



Town of Nantucket

October 10, 2018

Special Town Meetings

***The Voter's Guide to
Warrant Articles***

INTRODUCTION

Greetings, Nantucket Voter! ***And welcome to the October 10, 2018 Special Town Meetings.***

Warrant articles are written to conform to the language of various Laws and Codes and are crafted to accomplish intended administrative and legal purposes. The language is necessarily technical and does not always allow the articles to be easily understood. This Guide provides an easy-to-understand overview of the warrant articles; it explains the objective(s) of an article and how the article would realize those objectives.

The Guide takes no position on any article. It is meant for informational purposes only and is not legally binding. There may be Technical Amendments to Motions that arise after the warrant goes to print. Those amendments are not covered in this Guide. They will be addressed as one of the first orders of business at the beginning of Town Meeting.

Also not covered are citizen-sponsored articles. Citizen sponsors are responsible for representing their own articles. They may offer informational handouts at the handout table in the lobby. The articles discussed in this guide have been written by Town Boards and Committees.

Voters vote on the MOTION to an article. See the Town Moderator's *Traditions and Procedures for Annual Town Meeting* booklet (available at the handout table) for details on voting, amendments and other procedures.

A Special Town Meeting ("STM") differs from an Annual Town Meeting ("ATM") as follows: a STM is generally called for "special" or specific proposal(s), to address matter(s) needing prompt action before the ATM. Nantucket STMs require a quorum of voters for specific types of articles: appropriations requiring at least 5% of registered voters; transfers of funds requiring at least 3%. As of October 1, 2018, Nantucket has 9,038 registered voters.

Two STMs are scheduled for October 10, 2018: "STM I" called by the Select Board in July; and "STM II" called by citizens in August. Both STMs have been scheduled on the same day for efficiency and cost savings.

This Guide explains only the Town-sponsored articles in STM I; there are no Town-sponsored articles in STM II.

Special Town Meeting I

Article 1 – Zoning Bylaw Amendment: Marijuana Definitions

Articles 1 and 2 are companion articles. Both address recreational marijuana use provisions contained within the Zoning Bylaw. State regulations set by the Cannabis Control Commission have been evolving, and so the Town Code must be updated to reflect the Commission’s current information. Adoption of Articles 1 and 2 will add more specificity to the Zoning Bylaw. They will not affect prior Town Meeting approval to allow Recreational Marijuana Establishments in the Commercial Neighborhood and Commercial Industrial zoning districts.

Article 1 adds new definitions and updates the already adopted definition of “Recreational Marijuana Establishment.” The Planning Board motion differs slightly from the article as printed in the Warrant, so be sure to read the version with the Finance Committee and Planning Board motions.

The Planning Board’s Motion is positive and the Finance Committee Motion supports the Planning Board.

Zoning articles require a quantum vote of two-thirds.

Article 2 – Zoning Bylaw Amendment: Recreational Marijuana – Use Chart Amendments

Article 2 inserts the new uses from Article 1 into the “Use Chart” portion of the Zoning Bylaw. Because the Cannabis Control Commission has not yet developed standards for these uses, they are proposed to be prohibited at this time. Use allowances and local standards can be re-visited at a future town meeting if necessary.

The Planning Board’s Motion is positive and the Finance Committee Motion supports the Planning Board.

Zoning articles require a quantum vote of two-thirds.

Article 3 – Bylaw Amendment: Marijuana (Definitions; Consumption and Possession)

Articles 3, 4, and 5 collectively propose amendments to the Town Code for purposes of regulating marijuana. Taken together, these Articles would create a new Chapter 95 in the Town Code for purposes of regulating public consumption of marijuana,

creating a local licensing requirement for commercial marijuana establishments, and limiting the number of retail marijuana licenses that may be issued.

Article 3 specifically relates to local regulation of public consumption of marijuana. Public consumption of marijuana is already prohibited under state law. This amendment to the Code is intended to clarify the types of locations where the Town intends to enforce this law. These include beaches, playgrounds, recreation areas, and land and buildings that are under the control of the Town of Nantucket. This amendment would additionally empower local law enforcement to fine individuals who violate the prohibition on public consumption of marijuana. Consistent with state law, such fines would be considered a civil (not criminal) violation.

The Finance Committee Motion is positive.

Article 4 – Bylaw Amendment: Marijuana (Licensing)

Article 4 creates a local licensing requirement for adult use (recreational) marijuana establishments engaged in the commercial marijuana industry. Designating the Select Board as the local licensing authority for such uses would provide an additional layer of review and ongoing oversight over commercial marijuana establishments. This article would provide the Select Board with the authority to hold hearings and potentially suspend or revoke a license for violations.

The local license would be required in addition to the state license issued by the Cannabis Control Commission and any local zoning approvals required under the Zoning Bylaw. If adopted, this licensing requirement would require that marijuana establishments renew their license annually with the Select Board and submit to annual inspections, thereby ensuring compliance with local regulations and the terms of negotiated Host Community Agreements.

The Finance Committee Motion is positive.

Article 5 – Bylaw Amendment: Marijuana (Limitation of Number of Establishments)

Under G.L. c.94G, §3(a), municipalities are permitted to impose limitations on the number of marijuana establishments as a form of local control. Article 5 would do so, limiting the number of adult use (recreational) marijuana retail establishments allowed to operate on Nantucket. If adopted, this amendment would cap the number of marijuana retailers to 20% of the number of year-round off-premises liquor licenses (package stores) issued in the Town. That number is currently eight (8), which would cap the number of retail marijuana establishments permitted under

this bylaw at 2. This specific limitation is applicable only to adult use (recreational) retailers and does not limit Medical Marijuana Treatment Centers or other types of commercial marijuana uses, such as cultivation and manufacturing operations.

The Finance Committee Motion is positive.

Article 6 – Appropriation: Old South Road Area Transportation Improvements

Articles 6 and 7 were combined as one article at the 2018 Annual Town Meeting, which was approved at the ATM but failed as a ballot question at the subsequent election. After consideration as to the concerns and questions raised at the 2018 ATM, the Select Board decided to put forward the appropriation in two separate articles for this STM. The scope for Article 6 includes:

- two intersection improvements (roundabout at Old South and Fairgrounds; “mini” roundabout at Old South and Amelia)
- reconstruction of Old South Road (widening and installation of median) from Milestone Rotary to Amelia Drive
- construction of multi-use path on south side of Old South Road beginning at Amelia Drive

The Finance Committee Motion is positive. The tax rate is expected to increase if the project is approved. Assuming a conservative borrowing rate of 4 percent for 20 years, the annual tax bill for an average year-round property valued at \$1,242,642 (with the residential exemption) would increase by approximately \$21.15 annually, for the next 20 years. State funds will likely offset some portion of the cost of some of the projects included in this request. This estimated increase (\$21.15) assumes no state funds, since the offset amount cannot now be foreseen.

Article 6 will be a ballot question at the November 6, 2018 Election. Borrowing funds requires a quantum vote of two-thirds. A quorum of 5% of registered voters is required for this article.

Article 7 – Appropriation: Milestone Road Area Transportation Improvements

The appropriation for Article 7 would fund reconstruction of the existing Milestone Rotary and widening of a section of Milestone Road from the Rotary to Bunker (New South) Road.

The Finance Committee Motion is positive. If approved, the tax rate is expected to increase as follows: assuming a conservative borrowing rate of 4 percent for 20 years, the annual tax bill for an average year-round property valued at \$1,242,642 (with the residential exemption) would increase by approximately \$31.40 annually for 20 years.

State funds will likely offset some portion of the cost of some of the projects included in this request. The amount noted here is without the state funds, since the state offset amount cannot now be foreseen. Article 7 will be a ballot question at the November 6, 2018 Election.

Borrowing funds requires a quantum vote of two-thirds. A quorum of 5% of registered voters is required for this article.

Article 8 – Sewer Appropriation: New Sewer Force Main Design/Engineering

This article would allow the Town to begin the design/engineering phase for the construction of a new sewer force main from the Sea Street Pumping Station to the Surfside Wastewater Treatment Facility. Currently, there are two sewer force mains that run from Sea Street to Surfside, including the one that failed on January 4, 2018 (since repaired but out of service unless needed).

The design of the new force main would examine routes that take it from the Sea Street Pump Station and out of town, along a route that does not run close to the harbor. While the force main that failed has been repaired and is useable, a third force main must be in place for planning and redundancy purposes. Funding would be borrowed from the state at a low interest rate and repaid through the Sewer Enterprise Fund.

The Finance Committee Motion is positive.

Borrowing funds requires a quantum vote of two-thirds. A quorum of 5% of registered voters is required for this article.

Article 9 – Supplemental Sewer Appropriation: Repairs to the Sea Street Pumping Station

This article would approve supplemental funding for the current renovation project at the Sea Street Pumping Station. During the project, it was discovered that the damage to the roof, supports, joists and building was more severe than originally anticipated. The additional cost to complete the project is \$450,000.

The funding would be borrowed from the state at a low interest rate and repaid through the Sewer Enterprise Fund.

The Finance Committee Motion is positive.

Borrowing funds requires a quantum vote of two-thirds. A quorum of 5% of registered voters is required for this article.

Article 10 – Supplemental Appropriation: Repairs to the Town Pier

When the warrant was adopted for STM I, existing funding was insufficient to cover even the lowest bid received for repairs to the Town Pier, or the full scope of the project. Upon additional review, design modifications were made to account for wave modeling and weather conditions, as well as possible wave attenuators. The existing floating docks will be removed this fall, repaired over the winter and re-installed in the spring of 2019. Concurrently, a bid for repairs/renovation to the fixed pier will be issued in a timeframe that allows bids to be received before the 2019 ATM, so that a supplemental appropriation can be put forward then.

The Finance Committee Motion is to take no action.

Article 11 – Airport Appropriation: Taxiway Echo

This project (anticipated to be done in a later year) entails resurfacing the runway, last done in 1985 with crack sealing done in 2006. This project would resurface approximately 6,605 feet, and includes the run-up ramps to the runway. This project qualifies under a very recently funded new federal program for capital infrastructure improvements at airports.

A window of opportunity exists to take advantage of funding for this project. 90% of its estimated cost (\$10,000,000) would be covered by the FAA, the remainder (\$1 million) would be paid by the airport. There is a possibility that the state will cover 5% of the amount not covered by the FAA, but that has yet to be determined.

The Finance Committee Motion is positive.

Borrowing funds requires a quantum vote of two-thirds. A quorum of 5% of registered voters is required for this article.

Article 12 – Airport Appropriation: Security Project

This project (also anticipated to be done in a later year) would update and enhance the current security system in place, with new equipment and updated software. This project qualifies under the same new program as noted for Article 11. The estimated cost of the project is \$2,093,000, with 90% of this coming from the FAA;

the remainder would be paid by the airport. There is a possibility that the state will cover 5% of the amount not covered by the FAA, but that has yet to be determined.

The Finance Committee Motion is positive.

Borrowing funds requires a quantum vote of two-thirds. A quorum of 5% of registered voters is required for this article.

Article 13 – Appropriation: Prior Year Articles

This article would transfer \$18,890 from an article approved at the 2009 Annual Town Meeting for the Air Traffic Control Tower Project, which has recently been completed. The funding would be transferred to the current Vault Room Project, which is underway and has experienced some increased costs.

The Finance Committee Motion is positive.

A quorum of 3% of registered voters is required for this article.

Article 14 – Fiscal Year 2019 General Fund Budget Amendments

This article would amend previously approved budget line items in the General Fund, specifically the debt service lines. The Town authorized the sewer expansion projects to be paid through a debt exclusion and those projects qualified for a low interest state loan. Now that the funds have been permanently borrowed, the Town will have a payment due this fiscal year which was not known at the time of the 2018 ATM. There are sufficient funds in the Fiscal Year 2019 budget for this cost.

The Finance Committee Motion is positive.

A quorum of 5% of registered voters is required for this article.

Article 15 – Fiscal Year 2019 Enterprise Fund Budget Amendments

This is a similar situation as Article 14. This article would amend previously approved budget line items in the Sewer Enterprise Fund. The Town authorized upgrades to the Surfside Wastewater Treatment Facility which qualified for low interest state loan funding. The state program has now permanently borrowed this money, and the Town will have a payment due in FY 2019. The need to include any funding for this debt service in the budget was not known at the time of the 2018 ATM. There are sufficient funds in the Fiscal Year 2019 Sewer Enterprise Fund budget for this cost.

The Finance Committee Motion is positive.

A quorum of 5% of registered voters is required for this article.

Article 16 – Bylaw: Single Use Plastics

Article 16 is a citizen's article and is not explained here, as noted in the Introduction to this Guide. The Finance Committee Motion is to take no action.