



Town of Nantucket Finance Committee

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Committee Members: David Worth(Chair), Stephen Maury(Vice-chair), Clifford Williams, Joseph T. Grause Jr., Peter McEachern, Henry Sanford, Joanna Roche, Christopher Glowacki, Jean Grimmer

MINUTES

Thursday, January 5, 2017

4 Fairgrounds Road, Community Room – 4:00 p.m.

Called to order at 4:00 p.m.

Staff in attendance: Brian Turbitt, Director of Finance; Julia Lindner, Financial Analyst; Terry Norton, Town Minutes Taker

Attending Members: Worth, Maury, Williams, Grause, Sanford, Roche, Glowacki, Grimmer

Absent Members: McEachern

Late Arrivals: Roche, 4:09 p.m.

Early Departures: None

Documents used: December 19, 2016 minutes; 2017 Annual Town Meeting (ATM) Citizen Warrant Articles; Richmond Great Point Development Housing Projects Consultant Report

I. PUBLIC COMMENTS – Any Member Of The Public May Address Committee At This Time

None

II. APPROVAL OF PRIOR MEETING MINUTES

1. December 19, 2016: **Motion to Approve as amended.** (made by: Grimmer) (seconded by: Maury)
Carried unanimously

III. REVIEW AND DISCUSS THE FOLLOWING 2017 ATM CITIZEN WARRANT ARTICLES

- G Non-Binding Ballots Catherine F. Stover
- Sitting Worth, Maury, Williams, Grause, Sanford, Roche, Glowacki, Grimmer
- Discussion **Catherine Stover**, Sponsor – A non-binding ballot question as to whether or not the town will vote to use public land for a not-for profit business, specifically a funeral home.
- Williams** – When it comes to non-binding questions, he doesn't think the committee should take a stand one way or another; it might bias the votes.
- Worth** – To take no action would be most neutral. The ballot should be on the ballot 35 days prior to the election and have approval of the Board of Selectmen (BOS) or vote of ATM. If this is to advance, it would have to go through Town Meeting then the Selectmen.
- Stover** – It goes to the BOS first; they would construct the ballot if they don't approve it. If they don't approve it, it doesn't go on the ballot.
- Sanford** – Asked if Ms Stover would be opposed to changing the language to eliminating Funeral Home so that it would apply to any non-profit.
- Stover** – She would not; there's a special act allowing for a non-profit funeral home. Expanding the language is beyond the scope of what she's asking. This is specifically for a funeral home.

H Convey: 131/135 Pleasant Street Catherine F. Stover
I Convey: 2-8 Ticcoma Way Catherine F. Stover
J Transfer: 9 East Creek Catherine F. Stover

Sitting Worth, Maury, Williams, Grause, Sanford, Roche, Glowacki, Grimmer

Discussion **Catherine Stover**, Sponsor – These are possible sites for a funeral home; these properties are already owned by the Town with clear title. People can weigh in on where they would want a funeral home.

Worth – There is an opportunity to cost associated with each property; he would like to know what that would be. That opportunity cost might favor doing a funeral home or not.

Stover – She doesn't know what the opportunity costs would be. The emotional costs and loss of revenue have been high. Noted that if there were 222 deaths in a year at \$1000 each, that is \$22,200 revenue lost to the island.

Grause – He's not clear what these article would do; if the first article doesn't pass, these are dead. The non-binding referendum is a good idea; but to have these on the warrant before the referendum vote is confusing.

Stover – More people attend an election than Town meeting; it allows those people who didn't go to Town meeting to still weigh in on whether or not they want a funeral home. The ballot question as to whether or not to do a funeral home is the most important to answer. If it passes, this is the next step.

Worth – Since she is asking for the non-binding referendum, asked if Ms Stover would be amenable to going forward with that ballot to get the sense of the community and accepting a negative recommendation on these specific sites. She could come back once the sense of the community is established.

Stover – The discussion has to be had; people are looking to get this done. She thinks it is important to have both the first and these three articles.

Worth – Each property would have to be handled separately at Town Meeting. Indicating one site is preferred without knowledge of the opportunity costs, this would tie the Town's hand on other uses of these properties for quite a while. The articles say the land would be held for the purpose of conveyance for the specific purpose identified; the Town couldn't do anything with the three properties until the Funeral Home issue is sorted out.

Sanford – That is why he would like the referendum broadened to include any not-for-profit; doing that would still address Mr. Worth's concern and meet Ms Stover's needs.

Maury – If the referendum doesn't pass, it seems the BOS is still bound to hold the property for purpose of conveyance to a funeral home.

Stover – She doesn't believe the properties would be bound if the referendum fails.

Maury – If the Ticcoma Way properties are held for a funeral home and the Town wants to use them for affordable housing, it would have to go back to Town meeting. He'd hate to see the Affordable Housing initiative tied up by this.

Williams – We need Town Counsel to clarify that for us.

W Home Rule (Charter Change) FinCom Michael A. Glowacki

Sitting Worth, Maury, Williams, Grause, Sanford, Roche, Glowacki, Grimmer

Discussion **Mike Glowacki**, Sponsor – With the growing complexity of the Town, separation of power seems a simple thing. People he's talked to wonder if the Town could do better structurally on the executive and legislative sides. Referenced a document about the Town Moderator appointing Finance Committees in other small communities. He believes all aspects of government should be unfettered from each other.

(4:25) **Williams** – Asked if he had spoken to the Town Moderator and if she would do this.

M. Glowacki – He spoke to her. The current moderator is careful to separate her personal inclinations from what is good for the Town.

Worth – He talked to a person at the Massachusetts Municipal Association; predominately Finance Committees are appointed by the Moderator. An unusual comment that was made to him is that usually you see this change when a town’s form of government changes.

M. Glowacki – Nantucket adopted its charter in 1996 and several political compromises were made, among which was the BOS appoints FinCom. He feels that is inherently in opposition to separation of powers.

Worth – He doesn’t get where the conflict might exist.

Williams – He hasn’t seen it with this BOS but he has seen where the BOS had appointed members based upon their personal opinions rather than skill.

Maury – Thinks that decisions based on personality is a greater risk with one person making a decision than it is with the majority of a five-member BOS. His opinion is that a single person making that decision is a step backward.

Y Bylaw Amend: Affordable Lot/Units Linda S. Holland

Z Bylaw Amend: Residential Housing Size Linda S. Holland

Sitting Worth, Maury, Williams, Grause, Sanford, Roche, Glowacki, Grimmer

Discussion **Worth** – He emailed Ms Holland about attending this meeting and did not get a response. Suggested passing on any discussion this at this time. He will reach out to Ms Holland about her speaking about these articles.

AA Reaffirm: Separate Fire & Police Chiefs Jeffrey M. Allen

Sitting Worth, Maury, Williams, Grause, Sanford, Roche, Glowacki, Grimmer

Discussion **Jeff Allen**, Sponsor – Read from a position paper he forwarded to committee members about reaffirming separate fire and police departments and addressing negative effects of combining the departments.

(4:40) **Worth** – Asked what led him to believe the departments would be combined.

Allen – A couple of years ago, there were comments of moving in that direction; at that time, the Police Chief stated he was not interested in a combined department. In January 2016, there was a rebranding of the Police Department to Public Safety Department. Though there might not be a motion in the direction of combining departments, moving forward with this would not hurt.

Williams – Asked how that would affect dispatch.

Allen – A couple of years ago, the Fire Department gave up its dispatcher; the dispatcher is now controlled by the Police Department and the Police Department decides which calls the Fire Department goes on. That is an indicator toward a combined department; we were lead to believe the dispatcher would shared and instead the dispatch is administered by the Police Department. Marine, Licensing, Emergency Management have all been absorbed by the Police Department.

Worth – There is no proposal for consolidation; it strikes him this is premature to engage in this discussion. If we were to support this article, we tie the hands of policy makers without a discussion by the community. He feels this is addressing a problem that does not exist.

Allen – He wants to affirm what already exists and maintain that and to get a sense of the meeting. He doesn’t see how this would tie the Town hands. It isn’t a bylaw.

BB Adopt MGL 48, Sec.42-Fire Departments Jeffrey M. Allen

Sitting Worth, Maury, Williams, Grause, Sanford, Roche, Glowacki, Grimmer

Discussion **Jeff Allen**, Sponsor – This is referred to as the “Strong Chief Law.” Adopting the law ensures the existence of a strong fire chief with experience and who undergoes on-going mission-essential training to make decisions for the department; a Town Manager and BOS don’t have that knowledge. He has had discussions with John Giorgio and Jack Dolan, who mentioned a change in the Town Charter; he hasn’t seen supporting documentation to that effect. Under the current Town Charter, Chief Paul Rhude can’t make decisions for the department and is considered a “weak chief” under the charter; he believes this places the public at risk. There is nothing in the Town Charter that addresses the Chief’s authority directly; language is ambiguous.

Grause – Asked what would be different in terms of the roles and responsibilities of the Chief if this is adopted.

Allen – The difference would be hiring, promotions, positions, discipline, and policies would be made by the Chief. Currently he must attend meetings and request the decisions be made. Under the “Strong Chief”, Human Resources and Town Administration are not removed from the process and finance questions would go through the BOS.

Roche – Asked if there have been instances when the department couldn’t hire someone due to a Human Resources procedure.

Allen – Yes, there was a recent decision to that effect. Currently the chief must go through Human Resources to hire employees; Human Resources and Town Administration make the decision to hire someone.

Worth – He believes the Police Chief has to go through Human Resources; he doesn’t understand why the Fire Chief shouldn’t as well.

Roche – Asked the percentage of calls responded to by both Fire Department and Police Department.

Allen – It is a large percentage but he hasn’t got a specific number. Police very often are on EMS calls; they work together a lot.

Roche – Asked if there is a review process to review how calls are handled on a monthly basis.

Allen – There have been concerns that have been addressed; we are moving forward to address. One dispatcher is sending out fire and police on different calls. Typically, police and fire dispatch are handled separately. Concerns are addressed through the chain of command to the Town.

Williams – Asked how many towns in Massachusetts have a Strong Chief.

Chief Michael Winn, Fire Chief’s Association of Massachusetts – In Massachusetts, 135 towns have strong chiefs; doesn’t know which have a similar form of government. Of 351 cities and towns, 55 have a mayor, 135 have strong chiefs, 200 plus towns are a blend of week chiefs or fire districts.

Paul Medeiros, Professional Firefighters of Massachusetts – Introduced himself. He has 38 local unions in Cape Cod and the south shore in his jurisdiction. Nantucket is in his district.

Shane Perry, President of Nantucket Firefighters – Introduced himself.

Allen – He has been in communication with these gentlemen; Nantucket is an isolated local with no mutual aide. He invited them to attend the meeting and show support for the warrant article and to answer questions.

Roche – Asked Mr. Winn’s opinion on the benefits to having a Strong Chief.

Winn – The two top benefits to a Strong Chief are: 1) it removes politics from the leadership of the fire department and allows the chief to make the decisions made based on training, credentials, and experience; 2) it allows the community to know a professional is in charge of the department.

Worth – His understanding is that under the Strong Chief form, the Fire Chief is life-time appointment and can’t be removed. Removal for cause is a high hurdle so this is essentially a life-time appointment.

Winn – He doesn’t believe that statement is correct; the Commonwealth has very detailed just cause criteria. 48-42 allows the community to remove a fire chief by the simple act of not renewing the contract. Once the chief receives written notice his contract is not being renewed, he has one year to vacate the position.

Rhude – His contract makes him an employee at will; he can be terminated at any time for no reason.

Worth – He believes everyone in the Town is an employee at will to include the Police Chief. He doesn’t understand why this is on the table. Chief Rhude was hired because of his credentials. He doesn’t see why we would want to unduly tie the Town’s hand for a situation that isn’t broken.

Allen – The Town hired a professional but his hands are tied in making decision that he has trained for.

Worth – He doesn't think the Town is getting in the way of the chief doing his job. His concern is that the chief would have absolute control and report to no one; there is question as to the amount of budgetary oversight.

Allen – If the Strong Chief makes decisions the Town is not pleased with, he can still be removed. He has seen what happens when chiefs hands are tied in making decisions that are necessary for the good of the department.

Maury – Asked for examples.

Allen – A change in policy to the Fire Department was responding to water related calls; we were told we were no longer in the business of being the responder for that; that was a change in policy that the department did not want and cannot fight or change. Responding to emergencies on the water is now the responsibility of the police; he feels the police should not be in the job of water rescue or fire.

Worth – Asked if this about wanting a fire boat.

Allen – No. You asked for a specific example.

Roche – Asked if there is a public safety committee who addresses policy changes.

Allen – Not that he knows of.

Glowacki – Asked to go back to whether or not this would conflict with Town Charter.

Allen – Two years ago, Town Counsel said there are legislative acts that gave the chief strong chief powers; since then, he has found those do not exist. He hasn't seen anything requiring the charter to be changed; he would welcome any language from Town Counsel to be reviewed with Fire Department legal if a charter change is necessary.

Roche – Read Town Counsel's review of this citizen warrant article: it would require a Town charter amendment.

Allen – He will reach out to Mr. Giorgio for supporting documentation and an actual description.

Maury – Would also like additional documentation of other specific reasons for this change.

Williams – Asked if police respond to fires, if that infringes on some law.

Allen – There are Massachusetts General Laws that relate specifically to duties of fire fighters and police officers which spells out that one should not do the work of another and supports the Fire Department to responding to fire on the water and water front. Fire fighting and fire suppression is the prevue of the Fire Department.

Grimmer – You mentioned a change in which the Fire Department gave up control of the dispatcher; asked when that happened.

Allen – Previously, when police received a 911 call, they transferred to us; a person would remain behind to dispatch apparatus. When the contract was last renegotiated, the Fire Department gave up that system under the belief that the fire dispatcher would be a separate person. That turned out not to be the case. Often one person is dispatching both fire and police, often at the same time for different calls.

V. OTHER BUSINESS

1. Discussion Related to Consultant Report Prepared for Richmond Great Point Development Housing Projects

Sitting Worth, Maury, Williams, Grause, Sanford, Roche, Glowacki, Grimmer

Discussion **Patty Roggeveen** – Wants the record to show Richmond Great Point Development was not invited to speak to this subject at this meeting.

(5:33) **Worth** – This is our opportunity to enter into a dialogue about the impact of the Richmond Great Point Development housing projects on water and sewer.

Grimmer – Disclosed she lives in an abutting area.

Williams – It seems when it comes to subdividing land, we don't take into consideration where we are headed and what it means to water and sewer.

Maury – It would be a good function of the Planning Department to let us know what our zoning portends for the future. These types of economic impact analysis reports are important

and should be a model for what happens in the future. With respect to this report, the most important thing is the infill or echo percentage – the number of people moving from one area of the Island to these units as opposed to new people coming to the island; that area needs the most scrutiny.

Williams – There is a Master Plan but at Town Meeting areas are being subdivided; asked if the Master Plan sets a point when that stops.

Maury – There is the Master Plan and area plan and there seems to be confusion as to which should be considered when looking at a new subdivision. He would like to know where the numbers are headed. He doesn't think anyone has asked the Planning Board to do this type of analysis. Suggested this committee request the BOS to make that request to the Planning Board.

Roggeveen – The Planning Board did receive the analysis from our consultant. The Planning Board has asked for an independent peer review of that current fiscal analysis.

Worth – He will put on a future agenda a vote to make a formal request of the BOS to ask the Planning Board.

Glowacki – It would seem this analysis would be an early-on piece of the Strategic Plan.

Roche – Any increase in property value or tax indexing of the South Road area.

Worth – This is under policy discussion by the BOS and might come forward as a selectmen article; it hasn't been decided yet.

Turbitt – The goal is to get the answers for any question to the BOS by January 11. The warrant will be adopted January 18.

Roche – Any money potentially made could off-set the impact.

Maury – That wouldn't off-set the general cost; it would go back to infrastructure.

Turbitt – To fund infrastructure improvement; when adopted it sets baseline valuation in the area adopted and incremental evaluation changes can be approved and implemented for up to 30 years.

Further discussion about incremental revenue generation and use.

VI. NEXT MEETING DATE/ADJOURNMENT

Date: Tuesday, January 10, 2017; 4:00 p.m.; Nantucket High School LGI Room

Topics: Affordable Housing Trust Fund, citizen article motions, and possibly request of FinCom to BOS for build-out analysis to go to Planning Board.

Discussion about the schedule of meetings.

Adjourned at 5:56 p.m.

Submitted by:

Terry L. Norton