

Annual Town Meeting  
Nantucket, Massachusetts  
April 5, 2010

Minutes Transcribed by Rachel Dowling

*Annual Town Meeting  
Town of Nantucket  
April 2010*

*First Night*

Tape 1:

Madame Moderator: Please remain standing as Georgie Marley, our Junior Miss and member of the Student Council, leads us in the Pledge of Allegiance.

Marley & Audience: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

MM: Catherine Flanagan Stover is going to lead us in singing the National Anthem. Oh say can you see/ By the dawn's early light/ What so proudly we hailed as a twilight's last gleaming/ Whose wide stripes and bright stars/ Through the perilous flight/ O'er the land as we watch/ Were so gallantly streaming/ And the rocket's red glare/ The bombs bursting in air/ Gave proof through the night/ That our flag was still there/ Oh say does that star spangled banner yet wave/ O'er the land of the free/ And the home of the brave.

Thank you. Please remain standing. It is my distinct pleasure to introduce the Reverend Chaplain McGrady, Chaplain of the Nantucket Police Department, to give the invocation.

McGrady: Let us pray... We have been made in the image of that which is good. Help us this evening to live in to this image. May we overcome any arrogance which may infect our hearts, and any misplaced pride, which may invade our thoughts. May any walls which seem to separate us dissolve as we come together. May we be united in our desire to do what is right. And may hope rule our spirits as respect guides our words. And, finally, may we be reminded always, that though diverse, we are one island, one community, and that we truly are all in this together. In the name of all that is good, we pray. Amen.

Oops. Just one more second standing, I'm sorry. It's just one more second- believe me, you'll be wishing you were standing in a couple of hours. (Laughter.) I would just- like you to join with me in observing a moment of silence, in memory of those in our community who have passed away since our last Town Meeting, and in particular Gertrude Holdgate and Jack McFarland, who dedicated their special talents in serving the town. Thank you. You may be seated. So now I'm going to read the return of the Warrant, pursuant to Chapter 39, Section 10 of the General Laws of the Commonwealth and the Warrant of January 27, 2010, I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in town affairs to appear at the times and place and for the purposed within mentioned by posting said notification on February 2<sup>nd</sup>, 2010 at the Stop and Shop on Pleasant Street, the Grand Union on Salem Street, the Town and County Building at 16 Broad Street, and upon the bulletin boards at the corner of Main

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and Federal Streets and Siasconset Square. Sworn to under pains and penalties of perjury, Catherine Flanagan Stover, Constable.

(Inaudible off mike)

It's not that kind of a microphone... unfortunately. I think, Bob, you need to boost my power. Every year I just get a little weaker... Okay... So, I hope that you have with you a copy, or you picked up on your way in a copy of Nantucket Town Meeting Traditions and Procedures. It's this little yellow number. If you didn't get one and you want one, they're out on the table. This little supplement was written by Mark Arnold, um, a number of years ago when he was moderator. It is a pamphlet that supplements the rules that govern Town Meeting under the Charter. We're governed by this little book called Town Meeting Time. Um, Town Meeting Time- there are a couple of copies available around town, but if ever anyone wants their own copy, let me know and I can order it from the Massachusetts Moderator's Association- I think they're twenty-five dollars a piece. They're quite lovely. In any case, this little Town Meeting Traditions and Procedures Supplements what's in Town Meeting Time with things that are unique to the Nantucket Town Meeting and it's traditions and procedures. At the beginning of every Town Meeting we adopt this as supplemental guidelines for running the meeting, and I'd ask for your unanimous consent in doing that today. Thank you. Hopefully, too, you have a copy of the Warrant, with the recommendations of the Finance Committee, and... Planning Board, the Board of Selectmen have also included some comments of their own. Please keep this copy and bring it with you every night. We have a limited amount, and we don't want to run out. I have to say, I just love Nicole Harnischfeger's cover, the photograph that was reprinted courtesy of the Inquirer & Mirror. I just thought it was very nice. You should also have a copy of the Town Report. That is... that is this document. It's our Annual Town Report. Again, please retain your copy and take one per family. Again, we have limited copies of that available. I want to take a minute just to go over I think some basic rules. We will be making formal motions on the articles, in general, when an article comes forward, we'll put forward a positive motion. That means that when you vote "Yes" you are voting to adopt the subject matter of the article. When you vote "No" you're voting to defeat the article. Sometimes we have to deviate from that practice, but for the most part we should be able to stick with that... If you plan to bring an article forward, for consideration, that did not receive a favorable recommendation from either the Planning Board or the Finance Committee, then you need to present a positive motion. If you need help in formulating a positive motion, please see me, and I'll coordinate with Town Council trying to get you assistance with your motion. Under a bylaw that we adopted in 1998 on votes requiring a two-thirds vote, I am allowed to declare the vote as opposed to doing a hand count. I only will do that in cases where it's crystal clear to me that two-thirds has been met. It's worked fairly well in the past. If at any point you question that call, just rise to a point of order and we'll do a hand count. Please always wait to be recognized. Identify yourself for the record. It's helpful if you do that without my having to ask you, because it makes things go along a little quicker. Amendments should be done in writing and given to me as much in advance of the meeting as possible. A lot of people have been very good about doing that this year. If at any point you have a question about what's going on, or

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anything procedural, rise to a point of order. You should address any remarks or comments to me, and limit your comments to the subject matter under discussion. And, most importantly, and I always want to emphasize this, please avoid personal attacks of any sort. If you- basically, if you find yourself mentioning someone by name- you've probably just crossed the line. Under our Town Code, Bylaw Section 44-7.2, if you have been hired by someone to appear here and speak on their behalf, you are required to disclose that fact at the time that you speak. It doesn't apply just to lawyers, although I do like to single them out. I just want to take a minute and tell you who all these people are... that are down here facing you, because they've put a lot of work into this Town Meeting, and it's the only way that we're able to be here. First of all, I'm Sarah Alger, I'm the moderator, and then, starting over here on the left is the Planning Board. Nat Lowell, Linda Williams, Sylvia Howard, the Chair, Barry Rector, I don't know where Mr. McLaughlin is... usually up in the back. He has a spot that he likes up there. Then we have the Finance Committee. The Chair is Jim Kelly; Vice Chair Matt Mulcahy; and Charity Benz, Christy Kickham, Steve McLusky, Peter Morrison, Michael Rosen, Tim Soverino and John Tiffany. Then, at the Town Clerk's Office, the Assistant Town Clerk Nancy Holmes, Town Clerk Catherine Flanagan Stover. And then, directly in front of me, Town Council Paul DeRensis, Board of Selectman Chair Michael Kopko, Town Manager Libby Gibson, Brian Chadwick, Alan Reinhard, Rick Atherton and Patty Rogveen. Behind the curtain, the people who really do all the work, Mary and Al Navisimo. So, my favorite part of the meeting is now, which is when I get to read into the record the various technical amendments that have come to our attention since the Warrant was published. There are a number of them, but, once we get through them, I think things will go a lot smoother and more quickly. It's kind of unavoidable as we work through things and as things come to peoples' attention when the Warrant comes out that these little issues present themselves. So, the first one... is Article Six. Article Six appears on page 3 to 4 of the Warrant. We are going to add the following language at the end of the Finance Committee motion, and that the budget items listed below be adjusted as indicated for Fiscal Year 2010 General Fund. General Fund: decrease Anticipated Revenue five hundred thousand (\$500,000.00); decrease Medical Insurance five hundred thousand (\$500,000.00)

Article Eleven—oop—Article Seven... Oh... It's extremely important that we get this right... There we go... (Laughter in audience.) Believe me, I need every penny of it. This is to make this article comport with what's in Article Eight, I believe... so... that's the only change there... Okay... Article Eleven—Ten... Okay... We are adding the following items and funding sources to the Finance Committee motion... and then it's... as appears right there... I'll give you a minute to look at that... And then to Funding Sources two hundred and ninety-five thousand ten dollars (\$295,010.00) to come from transfer from the Sale of Real Estate Fund, and pursuant to Mass. General Laws 44, Section 63. For the purposes of professional services in connection with design of the expansion of the Nantucket Elementary School... one hundred and seventy-six thousand, five hundred and fifty dollars (\$176,550.00) and for services in connection with the design of Hummock Pond Road Bicycle Path, one hundred and eighteen thousand (\$118,\_\_\_) (Tape interrupted)

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(Tape Resumes)

of which... oh dear, I don't know where I was... it's just really sad. Okay. Of the one hundred and fifty thousand dollars (\$150,000.00) so appropriated and the remaining amounts and projects to be funded by a transfer of five hundred sixty-four thousand, five hundred dollars (\$564,500.00) to come from Free Cash and the Treasury of the Town. ..

Okay, Article Twelve- Thirteen... We're amending the following line item in the Finance Committee Motion, as indicated... Siasconset Water: Professional services for design, permitting, construction and other costs associated with Codfish Park water main replacement for three hundred and fifty thousand (\$350,000.00) add the following items and funding sources to the Finance Committee motion... Our Island Home, miscellaneous equipment upgrades including laundry equipment, kitchen equipment, and nurse call systems...sixty-four thousand dollars (\$64,000.00). New total, nine million, eight hundred and forty-five thousand (\$9,845,000.00) Funding Sources, sixty-four thousand dollars (\$64,000.00) to come from Free Cash in the Treasury of the Town...

Article Fourteen... page 16 of the Warrant... We're replacing the entire Finance Committee motion with the following: Move that the budget items listed below be adjusted as indicated for the various Fiscal Year 2010 Enterprise Fund as follows... And then there's a chart... And we'll show these again when the articles come up...

Article Nineteen... Okay we have new language, and then a new comment. So we're adding the following language to the end of the Finance Committee motion... and that the source of funds used to make the appropriation for the Surfside Treatment Facility be changed as follows... the unused borrowing authority authorized for such project by the motion voted pursuant to Article Four of the April 12, 2005 Special Town Meeting... as amended by the motion voted pursuant to Article Seventeen of the October 23<sup>rd</sup>, 2006 Special Town Meeting, be reduced by three million, two hundred thousand dollars (\$3,200,000.00) from forty-five million, thirty-four thousand dollars (\$45,034,000.00) to forty-one million, eight hundred thirty-four thousand dollars (\$41,834,000.00) and further that three million, two hundred thousand dollars (\$3,200,000.00) be transferred from the Town's Capital Project Funds unreserved fund balance, account number 30,000-35,900 to this purpose...

(inaudible comment off-mike from audience)

Madame Moderator: Go back to the chart? Yeah. Let me just read—I'll read in the comment while you're looking at the chart... Go back... if you could go back up, Mary. Do you want me to go back to the prior article? Okay...Ah, Ms. Wheatley? Yes...

Wheatley: Nancy Wheatley...6 White's Landing... I'd like to ask, through you, to ask Town Council if it's appropriate to add this large sum of money for an incredibly different purpose, when there was no notice of it in the Warrant, and having it appear like this, it seems it be is, is probably beyond the rules

Madame Moderator: It's not adding money...it's...dedicating a source of funds. So the amount of money appropriated is the same, it's just the source of funds... that's different.

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It's not a new—it's not a new sum of money... It is a new sum of money? No it is not a new sum of money. Is that correct, Mr. DeRensis? He's saying, "Yes." Okay, so here's the comment on the... on this Finance Committee motion... The Parks and Recreation amount was approved for the construction of a bath house at Madaket Beach. That project is terminated. The replacement funds of three million, two hundred thousand (\$3,200,000.00) were not available when the Surfside Wastewater Treatment Facility was originally approved, as they had been committed for other sewer projects. They are now available for capital projects for which Mass General Laws Chapter 44, Section 7 and 8, allows twenty year borrowing. Legal advice regarding the permissible use of the replacement funds was received from the Department of Revenue Legal Department on March 22, 2010. The motion and amendment reduced total borrowing authority by three million, four hundred and fifty thousand dollars (\$3,450,000.00) split between the General Fund, one million, three hundred and thirty-eight thousand (\$1,338,000.00), and the Sewer Fund, two million, one hundred and twelve thousand (\$2,112,000.00). The General Fund amounts were approved as Debt Exclusion amounts in Proposition 2.5 elections in 2002, 2005, and 2006.

Okay... we have to go back to thirteen... We have to go back to thirteen. There is a typo in thirteen that didn't get corrected... If you could—okay... yes... oops... Okay... Under the third Siasconset Water...right? (Off-mike voice) Oh, there's another Baxter Road that should also be Codfish Park... (Off-mike voice) Oh...okay, so... we just flipped them. Go up to the first Baxter Road and restore Baxter Road and eliminate Codfish Park... Keep Baxter Road and ex out Codfish Park... And that's how it was in the original. Okay. So we just switched the wrong one. Okay Thank you.. Okay...

Article...

(off-mike) Madame Chairman—

MM: Yes... Is there a Point of—is there a Point of Order?

(off-mike speaker) Well, a point of confusion, I guess...

MM: Okay... wait... wait...

Ray: Okay... Ellen Ray... I resent the fact of this Article Nineteen that we're just finding all this out tonight, and I'm not sure if it should be called... I don't know if I need to call it...

MM: Okay... I'm going to make—You know what? Let's call it and talk about it.

Ray: Okay, I don't want to push that, but if we're going to change all these things then I think I resent the fact that I think I hear people only got this book today. We have to get educated and understand all this, and I only got mine a few days ago, but it's very hard, and now we get to Town Meeting and I have eight pieces of paper to read to make sure we can check on it before we're going to call one, and I have a book that I only received

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a few days ago and I understand there's people in this audience who I understood got it today.

MM: Okay. Thank you.

Ray: And why, if this was done so long ago, why wasn't this in there when this book was produced which people only got today?

MM: Oh, I can tell you, if you want me to.

Ray: Okay.

MM: So, here's the story. Here's what the Town... Charter says... The Town Charter says... The Board of Selectmen shall publish the Warrant with the recommendations of the Finance Committee by mailing a copy of such Warrant to the address or postal box of each registered voter at least seven days prior to the Town Meeting. In this particular case, the Warrant was mailed by the direct mail company on March 25<sup>th</sup>... The date that it needed to be mailed by was March 29<sup>th</sup>... It was mailed on March 25<sup>th</sup>... As you know, our mail doesn't come from here, it goes from here and it goes to Rhode Island... If you followed what happened in Rhode Island last week you probably know that there was a little bit of water... The Warrant with the motions was posted on the Town website on March 12<sup>th</sup>... The Warrant without motions was published in the I & M on February 4<sup>th</sup>... The Warrant without motions was posted on the Town website on or about January 29<sup>th</sup>... and... as you heard me read into the record, the Warrant was posted at the Stop & Shop, the Grand Union, the Town & County Building, and at the- on the bulletin boards on Main at Federal Street and Sconset Square... on February 2<sup>nd</sup>... The process that the Warrant goes through from the time that the Selectmen set the schedule for the Town Meeting... which usually happens in late summer, just when we're all paying a lot of attention to April... to now... is an extremely lengthy and complicated process of public hearings, and meetings... the Warrant was finalized and sent to the p printer prior to March 12<sup>th</sup>... on Article Nineteen, and I don't want to get too much into Article Nineteen, but just as an example, since that's the one you raised, we didn't have the information from the Department of Revenue Legal Department until March 22<sup>nd</sup>, 2010... By that point the Finance Committee had already completed its Public Hearing schedule.. I believe the last public hearing that the Finance Committee held was that first week of March... which is when it has to make its decision, whether or not the information is ready or not, because it has to get to the printer so it can be printed and mailed by the deadline, which was March 29<sup>th</sup>. So, I'm sympathetic to a certain extent with your frustration, but I think that everybody is working really hard and trying to do the best that they can, and it's un... it's just unavoidable that these sort of things come up between the time that the Warrant is closed and when we're actually meeting here. And if we didn't do these sorts of changes... our eardrums would be blown out, and we'd have to call every single article and discuss it, and I suppose that that is a possibility, so that's why I'm suggesting that on Article Nineteen we should call it and have the discussion...

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So... the next article, after Article Nineteen... Article Twenty...-One... Twenty-One... which is on page nineteen... Twenty-two... which is also on page nineteen... and twenty-three... which is on page nineteen to twenty... the motion is going to be... woops... move to take no action on the article...

The next one... Article Twenty-seven... we just have a change in the Finance Committee comment... changing the sentence... This program is funded in the proposed FY2011 General Fund to the proposed FY2011 Our Island Home Enterprise Fund Operating Budget. That does not change the subject of the motion, which is move to take no action on the article. It's just a clarification on the comment...

Article Thirty-three...Okay... we have...wait a minute...okay... on this article we have a Finance Committee motion, which is move not to adopt the article, there's a Finance Committee comment that remains unchanged, and then we have Board of Selectmen motion, and we're replacing the Board of Selectmen motion with the following: Is someone from the Board of Selectmen going to move this motion, when it comes up on Article Thirty-three? You voted to not pursue this, correct? So we don't need to do this motion... Okay...we're not going to go forward with this motion, we're just going to change the Finan- the Board of Selectmen motion to a comment that says we agree with the motion of the Finance Committee....

Article Forty...we're just adding the following to the Board of Selectmen comment... This property will be subject to a newly established Capacity Utilization Fee for properties which come into the Sewer District which are not contained within Established Needs areas as outlined in the Town's Comprehensive Wastewater Management Plan...

Article Fifty-four is just numbering... Article Fifty-four starts on page sixty-five, it goes through page sixty-six onto page sixty-seven, onto page sixty-eight... sixty-nine... seventy... and at the very end of the article on page seventy... this is where the automatic numbering... or automatic lettering of the Word program does you in... it should be A and B instead of C and D...

Article Sixty-four... We're adding a new Finance Committee motion... Move to take no action on the article... And we're adding a Finance Committee comment... This Home Rule Petition was enacted by the legislature and signed by the Governor in March, therefore the article is no longer needed. Kudos to Mr. Ray, who worked forever on that...

Article Sixty-six... and the Finance Committee motion, at the end of the first paragraph, I'll give you the page... Starts on ninety-six, goes to ninety-seven... and ninety-eight... the change is on page ninety-eight... At the end of the first paragraph of the Finance Committee motion... we're striking... and to take any other action...related thereto... and adding... such legislation to read substantially as follows.... and then... still on page 98... under Occupancy... we're changing the period ninety days to sixty days... and then Section Three... still on page 98... we're striking the word "for" so that it reads... no excise shall be imposed upon the transfer of occupancy... and we're striking... other than

a bed and breakfast home... so that it reads... is less than fifteen dollars (\$15.00) per day or its equivalent or if the accommodation is exempt under the provisions of Chapter 64-G Section 2.

Sixty-Eight... We have a new... comment from the Board of Selectmen... reads as follows... The Board of Selectmen believes that the Nantucket community desires to do what it can to protect the waters of our harbors...woops... The Board of Selectmen believes that in order to protect the waters of our harbors and ponds from the harmful effects of fertilizers and pesticides, comprehensive actions consistent with the State certified Nantucket and Madaket Harbors Action Plan must be taken as soon as possible. The urgency of this matter is abundantly clear, due to the diligent work of the Harbors Plan Implementation Committee, HPIC. Article Sixty-eight is an excellent beginning, however, the Board is well aware that in order to be effective these actions must have the broad support of our citizens, especially our island landscapers, greens keepers, turf product retailers and home owners. We believe that there is the community resolve to do what has to be done and to do it as expeditiously as possible. Therefore, the Board commits to convening a committee composed of a broad diversity of stakeholders with the experience, expertise, and commitment required on or before May 15, and charging it to develop a comprehensive plan to reduce the amount of nitrogen and phosphorous in our waters, including legislative action, whether a refined Home Rule Petition, and/or bylaw amendments and other relevant actions contained in the Harbor's Action Plan, to develop an Implementation Action Plan with roles and responsibilities specifically delineated, as well as measurements of the effectiveness for ongoing assessments, and to develop a time frame and a budget. The committee will complete its work and make recommendations to the Board by or before October, 2010. Following opportunity for public input the Board will bring forward whatever legislative action, bylaw, ordinance, or Home Rule Petition, it recommends in time for inclusion in the 2011 ATM Warrant. Further, the Town will provide the administrative resources for the Committee to meet its responsibilities. The Board is committed to address this pressing issue in the most effective and expeditious manner possible, and to this end, recommends that no action be taken on Article Sixty-Eight at this time. The Finance Committee comment: The Finance Committee supports the direction taken by the Board of Selectmen to broaden the base of participants in the described process.

Article Eighty-Five... On page 123... We are striking... for any lawful purpose... and adding... and guidelines established under the Nantucket Yard Sales program, so that it reads... Northwesterly lot line of Parcel 6...subject to General Laws Chapter 30-B, and guidelines established under the Nantucket Yard Sales program.

Eighty-Eight, on page 125...The Finance Committee recommendation is Move to take no action on the article... And that's it....

So...If there are any questions about any of those technical amendments, please do not hesitate to call the article for discussion. If there's tie, and we're able to answer your questions between now and when the article comes up, you can always withdraw your call, but it's better to be safe than sorry in calling an article.

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Okay, now we're going to call the articles. Just so you know, this is the process where we decide what articles we're going to discuss. If you have any question at all about an article, you should be better safe than sorry. Call the article... If we can answer a question for you between now and when it comes up, we will always make an effort to do that. You can withdraw your call. If there's no one in the room at the time that you withdraw your call, who wants to discuss the article, if no one wants to discuss the article then we'll just throw it in the pot and it will be voted in accordance with its Finance Committee or Planning Board recommendation at the end of the meeting. Any article that isn't called is voted at the end of the meeting as a group, or sometimes we do it at some point during the meeting. We vote on all the uncalled articles. And, just so we're clear, in the case where an article has more than one recommendation, if those recommendations are conflicting, where the Planning Board has made a recommendation on Zoning articles, the—we'll be voting in accordance with the Planning Board recommendation. In other articles where the Finance Committee has made a recommendation, we'd be voting in accordance with the Finance Committee recommendation. There was one article that I don't think is an issue any longer that had both a Finance Committee motion and a Board of Selectmen motion, and I just want everyone to be clear that it would be the Finance Committee motion that we'd be voting on. So... if you agree with the recommendation, then there's no reason to call the article, because it will be voted the way that you want it, voted at the end of the meeting. If, on the other hand, you disagree with the recommendation, then by all means, please call the article. You don't have to be anything other than a voter to call an article... anybody can do it. So, I'm just going to read them through. Please, as I get to them, please call them out, and I'll go through a second time just to make sure that we don't miss any. So, you won't have lost an opportunity if we go too far, but don't... don't hesitate to call out... So... One...Two... Three... Four... Five... Six... Seven... Eight... Nine... Ten... Eleven... Twelve... Thirteen... Fourteen... Fifteen... Sixteen... Seventeen... Eighteen... Nineteen... Ms. Ray, do you want to call Nineteen?

Ray: (inaudible)

MM: I'm not forcing you to call it... by I didn't want to go by you—you think about it and we'll come back... Twenty... Twenty-One... Twenty-Two... Twenty-Three... Twenty-Four... Twenty-Five... Twenty-Six... Twenty-Seven... Twenty-Eight... Twenty-... woops... Twenty-Eight?

Speaker: (inaudible, off-mike)

MM: Excuse me?

Speaker: (inaudible)

MM: In which article?

Speaker: Twenty-eight...

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MM: Alright, the gentleman is asking me if there is an appropriation number in Article Twenty-Eight, and the answer to that question is, No, there is not... The motion of the Finance Committee was to refer the subject matter of Article Twenty-Eight to the Board of Selectmen to consider establishing a proposed committee. .. Twenty-Nine... Thirty...

Speaker: Yes!

MM: Can I have your name?

Speaker: Donna Hammil.

MM: Donna Hammil Thirty... Thirty-One?

Speaker: (Inaudible)

MM: Can I have a name?

Speaker: -- Wheatley...

MM: Oh. Nancy Wheatley. Okay... Sorry... Thirty-Two...

Speaker: Yes!

MM: Can I ask who that was?

Speaker: Tim Russell.

MM: Tim Russell. Thank you, Mr. Russell... Thirty-Three... Thirty-Four... Thirty-Five... Thirty-Six... Mr.—Mr. David... Thirty-Seven...

Speaker: (inaudible)

MM: Did I hear something on Thirty-Seven? And can I have your name please?

Speaker: (inaudible)

MM: Mr. Lydon... Thirty-Eight... Thirty-Nine... Forty...

Speaker: Called.

MM: Ms. Wheatley... Forty-One—(Tape ends)

(Tape resumes)

MM: Forty-two... Mr. Rogveen... Forty-Three...

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Speaker: (inaudible)

MM: May I have your name please? Excuse me? Oh... yes... Thank you... Um...  
Forty-Four... Forty-Five... Forty-Six... and your name?

Speaker: (inaudible)

MM: Thank you, Mr. Hughes... and that was... Forty-Six?

Hughes: Forty-Six, yes.

MM: Thank you... Forty-Seven... Forty-Eight... Forty-Nine...

Speaker: Call it.

MM: Forty-nine, Mr. Merman?... Fifty?

Collier: Madame Moderator.

MM: Mr. Collier...

Speaker: Madame Moderator?

MM: Fifty?

Collier: Yes.

MM: Fifty-One...

Speaker: (Inaudible)

MM: Uh, Fifty-One, up in the back...

Speaker: (Inaudible)

MM: Patrick Taaffe on Fifty-One, okay... Fifty-Two...?

Collier: Madame Moderator!

MM: Uh, Mr. Collier... Fifty-Three...Uh, yes. Your name please?

Speaker: (Inaudible)

MM: Excuse me?

Speaker: (inaudible)

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MM: Okay... Fifty-Four... Fifty-Five... Mr. Rogeven... Fifty-Six...

Speaker: Calling it...

MM: Ms. Gookin... That was Fifty-Six, correct? Okay... Fifty-Seven?

Speaker: Yes.

MM: Fifty-Eight... Fifty-Nine...

Speaker: (inaudible)

MM: Did I hear someone say something on Fifty-Nine?...

Speaker: I call it.

MM: Oh. Mr. Merman... Fifty-Nine.... Okay... Sixty...

Speaker: Yes.

MM: Mr. Markovitch? Sixty-One... Sixty—Sixty-One? Ya... Sixty-two... Sixty-Three... Sixty-Four... Sixty-Five... Sixty-Six...

Voices...

MM: Oop... Sixty-Five? That was Mr. Liddle? No, that was Sixty-Six, right? Okay... (Long pause)...Okay... Sixty-Seven....

Speaker: (Inaudible)

MM: Sixty-Six... The Expansion of Room Occupancy Tax to Vacation Rentals...

Speaker: That was called?

MM: That was called. Correct. And not the Pay for William Jay Higgins... Sixty-Five... Okay.... Sixty-Seven... Sixty-Eight... Mr. Smith. Sixty-Nine.

Speaker: Call it.

MM: Can I have your—Oh, Mr. Scott... Of course. Okay... Seventy... Seventy-One... Seventy-Two... Seventy-Three... Seventy-Four... Mr. Reid? Seventy-Four and Seventy-Five? Just Seventy-Four. Okay. Seventy-Five... Seventy-Six.

Speaker: Call.

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MM: Ms. Timmerman... Seventy-Seven...

Speaker: Call that one.

MM: Ms. Timmerman. Seventy-Eight... Seventy-Nine... Eighty... Eighty-One...  
Eighty-Two... Eighty-Three...

Speaker: Call.

MM: Can I have your name please? Eighty-Four...

Speaker: Call it.

MM: Um... Can I have a name? Eighty-Five?

Speaker: Call.

MM: Eighty-Six... Eighty-Seven...

Speaker: Call.

MM: Can I have a name on Eighty-Seven?

Speaker: Burt.

MM: Excuse me? Burt? Okay... Eighty-Eight... Eighty-Nine... Ninety... Ninety-One... Ninety-Two... Oh, Mr. Bodette... That was Ninety-two, correct, Mr. Bodette? Did you say Ninety-Two? Okay. Thanks. Ninety-Three... Ninety-Four... and Ninety-Five... Okay... So... Now I'm going to go through them one last time... This is sort of your last call.. Once we go past this point it would have to be pretty much an unheard of emergency that would cause me to allow you to call an article. So, let's make sure we get them all. So I have, One, Two, Three—

Speaker: Call!

MM: Excuse me?

Speaker: I call---

MM: Number Two? Excuse me? Oh—Phil Stanbaugh, Number Two. Okay... So... One is not called... The following articles are not called. Three... Four... Five... Six... Seven... Eight... Nine... Ten... Eleven... Twelve... Thirteen... Fourteen... Fifteen...Sixteen... Seventeen... Eighteen... Nineteen... Twenty... Twenty-One... Twenty-Two... Twenty-Three.. Twenty-Four... Twenty-Five... Twenty-Six... Twenty-Seven... Twenty-Eight... Twenty-Nine...Thirty...Ms. Hammil... Thirty-One... Ms. Wheatley... Thirty-Two... Mr. Russell... Thirty-Three is not called, Thirty-Four...

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Thirty-Five... not called... Thirty-Six... Mr. David... Thirty-Seven... Mr. Lydon... Mr. Lydon that does have a negative recommendation, so I will need a positive motion from you... Yes... and I will also need a positive motion from Ms. Hammill on article Thirty...Thirty-Eight is not called. Thirty-Nine is not called. Forty... Ms. Wheatley... Forty-One... Not called. Forty-Two... Mr. Rogeveen...Forty-Three... Ms. Timmerman... Forty-Four... Forty-Five... and Forty--- Forty-Four and Forty-Five are not called... Forty-Six... Mr. Hughes, Forty-Seven...is not called... Forty-Eight... Not called... Forty-Nine... Ms. Timmerman... Fifty... Mr. Collier... Fifty-One...Mr. Taaffe...Fifty-Two... Mr. Collier... Fifty-Three... was called... I can't read my writing... Fifty-Four... Fifty-Five... Mr. Rogeveen... Fifty-Six...Ms. Gookin... Fifty-Seven and Fifty-Eight are not called... Fifty-Nine... Ms. Timmerman... Sixty... Mr. Markovitch... Sixty-One... Sixty-Two... Sixty-Three... Sixty-Four and Sixty Five are not called... Sixty-Six... Mr. Liddle... Sixty-Seven... Not called. Sixty-Eight... Mr. Smith...Sixty-Nine... Mr. Scott... Seventy, Seventy-One... Seventy-Two... Seventy-Three... are not called... Seventy-Four... Mr. Reid... Seventy-Five... Not called... Seventy-Six... Ms. Timmerman... Seventy-Seven... Ms. Timmerman... Seventy-Eight... Seventy-Nine... Eighty... Eighty-One... Eighty-Two...Are—Yes? Oh... Ms. Handy? Okay... Eighty-Two... Ms. Handy... Eighty-Three...was called... Eighty-Four... Ms. Gonella... also Eighty-Five... Ms. Gonella... Eighty-Six... Eighty-Seven, Mr. Burt... Ms. Burt... Eighty-Eight... Eighty-Nine... not called... Ninety not called. Ninety-One not called... Ninety-One not called... Ninety-Two Mr. Bodette. Ninety-Three... Ninety-Four and Ninety-Five not called.

Speaker: (inaudible)

MM: Is that you, Mr. Cohen?

Cohen: Yes, Madame Moderator.. Who called Eighty-Three?

MM: Oh, you have to ask... I can't read my writing... who called Eighty-Three? Up in the back? Was that Mr. Williams? Was that Clifford Williams?

Williams: Yeah.

MM: Okay. Clifford Williams, Mr. Cohen... Okay... So here are the articles that are going to be voted at the end of the meeting. Do you have any--?

Speaker: Madame Moderator?

MM: Excuse me?

Speaker: (Inaudible)

MM: You want to call Article Eight, Ms. Ray? Okay... So here are the ones that we're going to vote on at the end of the meeting... One... Three... Four... Five... Six... Seven... Nine... Ten... Eleven... Twelve... Thirteen... Fourteen... Fifteen... Sixteen...

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Seventeen... Eighteen... Nineteen... Twenty... Twenty-One... Twenty-Two... Twenty-Three... Twenty-Four... Twenty-Five... Twenty-Six... Twenty-Seven... Twenty-Eight... Twenty-Nine... Thirty-Three... Thirty-Four... Thirty-Five... Thirty-Eight... Thirty-Nine... Forty-One... Forty-Four... Forty-Five... Forty-Seven... Forty-Eight... Fifty-Four... Fifty-Seven... Fifty-Eight... Sixty-One... Sixty-Two... Sixty-Three... Sixty-Four... Sixty-Five... Sixty-Seven... Seventy... Seventy-One... Seventy-Two... Seventy-Three... Seventy-Five... Seventy-Eight... Seventy-Nine... Eighty... Eighty-One... Eighty-Six... Eighty-Eight... Eighty-Nine... Ninety... Ninety-One... Ninety-Three... Ninety-Four... and Ninety-Five... Okay... Okay... I'm going to go over that list one more time... Yeah... People are free to call articles, as I'm going over this list, if you hear an article that you want to discuss, or to un-call them, either way... that's wishful thinking, but... okay... That's fine... And please, if you've called an article and you think it's coming up later in the meeting and you think you have a question that can be answered, then please see me or someone else and we'll do our best to answer it, but otherwise we'll discuss them. So here again, quickly, and with a lot of feeling, are the things we're going to vote on as a group: One, Three, Four, Five, Six, Seven... Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, Twenty, Twenty-One, Twenty-Two, Twenty-Three, Twenty-Four, Twenty-Five, Twenty-Six, Twenty-Seven, Twenty-Eight, Twenty-Nine... Thirty-Three... Thirty-Four, Thirty-Five... Thirty-Eight, Thirty-Nine... Forty-One, Forty-Four, Forty-Five, Forty-Seven... Forty-Eight, Fifty-Four, Fifty-Eight... oops... Fifty-Seven and Fifty-Eight... Sixty-One, Sixty-Two, Sixty-Three, Sixty-Four, Sixty-Five, Sixty-Seven, Seventy, Seventy-One, Seventy-Two, Seventy-Three, Seventy-Eight, Seventy-Nine, Eighty, Eighty-One, Eighty-Six, Eighty-Eight, Eighty-Nine, Ninety, Ninety-One, Ninety-Two, Ninety-Three, Ninety-Four, and Ninety-Five... Okay... A couple things... because of the way the articles are in the Warrant, because Articles Forty-Two and Fifty-Five were called... those deal with the swimming pool... we're going to take up Article Fifty-Five just before Article Forty-Two... Because the outcome of Fifty-Five will change potentially what happens with Forty-Two... On... Article Sixty-Eight, we may have a nonvoter in the form of an eighth grader who's going to share a sponsor's time of five to seven minutes with Mr. Smith... and I don't know that we have any other nonvoters who are going to speak... We do? Only if he has to... and you're from Earth Tech... correct?... Oh you did... what is it called now?

Speaker: A-E-C-O-M...

MM: Is that how you say it? A.E. Com...? A.E. Com... Okay... Well, if we miss you, I will try to remember that... Okay... So... I guess I will just go to Article Two... Article Two appears on page One of the Warrant... It's an appropriation for unpaid bills for prior fiscal years... It requires a four-fifths vote... Just to be clear, on a four-fifths vote... I don't have the ability to declare a four-fifths vote, so no pressure, but if we don't have a unanimous vote on Article Two then I have to do a hand count... The motion is as printed in the Warrant... A Board of Selectmen comment is to support the Finance Committee motion... I'm going to waive the reading of the motion, and recognize Mr. Kelly, Chair of the Finance Committee, for the purpose of making that motion.

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Kelly: So moved, Madame Moderator.

MM: Thank you... Is there a second? Motion is made and seconded... Mr. Stanbaugh... And if someone could hand... right behind you is Ms. Jenkins... she'll get you a mike...

Stanbaugh: Hello... The um... if we owe this money, we ought to pay it... I did ... It just caught my eye... the Bank of America... we owe them Sixty-Two Thousand Dollars (\$62,000.00). I'm curious as to what that is...

MM: Okay... Ms. Voges?

Voges: Connie Voges... Finance Director... Um, the Sixty-two thousand dollars (\$62,000.00) for Bank of America is the annual billing from the bank that came in... Sorry... the annual billing from Bank of America that came in about seven months after the close of the Fiscal Year... We do have at least twelve accounts with Bank of America... several of those... have overnight sweeps for the investments, um, but they charge on a transaction basis... We have... uh, moved some accounts... when they started charging this several years ago we moved some accounts elsewhere, and have saved some money that way, but this is for the entire Town, the entire Fiscal Year 2009 for banking services...

MM: Thank you... Anything further on Article Two?... Okay... Then all those in favor of the Finance Committee motion as printed in the Warrant as moved by Mr. Kelly, please say, "Aye."

Audience: (loud) Aye!

MM: Any opposed? (silence) That motion is adopted unanimously. Thank you... Yes? Mr... Mr. Karl?

Karl: (inaudible off-mike)

MM: Okay... hang on... Let me get you a microphone...

Karl: Gerry Karl from the Chestnut House... I would request that Sixty-Six be brought forward so it could be discussed in its entirety tonight... There's way too much money involved to wait until maybe the second or the third day, when we will only have a portion of these people here. Thank you.

MM: Okay, so Mr. Karl, are you making a motion... to... take up Article Sixty-Six now?

Karl: Yes.

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MM: Okay... Is there a second for that motion? Okay. That motion has been made and seconded. .. Okay... This motion is going to require a two-thirds vote because it is a motion to change the position with no other real rationalization than... I hate to use the words, but it's sort of a jockeying for position are the words used in Town Meeting Time... So this will require a two-thirds vote... A Yes vote will adopt the motion, and we'll go next to our Article Sixty-Six... A No vote will defeat that motion, and we'll get to Article Sixty-Six in.. due course... Does anyone have any questions about how we're voting or what we're voting on? Okay...So all of those in—Mr. Liddle... Yes, go ahead...

Liddle: Uh...

MM: Just get a microphone... You can speak to it...

Liddle: Okay... I... um, was out of the room, so this is whether we're going to vote on it or not, at this point...

MM: It's whether or not we're going to take Article Sixty-Six now, or it's regularly scheduled time...

Liddle: Okay... It makes no difference to me... (Laughter)

MM: Okay... So... all of those in favor, please say "Aye."

Audience: (soft) Aye!

MM: All those opposed, No?

Audience: (loud) No!

MM: Okay, that motion is not adopted... Article Eight...

Speaker: Madame Moderator?

MM: Yes?

Speaker: Can we have a hand vote on that?

MM: On a two-thirds vote, when it was clearly a majority of people who said no? Certainly. (Laughter.) All of those in favor of the motion to take Article Sixty-Six, please raise your hand... Technically... Mr. DeRensis is pointing out that seven people have to challenge me, but Mr. Schlesinger has the status of seven people, so (laughter) I'm just going to go ahead and do the count... (Pause ) Okay, will all of those opposed to the motion please raise your hand and keep your hands raised till the tellers have had an opportunity to count your vote... While they're counting, I think we'll go to Article Eight... We won't start the debate but I think we'll just get it out for you...The Finance

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Committee motion is as printed in the Warrant... It starts on page seven and continues to page... nine... It's as printed in the Warrant... I'm going to look to Mr. Kelly, the Chairman of the Finance Committee for purposes of making the motion...

Kelly: So moved, Madame Moderator.

MM: Is there a second? ... Motion is made and seconded. When we go to debate I'm going to recognize Mrs. Ray... (Long pause while count is continued)... 114 Yes... 278 no... The motion does not carry... On Article Eight... um, Mrs. Ray... Ellen Ray...

Ray: Hi... I was wondering when the last time Article Eight was ever called?

MM: I believe you called it... and it was about six years ago... (Laughter)

Ray: Okay... well I guess I'm due... One thing I'd appreciate there's a little typo- not typo- here, but that you would carry on with all the subjects here... payroll... operating... I just have a little trouble jumping from the first page to the last, understanding that we've gone down... The budget has gone down... Isn't that wonderful? Thank you everybody who worked on this budget, that's very nice, since we are in a recession. I guess I was just trying to open this up for discussion. I feel like—well, nobody called it, I called it—maybe nobody wants to discuss it. It's a sixty-one million dollar budget. If everybody's happy, I guess nobody should say a word this whole entire year. I didn't know if anybody wanted to discuss anything. I just want to say I congratulate the fact that the budget did go down... and I didn't notice that at first, I had them reversed, because I had to scan through these pages, here... I guess is everybody happy? I'm happy that you went down. I think that's really great fiscal responsibility... I really have to go over this with more town committees and selectmen to understand if there's was anything I think should go up or down, but since we went down generally I think we did pretty good. So, if everybody else in the room is happy, then we'll just carry on to the next article.

MM: Mr. Kopko?

Kopko: Thank you, Madame Moderator... I've just been asked to address one comment that Ms. Ray made... The Board of Selectmen and town administration have had a number and series of public hearings on the budget. Over the last number of months, there have been extensive discussions in the selectmen's meetings, as well as, we have held... separate public hearings just to invite the public in to discuss the budget, so we certainly don't expect you all to wait until tonight to talk about the budget with us. We've been doing that for some number of months. And also, on behalf of the Board and of the administration, I'd like to thank Ms. Ray for her compliments on our budgeting this year. Thank you. (Laughter.)

MM: Thank you... Is there anything else on Article Eight? Seeing none I think we'll go right to a vote... A Yes vote will adopt Article Eight... A No vote will defeat the article... All those in favor please say "Aye."

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Audience: (loud) Aye!

MM: Opposed?

Audience: (silent)

MM: That carries unanimously. (Pause) Um, Ms. Hammill? Do you—do you have a motion on Article Thirty? Oh, you do? Okay, great. Look, there it is. It's like magic. Here's the motion: Moved that a local procurement study task force be appointed by the Board of Selectmen. This task force shall include at least the town purchasing officer or a designee and five members at large representing the general public. The purpose of the task force shall be to study the potential for adoption of policies and practices to address disadvantages local vendors may experience while participating in the municipal procurement process. The task force shall report progress to the Board of Selectmen within six months of its initial meeting... (Pause...) Okay... Mary...(Long pause) Excuse me? Good? Okay... We're good. Okay... Ms. Hammill, is that your motion?

Hammill: Yes, it is.

MM: Okay... Is there a second? Motion is made and seconded...

Hammill: Yes... This motion is brought forward by the Think Local First organization...which is a membership driven organization established by the Sustainable Nantucket and the Chamber of Commerce... The membership now is consisting of ninety-seven business... local businesses... these are vendors, retailers, contractors, service providers... all of whom have asked us to take a look into how to increase the number of advantages that we could get for our local people to get more government – Town... local government... awards for business. This all came about when the police station started being built, and everybody was kind of upset that there weren't a lot of local builders involved in that... but this also goes beyond that...it goes into any type of retail or service oriented organization... So we decided to take a look at that... and what we found is that there was basically a widespread misunderstanding of just what the rules and regulations were in order to get awards from the government in the state of Massachusetts. This has nothing to do with the efforts of the Board of Selectmen, Diane O'Neil, and other people within the Town, and they are very, very helpful, but it's just, overall, an issue that needs to be brought forward and worked on directly. What we also found is that as of 2007, twenty-six states in the nation have local levels... have adopted purchasing preferences for local businesses, and in some cases small businesses... They basically give advantages to the local businesses to be able to take and get awards from the towns... We're challenged... the courts have generally upheld the constitutionality to these statutes, especially when the state or town can make a reasonable case that the statute achieves a legitimate local interest. And that is expanding the local economy. In support of these statutes, numerous studies at the state and local level have been done demonstrating that dollars invested locally have a multiplier effect generating additional economic activity. Right now there's a ban being considered in the state of

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Massachusetts that may give a five percent (5%) bidding advantage to any business principally located in Massachusetts. It's successfully implemented in many places, and is now being considered in Massachusetts, so we felt the time was right to bring forward an organization or a task force such as this that could probably do something very, very—I think, very purposeful for our own unique circumstance in Nantucket. I mean, we are an island, and we can't have people just coming over from other states and not giving advantage to our own people. We are agreeing—in agreement with what the Board of Selectmen and Finance Committee have agreed to... but what we want to make sure is that the Town and all the businesses and everybody else understand the importance of what we're trying to bring forward because it's going to take a lot of work, and a lot of effort to come up with the correct bylaws and to work with the legislature and the state to make sure that we can bring these same advantages to our local business people. In other words, why can not we have some type of preferential treatment or get business rewards from the State and from the Town, primarily because right now there are very onerous types of criteria set on a lot of the award bid process. So I just want to make sure that everybody understands what it is we're trying to do is a task force, and it's about bringing the ideas of how to go about bringing this motion to conclusion.

MM: Thank you. Is there anything further on this motion? Okay. Well, of course, we're still working on it. I think we're just taking out some "shalls" ... will that be acceptable to you, Ms. Hammill? The Town Meeting can't compel the Selectmen to do anything. It can request and ask politely, but we can't require. So we're just making sure that that works...(Long pause) Happy? Okay. Is that alright, Ms. Hammil, with those changes? Taking out the shalls so it now reads... "Move that the Board of Selectmen be requested to appoint a Local Procurement Study Task Force. This Task force consisting of at least the Town Purchasing Officer or a designee and five members at large representing the general public... Hold on... It doesn't make grammatical sense... This is like making sausage, right? Yes... Okay... We're almost there... Okay... Move that the Board of Selectmen be requested to appoint a Local Procurement Study Task Force consisting of at least the Town Purchasing Officer or a designee and five members At Large representing the General Public. The purpose of the Task Force is requested to be the study? To be the study... no... uh... no... the requested is the important part... We're all working around the requested... How bout, why can't we just say, The purpose of the Task Force is to study...? Will that work, Mr. DeRensis?... to study... the potential for adoption of policies and practices to address disadvantages local vendors may experience while participating in a municipal procurement process. The Task Force is to report progress to the Board of Selectmen within six months of the initial meeting.... Okay... Are we all happy? Alright. SO, this requires a majority vote. All of those in favor of the motion as now appearing on this screen please say , "Aye."

Audience: Aye!

MM: Any opposed, No?

Audience: (one or two) No...

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MM: That motion is adopted... Okay... Article Thirty-One... Article Thirty-One appears on page twenty-eight of the Warrant, and continues onto page twenty-nine, where you'll find the following Finance Committee Motion: Move that the following chapter of the Code of the Town of Nantucket heretofore adopted by the Town and approved by the Attorney General relating to sewers and Sewer Districts within the Town be adopted as a by-law pursuant to Chapter 396 of the Acts of 2008, an act authorizing the establishment of the Nantucket Sewer Commission and Sewer Districts in the Town of Nantucket Code and Chapter 41-3. Board of Selectmen comment is to support the Finance Committee motion. I will recognize Mr. Kelly, Chair of the Finance Committee, for the purpose of making that motion.

Kelly: So moved, Madame Moderator.

MM: Is there a second?... Motion is made and seconded. Ms. Wheatley...?

Wheatley: (pause)

MM: Yeah, there it is. It's on. It just started going on...

Wheatley: Nancy Wheatley... 6 White's Landing, Tom Nevers... Fortunately, my... my Warrant was in my Sconset post office box last Wednesday, so I did have time to study it... And... this article... what this article appears to do is to say... in general terms, here... that whatever our existing requirements are for regulating the sewers, and the Sewer Commission and the Sewer Districts, which I believe are now.. enforced now and we're already using, are somehow being encompassed, or being brought into the Home Rule Petition which was passed prior to last year's Town Meeting... The legislation was authored after... as people will remember... after the Sewer Advisory Committee had finished its work. And the Sewer Advisory Committee made... of which I was Chair... made a number of recommendations, the last of which... which got very little discussion at the Committee, was to.. was to put together some kind of a Home Rule Petition. That was done, then the proposal to amend that... that legislation which was passed in the Warrant article... So... and... since that time, The Board of Selectmen, the purpose of that legislation was so that the Board of Selectmen could put together either an elected or appointed Sewer Commission, make changes to the structure, of how the Sewer Commission is operated and the Sewer Districts are regulated. There's been... as far as I know there's been no action by the Board of Selectmen to move to adopt some of the authority that was adopted by this petition, this Home Rule Legislation ... now enacted, I should say... and I have to say I don't understand why at this point, since we couldn't do it last year, it is important, you would have thought you would have done it last year when the legislation was enacted... What is it...? Why are we doing it tonight, and how will it change the current authority, which the Town already has under its existing bylaw?

MM: Mr. DeRensis?

DeRensis: The comments are correct that what this does is take the existing Sewer Districts that have already been voted by the Town and makes them Sewer Districts by

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the Nantucket Sewer Act. It is true that the General Court has enacted special legislation for the Town of Nantucket. It's true that that legislation allows you to create Sewer Districts. Those sewer districts have the backing of the Commonwealth of Massachusetts and make them into truly full fledged Sewer Districts. All this article does is take the geographic limits that you've already established and puts them under the umbrella of the Nantucket Sewer Act. As to why it's being done this year versus any other year... it needs to be done. We had an opportunity to do it. The Selectmen were supportive of putting it forward this year, and here we are. It has to be done at some point, why not tonight?

MM: A follow up, Ms. Wheatley?

Wheatley: What Mr. DeRensis said was that this article makes the boundaries of the existing Sewer Districts subject to the act authorizing the Nantucket Sewer Commission. But that's not what the language is up there. The language says that... that the Chapter of the Code of the Town of Nantucket... which is ... which one can I see better... Chapter 369... Let's see... Code of the Town of Nantucket, Chapter 41-3... So that's... so Mr. DeRensis, that's the only section of the Code that's effected by this?

DeRensis: That's the section of the Code that has these Sewer Districts. There's A)... under 41-3 there's A)... which is the Nantucket Sewer District... and there's B)... which is the Siasconset Sewer District.... So that's all that's being incorporated here is the geographical boundaries to existing districts that have already been voted by Town Meeting... It moves it from a bylawed district, which has limited enforceability.. to full fledged Nantucket Sewer Act Districts... That's all this article does.

Wheatley: Okay. Thank you. That does answer the question. Thank you.

MM: Is there anything further on Article Thirty-One? Okay.... This requires a majority vote..A Yes vote will adopt the motion. A No vote will defeat the motion . (Cough)  
Excuse me. All those in favor say "Aye!"

Audience: (loud) Aye!

MM: All those opposed, No?

Audience: (silence)

MM: That motion carries unanimously... Article Thirty-Two... Article Thirty-Two appears on page 29 of the Warrant and continues to page 30—

(end tape)

(Resume Tape #2)  
Side A

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Speaker: ...Well, I'm no public speaker, so I'll try to make this as painless as possible. First I'd like to address the fact that none of these changes were submitted to.. the SHAB here... our Board SHAB, which if I'm not mistaken I thought was created for the sole purpose of going through... a research, review, and advise us on any changes effecting our waters, our waterways, wharves, whatever... And I think circumventing them going through these... takes...devalues... these people who graciously give their time and the voters that have voted them onto this board. So I would like to see that they go through all these changes. I didn't have an awful lot of time to go through the whole thing here. There's a lot of information in this. One thing that did jump out to me was this.. this... increasing inspections from three... to one year...and a quick computer search I saw that Edgartown, Falmouth, Hyannis, Harwich, Osterville, and where I'm originally from, Marblehead, all are three years, and in fact the only one I could find that was less than three years was Chatham, which was two years... And, I feel... there's also gonna be an issue here where you're gonna have increased inspections, you're gonna have a situation where the increase in fees will cost through our local voters. As far as I know, all my friends, people in the private sector, our incomes are down twenty, thirty, forty percent, and recreational boating is one of the few opportunities that we have on this island. So, we're talking about driving up costs...so... There's a lot of stuff in here that I didn't do an awful lot of research on... I just got the book myself... But I would like to propose a motion that we table this article until next year, turn it over to SHAB for their assessment... proper assessment... give 'em a year so that they can go through it... public comment... and... perhaps address it again next year... Thank you very much...

MM: Thank you. Unfortunately I can't take a motion to table at the end of a... of a...speech like that, because the motion to table is not debatable... So we're going to have to continue that... continue the discussion... Is there anything further on Article... Thirty-Two...Yes, Mr. Fronzuto... Yes...

Fronzuto: Dave Fronzuto... Harbor Master...This wasn't an attempt to circumvent anyone's responsibility. It was an attempt to reduce the amount of property damage and protect... individual's recreational... primarily... boats...from breaking loose and going on the beach... If you look at Section F, where it says... any mooring may be inspected... that's the current bylaw... It says... any mooring may be inspected at any time... by the Harbor Master...So we wanted to put a time limit on this at one year... the majority of the moorings are hauled out by mooring companies, out of the shellfish beds, by October 15<sup>th</sup>, and the moorings are currently being inspected already by the mooring companies before they go back in. If you look at the other section...It's just increasing the pendant line diameter, and the size of the chain, again, just to protect... to attempt to reduce property damage and having boats break loose and go on the beach... that's all we're trying to do. Thank you.

MM: Thank you... Mr. DeCosta?

DeCosta: Madame Moderator, Bob DeCosta. I would like to propose an amendment to this, but I don't... know at this point in time if it's...feasible to do that... I'd like to have a chance to speak with Dave on this and get... his input on this... My concern is that... in

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these larger moorings... I just want to make clear that I don't have a problem with this article. But, on these larger moorings with a five-eighths chain for boats over thirty-three feet... to have to haul these moorings every year and inspect them I think is a little bit overkill... Especially where a lot of these moorings get winter sticks put on them... I'd like to see if we could amend this to say on the larger moorings for every... you know, for no more than three years, instead of every year... It's a substantial expense... to haul a large mooring. An individual can't do it himself...

MM: So your motion would be to change... on an annual basis to every three years?

DeCosta: Just on the larger moorings. On the... on the moorings of boats thirty-three feet or larger... they should all have a chain size of five-eighths... I'm assuming if it's a chain size of five-eighths that it's going to have to have at least a hundred pound mooring or more... that the inspection should be every three years, instead of every year.

MM: Okay... So after, on an annual basis, then... You'd do... something like this... Provided, however...that for...

DeCosta: Can I have a few minutes to concur with Dave on this?

MM: Right. Why don't we have a... do you want to do a motion to postpone to a time certain and take it up after the next article?

DeCosta: That's fine.

MM: Okay. The motion to a time certain, to pick this up after the discussion on Article Thirty-Six... It is debatable. It requires a majority vote. Is there a second? Is there any discussion on that motion? All those in favor, please say, Aye!

Audience: (loud) Aye!

MM: All those opposed, No?

Audience: (silent)

MM: That motion carries... Okay... Article Thirty-Six... Sorry...

Speaker: Hi.

MM: And while we're talking about Article Thirty-Six, Mr. Lydon, when we get to Thirty-Seven I don't have a motion for you, so could you come down and see Mr. DeRensis, please? Okay...Just a minute, Mr. David, we're about to get up... in just a minute... your Thirty-Six... We're almost there...

Speaker: This article is—

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MM: Wait. I gotta read this in first, 'cause people haven't seen this. this is Mr. David's motion. Move that Section 127 of the Code of Nantucket: Streets and Sidewalks is amended by the addition of the following new section. Article Nine, Vegetation Control Guidelines... for safety along roads and bike paths. Section 127-6... This article accepts the manual entitled Vegetation Control for Safety and Guide for Street and Highway Maintenance Personnel prepared by the Federal Highway Administration Office of highway safety. Current edition is a nonbinding guide for vegetation control on Nantucket roadways and bike paths...127-27... Clear Zone...A Clear Zone defined as an unobstructed area beyond the edge of the vehicular traveled way a minimum of seven feet or the edge of the right of way, whichever is less, and a minimum height shall be maintained along public roads... okay... shown on a map entitled Clear Zone Maintenance Roadways, dated November 2009, and a minimum of three feet in width and eight feet in height be on paved edge of any bicycle path...The nonbinding guidelines are that these areas are to be kept free of brush, tree limbs, branches, and mowed not less than once every four to six weeks of the growing season, or as needed to the greatest extent practical and subject to the appropriation with due regard to the presence of endangered plant species. 127-28...Enforcement Fees Guidelines shall be enforced by the Board of Selectmen acting in any of its Town capacities, including Public Works Commissioners, subject to appropriation. Is that your motion, Mr. David?

David: Yes.

MM: That's your motion, yes. Is there a second? Motion is made and seconded. Okay. Now...you may... you may... talk about it.

David: This article seeks, in the interest of public safety, to have the Town accept roadside vegetation control guidelines. The first part of the article asks that the Town accept as a guide the SHA Publication Vegetation Control for Safety... The essence of that vegetation control guide is to set minimum.. sight distance standards for safety... sight distance... is defined as the length of road visible to the driver. How far up the road you can see ahead. Sight distance on the inside of a curve, sight distance for a critical road sign, like a stop sign, or a yield sign, are the most important. The sight distance standards vary according to the speed limit on the road. The second part defines the area along the roadside and bike path, that, if the right of way permits, should be free of brush, tree limbs, and branches. this is to improve visibility, reduce the number of deer strikes, and should perhaps allow room for a vehicle, cyclist or pedestrian to move off the road for an emergency...There are two legitimate concerns about the article. The first is legal... There is an understandable fear that by passing this article we may expose ourselves to possible lawsuits. If we allow the guide into the Town Code. But in the legal aspects section of the guide it seems to make clear that the Town is liable if a dangerous condition exists, whether we knew about it or not... cause we should have known about it. The second objection is a concern about cost. However, this is not a new program. The Town already cuts brush... and mows alongside the right of ways... the difference is in thoroughness and frequency. Also, the great majority of the roadways are well within the safety standards and guidelines and do not need additional work... The article does not give new powers to the Town, does not allow the Town to cut any

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brush or tree on personal property, does not effect our daffodils, except to... give them more sunlight and room to grow, perhaps... There may be one other hesitation to the passing of the article... We'll make the roads less attractive. No. In fact, it should have the opposite effect... A Perdue University Study funded by the EPA called Why Right of Way vegetation control is crucial, ends by saying that vegetation management enhances the appearance of the roadside and gives the road a definite delineation to motorists. Where roadside management meets the functional requirements for transportation, sight distance and sign visibility, improved appearance can be a low cost fringe benefit. I ask the voters to pass this article as amended. Thank you for your time.

MM: Thank you. On Mr. David's motion... Okay... This requires a majority vote... Oh... Mr. Stanbaugh... Certainly...

Stanbaugh: Thank you... I live on Polpis Road... so I'm very attached to the Polpis Road bike path, and I'm very concerned about safety on the Polpis Road bike path. One thing I am concerned about is when... when we put in the path... I have a privet fence and we... we put the bike path as close to that privet fence as we could to get it away from Polpis Road. Now I don't have to now come back and cut down my... privet fence...for this particular... proposal... I would love to... were this proposed to have a committee study... how we can improve the safety of the bike path on Polpis Road, and I would love to serve on that committee. I'm not sure I'm ready to... cut down my fence for it, though.

MM: Thank you... Can we go back to the text? The way, as I understand it, that Mr. DeRensis and Mr. David worked out this... the text of this article, and then I'm going to go to Mr. Atherton, is that this... bylaw establishes nonbinding guidelines, which would give the... Department of Public Works latitude in the work that it does... In other words, they're not required to go out and cut down your fence... But it does establish a guideline... Mr. Atherton...

Atherton: Is this working? Yes, okay... My name's Rick Atherton. The... I also drive the Polpis Road... twice a day, every day... from the... intersection of Quidnet, and come into town... I think we all understand what Mr. David's trying to do... and my sense of that ... is to make sure the Town has a good maintenance schedule...takes care of sight lines, cuts back brush... but quite frankly I don't think the way to do that is to implement a bylaw which is meant, by its very terms, to be nonbinding, and, almost non-direct. I think the Board of Selectmen recommended that we establish a committee-another committee, but I think they can be very helpful here... and let's develop some guidelines for a bylaw that makes sense, has some teeth, if we think it should have teeth, and think the process through over a longer period of time. So I would recommend we vote not, not because the intention isn't good, well meaning, but because I think there's a better way to get to the end game. Thank you.

MM: Thank you... Okay. This article requires a majority vote. A Yes vote will adopt Mr. David's motion, a No vote will defeat that motion. All those in favor please say, Aye!

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Audience: (soft) Aye!

MM: Those opposed, No.

Audience: (loud) No!

MM: That motion is not adopted. How are we doing, Mr. DeCosta, are we ready? Okay.. Great. So now we're going to go back to Article Thirty-Two... Mr. DeCosta.

DeCosta: We're gonna amend Section F... to where it says... all moorings will be inspected by a representative... of the Marine and Coastal Resources Department who is a designated representative... On an annual basis we're gonna strike... On an annual basis... and we're gonna insert... every three years... (Pause.)

MM: Okay... That's your motion—to make that amendment?

DeCosta: Yes, M'am.

MM: Is there a second? Okay... On the amendment—

DeCosta: What—can I speak on it?

MM: Oh yeah.

DeCosta: What this does is... it gives the Marine Department or its designee a chance to inspect moorings periodically, to make sure that, through the course of electrolysis or wear and tear the moorings are still safe, and nobody's boat's gonna break loose and cause property damage to someone else... But at the same time, it alleviates...it takes the burden away from the mooring owner the expense of having to do it every year. I've talked to Dave and he feels that three years is good, and so do I... I would ask for your support on this amendment.

MM: On Mr. DeCosta's amendment only, any further discussion? Yes, Mr. Boyce.

Boyce: I'm Peter Boyce, I'm the Chair of SHAB this year...But I am speaking as a private citizen, and I support this... amendment... because it now codifies in a bylaw what the current situation is... And I urge that we... support... vote for the amendment.

MM: Okay. On the amendment only... Okay. It requires a majority vote... All those in favor of the amendment, please say Aye!

Audience: (loud) Aye!

MM: Anyone opposed? (Silence) That amendment carries unanimously. Now we're back on Article Thirty-Two...as... with a motion made by the Finance Committee... As

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printed in the Warrant with Mr. DeCosta's amendment... Is there any further discussion?... Being none, this requires a majority vote as well... All those in favor, please say Aye!

Audience: (loud) Aye!

MM: Any opposed? No? That also carries unanimously. Okay... Article Thirty-Seven... Where are we Mr. Lydon? Excuse me? (inaudible off mike) Okay. There's a microphone right there. Mr. DeRensis, do you have a motion? (Pause) Okay. Mr. Lydon, Mr. DeRensis is telling me there isn't a legal motion that can be made on this. Did you just want to have this discussed... Is that the issue, or are you going to try to make a motion? I don't really understand what we're doing.

Lydon: Well I kind of hated just to give up... It seems like common sense proposal to spend all that money on bike paths on our narrow roads, and... it just doesn't seem... there is no way to require people to use the bike paths.

MM: I think that is the issue that we're up against, is that we have this Mass. General Laws 85, Section 111-B that allows bicycles to be operated on public ways... so to adopt a bylaw.. .we can't adopt a bylaw that flies in the face of... of that... section... We could, if you wanted, do a sort of sense of the meeting vote... that all bike... bicycle riders be requested to use the bike paths, and not be... not the public roadways, if... that would help you... But we can't adopt a bylaw that doesn't meet the General Laws.

Lydon: Alright, well...

MM: I'm sort of struggling to find a way to make it—

Lydon: Sure, I understand. I'd like to make an amendment... to use the word "request"... instead of require...

MM: Okay... So, we would say... Moved... to amend Chapter 57... he wants to put it in as a request... Oh, you want to do a nonbinding request?

Lydon: Yes..

MM: Okay... Okay. So it's going to read as follows... Moved that... operators of bicycles... shall... be requested to... operate on bicycle paths when they are available and not on the adjacent public right of way...(Pause.) How 'bout just... and not on adjacent rights of way...? Thanks. And then just get rid of everything else. Is that okay, Mr. DeRensis?

Lydon: Sure... oops..

MM: Okay... Is that alright, Mr. Lydon?

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Lydon: Sure.

MM: Okay. Is there a second? Okay... Motion is made and seconded... Mr. Lydon...

Lydon: Oh, well I have nothing to add.

MM: Okay. This requires a majority vote. A Yes vote will adopt... this motion... Yes, Mr. Stanbaugh? Yep, there's a microphone right there.

Stanbaugh: I'm sorry. I don't think I've ever spoken at a Town Meeting before, now I'm up here every... every minute. (Laughter) The problem—I live on the Polpis Road bike path, as I said before. The bikes that... come down that hill in front of my driveway at thirty-five miles an hour... It's not safe having them on the bike path. they ought to be on the Polpis Road... And then we also have the bike races that take place, so I... I... I don't know how you regulate you know who's on the bike path and who's not on the bike path, but I know there's some bikes, and the guys that are out there racing... you know, very, very fast...you know, with walkers and everybody else that is on the bike path it's very hazardous to have very fast moving bikes on the bike path...

MM: Thank you.

Stanbaugh: I don't know... I don't know what this proposal will do for bike races and stuff like that, but hopefully it doesn't put them on the bike path.

MM: No, it won't. Okay... On Mr. Lydon's motion... Yes. Mr... Mr. Young. You might know something about bicycles, I suspect. (Laughter)

Young: Thank you, Madame Moderator. Harvey Young. I couldn't resist an opportunity to get the microphone tonight. (Laughter) I... I'm confused sometimes about bicycle paths in Nantucket. Is it a bicycle path on the Bartlett Road? And can I ride my bicycle on the road on the Bartlett Road? And Prospect Street... Is that a bicycle path? I'm confused about which ones are bicycle paths, and sometimes which ones aren't. Through Friendship... Is that a bicycle path? And who's going to help.. with enforcement? That concerns me sometimes... With people that are sharing the road with bicycles... If there's a concern as to whether they're on the right part of the road or not... I hope it wouldn't be someone in a large vehicle that was helping them decide... where they should be... (Laughter.) I'd like to see all vehicles and all users of the rights of way in Nantucket have equal rights to those ways, and have respect for one another. Whether a pedestrian, or a cyclist, or an automobile, or an American with a disability, we should all respect one another using the roads in whatever way we can. Thank you very much.

MM: Thank you... Okay, so... On the motion... which is nonbinding... Mr. DeRensis asked me to change... shall be... to are... requested... so that it's... moved all operators of bicycles are requested to operate on bike paths when they are available, and not on adjacent rights of way. This is more an expression of a sentiment than it is a binding... enforceable bylaw... It does require a majority vote... Of course, Mr. Blackshaw.

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Blackshaw: I know it's on... there we are. I'm Ken Blackshaw. I live in Monomoy. I'm not a real cyclist, but I know a number of people that are, and I guess none of them are... in attendance tonight... A number of my friends who ride bicycles avidly have been injured... on the bicycle path... because of the various hazards that exist on the bicycle path... I mean, most of the people that ride on the bicycle path are recreational bicyclists... who sometimes get off the bike in the middle of the path... you know... so they get hurt. So it's... it's a tough decision for a cyclist to have to make. Yeah, I can't use the bicycle path cause it's too dangerous. SO, I think it's a tough decision that this article is being asked... asking people to make...

MM: Thank you. Yes, up in the back...

Speaker: (Pause while speaker gets mike) I don't think this—oh, there we go... I'm a cyclist... and...

MM: Could you identify yourself?

Speaker: Peter Mirbergen...

MM: Okay...

Mirbergen: I'm a cyclist, and I'd like to remind... and I'm not one of the racers any more... I'd kind of like to get out there for a race, but I'm... not fast anymore... Bottom line is that.. it's a privilege to be on the road. Your license is a privilege, the roads belong to the Commonwealth Tax payers and all the local villages and towns... and that's why the... I guess there's the General Law that says, hey, everybody has the right to be on the road. I think Harvey has a great point. We just have to respect each other, and be really careful, and if you're in a tight spot, and you see somebody that's... needs to be advised to use a bike path, or they're a tourist, and they're wobbling, just say, there's a bike path just down the road. I think we need to help each other out. I think this... should just be voted down, and.. unless you want to try to enforce this with young police or something, then you'll have bigger problems then.

MM: Thank you. Okay. So this requires a majority vote. A Yes vote will adopt Mr. Lydon's nonbinding request... A No vote will defeat it. All those in favor, please say Aye!

Audience: (soft) Aye!

MM: Those opposed, No?

Audience: (loud) No!

MM: that motion is not adopted... Article Forty... Article Forty... starts on page 39 with a Finance Committee comment at the bottom of the page... It continues to page 40...

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there was a technical amendment... that I read into the record at the beginning of the meeting... the Board of Selectmen comment is to support the Finance Committee motion... and I will recognize Mr. Kelly, Chairman of the Finance Committee, for the purpose of making the motion as printed in the Warrant and as amended by the technical amendment.

Kelly: So moved, Madame Moderator.

MM: Thank you. Is there a second? Motion is made and seconded... Ms. Wheatley...

Wheatley: Nancy Wheatley... It'll come. Nancy Wheatley, Tom Nevers, 6 Wright's Landing, Tom Nevers... Madame Moderator, who knew we'd be on Article Forty at 8:15?

MM: I know it. that's what happens when you start when there's daylight.

Wheatley: Yeah. Um, I need the... I need the yellow part, because who knew I wouldn't have a chance to get up and... ask the question? So I... I need the addition, please... this refers to the newly... the newly established Capacity Utilization Fee for properties which come into the Sewer District... I was wondering, is this in addition to... the... I'm gonna say Connection fee... which is not the right word, but we all know it means... It's what you have to pay when you're in the Sewer District and you hook up to the plant... the Privilege Fee... that's it... I hadn't thought about it for a while... But what I'd like to know.. Is the Capacity Utilization Fee in addition to the Privilege Fee... and how much it is?

MM: Mr. DeRensis?

DeRensis: The Board of Selectmen have recently adopted the Capacity Utilization Fee which will be taking effect May 1 of this year. Under... the provisions of the Nantucket Sewer Act, the Capacity Utilization Fee is in addition to the privilege fee... It reflects and applies only to properties who are not figured into the design of the treatment plant. So these are extra properties beyond what was calculated for the plant... that want to add in and basically take away capacity from those for whom the plant was designed. So, under the... fee adopted by the Board of Selectmen, it has to be on top of all other fees.

MM: Thank you... Do we know how much the fee is going to be? Has that been set?

DeRensis: It's approximately twenty dollars and ninety-two cents per gallon computed, using Title V of the State Sanitary Code.

MM: Twenty... twenty cents per gallon...

DeRensis: Twenty dollars...

MM: Oh, twenty dollars...

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DeRensis: .. and change.

MM: Twenty dollars and changer per gallon, calculated using the calculation for the State Sanitary Code Title V.

DeRensis: Yes.

MM: So does that mean, for like a three bedroom dwelling that's three hundred and thirty gallons a day, and you do three hundred and thirty gallons times twenty dollars and change.

DeRensis: Yes, that comes out to be about six thousand.

MM: About six thousand dollars...for a three bedroom dwelling... outside of the... and it's outside of the sewer needs districts?

DeRensis: It's outside of the Sewer Districts, and it's outside of the needs areas identified in the Comprehensive Wastewater Management Plan.

MM: Okay. Anything further? Yes... Mr. Drake.

Drake: Madame Moderator, just a clarification. I believe Town Council just said that it applies to properties which our outside the Sewer District, and are not in the needs areas, but that... language says... properties which come into the Sewer District... So, what I really want.. would like to know, is whether...If property was voted at this Town Meeting, or at another, a future Town Manage, to come into the Sewer District, this fee would apply because they were outside the Needs Area as originally stated in the Comprehensive Wastewater Management Plan... not as it might have subsequently been amended?

MM: That's correct.

Drake: Thank you.

MM: And, just... It was outside the district, and was brought into the District, but is not in the Needs... Areas as outlined in the Town of Nantucket Comprehensive Management Plan. And then the fee applies. This is... just to be clear, a comment, and does not... have any effect on what we're voting... just to be clear... I mean, it is what we're voting, but the wording of this comment doesn't have any effect on what we're actually voting on. When we vote, we'll be voting on the motion that's in the Warrant... which is... as printed in the Warrant. The only change was the addition of this comment by technical amendment...but we're not voting on the comment, we're voting on the motion as printed in the Warrant. Yes... and then I'll come back up there...

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Speaker: Madame Moderator. Yes, my name is Hadley Dutra... I live at 76 Hummock Pond Road... Until tonight I didn't understand I would have to pay an additional fee... to hook up to Town Sewer... So we're gonna be paying eight thousand dollars... for a connection fee... Plus around... if that three bedroom calculation is correct... example... another six thousand dollars to connect to... Town Sewer... which is ten feet from our property line... We directly abut Town Sewer... So I would like... I understand that all properties outside of the Sewer District have to pay the additional connection fee, but I think Mr. Drake's point was good, which was that... I have a question, is our property part of the New Sewer District... outlined... the future Sewer District on Nantucket... cause I understand this additional fee applies to the previous Sewer Districts outlined. I don't know the answer to that question.

MM: Okay. Mr. Kopko?

Kopko: Thank you, Madame Moderator... We passed the Utilization Fee... as a fee that's established for any property... that is added to a Sewer District... that was not counted into the capacity of the current Surfside Wastewater Treatment Facility. The Privilege Fee pays for the current capacity at the plant. .. which, any property that is coming into the district from outside a designated Needs Area was not counted into that capacity... That capacity... current capacity... still needs to be paid for. The Capacity Utilization Fee, is because you're property was not... or I should say, one's... I don't want to talk specifically about you, Hadley, cause this is gonna be... will come up in the future. If you're... you're property was not counted into the CWP calculations... as part of a Needs Area...you are not counted into the capacity of the current plan. So the Capacity Utilization Fee is essentially paying for the capacity we will have to build the next time... to cover your... one's entrance into the district, that wasn't counted. Does that make sense? Okay. Does that make sense folks? The Privilege Fee pays for the current capacity that was just built... and exists. The Capacity Utilization Fee...pays for future capacity that will be required by any property's entrance into the District now that wasn't calculated. Thank you.

MM: Mr. Kopko, can I ask a question? Just so I'm clear on what's happening here. If we—if this article is defeated... then this property, 76 Hummock Pond Road, is not in the Sewer District... it must have a septic system... it cannot connect to sewer...

Kopko: That's correct.

MM: And even if we vote for this article, they can connect to Sewer, but if they connect to Sewer, it pays the Privilege Fee and... this new Capacity Utilization Fee.

Kopko: That is correct, Madame Moderator. And, for the record, this Sewer Commission, by virtue of the...objectives checklist criteria process that we've gone through the Town has recommended that this property be put into the Sewer District, which means it only requires a majority vote of Town Meeting, and we would recommend that, Yes, you do include this property in the District. But the comment, as

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you said before, Madame Moderator, is merely informational, and has no bearing whatsoever on what would or...will or won't happen.

MM: But it seems to be coming as potentially new information to the homeowner... So if the homeowner wishes to be included, the homeowner is going to face the Privilege Fee and the Capacity Utilization Fee. If they're not included, then they have to construct a septic system in accordance with Title V.

Kopko: Correct.

MM: Okay. Thank you. Yes. Ms. Hilts.

Hilts (Dutra?): I just want to say we still would like to be included in the Sewer District... regardless...

MM: Okay. Thank you. Up in the back... And if you could please state your name, for the record...

Speaker: Hello? Can you hear me? My name is Angie Tobias, I live at... on Pine Tree Road...moved to Nantucket in 2008...and... the property was hooked up... in the sewer...was attached... in 2005...It was a new property. If a new property was... attached in 2005, and we have paid the hook-up fee, which was a... nice round six thousand dollars... are we now going to be hit with a Utli—Utilization Fee of another six thousand dollars... and, is that Utilization Fee a one time fee? Are we gonna be hit with another six thousand dollars every year? Thank you.

MM: It's a one time fee, but whether or not this article passes has no bearing on whether or not you'll be charged that fee. We're just talking about the property at 76 Hummock Pond Road.

Tobias: It's only one property?

MM: Correct.

Tobias: What constitutes a property being in capacity requirement?

MM: What triggers the payment of the... now well known Utilization Fee? Mr. Kopko?

Kopko: Thank you, Madame Moderator. In the interest of brevity for Town Meeting, perhaps the board will consider scheduling an information session on how this all works, so that we can all talk about it... outside of the context of the article before us, but... suffice it to say that the Capacity Utilization Fee is charged one time... to any property that was not counted into the capacity of the current plant.. under the Comprehensive Wastewater Management Plan. It is payable over twenty years on your sewer bill. The Capacity Utilization Fee is segregated from operating and capital fees in

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the Sewer Enterprise Fund... specifically to be used for the next expansion of the sewer system.

Tobias: How does one find out what property is included in the Utilization Fee?

Kopko: How does one find out? I guess... if you are already in a Sewer District... you're done... You don't... you'll never be charged a Capacity Utilization Fee.

Tobias: SO, if you paid the... if you paid the hook-up fee already, than you're not going to be in the Utilization Fee?

MM: Okay... I think we've gone a bit far afield.

Tobias: Thank you.

MM: What I would suggest is that you go into the Town Building and look at the... Sewer District Map... and... or go onto the website and determine where your property is and... take it from there. I'm sure the DPW will be happy to help you figure that out as well. Okay, so, on Article Forty... as moved by the Finance Committee, as printed in the Warrant... Yes, Mr. DeCosta...

DeCosta: I just want to be clear... If this property is put into this... if this is passed, is this property required to hook in to the sewer now, or can they still use a septic?

MM: There's no mandatory hook-up.

DeCosta: So... if somebody's... if you have a property that's currently on a septic, and the Town decides that the neighborhood you are in is now going to be part of the new sewer overlay, you don't have to hook into sewer. They can't force you to do it.

MM: That is currently the case. Correct.

DeCosta: I'd... I'd ... like to express to the Selectmen that the next time we have a sewer article in front of this board, or this Town Meeting, that they're more specific into this, because I was here when we had the last sewer discussion about expanding the sewer, and I don't ever remember us gushing about a privilege fee, or an additional fee. This fee is anything but a privilege. I can tell you that. (Laughter.)

MM: Thank you. Mr. Kopko? Sorry... Mr. Kopko is promising that he's going to be short and sweet.

Kopko: Yes. Fees... and... and payments for the Sewer System are not under the purview of the Town Meeting. They are under the purview of Selectmen acting as Sewer Commissioners or a future separate Sewer Commission... and... they are established through public hearings...that anyone is welcome to attend, that are duly advertised, and in the future will be duly advertised. this article was brought to the Town... by the

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applicants, who wanted to be in the Sewer District... we did not, in any way entice them or suggest to them that they should be in the Sewer District... They came to us. We went through a whole process and determined that Yes, we would be happy to have them, so... We haven't... coerced you guys into any of this... (inaudible) Okay... but, so that.. as far as fees go, that's a totally separate regulatory process that happens with the Sewer Commission.

MM: Thank you. SO. On the motion on Article Forty... All those in favor, please say Aye!

Audience: (loud) Aye!

MM: Those opposed, no?

Audience: (silent)

MM: That motion carries unanimously... Oh look... It's zoning... We're going right to Article Fifty-Five... because, the way Article Fifty-Five works it will effect the outcome on Forty-Two... SO we're going to do Fifty-Five first... And I do have a motion... from... the HDC... Article Fifty-Five, just so we're all on the same page... oops... literally... is on page 71... the Planning Board motion was that the article not be adopted... The Finance Committee supported the Planning Board's motion... The Planning Board comment was that the proposed bylaw amendment is significantly more restrictive than the existing regulation, and applied to certain zoning districts, and it effectively prohibits swimming pools. The Planning Board believes that more public outreach is necessary. We are willing to work with the Historic District Commission to draft an article for a future Town Meeting. The HDC has come up with a motion... that reads as follows... Moved that Chapter 139 Zoning of the Code of the Town of Nantucket Section 16-C be amended by adding a new subsection... Five... in the ROH and SOH Districts in or above ground exterior swimming pools containing a thousand gallons or more shall be set back at a minimum of twenty feet from all lot lines, as measured from the inside vertical face of the pool. And, further, than non-substantive changes to the numbering of this bylaw be committed in order that it be in compliance with the numbering format of the Code of the Town of Nantucket. Is that your motion? Is there a second? Motion is made and seconded... Mr. Rogeveen.

Rogeveen: My name's Dirk Rogeveen.

(Tape ends.)

(Resume Tape Side B)

Rogeveen: (continued)... In my capacity as Chairman of the Historic District Commission, speaking for the HDC, as a board, and at the direction of that board... Other than a building permit, the only permit necessary to build a physical pool in Nantucket is an HDC approval. The HDC works to screen pools from public view, but it does not, and may not, even it so desires, prohibit pools. The HDC is the only board in town that hears

pool... supporters and opponents... address the issues associated with pools... Not the Board of Selectmen, not the Planning Board, not the FinCom... That is why this is an HDC initiative... to bring the issue to Town Meeting for discussion... One segment of pool applications attract particular public attention... These are the core... these are the pools proposed in the Core Old Historic Districts, both in town, and in Sconset. Indeed, it is one of the small set of applications where the applicants show up at the HDC with their attorneys in anticipation of the concerns from abutters about the neighborhood impact. And the concerns we hear expressed at HDC meetings, when there are proposed swimming pools in the core districts... are the kinds of concerns that really are in the realm of zoning... Concerns such as noise... Actually, primarily noise.. But also, other... nuisance factors, as they're called, associated with pools... The smell of chlorine... the safety issues... But more than anything else, it's the noise... Over time... there have been suggestions made to me as Chairman and to other HDC commissioners, that if the HDC wants to stop hearing all of this going on at HDC hearings, where we have no jurisdiction over the zoning issues and the placement of pools in the core district... that we should suggest a Warrant article to address the zoning issue... And that... in furtherance of that, I spoke with Andrew Vorce, who is the Director of the NP & EDC and former Planning Director... sometime ago...and he expressed concern that we... if we were to do this, that we not do it with an overlay district... that we directly address the setback issues associated with swimming pools... I again met with him, and along with John Bresher, the DPA Administrator, to formulate what's currently before you...well was before you up on the screen before... which addresses the zoning issue on setbacks for pools in the Core District... Core Old Districts... and why... are these districts different? These two districts, which define the quintessential historical neighborhoods on Nantucket are comprised with rare exception of preexisting, nonconforming houses and lots that date back to the 1700's and 1800's... This means they were built long before zoning, and the zoning regulations that came along later set out rules that conflicted with existing historic development. the lots are typically less than five thousand square feet, and the buildings, the main dwellings, as well as the subordinate buildings, are often located within the five yard zoning setback. Many historic buildings in these districts are built right up to the property line... As currently written, the zoning... code only requires that swimming pools be five feet from a property line. I'm going to take a microphone away from my house and hold it out in my arms, because I happen to know... how long I am... fingertip to fingertip... That's six feet... Cut off my hands at the wrists and you have five feet. (Laughter.) And other problems. But, otherwise, that gives you an indication of how close a pool can be to a property line... If the house is built up... If the neighbor's house is built right up to the property line, historically, that means that they can have a swimming pool five feet from their window... outside... This was never a problem historically... People who lived in the Core Old parts of town... didn't want swimming pools. They didn't have pools. The people who have those houses still presumably... don't want pools. There aren't a whole lot of applications for pools in town. But there are... occasional applications for pools... Because... more... lately, people are interested in pools. I understand it's primarily... to promote rental value of the houses... but certainly there's a value to it... that's why people are proposing wedging pools into these very tight little yards that comprise the Core Districts... and you can see both the SOH up there... and the other map had the... Old Historic District... which we understand to be

downtown primarily... What is the practical application of this?... This was on a yellow sheet that was prepared by the HDC staff on Article Fifty-Five... and if any of you got them you can find it down at the bottom... It's since... 2000... the year 2000... there have been three hundred and fifty-seven building permits issued for pools on the island... Of those three hundred and thirty-seven pools, three were located in the ROH, and I believe one in the SOH district, except for the one may have come just before 2000... in the... in the ROH... I'm not sure whether we're counting that... But it's three or four... pools... It's less than one percent (1%) of the pools... that are permitted every year... The pools, though, in the Core Districts... those one percent... have the greatest impact. And that's because the buildings are close together, the yards are small, the noise bounces around off of buildings, and... it creates... an impact that... if you're next door to a pool... you would not be pleased to have... Obviously everybody likes pools themselves, but you don't necessarily want to be a neighbor to a pool. A real world application of this, and I bring this up because they're represented by a council that came to our HDC meeting and said, if you pass this law, my clients won't be able to build their pool... and the real application is a pending pool that was approved by the HDC... the permit for it is frozen by the z... the current pending zoning article.. but if it's passed tonight, the pool can't be built, according to their attorney, if it's defeated tonight they can go ahead and build their pool. The pool is on a house on Orange Street. It's in their back yard, and it directly abuts... St. Paul's Church... Now, I know a lot of people don't have houses in the Core District, so you say, well, what do I care if there's a pool jammed into downtown Core Districts? They're summer people. Let them deal with it. Well, I don't know about you... but... we all make use of St. Paul's Church... Been there for funerals, been there for weddings, been there for concerts. It doesn't have air conditioning. In the summer its windows are open... and... if this article is defeated... the people on Orange Street will have a swimming pool directly behind St. Paul's... So when you're there some Saturday afternoon for a somber funeral, or a celebratory concert or a wedding, you could easily have the proceedings within the church drowned out by the nearby noise... of a Marco Polo game... right outside the windows. (Laughter) that's why... this matters in the Core Old Historic District. It has very little impact on swimming pools... You heard the numbers that are approved. The financial impact on the swimming pool industry... and the people who support all that is... negligible... Does... does the number of pools that we actually permit per year... actually, Marc might be able to speak to the numbers... But, you know, it's thirty or forty a year that we allow on this island. Every single one that comes before the HDC is permitted.

MM: Thank you.

Rogeveen: And we just permitted the one... on Orange Street. Only zoning would be... ah... the only way to block it would be passage of this zoning article. So that's the real world application... to something that's much... broader in scope... Thank you...

MM: Thank you... Okay... I have an amendment to this... from Ms. Wheatley.. which I think we'll go to next... Okay... And we're adding... Her amendment would be... to add the following... and further... Chapter 139, 8B-7Z-1D... be amended as follows: D) As part of the MRD Design review process, the Planning Board may, where it deems

appropriate, waive the front yard setback requirement, in the applicable zone, to one... within one foot of the property line... and may... where it deems appropriate... waive by up to a hundred percent the applicable side and rear lot line setbacks, except... that... in or above ground swimming pools of a thousand gallons or more shall be subject to a twenty foot side and rear yard setback. In order to grant any such waiver, the Planning Board must find that the waiver shall not have an adverse effect on the neighborhood... and that the waiver shall promote the purposes and intent of this section... Yes... go ahead...

Speaker: (inaudible off mike)

MM: Okay... Where do you want to... can you hear me?... Okay... he wants to add, measured from the inside wall... subject to a twenty foot side and rear yard setback measured from the in... measured from the inside wall... It should be the same language that was in the motion by the HDC... So if you could go up and just grab that... Oh... from the inside vertical face of the pool... Yes... There you go... The section that we're amending that Ms. Wheatley's amendment seeks to address, is the major residential development section of the bylaw... 139, 8-B, 7-C, 1-D... and this section already is in the zoning bylaw... The text that's highlighted in yellow... would be the new text... So Ms. Wheatley's amendment proposed to add the text that's in yellow to the existing.. MRD Section of Chapter 139, 8-B, 7-C, 1-D... Is that your motion, Ms. Wheatley?

Wheatley: It is, Madame Moderator.

MM: Okay. Is there a second? Motion is made and seconded... Ms. Wheatley...

Wheatley: I'll try not to be too repetitive of the things that Mr. Rogeven said because I think the issues are similar, although this is just... this is just a neighborhood... issue as opposed to a Historic District Issue... and he talked about small yards, noise, and the comfort of the neighborhood... In the... in the MRD's which are... some of which... I won't characterize how many, but some of which are done as cluster developments... you have small yards, and the Planning Board can and has waived the setbacks to... to zero... So what this amendment would do is prevent waiving that... waiving the setbacks for purposes of having a pool... And what that means is that when you have neighbors... who have... are people who have bought homes in an MRD... they would not later be subject to a neighbor coming in and later building a swimming pool right up to the lot line of their next door neighbor. And there is in fact a swimming pool which is currently on hold waiting for the outcome of this meeting. I would point out that this Article Fifty-Five was... what started as a zoning... what we saw in the Warrant was a zoning... a proposal to change the zoning... and I think as Mr. Rogeven also said, swimming pools have become more popular and... more contentious. I think there are people who want pools and primarily they're not as worried about the noise as their neighbors who don't necessarily want pools. And as I said, this would only effect MRD's... parts of the island. Thank you.

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MM: Thank you. Is there any discussion of Ms. Wheatley's motion? Okay... A Yes vote will... oop. Mr. Rogveen.

Rogveen: Just quickly. The HDC was aware of this pending amendment and discussed it at a meeting. The HDC voted to oppose the amendment. The Warrant article that was submitted by the HDC is very simple and to the point in its design to protect ... the concerns that arise in the Core Old Historic District. That's not to say that other articles such as this might not have merits, but they should... stand on their own and be brought up at a different meeting and discussed separately from the HDC article. Thank you.

MM: Thank you... Ms. Benz...

Benz: Those of us who measure our gallons in milk jugs, can somebody explain just... quickly.. how big a thousand gallons is... and is that like a depth... or does it get to how deep something is?

MM: Okay. Ms. Snell... The Planning Board did some quick research on that very subject earlier today... And I will let her give you the results.

Snell: Hi, I'm Leslie Snell... at the Planning Board. I did do some quick research today, and a rather large hot tub is about a thousand gallons... a twelve foot wide inflatable children's pool that's about thirty inches deep, is about fourteen hundred gallons, and a small, four foot deep in ground swimming pool is about nine thousand gallons...

MM: Go... You can keep talking if you wish.

Snell: I'd also like to speak on both of the amendments on behalf of the Planning Board. First I'd like to focus on the amendment by the HDC...

MM: Oh. Focus just on Ms. Wheatley's amendment...

Snell: Oh... sorry...

MM: Cause that's what we're talking about.

Snell: Okay. This amendment to change setbacks in the MRD to specifically apply a twenty foot setback to swimming pools is very restrictive. The Planning Board, during the MRD process, can establish setbacks for all of the structures within the lots in the MRD, and... applying a twenty foot setback would effectively prohibit swimming pools in many MRD's. The point of a Major Residential Development is to preserve open space in exchange for smaller lots. So... you may have a lot as small as five thousand square feet. I think that... you know, Mrs. Wheatley's concern can be addressed during the public hearing process when the planning board is reviewing an MRD, setbacks can be established in the Planning Board decision. In addition, we are working on a rewrite of this section of the bylaw for the next Town Meeting... so perhaps we could work with

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her over the next year to include her concerns in our rewrite. We would ask that you defeat this amendment.

MM: Thank you. Mr. Rector...

Rector: (off mike) I'm going to wait cause I'd like to talk—(inaudible)

MM: Okay. Alright. So on Ms. Wheatley's amendment only.

Speaker: (off mike) Madame Moderator!

MM: Yes?

Speaker: Hi. I'm Lee Safferstein... New Street, Nantucket.. there is a New Street in Sconset... My Point of Order is twofold: as I understand it this is an amendment of an amendment. According to General Robert that's allowed?

MM: No, it's actually not... And it's Mr. Rogveen's... motion was the main motion. It's not an amendment. It's the main motion. So this is an amendment to the main motion.

Safferstein: Okay. That helps my second question. This seems to expand the purpose of the motion, and I thought that Robert disallowed that.

MM: What's disallowed is if we go outside the...four corners of the Warrant article as originally printed in the Warrant... And the Warrant article that was put forth by the... HDC... would have changed the setback to twenty feet... island wide... So now we're actually shrinking that... that area, so the amendment's allowed... Right. It's consistent, and we can do both. Absolutely. So we're good. On the amendment only... Yes. the gentleman in the white shirt... If you want to just stand up and... well, either one of you... we can go to both of you... Just one after the other... Whoever gets the mike first.

Speaker: Madame Moderator, my name's Mitch Karl... In defining swimming pools...poi ponds... hot tubs... are these included in this...?

MM: Ms. Stout? Hot tubs are... Is Mr. Silverstein here? I do not see him... We do not have a definition of swimming pool in the bylaw... Okay... Mr. Karl? I'll go.. just come back to Mr. Karl for a second and then I'll go to you.

Karl: There are in ground poi ponds... in this district... that exist today... And they are... within inches of... property lines... Would these poi ponds need to be removed because of this article?

MM: To the extent that a poi pond was determined by the zoning enforcement officer to be a in ground or above ground swimming pond, that poi pond, if it is in existence prior to today would be a preexisting nonconforming structure... so it would be protected. this

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is just a prospective... Under Article Fifty-Five, a prospective prohibition... Now we'll go to the gentleman here in the brown shirt.

Speaker: Thank you Ms. Moderator. Just a quick question, this is a vote on whether the article gets amended, not a vote on the article itself...

MM: Correct. We're just talking about whether we're going to adopt Ms. Wheatley's amendment to—

Speaker: Okay..

MM: to Mr. Rogeven's motion.

Speaker: Thank you.

MM: Oh... Oh, there you are! Mr. Silverstein.

Silverstein: Marcus Silverstein, Zoning Officer. Only in an instance where it was shown that people were swimming with the poi would (laughter) a poi pond be determined to be a swimming pool. And hot tubs, to my knowledge, are not covered under this.

MM: Okay. Just one point of clarification for Mr. DeRensis. There is a definition of swimming pool... he believes in the State Building Code, and in addition we've had articles since 1995 in our zoning code dealing with a swimming pool, so by usage it's taken on a certain meaning, and it's the common sense meaning of what a swimming pool is... not a poi pond... Ms. Wheatley...on your... on your amendment.

Wheatley: Thank you, Madame Moderator. I just want to make a... a...quick follow up to Ms. Snell's comments. First of all, I appreciate the offer to discuss changes to the... to the MRD... requirements, and that's... I find the Planning Office very... Andrew and ... Leslie are very good I think at working with people, and I appreciate that... However, there is a... there is a pool which has presently been approved... that will be built up to a lot line... if... if this amendment isn't passed... and she also commented that it's restrictive, and it's intended to be restrictive. So I hope that people will support it. As I said earlier ... Mr. Rogeven talked about the fact that he... that his proposal is Historic District...but the Warrant article raised the issue of swimming pools... This is an important issue. It is important to... to MRD's... and if we amend it this way and we work with the Planning Office and the Planning Board after the fact we can modify... perhaps modify the twenty foot side and rear setback as appropriate. So I hope people will support this amendment. Thank you.

MM: Thank you. Just on the amendment... On the amendment? Okay... Just stand up and we'll see you and bring a mike...hopefully... loops... Here she comes...

Speaker: Thank you... Maureen Philips... 30 Long Pond in Madaket. I was... I want to second what Ms. Wheatley said... that this is meant to be restrictive. And I think the fact

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that swimming pools are such an issue certainly within the HDC but anywhere where there is a limited amount... where people have either chosen are historically are within... close proximity to one another... that there should be restrictions about... the kinds of activities that can go on where... you have no choice but to live next to a swimming pool or not, and if it gets approved somehow, then you are stuck with the noise and everything that comes with it. So I think having a restriction that would prohibit that makes a great deal of sense, where there is a... a... if you will a... a crowded situation, whether it's in the HDC or in an MRD. Thank you.

MM: Thank you... Okay... SO the amendment on the main motion requires a majority vote... Do you wish to speak on the... Wheatley amendment? Okay... Behind... Right up behind you.. there's someone who... Oh... sorry... I'll come back to you... Go ahead... That's fine.

Speaker: Yeah... My name's Frank Dutra, and... I actually would like to speak in support of swimming pools... being a tradesman.. and not finding that much trade to be done here on Nantucket as there was ... I was at a... swimming pool last week and there were six laborers... and there were... electricians... Nantucket electricians, and Nantucket plumbers, and Nantucket carpenters all working there. And the bulk of the goods were being purchased by... on Nantucket vendors. That being said, within the original article, we have the provision to.. to go back and address the people who are concerned. This twenty foot is very, very restrictive. It's so restrictive that you would have to have a... a back yard sixty feet wide by sixty feet... You would have to have ... it's almost impossible... And we have the... I have the faith in the Planning Board... to... has over these details... and come up with a workable plan that'll protect everybody. Thank you.

MM: Thank you. Now up in the back section, there's a woman in the front row.

Speaker: Yes... I'm Dineen Burke. I live out in Madaket... I would like to address the idea that this remain island wide... twenty foot setback.. Not just within the Core District... Because there are plenty enough properties who have... setbacks sufficiently to incorporate a swimming pool. I would also like to add to this, that if there are any pools that are currently not built, that this article also cover those pools. Because, to have a pool that's approved that is within five feet of your open door when you're there in the summertime, and that means you can have a birthday party, or a pool party, or just come over... And you are inundated with this... which then becomes a battle between your neighbors to either go to the Zoning Enforcement Officer and say... do something about this.. or back to the Planning Board... Because the idea that the Planning Board shall have the termination of what will be an adverse effect on the neighborhood, leaves... there's question within that wording there of... what is adversely effected... And so I would like to just address that it is put in island wide and that we do restrict the pools, for the noise and smell. Thank you.

MM: Thank you. Okay. We're going to go to a vote on Ms. Wheatley's amendment... Which is as printed on the screen... It requires a majority vote... A Yes vote will adopt

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the amendment... A No vote will defeat the amendment... All those in favor of the amendment... Please say "Aye!"

Audience: (loud) Aye!

MM: Those opposed, no?

Audience: (louder) No!

MM: Okay. I'm gonna do a hand count... Okay... All those in favor... please raise your hands and keep your hands raised till the tellers have had an opportunity to count your vote. (Pause.) All those opposed to Ms. Wheatley's amendment... So while we're counting I will tell you that the Town Clerk has passed along to me the fact that today, April 5<sup>th</sup>, is the 51<sup>st</sup> wedding anniversary of John McLaughlin, our Planning Board member and HDC member, and his wife Bev. (Loud applause.) Okay, on the amendment, Yes 145, No 231... the amendment does not carry. So now we're back on Mr. Rogveen's motion. Mr. Rector..

Rector: Thank you, Madame Moderator. When this article first came to us at the planning Board, we were very concerned because it was a one size fits all approach. We had to take a step back, and now, today, it's a little bit more limited, but still, I think we're at one size fits all... Give yourselves a second and think, well, what if this were a volley ball court... what if this were a trampoline? Does fifteen feet really make a profound difference here? You need to think about this... Or is it more important that when we are faced with these issues that we learn to develop a relationship with our neighbors, a relationship based upon mutual respect. Frankly, if you don't want pools, I'm going to say, please just say, we don't want pools in our area... put it into the regulations. What we did suggest, and you've seen this in.. the Warrant that came before you, was the Planning Board said to the HDC what we really want you to do is what we have done with our zoning articles. To go into each and every neighborhood, talk to your neighbors, give them notification of it, and let's begin to figure out how that works within your particular neighborhood. I think that's the fair and correct thing to do, and we have committed from the Planning Board staff and the Planning Board to try to assist the HDC wherever possible. So I'm going to ask you to please say No to this. Give us the year's worth of time to work with... let this... see how this works for your particular neighborhood, and then let's move ahead. Thank you.

MM: Thank you. On the main motion. Yes.

Speaker: Hi, my name is Michael May and I'm a resident of... Sconset...and I've also lived in the Old Historic District in town... and I guess for full disclosure I should let you know that I am the Executive Director of the Nantucket Preservation Trust. I think the HDC article is very... reasonable, and I would recommend to the Town that we go ahead and pass this. It does not exclude... pools, if you have a large enough lot... With twenty foot setbacks, you can have a pool, and I think that is a reasonable... setback... for a pool. But I think it's also very unreasonable to think that somebody can have a pool

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within five feet of your bedroom window. So... I hope that... the Town will pass this article. thanks.

MM: Ms. Ray...

Ray: I really think we need to go with the recommendation of the Planning Board, and the Planning Board's comment. Let's let the Planning Board go back and do this. Mr. rector had great points... I think it's sad when we're talking about children in a pool that could be doing things that are a lot worse... What about a baseball game in the backyard, or a football game? Five feet, fifteen feet isn't going to make much of a difference. I think it's working with your neighbor... Don't we have a town bylaw on noise... that if you've got a problem and you can't deal with your noisy neighbor, that you can call the police and tell them to come and tell them they're too noisy in their pool? Is there a Town bylaw on noise?

MM: there is a noise bylaw.

Ray: Okay, so that protects someone if they don't want to go knock on the door and ask people to please quiet down... I think it would be a lot more horrible to listen to children... or, you know, it would be a lot less awful to listen to children at the swimming pool and the church... no matter what I'm doing, I mean, that's basically a joyful sound, if I'm in church attending a funeral, I'm sad, but it's nice to hear children alive... Okay... I think that we're... it's nice to debate all this, but I think that the people that are really interested should attend those meetings, bring up their points at the Planning Board meetings, and let's table this, but I don't know if there wants to be more discussion. Can we table this until next year, or can we just go with what the Planning... all these recommendations are and vote against it? Can we table it, so that it can come back?

MM: Um, we could, but someone would have to make that motion, and I can't do that after you've made a whole speech about it, so...

Ray: Okay.. so we can table it and bring it back.

MM: Okay. Mr. Jackson...

Jackson: Haziell Jackson. I feel... obligated to speak on this because I live next to one of those swimming pools, right in the Old Historic District, so I can give some... direct information that might help you all. I think I can be brief... because I believe that most people here love Nantucket for its history and its beauty. Of course we all love to swim... that's... you know... obvious. But we also appreciate the historic nature of our town... And I have to say first, someone said... in this discussion... that the downtown is mostly rich summer folks, and I don't think that's really true. Certainly Main Street might qualify there, but there are a lot of other people, the year-round residents like myself, living in the Old Historic District... and then there are all the historic shops and businesses that are what bring the tourists to our island... So... having been through the

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situation of having a pool built two houses away from me... I can report that you have to remember that not only is a five foot setback there when someone is in the pool, and they might be very quiet, the children might play very quietly and that's great. You also have to think about the construction process of building that pool five feet away from someone else's property line. You've got to dig down... We don't allow houses that close. Five feet? Really? Okay. Sorry. I didn't think so. But anyway, the construction process that I saw right near my house, I'll just say, it didn't bother me as much, because it wasn't next to my house... But, in a very old, historic home in order to make this property much more marketable, someone put a pool in a space that previously held one car and a small garden. And... the pool, as I say, required a large amount of construction... right next to other's people's property, right next to the street... a small side street, so most of you never noticed it. So I think you have to consider that not only is the pool a potential irritation to neighbors, but also the construction processes of these projects next to neighbors... And, incidentally sir... none of the people working on this pool were I believe from the island...

MM: Okay. Give the microphone back... Okay. Mr. DeCosta.

DeCosta: Madame Moderator, I put a pool... I built a pool in Sconset two years ago... on a very small lot that had ten foot setbacks. The woman who owned the house wanted to put a lap pool in cause she swam every day for exercise. The pool's thirty-six feet long, eight feet wide, five feet deep on one end, and seven feet deep on the other... She gets up every morning, she jumps in the pool for an hour, and she swims. It's inside the setbacks, it's completely legal, the neighbors love it. This sure sounds like a case of, not in my back yard, if I ever heard one... If the setback allows you to build a dwelling within five feet of the property line, what's the difference between a dwelling and a pool? Mr. Rogeeven made the case that, if I'm sitting in St. Paul's at a funeral, then kids in a pool is distracting. Well, I'll be honest, if I'm at a funeral and I hear some kids playing outside, it reminds me of life, and that's what a funeral is, is a celebration of someone's life. I think that, as long as the zoning allows it we should leave it alone. The amount of lots in the Historic District and the Historic District in Sconset that can have pools is so minimal, that I think we should just forget about this and go with what the Planning Board says.

MM: Thank you. On the motion... Okay... This re... Mr. Boyce.

Boyce: Peter Boyce... I just want to point out that...you can talk all you want about having a noise bylaw, but, if you have to get up in the morning to get out on your scallop research, as I do... and your neighbors are noisy, and you call the police, sometimes it takes a second call, and in the meanwhile, meantime, you're losing your sleep. And, it's very, very hard when... neighbors' houses are now being rented instead of being occupied by year round Nantucketers who really care about what's going on on the island. And I think that... for the Old Historic District in Sconset... and the Historic District, I think that this is a very, very good thing, and I urge that we... go ahead and pass this. Thank you.

MM: Thank you. Mr. Bodette...

Bodette: Thank you, Madame Moderator. My name is Rick Bodette, and I represent Todd and Amanda Rapp... Just in the interest of full disclosure, my clients are the people on Orange Street. My clients are opposed to this article for a number of reasons. Not the least of which is the fact that they couldn't have a pool, if this... if this passes. But first and foremost, this isn't related to zoning at all. It isn't reasonably related to zoning... in any way. This looks like a zoning article because it talks about setbacks, it sounds like a zoning article, but at the end of the day, it's a prohibition on pools. Period. And I think it really hit home for me when, A) the Planning Board didn't support this article. B) It's not going to be able to fit under this article. The lots, as Mr. Rogeveen said, are typically small. A twenty foot setback prohibits pools. Period. So... I think, at the end of the day, as Mr. Rector put it, if it's... if you're going to prohibit pools, then let's call it a prohibition on pools. And... what are the reasons for the prohibition that they're talking about? Noise... And, obviously everyone saw Mr. Rogeveen stand up and hold his arms out... myself, maybe everyone in the room, probably Mrs. Rogeveen, wishes there were four Mr. Rogeveens... but, if you imagine him standing shoulder to shoulder with his arms out... a few times over... that's twenty feet... (Laughter.) Okay? Without his hands, of course. I don't think there's anyone in this room that thinks there's a difference in noise between twenty feet and five feet. So at the end of the day, this article doesn't accomplish what it sets out to accomplish—to limit noise. And... the second reason this article is a problem... is... is exactly what Mr. Rector said... and that's that.. it's a hastily put together article to prohibit pools. It should have a public comment period, a number of hearings, a year to get everyone involved, the landscapers involved, the electricians, the plumbers, the pool maintenance people, the pool installers, so that everyone has a voice in this process. If that's done, and... if after a proper public hearing process... an article is crafted that works for everyone, then bring it forward next year. But this article doesn't work, it doesn't accomplish what it set out... apparently... or at least purportedly to accomplish... so... Ladies and Gentleman, I ask you to vote it down tonight.

MM: Thank you... Mr. McClusky... (inaudible) Okay... We're just going to go to a... we're just going to go to a vote on the main motion here... Mr. Rogeveen's motion... A Yes vote will adopt Mr. Rogeveen's motion, as shown on the screen, a no vote will defeat that motion. This is a zoning bylaw amendment, it requires a two-thirds vote. All those in favor, please say Aye!

Audience: (loud) Aye!

MM: Alright. All those opposed, No?

Audience: (loud) No!

MM: Okay. Let's see. Okay, well, we'll do a hand count, cause we just love to do that... All those in favor please raise your hands and keep your hands raised till the tellers have had an opportunity to count your vote. (Pause while votes are counted) All those

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opposed to the motion on Article Fifty-Five please raise your hands and keep your hands raise—  
(Tape ends)

Tape #3

Side A [Blank]

Side B

[Blank]

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Tape #1

Side A

(Unknown Speaker):...as those people were, many of them have lived there for fifteen or twenty years. Our recommendation is based simply on the following: We wanted to give the owners that coexist with the dense development projects more flexibility and the opportunity over time to subdivide their lots and bring it into conformity with the high dense areas that had been brought in... in that area... So, um, what we're asking for you—what we're asking you to do is support and vote Yes on this article. The Planning Board supports our recommendation. A blind survey was sent by the planning office to explore the support for this article, and out of the seventeen mailers sent, fifteen were returned and all the replies were positive. So please we ask for your support. We want you to vote Yes on Article Fifty... Thank you very much.

MM: Thank you. Um... Ms. Beck... Yeah... Mr. Fronzuto is coming to your rescue... Thank you for the water tonight by the way, Mr. Fronzuto, I very much appreciate it.

Beck: I'm Maureen Beck. Also, a resident of Surfside, in the mixed area, toward the beach. I am a year round resident. Once upon a time I was a seasonal resident, and I'm happy that I'm here permanently for all these years. I wanted to address and follow up on what Chris was saying about the Area Plan... We were so fortunate to be able to undertake the Area Plan. We had the advantage, with the Planning Board's help, to call on people who know what needs to be done to keep a community going. We were able to talk to the Chief of Police, to the Fire Chief... to the Parks and Recreation Commission, for what they expected... to see in any viable, well operating neighborhood, and we pulled all that information together. It was a good instructional period for us, and we were able to, with the fifteen to twenty of us who worked regularly over the three years... to pass that on to other people in the neighborhood... We also had gatherings in the three lobes of the neighborhood. Surfside now is tripartite, as well as a very large... area in itself. We were able to go to visit people in those areas, check with them on things we were considering doing, and in the end, that's how we made our plan, and we

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were thrilled, last August, when it was approved... We've really come out of this aware of things that are comfort for people, as well as...sociable for people, and I think that's why we were glad to undertake the...daunting ... business of trying to look at different ways we can make the area and pieces of the area, small pieces of the area, more comfortable for the people who live there. Thank you.

MM: Thank you. Mr. Collier. You called this. I didn't know whether you wanted to.... I'll get... I'll come back up to you.

Collier: Thank you, Madame Moderator, uh, Cormack Collier. The reason why I did call this article is cause I have been following the process... as it was developed in the Surfside Area Group, and as it was before the Planning Board... as an employee for the Nantucket Land Council. I am aware, and have been following other area plans as well, as a member of... a citizen of Tom Nevers... the Tom Nevers Association... did a Area Plan about two years back and Madaket has done one...and so has Siasconset. This is the first Area Plan that has recommendations coming out of it that actually end up as Zoning articles that are looking to downgrade zoning... to increase the density. I think the intensity of that, and its ramifications of that, for the entire community, definitely warrant at least a little bit discussion on Town Meeting floor. I do appreciate the comments of both the members of the Surfside Area Work Group. It's my understanding through direct discussions with people...that were in that Work Group is that the work group was essentially a core group of five individuals... and that did lay out a number of goals and objectives for their area...I personally do believe in municipal area plans... neighborhood plans... they do achieve certain amounts of goals and objectives...so back to why I'm opposing this. I'm opposing this for three reasons: the first one is one that I think we're all familiar with... What we've been seeing lately, in the past two, three years, in terms of the financial constraints that this town is under is in direct relation to the absolute growth that this community has done—experienced—in the past ten, fifteen, twenty years... The Town cannot financially afford nor withstand increased growth. We can't withstand the growth that we're under right now... let alone any new growth that this zoning article would bring...Secondly... something that I'm actually more familiar with... is that I'm opposing this on scientific reasons...The Land Council just recently completed... commissioned a report on Miacomet Pond and Hummock Pond... these two ponds are in serious, serious trouble... Hummock Pond itself, and Miacomet, are both eutropic... They receive a tremen—excuse me—a tremendous amount of nutrients related from land use activities in the water shed... These properties... I wish I had a little fancy pointer... but... the properties are surrounded by the red, and the properties surrounded... in the green... great... thank you... look at that... these properties here and these properties here and these properties here--- they're all within Miacomet... Miacomet Water Shed... that's the northern extent of the pond right there... And the Water Shed continues all the way up through here... One of the things that we're trying to do as the Land Council.. as an educational organization.. is try to offer appropriate strategies and implementation ideas to decrease the amount of pollution that is entering that harbor. This would be completely contrary to our goals and objectives. It is essentially going to double the amount of residents in the area... Double the amount of unwanted land use... Double the amount of impervious services... Double the amount of

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potential fertilizer use, which I think we're going to be discussing at great length, or, maybe not at great length, but at length, on Article Sixty-Eight, and it's going to double the amount of septic systems. That doubling is going to perpetuate the pollution that we're seeing in Miacomet... This article is not appropriate for those reasons. Thirdly, I would like to comment just briefly... on how this is essentially contrary to sound planning principals. This is the only entrance and exit to this area... all the way down to Surfside Road... Personally, it's a little beyond me why we would be expanding subdivision potential in an area that is serviced by only one road. Safety concerns, traffic concerns, they all are very apparent in this area. And then finally, I just want to briefly mention, again, the Surfside Area Work Group... The recommendation that the individual was speaking about... in terms of number five recommending that this area get assessed for zoning. It isn't just this area. What the Work Group actually said, was the entire... the entire length of South Shore Roads all the way down to the sewer beds could potentially get rezoned to LUG-1. That to me is just beyond... comprehension... I cannot imagine an area being rezoned from two acres to one acre... and in my opinion that is a rural area. I love going down there, going down by the sewer beds, and going down to the beach on the left hand side. It's a great area. I have friends that ride their horses down in that ... at the end of the road... to me, the look, the feel... it just doesn't warrant increased subdivision... so again... I urge you to oppose this... I do value and understand the important work of the Surfside Area Plan. But when it comes to a zoning article that they're recommending, that has ramifications for the entire community, I think we all should look hard at it and vote it down. Thank you...

MM: Thank you... Ms. Benz... Okay... Oh, yes.

Speaker: Jamie Howard. I took a drive down there today and it's kind of interesting to see the...

MM: Mr. Howard?

Howard: Yes?

MM: Could you remove your hat? I'm sorry—Thank you.

Howard: Yes—I apologize. I just got this hat bat from last night...

MM: I know...

Howard: The... the neighborhood is... has changed... it has changed with the addition of Sherburne Commons, and it has changed with the... high density that's down there... and it does look different... And not a half a block away from the new construction down there are houses currently in short sale... There's enough density around now for us to have a hell of a time trying to move the inventory that exists in the Real Estate market. As an agent, I just would caution about that. And the other thing I'm not sure I quite understand is the rationale behind... there's density... there's new density... that may have been put in by special permit, so therefore that constitutes a rationale for going more

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dense. To me that's a circular argument... The fact that something's been allowed to... be intensified to further intensify it... well... that's suddenly not a part of the equation, not a part of the argument, because it's already been done, so... we make it further... we make it worse... I'm not sure I understand that...

MM: Thank you...

Howard: One of the tenets of good planning, though, as far as setbacks and differentials between houses, the distance between houses, is that it adds value, and I'm not sure that... it may not be a popular viewpoint, but, that by tightening the houses on top of each other down there... it... I don't know... it seems to be losing the flavor that it's got... the horse farms... the broadness of it... the scope and feel down there is very very different...and it just seems to be by initiating a circular thing where because it's dense let's vary and make it denser, let's change the intensification and make it even denser... that doesn't fly for me. That doesn't hold for me...So... with regret... I don't think I support this...I know some people who would really prefer that I did... so...it's a tough choice, so. Thank you.

MM: Thank you.... Mr. Webster...?

Webster: Thank you... Good evening... My name is Chuck Webster... I'm one of the property owners that would be effected by this change, and I'm here to speak in favor of it. I do believe that this zoning change has been well thought out and is consistent with the development of that area...And I just... I encourage voters to vote in favor of this article... Thank you...

MM: Thank you... Ms. Timmerman...

Timmerman: Timmerman... I was one of the core group of the Surfside Area Work Plan, and from the beginning, I had...hesitations about the make up of the group... two of the members were... sitting on the Planning Board, and are from that area... and they were voting members of the Work Plan Group. they weren't just advisors, as most of the other groups had...Sending a brochure or a questionnaire to seventeen people is inherent to what went on with this group... Seventeen people does not relay what the area of Surfside wants...I was in the group from the beginning... and I missed one meeting... (Is my mike on?)

MM: It's working...

Timmerman: Oh, it's working? Okay... and I am obviously against this. I think that the people that moved into the Badlands have had an appreciation in their property far greater than a lot of other areas in town, and it is rural. I drove down there...just to see...what was going on, and I was very impressed with the area. It's really pretty, and... obviously there's the eyesore of the junkyard, but it's a beautiful area, with beautiful houses. And it is a rural area. Surfside is in the countryside. It is not Town. It's in the countryside. You know, I agree with the last speaker, two wrongs do not make a right in this issue...

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to throw out the baby with the bathwater really doesn't make sense in this... I think... that... let me just check my notes here... I think that if there is the potential for another 40-B, that is a potential. Whether it happens or not... we won't know... until it happens... but to change the whole area... I've had comments from other neighbors on my street who were not... I live on Gladlands, which is the street that abuts all of this, and... the traffic with the 40-B certainly has... been worse with that development in there... although it was beautifully done... and... I think it's wonderful for all the people that got houses in there... But I don't think that then you just go and change the whole area... People in my street and other areas beyond it who live in Surfside, who could not be here tonight, are against this. They said they bought in this area because it was the countryside, because there were two-acre zoning. And to change that is going to make a lot of people unhappy. The area cannot support so many people without drastically changing it, without it becoming a town. And, I strongly suggest that it is voted down. And I do feel for the few people who are sitting in the room today who were effected by this with their property... they would like to divide their property for a child to develop, or whatever, but I... you know, if there was a way of being able to give those people the right to do that... without doing the whole shebang, I would vote for that, but I am strongly against this. This is a rural area. It is countryside which has been the rule from Day One that I've been here. And I think that if both the Chairman and the Vice Chairman of the Surfside Area Work Plan group had been year round residents, and had involved more of the year-round people, then we would have had a different outcome with this recommendation. Thank you.

MM: Thank you... Mr. Magee...

Magee: Hi. Thanks. Is it working? Okay, there we go. I just wanted to respond to a couple of the items. First of all, we took a look at what we basically were asking for, and we're talking about sixteen or seventeen lots here... I do believe that maybe over the next fifteen or twenty years, half of those lots would be split, but nothing's going to happen very quickly. Secondly, going all the way down to Cherry Street, which is down at the bottom of that particular plan... we already have the sewer installed, with town water already installed in place, so the issues of going into the Water Shed I think don't really apply here, because people could hook up to the Sewer System, and we considered that in what we were looking at. We have no interest in moving zoning south of where it is... Cormack is right, that our recommendation is a little vague, and could lead you to believe that we want to take zoning all the way down to the shore... We don't.... We took a look at that and said that that's not practical and there are no utilities in place to allow greater density to happen there... My daughter is in the 40-B... She was lucky to get a house there... and so I'm very familiar with traffic because I've got two grandchildren... I go see them all the time, and we basically go up and down that street all the time, and I can tell you that every time I make the turn onto South Shore Road there's nobody there. I even asked my daughter, who has been commuting for three years to work at eight o'clock in the morning, when you pull up to the stop sign at the end of South Shore Road, how many cars are in front of you... She says, usually one or two... That's about as busy as it gets, even with all the development that's occurred there. So thank you. I hope you can vote Yes on our plan.

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MM: Thank you. Yes, way up in the back.

Speaker: Hi, my name is Diane Crawl. And my husband and I bought our home on South Shore Road 27 years ago. It was a dirt road at the time, and we own a two acre lot which we have loved. Since then, our neighborhood has really changed a lot. We now have a tar road, we have a bicycle path, and it's still a great neighborhood. I am for this article. Although I love my two-acre lot, I still think an acre is a great size lot that can maintain a rural feel. We have welcomed Sherburne Commons to our neighborhood, we have welcomed the 40-B to our neighborhood...My... one of my complaints is... I have a two-acre lot which is eighty thousand square feet. the two lots next to me... one... has a house on it, and it's sixteen thousand square feet, and my neighbor... my direct neighbor.. the lot size will be seven thousand square feet... and I would like it to be a little more equal...I'm looking... mine is eighty thousand square feet. If we'd have one acre, I still think it would maintain a nice rural feel while making it a little more... equal...So I ask for your vote tonight, and maintain our beautiful neighborhood... with one-acre lots.

MM: Thank you. Mr. Vorce?

Vorce: Thank you, Madame Moderator. Andrew Vorce, Director of Planning. I do want to address a few of the issues that Mr. Collier brought up... First of all... the LUG-1 Zoning District is a rural district. It exists in rural areas, it exists in Squam... it exists in this other section of Surfside, just outside...it exists here in the neighborhood south of Blueberry...In Madaket... and... in the Monomoy/Shimmo area... so... LUG-1 is a rural district. The pattern of this neighborhood is that there is greater density on the northern edge of it, and less density as you move to the south...so... and what we are looking at is the zoning district before us... There is no zoning article to extend it, and I don't know why we're talking about that. We're looking at the property there on the screen... and not any effort to extend it southerly... And, furthermore...when this area was put into an LUG-2 District, it did not have infrastructure. It did not have sewers... it had dirt roads, as was mentioned... Sewers have been extended to this area, so when Mr. Collier said there would be all new septic systems, that's actually not true. The Sewer District exists for most of this property. Thank you.

MM: Thank you. Okay... Ms. Zimmerman?

Zimmerman: Hello. My name is Lynn Zimmerman, and I also work for the Nantucket Land Council, although tonight I'm really speaking for myself. I want to just say that, I feel that we're just chipping away, and chipping away, and chipping away... I... I feel for people who live in these houses, but you know, all of us, when it comes up our driveway, have to think of ourselves... and that's what people are doing here. But at Town Meeting, our responsibility, I feel, is to think of our island, and to have a big picture. And to try to keep Nantucket a viable place for all of us. We are an island, and we rely very much on other people coming and finding us an attractive place to visit and to... spend time...We have ponds that are in trouble. We have fertilizers that

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unfortunately don't go into septic systems, and end up in our ponds. We've been told that because the neighborhood has gotten dense, we need to make it more dense. I again don't think that really makes sense. I can see that people live here and would love to have added value for their property... I remember when I first came here many years ago and we were in the Elementary School, and Mr. Verdick stood up, and wanted his son to have a lot, and I remember Town meeting, watching, learning, didn't vote for that. So, I guess I strongly feel that at this point we have to have the big picture, and I would ask you to vote against this. Thank you.

MM: Thank you.... Way up in the back. I'm going way over here, and then I'll come to come to you, Mr. Glidden...

Cabral: Thank you, Madame Moderator. My name is Sean Cabral. My mother spoke just a moment ago... I grew up on South Shore Road, and, as children we were always running through the woods. We loved it, and it was a great place to grow up. But, it really has changed, it's not the same place... We have the 40-Bs...The Sherburne Commons, it's a completely different area. If you look at the top of the map, the two places... the two zones are...the two lots at the top are much smaller than ours. We don't want this to look like Orange Street. Everyone on the road will tell you, if you talk to any of these people, they're all local people. We loved growing up out there. the last thing we want is to live on Orange Street. that's what a lot of people you don't... you just don't understand. We don't want this to be a high density area. We just would like to put up a garage, with an apartment above it or something small. We don't want this to turn into a high density area. Another thing is, if you go down the street, and these spots are all local people, their yards aren't landscaped and fertilized. You don't need to worry about fertilizers. You don't need to worry about any of that run-off. It's just not going to happen. They aren't fertilized properties. These are locals that live here. they have stacks of lumber from their job sites on their property, rather than fertilizers. And the other thing is, these are locals. If they are going to build, they aren't going to be hiring off-island people to build. In this economy, if they're going to hire someone, it's going to be a local person. No one wants to have an over-developed area. We're just looking for something that's fair. The island has changed, and we're just looking to grow, and grow with the area. That's all. And I just hope you support this bill. Thank you.

MM: Thank you. Mr. Glidden?

Glidden: Hello? My name is Richard Glidden. I promised my wife I wouldn't speak... but it's been thirty-nine years that we've been having this debate. I am an attorney in town, but not representing anyone on this particular article. I just would like to make a few comments. In the thirty-six years that I've been practicing law, I've been to I don't know how many Town Meetings, and whenever zoning issues are discussed, I never once heard any member of the Land Council make a positive recommendation – it's always— it-s always doom and gloom, and the sky is falling, and we'd better do something or Nantucket's not going to be what it was. The reality is, the big picture that they're talking about, is that sixty-five percent of this island is in conservation already. Sixty-five percent. There can't be another community in America that has sixty-five percent of

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its land in conservation. What we're talking about is reasonable planning. In conjunction with the Planning Board, who's worked for years, not months, to make a sensible plan of a situation, and to make reasonable suggestions, so that real people can afford to live here. Every time we up zone and make it more difficult, this isn't rocket science – the real people, the families that live here, who have kids who grew up here, have to leave. Now, changing this zoning to one acre is a sensible plan. There's not going to be building any kind of overdevelopment. Tourists are not going to stop coming because there's sixteen more houses on South Shore Road. And I urge you to support the planning staff and the Planning Board who worked hard in conjunction with Surfside to make a reasonable plan. Thank you.

MM: Thank you. Mr. McCluskly. (Applause.) No, please don't applaud. That's not good. Okay. The question has been called. That means we have to take a vote that is a non-debatable motion. It requires a two-thirds vote. A yes vote will end debate on this article and we'll go right to a vote on the motion. A No vote will defeat that motion and we'll continue debating... Article Fifty... All those in favor of moving the question please say Aye.

Audience: (loud) Aye!

MM: those opposed, No?

Audience: (a few) No...

MM: I declare that that passes by two-thirds. So now we're going directly to a vote on the motion...the Planning Board has printed in the Warrant... It starts on page 57 and continues to page 58... A Yes vote will adopt that amendment... I mean that motion... A No vote will defeat it. It is a Zoning amendment... It requires a two-thirds vote. And I'm going to do a hand-count. So all those in favor of the motion on Article Fifty as printed in the Warrant and as made by Mr. Rector, please raise your hands and keep your hands raised till the tellers have had an opportunity to count your vote.... (Pause for count) Okay... All those opposed to the main motion on Article Fifty, please raise your hands and keep your hands raised until the tellers have had an opportunity to count your vote... So someone asked last night when was the last time Article Eight was called, so I thought I would give you a brief and, actually, probably not all that interesting history of Article Eight. Since 1997 to date... It was not called in 1997. It was called in 1998. Mr. Holmes made the amendment concerning the Community School. that amendment was adopted. There was another amendment concerning the school, that was defeated. And then the main motion as amended by Mr. Holmes was adopted. In 1999 there was another amendment concerning the school, and that motion was defeated, and Article eight as printed was adopted. In 2000, which really it seems so much longer ago than 2000, Norman Chaleky called the article... He made an amendment funding the about to be created ZEO position... Zoning Enforcement Officer position. That was adopted. There was an amendment concerning the schools that was defeated. And then the main motion as amended by Mr. Chaleky was adopted. 2001... Isn't it riveting? The article was called but... I guess... this time by Mr. Mann... after discussion (noise...whoa)

Yeah, that was... nice... The main motion was unanimously adopted... In 2002 the article was called, there was discussion, it was adopted. It was not called in 2003 or 2004... In 2005 Mr. Bennett called the article and had an amendment concerning the schools that was defeated and that motion was adopted. 2006 to 2009 it was not called at all. Yesterday it was called and then adopted by unanimous voice vote. And that's the brief but not terrible interesting history of Article Eight from 1997 to date. ... (Pause... sound of walking) On Article Fifty: Yes, 306, No, 128. The Yeses are Seventy-one percent of the total. It requires a two-thirds vote, so the article is adopted. Okay... Article Fifty-One...Okay... Article Fifty-One... Let's see, Article Fifty-One starts on page 58 of the Warrant. It continues onto page 59, page 60... The Planning Board motion starts at the bottom of page 60 and continues onto page 61 and 62. It's a positive motion. The Finance Committee supports the Planning Board motion. I'll ask for your consent to waive the reading of that motion. And I will recognize Mr. Rector, Chairman of the Planning Board, for the purpose of making the motion as printed in the Warrant with no technical amendments.

Rector: So moved, Madame Moderator.

MM: Us there a second? Motion is made and seconded. Mr. Magee? ,.Or. did you have anything, Mr. Rector? Not on this one... (Inaudible off-mike) okay...

Magee: Thank you. Thank you everyone. Chris Magee, again. Article Fifty-One is a recommendation, it is recommendation number six, under Land Use, in our Surfside Area Plan. This particular... article deals again with zoning. We were asked to basically look at the existing zoning in the area and then look at how the underlying zoning had actually—or the underlying development had actually happened in the area. And, quite frankly, for most of Surfside we found that... the zoning really did represent what was actually occurring in that area. Um... what we have in Surfside is a gradual... a graduated zoning. When you're down by the beach area... you'll notice that... we're dealing with R-20, which is twenty thousand square foot zoning. Then what you have in that blue area is a very large area of LUG-1, or one acre zoning,... And then, beyond that, what you have is LUG-2, or two acre zoning. The area that we're talking about here in Article Fifty-One is this area right here, which is the Weweeder Avenue/Pochik Avenue Area... When we took a look at that area we realized that it was a little bit different, because you start out by having same R-20, which exists down by the beach, but then you don't have any of the LUG-1, like you have over here, to the west. You immediately go to LUG-2. That in and of itself would not have been... any kind of a problem, it's just an anomaly in what the zoning is. What we did was, we took a look at the underlying properties... in this zoning area, so all of these properties were investigated, and what we found out, in this area, is that, even though it was zoned LUG-2, or eighty thousand - square foot zoning, only six out of the forty-two lots actually complied with LUG-2. When we then went in and dug a little bit deeper, we found out that the average lot size in this area was forty-seven thousand square feet. Well, LUG-1 is forty thousand square feet, and LUG-2 is eighty thousand square feet, so the average lot size was a lot closer to LUG-1... than it was to LUG-2... Secondly, what we did was we looked at what the footprint, or what the allowable, buildable space, or the percentage of buildable space

was in the area. If you have LUG-2, or eighty thousand square feet, and you're allowed four foot—four percent, rather, yeah, right, not much...ah... four percent (4%) of ground cover...to cover your...within eighty thousand square feet... If you're LUG-1 or forty thousand square feet, you're allowed seven percent (7%) ground cover. we have right now in this area is, in addition to the average lot size being forty-seven thousand square feet, closer to LUG-1... the average footprint right now is six point one seven (6.17%)...so it is well above LUG-2...but it is under LUG-1...What we are trying to do here, is we are trying to bring zoning into compliance with what actually exists on the ground. We're trying desperately to make many more of the lots conforming. You see, if you have a one acre lot in a LUG-2 or even a two acre zoned area, you don't even get the benefit to build against your one acre space. You get dropped down. You're a nonconforming lot, and you get dropped down to minimum space. A lot of the landowners and homeowners in this particular area, if we move this zoning from LUG-2 to LUG-1, many, many more of the lots would be conforming, and would free up the nonconforming lots and make it represent more of what the rest of Surfside is. I want to make it clear that most of the homeowners would benefit from this move being taken. I want to also make it clear that I'm one of those homeowners that would benefit. By having more ground cover, I along with a lot of other people in this area, because this is my neighborhood... would be able to... do some things that they aren't able to do... if you have one acre zoning, and the zoning is compliant... We have a friend across the street who has one acre... he has a very small cape, he has a garage, he has maxed out, even though he has forty thousand square feet of space, and he wants to bump out his kitchen by eight feet... Well, if this goes through, and he goes from being a noncompliant lot to a compliant lot, then he'll be able to bump out the space. The six lots that are two acre zoning... those lots probably aren't going to change very much. The reason for that is... one of the homeowners told me that he already has two houses on his two acre lot... he's getting older, he has two children, and it would be great for him if when he died he could pass on a lot to each one of his children. That's his interest. We have another person with a two acre lot... but they have a beautiful home sitting right in the middle of their property, but because it's sitting in the middle of their property with a basement they're not going to move their house for the benefit of trying to create another lot. They're really already built out, and they're happy with their position. So, what we want to do is we want to bring the zoning into compliance with what actually exists on the ground, so that many more of the lots will be conforming... we want to install the same zoning gradation that exists in the rest of Surfside South... in other words, moving slowly from R-20 to LUG-1, to LUG-2...The Planning Board has approved this change. The Planning Office... sent out a mailer to all the effected residents in this particular area. In this case, they sent out a mailer to twenty-five home owners... Out of the twenty-five homeowners they got nineteen replies. Out of the nineteen replies, they got seventeen yeses, and two no's... I want to point out here that if we make a move from LUG-2 to LUG-1...all of this is subject to what's called, Title V...Because we are in the well and septic district of the island, we don't have any water and sewer in our area... title V comes into play... And Title V means that you need ten thousand square feet for each bedroom that you put on your property. By making a move here from LUG-2 to bring this area into conformity, from LUG-2 to LUG-1, not a single additional bedroom will be able to be built over what can be built right now without making any of the

changes... because if you have forty thousand square feet now, you're allowed four bedrooms... if you have eighty thousand square feet now, you're allowed eight bedrooms...Just because you move from LUG-2 to LUG-1 does not mean that you get any more bedrooms...And that is a limiter on development. This is a very good thing for the people in this area... They get pretty frustrated when they see people next to them who have much, much less space than them and much more house because they were grandfathered beforehand, because this is a very mixed area...a very eclectic area. A lot of the houses here are actually owned by the town, and that's why we only had twenty-five mailers sent out. There are forty-two... forty-two lots in this particularly area. You have some people with double lots, but you also have a lot of Town and mixed use in this area. So... we're asking for your support. Thank you very much.

MM: Thank you. Mr. Taaffe...You called this... article...

Taaffe: Thank you Madame Moderator. My name is Patrick Taaffe. I live at 21 Okorwaw...And I've been a resident in the Surfside area since 1989. I'm strongly opposed to any zoning that creates the possibility for increased density. My first concern, before I actually went to the meeting the Planning Board had was that I heard that there was the potential for eight lots that could be subdivided. And I thought.. well... eight more lots... two homes per lot... two cars per home...with more new cars driving down our roads. We have the worst roads on the island. Anyone drives the Boulevard, Lover's Lane, Orkorwaw, Monahanset, is aware of that. And I know that if I were a developer, and I were asking you at this meeting to change the zoning for me so I can have some more lots... if this were my land, you'd laugh me out of the room. You'd ask me to at least... make road improvements, drainage improvements, something. I don't hear anything. The other thing is... I left the Planning Board's public hearing meeting... and... was pretty discouraged at what I was told. I was told that what the intent was to make the lots conform to zoning. And I thought, well I should take a look at the article... and here's what I found... The first item in this article, number one...I was able to find, through the Town's website, thirty-six of the lots and get information about them... There's actually forty-four lots, and I was surprised that eight of them...not found, I didn't know why I couldn't find them. But of the thirty-six lots, I found that, nineteen lots, if changed, will conform.-Nineteen of the thirty-six will conform. Of the nineteen lots, five will be able to subdivide. That's all I could find. If it's six, it's six. Seventeen of the lots will remain undersized to the zoning change. So we're really not making all the lots conform. Twenty-seven of the lots, of the thirty-six lots, already have homes on them. Of the twenty-seven lots with homes, twenty are currently on undersized lots. With the existing zoning, apparently, a zoning change is not necessary to build your home. And I believe I just heard that some people would like to possibly expand their homes...I... think if you... own land, or bought land, and it was an undersized lot and you knew it, you knew your potential when you bought the land. So, of the twenty-seven lots, twenty homes are currently ... undersized... and nine of the built lots will remain undersized. Nine of them... So not everyone will have an opportunity if this is passed, to add on to their home... My concerns are... that we... will be back here in the near future... to change this proposed zoning... if approved... to again a more dense zoning district...uh, considering that all the lots don't conform with this change. And after that

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it will continue to change the remaining LUG-2 lots, until the reality of open space is gone. I urge everyone to vote this down, and leave this neighborhood alone. It's a very unnecessary bill. The intent is to make things conform. This isn't doing it... and the neighborhood's built out. Thank you.

MM: Thank you... Mr. Collier?

Collier: Thank you, Madame Moderator. I just want to thank Town Meeting, and everybody in attendance for... your patience on the last article. This article and the next article that I did call. I want to speak briefly... and just mention my con—another point of confusion that I have with the Surfside Area Work Group... The Surfside Area Work Group, and the plan that was developed... one of the main actions that they were doing was trying to find funds for the improvement of the Boulevard. They constantly mentioned how much the Boulevard was in disrepair. I completely agree... I have to go down there fairly often... My midwife actually lives right down there...in that area... who actually was in the Surfside Area Work Group... So... small community... So... what I wanted to mention was that they're looking for money, and the problem is ... that's the problem. They're actually looking at--- identifying lots in the Surfside area that are owned by the Town of Nantucket that they're hoping to sell to go into a fund to help out with the reconstruction of the Boulevard. That, through various discussions with Town Council and some issues at the last Town Meeting, didn't necessarily end up happening. Why then they would turn around and then say, We want increased development, increased growth in that area, which is going to increase the degradation of that road, is, again, beyond me. I have... introduced... I would like to introduce an amendment...that would essentially...Can we just go back to the map real quick so that I can explain... what that is? I don't have a pointer but it's basically in the entire area of what we've been focusing on right now... That area in red. I would like to remove that area in red from the article. I would like to also point out that if the intention were to make these lots more conforming, then you could easily come back to Town Meeting, you could identify the lots that are not conforming right now and easily rezone those to a more conforming district... And not increase the growth potential in that area... The reason why I've left out the red lots on the left... and the other zoning changes, is because I believe those are good zoning changes. Contrary to Mr. Glidden's opinion, the zoning change on the left is actually going to increase growth and, Oh my god, here is someone from the Land Council that is actually agreeing with it... If we could go to the amendment please... Essentially what it has done is just eliminate all the lots, as I mentioned on the map...leaving everything else in tact... as discussed. So I urge you to... vote this amendment. Leave what is remaining in tact, and essentially, by voting for the amendment and then voting for the remainder of the article, you'll be telling the Surfside Area Group and the Planning Department to come back to next year's Town Meeting with the appropriate zoning article that will make those lots conforming and not increase the growth of the area. Thank you.

MM: So wait—before you sit down.

Collier: Yes.

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MM: So you're making a motion to amend – strike out the lots in yellow. Which, basically is the chart that appears in the beginning on page.... 60... starting with Map 79-27...Number 62 Lover's Lane...all the way down onto page 61... through Map 79, Parcel 67, Adams Street... Is that your motion?

Collier: That is correct.

MM: Is there a second? Okay... Thank you. Motion is made and seconded. Now, we're just going to discuss the amendment... Mr. Collier's amendment...at the moment... Mr. Magee... I'll go to you quickly... And I think now if people could limit their remarks, that would be great.

Magee: Uh, hello everyone...I would like to speak in opposition to the amendment. As I mentioned, Article Fifty-One is the Recommendation Number Six in our Surfside Area Plan... The proposed amendment would gut our recommendation, and we believe on the merits that it needs to be voted by its merits by the town residents, so I would ask that that amendment please be voted down...I would also like to address some of the issues that were raised that basically created the amendment. First of all, if you can go from six lots conforming to twenty-three lots conforming, you have made tremendous progress in zoning. Secondly, the lots that I mentioned that are two acre lots already... I know a lot of the homeowners there... they're not going to be developed, so you don't have to do the math of saving two lots... you know, going to six lots... four houses being built and so forth. I doubt whether one lot will be developed right now, because the primary focus here is getting the nonconforming one acre lots into conforming and changing the area to a one acre zoning area. No lot under one acre will have any ability to build more. So if you are a conforming lot you can build, but if you're a nonconforming lot and smaller than one acre you are relocated to fifteen hundred square feet, and if you're at that level, you're not going to be able to build anymore. So there's not going to be any massive development, or massive building on this street. And I'm very happy that everybody mentioned The Boulevard, because as far as the Surfside Area Plan is concerned, the Boulevard is our number one priority. So please, join me in opposition to this amendment. Allow this particular amendment to be heard and voted on by the entire body on its merits. It will clean up a lot of problems we have in that area and give us the graduated zoning that exists just to the left of that, in the rest of Surfside now... Thank you...

MM: Thank you... Ms. Snell...

Snell: Hi. I'm Leslie Snell, speaking on behalf of the Planning Board. First, I would like to thank the Surfside Area Planning Work Group, for all of their hard work over the last several years in compiling the Surfside Area Plan. The area planning process involves a lot of consideration and research. And all of these lots were researched on a lot by lot basis. In some cases area plans propose decreases in density, and in other cases... increases in density...are warranted... This year in the Warrant there are a series of Warrant articles proposed by the Planning Board, and we believe that we have

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presented a balanced set of Warrant articles... although some articles do increase density, others decrease density, and overall, we are proposing to decrease the density by six acres. That's a significant amount, over all of the articles. I would ask that you respect the Surfside Area Plan and all of the work that their Work Group has put into it, and support the Planning Board and the Surfside Area Plan in this article, and defeat the amendment proposed by Mr. Collier...

MM: Thank you... On the amendment... Okay... The amendment requires a majority vote. A Yes vote will adopt Mr. Collier's amendment. A No vote will defeat the amendment. The amendment is to delete the parcels in yellow... from the motion made by Mr. Rector... All those in favor, please say "Aye!"

Audience: (loud) Aye.

MM: Those opposed, No?

Audience: (louder) No!

MM: That motion does not carry. .. Back on the main motion as made by Mr. Rector... Maybe we'll go... Oh, I'm sorry, Ms. Dutton...

Dutton: Are we going to have a hand count?

MM: Yeah, we will have a hand count... On the—on the yes/no thing? Okey-dokey. I just love a hand count. SO, I have lots of good stuff to read to you guys tonight, too, so... We are going to do a hand count... on the amendment by Mr. Collier... So, what we're voting on now is striking these parcels in yellow... The hand count is to see if my hearing is good, which, every year it gets a little worse... A yes vote will adopt Mr. Collier's amendment... A No vote will defeat the amendment... All those in favor, please raise your hands and keep your hands raised until the tellers have counted your vote... (Pause.) So, let's see. Town Meeting... fifty years ago... which, unfortunately, was only March 8, 1960... It seems like just yesterday, doesn't it? (Laughter) Um, Article Fifty-Seven was to see if the Town would vote to appropriate, raise, or transfer available funds... Four hundred and ninety thousand dollars (\$490,000.00) for a new Town & County Building... at the site of Federal, Broad, South Water, and East Chestnut Street... In the ensuing discussion, one resident, Mrs. Collins, who I believe lived across the street, questioned, Why does it have to be so big and elaborate? And how many bathrooms are going to be in it? I heard twenty-two! " (Laughter.) Sometimes we wish that that had been accurate... (Laughter.) Okay... Those opposed to Mr. Collier's amendment, please raise your hands and keep your hands raised until the tellers have had an opportunity to count your vote. .. I don't think our... our minutes of Town Meeting are quite as colorful, fifty years later... At least, I hope not! (Laughter.) (Pause.) (Oh, I love wasabi...) Okay, on Mr. Collier's amendment: Yes, 162... No, 205... The amendment still does not carry... So, on Article Fifty-One as moved by the Planning Board... This requires a two-thirds vote... We're just going to do a hand count right from the get-go... A Yes vote will adopt the motion as made by Mr. Rector... as printed in the Warrant... A

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No vote will defeat that motion. All those in favor, please raise your hands, and keep your hands raised until the tellers have had an opportunity to count your vote...

(tape ends)

(Tape resumes: Side B)

MM: (continued) All those opposed to the main motion on Article Fifty-One, please raise your hands and keep your hands raised until the tellers have had a chance to count your vote. (Pause for count.) Okay... On the main motion on Article Fifty-One: Yes, 184, No, 190... Article Fifty-One is not adopted... Article Fifty-Two... Article Fifty-Two starts on page 63 of the Warrant... as a positive Planning Board motion that continues onto page 64... The Finance Committee comment is to support the Planning Board motion. I'd ask for your unanimous consent to waive the reading of that motion... Thank you... And I would recognize Mr. Rector for the purpose of making that motion...

Rector: So moved, Madame Moderator.

MM: Is there a second? Motion is made and seconded...

Speaker: (off mike, inaudible)

MM: I am getting quieter... but I'll try to be louder. Okay... Did you want to speak on this, Mr. Rector, or should I--? Go ahead.

Rector: Thank you. Thank you ladies and gentleman of Town Meeting... I have to just tell you real quickly... When we start looking at these things in relation to area plans, it is... a rather methodical process... and each one of these generally seems to consume about three years worth of time ... before it gets to finally a Town Meeting phase... I will tell you too that when it passes through the Planning Commission, there's a number of different filters that... are looked at, as well. Because what sits on the Planning Commission is not only just members of the Planning Board, but someone from the DPW, a representative from the ConCom, a representative from the Board of Selectmen, a representative from the HDC... So, there are a number of different people trying to look at this... You know, in the course of the past twenty-four hours, I think that it is really important for us to kind of look and make sure that we're working with our neighbors, here... That's such an important thing. And Article Forty-Six yesterday... We listened to some of our neighbors have some concerns about their neighborhood, and we supported them. In Article Fifty, it is now the same thing again... So I am going to ask you tonight to really kind of take a look at this, and again, in our neighborhoods we also want to control the destiny of what's going to happen there, as well, too... The other thing I want to mention to you, is, again, as Ms. Snell said earlier, I do want to challenge something... Is the sense of that... things are not being looked at in a holistic nature... And I have to challenge that response very quickly... Because, as we look at the zoning articles that were brought forward to you tonight, overall, as Ms. Woodson said, six acres are going to be preserved in the process... So we're actually, slowly, decreasing the amount of density

that's occurring... Tonight, what you're going to hear in this particular area, is a very modest amount of things. And we did take a look at this area very seriously. I know one or two people are going to speak on this tonight... I'd like to turn it over to them... Please, when you listen to these things, also think about what it means, what this tends to mean for the neighbors in that area as well, and how they're trying to shape their destiny, in relation not only to their neighborhood, but what it means for the rest of the island. Thank you.

MM: Thank you. Mr. Collier, did you want to speak? I think you called this...

Collier: Thank you, Madame Moderator. Yes, I did call this... If we could just go straight to that map...um... What the Planning Board... I'm not trying to speak for the Planning Board, but what the Planning Board is recommending to the Town Meeting, is that the entire area in blue... is being changed from LUG-2, two acre zoning, to R-40, which is a Town designated one acre zoning... Currently this entire area is in the Town district... That's correct, right Andrew? It is currently in the entire Town District... The area in red is being proposed to be changed from Town District, to Country District... I'm actually glad... Mr. Rector stood up and explained the importance about area planning... because that was one of the reasons that I called this article. This was not as the result of an area plan... No area plan was done... for this... This was not reviewed by the NP & EDC, as intimated, the DPW... the other members did not see it... It did, however, go through the Planning Board, so they did... definitely digest it, review it and put forth a recommendation. I am opposed to this article... for many of the reasons that I stated before... I don't think I have to... go into too much depth... But I'm just going to add a personal note, in terms of this area, and why I like this area so much... The largest area on the left hand side of the screen is Bartlett's Farm... Um, it is ... put under... It is under a conservation constriction which my nonprofit holds... the Land Council... The area in red... those properties are owned by Bartlett's, and it's my understanding that... through Andrew... the Bartlett's were not interested in changing their zoning from LUG-2 to LUG-1... As you go down the road off of Hummock Pond road, down Somerset, you'll notice on the right hand side ... maybe you won't notice, but I hope you will notice, this very amazing white oak forest. It's one of the last white oak forests that is in this area of the island. There's a little bit preserved on the Audubon land on the other side of Hummock Pond Road, but you don't find this white oak forest pretty much anywhere else on the island. It's very... it's very, very... it just has a wonderful look, feel, I know I said that before, but it provides a great number of habitat for a variety of wildlife,... a variety of wildlife that use that transition zone between the open farmland and this area. By approving this zoning change, we are essentially facilitating the potential... I'm not saying it's going to happen... but it's facilitating the potential for the destruction of that forest. Currently, as you know, the landowners right now could cut down some of those trees, but they want that... that privacy... I imagine many of the landowners that are going to subdivide if this takes place, are going to reserve the lots in the back ...retain some of the woods...but the front portions of the properties that go onto Somerset are obviously going to be cleared, and the forest is going to be destroyed. The whole look, feel of that road is going to be entirely different... I'll—I think I'll end it there, but, again, the other reasons I stated before, not just the scientific reasons but the

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financial and the planning interests ... this is not generated from an area plan... I really hope you'll take that into consideration because there were some rather significant and good things that came out of the Surfside Area Plan. They definitely defined their goals and objectives as a community... obviously I disagreed with some of them. But this is not generated from an area plan, and I think that's an important point when we have a zoning article that comes before you, to look... that looks to downzone... that it's essentially coming from the six landowners, and not the community as a whole. Thank you..

MM: Thank you. Mrs. Ellis...

Ellis: Hi, I'm Gail Ellis, I'm 35 Somerset Lane. the lot just... the other side of the red line. I'm not represented by a work group or a conservation study, or an attorney... but we were actually approached to rezone to be the same as the rest of the area. But if you see... if you go down Somerset Lane, and you start with my piece of property, and go next door and next door and next door, you'll see that we are all likeminded people... We have not... I cut down six trees, you can ask my builders... We're all tree huggers. We like the look of our neighborhood. We're not going to change it. And, as you see, how the houses are strategically on the lot, so that we can subdivide... give a house to our children. Um, we have no—we've been there for—all of us have been there for fifteen, sixteen years ... We have no intention of changing the look of the neighborhood, it's why we bought there... I think that should probably speak for itself. I hope that you'll vote in favor... of the recommendation of the Planning Board. Thank you/

MM: Thank you.... Okay, so.... Yes.

Speaker: I'm Marvin Steinberg, and I have one of those lots, and I did not cut one single oak down, and I got one of the nicest properties in there, probably, with the house gone... and I don't plan to change anything, and I don't care what anybody says about anything...It's going to stay the way it is, but I wish you would approve for this measure here. There are a lot of deer, which have been eating my trees... (Laughter) Bartlett's is fenced off, anyways, so they can't go into the farm, anyways, but they're eating my trees...but, so, any case, please vote yes.

MM: Thank you. Mr. Lowell..

Lowell: Thank you very much... I've reserved my patience during the last two evenings, and I appreciate everyone suffering through the zoning... we suffered through the bike path last night—I didn't know we were supposed to ride in the road until last night. But... uh... a couple of things... Cormack... I love Cormack... I love helping him with his hot water problems...

MM: Careful, careful, careful...

Lowell: But we've got to get some things cleared up about this area plan stuff, okay? Now, in this neighborhood, no one ever recognizes or says thank you when we eliminated

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all the RC-2 that existed out in Raceway Drive area, where we used to go and watch the...the horses run around the track, and so forth. Our founding fathers, back when they did zoning in '72... if we were to shoot down these articles tonight, we would be saying, gee, they knew what they were doing back then with every single zoning district that was ever created in 1972, and I guess we just don't do anything. Now, we have gotten rid... of incredible amounts of density over the last few years at Town Meeting. And I would like to give Andrew a lot of credit for this, and Leslie, and all the hard work it's taken... to get rid of the gas stations that could have been built on Miacomet Pond... to get rid of the... some of the more intense stuff that could have been built down off Pine Tree Road... I mean, down by the airport there, on Pine Tree and Mary Anne... last year... And now, to think, that down-zoning is never going to happen, is just not correct planning. SO, I urge you to pass this article... And I urge you to consider the points that Cormack made about not having any area plans. There were no area plans when we got rid of all the RC-2... And I didn't hear anyone say, Gee, we don't have an area plan... what are we getting rid of all that fifty percent ground cover area where we can build a gas station along Miacomet Pond... Thank you very much.

MM: Thank you. Mr. Sanders.

Sanders: Grant Sanders... If... the current residents of the area don't plan on making any changes, then I don't see any reason to change this zoning. Um... and... there's another point to be made, and that is that, in fifty years, the current owners may not be here...and... the people who are on those lots may decide to make big changes, based on the new zoning... I don't believe... and correct me if I'm wrong... Jeff... that these properties are in the Sewer District... so... increasing density in an area that is not covered by infrastructure is not necessarily a good policy, compared to... Article Fifty, which, I can see the benefit of that, because it is sewerred, this isn't. So, I would ask that you not support this article. Thank you.

MM: Thank you. Yes. The gentleman up in the back...yeah...If you stand up, the mike will come, usually...

Speaker: Uh, it's me again... There's one, two, three, four—four lots that are two acre in the whole area. Look at the whole area. What do you see—there's quarter lots, quarter acre, half lots, all around it. We're an island in this whole area with two acre zoning. I don't see why everybody objects to us having one acre... that'll be more than the rest of the whole area combined. And, we'd like to leave a lot at least to my son, you know? So we can stay here. I'm this close to moving out, you know, and I'd like to stay here as long as I can. I've been here for quite a while... at least thirty years... and I'm a carpenter... I work hard. I wish you'd pass this ting. Please, for me.

MM: Thank you... Okay... This is a... ah... Mr. McGowan, I knew it was just a matter of time... (Laughter)

McGowan: Marty McGowan... 88 Somerset Road. I met with the Planning Board, discussed what they were doing in the neighborhood... I have no objection to it. I'd like

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to recommend to this man that we bring sewer all the way down the street. I like that idea. These people aren't asking for anything much, and in this community I believe that this zoning is totally appropriate. And I'd like to urge you all to vote for it. I live right there... and every one of them deserves our support. Thank you.

MM: Thank you... Okay... This is a zoning amendment. As a result, it requires a two-thirds vote... A Yes vote will adopt the motion of the Planning Board as printed in the Warrant... A No vote will defeat that motion... I am going to just go right to a hand count... All those in favor of the motion as made by Mr. Rector, as printed in the Warrant, please raise your hands and keep your hands raised until the tellers have had an opportunity to count your vote. (Pause for count.) Okay... All of those opposed to the main motion on Article Fifty-Two, please raise your hands and keep your hands raised till the tellers have had an opportunity to count your vote. (Pause.) On Article Fifty-Two... Yes, 280... No, 115... Two-thirds is 261... Article Fifty-Two is adopted... Article Fifty-Three... starts on page 64 of the Warrant... the Finance—the Planning Board recommendation and motion starts on page 65... It is a positive motion... The Finance Committee comment was to support the Planning Board motion. I'm going to ask for your unanimous consent to waive the reading. Thank you. And I will recognize Mr. Rector for the purpose of moving that motion...

Rector: So moved, Madame Moderator.

MM: Is there a second? Motion is made and seconded. Did you want to speak to it, Mr. Rector?

Rector: Sure. Absolutely. Thank you... Just a few things I want to bring up very quickly, and I do have to apologize... The last one about being an area plan... my bad. I'm not perfect, and I do have to apologize to you on that. But I will say to you that, that area, we did look at for almost a good solid three years. So, we've gradually been really trying to work on that area to make some things happen. But let's turn our attention now to Monomoy. Tonight, what's coming before you is something that started almost about a year ago at a previous Town Meeting. What you're going to find is tonight that we're going to look at five lots in that area. It initially was a little bit more than that, but as we started to work through the process, we found that we're going to have to tackle some more things in that area next year in the back area. Of those five lots that are there, four of them are nonconforming, but, if this is approved tonight at Town Meeting, they will be conforming afterwards. This is consistent with the neighborhood that you see before you at this point. There's water, there's sewer in the area, and I will tell you on the Planning Board we have really tried to study this area for a good year, and make changes that, again, working with the neighbors out there, we feel are positive changes for the neighborhood and for Nantucket. So, I know there's a few people from the neighborhood who are here, and I'd like to turn it over to them tonight. Thank you.

MM: Thank you.... I see no hands. I see Mr. Rainey... And then I see you Mr. Pieller... Right, could you give the microphone to Mr. Rainey? Thanks.

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Rainey: Thank you, Madame Moderator. My name is Flint Rainey. My first wife and I live in Monomoy, but we are not affected by this... zoning article. I do want know, what is it's real purpose, and who will it benefit?

MM: Thank you... Yes? Right there by Mr. Goodman...

Speaker: My name is Ted Tailor... I live in Monomoy... I'm a neighbor of Flint's down the road... When I... when a neighbor called me and said there was an article on Monomoy, I did some quick research the last two days, and this morning I spent about an hour with... the gentleman that will benefit by it. I'm going to.. before I say any more I want to comment on everything I've heard tonight, because we're on zoning, and I have been here for many years. I think we have an insidious invasion of zoning on this island. Over the years, we see them chipping away, nibbling away at little areas like this. This is five lots. It doesn't seem like a lot. But last year, the ones that are in the parameter orange, they were rezoned... and that was a two year process... It concerns me, 'cause every time we turn around there's another little bit of zoning trying to be changed. Monomoy is what Monomoy is... do we need five more lots going from LUG-1 down to ... ER... or whatever this is? I don't see the need for it. Where do you draw the line? What's going to happen when somebody sells their house and they get... farther down the road and they want to divide it... This is what I mean by nibbling away. We don't need it. I think it's disturbing the overall plan... We really need a real Master Plan that we can all see, that then any zoning changes, you can look at it and then say, Hey, this is why we're doing it. But change five lots, four of which are nonconforming just for the sake so they can be conforming just does not make good sense to me. And I would strongly urge that everybody vote against this article. Thank you.

MM: Thank you... If you want to come right down to the table you can... It's... No... You can, but I won't let you...

Speaker: I was just—can you hear me? Can the Planning Staff remind us of what VR is, actually? What it is... what the minimum square footage is for the whole lot?

MM: She asked the Planning Staff to refresh our recollection as to what the VR Zone is...

Vorce: The Village Residential.. excuse me... the Village residential Zone is a country residential district... It has a minimum lot size of twenty thousand square feet, and a ground cover of ten percent. I do want to remind Town Meeting, I think most of you were in the room last year when we approved the Master Plan for the Town... and this was... evaluated in accordance with that plan... The property owner did approach us last year asking us to consider this area, which we did, and recommended these five lots as being consistent with the other lots that are in... the VR District. I would just like to say too, I think that... and again I think we're forgetting all the articles that we didn't call... the articles that reduced density... and the articles that we've consistently brought forward that don't get called for discussion, but that do meet the Master Plan to reduce overall density on the island. So we said then, and I think the Planning Board will

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continue to view this as we're looking very closely at these lots. When zoning was first drawn, it did not examine all of the preexisting properties to the level that it should have... These lots are part of a 1924 subdivision that existed before zoning substantially before zoning... was adopted in 1972. And the effort here is to join like properties with other like properties. Thank you.

MM: Thank you. Yes, way up in the back. Mr. Lang.

Lang: Thank you, Madame Moderator, and thank you everyone in the room for giving me this opportunity to speak. My house is located at 11 Monomoy road, which is essentially in the middle of the area that's under consideration tonight. What this will do for these five properties... actually, only four of them... It will actually increase the ground cover ratio from slightly, to.. to a fair amount that would enable some of these owners of these nonconforming lots to actually expand existing houses. I say it effects four of them, because number 17 Monomoy Road is already built out to a ground cover ratio of 11.9%. So there would be no benefit, no ground cover increase, for that. Some people who are aware that I am in favor of this article, which I am, have come to me and said, Well, what do you think about the possibility that there's one conforming lot in there? And that maybe it could be subdivided down... in the future... Uh, I personally spoke with the owner of that lot, who, sometime back, merged his property when it was a collection of smaller lots, and he's assured me he has no intention of subdividing, although I don't have a document in my hand to prove that... It's for his family's use... He also would appreciate the benefit of having a slight ground cover increase because he has a growing... family of grandchildren... and some day they might want to expand their garage a little bit and make it into living space. Who would benefit? Well, it would certainly benefit me. I have a thirty thousand square foot lot. I have about a two thousand square foot home. It would give me a little bit more ground cover... to expand the house, without having to ... do the typical design of tearing a house down and putting up a massive two-story house on the existing footprint. I think it would be a lot more aesthetically pleasing to the islanders, and it would certainly be more accommodating to somebody of my age, where a single story house, is preferable... and it would economically feasible to just simply expand out a little bit...Um, all of these lots are on a paved road, so there is no... no infrastructure that has to be improved. I believe Mr. Rector said they're all on Town Sewer, and Town Water. And, really, what I'm looking for is to expand the... conformity that was... voted on last year, when the lots along Milestone, Polpis, and Monomoy Road, there , and going up into the first lot in this block, when that was all approved... We talk so much, and we give so much consideration in this town, lately, to affordable housing, which is a wonderful thing to do. I think it is appropriate, in this situation, to considering helping... a few of us... who need just a little more space, which would be affordable space, by adding to existing houses as well... I'd very much appreciate your support on this article. It has a very, very low impact on the area. If in fact that one conforming lot were ever... ever subdivided, down the road, in the future, I think that, too, would have a very small impact, and I would not be adverse to that. And, in the meantime, it could help four out of five of us here, if we wanted just a little bit more space on our houses that are on nonconforming lots. Lastly, the article would certainly provide some relief... that was

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created... relief for an inequity that was created some time ago, and last year, when it was voted in, when one of the articles in this block was... was voted to the VR District, and... the remaining lots in that block that were nonconforming were note. So this is the way of correcting that, at this time. I'd truly appreciate your support. Thank you.

MM: Thank you. Okay. A yes vote on this is going to adopt the amendment. A No vote is going to... I mean, the motion... A no vote will defeat the motion... It does require a two-thirds vote. All of those in favor of the main motion on Article Fifty-Three, please raise your hands and keep your hands raised until the tellers have counted your vote. (Pause for count.) Okay. All those opposed to the main motion on Article Fifty-Three please raise your hands and keep your hands raised till the tellers have had an opportunity to count your vote. (Pause for count.) Alright, here's a little Town Meeting trivia.. Two hundred years ago, in 1810, a committee chosen to investigate the subject of cow pox, reported to the Town Meeting the following: there are four thousand, one hundred and twenty-six persons belonging to this town who have not had either the smallpox or the swinepox, and all who are willing may be inoculated for twelve cents and a half for each person... It's sort of like they deviated, though... They were a cowpox committee, and then they reported about smallpox and swinepox... On Article Fifty-Three, Yes, 219... No, 142... 238 is two-thirds. Article Fifty-Three is not adopted. Congratulations on making it through zoning. Yeah! Now we're going to go to Article Sixty. Article Sixty starts on page 77 of the Warrant and it goes all the way to page 90. The Finance Committee motion at the very bottom of page 89 was not to adopt... The Selectmen comment on top of page 90 was to support the Finance Committee motion. Mr. Markovitch has called this article... And I have a positive motion for him to make... which is, essentially... moved that the Town's petition to the General Court for a Special Act, as voted pursuant to Article Twenty-Two of the October 23<sup>rd</sup> 2006 Special Town Meeting, Article Eighty-Two of the 2008 Annual Town Meeting, and Article Sixty-Two of the 2009 Annual Town Meeting, be hereby reauthorized in the form as previously voted and printed again in this Warrant. Does that sound good, Mr. Markovitch? Is there a second? Motion is made and seconded. Mr. Markovitch.

Markovitch: Thank you, Madame Moderator. Before I begin, we're in the bottom of the third, tied one-one, your Red Sox-Yankees game. My name is Aaron Markovitch, I'm speaking on behalf of the nonprofit organization Housing Nantucket, formerly the Nantucket Housing Office. I appreciate this chance to speak on the issue of the Nantucket Housing Bank Bill. I'm speaking against the recommendations of FinCom and the Board of Selectmen, and support the reauthorization of the Housing Bank Bill, which I hope you will to... this motion here... This bill has been unanimously approved and reauthorized since October, 2006, at our Annual Town Meetings. I believe these votes have occurred because our community not only supports the goals of a diverse and inclusive community, but also the supports the goals of ensuring our issues are dealt with locally. This bill has been at core a way for Nantucketers to keep funding here on island for use in affordable housing goals. Some believe that this bill is simply and end run to build new units and continue to put our local landlords in a crunch. However, this is simply not true. The Housing Bank Bill does not mandate where the funds are used. Rather, it provides a mechanism: a two percent fee on the sale of real

estate, with an exemption on sales below two million dollars. So if you sell your house for three million dollars, it would be the million dollars above that, two... These funds can then be used for a variety of activities. Rental assistance, vouchers, down payment support, rehabilitation of existing structures, grants for the conversion of secondary units, covenant units, education, and so on. So, some of the comments we've heard tonight include... I want to give a house to my children... I want to be able to stay here. This is the kind of bill that could put money into the hands of people who own homes. Believe it or not, a lot of you folks probably qualify for some of these affordable housing areas... the federal government sets those numbers, and a lot of people fall into those categories if you're a year-round resident. Times have changed since the bill was initially introduced. The community now has the Affordable Housing Trust Fund, which was produced with the same sort of community energy that has ensured passage of the Housing Bank Bill each year. Indeed, the Housing Trust Fund compliments the Housing Bank Bill, and there may be ways for the two to work together to ensure funding and program needs are met. Housing Nantucket has worked successfully with the community housing planner, and we've had a few discussions on how to connect the Housing Bank Bill and the Housing Trust. Even a quick exchange with Mr. Atherton... indicated that there might be solutions to tie the income from the bill to the Housing Trust. It's nothing set in stone, but we've discussed ways of ... tying these two community efforts together, since the passage of that Affordable Housing Trust Fund, which has already started to make some of its... first decisions. Uh, some of you have suggested that this bill is not worth supporting in this particular economy. However, we would disagree. In the good years, this bill would have generated over three and a half million dollars in funding for affordable housing efforts. In the most recent lean years the Housing Bank would have still produced nearly two million. Just in the first quarter alone, this year alone, it shows that it would have produced nearly five hundred thousand dollars, according to our Housing Planner. Local housing stakeholders depend on fundraising and/or the Community Preservation Committee to provide funding for community housing opportunities. However, the CPC consistently faces decreasing state matching funds and private fundraising is dependent on a variety of outside influence. Local housing groups support and utilize both methods, but envision the ability to make a meaningful change with the Housing Bank Bill. Finally, there's the complaint that this bill hasn't been moving, or hasn't passed yet... The Nantucket Housing Bank Bill has been at the State House since 2006, just a little over four years. Some argue that these four years have been, have been a little too long, and we shouldn't spend our time working so hard on this issue in this economic climate. My experience shows that four years is just the start of a bill still working its way through the legislature. We have strong and capable supporters person at the State House in Representative Tim Madden and Senator Rob O'Leary. Senator O'Leary has taken this bill through the State Senate multiple times... Occasionally we found resistance on the House side, but we believe that with the election of Representative Madden the community has a leader who can move it past this resistance. He successfully moved the bill out of several committees, and was poised to meet with the Speaker of the House when the negative vote at the Board of Selectmen occurs. He's noted that he's a major champion of the bill. I think we should let him fight for our community. Our Community Housing Planner and Representative Madden both noted in a recent newspaper article that lobbyists at the State level have been working

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against this bill. One comment was made that the lobbyists have a war chest that can easily move against any efforts by the local community. I strongly believe that our community is better than any lobbyist. Let's send them a message and ensure the passage of this bill. This bill will take more time, no doubt. It will require a local vote, a vote by you and I before it passes. We will continue to have a local... a voice here at the local level. Let's keep our voice strong by making sure the funding is available to support a diverse and inclusive community through the passage of the Housing Bank Bill. This bill can prepare us for tougher housing issues than we've formerly dealt with, and I hope we can work together to keep those issues at bay. Thank you.

MM: Thank you. .. Mr. Atherton?

Atherton: My name is Rick Atherton. Just to be clear, the Finance Committee and the Board of Selectmen are recommending not to proceed with the Housing Bank Initiative in Boston. We've spent four years, and have made very little progress. In the mean time, the island is a very different place than it was when we started this process years ago. We have... the Housing Authority is ready with a substantial development...that we heard about earlier, off of Surfside Road. The Board of Selectmen will be proceeding to continue to refine and develop our plans for housing at 2 Faregrounds Road, and in the meantime the House—the Affordable Housing Trust Fund has been established. It has been funded through the recommendation of the Community Preservation Committee with over five hundred thousand dollars. I think our board is very enthusiastic about that, and I think it's a very positive approach, and one we could get on the ground and we will start working forward with housing initiatives. Again, I think we're looking for things that will work quickly and proceed, not to continue with a petition in Boston which has very little chance of making any progress. Thank you.

MM: Thank you... Okay... Go ahead, Mr. Kopko...

Kopko: Thank you, Madame Moderator. I just... to echo Rick's comments... We have obviously made a number of serious commitments to affordable housing on Nantucket. But we have heard over the last number of years from our representatives in the great General Court that this legislation has very little chance of making it all the way through at this time. Our legislators work really hard on our behalf... up at the State House... Nantucket submits far more in the way of... Home Rule Petitions that most other cities and towns in the commonwealth, because we're unique and special, as everyone in this room knows, we spend a lot of time trying to convince the people in Boston how unique and special we are. But the energy that our legislative representatives spend representing us up there is a precious commodity, and I think it's really important that we ask them to spend that energy on things that will actually move forward. And at this time, we think that it will not. So our recommendation is not to adopt.

MM: Thank you... Reverend Brooks...

Brooks: I'm Reverend Jennifer Brooks. I'm speaking in my own capacity, but I have... served as a member of the board of the Nantucket Rental Assistance Program of the

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Interfaith Council, and that experience informs my comments tonight. I very much support approving this motion, so that we can continue to have the possibility of the Community Housing Bank being adopted... in Boston. It's something that would be an enormous benefit to the year round community here, and I think it's important for us to make sure that we have.. funds available to support affordable housing. It's great that we have what we have... in the way of funds to support affordable housing. But this is a potential source of funds that would far surpass what we have now, and what we had in the past. And it's not as if, by voting to keep this... proposal alive, that we're going to do anything astonishing to put pressure on our representatives in Boston... It just means that, if they have the opportunity to take up this issue, then they have the authorization to do it from us. So I ask you to support Article 60.

MM: Thank you. Okay. I have no mike... Go ahead. Mr. Taylor...

Taylor: Thank you, Madame Moderator. I think... this is a case where we need to have perseverance... In my previous life, before Nantucket, I was, unfortunately involved with a lot of legislative issues, and one thing I learned is took a lot of perseverance over a lot of years. It looks like, if this does not pass, the Town of Nantucket... did not want to persevere on this, and I don't think we're the kind of people that want to give up. So, I think, knowing how the legislature works, and now we've got Tim up there, and Tim will work on our... really, for us, because he's one of us. In the past we didn't have somebody from the island working for us up there, so, I think we need to give it another shot, and I would strongly support... that everybody support this. Thank you.

MM: Thank you. This requires a majority vote. A Yes vote will adopt the motion made by Mr. Markovitch, a No vote will defeat that motion. All those in favor, please say "Aye!"

Audience: (loud) Aye!

MM: Those opposed, No?

Audience: (Equally loud) No!

MM: Oh--- God. You're killing me! Alright, we'll do a quick hand count. All those in favor of the motion as made by Mr. Markovitch, please raise your hands and keep your hands raised until the tellers have had an opportunity to count your vote. (Pause for count.) All of those opposed to the motion made by Mr. Markovitch, please raise your hands and keep your hands raised until the tellers have counted your vote....Okay... On Article Sixty: Yes, 178, No, 183. Article Sixty is not adopted. Okay.. Article Sixty-Six...On Article Sixty-Six, there are three members of the Finance Committee who have conflicts, and will not be sitting, that's why they're leaving. We didn't want you to think they were ... mad, or anything... And, Mr. Mulcahy, the Vice Chair... I'm going to recognize for the purpose of making the Finance Committee's motion. We did have... two technical amendments... that... shows in yellow... and we changed 90 to 60... we took out the "for" and we eliminated "other than a bed and breakfast home." Otherwise,

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with those amendments, the motion is as printed in the Warrant, and I will recognize Mr. Mulcahy for the purpose of making that motion.

Mulcahy: So moved, Madame Moderator. Is there a second? Motion is made and seconded. Now, Mr. Kopko.

Kopko: Thank you, Madame Moderator. Article Sixty-Six... proposes to home rule petition for special legislation on behalf of the Town of Nantucket. Should Article Sixty-Six pass, legislation will be introduced at the legislature that would... authorize the Town of Nantucket to impose up to... from zero to a six percent occupancy tax on short term vacation rental homes... The government does a lot of work on budgeting, and trying to manage your money well, and one side of that is controlling expenses, and we've been working very hard on that side. And the other side is, managing revenues. And anybody who tells you that we can responsibly go forward and balance your budget and provide you services and manage your money well without doing both of those things I think is not telling you the truth. We need to find different sources of revenue. On a given night, in July... late July on Nantucket... conservatively, there are twenty thousand tourists on the island who are paying for lodging that night... they are paying for the bed that they sleep in. There are eight hundred and fifty single night occupancy rooms on Nantucket... that's Bed and Breakfasts... Hotels... That means seventeen hundred of those paying tourists on that given night are paying an eleven point seven percent (11.7%) occupancy tax for literally just sleeping in that bed. Six percent (6%) of that revenue comes back to the Town of Nantucket. Eighteen thousand, three hundred tourists who are paying to sleep in their beds... are not paying any occupancy tax whatsoever... Our economy on Nantucket is driven primarily by tourism. One of the largest sectors of that economy is lodging... Lodging on Nantucket is provided by a number of different types of lodging... There's short term occupancy, one night, bed and breakfast hotel type rentals, and there are short term vacation rentals... that is, houses and condos and such... and as you can see, from the example that I just gave, by far the vast majority of lodging provided for the tourist industry on Nantucket is provided by short term vacation rental homes... And yet, the revenue generated by that portion of our economy... we... We make an effort in Nantucket to generate revenue to the Town to provide services from our tourist economy, because every dollar that we get from our tourist economy is another dollar that isn't on your property tax bill, and another dollar that isn't on your dump fees... So what we've... what we've got set up right now is a tiny segment of the lodging industry on Nantucket carries the entire weight of providing the revenue to provide services--)

(Side B ends)

Day Two  
Tape #2

(Side A resumes)

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Kopko: (continued)—I've also heard concerns that the infrastructure for collecting the tax is either going to be... we need to create a whole new infrastructure to do this, or we need to... how is this all going to work? If you have a rental business, you establish an account online, or not online, but generally online, with a DOR, you go online with your account once a month. You enter the rents you collected for the previous month. It calculates the tax. You hit file. You're done filing. You hit the button that says "pay" and you've paid your tax. In less than sixty seconds, once a month, you have complied with the tax law. What about the enforcement? People ask. I think some of us have found that the Commonwealth of Massachusetts is a pretty strong enforcer of their tax law, and people who don't pay their taxes find out that now they have back taxes due, and fees, and interests, and everything else. There is already a system of enforcement in place. And that, generally, has people paying their taxes. So, to close, this is a significant revenue generator to the town of Nantucket that is paid entirely by our tourist trade that comes to visit us, and will provide a significant amount of revenue to the Town annually. I'd ask you to vote in favor of this, give us a chance to see if we can make it work. It's fair, and powerful, and I think it will help. Thank you, Madame Moderator.

MM: Thank you... Mr. Karl?

Karl: I'm Terry Karl... my wife and I own the Chestnut House in town. I'd like to add a couple of points to Michael's presentation. And, this is important. I think you've underestimated the potential of income from the six percent. I've looked at a brochure that came up two years ago... it had about twenty-five pages of colored photographs of houses that were for rent that year. On the first page, the house was seven thousand dollars a week. When you got to page 17... it was thirty-six thousand dollars a week. Now, at that rate, people can afford to pay for the (inaudible). The important point, though, is this: twenty years ago, we had two thousand and twenty rooms which were collecting the room occupancy tax. Today, we have eight hundred and twenty... That's twelve hundred that have gone the way of... The Folger Hotel, the Harbor House, the Breakers and at least thirty different homes... who have given up the business, some of them very happily, because somebody came and gave them two and a half million dollars for their house... This figure is not going to go down—I mean, it's not going to go up, it's going to continue going down... And what we will eventually be doing will be having a tax where it's either eleven or six or what have you... We will be taxing absolutely nothing. It won't be there anymore. Now, this potential is... two thousand—two million dollars a year, I think... and the Finance guys have to sit there and say, we have to plan ten years ahead... twenty million dollars? And not one payer, not one taxpayer will have to pay a cent. That's the beauty of it. I can't figure out even why we're even discussing this. Thank you.

MM: Thank you. Mr. Rainey....

Rainey: Thank you, Madame Moderator. Flint Rainey. With all due respect to the people who proposed this article, I want to tell you, it's the worst idea of the year. John Marshall, in 1819... Supreme... Supreme Court Justice—uh, Chief Justice, said: The power to tax involves the power to destroy. If we keep enacting new taxes on the

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summer people, not to mention on ourselves, we will make Nantucket ever more unfriendly, and people will stop coming here. Maybe not entirely, but they might stop renting their houses. Some of the assumptions I've heard are that, if a house is listed for seven thousand dollars a week, it will rent for ten weeks during the summer. Any real estate agent and any homeowner will tell you, they're lucky to get four or five weeks... if two or three, these days. The wonderful health bill, health care bill in Washington that was just passed adds three point eight percent (3.8%) of tax on income, rental income. So the homeowner who rents his house on Nantucket is going to be paying 3.8% to the Federal Government, and now we want him to pay six more percent to Nantucket... That's almost ten percent... Most of the... communities that were mentioned, charged eleven or twelve or thirteen percent, so how long do you think it'll be before our six percent becomes eleven or twelve percent? Not very long... So I would say please vote against this article. It's not good for Nantucket. I'm sorry, but we'll have to find the revenue somewhere else. People are already paying an awful lot, and some of them are complaining. And I'll leave you with one thought... The state of Maine is voting in a couple of months on whether or not to tax clowns... Maybe we should think about that. (Laughter.)

MM: Thank you. Mr. Liddle...

Liddle: Hi. My name is Bill Liddle, and I am the President of the Nantucket Association of Real Estate Brokers, and an owner of Great Point Properties, but I am speaking as an individual... this evening. One of the things that no one's mentioned yet is the state of the real estate market... It seems like a really curious time to be introducing such a tax. Values have gone down... upwards of twenty-five percent over the past couple of years. People are absolutely tapped out in many cases. SO, individuals are choosing to rent houses to help cover expenses that may have been unexpected. It would be... unfortunate to have to introduce the tax to individuals that are already suffering. I think that... another point that no one has mentioned yet is that the department of revenue will be collecting this tax, and they will not be doing that for free. The Mass. Department of Revenue will...perhaps you can correct me down below... will be retaining a portion of the revenue collected locally, keeping it at the state level. I'll let you guys... address that, because I might be—I might be wrong, but that's what I was told... And, another point that I think is important is that this is an unenforceable tax. There is no... recording mechanism, unlike earned income... or unearned income... people will go out on their own and rent their houses, and perhaps they won't even pay their local taxes... their state tax or their federal tax... It's... unenforceable... and I think for those reasons not worthy of a positive vote.

MM: Thank you. Mr. Karl...

Karl: Ah, Mitch Karl... Hawthorne House Innkeeper... I disagree with Mr. Liddle... The infrastructure for collecting --- (inaudible) Tax—is already in place. It's been in place twenty years... The... as far as... Mr. Rainey's comment about it being unenforceable... that's not true. There are plenty of laws in existence now today that would... that would cause people to want to pay their taxes. This... I don't even know

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where to begin here... The Town has been looking for a new revenue stream. This is not a new tax. This tax has been around for twenty years. We're proposing to expand the base. By expanding the base, we will include vacation home rentals that less—that rent for less than 90 days—excuse me—60 days, with the amendment... and the other amendment being... we've taken out the homes—the Bed and Breakfast homes, which in the business we call Granny Rooms. These are rooms that are... in homes, private homes, that are three rooms or less that rent... privately by private owners... This law was initially put in place to help people on fixed incomes that... are... to hedge against inflation, so they wouldn't lose their houses. And that's why that has been taken out of this article. This article will generate a lot of money for Nantucket. The people that rent their houses will be responsible for collecting and remitting this tax, however, they will put this tax on the tourist. The first person that rents their home... you might say that... I can't raise... I've already maxed out my rent... I've... I need to make this amount of money on this property to pay my mortgage. You'll still do that... Your guest will pay the additional six percent, or whatever it is... whatever percentage is decided. The last thing about this is that this is a Home Rule Petition. It is going to have to go before the State before it comes back to us. Once the State gets a hold of it, they will see that it is a revenue stream that is renewable. It'll happen every year. And they will... they'll amend it, and they'll make it their own, and then they'll give it back to us, and they'll let the towns decide what they want to do. We need this revenue... It's important to the Town, at this point. It's easily done, and I would urge you to vote for it. Thank you...

MM: Ms. Dey—Ms. Dey...

Dey: Good evening. My name is Penny Dey... I also speak as a private citizen, but I am a co-owner of Atlantic East real Estate, as well. I think we need to talk about some of the fundamentals of this article, which I am speaking in opposition to... The rental of private homes cannot be compared to the operation of a commercial business, such as an inn, a guest house, or a hotel. A large number of Nantucket homeowners rent out a few weeks in their homes to help make ends meet and defray the rising cost of ownership here, with property taxes and sewer and landfill fees. There isn't one single private home on Nantucket that is operating as a profitable business, not at all, in this climate. When we stay in a hotel, an inn, or a guest house, we have the assurance that the property meets certain standards, such as fire and safety access, occupancy restrictions, and inspections by a local health department. This is not the case with the rentals of private homes... There is no mechanism in place to monitor the assessing, collection and payment of the tax of private rental homes. It is almost an honor system. We may hear or have heard that expanding the room occupancy tax will result in additional hundreds of thousands of dollars of revenue into the Town's General Fund. Given the lack of an enforcing authority or mechanism, that is an exceedingly rosy projection. I would urge you to vote this down. Thank you.

MM: Thank you. Mr. Sanders...

Sanders: Thank you, Madame Moderator. Grant Sanders. I just want to put a... sort of a personal face on this issue. I'm fortunate enough to have a great job that takes me to

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Connecticut every week... I'm off to work at a big ad agency there tomorrow, and there I work with a woman who gets together with her... five sorority sisters every year, and they rent a house on Nantucket... And I did the math... It's going to cost my friend twenty-five dollars for the entire week. That's not going to break the bank. This is a good measure. It adds revenue to the Town. And there aren't that many... great revenue sources out there. Let's vote this up.

MM: Mr. Loftin...

Loftin: Richard Loftin... I would like to clarify a couple of things that Mr. Rainey said about taxes. The six percent tax is paid by the tenant, not by the owner... The three point eight percent Federal tax is paid by couples earning over two hundred and fifty thousand dollars (\$250,000.00). The only effect that this... occupancy tax will have on us is property tax, because, by enacting this occupancy tax, we will lessen the prospect of a tax override—a property tax override in the future, and I think that's a good thing for most of us here. Thank you.

MM: Mr. Thompson, can I ask you a question? Is it necessary to turn my mike off when other people are talking, because it makes it impossible for me to say anything... for example... Could you wrap it up? or... (Laughter) Not that I would say that to Mr. Loftin, but I mean, I might as well not be up here, it's kind of difficult. But that has to happen? Cause it hasn't been the case before. So if anyone doesn't understand why I'm up here, like... doing nothing, it's because I can't do anything... (Laughter) Mr... that's not, by the way, license to just say whatever you want, however. Mr. Drake?

Drake: (Starts off mike) (I am...) In favor of Article Sixty-Six. Most of the reasons have already been stated, and I won't repeat them, but I think there are two things worth mentioning... One is that if people perceive they're getting value for their rental, they're going to pay the tax, as I did with a fourteen percent occupancy tax in North Carolina... for a month's rental of an apartment in Raleigh in December... I think that's an important think to keep in mind. If people think they're getting value, they'll pay the tax. Secondly... there is an opportunity here for more revenue, but I thin, as we go forward, we need to think very carefully that...some portion... and perhaps some substantial portion of this revenue... should be plowed back into our tourism business directly... rather than being used for the Town's general purposes. The State has substantially cut the grants to the Chamber of Commerce, and I believe also to the Visitor's Services... that they can apply for... advertising and other things. There are a lot of amenities that we could provide on this island to make it more attractive to... home renters for the season, such as... free public transportation, or something like that. So I think there are a lot of possibilities here that go beyond sort of a knee-jerk reaction that this is money that would go into the Town's General Fund for ordinary purposes... So I hope we'll consider that, as well. But I strongly believe that we should take advantage of this opportunity. Thank you.

MM: Thank you. Ms. Stover.

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Stover: Catherine Stover. I live at Liberty Street, downtown... and my house used to be one of those guest houses, and we had five rooms that we rented out every summer. It was in operation for fifty years, and in.. after I became Town Clerk we could no longer afford the time to do the Nantucket Shuffle, so we filled all the rooms with kids...(Laughter) So, we are not in that business anymore. I will tell you that I have quite a bit of commerce with the State. I go to conferences four or five times a year, and I talk to state officials at length.. and they... when Mr. Rainey talked about taxing clowns, these are some for the people that we ought to be taxing. These clowns. One of the ideas that they had to raise money for the state was to add a two dollar surcharge to all dog licenses. So right now, if you have a dog, you pay ten dollars for your license... for the Town. The State would add another two dollars, but their method was, we send two dollars to them, and take two dollars less for us. So the price would still stay ten dollars... You wouldn't notice it... But we would lose two dollars for every dog license. So that substantiates their revenue stream. And I'm going to tell you, if they even get an inkling about revenue that they could be making off of short vacation rentals, they're going to do it. And we should do it before they do it, because once they do it, we won't be able to go to the State and say... you know, they're going to do ten percent, can you add another five for us? It's not going to happen. So we'd better be proactive about this and vote this in... Thank you.

MM: Thank you. Ms. Wheatley.

Wheatley: Thank you, Madame Moderator, Nancy Wheatley, 6 Wright's Landing... I'd – I'm surprised some of the people that are actually in business haven't pointed this out yet... The Room Tax... well, let me start by saying that Mr. Kopko mentioned Aspen, Key West, and Hawaii... our home... vacation home rentals in the summer are not competitive with Aspen, Key West or Hawaii... They're competitive with Chatham and Martha's Vineyard and Provincetown, and... Westport on the South Shore...I... I oppose this, not because I'm opposed to taxes generally... I think we have to fund government, and I think we spend far too much time complaining about taxes... I'm opposed to this because it hurts our position in our market, which is in Massachusetts... the Room Tax.. is.. was...is a statewide tax... If the State decides that they would like to tax rental homes, I think we should do it on a statewide basis so that we don't become less competitive... with... with our competitors. Nantucket is already a very expensive place to come for a summer vacation, and anyone that thinks you can simply raise your rates by the amount of the tax, which is selected... obviously doesn't spend any of their time renting their home in the summertime for vacation rental market on Nantucket. Thank you.

MM: Thank you. Mr. Reade?... Oh, sorry, I had too many Mr. Reades... (Laughter)

Reade (Arthur Reade): The concept of this seems to be to... soak the summer people, the summer tenants. And they're rich... This is a concept that... unfortunately has been pervasive for a long time in the Congress, but I won't get into that. The... my wife and I rent our house on India Street for two weeks every August. So, I can speak directly as to the rental market... Last year we didn't find a tenant at all for the two weeks that we

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offered the house... This year, we do have a tenant for two weeks, at a rate less than it had been for the previous five years. The market, the rental market, let's face it, like all other aspects of the real estate market out here, whether we like it or not, has gone soft... The... result of all of this is that... the... tax, in this instance, is not coming out of the... rich summer person who we want to soak, but out of ourselves, out of the property owners on Nantucket who rent their houses for short periods in the summer... Why? Because, whether the people who like taxes that soak the rich realize it or not, we do have at least some semblance of a free market economy. And the free market... is at work.. and the free market has driven prices down... on rentals and on real estate... The tenant is well aware of his negotiating position, and, if anybody thinks that he's going to gladly say... add on another six percent or whatever in the long run it winds up being to pay... I'm happy to pay that because of the services I'm getting from the Town of Nantucket. I think anybody who thinks that... is naïve, and has another thing coming. It's coming out of us. Thank you.

MM: Thank you... The other Mr. Reid...

Reid: Philip Reid... 14 Sherburne Turnpike... For eight years, we rented a house on Marco Island, Florida. The house that we own down there. We never had a single complaint from any of the renters. We worked through a legitimate agency called Banker... they collected the six percent Florida Rental Fee... passed it onto the state... I had no paper work involved with it... and we were rented almost fully every season... It's not that big a deal... When we go anywhere, we pay the tax, and we rent for a week, or two weeks, we're going to pay that tax. Many areas have it. I think of it not so much as revenue producing for us, but as cost sharing. These people who come and spend weeks at a time on Nantucket incur... indirectly... a share of all of the costs that we bare in our tax base... We need assistance on that tax base. I urge you to vote in favor of this. With all due respect to the real estate market and the attorneys, we need to seriously consider this. I urge you to vote in favor.

MM: Ms. Gibson.

Gibson: Libby Gibson, Town Manager. With all due respect to my revered father, (laughter) the Board of Selectmen appointed an ad hoc Fiscal Committee last spring. The committee was charged with looking at three things: to come up with criteria relating to essential town services... to look at expense reductions and efficiencies, and to look at new revenue opportunities... The season.. the expansion of the seasonal rental tax—the expansion of the Room Occupancy Tax to seasonal vacation rentals was one of the options looked at... there were some other options as well, such as overrides and local fee increases. No one really liked any of the revenue opportunities that we talked about. No one ever really does... This one was viewed as the least... one of the least worst... that would not effect year round taxpayers. And, by the way, if we could implement that clown tax, our revenue problems are over. (Laughter.)

MM: I'm going to—I'm going to go to one more person, and then we'll take a vote. Mr. Beaugrand...

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Beaugrande: Ken Beaugrand, speaking as an individual, although I also own a real estate company, Nantucket Real Estate. I just want to... correct a few statements that were made... First, with respect to the real estate tax here in the state of Massachusetts as Mr. Karl said, Massachusetts is one of the few states in New England that in fact does not tax vacation rentals. What's really very interesting is that this matter has been brought before the legislature a number of times, and conscious acts have been taken by the state legislature to not spend... extend the tax to vacation rentals. So, from a state point of view, the state has chosen from a taxing point of view, and they have the right to... determine taxes for the state, not to extend this tax. And I don't think it's appropriate for us to do it here on a local basis. Secondly, from a Federal taxation point of view, all of us are aware, that if you have a home, and you rent it for two weeks or less, you do not have to pay any Federal tax on it. We're now proposing to put a Town tax on that rental income, where you do not have to pay any Federal tax on that. Finally, I remember that... man, many years ago there was a revolution called Taxation Without Representation... Since this tax is going to be... going to be felt mostly by a lot of people who pay real estate taxes here... who don't have all the benefits of the community, I think that's something to think about. And I do disagree that local people won't be hurt. There are a lot of local people here who in fact do rent their homes in order to be able to generate additional revenue to pay their mortgage and to make ends meet. And, to the extent, as Mr. Reade said, anybody who thinks that the tourist is going to be very happy to pay this without complaining or reducing the amount of revenue that he's prepared to pay for a room, then you really don't understand the free market. I urge you, very seriously urge you, to vote against this petition. Thank you.

MM: Thank you. Mr. Kopko, I'll let you have one final word, and then we'll vote—

Kopko: Thank you Madame Moderator. Just, very briefly... (Laughter... audience members calling out) What?

Audience: (members calling out)

MM: Excuse me? I don't of course have a microphone, so I can't do anything... What? What's the issue? Is there a Point of Order over there? What?

Audience: (member speaking off mike)

MM: Would you like to speak?

Speaker: Yes, please.

MM: Okay. Well, I'm going to give Mr. Kopko a second, then I can let you speak.

Speaker: Okay—

MM: -- I haven't taken a motion to move the question... so, not to worry...

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Kopko: I just wanted to clarify that the comments were made about enforcement and infrastructure... The infrastructure is already there... the enforcement is already there... The State does it for all different kinds of taxes, and they would do it for this... And I just want to touch on the comment made about soaking the rich... I... It seemed to me that... I manage a bed and breakfast, and I also manage a seasonal rental home...for my boss... So I see both sides of the market... I can tell you right now, the market that I'm seeing is, the seasonal rental house is almost rented for the whole season... the bed and breakfast is... is not... there's a much stronger market there... But...what I'm hearing is that my customers at my bed and breakfast... Matt Fee's customers at Something Natural, and... people's customers at restaurants and lodging establishments who are already collecting this tax now are being characterized somehow...as... as rich... and we're taxing them... These are middle class tourists who come here to enjoy the island, and those of us in the lodging business are collecting taxes from them... And the fair thing to do, in my opinion, would be to collect taxes from everyone who's paying for lodging on Nantucket. Thank you. Please vote yes.

Speaker: Thank you, Madame Moderator... I am a homeowner... I am not a real estate broker, I am not—

MM: Can you identify yourself, please?

Speaker: I'm sorry. Jesse Dutra.

MM: Thank you.

Dutra: And... I... purchased a home in 2006... and it's been a year round rental... I wish I did not have that property right now, but unfortunately I do... And, basically, my—I've been attempting to try to rent it as a summer rental, and... for this season... and I will be effected by this personally, and I'll tell you right now, I haven't had a—like a week rented—the market is very difficult. People are looking for deals... And... I wish.. that it wasn't this case, and I wish that we could say that... we could just up our rates, but I'm bringing' my rates down, and I'm struggling, and I think that a lot of people that are Nantucketers, not just rich summer home—summer homeowners—are struggling as well, and this will effect me and other homeowners in a difficult situation with the real estate market, and, secondly, I wish I could sell the property, but it's twenty-five to thirty percent less than what I have a mortgage for... and basically, with this summer rental, I will be able to break even versus only being able to cover about half my mortgage with a year round rental. So I just want to take that into consideration... the voters... that there is another side to this. Thank you.

MM: Mr. Stodd, new information?

Stodd: Thank you, Madame Moderator. My name is Charles Stodd, and on behalf of the Madaket Home Owner's Association, whose board voted to oppose Article Sixty-Six, I want to speak against it... and I can speak from a personal perspective. Our family has

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vacationed on Nantucket for twenty-five years, and my wife and I had always... hoped to retire here. We bought a house in Madaket when homes were considerably more affordable, and we moved to Nantucket five years ago. In that interim period, the payment of two mortgages could only be made because of the rental income that was earned during the summer. And I can assure you, that the rent that we charge was not thirty-six thousand or seven thousand or that time even three thousand. I can also assure you that we did not rent our little house for the entire season. But nonetheless, without that rental income, our retirement home would have been just a dream. There's lots of other Nantucketers who are in similar circumstances—Nantucket homeowners—and the last thing these homeowners need, especially in the current economic crisis, is an excise tax that will make it increasingly more difficult for them to rent their properties and pay their mortgages. There've been a number of news articles about the numbers of foreclosures on properties here on Nantucket, and... and this tax could very well add to the number of struggling families that are trying desperately to hang on to their homes. Please join us in opposing this article. Thank you.

MM: Thank you. Now, I have a motion to move the question from Mr. Barnes. And I'm going to take a vote on that...

Speaker: (inaudible)

MM: Mr. Ray. Oh, sorry. Oh, my god... somebody down here is moving the question, so I'm going to actually go to a vote on this motion to move the question. That way, if people really want to continue debating this, they can. If they want to stop debate and go to a vote on the article, they can do that as well. What happens when we do this motion, it requires a two-thirds vote, its non-debatable. A Yes vote will end debate and we'll immediately go to a vote on the main motion on this article. A No vote will defeat the motion to move the question, and we'll continue with debate. So if you would like to still be talking about this, vote No, if you are ready to vote, vote Yes. All of those in favor of the motion to move the question, please say Aye.

Audience: (loud) Aye!

MM: Those opposed, no?

Audience: (silent)

MM: That motion is unanimous. (Laughter.) Okay. Article Sixty-Six... we're voting on the motion as made by the Finance Committee with the technical amendment read into the record. It is a home rule petition. It requires a majority vote. A Yes vote will adopt the motion, a No vote will defeat the motion. All of those in favor of the motion, please say Aye.

Audience: (loud) Aye!

MM: Those opposed, No?

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Audience: (louder) No!

MM: Oh... you know, the No's are always louder, but I think that was a No, but I think we'll take a hand count because I know people will ask. All those in favor of Article Sixty-Six, please raise your hand and keep your hands raised until the tellers have had an opportunity to count your vote. I do want to mention that this can be a little bit like a baseball stadium where people are constantly moving, so if you feel stiff and you don't want to be sitting in your seat, please don't feel like you can't get up and go out and come back in. Someone suggested that I was keeping people in their seats longer than they wanted to be there, so... (Pause.) And speaking of—well, sort of speaking of the seventh inning stretch... The Red Sox game is currently 4-4 in the sixth. (Long pause.) Okay, on Article Sixty-Six, yes, 164, No, 217. Article Sixty-Six is not adopted. (Small applause) No, no, no. Don't do that. ... Okay. Article Sixty-Eight... Article Sixty-Eight starts on page 100 of the Warrant, and continues onto page 102, 102, 103... we have a Finance Committee motion not to adopt on page 103, and I will remind you that we had a Board of Selectmen comment that was provided as a technical amendment... at the beginning of the meeting yesterday... And that comment is now up on the screen, and maybe... we should all read it, just because, some of you might not have been here yesterday... I'll let you just read it yourselves... oop... (Laughter.) Oh, too fast? Maybe I should read it, cause then I'll know when it's time to turn the page...(Laughter) Okay... come up a little bit... there we go... Okay? Okay... So that was the Board of Selectmen comment... and now... I have a positive motion that will be made by Mr. Smith, who is the person who called the article, and his motion is essentially what is printed in the Warrant... There's just like five words that change... with that change and number two... which appears on page... 103... at the... near the top of page 103... Okay... Is that your motion, Mr. Smith? (Pause.) If you could say, So moved...

Smith: (off mike) So moved.

MM: Okay... Is there a second? Motion is made and seconded... Mr. Smith...

Smith: Thank you, Madame moderator...

MM: Oh, before you speak, I wanted to mention—I'm so sorry—that... Casey Lendway is here... She's currently a tenth—sophomore?—freshman... who participated in the studies done in connection with this article, and she's going to take part of Mr. Smith's time, briefly... She's not a voter, in case that wasn't obvious already... She didn't stay back... (Laughter) Okay... go ahead...

Smith: Thank you, Madame Moderator. Tonight I'm speaking as a private citizen, a scalper, and a fisherman... I sit on the Harbor and Shellfish Advisory Board, and I'm an appointed member of the Harbor Plan Implementation Committee... If you'd please note on your texts... in the Warrant... on the top paragraph, last sentence... which is very common wording for Home Rule Petitions... and this is included in our article and it's kind of important, with the – what the BOS is gonna do for us... with the approval of the

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Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage... With this language we allow for specific changes that suit all the desired parties... All parties desired... Desired. We are quite please to have the Board of Selectmen's cooperation with their added committee. We think we will be able to bring forth harmoniously a strong piece of legislation. If and when we get to the State, everyone on Nantucket will be able to speak with a unified voice. A Yes vote tonight will send a loud and clear message that we are all stewards of our environment, and we'll preserve our island scalloping industry... and the quality of life that our future generations deserve. I'm going to pass this microphone over to Sarah Oktay... Thank you.

MM: Thank you.

Oktay: Thank you Madame Moderator, thank you... Smitty... I'm Dr. Sarah Oktay. I want to start off speaking as the Chair of the Harbor Plan Implementation Committee. We presented this recommendation in February 2009 in our final report to the BOS. We introduced the wording that you see today over the winter to the BOS, and worked very diligently with the Town Council, who was very helpful, to bring forth legally defensible and appropriate language. We've held several public meetings concerning the Warrant article over the past few months. This action idea was in the original 1993 Harbor Plan, and was carried forward into the 2009 plan after a number of citizens spoke up in favor of fertilizer regulations at public hearings over the past four years. And now the ball is on the ten yard line. The new comment presented last night by the BOS does an excellent job of moving the ball forward. We appreciate and support the BOS efforts to work through this process, and engage more stakeholders, and adhere to specific goals and achievements over the next year. I'd like to switch, if everyone would just close scene, and speak as a private citizen, a chemical oceanographer who is knowledgeable about the science and passionate about Nantucket's water quality. I put my time, money and sweat equity into protecting the aquifer, harbors, and ponds. Alga balloons in the ponds and harbors indicate a problem exists. Passing a Warrant article to restrict and reduce the amount of fast release nitrogen and phosphate is one of the most important action items in the harbor plan. There are other inputs that we'll be addressing. Tonight we're speaking about fertilizers. I'm confident that over the next few years, increased education, outreach, and implementation of related harbor plan action items, and items suggested by the BOS in their comment tonight, will bolster this Home Rule Petition. All these actions can go unparalleled. Not passing the article will put the issue off for yet another year. regardless of what happens tonight, each of us as homeowners, renters, gardeners and citizens can make sure that tomorrow we are using the most environmentally responsible and least damaging fertilizers on our own lawns. Thank you. And I'd like to introduce, and I'm excited that a young citizen is willing to speak to this article, and that's Casey Lendway.

Lendway: Hello. I'm Casey Lendway, and I go to Nantucket High School. I'm here to represent the future generation of Nantucket Islanders, while addressing the issues and effects of lawn fertilizer use on the island. I have seen first hand the devastating effects that fertilizers...have on our environment, from experiments performed at the U. Mass

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Field Station by my classmates and myself. Run off from these popularly used fertilizers leave excessive amounts of nitrogen and phosphorous in the town's harbor waters. To test this theory, we put down a small amount of fertilizer, measured the ground water for phosphate and nitrate before and after the application. We then saw ten times the amount of material in the ground water in less than 48 hours of the fertilizer application. No other changes had occurred to the ground water to cause this, except for the application of a small amount of fertilizer that is commonly used. In bodies of water in which excessive synthetic fertilizers have been deposited nearby, eutrophication is more likely to occur. This is a process in which the ecosystem is enriched by nutrients encouraging excessive plant and algae growth. This plant growth often strips water of necessary oxygen, causing many species to die. Although eutrophication is a natural form of succession, it is often enhanced through human inputs of fertilizer. As the pond becomes covered with surface vegetation, the dead and dying vegetation and organic matter settles at the bottom, slowly filling up the pond. Depending on the speed of this process, a pond can turn into a marsh or swamp, a marsh or swamp into a bog, and a bog into a meadow. The use of these synthetic fertilizers also is responsible for algae bloom, or rust tide, which endangers the island shellfish population. Then endangerment of our shellfish population is obviously a huge problem for many locals. These issues have been ignored for several years. If other towns across the country can put a ban on quick-release fertilizers to help their waters, why can't we? We are slowly poisoning our environment, and just like global warming, you are leaving me and my children and so on, to deal with the disastrous effects of your selfish usages. This is one H2-uh-oh you do not want to make. Thank you.

MM: Thank you. (Applause.) Yes...

Speaker: My name is Michael Miserelli... Just for a little personal disclosure, I am the Nantucket—the current Nantucket Landscape Association President, and co-owner of G & M Landscape Services here on the island. First, I'd like to commend Casey Lendway for her hard work and courage to get up here and publicly speak tonight... I wish I was that on the ball when I was in ninth grade...Um, I do want to talk a little bit about the experiment... Dr. Oktay did have a hand out available at a meeting where this experiment was discussed, and I just want to sort of try to relate it to landscape practices... and lawn fertilization... how it's done in the trades. Ninety-nine point one (99.1) grams of Scott's Fertilizer over fifteen square feet equals point two two (.22) pounds over fifteen square feet, due to our calculations. When you put that on a thousand square foot scale, which is the way most things are measured for home lawns, that is fourteen point seven (14.7) pounds per thousand square feet...The fertilizer analysis wasn't stated... but there was... nine Scott's products listed on their website, which I believe it was a Scott's product, and they mostly all were in the three pounds per thousand rate for a normal application... It was watered in with a garden hose for fifteen minutes, and, with our calculation... a three-quarter inch garden hose turned on halfway puts down eight inches of water in fifteen minutes...so the first... according to our calculations, which were verified by Mary Owen, the extension education and turf specialist at U. Mass Amherst, has the rate at four times normal in a very heavy amount of water. So, a very interesting experiment, but in terms of the way lawn care is... is done, it doesn't apply to practical turf

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applications, and, in my opinion, should not be used as a scientific inquiry to base decisions on lawn care. I just want to say a quick little piece about Article Sixty-Eight in general, in that the Landscape Association does endorse the Harbor Plan's objective to develop a regulation to limit excess fertilizers. The Harbor Plan specifically listed the Landscaper's Association as a group to seek input from, to meet some of its goals. Sadly, the implementation committee solicited no input from turf science professionals, agronomists, or lawn care professionals, until... long after the text was written, the power point presentations were prepared, and the Town Meeting Warrant was adopted. As it stands now, this propose makes some environmentally sound practices unlawful, and in some cases, pushes professional turf managers into less protective practices in order to comply with the law. Over the past several weeks, some have questioned why the landscapers and other parties were just speaking out now. To my knowledge, the HPIC didn't have meeting agendas available, and the Harbor Plan had many, many goals, so it was hard to follow which meetings would be concerned... which would be addressing fertilizer. There was a little—there was also some confusion on meeting posting locations, which I believe were clerical errors, and not... not done improperly... intentionally improperly. In addition, some groups also needed time to get approval from their perspective boards... to speak to the article. Our highest ideals in government involve many better ways for diverse groups to work together to solve problems in the public interest. Who is not moved by the national efforts in that direction? Locally, election campaigns have been waged with a promise of delivering that elusive goal of making government more inclusive. The recommendations by the Finance Committee and the Board of Selectmen on Article Sixty-Eight are a testament to the shortcomings of this article and how it was developed. The proposal before Town Meeting tonight can be made more effective and enforceable without creating a large bureaucracy for Nantucket. And we are asking, as recommended by the Board of Selectmen and the Finance Committee to refer the article for further development, and we are eager to participate. Thank you.

MM: Thank you. Mr. Ray? It's Richard Ray.

Ray: Thank you, Ma—Thank you, Madame Moderator...My name is Richard Ray. I'm the Director of the local Public Health Department. With my activities over the last six years in Madaket and Nantucket Harbors, indeed, my life has been septage...On that note, it's nice to note the swing. That we are now going to start looking at fertilizer. I'm a little ambivalent about what you see on the screen here. That doesn't mean I'm complacent, I'm just ambivalent. Because I know, with what you're reading up here now, that the Town is going to go in this direction. We don't necessarily need the regulation, but it is certainly a foothold with the legislature. We're going to get there. The most important thing about what's happening here tonight is all of you, out here. This is an exposure issue. this is an education piece. This is our opportunity as a Town of Nantucket to tell you that we are concerned about fertilizer use on this island. Now, you can quote studies wherever you'd like. You can quote... eighth grade science... and I'm not denigrating that at all... You can quote... a Mr.Miserelli's comments... But we deal with a different soil here than is done in most of these routine testings. we have a great deal of sand. There's a speed factor involved here. Fertilizer moves a lot quicker

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through these large, granulated soil pockets that we have, and if you over apply fertilizer, that fertilizer not utilized by plant roots is going to end up straight down into the ground water. And most of the sandy conditions about both of our harbors, and many of our ponds. So, just like septage, fertilizer is an issue for our water bodies. Please understand that I... I endorse what's happening here. I really believe that the committee that could be formed and should be formed will give us... a direction to go in...and perhaps a little bit more of a body of a work to start working on some of these water bodies with regard to fertilizer use. One of the things that we really have to do, and it's something you all can do, is to convince those people that sell you fertilizer, to offer you a greater choice of organic fertilizers. Get away from—well, I'm not going to use brand names. Get away from these—the quick nutrient loaded green ups. They are problematic. You can fly over this island in February, and be absolutely flabbergasted by the color of the landscape under you. It shouldn't be that green in February. I do not know how I'm going—or how someone is going—and why do I think it's me-- enforce this? There are no green-o-meters. The thought of standing there at each piece of property and looking at somebody going, I wanna see the test results of your property... I don't know that that's feasible either. I will tell you that next week, when I go off island to Barnstable for one of my meetings, I'm going to bring back an awful lot of testing forms from the Barnstable County service over there that does this soil test. You can get 'em in my office starting next week, I hope... Again, this is a wonderful article, but whether it goes or not is not the important factor here. The important part is the public education process that starts here tonight with all of you, and all of your ability to get it out there and talk to people about it, talk to your retailers, and let's try and see if we can come up with something that works for this island in regard to both the overloading of nutrients regarding the fertilizers and/or septic systems. And, please understand, that the estuaries program is getting into the pond aspect of Nantucket this year. More so, and quicker than they have in the past. They are aware of our concerns, they're ware of these issues. You're going to see a lot... but you will not see them... they're very stealth like. They're out there on the ponds, they're gonna be testing, you're gonna see a lot of work done there in the fall.

(Tape ends)

(Resume Tape Side B)

Ray: (continued) ... you could have some water quality recommendations with regard to our ponds. I don't know that I have that much else to offer. I'm probably taking up too much time, but please, this is a public education piece as much as it is a regulatory piece. Please pay attention. Thank you.

MM: Thank you. Ms. Rogeeven.

Rogeeven: Hi, I'm Patty—I'm Patty Rogeeven, and I'm actually a liaison to the committee, and I thought it was important that it speak to what we're actually looking at today, and I know that the committee, as it sits around me, knows what I'm going to talk about... The good news here is we're all on the same page, and I think Richard spoke to that quite eloquently, and Casey did as well. We've started something good. Her study

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is the beginning of many other things that we can look at. The difference we're having as a board, is that we don't think it's ready yet. We don't want to go forward necessarily with a petition, a Home Rule Petition, until we have all the stakeholders on board. There's no enforcement component in this article...we'd like to look at that... We're asking to wait. That's all we're asking for. We're asking that the Town consider this in more detail, through a committee process, and that we bring something very strong to the State, or perhaps some other ideas. Licensing those that apply. I mean, there's other things that we've already begun to talk about... so... education... So I think that going forward, what we're asking tonight is not Yes or No on whether this is an issue, but whether or not we're ready and our opinion, frankly, is that... not yet... Thank you.

MM: Thank you. Mrs. Coombs.

Coombs: I'm Diane Coombs, and I've been on SHAB, I've had had a fish market, I've bought scallops, I took scallops the Boston Seafood, many years ago... and I've spent a great deal of time working with Harbor Studies Committees... and this is the first year, to my knowledge, that buyers of our Nantucket scallops turned them down... and said they were not quality... and their customers didn't want them. It isn't a case of waiting any longer, and it isn't a case of having everything perfect. If we can get this petition up to the state, at least it will be a start. It may take two years, but the Board of Selectmen has said that they will start a committee immediately... But people who are perhaps are not here tonight have to know that the harbors are in really bad shape. Other people... the landscapers, and whatever, have a business... We also have scallopers who depend, and openers, that depend on the three million dollar business that scalloping provides this island in the winter time. And if we lose them, and we lose next year's seeds, we won't have a business for our scallopers, and we will have lost one of the things that made this island unique for as long as we can remember. And that is the quality of our scallops. I have a article here, which Sarah mentioned, which is the Nantucket and Madaket Harbor Action Plan, and it was presented in May of 1993, and the first paragraph says... the Nantucket and Madaket Harbor Action Plan is the result of a five year community effort coordinated by the Nantucket Harbor Planning Advisory Committee in cooperation with the Board of Selectmen and Massachusetts Coastal Zone Management. The vision of the broad based group was 1) to examine the current condition of Nantucket Harbors, their waterfronts, and to write a comprehensive plan including recommendation policies and actions which, when implemented by Nantucket Town and County boards, commissions, and departments, will preserve the multiple infrastructure related uses of today's viable harbors far into the future. This was started... this particular one was started... in 1989...presented in 1993... and this is 200—2010...and we're still presenting it, and we're still not getting there. It needs to get there this time. It needs the backing of the Board of Selectmen to live up to their- the committee they said they would form, but we need you to back us and say this has to go through. Thank you. (Applause)

MM: Mr. Boyce—please don't applaud, that's extremely rude, and delays the game here.

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Boyce: Thank you... Thank you, Madame Moderator... I am currently the Chair of SHAB, and... been on the Harbor Plan Implementation Committee since its inception. What we did was, we took a practical approach. We looked at what was worked... what has worked, and we took their wording for it. We looked what was... worked in Wisconsin, and Dane County, we looked at what has worked in Minnesota for the whole state. We've looked at what has worked elsewhere, in other jurisdictions, around the country, and we took their wording. These laws have worked. They've worked without enforcement. They've reduced... many of these laws work for... specifically for phosphorous, because we're dealing with fresh water and... the phosphorous has gone down in the water, and the amount of rapidly available phosphorous in the fertilizers sold in the state of... Minnesota, for instance, has... dramatically decreased... All of this without enforcement... So the enforcement isn't necessary... the education programs that they tried before this did not have effect. So, education by itself is not enough. You have to have some kind of legislation. And most people will, in fact, obey the law... And that's what we want to have happen. We're looking in fact at what the final effect is. I commend the Board of Selectmen for taking the action to bring people together, and I look forward to working with... people who feel disenfranchised in the development of this article... But I want to say that we can change a Home Rule Petition... I've been talking with Senator O'Leary's office staff today... on another item... and discovered that it's quite normal to change a Home Rule Petition once it's up there before the legislature... so we can pass this today, and get this ball rolling... put the pressure on... the Board of Selectmen, and on the committee that they... appoint... to actually come up with... the perfection of the article, but in the mean time we'll, as I said, get the ball rolling.

MM: Thank you.

Boyce: So, I just want to say I'm also part of a ... group that is doing research on the scallops in our harbor, and last summer we killed a lot of scallops that were in our spat bags, we killed an inordinate amount of the number of the scallops that were growing in our cages, and we stunted the others. So this is something that is on us right now. It's something that is likely to return again, and we've got to cut back on the amount of algae eating... they chew 'em up like popcorn... we gotta keep the... the... do whatever we can as rapidly as we can. ... to mitigate the flow of nitrogen into our harbors. So I urge you, please pass this tonight... Make a strong statement that we are all on the same page... and I pledge to work with the committee and with the landscapers to perfect the article once it's going on it's way. Thank you.

MM: Thank you... Mr. Lucas?

Lucas: Thank you, Madame Moderator. My name is Mark Lucas, I'm the golf course manager at Nantucket Golf Club. I graduated from Perdue University with dual degrees in Environmental Science and Turf Grass Science. We are conflicted with Article Sixty-Eight, and it's with great reluctance that we will vote against it. Though we do... we do support the language in the comments put in by the Board of Selectmen yesterday. We aren't in the harbor waters yet... never have been... our ground water doesn't go to the

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harbor...It never will, unless there's a drastic change on Nantucket...in which case, probably none of us will be around anyway... We are regulated now, and have been, since 1996, in many ways more so than what this article dictates. For example, to remain in compliance with the Town, we've conducted ground water sampling every three months since the fall of '96, spending hundreds of thousands of dollars in the process. Since '96 we've practiced about ninety percent (90%) of this article's content, But it's the other ten percent that we're concerned about. We use organic and slow release fertilizers, and always have. However, certain practices, such as spraying of fertilizer at very low rates, would be unlawful under this regulation. We use this practice because it's environmentally safe, decreases our overall nitrogen use, and decreases the outbreak of certain diseases... and because the majority of this low amount of fertilizer needs to be in quick-release form, this practice would become unlawful. Even though the total amount applied is one tenth of a pound of nitrogen per thousand square feet every two weeks. This nitrogen is immediately available to the plant. It doesn't make it to the soil to leech, and independent university research supports this. This practice is more environmentally safe than putting down any granular product be it organic or slow release fertilizers. It is our most environmentally safe way to apply fertilizer, yet it would be banned with this article. If a committee is formed by the selectmen to move this ahead for next year's Town Meeting, I will apply for a position on that committee. We have a tremendous amount of experience with this... with this issue. We know what works and what doesn't. We can be a valuable asset in making positive changes to this article that are more effective and more environmentally sensitive. One last point... I've spent fourteen years focused on the very subject we're talking about tonight. If I added up all the hours in the last fourteen years that I've spent testing our ground water, compiling reports, choosing which fertilizer to use, at what amounts and when to apply it, choosing how much irrigation to apply, the hours are truly staggering. We at Nantucket Golf Club take this subject very seriously. To not have been part of the process I truly believe was an opportunity missed. However, we want to be part of the process going forward, and put something together that is stronger and more inclusive. Though we do not support this article, we strongly support the Board of Selectmen's comments. Thank you.

MM: Thank you.

Speaker: Dave Champioux. I am a member of the Landscape Association on Nantucket. Been here since... 1978... One thing I'd like to note about this... this article...is... it exempts... farms... it exempts... cranberry bogs... the last I looked... they're a large user of fertilizer...The fertilizer they use is applied to their ground, which tends to leech a lot quicker than fertilizer applied to say, turf, which is more or less a buffer zone... so... by exempting... exempting those entities from this article, you've eliminated them from the discussion, and... from my way of thinking... you know... the article should be voted... voted down... and proceed ahead with the Board of Selectmen's recommendations on this. I think we should get the farms, get the bogs, involved in this process. Thank you.

MM: Thank you... Ah, Mr. Brusette.

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Brusette: Thank you, Madame Moderator. I always wanted to call you that... Madame Moderator... I'm here on behalf of the Nantucket Golf Club. And I would just say that I don't think there's anyone in this room who's not supportive of protecting Nantucket's harbors and bodies of water. I would just feel that, there's a lot of people in this room who haven't been included in this process, and I'm encouraged by the motion of the Board of Selectmen to form a committee, so that we can all be involved, but I would ask you to vote this article down tonight, so that we all could be included... And I thank you for your efforts... Both on the Board of Selectmen's parts, and the committee who put together the research... I hope that we can move forward. Thank you.

MM: Thank you. Oh... alright... alright...excuse me? You'd like to offer an amendment? Okay... Go ahead, Mr. Kopko... Is it an amendment, or a motion?

Kopko: This is an amendment to the motion... that's on the... on the floor, I believe, which is a positive motion.

MM: Okay... What is it?

Kopko: The motion... ah... the amendment would change the... beginning... where... where would this go, Paul?... In a.. in a ... moved that... moved that the Board of Selectmen be authorized.... to request...and then strike these? and strike... ah...

MM: Are you kidding me?

Kopko: Then strike... after General Court...sorry?

MM: Sorry, I just can't understand why they didn't have this in writing, why this is just coming up now.

Kopko: I'm sorry, I apologize for that... but it's simple. And I'd like to explain what this amendment would do...

MM: Okay.

Kopko: Everyone in the... in this room I think is in agreement on where we want to go with this, and it just seems to me that—

MM: Right—

Kopko: Sorry?

MM: Could you get the m... could we get the amendment up, please, before you start discussing ....

Kopko: Yeah, I'm sorry, I thought it was already in...

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MM: To be requested to... to what?

Kopko: (pause) Strike "be requested."

MM: Strike the "be requested..."

Kopko: That's it.

MM: Okay, that's your motion?

Kopko: That's my motion.

MM: Is there a second? Motion is made and seconded. Okay. Go ahead...

Kopko: Madame Moderator... I think we are all in this room in agreement on where we want to go with this, and I .... I believe that my colleagues on the board have taken... serious steps to create a process that will get everybody where they want to be. They want to get us there. I believe them, that they will do that. The landscaping community wants to help get us there. I believe that they want to do that. The problem with not passing something tonight is that the whole process gets pushed off another year. A whole year. Period. End of story. Now that the Board of Selectmen has committed to a process, that I believe the language talks about it coming to a conclusion in October... and the landscaping community and others have committed to working with the Town through this process, that the Board of Selectmen have proposed, and what I would suggest is that this language will allow us to get the Home Rule Petition to the legislature as soon as this process is complete, and as soon as the Board of Selectmen and the stakeholders have agreed that yes, this is the language we want... in the Home Rule Petition... that way we're not putting it off... until... sometime after April 2011...at the very least... we get it done sooner... so...my amendment is offered in that spirit. I think that... I trust that the board wants to get this done, and I trust that the community wants to get this done, and I trust that if we pass this article they will have an added incentive to get this done. And our feet would be held to the fire. And I would ask you to hold our feet to the fire.

MM: Mr. DeCosta?

DeCosta: Madame Moderator, I just have... I would like to speak on this article, but what I'm speaking on right now is I want some clarification on Mr. Kopko's amendment... Does this mean that if we pass this tonight... we've said that we are going to send something to the General Court but we're not gonna know exactly what we're sending till October, because we're going to re—in other words, what is written here, is that what's going to get sent, or is it going to all change?

MM: Ah, well... what it says is that the Board of Selectmen are authorized to request representatives in the General Court to submit legislation to substantially in the form set

forth... so it comes down to the question of what substantially means...And it doesn't mean October. It could be tomorrow, it could be a year from now.

DeCosta: So, even though we're going to form a committee with all these people that want to get involved, whatever input they have may not go to the legislature, it will just be what's on this article right here, correct?

MM: Correct. This does not require the formation of the committee, you're correct. Thank you.

DeCosta: Thank you.

MM: Mr. Atherton?

Atherton: My name's Rick Atherton. For a number of weeks now, the Board of Selectman and the members of the Harbor Plan Implementation Committee, and representatives of the landscapers and other interested and committed community members have been discussing that really what amounts to the best approach to this problem. The board has deliberated probably more extensively on this article than on Article Eight. I'm serious. this is a major issue for us. I think just the nature of the discussion tonight should make clear to us all that there are differing points of view. I think Michael's amendment is in good spirit, but I think it also emphasizes why we should not attempt to develop the terms of the Home Rule Petition on the fly. It's a very serious matter. And I think the same thing is true of giving the board such broad authority to develop Home Rule Petitions at our will without your approval of them. I think this board is committed. And I think I can reasonably speak for all of us. We have no desire to be known as the board that did not act. I've heard a fair amount of comments over the past few weeks viewing that some people have stalled... have delayed... I think some of those comments are unfortunate, quite frankly. I think I can speak as a citizen, I have no interest in delaying this process at all. But I do believe the community will be better served by a participation process that I do not think was completed in a... sort of equitable and broad fashion as it could have been... I think we are all committed to do just that. One other thing, a Home Rule Petition may or may not get passed through Boston. We can vote for one, tonight, it might make us all feel great, but I think the possibilities of the committee with some recommendations, we might find ourselves with some local regulations coming through the Board of Health that have a much more immediate impact and are likely to get us to the end game quicker, with everybody buying in along the way. A Home Rule Petition could get to Boston and take years. We might feel good, but it's not practically getting the job done. So I would ask that we all support the recommendation made by the Board of Selectmen in our comment. I thought earlier I would read it to you, because, you know, it's up on the screen and it flashes in front of you. A lot of thought went into that. It commits the Board of Selectmen to take prompt action... and I think we intend to do so. SO I would move that we vote against Mr. Kopko's amendment. You know, I understand it's in the... it's brought forward with a positive meaning... That we go back to the main motion and move to refer the matter to the Board of Selectmen to act in accordance with our recommendation. Thank you.

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MM: thank you... on the amendment only... Ms. Ray? Just on Mr. Kopko's amendment?... No, not right now... Microphone... Just on the amendment... We're just going to deal with the amendment.

Ray: This is confusing. I don't understand why this has been done, if this makes this article still legal. I guess you and Mr. DeRensis were speaking, so I guess it is ...

MM: No, we weren't speaking about this...

Ray: This... this—

MM: I have never discussed this article with Mr. DeRensis.

Ray: No. I'm saying, Mr. Kopko and Mr. DeRensis changed this.

MM: Correct.

Ray: So it's legal.. But I'm don't quite really understand why it's done. I don't follow why there's a change.

MM: Okay. I'll try—I'll try to get you an answer to that.

Ray: And I'd still like to speak on the article.

MM: Got it. Yes, Mr. Soverstein...

Soverstein: Madame Moderator, Lee Soverstein, New Street in town. I've spent forty years teaching on the reclamation of severely disturbed land, so I have a little bit of understanding of what's going on here. I'm speaking in favor of the amendment, and at the appropriate time will speak in favor of the main motion. Part of our challenge is the Federal Clean Water Act was nonspecific with respect to agricultural waste, so we don't have any guidance other than the use of quote best management practice. By asking the Board of Selectmen to work with the General Court, integration with the state—SPDES-State Pollutant Discharge Elimination System—and the state implementation plan for the Clean Water Act, would allow... would go forward in this year that we would be talking about. That would be wasted if we didn't do something. So, as... to wrap this up.. I think if we vote for this, and then vote for the main motion, we can integrate what we need to do here with the elements of the Clean Water Act as implemented by the Commonwealth of Massachusetts. Thank you.

MM: Thank you. Ms. Witte... on the amendment...

Witte: (off mike) Would voting for this amendment (inaudible)

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MM: Oh wait... wait for the microphone... Alright... Ms. Witte is asking if... if adopting this motion would prohibit or prevent Mr. Ray's office from developing local regulations in the interim.

Witte: Thank you.

MM: And I'm going to get you an answer to both of these from Mr. DeRensis... Now, we have two questions...

DeRensis: What was... the first question?

MM: Answer the last question first, and then we can go back to the first question.

DeRensis: Alright... the reason why there's a Home Rule Petition here is that the state has preempted most local regulations... there is very little that any city or town can do on these subjects because the state has acted... and there's this doctrine or preemption... That means... our hands are tied, unless we get legislation that allows us to do something. That's why we have... a Home Rule Petition here... There is not much that can be done locally. SO, whether you vote for this or you vote against this, there will be no authority to do much regulation unless or until the General Court gives that power to the Town of Nantucket to do that. The second question...

MM: The first question was, why is the... what is the... point of this amendment, and...

DeRensis: The point of this amendment.. the original language meant, if you vote yes, you pull the trigger on this, and it's up in Boston. The amendment says, it doesn't go to Boston immediately. You've authorized the Board of Selectmen and you've given them some discretion about when and if it gets filed.

MM: Okay. Mr. Chadwick.

Chadwick: I'd like to... to thank Mr. Kopko for his amendment. The problem with it is, is... that the Board of Selectmen would be proposed... committee that puts together... would come up with a regulation, or what have you, and Home Rule Petition, and at the end of the day submit it, without bringing it back to the Town Meeting for approval. So it's a lot of trust to put before Town Meeting that we'll do the right thing, and that everyone will know exactly that is. Thank you.

MM: Thank you. Ms. Johnson.

Johnson: Thank you, Madame Moderator. Leslie Johnson. I'm part of the Harbor Plan Implementation Committee but I'm speaking as a citizen, and saying I think that everybody in this room knows we have a problem in our harbors and in our waters. And I think that we will do the right thing, and I think we should vote Yes on Article Sixty-Eight tonight so we get the ball rolling. I commend the Board of Selectmen for... for committing themselves to put together a committee of all the stakeholders, so that we can

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perfect the language. Let's do that. let's get this rolling. Let's get it going. We all know we're in trouble. We're losing our clean waters, and we can't afford to wait any longer. And I trust that the people will do the right thing, the board will get the legislation right up to the State House in a timely fashion. We already have some parameters about a timeline of putting together a committee by may, if this is the language that I... read... that the board put together, which I appreciate...And... we would have something in place by October, so why would we wait another year when we can do this now? I say... I urge everybody to vote Yes on Article Sixty-Eight. Thank you.

MM: Mr. Cohen?

Speaker: (off mike, calls out)

MM: I've recognized Mr. Cohen. And we're speaking only on the amendment.

Cohen: Steven Cohen... I have a question, through you, Madame Moderator, for Council. If this is essentially to give the Board of Selectmen the authority to send a... Home Rule Petition to the... General Court, before waiting until next October, I'm wondering if the... substantially as follows language is creating a four corner scope issue, where the Board of Selectmen would be limited by the terms that are contained herein, so it would be giving a great advantage to one side, and not to the other... and I actually don't... you know, I'm not on one of those sides... but if we're going to go... in a more general direction and say let's give the Selectmen an opportunity to go in advance of next April, perhaps all of the conditions can come out, and just have it read... instead of saying substantially as it follows... it could just say... concerning... and then the name of the act concerning regulation and content and application of fertilizer in the Town of Nantucket... and then the Selectmen have... full carte blanche to come up with something that... is reasonable and that they could try to put forward, and if the Town doesn't like that, then the town still can, next April, bring a different Home Rule Petition... but I think that having the scope of what they can do limited by something that we're proposing not to... not to amend... would be unfair. So I'm wondering, through Town Council, if the substantially... if what I'm suggesting is necessary in order to avoid that problem. Or if the substantially language is basically... a hole you can drive a truck through and it doesn't matter.

DeRensis: Many towns have adopted the proposal just made by... Steve Cohen... and simply authorize the Board of Selectmen to finalize Home Rule Petitions. That's... a... generally accepted way of doing Home Rule Petitions. It's not the majority rule, but it's a commonly known way of doing it... The second point I would make is that between the words substantially and the words... authorize the General Court with the approval of the Board of Selectman... there is considerable discretion... already... the board has not confined within the four corners of the existing...text... and we have seen in the past times where we've had to make some significant amendments to Home Rule Petitions in order to secure passage... So there already is a fair amount of discretion...with the current language. SO, I'm agreeing with the first part of what you said, and I'm...

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expanding on the second part of what you said. You can end it earlier, but it won't make that much difference...

MM: Mr. Glowacki.

Glowacki: Is it on? Thank you. Mike Glawacki... Madame Moderator, to my knowledge, the State preempts communities from local action on pesticide use. I'm unaware of anything in the state that preempts communities from local action on fertilizer use. So, I believe Mr. Cohen had this right. Let's please get this right. Thank you.

MM: Thank you. Mr. Atherton?

Atherton: I guess this is the perennial sausage comment... I think those of us that appear...at least some of us... whispering as... the dialogue goes on... found Mr. Cohen's proposal attractive... I think it takes some of the specifics out of the language, and even though there's great discretion, I think starting fresh with the authority to implement...another Home Rule Petition... if we feel that it's necessary, and if it is, that's fine, and if we have other ways to go forward, that's fine as well. So I'm speaking of myself and I think some of our other Selectmen... would find that a... reasonably acceptable compromise... so, Steve, thanks for the idea...

MM: So are we proposing to amend it in the way that Mr. Cohen has...suggested?

Atherton: I mean I think what I'm suggesting to myself is you can get so far here, and just take out the original text of all the provisions...

Speaker: (off mike, calling out)

MM: I'm aware of that... You can have an amendment to an amendment... So.. I'll take care of the procedure, thank you...and if you have a Point of Order, please rise and say, Point of Order....Thank you... Mr. Atherton.

Atherton: Right. SO I'm just suggesting that we take all the specifics out of the original article... put a period someplace...Steve could help me with that... and we'd be prepared to move forward.

MM: Okay. So... What we're... what Mr. Atherton is suggesting is that Mr. Cohen's amendment be amended by... taking out everything after... the title.. take from Section One down... (laughter, voices off mike) Okay? You know, please come to order! It's really unhelpful... Yeah... yes, Mr. Drake?

Drake: (off mike) (Inaudible)

MM: Well we're going to do it right now. This is the end of the meeting... Go ahead, Mr. DeRensis... After the word passage... on the subject of... on the subject of... oh, sorry... to secure passage... What goes there... oh go back to... of legislation... on the

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subject of... delete that... whole thing... delete everything after Nantucket, right? Delete an act... Yeah, yeah... alright, we'll lower-case it in a minute. What else? Everything else goes out... Take everything else out... Okay... So, Mr. Kopko, are you willing—are you willing to accept that as a friendly amendment to your amendment?

Kopko: I am, Madame Moderator.

MM: Okay. So... This is now the amendment that we're discussing... Do you have more? Yeah, we're going to lower-case it... don't worry... Yeah... make it all one sentence, and lower case it... Yes, go ahead, Mr. Kopko...

Kopko: I know there... there may be some confusion about what this does. It's actually very clear... What this does is authorizes the Board of Selectmen and the stakeholders to commit to a process, to come up with a set of regulations, through many public hearings, many public meetings, that after all sides can agree to, that once we get to that point, that legislations can be sent to Boston. If the legislation goes to Boston by the third Friday in December, it goes into the next legislative session on the first of January, and that's where you want to be in line. If we don't... if we wait until next April, we're more than a year out...and I really think this is a great compromise... that we can all work together, get it done, and get it into the cue the first of the year. So I urge you to please support it. Thank you.

MM: Yes, Point of Order?

Speaker: (off mike) (inaudible) There's a deadline...?

MM: Correct. That's an option...that they'd be heading towards...That's the deadline, is December.

Speaker: I'm sorry, I—

MM: The deadline is... sometime in December, for filing legislation.

Speaker: Right... Oh, of course. And my point, is I don't see where that is in this amendment. Where there is a deadline.

MM: IT is not a deadline in the amendment. It's a deadline—if they want to submit special legislation, the deadline for this year is December. If they don't make the deadline then they can submit it for the following year. This authorizes them, but does not require them to file the legislation... and the deadline is a separate issue..

Speaker: Right, I know the deadline's independent of this.

MM: Correct...

Speaker: I guess my question is—

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MM: Could you state your name, too—

Speaker: I 'm sorry. It's Maureen Philips. But, since Mr. Kopko, to me, seemed to be promising us that they would get something in for this year, I wanted that to then be in there, because I'm very... from the point of view of this whole article I think timing is very critical, and that this not be... allowed to drag on, so... if we have that promise orally, I would like to see it in the article, so I'm wondering if Mr. Kopko would be willing to... put a time definition in his amendment...

MM: The problem with that—

Philips: I don't know If I'm saying the right thing---

MM: The reason why you can't do that... because Town Meeting cannot... We can authorize the Selectmen to do things, we can request the Selectmen to do things, but we cannot tell them to do things... so... and we cannot require them... we cannot require them to do things... But we can authorize them to submit legislation... we can request that they submit legislation...but we cannot require them to submit legislation and we... certainly can't require them to submit it by a deadline.

Philips: Okay.

MM: So I could—we could say... it would just be very difficult to do. It would have to be a... like, almost a separate request. Mr. Collier.

Collier: Thank you, Madame Chairman... I think my head is starting to hurt a little after this past twenty or thirty minutes of... sort of a divergence in terms of what... the substance of what we're actually talking about. I really did like what Mr. Ray was talking about, in terms of this being a very unique opportunity to... to start the education process, or at least continue the education process. As many of you might know, and there's a number of you in the... audience tonight... the Land Council has been giving scholarships to local landscapers... thousand dollar scholarships to attend a five day off island course in organic land care. We've given over thirty-five scholarships. We also just gave one to Charles Bartlett at Park and Rec... We're working very hard to... work with the Town, work with the School Committee, work with Park & Rec... Libby Gibson and Diane O'Neil and the Board... has committed to changing the local landscaping practice on Town owned land... to organic. So we're doing what we need to do on Town owned land. And we're going to do a little bit more on education... But, we've been talking about education since the eighties... Since '98... '93... the first Harbor Plan... '89... Since 2003... I was on the Nantucket Water Shed Work Group. I spent the better part of six to eight months debating leeching rates with my friend, Mr. Glowacki, out in the hallway there. To.. have this go back to another committee, to have it go back to other.. other work groups, I think just delays and stalls the process. I value all the input of...the landscapers, the trades associations. That input can still be garnered after we get this Home Rule Petition up there. We can continue the process, and... and really make it

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an inclusive thing for the community. But by voting it in tonight—the original language... I'm speaking against... the amendment here... By voting in the original language, we hold everyone's feet to the fire to start working together to get this done. I left ... that Harbor Shed Work Group, in 2003, there was specific language to the Landscapers Association to start the process. They did some, but in my opinion, they didn't do enough. they actually have admitted that they didn't do enough, and are committed to doing more. We need to do more. Let's get this passed. We need regulation, and we need it now. Thank you.

MM: On the amendment... Ms. Andrews...

Andrews: Ginger Andrews. I'd like to speak...against the amendment, which means that I'm for the article...I feel that... the landscapers are kind of caught in the middle, in that, their customers demand a fantasy green island, and... passing the... article as it was written, and not as it was amended, would send a message to the customers, who are.. the ones that the landscapers have to please, and, the... continuing the committee process only makes the landscapers jobs more difficult if they're... perpetually being asked to provide something that is unhealthy for all the rest of us. Thank you.

MM: Thank you. On the amendment... Mrs. Wheatley.

Wheatley: Thank you, Madame Moderator. Nancy Wheatley. I liked what Mr. Atherton had to say when he objected to Mr. Kopko's first amendment...because it... it didn't feel right. I have to say that there seems to be a substantial feeling that this amendment, while it puts a lot of trust in the Board of Selectmen, which makes me s o me what nervous, has an enormous... has an enormous sense of compromise, which is really how government should works. I'm a regulatory geek, I'm not fond of all the language that was in the original amendment, but that doesn't belong in our bylaws. We heard scientific debate about turf management and high rates, etcetera, so that is not what we want in our bylaws in the long run, anyway, in my opinion. But I do think that there is a sense in this room that this is one of the most important issues. I think the amendment as it's there right now reflects a very good sense of compromise. But I want to close with one thing: all.. when we get things done, and I do clean water, and I do regulation, and I do a lot of these things, you get it done with real acts which are supported by regulation, legislation, etcetera. But if we care about our harbors, if we care about those scallops, I would urge those people in SHAB and the UMass Field Station and the landscapers to get together and don't listen to this.. oh education doesn't work... start changing practices now...If we wait another year or two to get from here... from this amendment, assuming this passes, to a... a final regulations here on Nantucket, we're gonna have lost two more years in the harbor. So, we need to have action now. Not on committees, but on real work. Thank you.

MM: thank you. Mr. Lucas?

Ryder: Thank you, Madame Moderator, my name is Chris Ryder. I'm the Superintendent of Sankaty Head Golf Club, and I'd like to vote for this amendment, and

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urge the voters to vote for this amendment. I agree that this is the most fair thing I've heard at this point, and I'd like to be involved. The UMass Turf Extension is a great resource, and I've been in contact with them recently... They have a program coming out that introduces the best landscape practices for lawn and turf, based on sound scientific information and research, with environmental protection as a primary focus. It is scheduled to be released this summer... and I think this would be a great model, and they're great people who work there, so... I'd urge you to vote for this amendment. Thank you...

MM: Thank you... Mr...Oh... Ms. Goss.

Goss: Thank you, Vicki Goss. I'm a gardener as well. I... urge you to vote against this amendment, because the original motion... gives the changes that may or may not be needed, still gives the committee time, as has been suggested, to get the motion... already in front of the General Court... you know, jump the cue... and... as the Home Rule Petition is being worked with, all of the committee is working madly to get the language that we need in this article. I agree with the suggestion about the farming being included, and also.. many of the other suggestions that have been happening this evening, but deny this particular amendment and vote for the original motion, because the original motion still has plenty of latitude within it to be moved, without having to depend on our Board of Selectmen alone. Thank you.

MM: Thank you On the amendment... Mr. DeCosta.

DeCosta: Thank you, Madame Moderator. My name is Bob DeCosta. For those of you who don't know me, I am a fisherman... I was involved in the first Harbor Plan, I was on SHAB at the time, with Diane... I'm gonna... I can't believe I'm gonna do this, but I'm gonna support this amendment... I have some... doubts about it... but I'm gonna support it, because I'm gonna give the landscapers in this room one more chance. And you guys, to stand up here and say that you didn't have fair input into this, is kind of ... it's somewhat insulting, because you all knew this was coming. This was not something new that came in front of the landscape community in the last three weeks. This started in 1989... And the landscapers knew back then that we had a problem with nitrogen buildup in the harbor, and that we were gonna come to them and ask for their help, and I think we even had one article at one point to ban fertilizers entirely, and it got defeated. But it seems to me now that there is enough people in this room, and the landscape community, and the Board of Selectmen, and the fishing community, that maybe we can finally get something done about this. And I hope that, Mr. Kopko, as Chairman of the Selectmen, that you do take this, if this does pass, and get these people moving, because if we come back here in April and we still don't have an article, I don't think anyone's going to like the article that comes out of the... out of the voters.

MM: Thank you.... Okay. I think we're ready to take a vote on the amendment. the amendment requires a majority vote... A Yes vote will adopt the amendment... A No vote will defeat the amendment... All those in favor of adopting the amendment.... and

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the thing that you're voting for is what you see right there on the screen... All those in favor, please say, "Aye."

Audience: (loud) Aye!

MM: Those opposed, No?

Audience: (loud) No!

MM: That motion carries. Now to... You want a hand count? What the heck. We're coming back tomorrow night no matter what, so... Okay... So... All those in favor of the amendment on the main motion, please raise your hands and keep your hands raised till the tellers have had an opportunity to count your vote... Now if Mr. DeRensis was in the room, which he isn't, he would be telling me, oh, I shouldn't have done a hand count, I should have made seven people stand up... That's the rule, and I just want you to know that... I think that whenever anyone wants a hand count it's probably important enough to do it so that tomorrow you're not wondering... what if... and was it really... and that's why I'm always so quick to go to a hand count... But technically I'm supposed to have seven people ask. (Pause). Okay. All those opposed to the amendment, please raise your hands and keep your hands raised until the tellers have had an opportunity to count your vote. (Pause.) You have to earn your cake... No, they don't... They don't deserve cake... Article Sixty-Eight... We're on the amendment now, just remember that, on the amendment, not Article Sixty-Eight... Yes...186...No...102... The amendment carries. So now we are back on Article Sixty-Eight, as amended by the amendment... further discussion... Move the question... Okay... So you're ready to vote... Okay... Good... All those in favor of the motion on Article Sixty-Eight, as amended, please say "Aye!"

Audience: (loud) Aye!

MM: All those opposed...No?

Audience: (silent or one) No..

MM: That motion is adopted... Okay... Now wait.. Before you go, Catherine wants to draw a cake, and even though I say let them eat cake... Oh.. you know what? Whoa! Don't leave. Just stop... Just stop for a second.. I just need to do one more... I want to do something important before you go...I want to vote all the uncalled articles... which is usually our final motion... I just want to make sure we get it done while we have a significant number of people, because I'm expecting tomorrow it's going to be me and about fifteen people up here in the front. So... first... let me tell you that Mrs. Gonella has withdrawn her call of Article Eighty-Four and Eighty-Five... Does anyone want to discuss Eighty-Four and Eighty-Five? Okay.. So we're going to vote on those two... So that means that when we come back here tomorrow...all rested up, we will be discussing... we'll be starting with Article Sixty-Nine, then we have Article Seventy-Four...Eighty-Two, Eighty-Three, and Eighty-Seven... and Ninety-Two... Well I'm voting it anyway. I understand. We're just going to do it. Since you raised the Mr.

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DeRensis, now we're going to do it... I'm down the road... Moved that the following articles be voted as recommended and or amended by the Finance Committee or as recommended and or amended by the Planning Board, as printed in the Finance Committee report with technical amendments brought forward during the course of the meeting... One... Three... Four... Five... Six.. Seven.. Nine...Ten.. Eleven.. twelve... thirteen... Fourteen... Fifteen...Sixteen.. Seventeen... Eighteen... Nineteen.. Twenty... Twenty-One... twenty-Two... Twenty-Three...Twenty-Four... twenty-Five... Twenty-Six... Twenty-Seven... Twenty-Eight... Twenty-Nine... Thirty-Three... Thirty-Four.. Thirty-Five... Thirty-Six... Thirty-Eight... Thirty-Nine... Forty-One... Forty-Three... Forty-Five... Forty-Seven... Forty-Eight...Forty-Nine... Fifty-Four... Fifty-Six... Fifty-Seven... Fifty-Eight...Fifty-Nine... Sixty-One... Sixty-Three...Sixty-Four... Sixty-Five...Sixty-Seven...Seventy... Seventy-One... Seventy-two... Seventy-Three... Seventy-Four... Seventy-Five...Seventy-Five... Seventy-Six... Seventy-Seven...Seventy-Eight...Seventy-Nine... Eighty... Eighty-One... Eighty-Four... Eighty-Five... Eighty-Six... Eighty-Eight... Eighty-Nine... Ninety... Ninety-One... Ninety-Three... Ninety-Four... and Ninety-Five.

Speaker: (off mike) Point of Order, please!

MM: Certainly.

Speaker: (inaudible)—take no action?

MM: Correct... Cause we have to vote them... We're voting in accordance with their recommendation in accordance with the recommendation, which is Move to take no action.

Speaker: Oh.. I see.

MM: Okay? Same thing with Seventy-Four... Those two articles... We had a technical amendment... Wait a minute... Oh I'm sorry... Take out Seventy-Four... Yeah, Mrs. \_\_\_\_\_ called that one... okay...

(tape ends)

(Night Two tapes end)

Night Three, April 7<sup>th</sup>, 2010

Tape #1

Side A

MM: (continuation)... Hopefully in an expeditious and friendly manner...I do have a couple of... late breaking items... Mrs. Holland would like to withdraw her call of Article Seventy-Four... Article Seventy-Four, page 109... We had a technical

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amendment to the Finance Committee motion... it's otherwise as printed in the Warrant, with the deletion of Ann's Lane... Is there anyone else who would like to discuss Article Seventy-Four?... Okay... And... I have a technical... I've got it... amendment to Article Three... which... added the words... the appropriation voted pursuant to Article Ten... and change 2008 to 2007... And... I would like to do a vote on those two, Article Seventy-Four in accordance with its Finance Committee recommendation and the technical amendment on Article Three... All those in favor...?

Audience: (medium) Aye!

MM: Any opposed?

Audience: (silent) That carries unanimously. Thank you... I also... have... I think... Mr. Vorce... do I have a technical amendment? Is that right? On Eighty-Seven? Oh, my god, can I have your unanimous consent to change the five to a four... back on Seventy-Four that we just voted? Thank you... Okay... What about Eighty-Seven.. Okay... What do you want--? Go back to Seventy-Four... Okay... Go back to Seventy-Four... Okay, Mary. Go back to Seventy-Four... Thanks... Just scroll down... There you go. It's otherwise as printed. Okay... Thank you. So... Eighty-Seven... We have a technical amendment on Eighty-Seven... a refinement of the technical amendment that we had earlier. It adds the language... provided, however, that said properties should be subject to a Deed Restriction limiting its use only for residential and open space purposes, and for no other purpose, including but not limited to uses ancillary to commercial or off site activities. That's not the language? Oh, that's not right... I don't know... You know what, we're just... we'll come back? We're going to discuss Eighty-Seven anyway, so we'll do the technical amendment to Eighty-Seven when we get back to it. Okay...

Speaker: (off mike inaudible)

MM: Okay... oh, there's an and before a-n-d? Okay. We'll come back to both of those, and I think we should just move quickly ahead to Article Sixty-Nine... Article Sixty-Nine is on page... 104 of the Warrant... The Finance Committee motion is positive... The Board of Selectmen comment was to support the Finance Committee motion. I'd ask for your unanimous consent to waive the reading. Thank you. And, I will recognize Mr. Kelly, Chair of the Finance Committee, for the purposes of making that motion.

Kelly: So moved, Madame Moderator.

MM: Is there a second? ... Motion is made and seconded. Okay... Now... did anyone wish to do any sort of introduction on this, or should I just go right to Mr. Stott's amendment... I go right... to Mr. Stott's amendment, hopefully... Okay, Mr. Stott is asking that we add in this language... however, the Sewer Commission shall not require connection to the septic system be installed prior to the mandate to connect... which exemption shall continue for a period of time, fifteen years or less... measured from the time the system was installed or substantially upgraded... And it's working condition at

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the time connection is mandated. Provided, however, that this exemption, once made, shall terminate upon failure of the system to comply with all applicable Federal, State, and Local laws and regulations. Is that your motion, Mr. Stott?

Stott: (inaudible)

MM: Okay. Is there a second? Motion has been made and seconded. Mr. Stott...

Stott: Thank you, Madame Moderator... My name is Charles Stott and I am the President of the Madaket Homeowner's Association, who.. on whose behalf I am seeking this amendment, which I hope will be uncontroversial, and won't take up much of your time, and you'll get out of here early enough, and watch the Red Sox beat the Yankees tonight. Many... many Madaket homeowners have complied with the Board of Health requirement that their septic systems be inspected...including myself, and happily my septic passed the inspection. But a number of systems have failed the inspection, and must be replaced or repaired. The property owners have paid twenty, twenty-five thousand dollars or more to bring their septic systems into compliance, and it would be unfair to require the payment of costs associated with a mandatory sewer connection after having spent thousands of dollars to... to upgrade septic systems. Originally we had planned to seek an amendment... to amortize the cost of the new septic systems... upgraded septic systems... and seek a prorated annual credit for a portion of the cost of upgrading those systems. I consulted with Town Council DeRensis, who said that a system of credits like this would be an administrative nightmare, so... and I can't really disagree... But he did propose the concept that is embodied in this amendment, and I want to thank him for that suggestion. Under this amendment, owners of septic systems that are less than fifteen years old and not in failure, would be exempt from any requirement that they connect... if and when such a requirement is adopted for that Sewer District. While it may be ten or twelve years before sewer lines are available in Madaket, where I live, the fifteen year time period will enable property owners to recoup a portion of the investment that they've made... an investment that would otherwise... remain buried in their yards. This is a simple matter of fairness. Property owners should not be required to comply with Board of Health regulations, and spend thousands of dollars repairing deficient systems, and later pay thousands more to connect to the Town Sewer. This is a reasonable compromise that protects the investment of property owners, while assuring that older septic systems, and those that fail, are required to connect to the Town Sewer System. Please support this amendment.

MM: On Mr. Stott's amendment... Yes, Mr. Blackshaw...

Blackshaw: I just... I just have a... I'm Ken Blackshaw... 4 Sandwich Road... I just have a question... cause I like to do things logically, and I'm reading that, and I'm having a problem with... shall continue for a period of time fifteen years or less... measured from the time... and when you add that or less on there... I think it just makes everything muddy. I don't quite understand why you have it written that way, but I bet you can explain it.

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Stott: I think... Mr. DeRensis may be willing to respond to that... We consulted on this, and he's the author of this particular phrase.

DeRensis: The original said... less than fifteen years. And so I felt it needed a defined period... so I put fifteen... rather than less than fifteen...but now that you've brought that to my attention, you don't need the or less, because the proviso... is...already covers the or less... and sets out... the thought. The thought is, it would be fifteen years, unless there's an earlier failure... That's what the or less means... so...

MM: Do you want the or less in or out?

DeRensis: Out. Take it out.

MM: Okay... Is that alright with you, Mr. Stott?

Stott: It is, Madame Moderator. Thank you... Ms. Benz... After Charity...

Benz: Thank you, very much... I am obviously just speaking as a private citizen because we haven't seen this... I would like to know... in the last phrase... however, that this exemption, once made, shall terminate... upon failure of the system to comply with all applicable Federal, State, and Local laws and regulations. Would it not be prudent to have inspections of these... to be sure that...they continue to be functioning properly? Otherwise, they might go on for quite sometime without anybody knowing that they've failed... Is there anyone here who can answer that question?

MM: Mr. DeRensis, do you have an answer to Ms. Benz's question. Who does—how does the inspection happen that indicates the failure... if there isn't a trans—a property transfer...

Atherton: Well, I think one answer, and if I'm wrong someone I'm sure will correct me. We have a program for inspection of septic within the Nantucket and Madaket Harbors Water Shed Districts, but we do not have a mandatory inspection... a second time in those districts...unless there's a transfer... If there's no transfer, and it passes inspection once, there would be no inspection under the current regime, or regulations. And, actually that's a good reason why I want to speak against the amendment. The amendment has some issues we all need to think about that effect a number of areas which may be... the Needs Areas which at some point should be sewerded... I hope some of them sooner rather than later... and this is an issue to deal with.. But to deal with it in this manner, where we are not surfacing all the questions, the possible problems and implementation, I think suggests the very reason why we should say No, thank you, at this point. I think the Board of Selectmen recognized this issue is there, and we will deal with it in a regulatory framework where people will have a chance to participate in public hearings... and make sure we get the message, which I think we will. But this motion may be a little different from this, and we should not be precluded from having those options. Thank you.

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MM: Thank you... Mr. Kelly...

Kelly: Jim Kelly... 8 Shimmo Pond Road... I have a question... of Town Council through you, Madame Moderator...Mr. Atherton referenced the Town Water Shed inspection process... and for those systems that are passed that process, would they be covered under this amendment, or would they have to have failed and then be upgraded?

MM: Mr. DeRensis?

DeRensis: I only wrote the words. This is not... that question should go to the proponent. This has to do with limiting the authority of the Sewer Commission. It has nothing to do with the Board of Health and its programs for inspections and the like... That's a whole different statutory scheme. What the Board of Health does or doesn't do, and how often they inspect... is a policy... judgment to be made by the Board of Health and the Health Director. This is only carrying out a limitation on the Sewer Commission... for ordering mandatory hook-ups. I'll just add to that... the Board of Health can always order a hook-up at any time, for health reasons.

MM: Thank you. Mr. Rosen. Wait a minute... It's not on...

Rosen: As... a question to Council in what's written... It seems to say in the last to lines that the termination would apply only if all Federal, State, and Local regulations are not complied... I assume that should be... any...

MM: Will you accept that, Mr. Stott, as a friendly amendment? Thank you... Mr. Collier.

Collier: Thank you, thank you, Madame Moderator... I just have a question... to clarify... Town Council's last statement... regardless of what happens with the Sewer Commission and this amendment... the Board of Health... for a legitimate reason... can mandate a hook-up to the Sewer.

MM: Correct.

Collier: Thank you..

MM: Ms. Wheatley...

Wheatley: Thank you. Nancy Wheatley, 6 Wright's Landing, Tom Nevers. Madame Moderator, can I ask why... this particular item from the Sewer Act is coming forward at this time? And after getting an answer, I'd like to make a comment.

MM: Okay. Mr. Kopko.

Kopko: Thank you, Madam Moderator. First, I want to explain that... the Town... sometimes loans our able council to citizens to help them get their amendments and

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articles in a form that is easy for us all to work with... Council's participation in helping prepare this amendment in no way indicates the Town's support for this amendment. In fact, Board of Selectmen has voted... not to support this amendment... but this article... is... part of the... sort of longer term implementation of the Sewer Act... It's designed to help protect all of the rate payers in the system... by requiring people to hook up as the pipe comes by as necessary... The important thing about the article is it grants a fairly broad authorization to the Sewer Commission, which... upon passage of this article, the Sewer Commission will then endeavor to hold public hearings. It allows the Sewer Commission to develop rules and regulations that will govern the Sewer System. And he concerns that have been brought up in this... amendment... which are valid concerns... are addressed at that point. And I should also point out... the article is... this article is not aimed specifically at Madaket in any way. This is... this covers the whole island... all of the Needs Areas... is done... it's not a Madaket-specific article. But once the article passes, the Sewer Commission commences holding public hearings in order to set up the rules and regulations. The concerns that are addressed in the amendment will be addressed at that level, and any other concerns, which, there are bound to be... many... that will not be covered by amendments in this article, but will be covered in the development of the rules and the regulation when the Sewer Commission sits and holds public hearings to develop those rules and regulations.

MM: Thank you. Ms. Wheatley?

Wheatley: Yes, I—I'm not sure I... I'm trying to.. I'm trying to think how to respond to what Mr. Kopko said. The reason I ask the question is that the... the Sewer Act provides the Town of Nantucket with fairly broad... powers to change the way in which the... the Sewer Systems are regulated... and it was my understanding, and I... will say once again, I was Chair of the Sewer Advisory Committee at the time that... that this legislation was... was put together... It was put together at the end of the Committee's term, and it was put together really as an afterthought. It was not a major.. it did not take up major time in the Sewer... the Sewer Advisory Committee's work... but, however, it did come out of it. I felt that at the time that the... the act was written, and spoke on this at Town Meeting... that it had a lot of problems with it... that there were a lot of things that were unclear... that were very broad. However, I was assured by Town Council and the Chair of the Board of Selectmen... that the act was fine and it could go through exactly as it is... One of the components of that act, which was supposed to be there, was the ability to require people to hook up to the sewer, at the time the sewers... if sewers were available... So now we have... since that time... and I'll come back and speak again about passing the...major motion... whether or not... this... amendment passes, but as... as Mr. Stott said... the unlimited ability to require people to hook up when there's no plans in front of you... is... is I think unreasonable to ask the community to accept. there's no plans in terms of... no one knows when sewers are going to be in Madaket... no one knows when sewers are gonna be in Monomoy and some other p laces... But as a homeowner you have to make choices... about what to do with your... with your septic system... Septic systems now cost... in the twenty to thirty thousand dollar range, or as much as a hundred thousand dollars, depending on your conditions, so I think the

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comment... you know, the purpose of this amendment... I'm sorry, which is to protect people, is perfectly reasonable.

MM: Thank you... Is there anyone who hasn't spoken on Mr. Stott's amendment who wishes to? Okay. Mr. Stott.

Stott: Thank you, Madame Moderator. While I have... the utmost respect and admiration for the work of the Board of Selectmen and all of the other hardworking boards and commissions of the Town of Nantucket... despite Mr. Kopko's suggestion that this should best be addresses during the regulatory process... I...would submit that the Annual Town Meeting is the highest policy making body in the Town of Nantucket, and I would much prefer to have an issue that is of such importance to so many people who have... been required by... Board of Health regulations... to put thousands and thousands of dollars into their septic systems... I would much rather have a decision based... on what happens to that investment... made by the... the citizens of this town at Annual Town Meeting that by a majority of the board.

MM: Thank you. So, on the amendment... the amendment requires a majority vote...A Yes vote will adopt the amendment... Ms. Zimmerman... on the amendment...

Zimmerman: Thank you, Madame Moderator. I'm Lynn Zimmerman. What I'm trying to sort of wrestle with here...is that...having been in that position with a septic system, and understanding the financial issues, I can very much appreciate that if you've put twenty, thirty thousand dollars into a new septic system... it would be... a real difficult... financial burden if you them had to hook up to the sewer. At the same time, feeling strongly about environmental protection, is that one of the important reasons for putting in sewer is so that the septic system doesn't just drain into our resources, which it does, eventually, sooner or later, if you're on a septic system, it's going to go into the pond or the harbor or creeks... and so... I guess, in thinking about it, I... I feel that... I hope might be able to be addressed... maybe case by case by the Selectmen... People can perhaps... have their Sewer Connection Fees postponed at the time... but I think that just giving this blanket exemption is... is something that I can't support. Thank you.

MM: thank you. Okay. So this requires a majority vote. A Yes vote will adopt the amendment. A No vote will defeat the amendment. All those in favor of the amendment, please say, Aye!

Audience: (loud) Aye!

MM: Those opposed, No?

Audience: (louder) No!

MM: Okay. So, hand count. We're getting' very good at those. All those in favor... it will be quick counting, though. (Laughter) All those in favor... please raise your hands and keep your hands raised until the tellers have had a chance to count your vote.

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(Pause.) All those opposed to the main motion please raise your hands and keep your hands raised until the tellers have counted your vote. (Pause.) Okay. On the amendment on Article Sixty-Nine... Yes, 99... No...59... The amendment is adopted. So now we are voting on the main motion on Article Sixty-Nine...As amended by Mr. Stott's amendment. Is there any discussion? Ms. Wheatley...

Wheatley: Nancy Wheatley, Tom Nevers... Since there's an egg timer tonight, I'm going to try and be brief. I think there are three... with this amendment that we just voted, I'm not as concerned about this particular... change to the... to the Sewer Act... However, I think there are three reasons to vote it down. The... the act as it was written is unlike...is likely to need more changes over time. And I think that this change could be one of those that occurs... the Board of Selectmen presumably at some point are going to put together a plan for a Sewer Commission... either elected or appointed, and there will be rules and regulations that go along with it, etcetera...And all of those things can be dealt with at that time. As far as I know that process is not underway. The second thing is, there is... there is as yet no planning... and so... there's... let me say this differently... There is as yet no... there are no plans to move to the... to the Needs Areas, and this particular...this particular authority is needed when we go to the Needs Area, not presently. People who are currently in the Sewer System, if they have a septic system that fails... that fails, I believe Mr. Collier confirmed with Mr. DeRensis... they can already... be required to hook up to the sewer. So it really is unnecessary.

MM: Thank you. Okay... Mr. Kopko? Oh, Mr. Atherton?

Atherton: I welcome the...opportunity to agree with... Nancy Wheatley... I think the... as I tried to say about the amendment, there are many complicated issues related to the article, and given this amendment and how it's gonna impact everybody...Just this one example... why this is an important issue... is that...we've all been concerned about our Sewer User Fees... going up... and one of the best ways to make sure we control that is to add users to the system... and that's going to be an issue we're all gonna have to deal with in... probably excruciating detail... I think this puts too many constraints... on a future dialog, and we're better, as a community and a board, to not vote for the article...and let us work on this over the course of next year, and if we need to come back with an article, let's do it at that time. So I urge you to vote No on the article.

MM: Thank you. Mr. Lowell.

Lowell: Yes, thank you very much. I... agree with Rick and Nancy. I have a couple of questions...Dude, this is complicated... as Rick said... Is it true that if this passes does this give the authority to the Selectmen to bill Madaket residents that are in a Needs Area...a fee...even though there's no sewer plant to hook to... Is that true, or not? I just want to make sure that we all know what we're voting for or not voting for... Not true?

MM: Mr. Kopko says, Not true.

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Lowell: Okay. Jeff... since you're the other smart sewer person here... besides Mrs. Wheatley...cause I don't see Richard in the audience tonight... Tight tanks... future changes in some of those laws... A lot of the tight tanks have been passed... in recent months... There's a lot... you know, fifteen years is along time for... changes in state law. And we see those mounded septic systems out there... those little ski slopes in people's yards out there in... in the Long Pond Drive area...If I was building one of those, by law, and I had to not use it anymore, I'd be upset. That's a lot of money. So I just want to make sure that we know exactly what we're voting for, and also, Jeff, if you could maybe enlighten anyone, or us all, about... what the future of gray-black water separation may or may not be... as we move forward with changes that may be coming or not... for some of these areas in Madaket.

MM: Mr. Kopko?

Kopko: Madame Moderator... Mr. Lowell... One of the things I love most about Mr. Lowell is his curiosity and his willingness to discuss... details. I'm not sure the meeting wants to get into an informational discussion about gray water versus black water in Madaket... over the years... We do? Okay...Can we recognize?

MM: Absolutely.

Kopko: Alright, we'll have a class on gray water and black water.

MM: A short class.

Kopko: Alright... which really... and I just wanted to point out... has no... bearing on the article that we're discussing, but... we can certainly have a class.

Willet: I apologize... up front, that this is the quietest town Meeting I've ever attended... not because you people have been quiet...but because my hearing aide broke on Monday and I don't have it fixed yet. (Laughter) So I think I can try to answer your question. If I missed it, it's because I didn't hear properly. You asked a question about tight tanks, and the tight tanks primarily are put in places where there's little or no room for a septic system... There's no alternative, and... the Board of Health can grant a waiver that allows for the construction of a tight tank. People or properties with tight tanks... paid sewer user fees... as that... as that waste is disposed of at the treatment plant... You asked about separation...I don't think there's any anticipated change. Of course, Richard's not here tonight, but... I don't think that there's any anticipated change in the regulatory wording... for separation of... ground water... and the bottom elevation of the septic system. The... needs areas... actually, this body has approved the money for the design of sewer systems in three of its needs areas: Monomoy, Shimmo, and Somerset... these are all tributary to the Surfside Treatment Plant. The Board of Selectmen is still deliberating... whether and when to sign those contracts for design... so.. we do have a capital improvements program that has been established in the Comprehensive Wastewater Management Plan. I will say... one additional thing...When... the Town... would anticipate... constructing the sewer into a Needs Area, it's for environmental

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reasons... the Comprehensive Wastewater and Management Plan identified those Needs Areas as areas which cannot sustain septic systems. Therefore, if...we as a body decide that we need to... protect the environment by extending sewers... then what is the logic to expend several million dollars to protect the environment if nobody's gonna connect? Remember that a Title V septic system... and this was discussed briefly in our discussions yesterday about the fertilizer—

MM: Could you... wrap up?

Willet: Yeah.

MM: Yeah, that'd be good.

Willet: About the fertilizer...was that the Title V septic systems do not remove nitrogen. So you could have a brand new Title V system and it's not going to remove... be removing nitrogen. Thank you.

MM: Thank you. Okay, so on the motion as amended by Mr. Stott, a yes vote will adopt the motion, a No vote defeats the motion. All those in favor say Aye!

Audience: (medium) Aye!

MM: Those opposed, No?

Audience: (loud) No!

MM: That motion is not adopted... Okay... I'm just gonna go back quickly to Seventy-Four... which we voted. I just want to show that I think we are okay with our hands. We have... four ways... Rosalie, Frazier, Ballantine, Wilson Lane, and... and then the and continues down to number two... three unnamed ways... keep scrolling, Mary. thank you. And it lists those, and then at the end of that it says, and...3 Nosegay Lane... So I think... I think we're good with the ands... and we're good with Article Seventy-Four... I just wanted to close the loop on that... Now we're going to go to... Article Eighty-Two... Eighty-Two... appears on page 120 of the Warrant. the Finance Committee is at the.. the motion is at the bottom... onto page 121... It's a positive motion... Moved that the Board of Selectmen is authorized to sell, convey or otherwise dispose of the fee or a lesser interest of all or any portion of the Town owned property known as Assessor's Map 55-41, Parcel 188, subject to General Laws Chapter 30 B... for the purpose of providing affordable housing to low and moderate income households... subject to restrictions and reversions to assure conformance with such purpose. Board of Selectmen comment... The Board of Selectmen supports the Finance Committee's motion. Recognize Mr. Kelly, Chairman of the Finance Committee, for the purpose of making that motion. Mr. Kelly...

Kelly: So moved, Madame Moderator.

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MM: Motion is made and seconded. Is there any discussion... Ms. Witte? Do you want to go to...? Okay. Ms. Hande called this... so I'm gonna go to you Ms. Hande. I like to give the article sponsor an opportunity to just sort of introduce the article. But in this case we'll go right to you.

Hande: Okay. Hi. Susan Hande. West Dover Street. I... went right by this article, and it sounded fabulous... and I have to admit that I didn't really notice the street that it was on... the first time... I read through... and I read it a second time, and I said, huh... West Dover Street... I know that street... And I started to wonder what lot that was... that they were going to do this wonderful... project on. And, as I started to think about it, I realized that it is or.. major drainage...natural drainage...kind of gully that is on West Dover Street. If you are going through... just so some of you know, and can kind of identify... if you're going through five corners toward town, you take your first right... very, very busy street, you head down... and when you hit the bottom, if you look to your left, there's this open space... owned by the Town I think for quite some time. You then head...up quite a steep hill, you then hit... the Bake Shop on your right... I... will just say that I... have spoken with the people involved... several times and I appreciate their... discussing it with me. What I see happening here is that this is a marginal piece of land that is going to require extensive amounts of engineering to make it buildable, safe for the long run... And I don't see that in this time of financial state that the Town is in... that this seems to be a reasonable way to spend money. And also, again, the money that we have with the DPW, they're stretched thin enough as it is. There... they would plan to do a... very expensive drainage system in this area... that they would... naturally, now, it doesn't need to be maintained. You put a drainage system in there, it's going to require maintenance. And I also think that there may be long term liability if for some reason the drainage system fails. I love the project. I hope there are other pieces of property in town... even close by... that we could continue this project with. SO, I worry about the financial... cost of this... and the liability in the long run. So, I hope you'll vote no. And I'd love to hear any other comments. Thank you.

MM: Thank you. I'll go to you Mr. Vorce, and then...

Vorce: Thank you, Madame Moderator, and I first of all want to say I appreciate the concerns of Ms. Hande... I certainly share those concerns about this particular property and exercising care on it. I do want to say, though, that we have heard quite a bit of support and talk about... getting affordable housing into the downtown... And into the...area that... I'll think the term has been... can we have more lights on? Can we have more year round housing in the downtown area...And, unfortunately we are... dealt the hand that we have... There are not extensive pieces of town owned land in this area... You may remember Town Meeting approved a property on Orange Street, which was a nine hundred square feet property... where the... hose cart is on Orange Street... That project is not moving forward because... it doesn't meet zoning. This lot does meet zoning, and yes, it has problems, but we hired an engineering firm to look at this, and they've confirmed that they can be addressed. Within walking distance of this lot are extensive areas...for park... park land at the Prospect Hill, at the Harbor... And you can see that this area has a pattern. What we would do here is build housing that is small

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scale and fit this pattern and be an addition to the area. This site provides opportunities to walk to town, walk to different areas, and again, integrate affordable housing households into this neighborhood in a way that couldn't be accomplished on Orange Street. I ask you to support it. Thank you.

MM: Ms. Benz.

Benz: I wonder if... we can get an answer to the question... of...because of the restrictions of this property being so... whether or not this property will return to the tax roles, and whether there is any... estimate so far about whether or not the costs of engineering and so forth... will... be absorbed by any increases in taxes that may be brought.

MM: Mr. Vorce.

Vorce: Um... we do have an initial estimate on the engineering.. Is that right, Susan? Which is what? Okay... We... The cost for the engineering for the drainage is something that we would seek, and we have receive initial funding for the design through smart growth money that's provided by the state. We will continue to seek... we received infrastructure grants for Faregrounds Road, for example. We would... seek grants... for that infrastructure cost. There is not a final plan on who might develop this housing... One thing we do know is that the Town isn't going to be developing the housing. This might be a project for Habitat for Humanity, or the Nantucket Housing Office... The articles asks that the Selectmen.. it's permissive, so they need to be satisfied that... conditions need to be met... The DPW Director needs to be satisfied... that there won't be problems cause by developing this, and the Selectmen are authorized to convey... interest to build on it... to ideally one of the nonprofit groups.

MM: Thank you. Ms. Benz.

Benz: Could you answer the question about whether or not it's expected that the property will return to the tax rolls?

Vorce: We... we don't know at this time whether the property would be sold, or whether there would be sites leased on the property that the Town would retain the actually property...and there would be leased sites made available to the nonprofit groups. It hasn't been decided yet. It's not decided.

MM: Yes, the gentleman up... up on the side...

Speaker: Thank you, Madame Moderator. My name is Jeff Schneider. It occurred to me yesterday when you mentioned how time flies that next year we celebrate our 30<sup>th</sup> year living across the street from this lot, so I have a pretty good idea what goes on over there. Twenty-five years ago, I was pulling people out of that lot with my pickup truck when they got stuck... It was a parking lot that... six months out of the year couldn't be used because it was standing water down there that was ten, twelve inches deep. This is a

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swamp that's been filled in by brambles and dead leaves... and now... you don't see the water because it's full of branches... but it's there. It's a bad idea. Radiating out from this lot in every direction... for three quarters of that map... is uphill... and it's very steep. As you stand in the center of that lot, and I did it today, your head is below street level. There are two drainage ditches at the base of that street directly across from this lot... that overflow and fill that lot when it rains. Water from Pleasant Street, Pine Street, Orange Street, York Street, every street in the neighborhood goes into this lot. Engineering is gonna be impossible on this lot if you fill it in. If you stand in that lot, the lot directly behind it on Silver Street, the first floor windows are above your head, and it's basically level from the street. The person... the abutter behind this lot is going to...

(Side A ends)

(Side B resumes)... If it were ever to get filled in... Now, West.

Schneider: (continued)... if it were ever to get filled in. Now, West Dover Street, as Mr. Vorce said, we want to put more lights on it... Of the eighteen... seventeen, eighteen lots on this street, ten of them are already year round housing... including myself... This street does not need more lights on it. This street does not need anything else. We've suffered the slings and arrows of the best intentions for years... Seven minute shuttle bus routes... all summer long... I can stand in my yard and count thirty taxis go by in an hour... We've had enough, and we don't need more development. I understand that there's a financial need, but I don't understand the aversion...to green space... suddenly... and downtown space... This is a nice spot where... you have no green space, really in the neighborhood. There's a parking lot on the corner of Silver and Pleasant. the... the Mill and the area above that area, is really the closest green space around. Now... I just don't think this is a really good idea, and I would appreciate you voting it down. Thank you.

MM: Thank you. Yes. If you could stand, we'll get you a microphone.

Speaker: Thank you Madame Moderator, my name is Larry Dover. I have a particular interest in this property. It's my backyard. I confirm and will affirm that when there's heavy rainstorm, I have three feet of water right at the bottom of that southern red line. I'm dismayed that the government here, has put this property up for sale without notifying the neighbors. We'd like to interject... make comments. I would ask that you vote this property down.

MM: Thank you. Mr. DeCosta.

DeCosta: Thank you, Madame Moderator. I have a question for Mr. Vorce that wasn't answered the last time, so I'll be very specific. Do we have an estimate on what the cost of the drainage will be? And is the Town going to incur that cost, or is it going to be a private individual who develops the property?

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Vorce: Sorry. Ninety-two thousand dollars (\$92,000.00) is the cost of the drainage. The answer is the Town will not pay for that... for that cost... It will be paid for by non-tax sources. Is there a third part?

MM: Okay. Yes, up in the back.

Speaker: You there? Yeah. Paul Belanger. I was just curious—the question was raised... when was the last time that property was on the tax rolls?... Somebody asked if it was... going to go back to the tax rolls... I was just curious when it was taken off the tax rolls.

MM: I'm not sure. Do you have that information, Mr. Vorce? We're going to look it up. I'll go to... the woman... here. Did you have your hand up? Yes. And then I'll go back when we get an answer on the tax roll question.

Schneider: Hi. My name is Peggy Schneider, I also live on Dover Street. My question is, does the ninety-two thousand (\$92,000.00), is that for the lot... or is that for the Town to hook up the water that's being drained right now into that lot. Are we gonna get so me kind of drainage? Is that the ninety-two for us, or is that the ninety-two for the lot?

MM: Okay. Alright. Ms. Witte.

Witte: Hi. Susan Witte. I'm the Housing Specialist through the Planning Office. The ninety-two thousand dollars (\$92,000.00) is an estimate for the cost of installing a sophisticated drainage system that would... be borne by non-tax money... So, does that answer your question?

MM: Is it for the lot, or for the... for the street?

Witte: The... drainage system that would be installed on the lot... is to handle... storm water drainage from the immediate surrounding area.

Speaker: (inaudible off mike)

MM: If you have a follow up question just get the... take the microphone and...

Schneider: So the ninety-two is for... the water that's coming down both hills... to get rid of that... and not the water that's going to be going into there! It's a big mess there, it's like one big section... Like a quarter of an acre... and we've had ConCom out there for more than three occasions. They have ascertained that the property is not a wetland... and... I...

Speaker: Sorry.

MM: Mr. Vorce, go ahead.

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Vorce: Just to clarify the question. The question that the drainage, would it be installed, would it cover the whole area and the lot?

Speaker: (off mike) Is the ninety-two for the road, or for the lot?

Vorce: The ninety-two thousand would... would pay for the drainage that would handle all of the surrounding water shed area...So... the... the function of the lot as a drainage... as the drain... would continue... It would be handled in this system.

Speaker: (inaudible off mike)

MM: Excuse me. Let's not go back and forth. I think Mr. Vorce, is the drainage going to handle the lot and the street?

Vorce: And the street and the surrounding...

MM: All the surrounding area, as it does now, will go through the drainage system, so it's not going to push the water back onto the street from the lot.

Vorce: Correct. And, just to clarify... If... If the engineering study had said that would not have worked, we would not have brought the article forward.

MM: Okay. Thank you. Do you have a follow up Mr.—

Schneider: Other than to say that... everybody that I've talked to that's lived in that neighborhood for a lot longer than I have... remember a pond... that they caught frogs in... Now, maybe it doesn't have cat-o-nine tails... It's not a wetland... But it's land that's really wet. (Laughter.) I don't know what the difference is, and I apologize. I'm an electrician. I know that ninety-two thousand dollars, to deal with the problem you're gonna have there... It seems really, really low... Okay, now maybe I... I'm not educated in those matters either, but... I think that this Town's making a big mistake getting rid of open space downtown that deals with... an entire neighborhood's water... to only spend money... ninety-two thousand dollars, for what? What are you gaining? You spend money to save money to spend money. Thank you.

MM: Thank you... Um, did you have... an answer of the tax roll question? Mr. Vorce? Or, anyone?

Speaker: The Deed was transferred to the Town prior to 1925, Madame Moderator.

MM: Okay. SO, at least back to 1925. Okay, thank you... Ah, Mr. McLaughlin...

McLaughlin: Thank you. I want to thank everybody for their well wishes on my 51<sup>st</sup> year with Bev. I thank you. She suffered, too. Thank you. (Laughs.) In relationship to this property, I think Mr. Schneider has hit it right on the head, and I'll give you a sixty to sixty-five year history on it... Many years ago, we used to slide down Mill Hill, and go

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down Dover Street, York Street, all the way down to... 57 I think it's called... Souza's Market. That was wide open to everybody. Now this piece of property, before they put that drainage system in that parking lot, all that area did drain down there. How much of it actually goes there now, I do not know.. but I know that there's still a wet spot there in the center of that property... and when they put the drainage in the parking lot, the parking lot is three to three and a half feet above the bottom of this piece of property. And, if I'm not wrong, right now there are some wetland plants in there. And... there's one catch basin... right smack dab at the bottom...bottom of the valley of going down Dover Street. Whether it overflows into there or pipes into there, you'll have to ask Mr. Willett... I do not... can not answer that. And I think it's a non-buildable piece of property, and I don't think the ConCom would approve it to be built on... and I think the Town should...not get rid of it because of two reasons. One, once the Town owns a piece of land, they should try to keep it... for the benefit of the public forever. Secondly... I don't think you can add more driveways on that street. People backing out, problems. I think they should turn this article down. Thank you.

MM: Thank you. Ms. Goss.

Goss: Thank you... Victoria Goss... One of my questions is partially answered... where's the water gonna go if you fix the drainage, and supposedly it's all gonna go back into the ground somehow? Is that correct?> And the second question is... affordable housing... How many units? Please, and what sort of units would they be. Would they be rental... would they be... homeowner? Thank you.

MM: Thank you. Ms. Witte?

Witte: We're planning on two units of affordable housing there, and perhaps a cottage on one of the lots as well...All the lots in town are... all the lots on the island are allowed to have two units... and we're planning on three very small properties of less than seven hundred square feet each. They will be for single use, single size households... The...

Speaker: (inaudible off mike)

Witte: We haven't determined that at this time. The first step in planning for affordable housing... is to come to Town Meeting... and get permission... this is a permissive article... to get permission to proceed with the rest of it. And the rest of it includes, and as Andrew said, we would... this was here last year, on Town Meeting floor...on Dover Street, and the DPW expressed a concern that it was a necessary resource for their drainage...We accepted that. We had talks with the DPW... We found some smart growth money that is not tax payer money from Nantucket... to... develop and see if there are some engineering possibilities... While the topography of the land... in the center and in the back might be that a person could stand and not see their head... over the road... it's not necessarily the entire lot... There's room... without any great changes... to have three small dwellings. The infrastructure for the storm water runoff was... designed with the input from the DPW... and then redesigned with more input from the DPW to be twenty percent (20%) greater than what the DPW said that they

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would feel comfortable with... so this is what we did... and it won't go any further unless...we can't investigate any more unless we get permission from Town Meeting to get site control... Do you hear what I'm saying? SO some of your questions we won't know... we might not even do this... if the engineering has... to always pass muster with the DPW... and ConCom has said that there are no wetlands there, so... that should answer that other gentleman's question.

MM: Thank you...Mr. Donato.

Donato: Mark... Donato... I've been listening to his and... you know, Mr. McLaughlin just actually brought it up briefly... but I just have to stress that this is a very busy street, and I'm assuming these houses are going to have to back... their driveway will have to back out onto the street, which... this just seems like a terrible location to... put more congestion into right now...and that is my only comment. I hope you disapprove of this article.

MM: Thank you. Mr. Bourne...

Bourne: I'm Witt Bourne. I also live in the neighborhood, and... I can't for the life of me think of a worse spot...to put another house in this busy street in a congested neighborhood with very limited parking... In fact, the only on street parking place that we have that many of us used over the years... was taken away a couple of years ago by traffic safety under the guise that somebody some day might build a house there... We'd certainly like to get that parking spot reinstated...Landscapers with trailers can park their easily. People can come and go quickly without having to back out into the street. It actually expedites traffic... Obviously this is a water shed for the whole area... It's just... It's nuts. I've seen many a time as Jeff said earlier... that storm drain backs up, where does it go...It goes into this lot, and it's a lot of water. Presently now most of us have... pretty dry basements, but God only knows what's going to happen if we do the building down there... And I can't imagine what's going to happen to those structures down there... with all that water... It's just crazy... And I believe the best use of this lot, if there has to be a change in use... is to maintain it in its present green space state...We've got few enough of those as it is... Perhaps maybe a very simple pocket park... and for people to walk their dogs, it's a great spot for migratory birds to come through. I'm sure Ken Blackshaw will attest to that. It's a sheltered spot. Many of us in the neighborhood are year round residents. We feed the birds. A lot of the birds... can hide in there... winter over, or whatever, and it's a good spot. And I strongly encourage everyone in here tonight to vote against this foolish proposal... and, while I've got the floor, I'd also like to encourage the Police Department to start enforcing our in-town speed limits... (voices from audience) for those of us that ride bikes and have pets. Thank you very much.

MM: Thank you. Mr. Taaffe.

Taaffe: Thank you, Madame Moderator. Patrick Taaffe... When I was investigating Article Fifty-One, which pertained to Surfside properties, I think I found about five

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vacant parcels that the Nantucket Housing Authority owns... and I don't think they have any drainage concerns at all. I think it would be a better spot for... affordable housing, as we already have affordable housing in the neighborhood... I would vote this down.  
Thank you.

MM: Thank you... I'll go up to this gentleman up in the back...

Speaker: .... Belanger. I was just wondering how big of a smile did the gentleman that owned the property have when he... didn't have to pay taxes on this property any more... What... the Town owned it before it was off the tax rolls? Well I apologize.

MM: Okay... If you could give the microphone to Mr. Smith there next to you... Thank you.

Smith: Thank you. I didn't get a clarification on where this water was going to go... Where is it going to be plumbed into... Is it going to go in our harbor?

MM: Mr. Vorce?

Vorce: The water will be... will go where it goes now. It will go into the ground.

MM: Okay. Thank you. I think we've had... does anyone have anything new... because I'm hearing a lot of... call the question. Okay. Mr. Schneider. Go ahead... Be brief, though, please, and then we'll go to a vote...

Schneider: One thing that hasn't been mentioned... I will be brief... is the fact that... this street is busy enough that it has one of the few speed bumps installed. And it is a problem to back... or pull more cars out onto the road. Secondly, I think it's a foolish spot to put more housing. Considering the fact that this street also has... no sidewalk... Thank you...

MM: Thank you... Okay... So... we're going to go to a vote on this article... A... a yes vote will adopt the motion. A no vote will defeat the motion. It's Article Eighty-Two, it's as printed in the Warrant... It is a Real Estate disposition article... The article requires a two-thirds vote. All those in favor, please say Aye!

Audience: (very quiet) Aye!

MM: Those opposed, No?

Audience: (Loud) No!

MM: Okay. It's pretty clear that that motion does not carry. .. Okay... Article Eighty-Three... Article Eighty-Three... starts on page 121... continues to page 122... It's a positive motion from the Finance Committee... the Board of Selectmen supports the... Finance Committee's motion... I'd ask for your unanimous consent to waive the

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reading... Thank you... And' I'd recognize Mr. Kelly, Chairman of the Finance Committee, for the purpose of making that motion. Mr. Kelly.... Is there a... Is there a second?... Mr. Kelly, did you make this motion? This motion on Article Eighty-Two—Eighty-Three?... Yeah, he called it, but... I just need the motion... Maybe I didn't hear it... Okay... Is there a second? Motion is made and seconded... Mr. Williams, you... called this article...

William: I called the article not to discuss the whole article, just a portion of it deals with Miller's Lane... My intentions are to strike this portion of the article... Right off the bat, just to tell you what I'm trying to do, with your help. If you're not familiar with Miller's Lane, it's a piece of property that was donated by Mr. Miller... who... was around before Mr. Barneike showed up and bought everything downtown... He owned a great deal of property. He donated as an access, I believe, to the airport... They didn't want it as an access to the airport, or a road to the airport, but he donated it anyhow... I used to use it as a road when I was a kid to go... back and forth to my grandfather's... bar... Not to drink, but to clean it.

MM: Mr. Williams, can I stop you for a second?

Williams: Sure.

MM: You're making an amendment? Is that the... is that your intention?

Williams: Yes. To strike the portion that starts with Lot B and ends with Miller's Lane...

MM: Okay. So let me get that... motion to amend up on the floor first. We're just going to... Your amendment would be to delete the entire section highlighted in blue.

Williams: Okay.

MM: Okay. Is there a second? That motion is made and seconded. Now you can go ahead and discuss it.

Williams: Like I said, the history was to... give access... The Town took the property anyhow... It's now... been opened up on either end as a lane, but we're... the portion or... this part of the article... would give away the... the portion in red, and the portion in red abuts the property owned by Mary Glowacki, which recently... this year, tried to go in front of the Board of Selectmen... or did go in front of the Board of Selectmen.. to... gain access... to her property that she's probably owned and paid taxes on the last seventy years... She was denied I think by one vote... She had a positive recommendation by the... Planning Board... One good thing about having a three-day Town Meeting... I've had a chance to talk to different people about this.... article, and I got a chance to go up there today. I haven't been up that road in a long time... or, lane... The portion where the... Nantucket Inn... if you're still not familiar with it... if you're looking at the Nantucket Inn, Miller's Lane goes up the left hand side of it... Where the pavement stops

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and the dirt starts... and then... the... access has been given to other individuals on the lots... That area's just a mess. And... Mrs. Glowacki has offered, through the process of having access, to upgrade this whole road... and pave it... and I would think the neighborhood... I think we're losing an opportunity... if we allow this thing to be... given away to the Land Bank... first her access, and then the ability for her to upgrade this whole entire area... And I know there was... certain concessions... She was going to make the road smaller, the Land Bank was... the Land Bank... the Planning Board... was gonna make it a full road... Anyhow.. I think we need to rethink this, and let the Planning Board and the Board of Selectmen look at it. I think we're losing a big opportunity... to have this whole portion of Miller's Lane paved and cleaned up. And I hope you would... support me in that. Thank you.

MM: Thank you. On the amendment... Just strike the Miller's Lane... okay... the amendment requires... oh! There you are! Mr. Kopko.

Kopko: Thank you, Madame Moderator. I rise to ask you to please defeat the amendment. This... piece of Miller Lane and the two other ends of Miller Lane have been before Town Meeting I think three or four times by now. Town Meeting has consistently set that middle section that we're looking at now... the red piece... aside as open space... That's been the consistent... action of the Town Meeting... all along... The owner of the lots there also own the lots on Old South Road... and... has ample opportunity to access their property from Old South Road... and have been before the Board of Selectmen and the County Commissioners... and the Board of Selectmen and County Commissioners have declined to open up this section... of Miller's Way... which was specified by Town Meeting as open space. To turn it into a road. So that's the history of it... At this point, because the Town Meeting has consistently... designated this as open space, the Board would like to... have the... Land Bank take it over... clean it up and create a walking trail through there as Town Meeting has instructed us to do... over these many years. (Some laughter in audience. ) I didn't think that was funny.

MM: Thank you. Okay... On the amendment... Yes, Ms. Bunting...

Bunting: I am Joan Bunting. I'm the daughter of Mary Glowacki. She's here with me this evening. Some of what Mr. Kopko said is accurate, and some of it is not. We had had an article last year to come to the Town Meeting. Through many complications of...our article was not written properly, and we did not have access to the Town Council at that time... they advised us not to come to the Town Meeting with our article. And... Finance Committee reasoning was the same thing. Our article had gotten changed by our lawyers... we had to change lawyers... things got complicated and that's why it was not put there. Now they have combined our article with other properties so that they can get this through. If you vote for... us this evening, it still gives us an opportunity to work with another board, and maybe put in another article... My mother's owned this land... for over fifty-five years, and paid taxes to the Town of Nantucket for those lots individually with the understanding we had access... It was an approved plan... Approved plan by the Town... had approved it... Miller's Way... was given to the Town by Mr. Miller. I remember as a child, we rode our bikes down there, our cars drove down

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there... it was open to the airport. And if you ever had a plane crash, which I witnessed when I was a child, in any of that area, and you needed another access to get to the airport, you're giving up that opportunity that we could have to get to the airport. You're closing up something that doesn't have to be used every day, but there's an opportunity to have an access. You're always asking for extra accesses to subdivision... and now you're closing off the access to our most important area, the airport. I think that you need to rethink this article and give us an opportunity to talk about it a little more. I have to correct Mr. Williams... we didn't agree to pave the road... we agreed to put a gravel driveway... Secondly, I don't want to take a lot of time, but... you have already set a precedent, this town has... They gave three of our abutters access to this same Miller Way... without... and they stopped it before they got to my mother's property. I don't know what the reasoning was, not a good one... but it was... a little unfair that they would give access to the other three abutters. Thank you, and I hope you'll vote for us this evening.

MM: Thank you. Ms. Benz.

Benz: Many of us have been through the... very painful discussion of this particular situation... I wonder, Andrew, could you highlight the lots that are involved? So that everybody knows what we're talking about.

MM: What are you looking for? Oh, a pointer.

Benz: That's the Marine... that's the Marine version... and I think all of those properties are owned by Mrs. Glowacki. I do remember that our discussions... we had all learned that it was possible for easements to be granted on properties... that abut Old South Road... if the owner wanted to do that to gain access to those properties in the back.. And I wonder if you could confirm that or comment... If you can find your pointer...

Vorce: The answer to the question is... yes... easements... otherwise the back properties would be landlocked, so easements... since the front properties are controlled by the same person, and easements... would have to be granted to get access to it... out to Old South Road...

MM: Okay. Thank you... Ms. Williams.

Williams: I haven't spoken at all during Town Meeting, which, I have gotten several texts... how am I so quiet? There really wasn't anything to say, up until now. The Planning Board saw this matter... a couple of years ago, Andrew? It was a recommendation... The Planning Board... the majority of the Planning Board voted in favor of sending a recommendation to the Board of Selectmen... to allow the Glowacki's to have access to these lots... to keep the driveways off of Old South Road. That's a particularly fast section of Old South Road... there's no weird stop sign, like there is at Lover's Lane... Miller's Way was given to the Town for road purposes. After that, there's been other things going on. We have actually extended Miller's Way further to access some of the other lots... to the southeast of these six lots. It makes planning sense

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to keep the driveways off of Old South Road... I still support the Glowacki's being given some portion of this to access their lots from the rear... Miller's Way is eighty feet wide. Most road layouts here are forty feet wide. This is an eighty foot wide parcel. They're not asking to open all eighty feet. They're asking to open just the piece that runs directly behind the three lots to the rear... that you see far... on the south side. The rest of it...can be given to conservation... or have a conservation restriction on it, so there's a walking path, etcetera... They don't need... not even half of it... In order to access those lots. Please support Mr. Williams. I'm not related to him anymore... his... his amendment to take these... this particular section out... I'm in favor of the rest of it, but not this section. Please give the Glowacki's time to work through the system... yet again... and be heard, hopefully, by this current, or a future Board of Selectmen...that it's imperative that they have that type of access... Thank you.

MM: Thank you. On the amendment...Ms. Rogveen....

Rogveen: thank you. For those of you who saw us discuss this at the Board of Selectmen's meeting, know that I was a pretty strong advocate for... leaving this property open for the Glowacki's to use as access. I personally think it's a very bad precedent for the Town to take public land that was designated for a road... and use it in a way that denies access to those that have frontage on it. In this case, the Glowacki's are asking us to reconsider this, and I think that's a healthy thing to do. Thank you.

MM: Thank you. Okay... On the... loops... Yes, Mr. Schneider...

Schneider: (off mike) I don't know that I need the microphone... Can you hear me? The lot that abuts this (inaudible off mike)...

MM: That one?

Schneider: (off mike) (inaudible)

MM: Keep going down...

Schneider: (on mike) It looks like the continuation of the road to the upper left. There you go... My God, I'm getting dizzy. (Laughter.) Can I get a clarification on ownership and use there? Right now? Thank you.

MM: Yes... Mr... Mr. Kopko?

Kopko: Yep—Miller's Way will never be a through way from Old South Road to the Airport. That section of Miller's Way has been given... given over to affordable housing... There will be housing... and for probably a housing office... built at the end... at that end... And that roadway is cut off as a roadway at this point.

MM: Thank you... Okay.. Mr. DeCosta?

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DeCosta: I'd like to urge that we... support this amendment. We're talking about three lots here. Even if you put two houses on the lots... you're only talking about six or seven car... to add those cars to Old South Road is.. as Ms. Williams said, a terrible idea. I'm wondering, after all the discussion we had on the last article to try to jam a bunch of houses on a swamp, if this was affordable housing lots, we probably wouldn't be having this discussion right now. So I ask everyone to support this amendment.

MM: Thank you. Alright. The amendment requires a majority vote. A Yes vote will adopt Mr. Williams' amendment, which is to strike the area known as Miller's Lane, Lot B, a No vote... will defeat that amendment. All those in favor, please say Aye!

Audience: (medium loud) Aye!

MM: Those opposed, No?

Audience: (medium) No!

MM: That amendment carries. Okay... Now we are on the main motion on Article Eighty-Three, as amended by Mr. Williams' amendment. Is there any... further discussion?... Being none, this does require a two-thirds vote... A Yes vote will adopt the main motion on Article Eighty-Three... as amended by Mr. Williams' amendment... A No vote will defeat that amendment... I mean, that motion... All those in favor of the main motion as amended... please say Aye!

Audience: (loud) Aye!

MM: Those opposed, No?

Audience: (one or two) No.

MM: I declare that adopted by a two-thirds vote... Article Eighty-Seven... Article Eighty-Seven... we have a... we do have a technical amendment on that I need to get into this... is this the... Oh, Mr. DeRensis isn't here... hang on... I'll just let you know, after this article, Article Eighty-Seven, we only have one article left... that's Article Ninety-Two... I will be recusing myself on Article Ninety-Two... and... Mr. Reade is going to...agree to come up and handle that article for me... If he gets really carried away he's going to adjourn the meeting and dissolve it and we'll be all set... Okay... Here is the technical amendment on Eighty-Seven... provided, however, that said properties shall be subject to a Deed Restriction, limiting its use only for residential or open space purposes... and for other purpose which restriction shall prohibit... use ancillary to any commercial or off-site activity... Yes...

Speaker: I'm going to recognize Mr. Kelly for the purpose of making that motion... So moved, Madame Moderator...

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MM: Is there a second? Motion is made and seconded... This article was called by Ms. Burke....

Burke: Yes, Dineen Burke...

MM: Before you start, Ms. Burke, which map did you wish to see? The... the Arkansas Avenue map...

Burke: Actually, I'd like to go to the amendment for a second.

MM: We will. I just want to make sure that when we go to a map, that I'm at the right one.

Burke: That's fine.

MM: Okay. Now we'll go the amendment... I mean, to the motion.

Burke: I just want to ask Mr... ask you or whoever I need to ask... I think it should say... used only for residential and/or open space.

MM: Mr. DeRensis, do you think it has to say and/or?

Burke: either or?

MM: I think it's fine the way it is.

Burke: Okay. That's fine.

MM: I think it allows residential use, and it allows open space use if... you don't have to have both.

Burke: Then I withdraw my call. Thank you.

MM: Okay... Aren't... Don't you think, Mr. DeRensis, we're good on that? Okay... Mr. Collier... I don't know. You're just gonna have to come down front... we're kind of... we're kind of at half staff today...

Collier: Thank you, Madame Moderator... This article is... to deal with... four separate parcels, and my concern is on the first parcel, 24 Low Beach Road... Go to... go to the map... please.

MM: Go to the Low Beach map...

Collier: This article is seeking... authorization for the board to sell, convey, or otherwise dispose of several parcels... I do have... concerns with the process...and the philosophy behind getting rid of town owned land in order to... get a return on the equity... to

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actually, basically sell the property and put it into our coffers. I to have concerns in terms of the principal and philosophy behind it, but... I would like to just specifically speak to 24 Low Beach Road... and its importance... in the area... for two reasons... If I did have an aerial up here, you would see that everything to the right and below the area in red, which is the lot we're discussing... is the gorgeous... dune field that you'll see on Low Beach Road... The small... square south of the red is our... sewer beds... for Sconset... This property... if there ever was a property, is ideal for... Land Bank... to be in the hands of Land Bank. Secondly, it's also logical that if erosion continues... and the sewer beds get compromised... potentially we would want infrastructure... sewer bed infrastructure... in that parcel as well... So, to give the board authorization to dispose this property in order for a... trophy home to be built there doesn't make a lot of sense... I'd like to propose an amendment to remove 24 Low Beach Road from this article. I believe the board has agreed to the amendment. Hopefully Mr. Kopko will speak to that... since it is a Board of Selectmen article, and if they are agreeing to the amendment, hopefully we can proceed from there.

MM: Okay.

Collier: I hope you'll agree to the amendment to remove Low Beach... and approve the rest of the article.

MM: So your motion is to remove 24 Low Beach Road... Is there a second? Okay.. Motion is made and seconded... Is there any discussion? Mr. Kopko.

Kopko: Thank you, Madame Moderator. Just to indicate to the meeting that the board has voted to agree to the amendment... and have the Low Beach Road property removed from the article. Thank you.

MM: Thank you... So... any discussion on the amendment? Seeing none... A Yes vote will adopt Mr. Collier's amendment, which is to delete 24 Low Beach Road, known as Assessor's Map 74, Parcel 52... A No vote will defeat that amendment... All those in favor...?

Audience: (silent)

MM: All those opposed?

Audience: (a few voices) Aye!

MM: Wait. What happened? (Laughter) Did I...? Did I not say what I was supposed to say? Okay... So, alright... So all those in favor please say Aye!

Audience: (loud) Aye!

MM: All those opposed, No?

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Audience: (a few voices) No.

MM: Okay. That amendment carries... I get it... So, back on now Eighty-Seven as amended by Mr. Collier, with the technical amendment as well, is there any discussion? Okay. No. This is a real estate article. It requires a two-thirds vote. A yes vote will adopt the main motion as amended with both the Collier amendment and the technical amendment... A No vote will defeat that amendment... I mean that motion... It does require a two-thirds vote. All those in favor please say Aye!

Audience: (loud) Aye!

MM: Those opposed, No?

Audience: (silent)

MM: I declare that that carries by a two-thirds vote. Mr. Reade... Article Ninety-Two...

Reade: Thank you... We proceed to Article Ninety-Two. The text is on the board, the Finance Committee motion... moved that the Board of Selectmen is authorized to sell, convey, grant, or otherwise dispose of a conservation restriction and easement over a portion located at the westerly portion of a certain parcel of land...shown on Nantucket Tax Assessor's Map 78, Parcel 5, located east of the airport for mitigation as required by the Massachusetts Natural Heritage and Endangered Species program. Said easement area will consist of a minimum of (tape is interrupted)

[Speaker: (tape resumes after interruption) I can't tell you how long the property's been for sale. I assume it's been more than a year at this point. And as far as the NRTA parking, this was discussed during the meetings...in the conceptual meetings of the entire downtown... that this property would be an ideal property for location for a bus hub to be included...As far as the best place to put a NRTA bus stop, I would think it would be as close to town as possible without going into town... or through town, and that's exactly what this plan offers. Furthermore, I would want to add... and really speak to the... those that may be interested in trying to study this or put more effort into it or what have you... This property has a pending P & S, and if it is successful here and at the ballot, the property will be purchased. If it is not successful tonight, the property will not be sold to the Town... That's where we're at right now... Thank you.

MM: Thank you... Mr. Lowell.

Lowell: You know, I'd be willing to spend the three and a half million if the Land Bank wasn't putting in the two million for this...This is... a no brainer in my view... It fits about as close as we can get to keeping the buses from going towards Main Street and going around Zero Main, as it's coming back around... And to speak of Mrs. Atherton's point of a bus terminal... I wouldn't necessarily call this a terminal, I just would call it centrally... a central parking area for the buses to start their routes from town, is all it

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really is... When you go to South Station, everything's parked in one place, and right now we have a terminal—  
(tape ends)]

(Tape #2, Day 3 resumes)

Reade: ... Finance Committee, for the purpose of making that motion.

Speaker: So moved, Mr. Moderator.

Reade: Thank you... Is there a second?... Would someone familiar with this article like to speak to explain the background and rationale...? Mr. Holdgate...

Holdgate: Thank you Mr. Moderator. My name is Steven Holdgate... sponsor of Article Ninety-Two... I'm also the current President of the Nantucket Hunting Association... Basically in summary this article asks the voters to give the Selectmen permission to set portions of Nantucket owned town land for mitigation for habitat and endangered species. This requirement is required by the National Heritage program. It's part of State Law... and in this case it needs to be at a two to one ration, meaning for every acre that is disturbed, two acres needs to be set aside, forever wild if you will, and have some type of a plan to protect any habitat that is considered... precious... The... the reason for this is that... as some of you may know... there's been a shooting range project proposed by the Nantucket Hunting Association... It goes back as far as 2004... technically 2003... This shooting range project was approved by the voters here at a 2004 Town Meeting... and this would allow us to continue with the permitting requirements necessary... to move forward with this project. I also just want to note that we've been working with the Board of Selectmen... and they've recently approved twenty-seven acres of the original forty-eight acres that we had on this... land lease... We currently have a land lease for all these purposes... Having a conservation restriction in this case also will require a conservation management plan. This is required by law, and it ensures responsible management... of the environment and habitat. This will include... management of any lead... it would also...require that a Escrow Fund be set aside to help pay for the management of this plan. And... another good point I wanted to bring up is... it may turn into this, but I don't feel that this debate tonight should be about whether the shooting range should be on this said parcel.... only because this debate has taken place over and over again at numerous other boards and meetings, including the 2004 Town Meeting... It's really about putting this section of land aside for conservation restriction, as required by law, as many projects do. The... just real briefly... people that aren't even familiar with any shooting range project...it is... the shooting range project has proposed there to be a public use shooting range, which does not exist on Nantucket... at this time... and it'll be open to the public and open to law enforcement of Nantucket, Coast Guard, etcetera... Again, I don't want to get too much into the details unless we really have to. Thirdly, the... a similar vote was passed for adjacent lands. Land adjacent to this, the Town and the Planning Department have been working towards establishing industrial use lands... some other recreational use lands as well.. working with the Land Bank... and they just... at a Special Town Meeting... several months ago, this same type

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of article was passed... setting aside lands for mitigation there as well. The shooting range project has been downsized... to a minimum twenty-seven acres, and that's to allow... a two to three ration... the line acres leftover will be forever... available for recreational use... This shooting range downsize is the smallest we could get this range and still allow the shooting activities... that were explained and voted in at the 2000 Town Meeting... Mainly, the one that takes up the most space is a shotgun range... that shoots at moving clay targets shot in the air... A lot of you people might think of it as skeet... We actually reduced it down to a trap... range... which requires a little less space... and you really can't have a trap range on any smaller parcel of land, so that did bring it down as tight as we could... And, lastly... if there was any other desired uses for this land out there... if there was any kind of significant development... a disturbance of this land... the same exact restrictions would be required. So this isn't... something different... With that said... I guess I reserve the rest of my time for any questions that might come up. Thank you, Mr. Moderator.

Reade: This article was called by Mr. Bodette, and like to ask if he'd like to... say something at this point... I would recognize him for that purpose.

Bodette: Good evening. Thank you, Mr. Moderator. My name is Rick Bodette... I represent the Wigwam Road Homeowner's Association... whose members live in the closest residential subdivision... to this property that we're speaking of tonight... The subdivision is approximately... well, I would say, a little over a thousand feet away... from this site... For any of you paying attention two nights ago, I've calculated that to be three hundred Rokeveens... My clients are... I will tell you... and have been for a long time... generally opposed to the shooting range... in and of itself, however... at this point, obviously, they recognize there's been a prior Town Meeting vote.... They recognize that... there's likely to be a range here... in some form... and I think they accept that principal. They are primarily concerned... at this point, with this article because it will enable... the hunting association to have trap shooting on the premises... They're specifically concerned with the increased noise and danger associated with it... The bottom line here, I think, is that the Hunting Association can have... everything that they want on site, including a club house, a pistol range, an archery range, a rifle range... If they keep everything to five acres of land. the moment they use more than five acres of land, that's when the Endangered Species Act comes into play. The reason they need... more than five acres of land... is to include... the traps shooting... They need the full twenty-seven acres in order to ask us to approve eighteen acres of a permanent conservation restriction, at least... Now... that in and of itself, sounds great. That in and of itself sounds great. However, there's a cost associated with that, and... who pays that cost? It's Nantucket Town land and we, at the end, in the end... will be obligated to pay that cost. What happens if the Hinting Association... goes away? What happens if they don't exist? It's our land. It's a permanent restriction. the association isn't a permanent entity, and at the end of the day, whether they may offer it or not, they cannot afford the thirty thousand dollars a year it's going to cost to do the annual maintenance on that mitigation project. Thank you.

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Reade: Thank you. It's my understanding that... Mr. Kopko would like to present an amendment. Is that ready at this point?

Kopko: Thank you Mr. Moderator. At this time we'd like to offer an amendment. It kind of addresses a technical issue...with the article... The article says said easement area will consist of a minimum of eighteen acres within a twenty-seven acre lease area. And technically that could cause some problems if the area ends up being seventeen point three (17.3) acres or sixteen point nine acres (16.9)... so we'd like to offer an amendment... that will change it to...said easement will consist of up to and including eighteen (18) acres... For obvious reasons. I can see that Steve understands the reasons why we might need to do that. Thank you.

Reade: Is there a second for that amendment? (off mike someone seconds). Is there any discussion on the amendment?... May we... then adopt it by... mutual consent?... Is there any further discussion on the... main motion? Yes, sir.

Speaker: My name is Peter Morrison. I'm just speaking as a private citizen... not as a member of the FinCom. I recall... a long time ago that there was an issue that was brought up... by the Selectmen... I think it was Selectman Reinhard... which posed a question... I'd like to know the answer to before I make up my mind how to vote on this. And it had to do with... the opportunity costs... the long term future opportunity costs... of... taking this land out of use... and essentially converting it... converting its value... to endangered species in... in perpetuity... and I don't know whether anyone ever did the analysis to come up with some ball park idea of just what the value of this land might be... over the period of time that we're talking about here... and... if a dollar amount, or some dollar range estimate could be placed on it, that would help me. And I also have a question... I'm not sure if I understand this... as to who it is that is going to be paying for the conservation management plan, and whether that is going to be... whether there is any possibility that that is going to be... imposed on the Town in the future...

Reade: Does anyone have a... an answer to... those questions? Mr. Holdgate?

Holdgate: Thank you Mr. Moderator... I apologize... I was discussing the amendment with Mr. DeRensis... I may have missed part of the question, but... I think what I'll address is, like I said in the... presentation is that the land, if it was ever used for any other uses... other than being left naturally and wild, I believe you would have to go to Natural Heritage... and more than likely need the same exact restrictions and permits, and they would have to be put aside for any other type of development... The value of this land to the Town... I would assume would be Industrial type use... maybe low-income housing... I'm not sure what the Town would want to use this for... or sell it and have tax revenues coming in from it... Those benefits, like I said, would still require... conservation restrictions or at least some type of plant mitigation... and there are... there are endangered... there are... I should say, plants on the... watch list, there's a difference, I know... Mr. Collier could probably... explain it better than I can... but there's several different... varieties of plants and animals on different... there's watch lists, endangered, etcetera, different stages of different critical habitats, and there are

these critical habitats on this property, so...whatever uses the Town would like to do with this, they would still be faced with a two to one mitigation, and, in some cases, if Land Bank was to own the land, the Bank has to do a four to one mitigation, because Land Bank is already a conservation type plan. And the State does not recognize getting...conservation type in exchange... to make the habitat better... They already have in it conservation anyway... So they have to do a four to one... I hope that answers the question. I hope I didn't miss anything.

Reade: Yes, sir. Do you have a further question? Yes...Good.

Speaker: I was hoping that... one of the Selectmen could hopefully answer the question, and I was looking for an answer that would be... denominated in some range of dollars... and also... that's as to the future opportunity costs... of... of basically removing the land from town ownership. And, secondly, the question... the second question I had was...is there any prospect that the conservation management plan is going to become something that the Town has to pay for... And I'm hoping that someone... that one of the Selectmen could answer this, or someone from the Town.

Reade: Mr. Reinhard.

Reinhard: Thank you, Mr. Moderator. It's important to remember that a conservation restriction is forever on the property... and that's what we're talking about. We're talking about eighteen acres of Town owned property forever being restricted. Now who will ultimately pay for that? Under the current arrangement with the Hunting Association, the Hunting Association has agreed, I believe, to cover those costs. Remember, it is a permanent restriction, so in the even that the Hunting Club ever folds up, then ultimately the Town would have to incur those costs, because it is Town owned property. So... I... that's as clear I think an answer as I can provide here. But, again, it is important to remember that a conservation restriction is a permanent restriction on the land.

Reade: In the back.

Speaker: Thank you, Mr. Reade... My name is Bob DeCosta, I'm gonna just give a little...tutorial on what's going on here, or history... I've grown up hunting here my whole life. When you hunt in Nantucket, you use a shotgun. You can't hunt with a pistol. Well, I suppose you can shoot rabbits with a pistol, but that's about it. We've been shooting trap here since I was ten years old. We used to shoot in Roundsville's pit, and then it started to develop around that. The Backus family in Wauwinet gave us a chunk of land down the Wauwinet Road. We built a trap house there. We shot trap there for years. Then the Conservation Commission got the land and they voted us out of there. And, where this shooting range is proposed to go now is where we ended up. We came to Town Meeting quite a few years ago because we wanted to clean up the shooting range and make it a little more organized and safe. And here we are, in this quagmire. Sixty-five percent of the island is in conservation hands, either the Land Council, Conservation Commission, or the Land Bank, and we're squabbling about eighteen more

acres. As Mr. Holdgate said, if the Town were to decide to turn this into industrial land, they would still have to mitigate these eighteen acres. We just want to be able to go in there on the weekends and shoot trap. And I think that was the gist... the Town voted for us to do that in 2003. We... I urge your support, so that we can get on with it and organize this and build the range that everybody wants to use. Thank you.

Reade: Mr. Bodette.

Bodette: Thank you, Mr. Moderator. Just one more quick point. Here is the difference between the Land Bank using this land and mitigating it, or... Miles Reis or an industrial park using this land and mitigating it, and spending what ultimately will cost at least thirty thousand dollars a year. The Land Bank has the money to pay for it... That's the thing you should all be thinking of. We know where the Land Bank gets their money from. We know where the money for the industrial park...is going to come from... They can afford the thirty thousand dollars a year. The Hunting Association cannot. And when they can't, it's gonna fall on the taxpayers of Nantucket... because... it's Town land... and we...solely have the obligation to mitigate.

Reade: Is there any further discussion? Yes.

Speaker: Mark Donato speaking. And I am sitting next to this gentleman, but I was actually in favor of this article... until Alan so eloquently put that a permanent restriction is forever... and that we could be left holding the bag, so I now am not in favor of this article. And hope that everyone else votes in that direction.

Reade: Ms. Zimmerman.

Zimmerman: I just have a question. I've spent my life now doing conservation restrictions, and I... I would like someone to explain why it's going to cost thirty thousand dollars a year to manage eighteen acres. That just doesn't seem... the right number. It seems way too high... and I'm just curious... where that number comes from, and, I guess I would... like you to consider that putting some of this land into permanent conservation restriction... would offset some of the industrial uses that are also being... taking... taking up some of the land that the Town owns in this area. Thank you.

Reade: Mr. Reinhard has the answer, I believe.

Reinhard: Thank you, yeah. In terms of the cost, the thirty thousand dollars... this isn't our figure. That's from Mr... the attorney back there representing them. There is a cost, as you know, to maintain land. For example, Land Bank. We have quite a few acres under mitigation. Now, mitigation requires a specific plan. It's not just... that you can't do anything with the land. You have to specifically manage the land, as you know. There is a cost to that. It depends on what kind of habitat you're attempting to maintain... but nonetheless it is a cost, and... usually with a conservation restriction, again, as you know, there is usually a certain kind of habitat that you're... you're mitigating for...and, depending on what that might be, if you're... a sand plain grassland,

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for example, mowing, prescribed burning... those are costs that occur periodically. Same with...other management techniques. Those are the costs, and those costs do go on forever... in terms of the property. Now, in terms of being able to use that for other... other purposes, the Selectmen, by tying up this twenty-seven acres, if we needed more land for mitigation for something else, we couldn't just switch it from the hunt club to whatever the other purpose might be. It doesn't work that way.

Reade: Yes, Ms. Benz.

Speaker: Mr. Moderator, thank you. I'm Dual Macintyre. I live on 2 Green Hollow Lane. And I'd like to ask a question through you to Mr. Holdgate... Does the Hunting Association agree to pick up the cost of all the mitigation activity associated with this? And, secondly, do they have the funds to manage this into the future?

Reade: Mr. Holdgate, you can respond to that.

Holdgate: Thank you, Mr. Moderator. Yes, we do agree that we need to cover the cost of the mitigation... The Conservation Management Plan... we've already hired a biologist. We've already paid for all the plant studies, moth studies... We have... we are actively working with the Natural Heritage program. Right now, with preliminary meetings and reviews, we've been indicated, in talking to them, that this would mainly be the brush cutting fashion would be what would be required of these... a good portion of these eighteen acres. The would be left... they'd like to see the land be left in like a low brushy environment, which is good for these moths that exist in the area, as well as... keeping these invasive plants from overgrowing the ground cover plants that are on watch lists... the crowberry... broom crowberry... those patches have been identified, in fact, we have maps on it. We have a conservation plan being drafted by a biologist consultant. Those costs have been partially paid for. We have funds to finish paying for those... The conservation management plan... will not... be approved by the State unless it also has language in there that says there will be an Escrow account set up and funded. How it will be funded... how much into the future it will be funded, and estimated costs. Thirty thousand dollars does seem high to me as well, from what we've found so far. And just for a clarification... to the moderator... as far as that amendment goes, I am okay with that amendment. Thank you.

Reade: Thank you. Mr. Chadwick.

Chadwick: This property... was voted to be given to the Hunting Association years ago. This article in particular allows us to continue the discussion, and to mold a lease that is agreeable to both the Town's needs and the needs of the Hunting Association. I would urge you to support this article. Thank you.

Reade: Ms. Benz.

Benz: I would like to ask a question, based on what we just heard tonight. I heard that, from Mr. Bodette... that this trap activity was added. Was the original permission

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granted by Town Meeting in 2003 inclusive of trap operation, that's my first question... My second question is, in the even that the Hunting Association cannot ... pay for these... expenses... can somebody say where the Town falls in the line of credit? And finally, whether or not, instead of an Escrow account, they can file... you know, file some kind of a bond... for the length of the lease.

Reade: Um.. Ms. Stover.

Stover: Yes... Catherine Stover, I'm the Town Clerk. And I took the minutes for the meeting... when this was first discussed and voted. Skeet and trap were definitely mentioned in the transcript, and we had the transcript transcribed, and it is available for anyone that would like to look at it.

Reade: The gentleman over here... Mr. Schneider, I believe it is.

Schneider: Thank you, Mr. Moderator. Jeff Schneider. I'm one of the people that's been kind of waiting since 2004 for a legal place to shoot my evil shotgun. In the meantime, I've spent some time shooting on the Cape, at the Nauset Gun Club in Eastham... which abuts the Cape Cod National Seashore... If there was ever a sensitive area, which I think is much more sensitive than the area that abuts this area... it's that... And they've come to a symbiotic relationship over there, where there are set guidelines when they can shoot, what they can shoot... you know, they work together. And I think that the Hunting Association would certainly be willing to work with the neighbors, but, really, honestly, to say that the Hunting Association won't be able to afford something, I think is presumptive. I'm not sure how you know they're not going to be able to afford something... But, secondly, the Hunting Association, or the members therein aren't going to be around... is ridiculous... these people have been shooting their guns since the seventeen hundreds... they're going to still be there, and I think the coverage of funds is not the issue. The issue is, can we just please get this done? So I don't have to go off island to shoot the gun, legally, or to hide out somewhere in the bushes to shoot the gun... I mean... it's gonna work out, and the Hunting Association will do their best to work with the neighbors. I think it's just high time to get this moving forward and get it over with. Thank you.

Reade: Mr. Kopko. (Applause.) No, no applause, please.

Kopko: Mr. Moderator, I agree that... that the island needs a safe... public shooting facility.... and Town Meeting 2004 voted to authorize the Town of Nantucket to negotiate a lease with a nonprofit...essentially, the Hunting Association.. It did mention skeet, it did mention a lot of other things. All of which were authorized, but not directed. I think it's fair to say that the Town, from our side, has... over the last several years, tried to keep the dialog going... with the Hunting Association. I take extreme exception to the comments that were just made, regarding finances. Anybody who has been reading the paper over the last year and a half, followed the Sherburne Commons situation... Understands that if the Town gets itself into a lease situation, and finances go south, it hangs the Town out to dry. That's not me out to dry. It hangs all you out to dry. So, what... what we have... I'll admit, we have a... much higher standard, in terms of

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signing leases... with anyone... on Town of Nantucket property... But I want to address a question Mr. Morrison brought up before... too, about the value of the property... and how do we place the value on the property? We are zoning some industrial property out there... Industrially zoned property on Nantucket is worth its weight in platinum. Because there's hardly any... It's worth gazillions of dollars... That's not an issue here, because the Town Meeting...voted that this... there was a public interest to have a safe shooting facility on the island...Town Meeting made that decision, and I for one happened to agree with it... So when you talk about the value of the property, we're negotiating a lease with the Hunting Association that will probably be well below market value...but that's because we as a community make determinations about what's in the public interest in the use of public property... and this town has decided that having a safe... public shooting facility is in the public interest... and I agree...and I assure you that... whatever quagmire may exist, and I would take issue with that, I don't think there is a quagmire, we don't make laws about mitigation and we don't make laws about moss, and we don't make laws about plants, and we don't make laws about all those things... that take years... years... right, Steve?... years to work through... we don't make those laws. We're negotiating in good faith, and I hope to see... so me kind of a facility built... as soon as possible, and in a way that's fiscally responsible to the taxpayers of Nantucket... and in the public interest.

Reade: Anyone else? Mr. Bodette has had his hand up... before I take the vote, is there anyone who hasn't spoken? Mr... Bodette... the final word?

Bodette: Sorry. One last point. I think it's presumptive...to think that the association has the money to even build the facility. It's on a shoe string budget...It relies on donations... and... I hardly think it can afford a luxury... of thirty thousands dollars... or... or whatever the amount is. Whatever the amount is. I don't care if it's five thousand dollars... of whatever that amount is over and above building the facility. Thanks.

Reade: Mr. DeCosta?

DeCosta: Mr. Read I think it's presumptive that they're gonna assume to know what our financial situation is, or how many members we have, or how many pledges we have... when we get to the actual stage when we start to build this thing...

Reade: Yeah, I think we can go to a vote at this point... This is an article that relates to the disposition of an interest in real estate by the Town... it therefore requires a two-thirds vote. And I think that rather than doing a voice vote, we should go straight to a... a vote by hands... The main motion is up on the board. As amended by Mr. Kopko's motion. A vote in favor, a vote Aye will be a vote in favor...And a vote opposed will be to defeat the main motion... Would all those in favor of the motion as it appears on the board...Point of order?

Speaker: (Inaudible off mike)

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Reade: I believe the amendment was adopted by unanimous consent... Would all those in favor of the main motion as it appears on the board reflecting the amendment made by Mr. Kopko... please raise their hands. (Pause while count is taken.) All those opposed, please raise your hands. (Pause while count is taken.) Come to order. The vote in favor is 167... Opposed is 19... The majority of two-thirds... would be... 123? 123.... would achieve the majority... The motion of the article has been passed. Thank you. (Applause.) I will now return the chair gladly to Madame Moderator. (Applause.)

MM: Thank you, Mr. Reade. Nice job. Okay... SO, I will now recognize MR. Kopko, Chairman of the Board of Selectmen, for the purpose of making a final motion.

Kopko: Madame Chairman... or Madame Moderator... sorry...motion to adjourn Town Meeting...

MM: To dissolve.

Kopko: TO dissolve Town Meeting.

MM: Okay... Motion made and seconded. All those in favor of the motion to dissolve, say Aye.

Audience: (Loud) Aye!

MM: Those opposed, No?

Audience: (Silent)

MM: That carries unanimously. Thank you very much. (Applause.) Oh, and here are the real people to thank, scrolling on the screen... quickly past... it takes about half the town to do this meeting, so, when you see these people around, please thank them for their time, particularly Mary and Al Navisimo behind the screen. (Applause.)

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