

ARTICLE __
**(Request for Town Meeting Warrant Articles to
be Presented in “Common Conversational English”)**

To see if the Town will vote to: All articles in the town meeting warrant must be presented in common conversational English language. This presentation can either be in place of, or in addition to, the “legalese” language which is presently used. “Common conversational English” would be defined as language that adult Nantucket tax-paying and voting citizens without legal background can understand and discuss meaningfully.

(Andrew Schwartz, et al)

ARTICLE __
(Real Estate Conveyance: 142 Surfside Road)

To see if the Town will vote to: authorize the Board of Selectmen to sell, convey, or otherwise dispose of any interest the Town may have in, or to, part of that certain property located at 142 Surfside Road, more particularly described as Lot 1 in Plan Book 24, Page 31, on file at the Nantucket County Registry of Deeds, subject to Massachusetts General Law chapter 30B and to take any other action as may be related or appropriate thereto.

(David L. Webb, et al)

ARTICLE __
**(Bylaw Amendment: Board of Sewer Commissioners/
Town Sewer District Map Changes)**

To see if the Town of Nantucket will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3a (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels to the Town Sewer District:

MAP	PARCEL	STREET ADDRESS
80	297.3	4 SOUTH PASTURE LANE
80	297.4	6 SOUTH PASTURE LANE
80	429	6 ½ SOUTH PASTURE LANE
80	297.5	8 SOUTH PASTURE LANE
80	297.6	10 SOUTH PASTURE LANE
80	297.7	12 SOUTH PASTURE LANE
80	430	14 SOUTH PASTURE LANE
80	297.8	SOUTH SHORE ROAD (1-FOOT STRIP)

All as shown on a map entitled "2014 Annual Town Meeting Warrant Article _____ Town Sewer District Expansion" dated November 21, 2013 and filed herewith at the office of the Town Clerk.

(Linda F. Williams, et al)

ARTICLE ____
(Appropriation: Siasconset Fire Station)

To see if the Town will vote to appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) for repairs to the Siasconset Fire Station, including re-shingle the roof, replace all rotted trim and repaint all exterior trim.

(Nelson K. Eldridge, et al)

ARTICLE ____
(Home Rule Petition: Amendment of Historic District Commission)

To see if the Town of Nantucket will vote to request its representatives in the General Court to introduce legislation amending the Historic District Commission Act of 1970, as amended, to provide that HDC Commissioners be appointed by the Selectmen, as specified by the Supreme Judicial Court of Massachusetts in the initial Enabling Act. of 1955. Or to take any other action related thereto.

(Curtis L. Barnes, et al)

ARTICLE ____
(Home Rule Petition: Amendment of Historic District Commission)

To see if the Town of Nantucket will vote to request its representatives in the General Court to introduce legislation amending the Historic District Act of 1970, as amended, to provide that the enabling legislation for the Nantucket Historic District Commission be established under MGL, Section 40C, replacing the current Home Rule Petition process; or to take any other action related thereto.

(Curtis L. Barnes, et al)

ARTICLE ____
(Sewer User Fee Schedule)

To see if the Town of Nantucket will vote to request the Board of Selectmen, and Town Administration, To amend the current sewer use fee schedule to provide that, for properties on Town water service, one-half (50%) of sewer fees be included as a

function of water usage; and that one-half (50%) be included in the general tax levy of the Town. This provision would apply only to those taxpayers whose sewer bills are calculated as a function of their water bill. All other sewer fees for properties on septic systems, or with on-site wells would remain as at present.

(Curtis L. Barnes, et al)

ARTICLE __
**(Bylaw Amendment: Board of Sewer Commissioners/
Town Sewer District Map Changes)**

To see if the Town will vote to: amend the Town Sewer District, as established under Nantucket Code, Chapter 41, Section 3.A, by adding to it the following parcel, which is situated in the Harbor Watershed Protection Zone and the Wellhead Protection District: Map 54 Parcel 261 at #3 Brewster Road

(Susan Bennett Witte, et al)

ARTICLE __
(Local Room Tax/Visitor Services Advisory Committee)

To see the town will vote to affirm and restate the town's commitment pursuant to Article 51 of the 1991 Annual Town Meeting to the effect "... that thirty percent (30%) of the town's receipts from the Local Room Tax be dedicated ... ", so that thirty percent (30%) of the town's proceeds from the local room occupancy tax received by the town pursuant to section 3 A of chapter 64G of the General Laws of the Commonwealth at the rate set by the vote of the town pursuant to Article 8 of the September 21, 2009 Special Town Meeting, is to be dedicated to fund Visitor Services and Information Advisory Committee as defined in Article IV, sections 11.13 through 11.15 of the Nantucket Code, to be used for the Visitor Services and Information Advisory Committee functions described in section 11.15 of the Nantucket Code, or to take any other action related thereto

(Ann Balas, et al)

ARTICLE __
**(Home Rule Petition: Relative to Retirement Benefits for
Nantucket Town and County Employees)**

To see if the Town will vote to present the Home Rule Petition as set forth below to the General Court, that the Town's representatives in the General Court be requested to introduce the legislation set forth below, and that the General Court be authorized, with the approval of the Nantucket Board of Selectmen, to vary the specific text of the requested petition within the scope of the public policy objectives of the Home Rule Petition set forth below, or take any other action relative thereto:

An Act relative to Retirement Benefits for Employees of the Town and County of Nantucket

SECTION 1. Notwithstanding section 1 of chapter 32 of the General Laws, or of any other general or special law to the contrary, no individual commencing employment with the Town or County of Nantucket on or after the effective date of this Act shall be deemed an “employee” under section 1 of said chapter 32 nor otherwise be eligible by virtue of employment with said Town or County to participate in the Barnstable County Retirement System or in any other contributory retirement system operated by the Commonwealth or any political subdivisions thereof. This Act shall not preclude persons employed by the Town or County of Nantucket from participating in a so-called IRC Section 457 plan or comparable plan as may be sponsored by said Town or County.

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

(Craig Sperry, et al)

ARTICLE __
(Community Preservation Committee: Fiscal Year 2015 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 26 ATM 2013 Nantucket Islands Land Bank	Fiscal Year 2015 Community Preservation Committee Historic Preservation reserved fund balance	\$205,000.00
Total Transfers to Historic Preservation Reserved fund balance		\$205,000.00
Article 21 ATM 2004 Town of Nantucket, Parks and Recreation Commission, Coffin Park	Fiscal Year 2015 Community Preservation Committee Open Space reserved fund balance	\$7,096.51
Article 27 ATM 2005 Prospect Hill Cemetery Association	Fiscal Year 2015 Community Preservation Commission Open space reserve fund balance	\$299.97
Total Transfers to Open Space Reserved fund balance		\$7,396.48
Article 27 ATM 2005 Town of Nantucket, Family & Children’s Services, Tryworks	Fiscal Year 2015 Community Preservation Committee Affordable Housing reserved fund balance	\$50,000.00
Article 30 ATM 2012	Fiscal year 2015	\$160,000.00

Town of Nantucket, Affordable Housing Trust Fund , Units at 7 Surfside	Community Preservation Committee Affordable Housing reserved fund balance	
Total Transfers to Affordable Housing Reserved fund balance		\$210,000.00
Total Transfers to all three reserved fund balances		\$422,396.48

(Kenneth Beaugrand, et al)

ARTICLE __
(Appropriation: FY 2015 Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2015 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
Historic Preservation	
Town of Nantucket, Planning and Land Use Department (PLUS) Funds for a preservation consulting team to <i>update</i> <i>"Building with Nantucket in Mind"</i>	\$30,000
Nantucket Firemen's Association Repair and restore the roof, gutters, trim and windows of the Siasconset Fire station	\$135,000
The Coffin School Trustees Preserving the rear and the Historic Brick Facade of the Sir Isaac Coffin School	\$210,000
St. Paul's Church in Nantucket Completion of the restoration of the exterior vestibule and creation of the handicap accessible walkway, lift and stairway	\$295,000
First Congregational Church in Nantucket Restoration of the roof of the Summer Church and the engineering Study	\$80,000
Nantucket Historical Association Restoration of the historic fence at 96 Main Street in front of Hadwen House	\$48,000
Nantucket Islands Land Bank Restoration of Historic clubhouse on Sconset Golf course	\$270,000
Museum of African American History Restoring foundations, rebuilding retaining wall, completing archeological research to replicate original historical	

foundations	\$144,000
Hostelling International USA, American Youth Hostels Repair and restore the roof and cupola of the Star of Sea Hostel in Surfside	\$95,000
The Homestead Inc. of Nantucket Repair and restore the front façade and the front fence	\$38,800
Town of Nantucket, Natural Resources Department Restoration of the historic Brant Point shellfish propagation Facility	\$350,000
Sub-total	\$1,695,800
\$10,500 of the funds utilized for this category are from the Designated Reserve for Historic preservation with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
<u>Community Housing</u>	
Nantucket Interfaith Council Housing and rental assistance program	\$130,000
Habitat for Humanity Nantucket Inc. Construct new or relocate and renovate a Habitat for Humanity house on current available or to be available land	\$200,000
Housing Assistance Corporation with the Nantucket Housing Authority Sachem's Path, infrastructure implementation including modeling. Work To commence no later than 7-1-2014	\$100,000
Housing Nantucket Capital maintenance for community rental housing	\$150,000
Sub-total	\$580,000
All of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
<u>Open Space Conservation/Recreation</u>	
Town of Nantucket Funds to pay the interest and principal in the second year 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
Nantucket Land Council, Inc. Funds for the acquisition from the United States General Services Administration (GSA) in cooperation with the Town	

of Nantucket for a 92 acre site in Madaket	\$650,000
Town of Nantucket, Planning and Land Use Department (PLUS) Funds for the acquisition of the property at 50 Union Street in cooperation with The Nantucket Islands Land Bank to create open space and widen the street corner	\$200,000
Sub-total	\$975,000
\$533,328 of the funds utilized for this category are from the Designated Reserve for Open space with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
Administrative	
Community Preservation Committee Administrative and operating expenses	\$110,000
Sub-total	\$110,000
\$8,430 of the funds utilized for this category are from interest income with the balance of the funds to be used in this category from the Community Preservation surcharge and the State matching funds.	
TOTAL	\$3,360,800
And amounts to be appropriated from the following sources:	
SOURCES	AMOUNT
Raised and appropriated from FY 2014 Community Preservation Surcharge	\$1,841,925
From State matching funds for FY 2013, to be received in 2014	\$ 966,617
From interest	\$ 8,430
From Designated Reserves for Historic preservation	\$ 10,500
From Designated Reserves for Open Space	\$ 503,328
From Undesignated Reserves	\$ 30,000
Total Revenues	\$3,360,800

For fiscal year 2015 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)

ARTICLE __

(Home Rule Petition: Funeral Directors, Embalmers, Funeral Homes, and Crematories)

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 EXEMPTING THE TOWN OF NANTUCKET FROM THE PROVISIONS OF MGL and THE CODE OF MASSACHUSETTS REGULATIONS REGARDING FUNERAL DIRECTORS, EMBALMERS, FUNERAL HOMES, and CREMATORIES
Section 1. Funeral Directors and Embalmers: Notwithstanding the provisions of MGL Ch. 112, § 83 and 239 CMR 3.02, Type 3 Funeral Directors and Embalmers shall be exempted from holding any ownership shares in any funeral establishment on Nantucket Island.

Section 2. Establishments: Notwithstanding the provisions of 239 CMR 3.06.(1)(b), any funeral establishment on Nantucket Island shall not be mandated to have a chapel; and of 239 CMR 3.06 (1) f) any funeral establishment on Nantucket Island may consist of more than one building or more than one lot of land, said buildings and/or lots shall not be required to be adjoining or connecting.

Section 3. Notwithstanding the provisions of MGL Ch. 114, §43B, the placement of any future crematory sited on Nantucket Island shall be determined by the Nantucket Cemetery Commission, created pursuant to the Acts of 2011, Chapter 47, or a vote at an Annual Town Meeting. Such crematory may be sited as an auxiliary use of any public or private cemetery, or may be sited on a single parcel of town-owned land.

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

Or to take any other action related thereto.

(Catherine Flanagan Stover, et al)

ARTICLE __
(Bylaw Amendment: Removal of Animal Litter)

To see if the Town will vote to amend Chapter 127 (STREETS AND SIDEWALKS), Article V, s. 9 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*):

Chapter 127: ~~STREETS AND SIDEWALKS~~ Article V: ~~Removal of Animal Litter~~

§ 127-9 Areas encompassed by regulation

~~A.~~

~~Town of Nantucket: southerly from the Atlantic Ocean to the juncture of Sherburne Turnpike and Cliff Road; westerly along Cliff Road to Pilgrim Road; southerly along Pilgrim Road to the juncture of New Lane; southerly along New Lane to Winn Street and continuing southerly along Winn Street across Prospect Hill Cemetery to the juncture of Hummock Pond Road and Vesper Lane; easterly along Vesper Lane to Atlantic Avenue; northerly along Atlantic Avenue to Sparks Avenue; continuing easterly on Williams Lane to the juncture of Pleasant Street; continuing northeasterly on Bear Street to Orange Street; then northwesterly to Goose Pond Lane to the junction of the Washington Street right of way as defined by the R-C/LUG-1 zoning line; continuing along the R-C/LUG-1 zoning line to Nantucket Harbor as shown on the Town and County of Nantucket Zoning Map of 1987.~~

~~B.~~

~~Town of Siasconset: Residential-1 and Residential Old Historic Districts as defined by the Official Zoning Map of the Town and County of Nantucket of 1989.~~

The Island of Nantucket, and the Town & County of Nantucket, Massachusetts

(Charles A. Dragon, et al)

ARTICLE __
**(Bylaw Amendment: Board of Sewer Commissioners/
Town Sewer District Map Changes)**

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding 11, 13, 15, 17 and 19 Tashama Lane (Map 55, Parcels 470, 469, 468, 467, and 466, respectively) to the Town Sewer District.

(John B. Brescher, et al)

ARTICLE __
(Zoning Map Change: Town R-10 to CTEC)

To see if the Town will vote to: Amend the Zoning Map of the Town of Nantucket by placing properties currently located in the R-10 district into the CTEC district, as identified below.

(Venessa K. Moore, et al)

ARTICLE __
(Zoning Bylaw Amendment: New Old South Commercial Overlay District)

To see if the Town will vote to establish a new Overlay District, to be called the Old South Commercial Overlay District (OSCOD), to be added to the list of Overlay Districts in Nantucket Zoning By-law §139-3.F, consisting of the following parcels of land:

Map	Parcel	Number	Street
68	156	57	Old South Road
68	203	2	Lovers Lane
68	202	4	Lovers Lane
68	201	6	Lovers Lane
68	200	8	Lovers Lane
68	204	4	Nancy Ann Lane
68	205	6	Nancy Ann Lane
68	206	8	Nancy Ann Lane
68	207	10	Nancy Ann Lane
68	176	12	Nancy Ann Lane
68	130	14	Nancy Ann Lane
68	129	73	Old South Road
68	158	67	Old South Road
68	157	63	Old South Road
68	85.5	68	Old South Road
68	85.4	66	Old South Road
68	85.2	62	Old South Road
68	85.3	60	Old South Road
68	84	58	Old South Road
68	83	56	Old South Road
68	18.2	54	Old South Road
68	18.3	54R	Old South Road
68	85	64	Old South Road

; or to take any other action relative thereto.

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

ARTICLE __
(Zoning Bylaw Amendment: Cap on Retail MCDs)

To see if the Town will vote to amend Nantucket Zoning By-law §139-11.K, "Cap on retail MCDs", by deleting Paragraph (1), which reads:

(1) Except in the following approved area plan location, Mid-Island Planned Overlay District (MIPOD), a special permit shall not be granted for:

(a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(b) Expansion of an existing major commercial development whenever the expanded portion of the development, added together from the effective date of this §139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

and by replacing it with the following new Paragraphs (1) and (2):

(1) Except in the Mid-Island Planned Overlay District (MIPOD) and the Old South Commercial Overlay District (OSCOD), a special permit shall not be granted for:

(a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(b) Expansion of an existing major commercial development whenever the expanded portion of the development, added together from the effective date of this §139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.

(2) In the Old South Commercial Overlay District (OSCOD), no special permit shall be granted for a building devoted primarily to retail use which exceeds 45,000 square feet of gross floor area of commercial use, including roofed-over storage areas.

or to take any other action relative thereto.

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

ARTICLE __
(Zoning Bylaw Amendment: Definitions/Apartment)

To see if the Town will vote to: Amend the definition of apartment in the Town of Nantucket Zoning Bylaw 139-2(A) by replacing the words "on the second or third floor or in the basement of" with the word "within". This would allow first floor apartments.

(Christopher L. Maury, et al)

ARTICLE ____
(Advisory Committee to address inconsistent and contradictory road signs on the island's bike paths)

To see if the Town will vote to instruct the BOS to form a Bicycle Path Advisory Committee that will examine all rights of way, public and private, on existing bike paths, and recommend any course of action or regulations necessary to promote the safety and welfare of bicyclists and others who use the island's bike paths.

(Ian Golding, et al)

ARTICLE ____
(Nantucket Affordable Housing Trust Fund)

Pursuant to a vote at the Nantucket 2009 Annual Town Meeting and pursuant to the provisions of M.G.L. c. 44 Section 55C adopted at the Nantucket 2009 Annual Town Meeting, the Town of Nantucket hereby establishes the Town of Nantucket Affordable Housing Trust Fund in the manner and under the terms and conditions set forth herein.

1. Name of the Trust.

The Trust shall be called the "Town of Nantucket Affordable Housing Trust Fund", herein referred to as the Trust.

2. Purpose.

The purpose of the Trust is to provide for the creation and preservation of affordable housing in the Town of Nantucket for the benefit of year-round low and moderate income households who would otherwise have difficulty, financial or otherwise, locating housing on Nantucket.

3. Tenure of Trustees.

(NEW LANGUAGE TO FOLLOW IS HIGHLIGHTED, ITALIZED AND UNDERLINED AND OLD LANGUAGE HAS THE STRIKE OUT).

There shall be a Board of Trustees consisting of nine **(9)** Trustees who shall be appointed by the Board of Selectmen. ~~Five of the Trustees shall be members of the Board of Selectmen.~~ Only persons who are residents of the Town of Nantucket shall be eligible to hold the office of Trustee. *There shall be seven (7) members appointed by the Board of Selectmen. The membership shall be as follows: one (1) member of the Board of Selectmen,* the Chairman of Nantucket Housing Authority (NHA) or another member of the NHA designated by its Chairman, *one (1) member of the Nantucket Planning & Economic Development Commission, one (1) licensed real estate agent or broker and three (3) members at large.* ~~The Board of Selectmen shall serve for their specific term of office. All other Trustees shall serve for a term of two years, except that one of the initial~~

trustee appointments shall be for a term of one year. Trustees may be reappointed by the Board of Selectmen for succeeding terms, and there is not a limit on the number of terms which a Trustee can serve. Any Trustee may resign by written instrument signed and acknowledged by such Trust and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to fulfill the duties of a Trustee hereunder before his/her term of office expires, a successor shall be appointed by the Board of Selectmen to fill the remainder of the term of such vacancy provided that said appointment and acceptance in writing by the newly appointed Trustee is filed with the Town Clerk. Upon the appointment of any Trustee and the filing of such appointment with the Town Clerk, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. Trustees may be removed at any time for cause by a majority vote of the Board of Selectmen following a properly noticed public hearing. Cause shall include, but not be limited to, violation of any local, state or federal law; non-participation in business of the Trust, incapacity to perform the duties of a Trustee, acts of the Trustee, that in the opinion of the Board of Selectmen, are grossly negligent or detrimental to the Town of Nantucket or the Trust.

4. Meetings of the Trust.

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law M.G.L. Chapter 39, Sections 23A, 32B and 23C. A quorum at any meeting shall be a majority of the nine Trustees, which majority is qualified and present in person. Minutes of all meetings shall be recorded and filed with the Town Clerk in accordance with the provisions of the Open Meeting Law, M.G.L. Chapter 39, Sections 23A, 23B and 23C.

5. Powers of Trustees.

The Powers of the Trust, shall be the following, except that: (a) any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property is subject to a two-thirds (2/3rds) vote of the Trustees; (b) the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed eighty percent (80%) of the total value of the Trust's assets; and (c) any debt incurred by the Trust shall not constitute a pledge of the full faith and credit of the Town of Nantucket and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Nantucket with an acknowledgement of said statement by the holder: (1) to accept and receive property, whether real, or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the Trust in connection with provisions of any zoning ordinance or bylaw or any other ordinance or bylaw; (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income; (3) to sell, lease, exchange, transfer or convey any personal, mixed or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise and to make such contracts and enter into such undertakings relative to trust property as the Trust deems advisable notwithstanding the

length of any such lease or contract; (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board of Trustees engages for the accomplishment of the purposes of the Trust; (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary; (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable; (7) to apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purposes and to create reserves for depreciation, depletion or otherwise; (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person; (9) to deposit any security with any protective reorganization committee and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay out of Trust property, such portion of expenses and compensation of such committee as the Trust may deem necessary and appropriate; (10) to carry property for accounting purposes other than acquisition date values; (11) to borrow money on such terms and conditions and from such sources as the Trust deems advisable, to mortgage and pledge Trust assets as collateral; (12) to make distributions or divisions of principal in kind; (13) to comprise, attribute, defend, enforce, release, settle otherwise adjust claims in favor or against the Trust, including claims for taxes and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation and subject to the provision of the Act, to continue to hold the same for such period of time as the Trust may deem appropriate; (14) to manage or improve real property and to abandon any property which the Trustees determine not to be worth retaining; (15) to hold all or part of the Trust property un-invested for such purposes and for such time as the Trustees may deem appropriate; and, (16) to extend the time for payment of any obligation to the Trust.

6. Funds Paid to the Trust.

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any Town of Nantucket zoning by-law, exaction fee, or private contribution shall be paid directly into the Trust and need to be appropriated or accepted and approved into the Trust. Funds appropriated by the Town of Nantucket Town Meeting for payment into the Trust become Trust property and these funds need not be further appropriated to be expended. All monies remaining in the Trust at the end of any fiscal year, whether or not expended by the Trust, remain Trust property. The Trust shall comply with any lawful conditions stipulated in the article's motion for monies appropriated by the Nantucket Town Meeting.

7. Acts of Trustees.

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee

shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. Any expenditure by the Trust to any one party in a cumulative amount exceeding \$100,000.00 or donations to any charitable organization by the Trust shall also be approved by the Board of Selectmen prior to finalizing the transaction.

8. Liability.

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town of Nantucket, except in the manner specifically authorized herein. The Trust is a public employer and the Trustees are public employees for the purposes of M.G.L. Chapter 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of M.G.L. Chapter 268A.

9. Taxes.

The Trust is exempt from M.G.L. Chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of any political subdivision thereof.

10. Custodian of Funds.

The Town of Nantucket Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities. Costs associated with the independent audit shall be born by the Trust. Furthermore, all funds paid to the Trust shall be deposited directly into a separate and distinct bank account under the Town Collector/Treasurer's custodianship. A separate and distinct organizational code with the Chart of Accounts will be established on the Town's accounting system, and it will be the Trust's responsibility to maintain its financial records on the Town system. As the Trust will adopt an approved budget, the Trust must follow all warrant, accounts payables and policies and procedures.

11. Governmental Body.

The Trust is a governmental body for purposes of Sections 23A, 32B and 23C of M.G.L. Chapter 39.

12. Board of the Town.

The Trust is a Board of the Town for purposes of M.G.L. Chapter 30B and Section 15A of M.G.L. Chapter 40; but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

13. Duration of the Trust.

This Trust shall be of indefinite duration until terminated by a vote of the Nantucket Town Meeting or upon establishment of the Community Housing Bank as provided for by Article 62 of this warrant whichever occurs sooner. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Nantucket and held by the Board of Selectmen for affordable housing

purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of Nantucket. The powers of the Trustees shall continue until the affairs of the trust are concluded. Once the Nantucket Town Meeting has voted to terminate the Trust, all financial transactions made on behalf of the Trust shall be approved by the Board of Selectmen.

14. Registry of Deeds.

The Board of Selectmen may grant the Trustees any additional authority needed to execute, deliver and record with the Registry of Deeds any documents required for any conveyance authorized hereunder.

15. Titles.

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Articles.

16. Compensation of Trustees.

Trustees shall not receive a salary, stipend, bonus or other means of compensation for their service as a Trustee, nor shall they be eligible for any benefits from the Town of Nantucket. Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses.

All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to the payment by the Trust.

17. Amendments.

The provisions of this Trust can only be amended by a vote of the Nantucket Town Meeting.

18. Conflicts of Interest.

The Trust shall be considered a public employer and the Trustees shall be subject to the conflict of interest provisions of M.G.L. Chapter 268A.

19. Trustee Agreements.

Trustees will be required to execute an agreement with the Trust at the time of their appointment by the Board of Selectmen outlining their roles and responsibilities in accordance with the provision of the Trust. Such form of agreement shall be developed by the Board of Selectmen and approved as to form by The Nantucket Town Counsel.

20. Annual Report.

The Trustees shall prepare an annual report describing the activities of the Trust on a calendar year basis. The annual report shall be submitted to Nantucket Board of Selectmen by June 30th of the following year. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and or managed by the Trust, and any other pertinent information related

to the business of the Trust. Twenty hard copies and an electronic copy of the annual report shall be submitted to the Board of Selectmen.

(Linda F. Williams, et al)

ARTICLE __
(Charter Amendment: Article IV)

To see if the Town will vote to amend Article IV (Town Administration) of the Charter of the Town of Nantucket, paragraph 2 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):

Article IV Section 4.2 of the town charter (Town Manager) shall be amended to change the following language.

~~A) The Board of Selectmen shall appoint a~~ The citizens on the Town and County of Nantucket shall appoint a Town Manager by means of elected vote for an initial a term of 2 3 years;

Any successive terms shall not to exceed 3 years each terms, or 9 years. The Town Manager so appointed elected shall, by education, experience and ability, be qualified to perform the duties established for the position. Such person need not be a resident of the Town at the time of appointment but shall be a resident during the term of office starting not later than six months following appointment.

(b) The Town Manager shall devote full time to the duties of the office.

(c) The Town Manager shall be responsible to the Board of Selectmen for the efficient operation of Town Administration, for acting in conformity with policies established by the Board with respect to budget and other matters, and for the proper implementation of legislation adopted by the Town pursuant to Article II. The Town Manager shall have all, the powers, rights and duties delegated by the Board of Selectmen or as are commonly associated with the office of chief administrative officer of a local government unit.

(d) In particular, the Town Manager:

(1) Shall supervise, direct and be responsible for the efficient administration of all officers, boards, councils, commissions and committees appointed by the Town Manager, and all other Town functions for which the Town Manager is given responsibility by this Charter, Town bylaw, administrative code, or other legislation; and may issue administrative orders;

(2) Shall have appointment powers as provided in Section 4.3;

(3) Shall, with the assistance of the department heads, prepare and submit to the Board of Selectmen, all annual operating budgets and capital budgets, and any proposal for budget amendment; shall establish the schedules and procedures to be followed by all Town departments, boards, councils, commissions and committees in connection therewith and shall direct all phases of the budgetary process throughout each fiscal year;

(4) Shall prepare the Town Meeting warrant for adoption by the Board of Selectmen pursuant to a schedule set by the Board, by administrative code or Town bylaw.

(5) May be present at all meetings of the Board of Selectmen and may participate in all deliberations, without the right to vote;

(6) shall, with the assistance of the Town department heads, ensure adequate inventory, care, construction and maintenance of all Town properties, owned or leased, and foster centralized purchasing including, if so requested, for the School Committee;

(7) May require reports from and may examine the records, accounts and operations of any Town department, board, council commission or committee and shall recommend whatever actions or programs are deemed necessary or desirable for the Town, the welfare of its residents and of visitors to the Island

(8) shall review, analyze and forecast trends of Town services and programs of all Town departments, boards, councils, commissions and committees and make reports and recommendations thereon to the Board of Selectmen;

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Add: Section (9) Dismissals and Recalls shall be pursuant to section 5.1 and 5.4 of the official Nantucket Town Charter

(David Larivee, et al)

Sponsors Comment: This charter change does not change any of the duties of the Town Managers. All it is intended to do is make the office of Town Manager an elected position, that would make them (Town Manager) accountable to the taxpayers/voters and not a five person Board of selectmen.

ARTICLE __
(Charter Amendment: Article III)

To see if the Town will vote to amend Article III (Board of Selectmen) of the Charter of the Town of Nantucket, paragraph 4 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):

Article III Section 3.4 of the town charter shall be amended by the following. **Removal of section a of the Selectmen Powers as to Appointments, in its entirety.**

~~(a) The Board of Selectmen may, at a public meeting, exercise the following powers:~~

~~(1) To appoint the Town Manager for the purposes set forth in Article IV. Such appointment shall be upon appropriate terms and conditions, including provision for annual performance reviews, in conformity with this Charter and the General Laws. By a majority vote of the full count of members then in office, the Board may remove the Town Manager;~~

~~{Amended 4-11-2007 A M by Art. 44, approved 5-21-2007}~~

(David Larivee, et al)