

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Kristie L. Ferrantella
Dawn E. Hill Holdgate
Melissa Murphy



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD SEPTEMBER 22, 2021 - 5:30 PM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK:

<https://youtu.be/k5i0MREpY0>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_v24MrrgDTkm5mq7sQmUljg

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. COVID Vaccine Clinics: 1st Way School Administration Site, Thursdays from 4:30 to 6:30 PM and Sundays from 12:00 to 2:00 PM. See <https://www.nantucket-ma.gov/2028/COVID-Vaccine> for Full Schedule.
3. F Street Pier Repairs Start on Monday, October 4; Pier will be Closed - Jackson Point Boat Ramp is Alternate.
4. Proposed Harbor Regulation Amendments Stakeholder Meeting Scheduled for Friday, September 24, 2021 at Noon via Zoom:
<https://us06web.zoom.us/j/82695864963?pwd=YS9wWnBOVzVqaTlodldQMDNBb1JCQT09>
Meeting ID: 826 9586 4963; Passcode: 446831.
5. Select Board Announcements/Comments.

IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS

1. Island Supply Chain Project with Martha's Vineyard - Follow-up from August 18, 2021 Public Comment.

V. PUBLIC COMMENT*

VI. COVID-19 UPDATE

1. Public Health Department Update.

VII. NEW BUSINESS*

VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of September 14, 2021 at 3:30 PM; September 15, 2021 at 5:30 PM.
2. Approval of Payroll Warrants for September 19, 2021.
3. Approval of Treasury Warrants for September 22, 2021.
4. Approval of Pending Contracts for September 22, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

IX. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Approval of Application for Change of Manager of Annual All-Alcoholic Beverages General On-Premises License for Nantucket Historical Association dba Whaling Museum from James P. Russell, Manager to Johanna Richard, Manager, for Premises Located at 11, 13 and 15 Broad Street.

X. TOWN MANAGER'S REPORT

1. Per- and Polyfluoroalkyl Substances (PFAS) Island-wide Assessment Update.
2. Review of Preliminary FY 2023 General Fund Budget Projections.
3. Review of FY 2023 Preliminary Capital Projects Requests.
4. Review/Issuance of Request for Proposals (RFP) for Shooting Range.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Discussion Regarding Town Government Study Committee Report.
2. Committee Reports.

XII. ADJOURNMENT

****Identified on Agenda Protocol Sheet***

SELECT BOARD AGENDA PROTOCOL:

Roberts Rules: The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

Select Board Report and Comment: Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

Approved on February 17, 2021

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
September 22, 2021

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Professional Service Agreement	DPW	CDM Smith, Inc.	\$323,300	Landfill environmental monitoring and nitrogen sampling	Solid Waste Budget	September 22, 2021 - September 30, 2024
Grant Agreement	Human Services	Elder Services of Cape Cod & the Islands, Inc.	(\$7,500)	Grant award for providing home modifications for eligible older adults on Nantucket	Title III Funding	October 1, 2021 - September 30, 2022
Service Agreement	Sewer	Tri State Truck Center	\$20,000	Repairs to wastewater vehicle W2 and state safety inspection	Sewer Budget	September 22, 2021 - June 30, 2022



Agenda Item Summary

Agenda Item #	IX. 1.
Date	9/22/2021

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application –Change of Manager – Nantucket Historical Association, Whaling Museum, 15 Broad Street

Executive Summary

The Nantucket Historical Association is requesting a Change of Manager for an Annual General On-Premise All-Alcoholic Beverages Liquor License for The Whaling Museum and property at 15 Broad Street.

The change will replace the current listed manager, James Russell, with Johanna Richard.

Staff Recommendation

The applicant has met all requirements and has long been a part of the NHA staff managing events and activities at the museum.

Background/Discussion

Per Chapter 250, Town of Nantucket, Rules and Regulations Governing Alcoholic Beverages:

The Board regards the manager of licensed premises as the principal representative of the licensee and, as such, having full authority and control of the licensed premises and of the conduct of all business taking place therein relative to alcoholic beverages, as referred to in Chapter 138 and the Regulations.

Requirements for Change of Manager Application:

- ABCC Manager Application
- Fingerprints through NPD
- CORI Authorization
- Vote of the Entity
- Proof of Citizenship (Manager must be U.S. citizen)
- TIPs Certificate

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A



Board/Commission Recommendation

N/A

Public Outreach

N/A

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A

Attachments

Change of Manager Application; NHA Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LOCAL LICENSING AUTHORITY REVIEW RECORD

05491-GP0762

ABCC License Number

Nantucket

City/Town

05/21/2021

Date Filed with LLA

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|--|---|---|
| ☐ New License | ☐ Change Corporate Name | ☐ Pledge of Collateral (i.e. License/Stock) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Change of DBA | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change of Hours |
| ☒ Change of Manager | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Issuance/Transfer of Stock/New Stockholder |
| ☐ Change of Beneficial Interest | ☐ Change of Location | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |

APPLICANT INFORMATION

Name of Licensee Nantucket Historical Association

D/B/A Whaling Museum

ADDRESS: 11, 13, 15 Broad St

CITY/TOWN: Nantucket

STATE MA

ZIP CODE 02554

Manager Johanna Richard

Granted under Special Legislation? Yes ☐ No ☒

\$12 General On-Premises

Annual

All Alcoholic Beverages

Type

(i.e. restaurant, package store)

Class

(Annual or Seasonal)

Category

(i.e. Wines and Malts / All Alcohol)

If Yes, Chapter

of the Acts of (year)

LOCAL LICENSING AUTHORITY DECISION

Please indicate the decision of the Local Licensing Authority: Approves this Application

Please indicate what days and hours the licensee will sell alcohol:

If Approving With Modifications, please indicate below what changes the LLA is making:

Please indicate if the LLA is downgrading the License Category (approving only Wines and Malts if applicant applied for All Alcohol):

No

Changes to the Premises Description

Patio/Deck/Outdoor Area

Total Square Footage

Seating Capacity

Indoor Area

Total Square Footage

Number of Entrances

Number of Exits

Floor Number	Square Footage	Number of Rooms

Abutters Notified: Yes ☐ No ☒

Date of Abutter Notification

Date of Advertisement

Please add any additional remarks or conditions here:

☐ Check here if you are attaching additional documentation

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

09/22/2021

Date APPROVED by LLA



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change of Manager

☐ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

Nantucket Historical Association

Nantucket

05491-GP-0762

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name

Title

Email

Phone

Stacey Stuart

Dir. of Corporate Dev.

sstuart@nha.org

508-228-1894, ext. 130

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name Johanna Richard

Date of Birth

SSN

Residential Address

Email

jrichard@nha.org

Phone

508-228-1894, ext. 118

Please indicate how many hours per week you intend to be on the licensed premises

50

Last-Approved License Manager

James Russell

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

☒ Yes ☐ No *Manager must be U.S. citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers. Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
09/2000		CFO	Nantucket Historical Association	Board of Trustees

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature

Johanna Richard

Date

May 6, 2021

APPLICANT'S STATEMENT

I, Johanna Richard the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Nantucket Historical Association
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Johanna Richard

Date:

May 6 2021

Title:

CFO

CORPORATE VOTE

The Board of Directors or LLC Managers of

Nantucket Historical Association

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

"VOTED: To authorize

Johanna Richard

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

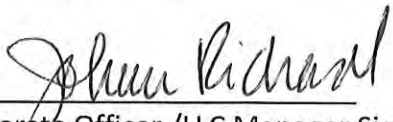
"VOTED: To appoint

Johanna Richard

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,


Corporate Officer /LLC Manager Signature

Johanna Richard
(Print Name)

For Corporations ONLY

A true copy attest,


Corporation Clerk's Signature

SARAH F. ALGER
(Print Name)

LICENSE #: 05491-GP-0762

LICENSE FEE: \$3,250.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL GENERAL ON PREMISE LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Nantucket Historical Association

DBA: Whaling Museum

PREMISES: 11, 13, 15 Broad Street
Nantucket, MA 02554

MANAGER: James P. Russell

ON PREMISES DESCRIBED AS:

The premises to be licensed will include the first and second floor, as well as the rooftop, of the Whaling Museum. The first floor has 5 rooms which include the lobby, Gosnell Hall, the Candle Factory, the Discovery Room and the Williams Forsyth Gallery. The second floor has 5 rooms which include the Candle Factory, the Nantucket Corner Gallery, the Scrimshaw Gallery, and the McCausland Gallery, as well as the Mezzanine.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th Day of December, 2020.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021
ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY
IN RESPONSE TO COVID-19. ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH
OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY.

**Unless earlier suspended, cancelled, or revoked*



Agenda Item Summary

Agenda Item #	X. 1.
Date	9/22/2021

Staff

Gregg Tivnan - Assistant Town Manager, Chuck Larson – Manager of Strategic Projects, Roberto Santamaria – Director of Health and Human Services

Subject

Town Wide PFAS Assessment

Executive Summary

Update of efforts by the PFAS Team including project/tasks, meetings and public outreach, and contract management.

Staff Recommendation

N/A

Background/Discussion

The PFAS Team, or members of the team, met daily to address many on-going projects.

1. **PFAS-Related Projects and Task:** See attached “*PFAS Project List*”

2. Meetings and Public Outreach

The PFAS Team has standing meetings with CDM Smith every Thursday and with the Core Outreach Team every Monday. Also see Public Outreach Section below.

The Core Outreach Team includes:

G. Tivnan, C. Larson, R. Santamaria, A. Gasbarro, M. Willett, D. Gray, A. Kahn-Barber and J. Honkawa.

This Team is responsible to review the PFAS-related activities of the week, ensure information is accessible on the Town’s PFAS website, help to scope out next steps of evolving issues, and to help create and manage public outreach efforts. This Team is also to assist with the Community Action Group (CAG) which is not yet created due to lack of resources available to manage this scope.

3. Contract management for Town PFAS-related activity:

PFAS-RELATED CDM SMITH CONTRACTS AND INVOICES

ID #	Date	Not-To-Exceed Amount	Contract Description	P.O. #	Invoice	Invoice	Invoice	Remaining
FY21:								
1531	7/22/20 - 6/30/21	\$ 43,400	Island-wide PFAS Assessment		#1 10/29/20	#2 12/28/20		
				21001463	\$27,784.34	\$15,602.88	<u>PO Closed</u>	\$12.78
1606	12/16/20 - 2/28/21	\$ 43,000	Island-wide PFAS Assessment Additional Services (Expansion of Contract 1531)		#1 2/26/21			
				21002485	\$42,998.53	<u>PO Closed</u>		\$1.47
1603	11/4/20 - 12/31/22	\$140,000	PFAS Communications Strategy		#1 2/9/21	#2 3/29/21	#3 4/30/21	
				21002444	\$55,450.18	\$51,087.60	\$12,287.56	<u>PO Closed</u>
				22001259				\$21,174.66
FY22:								
1752	8/18/21- 8/31/21	\$ 46,000	2021 SRF PEF Application Assistance (Water Main Extension West of Airport)		#1			
				22001263	Awaiting Invoice			\$46,000.00

Impact: Environmental ☒ Fiscal ☒ Community ☐ Other ☒

Other: PFAS is an emerging public health issue so Town efforts are evolving

Board/Commission Recommendation

N/A

Public Outreach

See activity of Core Outreach Team in Background/Discussion Section above.

8/17/21: Public Listening Remote Zoom Session (facilitated by Raftelis Consulting). 52 complex questions still being answered and reviewed by Counsel for posting

10/21/21: Public Forum with Panel Discussion (topic TBD also facilitated by Raftelis). Hybrid format anticipated.

02/2022: Public outreach forum or workshop anticipated (also facilitated by Raftelis).

CAG: Creation of the Community Action Group is still on-hold due to lack of ability to properly staff and focus on the demands of such a group.

UMASS/DEP TESTING: PFAST Team and Public Health working with UMass/DEP for a public work session on the results and next steps of the UMass/DEP private well testing program.

PFAS-REACH Workshop: Planning joint public workshop on affects of PFAS with Nantucket Cottage Hospital and the Nantucket PFAS Action Group.

PHASE 2A: Anticipated report of PHASE 2A Assessment to the Select Board in November.

Attachments

PFAS Project List

Status of Nantucket PFAS-related Actions, 9/19/2021

#	Project	Major Task	Task Mgr/PM	Status
1	UMass/MassDEP Private Well Testing	Town Coordination	Roberto & Chuck	Active
		BOH Coordination	Roberto	Soon
2	Extended Community Outreach, coord. w/ PFAS Action Group, etc.	Public listening session	Chuck	Active
		Support to PFAS Community Outreach Group	Chuck & Gregg	Active
		Outreach Activities plan/coord by Lydia	Chuck & Gregg	Active
		Public Listening Session #2 with Julia	Chuck & Gregg	Active
		Participate in WRF project to develop PFAS Comm materials for water professionals	Chuck	Active
		Select Board Update	Chuck & Gregg	Active
3	Airport MCP Project	Town staying current with ACK information	Chuck	Active
		Water Main Extension coord and outreach	Gregg & Chuck	Active
		Private Well decommissioning	Roberto	
4	PFAS Phase 2A (w/ CDM)	Task 1, Site Visits and Info	Chuck	Active
		Task 2, Landfill Envir. Assessment Plan	Chuck	Active
		Task 3.1 & 3.2, WWTF Assessment Plan	Chuck	Soon
		Task 3.3, Matrix of PFAS destruction technologies	Chuck	Active
		Task 4, Co-compost fact sheets and test repos	Chuck	Active
		Task 5, AFFF town wide eval & BMPs	Chuck	Active

Status of Nantucket PFAS-related Actions, 9/19/2021

#	Project	Major Task	Task Mgr/PM	Status
		Task 6, PFAS cycle updates	Chuck	Soon
		Task 7, Meetings, workshops, add'l reviews	Chuck	Active
		Task 8, Public Outreach	Chuck	Active
5	PEF/SRF Application west of Airport (w/ CDM)	Prepare Aug 20 application submittal for 2022 SRF for WWC system expansion west of ACK	Mark & Chuck	Active
6	Water Dept distribution & expansion LT planning (w/ CDM)	Project coord with WWC, capacity needs, costs, etc.	Mark & Chuck	Active
		Funding sources	Gregg & Brian	Active
7	Sewer expansion planning	needs discussion	Gregg & David	tbd
8	Support to Multi-District Litigation w/ Legal	Reviewing documents, etc.	Chuck	Active
9	GIS Tools for PFAS (proposal w/ Hazen)	Contract Approved at SB	Chuck & Gregg	Soon
10	Review info on 374Water	Support to David	Chuck	Active
11	Town-ACK coordination & communications	Approach to regular project meetings	Gregg	Active

Status of Nantucket PFAS-related Actions, 9/19/2021

#	Project	Major Task	Task Mgr/PM	Status
12	Coordination with Landfill Ops, Solid Waste Planning, RFEI	See list by George Aronson	George, Chuck & Gregg	Active
		Meetings with Nathan and info gathering	George	Active
		Solid Waste electronic library organized		
13	PFAS Phase 2B	Perform sampling as planned in 2A	Chuck & Gregg	Soon
14	Downtown Tank Farm	Research PFAS and past RTNs	Chuck	Active
15	Artificial Turf & PFAS	Monitor School and Town for possible discussion	Gregg/Chuck	Active

Status of Nantucket PFAS-related Actions, 9/17/2021

#	Project	Major Task	Next Action
1	UMass/MassDEP Private Well Testing	Town Coordination	→ Reviewing test information when provided by UMass & MassDEP → All tests will have an opportunity to sample a second time to verify → Results impacted by location sample is taken in the plumbing system → Working with MassDEP and BOH on how to best support the community with this new information
		BOH Coordination	→ Joint SB & BOH meeting being discussed. Needed sooner rather than later.
2	Extended Community Outreach, coord. w/ PFAS Action Group, etc.	Public listening session	→ Working on responses to 56 Q&A → Batch 1 sent to Counsel for review, needs CL /RS review before posting → Final review and posting as work is completed
		Support to PFAS Community Outreach	→ Meeting held. Need to review notes for action items.
		Outreach Activities plan/coord by Lydia	→ Mini-video productions - provided for Town review
		Public Listening Session #2 with Julia	→ Date = 10/21, 5-7 PM
		Participate in WRF project to develop PFAS communication materials for water professionals	→ Project is a go with Hazen & American Water. Waiting on details
		Select Board Update	→ 9/22, happening now; others to follow
3	Airport MCP Project	Town staying current with ACK information	→ IRA Status Report #10 posted Sept 7 and being reviewed → May need CDM assistance with take-aways for TON
		Water Main Extension coord and outreach	→ Public meeting held on 8/11 by Airport
		Private Well decommissioning	→ Review details provided during 8/11 public meeting (RS & BOH?)
4	PFAS Phase 2A (w/ CDM)	Task 1, Site Visits and Info	→ Compiling notes, setting up file sharing
		Task 2, Landfill Envir. Assessment Plan	→ MassDEP meeting held 9/17 and preparing minutes, action plan
		Task 3.1 & 3.2, WWTF Assessment Plan	→ Public info session/review at a later date
		Task 3.3, Matrix of PFAS destruction technologies	→ Assembling info for planning the approach
		Task 4, Co-compost fact sheets and test repos	→ CDM & George Aronson to coord with info/matrix → Done quarterly → Latest sample results provided 9/16 for review → Develop next fact sheet and post
		Task 5, AFFF town wide eval & BMPs	→ On-site reviews by CDM complete 9/14-15 → CDM writing up notes for Town review → CDM to develop recommended outline for AFFF SOP

Status of Nantucket PFAS-related Actions, 9/17/2021

#	Project	Major Task	Next Action
4	PFAS Phase 2A (w/ CDM)	Task 6, PFAS cycle updates	As needed
		Task 7, Meetings, workshops, add'l reviews	→ Public reviews and assistance beyond Tasks 1-5 - Waiting on agenda topics from Bruce - 9/15, CDM to assist with PFAS review at Downtown Tank Farm, based on Task 5 - Possible CDM assistance with IRA #10 take-aways for TON - Coordination with PFAS Action Group and others
		Task 8, Public Outreach	→ CDM developing draft private well decision matrix → Draft private well matrix review with MassDEP when ready → Public review/info session for private well matrix → Water Dept expansion info graphic - needs Town review (MW, GT, CL, RS) → Public info session with info graphic → Assistance with Listening Session Q&A responses? → Check with Mark regarding Sept. well sample results (CL) → Review and post latest test results of well testing
5		Prepare Aug 20 application submittal for 2022 SRF for WWC system expansion west of ACK	→ Town application submitted. Waiting. → 9/15, Airport is preparing an application for FY21 SRF funding. Plans to send it to Finance or review and sign off next week (9/20). Being done without Town Admin coordination?
6	Water Dept distribution & expansion LT planning (w/ CDM)	Project coord with WWC, capacity needs, costs, etc.	→ Needs Town review and comment on draft SOW from CDM (MW, GT, CL)
		Funding sources	Work with Finance
7	Sewer expansion planning	Discussion	→ Any expansion beyond the CWMP will require additional study.
8	Support to Multi-District Litigation w/ Legal	Reviewing documents, etc.	→ Review recent emails and provide content
9	GIS Tools for PFAS (proposal w/ Hazen)	Contract Approved at SB	→ Expands on previous work and reports by Sewer, Water & Town GIS → Need signed contract/ NTP and kickoff meeting
10	Review info on 374Water	Support to David	→ NEBRA/Janine presentation on Nantucket Presentation along side CDM technology matrix - need to confirm

Status of Nantucket PFAS-related Actions, 9/17/2021

#	Project	Major Task	Next Action
11	Town-Airport coordination & comm	Regular project meetings	Schedule and coordination
12	Coordination with Landfill Ops, Solid Waste Planning, RFEI	See list by George Aronson	→ With Town Mgr, coordinating PFAS work with George A., looking at operations, tracking operational changes by Nathan, capping, long-term planning, new contract for 2025, etc.
		Meetings with Nathan and info gathering	→ George/Nathan planned on-site meeting for 9/30
		Solid Waste electronic library organized	→ Getting more info
13	PFAS Phase 2B	Perform sampling as planned in 2A	→ Develop SOW using results and plans developed in 2A. → Plan to begin 2B by end of year.
14	Downtown Tank Farm	Research PFAS and past RTNs	→ Reviewing Storm water Plan and revision per Chief Murphy, add'l docs? → Work to begin week of 9/20
15	Artificial Turf & PFAS	Monitor School and Town for possible discussion	→ Getting info to better understand project planning and potential turf products with PFAS

FY23 GENERAL FUND PRELIMINARY BUDGET PROJECTIONS

Select Board

September 22, 2021

Finance Department

Brian E. Turbitt, Finance
Director



PROPOSITION 2 ½

- What is Proposition 2 ½?
 - Proposition 2 ½ is a voter initiative law that limits the property tax levy of cities and towns that came into effect in 1982.
- What is the Property Tax Levy?
 - The property tax levy is the revenue a community can raise through real and personal property taxes. The property tax levy is the largest source of revenue for most cities and towns.
 - In Nantucket the tax levy represents approximately 85% of all General Fund Revenue.
- How is the Levy Limit Calculated?
 - A levy limit for each community is calculated annually by the Department of Revenue. It is important to note that a community's levy limit is based on the previous year's levy limit and not on the previous year's actual levy.

PROPOSITION 2 ½

- How is the Levy Limit Increased?
 - Allowable 2.5 percent increase
 - New Growth
 - Overrides (Permanent increases to Levy Limit)
 - Temporary Exclusions
 - Debt Exclusions
 - Capital Exclusions

PRELIMINARY FY23 LEVY LIMIT

FY2023 Preliminary Revenue Projection:

	FY22 Projected	FY23 Projected
FY2022 Levy Limit (PROJECTED)	81,091,677	88,818,969
2.5% Increase	2,027,292	2,220,470
New Growth	700,000	700,000
Override	5,000,000	-
FY23 Allowable Levy Limit (PROJECTED)	88,818,969	91,739,439
Debt Exclusion - Current	8,831,295	8,824,241
FY2023 Maximum Allowable Levy	97,814,041	100,563,680

FY23 PROJECTED LOCAL RECEIPTS

II. LOCAL RECEIPTS	<i>FY2022 REVENUE PROJECTION</i>	<i>FY2023 REVENUE PROJECTION</i>
1. Motor Vehicle Excise Taxes	2,250,000	2,500,000
2. Other Excise Taxes - Rooms	7,000,000	7,252,000
2. Other Excise Taxes - Meals	350,000	800,000
2. Other Excise Taxes - Boat	30,000	30,000
3. Penalties & Interest on Taxes and Excises	475,000	475,000
4. Payments in Lieu of Taxes	8,000	8,000
5. Charges for Services	29,000	29,000
6. Fees	693,300	693,300
7. Rentals	385,212	575,000
8. Other Departmental Revenue	275,548	295,000
9. Licenses and Permits	891,350	1,350,000
10. Fines and Forfeits	265,000	265,000
11. Investment Income	250,000	200,000
12. Miscellaneous Recurring	-	-
13. Miscellaneous Non-Recurring (Indirect Costs)	-	-
Total Local Receipts	<u>12,902,410</u>	<u>14,472,300</u>

FY23 REVENUE PROJECTIONS

	<i>FY2022</i>	<i>FY2023</i>
	<i>REVENUE PROJECTION</i>	<i>REVENUE PROJECTION</i>
GENERAL FUND REVENUE SUMMARY		
I. TAXES- REAL ESTATE AND PERSONAL PROPERTY	97,814,041	100,563,680
Less: Abatements & Exemptions	(400,000)	(400,000)
II. LOCAL RECEIPTS	12,902,410	14,522,300
1. Motor Vehicle Excise Taxes	2,250,000	2,500,000
2. Other Excise Taxes (Meals, Room, Boat)	7,380,000	8,082,000
3. Penalties & Interest on Taxes and Excises	475,000	475,000
4. Payments in lieu of Taxes	8,000	8,000
5. Charges for Services	29,000	29,000
6. Fees	693,300	693,300
7. Rentals	385,212	575,000
8. Other Departmental Revenue	275,548	295,000
9. Licenses and Permits	891,350	1,350,000
10. Fines and Forfeits	265,000	265,000
11. Investment Income	250,000	250,000
12. Miscellaneous Recurring	-	-
13. Miscellaneous Non-Recurring (Indirect Costs)	-	-
III. STATE LOCAL AID	3,880,200	3,880,200
TOTAL GENERAL FUND REVENUE - PROJECTED	<u>114,196,651</u>	<u>118,566,180</u>

HISTORICAL ACTUAL REVENUE

- FY2017 – FY2020 Actual

	FY2017	FY2018	FY2019	FY2020	FY2021	CAGR
Real Estate & Property Taxes	74,166,729	78,242,069	80,038,594	82,955,094	89,169,545	4.7%
Allowance for Abatements	(981,500)	(423,438)	(609,195)	(273,009)	(357,237)	(22.3%)
Excise Tax - Motor Vehicles	2,753,546	2,953,243	3,338,861	2,946,898	3,329,078	4.9%
Other Excise Tax- Boat Excise Tax	33,277	37,136	35,559	36,371	34,576	1.0%
Other Excise Tax- Rooms Tax	3,498,400	3,622,242	3,807,930	5,553,749	7,980,286	22.9%
Other Excise Tax- Meals Excise tax	1,061,396	1,102,316	1,168,641	1,141,414	851,755	(5.4%)
Marijuana Local Option Tax	-	-	-	-	101,728	na
Penalties and Interest on Taxes and Excises	686,444	584,171	605,322	587,727	793,136	3.7%
Payment in Lieu of Taxes	14,706	8,794	8,067	12,066	16,524	3.0%
Charges for Services	35,871	32,522	39,648	29,438	75,471	20.4%
Fees	1,062,236	1,064,975	1,041,174	855,974	1,138,537	1.7%
Rentals	489,713	708,532	678,913	660,077	640,115	6.9%
Other Departmental Income (1)	245,385	607,672	257,246	864,247	731,743	31.4%
License & Permits	1,698,581	1,614,695	1,649,134	1,323,342	1,747,956	0.7%
Fines and Forfeits	299,237	315,027	362,362	284,336	267,041	(2.8%)
Investment Income	135,292	238,949	342,299	436,896	220,510	13.0%
Miscellaneous Recurring Income (RDS Retiree Drug Subsidy)	-	-	-	-	-	na
Miscellaneous Non-Recurring Income (Indirect Costs, transfers)	629,765	619,697	827,409	616,300	616,300	(0.5%)
State Local Aid	3,287,323	3,356,737	3,531,908	3,933,911	3,928,363	4.6%
Total Revenues	89,116,401	94,685,339	97,123,872	101,964,830	111,285,427	5.27%

FY23 PRELIMINARY EXPENDITURES

GENERAL FUND EXPENSE SUMMARY	FY2022	FY2023
	APPROVED BUDGET	BUDGET PROJECTION
Salaries - Town	21,608,162	21,883,425
Salaries - School	27,276,082	27,901,082
Transfer to Community School	500,000	500,000
Salaries - Town & School	49,384,244	50,284,507
Operating Expenses - Town	8,699,443	7,774,443
Operating Override - 2011 Mosquito Control	172,714	177,032
Operating Expenses - School	5,600,905	5,450,905
Transfer to Community School	-	-
Operating Expenses - Town & School	14,473,062	13,402,380
Medical Insurance- Active Employees (1)	11,089,196	12,419,900
Medical Insurance- Retired Employees	3,696,399	4,139,967
Medical Insurance	14,785,595	16,559,866
Laborer's Union Pension	75,000	75,000
Workers' Compensation & Life Insurance	300,399	337,949
Compensation Unemployment	175,000	200,000
General Insurance (other)	2,491,063	2,802,446
General & Other Insurance	3,041,462	3,415,395
Retirement	5,805,868	6,299,367
Debt Service - Principal & Interest	9,758,430	9,500,438
TOTAL GENERAL FUND OPERATING EXPENSES - PRELIMINARY	97,248,661	99,461,953

FY23 PRELIMINARY EXPENDITURES

	FY2022 APPROVED BUDGET	FY2023 BUDGET PROJECTION
Other Articles - Includes Special Fund Transfers	4,624,155	4,524,796
Unpaid Bills	-	-
County Assessment	174,455	178,816
Health and Human Services	650,000	650,000
Special Purpose Stabilization for Substance Abuse	95,000	-
Reserve Fund	500,000	500,000
Other Post-Employment Benefits Trust Fund (OPEB)	500,000	500,000
Capital Project Stabilization Fund	-	-
Affordable Housing Trust Fund	1,625,000	1,625,000
Town & School Minimum Capital Funding Requirement	1,079,700	1,070,980
General Fund Transfers to Enterprise Funds		
Transfer to Our Island Home	5,000,000	5,125,000
Transfer to Solid Waste Enterprise Fund (SWEF)	3,745,466	3,839,103
Add'l General Fund Subsidy to SWEF 2012-Forward	2,757,529	2,826,467
Add'l General Fund Subsidy to SWEF-Landfill Mining		-
TOTAL OTHER ARTICLE APPROPRIATIONS	16,127,150	16,315,366
Other Statutory Expenditures	1,012,802	1,012,802
Overlay and other deficits	1,012,802	1,012,802
Cherry Sheet Offsets and Charges	0	0
TOTAL GENERAL FUND EXPENSES - PRELIMINARY	114,388,613	116,790,121
TOTAL PROJECTED REVENUE	-	118,566,180
TOTAL PROJECTED EXPENSES		116,790,121
PROJECTED EXCESS LEVY CAPACITY		1,776,059

HISTORICAL ACTUAL EXPENSES

- FY2017 – FY2021 Actual

	FY2017	FY2018	FY2019	FY2020	FY2021	CAGR
Salaries - Town	15,399,290	16,940,236	18,625,578	19,897,406	19,721,693	6.4%
Salaries - School	19,258,197	21,775,190	23,180,307	24,656,590	25,404,019	7.2%
Transfer to Community School	400,000	400,000	450,000	500,000	550,000	8.3%
Operating Expenses - Town	5,650,923	7,432,015	6,606,154	6,577,626	7,108,141	5.9%
Operating Override - 2011 Mosquito Control	89,548	111,833	125,756	131,045	110,500	5.4%
Operating Expenses - School	4,510,580	6,293,542	5,800,498	5,183,038	5,748,955	6.3%
Transfer to Community School	65,000	65,000	-	-	-	(100.0%)
Medical Insurance	10,171,618	10,417,085	11,206,133	12,495,203	12,907,311	6.1%
Other Group Insurance	373,971	416,967	394,309	215,022	539,736	9.6%
General Insurance (other)	1,159,798	1,069,608	1,178,579	1,387,540	1,404,370	4.9%
Debt Service	6,784,405	8,268,434	7,125,456	8,912,852	9,208,243	7.9%
Retirement	3,921,256	4,096,124	4,420,538	4,750,913	5,639,866	9.5%
Total General Fund Operating Budget Items	67,784,585	77,286,034	79,113,308	84,707,235	88,342,834	6.8%
Other Articles & Special Revenue Fund	3,142,040	2,572,708	2,325,648	2,094,457	1,899,901	(11.8%)
Other Articles (Incl. Non-Appropriated Expenses)	22,199	2,477	7,447	-	-	(100.0%)
County Assessment	170,201	170,201	170,201	170,201	170,201	0.0%
Health and Human Services	369,340	400,000	450,000	450,000	650,000	15.2%
Reserve Fund	-	-	-	-	-	na
Other Post-Employment Benefits Trust Fund (OPEB)	500,000	500,000	500,000	500,000	-	(100.0%)
Capital Project Stabilization Fund	250,000	-	-	-	-	(100.0%)
Affordable Housing Trust Fund	1,000,000	500,000	300,000	-	-	(100.0%)
Capital	-	-	-	-	-	na
Town & School Combined / Non-Recurring (2)	830,300	1,000,030	898,000	974,256	1,079,700	6.8%
Enterprise Fund Transfers	9,892,785	8,503,664	8,250,970	8,465,845	9,843,105	(0.1%)
Transfer to Our Island Home	2,762,535	1,511,446	1,511,446	2,276,181	3,500,000	6.1%
Transfer to Solid Waste Enterprise Fund (SWEF)	4,930,250	5,892,218	6,039,524	6,189,664	6,343,105	6.5%
Add'l General Fund Subsidy to SWEF 2012-Forward	-	-	-	-	-	na
Add'l General Fund Subsidy to SWEF-Landfill Mining	700,000	700,000	700,000	-	-	(100.0%)
Transfer to Solid Waste (Free Cash)	1,500,000	400,000	-	-	-	(100.0%)
Transfer to Airport	-	-	-	-	-	na
Transfer to Siasconset Water	-	-	-	-	-	na
						na
Other Statutory Expenditures (Cherry Sheet Offsets)	433,373	487,846	481,079	513,116	999,240	23.2%
Total Appropriations and Other Statutory Expenditures	81,252,783	88,850,252	90,171,005	95,780,653	101,085,080	5.6%

To Be Determined

- Citizen Warrant Articles
- Free Cash
 - Town expects Free Cash to be certified the week of October 9, 2021
- Local Receipts (Q1/FY22)
- Solid Waste
 - Solid Waste Manager
 - Take it or Leave it
- Union Negotiations
- Health Insurance
- Retirement Assessment
- Local Aid
- NRTA (Service Changes)
- PFAS
- Cape and Islands Water Protection Fund
- Wastewater Infrastructure Improvement Fund (WIIF)

Brian E. Turbitt, Finance Director
bturbitt@nantucket-ma.gov



TOWN OF NANTUCKET

**Preliminary FY23 Capital Improvement Plan Update
September 22, 2021**

Agenda

1. Progress To-date
2. FY23 General Fund (GF) and Enterprise Fund (EF) Preliminary Requests
3. FY23 Potential Debt Exclusion Projects
4. 10-year Capital Improvement Plan (CIP) Preliminary Overview
5. Outyear Potential Debt Exclusion Projects
6. “Unknowns” in CIP
7. Next Steps and Questions

1. Progress Update

- July update to Chairs of Select Board, Finance Committee and Capital Committee
- Town Manager project review and prioritization nearly complete
- Refinements to GF and EF requests continue
- Capital Committee departmental review is ~65% complete
- Select Board and Finance Committee access to Capital Request software

2. GF: Marine, Police & School

Marine Department		
Project Name	Priority	FY23
Marine Maintenance Building Phase 2	high	\$400,000
Renovate/Reconstruct Harbormaster Building (Supplemental Funding)	high	\$2,000,000
		\$2,400,000
Police Department		
Project Name	Priority	FY23
Loran Seasonal Housing Repairs Phase II	high	\$2,500,000
Replace and Upgrade Body Camera and Vehicle Video System	medium	\$494,100
		\$2,994,100
School Department		
Project Name	Priority	FY23
NPS Roof Replacements	high	\$250,000
Campus-wide Improvements	high	\$16,400,000
NPS Building Improvements	medium	\$300,000
		\$16,950,000

2. GF: IT & Town Admin

IS/GIS		
Project Name	Priority	FY23
Maintain Network Infrastructure	medium	50,000
Server Virtualization and Maintenance	medium	75,000
Replace Town Computers	medium	62,800
GIS Digital Imaging Updates	medium	170,000
Replace Wireless Network	medium	200,000
		557,800
Town Administration		
Project Name	Priority	FY23
2 Fairgrounds Municipal Office Building-Design and Project Mgmt.	high	6,000,000
Town-Wide Document Management System	medium	250,000
New Senior Center-Feasibility Study	high	500,000
Seasonal Employee Housing-Design, Project Mgmt. and Construction	high	8,500,000
Affordable Housing	high	1,625,000
PFAS Groundwater Soil Investigation	high	2,000,000
New Vehicle-Parks and Rec Manager	medium	50,000
Senior Employee Housing-Feasibility Study	high	500,000
Island-wide Underground Wiring-Feasibility Study	low	500,000
		19,925,000

2. GF: Fire

Fire Department		
Project Name	Priority	FY23
Replace SCBAs	high	105,000
Advanced Life Saving Equipment	medium	60,000
Replace Ambulance 3	medium	370,000
Technical Rescue Equipment	high	325,000
Replace Portable Radios	high	400,000
Administration Car (Additional) Training/EMS Officer	high	65,000
Active Shooter Response	medium	75,000
Firefighting Foam-Disposal and Replacement	high	110,000
Replace Utility Truck	medium	75,000
Utility Terrain Vehicle	medium	50,000
		1,635,000

2. GF: Hazard Mitigation, Health and Human Services & Natural Resources

Hazard Mitigation		
Project Name	Priority	FY23
Polpis Road/Sesachacha Pond Interim Hardening	high	250,000
Sediment Transport and Dredge Plan	medium	550,000
5-Year Review of Natural Hazard and Hazard Mitigation Plans	medium	100,000
Harbors Plan HMP Implementation (Year 2)	medium	100,000
Miacomet Pond Dredging Design and Permitting	medium	300,000
Groundwater Mapping/Nutrient Flow Investigation-Nantucket Harbor Watershed	high	900,000
		2,200,000
Health and Human Services		
Project Name	Priority	FY23
Vehicles-Replacement (1), Additional (2)	medium	150,000
		150,000
Natural Resources		
Project Name	Priority	FY23
Vehicles- Replacement (1), Additional (1)	medium	100,000
		100,000

2. GF: Public Works

DPW - Facilities		
Project Name	Priority	FY23
Public Works Campus Wide Improvements-Design and OPM	medium	3,000,000
		3,000,000
DPW - Transportation		
Project Name	Priority	FY23
Sidewalk Improvement Plan (SBSB)	medium	1,100,000
Road improvements/Maintenance Island Wide (SBSP)	medium	2,000,000
Multi- Use Path Maintenance (SBSP)	high	250,000
Cobblestone Improvements	high	525,000
Monomoy/Milestone to Polpis Bike Path	low	500,000
		4,375,000
Public Works		
Project Name	Priority	FY23
Storm Water Management Plan Implementation-Inland	medium	100,000
Storm Water Management Plan Implementation-Downtown	medium	50,000
Storm Water CCTV and Management	medium	100,000
Parks and Rec Master Plan (Phase 1 of 3)	medium	5,000,000
Jetties Beach Tennis Courts Crack Sealing	low	75,000
Replace Chain-link Fence Around Skate Park	low	75,000
		5,400,000

2. General Fund RECAP

Preliminary FY23 Requests: \$59.7m

FY22 Approved Requests: \$33.1m

FY23 includes:

- School Campus-wide Improvements (\$16.4m)
- Seasonal Employee Housing (\$8.5m)
- 2 Fairgrounds Municipal Offices (\$6m)
- Parks & Rec Master Plan (\$5m)
- Public Works Campus Design (\$3m)

2. EF: Our Island Home, Solid Waste & Water

Our Island Home (G)		
Project Name	Priority	FY23
New generator with Shed	medium	145,000
Our Island Home Facility-Design and Project Mgmt.	high	6,500,000
		6,645,000
Solid Waste (E)		
Project Name	Priority	FY23
Smart Compacter Waste Receptacles	medium	151,034
		151,034
Wannacomet		
Project Name	Priority	FY23
Water Main Replacement	medium	2,450,000
Water Main Extension-Delta and Nobadeer Playing Fields	medium	200,000
		2,650,000

2. EF: Airport and Sewer

Airport		
Project Name		FY23
Nobadeer Farm Road Housing Development-Design and OPM	high	1,152,000
Maintenance/Equipment/Vehicle Purchases	medium	389,000
TSA Flooring Replacement	low	53,000
IT and Equipment Upgrades	low	155,000
Paint and Beads & Rubber/Markings Removal	high	729,000
South Apron Noise Berm Construction	medium	1,350,000
A220 Gate Hardstands	medium	1,100,000
Gate 8/ Hangar 8 Paving	medium	350,000
Permitting for Airport Layout Plan Update Projects and Runway 6-24 Reconstruction	medium	500,000
Commuter Apron Reconstruction	medium	6,400,000
Terminal Improvements	medium	8,000,000
Airport Rescue and Fire Fighting Truck	medium	1,000,000
Direct Digital Control System for Terminal Geothermal (Supplemental Funding)	high	364,000
Airport Master Plan	high	1,300,000
		22,842,000
Sewer		
Project Name	Priority	FY23
Surfside WWTF Membrane Upgrades (Supplemental Funding)	high	1,000,000
Capacity, Management, Operation and Maintenance (CMOM)	high	2,000,000
Madaket/Warrens Landing/Somerset Area Sewer Extension	medium	5,000,000
Water Tight Sewer Manholes	medium	50,000
Design of New Garage Maintenance Facility (Supplemental Funding)	medium	500,000
PFAS Removal and Treatment	high	2,500,000
Replace Main Generator Radiator @Surfside Wastewater Treatment Facility	high	100,000
		11,150,000

2. Enterprise Fund RECAP

Preliminary FY23 Requests: \$43.4m

FY22 Approved Requests: \$35.9m

Material Changes to FY22:

- Our Island Home: \$6.5m for design & project management of new facility
- Airport: \$22.8m in FY23 vs \$27.0m in FY22
- Sewer: \$11.2m in FY23 vs \$7.9m in FY22
- Water: \$2.7m in FY23 vs \$1.0m in FY22

3. FY23 Potential Debt Exclusion Projects

- School Campus-wide Improvement (\$16,400,000)
- Seasonal Employee Housing (\$8,500,000)
- Our Island Home-Design & OPM (\$6,500,000)
- 2 Fairgrounds Municipal Office Building (\$6,000,000)
- Parks and Rec Master Plan-Phase 1 (\$5,000,000)
- Public Works Campus Design (\$3,000,000)

TOTAL: \$45.4m

4. 10-year CIP: Police & School

Police Department											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
Public Safety Auxiliary Building	-	3,300,000	-	-	-	-	-	-	-	-	3,300,000
Replacement of Duty Firearms	-	-	-	-	83,500	-	-	-	-	-	83,500
Public Safety Building Maintenance (primarily painting)	-	-	-	-	-	100,000	-	-	-	-	100,000
	-	3,300,000	-	-	83,500	100,000	-	-	-	-	3,483,500
School Department											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
Bobcat Replacement	-	-	-	-	-	-	-	-	80,000	-	80,000
IT Infrastructure	150,000	-	-	150,000	-	-	150,000	-	-	-	450,000
NPS Roof Replacements	250,000	250,000	250,000	250,000	250,000	250,000	250,000	-	-	-	1,750,000
Grounds Equipment	75,000	-	75,000	-	75,000	-	75,000	-	75,000	-	375,000
Campus-wide Improvements	-	750,000	-	-	-	-	-	-	-	-	750,000
NPS Building Improvements	300,000	320,000	320,000	330,000	330,000	340,000	340,000	350,000	350,000	-	2,980,000
NHS Outdoor Basketball court hoops	50,000	-	-	-	-	-	-	-	-	-	50,000
NPS - New Middle School	-	-	-	-	-	-	-	-	50,000,000	-	50,000,000
	825,000	1,320,000	645,000	730,000	655,000	590,000	815,000	350,000	50,505,000	-	56,435,000

4. 10-year CIP: Fire

Fire Department											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
Ambulance 1	-	-	-	-	-	410,000	-	-	-	-	410,000
Fire Department Staff Vehicle	-	-	-	-	85,000	-	-	-	-	-	85,000
Ambulance 2	-	-	-	405,000	-	-	-	-	-	-	405,000
Fire Department Staff Vehicle	-	-	-	-	55,000	-	-	-	-	-	55,000
Replace Self Contained Breathing Appratus (SCBAs)	110,000	-	-	-	-	-	-	-	-	-	110,000
Engine 3	-	700,000	-	-	-	-	-	-	-	-	700,000
Sconset Fire Station Design	850,000	7,000,000	-	-	-	-	-	-	-	-	7,850,000
Fire Department Staff Vehicle	-	-	-	60,000	-	-	-	-	-	-	60,000
Engine 1	725,000	-	-	-	-	-	-	-	-	-	725,000
Fire Department Staff Vehicle	60,000	-	-	-	-	-	-	-	-	-	60,000
Ambulance 4	-	390,000	-	-	-	-	-	-	-	-	390,000
Engine 2	-	-	-	525,000	-	-	-	-	-	-	525,000
Replace Ladder Truck	-	-	1,500,000	-	-	-	-	-	-	-	1,500,000
	1,745,000	8,090,000	1,500,000	990,000	140,000	410,000	-	-	-	-	12,875,000

4. 10-year CIP: IT & Town Admin

IS/GIS											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
Maintain Network Infrastructure	50,000	50,000	250,000	-	100,000	50,000	50,000	50,000	50,000	50,000	700,000
Server Virtualization and Maintenance	-	75,000	-	75,000	-	75,000	-	75,000	-	-	300,000
Replace Town Computers	66,000	69,000	73,000	76,000	80,000	84,000	88,000	93,000	97,000	102,000	828,000
GIS Digital Imaging Updates	-	-	-	300,000	-	-	-	-	-	-	300,000
	116,000	194,000	323,000	451,000	180,000	209,000	138,000	218,000	147,000	152,000	2,128,000
Town Administration											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
2 Fairgrounds Municipal Office Building	-	50,000,000	-	-	-	-	-	-	-	-	50,000,000
Seasonal Employee Housing	-	-	-	-	-	-	-	-	-	-	8,500,000
New Senior Center	3,600,000	-	27,000,000	-	-	-	-	-	-	-	30,600,000
Senior Employee Housing-Design/OPM/Construction	1,000,000	5,000,000									6,000,000
	4,600,000	55,000,000	27,000,000	-	-	-	-	-	-	-	95,100,000

4. 10-year CIP: Public Works

DPW - Facilities											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
Public Works Campus Wide Improvements-Construction	15,000,000	-	-	-	-	-	-	-	-	-	15,000,000
	15,000,000	-	-	-	-	-	-	-	-	-	15,000,000
DPW - Transportation											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
Sidewalk Improvement Plan (SBSF)	1,125,000	1,160,000	1,119,500	1,230,000	-	-	-	-	-	-	4,634,500
Road Improvements/Maintenance Island Wide (SBSP)	2,400,000	2,800,000	3,200,000	3,500,000	-	-	-	-	-	-	11,900,000
Intermodel Transportation Center	-	23,000,000	-	-	-	-	-	-	-	-	23,000,000
Old South Road Reconstruction - Rotary to Amelia Drive	1,204,287	-	-	-	-	-	-	-	-	-	1,204,287
Old South Road/Amelia Drive Intersection Mini-Roundabout	299,574	-	-	-	-	-	-	-	-	-	299,574
Permanent Traffic Data Collection Stations (SBSP)	175,000	175,000	175,000	175,000	-	-	-	-	-	-	700,000
Multi- Use Path Maintenance (SBSP)	1,000,000	1,000,000	1,030,000	1,070,000	1,100,000	1,130,000	1,160,000	1,190,000	1,230,000	1,260,000	11,170,000
Cobblestone Improvements	550,000	565,000	580,000	600,000	620,000	640,000	660,000	680,000	700,000	725,000	6,320,000
	6,753,861	28,700,000	6,104,500	6,575,000	1,720,000	1,770,000	1,820,000	1,870,000	1,930,000	1,985,000	59,228,361
Public Works											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
CCTV Phased Work	275,000	-	300,000	-	-	-	-	-	-	-	575,000
Nobadeer Field Improvements (Artificial Turf Replacement)	250,000	-	-	-	-	-	-	-	-	-	250,000
Parks and Rec Master Plan (Phase 1 of 3)	-	-	-	-	-	-	-	-	-	-	-
Earthquake Study	50,000	-	-	-	-	-	-	-	-	-	50,000
Jetties Beach Tennis Courts Resurfacing	500,000	-	-	-	-	-	-	-	-	-	500,000
	1,075,000	-	300,000	-	-	-	-	-	-	-	1,375,000

4. 10 year CIP: Sewer

Sewer											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
108-120 Baxter Rd. Sewer Design/Construction	10,000,000	-	-	-	-	-	-	-	-	-	10,000,000
Surfside WWTF Membrane Upgrades (Supplemental Funding)	-	-	-	-	-	-	-	3,600,000	-	-	3,600,000
Airport Rd Pump Station Upgrades	-	-	100,000	-	-	-	-	-	-	-	100,000
Ford F 650 Dump Truck	-	-	-	-	-	-	-	125,000	-	-	125,000
Capacity, Management, Operation and Maintenance (CMOM)	2,000,000	2,000,000	2,000,000	2,000,000	-	-	-	-	-	-	8,000,000
Upgrade Wastewater Laboratory	-	-	125,000	-	-	-	-	-	-	-	125,000
Madaket/Warrens Landing/Somerset Area Sewer Extension	37,000,000	-	-	-	-	-	-	-	-	-	37,000,000
SiaSconset Area Sewer Redesign and Reconstruction	-	12,100,000	-	-	-	-	-	-	-	-	12,100,000
Water Tight Sewer Manholes (#F24)	50,000	-	-	-	-	-	-	-	-	-	50,000
Coastal Erosion Surfside and Siasconset Discharge Beds	500,000	-	600,000	-	-	-	-	-	-	-	1,100,000
Design of New Garage Maintenance Facility (Supplemental Funding)	6,675,000	-	-	-	-	-	-	-	-	-	6,675,000
Miacomet Area Sewers extension	-	900,000	8,500,000	-	-	-	-	-	-	-	9,400,000
PFAS Removal and Treatment	-	10,000,000	-	-	-	-	-	-	-	-	10,000,000
Hummock Pond Area North Sewer Extentsion	-	2,000,000	19,000,000	-	-	-	-	-	-	-	21,000,000
Surfside WWTF Upgrade Phase 2	800,000	8,000,000	-	-	-	-	-	-	-	-	8,800,000
Hummock Pond Area South Sewer Extension	-	-	5,000,000	20,000,000	-	-	-	-	-	-	25,000,000
	57,025,000	35,000,000	35,325,000	22,000,000	-	-	-	3,725,000	-	-	153,075,000

4. 10 year CIP: Airport & Our Island Home

Our Island Home											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
Our Island Home Facility	60,000,000	-	-	-	-	-	-	-	-	-	60,000,000
Building Improvements	250,000	-	250,000	-	250,000	-	-	-	-	-	750,000
	60,250,000	-	250,000	-	250,000	-	-	-	-	-	60,750,000
Airport											
Project Name	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	TOTAL
Nantucket Operations and ARFF	-	111,000	-	25,000	-	200,000	90,000	-	-	-	426,000
Groundwater and Soil Investigation	-	-	-	-	-	-	-	-	-	-	-
Nobadeer Farm Road Housing Development-Des	5,528,000	-	-	-	-	-	-	-	-	-	5,528,000
Maintenance/Equipment/Vehicle Purchases	490,000	297,000	-	-	170,000	-	-	-	-	-	957,000
IT and Equipment Upgrades	-	-	-	-	115,000	-	-	-	-	-	115,000
AIP Projects-Outyears	17,650,000	19,800,000	41,200,000	-	-	-	-	-	-	-	78,650,000
Repave Rental Cap Parking Lot	250,000	-	-	-	-	-	-	-	-	-	250,000
Snow Removal Equipment Building Expansion	4,500,000	-	-	-	-	-	-	-	-	-	4,500,000
	28,418,000	20,208,000	41,200,000	25,000	285,000	200,000	90,000	-	-	-	90,426,000

5. Potential Outyear Debt Exclusion Projects

- Our Island Home Construction (\$60,000,000)
- Nantucket Public Schools-New School (\$50,000,000)
- 2 Fairgrounds Municipal Office Building (\$50,000,000)
- New Senior Center (\$30,600,000)
- Parks and Rec Master Plan-Add'l Phases (\$15,000,000+)
- Public Works New Campus Construction (\$15,000,000)
- Sconset Fire Station (\$7,850,000)
- Senior Employee Housing (\$6,000,000)
- Public Safety Auxiliary Building (\$3,300,000)

TOTAL: \$237.8m

6. “Unknowns” with Potential CIP Impact

- Comprehensive plan for Baxter Road relocation
- Scope of PFAS remediation
- Public Works Campus Improvements decision to remain or relocate
- Parks and Rec plan coordination and integration with other island projects (e.g. School Campus-wide Improvements)
- Parks and Rec Master Plan possible revisions due to environmental issues at Tom Nevers
- Financial impact of new project recommendations from Coastal Resiliency Advisory Committee

TOTAL: \$???m

7. Next Steps

- Complete Town Manager prioritization
- Complete Capital Committee departmental reviews
- Commence work on Funding Sources

Questions?



Town of Nantucket

REQUEST FOR PROPOSALS FOR THE LEASE OF A PORTION OF 1 SHADBUSH ROAD, NANTUCKET, MA FOR CONSTRUCTION AND OPERATION OF A SHOOTING PARK

IMPORTANT DATES

- Central Register Posting:
- 1st Local Advertisement:
- RFP Available Online:
- 2nd Local Advertisement:
- Optional Pre-Proposal Site Tour:
- Alternate Weather Date for Pre-Proposal Site Tour:
- Deadline for Written Inquiries:
- Inquiries Answered By:
- Proposal Submission Deadline:
- Public Opening:
- Proposal Presentation(s):
- Proposal Selection:

I. Request for Proposals

The Town of Nantucket (the “Town”) is seeking proposals from qualified proposers for the development and operation of a shooting park on a portion of the Town-owned land at 1 Shadbush Road, Nantucket shown as Lot 3 on a plan of land entitled “Subdivision Plan of Land in Nantucket, MA, prepared for Town of Nantucket, dated September 3, 2009 prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2009-44 (the “Property”). The Town intends to enter into a long-term ground lease for a minimum 50-year term with the selected proposer who shall be allowed to construct and erect structures and improvements purely for the convenience of the tenant, pending approval of the Town and any applicable state and local permits, to be used in the operation of a shooting park and various other recreational uses and restricting the use of the Property for such purposes. The award of a lease pursuant to the RFP

shall be subject to a vote at the 2022 Annual Town Meeting authorizing a lease for a term of at least 50 years.

The Select Board has determined that it is in the public interest to make Town land available for the construction and operation of a shooting range by a private non-profit entity so that the residents of Nantucket have a facility that will promote gun safety and firearms training in a secure professional manner. The land being made available for this purpose is well suited for this purpose, and the Town does not believe that this land is suitable for any other purpose at this time. Accordingly, the Select Board will not consider proposals for other uses of this land.

The purpose of this RFP is to select a proposer with demonstrated experience and capacity to develop, operate, and manage a shooting park that best addresses the needs and allowed uses of the Nantucket Community as described in this RFP. The Town anticipates that proposers and/or members of their respective groups/teams will be able to demonstrate the capacity for operation of a shooting park and will be able to agree to all terms and conditions of the lease as outlined herein.

II. Proposal Submission

The Town has determined that the award of this contract is subject to M.G.L. c. 30B, § 16, known as the Uniform Procurement Act. Therefore, the provisions of M.G.L. c. 30B, § 16 are incorporated herein by reference.

1. The Request for Proposals can be obtained online only from the Town's website at <https://nantucket-ma.gov/bids.aspx> and proposals will be accepted at the below address.

All proposals must be received by **DATE TIME, 2021** and submitted to:

**Town of Nantucket
Procurement Office
RE: Shooting Park RFP
37 Washington Street
Nantucket, MA 02554**

2. Proposals must be submitted in a **SEALED ENVELOPE** clearly marked:

Proposal for Shadbush Shooting Park Lease

3. Proposers should note that unlike the Chapter 30B RFP requirements for supplies and services, the Chapter 30B requirements for real property transactions under Section 16 do not allow for separate submissions of price (technical) proposals. They are to be included in the same sealed envelope. Moreover, real property proposals, including price proposals, are opened publicly and are not confidential after they are opened.

If the proposal is mailed, the sealed proposal must be enclosed in a sealed mailing envelope. Failure to comply strictly with these requirements may result in the rejection of a proposal.

4. Proposals shall be opened publicly. Proposals will be opened at the Procurement Office, 37 Washington Street, Nantucket, Massachusetts at the date and time specified in this RFP, subject to any potential state or local restrictions due to COVID-19. Should Town offices be closed to the public, the opening shall be held via Zoom and interested parties may attend the opening through a Zoom link to be provided by the Town.

5. To be considered a complete proposal, all submittals must include the following:

- a. Cover page labeled “Nantucket Shooting Park Proposal. “The cover page should also identify the responding entity, the primary contact person, and all contact information including mailing address, telephone number, and email address;
- b. All required documents as outlined by this RFP, completed and signed by a duly authorized signatory;
- c. One (1) clearly marked original proposal and ten (10) unbound and organized copies in an easily copied format;
- d. An electronic version of the complete proposal (on a CD or USB/flash drive).

6. Proposals that are incomplete or conditional will be rejected per M.G.L. c. 30B. Proposals received after the specified date and time will be considered non-responsive and will be returned to the proposer unopened per M.G.L. c. 30B. A proposer may correct, modify, or withdraw a proposal by written notice received prior to the date and time set for opening of proposals. Modifications must be submitted in a sealed envelope labeling the modification and must reference the original RFP proposal.

The Town reserves the right to reject any or all proposals, to waive any minor informalities, or to cancel this RFP in its entirety at any time if, at the Town’s sole discretion, it is determined to be in the best interest of the Town.

7. All questions should be sent via email and must be in writing. Questions may be directed to Town of Nantucket, Procurement Office at procurement@nantucket-ma.gov. Questions must be received by **DATE TIME, 2021**. Inquiries should have a subject line entitled: *1 Shadbush Rd Shooting Park RFP*. Any questions received after the specified date and time will not be accepted. All questions and responses will be shared with Registered Proposers in the form of an addendum to the RFP and will be emailed to all those on record as having requested the RFP. As questions are submitted, answers will be provided as expeditiously as possible to all parties registered to the Registered Proposers list. **Attempts made by proposers to contact Town employees directly with questions may subject the proposer to disqualification.**

In order to insure fair competition, if any prospective proposer would like to submit a proposal that deviates from any of the terms in this RFP, the proposer should do so by submitting Questions as set forth in the above paragraph. If the Town determines that any proposed modification of the terms of the RFP are in the Town’s interests, the Town may

issue an addendum setting forth any revised terms that the Towns deems to be in the best interests of the Town.

8. In order to receive answers to all inquiries and to ensure receipt of any changes or addenda to the RFP, all interested parties must be registered as a Registered Proposer with the Town. To register, please visit the Town's website at <https://nantucket-ma.gov/bids.aspx>. When the RFP is posted, interested parties may click the posting and follow the prompts to register to the Registered Proposers list. The RFP and any addenda or other related documents will only be available for download from the Town's website. It is the sole responsibility of interested parties to ensure receipt of all documents related to the RFP.

9. The Town makes no representations or warranties, express or implied as to the accuracy and/or completeness of the information provided in this RFP. This RFP, including all attachments and supplements, is made subject to errors, omissions, prior sale, lease or financing and withdrawal without prior notice, and changes to, additional, and different interpretations of laws and regulations.

10. Proposers' Responsibility for Due Diligence: *Proposers should undertake their own review and analyses concerning physical conditions, environmental conditions, applicable zoning, required permits and approvals, and other development and legal considerations.*

11. Negligence on the part of the proposer in preparing the proposal confers no rights for the withdrawal of the proposal after it has been opened.

12. The Town of Nantucket will not be responsible for any expenses incurred by the proposer in preparing and submitting a proposal. All submittals shall become the property of the Town of Nantucket. All plans, specifications, and other documents resulting from this contract shall become the property of the Town of Nantucket. All proposals shall be deemed a public record.

13. The successful proposer must be willing to enter into a ground lease substantially similar to the Ground Lease attached hereto as Attachment C (the "Ground Lease") in accordance with the terms of this RFP.

14. Sealed proposals received prior to the date of opening will be kept unopened. No responsibility will attach to an officer or person for the premature opening of a proposal not properly addressed, sealed, and/or identified.

15. Any proposals received after the date and time for opening will be returned to the proposer unopened. There are no exceptions to this rule. Email submissions are not accepted in lieu of mailed packages that will not arrive on time.

16. The Tax Compliance Certification and Certificate of Non-Collusion, included in this RFP, must be completed, signed, and enclosed with the proposal. These forms must be signed by the authorized individuals(s).

17. If, at the time of the scheduled proposal opening, Town offices are closed due to uncontrolled events, such as pandemic response, fire, snow, ice, wind, or building evacuation, the response opening will be postponed until 3PM on the next normal business day. Proposals will be accepted until that date and time.

18. Proposers should be aware that many overnight mailing services do not guarantee service to Nantucket. All major carriers deliver to Nantucket Island (USPS, UPS, FedEx, and DHL). It is best to allow for two additional days for delivery to the island.

19. Responses to the RFP must be prepared according to the guidelines set forth herein. Selection of the successful proposer will be based upon an evaluation and analysis of the information and materials required under the RFP, and in accordance with M.G.L. c. 30B, § 16.

III. Site Tour and Briefing

Interested parties are strongly encouraged to attend an on-site briefing session on **DATE TIME 2021**, which will be held at **LOCATION ADDRESS**. Note: alternate weather date will be **DATE TIME 2021**. Interested parties must email procurement@nantucket-ma.gov by DATE TIME to register as an attendee for the site visit.

The site tour and briefing will be an opportunity, in a group setting, for questions to be asked and answered. The Town will take record of questions asked and answers given, as well as a list of attendees, and send summary minutes of the Meeting to all those registered; however, the Town is not responsible for making sure all aspects of the meeting and group discussion are relayed to anyone not in attendance at this Site Tour.

Following the Site Tour, the Town reserves the right to amend the RFP criteria.

IV. Objectives

The Town is seeking proposals from qualified interested parties to lease a portion of the parcel of Town-owned property, located at 1 Shadbush Road, and the subsequent development of the land for the demarcation, design, layout, construction, maintenance, and operation of a recreational shooting facility for use by members of the successful proposer for rifle, pistol, shotgun, and skeet shooting, and archery upon ranges to be designated thereon.

The successful proposer may also provide access to the facility by members of the public who are not affiliated with the successful proposer for certain events including fundraising and social gatherings, in accordance with a plan to be submitted with the Proposal. The successful proposer shall also offer access to the facility for training purposes and shooting practice to the law enforcement agencies on Nantucket including but not limited to the Nantucket Police Department, Nantucket County Sheriff, Massachusetts State Police and the United States Coast Guard and the Transportation Security Administration.

1. Background

Currently, there is no official designated shooting range on Nantucket. Recreational shooting requires a designated range as, without such, individual shooters in the past have sought out their own informal shooting locations around Nantucket Island resulting in safety issues, as well as the issue of trash and debris being left at the sites.

2. Defined Terms

For the purposes of this RFP, the term “Tenant” shall mean the qualified not-for profit entity organized to do business in the Commonwealth of Massachusetts selected by the Town of Nantucket to lease the Property.

The “Town” shall mean the Town of Nantucket acting by and through its Select Board.

The “Property” shall mean the 27±- acre parcel of land located at 1 Shadbush Road and shown as Parcel 5, on Assessor’s Map 78, attached as Attachment A.

The “Leased Premises” shall mean a 9± acre portion of the Property to be leased to the successful proposer.

This “Project” or “Development” shall mean the lease of the Leased Premises, and the design, construction, and maintenance of the proposed Shooting Range Area.

3. Performance Obligations of Tenant

A. It is the Town’s intent to allow the Leased Premises to be used for the construction of an indoor and/or outdoor shooting park that will also include space for law enforcement training, as well as a clubhouse, concession, or event space; on-site parking; road improvements; and/or other outdoor activities. Any improvements made to the site shall be for the sole benefit of the Tenant.

B. The proposed use of the Property is contingent upon the receipt of a Conservation and Management Permit (CMP) from the MA Division of Fisheries and Wildlife Natural Heritage & Endangered Species Program (“NHESP”) for which the successful proposer is solely responsible for obtaining at its cost and expense. The successful proposer must be able to comply with the requirements of the CMP should they receive it, as well as the Habitat Management Plan and the Environmental Stewardship Plan and to fund the Escrow Fund required by NHESP for the costs of the Habitat Management Plan. The proposed Property use will also be subject to local permitting requirements including, but not limited to zoning, Nantucket Historic District Commission (HDC) approval, building permits, Nantucket Police Department (NPD) approval, and/or any other local or state approvals or requirements.

C. Proposers should note that the final CMP cannot be granted unless and until the Town executes a ground lease with the successful proposer for use of the Leased Premises and grants a conservation restriction on a portion of the Property, both of which shall be subject to voter approval at the 2022 Annual Town Meeting.

D. The Property contains 27± acres of vacant land in total; however, 18± of those acres shall be subject to a perpetual conservation restriction as required by NHESP. The proposers should note that only nine (9) of the acres shall be leased for building and/or other uses and they should factor this in to their submittal accordingly. The grant of a perpetual conservation restriction on a portion of the Town's Property is contingent upon a vote of approval by the 2022 Annual Town Meeting. A full plot plan with markings showing available acreage is included in Attachment A .

E. Tenant must be willing to adhere to the definitions and bylaws provided in the *Code of the Town of Nantucket*, M. G.L. c.140, §§ 131 and 129C, as well as any and all other local and state regulations or laws that may apply. The Tenant must also adhere to the any requirements included in vote at the Annual Town Meeting 2022 authorizing said lease.

F. The intent of the Town is to lease the Leased Premises to a not-for-profit organization principally located on Nantucket and which has been duly incorporated pursuant to M.G.L. c. 180; whose members have experience in the conduct or organization of such shooting activities; and which subscribes or belongs to such state and national organizations as are normally involved in training and educational activities for adults and juniors in the safe and proper use of firearms and in organized programs for marksmanship and competition. The terms and conditions to be negotiated and granted by the Select Board shall include such terms related to exclusive use, as the Board shall deem reasonable and necessary under the circumstances.

G. The Tenant may be required to design, construct, and maintain a shooting range and parking areas. Use of the shooting range shall be regulated and overseen by the Tenant. The purpose of the shooting range is to provide citizens with a safe environment to participate in shooting sports with an emphasis on firearm safety, hunter education, hunter sight-ins, new shooter recruitment, firearms education and training and wildlife management.

H. Any reconfiguration of the property must conform to all applicable zoning bylaws. Under this circumstance, the Tenant shall be responsible for any survey and plan preparation and plan filing costs associated with parcel reconfiguration.

I. Tenant will be responsible for all aspects of the development of the property including obtaining all financing, all local and state permits and licenses, providing all reports and/or studies that may be required by local and state regulatory boards, and for obtaining any other professional services necessary for the successful completion of the Project.

J. The Tenant or its representative(s) shall be required to attend all meetings held with local and state officials or any review committee that may be appointed to represent the interests of the Town concerning this contract and/or this project.

4. Specific Requirements

A. An archaeological survey of the Property, prepared in accordance with the methods and guidelines of the Massachusetts Historical Commission, shall be required prior to the commencement of any development.

B. A rare plant survey of the Property, conducted in accordance with the methods and guidelines of NHESP, shall be required prior to commencement of any development.

C. Any and all additional state and local permits required, shall be obtained prior to any development of the Property.

D. The ranges must be built to National Rifle Association's (NRA) specifications and an NRA representative must advise and/or inspect and certify the construction of the actual ranges.

E. Tenant shall comply with all federal and state laws pertaining to lead contamination in the soil and water and is required to conduct periodic soil and water testing for lead and other contaminants upon execution of the ground lease in compliance with the Environmental Stewardship Plan with NHESP and federal and state laws as may be mandated.. The reports from water and soil testing shall be submitted to the Town and NHESP for review. The Town of Nantucket and NHESP, in their sole discretion shall reserve the right to require remediation or shut down operations of the park should unacceptable levels of contamination determined by federal and state laws be found in soil or water supply stemming from the park's operations. Tenant shall with all due diligence , at its own cost and expense, and in accordance with federal and state laws, (and in all events in a manner reasonably satisfactory to the Town) take all actions as shall be necessary or appropriate for the remediation of any lead contamination on the Property including all removal, containment and remedial actions. The Tenant shall submit a lead testing proposal as part of their proposal, which shall be subject to approval by the Town and NHESP.

5. Site

A. The Property is shown on a plan attached hereto as Attachment A and is shown on Assessor's Map 78 as Parcel 5. The Leased Premises and the location of the conservation restriction are shown on a plan attached hereto as Attachment A. It is located off Bunker Road, and abuts property owned by 10 Industry LLC, the Nantucket Islands Land Bank, the Nantucket Conservation Foundation, Inc. and the Town of Nantucket. The Property is currently heavily wooded. The site has water and electricity in close proximity, but there is no sewer connection in

Commented [VM1]: The plan we have showing the Leased Premises and the conservation restriction identifies the Leased Premises as "NHA Area-1". This label should be changed if it is to be included in this RFP.

this area. The Property is located in the Town’s LUG3 Zoning District. A copy of Nantucket Zoning Bylaw is attached hereto as Attachment E.

B. It is an objective of the Town that the design of the Project retains the Property’s unique growth, i.e. vegetation and trees, as identified by the Town where possible. The Project is required to meet lighting objectives, parking requirements, safety requirements, and ensure privacy from the surrounding properties.

Commented [RW2]: LG: lighting impact on Airport?
Need input from NMA.

Commented [LG3R2]: Anyone asked them yet?

6. Design and Aesthetics of Building(s)

A. The design and aesthetics of any structures that the proposers(s) propose constructing on the site should reflect the design and character of Nantucket and will be subject to review and approval of all applicable Town agencies. Proposers are encouraged to use creativity in their proposed use of the site, including building design, site layout, parking, and landscaping. Materials and construction methods should be compliant with local standards and energy efficient where possible. The overall site design plan will be evaluated as part of the Comparative Evaluation Criteria described in Attachment D.

B. Structures or improvements which may be included in the proposed plan, are space for shooting practice and training including covered shooting line pavilion with partial sides, overhead bullet baffles, concrete range diving walls and earthen berms as side and back stops, an archery range storage shed, administration/training building with ammunition storage, small concrete trap house, bathroom facilities, , a clubhouse or concession stand, , parking lot and/or bicycle storage, road improvements, and fencing enclosing the shooting range area as necessary. The proposed range and all facilities must be ADA compliant, which must be demonstrated in their proposal,

C. Building and site designs should be mindful of energy and utility costs and strains on the Town’s infrastructure, as well as limit the project’s environmental impact. Significant energy efficiency incentives have been made available to Nantucket in the past. Proposers are encouraged to reach out to Lauren Sinatra, Energy Coordinator for the Town to learn about current programs they may want to consider incorporating (lsinatra@nantucket-ma.gov).

D. The Town intends to lease the property on a long-term basis, to allow, but not require, the tenant to make improvements to the property, including the construction of outdoor and indoor facilities solely for the convenience of the tenant, and to require the tenant to remove all improvements to the Property at the end of the lease term. The Tenant shall obtain written approval from the Town for all construction prior to the commencement of construction. The Town believes that such conditions will not require the tenant to comply with the Massachusetts Public Construction Laws (M.G.L. c. 149 for Building Construction and M.G.L. c. 30, § 39M for Public Works Construction) when constructing the facilities on the site based on the standards set forth in Brassi Development Corp. v. Attorney General. 456 Mass. 684 (2010).

Nevertheless, proposers should be aware of the potential that compliance with the Public Construction laws may be required. Ultimately, the successful proposer will be responsible for compliance with all laws that are deemed applicable to this project, and shall indemnify and hold harmless the Town and its officials in such an event. Proposers are strongly encouraged to consult with their own legal counsel prior to submitting a proposal.

E. It is the Town's intent to allow the proposer to construct structures and improvements on the site with the understanding that at the end of the lease term, or upon termination of the lease agreement, the proposer shall remove any structures or improvements in their entirety and restore the site to its original state at the sole cost of the proposer.

7. Repair of Road Damages

The Tenant will be responsible for repair of any significant damage done to any road used consistently during construction of any structures to the Town's satisfaction. The Town will solely be responsible for determining if the damage is significant as well as the liability of the Tenant, if any.

8. Rental Payment

The Town is offering to lease the Leased Premises for a minimum of fifty (50) years to the successful proposer, for an initial payment detailed below and at an annual rent thereafter to be paid at the time of the execution of the Ground Lease for the term of the lease and subject to the Town's right to review an escalation of rent during the term of the Lease. The Town requests a minimum initial rent of \$3,000 per year for the first five (5) years of the term, whereupon the rent shall be doubled every five (5) years until the rent per year is calculated at \$48,000 per year; whereupon the rent shall be adjusted every year based upon the United States Department of Labor Statistics Northeast Consumer Price Index or comparable index, and shall not exceed a rent of \$60,000 per year.

9. Safety

A. Public Safety: The Tenant will provide adequate supervision and security to ensure public safety. The Tenant shall provide first aid training to all personnel with direct oversight of public shooting and will ensure that first aid kits are adequately kept and maintained in all buildings.

B. The Tenant will fence in the entire parcel of land before any other development of the property using fencing approved by the appropriate Town of Nantucket agencies, as well as NHESP.

C. The Tenant is responsible for the security of the property upon execution of the lease agreement. The Tenant shall recognize the legal jurisdiction of the NPD and its officers to

enforce the law and order and to uphold regulations in effect within the facility. The sole responsibility for the establishment of internal and external security measures adequate to protect the Tenant's property and all of the facilities shall be imposed on the Tenant during the entire effective term of the agreement.

10. Operations

The Tenant shall submit as part of their proposal a construction plan showing all buildings and other improvements to be constructed at the site in sufficient detail to allow the Town to evaluate proposals.

Sufficient personnel must be employed to provide adequate levels of public safety and service and to provide site maintenance. The Tenant shall submit as part of their proposal a safety plan for operation of the shooting park detailing experience and training of personnel, which shall be subject to approval of the Nantucket Police Department. The Tenant will be required to provide capital outlay to operate the range at a high-level of service.

11. Operation Restrictions

A. The Tenant shall observe and comply with all federal, state, and local laws, orders, bylaws, and regulations as well as safety policies specified by the Town and County of Nantucket.

B. The Tenant agrees to allocate sufficient annual budget funds for the continuous development, maintenance, and operation of the Project and its facilities and improvements.

C. The Tenant may operate certain events and social gatherings on the Premises, with food subject to obtaining the necessary permits and approvals from the Town with the requirements that the Tenant must review the event plans and the access and parking with the NPD for their approval. If the NPD requires a police detail at the Property for the event then the Detail will be at the Tenant's sole cost and expense.

Alcoholic beverages shall not be offered or allowed on the Property and are strictly prohibited during the operation hours of the shooting range; this shall be strictly enforced by the Town and the Nantucket Police Department. Alcoholic beverages may be served at events on the Property provided the requisite permits are obtained from the Town.

12. Initial Lease Payment

A. The Town will require an initial lease payment of \$XXXX to cover all costs incidental to the lease of this site. Thereafter, the yearly lease payments shall be for shall be at a minimum of \$3,000 per year as described above in Section IV (8)

Commented [RW4]: Do we want to include an initial payment or no?

13. Escrow Agreement for Habitat Management Plan

As a condition of the award of the Conservation and Management Permit, NHESP shall require the successful proposer to deposit funds in an escrow account for the funding of the Habitat Management Plan. The successful proposer will be obligated to fund this escrow fund for the required time outlined in the Escrow Agreement of up to twenty (20) years pursuant to an Escrow with NHESP, and will be required to execute the CMP, the Habitat Management Plan and the Escrow Agreement in order to lease the Leased Premises from the Town.

14. Lease Agreement

If the most advantageous proposal is selected, the Town shall execute a Ground Lease, in a form substantially similar to that attached in Attachment C. The Town shall retain the right to terminate the Ground Lease if the Tenant fails to deliver a building plan to the Town within five (5) years from the commencement date of the Lease, and then if it fails to commence construction of the project within ten (10) years from the commencement date of said Lease.

15. Indemnification

The successful proposer shall indemnify and hold harmless the Town from any liability and damages from and against any suits, claims and demands of any kind or nature, including reasonable attorneys' fees and expenses, by and on behalf of any person or entity, arising out of or based upon any occurrence, injury, death or damage which occurred to person or property on or about the Property or improvements which results from the condition, maintenance, repair, alteration, use, occupation or operation of the Property, the construction and installation of any improvements thereon or from the removal of any property therefrom.

16. Insurance Requirements

A. Successful Proposer - Insurance Requirements

The successful proposer as the Owner/Operator of the shooting park shall, its sole cost and expense, obtain and maintain during the full term of the Lease the following types of insurance and for limits no less than the following:

(i) Workers' Compensation and Employers Liability Insurance

Workers Compensation - State Statutory Amounts

Employer Liability:

\$1,000,000 - Bodily Injury by Accident

\$1,000,000 - Bodily Injury by Disease - policy limit

\$1,000,000 - Bodily Injury by Disease – each employee

(Lower amounts of coverage for Employer Liability Insurance may be maintained if they meet the Umbrella Policy underlying limit requirements)

Workers compensation policies and employers liability insurance shall be maintained by the successful proposer and contractors for the project.

(ii) Commercial General Liability Insurance

(Including Premises-Operations; Products and Completed Operations; Broad Form Property Damage and Blanket Contractual Liability):

Bodily Injury and Property Damage (including coverage for XCU hazards) Liability

\$1,000,000 - Each Occurrence

\$2,000,000 - General Aggregate

\$2,000,000 - Products and Completed Operations Aggregate (per project/job)

Personal & Advertising Injury Liability

\$1,000,000 Each Occurrence and Aggregate

(iii) Commercial Automobile Liability Insurance

(Covering all owned, non-owned and hired vehicles):

\$1,000,000 - Bodily Injury and Property Damage - Each Accident

The commercial automobile liability insurance shall be carried by all of the contractors as well as the successful proposer and shall name the Town as an additional insured.

(iv) Umbrella/Excess Liability

\$10,000,000 - Each Occurrence

\$10,000,000 - Aggregate

The Umbrella/Excess policy must include, as scheduled policies, the Employer's Liability insurance, Commercial General Liability insurance, and Automobile Liability insurance. The Umbrella/Excess will be "following form" and the scope of coverages shall be no less than that provided by the underlying policies.

(v) Pollution Liability Insurance

\$1,000,000 - Each Claim

Shooting range location must be listed as a covered site on the Pollution policy. Coverage under a "claims made" policy must remain in effect for a period of 3 years after completion of the work.

(vi) Builders All-Risk Insurance

From the first equipment delivery date and through Final Completion, the successful proposer shall maintain or cause to be maintained builder's all-risk insurance (including earth movement and flood, collapse, sinkhole and subsidence, transit and offsite storage) on a

completed value form (the Builder's All-Risk Policy) subject to the terms contained in this Section. All such insurance shall be on a "replacement cost" basis covering the full replacement value of the structures, machinery, equipment, facilities, fixtures and other property constituting a part of the completed project. It shall name the Town of Nantucket and all Subcontractors of any tier as additional insured and include a waiver of subrogation in favor of the Town of Nantucket.

Claims – All parties shall assist and cooperate in the preparation of all claim loss documentation, claims forms, proof of loss statements and working with various underwriters and adjusters with respect to all claims made under the Builder's Risk insurance.

Deductible – The deductible under the Builder's Risk policy shall be the responsibility of the successful proposer.

Successful Proposer, Contractor, and Subcontractor Equipment – It is understood that all personal property, tools, construction equipment, property of successful proposer, Contractors, and Subcontractors and any similar owned property of any tier that is owned, leased or rented, whether at the Site or not, is not covered by the Builder's Risk insurance, and that the successful proposer, Contractor or Subcontractors shall assume all risk of loss, damage and/or destruction of this personal property. Successful proposer Contractor and Subcontractors and their insurers shall waive rights of subrogation against the Town of Nantucket and any third party the Town of Nantucket requires for damage to such property.

1. Property Insurance

Successful proposer shall maintain "All risk" property insurance on an agreed amount (coinsurance provision waived) replacement cost basis, in an amount equal to the replacement value of the building, secondary structures, business personal property and servicing equipment. Policy shall include coverage for machinery breakdown, building ordinances and laws, broad form flood and broad form earthquake perils. Policy shall include a Debris Removal sublimit of 25% for any loss (inclusive of deductible plus any amount paid by insurer for direct physical loss) and policy shall be endorsed to include an additional \$50,000 for debris removal, above the 25% sublimit. In addition, successful proposer agrees that in the event of loss, insurance proceeds shall be payable to the Town of Nantucket (Loss Payee). Successful proposer shall retain all risk of loss for loss of or damage to its business personal property, property of customers, and loss to the building, without any recourse to the Town of Nantucket.

B. Endorsements required and to be stated on the Certificates of Insurance:

(i) The General Liability, Auto Liability and Umbrella Liability Insurance maintained shall include the Town of Nantucket and their public officials and employees as additional insureds.

(ii) Town of Nantucket and their public officials and employees must be included as additional insured on a primary and non-contributory basis, with respect to General Liability and Umbrella/Excess Insurance

(iii) The Workers Compensation, General Liability, Auto Liability, Umbrella/Excess and Property (including Builders Risk) policies must contain a waiver of subrogation in favor of the Town of Nantucket and their public officials and employees.

C. Other Insurance Related Requirements

(i) Certificates of insurance must be on file with the Town of Nantucket prior to commencement of operations, and such coverage must remain in effect for the duration of this Agreement.

(ii) Successful proposer must provide thirty (20) days written notice to the Town of Nantucket prior to cancellation or non-renewal of any of the insurance policies required herein.

(iii) All insurance policies must be issued by companies lawfully authorized under the laws of the Commonwealth of Massachusetts to write the types of insurance required.

(iv) The insurers shall have a financial strength rating of A- VIII or better as assigned by AM Best or equivalent rating assigned by a similar rating agency acceptable to the Town of Nantucket.

(v) If broader coverage and/or higher limits than referenced hereunder are maintained by successful proposer, the Town of Nantucket shall be entitled to such broader coverage and/or higher limits maintained.

(vi) All deductibles and retentions must be declared to and approved by the Town of Nantucket and shall be borne by the successful proposer. The successful proposer shall be fully responsible for the payment of deductible or retention amounts.

Any Subcontractor used must maintain limits and coverage similar in nature to that of the successful proposer.

V. Proposal Submission Requirements

The Tenant shall submit a proposal that includes a business plan that clearly addresses the Lease Agreement Terms of this RFP.

The Town shall open and evaluate proposals according to Section VII of this RFP and select the most advantageous proposals based on proposal ratings.

1. The Proposer and Team

The proposal must include a description of the proposer(s), including an organization history, resumes of three highest-level staff persons, and a thorough description of the services currently offered by the organization. Proposals must include:

- The name, mailing address, e-mail address, and telephone number of the proposer(s), the name of the representative(s) authorized to act on their behalf, the name and contact information of the contact to which all correspondence should be addressed, and the names and primary responsibilities of each individual on the team
- If the proposer is not an individual doing business under his/her own name, a description of the firm and status of the organization (e.g. whether a for profit, not-for-profit or charitable institution) and a description of the proposed ownership entity (e.g., a general or limited partnership, a corporation, LLC, LLP, business association, or joint venture) and the jurisdiction(s) in which it is registered to do business. If the proposer is a non-profit, please include a list of the organization's Board of Directors and areas of expertise they represent.
- The nature of the entity to enter into the long-term lease of the Property and the borrower and guarantors of debt, if any.
- Identification of all principals, partners, co-ventures or sub-developers participating in the transaction, and the nature and share of participants' ownership in the project.
- Identification of the development team, if any, such as architects, engineers, lawyers, landscape designers, contractors, development consultants, lenders and/or investors. Background information, including firm resumes and resumes for principals and employees expected to be assigned to the project, shall be provided.
- A summary of first, the proposer's and secondly, their team's experience collectively and individually. Proposer should demonstrate the ability to perform as proposed and to complete the project in a competent and timely manner, including the ability to pursue and carry out design, permitting, financing, construction, and other related duties.
- Provision of [NUMBER] references with contact names, titles, current telephone numbers, and email addresses of those who can provide information to the Town concerning the proposer's relevant experience to successfully complete and manage the project
- Proposed project financing and timeline, which shall include (a) a proposed pre-development budget, including all projected sources to be used to secure the necessary permits and approvals for the construction and operation of the development; (b) a construction and development budget, which includes detailed sources of funds and uses. At least one (1) letter of interest from a recognized financial institution for a loan amount sufficient for the developer to construct and operate the project.
- Completion of disclosures and certificates in Attachments G – "Certificate of Non-Collusion", H – "Tax Compliance Certificate", and I – "Disclosure Statement for Transaction with a Public Agency Concerning Real Property, M.G.L. c. 7C, § 38."

Commented [RW5]: Per 7.19 mtg: "sufficient references"

- A rent payment proposal shall be included as part of the proposal.

2. Project Concept

The proposal must include a detailed description of the Project for the Leased Premises and its uses/improvements, including but not limited to:

- Preliminary site design
- Discussion of the physical plan and architectural character of the project and the various programmatic and physical elements of the development
- Construction staging plan and discussion of construction impacts, including but not limited to how the project will be managed to limit impact on neighbors, in particular noise and traffic during the construction period.
- Development schedule for all elements of the plan including key milestones, financing and timeframes for occupancy, including state and local approval processes.
- Outline of required land use, environmental, operational and other governmental or regulatory approvals for the necessary permits and noting any permits or waivers, which will be required.

3. Conceptual Design/Facility Plan:

The proposal must include 11" x 17" plans including:

- Site plans that include building footprints, parking layout, drainage, recreation areas, access to bike paths and/or roads, numbers of parking spaces
- Landscape plan with sufficient detail on how the plan addresses limiting the project impact on surrounding areas
- Floor plans
- Elevations (building materials should be identified on elevations)
- Plans for other improvements to the site – road improvements, fencing, etc.

4. Plan of Services (Business Plan)

- Description of the proposed business plan for the shooting park and other outdoor recreation spaces, concessions, etc., including but not limited to, pricing, hours of operation, education programs, etc., as well as a long-term revenue plan for operation and maintenance of the facility and support for the Habitat Management Plan.
- The proposal must include a plan for the ongoing management and maintenance of the facility throughout the lease term
- Tenant's safety plan
- Operation and maintenance plan for the proposed facility including the actual ranges, buildings, and property maintenance (daily and long-term)

- Documentation that the proposer has discussed public safety training requirements with the Nantucket Police Department and has identified potential cooperative firearms training programs where Tenant will agree to provide access at mutually agreed upon times for police firearms training
- Plan for accommodation of a variety of shooting interests, including but not limited to, Rifle, Pistol, Archery, and Clay Target ranges
- Plan for Tenant to become an authorized hunting license dealer and deer weigh-in station

VI. Evaluation Criteria

The Chief Procurement Officer shall establish a Review Committee to evaluate the proposals according to the evaluation criteria contained below. Submittals that comply with the minimum qualification requirements will be further evaluated based on the comparative criteria detailed below and the price.

Rating	Mark	Measure
<i>Highly Advantageous</i>	HA	Response is superior and excels on the specific criterion
<i>Advantageous</i>	A	Response is satisfactory and meets evaluation criteria
<i>Not Advantageous</i>	NA	Response does not fully meet the criterion or leaves a question or issue not fully addressed
<i>Unacceptable</i>	U*	Does not address the criterion
*Proposal may be automatically eliminated from further consideration if U is received in any category		

Minimum Criteria

Proposals that do not clearly and full comply with these Minimum Criteria will be rejected as non-responsive and will not be considered.

1. Conformance with all submission requirements
2. Technical Proposal
3. Submission of required forms (Attachments G, H, I)
 - a. Certificate of Non-Collusion
 - b. Tax Compliance Certification
 - c. Disclosure Statement for Transaction with a Public Agency Concerning Real Property, M.G.L. c. 7C, § 38.
4. Proof of Insurance(s) as required by the Town of Nantucket
5. Evidence of Financial Stability – IRS determination letter under Section 501(c)(3) of the Internal Revenue Code **OR** an Audited Financial Statement of the applying organization
6. List of References
- 7.
8. Acknowledgement of any Addenda issued by the Town

Comparative Evaluation Criteria

Projects meeting the Minimum Threshold Criteria will then be rated based on the Comparative Evaluation Criteria (Attachment D). The Town will use the comparative criteria for each subject and each will be rated on a scale of Unacceptable, Not Advantageous, Advantageous, or Highly Advantageous. These criteria should be addressed in the written proposal and will be explored further in any interview(s) with the proposer.

VII. Selection Process and Rule for Award

All proposals submitted by the deadline will be opened in public and recorded. All information contained in the proposals is public at the time of opening. The Town or its designee(s) (i.e. an evaluation committee) will review and evaluate all proposals that have been received by the submission deadline based on the criteria outlined in the “Comparative Evaluation Criteria.” Evaluation of the proposals will be based on the information provided in the proposer’s submission in accordance with the submission requirements of this RFP and any references, and additional information requested and/or gathered by the Town. The most highly advantageous proposal from the proposer deemed most responsive and responsible, taking into consideration all evaluation criteria set forth in the RFP and the rent payment proposal, will be selected by the Town or its designees. **The Town reserves the right to select the proposal that best meets the needs of the community and that may not be the proposal that offers the highest rent.**

The Town will notify all proposers in writing of its decision.

VIII. Post-Selection

The execution of the ground lease shall be subject to approval of the 2022 Annual Town Meeting, which is scheduled for May, 2022. It is the intent of the Town, assuming approval of voters at Town Meeting, to enter into the Ground Lease with the successful proposer within fourteen (14) days of approval at Town Meeting, in substantially the same form as the Ground Lease attached in Attachment C.

Chapter 30B Real Property Dispositions to Promote Public Purpose Requirements

The name of the selected proposer and the amount of the transaction will be submitted for publication in the state’s *Central Register*.

If the Town has determined that the public purpose of the project is best met by disposing of the property for less than fair market value, the Town will post a notice in the state’s *Central Register* explaining the reasons for this decision and disclosing the difference between the property value and the price to be received. This notice will be published before the Town enters into any agreement with the successful proposer

IX. Attachments

- A.** Maps of the Property & Surrounding Area
- B.** Town Meeting Vote & Quitclaim Deed
- C.** Draft Form of Ground Lease

- D.** Comparative Evaluation Criteria
- E.** Nantucket Zoning Bylaws
- F.** Environmental Reports
- G.** Certificate of Non-Collusion
- H.** Tax Compliance Certificate
- I.** Disclosure Statement for Transaction with a Public Agency Concerning Real Property
- J.** Acknowledgement of Receipt of Documents

ATTACHMENT A

Maps of the Property & Surrounding Area(s)

DRAFT

ATTACHMENT B

Quitclaim Deed

DRAFT

ATTACHMENT C
Draft Form of Ground Lease

DRAFT

ATTACHMENT D

Comparative Evaluation Criteria

1 Shadbush Road – Shooting Park

**note: If a proposal fails to address a criterion, it may receive a rating of “Unacceptable”; any proposal that receives an “Unacceptable” rating may automatically be disqualified*

Commented [RW6]: Still need to expand on this based on edits/input from others

Commented [JG7R6]:

	Highly Advantageous	Advantageous	Not Advantageous
Proposer Experience & Capacity (team)			
Site Design			
Building Design			
Financial Feasibility			
References			

Business Plan			

ATTACHMENT E
Nantucket Zoning Bylaws

DRAFT

ATTACHMENT F
Environmental Reports

DRAFT

ATTACHMENT G
Certificate of Non-Collusion

DRAFT

ATTACHMENT H
Tax Compliance Certification

DRAFT

ATTACHMENT I

Disclosure Statement for Transaction with a Public Agency Concerning Real Property

DRAFT

ATTACHMENT J

Acknowledgement of Receipt of Documents

DRAFT

Town of Nantucket, MA
Friday, September 17, 2021

Chapter 11. Committees

Article V. Town Government Study Committees

[Adopted 4-11-2007 ATM by Art. 52, approved 6-28-2007]

[1] *Editor's Note: Former Art. V, Board of Health Advisory Committee, adopted 5-5-1992 ATM by Art. 62, approved 8-3-1992, was repealed 4-12-1994 ATM by Art. 68, approved 4-29-1994.*

§ 11-18. Establishment; membership.

[Amended 6-25-2020 ATM by Art. 70, approved 10-27-2020]

In the year beginning 2010 and every five years thereafter, a Town Government Study Committee shall be constituted and undertake the responsibilities set forth in § 11-19, which Committee shall consist of seven members appointed by the Select Board each for a term of one year.

§ 11-19. Responsibilities.

The responsibilities of each Town Government Study Committee described in § 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 it deems advisable.

§ 11-20. (Reserved)

Select Language | ▼

Town Government Study Committee

Final Report

Annual Town Meeting 2021

6-5-2021

To: Residents of Nantucket

From: Town of Nantucket Government Study Committee

John B. Brescher, Chair

Campbell Sutton, Vice Chair

Rick Atherton

Curtis Barnes

Tucker Holland

Linda Williams

Date: June 5, 2021

Re: Final Report for Town Meeting 2021

Dear Members of the public:

Over the past three years, the Town Government Study Committee (“the Committee”) has been meeting on a monthly or bi-monthly basis on the charge of analyzing the role and efficacy of the form of Town Government for the Town and County of Nantucket. The Committee has met with multiple members in Town Government, as well as members of the public during our two Public Hearings. Over the course of these 70 or so meetings, we have had the privilege of meeting with various members of the public, employees and staff of the Town of Nantucket, as well as elected officials to receive their feedback and opinion on the form and function of the Town Government.

It has been a rewarding experience, especially when coupled with the challenges facing the Town during the COVI-19 pandemic.

The report below addresses what the Committee has reviewed during the tenure of their service to the Town of Nantucket. Many of these recommendations are just that: recommendations. They are a compilation of years of diligence and recognition of the social and political climate in Nantucket. The actions taken by the Committee have been to recommend the changes below and, for each recommendation, the Committee has given a brief synopsis of why the change was recommended.

Nantucket is a unique community facing unique problems – and the local Government is no exception. While these recommendations may not solve all of the problems that were brought to the Committee’s attention, hopefully they can provide a blueprint to effectuate change in the future. All of these recommendations should have their language and syntax further vetted by Town Counsel to ensure compliance with Massachusetts General Laws, as well as so as to avoid any conflicts with existing provisions in the Town Charter.

It has been an honor and a privilege to serve the Town these past few years and we sincerely appreciate all the support and patience given.

Respectfully yours,

The Town Government Study Committee

TABLE OF CONTENTS

- 1. The Basic Form of Government in Nantucket**
- 2. Organization of Local Government**
- 3. Semi-Annual Town Meeting**
- 4. Code Enforcement**
- 5. Examining The Audit Committee**
- 6. Revisions to Historic District Commission Charter**
- 7. Establishment of Licensing Board**
- 8. Establishment of Parking Commission**
- 9. Establishment of Sewer Commission and Sewer Abatement Commission**
- 10. Review of Airport Warrant Article**
- 11. Revisions to the Parks and Recreation Department and Commission**
- 12. Creation of Town Ombudsman**
- 13. The Town Government Study Committee**
- 14. Edits to the existing Town Charter**
- 15. Increasing Citizen's Warrant Article Signatures to 25**
- 16. Extending the Moderator's Term to Three Years**
- 17. Non-Voting Taxpayer Representation at Town Meeting**
- 18. Communication and Collaboration between Town Boards and Committees**
- 19. Appendices and Attachments**

1. *The Basic Form of Government in Nantucket:*

The Committee reviewed the basic form of government in Nantucket, Open Town Meeting, and sought to identify any problems or concerns and ways to improve the function of Government.

The Committee, without making any determination, reviewed the types of government available in the Commonwealth of Massachusetts: Town Council with Mayor or Town Manager, Representative with Town Manager, Town Meeting with Town Manager. An informational sheet that was circulated at our Public Forums is attached hereto for reference. These sheets discuss, in great detail, the four types of government that are considered which are: Open Town Meeting, Representative Town Meeting, Town Council, and a Mayoral form of government. This information is attached as Exhibit A along with this report.

Furthermore, the Committee gathered an unofficial ad hoc poll from the citizens who attended the public forums and the results are attached as well. The Committee also requested two non-binding ballot questions for the 2020 election relative to the satisfaction of the electorate with the form of Town Government and the role of the Town Government Study Committee relative to investigating the topic further. Those results are attached as Exhibit B

Some of the factors and considerations the Committee reviewed while looking at these forms of Government were:

- Ease of decision-making;
- The potentially challenging degree of difficulty determining the election process for Representative Town Meeting;
- Which forms potentially removed citizens from participation;
- The requirements for ballot approval of overrides and debt exclusions;
- The realities of needing quorums at Annual and Special Town Meetings;
- The number of signatures for open town meeting articles;
- The length of presentations at Annual or Special Town Meetings; and,
- The time of any town meeting (e.g., summer v. winter).

While the Committee has taken the time to research these forms of Government, they have not yet arrived at a conclusion as to whether or not the Town of Nantucket needs to change their form of Government and, to that end, what that change would look like. A change of that significance would require a great deal of public support, education, and careful consideration and planning. The form of Government is a passionate topic for voters and this Committee is cognizant of that fact. Because of this, the Committee can safely say that any change to the form of Town Government would need to be carefully analyzed and properly vetted before it could be effectuated.

Also, the options available to Nantucket regarding the form of Government are population-based and for that reason, the Committee also thought it prudent to wait for

the release of Town-specific data from the Federal 2020 Census results this Fall before ruling out any potential form of Government.

The Committee voted to recommend that the Town of Nantucket establish a special commission with the sole purpose of investigating the form of Town Government and Town Meeting in Nantucket. All members of the Committee voted in favor.

2. Organization of Local Government:

The Committee also reviewed the organization of Nantucket's local government. This included not only the mechanics of the interactions between the various departments within the Town of Nantucket, but also the common questions and concerns the average citizen faces when interacting with municipal agencies. The Committee concluded that it would be advantageous for the public and local officials to have access to a comprehensive organizational chart to be displayed on the Town's website and perhaps be made available in hard-copy. This, in turn, would help eliminate confusion with respect to which department has jurisdiction over a particular issue in order for a layperson or average citizen to know where best to address their issue or complaint. Also, such a chart could be especially important to better understand the roles and responsibilities of the various municipal and administrative offices and branches within the Town of Nantucket. This organization should also include a comprehensive, but plain-spoken guide for citizens to understand the code enforcement process and which office or branch has jurisdiction over the matter.

The Committee voted to recommend that the Charter be amended to require an annual presentation by Town Administration or the Select Board for an organizational chart. All members of the Committee voted in favor.

3. Semi-Annual Town Meeting:

As part of the public hearings held by the Committee, one of the criticisms that was brought up was the inefficiency of Annual Town Meeting. Other criticisms of having only one Annual Town Meeting were the number of warrant articles proposed and the duration of the meeting. Without changing the form of Town Government, the Committee considered a potential solution being an amendment to the Charter to require a semi-annual Town Meeting and in the event there is no need for the second Town Meeting, it can be duly cancelled.

The Committee voted to recommend to amend the Charter to require a Semi-Annual Town Meeting. The Committee voted unanimously in favor.

4. Code Enforcement

One of the issues facing the Committee was the suggestion to have an annual presentation relative to code enforcement as an update to its Residents. The Committee discussed the merits of this idea at length and did not come to a unanimous conclusion on suggesting

the Charter be amended to include a provision requiring an annual update on code enforcement.

The Committee voted not to include language to amend the Town Charter to require an annual presentation of the Town's enforcement actions for the Select Board to review. The vote was 4-2 in favor, but noted that a comment should be included in the Town Government Study Committee's report to Town Administration that while there is merit to this idea to keep the public informed, it is not appropriate to include it in the Charter.

5. Examine the Audit Committee:

After discussions with the Finance Director and the Chair of the Finance Committee, the Town Government Study Committee submitted a warrant article relative to updating the audit committee. Article #96 was approved at the 2020 Annual Town Meeting. This Article is attached as Exhibit C to this report.

6. Historic District Commission Charter:

The Committee suggests having a more comprehensive amendment to the Historic District Commission Charter to better address any inconsistencies and mechanisms for appeal. However, the Committee is not empowered within our scope and mission to review this matter. Any future revisions, which the Committee would suggest investigating, should be further developed by other entities.

7. Establishment of a Licensing Commission or Board:

The Committee heard from members of the public and the Select Board regarding the licensing duties of the Select Board. It seemed prudent to the Committee that if the Select Board deems it appropriate, the Select Board is empowered to create its own Licensing Commission/Board. This could be done administratively and would not need any type of charter amendment. This type of Commission/Board would be a step in lessening the amount of time the Select Board spends on certain issues. The establishment of this Commission/Board is also within the purview of the Select Board and Town Administration.

The Committee noted that while this topic has been discussed for some time, it may behoove the Town to have a more impactful recommendation. And as such, the Committee recommended amending the Charter to require the Select Board to establish such a Licensing Commission or Board.

The Committee voted to recommend amending the Town Charter so that the Select Board shall establish a separate Licensing Commission or Board. All voted in favor, however, one member abstained from the vote.

8. Parking Commission:

The Committee heard from members of the public and the Select Board regarding the need for a Parking Commission. A separate Parking Commission has been addressed by the Select Board and by warrant article 66 at the 2018 Annual Town Meeting. Said article is attached hereto as Exhibit D.

The Committee noted that while this topic has been discussed for some time, it may behoove the Town to have a more impactful recommendation. And as such, the Committee recommended amending the Charter to require the Select Board to establish such a Parking Commission or Board.

The Committee voted to recommend amending the Town Charter so that the Select Board shall establish a separate Parking Commission or Board. All voted in favor, however, one member abstained from the vote.

9. Establishment of a Sewer Commission:

Similar to the Licensing Board or Commission, in the event the Select Board wants to set up a Sewer Commission, further due diligence should be done to better understand the roles and responsibilities of the tasks necessary to accomplish this mission. The Committee, while potentially supportive of this concept, is wary of the unintended consequences that may be created by creating such a Commission. However, the Committee is supportive of the study of a separate Commission in order to better understand the unintended consequences.

The Committee did, however, find that it would be prudent next step to establish a Sewer Abatement Commission. As the municipal sewer system systematically expands, there will be more homeowners who will need to tie-in to the sewer system. It is anticipated that there will be more sewer abatement requests before the Select Board. With this in mind, the Committee thought it would be logical step to create a Sewer Abatement Commission to handle the influx of abatement requests.

The Committee voted to add a comment that the Town should study a separate Sewer Commission and to direct the Select Board to create a separate Sewer Abatement Commission. All members voted in favor.

10. Review of Airport Warrant Article:

This article allowing the Airport to delegate authority to the Select Board in order to approve capital projects was approved at the 2020 Annual Town Meeting. A copy of the Warrant Article and Home Rule Petition is attached as Exhibit E.

11. Revisions to the Parks and Recreation Commission:

In the spring of 2019, the Town Government Study Committee began looking into issues relating to the Park and Recreation Department/Commission as it had received complaints/negative comments from members of the public relating to the condition of the parks, the confusion as to who was overseeing what, and that the commission had not met in over a year. The question arose “what happened to it”?

Over the summer of 2019, the Town Government Study Committee reviewed documents relating to the formation of the commission (under MGL chap. 45, Nantucket’s ACT of 1987 chap. 459, ACT of 1965 chap. 169) and the power of appointments to said Parks and Recreation Commission (under MGL chap.45, Nantucket’s town charter sections 3.4 a3, 4.3 a&b, 4.4 a&b, 4.8, 4.9, and 2007 ATM warrants 44 &51). Many anomalies and contradictions were found in both the formation of and the power to appoint within the Town’s Charter. In the fall, the Town Government Study Committee’s concerns were communicated to the Town Manager and Town Counsel (through Lauren F. Goldberg, Esq.). It was agreed that Town Counsel would look into these issues since the Charter was already under review for such anomalies. Also, a citizen’s article calling for the hiring of a Parks and Recreation Department Head had been submitted for 2020 Annual Town Meeting. In January 2020, the Town Government Study Committee voted to see what the outcome of the citizens article was at the 2020 Annual Town Meeting before moving ahead with a recommendation. That article was called and will be voted on at the next Annual Town Meeting. The Committee has not heard back from Town Counsel relative to amendments to the Charter as it relates to this issue.

Since the submission of the November 2021 report to the Select Board, the Town Government Study Committee received a response from Town Counsel on May 5 , 2021. Though several comments were made, Town Counsel did not specifically address the issues with the Park and Recreation Commission/Department. For this reason, the Committee makes the following recommendations:

1. While the Park and Recreation Commission was required to be instituted by a state Act, the department was not. Gradually, over time, the Park and Recreation department was subsumed by the DPW and then eliminated as a separate entity with a separate budget and responsibilities. As a result, there has been a lack of perceived focus on the parks and recreations areas, including playgrounds, beaches, bathhouses, and the like. Scheduling of field space and events has been moved from entity to entity and has caused confusion, versus field maintenance and access. It is recommended that the Park and Recreation Department be re-instituted as a separate entity, with a fully funded line-item budget and adequate staff, resulting in a return to the status it had prior to the elimination of the department.
2. The appointment authority to the Park and Recreation Commission should reside solely with the Select Board to eliminate any appearance of conflict and ensure that the Town Manager did not get embroiled in the politics of appointment to this Commission as has happened in the past.
3. While the Park and Recreation Commission is outside of Town Administration as so stated in the Charter, it is acknowledged that the staff of the department is and most

appropriately be within Town Administration to manage staff accountability, department budget control, and administrative oversight which is critical in the operation of the town.

Chapter 4 of the Charter is attached to this Memo as Exhibit F

The Committee voted to recommend that the Parks and Recreation Department be re-instituted as a separate entity, with a fully funded line-item budget and adequate staff, resulting in a return to the status it had prior to the elimination of the department. All members voted in favor, with one member abstaining.

The Committee voted to recommend that the appointment authority to the Park and Recreation Commission should reside solely with the Select Board to eliminate any appearance of conflict. All members voted in favor, with one member abstaining.

12. The creation of a Town Ombudsman to settle disputes:

After a lengthy review of this issue with members of the public and Town Counsel, the Committee concluded that it was not feasible from a legal standpoint to create an ombudsman or a position that could settle disputes between citizens and the Town. There are already legal mechanisms in place to resolve such disputes and having a position like this would erode the checks-and-balances in place. The Town Government Study Committee voted to communicate this recommendation and send a letter to the Town Moderator and Town Manager. The letter was dated October 30, 2019 and sent via email.

13. The Town Government Study Committee:

After discussing the role of the Town Government Study Committee with former members of the Committee, as well as its current members, the Committee suggested potentially amending terms of the existing Committee to three (3)-year staggered terms. At one point, the Committee thought it may also be prudent for the Select Board and Town Administration to establish an internal review committee, separate from the Town Government Study Committee that could review some of the day-to-day operations within the Town that fall outside the purview of the Town Government Study Committee. However, the Committee did not ultimately find merit in this idea during their discussions.

However, the Committee was cognizant that while the Select Board is the appointing authority for the Committee, the Committee's ultimately accountability is to Town Meeting. This helped frame the discussion of creating a separate Governance Committee or revising the Charter so that the Town Government Study Committee reports to the Select Board. Ultimately, the Committee determined it was best not to change the mission of the Town Government Study Committee in the Charter, but instead recommend changing the appointing authority to the Town Moderator to foster a sense of independence and autonomy, as well as to reinforce the mission of the Town Government Study Committee that they report to Town Meeting. This practice is not uncommon and the Committee looked at towns like Sutton, MA that have a similar practice.

The Committee made a motion to recommend changing the appointing authority in Section 5 of the Charter from the Select Board to the Town Moderator and to change the duties of the Town Moderator to include the power to appoint the Town Government Study Committee every 5 years. All members voted in favor.

14. Review to the Charter:

After multiple requests over the past 27 months, Town Counsel's office was kind enough to provide us with potential edits to the Charter. The reviewed charter, which is attached as Exhibit G to this document is a list of the potential changes suggested by Town Counsel. After a thorough review, the Town Government Study Committee made the following motions as they relate to updating the charter:

The first item discussed was extending the length of the term of the moderator to three (3) years. The Committee overwhelmingly supported this idea, even if this item was not necessarily something they had been looking at. A motion was made by Rick Atherton and seconded by Linda Williams to recommend extending the length of the term of the moderator to three years per Town Counsel's suggestion. All voted in favor by voice vote.

The next item discussed was an edit noting that if the Moderator needs to appoint a Clerk for Town Meeting (section 2.4), that this person should be a registered voter for the Town. The Committee again unanimously supported this idea. A motion was made by Linda Williams and seconded by Rick Atherton to recommend noting in Section 2.4 of the charter that in the event the Moderator needs to appoint a Clerk of Town Meeting, that person shall be a registered voter of the Town of Nantucket. All voted in favor by voice vote.

The next comment addressed suggesting adding that the Warrant shall also be available on the Town website in Section 2.5(b) of the Charter. The Committee agreed this too was a good idea. A motion was made by Linda Williams and seconded by Tucker Holland to recommend amending Section 2.5(b) of the Charter to allow the Town Warrant to be available on the Town website as well. All voted in favor by voice vote.

The next comment addressed Section 2.5(c), which requires the Board of Selectmen to publish the Warrant by mailing it to each registered voter. The comment from Town Counsel was that many other Towns are eliminating this language. The Committee noted the importance of having a hard copy of the Warrant and while the point was well-taken,

there is still a great importance to having a physical copy of the Warrant available for voters. The Committee did, however, recommend that the language in Section 2.5(c) should be amended to extend the time to deliver the Warrant to 14 days. A motion was made by Tucker Holland and seconded by Linda Williams to recommend amending Section 2.5(c) of the Charter by replacing "...seven days..." to "...fourteen days...". All voted in favor by voice vote.

The next comment was on Section 3.3 which noted that many Towns are removing the requirement to have the public notice of their vote to acquire real estate noticed in the paper. The Committee felt it imperative to leave this requirement in the Charter. A motion was made by Rick Atherton and duly seconded by Curtis Barnes to leave Section 3.3 as written. All voted in favor by voice vote.

Section 3.4(4) was the next item for discussion and the recommendation was to change some of the language relative to the fifteen-day approval. The Committee felt the language was confusing and did not want to create any unintended consequences as they were not certain what the purpose of the change was. A motion was made by Rick Atherton and duly seconded by Curtis Barnes to leave Section 3.4(4) as written. All voted in favor by voice vote.

The next section that was discussed was Section 4.2(d)(14) which would be revised to allow the Town Manager to have the power to sign the warrants for payment. The Committee overwhelmingly agreed this would be an increase in efficiency. A motion was made by Rick Atherton and duly seconded by Curtis Barnes to recommend revising Section 4.2(d)(14) of the Charter to authorize the Town Manager to sign the warrants for payment. All voted in favor by voice vote.

The comment regarding Section 4.3(a) was an administrative one and simply suggested changing "heads" to "department heads." There was discussion amongst the Committee if "department heads" is properly defined and Section 4.5 of the Charter seems to imply this. A motion was made by Linda Williams and seconded by Curtis Barnes to recommend revising Section 4.3(a) of the Charter to replace "heads" with "department heads." All voted in favor by voice vote.

The next section reviewed was Section 5.4(b) to amend this section to require petitioners be identified and who the lead petitioner is. The Committee discussed this matter at length and determined that this mechanism was already implicitly in place since the petition would be public record at the Town Clerk's office. A motion was made by Rick Atherton and duly seconded by Curtis Barnes not to amend Section 5.4(b) of the Charter. All voted in favor by voice vote.

Section 5.4(c) was the next section of the Charter that had a comment from Town Counsel's office. In this section, the suggestion was two-fold: to identify a standard from when the 20% of voters would be counted and to possibly change how long the Town Clerk has to certify the signatures. The Committee agreed that adding a benchmark to identify registered voters would be a prudent change, but did not think the change to how long the Clerk has to identify the signatories on the petition was warranted. A motion was made by Curtis Barnes and duly seconded by Linda Williams to recommend revising Section 5.4(c) of the Charter to include a standard that the 20% of registered voters shall be measured from March 1st of the previous year as established by the Town Clerk. All voted in favor by voice vote.

The next section was Section 5.4(d) and the recommendation from Town Counsel recommended changing the resignation provision from seven days to five days and to move the placement of the phrase "not less than 75 days after such certification date" after the clause, "...the Board of Selectmen shall...". The Committee discussed this at length and ultimately agreed that while it was a semantic change, it was an important one. A motion was made by Linda Williams and duly seconded by Campbell Sutton to recommend revising Section 5.4(d) of the Charter by changing the resignation provision from seven days to five days and moving the placement of the phrase "not less than 75 days after such certification date" after the clause, "...the Board of Selectmen shall...". All voted in favor by voice except for Curtis Barnes who abstained.

The next comment from the Town Counsel review was to add "name and title of office" to Section 5.4(f) of the Charter. The Committee agreed this was a smart change. A motion was made by Linda Williams and duly seconded by Curtis Barnes to recommend revising Section 5.4(f) of the Charter to read "name and title of officer". All voted in favor by voice vote.

The final comment from Town Counsel was to delete Section 6.6 in its entirety because it no longer serves a purpose. The Committee agreed and a motion was made by Linda

Williams and duly seconded by Campbell Sutton to recommend to delete Section 6.6 in its entirety. All voted in favor by voice vote.

As an underlying comment, the Committee suggests all language in the motions be further vetted by Town Counsel in order to ensure consistency.

15. Number of Signatures for a Citizen Warrant Article:

The Committee had a robust discussion in the later stages of their tenure regarding the number of signatures required for a Citizen's Warrant Article submission. The discussion ranged from the ease of the democratic process (i.e., that requiring too many signatures would be an impediment to the democratic process, akin to a poll tax) to ensuring the Town Clerk was not overburdened when verifying signatures to the philosophy that an increased number of required signatures would help dissuade frivolous warrant articles and would, implicitly, be a reflection of the will of the public. The original motion proposed by the Committee was to increase the number of signatures on a Citizen's Warrant Article to 25. An amendment was then posed, but not passed to reduce this number to 20. Ultimately, the Committee voted on increasing the number of signatures to 25.

The Committee voted to recommend to amend the Charter to require at least 25 signatures for a Citizen's Warrant Article. The vote was 4-2 in favor.

16. Extending Moderator's Term to Three Years

Although this topic was addressed in the revisions to the Charter by Town Counsel, and duly voted on by the Committee, the Committee formally voted to recommend to amend the Charter to increase the Moderator's term to three years.

The Committee voted to recommend to amend the Charter to increase the Moderator's term to three years. The Committee voted unanimously in favor.

17. Non-Voting Taxpayer Representation at Town Meeting

During the course of the Committee's hearings, the Committee heard from several non-voting tax payers both in person and by alternate correspondence. They unanimously felt that their concerns and "voices" were not heard on a regular basis and certainly at Town Meeting when decisions were being made with their tax monies. The Committee considered the testimony and considered the following:

- Section 2.6 provides for only one (emphasis added) member of the Nonresident Property Owners group to speak on a matter that is to be considered before the voters

at a town meeting. The number should be increased or stricken in its entirety to allow fair and reasonable representation of concerns.

- The Moderator would continue to have jurisdiction over the number who wished to speak with advance notice on which article that the speaker would like to comment on. The Nonresident Property Owner would be seated in a designated area and be known to the Moderator prior to the meeting as to their location.

The Committee was cognizant of the unique situation Nantucket has with respect to the non-voting tax payers and their representation at Town Meeting and on other matters, especially as it relates to Charter issues and financial issues within the Town. The Committee acknowledged that a change would be appropriate, but also did not want to restrict the Town or future generations to a static number of non-voting taxpayer representatives in the Town. An amendment to the motion approved by the Committee was made to restrict the number to up to fifteen members, but the amendment failed for lack of a second.

The Committee voted to recommend either increase the number of speakers from the non-resident property owners group that may speak at Town Meeting, or to delete this section entirely and encourage the Moderator to use the necessary discretion to allow for non-resident property owners to speak at Town Meeting. The vote was 5-1 in favor.

18. Collaboration between elected and appointed Boards and Commissions

One of the topics the Committee focused on was suggesting that other Boards and Town committees update their respective charters and bylaws. The Committee agreed that this idea is one that should be adopted by all Boards and Town committees as a governance practice. The Committee further noted that it seems that often times, various departments and Boards and Commissions within the Town do not understand or know what the other is doing. In an effort to promote community knowledge and transparency, the Committee is suggesting collaboration and communication amongst the various Boards and Town committees.

The Committee voted to endorse an annual joint meeting between all elected Nantucket Boards and Commissions to discuss collective community priorities as reflected in the Town Master Plan and Select Board Strategic Plan and to identify areas of potential cooperation and concern. All voted in favor.

The Committee voted to endorse a bi-annual review of the charge to each committee established by the Select Board and by state or local laws or regulations adopted by the Town. Such a review should involve the Select Board and the commissions or committees and determine if the charge or mission of each remains clear and supportive and in particular addressing the community's strategic goals as developed in the Town Master Plan and the Select Board Strategic Plan. The review will also discuss ways to promote

ongoing coordination between the Select Board and the commissions and committees and between said entities. All voted in favor.

Conclusion:

Over the course of three years, 70 or more meetings, and a pandemic, it has become apparent to the Committee that there are changes that may be necessary to local Government and the charter. Initially, the Committee discussed the three tiers of change: the simple syntax changes to the Charter; the more tangible goals and changes to Government; and ultimately whether or not the form of Town Government should be changed.

Some of the comments received were within the Committee's purview; some were not. One of the points that was raised during an update to the Select Board in November 2020 was the need for education. Some, but not all, of the comments that were received centered around either the lack of civic education or the need for more education for the public. This is not to say that there should be a basic civics class for all residents, but to highlight that there are idiosyncrasies to Nantucket's Government that are unique and require a level of understanding.

One of the goals of the Committee was to simplify some of these idiosyncrasies so that a layperson would be able to easily participate in local Government with a knowledge and understanding of the issues so every citizen can be an informed and educated participant in local Government.

The recommendations that are set forth in this report are just that: recommendations. The Committee is not composed of experts or consultants – it is a volunteer Committee of dedicated citizens who have a desire to make our Town better. The recommendations may be controversial to some; they may not do enough for others. The Committee has heard many differing opinions during the course of their tenure and the Committee has many differing opinions!

However, what is agreed-upon is that any consequential decision should be made by an electorate that is informed and educated about the benefits, consequences, and mechanics of any change in the form of Government. It is the Committee's hope that the momentum created during the last three years will continue into the future.

Overview

There are 351 cities and towns in Massachusetts. Of these, 50 are cities and 301 are towns. There are numerous variations of local government structure. Generally, the term "city" refers to a small legislative body such as a Council or Board of Aldermen (which meets frequently) and either an elected or appointed chief executive called a Mayor or Manager. Towns generally have a large legislative body, either an Open Town Meeting or a Representative Town Meeting (which meets at least annually and sometimes a few times a year). Towns also usually have a small (three or five member) elected executive Board of Selectmen as well as an appointed administrator called a Manager or Administrator.

Cities

Most of the cities in Massachusetts operate with a Mayor/Council form of government such as Boston, Lawrence, Springfield, Fall River, and Taunton. However, some fairly large cities have a Council/Manager form of government such as Worcester, Cambridge and Lowell. In the last 30 years or so, since the adoption of the Home Rule Amendment to the Massachusetts Constitution, a few medium- to larger size towns have adopted a so called city form of government, either with a Mayor/Council form or a Council/Manager form. In many of these instances the municipality still calls itself a town. For example, Amesbury and Greenfield now have a Mayor/Council form of government, while Barnstable and Franklin have a Council/Manager government.

Towns

Most towns (263) operate with an Open Town Meeting where any voter is permitted to attend and vote on legislative matters: budgets, bylaws, zoning, etc. Fewer than 50 towns operate with a Representative Town Meeting where voters elect representatives to attend town meeting. These representative legislative bodies vary from slightly less than 100 to more than 300. Towns of less than 12,000 may not have a city form of government and towns of less than 6,000 must have an open town meeting. The executive authority in towns is performed by elected boards of selectmen together with an appointed chief administrative officer called a Town Manager or Town Administrator.

The following sections describe the more common characteristics of the varied forms of local government found in Massachusetts. Through use of the Home Rule Amendment, cities and towns may structure their local government in almost any manner they chose to adopt.

Mayor | Council

Voters directly elect a mayor and Council. The Council size varies from 7 to 15.

The mayor is the chief executive who appoints key officials and all or some boards, and prepares budget, approves contracts, negotiates with unions and oversees administration. A mayor may be empowered to veto some Council actions.

The elected Council is the legislative body, and adopts budgets, adopts laws (ordinances, zoning, etc.), approves indebtedness (bonding), and may be empowered to approve or veto some Mayor appointments. The council also may appoint some boards and committees. Mayor is also usually a voting member of school committee. A limited number of boards and/or commissions may be elected.

Town Council | Town Manager

Voters elect Council and the Council appoints a City or Town Manager.

Manager is chief executive, appoints key officials, prepares budget, approves contracts, negotiates with unions and oversees administration.

The elected Council is the legislative body and adopts budgets, adopts laws (ordinances, bylaws, zoning, etc.), approves indebtedness (bonding), and may be empowered to approve or veto some Manager appointments. A town 'manager' is voting member of school committee but only on union contracts; a town 'administrator' sometimes serves in this role. A limited number of boards and/or commissions may be elected.

Open Town Meeting | Selectmen | Town Manager or Administrator

All voters are eligible to debate and vote on budgets, bylaws and all matters brought before town meetings, and approve indebtedness (bonding).

Town Meeting acts as the legislative body of the town.

The executive branch of government consists of the selectmen and manager.

An elected board of selectmen (usually 3 or 5) appoint a manager, sets policy, appoints boards and committees and may be authorized to approve or veto some of manager's appointments and approve union contracts. The manager is the chief administrative officer (CAO), appoints department heads and other employees, prepares budgets, awards contracts, negotiates with unions, and oversees administration. A town 'manager' is voting member of school committee but only on union contracts; a town 'administrator' sometimes serves in this role. Fair number of boards and/or commissions may be elected.

Representative Town Meeting | Selectmen | Town Manager/Admin

A limited number of voters are elected, usually by district, to represent all voters in a representative town meeting (RTM). Size can vary widely (less than 100 to more than 300).

RTM is the legislative body of town and it debates and approves budgets, bylaws, and all matters brought before town meeting. RTM also approves indebtedness (bonding).

The executive branch of the government consists of the selectmen and the manager. An elected board of selectmen (usually 3 to 5) appoint a manager, set policy, appoint boards and committees and may be authorized to approve or veto some manager's appointments. The board also approves union contracts. The manager is the chief administrative officer (CAO), appoints department heads and employees, prepares budgets, awards contracts, negotiates with unions, and oversees administration. A town 'manager' is voting member of school committee but only on union contracts; a town 'administrator' sometimes serves in this role. Smaller number of boards and/or commissions may be elected.

SPECIMEN BALLOT



**OFFICIAL BALLOT
ANNUAL TOWN ELECTION
NANTUCKET, MASSACHUSETTS
TUESDAY, JUNE 16, 2020**

Registered Voters 9250
Ballots Cast 1860
Vote Turnout: 20.1%

Nancy Z. Holmes
Town and County Clerk

- a. To vote, fill in the OVAL ☐ to the right of the candidate of your choice, like this: ☒
- b. To vote for a person whose name is not printed on the ballot, write his or her name in the blank space provided and fill in the oval.
- c. Follow directions as to the number of candidates to be marked for each office.
- d. If you wrongly mark, tear or deface the ballot, return it and obtain another.

MODERATOR

One Year Vote for No More Than One

ALGER, SARAH F. ☒
7 Carew Lane (Candidate for re-election)(WRITE-IN) ☐**NANTUCKET ISLANDS
LAND BANK COMMISSION**

Five Years Vote for No More Than One

DONATO, MARK ☒
106 Orange Street(WRITE-IN) ☐

**And, To Cast Their Vote As
"Yes" Or "No" On The
Following Ballot Questions:**

SELECT BOARD

Three Years Vote for No More Than Two

BRIDGES, JASON ☒
1 Devon Street (Candidate for re-election)**MURPHY, MELISSA** ☒
3 Alexandria Drive**RANDOLPH, JEANNINE** ☐
22 Wigwam Road**WILLIAMS, CLIFFORD** ☐
3 Williams Street(WRITE-IN) ☐(WRITE-IN) ☐**HARBOR AND SHELLFISH
ADVISORY BOARD**

Three Years Vote for No More Than Two

BRACE, PETER ☒
67A Milestone Road (Candidate for re-election)**FRONZUTO, DAVID** ☒
20 Surfside Road (Candidate for re-election)(WRITE-IN) ☐(WRITE-IN) ☐**1. Operating Override**

Shall the Town of Nantucket be allowed to assess an additional \$5,000,000 in real estate and personal property taxes for the purpose of supporting the operation of Our Island Home for the fiscal year beginning on July 1, 2020?

1232 YES ☒564 NO ☐

Blanks - 64

SCHOOL COMMITTEE

Three Years Vote for No More Than Two

BUTLER, ZONA ☒
4 Bailey Road (Candidate for re-election)**LEPORE, TIMOTHY** ☒
46 Prospect Street (Candidate for re-election)(WRITE-IN) ☐(WRITE-IN) ☐**PLANNING BOARD**

Five Years Vote for No More Than One

WEGNER, JUDITH ☒
50 Quidnet Road (Candidate for re-election)(WRITE-IN) ☐**NANTUCKET
WATER COMMISSION**

Three Years Vote for No More Than One

ELDRIDGE, NELSON ☒
2 Eldridge Lane (Candidate for re-election)(WRITE-IN) ☐**SIASCONSET
WATER COMMISSION**

Three Years Vote for No More Than One

ELDRIDGE, GERALD ☒
2 Eldridge Lane (Candidate for re-election)(WRITE-IN) ☐**2. Debt Exclusion for Newtown
Road Transportation
Improvements**

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Newtown Road including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

766 YES ☐964 NO ☒

Blanks 130

HISTORIC DISTRICT COMMISSION

Three Years Vote for No More Than Two

OLIVER, VALLORIE ☒
38 Newtown Road (Candidate for re-election)**POHL, RAY** ☒
24 Pine Street (Candidate for re-election)(WRITE-IN) ☐(WRITE-IN) ☐**NANTUCKET HOUSING AUTHORITY**

Five Years Vote for No More Than One

JOHNSON, BERTYL ☒
28 Longwood Drive (Candidate for re-election)(WRITE-IN) ☐

Nancy Z. Holmes
TOWN CLERK

TUCKET TOWN CLERK

ATTEST: TRUE COPY

TURN BALLOT OVER AND VOTE BOTH SIDES

Nancy Z. Holmes
TOWN CLERK

NANTUCKET TOWN & COUNTY CLERK

SPECIMEN BALLOT

3. Debt Exclusion for Reconstruction of Lover's Lane

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Lover's Lane, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

850 YES ☒

863 NO ☒

Blanks

147

4. Debt Exclusion for Construction and Improvements to Amelia Drive and Waitt Drive

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Amelia Drive and Waitt Drive, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

824 YES ☐

881 NO ☒

Blanks

155

5. Debt Exclusion for Construction and Improvements to Children's Beach Storm Water Pump Station

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various improvements to the Children's Beach storm water pump station, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

1360 YES ☒

375 NO ☐

Blanks

125

6. Capital Outlay Exclusion

Shall the Town of Nantucket be allowed to assess an additional \$896,160 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2020?

	1007	YES ☒
	703	NO ☐
	Blanks	150
Department	Purpose	Amount
Fire	Replacement of Self-contained Breathing Apparatus Equipment	\$ 101,160
Marine	Additional Sewage Pump-out Boat	\$ 150,000
Public Works	Replacement of 6-Wheel Dump Truck	\$ 180,000
Public Works	Replacement of F-350 Truck	\$ 60,000
Public Works	Replacement of two (2) small pick-up trucks	\$ 90,000
Public Works	Replacement of Street Sweeper	\$ 250,000
School	Replacement of Bobcat	\$ 65,000
	Total Capital Exclusion:	\$ 896,160

7. Capital Outlay Exclusion

Shall the Town of Nantucket be allowed to assess an additional \$266,522 in real estate and personal property taxes for the continuation of closed caption television camera assessment of storm water drainage systems within the Town for the fiscal year beginning July 1, 2020?

962 YES ☒

705 NO ☐

Blanks

193

Non - Binding Ballot Questions:

1. Are you satisfied with our current open town meeting form of government?

887 YES ☒

788 NO ☐

Blanks

185

2. Would you like the Town to invest time and resources to investigate alternative forms of local government for further review?

1102 YES ☒

593 NO ☐

Blanks

165

TURN BALLOT OVER AND VOTE BOTH SIDES

TOWN OF NANTUCKET

June 16, 2020 - ANNUAL TOWN ELECTION

	Reg. Voters	9,250
	Election Ballots Cast	1,860
	Voter Turnout %	20.1%
NANTUCKET		
MODERATOR		
Alger, Sarah F.	1,627	
Blanks	228	
Write-ins	5	
TOTAL	1,860	
SELECT BOARD		
Bridges, Jason	1,360	
Murphy, Melissa	1,134	
Randolph, Jeannine	86	
Williams, Clifford	759	
Blanks	362	
Write-Ins	19	
TOTAL	3,720	
SCHOOL COMMITTEE		
Butler, Zona	1,488	
Lepore, Timothy	1,560	
Blanks	655	
Write-ins	17	
TOTAL	3,720	
HISTORIC DISTRICT COMMISSION		
Oliver, Vallorie	1,522	
Pohl, Ray	1,335	
Blanks	845	
Write-Ins	18	
TOTAL	3,720	
NANTUCKET HOUSING AUTHORITY		
Johnson, Bertyl	1,389	
Blanks	459	
Write-Ins	12	
TOTAL	1,860	
LAND BANK		
Donato, Mark	1,477	
Blanks	362	
Write-Ins	21	
TOTAL	1,860	
HARBOR & SHELLFISH ADV. BOARD		
Brace, Peter	1,472	
Fronzuto, David	1,467	
Blanks	771	
Write-ins	10	
TOTAL	3,720	
PLANNING BOARD		

ATTEST: TRUE COPY

 NANTUCKET TOWN & COUNTY CLERK

EXHIBIT B	
Wegner, Judith	1,424
Blanks	428
Write-ins	8
TOTAL	1,860
NANTUCKET WATER COMMISSION	
Eldridge, Nelson	1,540
Blanks	319
Write-Ins	1
TOTAL	1,860
SIASCONSET WATER COMMISSION	
Eldridge, Gerald	1,538
Blanks	319
Write-Ins	3
TOTAL	1,860
QUESTION 1 - OIH OVERRIDE	
YES	1,232
NO	564
Blanks	64
TOTAL	1,860
QUESTION 2 - NEWTOWN RD	
YES	766
NO	964
Blanks	130
TOTAL	1,860
QUESTION 3 - LOVERS LANE	
YES	850
NO	863
Blanks	147
TOTAL	1,860
QUESTION 4 - AMELIA/WAITT DR.	
YES	824
NO	881
Blanks	155
TOTAL	1,860
QUESTION 5 - CHILDREN'S BEACH STRM	
YES	1,360
NO	375
Blanks	125
TOTAL	1,860
QUESTION 6 - Capital Outlay-Equipment	
YES	1,007
NO	703
Blanks	150
TOTAL	1,860
QUESTION 7-CAPITAL OUTLAY-STRM CAM.	
YES	962
NO	705

EXHIBIT B

Blanks	193
TOTAL	1,860
NON-BINDING-KEEP ATM	
YES	887
NO	788
Blanks	185
TOTAL	1,860
NON-BINDING-INVEST. NEW FORM GOV?	
YES	1,102
NO	593
Blanks	165
TOTAL	1,860

**BASED ON MY UNDERSTANDING
TODAY, MY PREFERRED FORM
OF GOVERNMENT FOR OUR
ISLAND IS:** ●●●

OUR CURRENT FORM



Y-R: 4
S: 0

REPRESENTATIVE TOWN MEETING



Y-R: 8
S: 6

**CITY COUNCIL / TOWN MANAGER
(TOWN)**



Y-R: 1
S: 0

MAYOR / COUNCIL



Y-R: 1
S: 4

UNSURE

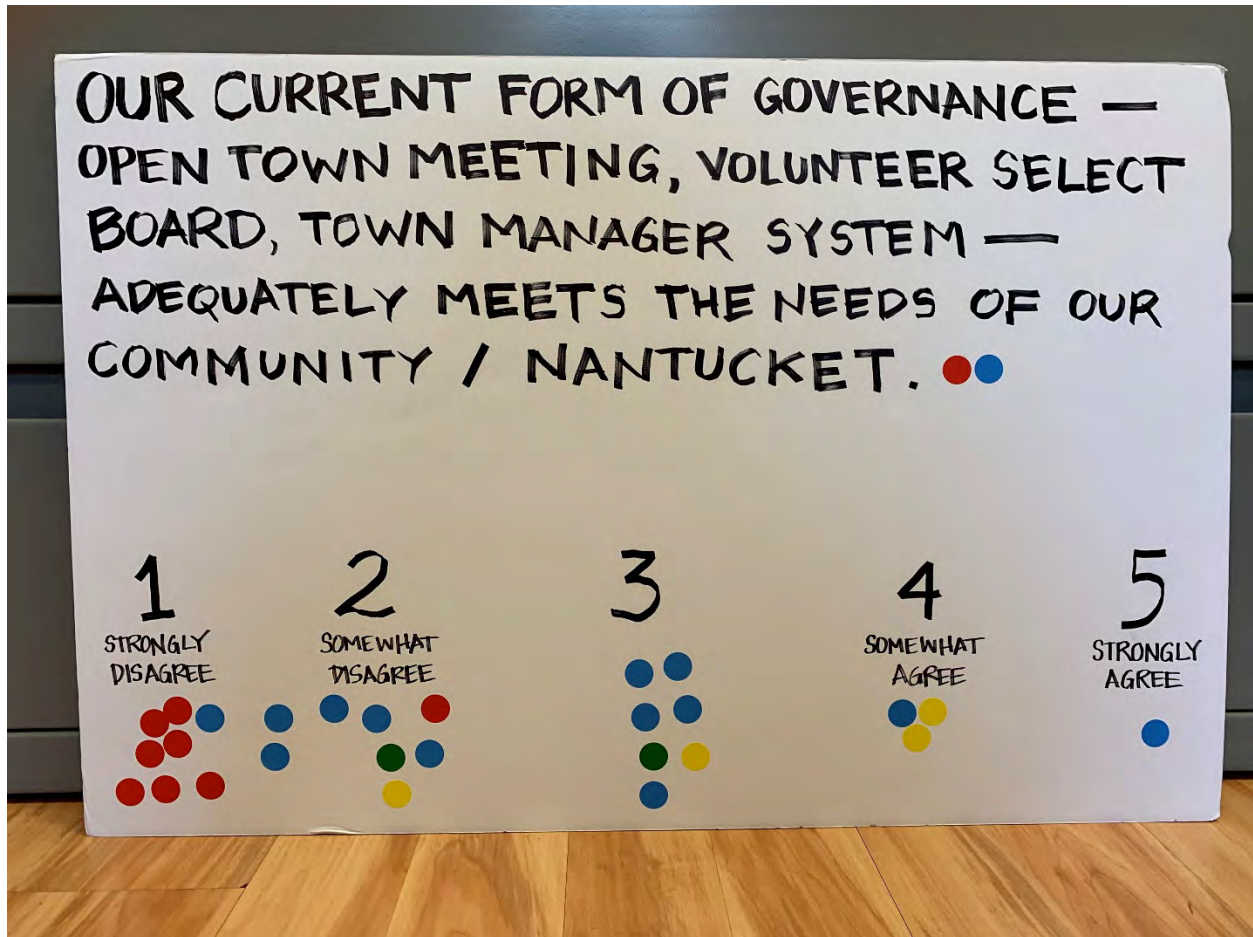


Y-R: 3
S: 0

COMMENTS

Legend:

Blue and Yellow Dots are Year-Round ("Y-R") Respondents
Green and Red Dots are Seasonal ("S") Respondents



Legend:

Blue and Yellow Dots are Year-Round ("Y-R") Respondents
Green and Red Dots are Seasonal ("S") Respondents

special law to the contrary, the Nantucket Islands Land Bank may convey an easement(s) under all or portions of certain parcels of land situated in the Town of Nantucket to the Town of Nantucket for underground drainage purposes, provided that the overall use and appearance of said properties remains as open space, described as follows:

- Tax Assessor's Map 55.4.4, Parcel 105, 14 Candle House Lane;
- Tax Assessor's Map 55.4.4, Parcel 104, 16 Candle House Lane.

Any such disposition shall be on such terms and conditions as the Nantucket Islands Land Bank deem appropriate, which may include the reservation of restrictions and easements and the exchange of suitable property from the Town of Nantucket to mitigate any impact of open space value as determined by the Nantucket Islands Land Bank Commissioners, all as shown on a map entitled "2020 Annual Town Meeting Warrant Article 95" dated January 2020 and filed with the Office of the Town Clerk.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 96

(Home Rule Petition: Amending the Town Charter Relative to the Audit Committee)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

Article III, Select Board, Section 3.5(c), Further Powers of the Select Board

The Select Board shall have the power:

...

(c) To establish as may be advisable or needed one or more advisory committees to conduct any inquiry or investigation or to make planning, policy or other recommendations; ~~further, to establish and shall so establish as a permanent standing committee of the town a three member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results and evaluation of the internal accounting procedures and controls. The audit committee shall be composed of three members each serving a term of one year. The committee will~~

~~consist of the Chairman of the Select Board, the Chairman of the Finance Committee and one member of the Select Board appointed by the Select Board.~~

Article III, Select Board, insert Section 3.6 - Audit Committee

- (a) Members. In accordance with this charter, the Select Board shall establish a five-member Audit Committee consisting of the Chairman of the Select Board, the Chairman of the Finance Committee, one appointed member from the Select Board and two members of the Nantucket community. The public members will be appointed by the Select Board. Each member shall be a voting member and be appointed for 1-year terms.
- (b) Purposes, Duties, and Responsibilities of the Audit Committee. The Audit Committee shall represent the Select Board in discharging its responsibility relating to the accounting, reporting, and financial practices of the Town, and shall have general responsibility for surveillance of internal controls and accounting and audit activities of the Town. Specifically, the Audit Committee shall:
 - (1) Evaluate and recommend to the Select Board a firm of independent certified public accountants as auditors of the Town.
 - (2) Review with the independent auditors their audit procedures, including the scope, fees and timing of the audit, and the results of the annual audit examination and any accompanying management letters.
 - (3) Review the written statement from the outside auditor of the Town concerning any relationships between the auditor and the Town or any other relationships that may adversely affect the independence of the auditor and assess the independence of the outside auditor.
 - (4) Review and discuss with the Finance Director and the independent auditors the Town's annual audited consolidated financial statements, including an analysis of the auditors' judgment as to the quality of the Town's accounting principles.
 - (5) Review the adequacy of the Town's internal controls.
 - (6) Review significant changes in the accounting policies of the Town and accounting and financial reporting rule change that may have a significant impact on the Town's financial reports.
 - (7) Review material pending legal proceedings involving the Town and other contingent liabilities.
 - (8) Review the adequacy of the Audit Committee Charter on an annual basis.

- (c) Meetings. The Audit Committee shall meet as often as may be deemed necessary. The Audit Committee shall meet in executive session (without the presence of staff) with the independent auditors at least annually. The Audit Committee shall report to the full Select Board with respect to its meetings. The majority of the members of the Audit Committee shall constitute a quorum.

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court, are hereby authorized to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes of form to the text thereto as may be necessary or advisable in order to accomplish the intent and public purpose of this legislation in order to secure passage. *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text):*

Article III, Select Board, Section 3.5(c), Further Powers of the Select Board

The Select Board shall have the power:

...

- (c) To establish as may be advisable or needed one or more advisory committees to conduct any inquiry or investigation or to make planning, policy or other recommendations; ~~further, to establish and shall so establish as a permanent standing committee of the town a three member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results and evaluation of the internal accounting procedures and controls. The audit committee shall be composed of three members each serving a term of one year. The committee will consist of the Chairman of the Select Board, the Chairman of the Finance Committee and one member of the Select Board appointed by the Select Board.~~

Article III, Select Board, insert **Section 3.6 - Audit Committee**

- (b) Members. In accordance with this charter, the Select Board shall establish a five-member Audit Committee consisting of the Chair of the Select Board, the Chair of the Finance Committee, one appointed member from the Select Board and two members of the Nantucket community. The public members will be appointed by the Select Board. Each member shall be a voting member and be appointed for 1-year terms.
- (d) Purposes, Duties, and Responsibilities of the Audit Committee. The Audit Committee shall represent the Select Board in discharging its responsibility relating to the accounting, reporting, and financial practices of the Town, and shall have general responsibility for surveillance of internal controls and

accounting and audit activities of the Town. Specifically, the Audit Committee shall:

- (1) Evaluate and recommend to the Select Board a firm of independent certified public accountants as auditors of the Town.
 - (2) Review with the independent auditors their audit procedures, including the scope, fees and timing of the audit, and the results of the annual audit examination and any accompanying management letters.
 - (3) Review the written statement from the outside auditor of the Town concerning any relationships between the auditor and the Town or any other relationships that may adversely affect the independence of the auditor and assess the independence of the outside auditor.
 - (4) Review and discuss with the Finance Director and the independent auditors the Town's annual audited consolidated financial statements, including an analysis of the auditors' judgment as to the quality of the Town's accounting principles.
 - (5) Review the adequacy of the Town's internal controls.
 - (6) Review significant changes in the accounting policies of the Town and accounting and financial reporting rule change that may have a significant impact on the Town's financial reports.
 - (7) Review material pending legal proceedings involving the Town and other contingent liabilities.
 - (8) Review the adequacy of the Audit Committee Charter on an annual basis.
- (e) Meetings. The Audit Committee shall meet as often as may be deemed necessary. The Audit Committee shall meet in executive session (without the presence of staff) with the independent auditors at least annually. The Audit Committee shall report to the full Select Board with respect to its meetings. The majority of the members of the Audit Committee shall constitute a quorum.

ARTICLE 97

(Home Rule Petition: Prohibiting Glyphosate)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation seeking a special act in the form set forth below, amending Chapter 301 of the Acts of 2002, and to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in the text as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

ARTICLE 65
(Bylaw Amendment: Personnel)

To see if the Town will vote to amend Chapter 33 (Personnel) of the Code of the Town of Nantucket as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text; non-substantive changes to the numbering of this bylaw shall be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket):*

§33-4. Applicability; collective bargaining agreements.

All Town departments and positions, except those under the jurisdiction of the School Committee; ~~Airport Commission; elected positions; employees of the Wannacomet Water Company that are under the direction and control of the Nantucket Water Commission;~~ the positions of Town Counsel, Town Prosecutor and Labor Counsel; and certain positions for which the compensation is on a fee basis or the incumbents of which render intermittent or casual services, shall be subject to the provisions of this chapter and any rules and regulations adopted pursuant to this chapter. Provisions of collective bargaining agreements shall govern those employees whenever collective bargaining agreements conflict with the provisions of this chapter and any rules and regulations adopted pursuant to this chapter.

Article 66: Establishment of a Parking Benefit District (Called, Call Withdrawn, Called)
 Adopted by Majority Voice Vote

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 66
(Establishment of a Parking Benefit District)

To see if the Town will vote pursuant to General Laws Chapter 40, Section 22A½ to authorize the Board of Selectmen to designate one or more parking benefit districts, as geographically defined areas within the Town, in which parking revenue collected therein may be designated, subject to appropriation, in whole or in part for use in that district through a dedicated fund in accordance with the purposes and uses listed in section 22A of Chapter 40. In creating one or more parking benefit districts the Board of Selectmen is hereby authorized to designate a Town board, official, or committee to manage said parking benefit district or districts; or to take any other action relative thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved to accept Chapter 40, section 22A of the General Laws; and, further moved that pursuant to General Laws Chapter 40, Section 22A½ the Board of Selectmen is hereby authorized to designate one or more parking benefit districts, as geographically defined areas within the Town, in which parking revenue collected therein may be designated, subject to appropriation, in whole or in part for use in that district through a dedicated fund in accordance with the purposes and uses listed in section 22A of Chapter 40, is hereby adopted.



Town of Nantucket



OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216
FAX (508) 325-5313
Home: (508) 228-7841

Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>



2018 ANNUAL TOWN MEETING 2018

The following is a summary of the articles called and discussed, and the vote taken by the 2018 Annual Town Meeting held at the Nantucket High School, Mary P. Walker Auditorium, 10 Surfside Road, on April 3, 2018. Cyrus Peirce student Bobby Planzer was the official Time Keeper.

Tuesday, April 3, 2018 – Meeting called to order at 6:06 PM. Out of 8913 registered voters, there were 487 voters present at the start of the meeting. Ultimately, 630 registered voters were in attendance.

Voters were given red armbands, and consultants were given green check armbands. Non-voters were admitted to the Auditorium anteroom, and the proceedings were graciously live-streamed by Channel 18.

On April 3, 2018, at 6:51 PM, the following “Pot of Uncalled Articles” was voted unanimously in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting:

~~1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 50, 53, 54, 55, 56, 57, 60, 61, 65, 68, 69, 70, 71, 74, 75, 80, 83, 84, 85, 86, 87, 88, 89 and 90~~

HIGHLIGHTING KEY:

NONE = Adopted

YELLOW = Adopted with Amendment/Technical Amendment

RED = NOT adopted

GREEN = Attorney General Approval Needed

TURQUOISE = NONBINDING

Article 1: Receipt of Reports (Not Called) Adopted by Unanimous Voice Vote

Article 2: Appropriation: Unpaid Bills (Not Called) Adopted by Unanimous Voice Vote

Article 3: Bylaw Amendment: Finances (Not Called) Adopted by Unanimous Voice Vote

Article 4: Revolving Accounts: Spending Limits for FY2019 (Not Called) Adopted by Unanimous Voice Vote

Article 5: Appropriation: Reserve Fund (Not Called) Adopted by Unanimous Voice Vote

Article 6: FY 2018 General Fund Budget Transfers (Not Called) Adopted by Unanimous Voice Vote

Article 7: Personnel Compensation Plans for FY 2019 (Not Called) Adopted by Unanimous Voice Vote

Article 8: Appropriation: FY 2019 General Fund Operating Budget (Not Called) Adopted by Unanimous Voice Vote

Article 9: Appropriation: Health and Human Services (Not Called) Adopted by Unanimous Voice Vote

Article 10: Appropriation: General Fund Capital Expenditures (Called) Adopted With Technical Amendment by Unanimous Voice Vote

Article 11: Appropriation: FY 2019 Enterprise Funds Operation (Not Called) Adopted by Unanimous Voice Vote

Article 12: Appropriation: Enterprise Funds Capital Expenditures (Not Called) Adopted by Unanimous Voice Vote

Article 13: Enterprise Funds: Fiscal Year 2018 Budget Transfers (Not Called) Adopted with Technical Amendment by Unanimous Voice Vote

Article 14: Appropriation: Prior Year Articles (Not Called) Adopted by Unanimous Voice Vote

Article 15: Appropriation: Old South Road Area Transportation Improvements (Called) Adopted by Handcount Vote: YES – 405; NO – 115. Total Votes Cast – 520. $2/3 = 343$

Article 16: Appropriation: Public Works Facility Improvements – Design (Called) Adopted by Declared 2/3 Majority Voice Vote

Article 17: Appropriation: Renovation of Marine Department Building (Called) Adopted by Declared 2/3 Majority Voice Vote

Article 18: Appropriation: Storm Water System Improvements (Not Called) Adopted by Unanimous Voice Vote

Article 19: Appropriation: Sparks Avenue Sidewalk Improvements (Not Called) Adopted by Unanimous Voice Vote

Article 20: Appropriation: Waterways Improvement Fund (Not Called) Adopted by Unanimous Voice Vote

Article 21 : Authorization: Ambulance Reserve Fund (Called) Adopted by Unanimous Voice Vote

Article 22: Appropriation: Ferry Embarkation Fee (Not Called) Adopted by Unanimous Voice Vote

Article 23: Appropriation: County Assessment (Not Called) Adopted by Unanimous Voice Vote

Article 24: Appropriation: Finalizing Fiscal year 2019 County Budget (Not Called) Take No Action by Unanimous Voice Vote

Article 25: Rescind Unused Borrowing Authority (Not Called) Adopted by Unanimous Voice Vote

Article 26: Appropriation: Other Post-Employment Benefits Trust Fund (Not Called) Adopted by Unanimous Voice Vote

Article 27: Appropriation: Affordable Housing Trust Fund (Not Called) Adopted by Unanimous Voice Vote

Article 28: Appropriation for Special Purpose Stabilization Fund for Airport Employee Accrued Liabilities (Not Called) Adopted by Unanimous Voice Vote

Article 29: Establishment of and Appropriation for Special Purpose Stabilization Fund for Town Employee Accrued Liabilities (Not Called) Adopted by Unanimous Voice Vote

Article 30: Appropriation for Special Stabilization Fund for Substance Abuse Prevention Efforts (Not Called) Adopted by Unanimous Voice Vote

Article 31: Renewal of Board of Health Septic System Betterment Loan Program (Not Called) Adopted by Unanimous Voice Vote

Article 32: Appropriation: Establishment of and Appropriation for Special Education Reserve Fund (Not Called) Adopted by Unanimous Voice Vote

Article 33: Community Preservation Committee: Fiscal Year 2019 Budget Transfers (Not Called) Adopted by Unanimous Voice Vote

Article 34: Appropriation: FY 2019 Community Preservation Committee (Not Called) Adopted with Technical Amendment by Unanimous Voice Vote

Article 35: NON-BINDING Thirty Million Dollar Tax Levy Override (Called) -Not
Adopted by Majority Voice Vote

Article 36: Zoning Map Change: RC to ROH – Orange St (Not Called) Adopted by
Unanimous Voice Vote

Article 37: Zoning Map Change: RC to R5 – Sparks Avenue and Williams Lane
(Not Called) Adopted by Unanimous Voice Vote

Article 38: Zoning Map Change: R-1 to CMI or CN – Cherry and Pleasant Street (Not Called) Take No

Article 39: Zoning Map Change: R-5 to CN – Airport Property: 10 Sun Island Road (Not
Called) Adopted by Unanimous Voice Vote

Article 40: Zoning Map Change: SOH to VN – New Street, Siasconset (Not Called)
Adopted by Unanimous Voice Vote

Article 41: Zoning Map Change: CN to CTEC – Davkim Lane (Not Called) Adopted by
Unanimous Voice Vote

Article 42: Zoning Map Change: R-20 to R-1 – 3 Wyers Way (Not Called) Adopted by
Unanimous Voice Vote

Article 43: Zoning Map Change: R-20 to CN – 1 Airport Road (Not Called) Take No
Action by Unanimous Voice Vote

Article 44: Zoning Map Change: Country Overlay District Open Space Miscellaneous
Location – VR, LUG-1, and LUG-2 to LUG-3 and LUG-3 to MMD (Not Called) Adopted by
Unanimous Voice Vote

Article 45: Zoning Bylaw Amendment: Technical Changes to Chapter 139, §2 and 16 (Not
Called) Adopted by Unanimous Voice Vote

Article 46: Zoning Bylaw Amendment: Technical Changes to Chapter 139, §25, 26, 28, 29
(Not Called) Adopted by Unanimous Voice Vote

Article 47: Zoning Bylaw Amendment: Town and Country Overlay District Changes –
Wherowhero Lane and Evergreen Way (Called) Adopted with Technical Amendment by
Handcount Vote YES – 300, NO – 36 Total votes = 336 2/3 = 222

Article 48: Zoning Bylaw Amendment: Ground Cover Allowance by Special Permit in the
Residential District (Called) Not Adopted by Handcount Vote: YES – 142; NO – 235
TOTAL – 377; 2/3 = 249 Vote

Article 49: Bylaw Amendment: Zoning/Collier (Not Called) Adopted by Unanimous
Voice Vote

Article 50: Zoning Map Change: RC-2 to CMI – Old South Rd/Cohen (Not Called) Take
No Action by Unanimous Voice Vote

**Article 51: Zoning Map Change: LUG-2 to LUG-1 – Masaguet Avenue/Fitch (Called)
Not Adopted by Handcount Vote YES – 142; NO – 235; TOTAL – 377 (2/3 = 249)**

**Article 52: Zoning Map Change: LUG-2 to LUG-1 – 56 South Shore Road/Brescher
(Called) Not Adopted by Majority Voice Vote**

**Article 53: Zoning Map and Town and Country Overlay District Change: Board of Sewer
Commissioners/Sewer District Map Change: PORTION OF 43 Appleton Road/Kalman (Not
Called) Take No Action by Unanimous Voice Vote**

**Article 54: Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map
Changes – Hawthorne Lane/Brescher (Not Called) Adopted by Unanimous Voice Vote**

**Article 55: Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map
Changes – Folger Avenue, Field Avenue, Morgan Square, South Shore Road (Not Called)
Adopted by Unanimous Voice Vote**

**Article 56: Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map
Changes/Harshman (Not Called) Adopted by Unanimous Voice Vote**

**Article 57: Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map
Changes – Burnell Street/Reade (Not Called) Adopted by Unanimous Voice Vote**

**Article 58: Waiver of Sewer Privilege Fees/Myers (Called) Not Adopted by Majority
Voice Vote**

**Article 59: NON-BINDING Ban on Herbicides and Pesticides
Containing Glyphosate/Creech (Called) Adopted by Majority Voice
Vote**

**Article 60: Environmental Resolution/Mendelsohn (Not Called) Adopted by Unanimous
Voice Vote**

**Article 61: Bylaw Amendment: Agricultural Commission/Sutton (Not Called) Adopted by
Unanimous Voice Vote**

**Article 62: Charter Amendment: Establishing a Special Council/Williams (Called)
Adopted as moved by Williams by Majority Voice Vote**

**Article 63: Discontinue Development of 6 Fairgrounds Road/Reinemo (Called) Not
Adopted by Majority Voice Vote**

**Article 64: Moratorium on Town Housing/Reinemo (Called) Not Adopted by Majority
Voice Vote**

**Article 65: Bylaw Amendment: Personnel (Not Called) Not Adopted by Unanimous Voice
Vote**

**Article 66: Establishment of a Parking Benefit District (Called, Call Withdrawn, Called)
Adopted by Majority Voice Vote**

**Article 67: Home Rule Petition: Selectboard/Murphy (Called) Adopted by Majority Voice
Vote**

**Article 68: Home Rule Petition: Merger of Nantucket Water Commission and Siasconset
Water Commission (Not Called) Adopted by Unanimous Voice Vote**

**Article 69: Home Rule Petition: Rescind Nantucket Mosquito Control Project Act (Not
Called) Adopted by Unanimous Voice Vote**

**Article 70: Home Rule Petition: Community Housing Bank Real Estate Transfer Fee (Not
Called) Adopted by Unanimous Voice Vote**

**Article 71: Home Rule Petition: Amending Special Act Authorizing Affordable Housing
Covenants (Not Called) Adopted by Unanimous Voice Vote**

**Article 72: Home Rule Petition: Real Estate Conveyances to Nantucket Islands Land
Bank, Nantucket Conservation Foundation, Inc., and/or 'Sconset Trust (Called) Adopted
With a Technical Correction by Majority Voice Vote**

**Article 73: Home Rule Petition: Conveyance of Land from County to Town (Called)
Adopted by Majority Voice Vote**

**Article 74: Home Rule Petition: Real Estate Conveyance of Portion of 264 Polpis Road
(Not Called) Adopted by Unanimous Voice Vote**

**Article 75: Home Rule Petition: Real Estate Conveyance of Portion of 1 Milestone Road
(Not Called) Adopted by Unanimous Voice Vote**

**Article 76: Real Estate Acquisition: Moorlands Management District (MMD) (Called, Call
Withdrawn) Adopted by Unanimous Voice Vote**

**Article 77: Real Estate Acquisition/Transfer: Land for Roadway/Roundabout Purposes
(Called) Adopted by Majority Voice Vote**

**Article 78: Real Estate Conveyance: Open Space: Nantucket Islands Land Bank,
Nantucket Conservation Foundation, Inc., and/or 'Sconset Trust (Called, Call Withdrawn)
Adopted by Unanimous Voice Vote**

**Article 79: Real Estate Conveyances: Portion of 111 Washington Street and Portion of
Surfside Parcel (Called, Call Withdrawn) Adopted by Unanimous Voice Vote**

**Article 80: Real Estate Conveyance: Portion of 264 Polpis Road (Not Called) Adopted
by Unanimous Voice Vote**

**Article 81: Real Estate Acquisition: Portions of Lincoln Avenue (Called) Adopted by
Majority Voice Vote**

**Article 82: Real Estate Conveyance: Portions of Lincoln Avenue (Called)
Adopted by Majority Voice Vote**

**Article 83: Real Estate Acquisition: Nobadeer Avenue/Ottani (Not Called)
Adopted by Unanimous Voice Vote**

**Article 84: Real Estate Conveyance: Nobadeer Avenue/Ottani (Not Called)
Adopted by Unanimous Voice Vote**

**Article 85: Real Estate Acquisition: Sandwich Road/Cohen (Called, Call
Withdrawn) Not Adopted by Unanimous Voice Vote**

**Article 86: Real Estate Conveyance: Sandwich Road/Cohen (Called, Call
Withdrawn) Not Adopted by Unanimous Voice Vote**

**Article 87: Real Estate Conveyance: Industrial Land/Bamber (Not Called)
Adopted by Unanimous Voice Vote**

**Article 88: Release of Sewer Easement/Dias (Not Called) Adopted by
Unanimous Voice Vote**

**Article 89: Appropriation: Stabilization Fund (Not Called) Take no Action by
Unanimous Voice Vote**

Article 90: Free Cash (Not Called) Take No Action by Unanimous Voice Vote

At 10:56 PM, on April 3, 2018 Moderator Alger recognized Dawn Hill-Holdgate, Chair of the Select Board, who moved to dissolve the 2018 Annual Town Meeting. The motion was seconded, and Adopted by Unanimous Voice Vote.

necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE NANTUCKET ISLANDS LAND BANK TO TRANSFER, CONVEY OR OTHERWISE DISPOSE OF PORTIONS OF CERTAIN LANDS SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE PURPOSES TO THE TOWN OF NANTUCKET FOR ROADWAY, BICYCLE, DRAINAGE, UTILITY, AND SIDEWALK PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 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 Nantucket Islands Land Bank may transfer, convey or otherwise dispose of portions of certain parcels of land situated in the Town of Nantucket to the Town of Nantucket for roadway, bicycle, drainage, utility, and sidewalk purposes associated with the Milestone Rotary described as follows:

- Tax Assessor's Map 55, Parcel 63 (a portion of) 170 Orange Street;
- Tax Assessor's Map 55, Parcel 64 (a portion of) 174 Orange Street;
- Tax Assessor's Map 55, Parcel 65 (a portion of) 2 Milestone Road;

Any such disposition shall be on such terms and conditions as the Nantucket Islands Land Bank deem appropriate, which may include the reservation of restrictions and easements and the exchange of suitable property from the Town of Nantucket to mitigate the loss of open space land as determined by the Nantucket Islands Land Bank Commissioners, all as shown on a map entitled "2020 Annual Town Meeting Warrant Article 93" dated January 2020 and filed with the Office of the Town Clerk.

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

Or to take any other action related thereto.

(Select Board)

FINANCE COMMITTEE MOTION: Moved to take no action on the Article.

ARTICLE 94

(Home Rule Petition: Town Charter - Select Board Amendment/Airport Capital Projects)

To see if the Town will vote to request its representatives in the General Court to introduce special legislation, the text of which is set forth below, amending the charter for the Town of Nantucket, and to authorize the General Court, with the approval of the Select Board, to make changes in the text thereto as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure passage; or to take any other action related thereto.

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

SECTION 1. Section 2.1 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended as follows:

1. Striking out the first sentence of the second paragraph said section 2.1 and replacing it with the following:

Notwithstanding the foregoing, certain powers of Town Meeting as to real estate acquisitions and funding of capital projects at Nantucket Airport shall also be vested in the Select Board, as specified in Sections 3.3 and 3.6, subject to the voters' right to petition, as specified in Sections 2.1(b), 3.3, and 3.6.

2. Striking out section 2.1(b) and replacing it with the following:

To veto any real estate acquisition voted by the Select Board pursuant to Section 3.3 or any vote regarding funding of capital projects at the Nantucket Airport pursuant to Section 3.6; provided, however, that a petition proposing such veto in the form of a Town Meeting warrant article is signed by at least ten registered voters and provided that the petition is timely filed with the Town Clerk. The Town Clerk shall then present the petition to the Select Board within the time permitted for inclusion of the article in the next Annual Town Meeting or Special Town Meeting warrant. The Select Board or the Nantucket Airport Commission, as applicable may proceed with the real estate acquisition or use of funding of capital projects to benefit the Airport unless a petition to veto such acquisition or funding is filed with the Town Clerk within 15 days of the public notice provided for Section 3.6 of this Charter.

SECTION 2. Section 3.1 of article III of said charter is hereby amended by adding a new section 3.6 as follows:

Section 3.6 Funding for the Benefit of the Nantucket Airport

At the request of the Nantucket Airport Commission, the Select Board may, notwithstanding any law to the contrary, vote to appropriate, borrow or transfer from available funds any sum of money to be placed in the Airport enterprise fund, or any other fund established for the benefit of Nantucket Airport, in order to permit the Nantucket Airport Commission or the Nantucket Airport to qualify for available grants and loans; provided that the amount of such appropriation or borrowing shall not exceed the total cost of the Capital Project for which the appropriation or borrowing is authorized pursuant to Section 2.1(b) of this Charter; and provided further that any amount authorized to be appropriated, borrowed or transferred by the Select Board shall, subject to any applicable grant or loan requirements and applicable laws, be reduced by the amount of any such grant or loan funds received prior to the issuance of bonds or notes or the expenditure of funds by the Nantucket Airport Commission.

The Select Board shall publish a public notice of such vote in a newspaper having general circulation within the Town. Any such vote shall be subject to veto by Town Meeting if a petition as set forth in Section 2.1(b) is filed with the Town Clerk within 15 days following the date such public notice is published.

Nothing in this section of the Charter shall affect the acceptance of gifts pursuant to Chapter 44, Section 53A of the General Laws.

(Select Board for Nantucket Memorial Airport Commission)

FINANCE COMMITTEE MOTION: Moved that the Town's representatives to the General Court are hereby requested to introduce legislation as set forth below; and, that the General Court, with the approval of the Select Board, make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of the legislation in order to secure its passage, as follows:

AN ACT AMENDING THE CHARTER FOR THE TOWN OF NANTUCKET

SECTION 1. Section 2.1 of article II of the charter of the town of Nantucket, as established by chapter 289 of the acts of 1996, as amended, which is on file in the office of the archivist of the commonwealth, as provided in section 12 of chapter 43B of the General Laws, is hereby amended as follows:

3. Striking out the first sentence of the second paragraph said section 2.1 and replacing it with the following:

Notwithstanding the foregoing, certain powers of Town Meeting as to real estate acquisitions and funding of capital projects at Nantucket Airport shall also be vested in the Select Board, as specified in Sections 3.3 and 3.6, subject to the voters' right to petition, as specified in Sections 2.1(b), 3.3, and 3.6.

4. Striking out section 2.1(b) and replacing it with the following:

To veto any real estate acquisition voted by the Select Board pursuant to Section 3.3 or any vote regarding funding of capital projects at the Nantucket Airport pursuant to Section 3.6; provided, however, that a petition proposing such veto in the form of a Town Meeting warrant article is signed by at least ten registered voters and provided that the petition is timely filed with the Town Clerk. The Town Clerk shall then present the petition to the Select Board within the time permitted for inclusion of the article in the next Annual Town Meeting or Special Town Meeting warrant. The Select Board or the Nantucket Airport Commission, as applicable may proceed with the real estate acquisition or use of funding of capital projects to benefit the Airport unless a petition to veto such acquisition or funding is filed with the Town Clerk within 15 days of the public notice provided for Section 3.6 of this Charter.

SECTION 2. Section 3.1 of article III of said charter is hereby amended by adding a new section 3.6 as follows:

Section 3.6 Funding for the Benefit of the Nantucket Airport

At the request of the Nantucket Airport Commission, the Select Board may, notwithstanding any law to the contrary, vote to appropriate, borrow or transfer from available funds any sum of money to be placed in the Airport enterprise fund, or any other fund established for the benefit of Nantucket Airport, in order to permit the Nantucket Airport Commission or the Nantucket Airport to qualify for available grants and loans; provided that the amount of such appropriation or borrowing shall not exceed the total cost of the Capital Project for which the appropriation or borrowing is authorized pursuant to Section 2.1(b) of this Charter; and provided further that any amount authorized to be appropriated, borrowed or transferred by the Select Board shall, subject to any applicable grant or loan requirements and applicable laws, be reduced by the amount of any such grant or loan funds received prior to the issuance of bonds or notes or the expenditure of funds by the Nantucket Airport Commission.

The Select Board shall publish a public notice of such vote in a newspaper having general circulation within the Town. Any such vote shall be subject to veto by Town Meeting if a petition as set forth in Section 2.1(b) is filed with the Town Clerk within 15 days following the date such public notice is published.

Nothing in this section of the Charter shall affect the acceptance of gifts pursuant to Chapter 44, Section 53A of the General Laws.

ARTICLE 95

(Home Rule Petition: Real Estate Easement Conveyance - Candle House Lane)

To see if the Town will vote to authorize the Nantucket Islands Land Bank to petition the General Court consistent with the requirements of Article 97 of the Amendments to the Massachusetts Constitution to enact special legislation to authorize the easement conveyance of all or portions of certain parcels of land in the Town of Nantucket owned by the Nantucket Islands Land Bank for open space purposes, as described in more detail below and as shown on a map entitled "2020 Annual Town Meeting Warrant Article 95" dated January 2020 and filed with the Office of the Town Clerk, to the Town of Nantucket for drainage purposes, provided, however, that the General Court may with the approval of the Nantucket Islands Land Bank, make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage:

AN ACT AUTHORIZING THE NANTUCKET ISLANDS LAND BANK TO CONVEY DRAINAGE EASEMENTS OF PORTIONS OF CERTAIN LANDS SITUATED IN THE TOWN OF NANTUCKET HELD FOR OPEN SPACE PURPOSES TO THE TOWN OF NANTUCKET FOR UNDERGROUND DRAINAGE PURPOSES

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts and notwithstanding the provisions of any general or

1. § A301-10 Park and Recreation Commission.

ACTS, 1987. CHAP. 459 - AN ACT ESTABLISHING A PARK AND RECREATION COMMISSION IN THE TOWN OF NANTUCKET

SECTION 1. Section 2 of Chapter 169 of Acts of 1965 is hereby amended by striking out, in line 5, the words "park and recreation commission." [1]

SECTION 2. There is hereby established in the Town of Nantucket a Park and Recreation Commission having the powers and duties of a park commission under the provisions of Chapter 45 of the General Laws. (emphasis

added)

The existing language in the Charter is the following:

Section 4.4. Town Administration Departments [Amended 4-10-2002 ATM by Art. 46, approved 4-1-2003 ATE]

- (a) The Town Administration shall include the Building, Finance, Fire, Health, Island Home, Marine and Coastal Resources, Police, Public Works, and Visitors Services departments; provided, however, that nothing in this Charter mandates the continued existence of any such Town Administration department or continuance of a department name or function.
- (b) The Town Administration shall not include the Airport, the Park and Recreation, the School and the Water departments.

Section 4.4

Section 4.7

In addition to the foregoing, the following boards, commissions and agencies shall be hereby classified as town administration departments:	
•	Board of Appeals
•	Conservation Commission
•	Council on Aging
•	Council for Human Services
•	Historic District Commission
•	Planning Board
•	Park & Recreation Commission

•	Shellfish & Harbor Advisory Board
All town employees in the employ of these boards, and commissions, and agencies as staff, assistants and the like shall, on the effective date of this amendment, come under the appointment, removal or other authority of the Town Manager in accordance with section 4.3 and 4.6 of the Charter; provided, however, that the method of appointment or election of members of such boards and commissions (which boards and commissions shall be "Department Head" within the meaning of section 4.6 of the Charter of the Town for each of their respective jurisdictions) shall not be changed by this amendment. [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]	

The following existing Charter Sections may also be relevant to the Park and Recreation discussion and should be considered when reviewing recommendations above:

Section 4.8. Town Boards not within Town Administration [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]

The Town Manager shall not exercise any control over the discretionary power vested by the laws of the Commonwealth in any Town board, council, commission, or committee not within Town Administration.

Section 4.9. Staff of Boards not within Town Administration [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]

Each Town board, council, commission or committee not within the Town Administration shall have the power to appoint its respective staff personnel, subject to availability of budgeted funds and (except staff of the School Committee) subject to prior written notification to the Town Manager. Such staff personnel shall be responsive to the Town Manager only in matters of the Town's general administrative procedures but not as to substantive decisions entrusted to such board, council, commission or committee. With prior written notification to the Town Manager, such boards may remove, suspend or otherwise discipline their staff personnel, subject, however, to any grievance procedures as may be established by Town bylaw, rule or regulation or any applicable union contract provisions.

Section 1.1

Section 1.2

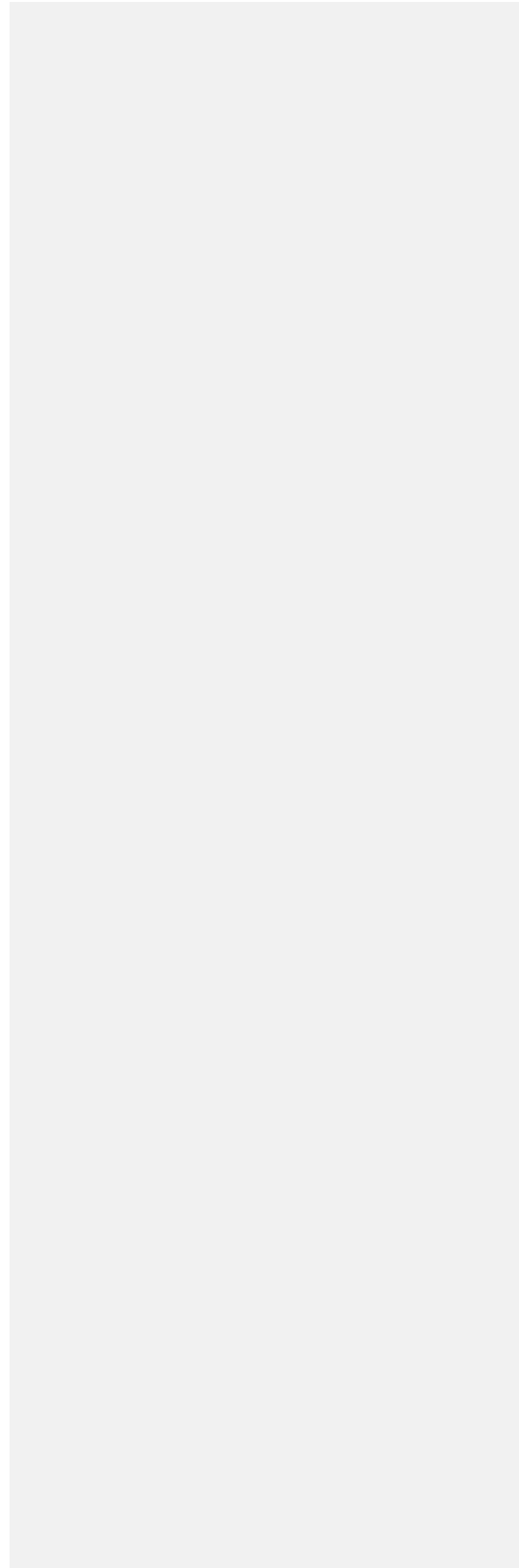
ARTICLE I
Powers of the Town

Section 1.1. Intention of this Charter

It is the intent of this Charter to confer on the Town of Nantucket, first incorporated in 1671, all powers possible under the Constitution of the Commonwealth as fully and completely as though they were expressly enumerated in this Charter. The Town shall remain subject to the laws of the Commonwealth, its rules and regulations and to the bylaws of the Town, except to the extent they are inconsistent with the provisions of this Charter. The Charter shall not be construed as a codification of all such laws, rules, regulations and bylaws but as effecting those particular changes by which the inhabitants of Nantucket may secure a more efficient, responsive and wise government.

Section 1.2. Liberal Construction

The powers of the Town under this Charter shall be construed liberally in favor of the Town.



Section 2.1

Section 2.4

ARTICLE II Legislative Functions

Section 2.1. Legislative Powers

The legislative powers of the Town shall remain vested in the Town Meeting open to all voters.

Notwithstanding the foregoing, certain powers of Town Meeting as to real estate acquisitions shall be vested in the Board of Selectmen, as specified in Section 3.3., subject to the voters' right to petition, as specified in Sections 2.1(b) and 3.3, to place before Town Meeting any real estate acquisition voted by the Board of Selectmen under said Section 3.3.

The following additional powers may be exercised by Town Meeting:

- (a) To exercise any power which a charter for the County of Nantucket may vest in Town Meeting; and
- (b) To veto any real estate acquisition voted by the Board of Selectmen pursuant to Section 3.3; provided, however, that a petition proposing such veto in the form of a Town Meeting warrant article is signed by at least ten registered voters and provided that the petition is timely filed with the Town Clerk. The Town Clerk shall then present the petition to the Board of Selectmen within the time permitted for inclusion of the article in the next Town Meeting warrant. The Board of Selectmen may proceed with the real estate acquisition unless the acquisition is vetoed by the Town Meeting.

Section 2.2. Town Moderator

The Moderator shall be elected for a term of one year and shall have all the powers and duties given to moderators under the Constitution and the laws of the Commonwealth, and such additional powers and duties as are authorized by this Charter.

Commented [LFG1]: Many moderators are elected for a term of 3 years with the hope that they are able to be prepared for Town Meeting. The change to the term would have to be voted at a meeting held no later than 60 days prior to the date of the annual town election.

Section 2.3. Alternate Town Moderator

In advance of each Town Meeting, the Town Moderator shall by written notice to the Town Clerk appoint an Alternate Town Moderator who shall, during such Town Meeting, serve as acting Moderator in the event of absence or disability of the Moderator.

Section 2.4

Section 2.4. Clerk of the Meeting

The Town Clerk shall serve as Clerk of the Town Meeting. In advance of each Town Meeting, the Town Clerk shall by written notice to the Moderator appoint an Alternate Clerk of the Meeting who shall, during such Town Meeting, serve in the event of absence or disability of the Clerk of the Meeting. If an Alternate Clerk of the Meeting is not appointed or is unable so to serve, the Moderator shall appoint a clerk.

Commented [LFG2]: Note that this doesn't address whether the appointing of a clerk under this section must be a resident or registered voter in the Town.

Section 2.5. Town Meeting Warrant

- (a) The Board of Selectmen shall include all proposed operating expenditures in a single article or in consecutive articles in the warrant and also all proposed capital improvement expenditures in a single article or in consecutive articles.
- (b) The board of selectmen shall publish notice of the issuance of the warrant of each town meeting in a newspaper of general circulation within the town promptly after the issuance of the warrant. After such publication, the Finance Committee shall hold a public hearing on each article and vote its recommendations. For articles that do not call for the Town to raise and appropriate, transfer or borrow sums of money, the Finance Committee may choose to make no recommendation. **[Amended Acts 2016, Ch. 362, approved 1-5-2017]**
- (c) The Board of Selectmen shall publish the warrant with the recommendations of the Finance Committee by mailing a copy of such warrant to the address or postal box of each registered voter at least seven days prior to the Town Meeting.

Commented [LFG3]: Would recommend that the Town website be added here.

Commented [LFG4]: Requirements like this are being removed from other charters. The general feeling is that mailing is expensive, people can download from the internet, and/or people who want the printed docs can request that they be mailed (i.e., a sign-up list for mailing of warrant). Lots of talk of trees.

Section 2.6. Rights of Nonresident Property Owners

One spokesperson for the Town's nonresident property owners shall be allowed to speak at any annual or special Town Meeting on matters before the Meeting but only at such times during a Meeting as the Moderator may allow and in accordance with the rules of order.

Section 2.7. Conduct of the Town Meeting

Except to the extent other procedures have been or are adopted by Town Meeting or by the Moderator in conformity with this Charter and the laws of the Commonwealth, Town Meeting shall follow the latest revised edition of Town Meeting Times: A Handbook of Parliamentary Law, by Johnson, Trustman and Wadsworth.

Section 3.1

Section 3.3

ARTICLE III
Board of Selectmen

Section 3.1. Composition, Term of Office and Quorum

The Board of Selectmen shall be composed of five members elected for terms of three years each, so arranged that the terms of as nearly equal number of members as possible expire each year. To qualify for office, each member shall be and remain a resident of the Town. Three of the five members shall constitute a quorum. A majority of the quorum shall be sufficient to set the Board's meeting agenda and to decide any question, except as may be otherwise provided in this Charter.

Section 3.2. Board Officers

Within 30 days following each annual Town election, the Board of Selectmen shall choose one of its duly elected members as Chair and another as Vice-Chair, each to serve until a successor is elected. The Vice-Chair shall, during any temporary disability or absence of the Chair, serve as Acting Chair. The Chair shall:

- (a) Execute, and cause the Town Clerk to affix Town seal to, all contracts, bonds or other instruments requiring the signature and seal of the Town and having been duly approved by the Board of Selectmen;
- (b) Preside over all meetings of the Board of Selectmen with the right to vote on all questions, absent conflict of interest, and to propose the agenda prior to each such meeting;
- (c) Report annually to the people of the Town on the work of the previous year; and
- (d) Serve as representative of the Board of Selectmen at ceremonial and civic occasions.

Section 3.3. Power to Acquire Real Estate for the Town

Subject to applicable administrative procedures pursuant to the laws of the Commonwealth or Town bylaw, the Board of Selectmen may, notwithstanding any law to the contrary, vote the following:

To acquire any real estate, including any partial interest therein, by purchase or acceptance of gift; such acquisition being without the necessity of any vote of Town Meeting, but subject to the restriction that any acquisition of real estate by eminent domain may only be effected if first authorized by vote of Town Meeting pursuant to the

Section 3.3

laws of the Commonwealth and subject also to the availability of any necessary funds appropriated for such acquisition.

The Board of Selectmen shall publish a public notice of such vote in a newspaper having general circulation within the Town. Any such acquisition shall be subject to veto by Town Meeting if a petition as set forth in Section 2.1(b) is filed with the Town Clerk within 30 days following the date such public notice is published.

Commented [LFG5]: Same as previous comment.

Nothing in this Section of the Charter shall affect the acceptance of gifts pursuant to c. 44, Section 53(a) of the General Laws.

Section 3.4. Selectmen Powers as to Appointments

(a) The Board of Selectmen may, at a public meeting, exercise the following powers:

- (1) To appoint the Town Manager for the purposes set forth in Article IV. Such appointment shall be upon appropriate terms and conditions, including provision for annual performance reviews, in conformity with this Charter and the General Laws. By a majority vote of the full count of members then in office, the Board may remove the Town Manager; **[Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]**
- (2) To appoint Town Counsel, and registrars of voters and other election officials (upon the recommendation of the Town Clerk), also other Town officers and employees to the extent so permitted to them by this Charter;
- (3) To appoint and, for cause, upon written charges and after a public hearing if so requested, to remove members of the following Town boards, councils, commissions and committees: **[Amended 4-11-2007 ATM by Art. 51, approved 5-21-2007]**

Section 3.4

Section 3.4

Airport Commission, Conservation Commission, Commission on Disability, Council on Aging, Council for Human Services, Finance Committee, Parks and Recreation Commission, and Zoning Board of Appeals; and any other committee for which a Town bylaw makes the Board of Selectmen the appointing authority; also any advisory committee established by the Board of Selectmen and any committee acting for both the Town and the County.

Cause for removals shall be put forward in good faith, and not arbitrary, irrational, unreasonable or irrelevant to the duties of the office, on grounds of incapacity beyond temporary illness, chronic nonattendance or violation of the oath of office.

Nothing in this Section 3.4(a)(3) mandates the continued existence of any such board or the specific number of members appointed;

- (4) To exercise the power to disapprove of appointments made by the Town Manager pursuant to Section 3.4(b) or 4.3 of this Charter. All appointments by the Town Manager to the position of Assistant Town Manager, of department head or of any other position pursuant to this Charter, are subject to a vote of disapproval by the Board of Selectmen; provided, however, that such appointments shall take effect unless the Board of Selectmen votes disapproval within a 15-day period following the day on which notice of the proposed appointment is filed with the Board Chair; **[Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]**
- (5) To fill by appointment any elective position on a Town board, commission or council, vacant by reason of a member's resignation, death or incapacity beyond temporary illness, but only if the laws of the Commonwealth allow for appointments in such cases, the appointee to serve, any such laws notwithstanding, only until a successor is elected at the next annual Town election; and the successor so elected then to serve for the remainder, if any, of the member's unexpired term; and
- (6) To appoint to the Planning Board three associate members to serve in zoning matters as alternates in lieu of any elected alternate, the terms of appointment being of such length and so arranged that the term of one associate member shall expire each year. Nothing in this Charter shall affect the

Commented [LFG6]: The following could be added at the end, "or the Board's sooner approval."

Section 3.4

election of the regular Planning Board members in accordance with the laws of the Commonwealth.

- (b) Any vacancy occurring in an appointed position in Town offices, boards, councils, commissions or committees shall be filled by the Board of Selectmen, the Town Manager or other appointing authority, whichever is empowered to make the initial appointment to the position vacated, for the balance of the unexpired term. **[Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]**

Section 3.5

Section 3.5. Further Powers of the Selectmen

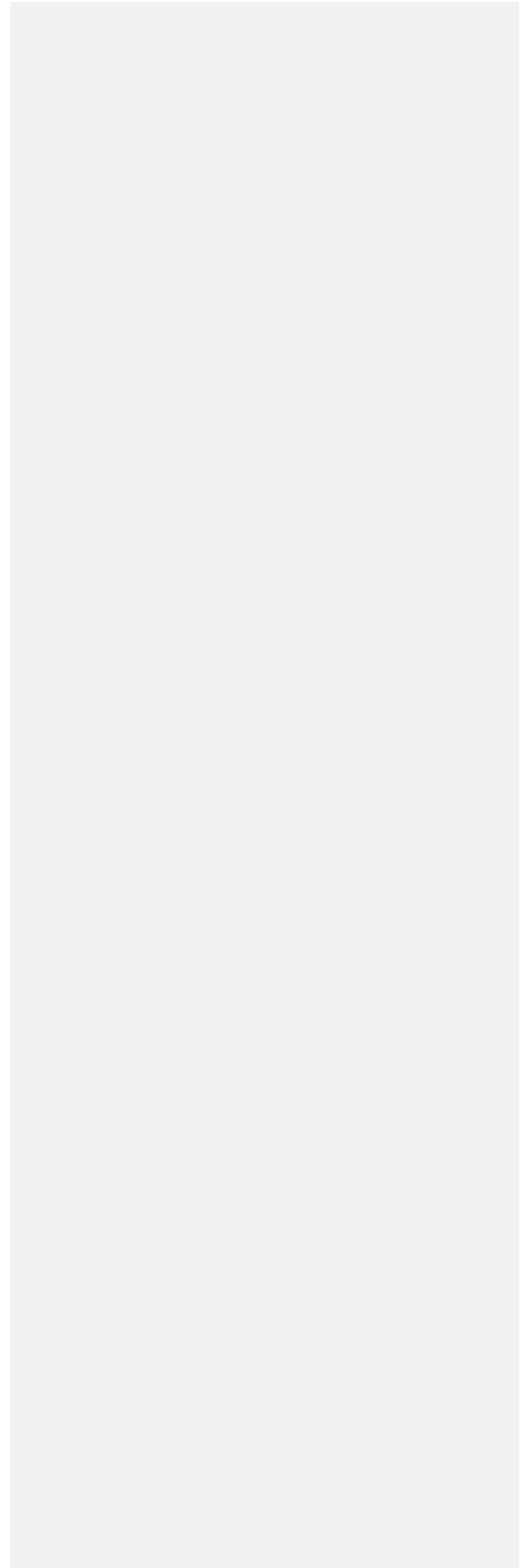
The Board of Selectmen shall have the power:

- (a) To act in the capacity of the Board of County Commissioners;
- (b) To establish general Town priorities, goals and policies;
- (c) To establish as may be advisable or needed one or more advisory committees to conduct any inquiry or investigation or to make planning, policy or other recommendations; further, to establish and shall so establish as a permanent standing committee of the town a three member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results and evaluation of the internal accounting procedures and controls. The audit committee shall be composed of three members each serving a term of one year. The committee will consist of the Chairman of the Board of Selectmen, the Chairman of the Finance Committee and one member of the Board of Selectmen appointed by the Board of Selectmen. **[Amended 4-11-2007 ATM by Art. 50, approved 5-21-2007]**
- (d) To adopt rules for the conduct of business and to fix times and places for meetings, to establish all five members as a committee of the whole, and to designate any number of its members as a subcommittee;
- (e) To approve or disapprove Town contracts, contract amendments, contract terminations and contract enforcement actions proposed by the Town Manager; **[Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]**
- (f) To identify emergency situations and to declare emergencies;
- (g) To hear and decide upon license applications as may be provided by Town bylaws or by Special or General Laws; and

Section 3.5

Section 3.5

- (h) To hear and decide administrative appeals from the Historic District Commission or from any other Town body as may be provided by Town bylaw or by the laws of the Commonwealth.



Section 4.1

Section 4.2

ARTICLE IV
Town Administration

Section 4.1. Roles of Selectmen and Town Manager [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]

- (a) The administration of the Town shall be vested in the Town Manager who shall, with the assistance of the various Town Department heads, cause this Charter, the Town's legislative actions pursuant to Articles II and III, and applicable General Laws to be enforced.
- (b) It is the intent of this Charter to confer upon the Board of Selectmen such limited legislative powers and general executive policy setting and investigative powers as are provided in Article III but at the same time, by virtue of this Article IV, to confer upon the Town Manager full control over Town Administration, as defined in Section 4.4(a) of this Charter, and of the administration of Town services provided for in this Article IV. Accordingly, this Charter seeks to establish clear lines between Article III powers of the Board of Selectmen and Article IV administrative functions as follows:
 - (1) The Board of Selectmen are to deal with individual Town Administration employees only through or jointly with the Town Manager responsible for the overall administrative management of the Town's affairs as specified in this Article IV; and
 - (2) All routine contact with Town employees concerning the functions of Town Administration and its provision of services shall be from the Board of Selectmen through or jointly with the Town Manager.
- (c) Nothing in the foregoing nor in this Charter shall be construed to prohibit informal, non-directive conversations of Town Selectmen with other Town officials, nor the inquiry by the Board of Selectmen into any act or issue concerning Town Administration.

Section 4.2. Town Manager [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]

- (a) The Board of Selectmen shall appoint a Town Manager for an initial term of 2 years. Any successive terms shall not exceed 3 years each. The Town Manager so appointed shall, by education, experience and ability, be qualified to perform the duties established for the position. Such person need not be a resident of

Section 4.2

the Town at the time of appointment but shall be a resident during the term of office starting not later than six months following appointment.

- (b) The Town Manager shall devote full time to the duties of the office.
- (c) The Town Manager shall be responsible to the Board of Selectmen for the efficient operation of Town Administration, for acting in conformity with policies established by the Board with respect to budget and other matters, and for the proper implementation of legislation adopted by the Town pursuant to Article II. The Town Manager shall have all the powers, rights and duties delegated by the Board of Selectmen or as are commonly associated with the office of chief administrative officer of a local government unit.
- (d) In particular, the Town Manager:
 - (1) shall supervise, direct and be responsible for the efficient administration of all officers, boards, councils, commissions and committees appointed by the Town Manager, and all other Town functions for which the Town Manager is given responsibility by this Charter, Town bylaw, administrative code, or other legislation; and may issue administrative orders;
 - (2) shall have appointment powers as provided in Section 4.3;
 - (3) shall, with the assistance of the department heads, prepare and submit to the Board of Selectmen, all annual operating budgets and capital budgets, and any proposal for budget amendment; shall establish the schedules and procedures to be followed by all Town departments, boards, councils, commissions and committees in connection therewith and shall direct all phases of the budgetary process throughout each fiscal year;
 - (4) shall prepare the Town Meeting warrant for adoption by the Board of Selectmen pursuant to a schedule set by the Board, by administrative code or Town bylaw.
 - (5) may be present at all meetings of the Board of Selectmen and may participate in all deliberations, without the right to vote;
 - (6) shall, with the assistance of the Town department heads, ensure adequate inventory, care, construction and maintenance of all Town properties, owned or leased, and

Section 4.2

Section 4.2

Section 4.2

foster centralized purchasing including, if so requested, for the School Committee;

- (7) may require reports from and may examine the records, accounts and operations of any Town department, board, council commission or committee and shall recommend whatever actions or programs are deemed necessary or desirable for the Town, the welfare of its residents and of visitors to the Islands;
- (8) shall review, analyze and forecast trends of Town services and programs of all Town departments, boards, councils, commissions and committees and make reports and recommendations thereon to the Board of Selectmen;
- (9) shall negotiate and sign on behalf of the Town contracts and contract amendments for the Town and initiate contract terminations and enforcement actions, subject in each case to resolution of approval or disapproval of the Board of Selectmen, and including any Town employment (but not union) contracts, subject to the availability of funds;
- (10) shall have the authority, subject to resolution of approval or disapproval of the Board of Selectmen, to prosecute, defend and compromise, all litigation to which the Town is party. In the event that a board, council, commission or committee of the Town is a party defendant to litigation and the Town a party plaintiff, that board may vote to be represented by special counsel funded from the same appropriation as Town Counsel would otherwise be;
- (11) shall assure that all terms and conditions imposed in favor of the Town or its inhabitants in any statute, franchise or contract are faithfully kept and performed;
- (12) may order any Town Administration department head to undertake tasks for any other Town Administration department, on a temporary basis if deemed necessary for proper and efficient administration;
- (13) shall make recommendations to the Board of Selectmen of actions they might take for the improvement of the Town and for the welfare of its residents and Island visitors, also for provision of adequate working space and conditions of Town Administration and other Town agencies;
- (14) shall approve warrants for payment before such warrants are submitted to the Board of Selectmen; and

Section 4.2

- (15) perform any other duties as may be required by this Charter, by Town bylaw or by majority vote of a quorum of the Board of Selectmen.

Section 4.4

Section 4.3. Town Manager Appointments [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]

The Town Manager:

- (a) shall appoint the heads of all Town Administration departments (other than any elected heads), subject to resolution of disapproval pursuant to Section 3.4(a)(4) by the Board of Selectmen;
- (b) shall appoint members of Town boards, councils, commissions and committees, but only to the extent that the power of appointment of the Board of Selectmen under Section 3.4 of this Charter to make such appointments is delegated by the Board of Selectmen to the Town Manager and then subject to resolution of disapproval pursuant to Section 3.4(a)(4) by the Board of Selectmen;
- (c) may, at the Manager's discretion and for cause, remove, suspend or otherwise discipline any appointee of the Manager, subject, however, to any grievance procedure as may be established by Town bylaw, rule or regulation or any applicable union contract provisions; and
- (d) may, if the Board of Selectmen creates the office of Assistant Town Manager, appoint and, subject to the limitations set out in Section 4.3(c) above, remove, suspend or otherwise discipline the Assistant Town Manager. Such Assistant Town Manager shall serve as acting Town Manager during the temporary absence or disability of the Town Manager.

Commented [LFG8]: Consider inserting the word "department" prior to the word "heads".

Section 4.4. Town Administration Departments [Amended 4-10-2002 ATM by Art. 46, approved 4-1-2003 ATE]

- (a) The Town Administration shall include the Building, Finance, Fire, Health, Island Home, Marine and Coastal Resources, Police, Public Works, and Visitors Services departments; provided, however, that nothing in this Charter mandates the continued existence of any such Town Administration department or continuance of a department name or function.
- (b) The Town Administration shall not include the Airport, the Park and Recreation, the School and the Water departments.

Section 4.4

Section 4.7

In addition to the foregoing, the following boards, commissions and agencies shall be hereby classified as town administration departments:	
•	Board of Appeals
•	Conservation Commission
•	Council on Aging
•	Council for Human Services
•	Historic District Commission
•	Planning Board
•	Park & Recreation Commission
•	Shellfish & Harbor Advisory Board
All town employees in the employ of these boards, and commissions, and agencies as staff, assistants and the like shall, on the effective date of this amendment, come under the appointment, removal or other authority of the Town Manager in accordance with section 4.3 and 4.6 of the Charter; provided, however, that the method of appointment or election of members of such boards and commissions (which boards and commissions shall be "Department Head" within the meaning of section 4.6 of the Charter of the Town for each of their respective jurisdictions) shall not be changed by this amendment. [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]	

Section 4.5. Department Head Responsibilities [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]

The heads of Town Administration departments shall be responsible to the Town Manager for the efficient operation of their respective departments and for the proper implementation of the laws and regulations of the Commonwealth and of Town bylaws applicable to their departmental functions.

Section 4.6. Department Personnel [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]

With authorization of the Town Manager and subject to availability of budgeted funds, the heads of Town Administration departments shall appoint and hire the personnel of their respective departments. With authorization of the Town Manager, the department heads may remove, suspend or otherwise discipline such personnel, subject, however, to any grievance procedures as may be established by Town bylaw, rule or regulation or any applicable union contract provisions.

Section 4.7

Section 4.7. Town Clerk

The Town Clerk shall be elected and shall have such duties and powers as are provided by General Law, including the power to appoint an Assistant Town Clerk.

**Section 4.8. Town Boards not within Town Administration
[Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]**

The Town Manager shall not exercise any control over the discretionary power vested by the laws of the Commonwealth in any Town board, council, commission, or committee not within Town Administration.

**Section 4.9. Staff of Boards not within Town Administration
[Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]**

Each Town board, council, commission or committee not within the Town Administration shall have the power to appoint its respective staff personnel, subject to availability of budgeted funds and (except staff of the School Committee) subject to prior written notification to the Town Manager. Such staff personnel shall be responsive to the Town Manager only in matters of the Town's general administrative procedures but not as to substantive decisions entrusted to such board, council, commission or committee. With prior written notification to the Town Manager, such boards may remove, suspend or otherwise discipline their staff personnel, subject, however, to any grievance procedures as may be established by Town bylaw, rule or regulation or any applicable union contract provisions.

Section 4.9

Section 5.1

Section 5.4

ARTICLE V
Elections, Dismissals and Recalls

Section 5.1. Elections

The regular elections to any Town office shall be by official ballot for the annual Town election. Except as may be provided generally for town governments by the General Laws of the Commonwealth or as provided for recalls in Section 5.4, nothing in this Charter shall grant any power to remove or dismiss any elected Town official.

**Section 5.2. Actions Not to be Influenced by Selectmen
 [Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]**

No Selectman shall individually or collectively seek to influence the Town Administration to dismiss any person from or to appoint or to promote any person to any position in the Town Administration. However, the Board of Selectmen may, pursuant to Section 3.4(a)(4), adopt a resolution of disapproval as to appointments which the Town Manager is empowered to make in accordance with Section 3.4(b) or 4.3 of this Charter.

Section 5.3. Indemnification of Town Officials

The Town shall indemnify and hold harmless all Town officers pursuant to Chapter 258, Section 13 of the General Laws.

Section 5.4. Recall of Elected Officials

- (a) Any holder of elective Town office may be recalled by the voters of the Town. Any two-hundred registered voters may file with the Town Clerk an affidavit identifying the name of the officer sought to be recalled and stating in full the specific grounds for the recall. The affidavit shall be signed by each voter under pains and penalty of perjury and shall include the street address of each voter.
- (b) Within ten days, the Town Clerk shall certify the signatures and, if sufficient, shall deliver upon request to any of the certified voters a blank recall petition form naming such voter. Each such petition form shall carry the Clerk's signature and seal and date of the certification, shall be addressed to the Board of Selectmen, shall identify the officer's name and the stated grounds for recall, and shall demand election of a successor to the office.
- (c) If, within 21 days after the certification date, such recall petition forms signed by at least 20% of registered voters with Town

Commented [LFG9]: Newer recall acts require the recall petitioners to identify the first 10 signers of the petition and the lead petitioner.

Commented [LFG10]: It would be useful to identify when this number should be measured. Perhaps at the last regular Town Election?

Section 5.4

residence address shown are returned to the Town Clerk, the Clerk shall, within 14 days, certify the signatures of registered voters, to determine sufficiency of the petition.

- (d) If sufficient the Town Clerk shall thereupon submit the petition with date of its certification to the Board of Selectmen which shall forthwith give written notice thereof to the officer sought to be recalled. If the officer does not resign within 7 days, the Board of Selectmen shall order a recall election to be held concurrently with the next annual election for Town officers not less than 75 days after such certification date. The recall election, once ordered, shall proceed, even if the office becomes vacant, in the same manner as for an annual Town election.
- (e) The officer sought to be removed may seek renomination, may serve until expiration of the current term of office unless and until a successor is sooner elected, and may not be put twice to the recall process in the same term.
- (f) Recall election ballots shall first submit the question:

For the recall of (name of officer)	☐
Against the recall of (name of officer)	☐
and then the heading "Candidates" followed by a listing of the names of candidates nominated for the office. Only if the majority of votes counted upon the question of recall is in the affirmative shall the votes upon the candidates be effective to elect the one receiving the highest number.	

Section 5.4

Commented [LFG11]: This is a REALLY long time...

Commented [LFG12]: Most similar provisions provide only 5 days.

Commented [LFG13]: This needs to be moved, in my opinion. The language should be inserted before the words after the words "the Board of Selectmen shall"

Commented [LFG14]: Consider revising to state, "name and title of officer"

Commented [LFG15]: See previous comment.

Section 6.1

Section 6.5

ARTICLE VI General Provisions

Section 6.1. Application of Laws of the Commonwealth

The provisions of this Charter shall govern notwithstanding any General or Special Law of the Commonwealth to the contrary. Where not contrary to or inconsistent with the provisions of this Charter, the Town shall remain subject to the laws of the Commonwealth.

Section 6.2. Code of the Town of Nantucket

Unless expressly altered or superseded by the provisions of this Charter, the Code of the Town of Nantucket shall remain in force and effect notwithstanding ratification of this Charter unless and until amended, added to or repealed in accordance with this Charter and the laws of the Commonwealth.

Section 6.3. Town Clerk to have Custody of Charter

The Town Clerk shall have custody of the original of this Charter and any amendments thereto.

Section 6.4. Charter Interpretation

- (a) To the extent any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail. The provisions are severable, the remaining provisions being unaffected if a Charter provision is held to be invalid.
- (b) To facilitate bringing Town governmental organization and operations into conformity with this Charter, the members of the Town and County Charter Commission elected April 4, 1995 shall serve ex officio as members of a Committee on Charter Conformance, but only during the continuance of the Charter Commission and, in any event, not later than April 4, 2000. Such Committee shall serve in an advisory capacity to the Board of Selectmen, the Town Manager and to such boards, councils, commissions and committees as may request advice. **[Amended 4-11-2007 ATM by Art. 44, approved 5-21-2007]**

Section 6.5. Amendment of Charter

- (a) This Charter may be replaced, revised or amended in accordance with the procedure set forth in either Chapter 43B of the General Laws of the Commonwealth or in c. 328 of the Acts of 1992.

Section 6.5

- (b) As permitted by Article II, Sec. 4, of the Articles of Amendment of the Constitution of the Commonwealth, this Charter may also be amended as follows:

The Town Meeting may, by a two-thirds vote, propose amendments of this Charter. All proposed Charter amendments so voted shall be published and submitted for approval at the next annual Town election in the same manner as provided for the adoption or revision of a charter upon the recommendation of a charter commission. Notwithstanding the foregoing, any change in the Charter relating in any way to the composition, mode of election or appointment, or terms of office of the Town Meeting or the Board of Selectmen or a town manager shall be made only by the procedure of charter revision set forth in Section 3 of Article II of the Articles of Amendment of the Constitution of the Commonwealth.

Section 6.6

Section 6.6. Time of Taking Effect

This Charter shall take effect on July first next following ratification by the voters of the Town. All Town officers, boards, councils, commissions and committees shall continue to perform their duties until re-appointed or re-elected or until successors to their respective positions are fully appointed or elected or until their duties have been transferred and assumed by another.

Any person holding a Town office or employment under the Town shall continue to retain such office or such employment and shall continue to perform the duties of the office or of the employment until such time as provisions shall have been made in accordance with this Charter for the performance of such duties by another person or agency. No person in the permanent, full time service or employment of the Town shall forfeit pay grade or time in service by reason solely of the adoption of this Charter. All such persons, unless removed in accordance with this Charter, shall be retained in an employment capacity as similar to their former employment capacity as is feasible.

Commented [LFG16]: This entire section, including the chart, can be deleted. These were “transitional provisions”.

Section 6.6

Section 6.6

SECTION 2. Continuance of the Charter Commission.	
The Town and County Charter Commission elected April 4, 1995 pursuant to Chapter 328 of the Acts of 1992 shall continue to exist until thirty days after the enactment of this Act and any act that it may recommend in furtherance of a merger of the Town and County of Nantucket, provided that it shall submit a final report of its recommendations as to such a merger by December 31, 1998 and provided further that in no event shall such Commission continue beyond April 4, 2000.	
SECTION 3. Ratification by the Voters.	
On the official ballot to be used by the Town of Nantucket at the next annual election for Town officers at least two months after enactment of this Act by the General Court, the question shall be placed substantially as follows:	
"Shall an act passed, by the General Court in the year 1996 entitled 'An Act providing for a Charter for the Town of Nantucket' be accepted?"	
A summary of the Charter to be prepared by the Town and County Charter Commission shall accompany the ballot question described herein.	
If the majority of the votes cast in answer to such question is in the affirmative, this Act shall take full effect but not otherwise.	
	Ratified April 8, 1997