special Appropriation/Transfer and Financing (1-2 months) City Manager or Mayor meets with staff to review the funding opportunity to discuss plan of action and funding requirement. City Manager or Mayor submits an order to the Council requesting approval of the grant application, appropriation or transfer of funds, and permission to issue debt. The Council convenes a series of meetings and hearings, especially engaging with municipal boards with a stake in the project. The Council approves the grant application and funding/financing measures.	Special Appropriation/Transfer and Financing (3-4 months) Town Administrator meets with staff to review the funding opportunity to discuss plan of action and funding requirement. Town Administrator seeks Select Board approval of the grant application, appropriation or transfer of funds, and permission to issue debt subject to Town Meeting approval. Select Board convenes a series of meetings and hearings, especially engaging with municipal boards with a stake in the project. The Select Board calls a Special Town Meeting. The Finance Committee commences a process to consider the articles in the warrant and makes a recommendation to Town Meeting. Town Meeting approves the appropriations/transfers and financing option.

Resident Participation Options

Open Town Meeting	Representative Town Meeting	Council-Manager/Mayor-Council
		Free Petition: Voter signatures are collected to present a measure to the Town Council for a hearing. (Usually 50-150 signatures)
Citizen Petition: Voters collect signatures to place item on warrant; Ten voters for annual town meeting and 100 voters for special town meeting	Citizen Petition: same process as OTM	Resident Initiative: Threshold number of voters sign a petition to require council to take a specific action. If no action is taken, the subject appears on the municipal ballot. The number of signatures required varies significantly.
	Referendum: Certain decisions on final RTM votes are delayed for period of time (usually 7 days) to allow 3% of voters to request a special election for voters to decide the issue. 20% of registered voters required to reverse RTM vote.	Referendum: Threshold number of voters sign a petition for the repeal of a measure enacted by the council or for an election to require the action to be affirmed by voters.
		Open Meeting of the Voters: (Barnstable) The Town Council may call an Open Meeting of the Voters, or signatures are collected to compel an Open Meeting of the Voters (300 in Barnstable). Attendees do not vote. Officials and employees are present to answer questions.

** Prepared by the Edward J. Collins, Jr. Center for Public Management