

COMMONWEALTH OF MASSACHUSETTS

TOWN OF NANTUCKET



December 8, 2008  
Special Town Meeting

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

To the Constables of the Town of Nantucket:

**GREETING:**

*In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on*

**MONDAY, THE EIGHTH DAY OF DECEMBER, 2008 AT 7:00 PM  
THEN AND THERE TO ACT ON THE ARTICLES  
CONTAINED WITH THE ENCLOSED WARRANT:**

**ARTICLE 1**

(Supplemental Appropriation: New Water Storage Tank/Wannacomet Water)

To see what sums the Town may vote to borrow pursuant to any applicable statute to fund an additional supplemental sum of money to increase the Five Million Dollar (\$5,000,000) appropriation approved by the vote pursuant to Article 13 of the April 11, 2005 Annual Town Meeting for additional costs relating to the construction of a new 2.0 million gallon water storage tank for the Nantucket Wannacomet Water Department, or to take any other action related thereto.

*(Board of Selectmen for Nantucket Water Commission)*

**ARTICLE 2**

(Supplemental Appropriation: Replacement Water Storage Tank/Siasconset Water)

To see what sums the Town may vote to borrow pursuant to any applicable statute to fund an additional supplemental sum of money to increase the Three Million Nine Hundred Thousand Dollar (\$3,900,000) appropriation approved by the vote to Article 13 of the April 11, 2005 Annual Town Meeting for additional costs relating to the construction of a new water storage tank for the Siasconset Water Department; or to take any other action related thereto.

*(Board of Selectmen for Siasconset Water Commission)*

**ARTICLE 3**

(Appropriation: Collective Bargaining Agreement/  
Our Island Home)

To see what additional sums the Town may transfer from available funds or from adjustments to the Town's budgets for Fiscal Year 2009 as voted at the April 2008 Annual Town Meeting, to fund an increase of the appropriation approved by the vote pursuant to Article 19 of the 2008 Annual Town Meeting for cost items for Fiscal Year 2008, ending June 30, 2008, and to fund an increase in the cost items for Fiscal Year 2009 as described in a collective bargaining agreement between the Town of Nantucket (represented by the Board of Selectmen) and the Our Island Home union employees (represented by the Service

Employees International Union Local #1199) 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, or take any other action related thereto.

*(Board of Selectmen)*

#### **ARTICLE 4**

(Appropriation: Collective Bargaining Agreement/  
Laborer's Union)

To see what sums the Town may transfer from available funds or from adjustments to the Town's budgets for Fiscal Year 2009 as voted at the April 2008 Annual Town Meeting, to fund the cost items for Fiscal Year 2009 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Laborer's union employees (represented by the Massachusetts Laborers' District Council of the Laborers' International Union of North America, AFL-CIO) 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, or take any other action in relation thereto.

*(Board of Selectmen)*

#### **ARTICLE 5**

(Appropriation: Collective Bargaining Agreement/Police)

To see what sums the Town may transfer from available funds or from adjustments to the Town's budgets for Fiscal Year 2009 as voted at the April 2008 Annual Town Meeting, to fund the cost items for Fiscal Year 2009 in collective bargaining contracts between the Town of Nantucket (represented by the Board of Selectmen) and the Police Department union employees (represented by the Massachusetts Coalition of Police, Nantucket Local Union 330 and 330A, IUPA, AFL-CIO) 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, or take any other action in relation thereto.

*(Board of Selectmen)*

## **ARTICLE 6**

(Fiscal Year 2009 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the fiscal year 2009 operating budget from other line items of said budget and from other available funds; or, to take any other action as may be related thereto.

*(Board of Selectmen)*

## **ARTICLE 7**

(Appropriation Amendment: Fiscal Year 2009 General Fund Operating Budget)

To see if the Town will vote to increase, decrease, adjust or otherwise amend the appropriations approved by the positive vote pursuant to Article 8 of the 2008 Annual Town Meeting for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2009, to be funded by anticipated revenues of the general fund, or transfers from available funds or by borrowing pursuant to any applicable statute; or to take any other action related thereto.

*(Board of Selectmen)*

## **ARTICLE 8**

(Appropriation: Fiscal Year 2009 Solid Waste Enterprise Fund)

To see if the Town will vote to amend the appropriation approved by the positive vote of Article 12 of the 2008 Annual Town Meeting for the operation of the Solid Waste Enterprise Fund, out of anticipated revenues of the designated funds; or, to take any other action as may be related thereto.

*(Board of Selectmen)*

## **ARTICLE 9**

(Real Estate Conveyance and Home Rule Petition: Muskeget Island)

To see if the Town will vote to authorize the Board of Selectmen to sell, grant or convey to the Nantucket Islands Land Bank, a governmental body of the Commonwealth of Massachusetts or a non-profit organization whose mission is to conserve natural resources or otherwise dispose of the fee title or lesser interests in, and reserving a Conservation Restriction to, all or any portions of that part of Nantucket known as Muskeget Island, described in that certain instrument of taking authorized by Chapter 442 of the Acts of 1895, dated November 25, 1895 and recorded at the Nantucket County Registry of Deeds in Book 79, Page 266; and further to authorize the Board of Selectmen to petition the General Court for enactment of a Home Rule special act set forth below and to request the Town's representatives to the General Court to introduce a Special Act set forth below, and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive

changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage, or to take any actions related thereto.

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO  
GRANT, SELL, CONVEY OR OTHERWISE DISPOSE OF  
MUSKEGET ISLAND SITUATED IN THE TOWN OF NANTUCKET  
AND ACQUIRED FOR PURPOSES OF A PUBLIC PARK

Section 1. Pursuant to Article XCVII of the Amendments to the Constitution of the Commonwealth of Massachusetts, and notwithstanding the provisions of any general or special law to the contrary, the Town of Nantucket, acting by and through its Board of Selectmen, is hereby authorized to sell, grant or convey to the Nantucket Islands Land Bank, a governmental body of the Commonwealth of Massachusetts or a non-profit organization whose mission is to conserve natural resources, or otherwise dispose of the fee title, a conservation restriction, or lesser interests in all or any portions of parkland being that part of Nantucket known as Muskeget Island, described in that certain instrument of taking authorized by Chapter 442 of the Acts of 1895, dated November 25, 1895 and recorded at the Nantucket County Registry of Deeds in Book 79, Page 266.

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

*(Board of Selectmen)*

**ARTICLE 10**

(Real Estate Acquisition)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain permanent easements or lesser title interests, for storm water drainage purposes, in all or any portions of that certain property known as Town of Nantucket Town Assessor Map 42.4.2, Parcel 10 and numbered One South Beach Street and that certain solid filled pier adjacent thereto and authorized by Commonwealth of Massachusetts Department of Public Works License No. 5041, dated April 13, 1966 and filed with the Land Court as Document No. 10016, as shown on sheet 7 of that certain set of plans entitled "Storm water Improvements, Phase I, Nantucket, Massachusetts," dated April 2008, and on file with the Town Manager's office, to the extent that others claim ownership of this location believed to be Town-owned land, or to take any other action related thereto.

*(Board of Selectmen)*

**ARTICLE 11**

(Home Rule Petition: Amendment to NP & EDC Enabling Act)

To see if the Town will vote to petition the General Court and to request its representatives in the General Court to seek enactment of special legislation for the Town in the form set forth below, it being the intent of the Town to authorize the General Court to make constructive changes to the text hereof, subject to the approval of the Nantucket Board of

Selectmen, to accomplish the public policy purposes hereof, or to take any other action related thereto:

AN ACT TO AMEND THE NANTUCKET PLANNING & ECONOMIC DEVELOPMENT  
COMMISSION ACT

Section 1. The Act Establishing the Nantucket Planning and Economic Development Commission as set forth in Chapter 561 of the Acts of 1973, as amended by Chapter 98 of the Acts of 1981 and Chapter 458 of the Acts of 1991 is hereby amended by adding the following new section 6 thereof:

*Section 6. The Commission established by this Act shall be deemed to be "a regional planning agency having regulatory authority" within the meaning of section 7(2) of Chapter 114 of the Acts of 2008."*

Section 2. This Act shall take effect upon passage.

*(Board of Selectmen for Nantucket Planning & Economic Development Commission)*

**ARTICLE 12**

(Bylaw: Excavation and Trench Safety)

To see if the Town will vote to amend the Code of the Town of Nantucket by adding a new Chapter 128 (Excavation and Trench Safety) as follows:

**Chapter 128. Excavation and Trench Safety**

**§ 128-1. Purpose.**

The purpose of this chapter is to establish reasonable standards to protect the safety of the citizens of the Town of Nantucket from the hazards inherent in trenches and to provide for penalties for individuals who violate any provision of this chapter.

**§ 128-2. Authority, Fee.**

Pursuant to the provisions of MGL Ch. 82A, the regulations of the Division of Occupational Safety as promulgated under 520 CMR 14.00 regarding Excavation and Trench Safety are expressly incorporated into this bylaw by reference. A reasonable fee to defray the cost of administration incurred in the review and processing of permits shall be established pursuant to MGL Ch. 40, s. 22 F and Ch. 82A, s.2.

**§ 128-3 Permitting Authority.**

The Director of the Department of Public Works shall serve as the Local Permitting Authority for excavations to take place on property that is owned or controlled by a Public Agency or that a Public Agency otherwise has a property interest in, including but not limited to an easement. The Building Inspector shall serve as the Local Permitting Authority for excavations to take place on privately owned land.

**§ 128-4. Application.**

The provisions of this chapter shall apply to any Excavator in the Town of Nantucket.

**§128-5 Violations.**

Any person violating this Chapter shall be fined two hundred dollars (\$200.00) for each offense, each day constituting a separate offense. The enforcing persons for this bylaw shall be the Permitting Authority and any police officer of the town. Non-criminal disposition of violations shall be available to apply to violations pursuant to Chapter 1-2 of the Code of Nantucket.

And, further, that no substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket.

*(Board of Selectmen)*

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To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 22<sup>nd</sup> day of October in the year Two Thousand Eight.

Michael Kopko, Chairman  
Patricia Roggeveen  
Brian Chadwick  
Allen Reinhard  
Rick Atherton

SELECTMEN OF NANTUCKET, MA