

**WEST TISBURY
COMMONWEALTH OF MASSACHUSETTS**

**WARRANT FOR
ANNUAL TOWN MEETING**

County of Dukes County, SS
To Either of the Constables of the Town of West Tisbury,

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of West Tisbury qualified to vote in elections and in Town affairs to meet in the **West Tisbury Elementary School**, Old County Road, in said Town on **Tuesday the Twelfth day of April, Two Thousand Eleven**, at **Seven O’Clock** in the evening; then and there to act on the articles of this Warrant.

And to meet again in the West Tisbury Public Safety Building (North Tisbury Fire Station) in said West Tisbury on **Thursday, the Fourteenth Day of April, at Twelve O’Clock Noon** at the Polling Place, then and there to act on Article 1 of the Warrant by the election of Officers on the Official Ballot.

The polls for voting on the Official Ballot will be **opened at Twelve O’Clock Noon** and shall be closed **at Eight O’Clock in the Evening**.

ARTICLE 1: To elect the following Officers on the Official Ballot:

- One Moderator for One Year
- One Member of the Board of Selectmen for Three Years
- One Member of the Board of Health for Three Years
- One Member of the Board of Assessors for Three Years
- One Treasurer for One Year
- One Tax Collector for One Year
- One Town Clerk for One Year
- One Tree Warden for One Year
- One Constable for Three Years
- Two Members of the Finance Committee for Three Years
- Two Library Trustees for Three Years
- One Member of the Planning Board for Five Years
- One Member of Parks and Recreation for One Year
- One Member of Parks and Recreation for Two Years
- Two Members of Parks and Recreation for Three Years
- One Land Bank Commissioner for Three Years

ARTICLE 2: To hear reports of the Town Officers and Committees and act thereon.

(NO ACTION)

ARTICLE 3: To see if the Town will vote to Raise and Appropriate such sums of money as may be necessary to defray Town Charges and Expenses for Fiscal Year 2012.

ARTICLE 4: To see if the Town will vote to amend the Personnel Bylaw at Sections 26-3, 26-4 and 26-5 to reflect a wage adjustment of 1% effective July 1, 2011.

(RECOMMENDED 4-0)

ARTICLE 5: To see if the Town will vote to authorize the following expenditures in order to defray Town Capital Expenses for Fiscal Year 2012, consistent with the Town's Capital Improvement Plan:

Project	Expense	Funding Source
Police: Vehicle	\$30,700	Appropriate from Free Cash

(See also the full FY 2012 Capital Improvements Budget immediately following the FY 2012 Budget Proposal in the 2010 Annual Report.)

(RECOMMENDED 5-0)

ARTICLE 6: To see if the Town will vote to authorize the Treasurer and Collector to enter into Compensating Balance Agreements during Fiscal Year 2012 as permitted by General Laws, Chapter 44, Section 53F. (RECOMMENDED 5-0)

ARTICLE 7: To see if the Town will vote to expend the sum of Two Thousand Seven Hundred Thirty-One Dollars and Six Cents (2,731.06), surplus dog license fees, received from the county per M.G.L. Chapter 140, Section 172, for the support of the West Tisbury Free Public Library under the direction of the Library Trustees. (RECOMMENDED 5-0)

ARTICLE 8: To see if the Town will vote to Raise and Appropriate the sum of Thirty Five Thousand Eight Hundred Seventy-Eight Dollars (\$35,878) to fund the Town of West Tisbury's share of the administrative expenses of the Dukes County Regional Housing Authority in Fiscal Year 2012; provided however, that the other five towns on Martha's Vineyard vote in the affirmative to raise and appropriate their respective sums. (RECOMMENDED 5-0)

(RECOMMENDED 5-0)

ARTICLE 9: To see if the Town will vote to accept the provisions of Chapter 149 of the Acts of 2010, which authorized the creation of the "Dukes County Pooled Other Post-Employment Benefits (OPEB) Trust" and vote to join the Trust, or take any action relative thereto. (RECOMMENDED 4-0)

ARTICLE 10: To see if the Town will vote to Appropriate from Free Cash the sum of \$150,000 to the Dukes County Pooled Other Post-Employment Benefits (OPEB) Trust.

(2/3 VOTE REQUIRED, RECOMMENDED 4-0)

ARTICLE 11: To see if the Town will vote to transfer the full balance of the OPEB Stabilization Fund, including interest earnings thereon, to the Dukes County Pooled Other Post-Employment Benefits (OPEB) Trust. (2/3 VOTE REQUIRED, RECOMMENDED 4-0)

(2/3 VOTE REQUIRED, RECOMMENDED 4-0)

ARTICLE 12: To see if the Town will vote to appropriate the sum of Sixty Four Thousand Five Hundred Forty Four Thousand Dollars (\$64,544) for reconstruction work on town roads under Chapter 86 of the Acts of 2008 and the provisions of Section 34(2)(a) of Chapter 90 of the M.G.L. Said amount will be reimbursed by the Commonwealth of Massachusetts and is considered an available fund.

(RECOMMENDED 5-0)

ARTICLE 13: To see if the town will enact a temporary tax amnesty program, in accordance with Chapter 188 Section 68 of the Acts of 2010, or take any other action relative thereto.

VOTED: That the town enact the following temporary tax amnesty program, in accordance with Chapter 188 Section 68 of the Acts of 2010, in order to encourage the payment of certain delinquent tax obligations.

Section 1. Amnesty Period: The amnesty program shall begin on April 13, 2011 and end on June 30, 2011.

Section 2. Program Scope: A taxpayer shall receive a waiver of **50%** of the total accrued interest, collection costs and penalties owed on liabilities for **properties in tax title** upon full payment of the outstanding liability and all interest, collection costs and penalties not waived by the end of the amnesty period.

(RECOMMENDED 4-0)

ARTICLE 14: To see if the Town will vote to Raise and appropriate the sum of Sixty Three Thousand Three Hundred Twenty Dollars (\$63,320) and further to appropriate the sum of Fourteen Thousand One Hundred Eighty Dollars (\$14,180) from the unexpended balance of funds voted at the Annual Town Meeting in April of 2010 for the Police Department Feasibility Study and Seventy Five Thousand (\$75,000) from the unexpended balance of funds originally borrowed for the Town Hall Renovation Project, which funds are no longer needed to complete the project for which they were borrowed, for a total of One Hundred Fifty Two Thousand Five Hundred Dollars (\$152,500) to pay costs of the Schematic Design and Planning Phase and the development of construction and bid documents for a new Police Station, as permitted by Chapter 44, Section 20 of the General Laws, or to take any other action relative thereto. The scope of this work will include but not be limited to appointing a Design/Building Committee, hiring an Owner's Project Manager and an architectural firm, obtaining cost estimates for the proposed facility to be located at the Public Safety Building site, and development of construction and bid documents for a vote at a later town meeting.

(RECOMMENDED 4-0)

ARTICLE 15: To see if the Town will vote to appropriate from Free Cash the sum of Two Thousand Five Hundred Dollars (\$2,500) for payment to the Martha's Vineyard law Enforcement Council as the West Tisbury Police Department's share of the island wide program. Payment enables the police department to participate in joint training and equipment purchases with other Island police departments including the State Police and other emergency responders in order to improve our ability to respond in emergency cases and situations exceeding the capabilities of a single municipality. **(RECOMMENDED 5-0)**

ARTICLE 16: To see if the Town will vote to Raise and appropriate the sum of Two Thousand Ten Dollars (\$2,010) to fund the Town's share of the cost for a feasibility study for the replacement of the Superintendent's Office. This study will include a review of the space needs for the office, an

examination of the Martha’s Vineyard Regional High School property to determine a possible site and develop a rough estimate of the cost for a building on that site, provided however, that the other five towns on Martha’s Vineyard vote in the affirmative to raise and appropriate their respective sums.

(RECOMMENDED 3-1)

ARTICLE 17: To see if the Town will vote to appropriate from Free Cash the sum of Three Thousand One Hundred Sixty-Four Dollars and Ninety-Three Cents (\$3,164.93) to fund West Tisbury’s 1/3 share of prior fiscal year bills for the Tri Town Ambulance.

(4/5 VOTE REQUIRED, RECOMMENDED 4-0)

ARTICLE 18: To see if the Town will vote to authorize the renovation and expansion of the West Tisbury Free Public Library contingent upon the receipt of an MBLC construction grant and donation of private funds, which together will cover 75% of the total project costs.

(RECOMMENDED 2-1)

ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to apply for, accept and expend any State grants which may be available for the renovation and construction of an addition to the West Tisbury Free Public Library.

(RECOMMENDED 2-1)

ARTICLE 20: To see if the Town will vote to reauthorize revolving accounts previously established by vote of the Town under M. G. L. Chapter 44, Section 53E1/2, for fiscal year 2012, to be credited with receipts from the following revenue sources, to be expended under the authority and direction of the following agencies or officials, for the following stated purposes, not to exceed the following spending limits respectively:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUNDS	SPENDING LIMITS
Wetlands Protection Bylaw	Filing Fees	Conservation Commission	To pay for expenses of the Commission related to the administration of the Bylaw	\$2,000
Health Services	Medicare, insurance & other reimbursements	Board of Health	Town health services	\$12,000
MVRDRRD	Fees collected at local drop-off by MVRDRRD	Board of Health	Expenses related to operation of the Local Drop-off	\$99,000

(RECOMMENDED 4-0)

ARTICLE 21: To see if the Town will vote to Raise and appropriate the sum of Twenty Four Thousand Dollars (\$24,000) to be used by the Board of Assessors for the valuation update of real and personal property to meet triennial certification of values as required by Massachusetts State Law.

(RECOMMENDED 5-0)

ARTICLE 22: To see if the Town will vote to authorize the Board of Selectmen to enter into an intermunicipal agreement with the County of Dukes County to provide an Integrated Pest Management Program (including rodent control), and to further see if the Town will vote to Raise and appropriate the sum of Five Thousand Five Hundred Thirty-Three Dollars and Ninety-One Cents (\$5,533.91) as the

Town's proportional share of the balance (\$38,971.20) of the net cost of the program, based on the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue for Fiscal Year starting July 1, 2010. The level budgeted projection cost of the Pest Management Program for Fiscal Year 2012 is \$73,714 less projected revenue of \$25,000 for a net cost of \$48,714. The County of Dukes County will pay Twenty percent (20%) (\$9,742.80) of the net cost of the program.

(RECOMMENDED 5-0)

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen to enter into an intermunicipal agreement with the County of Dukes County to provide a Vineyard Health Care Access Program and further to see if the Town will vote to Raise and appropriate the sum of Ten Thousand Three Hundred Forty-Seven Dollars and Thirty-Seven Cents (\$10,347.37) as the town's proportionate share of the balance (\$72,868.80) of the level budgeted projection cost, based on the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue for a fiscal year starting July 1, 2010. The cost of the level budgeted share of the program for fiscal year 2012 is \$91,086. The County of Dukes County will pay Twenty Percent (20%) (\$18,217.20) of the level budgeted cost of the program.

(RECOMMENDED 5-0)

ARTICLE 24: To see if the Town will vote to Raise and appropriate the sum of Ten Thousand One Hundred Eighty-Nine Dollars and Twenty-Three Cents (\$10,189.23) to continue the Vineyard Health Care Access Program at the current level of service. These funds will be administered by the County of Dukes County and will provide Fifty Eight Thousand Nine Hundred Fourteen Dollars (\$58,914) county-wide. When combined with Article 24 the total amount represents the Town's proportionate share, based on the 50/50 formula, which combines 50% of the cost based on equalized valuation of property values as computed by the Commonwealth of Massachusetts Department of Revenue and 50% based on the Town's populations as documented in the US Census. Based on this formula the total for West Tisbury is 15.70%.

(RECOMMENDED 5-0)

ARTICLE 25: To see if the Town will vote to appropriate from Free Cash the sum of Sixteen Thousand Five Hundred Dollars (\$16,500) to be placed in the Ambulance Stabilization Fund. **(2/3 VOTE REQUIRED, RECOMMENDED 5-0)**

ARTICLE 26: To see if the Town will vote to appropriate from Free Cash the sum of One Hundred Thousand Dollars (\$100,000) to be placed in the Fire Equipment Stabilization Fund.

(2/3 VOTE REQUIRED, RECOMMENDED 4-0-1)

ARTICLE 27: To see if the Town will vote to make the following amendments to Zoning Bylaw Section 6.2-4A, Designated Special Ways, by adding the following three ways:

Pine Hill Road: Beginning at Old County Road at the southern point of Assessors Map 26, Lot 14.1, opposite the Sheriff's Meadow parking lot at Nat's Farm, proceeding northerly along the west boundary of said lot and continuing northerly until the northwestern point of Assessors Map 21, Lot 13 where it intersects Doctor Fisher Road.

Red Coat Hill Road/Motts Hill Road: Beginning at the Tisbury town line on the south side of the easternmost point of Assessors Map 8, Lot 24 and continuing westerly and becoming Motts Hill Road at

the intersection with Ben Chase Road and proceeding southwesterly to its intersection with Merry Farm Road between Assessors Map 8, Lots 22.3 and 22.4.

Shubael Weeks Road: Beginning at the Tisbury town line at the northernmost point of Assessors' Map 8, Lot 31 and proceeding southerly to its intersection with Ben Chase Road at the southern point of Assessors Map 8, Lot 25 and continuing southerly crossing Merry Farm Road and intersecting Beaten Path near the northernmost point of Assessors Map 8, Lot 26.4.

(NO ACTION 5-0)

ARTICLE 28: To see if the Town will vote to Raise and Appropriate the sum of Fifteen Thousand Dollars (\$15,000) for the purchase of a boat, motor, trailer and associated equipment for the Shellfish Committee.
(RECOMMENDED 4-0)

ARTICLE 29: To see if the Town will vote to Appropriate from Free Cash the sum of Two Thousand Dollars (\$2,000) for the purpose of winterizing the bathroom in the Town's Highway Building.
(RECOMMENDED 5-0)

ARTICLE 30: To see if the Town will vote to Appropriate from Free Cash the sum of Twelve Thousand Five Hundred Dollars (\$12,500) for the purpose of installing a sidewalk between the Congregational Church and Alley's General Store Parking lot.
(NOT RECOMMENDED 3-1)

ARTICLE 31: To see if the town will vote to transfer from the Ambulance Receipts Reserved for Appropriation account the sum of \$17,500.00 to purchase a portable computer and three stair-chair stretchers.
(RECOMMENDED 4-0)

ARTICLE 32: To see if the Town will vote to act upon the recommendations of the Community Preservation Committee to appropriate and set aside for later expenditure from the Community Preservation Fund established pursuant to Chapter 44B of the Mass. General Laws, FY2012 revenues, in the following amounts to the following reserves:

- a. Open Space reserve \$40,000 (10% of estimated FY2012 Community Preservation Fund revenues)
- b. Historical Resources reserve \$40,000 (10% of estimated FY2012 Community Preservation Fund revenues)
- c. Community Housing reserve \$40,000 (10% of estimated FY2012 Community Preservation Fund revenues)
- d. Administrative reserve \$20,000 (5% of estimated FY2012 Community Preservation Fund revenues)
- e. Undesignated reserve \$260,000 (65% of estimated FY2012 Community Preservation Fund revenues)
(RECOMMENDED 5-0)

ARTICLE 33: To see if the Town will vote to Appropriate the sum of \$100,000 from the Community Preservation Historical Resources reserve, supplemented as needed from the Undesignated reserve, to support debt service for the Town Hall renovation bond issue, with \$20,000 to be appropriated from the Community Preservation Historical Resources reserve and \$80,000 to be appropriated from the Community Preservation Undesignated reserve. This is the third of five annual installments authorized

by vote at Annual Town Meeting, April 2008.

(RECOMMENDED 5-0)

ARTICLE 34: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase for open space purposes the approximately 1.4 acres of land known as “The Field Gallery” located at Assessors Map 32 Lot 89, 40 Sweet William Way and to grant such easements and restrictions as may be required by G.L.c.44B and further to see if the Town will vote to appropriate a total of \$685,000 for the purchase thereof as follows:

from the Community Preservation Open Space reserve the sum of \$275,000;

from the Community Preservation Undesignated Fund Balance the sum of \$35,000; from the Community Preservation Open Space FY 2012 anticipated receipts the sum of \$40,000;

by authorizing the Treasurer with the approval of the Board of Selectmen to borrow the sum of \$175,000 under G.L.c.44,§7 or any other enabling authority;

and by authorizing the Treasurer with the approval of the Board of Selectmen to borrow the sum of \$160,000 under G.L.c.44B,§11 or any other enabling authority;

or to take any other action relative thereto.

Note: The Community Preservation Committee recommends the appropriation from the Community Preservation Open Space Reserve the sum of \$40,000 per year for four consecutive years to support debt service for the Maley property land acquisition bond issue in accordance with G.L. c.44, sec 11 as stated in the article above.

(2/3 VOTE REQUIRED, RECOMMENDED 2-1)

ARTICLE 35: To see if the Town will vote to appropriate the sum of \$10,000 from the Community Preservation Historical Resources reserve to preserve the town’s historic property records by converting them into microfiche format as required by state regulations.

(RECOMMENDED 3-0)

ARTICLE 36: To see if the Town will vote to appropriate the sum of \$27,038 from the Community Preservation Historical Resources reserve, supplemented as needed from the Undesignated reserve, to catalog and preserve historic material in the collection of the Martha’s Vineyard museum, with \$10,000 to be appropriated from the Community Preservation Historical Resources reserve and \$17,038 to be appropriated from the Community Preservation Undesignated reserve, as West Tisbury’s proportional share of the project’s total cost (\$163,360).

(RECOMMENDED 4-1)

ARTICLE 37: To see if the Town will vote to appropriate the sum of \$104,000 from the Community Preservation Community Housing reserve, supplemented as needed from the Undesignated reserve, to support the rental assistance program of the Dukes County Regional Housing Authority for West Tisbury households, with \$20,000 to be appropriated from the Community Preservation Community Housing reserve and \$84,000 to be appropriated from the Community Preservation Undesignated reserve.

(RECOMMENDED 5-0)

ARTICLE 38: To see if the Town will vote to appropriate the sum of \$80,000 from the Community Preservation Community Housing reserve, supplemented as needed from the Undesignated reserve, to support the construction by Habitat for Humanity of Martha's Vineyard of an affordable home (House #2) in Bailey Park, with \$20,000 to be appropriated from the Community Preservation Community Housing reserve and \$60,000 to be appropriated from the Community Preservation Undesignated reserve.

(RECOMMENDED 4-0-1)

ARTICLE 39: To see if the Town will vote to reduce the Community Preservation Act property tax surcharge from the current Three Percent (3%). *(This will require a ballot vote at the 2012 annual election)*

(RECOMMENDED 4-0)

ARTICLE 40: To see if the Town will vote to Raise and appropriate the sum of Four Thousand Dollars (\$4,000) to continue testing Mill Brook water quality. This work will be done by staff of the Martha's Vineyard Commission.

(RECOMMENDED 4-0)

ARTICLE 41: To see if the Town will vote to appropriate from Free Cash the sum of Two Hundred Fifty Thousand Dollars (\$250,000) to reduce the tax levy in Fiscal Year 2012.

(RECOMMENDED 5-0)

ARTICLE 42: To see if the Board of Selectmen shall be authorized to petition the State Legislature to allot the Town of West Tisbury to issue licenses for the sale of beer and wine to patrons of restaurants (including within inns and hotels) with a seating capacity of not less than fifty (50) persons to be consumed with meals only. The sale of alcohol only without meals shall be prohibited. Approval of any home rule petition by the Massachusetts State Legislature shall also require approval by the West Tisbury voters in a Town election. Nothing contained herein will authorize the issue of licenses for sale of beer and wine to be consumed not on the premises, i.e., in a package or convenience store.

(BY PETITION, NO ACTION 3-1)

ARTICLE 43: To see if the Town will vote to direct our President, our Congressional Representative and our Senators to take productive actions to bring about a proper, unbiased, *independent* investigation (vs. government "report") on the collapse of the World Trade Center Bldg #1, #2 and #7. (WTC #7 was not hit by a plane on 9/11 but fell in perfect, quintessential, controlled demolition fashion.) As the 9/11 Commission has stated that the use of explosives and controlled demolitions were never considered as a possibility and therefore provided no need to look for evidence, we feel strongly, in light of new reporting on the subject, that this was a major oversight and warrants reason for independent re-investigation with subpoena power and taking testimony under oath. **(BY PETITION, NO ACTION)**

ARTICLE 44: To see if the Town will vote to direct our President, our Congressional Representative, and our Senators to reduce U.S. military spending by 25%, as proposed by Congressman Barney Frank, former Congressman William Delahunt, and others.

(BY PETITION, NO ACTION)

ARTICLE 45: To see if the Town will vote to direct our President, our Congressional Representative and our Senators to take productive actions to terminate existing occupation and military operations in Iraq, Afghanistan and Pakistan; reduce U.S. military spending by 25%, as proposed by Congressman

Barney Frank, William Delahunt and others; and approve funding the rapid and safe withdrawal of all U.S. troops , combative and otherwise, from the aforementioned countries.**(BY PETITION, NO ACTION)**

And you are directed to serve this Warrant by posting attested copies thereof in not less than six (6) public places in West Tisbury fourteen days at least before the holding of such meeting.

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

Given under our hands this 16TH Day of March in the Year Two Thousand Eleven.

Richard R. Knabel, Chairman

Jeffrey S. "Skipper" Manter

Cynthia E. Mitchell

WEST TISBURY SELECTMEN

DATE:

I have posted attested copies of the above Warrant in not less than six (6) public places in West Tisbury fourteen (14) days before such meeting.

Timothy A. Barnett
Constable

A true copy, attest: _____
Tara J. Whiting
Town Clerk