

TOWN OF NANTUCKET

2007 ANNUAL TOWN MEETING

7:00 PM, Monday, April 9, 2007

Nantucket High School

Minutes

Taken by Rachel Dowling

Boys and Girl Scouts of America and Nantucket Junior Miss Kerry Fee lead Pledge of Allegiance

Invocation by Gordon McGregor

Senator O'Leary
Representative Turkington
Presents award to Donald Visco

We have a lot of respect for people who work for pay, but especially respect people who work for you for free. Don Visco has worked for Nantucket for 30 years, Water Commission, the Right of Way Committee. He was an early advocate on the Land Bank for acquiring waterfront property and the results are now available for everyone to enjoy: as I said the man has worked for you for over thirty years and I don't believe you've ever paid him a dime. Tonight we're going to do what we do best and that is to present him with this citation from the House and from the Senate in recognizing your service to this community and would like to show our grateful appreciation for all you've done here.
(Applause.)

Senator Robert O'Leary now has something signed by the State House Senate....signed by the new President of the Senate, Theresa Murray, a friend of the Cape. Don, you've heard that expression from state government, "The check is in the mail?" I'm afraid we have only a facsimile here. "The citation is in the mail," and I apologize for that, but I can read the substance of it... and again it will be signed by Senator Murray, our new Senate President, and a friend as well of Nantucket. "Be it known that the Massachusetts Senate hereby extends its congratulations to Don Visco in recognition of years of dedicated service and loving compassion to the island of Nantucket and its inhabitants through the Nantucket Planning Board, Land Bank, Conservation Commission and Housing Authority and be it further known that the Massachusetts Senate extends its best wishes for your continued success. And I want to quote just one other comment here that I think best sums up his contribution over the years. It's not something I said but which somebody who knew him much better than I do said about him. Mary Miles who interviewed Don for her book Nantucket Voices summed it up in one simple sentence: "He loves Nantucket, and that's all there is to it." So, for a man who loves Nantucket, thank you very much.

(Applause.)

Don Visco: I'd like to thank Sarah, Town Meeting, and these gentlemen behind me for this presentation. I certainly didn't expect anything like this. And, last, but not least, my wife Phyllis, who put up with me all these years, while I was doing this. (Laughter)
Thank you very much.

(Applause.)

Moderator Alger: Thank you. I think we have another special presentation from Mr. Wilhauer and....are you coming up, Mr. Wilhauer? No? Yes? Oh, and Maureen Beck, who is President of Park and Rec? or Head of? Chair of Park and Rec.

Wilhauer: This presentation goes to Walter Flaherty. The following represents a few highlights of Walters 11 years as Park and Rec Commissioner from the summer of 1995 to the summer of 2006. In 1998 Walter was the Park and Recreation Commissioner's representative of the Comprehensive Planning Committee. Walter was Chair of the Commission for two years in 2001 and 2002. Walter was Vice Chair of the Commission for 3.5 years in 2003, 2004, 2005, until July of 2006, when he stepped down as the Commissioner. Walter was a stickler about finances. He was forthright in expressing his views, whether they were liked or not. He prevented miscommunications by making sure he understood the plan of action. He NEVER hesitated to volunteer for different projects. Walter was tireless in his willingness to volunteer to fill the need. Especially volunteering for the grueling shifts that involved working 12 to 14 hours per day for two to three consecutive days on his weekends off. Diligently, he negotiated with the Town and the Nantucket Cottage Hospital to allow the use of Jetties Beach for the Pops on Nantucket, now an annual event. Instrumental in pursuing and facilitating the construction of the Skate Park at Jetties Beach, as well as its present sight on Backus Lane. Instrumental in planning and construction of the bandstand at Children's Beach. He was instrumental in the planning and construction of the Youth Fields at the Airport's Delta property. He diligently pursued the completion of the Walking Trails at Coffin Park, diligently pursued the planning and construction of the playgrounds at Essex Park. Could Walter please step forward, please. Are you here?

(Applause)

Walter Flaherty: Thank you.

Moderator Alger: Thank you Walter. And finally one very quick presentation by Mr. Chadwick.

Chadwick: "Good evening. Several years ago our Town Moderator read from the Nantucket Argument Settlers the following statement: At an annual town meeting, a gavel, made from a whale's tooth and bearing a silver plate suitably inscribed was presented to the town by Captain James F. Brown for use by the Moderator at Town Meetings..." And I remembered her saying that, and last fall, I was contacted by a person who felt that, uh, having heard that, that this gavel belonged with the Town and turned it over to me and the Board of Selectmen moved today that this gavel should be used by the Moderator for Town Meetings once again. And I want to present it to our Town Moderator... But I'll read the minutes from Thursday, Feb. 10, 1898, where "an Alvin Coffin, Esq. , on behalf of Captain James F. Brown, presented the Town with a handsome gavel for the use of Moderator at Town Meetings held in this town. The Moderator accepted the gavel on behalf of the Town with hearty words of Thanks from

Captain Brown.” And with that I would like to present our Town Moderator with a gavel that’s been missing for over a hundred years, and it’s back where it belongs.

(Applause)

Alger: Thank you, Brian. It really is a beautiful gavel, and I’d love to use it, but I’m afraid that I would snap it in two at first outburst... So I’m going to just keep it ceremonially for tonight and then I’m going to return it to the BOS office for safekeeping until our next Town Meeting. And maybe I can just sort of gently bang in the meeting at the beginning and then put it aside. But it really is a beautiful gavel and I’m so appreciative of the person who came forward who had it and who turned it over to the Town because it’s where it belongs. Thank you. And thank you, Brian.

Chadwick: I would also like to ad that I would also like to thank James Grieder who did all the research in the Town Clerk’s office for this. Thank you.

(Applause)

Alger: Okay, 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 Jan. 24, 2007, 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 purposes within mentioned by posting said notification on Feb. 2, 2007 at the United States Post Offices at Federal Street and Pleasant Street, the United States Post Office at Main Street, Siasconset, The Town and County Building at 16 Broad Street, and upon the bulletin board at the corner of Main and Federal Streets, and publishing said Warrant, a copy of which is attached as it will be published in the Inquirer & Mirror newspaper on Feb. 1, 2007, sworn to under pains and penalties of perjury, Catherine Flanagan Stover, Constable, Feb. 2, 2007.”

There are a couple of Handouts that I just want to make sure everyone picked up: the first would be the Warrant, published with all the Recommendations, the second would be the Town of Nantucket 2006 Annual Report, and the third is the ever popular Nantucket Town Meeting Traditions and Procedures Handbook. This Handbook is one we’ve had in place since Mark Arnold was Moderator; it’s been updated over time; it supplements Town Meeting Time which under the Charter is our procedural guide. Some of the procedures that we use are slightly different than other towns, such as the Call of the Warrant. So this Handbook sets forth our distinctive traditions and it’s one of our traditions to adopt this Handbook at the beginning of the meeting, and so I’d like you to reaffirm that vote at this time. All those in Favor of adopting Nantucket Town Meeting Traditions and Procedures as additional rules of the Meeting, say ‘Aye.’

(‘Aye.’)

Any Opposed, No?

(Silence)

That carries Unanimously. Thank you very much.

Um, please keep and bring with you these copies of these materials every night. We print a limited number of them because of cost concerns and we want to make sure everyone is able to get one.

I just want to go over a few of the basic rules. We have a practice of making Positive motions on all of the Articles. The Recommendations of the Finance Committee and Planning Board have been printed as Formal Motions in the Warrant, and that Formal Motion embodies the exact action that the voters are being asked to take.

If you plan to bring forward for consideration the subject of an Article that did not receive a Favorable Finance Committee or Planning Board Recommendation, then you're responsible for providing the Positive Motion. If you need assistance in putting together that motion then during the course of the meeting you should either see me or Town Counsel for help with putting something together.

We can under our bylaw required a two-thirds vote instead of requiring a hand count, that does speed things through a little bit when we get to the zoning Articles and other votes that require two-thirds, um, I only declare two-thirds votes when it's absolutely clear to me that a Two-Thirds Majority has been met. If there's any question I will require a hand count.

Please, on every issue, raise your hand, wait to be recognized. Some of the places in the auditorium I can't see as well as other places so if you feel that I'm missing you, either let you're Teller know and they're pretty good about waving and letting me know, or you can just say Madame Moderator to draw my attention to you. You should identify yourself for the record. Don't carry on a conversation back and forth with someone else in the auditorium it should- all the questions and answers- should come through me.

Amendments should be given to us hopefully in advance and in writing if at all possible, and ideally, sent in Word format so we have the ability to put them up here on our handy-dandy screen.

If you at any point have a question about the procedure that we're doing, or you think we've gone off track or- I've skipped seven articles and moved ahead- please rise to a Point of Order and we'll try to straighten things out. Limit your remarks to the subject at hand and, please, above all, avoid any personal attacks or comments or references of any sort. I really don't tolerate them and it slows things down when people stray from that.

Under our bylaw if you are employed by someone to speak to an article, then you should disclose that fact. Um, it does seem that the lawyers are the biggest offenders, but there are other people who are paid to come and speak as well, so we'd ask for your cooperation in identifying yourself at the time.

At this point I think I would like to acknowledge on behalf of the Town and thank them for their hard work on behalf of the Town our outgoing Selectmen: Doug Bennett, Michael Glowacki, who, as you know, left his post earlier in the year, and Catherine Flanagan Stover, who completed Mr. Glowacki's term. Thank you.
(Applause.)

I'd also like to just identify the people sitting at the tables, um, in front of you, and I'll start from your right my far left, with the Planning Board, Barry Rector, Sylvia Howard, the newest member, Nat Lowell, Chairman Frank Spriggs. Next is the Finance Committee: Rick Ulmer, Christy Kickham, Tim Soverino, Michael Rosen, Greg Keltze, Rick Atherton and Bruce Miller. And then at the center table we have our Bell Ringer, Madeleine Molenfontz, and Town Clerk, Catherine Flanagan Stover. And at this table directly in front of me, Town Counsel Paul DeRensis, Board of Selectmen Chair Whitey Wilhauer, Town Administrator Libby Gibson, and Selectmen Michael Kopko, Allen Reinhard, Brian Chadwick and Patty Roggeveen.

Okay. Since the Warrant was published a number of technical errors have come to our attention. Some modifications have been made to Finance Committee recommendations, and it is my job and distinct pleasure to read these to you so that you know what we're voting on as we go through the Warrant. And I think we have them for the screen: here they are:

We start with Article 2: We're amending the FC motion by changing the amount from \$21,859.71 to \$19,053.59. And the total is being adjusted accordingly. We're also, to make that change, eliminating the line "Town Administration, vendor Town of Nantucket Solid Waste, and amount, \$2,806.12.00.

Article 2 (Unpaid Bills)

Amend the Finance Committee Motion as follows:

Moved that ~~Twenty-one Thousand Eight Hundred Fifty-nine Dollars and Seventy-one Cents (\$21,859.71)~~ **Nineteen Thousand Fifty-three Dollars and Fifty-nine Cents (\$19,053.59)** be raised and appropriated from the Fiscal Year 2008 tax levy and other general revenues to pay the following unpaid bills from prior fiscal years:

<i>DEPARTMENT</i>	<i>VENDOR</i>	<i>AMOUNT</i>
Health Department	Comfort Inn	\$61.42
Human Services, Council for	Nantucket Cottage Hospital	\$2,451.00
Marine Department	Island Concrete Form, LLC	\$13,918.00
Town Administration	Town of Nantucket/Solid Waste	\$2,806.12
Town Administration	Nantucket Lawn & Garden	\$2,623.17
TOTAL		\$21,859.71 \$19,053.59

Article 6: in the Chart, we're changing the line, "Operations/Info Systems Salaries, Police Department salaries from \$90,00.00 to \$26,000.00." We're adding, "Operations/Info Systems Salaries, Police Department Expenses, \$64,000.00."

We're changing Town Clerk Salaries/Town Clerk Expenses from \$12,000.00 to \$2,000.00.

We're eliminating Inspectors Salaries/Fire Department Expenses, \$11,000.00.

We're adding Public Works Salaries to Fire Department Salaries, \$40,000.00.

And we're reducing Visitors Services Salaries/Our Island Home Salaries from \$24,000.00 to \$15,000.00.

Article 6 (FY 2007 Budget Transfers)

Amend the chart shown in the Motion as follows:

<i>FROM</i>	<i>TO</i>	<i>AMOUNT</i>
Waterways Improvement Fund	Reserve Fund	\$ 133,065
Finance Department, Salaries	Board of Selectmen, Salaries	\$ 12,500
Finance Department, Salaries	Finance Department, Expenses	\$ 42,000
Finance Department, Salaries	Police Department, Salaries	\$ 48,000
Finance Department, Salaries	Our Island Home, Salaries	\$ 14,000
Finance Department, Salaries	Our Island Home, Expenses	\$ 16,000
Assessor, Salaries	Zoning Board of Appeals, Salaries	\$ 1,000
Assessor, Salaries	Police Department, Salaries	\$ 22,000
Operations/Info Systems, Salaries	Police Department, Salaries	\$ 90,000 \$ 26,000
Operations/Info Systems, Salaries	Police Department, Expenses	\$ 64,000
Town Clerk, Salaries	Town Clerk, Expenses	\$ 12,000 \$ 2,000
Inspectors, Salaries	Fire Department, Salaries	\$ 7,000
Inspectors, Salaries	Fire Department, Expenses	\$ 11,000
NP & EDC, Salaries	Our Island Home, Salaries	\$ 30,000
NP & EDC, Salaries	Town Clerk, Expenses	\$ 8,000
NP & EDC, Salaries	NP & EDC, Expenses	\$ 20,000
Marine & Coastal Resources, Salaries	Fire Department, Salaries	\$ 138,000
Public Works, Salaries	Our Island Home, Salaries Town Clerk, Expenses	\$ 10,000 \$ 10,000
Public Works, Salaries	Fire Department, Salaries	\$ 40,000
Mosquito Control, Salaries	Mosquito Control, Expenses	\$ 62,000
Council for Human Services, Salaries	Police Department, Salaries	\$ 4,000
Council for Human Services, Salaries	Council on Aging, Salaries	\$ 2,000
Council for Human Services, Salaries	Council for Human Services, Expenses	\$ 2,500
Visitor Services, Salaries	Our Island Home, Salaries	\$ 24,000 \$ 15,000
Visitor Services, Salaries	Visitor Services, Expenses	\$ 3,000
Historic District Commission, Salaries	Our Island Home, Salaries	\$ 5,000

Historic District Commission, Salaries	Adult Community Day Care, Salaries	\$ 6,000
Park & Recreation, Salaries	Our Island Home, Salaries	\$ 27,000
Park & Recreation, Salaries	Park & Recreation, Expenses	\$ 20,000
Other Employee Benefits, Salaries	Fire Department, Salaries	\$ 131,000

Okay. Article 8: the subtotal under Debt Service is going from \$9,092,000.00 (Nine million and ninety-two thousand dollars) to \$6,865,000.00 (Six million, eight hundred and sixty-five thousand dollars). The grand total of Operating Budget is reduced from \$62,520,173.00 (Sixty-two million, five hundred and twenty thousand and one hundred and seventy-three dollars) to \$60,293,173.00 (Sixty million, two hundred and ninety-three thousand, one hundred and seventy-three dollars). So then in the language, “And to meet these appropriations,” the sum of \$66,039,199.00 is changing to \$66,089,199.00 “to be raised and appropriated from the Fiscal Year 2008 Tax Levy and below that, from \$240,000.00 to 190,000.00 “to be appropriated from the Ambulance Reserve Fund for expenses associated with the operation of the Fire Department’s Emergency Medical Services. “

Article 8 (Appropriation: FY 2008 Operating Budget)

Technical corrections to Debt Service category of “FY 2007 Total Budget” column as follows:

DEBT SERVICE					
Principal		\$6,449,000	\$6,449,000		\$4,684,000
Interest		\$2,643,000	\$2,643,000		\$2,181,000
Subtotal		\$9,092,000	\$9,092,000		\$9,092,000 \$6,865,000
Grand Total of Operating Budget	\$46,338,813	\$20,171,786	\$66,510,599		\$62,520,173 \$60,293,173

And

Amend the second to last paragraph of the Motion as follows:

And to meet these appropriations, the sum of ~~Sixty-six Million Thirty-nine Thousand One Hundred Ninety-nine Dollars (\$66,039,199)~~ **Sixty-six Million Eighty-nine Thousand One Hundred Ninety-nine Dollars (\$66,089,199)** be raised and appropriated from the Fiscal Year 2008 tax levy and other general revenues of the Town; and, that Two Hundred Thirty-one Thousand Four Hundred Dollars (\$231,400) be appropriated from the current proceeds of the Ferry Embarkation fee for expenses associated with the Police Department; and, that ~~Two Hundred Forty Thousand Dollars (\$240,000)~~ **One Hundred Ninety Thousand Dollars (\$190,000)** be appropriated from the Ambulance Reserve Fund for expenses

associated with the operation of the Fire Department's emergency medical services.

Article 10

The chart remains the same, but in the language below the chart, the amount changes...

Article 10 (General Fund Capital Expenditures)

Amend the Finance Committee Motion as follows:

And, to meet the appropriation for the above items, other than for the Marine and Coastal Resources Department outboard motor and vehicle, that ~~One Million One Hundred Fifty-nine Thousand Five Hundred Dollars (\$1,159,500)~~ **Two Hundred Thirty-one Thousand Four Hundred Sixty-four Dollars (\$231,464)** be raised and appropriated from the Fiscal Year 2008 tax levy and other general revenues of the Town; that **Nine Hundred Twenty-eight Thousand Thirty-six Dollars (\$928,036)** be appropriated from **Overlay Surplus**; and that **Forty-one Thousand Dollars (\$41,000)** be appropriated from the Waterways Improvement Fund for the Marine and Coastal Resources Department outboard motor and vehicle;

Article 11:

Article 11 (Enterprise Funds Operations)

Amend the Finance Committee Motion as follows:

Further, that the above appropriations be funded as follows:

<i>FUND</i>	<i>FUNDING SOURCES</i>	<i>AMOUNTS</i>
Airport	FY 08 Anticipated Revenues	\$12,907,885
Sewer	FY 08 Anticipated Revenues	\$3,500,725
		\$385,800
Solid Waste	FY 08 Retained Earnings	\$591,000
Solid Waste	FY 08 Anticipated Revenues	\$5,493,000
		\$2,716,000
Solid Waste	FY 08 Tax Levy and Other General Revenue	\$2,716,000
Solid Waste	Free Cash	\$205,200
Siasconset Water	FY 08 Anticipated Revenues	\$592,800
Wannacomet Water	FY 08 Anticipated Revenues	\$3,957,930
TOTAL FUNDING SOURCES		\$29,759,340

Article 13: This is an entirely new motion:

Article 13 (FY 2007 Enterprise Fund Budget Transfers)

FINANCE COMMITTEE MOTION: Moved that the amounts listed below be transferred between the various enterprise fund accounts and funding sources as follows:

FROM	TO	AMOUNT
Free Cash	Solid Waste Enterprise Fund/Expenses	\$761,317
Siasconset Water/Retained Earnings \$80,000	Siasconset Water/Anticipated Revenue	
Sewer/Expenses	Sewer/Salaries	\$55,000

And, further, to increase the total Fiscal Year 2007 Enterprise Fund budget by Seven Hundred Sixty-one Thousand Three Hundred Seventeen Dollars (\$761,317), from Eight Million Five Hundred Thirty-five Thousand Dollars (\$8,535,000) to Nine Million Two Hundred Ninety-six Thousand Three Hundred Seventeen Dollars (\$9,296,317).

Article 17: Ferry Embarkation Fee: we have a new motion, which is....

Article 17 (Appropriation: Ferry Embarkation Fee)

Delete the Finance Committee Motion as shown and replace it with:

FINANCE COMMITTEE MOTION: Moved that the Article not be adopted.

NOTE OF EXPLANATION: *The amount contained in the original motion is already contained in the motion to Article 8; therefore, repeating it is redundant and unnecessary.*

Article 18 was a motion to be provided at Town Meeting, and the motion is...

Article 18 (Appropriation: Collective Bargaining Agreement/Our Island Home)

FINANCE COMMITTEE MOTION: Moved that the Article not be adopted.

Article 19 (Appropriation: Collective Bargaining Agreement/Airport)

FINANCE COMMITTEE MOTION: Moved that the Article not be adopted.

Article 20 (Appropriation: Collective Bargaining Agreement/Wannacomet Water)

AMEND the Finance Committee Motion as follows:

FINANCE COMMITTEE MOTION: Moved that Three Hundred Four Thousand Six Hundred Thirty-two Dollars (\$304,632) of the total Wannacomet Water appropriation shown in the motion to Article 11 of this Warrant be raised and appropriated from the Fiscal Year 2008 revenues of the Wannacomet Water Enterprise Fund designated to fund the cost items for Fiscal Year 2008 in a collective bargaining contract between the Town of Nantucket (represented by the Nantucket Water Commission) and the Wannacomet Water union employees

(represented by the Utility Workers of America, AFL-CIO, Local Union #359) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract.

Article 31

Article 31 (Zoning Map Change: 3M Subdivision/Doc Ryder Drive, Hatch Circle, Henderson's Drive, Swayze's Drive)

ADD the following parcels to the Planning Board Motion:

Map 66, Parcel 155, 7 Swayze's Drive
Map 66, Parcel 223, 112 Somerset Road

DELETE the following parcel from the Planning Board Motion:

Map 81, Parcel 163, 132 Somerset Road

Article 42:

Article 42 (Town Sewer District Map Change)

FINANCE COMMITTEE MOTION: Moved that the Article be tabled.

Article 53:

Article 53 (Bylaw Amendment: Board of Sewer Commissioners)

FINANCE COMMITTEE MOTION: Moved that the Article not be adopted.

Article 59:

Article 59 (Home Rule Petition: HDC)

Amend Finance Committee Motion as follows:

FINANCE COMMITTEE MOTION: ~~Moved that the Article not be adopted.~~ Moved that the Article be tabled and referred back to the HDC.

Article 60 (Yellow hand-out)

Article 60 (Home Rule Petition: Sewer Act)

See handout

Article 80:

Article 80 (Appropriation: Free Cash)

FINANCE COMMITTEE MOTION: Moved that ~~One Million One Hundred Thirty-eight Thousand Dollars (\$1,138,000)~~ Eight Hundred Thirty-one Thousand Four Hundred Sixty-four Dollars (\$831,464) be transferred from free cash in the

treasury of the Town for the purposes of meeting the appropriations for the ensuing fiscal year by authorizing the Assessors to use such sum in fixing the tax rate.

So that is that. Now I think, having done that what we'll do is go through and Call the Articles. The purpose of this exercise is to attempt to weed out the articles that we all agree about that we don't think need to be discussed and that can be adopted in accordance with whatever Recommendation they received. So if you agree with the motion of either the Finance Committee or the Planning Board as appropriate on the Article there's no need to Call it, you can just let it go. If however you have a question about the Article you feel it should be discussed, you want to present a motion that's different than what's published in the Warrant, um, if you have any question or doubt whatsoever then you should Call the Article and that will ensure that we come to it for discussion. For any Article that is not called tonight we'll throw that in a pot and all the uncalled Articles will be voted as a group at the end of the meeting. So it's better to be safe than sorry, if you have any question at all, about calling an Article, definitely call it. In the time that passes between now and when the Article comes up I would encourage you to seek out Article Sponsors or other people in the Town and see if your questions can be answered or addressed. If at some point you're satisfied and you don't want to discuss the Article you can Withdraw your Call. I'll give other people then the opportunity to step into your shoes. If no one does, then that Article will go into the pot at the end of the meeting. I'm going to go through each Article once, uh, One to Eighty, just, say your name and I'll put you on that particular Article. Once I've gone through once, I'll go through all of the Articles that have been called and give everyone an opportunity to call additional Articles. And once we do that and we complete the Call totally, there are very few circumstances in which additional Articles would be able to be called at a later point. It would have to be under unusual and compelling circumstances that I have not yet seen in eleven years of being here... and I've heard some pretty good excuses. If you do Call an Article it would be really nice if you were here when it came up or you had someone here in your place. If it does come up and you're not here and no one else wants to discuss it then we'll put it in the pot.

Okay.

It always go fast at the beginning.

Article 1,2,3,4,5,6,7,8,9,10,11,12,

Nancy Wheatley: Calling Article 12

Article 13:

Speaker: 13.

MM: Yes Ms. Voges, 13.

14, 15, 16, 17, 18, 19, 20, 21, 22, 23,

Mr. Burnes calls 23 and

24: Mr. Barnes calls 24

25,26,27,28

28: Ms. Culbertson calls 28.

29: Gookin

30, not called

31: Debbie Holdgate

32: Dorothy Thompson

33: Mr. Ray

34: Mr. Howarth

35: Mr. Howarth

36: Mr. Howarth

37: Ms. Bartlett

38,39,

40: Ms. Zimmerman

41, not called

42: McGowan

43, 44, 45

45: Reinhard

46: Reinhard

47: Reinhard

48: Mr. Rogeven

49,

50: Connie Voges

51,52

52: Mr. Reinhard

53: Ms. Wheatley

54, 55,

54: Mr. Lydon

55, 56

56: Ms. Gookin

57,

58: Mr. Gullickson

59: McLaughlin

60: Wheatley

61, 62

62:_____

63: Barnes

64, 65, 66, 67, 68, 69, 70

71: Mr. Shaw

72: Mr. Guntz

73, 74, 75, 76, 77, 78, 79, 80

80: Ms. Voges

Okay. So I'll go through this one final time. If I don't say a name after an Article and you want to hear it discussed, please call it out. Alright. I have 1,2,3,4,5,6,7,8, 9

Speaker:_____

MM: 9? Okay. Can I have the name for Nine? Excuse me?

Speaker: Bartlett

MM: Oh. Okay. "9 Bartlett." Okay

10,11,

I have 12, Wheatley, 13 Voges, then uncalled

14,15,16,17,18,19,20, 21, 22,

then I have 23 called by Mr. Burnes, 24 called by Mr. Barnes, uncalled I have

25, 26, 27,

I have 28 called by Ms. Culbertson, 29 by Ms. Gookin,

30, not called, 31 Ms. Holdgate, 32 Ms. Thompson, 33 Mr. Ray, 34 Mr. Howarth, 35 Mr.

Howarth, 36 Mr. Howarth, 37 Ms. Bartlett,

38 and 39 are not called

40 Ms. Zimmerman,

41 not called

42 Mr. McGowan

43 And 44 not called

45 And 46 and 47 Mr. Reinhard

48 Mr. Roggeveen

49 Not called

Speaker: Madame Moderator

MM: Yes.

Speaker: 49.

MM: Ms. Silverstein (49)

50 Ms. Voges

51 Not called

52 Mr. Reinhard

53 Ms. Wheatley

54 Mr. Lydon

55 Not called.

56 Ms. Gookin

57 Not called.

58 Mr. Gullickson

59 Mr. McLaughlin

60 Ms. Wheatley

61 Not Called

62 Ms. Gookin

63 Mr. Barnes

Then not called: 64, 65, 66, 67,68, 69,70,

71 Mr. Shaw
72 Mr. Koontz,
Not called 73,
Speaker: Madam Moderator

MM: Yes?

Speaker: I want to get 73 and 74 onto your Call List.

MM: Okay. 72, 73, and 74 Mr. Koontz

Then Not called: 75, 76,77,78,79, and then finally, 80 Ms. Voges.

So here's a run-down of the one's that will not be discussed, this is absolutely your final opportunity:

1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 30, zoning never disappoints, 41, 43, 44

Speaker: discussion

MM: Oh yeah, 38 and 39, you're absolutely right. And then did I hear, is that you, Ms. Ray? Recognize the voice anywhere. "44 Ray." Okay. Forty-f—no, 51, 55, 61, 64, 65, 66, 67, 68, 69, 70, 75,76,77, 78, and 79

Speaker: And 57 was not called either?

MM: Correct, and 57 was not called either.

So we are going to discuss: 9, 12, 13, 23, 24, 28, 29, 31, 32, 33, 34, 35, 36, 37, 40, 42, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 56, 58, 59, 60, 62, 63, 71, 72, 73, 74 and 80.

Okay. So Going, going, gone, on those. Two things before we get started I do have to recuse myself on Article 28, and Mr. Madden has graciously agreed to act as the Alternate Moderator. If you have any issues on Article 28 please bring them to Mr. Madden.

On Article 13, because we don't have free cash certified, am I getting this right? we need to move Article 13 to directly before Article 80. And I'd like your unanimous consent to do that. Thank you. So now we'll discuss Article 13 at the very end directly before Article 80.

Okay. I'm just going to switch my materials, here...

So we're going to start with Article 9, which starts on page 10 of the Warrant, FC Recommendation starts on page 11. Recognize Mr. Atherton, Chairman of the FC, for the purposed of making the FC's motion as printed in the warrant.

Atherton: So moved, Madam Moderator.

MM: Is there a second?

Speaker: Second.

MM: Motion is made and seconded.

Um, do you want to hear from Ms. Bartlett, before you address Article 9? Yes? Okay. Uh, Ms. Bartlett... Is there someone who could get Ms. Bartlett a microphone? Oh, thank you.

Ms. Bartlett: Thank you, MM. I just have several questions...um.. how are these monies...um.. Who is accountable to whom on these monies? What kind of auditing is done on these dollars? To whom are they responsible?

MM: Ms. Gibson? Is that-? That's your question.

Bartlett: That's my question.

MM: Okay.

Bartlett: Three parts to it.

MM: Okay. Is this the first part? Okay.

Libby Gibson: Quarterly reports are submitted by each agency to the Counsel for Human Services, an agency of the Town Government.

Ms. Bartlett: And who checks- who receives that report? I mean who checks on the reports?

Gibson: The coordinator for the Counsel for Human Services, Maryanne Worth.

Bartlett: And are those monies audited at any point?

Gibson: I'm not quite sure what you mean by audited. The Town does not engage in any extensive independent audit, no, we receive monthly reports which identify how the money was spent.

Ms. Bartlett: I guess I'm asking, and make the Finance Committee can answer this for me then. There was never any audit done of these agencies' monies?

MM: I think rather than having a back and forth maybe if you could... Is that your question? Is there an audit?

Bartlett: That's what I said to begin with, Is there an audit done?

MM: Is there an audit? Okay. And if you could give the microphone back to Ms. Jenkins...Do you want to continue Libby, or, Mr. Atherton?

Gibson: I'm told each agency does its own independent audit, and if the Town requests it we can obtain a copy of it.

MM: Mr. Atherton?

Atherton: My name's Rick Atherton. Just, uh, Maybe it's helpful to back up here for a second. There's a Human Services Grant Review Committee which consists of a number of our citizens that review all of the requests that come in for this article and appropriation... I sat on that committee years ago and I might turn it over to Christy but in essence that committee reviews financial data submitted and any data they feel is necessary to help them understand the appropriation request would be submitted to that committee for review... Now I don't know if that helps you in terms of the initial part of the process, but I don't think the Town, in terms of its own audit, extends its audit to the folks for whom we're providing the funds. The Town's audit covers the Town's own operations.

MM: Thank you.... Are there any further questions on this Article?...Okay... Article 9 does require a Majority Vote...

Ms Bartlett: I have another question

Moderator: Uh- Ms. Bartlett... I'll let you have one more question.

Bartlett: So what you're saying is none of these organizations are audited either independently or under the Town?

Atherton: I think we're not saying whether we're audited or not, and we can ask others, but the Town itself does not au- they may all have independent auditors who examine their own books and those books may be presented, those audit reports, to the Human Services Grant Review Committee... But as I said, the committee itself makes a decision on what information it requests before making its recommendations.

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

Speaker: My name is John Bolash, I'm a member of the Contract Review Committee. In direct answer to your question, each of these organizations has to file a so-called form 9-90, which is required by the federal government, it is a charitable organization tax return, and in connection with that each of these organizations has to have its own audit performed by an outside auditor.

MM: Thank you. Okay. On Article 9, we'll be voting the FC's motion as printed in the Warrant. A "Yes" vote will Adopt the motion, a "No" vote will Defeat the motion. Requires a Majority Vote. All those in Favor of the Motion, please say "Aye."

Audience: "Aye."

MM: Those Opposed, "No."

(Silence)

That motion carries unanimously. Thank you.

Article 12. Article 12 appears on page 14 of the Warrant and continues all the way to page 16. I'd ask for your consent to waive the reading, and recognize Mr. Atherton for the purpose of making the FC's motion as printed in the Warrant. Is that your Motion?

Atherton: Yes. So moved Madam Moderator.

MM: Is there a second?

Speaker: Second

MM: Motion is made and seconded. Ms. Wheatley?

Nancy Wheatley: Nancy Wheatley, Thank you, Madam Moderator. Um, if you could scroll down past the first set of charts, which is to the bottom of page 15, there is a paragraph that begins, "further that the Treasurer..." and what caught my eye, being a sewer person is in the middle of this, these are borrowings by the Enterprise Funds, and so the Town is agreeing to borrow money which is for the Airport and the Sewer Enterprise Fund, etc. so what caught my eye is that we are being asked to borrow five million, one hundred and fifty thousand dollars as a general obligation of the Town with the intent that all repayments are to come from the Sewer Enterprise revenues, etc. uh, and there's similar language for the other Enterprise Fund borrowings. My question is this, this language seems a little permissive, so if the sewer rates, for example, are not high enough, and there isn't enough money to repay these funds, is it an obligation of the tax payers to repay them? And how often, if at all, has this problem occurred for any of the enterprise funds? Thank you.

MM: Thank you. Ms. Voges.

Voges: This is the language that is approved by Bond Counsel and is required. The Enterprise Funds are borrowing money, but it is a general obligation of the Town. The Town is the entity that has the authority to borrow in the Tax Exempt Bond Market. To my knowledge none of the votes that have ever been with the intent to be repaid from an Enterprise Fund have resulted in being paid by the general fund.

MM: Thank you. Okay. On Article 12, cause it is Capital Expenditures it requires a two-thirds vote. A "Yes" vote will Adopt the motion as made by the FC and as printed in the Warrant, a "No" vote will Defeat that motion. All those in Favor say "Aye."

Audience: "Aye"

MM: Those Opposed, No. That motion carries by a Two-thirds declared vote.

I'm told there is a Ford pick-up that left it's lights on...if that's your pick-up you may want to go turn your lights off. Article 13... oh we moved it... so we did... then I guess we should go right to Article 23... it gives us that sense of process through the Warrant. Article 23, on page 24, the FC's motion is "Move that \$35,000 be appropriated from the Fiscal Year 2008 Tax Levy and other General Revenues of the Town to fund a report of options for the operational structure of the municipal aggregate to be expanded at the direction of the Town Administrator." Is that your motion, Mr. Atherton?

Atherton: So moved, Madam Moderator.

MM: Is there a second?

Speaker: Second.

MM: Motion is made and seconded. Now I do have an amendment from Mr. Burns but before I go to that I want to give the FC an opportunity to speak on that, if they want. Mr. Atherton.

Atherton: The uh, the requests from the Municipal Aggregate- the Electric Aggregate Committee called for, um, a substantial amount of funds to carry through with their application with the State to set up the committee, and to provide for the working capital for the first year of operation. It became I think clear to at least the Finance Committee and I think several others that during the course of those discussions and hearing from other parties that the question of how we would operate this and organize it had not been made clear enough and that we thought that was important for the community to understand what kind of commitments were going to be undertaken before we took the next step. The (belief?) is that \$35,000.00 will adequately allow that kind of analysis to take place and bring the Article back to a future Town Meeting. Thank you.

MM: Thank you. Alright, I have an amendment to this Article by Mr. Burnes... and his amendment would change the \$35,000.00 to \$154,800.00 and would eliminate the words "fund a report of options for the operational structure of the municipal aggregate and

replace them with “develop a municipal aggregator plan for the review and approval by the Town the Division of Energy Resources (DOER) and the Department of Telecommunications and Energy (DTE) to be expended at the direction of the Town Administrator. “ Is that your motion, Mr. Burnes?

Mr. Burnes: So moved, Madame Moderator.

MM: Okay, is there a second?

Speaker: Second.

MM: Motion made and seconded on the amendment. Mr. Burns.

Mike Burns: I’m Chairman of Nantucket Energy Study Committee (NESC), and just to clarify one term I’m going to use in this statement, and, uh, Municipal Electrical Aggregate Plan I’m going to refer to as Aggregate Plan. And also I’d like to provide a brief background of the Committee. The Committee was authorized at the 2004 ATM and charged with representing the representatives of Nantucket in negotiating contracts with providers so that no business or resident will pay a Default Service Rate, otherwise known as a Basic Service Rate, for electricity. A Default or Basic Service Rate is determined by the National Grid and its irrespective of our local demand characteristics and their pricing setting. The 2004 Article was a response to a Massachusetts General law to deregulate the Energy Industry to allow community contracting for what’s called Competitive Suppliers for electricity. This is essentially the same concept as the Cape Light compact and what the city of Marlborough has undertaken in their recent efforts. At 2006 ATM the Aggregate Plan was presented to voters who kicked the tires on the idea and then unanimously approved the Committee’s pursuit of the development of an Aggregate Plan. Now to the Amendment. The Committee feels that this Amendment is necessary because the recommended \$35,000.00 budget, although encouraging in spirit, is insufficient. This Amendment will provide the adequate budget total that would allow the timely development of the Aggregate Plan and avoid prolonging the Plan’s development process. This piecemeal funding approach recommended by the FC would create what could be at least a 2 year waiting period, not only to complete the FC’s recommended studies, but also for the next opportunity to request additional funding at subsequent Town Meetings, and then the time to continue the plan’s development for review and approval by Town and State agencies. This Two-year time gap would deprive rate payers of 2 years of savings through the Aggregate Plan. First the Committee has conservatively estimated there to be over 3 million dollars in rate savings over the first 2 years, roughly 10 percent or more for savings on a typical total bill. As an aside these estimates are developed with the assistance of Nantucket Resident Robert Patterson, who is here tonight, uh, who works in the industry and has provided the Committee with Pro Bono compensation as a concerned citizen. The other savings is there is a conservation charge on everyone’s bill that is currently collected by National Grid in the first two years....(tape cut off.)

(back to tape)

MM: ...that Amendment does not carry. Back on the Main Motion on Article 23 as moved by the FC, and as printed in the Warrant. Is there any further discussion? All those in favor, we are going to just require a majority vote on this, all those in Favor, say "Aye."

Audience: loud "Aye."

MM: Those Opposed, "No?" (Silence) That carries Unanimously. Article 24 appears on page 25 of the Warrant. The FC motion is as printed in the Warrant. I'll ask for your consent to waive the reading. I'll recognize Mr. Atherton Chair of the FC for the purpose of making that motion. Is that your motion, Mr. Atherton?

Atherton: So moved, Madam Moderator.

MM: Is there a second?

Speaker: Second

MM: The motion is made and seconded. Mr. Barnes I'll go directly to you.

Barnes: Curtis Barnes, thank you, Madam Moderator. In 1983 this TM voted the Land Bank Act and it was an excellent job and it still is. Back then when I and a lot of you voted for it, I thought naively that what we would do is collect 2% on all real estate sales, put it in the bank, and when an opportunity came up to buy waterfront land or critical land we would take the money out of the bank and go buy the land. Well this Article is proposing, as I understand it...to be able to borrow 35 million dollars, and in addition at the bottom of the Article it notes that this is in addition to funds guaranteed by the Town, that the Town is previously agreed to guarantee. I do recall that several years ago we passed a 25 million dollar bond act to support this program, so my question is, How much money will we be borrowing or guaranteeing if we take the 35 mil. That we're looking at now and the amount that has previously been guaranteed by the Town.

MM: Mr. Svetsky.

Svetsky: Hi, Eric Svetsky, Director of the Land Bank. Um, currently the LB has an outstanding bond of 9 million dollars which the Town has guaranteed, and we are asking for an additional, up to 35 million, for a total of 44 million dollars, and that is to back the LB's borrowing of the money. Its not paid back through tax payer revenue or anything like that, it's strictly paid back through the 2% LB fee.

MM: Thank you. On the motion- Oh yes, Mr. Murphy

Atherton: Question to Mr. Svetsky through you, Madame Moderator. The current 9 mil bond, is that currently being paid by the Town, or by the Land Bank? Or maybe I should ask, Mrs. Voges.

MM: Ms. Voges

Voges: Connie Voges, Finance Director. The bonds that Mr. Svetsky spoke of are paid by the LB. In addition, in 1997, the Town on an Override Vote voted to borrow funds and we are still paying, um, the outstanding bonds that were issued in 1997. The balance at the beginning of Fiscal Year 2007 was 17 million, nine twenty-four, but this Article is not for Bonds that would be repaid by the Town but for bonds that would be repaid by the Land Bank.

MM: Thank you. Yes, Mr. Ranney.

Ranney: Thank you, Jaimie Ranney. If the LB revenues don't cover the indebtedness that we seem to have upped from 9 million to as much as 45 million..... am I correct in assuming that the guarantee of the Town means that taxes would go up to cover whatever the shortfall is? Is that an appropriate way to characterize it?

MM: Ms. Voges

Voges: If the LB could not pay back it's bonds, then the Town would assume that debt. But unless the Town then voted an Override, the tax rate could not go up to cover it, so it would have to be paid within the Town's budget. I would like to emphasize that both the BOS and the FC ask questions about the LB's ability to repay these bonds and they clearly have the ability to repay the bonds.

MM: Thank you. On the motion. Okay. On Article 24, we're voting the Motion as printed in the Warrant. It requires a Majority vote? A Two-thirds vote. Requires a two-thirds. Okay. Two-thirds vote. So a Yes vote will Adopt the motion as printed in the Warrant, a No vote will Defeat the Motion. All those in Favor say "Aye."

Audience: Loud "aye."

MM: Those Opposed "No?"

Audience: Soft "No."

MM: I declare a two-thirds vote to be met. That Article is Adopted.

Okay. I'm going to turn the podium over to Mr. Madden for the purpose of doing Article 28. And the Bell Ringer and I will make a graceful but temporary exit.

Madden: And brief.

MM: Yes, and hopefully brief.

MM: Does her motion need a two-thirds vote?

MM: Uh, the Amendment, no. The Amendments the Majority.

Madden: Thank you. We'll go to Article 28, it appears on page 35 of your article, or your Warrant. We're going to start with the Planning Board's recommendation which starts on page 36. We're going to waive the reading of the article and I recognize Frank Spriggs, Chairman of the Planning Board to move this as a positive recommendation. I do have an amendment, but we'll let him speak first if he would like. Mr. Spriggs?

Spriggs: So moved, Mr. Moderator

Mr. M: Thank you. Would you like to make any comments at this point.

Spriggs: NO we'll wait.

Mr. M: Thank you. Is Ms. Culbertson here? Debbie I'm going to put your amendment up on the board...What we're doing here is... on page 37, section C, on line 7, or line 8, we're going to restore the stricken language, "except as docks, wharves, and piers" add language: "Permitted by Mass. General Law Chapter 91, or" and we're going to restore the language "approved by the Nantucket Conservation Commission as of, -and we're going to change the date to read – July 31st, 2005." Is that you're motion

Debbie Culbertson: Yes.

Mr. M: Is there a second.

Speaker: Second.

Mr. M: Motion's been made and seconded. Go ahead, Debbie.

Culbertson: Um, thank you Mr. Moderator. Basically, my family got sandwiched in the moratorium... We've spent a few years going through the whole process to put in a pier, and at this point now, we're at a place where we are going to do some Bulkhead repair work, and at this point in time, it just makes more sense. We've, um.. been through the HDC, the Conservation Commission, the Shellfish and Harbor Boards, the Harbormaster, the State Dept. of Environmental Protection and the Army Corps. Of Engineers. We have all of our approvals waiting for us the only thing is that we are stuck. So it would be wonderful if this date could be changed to July 31st so we could move ahead. We don't interfere with the stated goals of the Harbor Plan Section 3.8. We aren't adversely impacting the natural resources...um the ability to navigate or public access along the shoreline. We've been through the complete process and we're all set to go with all the Boards approving it. So I would just like this to be considered. Thank you.

Mr. M: Thank you. Anyone else on the motion? Mr. Spriggs? Did you want to speak or would you like to hear from Mr. Fronzuto? Go ahead Mr. Spriggs.

Spriggs: I'm sorry I said earlier I didn't want to speak first but my papers got confused here. Um, the PB has serious zoning concerns regarding the language in Article 25, which, pertains to the creation of the Harbor Overlay District. These are the concerns that regarding this Article the PB cannot support the re-zonings in Article 26 and 27. The PB supports the concept of the Harbor Overlay District and pledges to work with the Nantucket and Madaket Harbor Review Committee, the Marine Dept., and BOS, to discuss our concerns and work together to create a mutually acceptable Warrant Article at a future Town Meeting. We ask that you support the remand of this Article through the Harbor Committee so that we can work together to draft a revised article prior to next Town Meeting so that everyone will have adequate time to carefully review it. Our harbors are an important natural resource, and any zoning article affecting them deserves very careful consideration.

Mr. M: Thank you Mr. Spriggs. I think that those...the reason why you are looking for the moratorium that is on Article 28. Thank you. Would anyone else like to speak on this amendment? Mr. Fronzuto, who is also our Harbormaster. Thank you.

Fronzuto: Thank you Mr. Moderator. Dave Fronzuto, Harbormaster, member of the Harbor Plan Review Committee.

Mr. M: We just want to speak to the amendment at this point, David, thank you.

Fronzuto: The review committee had 35 plus public meetings and hearings...we had over 60 pages of input and written testimony, we had 1500 hits on our website, and the message that we heard loud and clear, and it was the same message that was given at- for ten years over three subsequent Annual Town Meetings, and that is Prohibitions on docks and piers in all of our harbors. So the PB in their recommendation, ...the moratorium to I believe its April 30, 2008...the water sheet between the high tide mark and the low tide mark, and the water sheet below the low tide mark, belong to all of you. So the public access issues and the use of the water sheet belong to all of you, and privatization, coop, condominium-ization, call it what you want, as soon as you privatize we've all lost our rights or some rights in that water sheet. So I ask you to defeat the amendment and support the PB's recommendation of a Moratorium until April 30, 2008.

Mr. M: Thank you. Any one else like to speak to the Amendment? Yes? And if you identify yourself, please.

Speaker: My name is Time Shea and I am an employee of GHYC and want to associate myself negatively with Ms. Culbertson and anybody's personal opinions about the yacht club it's more of a question to you, Mr. Chairman, through the PB, um it seems to be the PB is revoking the right of the ConCom to issue a permit, and that's a question, number one, Number two, at the bottom of the Article is reference to Public Docks, and it's open to interpretation how expansive that language needs to be and number two who determines whether or not it is a Public Dock.... Like I said support....certainly in a situation where this Article affects our existence, or our moving forward, I should say, and I just wanted to get some clarification on some of the language, um, also, back to the

original point about how the PB is basically taking away an order of conditions issued by the Conservation Commission. Thank you.

Mr. M: Okay. Thank you. Mr. Vorce did you want to answer that? He's our Planning Director.

Andrew Vorce: Thank you Madame- I mean- Mister Moderator. Sorry! (Laughter)

Mr. M: You're making me blush.

Vorce: The first question. Uh, the language um again I'm trying to stick just to the Amendment here... The amendment would put back a date that was a trigger point by the Conservation Commission...so I think the impression that we're taking away a right of the Conservation Commission is not correct. The language that we were advised to put in came from Town Counsel and spoke about lawfully permitted piers. This moratorium would extend for one year allowing the Harbor Plan to be completed. And after that point, the Harbor Plan would address how to expand or not expand any existing docks. So The ConCom is not prevented from doing their work. They still would do that. And the other question was about the bottom...could we scroll to the bottom?

Mr. M: Yes. That part is being taken out... the stricken-through part...That's not changing, Andrew. Anyone else on the Amendment? Mr. Rogveen?

Mr. Rogveen: I don't know if this clarifies anything...

Mr. M: Mr. Rogveen is with the ConCom.

Rogveen: That's correct. The Administrator for the Conservation Commission. As of April 11, 2005, I believe the GHYC piers already had been permitted so they would not be affected by this, in answer to Tim Shea's question.... The only pier facility that I know of that was approved between April 11 2005 and July 31, 2005 is the one that Ms. Culbertson is speaking to, which is on the property adjacent to the GHYC property in between the Howland pier and what would be the GHYC piers...so it's that one pier, It was already permitted by the ConCom We don't gen. Consider applications for piers that are in areas where the piers are prohibited by zoning. We make an applicant come in and essentially provide us proof that a pier can be built under zoning first. In this case that pier, which came in under the name Florence Clifford when they applied for it was after this Moratorium had already been in effect...well Moratorium was in effect while it was under consideration. So they filed in March, the Moratorium went in at Town Meeting approx. April 11, we issued a permit in July... when the moratorium ended, essentially, so that it would be back in compliance with zoning.

Mr. M.: Anyone else on the amendment? The back, please.

Gifford: Thank you Mr. Moderator. Whitney Gifford, Reade, Gullickson, Hanley & Gifford. I have a client who has a co-op unit on Old North Wharf...I would ask you to

read this very limited Amendment as narrowly as it's drawn. This really applies to one or two projects that have been in the works for years that have had review by every Town agency and State agency, the Army Corps of Engineers. This has been vetted by everybody who has jurisdiction over the issue... it is really limited... it does nothing about limiting the roll forward of the Moratorium as a whole. It's just a small exception. I urge you all to support Ms. Culbertson's amendment.

Mt. M.: Anyone else like to speak to the Amendment? Yes?

Speaker: Thank you Mr. Moderator. Cormack Collier with the Nantucket Land Counsel. I was the original person who actually brought this to Town Meeting in April 2005 and just an important note, the language that I submitted through the Warrant process was actually submitted very early on, whenever the Warrant closed either in Dec. or Jan. The entire town knew about this. If they were interest parties planning to build docks or piers I imagine they would have known about that and that they would have worked with the ConCom to get it done and approved before April 15, I would have to agree with Dave Fronzuto what we're talking about is not a single person's property, we're talking about all of our property, we're talking about the public trust. The Water Sheet is all of our property and we all have certain rights and uses in it, and I believe that's what the original Article before you was trying to address, trying to add a public component to these docks and piers instead of this privatization that's going on all over the place on our public waterfront. So I hope you do defeat this Amendment. I really sympathize with the applicant but the Moratorium was in place in April 2005 and Town Meeting did vote on it. Additionally, it's not just one dock or pier, as Mr. Gifford did note there is a sizeable large private dock and pier that is ready to go in down on Old North Wharf so we're not just talking one and this is the reason the committee is getting together to try to retain some of the public rights on our waterfront. Thank you.

Mr. M.: Thank you. Any one else on this Amendment? Ms. Okay. If you'd wait for a microphone and then we'll go to the gentleman in front of you. Debbie we will give you a chance to speak before it's over. Thank you.

Okay: Thank you Mr. Moderator, Dr. Sarah Okay. Yes we did discuss this briefly at a Harbor Committee Review meeting on Friday to discuss the possible amendments that might be presented and our committee members at the time did not want to see an amendment such as this be inserted into the language that the PB recommended and that we agreed to bring forward here to Town Meeting. My biggest concern is this says "General Law, Chapter 91 or approved by the Nantucket Conservation Commission." The original language said, "while preexisting or permitted by the Nantucket Conservation Commission." You could technically, if I understand correctly, have a Chapter 91 License and not have a Nantucket Conservation Commission approval and be able to go forward. Our committee's belief at this time was that this amendment was not a good idea. I would like to say briefly too in reference below to a public dock is clearly referred to and defined and its designed that Tuckernuck and Muskeget will be able to have a public community dock for emergency use. The Superintendent Fronzuto can further elaborate. Thank you.

Mr. M.: Is that Mr. Sanford, there?

Speaker: Edward Sanford, I own a cottage on North Wharf. I'm not involved with the aforementioned dock that Mr. Gifford's client is trying to build. I just wanted to add a couple of clarifications of that dock because originally my brother built that pier head in the mid-70's... and he and I extended it to its sort of current configuration after the No Name Storm in 1992. The current owner of two slips out there is trying to do two things: one he's trying to rebuild a catwalk which you might be familiar with, which by brother built in 1976 it's a very insubstantial structure it's been destroyed numerable times when we used to have real winters on Nantucket and it was completely destroyed in the 1991 No Name Storm. It needs to be widened, and made bigger so it's not destroyed sort of routinely, uh the other part of the expansion of what he's trying to do is to create sort of a fence, for lack of a better word, between Straight Wharf and Old North Wharf cause when we started berthing boats out there in the mid-1980's the Hy-Line with the construction of the Great Point which was a much larger vessel than had been there previously sort of routinely ran into the structure at Old North Wharf. We put up some piling clusters but it really doesn't work very well. So what this owner would like to do is extend the capacity- actually add an East/Westerly direction of a pier head that would create a buffer between him and Straight Wharf. And on the northerly side of the slips he wants to extend an already existing east-west structure to make it easier to tie his boat up... It doesn't impact navigation, it doesn't have anything really to do with areas that the public routinely uses... these are already areas where the boats are tied up, they're rock piles on North Wharf that you don't navigate around. And just one last comment, the Commonwealth of Massachusetts has the right, and does review all dock application. Clearly no private individual owns the rights to the water and that's why you have to make a Chapter 91 License application as does the Town or any entity in order to build a dock into the water. So they are reviewing and deciding whether or not those applications do no or impact negatively the rights to navigation, sailing, and fishing. These are very standard procedures which anybody that's built a dock in the water knows about. The State in general approves these sorts of applications so from their standpoint they feel that these docks are not taking rights away from the citizens of Massachusetts. Thank you.

Mr. M: Anyone else on the Amendment? Mr. Vorce?

Mr. Vorce: Thank you Mr. Chairman- Mr. Moderator, can't get that right, sorry! Um, I am rising to urge that the Amendment be Defeated. The PB has made the recommendation to continue this matter so that there will be additional time for public hearings additional public comments so that we might returned to the Town Meeting with a unified recommendation. Ms. Oktay did point out a very important point here on the word "or"...that it's "Mass. General Law Chapter 91 or approved by the Conservation Commission. I don't think that adding exceptions is something we should do here. And I urge you to stick with the original PB recommendation and Defeat the Amendment.

Mr. M: Thank you. Anyone else? Before we go to the vote I'll let Mrs. Culbertson have the last word, thank you. Debbie, did you want to say anything more to your Amendment

Nancy Wheatley: Mr. Moderator? Yes. Point of clarification. Um, this, as I'm reading what's printed in our book here, the "except those docks, wharves and piers approved by the Nantucket Conservation Commission as of April 11 2005 and/or future docks, wharves, and piers, etc."- that is scratched out...

Mr. M: That's correct-

Wheatley: And it's not clear to me, can someone explain the effect of the deletion of those phrases particularly the "exception with respect to docks, wharves piers which were approved as of April 11, 2005." Thank you.

Mr. M.: Yes, and Debbie, I think we'll let Andrew answer that question and we'll go back to you. Thank you. Mr. Vorce can you answer that for us, or Mr. Fronzuto? Why don't you do it, Andrew?

Vorce: I would request Town Council answer this question. This is their recommendation and my understanding is that any pier permitted as of April 11, 2005, would be lawful at this point, would have been built, would be existing, and it was pointed out that holding a specific dates was arbitrary and was not something we should be doing. So unless Town Counsel has a different answer, that was the recommendation.

Mr. M: Mr. DeRensis, who is our Town Counsel, thank you.

Mr. DeRensis: The first thing to understand is the big picture: We are dealing with a Zoning bylaw. By def. Zoning bylaw never applies to existing uses... That's the nature of the Zoning Bylaw.... Existing uses become what are called preexisting nonconforming uses. And the Law requires that zoning be uniform in each of the zoning districts. That means you can't have arbitrary dates ties in to zoning. The exception clause that's being added says that the Town's zoning bylaws will be overridden in the event that the State applying a different statutory scheme that looks only at environmental factors issues a permit, or that the Nantucket conservation Commission historically in the past as of July 31, 2005 has found sufficiently environmental basis for issuing Order of Conditions. ... The Order of Conditions is not a zoning concept at all, nor is the Chapter 91 License.

Mr. M.: I'm not sure if you've really addressed completely why the April 11' 2005 is being omitted.

DeRensis: It's being omitted because at this point it has no – it would violate the uniformity principal of zoning. Again it's already covered by State Law that says that this applies to nothing up until April 9, 2007. That's State Law.

Mr. M.: Mrs. Wheatley, you have a follow up?

Wheatley: I heard some representations made from other speakers who may not be correct because we all speak from our own understanding. I'm very confused at this point. Because we're taking out references to "docks, wharves, and piers approved by

the Nantucket Conservation Commission as of April 11, 2005” which apparently was in here previously, so if we’re taking it out it would seem to me that, well, if it has no effect on anyone, then removing it is not significant. But it appears to me that there may have been some docks, piers, or wharves which were approved by the Conservation Commission. I believe that’s what Mr. Rogveen said, and therefore those properties may be effected by removing the language that’s stricken from the original part of it. I would just also add a comment, which is that Massachusetts General Law Chapter 91 is not only an Environmental, but it also deals with have to do with waterfront access. So I would not say it is only an environmental statute and it certainly deals with the appropriateness of docks and we happened to be dealing with that issue earlier today. Thank you.

Mr. M.: Thank you. Mrs. Culbertson? And then we’ll go to a vote.(someone else tries to speak) I told Mrs. Culbertson I would give her a chance to speak. She was interrupted with a Point of reference while she had already been called on. After she speaks we’re going to go to a vote.

(Audience member speaking, inaudible.)

Thank you. Mrs. Culbertson, go ahead. Mrs. Culbertson’s going to speak and then I will come back to you.

Culbertson: Thank you. I’m a little confused myself at this point. But, all that being said, I do want to explain to the town people that going through Chapter 91 with the Conservation Commission takes a long time. We didn’t just apply in March, we started the process years ago. You have to do a lot of shellfish studies, and seaweed studies... we had people we flew down here, and the water wasn’t right, it was too rough for them to dive... so it took us a long time, and we kept going ahead even the Moratorium went in place because we had gone so far. We are between the Mannings and the Great Harbor Yacht Club. The pier, is, you, know we have gone through all the hoops. The Board said this was going to be an approvable thing. So I guess it comes back to, We’re a local family, we’ve been here. We’ve grown up on the water. I don’t believe in my heart that this is going to hurt Nantucket and it would be really nice if this Amendment went through for us. Thank you.

Mr. M.: Thank you. Now the gentleman who was speaking from his chair, if you would bring him a microphone I would appreciate it. If the other gentleman would like to speak if he could raise his hand now I’ll go to him afterwards. Not seeing it, we’ll go to a vote after this gentleman speaks, thank you.

Howarth: Two quick questions.

Mr. M.: If you would identify yourself for the record, please.

Howarth: Yes, Jamie Howarth. I would like to ask counsel if they have any concern about the extension of the moratorium several times. Is there is any problem with any

vulnerability on the part of the Town with regard to diligence underlying the extension of the Moratorium, that was the first question.

Mr. M.: Do you have another question, maybe we could get them all at once?

Howarth: Yeah, sure. Basically what's the difference between the two dates... I seems to be a (?) change, or there's some reason for it. And I was curious to know if July 31st was more advantageous to the Town in general than April 11th, if someone could speak to that specifically I think it would cure a lot of the confusion.

Mr. M.: I think in layman's terms, and Paul can certainly correct me if I'm wrong, regarding the dates, the April 11 is the original date put in the original Warrant years ago that we've been extending. The July 31st date is the date that would basically allow Culbertson to do her work, which she as in the process of working on and I believe there was another party as well who would build on their property if this was passed. And those dates were prior to the July 31st. Thank you. Paul, if you could attempt to answer that first question, I would appreciate it.

DeRensis: I have no concerns about the moratorium being extended... There is case law in last few years that has rejected long term open ended moratoriums that freeze zoning... but here there is a permit undergoing, and that's a legitimate purpose under the cases, and it's a reasonable extension, this being April of 2007 and this is a later extension. So I have no problem.

Mr. M.: Thank you. We're going to go directly to the Vote on the Amendment only, it requires a majority vote. All those in Favor of the Amendment by Mrs. Culbertson please answer by saying, "Aye."

Audience: (soft) "Aye."

Mr. M.: Those opposed, No?

Audience: (loud) "No!"

Mr. M.: The amendment does not pass. Now we're back to the Article as presented by the Planning Board. Anyone else like to speak on the Article? If not we'll go directly to a vote on that. It requires a three-fourths vote. Three-quarters... I mean, I'm sorry, two-thirds vote. That's what happened when Madam Moderator became Mr. Chairman. All those in Favor as the Motion presented by the PB, answer by saying "Aye."

Audience: (loud) "Aye!"

Mr. M.: Those Opposed, No?

Audience: (very soft) "No."

Mr. M.: I declare a two-thirds vote. Thank you. Sarah, it's all yours.

Madam M: Tim, do you want your packet? Okay. Thank you very much. Okay. Article 29. It was called by Ms. Gookin, and I think we're going to have to just change around the beginning of this a little bit to get a main motion going, um, do you have something there? There we go. Thank you. Very nice, just like magic.... Ms. Gookin called Article 29, It did receive a Motion Not to Adopt from the PB. Ms. Gookin has a main motion to present on her Article, and it will be as follows: "Move to Amend the zoning bylaw Section 139-7 of the Town of Nantucket by changing the language in Section 8.2 Permitted Uses by deleting the stricken text and adding the parenthetical text as shown below and adding Section 8.2 J. as shown below. 8.2. one detached building constituting a secondary dwelling Secondary dwellings shall only be created to provide housing for year-round residents including senior citizens while affording the owner of the primary residence with the opportunity to generate supplemental income. 8.2.J. on an annual basis by a date to be determined by the Zoning Enforcement Officer the property owner of the second dwelling created after April 9, 2007 must submit a completed form to the Zoning Enforcement Officer as evidence that aid Secondary Dwelling is occupied by a year-round resident. The annual form shall be distributed in a manner to be determined by the Town Administrator. Failing to provide such form shall constitute a violation of this Section and may be enforced pursuant to Section 139-25." Is that your motion, Ms. Gookin?

Gookin: Yes.

MM: Is there a second.

Speaker: Second.

MM: Motion is made and seconded. Ms. Gookin.

Gookin: Hello Town. Am I speaking on the entire Article, or the yellow.. motion?

MM: On your entire motion, which includes the yellow.

Gookin: Okay, and will I be able to speak again after others speak and lawyers pull this apart?

MM: Yes. But not for a full five minutes.

Gookin: Okay.Um, I received a handwritten letter today in mail and that's why I changed the yellow part of this. After speaking with the person who sent me that letter I decided to make the change and remove the affordability aspect, because really my whole point is to try to help create permanent year-round housing for our community. Housing or the lack thereof is an issues we've talked about for years and years and years and we really haven't done a lot about it. There are over 10,000 houses on the island and less than 2,000 local are owner-occupied. That number decreases with every home sold by an

islander to become a vacation home, employee housing, or a seasonal rental. Fewer and fewer home purchases are made by residents, and as a town, we are not compensating for that. The problem with that scenario is there are fewer people that contribute to our year-round community efforts, such as maintaining nonprofit organizations, human services, town boards, committees, and the town government itself. We're already having a tough time retaining the Police force, teachers, and other people within the town. The Middle-class eroding... Nantucket has most severe housing shortage in Massachusetts and we've heard that again and again from our State representatives, and we also have the highest percentage of unoccupied dwellings... Nantucket's one of the only towns in the country which allows secondary dwellings. There are right now approximately 1,775 Secondary Dwellings on the island. According to the zoning bylaw that we've had on record for decades, the principal purpose of that bylaw was that these dwellings were to create housing opportunities for year-round residents, and clearly this is one bylaw that we've ignored. This Article proposes to mandate what the bylaw refers to as its principal purpose. There's also a Section 8.2.J that I've added to make it enforceable, and this 8.2J is similar to the enforcement procedure we already have in place for Accessory Apartments. This would only apply to Secondary Dwellings built after the adoption of this Article. By changing this bylaw it does not take away anybody's right to build a secondary dwelling for themselves or for their year-round resident family members to live in. This change also does not take away anybody's right to build a Secondary Dwelling to rent to year-round residents. If we adopt Article 29 we would guarantee that Secondary Dwellings built in the future would be for the use of year-round residents. This means we could always have a year-round community on the island and not just be a vacation resort. I hope that you'll support this Article for the long term benefit of Nantucket. Thank you.

MM: Thank you. On Ms. Gookin's motion? Yes, Mr. Cohen?

Steve Cohen: My name is Steven Cohen. I'm an attorney with Reade, Gullickson, Hanley & Gifford...I'm speaking for a client on this matter. I'd like to commend Ms. Gookin for her intent, I think that housing is a crisis on the island. Unfortunately uh the Article that is proposed doesn't do anything for it. It fails on two grounds: one, technically, its written in a such a way that it won't accomplish anything; and secondly, it doesn't even do the purpose that she says it does. It is an admirable purpose, but unfortunately I don't think it does. If you look at this Article is basically does two things; it regulates the intent of the creation of housing; it says you can only create housing for a specified purpose. Zoning is supposed to regulate uses, not intent in creations of, so I don't know how that could be enforceable. Secondly, it creates a lot of paper work for the zoning officer and the Town of Nantucket Administrator where they would have to send out thousands of pieces of paper and then collect those thousands of pieces of paper, and it would be a zoning violation not to return the form, but it would not actually be a zoning violation if you ignore the rule. In other words there's nothing in here that says that you can't use the house for a non-year-round resident, it's only a zoning violation to not return the form. I don't know what we're getting out of that. The rule- the language also doesn't define who is a year-round resident, and its also questionably constitutional because you're not allowed to have laws that discriminate against people from out of

state. The rule does not – the proposed language does not deal with what would happen if you have a tenant who moves out in the middle of the Lease, and would hold the owner liable for having people who were not there for the entire term. I doesn't deal with what would happen if you want to use a second dwelling for a peak seasonally employees, which is often allowed under other provisions of out bylaws, it doesn't deal with—

Bell Rung

Cohen: It just doesn't work.

(laughter)

MM: Thank you. Mr. Barnes

Barnes: Gotta watch that Bell Ringer. Ms. Gookin and I are on the same page in many regards. When we get to A 61 though 63 once again we're going to be looking at some ideas for rental and affordable housing. But one of the interesting things that you all may not know yet is that on April 23rd, the Health Officer is having a public forum to discuss new regulations that they will be adding a tax to year-round rentals. Not seasonal rentals, but year-round rentals, and so the Health Dept. will be doing the same thing that the zoning enforcement will be doing except we can add two or three more employees and a couple of more trucks to take care of that. Again I think Ms. Gookin's Article comes from the heart and I support the heart but I think that we need to spend a little bit more time looking at this so I do not support it at this time.

MM: Thank you. Yes. Ms. Ray.

Speaker: Good evening. Mrs. Ray- Ellen Ray. My husband and I now have rental, property which we prefer to rent year-round. We also own land that could have a second dwelling. I am strongly against the Town controlling how I want to rent my second dwelling. So I just urge you all to let us have a choice and vote...now let's see, how do we do this because we want to vote against the Article in favor of what the PB has said which is against the Article...

MM: So you're saying No.

Ray: Vote No, please.

MM: Yes, up by Mr. Fronzuto....

Dean Brassfield: My name is Dean Brassfield; I've been a happy year-round resident for fifteen years now, and in that period of time my perfect little house has suddenly been invaded by children and grandchildren. So I then come to the question, "Do I take my perfect little house and turn it into a mini-monster, or do I build a guest cottage? Do I understand that under this Amendment I wouldn't be able to build a guest cottage?"

Would you really prefer another mini-something-or-other with added rooms in other directions?

MM: Thank you. On Ms. Gookin's Motion—

Brassfield: What was the answer? Yes cottage? Or No?

MM: I'm looking for someone who might give you the answer. I think I can go back to Ms. Gookin, or Mr. Cohen. Do you...wait for a mike-

Cohen: (off mike) You would not be allowed to build a guest cottage unless it was occupied by year-round residents...so if you're family lives off-island they could not use it.

MM: Nice projection. Okay. On Ms. Gookin's Motion? Ms. Gookin do you want to follow-up?

Gookin: I just love that the constitution was brought up, and I'd like to point out that there are 36 other bylaws in the Code of Nantucket that talk about "year-round." So if we need to define this for this Article then we need to revisit all those 36 other bylaws in our Town Code and fix them all. I think this is ridiculous to be picking apart things like- you know- the Constitutional rights of words and bylaws when we might not have a community in 20 years...if we don't have places for year-round people to live. That's all I have to say.

MM: Okay. Thank you. On the Motion. It is a Main Motion; it requires a Two-thirds vote. What you're voting on is the Motion as made by Ms. Gookin. So a "Yes" vote will Adopt the Motion, a No vote will Defeat that Motion. It does require Two-thirds. All those in favor of Ms. Gookin's Motion, please say "Aye."

Audience: (soft) "Aye."

MM: All those Opposed, "No."

Audience: (Loud) "No."

It does not achieve the Two-thirds required and the Motion is Defeated.

MM: Article 31 begins on page 41. The PB's Motion is on page 43. The Motion will be as printed in the Warrant with the technical corrections that we read into the Warrant at the beginning of the meeting. I'd ask for your Unanimous consent to waive the reading. Thank you. And I'd recognize Mr. Spriggs, Chairman of the PB, for the purpose of moving the PB's motion as affected by that technical Amendment. Is that your Motion, Mr. Spriggs?

Spriggs: Yes, Madam Moderator.

MM: Is there a second?

Speaker: Second

MM: Motion is made and seconded. PB, do you wish to speak to this, or should I go directly to Ms. Holdgate? Okay. Ms. Holdgate? And if someone could get a microphone there...

Debbie Holdgate: Thank you. I would like permission to be able to address Article 31 and 32 together because they both involve the 3M Subdivisions and my concern has to do with properties located between the two articles.

MM: Okay. I'll give you a little latitude there. So go ahead, we'll see how it goes.

Holdgate: Okay, thank you. That's great. My name is Debbie Holdgate. My husband and I own property at 104 Somerset Road and if you're looking at the map here, it's on the corner of Doc Ryder and Somerset, the lot to the left. Currently the PB is recommending changing the zoning from RC-2 to R-10 in our neighborhood as well as in the Golf View/Farm View area. I'm not opposed to the change, I'd actually like to see larger lot size... What I am concerned about is that strip of lots directly across the street from my lot, on the West side of Somerset Road. Those lots there, I believe there are eleven of them, are currently not included in the re-zoning. And at the present time they are scheduled to remain at RC-2. I would like to ask that we table these articles until such time as those eleven lots are included in the re-zoning. Again my concern is that if I limit my property, which I am more than willing to do, to an R-10, it does not prohibit my neighbors across the street from building a gas station or two or three duplexes. And I think that would seriously change the character of our neighborhood.

Mod: Before you give up the microphone, let me ask you a question, cause you have presented me with a dilemma. Were you attempting to make a motion to lay this matter on the table?

Holdgate: I'm not sure I understand your question.

MM: Let me explain. You said you wanted to Table this... which made me think that you were making a motion to table, which I couldn't let you do because you spoke about it and it's a non-debatable motion. So I couldn't take that motion, if that's what you were intending, but I could take, if what you were intending to do was to defer this, a motion to refer it back to PB for further study, since that is a debatable motion. So I wanted to give you that opportunity if that's what you were attempting to do.

Holdgate: That is my request. I'm asking that a vote on this be delayed at some point. I've also noticed tonight as I've been reading through there are some technical issues. There are six lots on the east side, which is where my home is located on Somerset Road. There are only five lots listed in the lot listing in the Booklet.

MM: Okay.

Holdgate: One lot is omitted even with the Amendment that you made earlier.

MM: Okay. So you're making a motion to refer this back to the PB for further study. And that's been seconded. That is a debatable motion, requires a Majority vote. And that's what we're now discussing. So now you can give up the microphone, unless you have anything more to say about it. Thank you. Okay. On motion to refer back to the PB for further study, is there any discussion? Mr. Vorce.

Vorce: Thank you MM, Andrew Vorce. I would ask that Town Meeting to consider not to support this particular motion. If you remember, this original Article that encompassed a larger area was presented to you in 2005. At that time, the Board withdrew it's article so we could in fact do further study... Since that time we have met with the various neighbors in both the Golf View Drive area and the Doc Ryder, Henderson, Swayze Drive area. What we have done is recommended two areas to move forward. And I guess while I can understand the Speaker's concern on Article 31, I can't understand it at all on 32. What is different about these particular groupings of homes in this entirely residential area is that three streets, Doc Ryder, Henderson and Swayze, all have access into their homes from these interior road ways.... We at the PB will investigate the further areas at some point. Somerset Road, Raceway Drive, Clara Drive and Todd Circle were all part of the original area that we looked at. But it was clear there were different concerns coming from different parts of the neighborhood. It has been somewhat of a challenge to get them together and come to a unified voice. I believe that there is support throughout that neighborhood to proceed ahead with this change to R-10. We certainly will come back to these other areas... there are some deed restrictions in place which will remain in effect and will allow us time to look at these other properties. I'm sure we'll be back at the next Town Meeting with yet more zoning articles. But at this point I would urge you to move forward with these, and we will deal with the others in time. Thank you.

MM: Thank you. So on the Motion to refer back to the PB is there any discussion?

MM: Yes. Mrs. Ray.....

Edith Ray: If I may through Madam Chairwoman to Mr. Vorce: Is it my understanding then that the neighbors that are along Somerset not included in rezoning have voiced their concerns about being re-zoned, and that you are accommodating them at this time by not rezoning them?

MM: Mr. Vorce.

Vorce: No That is not correct. The properties have different characteristics from the other properties and we are going to work with that group as I said in time, over the course of the next year. The properties that we've picked as you can see have different

characteristics in that they are on the interior streets of the neighborhood, not on the main thoroughfare road of Somerset.

MM: Thank you. Yes.

Melissa Long: Question: Do they have water and sewer in that development?

(tape end)

(taken from meeting)

Vorce: Its on septic at moment.... Water line extends down to Smooth Hummocks Way.

Collier: This is one of the most important articles on Warrant... I want to commend PB for their works... A lot of growth in this neighborhood... Just above Smooth Hummocks is Conservation Restriction, and further along, property owned by the Land Bank. Tonight is the night to change zoning on A 31 and 32.

Dorothy Thompson: Golf View and Farmer View drive as well as Smooth Hummocks... on either side of Golf View have restrictions... don't understand why they are not included in the Somerset Road zoning as well.

Howarth: The problem I would like to point out, for duration of time RC-2 zoning areas can continue to exist... picture half covered with structure... what's currently legal... the PB is that referring it back to PB you can see the potential for the green areas and the blue areas to be covered... The risk is that during interim, people could max out these two areas.

Mod: Requires a majority vote.

Motion not to refer back to Planning Board.

2/3 majority moved to so amend properties.

Article 32

Spriggs: So moved to amend. Seconded

Thompson: Why are 1 and 2 Golf View Drive not included in this article?

Vorce: Not included because they were along edge of Somerset... I promise you we will be looking at those properties. We've heard the concerns...

Joanne Thompson: What makes those lots different from all the other lots? He keeps alluding to some important reason why these were kept out of this project... I just don't see what the reason is.

Moderator: On Main motion as printed in Warrant.

Yes vote adopts, no defeats.

2/3 vote to adopt.

Article 33

Spriggs, moved to make PB's motion as printed. Seconded.

Richard Ray: Sorry if my voice sounds weak... I live at 60 Miacomet Ave, bought it in 1964... we knew what we were buying... we accepted the RC because that's what we could afford back then... I have 3 adult children... they would like to stay here, and we would like to provide housing for them... Changing this zoning would prohibit from subdividing... I have raced to subdivide before this evening...we did it. We have properties for our children, but I would like for others to have this rights.... Keep these props on this side RC-2

Howarth: I'm at 58 Miacomet Ave... Anything that's RC-2 is the classic cliché phrase subject to a gas station... go back to ground-cover ratio... see it without the blue... see it all black... that's what it would look like, not appropriate for this area to be 50% covered... (wildlife, etc..) There is a deed restriction that absolutely prohibits subdivision... it's been this way for a long time... It's been known to all of us.

Bill ____: I'm a year-round resident at 42 Miacomet Ave. Protecting the integrity of the pond is paramount to our considerations... Working with Andrew Vorce on developing this plan: unanimous vote among residents to make this subdivision change. No others but Mr. Ray.

Vorce: I ask TM to support this article. 12 of 16 owners in this area signed petition to change zoning. Mr. Ray's concerns will be addressed through his filing of the preliminary plan.

Alice McWade: If you're thinking about putting a gas station, I think there would be environmental factors....

Tom Jackonowski: 64 Miacomet Ave: I have similar concerns as Richard for his children: My property has a primary dwelling and a secondary dwelling... I don't know if another body of water more fragile than Miacomet Pond... Vote in favor.

Ray: I understand that this is all about me. I can accept that... There is sewage on Miacomet that addresses some of the issues of pollution to the pond... Nutrient loading... I object... Look at the area, no gas stations will be going up there... There will be two buildings on my property... All I'm doing is splitting off that property so my children can have something to call their very own.

Edith Ray: My husband addressed one of my major points. I'm probably one of the biggest tree-huggers on Nantucket, so I would never do anything that would compromise the pond... Think about what you might want for your own children... Take a good look at the zoning... Watch your back.

Sarah Oktay (?) I like the Rays... please look at the pond... severely impacted... nutrient levels are down... 2nd dwellings increase amount of sheet flow... more toxins. Go for it.

Vicki Goss: Every year we have zoning changes. Every year PB says, You can't spot change your area... you can't zone change your area... In my case, it's a 40-B going in, in his case he can't do what he thought he could for the last 20 years.... Can we just stop this? Enough. Watch your back.

Vocal count unclear. Hand-count taken. Adopted.

Article 34:

Spriggs: so moved to make PB motion. Seconded.

Howarth: Jamie Howarth... I'm concerned about the amount of ground cover... in the RC zone, it's 50%.... Imagine it half-covered.... Between creeks and Miacomet Pond... Amount of uses, people, cars putting petroleum into the ground... To further intensify this area makes no sense to me.... A lot of density... not more than 10years ago it was all open space.

Cohen: I have a client on an upcoming related matter... I want to change any impression that this is adding density... This is a technical correction... change the 20 foot to the 10 foot water line as it was intended.

McWade: I would just like to ask Mr. Vorce, Is that true, what he just said? This zoning change happened without the 2/3 (two-thirds) vote at Town Meeting? If so, why are we moving to change the change?

Vorce: In 2004 when we were switching from paper maps to electronic GIS, the GIS Admin. put a zoning line down that was not correct... The line was moved from the old line here. To this point... That's a 10 foot contour... this is a 20 foot contour... Made those properties partly LUG-2... made those properties nonconforming... You can imagine what this has caused for people who formerly had a legal property...

Howarth: After hearing Mr. Vorce I would like to withdraw my motion.

Voted to Adopt. 2/3 (two-thirds) vote.

Cohen: would he withdraw 35 and 36 as well? Same Issue

Howarth: Not 35

MM: We're going to go forward with 35 and 36.

Spriggs: Moved to adopt.

Vorce: This is another similar error correction.... A Conformity issue.

Howarth: remove my call on 35.

Voted 2/3 to adopt.

Article 36

Spriggs: Moved to make recommendation of PB. Second

Vorce: The same principal is at play with this article. We want to correct another technical error and later we will look at the zoning for this entire area.

Howarth: It's nice to hear that the residents will be meeting with Mr. Vorce to change this area... Considering Miacomet Pond, these changes look onerous... If you visualize that area, with all the natural habitat, picture it 50 % covered.

Greg Creedon: Miacomet Ave... Question... will subdivision be allowed.

Vorce: That property has already been subdivided... It could theoretically have additional subdivisions filed... I would ask that those who are concerned about this meet with the Planning Board... the focus of this is to correct the error that was made... we're trying to fix it.

Richard _____: I own that blue piece to the left of Miacomet Ave.; right there... when I come out of the house, that property is in my back yard... my family has owned it forever... I have no intention of developing it... No gas stations... The prop. Would be of less value to the Land Back if it were LUG-2 than if it were commercial..

Cohen: I rep. The Riese family... I would like to make an appeal to your sense of fairness, and your sense of greed... The Riese land could become conservation land. If this passes, there is a very good chance the Riese pit will become conservation.

Yes vote will adopt the motion to support. 2/3 vote to adopt.

Article 37

Technical change in I didn't get.

Spriggs so moved...

We were advised by Town Counsel ... the change you proposed (from .6 two 1.0) is beyond the scope of Town Counsel recommendation.

Pam Bartlett: I raised this article because I didn't understand it.

Vorce: What this article does is increase the required parking for several Categories of use secondary dwellings, family-use dwellings... adds a requirement for parking spaces... Parking provisions have been inadequate... Enough parking has not been provided... Parking needs to be in sync with # of bedrooms...

Adopted by 2/3 (two-thirds) vote.

Article 40

Moved that the Mixed Income res. Developments bylaw, (sec 139-7I) be referred to NHO for further study and possible rec. for reinstatement.

Loftin: I drafted the zoning bylaw: about affordable housing, gives owners option to subdivide their land... Affordable housing covenant stays affordable forever... This bylaw allows them to have two lots, to keep one affordable and one not affordable... Sunset date for year's end... The bylaw before you tonight adds two years to the date... No developer has proposed a Mixed Income Residential Bylaw, so there is no way to know... does not get rec. of Planning Board...

A motion to refer the MIRB for further study....

Alice McWade: I just have a question: about what authority NTM has to refer an issue to a private non-profit that is not a town entity.

Moderator: According to town counsel we have the authority to refer this to pretty much any one we want, including Donald Duck, as was told to me...

Motion to Adopt.

MM: Motion to adjourn until 7 pm Tuesday with Article 42.

Tuesday, April 10, 2007

MM: ... I think I'll start by correcting some of the errata from last night.

I feel badly in not having done what I wanted to do last night and mention Arch McColl, Chairman of the Conservation Commission who passed away last year. I just wanted to make note of his passing and the service he provided to the Town. He is much missed and I feel extremely badly that in my fluster I passed over his name. I also passed over a member of the Finance Committee... Matt Mulcahy, who is a new member, and I apologize for that. He is sitting next to Frank Spriggs, Chair of the PB. Finally, on Article 13, we have a technical amendment, and what I read into the record was correct but what was shown on the screen was not correct so I wanted to make sure that we are all on the same page with Article 13. And that Motion now has "from Free Cash to Solid Waste Enterprise Fund/Expenses: \$761,317.00 and is otherwise as shown on the screen. I think I read "Free Cash" last night but it still was showing "Solid Waste/Retained Earnings." So the entire motion is "Move that the amounts listed below be transferred between the various enterprise fund accounts and funding sources as follows: From Free Cash to Solid Waste Enterprise Fund/Expense \$761,317.00. Siasconset Water/Retained Earnings to Siasconset Water Anticipated Revenue \$83,000.00 Sewer Expenses to Sewer/Salaries \$55,000.00. And further to increase the total Fiscal Year 2007 Enterprise Fund budget by \$761,317.00 From \$8,535,000.000 to \$9,296,317.00" That is now the official FC Motion. As you recall we moved Article 13 to the end of the meeting directly before Article 80, which is the free Cash Article. Since last night Free Cash has been certified, which is what we needed to allocate it. As a result, Ms. Voges who called both Article 13 and Article 80 is withdrawing her call on those Articles. So unless there's someone here to either discuss Article 13 or Article 80, I'll throw those into the pot and Article 13 will be voted at the end of the Meeting in accordance with the motion that I just read and Article 80 will be voted as it was in the Warrant, with any technical Amendments that were read in last night, and there was one on that one.

Okay, seeing no hands on either 13 or 80, those are now gone. We have some other Articles that people called, and they don't want to go forward with them either, but I want to give anyone else an opportunity to step into their shoes. The first is Article 44, which was called by Mrs. Ellen Ray. And her questions have since been answered. And that is on page 58, "Charter Amendment, Town Administrator." It did receive a positive recommendation from the Finance Committee, so unless there's someone else here to step into Mrs. Ray's shoes, I'll throw that into the pot. Seeing no one- oh, yes. Could I have your name, please? Okay Ms. Brassfield. We'll put you in then on Article 44.

And the next one is Article 50, which was called by Ms. Voges, and that is the Audit Committee, on page 63. Does anyone wish to pick up Article 50? Okay, I'll consider that one gone. And finally, Article 59, which was the Home Rule Petition, Historic District Commission, which had received a negative motion from the FC, had been called by Mr. McLaughlin, and he's withdrawing his call of the Article.

Speaker: (off-mike. Not a neg. recommendation, but a Late rec. to table.)

MM: Oh, Late Recommendation to Table. Thank you. If anyone wishes to step in, it does have a recommendation to table. Okay. So 13, 50, 80 and 59 will put it at the end of the meeting. And 44 we will hear from Ms. Brassfield.

We flew through the zoning stuff so quick last night that I just didn't get a chance to acknowledge the hard work that the Planning staff has put in on this Warrant. It's probably apparent, after the votes, but they have been down a couple of staff members and I know they've been working really hard, and I wanted to acknowledge that. After we whipped through zoning on night one, which is almost unprecedented. And I think that would bring us to our first Article for tonight, which is Article 42, which appears in the Warrant, and I have to recuse myself on Article 42. It's on page 56. And the charming and handsome Mr. Madden will lead you through it as he did last night.

Madden: You need a new prescription for those glasses.....question (off mike) about Simple Majority vote...Okay. Thank you. What she was just saying was meant for my ears only, so I hop you can all hear me. On page 56, Art. 42, The FC motion is to table this, and that was to be provided at the meeting and that is there motion. Seeing as how this is perceived not as a negative recommendation, but certainly as a positive recommendation, I'm going to look to the proponents of the Article to move it with a positive recommendation, which I think we're going to have up on the screen before you in a moment. With that being said, I'm going to recognize, I believe Mr. McGowan wanted to speak first on this Article in the positive. I hope I'm not mistaken. Yes, here he is in the back..

Mr. McGowan: I move that we discuss this Article.

Mr. M: First what you want to do is move it as a positive.

McGowan: As a positive. Thank you.

Mr. M: Is there a second?

Speaker: Seconded.

Mr. M.: Motion's been made and seconded. Go ahead Mr. McGowan.

McGowan: Thank you. At this time I'd like to ask that we consider this article, and that we have an amendment to the Article. Is Mr. Vorce here?

Madden: Unfortunately he is not here...I've heard that there was an Amendment, I've seen it briefly. Perhaps we can put the Amended version on the screen and we'd have to vote for the Amendment first.

McGowan: Thank you.

Mr. M.: So what the Amendment is attempting to do is to take out the Parcels that are struck-through, so on the Amendment, Mr. McGowan, are you going to speak to the Amendment, or is there someone else who is going to speak to the Amendment?

McGowan: I can speak to the Amendment. Mr. Kelly can you assist?

Mr. M.: So we'll only have one of you at the mike at the time, and we'll let Mr. Kelly start.

Terry Kelly: Terry Kelly. Article 42 is a public health issue period. For six years a neighborhood group has been endeavoring to solve this problem...

Mr. M.: Excuse me, uh, I'm sorry Mr. Kelly, there's a question, Are you a registered voter here?

Kelly: No, I'm a resident. I've contacted the Town Clerk and I've been given permission to speak.

Mr. M.: Can he speak on this, Catherine? She is under the impression that you are allowed to speak, so please go ahead.

Kelly: Thank you very much. Would you like me to start again?

Mr. M.: No- Yes. If you'd start from the beginning that'd be good, thank you.

Kelly: Article 42 is a public health issue period. For six years a neighborhood group endeavoring to solve problem...6 years. In essence the problem is an outright failure of the underground septic systems in the location. The solution is Town Sewer... This would stop once and for all the pollution not only to ground water, our aquifer, but also to our environment, our wetlands, Burnt Swamp... We have a high ground water table in this area, as shown by the Nantucket Board of Health Ground Water Contour Map, and that's derived from----- Map No. 2. We have very poor soil types in this area... These soil types are poor for septic tank absorption fields, referring to the Soil Survey of Nantucket County by the U.s. Dept. of Agriculture Soil Conservation service that shows three soil types in this area: Virulent Variant, Metasperspic, and Evesborough B Type soils... all these require extensive modification for in-ground septic system Title V requirement. The properties concerned are surrounded in most cases and make up part of Burnt Swamp. Burnt Swamp- it's a wetland. Under State Law concerning Title V Systems applicability the Dept. of Environmental Protection referenced that no new system shall be constructed, and no system shall be upgraded or expanded if it is feasible to connect to sedentary sewer service. It is feasible for these properties to connect to the Surfside Wastewater Treatment Plant at the intake on Aurora Way. An initial plan for the infrastructure has been approved by the DPW since 2003. In Jan. 2003, this group submitted an initial plan and it was approved. There is a public health issue here. We are trying to resolve it. It's been 6 years now... As a group we are willing to collectively, as a neighborhood, to pay for the infrastructure. To take a pipe along Hummock Pond Road

to service these properties in need to the Aurora Way Intake. Capacity at the Surfside Wastewater Treatment Plant has been confirmed by the DPW and the Plan. Dept. =We've committed to the Planning Dept. our willingness to reduce potential growth in this area by signing off deed restrictions. We are asking for your support on this Amendment to solve this problem. Please, give us our support. Thank you.

Madden: Thank you. Now before we go any further, he has spoken to the main motion. I showed a map and a chart that shows the strike-through which was meant to be a friendly Amendment but I need someone to move that friendly Amendment. I believe Mr. Vorce was going to do that and he's not here...

Speaker: Mr. Moderator

Mr. M.: Yes. Ms. Wheatley, are you moving it? Yes? Is there a second.

Speaker: Second.

Mr. M.: Okay. Motion's been made and seconded. Now we want to have the discussion on the Amendment only please, which is basically to remove the parcels that are struck through- that have the strike through 'em- from the motion. That is to remove these parcels from the Sewer Map changes. Yes, can I have the person speak from the back, please.

Wynn: Gary Wynn. I just want to say that I installed the sewer

Mr. M: Gary can you hold one moment? I'll let you speak first and then we'll go to the woman in the green sweater. Thank you. Go ahead, Gary.

Wynn: Um, I installed the sewer at Aurora Way... and when I did it I spent hundreds of thousands of dollars because the Town had asked that because of the soils in the area, the sewer system I put in handled I believe 110 or 120 houses, 4-bedroom houses...and right after that the Sewer District was drawn, and it was stopped at around Aurora, so really only 14 houses were ever hooked to that sewer, and the original intent was for it to handle all those properties further down... I don't know why after I built that it was stopped there, but it definitely has the capacity to handle all the houses and many more than is being talked about in this Amendment. Thank you.

Madden: Thank you. The Amendment before us now is to remove the properties being proposed to the addition to the Sewer District. Is everyone clear on that? We're right now talking to the Amendment, which is to remove the stricken-through properties from being included in the Sewer Map, so they would stay as they are now, which is not part of the Sewer District. The original motion was to add properties to the Sewer District. These properties that are stricken happen to fall in that area and they are asking not to be included. So with that being said we want to stay with the Amendment at this point, please. Thank you. Dave, the woman there. Thank you.

McWade: Thank you. Alice McWade. My question is why if it's so necessary to have the sewage in that area because of the bad drainage or whatever you call it, why would you remove some of the lots if they are susceptible to the same problem and they could ruin the environment and the waters and such around them? Thank you.

Mr. M.: I'm going to guess a little bit of the answer, but I think we have someone in the back who lives in that area. Ms. McColl.

Diane Holdgate: We wanted our property removed because we have no intention in developing it any farther than it is now, and we see no need for our particular property to be on the Sewer.

Mr. M.: Anyone else like to speak to the Amendment only, please? Yes, over there to my left.

Wendel Jones: I agree with the lady just before-

Mr. M. Okay, could you identify yourself ?

Jones: I'm Wendel Jones. I'm actually a physician previously living off island and if this is a public health issue it's totally asinine to exclude properties. I understand Ms. Holdgate doesn't want to, and at this point in time they don't intend to do anything with that property in terms of upgrading or developing it, but what happens 25 or 50 years down the road when she's not around, and maybe her children or grandchildren don't want it and it has to be developed, then you're going back and digging up that area again and disturbing everything again. It may as well just be done now and get it over with now, at today's prices, and not at fifty years from now's prices.

Mr. M.: Thank you. Anyone else on the Amendment? Mrs. Wheatley?

Wheatley: Thank you, Mr. Moderator. I'll see if I can do that more than once, uh, Nancy Wheatley. It's unfortunate that Mr. Vorce isn't here because he knows the area better than I do, and I don't know how many of the other home owners are in the area, but short answer. There are a couple issues w people who asked to be removed. Among the most important are that their lots are considerable larger which gives them more space to develop a septic system. Also, I can't pretend to tell you that I could explain the Soils Map there, but unfortunately the worst soils are associated with the lots which are smaller, so in fact the lots that ask to be removed believe that they do have adequate capacity to provide themselves with on-site systems. In terms of the concern about having to dig things up later on, the, as Mr. Wynn said, there's adequate capacity in the area for a sewer to be installed to bring service to the properties that want to remain in. I would assume that the DPW would insist that the Sewer be large enough so that that purple area could be added a future date if that were necessary. So from my perspective, as you probably will all hear, you probably already know, that I believe that we use Wastewater Treatment to protect public health and the environment and I'm a big fan of centralized Wastewater Treatment. I do think that the request of these people is- I think

they have a right to make this request and I think it's a legitimate request and not one that causes a problem for public health.

Madden: Thank you. And just to clarify here the map that is before you now, what I would call kind of a slate blue, to the right, and that on the green, to the left, I won't even tell you what I think of that green, are the ones that want to be in the district. The map includes all those parcels. Those are what I would call the mauve-ish color or purple are the ones that want to be removed. Now would anyone else like to speak on the Amendment?

Kenneth Kuntz: High, Kenneth Kuntz here. I just - The way I read this Article, it says that they want to amend the Sewer District Map. It doesn't say anything about the people have to install pipes or anything like that... I don't see why just a Map change would make it so that the Sewer District would overlay the area that these houses are in are going to effect the home owners in any way at all. They don't have to join up and hook up to the sewer line, from what I can read in this... so I would say that all the houses should be included so that in the future if they do want to hook up they have that opportunity. Thank you.

Mr. M.: Thank you. Mr. Wilhauer, Chairman of the Board of Selectman.

Wilhauer: Thank you. There's one problem that we're facing here, and that is if that purple section is taken out then the other properties are not contiguous to the Sewer District. And if we send that Article forward then it isn't legal, and consequently probably the State will rule that those properties will have to be put back in. So I just wanted to bring it to your attention that we're on a slippery slope here. Thank you.

Mr. M.: Spoken like a true Chairman of the Board of Health. Ms. Wheatley.

Wheatley: Thank you Mr. Moderator, Nancy Wheatley. There has been in the time that we spent in the Sewer Advisory Committee, we spent some time, perhaps not as much as we should have, since it wasn't part of our charge, hearing about the issue of adjacency. Our Sewer Districts are drawn the way they are because of the issue of adjacency. I've spent some time- I am a lawyer, I don't practice in the municipal field, but- I've spent some time trying to understand if this is a real problem, and I've been unable to confirm what Mr. Wilhauer just said, which is that it would be illegal per se... I would suggest that it's not a slippery slope, and I would suggest that we ought to vote on the Amendment then go back and talk about the merits of the rest of the plan, and by that I am not trying to call the question, Mr. Moderator.

Mr. M.: Yes. The woman to your right. Is that Ms. Benz? This is on the amendment.

Charity Benz: On the amendment...uh, Charity Benz. I wonder-there is an area low to the south of the green. I wonder if perhaps Town Council could address this in terms of the adjacency issue, and what rights would fall to the people in the mauve area in terms of adjacency if the area- the green area is accepted.

Mr. M.: Mr. DeRensis? ...Thank you Chief Pittman...

DeRensis: Is this one? Thank you. Anybody in the...are we calling mauve? Mauve? Purple?

Madden: Linda would call it Mauve.

DeRensis: Mauve. Under existing State Law, Chapter 83, Section 2, these people have the right to connect to the sewer and do all things as if they were members of the Sewer District should the green area be put into the Sewer District... Therefore this Amendment is ineffective because it cannot vary State Law. This Amendment would be fine if Article 60 had been adopted and enacted by the General Court, but we don't have that kind of variance from State Law at this point... We have to operate under the existing legal system, and under the existing legal system, you run a sewer here, these people have exactly the same rights as these people...and that effect is going to be that whatever cost has to be assessed would have to be assessed to these people equally... So there is no point to the amendment, as long as this group is still in the Article. This parcel here can be removed, so if the Amendment was to remove this parcel and sewers were not brought in front of that parcel, that would work.

Mr. M.: Yes, Jim.

McIntyre: Thank you, Mr. Chairman, I'm Dewel MacIntyre. I have two questions. Could someone help me and point on the Map where the existing sewer line goes? I think I heard Mr. Wynn say it went to Aurora Way, but are the homes along Hummock Pond Road above that effected? And then the second question, through you to Mr. Willet, are all of these areas in these Comprehensive Wastewater Management Needs District?

Mr. M.: Um, he shook his head yes to the first part, but he can answer them both as well. Mr. Willet, who is our DPW Director.

Willet: Thank you. Sewer does come down Hummock Pond Road all the way to Aurora, and I can confirm that indeed there is sufficient capacity should this pass. The areas in green and purple are not Needs Areas under the Comprehensive Wastewater Management Plan. They were studied in detail in the CWMP, they did not meet the criteria necessary that caused them to be Needs Area or an area that would be considered for Sewer District.

Mr. M.: Thank you. I'll think we'll vote on the Amendment only now. One last comment in the back.. This is on the Amendment only, please...No, I'm sorry Ms. Wheatley, the woman in the far back.

Jenkins: Hello. Barbara Jenkins. I have a question. If the Amendment were not passed and so the entire area could hook up to Town Sewer, would they necessarily have to?

Couldn't just the people who wanted to hook up and pay the assessment. In my neighborhood, some people are on Town Sewer, and some people are still using their septic systems.

Mr. M.: We're going to let Mr. Willet answer that, thank you.

Willet: Actually I hope to be able to provide two answers to that question. First, if the sewers were extended, betterment assessments would be applied to those properties by which the Sewer traversed, so they would be charged their proportional cost for construction. Currently the Town does not have a regulation, which requires that a connection be made. However, the Town does provide a method by which an incentive can be achieved. If a property has a home on a septic system, and they decide to connect to the sewer within five years of that sewer having become available then the Sewer Connection Fee is reduced from \$2,000.00 to \$500.00

Madden: Thank you. I think we'll go to a vote on the Amendment, as to whether or not to remove these parcels from the main motion. Is everyone clear on what we're voting on? Okay. On the motion for amendment only. All those in favor of removing these parcels marked-through from the Map, say "Aye."

Audience: (soft) "Aye."

Mr. M.: Those opposed to removing them, say "No."

Audience: (loud) "No."

Mr. M.: Motion doesn't carry. Now we're going to go back to motion which was positively made by Mr. McGowan, and we're going to discuss all the parcels being added to the Sewer District. With that, Mr. McGowan, did you want to speak to this?

Mr. McGowan: Thank you very much. Marty McGowan, 97 Hummock Pond Rd, last house on the bottom- left, 1450 feet from Aurora Way...two footballs throws... People, in the Town Of Nantucket, we're going to be paying a lot of money for the Sewer... The 41 million dollars that you hear about that we approved last year to improve the health and betterment of this community is the tip of the iceberg... We're going to be paying to repair the old Sewer system in town, expanding it because there's more houses, more bathrooms in town. There fixing it down on Water Street right now. They had to get \$125,000 last week because the electric lines were in the way, and that's what that big red box is doing pumping water down there while they move the sewer line over. We as a community illustrated, now all in green, not even in mauve, are asking for the privilege to pay to install the sewer ourselves 100%. The town, after we pay for this,, will take it from us and call it their very own. The plan's approved. The financing is available. We're ready to do it. Not because we dream of paying \$2,000.00 to hook up to the Sewers, not because we want to pay the additional fees that'll be assessed to us, but because our neighborhood is "wet" across the street, "wet" behind, and as far as our septic systems are concerned, it's going into the "wet." We're trying to do the right

thing. We can alter our septic systems, now and again in five years and again in five years after that, but it's not going to stop where that water goes...What it's gonna do is contribute to what this island doesn't need, it's gonna contribute to inadequacy in the care of our environment. I'd like to ask for the privilege to pay the town probably hundreds of thousands of dollars so that we can connect to the sewer. Donnie Holdgate gave up 120 houses. We're asking for 9. Do we fit? Yes we fit. Jeff Willet mentioned that we fit. Aurora Way was built so we could fit. And we're offering to pay to fit. We've been at it for 6 years, we've done everything everybody's asked. We could probably go on for another couple of years and come back and discuss it again, but I gotta say, I'm getting a little anxious on this one... I very kindly and respectfully ask for your support in Article 42 so that we can move on with Town Meeting and improve our community. Thank you.

Mr. M.: Yes. (calling on someone)

St. John: Hi. Hadley St. John, resident of 76 Hummock. Um, my house was one of the ones that was crossed off on the Amendment, and I just want to explain where we were coming from. I fully want to support all of the neighbors on our road in need of...getting connected to Town Sewer, and I want to improve the environment in the area. My hesitation was in looking at the whole area was really not having a clear picture of how this was going to change the image of Cisco as we know it today... Will there be limitless development able to come into this area, and are there going to be restrictions on the area when it comes to building another 40-B or a cluster development, for example, that comes with Town Water and Town Sewer hook up? And I would certainly be in favor of passing this Article if it meant that there were restrictions of that kind, I would fully support it. I just don't see that happening at this point.

Mr. M.: Thank you. Anyone else? Yes, Mr. Kopko, Chairman of the Country Commissioners?

Kopko: That Five Dollars will get you a cup of coffee on Main Street, Mr. Moderator, but thank you. Hadley's concerns are important and valid. Marty's started out right. This wastewater treatment program is the biggest, most expensive infrastructure development that our community will face. As such, it's vital that we manage that infrastructure as responsibly as we can. A number of years ago when Sewer Districts were created we started to see a new Nantucket Behavior, getting up in Town Meeting and asking to be put into the Sewer District. And we heard lots of great stories, and no objective criteria. And the community has asked the government to develop objective criteria to allow people into the District. I'm happy to tell you that over the past year, one of the things the Sewer Advisory Committee DID do was draft an objective criteria checklist through which we could run these requests. It contains Health Dept. issues, soils, scientific evidence- objective scientific evidence of the need to run a Sewer there. It contains infrastructure-related decisions from the DPW. It contains land use related items from the Planning Dept. And Jeff and Andrew delivered to us a final version of this checklist about a month ago. The BOS has adopted that objective criteria. Now I think there's a really good chance that these people are going to meet that criteria. They very well might meet this criteria. But I don't know, because the process at this point is

incomplete. We just didn't have enough time to get the scientific objective criteria evidence from the Health Dept. to make the determination. And I think in their words then the Finance Committee has asked, and Kerry and I have worked together a lot on Sewers over the last year, and what I would like to see us do is to continue work together to run these properties through the objective criteria that we have developed to make it a fair process for everyone, and manage our infrastructure responsibly. I believe we can do that together, and I would ask that the proponents agree to continue to work together and run the criteria checklist process and get in an objective standard that we've worked so hard to develop. Thank you.

Mr. M.: Thank you. Anyone else? Yes the woman right there in the purple...

Vicki Goss: Thank you. Vicki Goss. Can we look back at the wetlands map that was there before, and I have a got a question about that and I'm wondering if it can do contour.... or explain the contour, cause I don't know. Alright so the dark dark green is wetland... What does the light green mean... And how does the run-off go. In other words if the leech fields on those properties o the north of the road are running straight down into the wetland, and on the south of the road, if they're running straight down into the wetland. Um, that's obviously an area of concern...and they should be Sewer hook-up. I don't see the contour on that one, and I just want to know what the light green means and where the run-off goes. Thank you.

Mr. M.: I see Mrs. Vorce- I mean Andrew Vorce- is here. Perhaps if he wanted to address that.

Mr. Vorce: Thank you Mr. Moderator. The light green on the map is a wetland soil, so that does indicate... there is a flow between the wetlands which is running from the upper left-hand side down to the lower-right... so the green is entirely wetland soils... the contour lines, if you can see roughly the 22 foot contour...is running right in this area here. The 20 ft contour are low areas. As you can see there's a drainage ____ running through on this property....Does that answer your question?

Goss: Yes.

Mr. M.: Thank you. The gentleman in the brown jacket...Look's like... Is that Mark?

Mark Danato: Mr. Moderator, Mark Danato. Mr. Willet just stated that the has an incentive program...they would offer a discount if people hook up in the next five years... To me it logically follows that we would allow these people to extend the line to follow that purpose. I strongly encourage this.

Mr. M.: Yes. We'll go to Mrs. Borschert, then we'll go back to Mr. Kelly...

Borschert: Karen Borschert. I think Michael Kopko has made the most sense tonight. We're in the process. I understand that these lots do not fully meet the criteria that we've

asked the Sewer Commission to develop for us, and because of that I believe we should move the question, and vote no tonight on this, as we did last year, I believe.

Mr. M.: Mr. Kelly And for those of you who were thinking that Mrs. Borschert was moving the question, unfortunately she had already spoken first, and you can't move the question after having spoken. Mr. Kelly.

Kelly: I would just like to make a couple of points, Mr. Moderator. The BOS adopted the criteria in the March 14th meeting of BOS. We put this Article in November. And for Mr. Kopko to suggest that it was an objective and fair approach I think is wrong... We haven't had the opportunity even to talk to the Sewer Commissioners. Article 42 has only been before the FinCom and the BOS... We've gone through the procedure that has been asked of us... we had a meeting on the 22nd with the participants in this Article, who were given points, and who met the criteria. On the 28th of March, at the BOS Meeting we were told that we don't meet the criteria...So I don't think that's a fair approach to the people- the participants of this Article.

Mr. M.: Yes. We're going to go to Mr. Willet. I have a couple of more speakers... I see there's Mr. Collier over there... we'll let him speak as well.

Mr. Willet: This is an issue which we must decide by decision tonight... We can make an emotional decision-nothing wrong with that- the most important decision I ever made in my life was made 37 yrs ago when I was blinded by love. Best thing that ever happened to me. We can also make a decision based on logic, and find just as justifiable a result...There's a third way in which we can make a decision, and that is an uninformed. I do not believe that any of us would like to make an uninformed decision... I don't believe we have enough data to determine whether these properties – the owners of these properties- want to be in the District or need to be in the District... I think that there are many things speaking affirmatively for this Article. However, I do not know that. We need additional information. We do not for instance know with 100% certainty what the ground water level is on these properties....We've asked for that. We do not know for certainty the permeability of these soils, the percolation rate, and on and on. I would ask that before we create a precedent here and open up a potential Pandora's Box with all kinds of ramifications that we might not fully comprehend in the future, and how it may affect other portions of the district, that we first obtain this information , come back to you with that information so that we can then make real informed choices... I know that Richard Ray, Andrew Vorce and myself, look forward to working with the citizens who have submitted this Article to obtain this information because Mr. Kopko is right... we have the priority list that was developed... the criteria list... and many of these properties that we're now considering never even bothered to fill it out... So how can we judge those properties? How do we know whether they would even warrant a positive recommendation? For the initial assessment, only 4 of the 17 properties qualified. I would think that we'd want to delay this, at least until the next Town Meeting, whether it's a Special Town Meeting or an Annual, I don't believe that we're ready to vote this yet. Thank you.

Mr. M: Thank you. One good piece of information we did learn is that your wife was very very young when you fell in love with her. (laughter) Mr. Ray, and then we'll go to Cormac.

Mr. Ray: Yes. I am part of the team that evaluates these properties, and a great deal of what has happened tonight has landed on my desk. Jeff, can I borrow that pointer for a minute, or whoever's got it?

Mr. M.: Mr. Ray is the Director of the Board of Public Health Office...Thank you.

Ray: On the map here, obviously looking at the soils, you've got substantial wetlands here and here, some mitigated wetland area here. This is without question problematic soils, no doubt about that, as is this. This area here where these structures are, this is classified as an Evesborough Soil... The definition of an Evesborough soil is a loosely packed, well draining, loamy sand. And this is the map that we have to use right now to make these decisions. These septic systems were all put in probably twelve to fifteen years ago. As such not a great deal of soil science was utilized in the installation of these systems don't we don't have a great deal of information. I had to make a decision here and I made that decision based on what you see right here. These are soils that a septic system will without question work appropriately in... There may be ground water issues, here... That may be the case... but you notice a lot of maybes here. I would like to have the additional time afforded me by postponing this Article for a year in order to further research the soil conditions here, which need to be updated, the ground water which needs to be updated in order to make an informed decision... I truly hesitate to make a decision that I don't feel is fully backed by all the information that I need, and I don't have all that information right now. These lots may very well qualify once all that information is in, but it is not in yet. Please give us the opportunity to gather that information before we make a decision on this.

Mr. M.: I believe we're about ready to go to a vote. There were two people that have been raising their hands patiently and I feel compelled to let them speak... The woman in the—the person in the gray sweatshirt there... You spoke on the amendment, do you still want to speak on it? ...Now there are more and more hands coming up... Yes... yes, please...

Wendel Jones: Two things—

Mr. M.: And just identify yourself again, please...

Jones: Wendel Jones. Two things: I don't see where a Finance Committee has anything to do with this if the people in that area are paying for it. The Finance Committee should have zero to say about it... it's not coming out of Town taxes, it's coming out of their own pocket, so that's the one issue, and I think it's probably the biggest thing. The other thing, if the Health Department thinks they need more time, there needs to be a timetable. This is just totally stupid and asinine that it took six years, six years to get to this point. (Interruption) Let me finish what I have to say...

Mr. M.: We want to keep it brief and cordial...

Jones: I am keeping it brief-

Mr. M.: Thank you. And cordial.

Jones: It is cordial...but that is cordial. I'm not blaming any one person. I'm blaming the fact the process is stupid and taking too long for something they have been saying is a public health issue. That's where we always get in trouble. So I think that if the Health Dept. thinks they need more time, there needs to be a strict timetable that's two months, three months, six months, but get it done and don't let it come back next year again that we come to Town Meeting and it's being put off again because the Public Health Dept. didn't get a chance to do their soil studies and stuff like that. If you're going to postpone it for a year because of this, there needs to be a strict timetable put in.

Mr. M.: Thank you.

Speaker: I'd like to ask if we could table this until next year.

Mr. M.: There's a Motion to table. The motion is non-debatable; it requires a two-thirds vote... I think what I'd like to do is just go directly to a vote on this motion. Can we do that, Ellen, and see how it goes?

Ellen Ray: Sure, I understand we need more time, I just don't want the motion totally killed. I'd like it to come back I guess...so tabling it, would that help it?

Madden: You want to table it to the next meeting? Okay... What's that? Right, it's not a zoning article, so it doesn't really have to wait two years to come back. So I think we can just go to a vote on it. A "No" vote will be—I'm sorry we're going to vote on the Motion as presented. A positive vote would be to include them in the district...And just to clarify what I was explaining the Ms. Ray: it's not a zoning article, with a zoning article if it fails, it requires a positive Planning Board motion, or otherwise it has to wait 2 years before it can come back to Town Meeting. That is not the case with this. If this fails, it can come back at any TM as long as they get their signatures. With that being said, we're going to vote on the Motion, which is a Positive Motion to include these properties in the district. So a "Yes" vote would be including them. All those in Favor, say "Aye."

Audience: (medium loud) Aye.

Mr. M.: All those Opposed, "No?"

Audience: (loud) No.

Mr. M.: The Motion does not carry... Yes, Mr. McGowan

McGowan: Thank you. Point of order.

Mr. M.: Yes please.

McGowan: Rebuttal? (off mike)

MM: I'm sorry we can't do a rebuttal afterwards. If you were questioning the vote...I'm sorry?

McGowan: (off mike) My hand was up throughout this issue... (inaudible)

Mr. M.: When someone Calls the question, Mr. McGowan... Well she mobbed to table it, we could have debated it and gone to two-thirds vote, but-

McGowan: (So you called it.- off mike)

Mr. M.: If you want to do a re-count on the votes we can do that and do a hand count.

Audience: (A few) Yes....

Mr. M.: Alright, we'll do a hand count. Tellers, please... I think that's the best we're going to get, Mr. McGowan, out of it. ...Yes. Someone's rising to a Point of Order? Oh, yes.

Speaker: I thought the question was to table this, not that we were voting on it. I'm sorry- my name is Liz Flanagan. I thought the question was to table this with the recommendation to table it, and that's what we were voting on.

Mr. M.: No, Mrs. Ray wanted to table it. That was a non-debatable motion. You would have to vote on whether or not we would accept that Motion. If it had passed, we would have gone to a vote. What we did was move forward with a vote, not voting whether or not to table it. Do you follow me? We just moved directly to a vote.

Flanagan: Yes. Thank you.

Mr. M.: And the vote was moved in a Positive recommendation from the proponents of the Article, so if you vote "Yes" by raising your hand, you are voting to include these people positively in the Sewer District... Point of Order, Mr. McGowan.

McGowan: (off mike) Thank you sir... I want to know...

(Disturbance as Mr. McGowan tries to speak and is shouted down...)

Mr. M.: I think we all know what Mr. McGowan is searching for, I sympathize with him, but we really need to go to a vote on this...

McGowan: (tries to keep speaking off mike)

Mr. M.: Thank you, Mr. McGowan. Now. Mr. McGowan. The Motion before you now is going to a hand vote is those in Favor of including these parcels in the Sewer District will raise their hand for a positive Yes vote on this Article. All those in Favor of including these in the Sewer District, please raise your hand. Tellers, please...

(pause while Tellers take hand count.)

Okay, all of those Opposed to the motion, raise your hand. Tellers, please.

(pause while Tellers take hand count.)

(tape ends)

(taken from meeting)

Mr. M.: Yes 102. No 222. The Motion does not pass.

(back on tape)

Mr. M.: Sarah! Sarah! Saraaah!
(laughter)

Alger: Thank you Tim. (Applause) There are few people who would come in and do that Article.

(laughter)

It occurred to me during the break that there was another Article someone decided to withdraw the call on- my break, not your break- and that was Article 58, which has to do with volunteer Fire Fighters....It's page 70. "Acceptance of Mass. General Law Call Fire Fighters' Health Insurance." Is there anyone who wishes to discuss Article 58? If not, I'll throw it into the pot for the end of the meeting.

Speaker: What's the recommendation?

MM: The recommendation was move not to adopt, as printed in the Warrant. The BOS supported the FC, and I think they wanted to do further study. The FC suggested that some financial analysis be conducted, and the results be provided to the BOS and possibly put forward in an article in the future... Okay, then we will put Article 58 into pot for the end of the meeting.

MM: And not we will go to Article 44. Article 44 is on page 58 of the Warrant... it received a positive recommendation. And that Motion is “Move that the following Amendment to the Charter for Town of Nantucket SL Chapter 289 of the Acts of 1996 be proposed for approval by the voters of the Town of Nantucket at the next Annual Town Election, pursuant to Section 6.5 Amendment of said Charter, which proposed Amendment is as follows. “The words ‘Town Administrator’ is hereby deleted- I guess we could say ‘are hereby deleted’- wherever such words appear in the Charter, and replaced with ‘Town Manager.’ The words Assistant Administrator are hereby deleted wherever such words appear and replaced with the words ‘Assistant Town Manager.’ Further, the words ‘Acting Town Administrator’ are hereby deleted wherever such words appear in said Charter and replaced with ‘Acting Town Manager.’”

MM: Recognize Mr. Atherton for the purpose of making that Motion

Atherton: So moved, Madam Moderator.

MM: Is there a second?

Audience: Seconded.

MM: Motion is made and seconded. This Article was called by Dean Brassfield, and I would recognize you for your questions or comments... Hold on, Mr. Fronzuto is almost with you with a microphone...

Dean Brassfield: In reading this it appears to me that we’re talking about the implications of the word ‘administrator’ and the word ‘manager’... And to me one is a subordinate position and the other, a manager, is not... I don’t see any point in changing this unless we in fact make our manager a manager.

MM: Thank you. Mr. Reinhard?

Reinhard: Thank you, Madam Moderator. Allen Reinhard, Chairman of the Town Government Study Committee. In terms of the language you are correct... I come from an academic background, where I always thought the term ‘administrator’ was stronger than ‘manager’ and so on... One of the very first topics that our Committee considered was this difference between the Town Manager and a Town Administrator. First of all I should say, there is no statutory distinction between those two titles... The powers of the chief administrative officer are spelled out in the Charter... We have in our Charter powers granted to Town Administrator, as she’s referred to, that exceed the powers of many Town Managers throughout the Commonwealth of Massachusetts. We recognized, because our Committee was formed to look at this issue specifically, this was the original Motion, we determined that in fact because of the powers that our Town Administrator currently has, and because of the desire of the community to strengthen the central administration of the Town, that the title should be changed, that in fact we do have a Town Manager, and we felt that the title should reflect the duties that are spelled out in the Charter.

MM: Thank you. I'll go to you, Mr. Cohen and then down to Mr. Rogeveen.

Cohen: I'd like to call the question.

MM: Oh, I'm not going to take that. I said I'd come down to Mr. Rogeveen. If you want to make that motion after that, then fine.

Dirk Rogeveen: I just had a Point of Order perhaps. Mr. Reinhard identified himself and spoke to this Amendment from the TGSC, but I don't believe this is a TGSC Motion, nor are any other of the Charter Amendments... They are all individual citizens Warrant Articles, as it says: "Allen Reinhard, et al." at the top. Is that correct?

MM: Mr. Reinhard, do you want to answer that?

Reinhard: I'll be happy to address that. I am the Chair of the TGSC, and yes, we submitted these 9 Warrant Articles that are before- that are in the package tonight- as citizen articles... We felt that this was an important distinction to make because we are appointed by...I'm sorry... We were created by Town Meeting 2005. We felt that as a group of citizens, independent, studying town government, we felt it important to make our recommendations as citizens petitions, so all 9 of our articles are in fact citizen petitions. Does that answer your question, or Point of Order, Dirk?

MM: Thank you. Mr. Cohen, do you now wish to Call the question?

Cohen: Yes.

MM: Okay. Mr. Cohen's calling the question, that does require a two-thirds vote. It ends debate. It is non-debatable. A "Yes" vote will end debate on this Article and we'll go directly to a vote. A "No" vote will defeat the Motion, and we'd go back to a discussion of Article 45. I will try a voice vote to start. All those in favor of moving the question, please say, "Aye."

Audience: (loud) Aye.

MM: Those opposed, "No?"

Audience: (soft) No.

MM: I declare a two-thirds met on that Motion to move the question. That means we'll go directly to a vote on Article 44. Article 44, because it is a Charter Amendment, it does require a two-thirds vote. A "Yes" vote will Adopt the FC's motion as printed in the Warrant, a "No" vote will Defeat that motion. All those in Favor of the FC motion, please say "Aye."

Audience: (loud) Aye.

MM: Those Opposed, “No.”

Audience: (soft) No.

MM: I declare that that is a two-thirds vote and Article 44 is adopted.

Okay. Article 45. Article 45 starts on page 58 of the Warrant and continues to page 59. The FC motion was moved that article not be adopted. I have a positive motion from Mr. Reinhard, who called Article 45... It does require two-thirds vote; it is a Charter Amendment... and I'm thinking I'm going to read it, because you deserve to hear me read it. “Moved that the following Amendments to the Charter for the TON SL Chapter 289 of the Acts of 1996 be proposed for approval by the voters of the Town of Nantucket at the next Annual Town Election, pursuant to Section 6.5 Amendment of said Charter, which proposed Amendment is as follows: ‘In Section 3.4 Selectmen powers as to appointments subsection A.3 second paragraph, the words “Disability Commission, Council on Aging and Council on Human Services is hereby deleted, and further, in Section 4.3, Town Administrator Appointments, Subsection B, is hereby deleted in its entirety, and in its place the following new Subsection B is hereby inserted to read as follows: Shall appoint and may remove for cause members of the following town boards, councils, commissions and committees: Commission on Disability, Council on Aging, Council on Human Services and Cultural Council, such appointments being subject to a resolution of disapproval by the BOS pursuant to Section 3.4A-4, and further, that the Town Administrator shall also appoint members of other town boards, councils, commissions and committees, but only to the extent that the power of appointment of the BOS under section 3.4 of this Charter to make such appointments is delegated by the BOS to the Town Administrator, such appointments being subject to a resolution of disapproval by the BOS pursuant to Section 3.4a-4.”

Before I recognize Mr. Reinhard for the purpose of making that motion, I just want to ask Mr. DeRensis: having just adopted Article 44, which is a Charter Amendment to change Town Administrator to Town Manager? We keep it the way it is?... The answer is we're doing it right, because the vote on the Town Manager language has to go through an election which may or may not pass, and therefore may remain as Town Administrator, essentially. Okay. So is that your Motion, Mr. Reinhard, on Article 45?

Reinhard: Yes it is, Madam Moderator.

MM: Thank you, is there a second?

Speaker: (seconds... inaudible)

Okay. Mr. Reinhard did you want to make initial comments on Article 45?

Reinhard: Thank you, Madam Moderator. The TGSC spent a great deal of time looking at the role of the Town Manager, and by the very nature of the fact that our committee

was formed here at Town Meeting two years ago on the basis of strengthening the position of Town Manager, this is one of the things we set out to do...Article 44 that we just passed is one step in that direction. We felt that there was a need to take it a step further and have certain appointment powers given to the Town Administrator. I would point out the FC's recommendation, uh, their negative recommendation on this was on the basis of the fact that the Selectmen already has this power as far as being able to appoint- uh, I'm sorry- as far as being able to delegate appointments to the Town Manager. The eleven years that we've had a Charter, none of these powers have been delegated, and we felt that it was – uh, this would be a place to start, this would be a place to begin to strengthen the position of Town Manager by assigning some of these non-regulatory appointments to the Town Administrator. The point that Attorney DeRensis made just a moment ago- all of these articles, because they are Warrant Articles- need to come back to a ballot? That's correct, Paul, right? Even with the wording changes that we've made in them?

MM: On this particular Article. Let's just address this particular one..

Reinhard: On this particular article I would strongly urge you to pass it... it does take it one step further in strengthening central administration.... Remember that Selectmen come and go... employees for the Town come and go...The one area where government happens is in central administration. This is where the work of government happens and we feel- we as a Committee feel it is important to strengthen the position of Town Manager and we feel that this is a step in that direction. Thank you.

MM: Thank you. On the Main Motion. Mr. Atherton.

Atherton: I thought I might just explain briefly the FC's recommendation on this article, which I think you've already heard to some extent. The BOS, as Allen said, does have power to delegate this authority to the Town Administrator/Manager and I would suggest to you there may well be good reason why they haven't. It's not entirely clear to me that passing this on to the Town Administrator necessarily strengthens her position... It may provide an additional responsibility that I'm not sure is more effectively administered through the Town Administrator or through the BOS in this case. So the FC does recommend a negative motion, and I think if the BOS wishes in consultation with the Town Administrator to take this action, they might be better off to do so separately from the Town Meeting vote. Thank you.

MM: Thank you. On the Motion. Yes. Ms. Lohman?

Lohman: Thank Madam Moderator, Pam Lohman. I was on the TGSC ...I would like to point out that one of the things we felt was our obligation in response to our creation initially was to strengthen the central administration... There was frustration about things not getting done. This is one of the steps in doing that. It is true as Mr. Atherton said that the BOS can delegate these powers, but we felt that this would be an opportunity to give additional powers to the Town Administrator or Town Manager not subject to the will of the Selectman, but to give them to her in the Charter. The uh... aim is- the

feeling of the Committee- was to give the Town Manager as many appointment powers over Advisory Committees as possible, while keeping the appointment powers of the Regulatory Committees with the BOS. And that was our aim. Thank you.

MM: Thank you. Ms. Williams. People will be s relieved your back up in your seat.

Williams: Yeah, I had everybody emailing me and calling me today because I was down front, instead of up here. (laughter) Somebody asked in they should send flowers, this morning. (laughter) Uh, to get back to the issue at hand, I have a couple of questions. I want to know how these particular- all Human Services related, except for the Cultural Council- were chosen as opposed to the Traffic Safety, as opposed to some other group. The Commission On Disability is not an advisory group. It was set up by State Legislature. The Town adopted it many years ago, probably two dozen. It has a prescribed makeup; it works with the disabled community by state charter. I'm just confused as to how these particular ones were picked over other ones. I've been on the Commission on Disability for close to 20 years, number one. Number two, I'm concerned about the word "shall..." And number three, I'm concerned about several years ago after an article was passed on an interview process, I believe Mr. Rector put it in, he can speak to it more than I can... where you had to have a public interview process... the candidates had to be vetted by the Selectmen... they had to put their citizens' interest forms in and have a public interview process, which this completely circumvents. How does this not fly in the face of the Warrant Article that already accepted, adopted and used by the Selectmen at the moment. Can someone answer those questions?

MM: Thank you. Mr. Reinhard.

Reinhard: We very carefully chose which committees to assign here. We looked at which committees were regulatory, things...and we felt that the responsibility there should remain with the BOS...we felt that these other committees... the Cultural Council, for example, which I served on for six years, and the other non-regulatory committees were the appropriate domain of the Town Manager. No in terms of the appointment process, The TGSC has also made an advisory recommendation that didn't require a Warrant Article, that's why we're not discussing that. But we do have a recommendation as far as strengthening the appointment procedure... We felt that this was an important link. Again, that did not require a Warrant Article, so there is a proposal that we have to strengthen the appointment procedure. As far as the Commission on Disability, I don't recall the specifics of the discussion there, other than the fact that we felt this was an appropriate committee for the Town Manager to make that appointment. We also felt - um- one of the complaints that has been leveled at the BOS is that they micromanage and that they're too much involved in...in some of the affairs of government... We felt it was a way to take some of that pressure off of the BOS by delegating these appointments, and by the way we did review this with our Town Administrator. (Bell) Thank you.

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

Alice McWade: Are you aware that the Counsel... you refer to it As Counsel On Human services... I'm under the impression that its accurate name is as Counsel FOR Human Services... I don't know if that makes a difference on your motion...

MM: Okay, it's printed here as Council ON Human Services, but...Is anyone on that Council who wishes to- uh, Ms. Bartlett? It's council FOR? I think we can accept as a friendly amendment. "Council for human Services." Thank you. So on this Motion... okay. Oh, yes.

Neville Richen: Thank you, Madam Moderator, Neville Richen. I'm a little confused...Mr. Reinhard said earlier that one of the premises for the Article for Town Manager is because he has observed that most of the towns in the Commonwealth are Town Managers... the job of our Town Manager is doing is equivalent or surpasses that. That sad, then I see this section here where they are taking some of the appointments that come from the BOS and giving it to the Town Manager, adding to her burden. On the recommendation, I really agree with the FC's recommendation that this should be something that should take place between the BOS and our Town Manager...congratulations, Libby. Because I think that if we continue to pile things on top of her right now how effectively will she be doing her job? Plus, the BOS does have a lot of responsibilities, but part of their gratis is being able to appoint different committees and commissions that report back to them and give them information so they can make intelligent decisions. Thank you.

MM: Okay. So I think we'll go to a vote on Mr. Reinhard's motion, which is as I read it on the screen. It does require a two-thirds vote. A "Yes" vote will Adopt the motion, a "No" vote will defeat the Motion. All those in Favor, please say, "Aye."

Audience: (med loud) "Aye."

MM: All those Opposed, "No."

Audience: (loud) No.

MM: That Motion does not carry. Article 45 is not adopted...Okay, Article 46 on page 59... It received from the FC a "moved that it NOT be adopted" recommendation. I have a positive motion from Mr. Reinhard as follows: "Move that the following amendments to the Charter for the Town of Nantucket S.L. Chapter 289 of the Acts of 1996 be proposed for approval by the voters of Nantucket at the next Annual Town Election pursuant to section 6.5 'Amendment of Charter' of said Charter, which proposed Amendment is as follows: The end of the existing text of Section 3.1, Composition, Term of Office, and Quorum, the following additional sentence is hereby inserted: A member of the BOS shall not hold any town employment requiring said employee to work 20 or more hours per week, annualized, and for which a salary or other emolument is paid from the town Treasury...It is a big lawyer word... I know what it means, I was just trying to

get it out without turning it into an unction...(laughter) Mr. Reinhard is that your Motion?

Reinhard: Yes (off mike)

Speaker: (off mike) I second it.

MM: Motion is made and seconded. Mr. Reinhard?

Reinhard: We spent a lot of time on this issue. We heard a number of arguments about conflict of interest, about accountability, about the problem of a town employee being the boss of their boss.. The Town Administrator is the head of our government. The Town Administrator is the one who hires all the Department Heads. The Town Administrator is the one who develops their requests for proposals... The town employees are in an awkward position when they are in fact their boss's boss. If let's say a member of the DPW or the health Department ran and won a seat on the Selectman's board, they would in fact be responsible for negotiating, for evaluating the Town Administrator's performance each year. Many of the meetings that are held by the BOS are held during the day... Just today we had a meetings at 9 o'clock- or no, I'm sorry, at ten o'clock; we had another meeting at 1 o'clock; I had a meeting at 3 o'clock, and another meeting at 4 o'clock, and then Town Meeting tonight. This is an unusual schedule, of course, but it is not uncommon to have these meetings occur during the day. If a town employee has to ask their boss for time off to attend town business, there is an obvious conflict there.... Now as I say, we spent a lot of time on this proposal. We had lengthy discussions over many months over how to handle this... Many communities, for example, Provincetown, a much smaller community than Nantucket, but similar in many ways, has a total ban... if you get a town paycheck you cannot hold position as Selectman... So what we decided to do here was to put a limitation on Selectmen. The limitation is on Selectmen holding full time town employment. We chose this middle ground because it seemed to address the problems as they were presented, as we saw them on our Committee. We feel that this is a fair way to go, that any person who is working for the town for 20 hours or more and is eligible for benefits-they don't necessarily have to receive the benefits, but be eligible for them- that they should not be sitting as a selectmen... They can certainly run for Selectmen. We're not excluding any one from running for the highest elected position in the Town of Nantucket, but we're proposing here what we feel is a reasonable middle ground on this issue of accountability and on this issue of time. And that is the basis behind our recommendation on this Article. Thank you.

MM: Thank you. Mr. Cohen.

Cohen: I'm speaking privately, not in an official capacity as an attorney, I have no client on this and I'm not a town employee...Frankly, with all due respect to the hard work of the Committee this article is a lie and an insult because the BOS are not the boss of town employees...The BOS make policy, they have no administrative authority over town employees, so this boss of your boss idea not accurate. Secondly, what this is saying is that people can elect whomever they want, but then those people can't work for the town,

or some of them can't work for the Town, so it doesn't clean up the conflict of interest for someone who might have a salary, it just says certain people can't...because that there would still be literally hundreds of people who could still be paid by the Town and serve on the Board, so its just saying that you have to be independently wealthy or retired to sit on BOS, because we don't want people who have to have a full-time job to sit on the BOS. The people vote in elections for he BOS, and the people know what people do for a living before they have those elections, and if the people don't want to vote for someone for the BOS because they're a town employee, they don't have to. I mean the idea that we're going to start setting limits on who can run for office or what they can do afterwards without having a broad implication that applies to everybody with the same standards is an insult to the voters.

MM: Thank you. Um. Mr. Goodman, can you run that microphone up to Mrs. Coombs, please.

Diane Coombs: I am Diane Coombs, and listening to all of these articles from 40 on through 48 seems to be changing the way we have our town government... The voters are not unintelligent, they are not stupid, and if they are bright enough to elect the BOS, they should be bright enough to elect other people that they want. If you have a new member of the BOS who indeed works for the Town, if you pass this, what happens to her (?)...its not said that it's going to happen in two years from now. And as Mr. Cohen said, you are making the BOS a group of people who do not work. When I was a member of the BOS, we had meetings in the afternoon, and you made this for the people who had to work. I don't think you should exclude people who have to work or who work for the Town. The Town is he largest employer in the town, and you are knocking out all those people who might work 25 hours, 30 hours, and saying that they, although they may be excellent, cannot work. I think that you should turn article down.

MM: Thank you. Mr. Goodman, could you run down now to Ms. Benz?

Benz: I have a question following up Mr. Cohen's question, and that is, Who does do the performance evaluation of the Town Manager?

MM: Mr. Kopko

Kopko: Thank you Madam Moderator. I just wanted to make a couple of comments... One for Mrs. Coombs...yes these changes would change the way we do town government... that was charge of the committee, to find ways to change the way we do town government, and they have worked hard at that. I think good and smart people can agree or disagree about recommendations, but that's what they did. As to Mr. Cohen's lawyerly argument, uh, Ms. Gibson is the boss to the bosses in the Town, and she has one set of bosses above her, which is the Board of Selectman. So it's a little disingenuous to say you're not really your boss's boss because you're your boss's boss's boss, I suppose, if you want to do that, but Mr. Cohen gets paid in minute increments, so-

MM: Let's not bash the lawyer, shall we, Mr. Kopko?

Kopko: Thank you, Madam Moderator. (laughing)

MM: Let's not have a back-and-forth, either. Yes, the woman in the green sweater in the back.

Speaker: I call the question.

MM: Alright, I'm going to give Mr. Kopko the opportunity to answer the question briefly without bashing anyone-

Kopko: I won't bash anyone. I just want to-

MM: We're just going to do the question.

Kopko: Thank you, Madam Moderator. In answer to Charity's question, Who does the Town Administrator's evaluation? The Board of Selectmen is the answer. Thank you.

MM: Thank you. Now, the question has been moved. This will stop debate if it's voted Yes. It requires a two-thirds vote; it's not debatable. A Yes vote will end debate and we will go directly to a vote on Mr. Reinhard's Motion for Article 46... Oh, yeah, we can do that after... so on moving the question.. A Yes vote will end all debate and we'll go on to vote on Article 46, a No vote will Defeat the Motion to move the question, and we will continue with our debate on Article 46. So all those in Favor of Moving the question, please say, "Aye."

Audience: (loud) Aye.

MM: Those Opposed, "No?"

Audience: (soft) No.

MM: I declare a two-thirds vote met to move the question. Recognize Mr. Reinhard for the purpose of making a motion.

Reinhard: Thank you, Madam Moderator. I move that we fix the manner of voting to a paper ballot.

MM: Okay. Mr. Reinhard has made a motion to fix the manner of voting to a paper ballot. Is there a second?

Speaker: Second.

MM: That motion is made and seconded. You will be very pleased to know that this is a debatable motion and requires a majority vote. So Mr. Reinhard, do you want to share with everyone your reason for making that motion?

Reinhard: Yes. It was brought to my attention that this is a very sensitive question... I do understand that this is a sensitive question. By the way my daughter is a Town Employee, and by the way I do work a full time job, as well. So the reason for requesting a paper ballot is because of the sensitivity of the question and also, in 17 years of Town Meetings, I've never had a paper ballot. (laughter)

MM: Oh, you're in for a real treat, if this is adopted. Is there anyone else who wishes to be heard? Mr. Goodman?

Goodman: As a former vote counter for years I have great faith in paper ballots, I just think this is the right time to do it. Thank you.

MM: Thank you. Ms. Williams.

Williams: I just feel if you're going to vote you should have the courage of your convictions. I understand how some of the staff in the Town might not want to vote one way or the other because their boss is sitting in the room, but you have to at some point take a stand, have the courage of those convictions and raise your hand or don't raise your hand.

MM: Thank you. On the motion to fix the method of voting to a paper ballot.

Speaker: (Point of Order) Is this just for this Article only?

MM: That's only this article.

Speaker: Thank you.

MM: Whew! Please! (laughter) Just for this article, Article 46. This requires a Majority vote, a Yes vote will adopt the motion and we'll have a paper ballot. A No vote will Defeat the Motion. Those in favor, please say "Aye."

Audience: (loud) Aye.

MM: Those opposed, "No."

Audience: (louder) "No."

MM: Uh-oh. Let's have a paper ballot on the paper ballot question. (laughter) I think we better do a hand count. It's really hard because no is louder than yes, in so many ways. Oh, on the motion to fix the method of voting to a paper ballot, all those in Favor please raise your hand and keep them raised until the Tellers have had an opportunity to count your vote... if we end up doing a paper ballot, I will tell you that for anyone wishing to have a break while the paper ballots are being counted it is a perfect opportunity to take a break.... But you should come back.

(Votes being taken....)

On the Motion to fix the method of voting to a paper ballot, Yes 156. No 191. Motion does not carry. So now we will go to a vote on Mr. Reinhard's motion on Article 46. The motion is as shown on screen... and as read at beginning of discussion... the gist of it is that we'd be adding at the end of Section 3.1 the sentence, "A member of the Board of Selectman shall not hold any town employment requiring said employee to work 20 or more hours per week annualized, and for which a salary or other emolument is paid from the town Treasury. Because this is a Charter Amendment, it does require a two-thirds vote. A Yes vote will adopt the motion, a No vote will Defeat the motion. All those in favor say "aye."

Audience: (loud) "Aye."

MM: All those Opposed, "No"

Audience: (loud) No.

MM: Well, I'm pretty sure that isn't a two-thirds, but if anyone would like a hand count, ask me. Hand count? Okay. So all those in Favor of the Motion on Article 46, please raise your hands and keep your hands raised until the tellers have had an opportunity to count your vote.

(Hand count taken.)

All those opposed to the main motion on Article 46, please raise your hands until the counters have had an opportunity to count your vote...

(Hand count taken)

The Town Clerk provided me with a copy of minutes from the Annual Town Meeting in 1947... I guess that would be 50 years ago.. It was at the Dreamland...It's an interesting discussion. At the beginning of the meeting there was a vote to allow pupils from two classes in the high school to come in and listen to the meeting. There were apparently ample seats, so the students were allowed entry...There was then a rather spirited discussion about the creation to appoint, authorizing the School Committee to appoint a Community Recreation Committee to plan and organize a community wide program of recreation, and to supervise the work of a full time Director of Recreation, if and when appointed. The FC recommendation was not to recommend. And there then ensued an incredible discussion about the Communists working in such a way as to take over the Parent-Teacher Association through recreation. But the Committee then prevailed and felt that this would be a great benefit to Nantucket, helping to keep the people happy and satisfied, allowing for no chance for the inroads of Communism among satisfied people... I'm sure you probably want to know what happened... and I have no idea...(laughter) Oh dear, are we ready? I'll have to leave you in suspense on that for our next hand count... Okay. Must more interesting, the vote on Article 46, Yes. 166.

No. 182... Two-thirds being 230 out of a total of 348 votes, the motion on Article 46 is not adopted. Okay. Article 47 appears on page 59 of the Warrant and continues to page 60. Motion was that the Article no be adopted. Mr. Reinhard has provided us with a motion, but I need to tell you, Mary, there is a typo in this somehow: Right at the beginning, it should say, "Moved that pursuant to G.L. Chapter 40, Section 81-A..." Okay. Sorry. "Chapter 41. 41, 81-A" And after the ellipses there, and after the quote, end parentheses. Perfect. So Mr. Reinhard's motion on Article 47 is as follows: "Move that pursuant to G.L. Chapter 41, Section 81.A (such members of the Planning Board shall in towns be elected at the Annual Town Meeting or be appointed in such manner as an Annual Town Meeting may determine). Nantucket Planning Board shall no longer be elected, but instead be suitable residents of the Town of Nantucket appointed by the Board of Selectman. This change in the method of selection of Planning Board membership shall take effect as follows: It is the intent of this provision that a transition from elected Planning Board members to appointed Planning Board members be phased in over a period of time so that beginning with the Annual Town Election in 208, as the term of an elected incumbent expires, the successor shall be appointed in accordance with his vote of the Town." Is that your motion Mr. Reinhard? Is there a second? Motion is made a seconded. And before I let Mr. Reinhard talk about his article, I just want to say for this article, unlike the previous articles, it does not call for a Charter Amendment, it's just an action pursuant to chapter 41, Section 81-a, it requires a majority vote, and does not require approval my the Attorney General, or a ballot, or a Home Rule Petition. Therefore it would be effective when adopted. Is that correct, Mr. De Rensis? Thank you.

Rector: Point of Order, Madam Moderator.

MM: Yes, Mr. Rector.

Rector: Thank you, Madam Moderator, Barry rector from the Planning Board. Just one argument that I would propose to this, and maybe I'm a little confused, is that the Planning Commission is chartered at this point and consists of five members of the Planning Board, so I would wonder how the change to the Planning Board, which subsequently now changes the Planning Commission, wouldn't bring this back to a Charter Amendment requiring a two-thirds vote. Could I have that clarified for me, please?

MM: Certainly. Mr. DeRensis?.....The Planning Board, Mr. DeRensis, is not under the Charter either, and it's a statutory body, it does not require elected officials to be members of it?

DeRensis: Yes. The Planning Board is not created nor defined by the Charter. The Planning Commission is not created or defined by the Charter. The Planning Board on Nantucket is a 41.81-A Planning Board, so it's regulated by the General Laws. And the Planning Commission is the product of a special statute, Chapter 561 of the Acts of 1973. None of those statutes require an elected Planning Board, so it does not require a change

of the Charter at all. This is a simple decision that Town Meeting can make any time to change the Planning Board from an elected to an appointed or back again.

MM: Yes. Ms. Wheatley, a Point of Order?

Wheatley: Thank you, Madam Moderator. Nancy Wheatley. I am not at all an expert in this, and you are, but I wonder if this Motion is correct in that it's not a Charter Amendment. I would note at the top it still says a Charter Amendment. Is this properly before us, because the Warrant asked us to look at a Charter Amendment, but the Motion that has been made is for something other than a Charter Amendment?

MM: Right. You are correct about that. With zoning there is strict construction of scope, with other articles, we have a less strict standard. I did consult with Mr. DeRensis earlier to ascertain whether this was within the scope, and I was advised that because it's a lesser included item, it is within the scope. In other words, it's not more stringent, it's less stringent, and therefore falls within the scope of the Article. Is that a fair synopsis, Mr. DeRensis? Or...feel free to give the explanation yourself, I'd be more than happy to have you do that.

DeRensis: That was a fine explanation.

(laughter)

MM: Thanks, I guess...uh, is that a Point of Order?

Speaker: It is, Madam Moderator.

MM: Mr. Glowacki. Mr. Fronzuto, or someone...

Glowacki: Hello. Yeah, Mike Glowacki. Madam Moderator, that explanation is just a little bit difficult to follow or to understand. What was printed in the Warrant- the notice of _____ for this meeting suggests that, for this Article to pass, it would require a two-thirds vote of the Town Meeting and a subsequent passage on the ballot at election, if I understand that correctly. Instead, what is being substituted is something that requires a majority vote. It's just hard to understand... I just wondered if anybody had given thought to that.

MM: There was thought given to that. Let me give a little further thought.

(Consulting with Town Council)

(end tape)

(taken from meeting)

(Discussion with Town Counsel and Reinhard)

MM: I've had a further conversation... having asked his opinion I feel obligated to follow his guidance... his advice is that this is a lesser included matter... Warrant Art. Provides notice of matter to be discussed.... Subject of article was whether or not the PB was to become appointed rather than elected... spirit of article is carried forward... and motion that Reinhard has put forward... I will say that it is within the scope... If you disagree, then you should not vote in favor...

Reinhard: We needed a positive motion and that's what we have before us...question has to do w PB...elected? Or appointed? We spent a great deal of time... We looked at all the boards which involve Nantucket....We selected 3... The argument was based on the idea... how to you get the best candidates for these regulatory boards... The question of appointed vs. elected...

(back to tape)

Reinhard: ...Boards that currently serve the Town of Nantucket, uh, the elected boards, the appointed boards, we did a pretty thorough study, I would say, of all of these boards. And we selected three boards that are currently elected that, arguments were made, that these should be appointed boards. And the argument was based on idea of how to you get the best candidates for these very important regulatory boards, and we're talking about regulatory boards, here, or a regulatory board, the Planning Board. The question of appointed vs. elected, which one brings forth the strongest candidates, the best candidates for these positions. There are a number of arguments that we considered. With an elected position, there's a fairly high standard that has to be met: a person, first of all, needs to have some idea as to how to run a campaign; the person needs to have all sorts of connections, let's say, in the community; they have to make their name...their presence... known in the community. This we felt – as a committee- that this did not bring forward the strongest- or necessarily- the strongest or the best candidates. That very often new people in the community who might serve very well on some of these committee positions, would not be known, would not be able to be elected in a General Election. And we felt that this was an important drawback. So in discussing the Planning Board, we looked at the nature of the job, we did hear very strongly expressed opinions from members of the Planning Board, including some of the staff, that they in fact should be insulated from administrative oversight from the Town, and they should be responsible only to the public, We didn't feel that was a particularly strong argument, and in total we felt that the appointment process...that a strong appointment process, brings forth the stronger candidates for these positions and it was on that basis that we are bringing forward these recommendations to make the PB appointed by the BOS as opposed to an elected board. Thank you.

MM: Thank you. On the Motion... Yes, Ms. McWade.

McWade: Thank you. Alice McWade. I am not in favor of this Motion. I have been before the BOS before to be appointed to committees and I thank the BOS for having done that for me, and appointed me, but I've also gone through the two vote in Favor, three vote Against, we'll do in again...We went through it last year when we only had

four Selectmen, and we had a lot of dead heats. I think that we're voting for the BOS and we're limiting the ability of the voters to make other votes in town government by giving the Selectmen all the power of appointment. And I would like to retain this for the Planning Board. Thank you.

MM: Thank you. Mr. Chadwick.

Chadwick: I would move that the pending motion be amended by adding the following words:"

MM: Okay

Chadwick: that "after successfully passing at Town Meeting that this must be further approved at the next election."

MM: Okay. Mr. De Rensis we need you. Mr. Chadwick is proposing an amendment to this that we would add at the very end something to the effect, way at the bottom..."upon passage of this article at Town Meeting the Article shall not take effect until it is also passed on the ballot at the next Annual Election..." or something like that.... I would like to accommodate him by coming up with that language... so we have to follow State Law... I mean I know we're in the state, but...Alright, Mr. DeRensis is telling me that Chapter 41, 81-A is very specific about the way that this is done, and that there is Case Law that came down from the SJC dealing with a case where a town tried to change that method of changing the Planning Board and it was found that it could only be done...changes to the Planning Board could only be done in the method prescribed in Chapter 41, Section 81-A. So I can't take your amendment, Mr. Chadwick, but I will let you speak.

Chadwick: Thank you. I would just say I do not support this. I'm actually blindsided by this and I'm on the BOS, having just seen this for the first time this evening, and I'm disappointed that the spirit is not being honored here tonight. This was to require a two-thirds majority, this was to require a ballot election, and now people will not be allowed to have that opportunity, and I do not think that this falls within the spirit, and I would ask you not to support this motion. Thank you.

MM: Thank you. Ms. Rogeven.

Patty Rogeven: In the name of full public disclosure and debate I move to table this.

MM: Thank you. Ms. Rogeven has moved to table this article. A motion to table I believe, and let me just be sure that I'm right... is not debatable, not amendable, and requires a two-thirds

Audience: Second.

MM: Motion is made and seconded to lay the subject matter of Mr. Reinhard's motion on Article 47 on the table. A "yes" vote will dispose of the article permanently. A "No" vote will Defeat that motion and we'll go back to a discussion on Mr. Reinhard's motion on Article 47... Yes, Mr. Lohman, for a Point of Order. There's no discussion on the merits of the motion.

L: Would you please explain what it exactly means to table the motion, and how it comes back or doesn't come back?

MM: Okay, I'd be happy to. A motion to lay something on the table has the same effect as defeating the main motion. It disposes of the matter completely for this particular Town Meeting. It could however be brought back at any subsequent meeting, whether a Special Town Meeting or an Annual Town Meeting, without need for a positive recommendation. In other words, there's no time limit in terms of bringing this back...Okay, so a "Yes" vote will lay this matter on the table, and we'll move on to Article 48. A "No" vote will Defeat the motion to lay on the table and we'll go back to a debate on the main motion. It does require a two-thirds vote. All those in Favor, please say "Aye."

Audience: (loud) Aye.

MM: Those opposed, "No."

Audience: (loud) No.

MM: I don't believe we have a two-thirds there...so, we'll go back to the discussion on Article 47 as moved by Mr. Reinhard. Ms. Williams.

Williams: I'm not going to really get into the merits of this particular one though I object to it completely. I'm going to save my salvo to the HDC one coming next. (laughter) But I agree with Mr. Glowacki and Mr. Chadwick. I don't believe the spirit of the article is there. We did expect a two-thirds, we did expect to go to the polls, we did expect a legislative change. If you object to the bait-and-switch tactics to get this passed, vote against it, because changing it from two-thirds to a simple majority is a big, big change, and none of us knew it was coming until late this afternoon. So I urge you to vote against it, other than the merits, but vote against it because of the way this was done just to get it passed.

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

Rebecca Anderson: I just want a point of clarification. My understanding was that-

MM: Could you identify yourself?

Anderson: oh, I'm sorry- Rebecca Anderson. My interpretation of what had happened was that they had thought it was a Charter Amendment, but in fact, this is the law that the

Planning Board would be amended under regardless of how they had laid it out, so it was actually a mistake being corrected, rather than a “bait-and-switch tactic” as it were. I just was wondering if perhaps Allen could speak to that, or somebody else. Thank you.

MM: I think what you’re saying is correct. The article was put in as a Charter Amendment, and it was wrong from beginning. It shouldn’t have been a Charter Amendment, it should always have been done under Chapter 41, Section 81A, and that’s why the motion was drawn the way that it was drawn... Mr. Rogeven.

K. Rogeven: I don’t think it really matters how this got here. This is a bad idea, and I will quote directly from Mr. Reinhard in his presentation of this. I will take out words in the middle, but he said, describing the problem of getting elected, he said people need to be known to the community... and then he said this was a drawback.. disagree...I think getting to be known by your community is a fundamental prerequisite to sitting up there on that board... I know all those people. They belong up there. Same with the FinCom, I mean, and... the Board of Selectmen. (laughter) I would think that would be a prerequisite to serving on one of these boards. Thank you.

MM: Thank you. Yes, the...right there...Ms. Ray.

Ellen Ray: My first question is, What is the definition of “Suitable residents?” Eighth line down...”suitable resident”... Am I a suitable resident? Is he?

MM: Let’s not get personal

Ray: I’m sorry. He’s the one that discussed this with me, so I’m just teasing him. “Suitable residents.” I really need that to be clarified to me...If you don’t like the appointments the Selectmen choose, you would have to go through at least 3 years to elect a majority of Selectmen to appoint effective members of the Planning Board. Do we want to lose our right to vote for PB members? I do not... I urge you not to either...

MM: Thank you. Okay, Mrs. Sevrens, and then I’ll come back over here...

Sevrens: Is it on? Am I on? Well, you know, I don’t know if it’s been apparent to anybody else since the last election. We are right on the cusp of having an election where nobody runs...Did anybody notice? We’re talking about the choices of voters... There’s no choice... we’re at the point where the only people that run are incumbents, and not all of them...And I for one feel that we, our town government as we know it... it’s not broken, but it’s sliding off the edge of table...and this is a perfectly valid attempt to bring town government to a point where there are choices ...People say we want to vote for the Planning Board. What choice have you had, recently? Realistically? Incumbents on name recognition? People go – cht...cht...cht...That’s it. But the one thing this town will do is to cast out selectman who have made bad choices. Now I think you will all agree that Selectmen who have made bad choices recently have been “dismissed” or have seen the handwriting on the wall and gone away. And the point of the whole thing is... do you remember anybody seeing a PB member... a sitting PB member that has run for

re-election that has been not voted in? Can anybody remember one? There may be one, two, somewhere, but I don't remember it... So think about his... we're talking about Selectmen and PB members... sure the Selectmen do dumb things... Planning Board members do dumb things too. And I think that it's time that this town recognize that it's a large town, the fact that we know people, and I mean know them know them, that time is no longer here. This is not Norman Rockwell anymore, folks. This is a pretty big community. We are pretty much all strangers to each other. I don't know a whole big bunch of people here and they don't know me... I think this is a motion that's time has come, and I ask you to support it, thank you.

MM: Mr. Sanders

Grant Sanders: Grant Sanders. Back in the spring the Nantucket Civic League held a meeting and hosted Keith Bergman, who used to work for the Town, and now I believe he is, or was, the Town Manager of Provincetown... He talked about the way Provincetown's government is structured, and one of the things he talked about was the fact that they have an appointed Planning Board... And what was the effect of having an appointed Planning Board? It was that the government could move the ball down the field... This is important because we're a 60 million dollar organization now... One of the ways that appointing a Planning Board has a positive effect on government is that the Town Manager all of a sudden becomes the CEO and the Planning Staff is answerable not to the Planning Board, but to the Town Manager. So that the philosophy and the policy set by the BOS can filter down through the entire organization... If we had an appointed PB, the BOS could actually ask candidates, How do you feel about planning? Imagine having a PB that cares about planning... Please support this article.

MM: Mr. Sanders- Thank you... Let's try to keep the discussion civil... Up by Mr. Fronzuto please.

Markovitch: Aaron Markovitch. I know most of the folks in this room and I would probably vote for most people in this room, and I really appreciate what everybody does in this room because we're here tonight on the second night, and I'd probably even more vote for the people that are here on the third night... Those are the people that are hard cores. But the reality is that I look up and down Hooper Farm Road and I think about the people that aren't here, and those people expect that what our Planning Boards, and what our boards are doing in the Town, are doing the right things... and probably they are... But I think that this gives us the opportunity to ensure that we get people that are qualified. A even more than just being appointed, I hope that if this goes forward, that a set of qualifications are established. Experiences in certain areas would be established... That's what I'd like to see that they have a knowledge base... not that there just suitable residents or whatever, but that they have a qualification. And understandably, it's hard to get them here, but I think that certainly we can at least look around and say that there are people that have at least some of these qualifications and therefore should be sitting on them. We are lucky to have the boards that we have, but as we look down the line, we're not looking next week, we're looking ten years down the line, we're looking toward my kid that's going to be born and what do they want out of it? Thank you.

MM: You can give the microphone to the man behind you...

Will Stevens: My name is Will Stevens. Democracy is pretty inconvenient, you know, I mean, everybody that's here tonight realizes what you're missing by not being at home tonight, but it's even easier if we just get rid of the BOS and just get a CEO to sit up and one person can make all the decisions for everybody. You know, part of being in a democracy is the inconvenience of going out to elect. And instead of complaining about it to our friends for not going out to elections, we go out and try to get more people to come out and vote... You know, this is a really important part of democracy, keeping the people involved, and choosing the people that are making the decisions for everyone.

MM: Thank you.... I see some hands at the PB table. Mr. Spriggs, and then I'll go to you, Mr. Rector.

Spriggs: Thank you, Madam Moderator. And thank all the people who is here tonight... I'm sorry there aren't more... This Town Meeting has been very interesting... There's two articles, Article 37 and now this Article, where at the last minute a we have a legal requirement... a legal technicality as we put it...that changed things... We expected...we had a public hearings...The PB had public hearings...the Government Study had a public hearing based on this article being a Charter Amendment which would require a two-thirds vote... I'm emotional because I'm a Veteran in this country...I served in the Armed Forces...I went through the Civil Rights Movement marching for the Vote...and now we're talking about taking the vote away from the People, and this is very very wrong, in my mind. Changing the PB from elected to appointed would have a substantial impact on the composition of the Nantucket Planning and Economic Development Commission... Currently the NPEDC is comprised of seven elected members...five appointed members...elected by the PB, the County Commissioner, and one Housing Authority member...Appointed is one Conservation Commissioner and one Director of Public Works, both the Conservation Commissioner and the Public Works... are both appointed by the BOS...If the PB were to be approved...appointed rather than elected...then there would be eleven appointed members and one elected member (Bell) I'll finish up. Maintaining a balance on this regional commission is extremely important to ensure that the different views are represented, and we ask that you support the elected members of this board. One last thing, there's a map that we have that we weren't allowed to show you out of the 341 communities in the Commonwealth, 246 of the Planning Boards are elected; 35 are appointed.

MM: Thank you. Mr. Rector... I didn't receive that map, by the way, Mr. Spriggs... I don't think I got that map, or I would put it up...there were a lot of last minute things... I didn't get this article until this afternoon either, so...I'm sorry... go ahead, Mr. Rector.

Rector: Thank you Madam Moderator, I appreciate it. Ladies and Gentlemen, tonight-Barry Rector from the PB- I would urge you to oppose this article for a number of reasons... First of all, the majority of Planning Boards in Massachusetts are elected... As Mr. Spriggs said earlier, 246 of 351, 70% of all communities are elected. Only 35 of 299

towns have appointed Planning Boards. What do these communities have in common with Nantucket? In short, very little. 18 of these towns have populations under 9,000 including the bustling metropolis of Holly, (?), population 341. There is also anecdotal evidence which we need to discuss tonight, and that is that the TGSC has brought forth no evidence to support the claim that better qualified applicants will come forward for appointments as opposed to electoral candidates. The reason for this is quite simple: there truly is no evidence. Research in other communities that have grappled with the same question show now correlation of better quality candidates under either scenario. Brookline did a study at this point, and their final conclusion was that they weren't terribly conclusive. There is no rhyme or reason to be looking at going to appointed boards. The TGSC has alluded to special qualifications to be developed by the BOS. I would argue, where are they? And why should we change our current system of seeing these qualifications? Is this another way to hand-pick board members and exclude those who wish to participate? There's a substantial body of anecdotal evidence from other communities which suggest problems with appointed boards. Town's such as Wareham, Arlington, and strangely enough, as you've read in the newspaper, Williamstown, are all examples of this. As one of the only towns in the Berkshires...(Bell) with an appointed board, they are voting this spring as to whether to go back or not. I would urge you tonight to take a look at this, to consider whether we are on the right track or not, and to exercise your democracy prudently this evening. Vote No. Thank you.

MM: Thank you. I'm going to go to Ms. Silverstein, and then I'll come back to you, Ms. Rogeven.

Silverstein: Thank you Madam Moderator, Christine Silverstein. I hope that we don't make this decision personal... I feel like there has been sort of some sense in the community that the boards that are under question right now for being appointed versus elected have disappointed us somehow...and I feel I have been disappointed by many appointed boards in this community as well... I do also want you to know that I applied to be appointed to several boards over the last ten years...I think I was appointed to three, and wasn't appointed to maybe three... and the process that I went through was that I filled out a very simple, one-page form, which asked me who I was, what I wanted to do on the board, what my qualifications were, and what I thought I could do on the board... You know, and I could have written tombs and tombs, but the form allows you to write one inch on the subject. I wasn't interviewed very carefully, unfortunately, by the Selectman at the time that I was applying, and I felt I was virtually unknown in the end...I was happy to get on the committees that I was applying for, but still, I feel that the strength that it takes to run an election, as Mr. Reinhard said, and the fortitude and the time commitment and the outreach and the communication with the community that we see with people who run elections gets you familiar with the people, and gives you a chance to make the kind of decision that you're used to making when you're putting people in important positions. So, I do- at least 80% of the work of the TGSC is incredibly commendable, and I love all the recommendations that you're not seeing tonight that they sent to the BOS, but in the case of these three articles coming up, I'd almost rather see some of the appointed boards that we have right now go back to being elected, so that we had more say in the matter ourselves. Thank you.

MM: Thank you. Mrs. Rogveen.

Rogveen: I have a question, actually, as to why, after all the public hearings on these articles did we just find out this afternoon that this one was so incorrect?

Reinhard: I'll take that one. As I say, originally when the TGSC considered these recommendations, we felt that the way to do this was...the procedure that we had recommended... that we have a Charter Amendment that required a 2/3 vote... and that it would then have to come back to a ballot... That was our understanding of the procedure as to how to bring this about.. As I say what happened is that we had a negative recommendation by the FC and that necessitated, if we wanted to bring this Article forward for debate on the floor of Town Meeting, which was part of the intent of the TGSC, that the way to do that was to draft a positive recommendation. To that end we turned to Attorney DeRensis, our Town Council, to draft the language for us, and it was at that point that we were made aware that was the procedure to be followed as far as changing the PB position.

Rogveen: I'll follow up, if I could... My experience was that Town Council has been involved with this process all along...so I want...you know...the sense that...as Brian said... my read on this new amendment is tonight, and I've been involved with the FinCom hearings and otherwise, and I think we just need an answer as to why now we're finding this out.

MM: I think I can tell you part of the reason, is that once the FC gave it a negative recommendation, no one looked at it any further until it was called and we had to come up with a positive recommendation. That's the only thing that I can think of to say on that. But I'm only involved for these couple of nights, so... Mr. Reade.

Reade: As I see it the substance of this Article... the motion on this article is that... democratic election of the PB should be eliminated because the public, the People, might elect unsuitable people...unsuitable members to the board...I urge you to reject that line of reasoning and support the democratic process and defeat the motion on this article. Thank you.

MM: Thank you. I have lots of hands up...I'll go to the gentleman in the very back of this section...I do see a lot of hands, I want to get to as many people as I can, I would just ask you to make sure that you... that you have something new to say.

Speaker: Madam Moderator.

MM: Yes

Speaker: Ed Dugan. May we move the motion please.

MM: Okay. I guess that answers that question. The question has been moved... it is non-debatable... It requires a two-thirds vote. If you vote yes, we'll end the debate and

go right to a vote on the motion...if you vote No and Defeat the motion to move the question then we'll go back to a debate on Article 47. All those in favor of the motion to move the question, please say "Aye."

Audience: (loud) Aye.

MM: Those Opposed, "No."

Audience: (soft) No.

MM: That Motion carries by a declared two-thirds. We'll now go directly to a vote on the motion on Article 47, which is the motion I read at the beginning of the discussion that's shown on the screen...it requires a majority vote... if you vote Yes, then you'll be voting to change the Planning Board from elected to appointed...if you vote No, then you will be Defeating that motion and we'll stay as an elected board. All those in Favor of the Motion, please say "Aye."

Audience: (soft) Aye.

MM: All those opposed, "No."

Audience: (loud) No.

MM: The motion does not carry.

Okay, now we're going to go to Article 48...Let me just, before we go to the motion on Article 48...tell you that the motions that you're going to see on Articles 48 and 49 which deal with HDC and SHAB are written as Rome rule Petitions as such they require a Majority Vote. No ballot. But do require legislative action. Is that correct, Mr. DeRensis? Yes, I'd be happy to... On Article 48 and 49 the motions that you will see are written as Home Rule Petitions... A Home Rule Petition is a petition that goes to the General Court, which is the state legislature action. If the General Court adopts the legislation that we're requesting, then the matter would become part of the law. A HRP requires a Majority Vote, not a two-thirds vote, and it does not require a ballot. The reason, as I understand it from Mr. DeRensis this afternoon, we have HRP's on Articles 48 and 49...are that neither the HDC, which is set up by a special act of the legislature to begin with...nor the SHAB, are under the Town Charter... So on Article 48...Article 48 received a positive motion from the FC...it is as printed in the Warrant... I would recognize Mr. Atherton, Chair of the FC, for the purpose of making the FC's motion on Article 48.

Atherton: So moved, Madam Moderator.

MM: Is there a second?

Speaker: Second.

MM: Motion is made and seconded. Mr. Reinhard, or? Who wants the leading ore, here?

Reinhard: Thank you, Madame, Moderator. As said before, we looked at all of the boards that serve the Town of Nantucket, and we make distinction between the regulatory boards and the advisory boards... and when we were discussing whether to make these boards elected or appointed, we decided on 3 boards: the PB, which we've already discussed, the HDC, another very important regulatory board. The HDC determines the look of Nantucket...again they are a regulatory board...their job is to apply the regulations as spelled out in Building with Nantucket in Mind... and again... the question was ... if I used the term "suitable candidates" before, that was not intentional. I don't mean to imply that there are suitable and unsuitable candidates for these positions. What we're looking for are...how can I put it...people who are qualified?...people that are able to serve on these committees and to serve well on these committees. Again, we used as a model the FC. The FC is widely regarded in the Town of Nantucket at being...intelligent, highly regarded... They do careful consideration of all of the Articles that are presented before Town Meeting...And again, this is an appointed board... I'm not sure that all the 9 members that are on this- or 8 currently... I'm not sure that all these members would run for election, if it were an elected board. Again, the question is, how do you draw out of the community those people who have the qualifications? Those people who have the dedication to serve? Who may not be known? Who may not want to stand for elections for any number of reasons? How do you draw those people into the system? And we felt that an appointed board on the HDC gives that...presents that opportunity... So again, we modeled ourselves after the FC...We carefully looked at what the members of the HDC do, and we felt that the strongest candidates...we felt that candidates, um, could be drawn from, um, from the community on the basis of appointment. And that was the... that was the basis behind it. Also, the Selectmen would be making these appointments. The Selectmen are thoroughly grilled by the press and they're thoroughly grilled by... by virtually everyone, it seems, and before they are elected... And as Nancy Sevrens pointed out earlier, if the Selectmen make bad choices, or choices that are widely considered to be bad, then often those Selectmen aren't elected when their term comes up. So again, the basis for our recommendation of making the HDC an appointed rather than an elected board is based on those considerations. And I would urge you to support this recommendation. Thank you.

MM: Thank you. Yes, Mr. Wagley.

Wagley: Thank you, my name is John Wagley. I am the appointed alternate for the PB, and I'm an elected associate to the HDC, which enables me to speak out of both sides of my mouth on this and also enables me, if someone complains about me in the Planning Board I could say I'm a better elected official...if they complain about me in the HDC, well, I'm a good appointee. But I managed to figure out both the systems. I would just like to... I wanted to speak on the last one, but I wanted to say that I agree with everything Ms. Silverstein and Mr. Reade said. I strongly support keeping these electoral boards. There's a couple of points that I'll be adding to theirs'...I was involved with the

Selectman's race recently, and we had a committee of 14 people...we met every Sunday for over two and a half months. What this did was involve 14 members of the community in this bit of the electoral process, and by keeping this, we look for... why are here not more people involved, rather than throw the baby out with the bath water. The second... another point that's been made...(inaudible) ...difficult process of election. But it isn't that difficult. Here's an example of when... I took out papers for two positions... I had to have them in by 4 o'clock on a Monday...that weekend I was off island, wee got hit by the worst snow storm of the winter... I didn't get back and on the streets of Nantucket until 2 o'clock (inaudible) afternoon... I had to have 45 signatures on each of the papers...but by 4:30, not 4:00, I had managed to get my 45 signatures and have them in the Clerk's office. People were very cooperative with this. It was easy...They like it, they're friendly...one out of ten sticks their tongue out at you, but nine out of ten are very, very friendly. The third thing is that, all of us are angry at an individual member of one of these elected boards, from time to time, even an entire board on a decision...but we don't have a choice. We can get behind ourselves, we can get behind someone else... or ...let's not take it away from everybody in this room who is eligible to do this. Thank you, Madam Moderator.

MM: Thank you. Ms. Wheatley.

Wheatley: Thank you, Madam Moderator, Nancy Wheatley. Um, first, I'd like to start by saying that I think we all owe the TGSC a debt of gratitude, because they have raised in a very thoughtful way a number of issues of concern in our town government...and I applaud them for putting in front of us the need for better management... The issue which is behind the elected versus appointed boards is How do we get good candidates? And as much as I'd like to think that there is a silver bullet on one side or the other, I'm afraid there is not...People are reluctant to run for office because of the intrusion into your personal life, and the difficulty and all of that.. But people are also sometimes reluctant to apply to the BOS for appointment onto a position because there are perceptions about people who are favored or not favored. So there isn't a right answer here... and I think it's important the question's been raised...Rather than giving the vote on the last Article... rather than fighting through each one of these, I would hope that we could have some relatively quick votes, recognizing that this wasn't favored, that the Selectmen, as part of their policy oversight, and since they're not going to be micromanaging the Town as much, might spend some time thinking about how to cultivate volunteers, whether to be elected or to be appointed. And, to move forward, the fact that these Articles don't pass tonight doesn't mean that we can't change our form of government in the future, but I would say that given our vote on the last article, the town is not ready to make these changes, and I hope we can move forward positively to look for more volunteers. Thank you.

MM: Thank you. Ms. Williams.

Williams: Okay, here it comes.

MM: Ms. Williams, I'm going to give you a little latitude because I know you're an elected HDC member, but don't go...

Williams: I won't abuse it.

MM: Thank you.

Williams: Not too much. .. I'm Linda Williams. I'm an 8 year member of the HDC. I was just elected again to 3 more years of indentured servitude...The same voters that TGSC says cannot be trusted to elect the HDC members elect the BOS... This is from a committee which in itself does not represent a broad cross-section of the population here by any means. They were all appointed. There isn't anyone basically under 50. You can elect the Selectmen, but are not capable of electing the HDC members? I don't see it. This would seem to be a slap in the face of all those who diligently go to the polls every year, read the paper, watch T.V. to become informed. If 300 people can be trusted to vote to spend millions of dollars on a sewer plant last fall at a Special Town Meeting, then 3,000 people can be trusted to elect the appropriate person to these regulatory boards. I've seen many qualified people be passed over, or existing committee members thrown off of committees that they have served honorably on for years, due to political vendettas, cronyism, and particularly due to different political agendas leading to the need for the Selectmen to control these groups. I've been victimized by it myself, and I've seen other qualified people be victimized in 24 years that I've been involved in politics. The Selectmen should not be trying to seed these regulatory boards with their people quote unquote... or be micromanaging them because they do not like a decision that the boards make. Allowing this to happen would be dangers. All regulatory boards should be elected, the ConCom, ZBA, the PB, and the HDC, all those boards that are beholding to state and local laws. I advocated that position when I was an elected member of the original Town Charter Commission over 11 years ago, and I feel even more strongly about it now. All regulatory boards should be beyond control of any other body but the voters of Nantucket and the laws they are charged with upholding, and not subject to becoming a political football...During the Selectmen appointed process they have one meeting in May or June and speak to candidates for a few minutes at the cattle call of an interview process on a Wednesday night, if the candidate shows up at all. Ad then they think they know the person well enough to appoint them, whereas during the election process, candidates are hung out for all to see on TV, in advertisements, at gatherings, and in the paper each week, not to mention on your way out of the dump... The voting public certainly can see who they want to be a member of these boards much better than based on a two-minute mass interview session on a Wednesday night. Too much power should not be concentrated in the hands of five people. There needs to be accountability directly to the public. The HDC has guidelines that it deals with, and trying to manipulate the HDC could lead to law suits, costing the Town millions. Trying to exert undue pressure on ANY regulatory board member with threats of being removed because they voted a certain way should not be what we want here in this community. In closing, the TGSC never had the members of the HDC in for an interview prior to making their recommendation. I find that disrespectful, and the oversight to be reprehensible. To say that all other HDC's are appointed misses the point. Nantucket's

HDC was created under separate legislation from the rest, except for two... We have special circumstances here and this is a unique island... everything here but a split rail fence out of town is under the HDC's jurisdiction. With a higher case load than any other place in the state except for Boston. Our decisions are appealed initially to the BOS; there would seem to be a direct conflict if the appointing body also hears the appeal from the people they appoint. More democracy---

MM: Ms. Williams... can you really—

Williams: I'm on my last sentence-

MM:--wrap up—

Williams: Yup. Then less, in this case... Service on these commissions should not be at the largesse of these five people who know nothing about the HDC's responsibilities and level of commitment by those who do run, and those who serve on it.

MM: Thank you. Mr. Rogeeven, and then I'll comeback up to you, Mr. Goodman.

Dirk Rogeeven: Hi, I'm Dirk Rogeeven, I'm the Chair of the HDC, I spend every Tuesday night with Linda... (laughter) and the other members of the Board... and it's a long process, but we've just passed our 50 year threshold...uh, we just received some sort of award up in Boston...it was fun, we went up there...but were celebrating 50 years of preservation on Nantucket...and Nantucket does a remarkable job...all you have to do is take boat to the mainland to see what it looks like there ... Nantucket's HDC functions differently than those on the mainland . The case load is much, much higher by magnitudes of hundreds, and I think the pressure coming on the Board from various interests on the island with builders on one side and preservation people on the other, put a lot of stress on the Historic District Commission, and we bring a lot of different strengths. I agree with Mr. Wagley, it's not that difficult to run. I had actually ran in a contested race; there were four people running; I spent not a dime; we were interviewed by the newspaper. I think people had a much better idea of what I believed, what I stood for, my background, my knowledge of Nantucket history as a result of that. We participated in a Civic League debate back when they were actually debates and people from the audience were allowed to ask questions, and we had questions that were somewhat hostile even brought up to us by people who did not generally feel inclined to support the HDC as we all know people who feel that way. But I feel the HDC has been working quite well for the last 50 years. It's gone in one direction, it's gone in another direction, but the people always have the ability to bring it back in line if the HDC gets too far in one direction or another, and I don't see any particularly good reason to change it right now.

MM: Thank you. Mr. Goodman.

Goodman: We keep hearing how BOD have so much on their plate... I recommend that we don't put more on their plate, and let the people elect them. Thank you.

MM: Mr. McLaughlin?

McLaughlin: Thank you,, Madam Moderator, John McLaughlin. I'm going to first speak to a little history. I just counted my 38th year on the HDC. I hope I'm qualified to judge what's good for Nantucket in their architecture. Secondly, I'll speak as a general citizen...that I'm like Mr. Spriggs, I served in the Forces like many veterans in this hall who have tramped through the mud also. And as far as I'm concerned, the reason I was there was the right to come home and vote for who I want in office. I can't see three people suggesting who's qualified and whose not... the three are three out of the five because majority rules on the Selectmen... so 3 people would decide who sits on these boards and commissions. I think that all appointments should be under the public. You know, after the Second World War, there was a cry out that went out that said Power to the People. And that's where it belongs. Let the People decide. I'm opposed to any of these changes. Thank you.

MM: Thank you. Mr. Richen? And then I'll go back up into the back...

Richen: Thank you Madam Moderator, Neville Richen. I'm looking at it from a different point of view. I'm looking at it from...the advisory committee headed by Mr. Reinhard I commend you. You are doing a magnificent job. What I do is I listen to what you are saying is you're reasoning...is the committee's reasoning for the things that you are doing. And the reasoning that you're giving is not valid to me...I'm trying not to repeat anything that anyone else here has said... the same reason you are giving for allowing this board to be appointed rather than elected is the same reason you can give to the BOS. I'm trying not to repeat myself. But, you did it- I think this was the third one- you did it three times. You gave the same reasons. I do not think that they are valid or substantial enough. I think if there was more depth that went into the discussion of this committee, that you can tell us about, I may be swayed. I'm listening to your reasoning, sir. It's not... I don't think it's very valid. I do believe in everything that everyone says in terms of defeating this article, in terms of leaving it in the hands of the People. I am a member of Park & Recreation Commission. I have been lucky enough to be appointed by BOS... I also know when I came into the Park & Rec Commission, when I was in that room there was a lot of people in there...and unlike- I forgot my friends name over here- I had to write a long synopsis about who I was and what I was about... to be interviewed. I believe Wayne Holmes and a bunch of other people was on the Board of Selectmen at that time. Since then, my good friend, and he is a good friend, Barry Rector, came up with the thing, it's called The Rector Rule. The Rector Rule was done under a lot of suspicion that there was a lot favoritism on the boards, as there were now... when that happened, and I am victim...I can see it... I see it...when that happened you had less people applying. I will submit I just ran for an office, but the reason why I didn't run for a commission was because I didn't want to be in the public eye. I wanted to be on the low key. I wanted to be underground. I wanted to help the community in my own way without making a big splash about it. I don't think half the people here don't know that I've been on the Park & Rec Commission for many years, and I like that. I think a lot of people are like that. Thank you very much.

MM: Thank you. Mr. Howarth.

Howarth: Jamie Howarth. The question seems so polarized...and it's really interesting, and I'm utterly convinced that neither side has the logic on their side. With all due respect to the Vets, Roosevelt, when he ended the war, didn't appoint guys from the trenches, nor did he elect the Manhattan Project. We go for the elected people we want and then we trust them to a point where necessary. Your entire Finance Committee is appointed. You can't say on the one hand that you trust these guys that we've elected and then say they don't have the qualifications to appoint...It doesn't make sense. In certain circumstances it may be more appropriate for certain things to be elected, obviously, but you're going to have some expertise that's utterly lost. The idea that a specialist or someone who may have some particular expertise but isn't necessarily know to Mr. Rogeveen, or any of the rest of us, is disqualifying... I don't find that to be logical. So the strict argument that's been placed here... I was wondering if Mr. Reinhard would entertain an amendment wherein a certain portion of the Board would be appointed, and say five out of the eight, were to be elected. That way you have the opportunity of the best of both possible worlds. If they need a specialist, if they need a particular expertise, they see somebody new to the community like Mr. Markovitch was several years ago, who never could have gotten elected Dog Catcher, no offense to the Dog Catcher, you know... So I think there's an awful lot of merit on both sides of this and I think it's a really, really hardened approach that's being taken by the people on either side of it...and it defies logic. So I'd like to offer an amendment, if that's possible.

MM: I don't think we have a capability tonight to do a proper amendment on a hybrid article... I couldn't imagine drafting that on the fly... So I think if that's the sort of thing you want to propose then I think you should probably vote against the article and then bring it back as a hybrid.

Howarth: I suppose I would only say that if it does go down in flames, then _____ on your positions on this little bit and maybe consider that there are positions both appointed and elected and it all works and there might be some sort of opportunity for a hybrid approach that would enable you to have some expertise where appointment is appropriate, and also to have the public input from the people being elected. Thank you.

MM: Thank you. We'll go to you, Mr. Cohen, and then I'll come back up to this woman who has had her hand up forever...

Cohen: I think one point being missed is that both the PB and the HDC have professional staff and experts in these areas, and that the people that sit on the boards do not have to be experts... They are only supposed to exercise their judgment as members of our community, and that is what they run on, and they stand for in elections, and people vote for them based on that. If you've seen the elections, we've had a builder, we've had an interior designer, we've had an architect all lose in these elections. People have had the opportunity to vote for experts, or people who have the expertise, and they have not chosen to pick that as their primary concern, they've chosen their primary concern as a

member of the community who I know and who has taken public positions that I agree with. I'd also like to add that the consolidation of government in the hands of few is not the same thing as efficient government. Thank you.\

MM: Thank you... Mrs. Lohman.

Lohman: Pam Lohman, again, member of the TGSC... the Study Committee I think took its charge seriously, we felt we were charged to try to make the government more responsive and more efficient, and one of the ways we felt we could do this was in strengthening the administration. On the issue of appointed vs. elected we wrestled with that quite a bit... I personally wrestled quite a bit... Sometimes I don't think people make the right appointments, sometimes I think people don't elect the right people, sometimes they do... What finally I came down on in favor of making these Boards appointed were three things. It seems to me it would strengthen the administration in that it would seek out the best qualified candidates, the needed expertise, and the balance of view points. Some of these people would be known to the community and some may have great qualifications but be very low-key and not be known to everybody, and therefore not easily elect-able. The second reason is, it's an opportunity for the BOS to hold appointees accountable for attendance and performance. And thirdly, it... gives and opportunity for greater consistency. As the BOS their major job is to adopt goals and policies, and this in an opportunity to put people in place who will function in sync with those goals and policies, not necessarily going off in other directions... And for those elected members who might be worried about losing their jobs, I don't think there's any fear of that... They may very well be re-appointed because they're very well qualified. Thank you.

MM: Thank you. Um, there was a woman back there who had her hand up forever...

(tape end)
(taken from meeting)

Speaker: I'm Jill Sh____(?)

MM: Okay. Do we want to take a vote on that , or should we just go to a vote?... We'll just go to a vote... This requires a Majority Vote. It is a Home Rule Petition. A yes vote will Adopt the FC motion as printed in the Warrant. A No vote will defeat the FC motion. All those in favor say, "Aye."

Audience: (Med loud) Aye.

MM: Those Opposed, No.

Audience: (loud) No.

MM: The Article does not carry.... Okay, we are at a crossroads. We can do Article 49 and finish the Charter Amendment business or we can adjourn till tomorrow night.

Generally we don't take up business after 10:30, and it's 10:26. What's your pleasure?...Oh, everyone's saying it won't take long, so we'll finish the Charter. We'll go right to Article 49, FC committee motion as printed on page 62. It is as printed in the Warrant. What's the other one?... There may be, but we're going to do Article 49 while Mr. DeRensis counts the rest of the articles. The FC Motion is as printed in the Warrant. I ask for your unanimous consent to waive the reading, and recognize Mr. Atherton for the purpose of making his committee's motion.

Atherton: So moved, Madame Moderator.

MM: Thank you. Is there a second?

Speaker: Yes, I second that.

MM: Motion is made and seconded. Mr. Reinhard, if you still have a voice?

Reinhard: I certainly do... SHAB was a special case... This again was one of the regulatory boards that we looked at, that we felt should be appointed. Now I've got to say that this was based partly on the work of the Harbor Advisory- uh, The Harbor Plan, um, and their plan to strengthen and expand the role of SHAB, and correctly it is the Harbor and Shellfish Advisory, or HSAB... We felt that, again, this was a regulatory board, we felt that in order to get the best qualified people to run for- uh, to apply for this board- and also, by the way, when we're talking about appointments, we're talking about the Board of Selectmen being able to go out into the community and recruit people that they feel would be, uh, suitable to serve on these various boards as well... So the, uh, SHAB follows all the points that have been made so far. Again, the question is, How do you attract the strongest candidates for these very important regulatory positions, and we felt that making SHAB an appointed board as opposed to an elected board was the best way to achieve this goal. When the Shellfish and Harbor Advisory Board was originally constituted, it was made primarily to reflect the shell fishing industry that we had. Over the years, the harbor has come to be seen as probably our most valuable asset. It's one of the things that draws people here. And, again, we felt that the role of SHAB was a very important role, and as a result, again, we felt that we wanted the best qualified people and we felt that the best way to achieve this was through an appointed board.

MM: Thank you. Mr. Kopko.

Kopko: Thank you, Madam Moderator. Two years ago Town Meeting voted to... create the Government Study Committee... They have worked very very hard in a very open manner. They have delivered I think a very exhaustive report, speaking to Mr. ____'s point, explaining exactly their rationale for making the recommendations that they did... This past election saw three open seats to the Harbor and Shellfish Advisory Board, and no candidates running... One candidate for one seat, my good friend Nat Lowell, on PB, one candidate for School Committee, for one open seat...I think we should have more choice, I guess is what I'm getting' at. Um, cause we're all fine people, but, one of the goals and objectives of this board of Selectmen that I for one take very seriously is

bringing new people into the process... bringing more of the community into the process. And in my opinion, the way to do that is to let them get into the appointment process. Seek people out, get references from people... And this particular article, I think, in light of the fact that not one single Nantucketer took out papers for this board in this past election... Do we need to keep talking about it, I guess is my question.

MM: Ms. Silverstein?

Silverstein: Thank you Madam Moderator, Christine Silverstein. Um, I've attended every SHAB meeting, every single one for the last 3 ½ years, interestingly, oddly, and um, the board is made up of a very interesting and broad representation right now of people who work on the water, who do business on the water and who understand the harbors, and not all of them are fishermen, in fact the majority have not been fishermen for the time that I've been going to these meetings, and the SHAB person has also not been a fisherman for the time I've been going to these meetings, so I feel that this board is certainly representative, and also very familiar with the harbor. Um, I also attended many of the meetings of the Harbor Plan Committee, and I do think that all the boards we've been talking about tonight could use some reform, and I think that the idea that came from up here about some appointed some elected might be an interesting thing to look at...I think broadening the number of people on a board might be an interesting thing to look at, I think shortening the term of perhaps, a Planning Board or something might be interesting to look at, but for now...and I think, with all due respect to my friend Mr. Kopko, this year was an anomaly for SHAB....One of the people who wanted to run was out of the state when papers were being taken, and, uh, and, there probably are some other people here who are, who are going to serve on SHAB right now. But I think it is an anomaly, I don't think it's really legitimate to say that just because somebody didn't show up this year that means we've gotta change it, for next year and forevermore. I do think people in the community do step forward. We have our full years, we have our lean years, but I do think we should be consistent in terms of having this board remain elected like we did with the other two. And then talk about reform further with our Government Study Committee and maybe from different angles in the future. Thank you.

MM: Thank you. Mr. Boyce?

Boyce: Peter Boyce. The fact that nobody was on the official ballot for SHAB this year did in fact result in two new SHAB member who have not been involved before. So the process in fact through the write-in campaign can actually work.

MM: Thank you. Um, Mrs. Coombs?

Coombs: Diane Coombs, and I served on SHAB for many years, and what happened this year, as Christine said, was partly because somebody was away and they thought that somebody else was going to take out papers, and when they realized that nobody was running the word was out immediately to do a write-in service, so there is a board that is concerned. And I don't think that there's anybody on it that shouldn't be on it... every

committee that we have looked at we have been told that the Board of Selectmen are going to appoint the people that are more qualified to run, and I think that for the most part, on the elective board, the townspeople, the voters have elected people who are really qualified to run... And I have been with the Board of Selectmen, and I have put my name in for different appointment, and there have been many times when there has been nobody who has requested appointment to certain committees. It's just what happens. The Board of Selectmen appointing these committees is not going to be the be all and end all of fully appointed committees, that don't count on your voters to do it, because if they want to write somebody in they can. Otherwise we are going to have one town not divisible by anybody...that's run by one or two people... and I don't think we want that. Thank you.

MM: Thank you... Mr. Smith....

Douglas Smith: Thank you Madam Moderator. Douglas Smith. I'm a twice-elected member to this Board... we are an advisory board...Just a couple quick points. Uh, at the Civic League Meeting there was a misconception that this board wanted to be an appointed board. I'm here tonight with my constituents sitting next me, and we have voted unanimously to remain an elected board and I would urge this group to vote that way tonight, please. Thank you.

MM: Thank you. Yes. In the back.

Kenneth Kelly: My name is Kenneth Kelly and I was a member of the Shellfish board for 12 years, and I think it's important, as Mr. Reinhard said, the harbor's very important, and I think it's important that the voters in the town have a say over the future of the harbor and the activities that take place there or not. I find it interesting that this first discussion of appointing the Harbor Shellfish Board took place about three or four years ago after a Selectmen had proposed utilizing some of the funds that are for shellfish propagation to have a friend of his do a study on the effect of the wind farm off of Hyannis on our shellfish beds... It was turned down, and subsequent to that, this type of discussion ensued, that it would be better for the Selectmen to have an appointed board so they can control and mold the board to their pleasing, and I think the people in the Town have a much better idea of what they want to see with the harbor than five or three members of the Board of Selectmen. Thank you very much.

MM: Thank you. Thank you, if you could give the microphone to the gentleman in front of you...

Ron Sheppard: I'm Ron Sheppard, I'm a fisherman...I also served on the Harbor Plan Study Committee, and I'm all for elections, I like elected officials, it's the best part of town government, I think, and if it weren't for that probably some of these guys up here wouldn't be as nice as they are around election time. It's the only time we can get them to listen to us, sometimes. But I certainly hope that SHAB isn't like the ugly stepchild and that you do not support this article. Thank you.

MM: Thank you. Of the people who have their hands up, is there anyone who wishes to speak to having an appointed rather than an elected?...Okay.

Phil Reed: Phil Reed. Madam Chairman, I'd like to call the question please.

MM: Ah-hah! The sneak "Call The Question" move! (laughter) Alright, I think we're probably ready to vote on this. So maybe we'll just skip doing that and go right to a vote on the FC's motion. Before we do that I want to say that Mr. DeRensis did point out that the real end of the TGSC articles is Article 52, which is the article that proposes continuing the Charter, the Town Government Study Committee as a standing committee, I think, so if you want to really finish that off we'd do Article 52 after this, uh, just so you don't jump up and go. But if you're done you're done, and I'm, I'm doing whatever you want....So on Article 49, we're voting on the FC motion as printed in the Warrant... A Yes vote will adopt the motion. A No vote will defeat the motion. It does require a Majority vote. All those in favor, say "Aye."

Audience: (soft) Aye.

MM: Thos Opposed, No.

Audience: (louder) No.

MM: That does not carry. Done? Okay. Motion to adjourn tomorrow night at 7 o'clock. All in favor? ("Aye!") Thank you!

Wednesday, April 11, 2007

(gavel) Please come to order. 2007 ATM is now back in session. Just a few things to note before we get started on Article 52...The , as you may know we've had a bell ringer the last couple of nights, and we've been using a variety of bells that were loaned to us by Mary Nevisimo from a small collection she has. And today the Town received a gift of a hotel bell from the family of Mert Elderidge who passed away last year, and who was in Guinness World Book of Records for having the largest bell collection in the world. I think she had 11,500 bell, and now they have 11,499. So this is now the bell that we'll be using as our official Town Meeting Bell.

Speaker: Can we hear it?

MM: Oh, yes.

(Bell ringer rings it.) (Applause and ringing.)

MM: It may some practice but I'm sure she'll get it down. Many thanks to Snooky and his entire family... Okay, we have one technical amendment to the motion on Article 73, which received a positive FC motion.... In the chart, at the end, the language got a little garbled, so we're going to try to straighten it out... Um, it's going to change from "Adjacent 101-102 and 14" to just "Adjacent 14 Sherburne Turnpike" being more specifically 12 and 12 ½ Sherburne Turnpike on Map 30... Okay...So...Just a few of us here.. I will be announcing Red Sox scores as I receive them....I know it's a big night...and if at any point you have your hand up and you think that I don't see you or I'm not calling on you and you want to be called on, PLEASE, I'm just going to say this again, I said it the first night, please... here are the things that work, that seem to work really well for people: stand up, wave pieces of paper, like this... uh, get the attention of your teller and have your teller draw my attention to you... or you can actually say, Uh, Madam Moderator, loud enough so that I would hear you, and that way hopefully I wouldn't miss calling on people...I do have problems with this left hand side of the room... that's just...that's just how it is... Uh...Let's see, we are going to start with Article 52...Yes, that's right Mr. Kopko... See how well that worked? I want to make sure everyone has, before we start, the handout of the FC motion on Article 60...It's yellow...it's four double sided pages...If you do not have one and you want one, uh, there are lots of them available, you can raise your hands and a teller will bring you one. This is the motion we will be voting on when we get to Article 60....If you got it one of the other nights, it has not changed, it's the same. While we're doing that, is there anything that I said to any of you that I would do before the meeting started that I haven't done?

Speaker: Madam Moderator?

MM: Yes?

Speaker: I have a one-page hand-out on Article 60, is that it-

MM- that's not it. So put your hand up and one of the tellers will- Oh, you have the yellow one?

Speaker: Yes. I do have the other page...

MM: Okay. Great... I do want to remind everyone, although I don't think it's been a problem, to turn off your cell phones... Uh, people stand when addressing the meeting, unless you have a physical disability that prevents you from standing, that, we do have a bylaw to that effect, and I would ask that gentlemen remove their hats... Okay... I think we're in good shape, we'll start with Article 52... Article 52 starts on page 64 of the Warrant, continues onto page 65, received a Not to Adopt recommendation from the FC...I do have a motion from Mr. Reinhard, which we're showing on the screen... Moved that the code of Nantucket be amended by inserting Under Article 5 of Chapter 11, Committees, the following: "Article 5: Town Government Committee: Section 11.18 Establishment Membership: In the year beginning 2010 and every 5 years thereafter a Town Government Study Committee shall be constituted and undertake the responsibility set forth in Section 11-19 which committee shall consist of 7 member appointed by the Board of Selectmen, each for a term of one year. Section 11.19 Responsibilities: The responsibilities of each Town Government Study Committee described in Section 11.18 of this Charter is to review the structure of town government including the Town Charter and any applicable Special Acts and Bylaws relating to governmental structure and make recommendations to the Town Meeting concerning amendments to the Charter or such Special Acts and bylaws or other recommendations as deemed advisable." Is that your motion, Mr. Reinhard?

Reinhard: (inaudible)

MM: Thank you. Motion is made and seconded. Um, Mr. Reinhard?

Reinhard: Thank you, Madam Moderator. Through the course of our study, and when I say "our study" I'm talking about the Town Government Study Committee, our committee came to realize the importance of a periodic review of government structure and practices, specifically with goal of improving local government and the delivery of government services, after all that's what government exists for, to deliver municipal services. We feel that we've raised the awareness of the community about the importance of good governance, about different government issues that are current with the community today, and... What we are proposing is a five-year review of town government beginning in the year 2010. We feel its important to mandate this periodic review rather than to wait for a Selectmen or for a citizen to present a Warrant article to revive this process... Specifically, we're specifying a bylaw amendment that would direct the Selectmen to create a seven person committee every five years with a responsibility to review the structure and operation of town government, and to make recommendations to town meeting concerning amendments to the Charter, the Special Acts, and so on. Now what has the community received from our Government Study Committee, the one that's been working for the last two years? Well we've left a long and deep record of our work

from our mission statement through our detailed minutes of over nearly 60 minutes and two public forums.... A preliminary report, a final report, all of which is on our privately funded website, so all of this information is available.... We think that we've left... that we have blazed a trail for future government study committees to take a look at town government, to take a look at the operation of government, to see how it's structured, to see what improvements can be made, that's been the aim of our committee since the very beginning... to make recommendations directly before town meeting and to the Selectmen... as I said last night, we've made 32 specific recommendations... advisory recommendations that don't require a Warrant article... and we've also identified some other issues...uh, that we felt need further study, such as a representative town meeting, and other ideas like that... so ... um.. we... the Town Government Study Committee... recommend that Town Meeting adopt Article 52, which is a bylaw requiring a five year periodic review of town and county government, beginning in 2010. Thank you.

MM: Thank you...Mr. Barnes

Barnes: Thank you Madam Moderator. I've been looking at the recommendation of the Finance Committee on a number of these articles...through you could we clarify why the FC has moved that this article not be adopted?

MM: Mr. Atherton?

Atherton: Sure... Uh, this article, as a number of other articles that may come up, offer regarding committees, we thought that the Board of Selectmen has the power to establish a committee at any point in time... or if a particular committee for example has a sunset date, the BOS could extend that sunset date so that such matters did not need to come back to Town Meeting or become established in the bylaws, and that's essentially the reason, Curtis.

Barnes: Thank you for that answer. I think a number of us were curious.. Uh, I would like to endorse the recommendation to vote approval of this...There are a number of towns on the Cape who do have five year reviews in their Charters. It seems like a very good idea and I can assure you this committee has worked very, very hard on your behalf, and I do think that we should continue that work in the future. Thank you.

MM: Thank you... Yes... the... uh.. Mrs. Ray? Ad then I'll come back.. if you could give the microphone...yeah... that's great....

Ray: Hello? I guess I'm irritated because we seem to be... uh... coming to Town Meeting with a book that has things in it, and then we have things on this board which are different... and I'm having a hared time trying to figure out what the difference is between what's in that book and what's up there... uh... I really wish this would stop happening, it seems to have happened over and over at this meeting and I really hope that you will vote with the FC committee's recommendation or table this article or something until next year.

MM: Thank you... Uh, before I go up to Ms. McWade, I just want to explain, for anyone who does have that confusion... when an article receives a negative recommendation, there's no positive motion to put forward. The article sponsor then has the ability to craft a motion to put before the meeting, and as long as that motion is within the scope of the article which is... the purpose of the article is to give notice of the matter to be discussed... And as long as the motion falls within the scope of the matter to be discussed as set forth in the article, I have to accept the motion.... We're fortunate to be able to get the motions ahead of time a lot of times and to put them on the screen. I do understand that they are sometimes difficult to understand and to follow... Government isn't always pretty. And that's I guess all I have to say about that... So, Ms. McWade?

McWade: Thank you Madam Moderator. I would just like to express a personal concern about something Mr. Just informed us about or I was unaware... that there's a privately funded website... We had a lengthy discussion last night about the... the disadvantages of running for elected office because of the money and need for popularity involved, and it seems like it could be a little steered toward special interest groups if this Government Study Group is receiving private funding to further someone's cause. And I would just urge us to follow the FC's recommendation. Thank you.

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

Williams: I was on the original Town Charter commission, that was elected... there were several people running... I forget if it was nine... seven, nine or eleven... maybe Tim Madden if he's here can remember that.... But there were a lot of people running, and they chose the number of people that they did... It was probably the most well rounded, most functioning committee of all the twenty or thirty committees I've ever been on in twenty-four years... I was pleased to serve with Bernie Grossman, Hack Gardner, Tim Madden, Allen Reinhard, Bill Sherman, who did most of the work... It was very diverse... If this is voted in, it will be back to appointments, and the current appointments on the GSC are definitely and completely not a broad based group---

MM: Ms. Williams—

Williams: So I would vote—

MM: You're starting to be—

Williams: against this.

MM: Okay.

Williams: And the original mission statement I have here somewhere... they prepared that mission statement... I don't agree we should be doing it every five years, if there's a compelling reason to reconstitute the Town Charter Commission then it should be put to a vote of the public and they should elect the broad based membership that they've had in the past and that worked extremely well to even establish the Charter. Thank you.

MM: Thank you.... Mr. Reade?.

Speaker: Arthur Reade. I believe that uh, at last night's meeting I voted against every one of the recommendations of the TGSC that came before the meeting... But at the same time I appreciate the work that they did, and I think that they got into a lot of very good areas, areas that we need to have considered, and I think it is important that the Town consider and have someone be the catalyst to bring forward proposed changes on a periodic basis... Of course a committee can be constituted at any time, whether uh this article is passed or not, but nevertheless I think that the concept of having it be regularly scheduled to take place every five years is a good one. It's just like your Will should be reviewed every few years--

MM: No drumming up business Mr. Reade.

(Laughter)

Reade: I know.... That's my reason for it... You understand that... I'm trying to help you too Sarah, but the point is, what do we have to lose by having this committee come forward with good ideas if they have ideas that we don't like we don't have to vote for them at Town Meeting, uh, and we certainly won't... but... I say have the committee be mandated to take place every five years and uh, uh, I think a lot of good can come from that... A lot of good hard work.

MM: Thank you...Um, I'm going to go back down to Mr. Reinhard... Did you – or do you want me to go other places first?

Reinhard: If I may I just wanted to address Alice's comment about the funding for our... the private funding for our website...um, we're talking about a total expense of... what... just over a hundred dollars I believe, and the reason that we decided to have our own website...we have worked very hard to be individual citizens... We are a very broadly um.. we have a very broad representation, we have a number of former Selectmen, we have a number of people who have been involved in town government for a number of years, and uh, many of us currently are involved as well... We Wanted to be independent citizens, and therefore we undertook the expense along with a generous contributor who did most of the work of putting that on the website, and if you're interested who that is you can find that by checking our website... but I think it is an important distinction that we have been very independent...Our total expenses to date have been less than five thousand dollars and that's primarily for legal and consultation fees as well, so I just wanted to clarify that point as well. Thank you Madam Moderator.

MM: Thank you... Yes... The woman in the center of the middle... Yes.

Oktay: Thank you, Madam Moderator. I just want to reiterate what Mr. Reade and Mr. Reinhard said... I think this committee was composed of a very thoughtful people, a wide range of them, they deliberated at great length, they spoke to many people in Town

Government and gave them a chance to contribute to how they felt things needed to be addressed. And I think it's a wonderful idea to codify this and to approach it every 5 years. It's just like auditing your finances... I think we need to audit you're like any good company or a university should go through how they should conduct their business, and I think this is a great idea and I support it.

MM: Thank you.... Mr. Rector.

Rector: Thank you Madam Moderator. Um... I would urge you to vote against this and adopt the recommendation of the FC this evening ... Annual Town Meeting 2005 created the Town Manager Study Committee... and their charge was to look an alternate form of Town Managers... I would argue that they have completed their mission, and that is the end of the story... Somehow this committee morphed to a TGSC, and at best and I want to quote to you directly from thetwo twelve o-seven... that at best what they came up with was a change to a mayor council form of government or a representative town meeting would be a major change from tradition and would require more study and public education... two years, and that was the best that came up... Arguably as well too, a part of their mission from October 2005 was that, um... they were going to try to solicit constructive suggestions from the public at large and town and county personnel regarding town government... This group never consulted the Planning Board, never consulted HDC, never consulted SHAB... It leaves me wondering at this point, even when consulting the FinCom, only one member was brought forward. No other members of the FinCom or as a committee ever came forward... It was the intent, but it never happened. One can only begin to surmise a pattern here... from the minutes of 9/5/06, and this is the most distressing thing that came to my attention... It's quite... "It was all about the centralization of power and reducing the internal conflicts," this is directly from the minutes... there's a Japanese proverb: Nails that pop up must be hammered down... I would urge you tonight, do not allow yourself to be hammered down... remove the hammer from these individuals... If need be reelect the Charter Commission, you have that control at your fingertips. Adopt the FinCom's recommendation. Thank you.

MM: Thank you. Uh, Ms. Benz... While you get the microphone, I just want to remind you, the way that this is set up, and was... is as a bylaw amendment.. so I just want everyone to be clear this is a bylaw amendment that would establish this committee under the Town Bylaw, it doesn't require a Charter change... it will not require a ballot... it requires a majority vote... It puts the power of appointment in the Selectmen, and they're not necessarily required to make the appointments. Uh, Ms. Benz.

Benz: I'd like to urge that we pass this Warrant article... Nantucket is no longer a sleepy little town that can be managed on the back of an envelope... there are enormous changes that going on, not only here, but throughout the commonwealth, and to the extent that this group can be reconstituted or continue on...and continue to garner the information and the suggestions and ideas that have been implemented elsewhere, I think is merit enough to recommend that we do this. It's unfortunate I think that the community sitting here doesn't have the benefit of seeing all of the recommendations that were put forward by the committee... um... which were on point and are going to be considered. Um, there's

also another proverb, a Chinese proverb that says: Doing small things well is the first step toward doing big things better. And I think that if we take that and we enlarge that and we keep this process going we will be able to have an organization that's keeping its... keeping its thumb on the pulse of this community... and keeping us current with all of the new developments in community and town government throughout the commonwealth and the country.

MM: Thank you. If you could hand the microphone down to the.... Oh you want me to scroll up? Okay... Which part would you like to see? 11.19 The Responsibilities? Maybe go up just – yeah, that's the end... we'll let you read that a little bit and then we can go back to 11.18... Okay, yes, Mr. Kopko?

Kopko: Thank you Madam Moderator. Just for the record... to clear the record...um... Mr.Barnes' motion in 2005 that was originally submitted to Town Meeting was amended... it had a negative FinCom recommendation, and as amended the article that passed at 2005 Town Meeting read thus: Moved that a Town Government Study Committee of seven persons be established to be appointed by the Board of Selectmen, etcetera, etcetera...So I just wanted to clarify the record that the motion that passed at Town Meeting was in fact to create a TGSC. Thank you.

MM: Thank you... Okay. Yes....

Johnson: Thank you Madam Moderator. Leslie Johnson. I just feel that there is a sense of paranoia that I feel in the room about having some form of a study with a diverse group of people making recommendations that if/or offer suggestions... and I think that we should be grateful that we have citizens in Nantucket that are willing to dedicate their time for the benefit of all of us, and we should stop being so paranoid and support something... that if we don't agree with the ideas they come forward with at any time we can vote them down as was proven last night. So let's relax and work together. Thank you.

MM: Thank you... Yes... In the front row... Mrs. Miller.

Miller: Hi. Jane Miller, member of the infamous- now infamous- TGSC, I volunteered to be on it as a representative of the School Committee... wondering at the time we had any business doing being on that committee...but I thought I'd learn a lot, and in fact I did, having lived here for 35 years, um, it was, it was a pleasure for me to read the Charter and learn a lot about it. And I guess all I want to say is that I don't have any dog in this hunt... I think the whole purpose of these articles, and the suggestions was to bring this debate to Town floor... and my only disappointment is the tone of hostility I've heard on the part of some people...uh... I don't understand whether you didn't like the ideas, or you didn't like the people who came up with the ideas...but I just want to assure you it was not a subversive group, it was very much in the open, and anyone who wanted to come and participate could, and we had lots of former and present town employees,, and people who are elected and appointed... and I simply want to say that the important thing to remember here that these were brought up for discussion... and whether you want to

continue with the status quo or if you want to change... that's the important thing is that you have the right to discuss it and vote it and not to keep that discussion quashed because I think it's very important. Thank you.

MM: Thank you... Okay.... I think—yes? Up in the back?

Speaker: (off mike) I call the article.

MM: Oh I was just going to go to a vote, so thank you for saving me that... I think we're ready to vote on the motion on Article 52....It is as shown on the screen and read into the record. . A yes vote will adopt the bylaw amendment... A No vote will defeat the amendment...It does require a Majority vote... All those in Favor, please say "Aye."

Audience: (loud) AYE!

MM: Those Opposed, No....

Audience: (soft) No.

MM: That Motion carries...

Speaker: Alright! Whew!

MM: That's not constructive to maintaining a non-hostile atmosphere...the outbursts and things... Okay... we'll go now to Article 53....Article 53 appears on page 65 of the Warrant, and continues to page 66... the...FC's motion was one that I read into the record at the beginning of the meeting... I'm gonna do it again... It was moved that the article not be adopted... I do have a positive motion being put forth by Ms. Wheatley...The motion is... the same as what is printed in the Warrant, starting with...uh... I mean it starts with the "Moved that Chapter 41 Board of Sewer Commissioners of the Town of Nantucket be amended as follows: with the new text being shown in highlighted text, the deleted text being shown by strike-out, and not becoming part of the final record..."The Sections 43-1,3.. I mean 41-3 Sewer Districts A & B remain the same as in the Warrant... but the highlighted text that's in the Warrant that says the Board is authorized.... That is stricken... and we're replacing it with this new highlighted text..."The Board is authorized to amend the Sewer Districts of the Town without further action by Town Meeting subject to the following conditions: 1) such amendments or tributaries to the Surfside or Siasconset Wastewater Treatment Facilities remain needs areas, or within the Siasconset boundaries as defined by the Town's Comprehensive Wastewater Management Plan; 2) A written request is submitted by the Director of the Department of Public Works and the Health Officer; and, 3) the request is supported by a Majority Vote from the planning Board and Finance Commission....Is that your motion, Ms. Wheatley?

Wheatley: (off mike, inaudible)

MM: Is there a second?

Speaker: Second.

MM: Motion is made and seconded. Ms. Wheatley.

Wheatley: Thank you Madam Moderator. Nancy Wheatley... Um, in, un, having heard Ms. Ray's uh, admonishment to those of us that bring things to the Floor... uh... I will tell you that the difference between the text that was in the Warrant as printed and what's here... uh... are the additions of points 2 and 3... Number 1 is what was in the text... This recommendation is recommendation 1.4 from the Sewer Advisory Committee's report to the BOS which was delivered in December of 2006... Because it is now necessary any addition to the Sewer District... any Sewer District... to come to Town Meeting, there can be a year gap between when there's a need to move the boundaries and when there's an opportunity to get the confirmation from Town Meeting. And that in fact will continue to be the case if Article 60... which is coming up later tonight we all hope... uh is... is passed... That's my reading of Article 60 and we can discuss that later... the problem is that there may be developments... um... there may be someone in the Needs Area who is going to develop property... if that development goes forward without an opportunity to get into the Sewer District then that property owner could spend money on, um, on a Septic System, which is inappropriate, because we have already determined that that property should in fact be sewered. This, um, it's my understanding and FinCom may or may not wish to speak to this but it's my understanding that since the article as printed in the Warrant did not... included only the approval of the BOS acting as Sewer Commissioners... um FinCom was somewhat reluctant to give that power to just that one board. Um, the motion which I am presenting adds the two additional conditions, which the SAC had recommended... one is ... that there be a Majority Vote... of both the Planning Board and the Finance Commission... for the change... and the second is that... the Public, uh The director of Public Works and the Health Officer also support the addition to the Sewer District... So I think this is important, I think it's important to have the flexibility to um, to add to the Sewer District in the Needs Area... and this was a unanimous recommendation of the Sewer Advisory Committee. Thank you Madam Moderator.

MM: Thank you. Mr. Kopko?

Kopko: Thank you... Madam Moderator... Um, Nancy is correct, this language comes pretty much word for word out of SAC's recommendation report, which was voted unanimously out of the committee in December... Uh, this is something that we talked about because as Nancy said... Areas that are identified by the CWMP as Needs Areas are accounted into the upgrade and expansion of the Surfside Wastewater Treatment Plant... therefore there's no need to really debate whether they go into a Sewer District or not... the will... The issue is, in what order... and what kind of work needs to be done before they go in... in terms of zoning or funding mechanisms, etcetera... The problem

with this amendment right now is that TON doesn't have the legal authority to enact it... However, Article 60, which you will be hearing shortly, I hope, uh, would authorize the Town to take this action if language to do so was added to Article 60... So I would suggest to Ms. Wheatley that... she maybe withdraw this amendment... and add language to Article 60... in order to achieve this goal... That would then... upon passage of Article 60... have the authorization from the State to enact that policy... Thank you.

MM: Thank you... Oh, yes. Thank you....

Michael Rosen: Thank you. Michael Rosen. I wanted to respond to the statement by Ms. Wheatley regarding FinCom's recommendation... I think it was inaccurate for her to state that the FC recommendation was based on concern that the reference was to the BOS alone... uh, Fin Com had been advised by Council as to essentially what Mr. Kopko said... that the proper sequence here was to have Article 60 be adopted... so we had a firm legislative basis for the Town Sewer District... and I'm pretty sure I speak for the members of the Finance Committee to say that that was what was discussed and that was the basis upon which this committee voted not to recommend the Article... um... it was not based on Wheatley's statement about the power of the Selectmen. Thank you.

MM: Thank you... Ms. Wheatley?

Wheatley: Thank you Madam moderator. Um... This is uh... I think this has probably been a frustrating Town Meeting for some of us... Um... the... what I was told when I read the Warrant, and saw that this article... uh... this was the original Warrant, which came out, that this article had not been presented in the form in which the Sewer Advisory committee recommended... was that Town Council had said that it was illegal to pass this... to have an article which would only... to the BOS and therefore Town Council had written out the recommendation that the Director of Public Works and the Health Officer... uh... as well as the Planning Board and the Finance Committee... participate in this... if us in the room are not um... are not qualified as lawyers in municipal law... I know while I am a lawyer and I'm not qualified in municipal law... um.. I... uh... This is... Mr. Kopko, although I've talked to him several times in the last couple of days, this is the first time Mr. Kopko has made those particular comments... so I am somewhat at a loss... I ... put this forward because this is in fact the SAC's recommendation... It is... We have a problem in this town with septic systems that are being placed in inappropriate areas... We have a development which I drive by everyday when I go to get my mail at the Siasconset post office... I look out my left window, I see the well heads for the Siasconset Public water supply and I look out my right window and I see a subdivision which has a septic system in the middle of the Well Head Recharge Zone... This article would give us more tools to prevent mistakes like that from happening... um... and I'm at a loss... I would suggest that we vote on this... and whatever happens, happens.

MM: Thank you... Um, I'll go to Mr. DeRensis and then I'll come back to you Mr. Kopko.

DeRensis: Because I have to defend the Town when it gets sued, there are times I cannot speak very clearly...because I don't want to invite law suits and I don't want my words to be quoted in court... but I would say that this proposal would cause serious damage to the Town's legal position.

MM: Thank you.

Kopko: Thank you Madam Moderator, um, I'm agreeing with Ms. Wheatley and trying to suggest a solution to getting which would be in fact to put language allowing this into Article 60, which would authorize the Town legally to do this, uh... and ... seeing that there doesn't seem to be a lot more interest in discussing this I would ask that we take a vote shortly.

MM: Yes. Uh, I do have a hand up- Uh, Mr. Bartlett... behind....

John Bartlett: John Bartlett... Sorry about that ... My question is what happens if this amendment does not pass? What then are we voting on?

MM: Michael? If this doesn't pass, then we aren't voting on this, we'll move on and vote on the next article and then we'll get to Article 60...which... I don't know if it does the same thing or not...

Bartlett: So to clarify... If this article... if this amendment fails, the article fails?

MM: This isn't actually an amendment... it's a...it's an amendment to the bylaw. But what we're discussing is Ms. Wheatley's main motion... so if this motion fails, then the article fails and we move on to the next article....

Bartlett: Thank you, madam Moderator.

MM: Thank you. Mr. Vorce?

Vorce: uh, thank you, Madam Moderator, Andrew Vorce...um, I just want to underscore the importance of this concept and how it works and the specific legal way that it gets inserted needs to be worked out. And if that has to happen in Article 60 it needs to be done... and, um... just to let you know where this came from...um...myself, Mr. Atherton, Mr. Finn Murphy, Matt, and came up with this to address those issues where we have subdivisions... uh, and there's an opportunity to get a needed public infrastructure funded by private development...And these are in the Needs Area...Again, in areas that we've already identified and already counted, so this needs to be done somehow, and if it can be accomplished in Article 60, I fully support that... Mr. Atherton has suggested that perhaps we postpone this discussion on this until after Article 60...so we could at least have that discussion?

MM: Mr. Atherton, while I'm thinking about Mr. Vorce's

Atherton: Just to follow up on that. It seems to me one of the important things, as Andrew says, is that we not lose this particular item if we don't want to... And one way to avoid losing it if we don't want to is to postpone it until after 60, and it will still be alive to be voted up or down after that... and we may find that in 60 it can be incorporated and therefore not have to deal with it afterwards... but if 60 does not pass for some reason then we could... So I just wanted to explain that a little bit further... and Sarah... if that's possible...if the meeting agrees... that's one way to approach it.

MM: Okay...Um... Yes...it is possible... Um... The motion is: I move the consideration of this matter be postponed until after Article 60 has been disposed of.... Is that your motion, Mr. Vorce?...Is there a second?... Motion's made and seconded... This is a debatable motion and it requires a Majority Vote...Okay, then let's go right to the---Ms. Benz, and then I'll come back to Mr. DeRensis...Ms. Benz?...On the motion?... Okay... I'm going to go to Mr. DeRensis and we're just going to vote...Mr. DeRensis did you want to say something about this motion to postpone?

DeRensis: Article 60 is a Home Rule Petition. We can Amend the Home Rule Petition to authorize the Town to enact a bylaw that would accomplish the purposes contained in Article 53.... But we cannot enact that bylaw until Article 60 is not only passed by this Town Meeting, but passed by the General Court and is law of the land...so whether you postpone this or not we cannot adopt Article 53 at this point.

MM: Okay... So I'm going to take a vote on the motion to postpone Article 53 until after Article 60 has been acted on. A Yes vote will adopt the motion. A No vote will defeat the motion... if we defeat the motion, we'll go back to our discussion of Article 53. Requires a Majority Vote... all those in Favor, please say "Aye."

Audience: (loud) Aye!

MM: Those opposed, No...

Audience: (very soft) no...

MM: Okay. That motion carries....Okay. Article 56... I will tell you. Top of the fourth, Seattle 1, Boson, nothing, Seattle has had three hits...It's now 4? Oh, 54. 54?...Oh, right, Mr. Kopko, of course, 54. God, I'm much more interested in the score than 54...54! Okay! So sorry. Starts on page 66, continues to page 67.. received a negative FC motion...therefore a motion not to adopt... Is Mr. Lydon here? Excellent. ok we have a positive motion...it's essentially what was published in the Warrant with the exception of the first line, which says: Move to amend Chapter 101: Noise of the Code of Nantucket: as follows: And everywhere it says 7:30 we're crossing out 7:30 and inserting 7:00 am.....and that is in 101-1A,B, 101-2C,D, and 101-4A1...Is that your motion, Mr. Lydon? Is there a second? Motion is made and seconded. Mr. Lydon.

Lydon: Yes, I'd like to propose an amendment to it, if I may...

MM: Okay, you want to change it? Okay, you can do that...

Lydon: I would like to be in effect from Sept 15th to June 15th...

MM: Okay..

Lydon: In other words, from June 15th to September 15th, nothing would change from the existing bylaw...

MM: Ouch...Okay... You know... Mr. DeRensis, I assume you're not working on this, right? You're working on something else...right? You're not working on whipping up something clever on this section for me, right?...The question is on 101-1... The Noise Bylaw... Mr. Lydon wants to make this change effective only for the time between September-

Lydon: 15th...

MM: -to -

Lydon: June 15th...

MM: September 15 to June 15...but I... But I'm really struggling to find a way to do that...to be totally honest with you... You know, maybe we should do, Mr. Lydon, is we could maybe skip over this for the moment, and go to 56... and maybe you could come down and speak with Town Counsel and we could go on and if you guys can figure out something that works we'll come back to it...and if you can't then we'll come back and we'll dispose of it either this way or some other way.... Does that seem reasonable? Okay... Thank you very much.... So we will go now to Article 56... Which is on page 69, which received a Move that the article not be adopted motion from the FC.... Ms. Gookin called the article... and we do have a positive motion...which was the one you typed in...Oh yeah, that's it, that's definitely it, and this is what it says: Move that the BOS be requested to extend the sunset for the Nantucket Energy Study Committee described in Article 74 of the 2004 ATM for an additional 3 year term from April 2007 to April 2010.... Is that your motion, Ms. Gookin?...Okay... Is there a second? Motion made and seconded. Ms. Gookin.

Gookin: Thank you Madam Moderator. The NESC was started after I brought a citizens article to TM in 2004... Because that article was amended to add a three year sunset date, the Committee will expire this month unless we extend it as proposed in this article 56... And just to review, uh, this doesn't really tell you what that article said in 2004... It's very short, and I'm just going to read it to you...Um, Article 74 from 2004 said: move that the Nantucket Board of Selectmen be requested to establish the Nantucket Energy Study Committee to consist of five members of the public appointed by the Nantucket BOS and charged with the mission of representing the residents of Nantucket in negotiating contracts with energy suppliers known as "competitive suppliers" so that no business or residents on Nantucket will pay the default service rates for electricity... The goals of the committee are to secure below-market electricity rates while considering

environmental impact and feasibility and stay informed and active in any energy related development on Nantucket or within thirty miles of its shores. Additionally, this committee, serving as a watch-dog group for the public, will meet once every two months and deliver an annual report to the public on the first day of every fiscal year on the state of energy regarding Nantucket. The committee will remain in effect for three years. Uh, we've actually met a lot more often than that... We've met at least once a month and oftentimes twice a month... On average it was 16 meetings per year... And I just want to review the kind of things we've been working on, so that you know where we are and where we're and where headed... Currently, we're working on many important energy related issues, including the development of a Municipal Electric Aggregate, which could save 2 to 3 million dollars annually to the Town of Nantucket and the people of Nantucket... A proposal for the town municipality to use more energy efficient vehicles... which has been passed in many other cities and towns across the country... Um, we're involved in reviewing and providing input on many topics, such as the proposed wind farms in our area, um, proposals for bulk fuel delivery, and we're looking at the development of energy production on the island... such as gasification and other ideas... Um, there's also a proposal we would like to be bringing in the next year, probably, if we have a committee... um, to create an Energy Commission... to oversee so many of the things that are really big projects, like bulk fuel, and energy production... uh, currently there are 70 mil that the Town of Nantucket and people spend in energy every year... and that includes electricity, gasoline, fuel oil, diesel oil, jet fuel, and propane... That's a lot of money... There are plenty of ways to save money and... just ways to be more efficient... There are many other energy related issues that come up all the time, and I think it would be great to extend this committee for another three year term. Thank you.

MM: Thank you... Yes... The gentleman right up there in the back... Mr. Goodman?... Thank you...

Michael V____: On Monday we passed Article thir- uh, Twenty-three, which provided 35,000 dollars for this committee for this committee to proceed with the municipal electric aggregate... it seems logical, if they're going to do that, we should have the committee continue. Thank you.

MM: Thank you.. Yes..

(tape ends)
(tape resumes)

MM: Kopko...

Kopko: Um... Yeah... The thing is no one has asked the BOS to continue the committee yet. And if they had, we'd have probably said, Sure! Obviously, let's do that!... so... I think Bob had a nice opportunity to tell everybody about what our committee's doing and they're doing a lot of very important things... but the BOS can extend the committee at any time, and all they have to do is come in on Wednesday night and say We want to

keep the committee going and I would bet we would probably say yes... But thanks for the advice from Town Meeting... But I think we can probably do this. Thank you.

MM: Okay. Um... Mr. Sanders?

Sanders: Grant Sanders. Um, I think this is a fantastic idea...and uh, I think that, since we're building a complex 2 Fairgrounds, that we ought to also be looking into getting that building Lead Certified, and making sure that it's energy efficient... it's a pet project of mine...I think it's just a great idea and I think this commission should go on and on. Thank you.

MM: Thank you... Okay... Oh, Mr. Burnes.

Burnes: Hi, I just, uh...got some message about a proposed amendment to this and I motion earlier today and I was just curious, the status of that ... if we're going to be seeing that before we continue on moving it...

MM: No—we're not... this is all we're going to be seeing.

Burnes: Alright, well then.. all I'd like to say to this is that I hope we do pass this and that there is an issue that we want to bring to the BOS, we want them to uh... to entertain, it's a uh...it's a Chapter 40, Section 8i. Energy Resources Commission... and uh, that would be one of the other issues that uh, we want the BOS to entertain when we move forward with this. So, thank you.

MM: Thank you... Yes, Mr. Kopko?

Kopko: I'd like to announce that the BOS has just voted unanimously to extend the ESC for a period indeterminate... So have at it, you guys.

MM: Okay.... Thank you Mr. Kopko... Well now I just don't know what to do... (laughter) I think we'll just take a vote on this motion...It's a request... your request has already been granted before you even made it, so you can choose to make it anyway, or you can choose to decide not make it... I A Yes vote will make the request... A No vote will not make the request....All those in favor please say "Aye."

Audience: (loud) Aye.

MM: Those Opposed, No...

Audience: (soft) No..

MM: The motion carries.... Thank you very much... Okay... Now what do we do, are we close? We're very close? Are we... No going to 60 close.. or do you want me to go to 60 and....oh, okay... I didn't interrupt... you know, I requested your assistance... Okay... we're... I don't have anything else to go to... Alright... we're, not ready on 60,

we're not quite ready on 54...so we are ready on 62... so we will go to 62... Ms. Gookin... Article 62.... Starts on page 75and ends on page 75... it received a not to adopt motion from the FC...and we have a positive motion from Gookin as follows: moved that the Code of Nantucket be amended by adding a new bylaw as subsection c to Section 11-22 Duties, as follows: C. The committee, in every fiscal year, shall recommend either that the legislative body spend or set aside for later spending not less than 10% of the annual revenues in the Community Preservation Fund for open space, not including land for recreational use... Not less than 10% of the Annual revenues in the Community Preservation Fund for Historic Resources, and not less than 80% of the Annual Revenues in the Community Preservation Fund for Community Housing, provided however that nothing in this bylaw shall operate to limit in any way the authority granted to or duties imposed on the committee by General Laws Chapter 44b. for such committee to develop a Community Preservation Plan and to make recommendations to Town Meeting for expenditures consistent with such plan, including as necessary to carry out such plan, the overall allocation of money among the aforementioned categories which may be different than the presumptive allocations set forth in this Section... Is that your motion, Ms. Gookin?... Thank you... Motion is made and seconded. Ms. Gookin.

Gookin: Thank you Madam Moderator. Um, this article's really very simple , even though it's a lot to digest at once... really I'm just changing a number... within uh, what already exists as the Community Preservation Act...Um... this bylaw was adopted by Nantucket in 2001...um, the existing bylaw allows Nantucket to collect a 3% surcharge on property transfers... and the State matches the funds. The State mandates that the Community Preservation Committee use at least 10% of those total funds for historic preservation, at least 10% for open space... and at least 10% for the creation of community housing. The State allows the local Community Preservation Committee to determine how to distribute the remaining 70% of those funds within those three categories... And that up to 5% may be used for administrative costs... My proposed change to this bylaw does not change any of the State Mandates...It only determines in advance how we will allocate the remaining 70%...to be applied toward housing... If voters approve Article 52, then from now on, 80% of the CPC funds will go to community housing. 10% will still go to historic preservation, and 10% will still go to open space. The CPC was mandated to study the needs of the community on an annual basis... If you look at this year's spending proposed by the CPC, which is Warrant Article 22 in your booklet, you'll see they include very little in the way of housing proposals this year. There is spending of 3% for administrative costs, 39% for open space, 43% for historic preservation, and only 15% for community housing... That's just barely over the State mandated minimum for housing... and four times the minimums for open space and historic preservation...I think this is a clear statement that the CPC has not studied the needs of our community, which is their charge...To date, private entities and not-for-profit organizations have done a tremendous job preserving Nantucket's history and open spaces... I myself am a great supporter of those efforts...There have been and will continue to be ways to support those type of efforts, even if the Community Preservation Funds cease to exist in the future.. Meanwhile, right now we have an opportunity like never before to create housing that would provide some permanence in

the community... When this proposal came to Town Meeting and was adopted to create the Community Preservation Act on Nantucket... it was brought to us by the Nantucket Resident Housing Partnership in 2001, and all of the proponents who spoke right here at Town Meeting, said that this would be the necessary tool to solve our housing crisis, because we could use up to 80% of the funds for Community Housing... The voters supported the article and it was adopted... Unfortunately, the local Nantucket committee who allocates these CPC funds, has not used the monies in that manner... Housing is a need... That has limited resources... In fact, the Massachusetts General Laws recognize that need, and because of that, they say that, um, if a town chooses to appropriate money from the Community Preservation Fund for housing, they may set aside those funds in a Housing Trust Fund for future spending, and that's Mass. General Law, Chapter 44-B, Section 5... They don't have any other law that says you can set aside these monies in a trust fund for the other areas of historic preservation or open space. If you vote in favor of Article 52, we will still provide the State mandated funding for historic preservation and open space, and we will maximize the State's available CPC funds for community housing... There are other towns in Massachusetts that allocate the CPC funds in this way... Cambridge and Provincetown are two examples –

MM: If you could wrap up we're just about at the end—

Gookin: Okay... Um....That's all I'm going to say.... Thank you.

MM: Thank you. Okay... Yes... Um, Mr. Beaugrand.

Ken Beaugrand: Thank, Madam Moderator... My name is Ken Beaugrand... I am Chairman of the CPC... I have been a member of this committee since its inception... To respond to Ms. Gookin's article, I thought that a bit of history would be helpful... The (inaudible) The Community Preservation Committee was created in 2001... by the Community Preservation Act, and Nantucket was one of first communities in the state to enact this legislation... The Act provides for a committee of nine members, seven who are appointed, and two who are elected... So they were one of the first hybrids that we talked about last night... The Conservation Commission, the HDC, the PB, the LB, Park & Rec, the Housing Authority, and the BOS each report to a representative... for the CPC... who are in turn members elected by the public... I'm one of the two elected members... The act provides that the committee is mandate to allocate funds available each year to housing, preservation, and open space..... 5% of the available funds are available for administration... As a result, the committee can already allocate 75% of its available funds in any year to any one of the three categories based on a community _____ that particular year... This is something just below 5% (inaudible) to only one area of community need...(inaudible)

MM: Please wrap up.

Beaugrand: Speaking for the CPC, there is absolutely no question that we support affordable housing projects on Nantucket... there is a tremendous need here... Our committee has allocated over 5 million dollars towards housing since the town voted for it to be part of its Community Preservation Act. We can't support this ...line of

(inaudible) First, the There is no provision in the CPA for revised percentage of allocations once the Town enacts a CPA.... Furthermore, the CPC does not feel that some of the best interest of our community as a whole to dictate one initiative at the expense of another... It's important to understand that the CPC can only consider requests for funding grants that are presented to it each year... In any of these categories... (inaudible) to in fact make sure they fit the criteria... The committee reviews each request and determines what's the most appropriate to recommend to Town Meeting and... to vote upon... each year.... (inaudible)...Remember, we can only provide grants to organizations that have requested funding. We ... set a new standard for other towns to emulate...(inaudible) For these reasons, we urge you to leave the judgment as a community in the hands of the 9 member CPC appointed and elected, in vote on the recommendation of the FC, and vote No on Article 52.

MM: Thank you...Mr. Collier...Oh, Mr. Collier, uh... Middle of the 5th inning... three-nothing, Seattle... not to put a damper on what you're going to say or anything...

Collier: Thank you Madam Moderator... That's not good news... Um, just real briefly... as you know I work for the Nantucket Land Counsel, and I'm just going to provide a brief perspective from the conservation point of view... Um, the Nantucket Land Council for the past several years has received recommendations from the CPC and allocations from the Town Meeting... for two different projects, the Bartlett Farm conservation restriction and the Loring Eel Point Road conservation restriction... Um, these are vital projects, as you know, um, you all voted for them... Standing up here, I'm not doubting the need for Community Housing...The majority of my friends rent, and they most likely will never own a house on Nantucket, um, I do know the need for housing... However, The Land Counsel and the Conservation Foundation depend extremely on funding from the CPC... We don't have the constant revenue stream of the transfer tax, such as the Land Bank has... Uh, the 10% minimum that we get, um... we depend on that.. but more so we depend on the flexibility of the structure as it is now for the CPC to make a decision based upon community needs... based upon what we need from year to year to year... and in the past years, the Bartlett Farm Conservation restriction was vital.. In the past two years, the Loring Conservations Restriction is vital... And I guarantee you, there are several more conservation parcels that either the Land Council or the Foundation will be approaching the CPC that the community will think is vital and will need to go above that 10% level... So I urge you to keep the current structure in place, and vote No on this article.

MM: Thank you..Uh, Ms. McWade...

McWade: Thank you Madam Moderator... Um...I am an advocate for affordable housing... I think it's very necessary, I appreciate the CPC and all they have done to help the island in that regard... I think it's astounding to hear that 5 million has been delegated for that cause... I caution you about allocating 80% of CPC funds specifically for affordable housing, in that, it is my understanding that the income level for recipients of the affordable housing aspect of CPC must be 100% or below of the poverty level of the area...that is very low for Nantucket and granted I'm probably one of the people that

qualify but...um.. it's not meeting the affordable housing needs of the majority of the Nantucket residents...and to gear all that money um...specifically for that, is actually like cutting off an arm and a leg from the CPC in their ability to really encourage affordable housing people, encourage, uh, conservation people and historic people to become self-sufficient, to find other funds... it's a leg up to help these causes it's not every year that's where our pay check is going to come from... So I urge you to vote this down and keep the CPC as it is. Thank you very much.

MM: Thank you. .. Okay, Mr. Bartlett?

John Bartlett: Thank you, John Bartlett. Um, I think this is the 2nd Town Meeting that I have sat through that we've had large expenditures for open space. I think we had a 25 million dollar one a couple years ago... We just had a discussion a couple days ago about 35 millions dollars. We didn't really argue whether we were gonna spend the money. We argued about who was gonna back it up... It's a question when this community is going to really take a serious look at affordable housing... We seem to just throw money at open space, and its something that's just so easy to do, because you don't have to think about what's gonna be there... It's gonna be the way it always was...If you want to see what's going to happened to this island all you have to do is spend a few minutes every morning at the boat and the airport... and watch it come and go...watch all the money come and go... Where are the jobs on this island for the people that are gonna stay and live here? They can't stay and live here... Why? They don't have a place to live...They don't have a place to live because over 50% of this island now is protected... That's great...It's gonna stay the same... It's never gonna change...How many people know people that have left the island cause they can't afford to stay? How many people that are gonna walk through this building in the spring are gonna actually come back and make a living here? So... There's plenty of causes that we could all support....I just really question when we're gonna support our community members, and actually have a community left. So, I would urge you to support this... and actually make a statement and do something about affordable housing.

MM: Thank you. Um... Mr. Lowell.

Nat Lowell: We did. Last year. The Housing Bank was passed without it even being called. Thank you.

MM: Ms. Goss?

Goss: Vicki Goss. I have a question that Ms. McWade brought up... um... from the head of the CPC, if you would answer please, or if you could... is it true that...you can only make 100% or less of the Minimum Wage to qualify for affordable housing through the CPC...? That is not correct. Okay...um... that's what I wanted to know. Thank you.

MM: Thank you. There was a man up in the back who had his hand up... Is that you Mr.--?

Speaker: (off mike) I'd like to call the question.

MM: Certainly.... Sorry. He called the question, and I recognized him... um... What the call of the question does is it stops the debate... if you want to keep debating this, vote against this motion... I you wish to stop the debate and go to a vote on Ms. Gookin's motion, then you should vote Yes...It does require a Two-thirds vote. It's not debatable... A yes vote will adopt it... A No vote will defeat it... All those in favor, please say, "Aye."

Audience: (loud) Aye

MM: Those opposed, No...

Audience: (loud) No...

MM: I don't know that we got Two-thirds on that...so I guess I'll have to take a hand count... Yes?

Speaker: (off mike) (inaudible)

MM: It wasn't on the main motion. Would you like me to take the vote again?... Okay... There were others who were unclear as well, I understand... Okay... What we are voting on now is just the Motion to move the question....That is the motion as to whether or not debate will continue on Ms. Gookin's motion on Article 62. .. So if you vote Yes, we'll go immediately to a vote on Article 62... if you vote No, and that motion does not pass, then we will continue the discussion on Article 62...It does require a Two-thirds vote. So just on the motion to move the question...All those in favor, Say "Aye."

Audience: (loud) Aye.

MM: Those opposed, No.

Audience: (one) No.

MM: Okay. That did get a declared Two-thirds vote... So my apologies to those who had their hands up and we didn't get to you...u... So we'll go right to a motion on Ms. Gookin's main motion on Article 62, which is as shown on the screen and as read into the record at the beginning of this discussion... This requires a Majority Vote... A Yes vote will adopt the motion... A No vote will defeat the motion... All those in favor, say "Aye."

Audience: (loud) Aye.

MM: Those opposed, No.

Audience: (louder) NO!

MM: The Motion does not carry...Okay... Now we're going to go back to Article 54... What we've done here in Article 54... for the most part the text remains as printed... but everywhere that we were crossing out 7:30 and putting 7:00 am, we are adding in parentheses...7:30 a.m. between June 15 and September 15th in each year....So that between September 16 and June 14 of each year, the hours are 10 p.m. and 7:00 a.m. ...ad during the summer... June 15 and September 15... the hours are 10 p.m. to 7:30 a.m.... And that appears in Subsections A and B of 101-1... Section C of 101-2 and D of 101-2... and then as well Section A in 101-4... and that's it... and there are obviously sections in between those sections in which the text is omitted... so we're only giving you the relevant portions that are changing.... Um, Mr. Lydon, is that your Motion?

Lydon: Yes.

MM: Is there a second?...*(off mike second.)* Motion is made and seconded. Mr. Lydon.

Lydon: I'm going to keep this simple & brief. Um, It'll be 40 years this June that I've been working on roofs...and one of the toughest things we have to deal with is the weather... Is it gonna rain tomorrow.. It rained a week ago Monday.. it's gonna rain next Monday... so... it's really tough to get a full week... in the fall, winter, and spring working... and I'm just trying to come up with a compromise so that we don't lose that extra 2 and a half hours a week and we're not forced to work you know... Saturdays every week...Most of us are tradesmen and we're married and have kids and we'd just like to get back some of that time that was taken away last year... and I just hope that people will vote the bylaw in this year...Thank you.

MM: Thank you. Mr. Wagley.

Wagley: Madam Chairman, ah, last Sunday, Easter Sunday, right across the street from me... when I heard my first lawn mower of season... it was 9:30 in the morning, which I understand is against the laws that exist now... and I did not choose to fight it...The...I live right in the middle of the Historic District... and this begins... it's not just the lawn mowers... it begins... before long, it will be the weed whackers, thee leaf blowers the hedge cutters, and if you live in an area downtown the way we do although it exists in other areas too, this is begins, by the time you get to June, or even the middle of May, this is nonstop starting about 9:30, 10:00 o'clock in the morning... the weed whacker stops across the street... a lawn mower starts in the next block, which you can hear... it goes on all day long... one thing we had was the relief offered last year in this little window...in between 7 o'clock and 9:30 when this happens, and as I remember last year Mr. Kopko's motion was till 8:00 o'clock in the morning, and it was compromised back to 7:30 so I fail to see how this is a compromise... and I had rather hoped that Mr. Kopko was going to ask that it be set at 8:00 o'clock again... but this... he has failed and I talked to him before,, but this is just something and I think it exists all over Nantucket, it's not just June 15th, it's beginning right now, and there are a few landscape companies in our area and I assume others occasionally use an electric hedge cutter and I never fail

to thank them and offer them a soda water or anything that they can do compliments of it being considered in the neighborhood... I think this to me is Mr. Kopko's motion last year was a bit of progress... to give us some peace, and this is absolutely _____, and I hope this is voted down by a large vote. Thank you, Madam Chairman.

MM: Thank you... Mr. _____(?)

Kelly: I just want to point out, I'm not for this article... But the change that Mr. Lydon suggests... means that visitors to the island between June 15 and September 15... will be given an extra half hour of sleep... but during the rest of the year, we who reside here all year long... we're not going to get our half hour... that doesn't make any sense at all... I suggest you turn this down.

MM: Thank you. Yes. Ms. Moore.

Speaker: I think that, uh, we all need to make a living, and I live behind the school, and the trash truck wakes me up every morning... Do we not want the school's trash to be disposed of? I think that we need to support this article.

MM: Mr. Kopko points out that trash is exempt... No, no.. Is that you... in front of Mr. Markovitch, there's a woman with her hand up... yes...

Lucy Dylan: Hi, my name is Lucy Dylan. I've been to Police station twice within the last week because of construction noise on Center Street... One morning it actually started at 6:30... um, a lot of these crews are off-islanders, and in fact, one gentleman told me that he did not care what the laws were here, all he was concerned about was making money.... Thank you.

MM: Thank you... Yes, um... Mr. Bartlett. Right behind you I think...

Speaker: _____(inaudible) uh, 2 Trotters Lane... I think last year we went through this at length, and we reached a compromise last year... I do live just outside the Core on Upper Main Street... and it's true there is a lot of noise downtown and around the whole island... But I think this is actually a pretty decent compromise for all of us to accept... because... it is during the high season... and um, these individuals who run these companies live and work here on Nantucket and um... they pay taxes and they employ a lot of workers... and they really are the backbone of our whole economy here along with tourism... and I think that democracy is all about compromise and I think Mr. Lydon has offered a fair compromise and I think we should vote Yes.

MM: Thank you. Ms. Johnson?

Johnson: Thank you Madam Moderator, Leslie Johnson... I don't really think the issue is about people working... people are entitled to work you can start work at 5 o'clock in the morning... I certainly did for 25 years... I think its about quality of life and consideration for the people that may not be ready to start their day... whether its in the

winter or in the summer... or maybe just would like to have a peaceful half an hour in the morning... people can go to work at five, six, seven... we're just talking about power tools... just power tools... we're not taking away anyone's right to go to work as early as they want... go ahead and go at 3 am, but just be quiet until 7:30. Thanks.

MM: Thank you... Yes. Mr. Glowacki.

Glowacki: Thank you, Mike Glowacki. Uh, Madam Moderator... If we are not talking about peoples' right to work, it would not have been necessary for the BOS to exempt the Town of Nantucket from this bylaw in order to get the work done on the Surfside Wastewater Treatment Plant. Thank you.

MM: Thank you.... Mr. McGowan....

McGowan: Thank you, Marty McGowan... as the owner of the only quiet company on the island... I own Quiet Mow... I'm available for those who want quiet in the morning...

MM: Now, now...

McGowan: Thank you... I'd like to say that I believe that the people we are asking for this right now are respectful individuals... We're not the people that are being discussed... that are the problem... I suggest anybody who has a problem with noise in the morning, bring it to the town officials... hope it's not a garbage truck... and that we support Mr. Lydon... as many of us need as many hours in the day as we can get to make it happen here on Nantucket... Please support this article.

MM: Thank you... Um, Mr. Lydon... I'll go back to you and then.... Seeing no other hands I think we'll go to a vote.

Lydon: I'll make one last comment... We don't even use power tools... In 40 years of doing what I do... I've only had the police show up at the job once... and that was in March in Sconset... and it took the police officer 15 minutes to find us... because we weren't making enough noise for him to find us... But the reason he came was because we woke up a dog... setting up ladders... and the dog lived 100 yards away from us, inside a house, with the windows closed and the heat on... this isn't just about power tools... ya know it's much more than that...

MM: Thank you... Okay. This is a bylaw amendment... It requires a Majority Vote... A Yes vote will adopt Mr. Lydon's motion... which reinserts 7 o'clock a.m. in between June 15 and September 15th in each year... everywhere that 7:30 previously appeared... A Yes vote will adopt that motion. A No vote will defeat the motion... All those in Favor, please say "Aye."

Audience: (loud) Aye.

MM: Those Opposed, No.

Audience: (loud) No.

MM: Okay... We're gonna do a hand count on this... Um, all those in favor of the motion, please raise your hands, and keep your hands raised till the tellers have had an opportunity to count your vote... It's the Motion... This is the whole thing... Okay, wait... we're gonna start again...Sorry... I just want to make sure that we're clear before I go and count everyone on what we're voting on.... What we're voting... Mr. Lydon... because he made the main motion... was able to just make those changes and turn that into his main motion... so we're not dealing with an amendment here...we're dealing with the motion itself... so if you adopt this... you will be adopting the entire motion, I and then we'll go on to the next article...which I believe is Article 60... If you defeat this, then we do the same thing... so... You're voting on the whole motion... We're done completely with Article 54 after this vote... Have I completely confused everyone in the room? ... Okay... It requires a Majority Vote... All those in favor say Aye, I mean... Raise your hands and keep you hands raised till the tellers have had an opportunity to count your vote... You really have to stay on top of me tonight...it's um... Night Three... which is ever the best night of the meeting...for me, anyway...

...Okay, on Mr. Lydon's motion on Article 54, yes 150, No 117, The motion is adopted...

Okay... Now we're going to go to Article 60...Article 60? Okay... Alright...(discussion off mike)... Okay...Article 60 appears on page 71 of the Warrant... it originally had a FC motion that said the motion would be provided at the meeting... the FC's motion... has been presented in this yellow, four-page hand-out, which we ascertained at the beginning of the meeting that everyone had... If someone's come in since the beginning of the meeting and they don't have this yellow four-page hand-out called, Finance Committee Motion to Article 60 of 2007 ATM Warrant, raise your hands and the teller will get you one...Okay... I see a couple hands down here... and... a hand down here... You guys can see the hands... Okay.... So while we're doing that, I will tell you that, while we've been jumping around from article to article, the FC has amended the motion as it appears in here by including the following language, which we're going to show highlighted... on the screen... and it's going to be as new to me as it is to you... It goes in Section 10.... Section 10 appears on the back page of the hand-out, it's an entirely new paragraph that goes between Section 10 and Section 11, but it's part of Section 10...and it reads as follows.... Any bylaw adopted pursuant to the authority granted to the Town of Nantucket by this Act... may include authorization to the Nantucket Sewer Commission without a Town Meeting vote, to add to the Sewer Districts created pursuant to this Act, properties located within Needs Areas as defined by Nantucket's Comprehensive Wastewater Management Plan prepared by Earthtech, dated March 2004, approved by the Massachusetts Secretary of Environmental Affairs on May 14th 2004, with such conditions and limitations with respect to such authorization as such bylaw may provide... So... When Mr. Atherton makes the motion ,he's going to be making the motion as printed in this four-page hand-out with the addition of this yellow highlighted language at the end of Section 10...Does everybody understand that? And that will than

be the motion that we're discussing... And I'll recognize Mr. Atherton for the purpose of making that motion.

Atherton: So moved, Madam Moderator.

MM: Thank you Mr. Atherton... Mr. Kopko...

Kopko: Thank you, Madam Moderator... Um, the amendment that we're seeing now is something that we've done to accommodate the procedure that Ms. Wheatley wanted to get through in Article 53... this language will legally authorize the Town to take that action... as it sees fit... um.. Article 60 has been long time coming... It's overdue... The Town has been wanting to establish methodology for responsible management of Wastewater Treatment on Nantucket for a number of years... Uh, I just want to say a couple words about the Sewer Advisory Committee... The BOS appointed the SAC last year... and that committee was charged with a number of things... but it essentially was charged with making recommendations to BOS... on policy initiatives in order to develop responsible methodology for managing our Wastewater treatment... system... The biggest and most expensive public works project we have as a community... The SAC made administrative recommendations to the BOS... most of which were adopted and enacted and have been carried out by our administration... our Department of Public Works, our Planning Department... They also recommended that we write a Home Rule Petition... and the SAC's final report is a document that I am very proud of... This committee experience was... I think... a remarkable experience of a disparate group of people gathering and coming to a common conclusion... the Sewer Advisory Committee report was voted on unanimously by the Nantucket Sewer Committee... and almost every single recommendation that the Sewer Committee made is contained in this Act... Article 60 is an act of legislation... It was written by lawyers for lawyers... and I apologize for that... but that's the nature of legislation... and I'd like to take a moment, if I can, just to go down and explain roughly for you what these items do... The Article essentially addresses four issues... The first issue is to codify actions that TON has already taken... the establishment of Sewer Districts being one very important one... we need state authorization to do that... The second thing it does is it provides a mechanism by which TON can legally... should it decide to... establish a separate regulatory Sewer Commission... Some people think that's a good idea... This legislation authorizes us to make that decision, and sets up a mechanism for us to do that... It does not create a separate Sewer Commission... it makes that act legal and we can debate that down road... But the third thing it does, is it provides a wide range of funding tools, funding mechanisms, some of which are not provided for in Mass. General Law... The nature of a Home Rule petition is to ask the Commonwealth of Massachusetts to allow us more local control... and allow us to make rules and regulations and laws that may not be found in Mass. General Law... so the third section allows us a vast array of financial tools to fund this sewer system... Again, it authorizes the TON to take these action... it does not create any policy to do so... those discussions will come down the road... and I have a feeling we'll spend a lot of time talking about that... and the fourth thing this Act does is it creates a mechanism by which parcels can be put into the Sewer District... Those of you who come to Town Meeting often, and being that it's Night Three, I know I'm talking to

most of the people in the room...know that we've been struggling with this over the years... How do we expand the Sewer Districts responsibly... and we've created a mechanism whereby... you can read the language, but I'll tell you in layman's terms what it does...If you are outside of the Needs Areas which have been identified by the Comprehensive Wastewater Management Plan, and you want to get into the Sewer District that means you haven't been counted into the capacity of the Sewer Plant Upgrade... so we need to think about that... we need to think about the financial implications... we need to think about the infrastructure implications... we need to think about its effect on the capacity of the plant...So we've developed a criteria checklist of objective criteria... so that the days of people sitting at a table and saying... "I know he's got a wet yard... I walked in his yard...He's got a wet yard, put him in the Sewer District..." We don't have to do that anymore...We have a methodology to work with... and this is how it works... If you go to the Sewer Commission and you get a positive recommendation, you go to Town Meeting, and you get a Majority Vote and your in... just like it works now...if you go to the Sewer Commission and you get a Negative recommendation, and the Sewer Commissioner has run our criteria process and recommends against it, you can still go to Town Meeting and you can still be voted into the District by a Two-thirds vote at Town Meeting... What this does is add a layer of oversight...so that the SC has an opportunity to objectively judge an application and get that information to Town Meeting and let Town Meeting work with that information. It took a change or two to get there because... it seems like people are not comfortable not having Town Meeting have the finally decision about that, so this is why it was written the way it was... You're going to hear from some people today I expect who will tell you that this is all confusing, and that you don't understand it...And I would suggest to you that that doesn't necessarily make it sell...this Act has the strong support of the FC, the BOS, 8 out of 10 Sewer Committee members have signed a statement of support that you can pick up outside...The Town Administrator... Town Council... The Planning Director and the DPW Director... all support the passage of this Act at this Town Meeting...Once this is passed, it goes to the legislature... then we've got to get it through the legislature... and once it gets through the legislature, this town will be authorized by law to operate our own Wastewater Treatment System as we see fit...We will make the decisions about who pays what... We will make the decisions about how the system grows...thank you.

MM: Thank you... Okay... before I go to the next speaker... Yes... We have just three technical corrections from the FC... it's nothing confusing or big or anything...In Section 1, where it says... Sewage not sewerage... we're just deleting sewerage and...as I understand it, sewerage are the pipes and valves and infrastructure, whereas sewage is the sludgy, yucky stuff...So we want to be dealing with sewage, and not sewerage... and then in Section 7, we're just changing the word sewerage.... Where it appears twice... to sewage...Okay... So on the motion.... Ah, Mr. McLaughlin....

McLaughlin: Thank you Madam Moderator, Ladies and Gentlemen... I have a question...I'm reading this thing by Mr. Michael Glowacki...on the fifth paragraph down ... on the right of the word on the 4th line, March 26th, it says the FC has never held a

public hearing on the substance of Article 60... My question is... does this have to be held up and go to have a public hearing by law...? or what does the law state on this...?

MM: Thank you, I will get an answer to your question.... Mr. DeRensis?

DeRensis: The answer is, No... (laughter) Thank you. I'm trying to be brief.

McLaughlin: Madam Moderator I have another comment. I've spent many years and a lot of time on various departments on this town's boards and commissions... and one thing I'm not apprised of is 11th hour information... I do not like to have anybody... I don't think it's right... to come into a meeting and say, Here, here's somethin' I forgot...this stuff has to be submitted by a certain date... and... when was this notified to the public, could I ask?... This item...

MM: When was the vote taken on this motion? It was taken at a FC meeting... March 22.

McLaughlin: Would you repeat that please?

MM: The vote on the motion that's before you, with the exception of the highlighted text that we added in, the printed yellow material, was voted on at a FC meeting on March 22, 2007.

McLaughlin: Thank you very much.

MM: Thank you... Yes.

Gibbs: Uh, Maurice Gibbs... A little history...uh... this is sort of a pendulum that has swung one way and another... 103 years ago this Town Meeting created a Sewer Commission...And 99 years ago it modified it to be an elective office, and there were three commissioners who maintained their powers through the years until we reorganized them out of existence... in the mid-1960's... I think we certainly need to bring 'em back... uh, I do have one question in the handout, the last sentence in Section 3...If we are tonight just setting the mechanism in motion, that we're going to thrash this out as Kopko has said in the future discussions...If you can come to that last sentences... Are we going to appoint.... And I would like to see us say, appoint or elect... and go back to elected Commissioners, as we had for virtually a hundred years... I see that the pendulum has swung... we need to do this... We had some very forward thinking people back there a hundred years ago and I think it's time to go ahead back and revisit that...and that one word change of appointed OR elected.... If we're now going to thrash it out in future legislation...after this enables us to do that... uh, I would like to make that one word change and I'd be most happy to support this.

MM: Mr. DeRensis ... I'm sorry...Mr. Gibbs has just suggested an amendment to the last line of Section 3... Which is now appearing there highlighted... Or the separate

appointed or elected Nantucket Sewer Commission...Okay... Mr. Gibbs, we're gonna hold this thought for a second... and come back to it... Mr. Glowacki...

Glowacki: Thank you Madam Moderator, Mike Glowacki... just three points, quickly... I believe the moderator just told us that the FC made the motion on March—or adopted this motion on March 22nd... it is my understanding that subsequent subsequent to the March 22nd adoption that there was another meeting of the FC and there were further revisions... I think what we have in front of us is probably adopted later than March 22nd... I know it's been revised and revised and revised again...

MM: Let me asked for a clarification of that... Was the printed material voted on at the March 22nd meeting, or was it modified and then voted at a later FC meeting?

Atherton: Yes there were subsequent changes that were voted on as late as... What Michael? Just so that I can get the date right...(MK speaking to him off mike) There was change to section 10 that was voted as late as April 4th to allow the uh change in uh Ten which it incorporated the ability of Town Meeting to overcome a negative vote by the BOS authorized as Sewer Commissioners by a Two-third vote to incorporate parcels into the district...(MK speaking to him off mike) It's pointed out to me that that vote at that time was unanimous by the FC...

MM: Okay...

Atherton: You know I may take a second... as soon as I have the floor, Sarah...

MM: Wait... I'll let you take a second, and then we're going to go back to Mr. Glowacki, but go ahead—

Atherton: I'm sorry... he was talking and the floor is his...

MM: Yeah, why don't I go back to Mr. Glowacki, and then I'll return to you, Mr. Atherton... Mr. Glowacki, just to be clear, there was a change voted in at the April 4th meeting that made changes to Section 10.

Glowacki: Thank you, Madam Moderator... Uh, My 2nd point is that , and I do under the pressures that Town Council is under in his job... but please.... Town Charter Section 2.5B does say the FC shall hold a public hearing on each article and vote its recommendations... my other two points... uh...; I have a lot of sort of procedural questions about the way this has happened but my two substantive points are this business that one of these latest revisions that comes back that Town Meeting by a two-thirds vote could then vote to put somebody in the Sewer District... and why it would be a Two-thirds and not a Majority Vote escapes me... The implication seems to be that Town Meeting is (tape ends)

(taken from meeting)... What we Don't hear: "Voluntary reduction in development potential..." It's my understanding/belief that TM came together in spring of 05, Surfside

WTF was approved... used for public health... and to allocate costs... they are not to be used as some sort of zoning issue...

Atherton: I thought I would take the opportunity to reiterate themes in the Home Rule Petition: Unanimous vote, no abstentions... we all came together on this... We really do need a legislative structure to operate our sewers...we need it from state legislature... it's high time... We wanted TM needed to help us with structure...The Financial articles give Nantucket the ability to structure our fees and charges in the Sewer Enterprise fund...

(back on tape)

Atherton: establishing a Sewer Commission... we all felt that is something we as a town body may choose to adopt, and this authorizes that... and then the sort of Financial Articles, once again, give Nantucket the ability to structure our fees and charges Sewer Enterprise Fund as we choose to do so... and again it's not mandatory, it simply gives us the ability to do so...Thank you...

MM: Thank you... Now, back to Mr. Gibbs... he wanted to make an amendment to provide for elected or appointed...we're in Section 3, and... let's see... I'll try to tell you exactly how many lines down... on the second page... second page, three lines down... where it says, "Shall be appointed by the BOS, or elected by popular vote," we would add, "for three year terms... And then at the very end of the paragraph, we would put in... appointed or elected Nantucket Sewer Commission...Is that your motion, Mr. Gibbs?... Thank you...Is there a second? Motion's made and seconded. I think- can we just vote on this amendment?... Is there a discussion on the amendment? Okay, Mr. McGowan, and then I'll go to the gentleman next to you...

Mr. McGowan: I would just like to be clear...I commend Mr. Gibbs ... that this would mean that this WON'T be on the ballot, not MIGHT be on the ballot...

MM: Um, let me clarify that with Town Council... I think what its is saying is that the members could be either appointed or elected... Mr. Kopko, would you like to--?

Kopko: Thank you Madam Moderator... um... The purpose... here is to give the Town a broad range of options to do what it sees fit... Um, and with Home Rule Petitions particularly, that's important because you don't want to keep going back to legislature every time we want to make a change...So what we wanted to do here... the decision to create a separate Sewer Commission is one decision and it requires a Two-thirds vote by Town Meeting... should it ever occur.. . How that Sewer Commission is constituted requires another Two-thirds vote...Whether the Town votes for it tow have an appointed board or an elected board, for example...How many people should be on the board... Uh... it says, uh,... three year terms... Um, and then the Rules and Regulations and how that board functions... those are all decisions that will be made by Town Meeting... by a Two-thirds vote...so... that conversation will happened later... But either option is available to the Town.

MM: Thank you... Yes...

Karl Shultz: Karl Schulz, and I wonder if Mr. Gibbs would add another two words on his motion., page 2, second line... where it says shall be a separate, five member Nantucket Sewer Commission... so we put the number of members in that commission in this article now not later.

MM: I'm sorry... you could you say that again... We're not following you... I'm sorry...

Schulz: I'm looking at page 2, the second line...

MM: Okay...

Schulz: "or that there shall be a separate Nantucket Sewer Commission... and I'm simply requesting that a separate... after separate... a five member Nantucket Sewer Commission...

MM: Yes, uh, Mr. Kopko?... Wait a minute though... let me just.. let me just get this on the floor as an amendment to Mr. Gibbs' amendment... uh... Mr. Schulz is asking that we amend this by adding a five... making it a five member commission... Is there a second for that motion?... Okay that motion is made and seconded... So on Mr. Schulz's amendment to Mr. Gibbs' amendment... Mr. Kopko.

Kopko: Thank you, Madam Moderator... I think that's probably a good idea... but the purpose of the Home Rule Petition is to leave it ... that question open so the Town can decide when it is creating that commission how it wants to be... I think 5 members is a great idea but just in the nature of Home Rule Petitions... I think it's prudent to leave that number blank... but I'd be happy to accept it but I think it works better with that...

MM: Thank you.... Yes, Ms. Wheatley.... Just on Mr. Schulz's amendment...

Wheatley: Yes, Madam Moderator... Nancy Wheatley... Um, I'm going to start by observing that this is going to be long discussion because I think we're gonna have... a lot of amendments and a lot of things that we want to do... I would suggest that this is not an appropriate amendment because if you go down another couple of lines, and as some people know, I've spent a lot of time reading this and trying to understand it... the, uh... just after where it says... or elected by popular vote for a three-year terms,, the next sentence reads... The number and constitution of a separate Sewer Commission shall also be determined by a vote Town Meeting... um, I would recommend that we um, that we vote down the five members because I do agree with Mr. Kopko that a Home Rule Petition should be relatively expansive, although I think it should also be understandable... And if we vote on the five member... I have what might be a friendly amendment... for Mr. Gibbs, um... in the sentence which is now highlighted...

MM: Okay.. I can't do any more amendments...at the moment... I have to deal with two amendments is enough at one time...Mr. Schultz's would you withdraw your amendment, or do you want to go ahead and have a vote on it? We can have a vote on it... It takes a Majority Vote... we'd be adding in... um...5-member Nantucket Sewer Commission... A Yes vote would adopt that amendment... A No vote would defeat the amendment... All those in favor of Mr. Schulz's amendment adding a five member Nantucket Sewer Commission... please say "Aye."

Audience: (soft) Aye.

MM: Those Opposed, No....

Audience: (loud) No.

MM: That motion is defeated... So now we're back to Mr. Gibbs's amendment.... Which is to add the elected by popular vote... in one section... one part of Section 3, and the appointed or elected at the end of Section 3...

Cohen: Point of Order, Madam Moderator...

MM: Yes, Mr. Cohen... Hold on... wait... get a microphone, please...

Cohen: Does the decision about whether or not they would be appointed or elected is that covered by the language...uh... that comes up later about the number and constitution being a Two-thirds vote at Town Meeting... or is it left unclear?

MM: Let me get an answer to Mr. Cohen from Mr. DeRensis...Scroll up, please...Stop.... It's covered by the ...the... any Town Meeting by a Two-thirds vote...vote that the BOS shall... etcetera, etcetera, or that there shall be...so your position Mr. DeRensis is that the Two-thirds vote covers that? Okay... Thank you... Ms. Wheatley?

Wheatley: Thank you Madam Moderator... I um, actually agree that it's somewhat unclear... um... Writing statutes is not easy particularly on the floor of Town Meeting...um, so if you scroll down just past where the number... when we get to the number... I would suggest this as a friendly amendment... can a friendly amendment go without a vote, Madam Moderator?

MM: If its accepted by everyone, yes.

Wheatley: Okay...I would suggest a friendly amendment to uh... after number... delete and ...and replace that with a comma...space...the number constitution... and after constitution...constitution is already there—

MM: No don't put constitution. Don't go into—yep—go after constitution—

Wheatley: So move to—and the choice of elected or appointed commissioners...

MM: (writing) “choice of elected or appointed commissioners---“

Wheatley: And I propose that as a friendly amendment...

MM: Okay... Is everyone okay with adding that to Mr. Gibbs's amendment?...

Audience: (soft) No...

MM: Okay... Then we're going to vote on that... So a Yes vote will adopt this amendment, a no vote will defeat that amendment... All those in favor of Ms. Wheatley's amendment, please say, “Aye.”

Audience: (loud) Aye.

MM: Yes, Mr. Murphy?...No we

Murphy: (off mike) Can we vote together on these--?

MM: No we're voting on Ms. Wheatley's amendment only...Ms. Wheatley's amendment... which is the addition of... and the choice of elected or appointed commissioners... that's all we're voting on... A Yes vote will adopt that amendment... a no vote will defeat that amendment... All those in favor, say “Aye.”

Audience: (loud) Aye.

MM: Those opposed, No.

Audience: (soft) No.

MM: Than amendment carries... so now we are on Mr. Gibbs's amendment as amended by Ms. Wheatley's amendment...on that amendment... Is there any further discussion?... No... Okay... Now we're going to vote on Mr. Gibbs's amendment as amended by Ms. Wheatley's amendment... A Yes vote will adopt that amendment... A no vote will defeat the amendment... It requires a Majority Vote...All those in favor please say, “Aye.”

Audience: Aye.

MM: Those opposed, No.

Audience: Silent.

MM: That amendment carries. Now if I can keep this all straight, we are back on Article 60 as moved by the FC with the correction of sewerage... that we did earlier on the

addition of the new paragraph at the end of Section 10.... And Mr. Gibbs' amendment as amended by Ms. Wheatley's amendment... Mr. Reade...

Reade: Just a correction... In the line above Mr. Gibbs' amendment, where it says... or elected by popular vote...I believe the word thereof should be replaced by the word of which...uh...as written, the sentence doesn't make any sense.

MM: Okay.

Reade: A commission, the members of which shall be appointed...

MM: Okay... Can we just all agree to do that?... Thank you... Thank you Mr. Reade. Okay...Um, Mr. Cohen.

Cohen: Let me just say I spent five years with the federal government writing rules and regulations and I'm uh... at a loss to understand what this means 100%.... But I do have two questions...one is probably for Town Council...And that is, in Section 9 there is a language that says that the rule... that the decisions of the Nantucket Sewer Commission would become effective after being published in the newspaper for two weeks... but there's no requirement that the agenda or these rules be published in advance or that they be public notice of what the commission in gong to be voting on... so in other words, you only find out after what's gonna be effective... and I'm wondering if such notice is covered by statutes and regulations already in place or if maybe we should consider adding it...Okay...if it's covered, fine...

MM: Mr. DeRensis has told Mr. Cohen that it's covered...

Cohen: Then I'd like to offer an amendment that in Section 10... that the uh... on the last sentence... where it says... upon Two-thirds vote of Town Meeting... that that be changed to a Majority Vote... currently Town Meeting has the authority to add someone to the Sewer District at a Majority Vote... and if this article is supposed to be about giving a Home Rule Petition... I don't know why Town Meeting would then in the course of asking the State legislature to give us authority we would give away our own authority...to, uh... make changes from a 50% plus one to suddenly Two-thirds....

MM: Hold on... Yes... That's what I'm getting to... We're going to make... that... an amendment... proposed by Mr. Cohen... that... at the end of Section 10... we're changing the Two-thirds vote of Town Meeting at the end of the first paragraph... but before the new paragraph that we put in at the beginning... change the vote from Two-thirds to Majority...and that's your amendment, right, Mr. Cohen?

Cohen: (off mike) Yes.

MM: And that's been seconded.... So, on Mr. Cohen's amendment only, Mr. Kopko...

Kopko: Thank you, Madam Moderator... Uh...I appreciate Counselor Cohen's suggestion that we don't want to take... the Town Meeting doesn't want to take power away from itself... but I don't see that that's what we're doing... What we're trying to do here is create a standard by which... if ... if a person comes to the Sewer Commission... and goes through the objective criteria checklist that is run by the SC, that is signed off by the Director of the DPW, by the Planning Director, and the Director of Public Health... and the SC, the Planning Director, the Director of the DPW and the Director of Public Health all believe it's not a good idea and not in the Town's best interest to put this parcel into the District... that there should be a somewhat higher threshold than Town Meeting... to override that decision... And that's why the Two-thirds vote is in there...and I think it's proper and correct... Thank you...

MM: Thank you... Um, Ms. Wheatley, on Mr. Cohen's amendment only.

Wheatley: yes, madam Moderator, Thank you...Um, I hope you won't rule this out of order...Actually I'm going to start by saying that Mr. Willet commented the other night that if we don't understand things we ought to vote no and I think we ought to make that the Willet Rule...uh...

MM: I'm sure he'd be really pleased to have that happen.

Wheatley: Yeah... And I know I'm violating that tonight because I have had a hard time understanding this...um... Well I appreciate Mr. Kopko's earnestness in terms of wanting to... uh, to get what's in here... I do have... I do have a great problem with the amount of authority that he is attempting to take away from Town Meeting...in terms of the management of the Districts... I will vote positively on the amendment although I have to say that I am confused about how town Meeting can set up the Sewer Boundaries... which I believe is in Section 1 ... although my eyes aren't finding it immediately as I'm standing here...so there's a section in here... I believe it's section... no it's... uh... I believe Section 1 says that Town Meeting sets up the Sewer Districts... but then Section 10 deals... which obviously also deals with the boundaries of the Sewer Districts has different rules...um... I would have proposed to strike the language with respect to modifications... I would have proposed a longer amendment...rather than this because I think it's confusing... between the section that sets up the boundaries and Section 10.

MM: Yes...Mr. Kopko.

Kopko: Sorry... Thank you Madam Moderator...The Article... in Section 1 establishes the Sewer Districts...and in this section...it establishes the mechanism for changing the Sewer Districts...The two things are two different processes... Thank you.

MM: Thank you... Mr. Varbelo?

Speaker: I agree with Mr. Kopko... because... while I generally like Majority Votes... in this case we are talking about overturning a decision made by people who are charged

with making that decision, and not merely elected officials... if you go back in the paragraph you see there's a... several layers that the applicant, to be included in the district, must go through...and it's not as if it's a political issues as it might be... as it might appear to be if were just the BOS... So I would respectfully say that a super Majority is appropriate when you're talking about overruling several regulatory layers of people who are... of people with expertise...and so I would ask that Mr. Cohen's amendment not be adopted.

MM: Thank you... Yes, uh, Mr. McIntyre...

McIntyre: Thank you Madam Moderator, I'm Dual MacIntyre...and through you a question to Mr. DeRensis...or perhaps to Mr. Vorce... It was my understanding that to change the Sewer District is a zoning change and that would requires a two-thirds Majority...

MM: Mr. DeRensis?

DeRensis: Sewer Districts are not zoning...zoning is for land use...Sewer Districts are to create protection for the investment that the community is making in it's waste water infrastructure...Zoning is under a different statute entirely... it's called the Zoning Enabling Act...

MM: Thank you... On Mr. Cohen's amendment?... Mr. Cohen... I'll come back up to you, Mr. McGowan...

Cohen: Just to respond to Mr. Kopko's point...I would absolutely agree all of those people would weigh in and that information would come before Town Meeting, and... I guess... I just have faith in Town Meeting that we would make the right decision based on the information put before us...the question is, does Town Meeting want to give up power it currently has in an act that is supposed to be authorizing more power? I don't understand... I have faith that 50% plus one would make the right decision and setting an artificially high barrier in the authorizing act is... I don't think appropriate. Thank you.

MM: Thank you... Mr. McGowan....

McGowan: Thank you.... Marty McGowan...Thank you Madam Moderator—

MM: No, I recognized Mr. McGowan... Go ahead Mr. McGowan I'm sorry...

McGowan: Thank you... Thank You Madam Moderator... I'd like to support this Majority Rule amendment... and say that... after recently going through the criteria program when 77% of the people applying for the criteria failed, and only 23% made it... There is a limited opportunity available for people to get into the Sewer District... what I'm referred to a committee...that I have a less than 1 in 4 chance of achieving the goals, even after giving up zoning... going in and giving up, as Mr. Glowacki noted... zoning compromises... values to your properties will be lost to achieve the goals... The power

that they are asking for here is humongous. And you should vote for Majority Rule and keep some of the power in the Town...Thank you....

MM: Thank you, Mr. Kopko?

Kopko: Thank you, Madam Moderator... Um... We have a Super Majority for a number of issues in our town, zoning in particular... I'm assuming that Mr. Cohen doesn't want to change zoning law to a simple majority at this point... um... and the whole purpose of having a Two-thirds threshold if you get a negative recommendation... there's no requirement... teeth in there to make you go to the commission... If you don't go to the Sewer Commission they'll recommend negatively for you... But the whole purpose of going to the SC is to work thought the system which I... I must add that the folks in Article 42 last night... their application is in, to get the DPW Director, get the Planning Director... get the Director of Public Health to sign off... that it's in the Town's best interest, it's a very simple proposition... and it's a method of responsibly managing this huge, expensive infrastructure... Thank you.

MM: Thank you... On Mr. Cohen's amendment only...I--- Mr. Murphy?

Murphy: Thank you, Madam Moderator... uh, Finn Murphy... I was on the SAC... I hope that we don't vote for this amendment moving to Simple Majority from two-thirds...and I'd just like to clarify if I can... the reasoning for that...um...I know that we pretty much did, but... it's an important change and what we're trying to do is put the sewer management on an administrative basis... with the professional staff of the Town making their recommendations...and, the reason to do this is to protect the Town's investment in the Surfside Wastewater Treatment Facility...and to protect the Nantucket Tax payer... and that's essentially why this threshold needs to be high... because if everybody who petitions to get into the Sewer District gets in... then we're going to be building another 42 million dollar sewer treatment facility before we know it... so that's the major motivation for the Two-thirds Majority... So... everybody who are on the Sewer now, if you've been watching your sewer bills and saw them double last year...and you're going to see them double next year... we're trying to protect that....Thank you.

MM: Thank you... Ms. Zimmerman...

Zimmerman: (inaudible)

MM: You want to call for a vote? Okay, I think everyone's ready for a vote... on Mr. Cohen's amendment only... Mr. Cohen's amendment changes then end of the first paragraph of Section 10... the vote from Two—thirds to Majority... a Yes vote will adopt that amendment... A no vote will defeat the amendment... All those in favor, please say, "Aye."

Audience: (soft) Aye.

MM: Those Opposed, No...

Audience: (loud) No.

MM: Than amendment does not carry... Ms. Wheatley...

Wheatley: Thank you, MM... Uh, as I said earlier, I uh... I would like to- I would like to feel I could follow the Willet Rule...which is not to uh... not to vote for things that I don't understand, but I did come to Town Meeting tonight... with a number of amendments... one of which we've already dealt with...actually two of which we've already dealt with ...uh, because I think it's important for us... there's obviously been a lot of tension in Town Meeting... uh...the uh... about sewers generally... uh, I think, uh, I don't think we want to spend time tonight... uh... trying to set the record straight and I know there's a lot of hard feelings right now about comments about Mr. McGowan's uh... experience... which I think was not entirely correctly represented... I'd like to feel like as a town we might come together and find something that we could vote on...So I have uh...two amendments...two items that I would like to propose and I would like to propose them as separate amendments... uh.. so... to facilitate discussion... and I have to say once again that I... that I'm somewhat hesitant to do this because I think the fact that if I had not raised Article 53, and I hadn't- we hadn't found out on the floor of Town Meeting the reason that Town Council apparently thought it was illegal... which had not been conveyed to me, although my amendment had been available over time...we would have... we could have passed Article 60 without the addition that Mr. Kopko and Mr. Atherton made earlier today... That's indicative of the fact that this... that this act is not very well thought out. Nevertheless... I think we're gonna continue to work on it, and I'd like to propose, m, the first amendment, which is in Section 6 and Section 8, and I'd like to propose this as one amendment although it's in two different sections...

MM: Okay, so your first amendment in Section 6...

Wheatley: Uh, my first amendment in Section 6... takes the text which says... except that the interest rate shall be at the rate as may be established by the Nantucket sewer Commission from time to time...at the... and then the next sentence says... uh.. at the same meeting at which Town Meeting determines that any portion of the cost is to be borne by the Town, it may by vote determine by which of such methods the remaining portion of said costs shall be provided for... I'm excluding that sentence because I'm not exactly sure what it refers to.. um.. it may refer to some power that the Town already has under existing Town law... that's a question I asked prior to Town Meeting to which I did not get an answer...So in any event, I'm striking that...Um... They.. the last part of this paragraph deals with the collector of taxes... certifying that funds which have been recovered from tax payers are in fact provided to pay for sewerage facilities... and so I've amended the last sentence to say... the collector of taxes of said town shall certify to the Sewer Commission... or to the Selectmen acting as such...the payment or payments of any such assessment or apportionments thereof... which would have been taxes paid by the town.. by tax payers... borne by the town... which certification shall be preserved

in a record thereof... That's just a technical.. If we as tax payers... have paid money... we should have a record that it was paid...

MM: Okay, so that's the amendment to 6, and there's a---

Wheatley: There's an additional amendment to 8—

MM: Oh to 8, okay....

Wheatley: 6 and 8 together deal with... um... with how the costs of the... um... of the sewerage... the waste water infrastructure as I prefer to call it... will be recovered... whether from the Town or from the sewer users... and what charges are allowed...

MM: Okay...

Wheatley: Now... So I'm striking the first... I think it's one sentence.. It's always hard to tell—

MM: That first sentence, yes—

Wheatley: Striking the first sentence, which, um... I think is described in the layman's guide which was floating around for a while as a sweeping power to charge anything that's constitutional... and I think that's what this sentence does and I have a problem with that...Uh... So I ... so that sentence is stricken...The next sentence is amended to say... to say... notwithstanding any laws to the contrary... the commission is authorized to impose and collect such charges and fees as are permitting... by general laws prior to connection or agreements for payment there... or... prior to connection and operation of such system of sewerage, etcetera... This allows the Town... if someone is in the District and has a hook-up to collect money uh before... uh.... In advance...um... notwithstanding any law to the contrary...because I left out the first sentence is now needed in the beginning of this sentence...The next- the addition down here includes interest for betterment assessments and privilege fees equal to the interest cost for the Town... for financing capital programs... uh... and this also allows... would allow the Sewer Commission to impose Late Fees for unpaid billings... These are two specific financial tools which are not permitting by the existing General Laws, and they are specific items that the SAC identified as something that the Town clearly should have... in its arsenal of... charges and fees... These two particular... the um...; interest and the ... and rate fees are the subject of a number of Home Rule Petitions for other towns around the Commonwealth...

MM: Scroll down just a little... And then the rest of that paragraph is stricken...

Wheatley: And then the rest of that paragraph is stricken...

MM: Okay... That's the amendment that you're proposing at this moment, right?

Wheatley: Yes, Madam Moderator.

MM: Okay. Is there a second?... Yes... That motion's been made and seconded...

Speaker: (off mike) Point of order...

MM: yes, Mr. Murphy...

Murphy: These two amendments...

MM: uh, get a microphone...

Murphy: The amendment in 6 and the amendment in 8 do not appear to be... to be related in any way... I would... my point of order would be to take the one for 6...and then to take the one for 8...

MM: So you'd like to... split the question, as it were?

Murphy: Well, I believe the question is split.

MM: It's not required to be split... I mean... Ms. Wheatley could make amendments to every single section in this... but maybe she would agree... to have them split, and that would save us the vote on the motion to split the question... as fun as that would be...Go ahead... If you could add... yes, go ahead...

Wheatley: I'm sorry, Madam Moderator...We're having microphone coordination here-

MM: Yes—

Wheatley: Um, I'm willing to split the two questions... The reason I believe that they in fact are related is that they both deal with the assessment of fees, and I took interest out of one, and it's dealt with in the other, but I am perfectly happy... we can vote on it if people want to... I'll do it any way people want...

MM: Okay... Maybe it would be easier... So let's do the amendment on 6 first... SO your motion to amend Article 6 would be the motion before us and if that's alright this motion's been made and seconded... and is there a discussion on this... Mr. Wagley?...And then I'll come back to you.. and then we'll go over here...

Wagley: Thank you MM... I guess I would like to ask questions through you, I guess either Ms. Wheatley or Mr. Kopko... What I notice that there are 6 members of the committee that presumably wrote this... and what I'm asking are... is this issue... are these two issues... in the amendments come up in the SC and 6 members agreed that it should be written in this way... and so what we are we now being asked to do or what

I'm asking is that is Town Meeting now being asked to resolve a dispute which was already lost in the Sewer Committee...and I ask this in a way because I like... because I would... as Ms. Wheatley said... this is a very confusing matter and that are a lot of areas of that... but... I would like to give her... my instinct would be to give rate to the 6 members of the SC who voted to have it the way it is...

MM: I don't believe that this came from the Sewer Committee at all... I don't think that this was part of the charge...Is that correct, Ms. Wheatley...?

Wheatley: You are correct, Madam Moderator... The SAC did not have this Home Rule Petition as part of it's charge...It did have one discussion with town Council... uh.. it did have a list of very general items...um.. and I apologize to Town Meeting for the distress that we're going through right now... as I said earlier, the BOS did have the report from the SAC from December... had we started... and I had discussed with Mr. Kopko actually during the time the SAC was acting... about the importance of putting together a well understood... a well-drawn... Home Rule Petition so we could get what we needed, and that didn't happen, so that's why we have a problem tonight...

MM: Mr. Murphy?

Murphy: Thank you Madam Moderator... I went to a new mike...Um...To answer Mr. Wagley' question... Article 60 as you see it before you without all of the yellow...um...is supported not by six members of the SAC, but by 8 of the 10 members of the SAC... it's also supported by the Planning Director...the DPW Director..., the Town Council... the FC... and dozens of municipalities within the commonwealth...So that's who's in favor of this, and I don't believe that the language is convoluted... and I don't think that Article 60 needs to be changed from how all of those agencies and regulatory people... and lawyers have approved this... so there's a lot of muscle behind Article 60 the way it is and I would like to see you support it the way it is....Thank you.

MM: Thank you... So on Ms. Wheatley's amendment to Article 6.... To Section 6, paragraph 6... Ms. Goss?

Vicki Goss: Vicki Goss. I know that its been requested that 6 and 8 be separated... but, uh...there's a whole other problem... and...We got this Monday night... we came into Town Meeting on Monday night and noticed it...Maybe everybody else has had months... maybe everybody else has only had a couple of weeks also but... it is extremely complicated... and the fact that these amendments are being made tonight, and some of them are nickel-and-dime amendments, I believe... actually those are things that I've underline too... Your 6 and 8...But it's a lot to digest... and it seems as though right now we are having the public hearing that we should have had... and then we're being asked to vote for it... except that it's the third night of Town Meeting and I think everyone's getting a little tired and crabby...so...if everybody's perfectly happy, uh... I don't see how everybody could be perfectly happy with something that they've just met and are just starting to look at... I support the amendments, but I can completely understand that we shouldn't have to be doing this at all...thank you.

MM: Thank you... Uh, Mr. Shwarzenbach? I want to come back to Mr. Kopko before we move the question, but I think we can go to a vote on Ms. Wheatley's amendment after Mr. Kopko is briefly quick.

Kopko: Thank you, MM... The um...language that Ms. Wheatley seeks to strike was specifically at the behest of the SC's recommendations to be put in...that language authorizes the town...to decide how much of the infrastructure is going to be paid for on the tax base, how much is it going to be paid for in the enterprise funds, and how...The point of this is to give us a broad a brush as we can... I would ask you very strongly to vote against this amendment... Mr. Murphy's right... This bill has a lot of muscle, and the language here that is being struck was taken directly from other existing Home Rule Petitions...that have been passed and are now law... by the Massachusetts legislature... Thank you.

MM: Thank you... So... we're going to go to a vote... and what we're voting on here is just Ms. Wheatley's proposed amendment...to Section 6, which strikes the language that's stricken-through... uh... in the yellow language.... Yes? Okay... Uh....

Wheatley: Again, I apologize. For the... for the manner in which we're going about this... but I must say that both Mr. Kopko and Mr. Murphy have misrepresented some of what's gone on...there is nowhere in the report of the SAC that you will find the language that Mr. Kopko just referred to... and, again... I think that part of the confusion is that I believe he told me in earlier discussion that we had this week that this was the status quo...so it is very distressing to have representations made which are not correct...

MM: Okay... Thank you... Do you want to go back, Mr. Kopko? Sure, here we go...

Kopko: It's important to note that this language does codify the status quo... It doesn't change the way we do business...We already decided at Town Meeting....34% goes on the (mumbles)... this just authorizes us to get that legally from no on... Thank you.

MM: You want to speak on the amendment, Mrs. Ray? Okay... Mr. Goodman... And then we really are going to go to a vote on this amendment...I promise.

Eddie Ray: I think I may be in the majority here, looking at this amendment as well as some of the others, in that...my eyes are beginning to roll back in my head... t seems to me that for something this important that we are then going to send on for other people to look at...it should not be done tonight on the fly...It needs to be presented to Town Meeting as a ... a finished piece of work for us to look at... and we cannot be putting in bits and pieces and taking out bits and pieces... tonight...which may or may not cause us legal problems later... and as this goes on for other people to look at, it may all be for naught...because we have not put in a the instead of an and, or something else... This is really not appropriate for us to be doing this in this manner for something so important...So I would urge you to vote against this amendment... Thank you....

M: Okay... Thank you... Is there a Point of Order? Alright... wait for a microphone please, and identify yourself...

Anne Atherton: thank you, Madam Moderator, D. Anne Atherton, Point of Order... I believe Mr. Shwarzenbach called the question...

MM: I actually didn't take Mr. Shwarzenbach's motion to move the question...

D. Anne Atherton: Then, Madam Moderator, I call the question, please...

MM: Okay... Then let's take a vote on the motion... or... let's do a vote on the motion to move the question... Um... that required a two-thirds vote... a Yes vote will adopt the motion to move the question, a No vote will defeat that motion... All those in favor of moving the question, say, "Aye."

Audience: (loud) Aye.

MM: All those opposed, No..

Audience: (soft) No...

MM: Okay... That passes by a declared Two-thirds majority... we'll go now directly to a vote on Ms. Wheatley's amendment... A yes vote will adopt Ms. Wheatley's amendment... this is an amendment to Section 6... it's the language that's shown in yellow... the stricken text will be stricken... the yellow text that's added will be added... A yes vote adopts this motion, a No vote defeats the motion... It requires a Majority vote... All those in favor, say, "Aye."

Audience: (soft) Aye.

MM: those opposed, No.

Audience: (loud) No.

MM: That motion does not carry.... Now we're back on the main motion.... As... Let's see... Changed by adding the paragraph at the end of paragraph 10... deleting sewerage... everywhere that it appears... um, I did notice a section that we had missed, which was Section I think 6... Oh, another point of Order, Mr. Beaugrand, yes, please.

Mr. Beaugrand: Madam Moderator, I think that Mr. Murphy asked that we vote on these separately... and so we've only voted on 6... so we now need to vote on 8...

MM: well I haven't gotten there yet, Mr. Beaugrand...

Beaugrand: Sorry...

MM: I'm getting' there... I'm just a lot slower than the rest of you... I just want to make sure that everybody understands because people tend to get confused, and I'm the most confused person in the room... most of the time, so... I just want to make sure that I know what we're doing cause I have to write it all down... Um, so... The main motion that's now before us, before we go to Ms. Wheatley's amendment to Section 8...is to have had the paragraph at the end of the paragraph...10...its changed sewerage to sewer in Sections 1, 6, and 7...we've had Ms. Wheatley's...well.. MR. Gibbs' amendment as amended by Ms. Wheatley...that added in... that was in Section3...here we go.. which added in the election by popular vote and the other changes you see there in yellow... we had Mr. Reade's... um... very friendly amendment changing thereof to of which... also in Section 3...and that is where we currently are... The Cohen amendment and the Schulz amendment were defeated...That being said, I'll now go to Ms. Wheatley for the purpose of moving her amendment which is Section 8, which is as now shown on the screen the stricken pieces in yellow being stricken... and the added yellow pieces being added...Is that your motion Ms. Wheatley?... Mr. Goodman...

Wheatley: Madam Moderator...Um, If this is out of order...uh—

MM: I'll let you know—

Wheatley: Please tell me... Yes... Um, I would like to move to table the article.

MM: Okay... (Applause)No, no, no! I really object to that...um, I can't think when that's happening... Um, what was your Motion...was it to table? I can take that motion, Mr. Muller, if that's your question...Um, a motion to lie on table is not debatable... It does require a second... Thank you...and it requires a Two-thirds Vote....Yes, a Point of Order, Mr. Kopko?

Kopko: (inaudible)

MM: We'll put back the proper language, absolutely... Ix-nay on the Eatley-Whay Amendment-Way...(laughter) Okay... So...It's not debatable, but it requires a Two-thirds vote...See that's what happens with these Two-thirds votes... you trade off the debate for the vote...Its either a Majority vote and its debatable... or it's... okay... So... I'm going to be really clear that everybody understands what's happening... because a lot of people have worked hard on this, and I don't want there to be any confusion, so... let's go right to the top of the article that's in front of us and go through reasonably slowly and just look at the yellow pieces so that everybody knows what we've done. The first change is in Section 1, and its deleting "sewerage and"...I that was done by the FC...go back for a sec... I think it should just be... for a system or systems... oh no... of sewerage treatment and disposal... that's right... okay.. keep going.. Section 2 remains the same; Section 3, we have Mr. Reade's friendly amendment changing "thereof" to "of which"... We have the Gibbs amendment, which adds in... "or elected by popular vote" as amended by Ms. Wheatley's change, the number constitution and the choice of elected or appointed commissioners... Followed by the final piece of the Gibbs amendment, which added in... "or elected" at the end of Section 3... Then we go to Section 4...

remains as is...Section 5... remains as is... Section 6 we changed “sewerage” to “sewage”... So its “systems of sewage and sewage disposal”... that was done by the FC...Section 7 we had a similar change, also done by the FC... Section 8... stayed the same... Section 9... no changes... Section 10... we had no change until we had the paragraph added at the beginning of the meeting by the FC... to their main motion... “any bylaw adopted pursuant to the authority granted to the TON by this Act may include authorization to the NSC without a Town Meeting vote to add to the Sewer Districts created pursuant to this Act properties located within Needs Areas as defined by Nantucket’s Comprehensive Wastewater Management Plan prepared by Earthtech dated March 2004, approved by the Massachusetts Secretary of Environmental affairs on May 14, 2004, with such conditions and limitations with respect to such authorization... as such bylaw may provide...Section 11 remains the same...Section 12 also remains the same... When we vote on a matter to lay on the table, that’s the motion we’ll be laying on the table... I just want to have a moment to talk to Town Council for a second... Okay ... I just wanted to ...make sure what I was going to tell you about the effect of this motion is correct... The... generally speaking the intent to lay on the table is to basically kill the article for this particular meeting... However, I want to read the section on table... or lay on the table out of Nantucket Town Meeting Traditions & Procedures... which was brought to my attention last night... and that is on page 9, section 4... Table, or lay on the table intends to temporarily lay aside an article... it is not debatable... A Two-thirds vote carries... An article not taken from table before the meeting dissolves is dead... to be considered at a subsequent meeting it must reappear in the Warrant for that meeting... The motion to take from table... to consider a tabled question... required a majority vote and can be made at any time when no other question is before the meeting... That’s not generally how we’ve dealt with that question, but it is how it is addressed in... Nantucket Town Meeting Traditions & Procedures, which is a supplement that we adopted at the beginning of the meeting, so that’s what I’m gonna go by...which means that if we table this we’ll lay it aside... It’s not debatable... A Two-thirds vote carries... If it’s not taken from the table before we dissolve the meeting, and dissolution means.. the end of this Town Meeting entirely... not the end of tonight... oy... by the end of whenever this 2007 Town Meeting is dissolved... which is different from adjournment... then the article will be dead and has to be brought back at a subsequent meeting...there could be a motion to take from the table... at another time during this 2007 ATM, and that would require a Majority Vote and could be made at any time when no other question is before the meeting... Does anyone have any question about that?...Okay... So then... Ms. Benz, Point of Order?...

Charity Benz: I just need clarification... does this mean that if its tabled tonight, it can be brought back tomorrow night?

MM: Correct. If we’re still having this Town Meeting tomorrow night, that it is correct.

Charity Benz: That’s what I thought you said-- Thank you...

MM: Now we're gonna vote on the motion to lay on the table... It requires a Two-thirds vote... A Yes vote will adopt the motion, a No vote will defeat the motion... All those in favor, say "Aye."

Audience: (loud) Aye.

MM: Those opposed, No...

Audience: (louder) No...

MM: That motion does not carry... because it needs Two-thirds and it clearly did not have two-thirds... So now we're back on Article 60, with all the changes that I read before... Ms. Wheatley, do you want to go forward with your amendment on 8, or are we gonna do something... different?

Wheatley: Thank you for recognizing me, Madam Moderator... Um, I do not want to go forward with my amendment on Section 8... and I had another amendment at the end... with respect to bringing a Home Rule Petition back...um... I think we are all very tired and very frustrated... and I just want to say a couple of more things, and that will be the end of my speaking for tonight, I hope...I hope there are no more misrepresentations...when I came into Town Meeting Monday night... or maybe it was Tuesday night... I was stopped by a voter...who happens to be a woman... who said to me...Are you going to speak on Article 60... and I said well actually I have some amendments that I'm planning to offer, and she said, Oh, thank you... Because I haven't got any idea as to what's going on...we come into these Town Meetings and we are told by people that we have to vote this tonight, that it's essential... that we've needed it for a long, long time, and it's very confusing and I always rely on... rely on listening to you so I have some idea of what's going on...which is very flattering to me, of course... Then her final comment was... Remember what happened with the Land Fill... So I will go back to the Willet... the Willett Rule... which is... if you don't understand it, vote no... There is a lot in here that we don't understand... The fact that we added that section to allow Article 53 to go forward is indicative of how much work this needs. Thank you.

MM: Thank you.... Ms. Gibson.

Libby Gibson: Thank you Madam Moderator, Libby Gibson, Town Administrator...This legislation is important... this Town Meeting should vote favorably on it... the legislative process can be very time consuming and can be very lengthy... We need to get this in the pipeline now so that we can have the tools we need... to take control of our wastewater needs and effectively and properly manage them. Thank you.

MM: Thank you... Mr. Willett.

Willett: I will endeavor to set no more rules...

MM: One's enough.

Willet: One's enough...um... I too support this article...It is important for the Town to have the wherewithal... the flexibility provided by this document... it allows this gathering to determine the future of how we handle, administer and manage our wastewater system and infrastructure...I don't believe... I f we pass this... I don't believe that this will be it's final form... I think that the legislature may modify it or request us to explain it... We're going to have many opportunities as a community to address the concerns which have been raised here tonight... Uh... That's all... Thank you.

MM: Thank you... Ms. Lohman.

Lohman: Thank you, MM, Pam Lohman... Um, I share the general frustration at finding something this important coming to us so complicated and so late, with so many revisions and I general think that maybe the Willet Rule is a good thing... However... I'm really in a bind because we've been waiting several years...or three two years now... for a sewer policy...We need a Home Rule Petition to get this into effect... Um... if we are worried about the wording... I'd just like to call attention to the... preamble to the article.. it says... :to make constructive changes in perfecting the language of this proposed legislation in order to secure passage. .. So if there are difficulties with it... it can be perfected... but I think we need to support the overall concept... thank you...

MM: Thank you... Mr. Spriggs...

Spriggs: Yeah, Frank Spriggs... I had come here tonight... with the idea to ask to table this article to the next available Town Meeting... it could be two months, three months, whatever... because of the complications of this particular article... and I hadn't seen the final version either until Monday night... (tape ends)

(tape resumes) Listening to all the conversations and all, I have always felt that this was very important to the town to have this kind of plan in place...we need it...having been on the PB, and seeing all the actions that come out... we talked about the development in Sconset... where we wanted to hook up to the Sconset water and the conservation people said no...And it ended up the way it is...Well anyway, to make a long story short, as you all know, those of you who have been around Nantucket a long time, Home Rule Petitions can take 2-3 yrs... So we get this thing up to Boston...no matter what stage it's in, It's not gonna be the same when it comes back... and it could be two to three years... So I ... get this started... So now I've listened to everything... and I'm suggesting that we go ahead and get this on the road up to Boston... and then go from there.

MM: Thank you... Um, Mr. Miller...

Miller: Madam Moderator, I call the question.

MM: Okay... Then we're going to go to a vote on the call of the question... That requires a Two-thirds vote... as I think you probably know... A yes vote will adopt that

question and we'll go to a vote on Article 60... A no vote will defeat the motion and we'll continue with the debate... All those in favor of moving the question, please say "Aye."

Audience: (loud) Aye.

MM: Any opposed, No...

(Silence) Okay... that motion carries by a declared Two-thirds...we'll now go to the main motion... on Article 60 as changed by the FC... as amended by the Gibbs amendment, as amended by the Wheatley amendment and Mr. Reade's friendly amendment.... A yes vote will adopt that motion...A no vote will defeat that motion... It requires a Majority vote... All those in favor please say "Aye."

Audience: (loud) Aye.

MM: All those opposed, No.

Audience: (soft) No.

MM: That motion carries...

MM: Okay... Mr. Barnes, on Article 63... I understand that you do not have a positive motion but just want to make your... in exchange for not going forward I'm going to allow you to say something... I think is our deal... Believe me I'm doing everything I can to move this along...

Barnes: Who wants to follow that?...Last night I was informed that if we sought a positive motion on Article 63...that it would take Town Council two weeks to write it... and we therefore we would have to ask for an adjournment of this meeting to be reconvened to weeks hence...I don't want to do that, and you don't want to do that...So I'm going to withdraw the article... But I do want to say this about that...The basic reason I submitted this article was not a concern about the Land Bank or anything else... It was fundamentally the basic question of housing... And Barbara Gookin has been working very hard on housing questions... My concern is that we have a patchwork quilt of housing initiatives here... some private, some state, some federal, but believe it or not we do not have a Housing Office in Nantucket... If you look on the Town website, it doesn't say anything about housing... If you look in the Annual Report, it doesn't say anything about housing...There are isolated little incidence that refer to housing... but we don't have a Housing Office... I'm saying that housing is almost as critical, maybe equally as critical as what we just went through, and I'm saying to you that I hope somehow you will recognize that it's essential for us to change direction, to stop doing the patchwork quilt approach and really address the housing question...and frankly, finding the funds to do that may be a bond issue... if it's not reallocating Land Bank funds...But as I say I'm withdrawing this article... the intent of it was to really say, folks,

let's look in the mirror, do we really mean it? We haven't proved yet that we do, and...I hope that we will in the future. Thanks for your consideration.

MM: Thank you Curt...Okay... so...We will throw Article 63 back into the pot for the articles to be voted... at the end of this meeting if we ever get there, and we will go on to Article 71, 58 Maddequesham Valley Road... And that is on... page 81 of the Warrant... received a motion not to adopt... I do have a positive motion from Mr. Shaw... which is as follows...Okay... And here's what it says: Moved that the town, acting through its Airport Commission, settle litigation with Eric Shaw by accepting from the Shaw Family a reasonable payment in exchange for the Town's agreement for judgment or other confirmation that Mr. Shaw owns the land underneath the house where the Shaw Family lives year round at 58 Maddequesham Valley Road, shown as Parcel 23 on Nantucket Assessor's Map 88, and further moved that the Town be authorized to the extent necessary to accomplish such settlement to convey any interest it may have in such land to Eric Shaw... Is that your motion, Mr. Shaw?...Oh, right, right, right... Right at before settle litigation it should be "authorized to"... Up, way up... second line... You're absolutely right... be authorized to...There you go... how 'bout that... Is there a second?...Motion is made and seconded.... Mr. Shaw.

SHAW: Thank you, Madam Moderator...Hopefully the rest of this will go smoother than that... Uh.. My name is Eric Shaw... and I um, the sponsor of Article 71...um... my wife Connie Bunde is here in the audience with us... We're here because we're involved in a dispute with the Town and the Airport over a tiny parcel of land on which our home is built...And we're asking for your help in finding a solution... to this problem...Let me quickly walk you through some history... I'll spare you many of the details because it's getting late and umm...About 4 years we bought a house in Maddequesham Valley, behind the Airport...A couple hundred feet outside the airport fence... We hired a lawyer here in Nantucket...We completed the contracts, we did a title search, we arranged a mortgage title insurance, and completed the purchase, which are all the normal things that anyone does when they buy property... here or anywhere else...About two and a half years later in October of 2005 we received in our mailbox a certified letter from a Boston law firm informing us that as the result of an Eminent Domain taking in 141, 66 years ago, the Airport and the Town were now claiming that they owned the land underneath our house... As you can imagine, we were shocked, and that's probably an understatement... uh... We made some frantic requests for information, for meetings... and after a number of months we finally had a discussion at which it was made clear to us that we had a couple of choices... we could move out of our house, or we could move our house... There was no possibility of discussing staying in our home... When you're thinking about how shocked we were about his, consider the following facts: The Town's had this parcel identified as private property and taxed as such for years and years, up to a century... The Town itself only realized that it might have a claim on this land in 2005... fully 64 years after this supposed taking...There are any number of surveyors' plans prepared by the airport and the town over the last half a century that have identified this land as private... The Town issued a building permit on this property, and other associated permits for the construction of our house...Our home has absolutely

no impact on airport operations or safety...It's well outside the fence...It's stuck inside a little neighborhood of eight other homes... Its further from the airport or any applicable noise impact restriction zones... and many, many other houses in this area... Skipping through a lot of the details, I think you get the general picture...and maybe you've seen some of the information we've prepared on this...Um, some people have asked, why are we here before Town Meeting? Is this the proper place to be talking about this? Isn't this a legal matter? ... Well, yeah, except for... I agree legal questions need to be decided in courts... But the decision to actual pursue a legal case, and spend your money... tax payer money.. on prosecuting a case needs to be made with proper consideration and oversight by the effected tax payers... We're not looking for a legal determination tonight.. But rather we're looking for guidance on whether the Airport or the Town should be pursuing this case at all... This case would cost the Town and us... a significant amount of money to litigate... probably into the hundreds of thousands of dollars... And for what? It's about a sixth of an acre... outside the airport fence, and the Airport hasn't had a use for this for over 66 years... I believe townspeople should have input on what their tax dollars are used for, whether its for litigation or anything else...You may also hear... or... I've heard people talk about "Fiduciary duty of the town"... Fiduciary Duty doesn't mean pursuing every potential claim, no matter how small or how minor...at unlimited cost... It means exercising judgment as to which claims should be pursued and which claims shouldn't...Taking (inaudible) benefits... as well as the Town's and the Airport's responsibility to the community...It's not just about a piece of land this is about a home this is about a family... As you're considering... Actually, sorry... let me... go forward here...Even though... we think we are in a position to win the legal case, although there is some uncertainty, we have indicated in the past a willingness to pay some money to the airport... so that we can both avoid litigation costs and move on from this and take the pressure off our family.... That amount of money we're thinking about is sort of in lieu of our avoided litigation costs here... Uh... I think that's a win-win solution, and we've made it... There's precedent for this type of action... Town Meeting in 2000, this Town Meeting, did a very similar thing... for Mr. Marshall Dubock... I won't go into details as I heard the bell... Within the last 24 hours –

MM: If you could wrap up Mr. Shaw—

Shaw: Yeah... Well... within the last twenty-four hours ...I've been approached by the Airport Commission and told that they are now minded to support this article. And I was very pleased to hear that... I think a lot of the concern that's been shown here in the community has let them think a little bit harder about this... and I really commend their decision, I think it's the right one... Um... we are hoping to be able to wrap up something in the near future... We hope that the Airport Commission when it decides how to pursue that discussion is going to be reasonable...in the amount of money they're asking for from us... and tonight what we are asking is for the Town Meeting voters to support that discussion and get their authorization for the settlement of that discussion... stop this expensive and pointless litigation... stop wasting our money... don't force a family out of their home... Do the right thing.... Sit down, talk to us, let's find a solution

and let's move on.... I appreciate everybody's time and attention and concern on this issue.

MM: Thank you... Okay...On Mr. Shaw's main motion.... Okay, Mr. Vaughn... I apparently have an amendment from Mr. Vaughn.... I haven't had an opportunity to see it... but let me take a look at it...we just were given this... If I understand it... Mr. Vaughn you want to amend this article by adding the language in yellow, deleting "Towns" and putting in "Airports"...and then changing this so it would read... :Move that the town acting through its Airport Commission settle litigation with Eric Shaw by accepting from the Shaw Family a reasonable payment in exchange for the Airport's agreement for judgment or other confirmation that Mr. Shaw owns the land underneath the house where the Shaw Family lives year round at 58 Maddequesham Valley Road, shown as Parcel 23 on Nantucket Assessor's Map 88, and further move that the Town be authorized to the extent necessary to accomplish such settlement to transfer to the BOS the subject property upon a declaration by the airport that the property is surplus pursuant to general law Chapter 4, Section 15-A... The BOS is hereby authorized to sell, dispose of, and convey any interest the Town may have in such land to Eric Shaw, and that the proceeds of such sale, disposal or conveyance be turned over to the Airport Commission to be used for Airport purposes... Is that you amendment?

Vaughn: That is my amendment, Madam Moderator...Foley Vaughn, Chairman of the Nantucket Airport Commission...

MM: Okay, is there a second?... Okay, motion is made and seconded... Go ahead Mr. Vaughn...

Vaughn: I would just like to speak briefly to that... amendment...

MM: Sure...

Vaughn: I think Mr. Shaw would agree with it... I talked to him about it before...It's a technical amendment to avoid the intercession by the FAA if there is a settlement that is reached... we have an obligation to the FAA as well as to the TON... and uh... we give certain grand assurances to the FAA and we have to make sure that if there is a disposal of the land that the assets... that the proceeds come back to the Airport... And that's the purpose of making this motion...

MM: Okay.

Vaughn: Incidentally, we do support the main motion, and I'll speak to that in a moment.

MM: Okay... Ms. Goss.

Vicki Goss: thank you, uh, I've just got a question on the amendment... um... we've got two sets of payments going here, it looks like....Um, a reasonable payment in exchange

for the agreement for judgment... and then, authorized to sell, dispose and convey... Does that mean that the Shaw's have to pay twice or can that be reworded... Thank you.

MM: I don't believe that's the intent...

Vaughn: I think it would be embraced by the language that says, "Or other confirmation" that Mr. Shaw owes... so I don't think there's a doubling up there.

MM: Are you satisfied with that, Mr. DeRensis? Okay, the "or" covers it. Okay... So on the amendment only... Um... Let me go to Mr. Ray on the amendment, and then I'll go back to you, Mr. Shaw.

Ray: Madam Moderator, I guess my concern is, as a private citizen, can an individual from this audience... recommend a selling price of 1 dollar...?

MM: You can only recommend but you can't... I don't believe bind... I think this article is permissive in nature... What happened to Town Council? Oh, there you are... I thought you had gone down on the floor... That was a strange experience... I think this is permissive, and therefore you're giving authority... but I don't think you can actually bind either the Airport Commission or the Town... so you can suggest an amount, but it wouldn't be binding... Is that the case, Mr. DeRensis? Thank you.

Ray: That's truly unfortunate.

MM: Thank you... Mr. Shaw? I'll go back to Mr. Shaw, then I'll come to you Mr. Vaughn... or the other way around... whichever happens...

Shaw: I would be prepared to support the amendment if we could leave the initial change... "Towns" to "Airports" as "Towns." Because in the beginning of that sentence... and I'll ask Town Council to opine on this, but... the beginning of the sentence, it says, "Town acting through its Airport Commission" so I think that covers the acting through the Airport Commission on the agreement.

MM: Okay... Is that acceptable to you, Mr. Vaughn?

Vaughn: I think the Airport is the Defendant in this particular lawsuit, so I don't think the Town, uh, can be substituted...

MM: Okay.

Vaughn: It would be the Airport's agreement for judgment, not the Town's...

MM: Okay, I think we're probably splitting hairs here...

Vaughn: Probably...

MM: Are we okay, with leaving it the way it is? Okay...

Vaughn: Point of Order on that... Uh... You put it in, but it came out again... Where it talks about a reasonable payment... I think it's supposed to be the "authorization"... "authorized to"....

MM: Oh, right, right... We didn't... that's right, because it was in the amendment... You're absolutely right... yeah, we had two computers going... Yeah... be authorized to settle... you wouldn't believe what goes on back here... It's pretty amazing... Okay... Is that alright? Great... Thank you...

MM: On the amendment only... Okay... The amendment requires a Majority vote... A yes vote will adopt the amendment, a no vote will defeat the amendment... All those info favor of the amendment, say "Aye."

Audience: (loud) Aye.

MM: Any opposed, No...

Audience: (silent)

MM: Okay. The amendment carries... Now we're on the main motion... as amended by Mr. Vaughn's amendment.... Mr. Vaughn.

Vaughn: I just want to say a couple of words about my commission and the position we've taken in this matter... It's very easy for Mr. Shaw to explain his position...it's very difficult for the Town to explain its position... This involves a disputed piece of property... some 80 feet wide and 800 feet long at the southern end of the airport...It's been subject of three intertwined law suits that have spanned eight years... four courts... land court, the superior court, the appeals court and the... supreme judicial court...it's a very complicated situation... and it's not easy to explain... I think the history explains itself... I'd also like to say a word about my commission...My commission is not a Special Interest commission... it's five members of the general public... three of whom are working in the community... two of whom are retired... We are a broad cross-section, and our constituency are the people in this room and the people on this island... We are not in lock-step with the Airport as such, we're here to represent the people in this room... Having said that... we do believe that a settlement of this case is appropriate... we support the article... and we would ask everybody to vote in favor of it...It requires a Two-thirds vote, I believe. Thank you.

MM: Yes... It does require a Two-thirds vote.... And I think we'll just go to a vote, in light of Mr. Vaughn's statements... um, a yes vote will adopt the motion as amended by Mr. Vaughn... a no vote will defeat the motion... We do require a Two-thirds vote... All those in favor, please say "Aye."

Audience: (loud) Aye.

MM: Those opposed, No.

Audience; (silent)

MM: The Motion carries unanimously... Now before you all leap up to run away, I have been reminded that we left Article 53 in suspension about an hour and a half ago...I believe... Ms. Wheatley... was not the subject matter of Article 53 dealt with in Article 60?... Okay... So would it be appropriate, at this point, to withdraw any motion that you had pending and put Article 53 in the pot with the rest of the articles, and just let it be voted according to the FC motion, which was not to adopt? Okay, thank you.... That's what we will do now on Article 53... Now... I think we're just down to the 71, 72, 73, 74 articles which are all related... those three articles...Is Mr. Koontz here? Excellent...And you're prepared to go forward with these?... I'm not discouraging you.... Wait a minute... Mr. Fronzuto's coming with a microphone... I just... for these three articles... I think they're all interrelated... I would like to dispose of them tonight as opposed to making everybody have to come back tomorrow... if we possibly could....

Koontz: Okay I'll try to make it quick as I can... I am opposed to this article—

MM: Okay, wait, before you do that, I'm going to go to Article 72...which is on page 81, 82, 83 of the Warrant... the FC motion is as printed in the Warrant... I ask for your unanimous consent to waive the reading, and recognize Mr. Atherton for the purpose of making the motion as printed in the Warrant.

Atherton: So moved, Madam Moderator.

MM: Thank you... Is there a second? Yes... Motion's made and seconded... Okay, Mr. Koontz...

Koontz: Yes, I'm gonna try in a short time... to make it as short as possible...to try to convince everybody in this room to vote against this article... It has to do with the Town's Yard Sale Program, where nonconforming lots are sold to abutters in efforts to dispose of them and try to get some income through the land tax...Now the objection I have is the disposal of properties... we have in this article a list of properties...scattered all over the island and in my view it benefits very few people and it would be better... more advantageous for the majority of the people on the island if the PB didn't do anything at all with these properties... Uh... just left them as they were or give them to conservation... I drove around and looked at a couple of these properties in my neighborhood, and you drive down the road, you see someone's house, and their yard, and fence, maybe, between them and another neighbor, or a yard and then a house and then all of a sudden there was a piece of property there that hasn't been touched for probably a hundred years... it's a virgin piece of property... and that is one of these lots that we're talking about here.....We have no problem in supporting conservation... of course a couple of nights ago we just appropriated money to back purchases of up the 35 million dollars worth of conservation land... and here we have an opportunity to save

conservation land that we don't have to pay any money at all for... In these yard sales we offer it to people at less the market value... It doesn't make any sense to me... granted it's not a huge parcel of land, but scattered across the island here we have these little pieces of green zone that... separated all the development that's going on... We almost have a suburban sprawl going on... where these little pieces of land... break that up... I can't see the logic behind... especially just being presented a list of properties that just... the Town wants to get rid of... I would hope everyone would support me in the fact that it would not only give conservation purposes for this land, but also it would hold down on another cause that we have on the island... it's to keep construction down... by giving these to abutting land owners, they're able to... according to the guide that we were presented out here in the lobby... they'll be able to put second dwellings up, or somehow develop the land... so... just leave it at that and I hope that everyone will join me and vote against these articles. Thank you.

MM: Thank you... Mr. Vorce....

Vorce: Thank you Madam Moderator... I would urge you to vote for these articles... for a couple reasons... first of all... we've gone through a pretty extensive process to identify these various properties... the properties that have been on the Tax Title list or whatever that do have conservation value have already been transferred to... uh those agencies... For example, here in... this is in the Smith's Point area... all of these small properties here on the edge, that basically are the beach... have already been transferred... uh to conservation... all of the area that runs out at Smith's Point, which you can see here, has all been transferred... for... uh... open space... The properties that we're talking about are small properties in between existing homes... These are all undersized lots for the area that they are located... and these properties are sold to abutting owners at ... there's a process where people submit proposals for them and they are restricted in that they must be joined to the main property... They are not separate build-able lots.. Most of these properties barely have enough area now to meet their existing homes... as I said... if we go to the next... map... This particular area this is all... located in LUG-2, or 80,000 square foot district... these lots are... 4,000 are really slivers between the properties... um... collectively... and I've been working with the treasurer on this... Some of these properties are in tax arrears... there's a total of 400,000 dollars owed on these various pieces of land and no one willing to step forward on them... um... the Treasurer wants to clean these items up... They don't have conservation value, they have value to the abutting properties... There's a process in place... I'd ask you to please support these articles..... Thank you...

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

Bob Rubin(?): Thank you Madam Moderator... Bob Rubin... I have a question from Mr. Vorce through you... have you done an analysis whether any of these if they were transferred to abutting property owners if they would permit any construction at all, second dwellings?

MM: Mr. Vorce?

Vorce: Have we analyzed every one? No...There's a lot of "what ifs" that would enter into that... In these areas... the total ground cover that is allowed on these properties is a maximum of 1500 square feet because they are all nonconforming... the addition of these additional lots... do not change the ground cover...that's one thing that we know for certain... um... in all of these areas there is a restriction about well and septic... none of these areas are served by Town water...or Town sewer...These additional lots provide the separation between well and septic... in the prior map... Map A... that area has 160 feet of separation... required between well and septic.. As you can see on some of these there is not really the separation to accommodate... most of them are grand fathered... So...these properties, as I have said... The Yard Sale Program... This is phase two, we did a successful transfer of properties that just finished in the last six months... that did raise some additional revenue for the Town.... And, um...(inaudible)

MM: Thank you.... Mr. Collier

Collier: Thank you Madam Moderator...In terms of conservation value...I was never contacted to determine if there is conservation value to these lots...I don't know if Eric Svetsky of the Land Bank was asked...or if the Conservation Foundation was either... or... just briefly viewing these I can see those three lots right there, 60.3,.1,214,216, and 218, that they all border conservation land, and essentially have... which essentially would allow public access from that road to the beach...These (names lots) they all border conservation land which leads to the beach, so that would add to the conservation value...Additionally, in the Madaket lots here... I just want clarity in that... if these are transferred to individual property owners... can they essentially add bedrooms onto these... onto their property... and thereby requiring greater septic systems... but now they have land for greater septic systems... And would that greater septic system effluent be entering the harbor? Maybe that's a question for Richard... If so... let me just summarize... If there is conservation value to these properties and that they should be in the hands of the Land Bank for public purposes and protection of the habitat out there.... I would be against transferring these to private individuals...

MM: Thank you... Ms. William.

Williams: The Zoning Board has seen a few of these Yard Sale pieces, because what they are doing is they're making nonconforming lots less nonconforming... but still not conforming... And our experience... we're getting another new one next month... Our experience has been that if any square footage is gained, its minimal...We've had several where it doesn't change the ground cover calculation at all... what it does is just gives them a little bit more land... but they're not running amuck with it because basically and I think Richard Ray can attest to this...If they're gonna try to add bedrooms and they've come in and asked for that, they haven't been able to...Its 10,000 square feet a lot area per bedroom...And everyone knows Madaket's having a lot of problems with their septic right now...We haven't added any parcels to anybody right now that have been 10,000 square feet... They may be getting a little bigger kitchen or a bigger pantry or a bigger living room, but they're not getting bedroom... So I think a lot of this argument is

not relevant... They're very small...pieces, and very small lots, even after they add these pieces... they may look large up there but they really aren't cause we've dealt with one or two of those already.

MM: Thank you... Mr. Ray.

Ray: I have seen any of these lots or looked at them either... But the ground coverage is 1500 square feet... These houses are not big in this particular portion of Madaket... You could maybe put an 800 square foot cottage on your gained property... you might be able to put up a seven hundred square foot second cottage, particularly if you've got an existing 4-bedroom septic system in the ground, that was put in prior to regulations... I don't know the answer to that... but that is a potential.

MM: Thank you... Mr. Reade... I'll come back to you Ms. Benz...

Reed: I've been involved in a few of the Yard Sale...uh... situations in the past...uh... representing property owners that have bought and merged...and I know out in Madaket, one in particular that I was involved in before... simply enabled someone with a house that was close to the beach in danger of being lost to erosion to be able to move it back...by acquiring an adjacent piece to move it to...every one of these cases is going to wind up being different, and I don't know what the situation is going to be specifically with any of these... but again the amount of additional development that comes out of any of these is limited...because the lots that are being created don't... uh... wind up, as has been indicated, becoming conforming lots... they're still under sized... They all have to go before the Board of Appeals ... and if there are any particular situations that need to be dealt with... if there are any particular problems that would be caused... and there's neighborhood involvement as a result of the notices that are given, the Board of Appeals can apply conditions that would apply to any special permit that it would grant... I think that the Hard Sale program has been a very good and successful one, and I would urge you to continue to support it through passing these articles. Thank you.

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

Charity Benz: Charity Benz. (inaudible) Um, what troubles me is the presentation of this to ATM....We're looking at a map and unable to infer from it what the relative size is of these parcels... We can't tell whether they're 300 square feet or they're 3,000 square feet, and I think for us to make an informed decision... that kind of information should have been provided to us.

MM: Mr. Atherton

Atherton: Um... If I'm not mistaken, there's an existing... uh... policy of the Town that when property such as this is disposed of... it's offered first to the Land Bank, who can step in if they feel it's appropriate... I think that's one way that we as a community have decided to deal with this issue... Also, the BOS in any disposition can put restrictions requirements on it... uh... if they feel it's so necessary... I think when the FC reviewed

all these articles with Mr. Vorce, we felt comfortable with the action he proposed... and... I think we just ought to move ahead on this. Thank you.

MM: Thank you. Okay, Mr. Cohen.

Cohen: Thank you. I have a client who is interested in trying to acquire one or more of these properties... but the reality is...if we flip to the other map... those lots are at less than 4,000 square feet... They're already being used as yard by these people... but the Town owns them and was never given any revenue for their use and doesn't collect any taxes on them... so what we would be doing is saying... The land you're using for your yard now, you have to buy it from the Town and you have to start paying taxes on it... I think that makes a lot of sense. This program raises millions of dollars for the Town, both in initial purchases and in tax revenue, and clarifies the Title of lots that have been abandoned and taxes are owed on them... The BOS... when they give out the Deeds... when they sell the Deeds for these... can put any restriction on them that they want... and the Land Bank can make any purchases that they want in advance of it going to the public...I would also say that this Article has been unlike other Articles that were maybe decided more recently, this Article has been sitting around for months. And if people have concerns about it, especially if you're in the business of doing conservation, you had the opportunity to say... you know... number 4, number 5, and number 8 should become ours because those would be good for conservation... To suggest generally that all of these need to be reconsidered I think is inappropriate. They have been considered... Thank you.

MM: Thank you... Um, I'm going to go to Mr. Madden, and then I'll come back to you Mr. Koontz, and we'll see where we go from there... Is that mike still on Mr. Pearlman...?

Madden: Thank you, Madam Moderator... and not to belabor the point, I just ... want to agree with what Mr. Atherton said and take it another step further... Um about.... 15... 16... years ago when I was on the BOS... one of the most contentious issues that came before our board... was the selling of Tax Title property... Unbeknownst to me, I was all prepared to support with a couple other Selectmen...the idea of selling the Tax Title property... fortunately I was sitting next to Karl Borchert and Nancy Sevrens.... Who said just what Mr. Atherton said just then... wait a minute, we have a policy that we voted a few years ago... So what did we do as a BOS... what all good Selectmen boards do... We appointed a committee... I happened to get myself elected to that committee... I was on the losing side of the committee... the committee came back with a report that... Yes... we should sell the properties...I offered a dissenting voice in that committee... I brought it back to Town Meeting with some... few other people, and once again reiterated that these properties would be offered to the town agencies first... And over the past 15 years, we've seen that happen... We've seen properties go to the Housing Authority... we've seen property go to the Land Bank.. we've seen 'em go to other agencies... so once again, the intent was never not to sell the Tax Title properties... they're there... the monies should be put in our revenue... We supported 25 million dollars about ten years ago to provide open space in a bond money for the Land

Bank... This Town has long proved that we support conservation. But at the same time we have a responsibility that we these agencies tell us that they don't have a use for the property, or have been notified at Town Meeting, to try to receive some of that Tax Title money... It's our money... I think I heard 400,000 dollars, and that's just to begin with. So if the Selectmen are here in this meeting, and want to put some restrictions on this, then all means, do so... but I will also remind you, and I may be wrong, but I don't think I am... that I think this requires a Two-thirds vote.. . And I hate for this opportunity for this to be lost, because we're making decisions based on decisions the people we've given power to have already made... Let's bring in the revenue... let's sell the land... let's put the restriction on it if we have to. We have a policy in place and I'm comfortable that we've followed it. Thank you very much.

MM: Thank you... Mr. Koontz, do you want...?

Koontz: Thank you, Madam Moderator, for letting me speak again... The fact of the matter is there's... 20 properties here that we're talking about... It's quite a chunk of land... just ... to go in one chunk... I'm glad to see I had some support... that people questioned whether this should be done also... so it's up to the audience here... if you want to just go ahead blindly to do this, or if you just want to spend a little bit more time, please vote no on it this time until we take a closer look at the properties involved. Thank you.

MM: Okay.... I see no other hands, so we will go to a vote on this Article. The motion is as printed in the Warrant... A Yes vote will adopt the motion, a no vote will defeat the motion... All those in favor, say, "Aye."

Audience: (loud) Aye.

MM: Those opposed, no.... I declare a Two-thirds vote on the main motion on Article 72.

Okay... then... that brings us to Article 73... with the correction read into the record at the beginning... it begins on page 83... the FC's motion with that technical corrections continues onto page 84... and I'd recognize Mr. Atherton, Chairman of the FC for the purpose of making that motion. Mr. Atherton.

Atherton: so moved Madam Moderator...

MM: Is there a second?

Speaker: Second.

MM: Motion is made and seconded... Is there a discussion on this?... Mr. Koontz...

Koontz: Well I'm offered a second opportunity to try to convince everyone to vote against this, but... I'll just let it go to a vote and see what happens... Thank you.

MM: Thank you... Does anyone else wish to be heard on this motion? Okay...This does require a Two-thirds vote as well... A yes vote will adopt the FC motion, A No vote will defeat it...All those in Favor, say "Aye."

Audience: (loud) Aye.

MM: Those opposed, No.

Audience: (soft) No.

MM: That carries by a declared Two-thirds vote....

Okay... so I believe... and correct me if I'm wrong... 74 is our last article...It appears on page 84... FC motion... Move that the BOS is hereby authorized to sell, convey or otherwise dispose of any interest the town may have in or to that certain property located at 9 New Jersey Avenue, and known as Lots 1 and 2, and Block 31 on Plan No. 2408M... on file with the Nantucket County Registry District subject to Mass. General Laws Chapter 30B,, Is that your motion, Mr. Atherton?

Atherton: So moved, Madam Moderator.

MM: Is there a second?

Speaker: (inaudible)

MM: Motion is made and seconded...Mr. Koontz, on this one...

Koontz: I give up. (laughter) Thank you for your time.

MM: Alright... Um... does anyone else wish to be heard on Article 74? Oh yes... Ms. McWade...

McWade: Thank you Madam Moderator... It's not a heard, it's really I just have a question...I notice that before when I looked at it on another map...it looks like there's buildings on that lot, is that correct? That's my question, thank you.

MM: Mr. Vorce

Vorce: Thank you Madam Moderator... uh...Ms. McWade, Yes. This situation is a little different from the others... this section of the lot which is the shaded area... actually was intended to be sold from TON to owners of the property in the mid-1950's... the Town did execute a Deed, and unfortunately it never got recorded.... The family went on to pay taxes since that time and thought they owned it... Because the land is registered, they could not claim Adverse Possession... and now this will allow the town to properly convey it...50 years later.

MM: Mr. Madden.

Madden: Thank you, Madam Moderator... um, I just want to make clear my position... I think Mr. Koontz's calling the articles was the appropriate thing to do under the circumstances... it was clearly questionable ... and I would encourage anyone who has these type questions to always... uh... never be afraid to ask... If Karl Borshert and Nancy Sevens hadn't spoken up 15 years ago, we would have sold a lot of Tax Title Property that has now gone to good use for the Town... so you don't have to feel bad about the idea of bringing it up... You have to keep us on our toes. Thank you.

MM: I couldn't agree more, Mr. Madden... Anything further on Article 74? Then I think we'll go... uh... Mr. McGowan.

McGowan: (off mike, inaudible)

M: Yes, he's just being silly. We're going to take a vote on Article 74... A Yes vote will adopt the main motion, requires a Two-thirds vote... a No vote will defeat the motion... All those in favor say, "Aye."

Audience: (loud) Aye.

MM: Those opposed, no...(silence) I declare a 2/3 voice vote on Article 74.... So now this is the important piece... I have to vote all of the uncalled articles...at least one of those articles requires a four-fifths vote...I believe it's article... it's one of the early ones... 1 or 2... 2... The Unpaid Bills from prior fiscal years... Article 2 requires a four-fifths vote... I have absolutely no authority whatsoever to declare a four-fifths vote... My hearing isn't good enough to do that anyway, so I need to have a unanimous motion, or we have to do a hand count, and I'm happy to do either... or paper ballot... Um, so here's the motion... please follow along, if I miss anything, please please tell me... Moved that all the uncalled articles, being Articles 1, 2, 3, 4, 5, , 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20,21, 22, 25, 26, 27, 30, 38, 39, 41, 43, 50, 51, 53, 55, 7, 58, 59, 61, 64, 65, 66, 67, 68, 69, 70, 75, 76, 77, 78, 79, and 80 be voted as recommended and/or amended by the FC or as recommended and/or amended by the PB... I missed 63... Okay... 63... Add 63 to that list... After that list, or reading all those things, it makes you wonder what we did for three nights. Okay... Be voted as recommended and/or amended by the FC or as recommend and/or amended by the PB as printed in the Warrant with technical corrections brought forward during the course of the meeting... I recognize Mr. Atherton, Chair of the FC, for making this penultimate motion...

Atherton: So moved, with pleasure...

MM: Thank you. Is there a second.

Speaker: Second.

MM: Thank you. Motion is made and seconded. It does require at least a four-fifth's vote...All those in favor, please say "Aye."

Audience: (loud) Aye.

MM: Those opposed, no... (Silence) I do declare a unanimous vote on that motion. I will now recognize Mr. Wilhauer for the purpose of making a final motion which is the motion to dissolve the Annual 2007 Town Meeting.

Wilhauer: Thank you, Madam Moderator. I move that the 2007 Annual Town Meeting be dissolved. Thank you very much.

MM: Is there a second?

Speaker: Second/

MM: Motion made and seconded... All those in favor, say, "Aye!"

Audience: (loud) Aye.

MM: Any opposed.... I declare that's unanimous... Thank you all very much.

