

2006 ANNUAL TOWN MEETING
NIGHT ONE - MONDAY, APRIL 3, 2006

The 2006 Annual Town Meeting convened at the Nantucket High School at 10 Surfside Road on April 3, 2006. The Meeting was called to order at 7:10 P.M. by Moderator Sarah F. Alger. She announced the Advance and Posting of the Colors by the Nantucket Girl Scouts. Moderator Alger led the assembly in the Pledge of Allegiance. Jr. Miss Constance McDonough Thayer led the assembly in the singing of the Star Spangled Banner. The Invocation was given by Cantor Avi Teken from the Congregation. Moderator Alger then asked for a moment of silence in memory of all the residents of the Town who had died since the last Town Meeting. In particular, the Moderator asked the assembly to remember Faith Oldham, Don Oliver and Mary P. Walker, for whom the auditorium was named.

At 7:17 PM, there were 535 Registered Voters in attendance.

The Moderator read the Preamble to the Warrant and the Constable's Return of Service of the Warrant. She asked for, and received, unanimous consent to waive the reading of the Warrant.

The Moderator moved that the Town Meeting adopt the rules based on Nantucket Town Meetings, Procedures and Traditions, written by Mark Arnold. It supplements Town Meeting Time as our procedural guide. **It was so moved, seconded, and adopted by unanimous voice vote.**

The rules for advancing the Meeting were laid out. She reminded voters that per an Annual Town Meeting vote from 1998, she could declare a 2/3 majority on zoning articles without a hand count. If she was in doubt of the 2/3 majority, she would, of course, do a hand count.

She explained the order of the Meeting. She explained that we would commence with the Call of the Articles, discussing each in the order of the Warrant. If no articles were called, then we would vote on them as recommended at the end of the Meeting. Moderator Alger explained the procedures to advance the meeting: speakers must limit their remarks to the article in question, they must refrain from personal comment or attack, and, most especially, if one were being paid to speak on a particular article, one must disclose that fact to the assembly. She asked that all cell phones be turned off and reminded smokers not to smoke on school property.

The Moderator expressed the thanks of the Town Meeting to outgoing Selectman Bruce Watts, and thanked him for his service to the Town. She introduced the remainder of the sitting Board of Selectmen, the Town Administrator Libby Gibson, and Town Counsel Paul DeRensis.

The Moderator introduced Rick Atherton, Chairman of the Finance Committee, and members Gregory Keltz, Phil Bartlett, Lindsay Perry, Michael Rosen, Tim Soverino, Christy Kickham, and Bruce D. Miller. She then introduced "Time Keeper" Madeline Mallenfant, Town Clerk Catherine Flanagan Stover, and Mary and Al Novissimo, computer wizards extraordinaire.

Moderator Alger commented on the appearance and content of the Annual Report, thanking the Board of Selectmen's office and, particularly, Nancy Oliver for the wonderful job done. She noted that Mrs. Oliver used to win First Place when allowed to use color! This year's issue was dedicated to the memories of the late Martha Walters and the late Norman Beach.

The Moderator introduced Michael Glowacki for the purposes of making an opening statement.

The Moderator read through the list of technical amendments on Articles 2, 4, 10, and XX and explained where the original text would be modified.

List of Technical Corrections

Article 2 (Unpaid Bills)

Add the following unpaid bills to the Finance Committee motion:

<i>Department</i>	<i>Vendor</i>	<i>Amount</i>
Health Department	Comfort Inn	\$107.50
School Department	Comfort Inn	\$68.01

Article 4 (Revolving Accounts: Annual Authorization)

Remove the Airport Fuel Sales item from the Finance Committee motion.

Article 9 (Appropriation: Health & Human Services)

Amend the last two items of the Finance Committee motion as follows:

<i>AGENCY</i>	<i>AMOUNT</i>
Sherburne Commons, Inc.	\$5000
Nantucket Human Services Center	\$5000
Human Services Nantucket Cottage Hospital/Social Services	\$25,000

CHANGES TO ARTICLE 10 IF \$924,000 IN FREE CASH IS USED:

ARTICLE 10 (Appropriation: General Fund Capital Expenditures)

FINANCE COMMITTEE MOTION: Moved that the following amounts be appropriated for capital expenditures for general fund departments for Fiscal Year 2006; all such expenditures to be made by the Town Administrator with the approval of the Board of Selectmen, and further the Town Administrator with the approval of the Board of Selectmen is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>AMOUNT</i>
Fire	Purchase of additional equipment for Engine 6 new replacement engine	\$50,000
Fire	Purchase of wireless alarm consoles	\$75,000
Information Systems	Purchase of new and replacement servers and associated equipment	\$50,000
Information Systems	Purchase of wireless network equipment	\$50,000
Information Systems	Purchase of replacement desktops and printers	\$50,000
Park & Recreation	Improvements to Surfside Beach public restrooms	\$50,000
Police	Repairs to windows at Loran Barracks employee housing	\$60,000
Public Works	Repairs and maintenance for bicycle paths and sidewalks	\$25,000
Public Works	Construction of ADA compliant sidewalk ramps	\$25,000
Public Works	Purchase of replacement pick-up trucks (2) with plows (2)	\$60,000
TOTAL		\$495,000

And, to meet the appropriation, that Four Hundred Ninety-five Thousand Dollars (\$495,000) be raised and appropriated from the Fiscal Year 2006 tax levy and other general revenues of the Town, contingent however, upon passage by ballot of a general permanent operating override referendum question exempting this amount from the limitations of Proposition 2 ½ so-called pursuant to G.L. Ch. 59, § 21C(g);

and, further, that the following capital expenditures for general fund departments be approved for Fiscal Year 2006, all such expenditures to be made by the Town Administrator with the approval of the Board of Selectmen,

and further that the Town Administrator with the approval of the Board of Selectmen is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>AMOUNT</i>
Public Works	Purchase of new street sweeper	\$174,000
School	NES building improvements: Installation of unit ventilators	\$150,000
School	CPS building improvements: Repairs to gym roof	\$250,000
School	Development of new playing fields	\$250,000
School	Purchase of computers and related technology equipment	\$100,000
TOTAL		\$924,000

And, to meet the appropriation that Nine Hundred Twenty-four Thousand Dollars (\$924,000) be raised and appropriated from the Fiscal Year 2006 tax levy and other general revenues of the Town;

and, further, that the following capital expenditures for general fund departments be approved for Fiscal Year 2006, all such expenditures to be made by the Town Administrator with the approval of the Board of Selectmen, and further that the Town Administrator with the approval of the Board of Selectmen is authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>AMOUNT</i>
Fire	Replacement of Ambulance	\$150,000
Fire	Replace Engine 7 Engines 6 and 7 with one new engine	\$350,000
Public Works	Purchase of new street sweeper	\$174,000
School	NES building improvements: Installation of unit ventilators	\$150,000
School	CPS building improvements: Repairs to gym roof	\$250,000
School	NHS building improvements: Façade repairs and painting	\$700,000
School	Development of new playing fields	\$250,000
School	Purchase of computers and related technology equipment	\$100,000
Town Administration	Supplemental funding for Old South Road and Fairgrounds Road bicycle paths	\$375,000
Town Administration	Construction and associated costs for Vesper Lane bicycle path	\$200,000
Town Administration	Design costs associated with Public Safety Facility at 2 Fairgrounds Road; and, general site feasibility, including preliminary site planning and architectural and structural feasibility, for the use of the remainder of the site for park, cultural/art/community center, open space, parking and community housing purposes	\$1,875,000
TOTAL		\$4,574,000 \$3,650,000

And, to meet the appropriation for all items other than the Fire Department Replacement Ambulance, that the Treasurer of the Town, with the approval of the Board of Selectmen, is hereby authorized to borrow ~~Four Million Four Hundred Twenty-four Thousand Dollars (\$4,424,000)~~ Three Million Five Hundred Thousand Dollars (\$3,500,000) pursuant to any applicable statute for all of the above items, contingent upon passage by ballot of a referendum question exempting the principal so borrowed and interest from the limitations of Proposition 2 ½ so-called (G.L. Ch. 59, § 21C(k)); and, that One Hundred Fifty Thousand Dollars (\$150,000) be appropriated from the Ambulance Reserve Fund for the Fire Department Replacement Ambulance.

Article 12 (Appropriation: Enterprise Funds Operations)

CLARIFICATION: in the Finance Committee motion, in the Funding Sources chart, the “FY 06 Anticipated Revenues” of \$3,907,200 shown with Siasconset Water should actually appear with Solid Waste (line in the wrong place)

Article 13 (Appropriation: Enterprise Fund Capital Expenditures)
Amend the second Wannacomet Water item of the motion as follows:

<i>DEPARTMENT</i>	<i>ITEM</i>	<i>AMOUNT</i>
Wannacomet Water	Rehabilitation/improvement of administrative offices Wyer’s Valley Pump Station	\$750,000

Article 15 (Enterprise Accounts: Fiscal Year 2005 Budget Transfers)
Add the following to the chart in the motion:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Airport Retained Earnings	Airport Expenses	\$1,100,000
Solid Waste Retained Earnings	Solid Waste Expenses	\$400,000

Article 20 (Chapter 90 Roadwork)
Change the amount listed in the motion from \$373,354 to \$371,357

Article 26 (Appropriation: Collective Bargaining Agreement/Public Works Union)
Delete the existing motion and insert: “Moved to take no action on the Article.”

Article 59 (Home Rule Petition: Sewer System Capital Improvement Fund)
Typo in first sentence of Finance Committee motion; delete the following:

“FINANCE COMMITTEE MOTION: Moved that the Town’s representatives in the General Court be requested to introduce legislation ~~to create and implement limitations on motor vehicle~~ as set forth below...”

Article 61 (Home Rule Petition: Community Housing Bank)
REVISED FINANCE COMMITTEE MOTION: Moved that the Town’s representatives in the General Court be requested to introduce legislation seeking a special act set forth below and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT IMPOSING A SURCHARGE ON NEW RESIDENTIAL CONSTRUCTION FOR THE BENEFIT OF COMMUNITY HOUSING.

Deleted: TAX

SECTION 1. Purpose

The Town of Nantucket is in need of additional financial resources to create, make available and maintain housing that is affordable to people who earn less than 150% of the Nantucket County median household income; to maintain Nantucket's diversity and unique sense of community; to encourage moderate-income families to continue to reside on Nantucket; and to generate a supply of housing that will remain affordable.

SECTION 2. Definitions

"Addition" shall mean an increase in building area, aggregate floor area, height or number of stories of a structure.

"Alteration" shall mean a change or modification of a building or a structure or the service equipment thereof that affects safety or health and is not classified as an ordinary repair.

"Community Housing" shall be defined herein as that housing intended primarily to be occupied by those earning up to 150% of median family income for Nantucket, as determined by the U.S. Department of Housing and Urban Development.

"Dwelling Unit" shall be defined herein as a room or enclosed floor space used, or to be used, as a habitable unit for one (1) family or household; with facilities for sleeping, cooking, and sanitation.

"Employer Dormitory" shall be defined herein as a dwelling on a lot occupied by a legally permitted or nonconforming commercial or nonprofit recreational use, or on an adjoining lot under the same ownership, all located outside of the NEHOD and DOD Overlay Districts in which sleeping accommodations for five (5) or more persons are provided by one or more employers, with occupancy limited solely to their employees.

"New Construction Surcharge" shall mean the surcharge set forth in Section 3.

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"Total Floor Area" shall be the floor area within the perimeter of the outside walls of the building under consideration, without deductions for hallways, stairs, closets, thickness of walls, columns or other features. It does not include unoccupied accessory areas such as unfinished basements, attics or lofts and does not include porches, decks, unenclosed breezeways and windows walks.

SECTION 3. New Construction Surcharge. In addition to any local fee that may be imposed by the Town of Nantucket pursuant to chapter 40, section 22F of the General Laws or any other applicable statute, the Town of Nantucket is hereby authorized to impose, collect and disburse as set forth below a fee in the nature of a surcharge on new residential construction (hereinafter referred to as, the "New Construction Surcharge") as follows:

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(a) The New Construction Surcharge shall be imposed on those persons who apply for a residential building permit from the Town of Nantucket, and is to be paid upon issuance of a building permit by the Building Commissioner of the Town of Nantucket. The amount of the surcharge shall be computed at the rate of \$8.00 per square foot of Total Floor Area of new construction space in excess of 3,000 square feet for each dwelling unit.

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(b) The New Construction Surcharge will be collected at the same time as, and in addition to, the Town's local Building permit fees, by the Town's Building Commissioner to be turned over to the Treasurer of the Town.

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(c) Additions/Alterations: No New Construction Surcharge shall be imposed or paid upon the issuance of Building Permits for Additions or Alterations, unless the Application for Building Permit for the Addition or Alteration is filed within three (3) years of issuance of a Building Permit or, where because of age of the structure, no building permit record can be found, then within three

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Deleted: receipt of a Certificate of Occupancy

years of the dates established by other equivalent evidence of the date of construction for the Dwelling Unit upon which the Addition or Alteration is proposed. In this instance, square footage will be calculated by combining the Total Floor Area of the original Dwelling Unit and the Total Floor Area to be created by the new Addition or Alteration.

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Deleted: actual
Deleted: amount

SECTION 4. Exemptions

Employer Dormitories are not subject to the New Construction Surcharge.

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SECTION 5. The Town of Nantucket, acting by and through its Town Meeting, shall appropriate the receipts of this New Construction Surcharge only for the purposes of purchasing, acquiring, constructing, operating, maintaining, making ordinary repairs or otherwise making extraordinary repairs to Community Housing within the Town of Nantucket, including engineering, architectural, planning, designing and permitting costs associated therewith, as presented by the Board of Selectman.

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SECTION 6. The imposition and collection of the New Construction Surcharge described above shall expire on December 31, 2015.

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SECTION 7. This act shall take effect if the Town of Nantucket votes to accept its terms at the next regularly scheduled municipal election for any fiscal year commencing on or after July 1, 2004. The question appearing on the official ballot shall be in the following form:

Shall the act allowing the Town of Nantucket to impose a community housing surcharge to mitigate the effects of large-scale residential real estate development be accepted?"

If a majority of the votes cast in answer to said question is in the affirmative, this act shall take effect, but not otherwise.

Article 66 (Real Estate Acquisition and Disposition: Round-about at Sparks Avenue/Hooper Farm Road/Pleasant Street)

In item (2) of the motion, change the first line as follows: "To dispose of the following ~~three two~~ parcels of land...;

Then, in the blank map date reference shown in the last sentence of the motion, insert the word "April"

Article 71 (Real Estate Disposition: Long-term Lease Authorization)

Amend the Motion as follows:

"...7 Miacomet Avenue as described on the Assessor's Map 67 for parcels ~~345 679, 680, 681~~; Lots A4/A5/A6 as shown on a plan filed at the Registry of Deeds numbered 02-04."

CHANGES TO ARTICLE 74 IF MORE FREE CASH IS APPROPRIATED:

Article 74 (Appropriation: Stabilization Fund)

FINANCE COMMITTEE MOTION: Moved that ~~Six Hundred Thousand Dollars (\$600,000)~~ One Million Two Hundred Thousand Dollars (\$1,200,000) be raised and appropriated from the Fiscal Year 2006 tax levy and other general revenues of the Town for the purposes of the Stabilization Fund in accordance with Chapter 40, section 5B of the General Laws.

CHANGES TO ARTICLE 75 IF MORE FREE CASH IS APPROPRIATED:

ARTICLE 75 (Appropriation: Free Cash)

FINANCE COMMITTEE MOTION: To see if the Town will vote to transfer ~~One Million Six Hundred Twenty five Thousand Dollars (\$1,625,000)~~ **Three Million One Hundred Forty-nine Thousand Dollars (\$3,149,000)** from Free Cash in the treasury of the town for the purposes of meeting the appropriations for the ensuing fiscal year by authorizing the Assessors to use in fixing the tax rate.

[TOWN CLERK=S NOTE: Town Meeting Officers and workers included: Check-in workers Carol Barrett, Ellen Nora Toombs, Natalie Fletcher, Jeanette Topham, Lilma Cook, Carol Crowell, Suzanne Daub, Beverly McLaughlin, Jean Trifero, Janet Wagner, Martha Butler, Jean Duarte Margaret-Ann Fleming, Jane Joynt, Penny McIntyre, Debbie Merritt, Terri Molis, and Jo Zschau. Those who worked as Tellers: Barbara Jenkins, David Goodman, Carole Corkish, Ellen Nora Toombs, Dave Fronzuto, Jean Duarte, Carol Crowell and Frank Psaradelis. Town Meeting Wardens, Constables, and ushers were Frank Psaradelis, Dave Fronzuto, Gene Toombs, Jim Perelman, Manny Dias, and Tony Molis . Officer of the Nantucket Police Department assisted in keeping good order.]

The calling of the Articles commenced:

	#	<u>CALLED BY</u>
ARTICLE	4	Mr. Barnes
	8	Mr. Bennett
	10	Mr. McGrady
	13	Finn Murphy
	14	Bruce King
	27	Alice McWade
	28	Patrick Sullivan
	29	Curtis Barnes
	30	Linda Williams
	31	Richard Loftin
	32	Aaron Marcavitch
	41	Arthur Reade
	42	Cormac Collier
	45	Cormac Collier (Will be Moderated by Timothy Madden)
	46	Mr. Ray
	47	Mr. Loftin
	48	Kent Murphy (Call Withdrawn)
	49	Wendy Hudson
	50	John Stanton
	51	Arthur Reade
	53	Cormac Collier
	54	Phil Austin
	59	Mike Glowacki

60 **Matt Fee (Call Withdrawn)**
63 **Alice McWade**
66 **Alan Brown**
67 **Alice McWade**
73 **Ms. Huber**

Articles not called were: 1, 2, 3, 5, 6, 7, 9, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 44, 48, 52, 55, 56, 57, 58, 60, 61, 62, 64, 65, 68, 69, 70, 71, 72, 74, and 75.

The Moderator explained that once the articles were called, she not allow any subsequent call at any time in the future of the Meeting.

Moderator Alger explained that she had a conflict of interest on Article 45, and that she had appointed Legislative Liaison to act as Moderator Pro Tem.

Mr. Bartlett moved to recess the meeting until 7:00 PM on Tuesday, April 12th. It was seconded. A Voice vote was taken and at 10:45 PM, the Moderator declared it a Unanimous Voice Vote in favor of recessing the meeting until Tuesday evening.

NIGHT TWO – 2006 ANNUAL TOWN MEETING

Tuesday, April 4, 2006

The Moderator called the Meeting to order at 7:06 PM.

Uncalled Articles: 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 36, 38, 40, 42, 43, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 57, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 74, 75, 77, 78, 79, 80, 81, 82, and 83.

Were voted as recommended, and/or amended by the Finance Committee, or as recommended, and/or amended by the Planning Board, as printed in the Warrant, with technical corrections brought forward during the course of the Meeting, by Unanimous Voice Vote.

Board of Selectmen Chairman Michael Glowacki moved that the 2006 Annual Town Meeting be dissolved. It was seconded. A voice vote was taken. The 2006 Annual Town Meeting was dissolved at PM.