

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF NANTUCKET
2018 ANNUAL TOWN MEETING**



**Tuesday, April 3, 2018 - 6:00 PM
Nantucket High School
Mary P. Walker Auditorium**

**Town of Nantucket
16 Broad Street
Nantucket, MA 02554
(508) 228-7255
www.nantucket-ma.gov**

**BOARD OF SELECTMEN
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Matthew G. Fee, Vice Chairman
Jason Bridges
Rita Higgins
James R. Kelly**

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Barry G. Rector, Vice Chairman
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**MODERATOR
Sarah F. Alger**

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**TOWN OF NANTUCKET
2018 ANNUAL TOWN MEETING**

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NOTES:

1. ***PETITION ARTICLES HAVE BEEN PRINTED AS SUBMITTED BY THE PETITIONERS AND MAY CONTAIN TYPOGRAPHICAL AND OTHER ERRORS***
2. ***UNLESS OTHERWISE NOTED UNDER THE FINANCE COMMITTEE MOTION, ALL VOTES NEEDED FOR PASSAGE OF ARTICLES IS A SIMPLE MAJORITY.***

ARTICLE 1
(Receipt of Reports)

To receive the reports of various departments and committees as printed in the Fiscal Year 2017 Annual Town Report or as may come before this meeting; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the reports of various departments and committees as are printed in the Fiscal Year 2017 Annual Town Report or as may come before this meeting be accepted and filed with the permanent records of the Town.

ARTICLE 2
(Appropriation: Unpaid Bills)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44 section 64 of the Massachusetts General Laws, of unpaid bills from previous fiscal years, including any bills now on overdraft; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Two Thousand Four Hundred Seventy-seven Dollars and Forty-six Cents (\$2,477.46) be transferred from Free Cash to pay the General Fund unpaid bills from prior fiscal years; that Twelve Thousand Eight Hundred Ninety-seven Dollars and Nineteen Cents (\$12,897.19) be appropriated from Retained Earnings of the Sewer Enterprise Fund to pay Sewer Enterprise Fund unpaid bills from prior fiscal years; that Two Thousand Six Hundred Thirty-three Dollars and One Cent (\$2,633.01) be appropriated from Undesignated Fund Balance of the Community Preservation Committee (CPC) Fund to pay the CPC unpaid bills from prior fiscal years.

DEPARTMENT	VENDOR	AMOUNT
Culture and Tourism	Inquirer and Mirror	\$684.00
Finance	Hy-Line Cruises	\$52.80
Finance	Thrifty Car Rental	\$131.58
Planning and Land Use Services	Pitney Bowes	\$33.01
Police	Airport Gas Station	\$274.00
Public Buildings	Harbor Fuel	\$538.05
Public Buildings	Yates Gas	\$85.72
Town Administration	Iron Mountain	\$157.00
Town Administration	Inquirer and Mirror	\$133.80
Town Clerk	Steamship Authority	\$387.50
<u>Subtotal General Fund</u>		<u>\$2,477.46</u>
Sewer	Fisher Scientific	\$187.24

Sewer	The Nobby Shop	\$243.45
Sewer	South Shore Generator	\$9,562.00
Sewer	GE Zenon	\$2,904.50
<u>Subtotal Sewer Enterprise Fund</u>		<u>\$12,897.19</u>
Community Preservation Committee	RICOH	\$146.99
Community Preservation Committee	Inquirer and Mirror	\$2,486.02
<u>Subtotal Community Preservation Committee</u>		<u>\$2,633.01</u>

Quantum of vote required for passage of this motion is 4/5

ARTICLE 3 (Bylaw Amendment: Finances)

To see if the Town will vote to amend Chapter 19 (Finances), Article XIII (Revolving Accounts) by adding an additional revolving account as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

§19-21. Revolving accounts established.

Fund	Revenue Source	Authority to Spend	Use of Fund
Road Repairs	Road opening fees; Funds received for Town roadway projects	Town Manager with approval of Board of Selectmen	Repairs to Town roads as needed due to road openings

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Chapter 19 (Finances), Article XIII (Revolving Accounts) is amended by adding an additional revolving account as follows:

§19-21. Revolving accounts established.

Fund	Revenue Source	Authority to Spend	Use of Fund
Road Repairs	Road opening fees; Funds received for Town roadway projects	Town Manager with approval of Board of Selectmen	Repairs to Town roads as needed due to road openings

ARTICLE 4

(Revolving Accounts: Spending Limits for FY 2019)

To see what spending limits the Town will establish for revolving accounts established pursuant to Chapter 44, section 53E½ of the Massachusetts General Laws and Section 19-21 of the Town Code for Fiscal Year 2019; or take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the revolving funds listed below are hereby authorized to continue during Fiscal Year 2019 as follows:

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Beach Improvement	Beach Permit Sticker sales	Town Manager with approval of Board of Selectmen	In accordance with c. 56 § 7A of Town Code, including endangered species monitor program; beach patrols/monitors; beach use education/information	\$516,411
Community Recreation Programming	Sports programs fees	Town Manager	Operation and maintenance of Town-owned recreational facilities, Town-owned athletic fields, courts and parks for recreational, organized sports, sports camps and playing field activities	\$80,900
Tennis Court	Tennis Fees	Town Manager	Operation and maintenance of tennis court facility	\$1
Conservation Fund	Conservation Commission application fees	Town Manager with approval of Conservation Commission	Consulting services in connection with professional review of applications	\$35,000
Septic System Inspections	Septic system application fees	Town Manager with approval of Board of Health	Contractor services in connection with septic system inspections; costs associated septic system inspection related training and portion of salaries for staff in connection with septic system duties and responsibilities, together with the proportionate costs of fringe benefits associated with the salaries so paid	\$83,624
Seasonal Food Service Inspections	Food service permit fees	Town Manager with approval of Board of Health	Seasonal food service inspections; costs associated with seasonal food service inspection training and public awareness materials; salaries for staff in connection with food service inspections	\$74,435
Lifeguard Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of lifeguard housing facilities	\$67,500
Road Repairs	Road opening fees, funds received for Town roadway projects	Town Manager with approval of Board of Selectmen	Repairs to Town roads as needed due to road openings	\$100,000

<i>FUND</i>	<i>REVENUE SOURCE</i>	<i>AUTHORITY TO SPEND</i>	<i>USE OF FUND</i>	<i>SPENDING LIMIT</i>
Public Works Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of public works housing facilities	\$75,000
Low Beach Housing	Rental payments	Town Manager with approval of Board of Selectmen	Defrayment of maintenance/upkeep of Low Beach housing facilities	\$67,500
Solar Rebate Program	Operational Adder from the energy aggregation program	Town Manager with approval of Board of Selectmen	Rebates for residential solar programs	\$100,000
Airport Aviation Fuel	Fees and receipts received in connection with sale of aviation fuel	Airport Commission	Purchase of Aviation Fuel	\$4,000,000

ARTICLE 5 (Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund pursuant to Chapter 40 section 6 of the Massachusetts General Laws, to provide for the extraordinary and unforeseen expenditures which may arise during Fiscal Year 2019; said sum not to exceed five (5) percent of the Fiscal Year 2018 tax levy; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be raised and appropriated from the Fiscal Year 2019 tax levy and other general revenues of the Town to establish a reserve fund for Fiscal Year 2019 pursuant to Chapter 40, section 6 of the General Laws.

ARTICLE 6 (Fiscal Year 2018 General Fund Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2018 General Fund operating budget from other line items of said budget and from other available funds; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2018 accounts and expenditures as follows:

<i>FROM</i>	<i>To</i>	<i>AMOUNT</i>
Visitor Services, Salaries	Police, Salaries	\$50,000
Town Admin, Professional Svcs	IT, Salaries	\$50,000

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2019)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2019:

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$75.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	19.00
Dietician/Our Island Home (hourly)	39.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (hourly)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	25.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	15.00
Seasonal Assistant Harbormaster (hourly)	30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	21.00
Seasonal Health Inspector	30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	16.00

Schedule B - Seasonal Employee Compensation Schedule

(Spring, Summer, Fall, Winter/Effective April 2, 2018 - April 1, 2019)

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$15.50	\$16.50	\$17.50	\$18.50
B-Hourly*	\$16.50	\$17.50	\$18.50	\$19.50
C-Hourly*	\$17.50	\$18.50	\$19.50	\$20.50
D-Hourly*	\$19.50	\$20.00	\$20.50	\$21.00

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

A: Information Aide, Seasonal Health Assistant, Shellfish Warden, Seasonal Natural Resources Enforcement Officer

B: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk

- C: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard,
Seasonal Laborer
- D: Lead Lifeguard, Lead Dock Worker, Seasonal Recreational Coordinator,
Reserve Police Officer, Seasonal Engineering Intern

*Schedule C -- Compensation Schedule for Elected Officials**

Moderator	\$175 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$101,617

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following schedules be adopted (changes from the Article are shown as follows: *items to be deleted shown by strike-out; items to be added shown as highlighted text*):

Schedule A -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building, Plumbing, Wiring Inspector, Assistants (hourly)	Up to \$75.00
Certified Nurse's Aide/Our Island Home (Per Diem - hourly)	19.00
Dietician/Our Island Home (hourly)	39.00
Election Warden (hourly)	20.00
Election Worker (hourly)	15.00
EMT, Call (hourly)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (hourly)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Licensed Practical Nurse/Our Island Home (Per Diem - hourly)	25.00
Registered Nurse/Our Island Home (Per Diem - hourly)	35.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	15.00
Seasonal Assistant Harbormaster (hourly)	30.00
Seasonal Maintenance Supervisor/Public Works (hourly)	21.00
Seasonal Health Inspector	30.00
Temporary Employee	various rates of pay
Veterans' Agent (hourly)	16.00

***Schedule B - Seasonal Employee Compensation Schedule
(Spring, Summer, Fall, Winter/Effective April 2, 2018 - April 1, 2019)***

Compensation Level	Start	Second Season	Third Season	Fourth Season
A-Hourly*	\$15.50	\$16.50	\$17.50	\$18.50
B-Hourly*	\$16.50	\$17.50	\$18.50	\$19.50
C-Hourly*	\$17.50	\$18.50	\$19.50	\$20.50
D-Hourly*	\$19.50	\$20.00	\$20.50	\$21.00

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

- A: Information Aide, Seasonal Health Assistant, Shellfish Warden, Seasonal Natural Resources Enforcement Officer
- B: Dock Worker, Natural Resources Technician, Seasonal Permit Sales Clerk
- C: Seasonal Firefighter/EMT, Community Service Officer, Lifeguard, Seasonal Laborer
- D: Lead Lifeguard, Lead Dock Worker, Seasonal Recreational Coordinator, Reserve Police Officer, Seasonal Engineering Intern

Schedule C -- Compensation Schedule for Elected Officials*

Moderator	\$175 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Town Clerk	\$101,617

****Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.***

ARTICLE 8

(Appropriation: Fiscal Year 2019 General Fund Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2019; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2019 operating budget is established for the various offices, boards, and commissions of the Town as follows:

DEPARTMENT	Fiscal Year 2019			FY 2018
	PAYROLL	OPERATING	TOTAL BUDGET	ARTICLE 8 TOTAL

GENERAL GOVERNMENT				
Finance Committee		\$ 18,680	\$ 18,680	\$ 18,680
Finance & Operations	\$ 1,835,274	\$ 538,710	\$ 2,373,984	\$ 2,564,390
Human Resources	\$ 291,780	\$ 90,200	\$ 381,980	\$ 388,670
Information Systems / GIS	\$ 654,760	\$ 410,000	\$ 1,064,760	\$ 925,440
Legal		\$ 401,000	\$ 401,000	\$ 401,000
Moderator	\$ 180	\$ 1,500	\$ 1,680	\$ 1,680
Planning and Land Use Services	\$ 1,615,032	\$ 272,000	\$ 1,887,032	\$ 1,916,779
Natural Resources	\$ 565,270	\$ 169,812	\$ 735,082	\$ 763,700
Town Administration	\$ 1,062,074	\$ 631,300	\$ 1,693,374	\$ 1,757,261
Town Clerk	\$ 262,320	\$ 83,200	\$ 345,520	\$ 321,770
Subtotal	\$ 6,286,690	\$ 2,616,402	\$ 8,903,092	\$ 9,059,370

SAFETY & PROTECTION				
Emergency Management		\$ 8,000	\$ 8,000	\$ 8,000
Fire Department	\$ 2,614,450	\$ 303,650	\$ 2,918,100	\$ 2,881,500
Police Department	\$ 5,617,380	\$ 757,530	\$ 6,374,910	\$ 6,068,870
Street Lighting		\$ 165,000	\$ 165,000	\$ 165,000
Subtotal	\$ 8,231,830	\$ 1,234,180	\$ 9,466,010	\$ 9,123,370

MARINE & COASTAL RESOURCES				
Marine Department	\$ 766,360	\$ 83,750	\$ 850,110	\$ 851,650
Subtotal	\$ 766,360	\$ 83,750	\$ 850,110	\$ 851,650

MAINTENANCE				
Gas / Town Vehicles		\$ 375,000	\$ 375,000	\$ 375,000
Mosquito Control		\$ 160,381	\$ 160,381	\$ 107,689
Public Buildings		\$ 1,335,100	\$ 1,335,100	\$ 1,210,100

Public Works	\$ 2,589,600	\$ 682,000	\$ 3,271,600	\$ 2,977,990
Snow and Ice Removal	\$ 7,600	\$ 75,000	\$ 82,600	\$ 82,600

<i>Subtotal</i>	\$ 2,597,200	\$ 2,627,481	\$ 5,224,681	\$ 4,753,379
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HUMAN SERVICES

Human Services	\$ 271,377	\$ 63,950	\$ 335,327	\$ 329,021
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<i>Subtotal</i>	\$ 271,377	\$ 63,950	\$ 335,327	\$ 329,021
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CULTURE & RECREATION

Atheneum		\$ 722,735	\$ 722,735	\$ 719,719
Town Clock		\$ 4,700	\$ 4,700	\$ 4,700
Visitor Services	\$ 292,200	\$ 153,700	\$ 445,900	\$ 501,100

<i>Subtotal</i>	\$ 292,200	\$ 881,135	\$ 1,173,335	\$ 1,225,519
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<i>CONTRACTUAL OBLIGATIONS</i>	\$ 1,100,000	\$ -	\$ 1,100,000	\$ 386,611
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TOTAL OF DEPT OPERATING BUDGETS	\$ 19,545,657	\$ 7,506,898	\$ 27,052,555	\$ 25,728,920
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EDUCATION

Community School	\$ 450,000	\$ -	\$ 450,000	\$ 465,000
School Department	\$ 23,629,022	\$ 5,190,620	\$ 28,819,642	\$ 27,486,642

<i>Subtotal</i>	\$ 24,079,022	\$ 5,190,620	\$ 29,269,642	\$ 27,951,642
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GRAND TOTAL OF GEN GOV'T OPER BUDGETS	\$ 43,624,679	\$ 12,697,518	\$ 56,322,197	\$ 53,680,562
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DEBT SERVICE

Principal & Interest	\$ -	\$ 7,063,518	\$ 7,063,518	\$ 8,522,421
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Subtotal \$ - \$ 7,063,518 \$ 7,063,518 \$ 8,522,421

INSURANCES

Auto Casualty		\$ 150,000	\$ 150,000	\$ 145,824
Blanket Liability		\$ 1,528,120	\$ 1,528,120	\$ 1,733,189
Claims Deductible		\$ 80,080	\$ 80,080	\$ 72,800
Insurance Consulting		\$ 45,000	\$ 45,000	\$ 44,800
Medical Insurance	\$ 12,216,051		\$ 12,216,051	\$ 12,629,650
Life Insurance	\$ 6,500		\$ 6,500	\$ -
Unemployment	\$ 175,000		\$ 175,000	\$ 170,000
Workers Compensation	\$ 246,250		\$ 246,250	\$ 246,250
Laborer's Union Pension	\$ 44,880		\$ 44,880	\$ 44,880

Subtotal \$ 12,688,681 \$ 1,803,200 \$ 14,491,881 \$ 15,087,393

ASSESSMENTS

Barnstable Retirement	\$ 4,420,540	\$ -	\$ 4,420,540	\$ 4,255,533
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Subtotal \$ 4,420,540 \$ - \$ 4,420,540 \$ 4,255,533

**GRAND TOTAL OF OPERATING
BUDGET**

\$ 60,733,900 \$ 21,564,236 \$ 82,298,136 \$ 81,545,909

And to meet these appropriations, the sum of Eighty-one Million Six Hundred Seventy-two Thousand Two Hundred Thirty-six Dollars (\$81,672,236) be raised and appropriated from the Fiscal Year 2019 tax levy and other general revenues of the Town; and that Six Hundred Twenty-five Thousand Nine Hundred Dollars (\$625,900) be transferred from Free Cash in the Treasury of the Town, for one-time expenses that are included in various departmental budgets.

The budget unanimously recommended by the Nantucket School Committee for the School Department, including the Nantucket Community School, for Fiscal Year 2019 is Twenty-nine Million Two Hundred Sixty-nine Thousand Six Hundred Forty-two Dollars (\$29,269,642).

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human services, not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that grant agreements be executed by and between the Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2019, which grant agreements shall stipulate mutually agreed upon terms and conditions; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Four Hundred Fifty Thousand Dollars (\$450,000) be raised and appropriated from the Fiscal Year 2019 tax levy and other general revenues of the Town for the Town Manager to expend to fund grants for the following health and human services, private not-for-profit agencies to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket, provided that the Town Manager with the approval of the Board of Selectmen, execute grant agreements with the respective agencies for Fiscal Year 2019, which contracts shall stipulate mutually agreed upon terms and conditions:

<i>AGENCY</i>	<i>AMOUNT</i>
A Safe Place	\$50,000
Alliance for Substance Abuse Prevention	\$23,600
Elder Services of Cape Cod	\$16,000
Health Imperatives	\$50,000
Fairwinds	\$103,950
MV Community Services	\$18,000
South Coastal Legal Services	\$4,500
Interfaith Council (Rental, Fuel & Food Pantry)	\$70,000
NCH Social Services	\$103,950
Small Friends	\$10,000
<i>TOTAL</i>	<i>\$450,000</i>

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for the offices, departments, boards and commissions of the Town of Nantucket; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the following amounts be appropriated for the following capital outlay expenditures, with all such expenditures to be made by the Town Manager with the approval of the Board of Selectmen; except the School

expenditures to be made by the School Superintendent with the approval of the School Committee; and further that the Town Manager with the approval of the Board of Selectmen or School Superintendent with the approval of the School Committee as the case may be, is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>FUNDING SOURCE(S)</i>	<i>AMOUNT</i>
DPW/Facilities	Costs associated with municipal facility roof repairs	Transfer \$150,000 from Free Cash into the Treasury of the town	\$150,000
DPW/Facilities	Costs associated with municipal facility utility system repairs and updates	Transfer \$150,000 from Free Cash into the Treasury of the town	\$150,000
DPW/Facilities	Costs associated with municipal facility site paving repairs and updates	Transfer \$250,000 from Free Cash into the Treasury of the town	\$250,000
DPW/Facilities	Costs associated with municipal facility bathroom repairs and updates	Transfer \$250,000 from Free Cash into the Treasury of the town	\$250,000
DPW/Facilities	Costs associated with municipal facility equipment replacement	Transfer \$100,000 from Free Cash into the Treasury of the town	\$100,000
Public Works	Costs associated with professional services (including assessment, engineering, design and permitting), and construction of repairs to the Jetties Beach Concession Facility	Transfer \$100,000 from Free Cash into the Treasury of the town	\$100,000
Public Works	Costs associated with professional services (including assessment, engineering, design and permitting), and construction of repairs to the Surfside Beach Concession Facility	Transfer \$75,000 from Free Cash into the Treasury of the town	\$75,000
Public Works	Costs associated with professional services (including assessment, engineering, design and permitting), and construction of repairs to the Children's Beach Concession Facility	Transfer \$75,000 from Free Cash into the Treasury of the town	\$75,000
Public Works	Purchase of tracked aerial lift	Raise and appropriate \$130,000 from the Fiscal Year 2019 tax levy and other general revenues of the town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$130,000

Public Works	Purchase of rubber-tired vibratory roller with trailer	Transfer \$125,000 from Free Cash into the Treasury of the town	\$125,000
Public Works	Purchase of skid steer with trailer	Raise and appropriate \$115,000 from the Fiscal Year 2019 tax levy and other general revenues of the town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$115,000
Public Works	Purchase of one-ton stake body truck with plow	Raise and appropriate \$85,000 from the Fiscal Year 2019 tax levy and other general revenues of the town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$85,000
Public Works	Purchase of one-ton dump truck with plow	Raise and appropriate \$85,000 from the Fiscal Year 2019 tax levy and other general revenues of the town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$85,000
Public Works	Costs associated with development of municipal parks master plan	Transfer \$27,584 from Free Cash into the Treasury of the town; and transfer \$22,416 from the Bond Premium Reserve Account.	\$50,000
Public Works	Purchase of combination vacuum jetter truck	Raise and appropriate \$350,000 from the Fiscal Year 2019 tax levy and other general revenues of the town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$350,000

Public Works	Costs associated with storm water system assessment (including CCTV Phase II)	Raise and appropriate \$100,000 from the Fiscal Year 2019 tax levy and other general revenues of the town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$100,000
DPW/Transportation	Costs associated with island-wide public road repairs and maintenance	Transfer \$1,000,000 from Free Cash into the Treasury of the town	\$1,000,000
DPW/Transportation	Costs associated with maintenance of multi-use paths (bike paths)	Transfer \$100,000 from Free Cash into the Treasury of the town	\$100,000
DPW/Transportation	Costs associated with Surfside area reconstruction (Lovers Lane, Orkorwaw Rd, Monohansett Rd)	Transfer \$534,800 from Free Cash into the Treasury of the town	\$534,800
DPW/Transportation	Costs associated with purchase and installation of permanent traffic data collection stations	Transfer \$75,000 from Free Cash into the Treasury of the town	\$75,000
DPW/Transportation	Professional services and associated costs, including engineering, design and permitting of a mini-roundabout at intersection of Prospect St and Surfside Rd	Transfer \$109,155 from Free Cash into the Treasury of the town	\$109,155
DPW/Transportation	Supplemental funding for Article 10 at 2016 Annual Town Meeting for professional services and associated costs, including engineering, design and permitting of a roundabout at the intersection of Surfside Rd and Bartlett Rd	Transfer \$65,077 from Free Cash into the Treasury of the town	\$65,077
DPW/Transportation	Costs associated with design, engineering, permitting and construction related to 6 Fairgrounds area improvements, including Waitt Drive	Transfer \$914,800 from Free Cash into the Treasury of the town, and transfer \$400,000 from the Affordable Housing Trust Fund	\$1,314,800
DPW/Transportation	Costs associated with professional services, including engineering, design and permitting, and construction of Pleasant Street sidewalk	Transfer \$452,000 from Free Cash into the Treasury of the town	\$452,000
DPW/Transportation	Costs associated with professional services, including engineering, design and permitting, and repairs to Massasoit Bridge	Raise and appropriate \$250,000 from the Fiscal Year 2019 tax levy and other general revenues of the town	\$250,000

DPW/Transportation	Costs associated with professional services, including engineering, design and permitting, and repairs to Millie's Bridge	Raise and appropriate \$198,000 from the Fiscal Year 2019 tax levy and other general revenues of the town; and transfer \$52,000 from Free Cash into the Treasury of the town	\$250,000
School	Costs associated with professional services, including engineering, design and permitting, and construction of Nantucket Highschool interior security vestibule	Raise and appropriate \$450,000 from the Fiscal Year 2019 tax levy and other general revenues of the town	\$450,000
School	Costs associated with professional services, including engineering, design and permitting, and construction of playground and field improvements for NIS Phase II	Raise and appropriate \$400,000 from the Fiscal Year 2019 tax levy and other general revenues of the town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$400,000
Fire	Purchase of replacement self-contained breathing apparatus air packs (SCBAs)	Raise and appropriate \$90,720 from the Fiscal Year 2019 tax levy and other general revenues of the town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$90,720
IS GIS	Costs associated with purchase of and transition to virtual servers	Raise and appropriate \$190,000 from the Fiscal Year 2019 tax levy and other general revenues of the town; provided that the appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m)	\$190,000
TOTAL			\$7,471,552

And, to meet this appropriation that Four Million Six Hundred Five Thousand Four Hundred Sixteen Dollars (\$4,605,416) be transferred from Free Cash in the Treasury of the Town so specified; that Eight Hundred Ninety-eight Thousand Dollars (\$898,000) be raised and appropriated from the Fiscal Year 2019 tax levy and other general revenues of the Town so specified, that Twenty-two Thousand Four Hundred Sixteen Dollars (\$22,416) be transferred from the Bond Premium Reserve Account; that Four Hundred Thousand Dollars (\$400,000) be transferred from the Affordable Housing Trust Fund; and that One Million Five Hundred Forty-five Thousand Seven Hundred Twenty Dollars

(\$1,545,720) be raised and appropriated from the Fiscal Year 2019 tax levy and other general revenues of the Town so specified, provided that the appropriation for each project shall be contingent on the passage of a Proposition 2½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, Sec. 21C(m);

All of these sources totaling Seven Million Four Hundred Seventy-one Thousand Five Hundred Fifty-two Dollars (\$7,471,552).

ARTICLE 11

(Appropriation: Fiscal Year 2019 Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the Enterprise Funds of the Town of Nantucket for Fiscal Year 2019, out of anticipated revenues of the designated funds, for the purposes set forth above; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following Fiscal Year 2019 operating budgets be approved for the Enterprise Funds, with the Siasconset Water appropriation to be expended through the Siasconset Water Commission; the Wannacomet Water appropriation to be expended through the Nantucket Water Commission; the Airport appropriation to be expended through the Nantucket Airport Commission; the remaining appropriations to be spent through the Board of Selectmen:

<i>FUND</i>	<i>FY 2019 PAYROLL</i>	<i>FY 2019 EXPENSES</i>	<i>FY 2019 TOTAL BUDGET</i>	<i>FY 2018 TOTAL BUDGET</i>
Airport	\$4,927,360	\$4,817,778	\$9,745,138	\$9,411,675
Our Island Home	\$6,585,496	\$1,552,660	\$8,138,156	\$8,244,762
Sewer	\$2,203,610	\$5,948,725	\$8,152,335	\$7,266,452
Siasconset Water	\$61,905	\$1,001,068	\$1,062,973	\$1,067,773
Solid Waste	\$135,320	\$9,901,466	\$10,036,786	\$9,128,884
Wannacomet Water	\$1,844,411	\$3,863,899	\$5,708,310	\$5,804,090
TOTAL	\$15,758,102	\$27,085,596	\$42,843,698	\$40,923,636

Further, that the above appropriations be funded as follows:

<i>FUND</i>	<i>FUNDING SOURCES</i>	<i>AMOUNTS</i>
Airport	FY 19 Anticipated Revenues	\$8,515,200
Airport	Retained Earnings	\$429,938
Airport	Retained Earnings - Passenger Facility Charge	\$400,000
Airport	Transfer from Fuel Revolver	\$400,000
Our Island Home	FY 19 Anticipated Revenues	\$3,608,087

Our Island Home	FY 19 Tax Levy and Other General Revenues	\$1,511,446
Our Island Home	Retained Earnings	\$3,018,623
Sewer	FY 19 Anticipated Revenues	\$7,387,820
Sewer	Retained Earnings	\$764,515
Solid Waste	FY 19 Anticipated Revenues	\$3,596,690
Solid Waste	FY 19 Tax Levy and Other General Revenues	\$6,039,524
Solid Waste	Retained Earnings	\$400,572
Siasconset Water	FY 19 Anticipated Revenues	\$1,062,973
Wannacomet Water	FY 19 Anticipated Revenues	\$5,708,310
TOTAL FUNDING SOURCES		\$42,843,698

ARTICLE 12

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of capital expenditures for the Enterprise Funds of the Town of Nantucket; or to take any other action related thereto.

(Board of Selectmen for the Various Departments Indicated)

FINANCE COMMITTEE MOTION: Moved that the following capital expenditures be appropriated for the Enterprise Fund departments with the Airport appropriations to be expended through the Airport Commission; the Sewer Enterprise, Solid Waste Enterprise and Our Island Home Enterprise Fund appropriations to be expended by the Town Manager with the approval of the Board of Selectmen/Board of Public Works/Sewer Commissioners; the Siasconset Water appropriation to be expended through the Siasconset Water Commission; and the Wannacomet Water appropriations to be expended through the Nantucket Water Commission:

DEPARTMENT	ITEM	FUNDING SOURCE(S)	AMOUNT
Airport	Costs associated with the purchase of Airport Equipment and Vehicles	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$60,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44,	\$60,000

		Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
Airport	Costs associated with the replacement of automatic doors	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$102,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$102,000
Airport	Costs associated with design and construction of temporary seasonal passenger hold room	Transfer \$630,000 from Airport Fuel Revolver.	\$630,000
Airport	Costs associated with the removal and replacement of paint and beads and rubber markings on the airfield	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$482,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$482,000
Airport	Costs associated with Airfield Lighting Project	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$1,140,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be	\$1,140,000

		repaid from Airport Enterprise Fund revenues, state or federal grants, and other available funds of the Airport. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
<i>Subtotal Airport Enterprise Fund</i>			<i>\$2,414,000</i>
Sewer	Costs associated with Pine Valley Pump Station upgrades	Transfer \$250,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$250,000
Sewer	Costs associated with Airport Pump Station upgrades	Transfer \$250,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$250,000
Sewer	Costs associated with the purchase of a replacement pickup truck	Transfer \$60,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$60,000
Sewer	Costs associated with Capacity, Maintenance, OPS, Management (CMOM)	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$2,000,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$2,000,000
Sewer	Supplemental funding to Article 12 of the 2017 Annual Town Meeting for costs associated with extension of water line to the Surfside Wastewater Treatment Facility and adjacent employee housing	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$600,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer. Any	\$600,000

		premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
Sewer	Costs associated with building foundation and utilities	Transfer \$200,000 from Certified Retained Earnings in the Sewer Enterprise Fund	\$200,000
Sewer	Costs associated with sewer main repairs on Sparks Avenue	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$250,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$250,000
Sewer	Costs associated with sewer mains replacement within Wannacomet project areas Phase 1	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$5,524,413 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$5,524,413

Sewer	Costs associated with sewer mains replacement within Wannacomet project areas Phase 2	<p>Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$3,421,700 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.</p>	\$3,421,700
Sewer	Costs associated with Surfside Roads Area sewer system improvements	<p>Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$5,600,000 pursuant to G.L. c.44, Section 7 or 8 or any other enabling authority for such purpose, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer system; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$5,600,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all</p>	\$5,600,000

		<p>funds available for the project and to take any other action necessary to carry out the project. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.</p>	
Sewer	Costs associated with Surfside Wastewater Treatment Plant Modifications Phase 2	<p>Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$600,000 pursuant to G.L. c.44, Section 7 or 8 or any other enabling authority for such purpose, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer system; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$500,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs</p>	\$600,000

		approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
Sewer	Costs associated with sewer main replacements in areas affected by National Grid L8 Feeder Project	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$1,035,000 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	\$1,035,000
Sewer	Costs associated with Sewer Force Main Failure	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$5,300,000 pursuant to G.L. c.44, Section 7 or 8 or any other enabling authority for such purpose, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Sewer Enterprise Fund revenues, state or federal grants, and other available funds of the Sewer system; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$5,300,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the	\$5,300,000

		project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
Sewer	Costs associated with sewer main repairs in Jetties Beach / Bathing Beach Road area	Transfer \$451,150 from Certified Retained Earnings in the Sewer Enterprise Fund	\$451,150
<i>Subtotal Sewer Enterprise Fund</i>			<i>\$25,542,263</i>
Our Island Home	Supplemental Funding for Article 12 of 2017 Annual Town Meeting for costs associated with building improvements, maintenance and quality measures improvement	Transfer \$625,000 from Certified Retained Earnings in the Our Island Home Enterprise Fund	\$625,000
<i>Subtotal OIH Enterprise Fund</i>			<i>\$625,000</i>
Siasconset Water	Water Main Replacement	Transfer \$303,000 from Certified Retained Earnings in the Siasconset Water Company	\$303,000
<i>Subtotal Siasconset Water Enterprise Fund</i>			<i>\$303,000</i>
Solid Waste	Costs associated with replacement of the cardboard baler at the Materials Recovery Facility	Transfer \$300,000 from Certified Retained Earnings in the Solid Waste Enterprise Fund	\$300,000
Solid Waste	Costs associated with repairs to the sorting station at the Materials Recovery Facility	Transfer \$175,000 from Certified Retained Earnings in the Solid Waste Enterprise Fund	\$175,000
Solid Waste	Landfill Mining	Transfer \$700,000 from the Fiscal Year 2019 Tax Levy and Other General Revenues of the Town	\$700,000
<i>Subtotal Solid Waste Enterprise Fund</i>			<i>\$1,175,000</i>
Wannacomet Water	Water Main Replacement	Authorize the Treasurer, with the approval of the Board of Selectmen to borrow \$3,533,230 pursuant to G.L. c.44 Section 7 or 8 or any other enabling authority, and that while such bonds shall be general obligations of the Town, it is intended that the principal and interest thereon shall be repaid from Wannacomet Water Enterprise Fund revenues, state or federal grants, and other available funds of the Wannacomet Water Enterprise Fund. Any premium received by the Town upon the sale of any bonds or notes	\$3,533,230

		approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.	
Wannacomet Water	Costs associated with water tank maintenance	Transfer \$658,000 from Certified Retained Earnings in the Wannacomet Water Enterprise Fund	\$658,000
<i>Subtotal Wannacomet Water Enterprise Fund</i>			<i>\$4,191,230</i>
<i>Total All Enterprise Funds</i>			<i>\$34,250,493</i>

Quantum of vote required for passage of the motion is 2/3

ARTICLE 13

(Enterprise Funds: Fiscal Year 2018 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2018 Enterprise Fund operating budgets from other line items of said budgets and/or from Enterprise Surplus Reserve Funds; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred from the various accounts listed to the various enterprise fund accounts listed for Fiscal Year 2018 as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Airport Stabilization Fund	Airport Enterprise Fund, Salaries	\$100,000
Airport Fuel Revolving Fund	Airport Capital Projects, Seasonal Holdroom	\$630,000
Airport Retained Earnings	Airport Capital Projects, SRE Snowblower	\$42,246
Airport Retained Earnings	Airport Capital Projects, Lectro Aircraft Tug	\$61,711
Airport Retained Earnings	Airport Capital Projects, Passenger Stair Truck	\$78,128
Airport Retained Earnings	Airport Capital Projects, Interactive Employee Training	\$22,100
Airport Retained Earnings	Airport Capital Projects, Terminal & Fuel Farm Poles & Lights	\$31,791
Airport Retained Earnings	Airport Capital Projects, Restaurant Enclosure	\$200,000
Airport Retained Earnings	Airport Capital Projects, Repair/Replace Lights & Roadway	\$29,871
Airport Retained Earnings	Airport Capital Projects, FIDS/Pa Replacement	\$75,000

ARTICLE 14

(Appropriation: Prior Year Articles)

To see what sums the Town will vote to appropriate and transfer from available funds previously appropriated pursuant to Articles voted in prior years; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various Fiscal Year 2018 accounts and expenditures as follows:

FROM	To	AMOUNT
Tom Nevers Playground Equipment (Article 10 2017 ATM)	Tom Nevers Master Plan	\$100,000

ARTICLE 15

(Appropriation: Old South Road Area Transportation Improvements)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of making various transportation-related improvements in the Old South Road area including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Fourteen Million Dollars (\$14,000,000) to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of making various transportation-related improvements in the Old South Road area including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; and, that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of Fourteen Million Dollars (\$14,000,000) pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 16

(Appropriation: Public Works Facility Improvements - Design)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of design improvements to the Department of Public Works facility at 188 Madaket Road, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Two Million Three Hundred Thousand Dollars (\$2,300,000) to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of design improvements to the Department of Public Works facility at 188 Madaket Road, including the costs of professional services for design, permitting, engineering, and other related professional services, and any other costs incidental and related thereto; and, that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of Two Million Three Hundred Thousand Dollars (\$2,300,000) pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 17

(Appropriation: Renovation of Marine Department Building)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of renovating the Marine Department building at 34 Washington Street, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Three Million Four Hundred Fifty Thousand Dollars (\$3,450,000) to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of renovating the Marine Department building at 34 Washington Street (also known as the Town Pier Office Building/Public Restrooms), including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; that the Board of Selectmen and the Town Manager are authorized to apply for and accept any grant from the Seaport Council or otherwise for the project; that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of Three Million Four Hundred Fifty Thousand Dollars (\$3,450,000) pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; and provided further, that the amount of the authorized borrowing shall be reduced by the amount of any grant funds received prior to the issuance of long term borrowing for the project. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 18

(Appropriation: Storm Water System Improvements)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of making improvements to the Town's storm water discharge system, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000) to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of making improvements to the Town's storm water discharge system, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto and, that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000) pursuant to General Laws Chapter 44, Sections 7 or 8,

or any other enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 19

(Appropriation: Sparks Avenue Sidewalk Improvements)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of making improvements to the sidewalk along Sparks Avenue from Atlantic Avenue to the Mid-Island Round-a-bout, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to appropriate the sum of One Million Eighty Thousand Dollars (\$1,080,000) to be spent by the Town Manager with the approval of the Board of Selectmen, for the purpose of making improvements to the sidewalk along Sparks Avenue from Atlantic Avenue to the Mid-Island Round-a-bout, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto; and, that to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow the sum of One Million Eighty Thousand Dollars (\$1,080,000) pursuant to General Laws Chapter 44, Sections 7 or 8, or any other enabling authority, and to issue bonds and notes of the Town therefor; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 20

(Appropriation: Waterways Improvement Fund)

To see what sum the Town will vote to appropriate from the revenue received under Chapter 60B subsection (i) of section 2 and under Chapter 91 section 10A of the

Massachusetts General Laws and sums received from the Commonwealth or Federal Government for purposes established by Chapter 40 section 5G of the Massachusetts General Laws including but not limited to (1) maintenance , dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Twenty-nine Thousand Dollars (\$329,000) be appropriated from the Waterways Improvement Fund for the purpose of (1) maintenance, dredging, cleaning and improvement of harbors, inland waters and great ponds, (2) the public access thereto, (3) the breakwaters, retaining walls, piers, wharves and moorings thereof, and (4) law enforcement and fire prevention in the Town and County of Nantucket, and any other purpose allowed by applicable law.

ARTICLE 21

(Appropriation: Ambulance Reserve Fund)

To see what sum the Town will vote to appropriate from the Ambulance Reserve Fund for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to six (6) full-time firefighter/EMT positions. All expenditures to be made by the Fire Department, subject to the approval of the Town Manager; or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Six Hundred Six Thousand Two Hundred Ten Dollars (\$606,210) be appropriated from the Ambulance Reserve Fund for the purpose of purchasing ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three (3) ambulances, and other such related costs to operate the Town's ambulance services, including up to six (6) full-time firefighter/EMT and/or paramedic positions. All expenditures to be made by the Fire Chief, subject to the approval of the Town Manager.

ARTICLE 22

(Appropriation: Ferry Embarkation Fee)

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by Chapter 46, section 129 of the Acts of 2003 as amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around

Nantucket Harbor, and professional services pertaining to the potential use or reuse of land, buildings and infrastructure in the vicinity of Nantucket Harbor, and any other purpose allowed by applicable law.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Two Hundred Seventy Thousand Three Hundred Sixty-four Dollars (\$270,364) be appropriated from the Ferry Embarkation Fee Fund for the purpose of public safety protection, emergency services, and any other purpose allowed by applicable law.

ARTICLE 23

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2019, and to authorize the expenditure of these funds for County purposes, all in accordance with the Massachusetts General Laws and in accordance with the County Charter (Chapter 290 of the Acts of 1996), the sum of One Hundred Seventy Thousand Two Hundred One Dollars (\$170,201); or to take any other action related thereto.

Or to take any other action related thereto.

(Board of Selectmen/County Commissioners)

FINANCE COMMITTEE MOTION: Moved that One Hundred Seventy Thousand Two Hundred One Dollars (\$170,201) be raised and appropriated from the Fiscal Year 2019 tax levy and other general revenues of the Town to fund the Fiscal Year 2019 county assessment.

ARTICLE 24

(Appropriation: Finalizing Fiscal Year 2019 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for Fiscal Year 2019 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of Chapter 35 section 32 of the Massachusetts General Laws; or to take any other action related thereto.

(Board of Selectmen/County Commissioners)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: The Finance Committee, at its meeting on January 25, 2018, acting as the Nantucket County Review Committee in accordance with section 2.7 of the Nantucket County Charter, endorsed the Fiscal Year 2019 Nantucket County budget, which was also adopted by the Nantucket County Commissioners on January 24, 2018. Thus no action is required.

ARTICLE 25

(Rescind Unused Borrowing Authority)

To see what action the Town will take to amend, appropriate or reappropriate, transfer, modify, repeal or rescind unused borrowing authority authorized by previous town meetings.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the unused borrowing authority for the following projects be rescinded:

<i>Department</i>	<i>Item</i>	<i>Article/Town Meeting</i>	<i>Amount to be Rescinded</i>
Airport	Ground Service Equipment Garage	Article 14 of the 2016 ATM	\$60,000

ARTICLE 26

(Appropriation: Other Post-Employment Benefits Trust Fund)

To see what sum the Town will vote to appropriate and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to deposit into the Other Post-Employment Benefits Liability Trust Fund established pursuant to Mass. General Law chapter 32B, section 20, for Fiscal Year 2019.

Or, to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Five Hundred Thousand Dollars (\$500,000) be appropriated from the Fiscal Year 2019 tax levy and other general revenues of the Town to be deposited by the Treasurer into the Other Post-employment Benefits Trust Fund.

ARTICLE 27

(Appropriation: Affordable Housing Trust Fund)

To see if the Town will vote to appropriate the sum of Three Hundred Thousand Dollars (\$300,000) from Free Cash, to deposit into the Affordable Housing Trust Fund established pursuant to Mass. General Law c. 44, section 55C for Fiscal Year 2019.

Or, to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Thousand Dollars (\$300,000) be appropriated from Free Cash in the Treasury of the Town to be deposited into the Affordable Housing Trust Fund.

ARTICLE 28

(Appropriation for Special Purpose Stabilization Fund for Airport Employee Accrued Liabilities)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in the Airport special purpose stabilization fund established pursuant to M.G.L. Chapter 40, Section 5B, Paragraph 2, for the benefit of the Nantucket Airport, such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; or take any action relative thereto.

(Board of Selectmen for Airport Commission)

FINANCE COMMITTEE MOTION: Moved that Three Hundred Thousand Dollars (\$300,000) be appropriated from the Airport Fuel Revolver to be deposited into the Special Purpose Stabilization Fund for Airport Employee Accrued Liabilities.

ARTICLE 29

(Establishment of and Appropriation for Special Purpose Stabilization Fund for Town Employee Accrued Liabilities)

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 5B, for the purpose of creating a Town Employee Accrued Liability Special Purpose Stabilization Fund for the benefit of the Town of Nantucket General Fund (excluding the School Department); such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment; and further, to see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in said special purpose stabilization fund; or take any action relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the provisions of M.G.L. Chapter 40, Section 5B, Paragraph 2, be accepted for the purpose of creating a special purpose stabilization fund for the benefit of the Town of Nantucket General Fund, such fund to be used for the future payment of accrued liabilities for compensated absences due any employee upon termination of the employee's full-time employment are hereby accepted.

ARTICLE 30

(Appropriation for Special Stabilization Fund for Substance Abuse Prevention Efforts)

To see if the Town will vote to accept G.L. c. 40, Section 5B, by creating a Substance Abuse Special Purpose Stabilization Fund, with monies in said Fund to be used, subject to appropriation, to implement substance abuse programs in the Town, provide grants to nonprofit addiction treatment agencies, acquire public safety

equipment and/or personnel related to substance abuse control, and related costs, and that the Human Services Contract Review Committee shall annually provide recommendations for such expenditures; provided that fifty (50) percent of the local option marijuana sales tax collected pursuant to General Laws Chapter 64N, Section 3, as amended by Section 13 of Chapter 55 of the Acts of 2017, and the vote taken under Article 3 of the November 6, 2017 Special Town Meeting, be deposited into the Substance Abuse Special Purpose Stabilization Fund without further appropriation; or to take any other action relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the provisions of G.L. c. 40, Section 5B, be accepted for the purpose of creating a Substance Abuse Special Purpose Stabilization Fund, with monies in said Fund to be used, subject to appropriation, to implement substance abuse programs in the Town, provide grants to nonprofit addiction treatment agencies, acquire public safety equipment and/or personnel related to substance abuse control, and related costs, and that the Human Services Contract Review Committee shall annually provide recommendations for such expenditures; provided that fifty (50) percent of the local option marijuana sales tax collected pursuant to General Laws Chapter 64N, Section 3, as amended by Section 13 of Chapter 55 of the Acts of 2017, and the vote taken under Article 3 of the November 6, 2017 Special Town Meeting, be deposited into the Substance Abuse Special Purpose Stabilization Fund without further appropriation.

ARTICLE 31

(Renewal of Board of Health Septic System Betterment Loan Program)

To see if the Town will vote to appropriate a sum of money for the purpose of financing the following water pollution facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with Board of Health and residential property owners, including all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise, or to take any other action relative thereto.

(Board of Selectmen for Board of Health)

FINANCE COMMITTEE MOTION: Moved that Two Million Dollars (\$2,000,000) is appropriated for the purpose of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow Two Million Dollars (\$2,000,000) and issue bonds or notes therefore under M.G.L. c.111, s.127B½ and/or Chapter 29C of the General Laws; that project and financing costs shall be repaid by the property owners, in accordance with those agreements, but such bonds or notes shall be general obligations of the Town; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement

with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the projects or for the financing thereof; and that the Board of Health or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the projects and to take any other action necessary to carry out the projects.

ARTICLE 32

(Establishment of and Appropriation for Special Education Reserve Fund)

To see if the Town will vote to accept the provisions of M.G.L. Chapter 40, Section 13E, for the purpose of creating a reserve fund to pay for unanticipated or unbudgeted costs for special education, out-of-district tuition or transportation; and further, to see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds to be placed in said Special Education Reserve Fund; or take any action relative thereto.

(Board of Selectmen for School Committee)

FINANCE COMMITTEE MOTION: Moved that the Town accept the provisions of M.G.L. Chapter 40, Section 13E, to create a reserve fund to pay for unanticipated or unbudgeted costs for special education, out-of-district tuition or transportation; and further, to appropriate Two Hundred Fifty Thousand Dollars (\$250,000) from the Fiscal Year 2019 [School Budget] to be placed in said special education reserve fund.

ARTICLE 33

(Community Preservation Committee: Fiscal Year 2019 Budget Transfers)

To see what sums the Town will vote to transfer into the Community Preservation Committee reserved and unreserved fund balances to turn back the unspent remainder of projects approved in prior fiscal years so that it is available for future appropriations.

FROM	TO	AMOUNT
Article 21 ATM 2005 Town of Nantucket	Fiscal year 2019 Community Preservation Committee Community Open Space reserved fund balance	\$16,611.16
Total Transfers to Community Open Space Reserved Fund Balance		\$16,611.16
Article 30 ATM 2015 The Homestead	Fiscal Year 2019 Community Preservation Committee Community Historic Preservation reserved fund balance	\$2,858.32
Article 26 ATM 2014 Preservation Institute Nantucket	Fiscal Year 2019 Community Preservation Committee Community Historic Preservation reserved fund balance	\$11.43
Total Transfers to Community Historic Preservation Reserved fund balance		\$2,869.75
Total transfers back to Community Preservation Reserved Fund		\$19,480.91

Balances	
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(Kenneth Beaugrand, et al)

FINANCE COMMITTEE MOTION: Moved that the unspent remainder of projects in prior years as listed below be transferred between the various accounts as follows:

FROM	TO	AMOUNT
Article 21 ATM 2005 Town of Nantucket	Fiscal year 2019 Community Preservation Committee Community Open Space reserved fund balance	\$16,611.16
Total Transfers to Community Open Space Reserved Fund Balance		\$16,611.16
Article 30 ATM 2015 The Homestead	Fiscal Year 2019 Community Preservation Committee Community Historic Preservation reserved fund balance	\$2,858.32
Article 26 ATM 2014 Preservation Institute Nantucket	Fiscal Year 2019 Community Preservation Committee Community Historic Preservation reserved fund balance	\$11.43
Total Transfers to Community Historic Preservation Reserved fund balance		\$2,869.75
Total transfers back to Community Preservation Reserved Fund Balances		\$19,480.91

ARTICLE 34

(Appropriation: FY 2019 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2019 Community Preservation Budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<u>Historic Preservation</u>	
American Legion Post 82 Third phase of conservation and restoration; exterior brick wall at rear of building	\$96,842
Hall Keen Management Restoration of the west facade windows in Academy Hill Apartment building	\$200,000
Museum of African American History Sixth phase of restoration; cottage visitor center, garage educational center and kitchen linoleum reproduction	\$241,000

Nantucket Historical Association Restoration of the slate roof and exterior masonry and windows of the Thomas Macy warehouse	\$150,000
Nantucket Housing Authority Restoration of roof, shakes, doors and windows to preserve the building from injury, harm or destruction	\$90,414
Nantucket Atheneum Second phase, conservation of three historic paintings	\$19,800
Nantucket Island School of Design & the Arts Preservation and restoration of the Long Barn	\$158,597
South Church reservation Fund Restoration of historic glass in windows	\$45,000
St. Paul's Church Restoration of Bell Tower	\$100,000
The Homestead Restoration of the roof	\$44,000
Two Center Street Restoration Project, Inc. Fabricate, paint and install doors in Sanctuary	\$17,500
Sub-total	\$1,163,153
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Community Housing</u>	
Habitat for Humanity Nantucket Inc. Construct additional houses at Waitt Drive	\$200,000
Nantucket Affordable Housing Trust Fund Allocation to the fund subject to the fund obtaining approval from the CPC commissioners of the particular project for affordable housing	\$400,000
Nantucket Interfaith Council Housing and rental assistance program	\$125,000
Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2015 Nantucket Town Meeting for the balance of the infrastructure at the Sachem's Path affordable housing complex	\$112,000
Sub-total	\$837,000
All of the funds utilized in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Open Space Conservation/Recreation</u>	

Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2012 Nantucket Town Meeting for the creation of an artificial turf playing field at Nobadeer Farm Road.	\$125,000
Linda Loring Foundation Development and installation of all person interpretive trails	\$12,600
Maria Mitchell Association Funding for the design and engineering phase of a new fully accessible, socially inclusive outdoor play space with a unique focus on Science, Technology Engineering, Art and Math (STEAM)	\$49,500
Nantucket Platform Tennis Association Creation of 4 pickle ball courts on Land bank property on Hinsdale Road	\$200,000
Sustainable Nantucket Community Farm Institute, phase 2 Funds for outdoor classroom structure, educational workshops and site manager for farming	\$35,750
Sub-total	\$422,850
\$65,203 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$120,000
Sub-total	\$120,000
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>TOTAL</u>	<u>\$2,543,003</u>
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2018 Community Preservation Surcharge	\$2,252,000
From State matching funds for FY 2017, to be received in 2018	\$212,800

From Interest	\$13,000
From Designated Reserves for Open Space	\$65,203
Total Revenues	\$2,543,003
For fiscal year 2019 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.	
Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.	

(Kenneth Beaugrand, et al)

FINANCE COMMITTEE MOTION: Moved that the following sums be appropriated or reserved for later appropriation from the Community Preservation Fund Fiscal Year 2019 revenues or other available funds as indicated herein, for the administrative and operating expenses of the Community Preservation Committee, the undertaking of community preservation projects and all other necessary and proper expenses, for Fiscal Year 2019 community preservation purposes as set forth herein, with each item considered a separate appropriation to be spent by the Community Preservation Committee, as shown below with any strikeouts indicating deletions from the Community Preservation Committee article and any highlighted text indicated additions/modifications:

Purpose	Amount
Historic Preservation	
American Legion Post 82 Third phase of conservation and restoration; exterior brick wall at rear of building	\$96,842
HallKeen Management Restoration of the west facade windows in Academy Hill Apartment building	\$200,000
Museum of African American History Sixth phase of restoration; cottage visitor center, garage educational center and kitchen linoleum reproduction	\$241,000
Nantucket Historical Association Restoration of the slate roof and exterior masonry and windows of the Thomas Macy warehouse	\$150,000
Nantucket Housing Authority	

Restoration of roof, shakes, doors and windows to preserve the building from injury, harm or destruction	\$90,414
Nantucket Atheneum Second phase, conservation of three historic paintings	\$19,800
Nantucket Island School of Design & the Arts Preservation and restoration of the Long Barn	\$158,597
South Church reservation Fund Restoration of historic glass in windows	\$45,000
St. Paul's Church Restoration of Bell Tower	\$100,000
The Homestead Restoration of the roof	\$44,000
Two Center Street Restoration Project, Inc. Fabricate, paint and install doors in Sanctuary	\$17,500
Sub-total	\$1,163,153
All the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Community Housing</u>	
Habitat for Humanity Nantucket Inc. Construct additional houses at Waitt Drive	\$200,000
Nantucket Affordable Housing Trust Fund Allocation to the fund subject to the fund obtaining approval from the CPC commissioners of the particular project for affordable housing	\$400,000
Nantucket Interfaith Council Housing and rental assistance program	\$125,000
Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2015 Nantucket Town Meeting for the balance of the infrastructure at the Sachem's Path affordable housing complex	\$112,000
Sub-total	\$837,000
All of the funds utilized in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>Open Space Conservation/Recreation</u>	
Town of Nantucket Funds to pay the interest and principal of the Bond authorized at the 2012 Nantucket Town Meeting for the	

creation of an artificial turf playing field at Nobadeer Farm Road.	\$125,000
Linda Loring Foundation Development and installation of all person interpretive trails	\$12,600
Maria Mitchell Association Funding for the design and engineering phase of a new fully accessible, socially inclusive outdoor play space with a unique focus on Science, Technology Engineering, Art and Math (STEAM)	\$49,500
Nantucket Platform Tennis Association Creation of 4 pickle ball courts on Land bank property on Hinsdale Road	\$200,000
Sustainable Nantucket Community Farm Institute, phase 2 Funds for outdoor classroom structure, educational workshops and site manager for farming	\$35,750
Sub-total	\$422,850
\$65,203 of the funds utilized in this category is from the Open Space reserves with the balance of the funds to be used in this category from the Community Preservation surcharge, interest and the State matching funds.	
<u>Administrative</u>	
Community Preservation Committee Administrative and operating expenses	\$120,000
Sub-total	\$120,000
All of the funds to be used in this category are from the Community Preservation surcharge, interest and the State matching funds.	
<u>TOTAL</u>	<u>\$2,543,003</u>
All amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2018 Community Preservation Surcharge	\$2,252,000
From State matching funds for FY 2017, to be received in 2018	\$212,800
From Interest	\$13,000
From Designated Reserves for Open Space	\$65,203

Total Revenues	\$2,543,003
<p>For fiscal year 2019 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.</p> <p>Provided however, that the above expenditures may be conditional on the recording of appropriate historic preservation restrictions for historic resources, open space restrictions for open space resources, recreational restrictions for recreational resources and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.</p>	

**ARTICLE 35
(Thirty Million Dollar Tax Levy Override)**

To see if the Town will vote to authorize the Board of Selectmen to place a \$30,000,000 Tax Levy Override on the ballot to generate funds to meet Town needs not being met with the current budget. The override must meet the requirements of Proposition 2 1/2 M.G.L Ch. 59 Sec. 21C(g) including a specified earmark for the first year of revenue. Further, to authorize the Board of Selectmen to use their power to set the split-rate tax factor and the amount of the residential exemption to shield Town residents from the impact of the override. Further, to authorize the Board of Selectmen to obtain the widest possible input using their Commissions, Board, and Committees to generate a long-term strategic plan to utilize the funds generated by this override in subsequent years in the most impactful and efficient manner.

(Howard Dickler, et al)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: The Proposer's suggestion is interesting and alluring because it is partially true: the Town of Nantucket could, as suggested, manipulate the residential exemption and tax rates to generate a large amount of additional tax revenue for the Town.

The Finance Committee believes this idea represents bad public finance and opposes it for the following reasons:

1. The current appropriations process can be frustrating, but it does provide for extensive public debate and input. It is a check and balance on how the Town determines and prioritizes its spending. Raising significant amounts of money disconnected from specific purpose(s) would undercut the controls and oversight that this process provides.
2. Nantucket has great flexibility to either raise taxes or borrow money to fund major projects. With its low tax rate and superior credit rating, Nantucket does not have a financial capacity problem. Projects do not fail at Town Meeting because

Nantucket is unable to raise tax revenue or borrow funds, they fail because Voters are not convinced of the value or benefits of the proposal.

3. The approximately 8,500 properties that cannot utilize the residential exemption already produce 80+% of the Town's tax revenue.
4. There are 2,325 properties that cannot utilize the residential exemption where the tax bill is sent to a Nantucket mailing address. These property owners - many of them full time residents - will see their taxes increase an average of 43%.

Finally, the Finance Committee will leave it to the Voters to judge the equity of raising property taxes on approximately 8,500 Nantucket parcels by \$30 million (an average of \$1,885 or 43%) while reducing taxes (an average of \$184 or about 10%) for the 2,200 properties which can take advantage of the residential exemption.

ARTICLE 36

(Zoning Map Change: RC to ROH - Orange Street)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC) district in the Residential Old Historic (ROH) district:

Map	Parcel	Number	Street
55	362	111	Orange Street
55	363	113	Orange Street
55	399	104	Orange Street
55	400.1	106A	Orange Street
55	400.2	106B	Orange Street
55	401.1	110A #1	Orange Street
55	401.2	110B #2	Orange Street

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 36 RC to ROH" dated December 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial (RC) district in the Residential Old Historic (ROH) district:

Map	Parcel	Number	Street
55	362	111	Orange Street
55	363	113	Orange Street
55	399	104	Orange Street
55	400.1	106A	Orange Street
55	400.2	106B	Orange Street
55	401.1	110A #1	Orange Street

55	401.2	110B #2	Orange Street
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All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 36 RC to ROH” dated December 2017.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 37

(Zoning Map Change: RC to R-5 - Sparks Avenue and Williams Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential Commercial (RC) district in the Residential 5 (R-5) district:

Map	Parcel	Number	Street
55	139.3	69	Sparks Avenue
55	139.2	71	Sparks Avenue
55	139.1	73	Sparks Avenue
55	138.4	75	Sparks Avenue
55	138.3	75	Sparks Avenue
55	138.1	77	Sparks Avenue
55	138.2	8	Williams Lane
55	140	6	Williams Lane
55	418	4	Williams Lane

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 37 RC to R-5” dated December 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Residential Commercial (RC) district in the Residential 5 (R-5) district:

Map	Parcel	Number	Street
55	139.3	69	Sparks Avenue
55	139.2	71	Sparks Avenue
55	139.1	73	Sparks Avenue
55	138.4	75	Sparks Avenue
55	138.3	75	Sparks Avenue
55	138.1	77	Sparks Avenue
55	138.2	8	Williams Lane

55	140	6	Williams Lane
55	418	4	Williams Lane

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 37 RC to R-5” dated December 2017.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 38

(Zoning Map Change: R-1 to CMI or CN - Cherry and Pleasant Street)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Residential 1 (R-1) district in the Commercial Mid Island (CMI) or Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
55	378.5	20	Cherry Street
55	378.1	88	Pleasant Street
55	378.2	90	Pleasant Street
55	378.3	92	Pleasant Street
55	378.4	94	Pleasant Street

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 38 R-1 to CMI or CN” dated December 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

A positive motion will require a two-thirds vote

ARTICLE 39

(Zoning Map Change: R-5 to CN - Airport Property: 10 Sun Island Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing a portion of Map 69, Lot 3.1, (portion of) 10 Sun Island Road currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district.

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 39 R-5 to CN” dated January 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following property currently located in the Residential 5 (R-5) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
69	3.1 (a portion of)	10	Sun Island Road

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 39 R-5 to CN” dated January 2018.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 40

(Zoning Map Change: SOH to VN - New Street, Siasconset)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Sconset Old Historic (SOH) district in the Village Neighborhood (VN) district:

Map	Parcel	Number	Street
73.4.2	13	9	New Street, Siasconset
73.4.2	67	11	New Street, Siasconset
73.4.2	69	13	New Street, Siasconset
73.4.2	68	15	New Street, Siasconset
73.1.3	38	9R	New Street, Siasconset
73.1.3	35	1	New Street, Siasconset

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 40 SOH to VN” dated December 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Sconset Old Historic (SOH) district in the Village Neighborhood (VN) district:

Map	Parcel	Number	Street
73.4.2	13	9	New Street, Siasconset
73.4.2	67	11	New Street, Siasconset

73.4.2	69	13	New Street, Siasconset
73.4.2	68	15	New Street, Siasconset
73.1.3	38	9R	New Street, Siasconset
73.1.3	35	1	New Street, Siasconset

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 40 SOH to VN” dated December 2017.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 41

(Zoning Map Change: CN to CTEC - Davkim Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following properties currently located in the Commercial Neighborhood (CN) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Parcel	Number	Street
68	58	18	Davkim Lane

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 41 CN to CTEC” dated December 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following properties currently located in the Commercial Neighborhood (CN) district in the Commercial Trade Entrepreneurship and Craft (CTEC) district:

Map	Parcel	Number	Street
68	58	18	Davkim Lane

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 41 CN to CTEC” dated December 2017.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 42

(Zoning Map Change: R-20 to R-1 - 3 Wyers Way)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential 20 (R-20) district in the Residential 1 (R-1) district:

Map	Parcel	Number	Street
41	380	3	Wyers Way

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 42 R-20 to R-1" dated January 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following property currently located in the Residential 20 (R-20) district in the Residential 1 (R-1) district:

Map	Parcel	Number	Street
41	380	3	Wyers Way

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 42 R-20 to R-1" dated January 2018.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 43

(Zoning Map Change: R-20 to CN - 1 Airport Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential 20 (R-20) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
68	48	1	Airport Road

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 43 R-20 to CN" dated December 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following property currently located in the Residential 20 (R-20) district in the Commercial Neighborhood (CN) district:

Map	Parcel	Number	Street
68	48	1	Airport Road

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 43 R-20 to CN” dated December 2017.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 44

(Zoning Map Change: Country Overlay District Open Space Miscellaneous Location - VR, LUG-1, and LUG-2 to LUG-3 and LUG-3 to MMD)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. By placing the following properties currently located in the Village Residential (VR) district in the Limited Use General 3 (LUG-3) district:

Map	Parcel	Number	Street
60	130	353	Madaket Road
60.3.1	381	8	Rhode Island Avenue
60.3.1	383	6	Rhode Island Avenue
60.3.1	385	4	Rhode Island Avenue
60.3.1	387		Rhode Island Avenue
60.3.1	390	5	New Hampshire Avenue
60.3.1	392	7	New Hampshire Avenue
60.3.1	394	9	New Hampshire Avenue
60.3.1	396	11	New Hampshire Avenue
60.3.4	97	47	Massachusetts Avenue

2. By placing the following properties currently located in the Limited Use General 1 (LUG-1) district in the Limited Use General 3 (LUG-3) district:

Map	Parcel	Number	Street
43	14.2	64	Polpis Road
43	14.4	66	Polpis Road
43	210	68	Polpis Road

3. By placing the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 3 (LUG-3) district:

Map	Parcel	Number	Street
63	36	31	Sheep Pond Road
63	37	33	Sheep Pond Road
63	39.2	37	Sheep Pond Road
87	154 (portion of)		Weweeder Pond

4. By placing the following properties currently located in the Limited Use General 3 (LUG-3) district in the Moorlands Management District (MMD):

Map	Parcel	Number	Street
58	1 (portion of)		Massasoit Bridge Road
58	2		Massasoit Bridge Road
59	8		Massasoit Bridge Road

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 44 Country Overlay District Open Space Miscellaneous Location - VR, LUG-1, and LUG-2 to LUG-3 and LUG-3 to MMD” dated December 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by taking the following actions:

1. Place the following properties currently located in the Village Residential (VR) district in the Limited Use General 3 (LUG-3) district:

Map	Parcel	Number	Street
60	130	353	Madaket Road
60.3.1	381	8	Rhode Island Avenue
60.3.1	383	6	Rhode Island Avenue
60.3.1	385	4	Rhode Island Avenue
60.3.1	387		Rhode Island Avenue
60.3.1	390	5	New Hampshire Avenue
60.3.1	392	7	New Hampshire Avenue
60.3.1	394	9	New Hampshire Avenue
60.3.1	396	11	New Hampshire Avenue
60.3.4	97	47	Massachusetts Avenue

2. Place the following properties currently located in the Limited Use General 1 (LUG-1) district in the Limited Use General 3 (LUG-3) district:

Map	Parcel	Number	Street
43	14.2	64	Polpis Road
43	14.4	66	Polpis Road
43	210	68	Polpis Road

3. Place the following properties currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 3 (LUG-3) district:

Map	Parcel	Number	Street
63	36	31	Sheep Pond Road
63	37	33	Sheep Pond Road
63	39.2	37	Sheep Pond Road
87	154 (portion of)		Weweeder Pond

4. Place the following properties currently located in the Limited Use General 2 (LUG-2) district in the Moorlands Management District (MMD):

Map	Parcel	Number	Street
58	2		Massasoit Bridge Road

5. Place the following properties currently located in the Limited Use General 3 (LUG-3) district in the Moorlands Management District (MMD):

Map	Parcel	Number	Street
58	1 (portion of)		Massasoit Bridge Road
58	2		Massasoit Bridge Road
59	8		Massasoit Bridge Road

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 44 Country Overlay District Open Space Miscellaneous Location - VR, LUG-1, and LUG-2 to LUG-3 and LUG-3 to MMD” dated December 2017 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 45

(Zoning Bylaw Amendment: Technical Changes to Chapter 139, §2 and 16)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend section 2A (Definitions) as follows:

SECONDARY DWELLING

... A secondary dwelling may only be attached to the primary dwelling by a breezeway ~~as defined in § 139-2.~~

2. Amend section 16C (Intensity Regulations) as follows:

(1) The Board of Appeals may grant a special permit to reduce the ten-foot side yard setback in R-5 and the ten-foot side and rear yard setback in R-10, ~~SR-10~~, R-20 and SR-20 to five feet.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend section 2A (Definitions) as follows:

SECONDARY DWELLING

... A secondary dwelling may only be attached to the primary dwelling by a breezeway ~~as defined in § 139-2.~~

2. Amend section 16C (Intensity Regulations) as follows:

(1) The Board of Appeals may grant a special permit to reduce the ten-foot side yard setback in R-5 and the ten-foot side and rear yard setback in R-10, ~~SR-10~~, R-20 and SR-20 to five feet.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 46

(Zoning Bylaw Amendment: Technical Changes to Chapter 139, §25, 26, 28, 29)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. Amend section 25B (Enforcement, remedies, penalties) as follows:

B. Remedies.

- (1) If ~~the~~ **a** Zoning Enforcement Officer is requested, ~~in writing,~~ to enforce this chapter against any person allegedly in violation of the same and the Zoning Enforcement Officer declines to act, said Zoning Enforcement Officer ~~shall notify, in writing,~~ the party requesting such enforcement **shall be notified in writing** of any action or refusal to act, and the reasons therefore, within 14 days of receipt of such request.
- (2) A stop order **for any violation of this chapter shall be issued in writing by a Zoning Enforcement Officer.** ~~shall be issued for any violation of the provisions of this chapter in unauthorized sale or lease; construction in deviation from approved permits; subsequent actions contrary to the conditions of, or the activities and uses permitted by approved permits; failure to adequately maintain common open space; or inadequate or insufficient construction of improvements.~~ The stop order shall state the nature of the violation and the conditions under which work or use may continue.
- (3) ~~A~~ **The** stop order shall be issued by the Zoning Enforcement Officer and delivered by mail to the owner of any property or his ~~their~~ **agent or by posting on the property.** ~~Delivery shall be construed to include by mailing of such order, postage prepaid, to said owner or posting on the property. Copies of such order shall be maintained by the Town. The stop order shall be in writing and shall state the nature of the violation and conditions under which work or use may continue.~~
 - (a) A time limit, ~~not to exceed five days,~~ shall be permitted to allow for the necessary correction of the violation.
 - (b) Any person who shall continue in violation of ~~this~~ **a** stop order shall be in violation of this chapter and shall be subject to the enforcement provisions of this chapter. The failure of the Town to obtain a stop order for any reason whatsoever shall not be interpreted as an estoppel against the Town from pursuing any other legal remedy permitted under the law.

2. Amend section 26 (Issuance of building and use permits) as follows:

A...

~~H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years.~~

~~I. H. Payment of fees. No building or use permit shall be issued until the required fees prescribed by the Board of Selectmen shall be~~ **are** ~~paid to the Building Inspector.~~

~~J. I. Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.~~

3. Amend section 28B (Occupancy permits) as follows:

B. Application; notification; as-built plot plan. Applications for occupancy permits shall be filed with the applications for building permits and shall be allowed or denied in writing, including the cause of the action taken, ~~within seven days after the Building Inspector has been notified in writing that a construction or alteration of such building or structure has been completed.~~ Said notification shall be accompanied by the following:

(2) A written certification by the Nantucket Historic District Commission that:

- (a) Such buildings or structures have been constructed, moved, altered, or added to in compliance with the certificates of appropriateness issued for such buildings or structures; or
- (b) Certificates of nonapplicability have been issued by the Commission for such buildings or structures; provided, however, that:
- ~~(c) The Historic District Commission or its designee shall issue said certification within five working days of the receipt of a written request to do so; failure to issue a certification within this period shall be deemed approval thereof.~~

4. Amend section 29 (Zoning Board of Appeals) as follows:

A...

B. Board of Appeals rules. The Board of Appeals shall ~~may~~ adopt rules, not inconsistent with the provisions of this chapter, for the conduct of its business pursuant to this chapter and shall file a copy of said rules with the Town Clerk.

(1) ~~Meetings of the Board shall be at the call of the Chairman or when called in such other manner as the Board shall determine in its rules.~~

(2) ~~(Reserved)~~

(3) (1) The Board of Appeals may adopt rules requiring applicants to pay fees into a special account, pursuant to MGL c. 44, § 53G, to be used for the engagement by the Board of consultants.

(4) (2) In the event that the Board of Appeals has appointed a Zoning Administrator, said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.

C...

D. ~~(Reserved)~~

E. D ...

E. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years.

Or to take any other action related thereto.

(Board of Selectmen for the Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, be amended as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-sustentative changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket).*

1. Amend section 25B (Enforcement, remedies, penalties) as follows:

B. Remedies.

- (1) If the ~~a~~ Zoning Enforcement Officer is requested, ~~in writing,~~ to enforce this chapter against any person allegedly in violation of the same and the Zoning Enforcement Officer declines to act, said Zoning Enforcement Officer shall notify, ~~in writing,~~ the party requesting such enforcement shall be notified in writing of any action or refusal to act, and the reasons therefore, within 14 days of receipt of such request.
- (2) A stop order for any violation of this chapter shall be issued in writing by a Zoning Enforcement Officer. ~~shall be issued for any violation of the provisions of this chapter in unauthorized sale or lease; construction in deviation from approved permits; subsequent actions contrary to the conditions of, or the activities and uses permitted by approved permits; failure to adequately maintain common open space; or inadequate or insufficient construction of improvements.~~ The stop order shall state the nature of the violation and the conditions under which work or use may continue.
- (3) ~~A~~ The stop order shall be issued by the Zoning Enforcement Officer and delivered by mail to the owner of any property or his ~~their~~ agent or by posting on the property. ~~Delivery shall be construed to include by mailing of such order, postage prepaid, to said owner or posting on the property. Copies of such order shall be maintained by the Town. The stop order shall be in writing and shall state the nature of the violation and conditions under which work or use may continue.~~
 - (a) A time limit, ~~not to exceed five days,~~ shall be permitted to allow for the necessary correction of the violation.
 - (b) Any person who shall continue in violation of this ~~a~~ stop order shall be in violation of this chapter and shall be subject to the enforcement provisions of this chapter. The failure of the Town to obtain a stop order for any reason whatsoever shall not be interpreted as an estoppel against the Town from pursuing any other legal remedy permitted under the law.

2. Amend section 26 (Issuance of building and use permits) as follows:

A...

~~H. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the~~

applicant). ~~Such permit may be renewed annually for an aggregate period not exceeding three years.~~

I. ~~H.~~ Payment of fees. No building or use permit shall be issued until the required fees prescribed by the Board of Selectmen shall be ~~are~~ paid to the Building Inspector.

J. ~~I.~~ Compliance with permit. All work or uses shall conform to the approved application for which the permit has been issued as well as the approved plot plan.

3. Amend section 28B (Occupancy permits) as follows:

B. Application; notification; as-built plot plan. Applications for occupancy permits shall be filed with the applications for building permits and shall be allowed or denied in writing, including the cause of the action taken, ~~within seven days after the Building Inspector has been notified in writing that a construction or alteration of such building or structure has been completed.~~ Said notification shall be accompanied by the following:

(2) A written certification by the Nantucket Historic District Commission that:

- (a) Such buildings or structures have been constructed, moved, altered, or added to in compliance with the certificates of appropriateness issued for such buildings or structures; or
- (b) Certificates of nonapplicability have been issued by the Commission for such buildings or structures; provided, however, that:
- ~~(c) The Historic District Commission or its designee shall issue said certification within five working days of the receipt of a written request to do so; failure to issue a certification within this period shall be deemed approval thereof.~~

4. Amend section 29 (Zoning Board of Appeals) as follows:

A...

B. Board of Appeals rules. The Board of Appeals shall ~~may~~ adopt rules, not inconsistent with the provisions of this chapter, for the conduct of its business pursuant to this chapter and shall file a copy of said rules with the Town Clerk.

~~(1) Meetings of the Board shall be at the call of the Chairman or when called in such other manner as the Board shall determine in its rules.~~

~~(2) (Reserved)~~

~~(3)~~ (1) The Board of Appeals may adopt rules requiring applicants to pay fees

into a special account, pursuant to MGL c. 44, § 53G, to be used for the engagement by the Board of consultants.

- (4) (2) In the event that the Board of Appeals has appointed a Zoning Administrator, said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.

C...

D. (Reserved)

E.D ...

- E. Temporary permit. A temporary permit may, upon written request of an applicant, be authorized by a favorable vote of at least four members of the Board of Appeals for a nonconforming structure or use which the Board of Appeals finds necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit (unless previously made conforming or validated) without cost to the Town (unless the Town is the applicant). Such permit may be renewed annually for an aggregate period not exceeding three years.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 47

(Zoning Bylaw Amendment: Town and Country Overlay District Changes - Wherowhero Lane and Evergreen Way)

To see if the Town will vote to amend Chapter 139 of the Code of the Town of Nantucket section 4E, by amending the map entitled "Town and Country Designations" by taking the following actions (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

1. By placing property at Map 67, Parcel 471 (1 Wherowhero Lane) currently located in the Country Overlay District and in the Town Overly District;
2. By placing the following properties currently located in the Town Overlay District in the Country Overly District:

Map	Parcel	Number	Street
68	700	2	Evergreen Way

68	701.1	4	Evergreen Way
68	701.2	4A	Evergreen Way
68	702	6	Evergreen Way
68	703	8	Evergreen Way
68	704	10	Evergreen Way
68	705	12	Evergreen Way
68	706	14	Evergreen Way
68	707	16	Evergreen Way
68	708	18	Evergreen Way

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 47 titled “Town and Country Overlay District Changes: Wherowhero Lane and Evergreen Way” dated January 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 of the Code of the Town of Nantucket section 4E, be amended by amending the map entitled “Town and Country Designations” by taking the following actions:

1. By placing property at Map 67, Parcel 471 (1 Wherowhero Lane) currently located in the Country Overlay District and in the Town Overlay District;
2. By placing the following properties currently located in the Town Overlay District in the Country Overlay District:

Map	Parcel	Number	Street
68	700	2	Evergreen Way
68	701.1	4	Evergreen Way
68	701.2	4A	Evergreen Way
68	702	6	Evergreen Way
68	703	8	Evergreen Way
68	704	10	Evergreen Way
68	705	12	Evergreen Way
68	706	14	Evergreen Way
68	707	16	Evergreen Way
68	708	18	Evergreen Way

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 47 titled “Town and Country Overlay District Changes: Wherowhero Lane and Evergreen Way” dated January 2018 and filed herewith at the Office of the Town Clerk

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 48

(Zoning Bylaw Amendment: Ground Cover Allowance by Special Permit in the Village Residential District)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 16, by taking the following actions *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Insert a new section:

D. Exceptions for ground cover.

- (1) The Planning Board may grant a special permit in the Village Residential (VR) district allowing an additional 2.5% of ground cover provided that said ground cover is applied to a single-story structure or portion thereof not to exceed 16 feet in height.

2. Re-letter existing sections D and E to E and F, respectively.

Or to take any other action related thereto.

(Board of Selectmen for Planning Board)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 16, be amended by taking the following actions *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

1. Insert a new section:

D. Exceptions for ground cover.

- (1) The Planning Board may grant a special permit in the Village Residential (VR) district allowing an additional 2.5% of ground cover above the maximum allowance of 10% provided that said ground cover is applied to a single-story structure(s) or portion(s) thereof not to exceed 16 feet in height.

2. Re-letter existing sections D and E to E and F, respectively.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 49

(Bylaw Amendment: Zoning)

To See if the Town Will Vote to Amend the Town of Nantucket Code Chapter 139-8.A.1.b by adding the highlighted language:

139-8.A.1.b

Preservation of open space shall be required, with the amount based on the total tract size pursuant to Subsections A(3) and (4) below.

1) A restriction defining the protection of the open space shall be enforceable by the Town or County of Nantucket and recorded at the Nantucket County Registry of Deeds or the Registry District of the Land Court. In addition, open space shall be:

- (a) Owned by the Town of County of Nantucket; or
- (b) Owned by the Nantucket Islands Land Bank; or
- (c) Conveyed to an established nonprofit organization, a principal purpose of which is the conservation of open land; or
- (d) Subject to a permanent conservation restriction, as provided in MGL c. 184, §§ 31 through 33, and owned in common by a corporation or trust composed of the owners of lots within the development. **A letter of intent to hold the conservation restriction from the prospective holder shall be presented as part of the application to the Planning Board.**

2) Open space shall be restricted to one or more of the following uses, subject to approval of the Planning Board, in accordance with MGL c. 184, §§ 31 and 32:

- (a) Preservation of important natural features on a lot.
- (b) Passive recreation, including, but not limited to, nature study, boating, fishing, hunting, picnicking, and horseback riding.
- (c) Active recreation.
- (d) Bicycle paths and walking trails.
- (e) Agriculture.
- (f) Structures accessory to the use of the open space which may include, but are not limited to: boathouses, duck walks, landings, barns, gazebos. **Pools, clubhouses, parking, access roads, and other recreational facilities not open for public use shall be prohibited.**
- (g) Water **(excluding private pools)** features consistent with the purposes described above.
- (h) Individual underground septic systems or wells that provide service to the lots within the development.

(Cormac Collier, et al)

PLANNING BOARD MOTION: Moved that Chapter 139 (Zoning) of the Code of the Town of Nantucket, section 8A(1)(b) is amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

Preservation of open space shall be required, with the amount based on the total tract size pursuant to Subsections A(3) and (4) below.

- [1] A restriction defining the protection of the open space shall be enforceable by the Town or County of Nantucket and recorded at the Nantucket County Registry of Deeds or the Registry District of the Land Court. In addition, open space shall be:
- [a] Owned by the Town of County of Nantucket; or
 - [b] Owned by the Nantucket Islands Land Bank; or
 - [c] Conveyed to an established nonprofit organization, a principal purpose of which is the conservation of open land; or
 - [d] Subject to a permanent conservation restriction, as provided in MGL c. 184, §§ 31 through 33, and owned in common by a corporation or trust composed of the owners of lots within the development. A letter of intent to hold the conservation restriction from the prospective holder shall be required before a final plan is endorsed.
- [2] Open space areas included in the minimum calculation required in subsections A(3) and A(4) shall be restricted to one or more of the following uses, subject to approval of the Planning Board, in accordance with MGL c. 184, §§ 31 and 32:
- [a] Preservation of important natural features on a lot.
 - [b] Passive recreation, including, but not limited to, nature study, boating, fishing, hunting, picnicking, and horseback riding.
 - [c] Active recreation.
 - [d] Bicycle paths and walking trails.
 - [e] Agriculture.
 - [f] Structures accessory to the use of the open space which may include, but are not limited to: boathouses, duck walks, landings, barns agricultural outbuildings, outbuildings associated with passive recreational use, and gazebos. The following accessory structures are allowed, but their ground cover is prohibited from inclusion in the minimum open space requirement: residential swimming pool(s) and/or hot tub(s)/spa(s) and their associated decks and/or patios, outbuildings which are cabanas, clubhouses, fitness studios, and/or offices, and game courts.
 - [g] Water features (excluding residential swimming pools) consistent with the purposes described above.
 - [h] Individual underground septic systems or wells that provide service to the lots within the development.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 50

(Zoning Map Change: RC-2 to CMI - Old South Road)

To see if the Town will vote to: amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Residential Commercial - 2 (RC-2) district in the Commercial Mid-island (CMI) district, the Commercial Neighborhood District (CN), the Commercial Trade, Entrepreneurship and Craft District (CTEC).

44 Nobadeer Farm Road	Map 69 Parcel 34
46 Nobadeer Farm Road	Map 69 Parcel 35
48 Nobadeer Farm Road	Map 69 Parcel 36
132 Old South Road	Map 69 Parcel 37
134 Old South Road	Map 69 Parcel 38
136 Old South Road	Map 69 Parcel 136
138 Old South Road	Map 69 Parcel 11
140 Old South Road	Map 69 Parcel 60
142 Old South Road	Map 69 Parcel 61
4 Arrowhead Road	Map 69 Parcel 59

All as shown on a map entitled "2018 Special Town Meeting Warrant Article ___ RC-2 to CMI, CN or CTEC" dated _____ and filed herewith at the Office of the Town Clerk, or to take any other action related thereto.

(Steven Cohen, et al)

PLANNING BOARD MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

A positive motion will require a two-thirds vote

ARTICLE 51

(Zoning Map Change: LUG-2 to LUG-1 - Masaquet Avenue)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by taking the following actions:

1. Placing the following property - 8 Masaquet Avenue - Map 80, Parcel 193 - currently located in the Limited Use General - 2 (LUG-2)) Zoning District in the Limited Use General - 1 (LUG-1) zoning district

(Ryan Fitch, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following property currently located in the Limited Use General 2 (LUG-2) zoning district in the Limited Use General 1 (LUG-1) zoning district:

Map	Lot	Number	Street
80	193	8	Masaquet Avenue

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 51 LUG-2 to LUG-1” dated July 2017 and filed herewith at the Office of the Town Clerk.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 52

(Zoning Map Change: LUG-2 to LUG-1 - 56 South Shore Road)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following property currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
80	114	56	South Shore Road

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article ___ LUG-2 to LUG-1” dated July 2017 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(John Brescher, et al)

PLANNING BOARD MOTION: Moved that the Zoning Map of the Town of Nantucket be amended by placing the following property currently located in the Limited Use General 2 (LUG-2) district in the Limited Use General 1 (LUG-1) district:

Map	Lot	Number	Street
80	114	56	South Shore Road

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 52 LUG-2 to LUG-1” dated July 2017.

FINANCE COMMITTEE COMMENT: The Committee supports the Planning Board Motion.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 53

(Zoning Map and Town and Country Overlay District Change; Board of Sewer Commissioners/Sewer District Map Change: Portion of 43 Appleton Road)

To see if the Town will vote to take the following actions in regard to the following property:

Map	Lot	Number	Street
66	66	Portion of 43	Appleton Road

- (1) Amend the Zoning Map of the Town of Nantucket by placing a portion of the foregoing property, currently located in the Village-Technical (VTEC) district, to the Residential-2 (R-2) zoning district:
- (2) Amend the Town and Country Overlay District Map of the Town of Nantucket by placing the a potion of the following property, currently located in the Country Overlay District, into the Town Overlay District:
- (3) Amend the sewer district map to include a portion of the following property currently outside of the district into within the district.

All as shown on the attached map.

Or to take any other action related thereto.

(Richard Kalman, et al)

PLANNING BOARD MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE MOTION: Moved not to amend the Town Sewer District Map to include the parcel referenced in the Article.

FINANCE COMMITTEE COMMENT: The Finance Committee supports the Planning Board Motion. The Finance Committee's Motion is based on a vote by the Sewer Commissioners on February 14, 2018 not to approve inclusion of this parcel into the Town Sewer District.

A positive motion will require a two-thirds vote

ARTICLE 54

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes - Hawthorne Lane)

To see if the Town will vote to amend the sewer district map to include the following properties, currently outside of the district, to within the district:

Map	Lot	Number	Street
56	264	13	Hawthorne Lane
56	258	1	Hawthorne Lane
56	259	3	Hawthorne Lane
56	221	10	Hawthorne Lane

All as shown on the attached map.

Or to take any other action related thereto.

(John Brescher, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels:

Map	Lot	Number	Street
56	264	13	Hawthorne Lane
56	258	1	Hawthorne Lane
56	259	3	Hawthorne Lane
56	221	10	Hawthorne Lane

FINANCE COMMITTEE COMMENT: The Finance Committee's Motion is based on a vote by the Sewer Commissioners on February 14, 2018 to approve the inclusion of these parcels into the Town Sewer District.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion with the understanding that the Town is under no obligation to fund sewer extensions for parcels that come into a sewer district.

ARTICLE 55

(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Changes - Folger Avenue, Field Avenue, Morgan Square, South Shore Road)

To see if the Town will vote to amend the sewer district map to include the following properties, currently outside of the district, to within the district:

Map	Lot	Number	Street
80	154	15	Folger Avenue
80	153	16	Folger Avenue
80	151	17	Folger Avenue
80	110	19	Folger Avenue
80	42	21	Folger Avenue
87	3.1	4	Morgan Square
87	3.2	2	Morgan Square
80	150	17	Field Avenue
80	152	18	Field Avenue
80	109	19	Field Avenue
80	149	20	Field Avenue
80	108	22	Field Avenue
80	41	21	Field Avenue
80	40	24	Field Avenue
80	115	52	South Shore Road
80	114	56	South Shore Road

All as shown on the attached map.

Or to take any other action related thereto.

(Lewis Kelsey, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 3A (Town Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels:

Map	Lot	Number	Street
80	154	15	Folger Avenue
80	153	16	Folger Avenue
80	151	17	Folger Avenue
80	110	19	Folger Avenue
80	42	21	Folger Avenue
87	3.1	4	Morgan Square
87	3.2	2	Morgan Square
80	150	17	Field Avenue
80	152	18	Field Avenue
80	109	19	Field Avenue
80	149	20	Field Avenue
80	108	22	Field Avenue
80	41	21	Field Avenue
80	40	24	Field Avenue
80	115	52	South Shore Road
80	114	56	South Shore Road

FINANCE COMMITTEE COMMENT: The Finance Committee's Motion is based on a vote by the Sewer Commissioners on February 14, 2018 to approve the inclusion of these parcels into the Town Sewer District.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion with the understanding that the Town is under no obligation to fund sewer extensions for parcels that come into a sewer district.

ARTICLE 56

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 3B (Siasconset Sewer District) of the Code of the Town of Nantucket by adding the following properties to the Siasconset Sewer District:

Map	Parcel	Number	Street
49	166	52	Burnell Street
49	167	50	Burnell Street
49	180	2	Lenox Way
49	181	3	Windsor Road
49	191	3	Lenox Way
49	192	8	Windsor Road
49	193	4	Windsor Road
49	194	2	Windsor Road

49.3.2	2	Rear	Plainfield Road
49.3.2	18	54	Burnell Street
49.3.2	20	18	Sconset Avenue

All as shown on a map entitled “2017 Special Town Meeting Warrant Article _____” dated _____ and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Sheila Coffin Harshman, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 3B (Siasconset Sewer District) of the Code of the Town of Nantucket is hereby amended by adding the following parcels:

Map	Parcel	Number	Street
49	166	52	Burnell Street
49	167	50	Burnell Street
49	180	2	Lenox Way
49	181	3	Windsor Road
49	191	3	Lenox Way
49	192	8	Windsor Road
49	193	4	Windsor Road
49	194	2	Windsor Road
49.3.2	2	Rear	Plainfield Road
49.3.2	18	54	Burnell Street
49.3.2	20	18	Sconset Avenue

FINANCE COMMITTEE COMMENT: The Finance Committee’s Motion is based on a vote by the Sewer Commissioners on February 14, 2018 to approve the inclusion of these parcels into the Siasconset Sewer District.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion with the understanding that the Town is under no obligation to fund sewer extensions for parcels that come into a sewer district.

ARTICLE 57

(Bylaw Amendment: Board of Sewer Commissioners/Siasconset Sewer District Map Changes - Burnell Street)

To see if the Town will vote to amend the Siasconset Sewer District, as established under the Nantucket Code, Chapter 41, Section 3.B, by including therein, and placing on the map thereof, the land situated at and known as 54 Burnell Street, Siasconset, shown upon Nantucket Assessor’s Map 49.3.2 as Parcel 18; or to take any other action related thereto.

(Arthur I. Reade, Jr., et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 41 (Board of Sewer Commissioners), section 3B (Siasconset Sewer District) of the Code of the Town of

Nantucket is hereby amended by adding the following parcels: the land situated at and known as 54 Burnell Street, Siasconset, shown upon Nantucket Assessor's Map 49.3.2 as Parcel 18.

FINANCE COMMITTEE COMMENT: The Finance Committee's Motion is based on a vote by the Sewer Commissioners on February 14, 2018 to approve the inclusion of these parcels into the Siasconset Sewer District.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the Finance Committee Motion with the understanding that the Town is under no obligation to fund sewer extensions for parcels that come into a sewer district.

ARTICLE 58 (Waiver of Sewer Privilege Fees)

To see if the Town will vote to: Waive, for year-round residents who are required to connect to the Town sewer system, in consideration of the expenses to be incurred, as a result of Articles 16 through 19, approved April 2, 2016, the one time privilege sewer fee of six thousand dollars.

(Alan Myers, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: Town Meeting does not have the authority to waive privilege fees. Under the General Laws and the Nantucket Sewer Act, the Sewer Commissioners have sole and exclusive authority to set privilege fees consistent with any Town Meeting vote that authorized the privilege fee in the first place when the appropriation was made to which the privilege fee applies. Further, there is no legal basis, absent special legislation, to exempt only year-round residents from the sewer privilege fee.

ARTICLE 59 (Ban on Herbicides and Pesticides Containing Glyphosate)

To see if the Town will vote to: Ban the use and sale of all herbicides and pesticides containing glyphosate in favor of non-toxic alternative solutions. Roundup [glyphosate] is an herbicide manufactured by agricultural giant Monsanto which contains toxic, neurotoxic, carcinogenic, and endocrine disrupting chemicals. It is widely used on Nantucket by landscapers, gardeners, farmers, and homeowners as an all-purpose weed killer.

Scientists are now finding that glyphosate is toxic and tied to a number of serious health-related issues, including autoimmune disease, Type I Diabetes, infertility/miscarriage, and cancer. Countries that have already banned the use of glyphosate include the European Union, Sri Lanka, Malta and the Six Gulf States (Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, Bahrain, and Oman).

The undersigned agree that the time has come for Nantucket to protect its inhabitants, harbors, aquifers, soil, fisheries, and crops from any further exposure to this well documented poison.

(Darcy Creech, et al)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

FINANCE COMMITTEE COMMENT: Town Meeting does not have the authority to enact a ban such as described in the Article. Any such ban would have to be in the form of a general bylaw or Board of Health regulation. Further, under Wendell v. Attorney General, it is unlikely that the Attorney General would approve a ban on a certain type of pesticide because the regulation of pesticides has been preempted by state law.

ARTICLE 60 (Environmental Resolution)

Be it resolved that the citizens of Nantucket, concerned with the impacts to marine wildlife, economic risk, threat of an oil spill, and the quality of our beaches, recreational fishing, surfing and boating, are opposed to offshore seismic testing and offshore oil and gas development.

(Anne K. Mendelsohn, et al)

FINANCE COMMITTEE MOTION: Moved to adopt the Article.

ARTICLE 61 (Bylaw Amendment: Agricultural Commission)

To see if the Town will vote to: Amend Section 11:25 of Article VII, Agricultural Commission, to read as follows..."

Section 11-25. Membership.

The Commission shall consist of ~~seven~~ **five** members appointed by the Board of Selectmen, with ~~three~~ **two** members being appointed for a term of three years; two members for a ~~initial~~ term of two years and ~~three years thereafter upon expiration of the initial term~~; and ~~two~~ **one** member for an initial term of one year, and ~~three~~ **two** years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of ~~four~~ **three** members whole prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another ~~three~~ **two** who are interested in farming. If the foregoing are neither available not willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Board of Selectmen shall fill any vacancy for the balance of the unexpired term of the vacancy.

Or take any other action thereto"

(Campbell Sutton, et al)

FINANCE COMMITTEE MOTION: Moved that Chapter 11 (Committees), Article VII (Agricultural Commission), Section 11-25 is amended as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further,*

that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):

§11-25. Membership.

The Commission shall consist of ~~seven~~ **five** members appointed by the Board of Selectmen, with ~~three~~ **two** members being appointed for a term of three years; two members for a initial term of two years and ~~three years thereafter upon expiration of the initial term~~; and ~~two~~ **one** member for an initial term of one year, and ~~three~~ **two** years thereafter upon expiration of the initial term. To the extent available and willing to serve, the Commission shall consist of a minimum of ~~four~~ **three** members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another ~~three~~ **two** who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture. The Board of Selectmen shall fill any vacancy for the balance of the unexpired term of the vacancy.

ARTICLE 62

(Charter Amendment: Establishing a Special Council)

To see if the Town will vote to: Amend the Charter under Article VI, section 6.5: To Adopt an act authoring the establishment a Special Council, five member board, in the Town of Nantucket and be give all rights under: Chapter 289, Charter Act of 1996, Chapter 290, Article III Section 3.1 Executive Power to rule on all disputes before the Town that have come to an impasse.

It is the intent of the establishment of the Nantucket Special Council to provide a judgment for anyone seeking relief from ongoing disputes that have met an impasse with the town of Nantucket.

(Theresa Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: Based on legal advice from Town Counsel, the Article is not specific enough to be valid for a Charter amendment.

ARTICLE 63

(Discontinue Development of 6 Fairgrounds Road)

To see if the town will vote to discontinue current development plans for 6 Fairgrounds Road, also known as the Ticcoma Green Project. To the fullest extent possible under the law, the Town of Nantucket shall discontinue the current plans to develop 6 Fairgrounds Road. The Town of Nantucket shall disentangle itself, to the greatest extent allowable by law, from existing contracts and agreements with Hallkeen Management, Inc., regarding the development of this project.

Any planning for future development and usage of 6 Fairgrounds Road, as well as 2, 4, 6, 8, 10, 12, 14, and 16 Ticcoma Way, shall be done after the completion of the major

mid - island developments currently underway, when their burden on traffic, parking, and other infrastructure can be adequately assessed..

(Matthew Reinemo, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: Town Meeting does not have the authority to discontinue this project. That authority rests with the Board of Selectmen. Once legal rights have vested, however, in another party as a result of a Town Meeting authorizing the disposition of land and the Board of Selectmen has executed binding contracts (which it has) with the developer, Town Meeting does not have the authority to rescind the prior authorization.

ARTICLE 64

(Moratorium on Town Housing)

To see if the town will vote to place a seven - year moratorium on the use of public resources for the purposes of new construction of housing. For a period of seven (7) years, effective as soon as possible under the law, the town shall not use any public property, or resources, for the construction of new housing. This moratorium would apply to the use of town - owned land whether currently owned or newly acquired, the use of public funds in the planning or construction of new housing, and the use of town employees in the furtherance or planning of new construction of housing.

For the duration of the seven (7) years the town shall not acquire any land for the purposes of constructing new housing, nor shall it divest itself of land, through sale or lease, of any land for the purposes of construction of new housing.

This moratorium shall not apply to the acquisition of existing housing stock for the purpose of affordable housing, nor shall it be construed to affect private developers and the town's efforts to encourage them to build affordable housing.

This article shall be severable in regard to legality. If one or more sections are found unenforceable or illegal, any and all other sections shall remain enforceable to the fullest extent of the law.

(Matthew Reinemo, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

FINANCE COMMITTEE COMMENT: Town Meeting does not have the authority to bind a future town meeting from authorizing the disposition of Town-owned land for housing or the appropriation of funds for such purposes. To the extent the article would direct "the use of Town employees," such a restriction would interfere with the executive authority of the Board of Selectmen and Town Administration and thus would be inconsistent with state law and the Town Charter.

ARTICLE 65

(Bylaw Amendment: Personnel)

To see if the Town will vote to amend Chapter 33 (Personnel) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket*):

§33-4. Applicability; collective bargaining agreements.

All Town departments and positions, except those under the jurisdiction of the School Committee; ~~Airport Commission~~; elected positions; ~~employees of the Wannacomet Water Company that are under the direction and control of the Nantucket Water Commission~~; the positions of Town Counsel, Town Prosecutor and Labor Counsel; and certain positions for which the compensation is on a fee basis or the incumbents of which render intermittent or casual services, shall be subject to the provisions of this chapter and any rules and regulations adopted pursuant to this chapter. Provisions of collective bargaining agreements shall govern those employees whenever collective bargaining agreements conflict with the provisions of this chapter and any rules and regulations adopted pursuant to this chapter.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 66

(Establishment of a Parking Benefit District)

To see if the Town will vote pursuant to General Laws Chapter 40, Section 22A½ to authorize the Board of Selectmen to designate one or more parking benefit districts, as geographically defined areas within the Town, in which parking revenue collected therein may be designated, subject to appropriation, in whole or in part for use in that district through a dedicated fund in accordance with the purposes and uses listed in section 22A of Chapter 40. In creating one or more parking benefit districts the Board of Selectmen is hereby authorized to designate a Town board, official, or committee to manage said parking benefit district or districts; or to take any other action relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to accept Chapter 40, section 22A of the General Laws; and, further moved that pursuant to General Laws Chapter 40, Section 22A½ the Board of Selectmen is hereby authorized to designate one or more parking benefit districts, as geographically defined areas within the Town, in which parking revenue collected therein may be designated, subject to appropriation, in whole or in part for use in that district through a dedicated fund in accordance with the purposes and uses listed in section 22A of Chapter 40, is hereby adopted.

ARTICLE 67
(Home Rule Petition: Select Board)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act so as to amend the Charter of the Town of Nantucket, Chapter 289 of the Acts of 1996, as follows:

The words "Board of Selectmen" are hereby deleted wherever such words appear in the Charter and are replaced with "Select Board" and the words "Selectman" and "Selectmen" are hereby deleted wherever such words appear and replaced with the words "Member" and "Members" respectively; and Article III, Section 3-5 of said Charter is also amended to add a new Section 3-5 (i) providing that "The Select Board shall have the full role of and all of the powers and authority of a Board of Selectmen under the General Laws, and its members and officers shall have the full role of and all of the powers and authority of the members and officers of a Board of Selectmen under the General Laws."; and to authorize the General Court to make constructive changes in perfecting the language of this proposed legislation in order to secure passage; and to take any other action as may be relative thereto.

(Melissa Murphy, et al)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

BOARD OF SELECTMEN COMMENT: The Board of Selectmen supports the name change and plans to pursue this name change within the confines of the Board of Selectmen authority.

ARTICLE 68
(Home Rule Petition: Merger of Nantucket Water Commission and Siasconset Water Commission)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation set forth below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage; or to take any other action related thereto:

AN ACT authorizing the Town of Nantucket to supply itself and its inhabitants with water

SECTION 1. The town of Nantucket may supply itself and the inhabitants thereof with water for the extinguishment of fires and for domestic and for other purposes, may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of same.

SECTION 2. The said town, for the purposes aforesaid, is hereby authorized to acquire by purchase or take by eminent domain under chapter 79 of the General Laws the entire water rights, estates, franchises and privileges of any corporation supplying water to its inhabitants and thereby become entitled to all its rights and privileges and subject to all its duties and liabilities; and may lease, or take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, the waters, or any portion

thereof, of any pond, brook, spring, stream or any ground water sources within its limits, not already appropriated for purposes of public water supply, and any water or flowage rights connected therewith; provided, that the amount of water which may be taken shall from time to time be determined by vote of the town; and also may take by eminent domain under said chapter 79, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity and quality of the water shall be taken or used without first obtaining the advice and approval of the department of environmental protection, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said town may construct, erect and maintain on the lands acquired and held under the provisions of this act proper dams, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of the department of environmental protection, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs, establish pumping works and lay down and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or in case of failure so to agree as may be approved by the department of telecommunications and energy. Said town may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. The land, water rights and other property taken or acquired under this act, and all works, buildings and other structures erected or constructed under this act, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for in section 8, in such manner as it shall deem for the best interest of the town.

SECTION 4. Any person or corporation injured in his or its property by any action of said town or board under this act may recover damages from said town under said chapter 79; provided, that the right to damages for the taking of any water, water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said town under authority of this act.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this act, issue from time to time bonds or notes in accordance with the provisions of section 8 of chapter 44 of the General Laws.

SECTION 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section 5; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating the water works, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 7. Whoever willfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefore, to be recovered in an action of tort; and upon conviction of any one of the above willful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

SECTION 8. All water operations of said town shall be consolidated in department of the town to be known as the water department. All the authority granted to the town by this act, except sections 5 and 6, and not otherwise specially provided for, shall be vested in a five-member board of water commissioners, hereinafter known as the "board". The board shall have exclusive charge and control of the water department and water system of the town, subject however to all lawful by-laws and to such instructions, rules and regulations as said town may impose by its vote. A majority of said board shall constitute a quorum for the transaction of business. Any vacancy occurring in said board shall be filled at the next annual town election for the remainder of the unexpired term and may be filled temporarily by the board of selectmen until the next annual election, in accordance with the charter of the town of Nantucket as it may be amended from time to time. Said commissioners shall serve for three-year overlapping terms, so arranged that the terms of not more than two commissioners shall expire each year.

SECTION 9. Said board shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment of such prices and rates. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. During any period that the water department is not operated under an enterprise fund system of accounting pursuant to section 53F1/2 of chapter 44 of the General Laws, if there should be a net surplus remaining after providing for the aforesaid charges it shall, subject to appropriation by the town, be used for such new construction as the water commissioners may recommend or be reserved by the town for future new construction, and in case a surplus should remain after appropriation or reservation for such new construction, and/or in the event such surplus

is not so appropriated and reserved, the water rates shall be reduced proportionately. All authority vested in said board by the foregoing provisions of this section shall be subject to the provisions of section 8 with respect to the town's authority to adopt appropriate bylaws, rules, instructions regulations. Said board shall annually, and as often as the town may require, render a report upon the condition of the works under its charge and an account of its doings, including an account of receipts and expenditures.

SECTION 10. The town of Nantucket shall be the lawful successor of the Siasconset water district and the former Wannacomet Water Company, so-called, in every respect. All property, both real and personal, including funds, records, furnishings and equipment whatsoever in the custody of said department and company shall be transferred by operation of law to the town, and no contracts or liabilities of the Siasconset water district or former Wannacomet Water Company in force on the effective date of this act shall be affected by the dissolution and abolition of the said district or company, except as provided in section 16, below.

SECTION 11. The incumbent general manager of the Wannacomet Water Company, so-called, holding office as of the effective date of this act shall serve as the director of the consolidated water department until the natural expiration of his current appointment, or his sooner resignation, retirement or removal.

SECTION 12. Upon the effective date of this act, the so-called Siasconset water district, created pursuant to chapter 404 of the acts of 1903, as amended, is hereby dissolved, the board of water commissioners created pursuant to said chapter 404 is abolished, and the terms of any incumbent members of said board of water commissioners terminated.

SECTION 13. The enterprise funds previously established by vote of the town pursuant to section 53F1/2 of chapter 44 of the General Laws and referred to as the Siasconset Water Enterprise Fund and the Wannacomet Water Enterprise Fund, to the extent they are in existence as of the effective date of this act, shall hereby be consolidated into a single enterprise fund to be known as the Nantucket Water Department Enterprise Fund, which consolidated fund shall be subject to said section 53F1/2 in every respect.

SECTION 14. Any properly-adopted rules and regulations of the boards of water commissioners created pursuant to chapter 404 of the acts of 1903 and chapter 476 of the acts of 1987, in effect upon the effective date of this act, shall remain in full force and effect until such time as they are amended or abolished by the board created under section 8 this act.

SECTION 15. Upon the effective date of this act, the then-applicable Memorandum of Agreement between the Nantucket Water Commission and the Siasconset Water shall be rendered void, and the parties are relieved of their obligations under said Memorandum of Agreement, except to the extent that any payments are outstanding for services rendered prior to the effective date of this act.

SECTION 16. All personnel of the water department created under the section 8 of this act are town employees, and shall be appointed by the board created under said section 8, in accordance with and subject to the requirements of sections 4.5-4.9 of the town charter, chapter 289 of the acts of 1996 as it may be amended from time to time. Such employees shall be subject to any applicable by-laws, and personnel policies and procedures of the town, unless and only to the extent that such by-laws and personnel policies and procedures have been amended by any valid collective bargaining agreement, where applicable. Nothing herein shall be construed to alter or amend the employment status of any existing water department employees, employed as of the effective date of this act, except as provided in section 12, above.

SECTION 17. As of the effective date of this act, the members of the board of water commissioners created by the provisions of chapter 404 of the acts of 1903 and chapter 476 of the acts of 1987, previously known as the Nantucket Water Commissioners, shall become the first members of the five-member board of water commissioners created under section 8 of this act. Such commissioners shall serve for the remainder of their elected terms or their sooner vacating of office. Thereafter, such offices shall be filled in accordance with said section 8. Two additional commissioners shall be elected at the first annual town election occurring no less than 64 days after the passage of this act, one for a 2-year term and one for a 3-year term. If the 2 additional positions would remain vacant for more than 4 months, the board of selectmen may, in its discretion, make temporary appointments to fill the vacancies until the annual election at which the offices may legally appear on the ballot. Thereafter, all elections and temporary appointments to the board shall be made in accordance with said section 8.

SECTION 18. Chapter 307 of the acts of 1925, chapter 436 of the acts of 1963, and chapter 476 of the acts of 1987 are hereby repealed.

SECTION 19. This act shall take effect upon passage.

Or to take any other action related thereto.

(Board of Selectmen for Nantucket Water Commission, Siasconset Water Commission)

NOTE: The above home rule petition was approved as Article 75 of the 2016 Annual Town Meeting; and Article 87 of the 2017 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2017, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

AN ACT authorizing the Town of Nantucket to supply itself and its inhabitants with water

SECTION 1. The town of Nantucket may supply itself and the inhabitants thereof with water for the extinguishment of fires and for domestic and for other purposes, may

establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of same.

SECTION 2. The said town, for the purposes aforesaid, is hereby authorized to acquire by purchase or take by eminent domain under chapter 79 of the General Laws the entire water rights, estates, franchises and privileges of any corporation supplying water to its inhabitants and thereby become entitled to all its rights and privileges and subject to all its duties and liabilities; and may lease, or take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring, stream or any ground water sources within its limits, not already appropriated for purposes of public water supply, and any water or flowage rights connected therewith; provided, that the amount of water which may be taken shall from time to time be determined by vote of the town; and also may take by eminent domain under said chapter 79, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity and quality of the water shall be taken or used without first obtaining the advice and approval of the department of environmental protection, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said town may construct, erect and maintain on the lands acquired and held under the provisions of this act proper dams, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works, the construction and maintenance of which shall be subject to the approval of the department of environmental protection, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs, establish pumping works and lay down and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon. Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation or in case of failure so to agree as may be approved by the department of telecommunications and energy. Said town may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any work or for any other purpose authorized by this act.

SECTION 3. The land, water rights and other property taken or acquired under this act, and all works, buildings and other structures erected or constructed under this act, shall

be managed, improved and controlled by the board of water commissioners hereinafter provided for in section 8, in such manner as it shall deem for the best interest of the town.

SECTION 4. Any person or corporation injured in his or its property by any action of said town or board under this act may recover damages from said town under said chapter 79; provided, that the right to damages for the taking of any water, water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said town under authority of this act.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this act, issue from time to time bonds or notes in accordance with the provisions of section 8 of chapter 44 of the General Laws.

SECTION 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section 5; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating the water works, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 7. Whoever willfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefore, to be recovered in an action of tort; and upon conviction of any one of the above willful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both.

SECTION 8. All water operations of said town shall be consolidated in department of the town to be known as the water department. All the authority granted to the town by this act, except sections 5 and 6, and not otherwise specially provided for, shall be vested in a five-member board of water commissioners, hereinafter known as the "board". The board shall have exclusive charge and control of the water department and water system of the town, subject however to all lawful by-laws and to such instructions, rules and regulations as said town may impose by its vote. A majority of said board shall constitute a quorum for the transaction of business. Any vacancy occurring in said board shall be filled at the next annual town election for the remainder of the unexpired term and may be filled temporarily by the board of selectmen until the next annual election, in accordance with the charter of the town of Nantucket as it may be amended from time to time. Said commissioners shall serve for three-year overlapping terms, so arranged that the terms of not more than two commissioners shall expire each year.

SECTION 9. Said board shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment of such prices and rates. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. During any period that the water department is not operated under an enterprise fund system of accounting pursuant to section 53F1/2 of chapter 44 of the General Laws, if there should be a net surplus remaining after providing for the aforesaid charges it shall, subject to appropriation by the town, be used for such new construction as the water commissioners may recommend or be reserved by the town for future new construction, and in case a surplus should remain after appropriation or reservation for such new construction, and/or in the event such surplus is not so appropriated and reserved, the water rates shall be reduced proportionately. All authority vested in said board by the foregoing provisions of this section shall be subject to the provisions of section 8 with respect to the town's authority to adopt appropriate bylaws, rules, instructions regulations. Said board shall annually, and as often as the town may require, render a report upon the condition of the works under its charge and an account of its doings, including an account of receipts and expenditures.

SECTION 10. The town of Nantucket shall be the lawful successor of the Siasconset water district and the former Wannacomet Water Company, so-called, in every respect. All property, both real and personal, including funds, records, furnishings and equipment whatsoever in the custody of said department and company shall be transferred by operation of law to the town, and no contracts or liabilities of the Siasconset water district or former Wannacomet Water Company in force on the effective date of this act shall be affected by the dissolution and abolition of the said district or company, except as provided in section 16, below.

SECTION 11. The incumbent general manager of the Wannacomet Water Company, so-called, holding office as of the effective date of this act shall serve as the director of the consolidated water department until the natural expiration of his current appointment, or his sooner resignation, retirement or removal.

SECTION 12. Upon the effective date of this act, the so-called Siasconset water district, created pursuant to chapter 404 of the acts of 1903, as amended, is hereby dissolved, the board of water commissioners created pursuant to said chapter 404 is abolished, and the terms of any incumbent members of said board of water commissioners terminated.

SECTION 13. The enterprise funds previously established by vote of the town pursuant to section 53F1/2 of chapter 44 of the General Laws and referred to as the Siasconset Water Enterprise Fund and the Wannacomet Water Enterprise Fund, to the extent they are in existence as of the effective date of this act, shall hereby be consolidated into a single enterprise fund to be known as the Nantucket Water Department Enterprise Fund, which consolidated fund shall be subject to said section 53F1/2 in every respect.

SECTION 14. Any properly-adopted rules and regulations of the boards of water commissioners created pursuant to chapter 404 of the acts of 1903 and chapter 476 of

the acts of 1987, in effect upon the effective date of this act, shall remain in full force and effect until such time as they are amended or abolished by the board created under section 8 this act.

SECTION 15. Upon the effective date of this act, the then-applicable Memorandum of Agreement between the Nantucket Water Commission and the Siasconset Water shall be rendered void, and the parties are relieved of their obligations under said Memorandum of Agreement, except to the extent that any payments are outstanding for services rendered prior to the effective date of this act.

SECTION 16. All personnel of the water department created under the section 8 of this act are town employees, and shall be appointed by the board created under said section 8, in accordance with and subject to the requirements of sections 4.5-4.9 of the town charter, chapter 289 of the acts of 1996 as it may be amended from time to time. Such employees shall be subject to any applicable by-laws, and personnel policies and procedures of the town, unless and only to the extent that such by-laws and personnel policies and procedures have been amended by any valid collective bargaining agreement, where applicable. Nothing herein shall be construed to alter or amend the employment status of any existing water department employees, employed as of the effective date of this act, except as provided in section 12, above.

SECTION 17. As of the effective date of this act, the members of the board of water commissioners created by the provisions of chapter 404 of the acts of 1903 and chapter 476 of the acts of 1987, previously known as the Nantucket Water Commissioners, shall become the first members of the five-member board of water commissioners created under section 8 of this act. Such commissioners shall serve for the remainder of their elected terms or their sooner vacating of office. Thereafter, such offices shall be filled in accordance with said section 8. Two additional commissioners shall be elected at the first annual town election occurring no less than 64 days after the passage of this act, one for a 2-year term and one for a 3-year term. If the 2 additional positions would remain vacant for more than 4 months, the board of selectmen may, in its discretion, make temporary appointments to fill the vacancies until the annual election at which the offices may legally appear on the ballot. Thereafter, all elections and temporary appointments to the board shall be made in accordance with said section 8.

SECTION 18. Chapter 307 of the acts of 1925, chapter 436 of the acts of 1963, and chapter 476 of the acts of 1987 are hereby repealed.

SECTION 19. This act shall take effect upon passage.

ARTICLE 69

(Home Rule Petition: Rescind Nantucket Mosquito Control Project Act)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act in the form set forth below, rescinding Chapter 209 of the Acts of 2014 that established the Nantucket Mosquito Control District; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before

enactment by the General Court; and, provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT RESCINDING THE ESTABLISHMENT OF THE NANTUCKET MOSQUITO CONTROL PROJECT

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Chapter 209 of the Acts of 2014, establishing the Nantucket Mosquito Control Project, is hereby rescinded in its entirety.

SECTION 2. This act shall take effect upon its passage.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

AN ACT RESCINDING THE ESTABLISHMENT OF THE NANTUCKET MOSQUITO CONTROL PROJECT

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Chapter 209 of the Acts of 2014, establishing the Nantucket Mosquito Control Project, is hereby rescinded in its entirety.

SECTION 2. This act shall take effect upon its passage.

FINANCE COMMITTEE COMMENT: This Special Act once enacted has had the unintended impact of removing local control of mosquito control activities. In an effort to regain local control, rescindment of the Act was put forward. The Town will continue to fund and maintain an active mosquito control program.

ARTICLE 70

(Home Rule Petition: Community Housing Bank Real Estate Transfer Fee)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act the text of which is set forth below and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

An Act Authorizing the Town of Nantucket to Impose a Real Estate Transfer Fee for
Affordable and Workforce Housing and Related Capital Improvements

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed one hundred seventy-five percent (175%) of the Nantucket median income. A "qualified holder" is a governmental body or charitable corporation or trust which qualifies under the terms of Massachusetts General Laws Chapter 184 ("Chapter 184") to hold an affordable housing restriction. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

"Housing and Community Development Fund", shall refer to a discrete fund or account, established by the county treasurer of the Nantucket County under the provisions of this act.

"Eligible Applicants", shall refer to non-profit and for-profit corporations and organizations, individuals, and public entities.

"Purchaser", shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction;

any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Nantucket acting by and through the Board of Selectmen.

SECTION 2. There is hereby imposed a fee equal to one half per cent (1/2%) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees as follows: 75% in the Affordable Housing Trust Fund and the remainder in capital project funds as determined by the Board of Selectmen, unless such allocation is changed by the affirmative vote of two-thirds of voters at an annual or special town meeting. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

SECTION 3. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section two, the seller or his legal representative may return said certificate to the Town or its designee for cancellation, together with an

affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the seller or his legal representative.

SECTION 4. The following transfers of real property interests shall be exempt from the fee established by section 10. Except as otherwise provided, the seller shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 10.

(a) Transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies or subdivisions, including but not limited to transfers to the Town of Nantucket, the County of Nantucket.

(b) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.

(c) Transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interest transferred was made as a gift without consideration to the extent of the difference between the fair market value of the real property interest transferred and the amount of consideration claimed by the seller to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

(d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the purchaser in such trust; distributions by the trustees of a trust to the beneficiaries of such trust.

(e) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

(f) Transfers made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(g) Transfers to any charitable organization as defined in clause Third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interest so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

(h) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(i) Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, as amended; provided, however, that such transfer shall be exempt only in the event that (1) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the

transferor held prior to the transfer, or (2) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

(k) Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

(l) Transfers of property consisting in part of real property interests situated in Nantucket County and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket county; provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single parcel. Said exemption may be adjusted for inflation as determined annually by the affirmative vote of two-thirds of voters at an annual or special town meeting. For purposes of this subsection, "inflation" shall mean the increases, if any, in the total of prices paid for real property transfers year to year for real property within the Town of Nantucket.

(n) Transfers of minority interests in corporations, trusts, partnerships or limited liability companies which are publicly traded, which trades are not part of a series of transfers which together constitute a transfer of control of a corporation, trust, partnership or limited liability company.

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty-four of chapter thirty-five of the General Laws.

(b) Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the Trust Fund for the purpose of determining or fixing the amount of the fee imposed under section ten or for the purpose of determining the existence of any exemption under section twelve shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

SECTION 6. A seller who fails to pay all or any portion of the fee established by section two on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(a) Interest: The seller shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty-five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

(b) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the seller and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Town; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor

of the Town upon all property and rights to property, whether real or personal, belonging to either such purchaser or such seller. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Nantucket County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty-two C of the General Laws.

(d) Sellers applying for an exemption under subsections (a) through (o) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer. Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The Town may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

SECTION 8. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 9. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in section 13, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in section 10 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business

purpose is commensurate with the amount of the fee pursuant to section 10 to be thereby avoided.

SECTION 10. This act shall take effect ninety (90) days following the date of passage.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 82 of the 2016 Annual Town Meeting; and Article 88 of the 2017 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2017, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

An Act authorizing the town of Nantucket to impose a real estate transfer fee for affordable and workforce housing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For purposes of this act, the words and phrases set forth in this section shall have the following meanings:

"Affordable Housing Restriction" is a recorded instrument held by a qualified holder which encumbers and/or restricts a real property interest so that the real property interest is perpetually or for a term of at least thirty (30) years limited to use as a residence occupied by a low or moderate income household which earns less than a specified income level, the upper limit of which may not exceed one hundred seventy-five percent (175%) of the Nantucket median income. A "qualified holder" is a governmental body or charitable corporation or trust which qualifies under the terms of Massachusetts General Laws Chapter 184 ("Chapter 184") to hold an affordable housing restriction. Without limiting the generality of the foregoing, "Affordable Housing Restriction" includes but is not limited to any instrument which conforms to the requirements of (i) a Nantucket Housing Needs Covenant as described in Chapter 301 of the Acts of 2002 and defined in the Town of Nantucket Code.

"Eligible Applicants", shall refer to non-profit and for-profit corporations and organizations, individuals, and public entities.

"Purchaser", shall refer to the transferee, grantee or recipient of any real property interest.

"Purchase price", all consideration paid or transferred by or on behalf of a purchaser to a seller or his nominee, or for his benefit, for the transfer of any real property interest, and shall include, but not be limited to, all cash or its equivalent so paid or transferred; all cash or other property paid or transferred by or on behalf of the purchaser to discharge or reduce any obligation of the seller; the principal amount of all notes or their equivalent, or other deferred payments, given or promised to be given by or on behalf of the purchaser to the seller or his nominee; the outstanding balance of all obligations of the seller which are assumed by the purchaser or to which the real property interest transferred remains subject after the transfer, determined at the time of transfer, but excluding real estate taxes and other municipal liens or assessments which are not overdue at the time of transfer; the fair market value, at the time of transfer, of any other consideration or thing of value paid or transferred by or on behalf of the purchaser, including, but not limited to, any property, goods or services paid, transferred or rendered in exchange for such real property interest.

"Real property interest", shall refer to any present or future legal or equitable interest in or to real property, and any beneficial interest therein, including the interest of any beneficiary in a trust which holds any legal or equitable interest in real property, the interest of a partner or member in a partnership or limited liability company, the interest of a stockholder in a corporation, the interest of a holder of an option to purchase real property, the interest of a buyer or seller under a contract for purchase and sale of real property, and the transferable development rights created under chapter 183A of the General Laws; but shall not include any interest which is limited to any of the following: the dominant estate in any easement or right of way; the right to enforce any restriction; any estate at will or at sufferance; any estate for years having a term of less than 30 years; any reversionary right, condition, or right of entry for condition broken; and the interest of a mortgagee or other secured party in any mortgage or security agreement.

"Seller", shall refer to the transferor, grantor or immediate former owner of any real property interest.

"Time of transfer" of any real property interest shall mean the time at which such transfer is legally effective as between the parties thereto, and, in any event, with respect to a transfer evidenced by an instrument recorded with the appropriate registry of deeds or filed with the assistant recorder of the appropriate registry district, not later than the time of such recording or filing.

"Town" shall refer to the Town of Nantucket acting by and through the Board of Selectmen.

SECTION 2. There is hereby imposed a fee equal to one half per cent (1/2%) of the purchase price upon the transfer of any real property interest in any real property situated in Nantucket County. Said fee shall be the liability of the seller of such real property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the seller. The fee shall be paid to the Town of Nantucket, or its designee, and shall be accompanied by a copy of the deed or other instrument

evidencing such transfer, if any, and an affidavit signed under oath or under the pains and penalties of perjury by the purchaser or his legal representative and the seller or his legal representative, attesting to the true and complete purchase price and the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from the fee imposed hereby. The Town, or its designee, shall promptly thereafter execute and issue a certificate indicating that the appropriate fee has been paid or that the transfer is exempt from the fee, stating the basis for the exemption. The register of deeds for Nantucket County, and the assistant recorder for the registry district of Nantucket County, shall not record or register, or receive or accept for recording or registration, any deed, except a mortgage deed, to which has not been affixed such a certificate executed by the Town or its designee. Failure to comply with this requirement shall not affect the validity of any instrument. The Town shall deposit all fees received hereunder with the Town treasurer. The treasurer shall deposit such fees in the Affordable Housing Trust Fund. The fee imposed hereunder shall be due simultaneously with the time of transfer of the transfer upon which it is imposed. Notwithstanding the foregoing, whenever there is a conveyance of real property interests and a conveyance of personalty related thereto at or about the same time, the allocations of payments between real estate and personalty agreed to by the purchaser and seller shall not determine the amount of the fee due pursuant to this section; instead, the Town may require payment of the fee referred to in real property interests so conveyed as determined by the Town.

SECTION 3. At any time within seven days following the issuance of the certificate of payment of the fee imposed by section two, the seller or his legal representative may return said certificate to the Town or its designee for cancellation, together with an affidavit signed under oath or under the pains and penalties of perjury that the transfer, with respect to which such certificate was issued, has not been consummated, and thereupon the fee paid with respect to such transfer shall be forthwith returned to the seller or his legal representative.

SECTION 4. The following transfers of real property interests shall be exempt from the fee established by section 10. Except as otherwise provided, the seller shall have the burden of proof that any transfer is exempt under this section and any otherwise exempt transfer shall not be exempt in the event that such transfer (by itself or as part of a series of transfers) was made for the primary purpose of evading the fee imposed by Section 10.

(a) Transfers to the government of the United States, the commonwealth, and any of their instrumentalities, agencies or subdivisions, including but not limited to transfers to the Town of Nantucket, the County of Nantucket.

(b) Transfers which, without additional consideration, confirm, correct, modify or supplement a transfer previously made.

(c) Transfers made as gifts without consideration. In any proceedings to determine the amount of any fee due hereunder, it shall be presumed that any transfer for consideration of less than fair market value of the real property interest transferred was

made as a gift without consideration to the extent of the difference between the fair market value of the real property interest transferred and the amount of consideration claimed by the seller to have been paid or transferred, if the purchaser shall have been at the time of transfer the spouse, the lineal descendant, or the lineal ancestor of the seller, by blood or adoption, and otherwise it shall be presumed that consideration was paid in an amount equal to the fair market value of the real property interest transferred, at the time of transfer.

(d) Transfer to the trustees of a trust in exchange for a beneficial interest received by the purchaser in such trust; distributions by the trustees of a trust to the beneficiaries of such trust.

(e) Transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of the death or bankruptcy of the owner of a real property interest.

(f) Transfers made in partition of land and improvements thereto, under chapter two hundred and forty-one of the General Laws.

(g) Transfers to any charitable organization as defined in clause Third of section five of chapter fifty-nine of the General Laws, or any religious organization, provided that the real property interest so transferred will be held by the charitable or religious organization solely for its public charitable or religious purposes.

(h) Transfers to a mortgagee in foreclosure of the mortgage held by such mortgagee, and transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from foreclosing said mortgage.

(i) Transfers made to a corporation or partnership or limited liability company at the time of its formation, pursuant to which transfer no gain or loss is recognized under the provisions of section three hundred and fifty-one or seven hundred and twenty-one of the Internal Revenue Code of 1986, as amended; provided, however, that such transfer shall be exempt only in the event that (1) with respect to a corporation, the transferor retains an interest in the newly formed corporation which is equivalent to the interest the transferor held prior to the transfer, or (2) with respect to a partnership or limited liability company, the transferor retains after such formation rights in capital interests and profit interests within such partnership or limited liability company which are equivalent to the interest the transferor held prior to the transfer.

(j) Transfers made to a stockholder of a corporation in liquidation or partial liquidation of the corporation, and transfers made to a partner of a partnership or to a member of a limited liability company in dissolution or partial dissolution of the partnership or limited liability company; but the transfer shall be exempt only if (i) with respect to a corporation, the transferee receives property (including real property interests and other property received) which is the same fraction of the total property of the transferor corporation as the fraction of the corporation's stock owned by the transferee prior to the transfer or (ii) with respect to a partnership or limited liability company, the transferee

receives property (including real property interests and other property received) which is the same fraction of the property of the partnership or limited liability company as the fraction of the capital and profit interests in the transferor formerly owned by the transferee.

(k) Transfers consisting of the division of marital assets under the provisions of section thirty-four of chapter two hundred and eight of the General Laws or other provisions of law.

(l) Transfers of property consisting in part of real property interests situated in Nantucket County and in part of other property interests, to the extent that the property transferred consists of property other than real property situated in Nantucket county; provided that the purchaser shall furnish the Town with such information as it shall require or request in support of the claim of exemption and manner of allocation of the consideration for such transfers.

(m) The first \$2 million of the sale price of any transfer or series of transfers of real property interests in a single transaction. Said exemption may be adjusted as determined by the affirmative vote of two-thirds of voters at an annual or special town meeting.

(n) Transfers of minority interests in corporations, trusts, partnerships or limited liability companies which are publicly traded, which trades are not part of a series of transfers which together constitute a transfer of control of a corporation, trust, partnership or limited liability company.

SECTION 5. (a) The Town treasurer shall keep a full and accurate account stating when, from or to whom, and on what account money has been paid or received relative to the activities of the Trust Fund and the Housing Fund. Said account shall be subject to examination by the director of accounts or his agent pursuant to section forty four of chapter thirty five of the General Laws.

(b) Schedules of beneficiaries of trusts, list of stockholders of corporations and lists of partnerships filed with the Trust Fund for the purpose of determining or fixing the amount of the fee imposed under section ten or for the purpose of determining the existence of any exemption under section twelve shall not be public records for the purposes of section ten of chapter sixty-six of the General Laws.

SECTION 6. A seller who fails to pay all or any portion of the fee established by section two on or before the time when the same is due shall be liable for the following additional payments in addition to said fee:

(a) Interest: The seller shall pay interest on the unpaid amount of the fee to be calculated from the time of transfer at a rate equal to fourteen per cent per annum.

(b) Penalties: Any person who, without fraud or willful intent to defeat or evade a fee imposed by this chapter, fails to pay all or a portion of the fee within thirty days after the

time of transfer, shall pay a penalty equal to five per cent of the outstanding fee as determined by the Town for each month or portion thereof thereafter that the fee is not paid in full; provided, however, that in no event shall the amount of any penalty imposed hereunder exceed twenty five per cent of the unpaid fee due at the time of transfer. Whenever the Town determines that all or a portion of a fee due under this chapter was unpaid due to fraud with intent to defeat or evade the fee imposed by this chapter, a penalty equal to the amount of said fee as determined by the Town shall be paid by the seller in addition to said fee.

SECTION 7. (a) The Town shall notify the purchaser and the seller by registered or certified mail of any failure to discharge in full the amount of the fee due under this Act and any penalty or interest assessed. The Town shall grant a hearing on the matter of the imposition of said fee, or of any penalty or interest assessed, if a petition requesting such hearing is received by the Town within thirty days after the mailing of said notice. The Town shall notify the purchaser and the seller in writing by registered or certified mail of its determination concerning the deficiency, penalty or interest within fifteen days after said hearing. Any party aggrieved by a determination of the Town concerning a deficiency, penalty or interest may, after payment of said deficiency, appeal to the district or superior court within three months after the mailing of notification of the determination of the Town. Upon the failure to timely petition for a hearing, or appeal to said courts, within the time limits hereby established, the purchaser and seller shall be bound by the terms of the notification, assessment or determination, as the case may be, and shall be barred from contesting the fee, and any interest and penalty, as determined by the Town. All decisions of said courts shall be appealable. Every notice to be given under this section by the Town shall be effective if mailed by certified or registered mail to the purchaser or the seller at the address stated in a recorded or registered instrument by virtue of which the purchaser holds any interest in land, the transfer of which gives rise to the fee which is the subject of such notice; and if no such address is stated or if such transfer is not evidenced by an instrument recorded or registered in the public records in Nantucket County, such notice shall be effective when so mailed to the purchaser or seller in care of any person appearing of record to have a fee interest in such land, at the address of such person as set forth in an instrument recorded or registered in Nantucket County.

(b) All fees, penalties and interest required to be paid pursuant to this chapter shall constitute a personal debt of the seller and may be recovered in an action of contract or in any other appropriate action, suit or proceeding brought by the Town; said action, suit or proceeding shall be subject to the provisions of chapter two hundred and sixty of the General Laws.

(c) If any seller liable to pay the fee established by this act neglects or refuses to pay the same, the amount, including any interest and penalty thereon, shall be a lien in favor of the Town upon all property and rights to property, whether real or personal, belonging to either such purchaser or such seller. Said lien shall arise at the time of transfer and shall continue until the liability for such amount is satisfied. Said lien shall in any event terminate not later than six years following the time of transfer. Said lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor unless notice

thereof has been filed by the Town (i) with respect to real property or fixtures, in the registry of deeds for Nantucket County, or (ii) with respect to personal property, in the office in which a security or financing statement or notice with respect to the property would be filed in order to perfect a nonpossessory security interest belonging to the person named in the relevant notice, subject to the same limitations as set forth in section fifty of chapter sixty two C of the General Laws.

(d) Sellers applying for an exemption under subsections (a) through (o) of section four shall be required at the time of application for exemption to execute an agreement legally binding on sellers and separately legally binding upon any Legal Representative of the sellers (1) assuming complete liability for any fee, plus interest and penalties if any, waived on account of an allowed exemption subsequently determined to have been invalid, and (2) submitting to the jurisdiction of the trial court of the commonwealth sitting in Nantucket County. Fees, plus interest and penalties if any, shall be calculated as of the date of the initial property transfer.

Execution of the above-described agreement shall not be required of any mortgagee, pledge, purchaser or judgment creditor unless notice of the agreement has been recorded or filed by the Town.

In any case where there has been a refusal or neglect to pay any fee, interest or penalties imposed by this act, whether or not levy has been made, the Town, in addition to other modes of relief, may direct a civil action to be filed in a district or superior court of the commonwealth to enforce the lien of the Town under this section with respect to such liability or to subject any property of whatever nature, of the delinquent, or in which he has any right, title or interest, to the payment of such liability.

The Town may issue a waiver or release of any lien imposed by this section. Such waiver or release shall be conclusive evidence that the lien upon the property covered by the waiver or release is extinguished.

SECTION 8. The fee described by Section 2 shall be of ten-year duration from the date this legislation take effect. This fee may continue for five-year periods by a majority vote at Town Meeting reauthorizing the fee. The fee described by Section 2 may be 1) decreased, or 2) eliminated by a two-thirds vote of Town Meeting. The threshold exemption described in Section 4 (m) may similarly be raised by an affirmative two-thirds vote of Town Meeting. In the event that Town Meeting does not renew the fee at the ten-year anniversary, or any subsequent five year anniversary, or Town Meeting votes to eliminate the fee, the balance of any fees previously collected shall be transferred to the Town of Nantucket and held by the Treasurer in a separate account, and shall first be used to satisfy any outstanding liabilities or obligations incurred by the Town of Nantucket or the Affordable Housing Trust as a result of imposition of the fee, and the remainder may be expended without further appropriation by the Board of Selectmen for affordable housing purposes. In the event that the liabilities and obligations of the Town of Nantucket or the Affordable Housing Trust exceed the amounts transferred to the Town, the fee shall remain in full force and effect until such liabilities and obligations have been satisfied.

SECTION 9. The provisions of this act are severable, and if any provision hereof, including without limitation any exemption from the fee imposed hereby, shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

SECTION 10. If the Town has determined that a fee is due by asserting the application of the evasion of fee doctrine described in Section 2, then the seller shall have the burden of demonstrating by clear and convincing evidence as determined by the Town that the transfer, or series of transfers, possessed both: (i) a valid, good faith business purpose other than avoidance of the fee set forth in Section 2 and (ii) economic substance apart from the asserted fee avoidance benefit. In all such cases, the transferee shall also have the burden of demonstrating by clear and convincing evidence as determined by the Town that the asserted non-fee-avoidance business purpose is commensurate with the amount of the fee pursuant to Section 2 to be thereby avoided.

SECTION 11. This act shall take effect ninety (90) days following the date of passage.

ARTICLE 71

(Home Rule Petition: Amending Special Act Authorizing Affordable Housing Covenants)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation seeking a special act in the form set forth below, amending Chapter 301 of the Acts of 2002, and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in the text as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT AMENDING THE ACT AUTHORIZING AFFORDABLE HOUSING COVENANTS IN THE TOWN OF NANTUCKET.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of Chapter 301 of the Acts of 2002, "An Act Authorizing Affordable Housing Covenants in the Town of Nantucket," is hereby repealed and the following text is inserted in its place:

Section 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Nantucket may adopt by-laws to designate the Nantucket Housing Authority as the agency authorized to create, administer and enforce Nantucket housing needs covenants. These covenants shall run with the land for a specified number of years or if no termination date is specified then in perpetuity, and shall be executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons or families of middle income in either rental or other housing, except for

a “qualified family member” as defined in Section 8B(2) of Chapter 139 (Zoning) of the Code of Nantucket who shall be exempt from the established income and asset limits otherwise required in said covenants, (b) restricting the resale price of all or part of the property in order to ensure its affordability by future middle income purchasers, or (c) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or ensuring the creation or retention of rental and other housing for occupancy by middle income persons and families.

SECTION 2. This act shall take effect upon its passage.

(Board of Selectmen)

NOTE: The above home rule petition was approved as Article 89 of the 2017 Annual Town Meeting. Home rule petitions currently pending before the legislature, which were not acted upon by December 31, 2017, may expire unless renewed by a confirmatory town meeting vote.

FINANCE COMMITTEE MOTION: Moved that the Town’s representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

**AN ACT AMENDING THE ACT AUTHORIZING AFFORDABLE HOUSING
COVENANTS IN THE TOWN OF NANTUCKET.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of Chapter 301 of the Acts of 2002, “An Act Authorizing Affordable Housing Covenants in the Town of Nantucket,” is hereby repealed and the following text is inserted in its place:

Section 2. Notwithstanding the provisions of any general or special law to the contrary, the town of Nantucket may adopt by-laws to designate the Nantucket Housing Authority as the agency authorized to create, administer and enforce Nantucket housing needs covenants. These covenants shall run with the land for a specified number of years or if no termination date is specified then in perpetuity, and shall be executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons or families of middle income in either rental or other housing, except for a “qualified family member” as defined in Section 8B(2) of Chapter 139 (Zoning) of the Code of Nantucket who shall be exempt from the established income and asset limits otherwise required in said covenants, (b) restricting the resale price of all or part of the property in order to ensure its affordability by future middle income purchasers, or (c) in any way limiting or restricting the use or enjoyment of all or any portion of the land for the purpose of encouraging or ensuring the creation or retention of rental and other housing for occupancy by middle income persons and families.

SECTION 2. This act shall take effect upon its passage.

ARTICLE 72

(Home Rule Petition: Real Estate Conveyances to Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc., and/or 'Sconset Trust, Inc.)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of certain parcels of land in the Town of Nantucket held for open space, recreational or conservation purposes, as described in more detail below and as shown on a map entitled "2018 Annual Town Meeting Warrant Article 72" dated January, 2018 and filed with the Office of the Town Clerk, to the Town of Nantucket for purposes of conveyance; and further to authorize the Board of Selectmen to convey the respective parcels described below to the Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc., and/or 'Sconset Trust, Inc.; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO SELL, CONVEY OR OTHERWISE DISPOSE OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, RECREATIONAL OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK, NANTUCKET CONSERVATION FOUNDATION, INC., AND/OR 'SCONSET TRUST, INC. FOR THE SAME PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of certain parcels of land situated in the Town of Nantucket to the Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc., and/or 'Sconset Trust, Inc. for open space, recreational or conservation purposes and described as follows:

Map	Lot	Number	Address
42.2.3	19	76	Washington Street
58	9.3		Peat Swamp
73	7	49	Main Street, Siasconset
73.2.4	15	10	Ocean Avenue, Siasconset
			Linden and Magnolia Streets, Siasconset
75	20		Low Beach Road
75	119	3	Sandsbury Road

75	145		Low Beach Road
82	13		Smooth Hummocks
82	Formerly 17 (portion of)		Smooth Hummocks portion of Share 8, all or portions Lots 133-162,193,195,197,199, 201, 203, 207,209,211,213, 216-222, and all or portions of Thorndike, Goddard, Division, Hummock, Manter, and Pitman Streets as shown in Plan Book 2 Pg 6 (1874)
92	7		Low Beach Road
92	22		Tom Nevers

Any such disposition shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled "2018 Annual Town Meeting Warrant Article 72" dated January, 2018 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO SELL, CONVEY OR OTHERWISE DISPOSE OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE, RECREATIONAL OR CONSERVATION PURPOSES TO THE NANTUCKET ISLANDS LAND BANK, NANTUCKET CONSERVATION FOUNDATION, INC., AND/OR 'SCONSET TRUST, INC. FOR THE SAME PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of certain parcels of land situated in the Town of Nantucket to the Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc., and/or

'Sconset Trust, Inc. for open space, recreational or conservation purposes and described as follows:

Map	Lot	Number	Address
42.2.3	19	76	Washington Street
58	9.3		Peat Swamp
73	7	49	Main Street, Siasconset
73.2.4	15	10	Ocean Avenue, Siasconset
			Linden and Magnolia Streets, Siasconset
75	20		Low Beach Road
75	119	3	Sandsbury Road
75	145		Low Beach Road
82	13		Smooth Hummocks
82	Formerly 17 (portion of)		Smooth Hummocks portion of Share 8, all or portions Lots 133- 162,193,195,197,199, 201, 203, 207 ,209,211,213, 216-222, and all or portions of Thorndike, Goddard, Division, Hummock, Manter, and Pitman Streets as shown in Plan Book 2 Pg 6 (1874)
92	7		Low Beach Road
92	22		Tom Nevers

Any such disposition shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled "2018 Annual Town Meeting Warrant Article 72" dated January, 2018 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

ARTICLE 73

(Home Rule Petition: Conveyance of Land from County to Town)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer, conveyance or otherwise disposition of certain parcels of land owned by the County of Nantucket held for open space purposes, as described in more detail below and as shown on a map entitled "2018 Annual Town Meeting Warrant Article 73" dated January, 2018 and filed with the Office of the Town Clerk, to the Town of Nantucket for open space and recreational purposes and for purposes of conveyance of a portion of Parcel 71 as shown on Tax Assessor's Map 55.1.4 (111 Washington Street); and further

to authorize the Board of Selectmen to convey a portion of Parcel 71 as shown on Tax Assessor's Map 55.1.14 for open space and conservation purposes, subject to Massachusetts General Laws, Chapter 30B provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT APPROVING THE CONVEYANCE OF LAND FROM THE COUNTY OF NANTUCKET AND AUTHORIZING THE TOWN OF NANTUCKET TO SELL, CONVEY OR OTHERWISE DISPOSE OF A PORTION OF SAID LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the County of Nantucket may transfer, sell, convey or otherwise dispose of certain parcels of land situated in the Town of Nantucket to the Town of Nantucket for open space and recreational purposes and described as follows:

- Tax Assessor's Map 55.1.4, Parcels 38 (104 Washington Street);
- Tax Assessor's Map 55.1.4, Parcel 71 (111 Washington Street); and
- Tax Assessor's Map 55.1.4, Parcel 105 (109 Washington Street)

and for purposes of conveyance a portion of Parcel 71, shown on Tax Assessor's Map 55.1.1.4, (111 Washington Street).

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth of Massachusetts pursuant to the provisions of Section 14 of Chapter 34 of the Massachusetts General Laws shall not be applicable to the conveyance authorized from the County of Nantucket to the Town of Nantucket.

Section 3. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of a certain parcel of land situated in the Town of Nantucket described as being a portion of Parcel 71 shown on Tax Assessor's Map 55.1.4, 111 Washington Street, for open space and conservation purposes, subject to Massachusetts General Laws, Chapter 30B, as applicable.

Any such disposition of said land shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions, and easements

Section 4. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

AN ACT APPROVING THE CONVEYANCE OF LAND FROM THE COUNTY OF NANTUCKET AND AUTHORIZING THE TOWN OF NANTUCKET TO SELL, CONVEY OR OTHERWISE DISPOSE OF A PORTION OF SAID LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the County of Nantucket may transfer, sell, convey or otherwise dispose of certain parcels of land situated in the Town of Nantucket to the Town of Nantucket for open space and recreational purposes and described as follows:

- Tax Assessor's Map 55.1.4, Parcels 38 (104 Washington Street);
- Tax Assessor's Map 55.1.4, Parcel 71 (111 Washington Street); and
- Tax Assessor's Map 55.1.4, Parcel 105 (109 Washington Street)

and for purposes of conveyance a portion of Parcel 71, shown on Tax Assessor's Map 55.1.1.4, (111 Washington Street).

Section 2. The provisions of Chapter 30B of the Massachusetts General Laws and any rights of first refusal in the Commonwealth of Massachusetts pursuant to the provisions of Section 14 of Chapter 34 of the Massachusetts General Laws shall not be applicable to the conveyance authorized from the County of Nantucket to the Town of Nantucket.

Section 3. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, sell, convey or otherwise dispose of a certain parcel of land situated in the Town of Nantucket described as being a portion of Parcel 71 shown on Tax Assessor's Map 55.1.4, 111 Washington Street, for open space and conservation purposes, subject to Massachusetts General Laws, Chapter 30B, as applicable.

Any such disposition of said land shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions, and easements

Section 4. This act shall take effect upon its passage.

ARTICLE 74

(Home Rule Petition: Real Estate Conveyance of Portion of 264 Polpis Road)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Massachusetts General Laws, Chapter 114 to enact special legislation to authorize the transfer and conveyance of a portion of a certain parcel of land in the Town of Nantucket held for cemetery purposes, as described in more detail below and as shown on a map entitled “2018 Annual Town Meeting Warrant Article 74” dated January, 2018 and filed with the Office of the Town Clerk, to the Town of Nantucket for purposes of conveyance; and further to authorize the Board of Selectmen to convey a portion of the respective parcel described below; provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO SELL, CONVEY OR OTHERWISE DISPOSE OF A PORTION OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR CEMETERY PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Massachusetts General Laws, Chapter 114 and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer and convey a portion of a certain parcel of land situated in the Town of Nantucket held for cemetery purposes to the Town of Nantucket for purposes of conveyance; and further to authorize the Board of Selectmen to sell, convey or otherwise dispose of a portion of land described as follows:

Tax Assessor’s Map 25, Parcel 28 (Portion of 264 Polpis Road).

Any such disposition shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled “2018 Annual Town Meeting Warrant Article 74” dated January, 2018 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town’s representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO SELL, CONVEY OR OTHERWISE DISPOSE OF A PORTION OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR CEMETERY PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Massachusetts General Laws, Chapter 114 and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer and convey a portion of a certain parcel of land situated in the Town of Nantucket held for cemetery purposes to the Town of Nantucket for purposes of conveyance; and further to authorize the Board of Selectmen to sell, convey or otherwise dispose of a portion of land described as follows:

Tax Assessor's Map 25, Parcel 28 (Portion of 264 Polpis Road).

Any such disposition shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled "2018 Annual Town Meeting Warrant Article 74" dated January, 2018 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 75

(Home Rule Petition: Real Estate Conveyance of Portion of 1 Milestone Road)

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the transfer and conveyance of a portion of a certain parcel of land in the Town of Nantucket owned by the Town of Nantucket for water supply and water protection purposes, as described in more detail below and as shown on a map entitled "2018 Annual Town Meeting Warrant Article 75" dated January, 2018 and filed with the Office of the Town Clerk, to the Town of Nantucket for roadway purposes, provided, however, that the General Court may with the approval of the Board of Selectmen, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO TRANSFER, CONVEY OR OTHERWISE DISPOSE OF A PORTION OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR WATER SUPPLY AND WATER PROTECTION PURPOSES TO THE TOWN OF NANTUCKET FOR ROADWAY PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, convey or otherwise dispose of a portion of a certain parcel of land situated in the Town of Nantucket to the Town of Nantucket for roadway purposes described as follows: Tax Assessor's Map 54, Parcel 46 (a portion of) 1 Milestone Road.

Any such disposition shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled "2018 Annual Town Meeting Warrant Article 75" dated January, 2018 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Board of Selectmen, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage, as follows:

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO TRANSFER, CONVEY OR OTHERWISE DISPOSE OF A PORTION OF CERTAIN LAND SITUATED IN THE TOWN OF NANTUCKET HELD FOR WATER SUPPLY AND WATER PROTECTION PURPOSES TO THE TOWN OF NANTUCKET FOR ROADWAY PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket may transfer, convey or otherwise dispose of a portion of a certain parcel of land situated in the Town of Nantucket to the Town of Nantucket for roadway purposes described as follows: Tax Assessor's Map 54, Parcel 46 (a portion of) 1 Milestone Road.

Any such disposition shall be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements, all as shown on a map entitled "2018 Annual Town Meeting Warrant Article 75" dated January, 2018 and filed with the Office of the Town Clerk.

Section 2. This act shall take effect upon its passage.

ARTICLE 76

(Real Estate Acquisition: Moorlands Management District (MMD))

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for open space purposes and for the purpose of conveyance to the Nantucket Islands Land Bank the fee or lesser interest in all or any portions of the following right of ways, easements or parcels of land; and further to authorize the Board of Selectmen to convey, sell or dispose of the fee or any lesser interests in all or a portion of the following parcels of land to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation subject to Massachusetts General Laws, Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements:

- Tax Assessor's Map 82, Parcel 13 (Smooth Hummocks)
- Tax Assessor's Map 82, Parcel (portions of) 17 (former reference): portion of Share 8, lots 193, 195, 197, 199, 201, 203, 207, 209, 211, 213 and portion of 223 and all or portions of paper roads shown on said plan identified as Thorndike, Goddard, Division, Hummock, Manter, and Pitman Streets shown on a plan on file at the Nantucket Registry of Deeds, Book 2, Plan 6.

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 76 Acquisition of Misc. Parcels" dated January, 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain for open space purposes and for the purpose of conveyance to the Nantucket Islands Land Bank the fee or lesser interest in all or any portions of the following right of ways, easements or parcels of land; and further to authorize the Board of Selectmen to convey, sell or dispose of the fee or any lesser interests in all or a portion of the following parcels of land to the Nantucket Islands Land Bank for all purposes pursuant to their enabling legislation subject to Massachusetts General Laws, Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of restrictions and easements:

- Tax Assessor's Map 82, Parcel 13 (Smooth Hummocks)
- Tax Assessor's Map 82, Parcel (portions of) 17 (former reference): portion of Share 8, lots 193, 195, 197, 199, 201, 203, 207, 209, 211, 213 and portion of 223 and all or portions of paper roads shown on said plan identified as Thorndike, Goddard, Division, Hummock, Manter, and Pitman Streets shown on a plan on file at the Nantucket Registry of Deeds, Book 2, Plan 6.

ARTICLE 77

(Real Estate Acquisition/Transfer: Land for Roadway/Roundabout Purposes)

To see if the Town will vote to transfer the care, custody, management and control of the following parcels of land from the following boards for the purposes for which they are currently held to the Board of Selectmen for roadway purposes as follows:

- Tax Assessor's Map 55, Parcel 137 (a portion of), 10 Surfside Road, from the School Committee held for school purposes;
- Tax Assessor's Map 54, Parcel 46 (a portion of), 1 Milestone Road, from Wannacomet Water Company Commissioners held for water purposes;
- Tax Assessor's Map 69, Parcel 3.1 (a portion of), 10 Sun Island Road, from the Nantucket Memorial Airport Commissioners held for aviation purposes.

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 77 Acquisition/Transfer of Land for Roadway/Roundabout Purposes" dated January, 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the care, custody, management and control of following parcels of land are hereby transferred from the following boards for the purposes for which they are currently held to the Board of Selectmen for roadway purposes:

- Tax Assessor's Map 55, Parcel 137 (a portion of), 10 Surfside Road, from the School Committee held for school purposes;
- Tax Assessor's Map 54, Parcel 46 (a portion of), 1 Milestone Road, from Wannacomet Water Company Commissioners held for water purposes;
- Tax Assessor's Map 69, Parcel 3.1 (a portion of), 10 Sun Island Road, from the Nantucket Memorial Airport Commissioners held for aviation purposes.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 78

(Real Estate Conveyance: Open Space: Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc., and/or 'Sconset Trust, Inc.)

To see if the Town will vote to transfer the care, custody, management and control of the parcels listed below from the Board of Selectmen held for open space, recreational and conservation purposes, or from the Town Treasurer held for tax title purposes, to the Board of Selectmen for the purpose of conveyance; and further to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests in the following properties to the Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc., and/or 'Sconset Trust, Inc., any such

disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions:

Map	Lot	Number	Street
55.1.4	71 (portion of)	111	Washington Street
58	9.3		Peat Swamp
73	7	49	Main Street, Siasconset
73.2.4	15	10	Ocean Avenue, Siasconset
			Linden and Magnolia Streets, Siasconset
75	20		Low Beach Road
75	119	3	Sandsbury Road
75	145		Low Beach Road
82	13		Smooth Hummocks
82	Formerly 17 (portion of) and 17.8		Smooth Hummocks portion of Share 8, all or portions of Lots 133-162, 193, 195, 197, 199, 201, 203, 207, 209, 211, 213, 216-223, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245 and 247, and all or portions of Thorndike, Goddard, Division, Hummock, Manter, and Pitman Streets as shown in Plan Book 2 Pg 6 (1874)
88	67 (portion of)		Surfside
92	7		Low Beach Road
92	22		Tom Nevers

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 78” dated January, 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the care, custody, management and control of the parcels listed below from the Board of Selectmen held for open space, recreational and conservation purposes, or from the Town Treasurer held for tax title purposes, is hereby transferred to the Board of Selectmen for the purpose of conveyance; and further that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in the following properties to the Nantucket Islands Land Bank, Nantucket Conservation Foundation, Inc., and/or ‘Sconset Trust, Inc., any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions:

Map	Lot	Number	Street
55.1.4	71 (portion of)	111	Washington Street
58	9.3		Peat Swamp
73	7	49	Main Street, Siasconset
73.2.4	15	10	Ocean Avenue, Siasconset
			Linden and Magnolia Streets, Siasconset
75	20		Low Beach Road
75	119	3	Sandsbury Road
75	145		Low Beach Road
82	13		Smooth Hummocks
82	Formerly 17 (portion of) and 17.8		Smooth Hummocks portion of Share 8, all or portions of Lots 133-162, 193, 195, 197, 199, 201, 203, 207, 209, 211, 213, 216-223, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245 and 247, and all or portions of Thorndike, Goddard, Division, Hummock, Manter, and Pitman Streets as shown in Plan Book 2 Pg 6 (1874)
88	67 (portion of)		Surfside
92	7		Low Beach Road
92	22		Tom Nevers

All as shown on a map entitled “2018 Annual Town Meeting Warrant Article 78” dated January, 2018 and filed herewith at the Office of the Town Clerk.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 79

(Real Estate Conveyances: Portion of 111 Washington Street and Portion of Surfside Parcel)

To see if the Town will vote to transfer the care, custody, management and control of the following parcel of land from the following boards or town officials for the purposes for which they are currently held as described below to the Board of Selectmen for purposes of conveyance; and further to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests in the following properties, subject to Massachusetts General Laws Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions:

- Tax Assessor’s Map 55.1.4, Parcel (portion of) 71 (111 Washington Street) from the Board of Selectmen held for open space purposes;
- Tax Assessor’s Map 88, Parcel 67 (Surfside) from the Town Treasurer held for tax title purposes.

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 79" dated January, 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE: Moved that the care, custody, management and control of the following parcel of land from the following boards or town officials for the purposes for which they are currently held as described below is hereby transferred to the Board of Selectmen for purposes of conveyance; and further that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests in the following properties, subject to Massachusetts General Laws Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions:

- Tax Assessor's Map 55.1.4, Parcel (portion of) 71 (111 Washington Street) from the Board of Selectmen held for open space purposes;
- Tax Assessor's Map 88, Parcel (portion of) 67 (Surfside) from the Town Treasurer held for tax title purposes.

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 79" dated January, 2018 and filed herewith at the Office of the Town Clerk.

Quantum of vote required for passage of the motion is 2/3

ARTICLE 80

(Real Estate Conveyance: Portion of 264 Polpis Road)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of a portion of land known as 264 Polpis Road (Map 25, Parcel 28), subject to Massachusetts General Laws Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions.

All as shown on a map entitled "2018 Special Town Meeting Warrant Article 80 Disposition of a Portion of 264 Polpis Road" dated January, 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen for Cemetery Commission)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of a portion of land known as 264 Polpis Road (Map 25, Parcel 28), subject to Massachusetts General Laws Chapter 30B, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions.

BOARD OF SELECTMEN COMMENT: This article came to the Board from the Cemetery Commission to cure a problem of accessibility on the eastern boundary of the Polpis Cemetery. The Commission is recommending a no-cost land exchange with the owners of 268 Polpis Road, a six-sided property that abuts the cemetery on both of its eastern and northern boundaries. This transaction will benefit the Town and the property owners: the property owners with zoning compliance; the Town with much needed additional space for the cemetery.

ARTICLE 81

(Real Estate Acquisition: Portions of Lincoln Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for general municipal purposes, public way purposes and for purposes of conveyance the fee or lesser interests together with any public or private rights of passage, the portion of Lincoln Avenue lying between the northern sidelines of the properties known as 10, 12 and 14 Lincoln Avenue, shown upon Assessor's Map 30 as Parcels 184, 183, and 182 respectively, and extending to the southwestern limits of the sideline of Lincoln Avenue, shown as the highlighted area on a plan dated May 27, 1948.

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 81 Acquisition of Portions of Lincoln Avenue" dated January, 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain for general municipal purposes, public way purposes and for purposes of conveyance the fee or lesser interests together with any public or private rights of passage, the portion of Lincoln Avenue lying between the northern sidelines of the properties known as 10, 12 and 14 Lincoln Avenue, shown upon Assessor's Map 30 as Parcels 184, 183, and 182 respectively, and extending to the southwestern limits of the sideline of Lincoln Avenue, shown as the highlighted area on a plan dated May 27, 1948.

ARTICLE 82

(Real Estate Conveyance: Portions of Lincoln Avenue)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or a portion of the land described below pursuant to Massachusetts General Laws, Chapter 30B and guidelines established under the "Nantucket Yard Sale" program on file at the Board of Selectmen's office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Lincoln Avenue lying between the northeastern sidelines of the properties known and numbered as 10, 12 and 14 Lincoln Avenue, shown upon Assessor's Map 30 as Parcels 184, 183, and 182 respectively, and

extending to the southwestern limits of the sideline of Lincoln Avenue, shown as the highlighted area on a plan dated May 27, 1948.

All as shown on a map entitled "2018 Annual Town Meeting Warrant Article 82" dated January, 2018 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of all or a portion of the land described below pursuant to Massachusetts General Laws, Chapter 30B and guidelines established under the "Nantucket Yard Sale" program on file at the Board of Selectmen's office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Lincoln Avenue lying between the northeastern sidelines of the properties known and numbered as 10, 12 and 14 Lincoln Avenue, shown upon Assessor's Map 30 as Parcels 184, 183, and 182 respectively, and extending to the southwestern limits of the sideline of Lincoln Avenue, shown as the highlighted area on a plan dated May 27, 1948.

ARTICLE 83

(Real Estate Acquisition: Nobadeer Avenue)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for public ways, sewers, open space, general municipal purpose and/or for the purpose of conveyance the fee title or lesser interests, together with any public and private rights of passage, in all or any portions of the a portion of Nobadeer Avenue as shown on a sketch plan submitted herewith.

Or to take any other action related thereto.

(Liza Ottani, et al)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to acquire by purchase, gift or eminent domain for general municipal purposes, public way purposes and for purposes of conveyance the fee or lesser interests together with any public or private rights of passage in all or any portions of Nobadeer Avenue.

ARTICLE 84

(Real Estate Conveyance: Nobadeer Avenue)

To see if the Town will vote to authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to a portion of Nobadeer Avenue as shown on a sketch plan submitted herewith.

Or to take any other action related thereto.

(Liza Ottani, et al)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to sell, convey or otherwise dispose of the fee or lesser interests of all or any portion of the subject land pursuant to Chapter 30B of the Massachusetts General Laws, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in regard to a portion of Nobadeer Avenue.

ARTICLE 85

(Real Estate Acquisition: Sandwich Road)

To see if the Town will vote to: authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, for general municipal purposes and for the purpose of conveyance of the fee or lesser interests, together with any public or private rights of passage, in the portion of Sandwich Road (Monomoy) lying between the south easterly sideline of the property know and numbered as 13 Monomoy Road, shown upon Assessor Map 54 as Parcel 198, and extending north easterly and then westerly to the eastern sideline of Monomoy Road, approximately 650+/- feet in length, or to take any other action related thereto.

(Steven Cohen, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 86

(Real Estate Conveyance: Sandwich Road)

To see if the Town will vote to: authorize the Board of Selectmen to sell, convey or otherwise dispose of the fee or lesser interests of all or an portion of the subject land pursuant to M.G.L., c. 30B and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be such terms and conditions as the Board of Selectmen deem appropriate, which may include the reservation of easements and restrictions, in the portion of Sandwich Road (Monomoy) lying between the south easterly sideline of the property know and numbered as 13 Monomoy Road, shown upon Assessor Map 54 as Parcel 198, and extending north easterly and then westerly to the eastern sideline of Monomoy Road, approximately 650+/- feet in length, or to take any other action related thereto.

(Steven Cohen, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 87

(Real Estate Conveyance: Industrial Land)

To see if the Town will vote to authorize the Board of Selectmen to lease or otherwise dispose of lesser interests than fee for a term which may exceed 5 years notwithstanding the maximum term specified in Chapter 46 § 46-2, in all or any portions of Lots G1, G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-10, N-1, N-2, and N-3 as shown on a plan entitled "Subdivision Plan of Land" dated June 6, 2016 recorded with the Nantucket

County Registry of Deeds as Plan No. 2016-59, subject to Chapter 30B of the Massachusetts General Laws and a finding by the Board of Selectmen that such lease or conveyance furthers community planning and environmental protection goals.

Or to take any other action related thereto.

(Scott Bamber, et al)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to lease or otherwise dispose of lesser interests than fee for a term which may exceed 5 years notwithstanding the maximum term specified in Chapter 46 § 46-2, in all or any portions of Lots G1, G-3, G-4, G-5, G-6, G-7, G-8, G-9, G-10, N-1, N-2, and N-3 as shown on a plan entitled "Subdivision Plan of Land" dated June 6, 2016 recorded with the Nantucket County Registry of Deeds as Plan No. 2016-59, subject to Chapter 30B of the Massachusetts General Laws.

FINANCE COMMITTEE COMMENT: It is recommended that prior to any specific action to lease the referenced properties, the Board of Selectmen ensure the development of a comprehensive plan as to the use, management, administration and procurement for these properties so as to meet community need while at the same time ensuring that the Town is properly compensated for use of the properties in accordance with market conditions.

ARTICLE 88

(Release of Sewer Easement)

To see if the Town will vote to authorize the Board of Selectmen to alter, amend, and/or release, or otherwise dispose of any interest the Town may have in, or to, that certain Sewer Easement shown on Land Court Plans No. 26439-U (filed with Certificate of Title No. 18185) and 26439-V (filed with Certificate of Title No. 18185) on file with the Nantucket County Registry District for the Land Court, subject to Massachusetts General Law Chapter 30B, and to take any other action as may be related or appropriate thereto.

(Elaine A. Dias, et al)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to alter, amend, and/or release, or otherwise dispose of any interest the Town may have in, or to, that certain Sewer Easement shown on Land Court Plans No. 26439-U (filed with Certificate of Title No. 18185) and 26439-V (filed with Certificate of Title No. 18185) on file with the Nantucket County Registry District for the Land Court, subject to Massachusetts General Law Chapter 30B.

ARTICLE 89

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40 section 5B of the Massachusetts General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow

money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2018 tax levy.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 90

(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the current and/or ensuing Fiscal Year and to authorize the Assessors to use in the fixing the tax rate, pass any vote, or take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

PLANNING BOARD REPORT

Chapter 40A, section 5 of the Massachusetts General Laws authorizes the Planning Board (hereafter the Board) to issue an advisory report to Town Meeting. Although a motion for Articles 36 through 53 is printed in the Warrant, this report provides additional information to help voters understand the basis for each motion. In an effort to provide better information about the planning process, the Board has added a report and glossary to the Warrant since 2011. The Board is guided by the approved Master Plan, unanimously accepted by Town Meeting in April of 2009¹. Overall, the Board's motions are consistent with the goals and policies of the Master Plan, they advance and implement the goals, and they represent a balanced approach to guiding the community's future physical development.

Articles 36 through 44 and 50 through 52 are Zoning Map changes, 45 through 49 are Zoning Bylaw amendments, and 53 contains both.

The proposed map changes that were recommended by the Board (1) match the existing character of the area with the designated zoning districts (36, 37, 39 - 42, and 44), or (2) address specific issues in their respective areas, including minor increases in density where appropriate (42, 43, 51, and 52). The Board considered compliance with the Master Plan, including, but not limited to, such policies as:

- Advancing Master Plan actions identified in the "Zoning District Implementation Schedule"²
- Matching zoning districts with the character of the surrounding area³
- Phasing out certain zoning districts⁴
- Removing commercial zoning from exclusively residential areas⁵
- Encouraging small neighborhood centers with mixed-use development⁶
- Addressing issues in 6 of 18 identified Planning Areas⁷

Zoning Bylaw amendments proposed in Articles 45 through 49 received positive recommendations. Those are primarily intended to modernize, address practical and technical issues, and to bring various sections of the Zoning Bylaw into conformance with prior Town Meeting actions.

Several of the proposed Articles merit additional comments to explain the Planning Board motion. Articles 38 and 50, although consistent with the "Zoning District Implementation Schedule" referenced above, require additional research and outreach with the affected property owners prior to a zoning map change. Approval of Article 43 will change the zoning of a single property at 1 Airport Road from a residential district to

¹ Warrant Article 26 of the 2009 Annual Town Meeting

² 2009 Nantucket Master Plan, Figure 39, page 90 (Articles 36, 37, 39, 43, and 44)

³ 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.3, page 90-91 (Articles 36, 37, 39 - 42, and 44)

⁴ 2009 Nantucket Master Plan, Goal 2.1, Policy 2.1.1a, page 90 (Articles 36, 37, 39, 43, and 44)

⁵ 2009 Nantucket Master Plan, Goal 2.2 Policy 2.2.1 page 91 (Articles 36 and 37)

⁶ 2009 Nantucket Master Plan, Goal 2.2 Policy 2.2.2, page 91 (Articles 40 and 43)

⁷ 2009 Nantucket Master Plan, Figure 17, page 48 (Articles 36, 37, and 39-43)

a commercial district. This location was identified in the Master Plan as an appropriate location for a neighborhood commercial “node” because of its proximity to residential development to the north and the airport to the east and south. The property owner has agreed to work with the Town to correct a right-of-way encroachment necessary to implement an intersection re-design at Macys Lane/Airport Road/Old South Road. Article 46 contains numerous technical amendments that simplify existing Bylaw language and make necessary changes to match current practices. Approval of Article 48 will allow a modest ground cover allowance for properties in the VR zoning district where the additional ground cover is applied to a single story structure, or portion(s) thereof. This provision is consistent with concepts contained in several area plans where lower structure heights are encouraged in village settings. Articles 51 and 52, each of which is a citizen petition, include a single lot to be rezoned from LUG-2 to LUG-1. Approval of these articles may result in the creation of two new buildable lots at a density that is consistent with the surrounding area. Article 53, a citizen petition, received a negative recommendation from the Planning Board due to concerns about density, access, and lack of consistency with the surrounding area.

The Planning Board recognizes the hard work of its staff, the active participation by citizens, and appreciates the thoughtful review of these articles by Town Meeting voters. If you have questions or concerns about the zoning articles, we encourage you to seek answers in advance of Town Meeting from individual Board members or contact PLUS staff at 508-325-7587.

ZONING ARTICLE GLOSSARY

The Planning Board has provided this glossary to serve as a summarized reference for selected terms in Articles 36 through 53. The entire Zoning Bylaw (Chapter 139 of the Code of the Town of Nantucket) and maps (under Town Meetings and Elections) can be further researched at www.nantucket-ma.gov.

The intensity regulations for zoning districts identified in the Zoning Map changes are referenced below.

Yard Setback					
District Defined in § 139-3	Minimum Lot Size (square feet)	Front (feet)	Side/Rear (feet)**	Frontage (feet)*	Ground Cover Ratio
VR	20,000	20	10	100	10%
VN	10,000	10	10	50	30%
VTEC	40,000	30	20	100	25%
LUG-1	40,000	35	10	100	7%
LUG-2	80,000	35	15	150	4%
LUG-3	120,000	35	20	200	3%
CMI	5,000	0	0	50	50%
RC	5,000	None	5	40	50%
RC-2	5,000	10	5	40	50%
CN	7,500	10	Side: 5 Rear: 10	50	40%
CTEC	10,000	10	Side: 5 Rear: 10	50	40%
ROH/SOH	5,000	None	5	50	50%
R-1	5,000	10	5	50	30%
R-5	5,000	10	Side: 10 minimum on one side; 5 thereafter Rear: 5	50	40%
R-20	20,000	30	10	75	12.5%

Area Plan - the Nantucket Planning and Economic Development Commission (NP&EDC) has developed a participatory process to foster and facilitate the implementation of the land use and other relevant sections of the 2009 Master Plan. The areas are designated, mapped, and volunteer advisory members are appointed. The topics that each group evaluates are the nine elements of an MGL Chapter 41 section 81D master plan. A final plan is accepted by the NP&EDC. Final plans have been completed for Brant Point, Madaket, Mid Island, Naushop Crossing, Siasconset, Surfside and Tom Nevers. *(Source: Goal 2.2, Policy 2.2.1, Nantucket Master Plan)*

Country Overlay District (COD) - a zoning overlay district encompassing those areas not included in the Town Overlay District. The purpose of the COD is to preserve areas characterized by traditional and historic rural land use patterns and to discourage the spread of dispersed development patterns that promote automobile dependency. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12F)*

Exclusionary Zoning - zoning that has the effect of keeping out of a community or neighborhood certain groups, or additional population. Techniques such as large-lot zoning, which increase housing costs, have been challenged for their exclusionary effects. *(Source: A Planner's Dictionary (2004). Published by the American Planning Association)*

Ground Cover - the horizontal area of a lot covered at grade by structures, together with those portions of any overhangs which contain enclosed interior space; excluding for instance tents, retaining walls, substantially below grade finished or unfinished space, decks, unenclosed porches, unenclosed roofed overhangs and connectors, entryway hoods and projections, gazebos, pergolas, play structures, platforms and steps, docks, game playing courts at grade, exterior in-ground residential swimming pools, exterior in-ground or above grade hot tub/spas, chimneys, bulkheads, bay and bow windows, window wells, unenclosed breezeways, air conditioning units, unroofed walled enclosures, exterior showers, fuel tanks, roof eaves, trash bins and not more than one accessory detached shed covering an area not to exceed more than 200 square feet at grade. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 2 (as modified via Article 18 at the 2017 STM))*

Overlay District - establishes alternative zoning requirements to address area specific needs, to promote specific development projects, or to meet specific community goals. *(Source: American Planning Association)*
<https://www.planning.org/divisions/planningandlaw/propertytopics.htm#Overlay>

Special Permit - requires a super-majority (4 out of 5 members in favor) vote of the special permit granting authority. Special permits may impose conditions, safeguards, and limitations intended to ensure that the use or structure is in harmony with the general purpose and intent of the Zoning Bylaw. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 30)*

Spot Zoning - the Massachusetts Supreme Judicial Court found that spot zoning occurs where one lot or a small area has been singled out for treatment less onerous than that

imposed upon nearby, indistinguishable properties. The Court of Appeals has found that spot zoning arises “where a zoning change is designed solely for the economic benefit of the owner of the property receiving special treatment and is not in accordance with a well considered plan for the public welfare.” *(Source: Massachusetts Municipal Association)*

“In assessing spot zoning challenges, it is quite proper to consider the effect of the zoning change on the municipality as a whole. The court now favors a balancing test to assess a spot zoning challenge. This is especially important where the growth of the municipality has been addressed by a plan.” Challenges alleging spot zoning have a heavy burden of proof, as great weight is given to validity arising from the Town Meeting process. The total area being rezoned is only important where it is not an extension of a district by the inclusion of border lots. Generally, newly established zoning areas greater than two acres are not considered to be a spot zone. *(Source: Bobrowski, Mark “Handbook of Massachusetts Land Use and Planning Law” pages 91through 95)*

Town Overlay District (TOD) - a zoning overlay district encompassing those areas not included in the Country Overlay District. The purpose of the TOD is to encourage development within an area where infrastructure already exists or can be extended without undue expense, to create opportunities to produce affordable housing for year-round residents through in-fill development and to create development patterns that are conducive to service by alternatives to the automobile, such as transit, bicycle, and pedestrian systems. *(Source: Chapter 139 of the Code of the Town of Nantucket, section 12E)*