

HOUSE No. 3792

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes and Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the charter for the town of Nantucket.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/22/2021</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>1/22/2021</i>

HOUSE No. 3792

By Representative Fernandes of Falmouth and Senator Cyr, a joint petition (accompanied by bill, House, No. 3792) of Dylan A. Fernandes and Julian Cyr (by vote of the town) relative to amending the charter of the town of Nantucket. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act amending the charter for the town of Nantucket.

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

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

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

7 Notwithstanding the foregoing, certain powers of Town Meeting as to real estate
8 acquisitions and funding of capital projects at Nantucket Airport shall also be vested in the Select
9 Board, as specified in

10 Sections 3.3 and 3.6, subject to the voters' right to petition, as specified in Sections
11 2.1(b), 3.3, and 3.6.

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

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

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

25 Section 3.6 Funding for the Benefit of the Nantucket Airport

26 At the request of the Nantucket Airport Commission, the Select Board may,
27 notwithstanding any law to the contrary, vote to appropriate, borrow or transfer from available
28 funds any sum of money to be placed in the Airport enterprise fund, or any other fund
29 established for the benefit of Nantucket Airport, in order to permit the Nantucket Airport
30 Commission or the Nantucket Airport to qualify for available grants and loans; provided that the
31 amount of such appropriation or borrowing shall not exceed the total cost of the Capital Project
32 for which the appropriation or borrowing is authorized pursuant to Section 2.1(b) of this Charter;
33 and provided further that any amount authorized to be appropriated, borrowed or transferred by

34 the Select Board shall, subject to any applicable grant or loan requirements and applicable laws,
35 be reduced by the amount of any such grant or loan funds received prior to the issuance of bonds
36 or notes or the expenditure of funds by the Nantucket Airport Commission.

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

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