

**West Tisbury Finance Committee Warrant Hearing**  
**Howes House**  
**March 8, 2018**

**Attendance**

**Committee:** Gary Montrowl – Chair, Chuck Hodgkinson, Greg Orccutt, Doug Ruskin, Katherine Triantafillou

**Guests:** Kent Healy – Selectman, Skip Manter – Selectman, Cynthia Mitchell – Selectman, Jen Rand – Town Administrator, Bruce Stone – Town Accountant

The Chair called the meeting to order at 4:00pm. A quorum was present. The hearing was recorded and will be televised on MVTv.

**Approval of Minutes from Previous Meetings**

*Minutes are tabled until 3/13/18.*

**Old Business**

**Warrant Article Reviews**

**#10 - Repaving Fire Station 1**

Chief Estrella presented to the Committee.

Chuck asked if the repaving could wait until next year given the \$400,000 potential proposition 2 ½ override. Chief Estrella responded the repaving was supposed to be done last year and treasurer, Kathy Logue, asked him to postpone, but yes, this can be postponed until next year. Greg asked if waiting would cause the cost to go up. Chief Estrella did not think so.

The Chair asked the Selectmen if the warrant article would be withdrawn. Skip said the Selectmen would have to discuss at their next meeting, but he was not sure the Selectmen would like to wait another year.

*Greg moved to recommend warrant article #10 - Repaving Fire Station 1. Doug seconded the motion which passed 4-1 with Katherine voting no.*

**#11 Fire Chief Truck**

Chief Estrella presented to the Committee.

Chuck asked Chief Estrella why he needed a truck. Chief Estrella said he's been chief for 25 years and has gone through four trucks. The Chief said the town pays him for gas only, not mileage. Chuck asked Chief Estrella if his thinking would change if he were reimbursed for mileage at 54.5 cents/mile. The Chief responded no and said he just spent \$1,000 on tires and his truck also needs new shocks. Chuck asked about the mileage that has been spent on fire business. The Chief said he has not kept track.

Greg asked if the new truck would be used seven days per week. The Chief said the deputy Chief would take the truck when he works weekends. Katherine asked about the unified command communication system and its benefits.

The Chair asked if there is an official vehicle policy. Bruce responded the person using the vehicle is reimbursed 54.5 cents per mile, but the Fire Chief had a special situation where he generously was only reimbursed for gas and that probably would not be the case for his successor. Chief Estrella reminded the Committee that when he retires, the Town will like pay a Fire Chief for 40 hours per week. Skip pointed out the highway and police departments have vehicles.

Chuck noted \$9,000 in inspection revenue and asked the last time fees were raised. Chief Estrella said state law is \$50/inspection. Chuck said maintenance and insurance would be an additional expense and Bruce responded the fire department budget can cover those costs.

*Doug moved to recommend warrant article #11 – Fire Chief Truck. Chuck seconded the motion which passed 4-1 with Katherine voting no.*

#### **#14 ACE MV**

Sam Hart presented to the Committee.

Sam said the warrant article reads the same as last year, but the assessment is lower because of the 50/50 formula. Sam said expenses are the same as last year. Sam said ACE MV is receiving significantly more revenue through individual donations and town funding has remained the same.

Doug said he remembered a five year plan to phase out town contributions when ACE MV first approached the towns for funding and asked if that is still the case. Sam said he has not had that conversation with the All Island School Committee (AISC) which is the sponsor of the warrant article. Sam explained that ACE MV responds to a request for proposal (RFP) from the AISC. Sam said that he can speak to the programming, is an advocate for adult education and will speak to the AISC this spring.

Doug said the other issue is the fees charged for certification classes where people would have had to go off island if ACE MV did not offer an on island alternative. Sam said the technical training fees are typically more than a student would have to pay off island, citing the pesticide license as being slightly more expensive than what a student would be charged off island.

Sam said that for the Masters of Education, ACE MV has a great partnership with Fitchburg State University and the cost at ACE MV is \$1,000 for a three credit graduate course. Sam said classes at Leslie University or Simmons can be three times as expensive. Doug said his argument would be that ACE MV should be less reasonable with fees and request less funding from the towns.

Doug recapped that last year ACE MV received \$70,000 of the \$100,000 requested from towns. Doug said that prior analysis indicated that of the two or three towns that contributed half of the requested amount, were using 80% of ACE MV services. Doug said he is going to recommend an amendment to the warrant article which ends with the statement “provided all six towns vote in the affirmative” so that West Tisbury doesn’t pay the bulk of the fees they don’t actually utilize.

Sam explained Edgartown is putting forth a warrant article with \$15,000 instead of the \$39,000 requested. Doug responded that then he will put forth the language that it be equitable.

The Chair asked about Edgartown’s reasoning for reducing the amount by more than 50%. Sam responded budgetary constraints and added that \$13,000 was requested from Tisbury which is going to

contribute \$10,000. The Chair asked if there should be a reduction in the services provided to those towns that do not fully contribute, but then asked how that could be handled. The Chair also asked how the shortfall will be covered.

Sam explained ACE MV is training people such as teachers and nurses who provide services for everyone on the Island. Sam said the 50/50 formula itself has been picked apart. Sam said ACE MV responds to an RFP to offer classes and there are other revenue streams. Skip suggested that perhaps for other towns that don't pay the full share, residents pay higher tuition.

Doug said he was aggravated by the fact that Edgartown is committing \$15,000 of a \$39,000 request and Tisbury is committing \$10,000 of a \$13,000 request, and yet those two towns use 50% of the services.

Katherine asked about the noncredit classes which Sam said were more than self-sustaining. Sam said the support goes to work force training courses. Katherine suggested the Fin Com meet with the All Island School Committee (AISC) which is the sponsor of the ACE MV warrant article. Katherine also told Sam that at some point a nonprofit should become self-sufficient. Katherine suggested the hospital support some of the courses. Sam said they offer non-monetary support in the form of space for classes.

Chuck asked why a public committee was overseeing a private corporation with public funds. Sam said ACE MV has been the recipient of the contract and he oversees programming, but that is a question for the AISC. Bruce said the town can't directly support a 501c3, but the AISC said they would contract to provide the services.

At the time of the vote, Doug said it is his desire to amend the warrant article on town meeting floor to include "provided all six towns vote in the affirmative for the total requested amount." Greg said he preferred Skip's idea to charge higher tuition to residents from towns that do not contribute the full amount because he doesn't want to take away the opportunity from everyone.

The Chair said this is a discussion for the AISC, but he believes the Fin Com sent a strong signal to ACE MV today.

*Chuck moved to recommend warrant article #14 - ACE MV. Greg seconded the motion which passed 3-1-1- with Katherine voting no and Doug abstaining.*

#### **#40 – Personnel Board Bylaw Amendment**

Maria MacFarland and Ken Vincent presented to the Committee.

Maria explained the revisions are to the general bylaw that created the personnel board to clarify language that the Personnel Committee introduced on town floor that an employee rep does not need to be a board member.

*Chuck moved to recommend warrant article #40 – Personnel Board Bylaw Amendment. Greg seconded the motion which passed 5-0.*

#### **#41- Personnel Board Bylaw Amendment**

Maria MacFarland and Ken Vincent presented to the Committee.

Maria explained the change is to add pregnancy as a protected class because the Massachusetts legislature passed the pregnant workers fairness act which designates pregnancy as such.

*Greg moved to recommend warrant article #41 – Personnel Bylaw Amendment. Chuck seconded the motion which passed 4-0-1 which Doug abstaining.*

#### **#44 – Personnel Bylaw Classification Plan**

Maria MacFarland and Ken Vincent presented to the Committee.

Maria explained this change is to add and remove positions various departments have come to the personnel board with. Katherine asked if the positions have they been budgeted in FY19. Maria confirmed.

Doug asked the process used to determine the grade of the new position in the change from treasurer to treasurer/collector. Maria explained that when a department wants to create a new position, the personnel board looks at job description and the grading manual which incorporates factors such as education, complexity, hazards, office environment and supervisory responsibilities.

*Greg moved to recommend warrant article #44 Personnel Bylaw Classification Plan. Chuck seconded the motion which passed 4-0-1 with Doug abstaining.*

#### **#35 – Free Cash to Lower FY2019 Tax Levy**

Bruce Stone presented to the Committee.

Katherine asked why should the town use \$520,000 to reduce the tax levy instead of using it to reduce the warrant articles. Bruce said it is a policy that has been adopted and if there is a warrant article that must be complete by June 30, the funding must come from free cash. Bruce said the other aspect is to let people vote for articles realizing they are committing tax payer money to a particular item.

Katherine asked that if there is \$520,000 left over from last year that was not spent, why don't we just lower the budget. Bruce responded the DOR is very conservative in revenues it allows to be counted. Bruce said the Town usually receives about 1% more revenue (\$140,000 - \$150,000) than anticipated. Bruce said some budgets have to be built to incorporate changes or emergencies such as when the treasurer calculates health insurance. Bruce said those things typically add up to 3% - 4% (\$400,000 - \$500,000).

Chuck asked if the override was calculated assuming warrant article #35 is passed. Bruce said that is correct.

Doug asked why Bruce chose to leave \$30,000 left in free cash. Bruce said it gives the Town the ability to handle an unplanned expense.

*Doug moved to recommend warrant article #35 – Free Cash to Lower FY2019 Tax Levy. Katherine seconded the motion which passed 5-0.*

#### **#26 Tax Collector Salary**

Doug stated the following: "Since the DOR recommendation to combine the treasurer and collector positions over 15 years ago, the tax collector department has been streamlined dramatically to utilize an outside billing and collection service leaving the collector with far less work than when that position actually generated bills and handled actual collections. The proposed combined positions under warrant article #39 have been budgeted to a) reduce the total hours and b) add a 30 hour per week assistant. I am assuming the assistant will handle more than collection work. The amendment I would propose would reduce the anticipated budget from 35 to 20 hours per week should article #39 fail."

The Chair said this is a theoretical position that does not exist if warrant article #39 passes. Skip said the person with the most knowledge about the position is the current tax collector and she is the one who should be asked these questions. Bruce added that part of the collector responsibility is to be available to the public.

*Greg moved to recommend warrant article #26 - Tax Collector Salary. Gary seconded the motion which passed 3-2 with Doug and Katherine voting no.*

### **#30 – Mayhew Peddler’s Wagon**

There was a discussion regarding this warrant article. Greg had concerns about a history of the town funding things for the museum noting this is a request for West Tisbury only and the museum is a private enterprise in Vineyard Haven. Greg also noted the item is in poor condition because it had not been properly stored. Doug said that it West Tisbury should not be the only town funding this project because the museum is a regional entity. Chuck had issues because the museum is a commercial entity where people will have to pay to see the Mayhew Peddler’s Wagon. Bruce said he believed the approach the museum has taken is to identify an item for each town instead of having all towns sponsor all projects.

*Katherine moved to recommend warrant article #30 – Mayhew Peddler’s Wagon. Chuck seconded the motion which passed 3-2 with Doug and Greg voting no.*

### **#32 - Affordable Housing Trust Fund**

There was a discussion regarding this warrant article. Doug said he was going to personally write an amendment for this because the warrant article artificially restricts the \$300,000. Doug explained that by definition the Affordable Housing Trust can only use funds for affordable housing so the additional restriction is unnecessary.

*Katherine moved to recommend warrant article #32 – Affordable Housing Trust Fund. Chuck seconded the motion which passed 4-0-1 with Doug abstaining.*

### **Warrant Article Vote**

**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 2019; provided, however, that the amount to be Raised and Appropriated to pay the Town Charges and Expenses is contingent upon a majority of the voters casting a ballot on Question 1 at the Annual Election, to be held on April 12, 2018, voting in the affirmative to allow the Town to exceed its Proposition 2 ½ spending cap by Four Hundred Thousand Dollars (\$400,000.00).

*Doug moved to recommend warrant article #3. Greg seconded the motion which passed 4-1 with Katherine voting no.*

**ARTICLE 30:** To see if the Town will vote to appropriate the sum of Fifty Thousand Dollars (\$50,000) from the Community Preservation Historic Resources reserve to fund the Martha's Vineyard Museum restoration of the Mayhew Peddler's Wagon.

*Katherine moved to recommend warrant article #30. Chuck seconded the motion which passed 3-2 with Doug and Greg voting no.*

**ARTICLE 31:** To see if the Town will vote to appropriate the sum of One Hundred Thousand Dollars (\$100,000) from the Community Preservation Undesignated reserve to assist Island Housing Trust in funding the development of six (6) affordable ownership homes on Greenwood Avenue in the Town of Tisbury for moderate income families earning 80-100% of the Area Wide Median Income. Local preference as allowed under state and federal fair housing laws will be offered to one (1) West Tisbury resident either living or working in town at the initial lottery.

*Greg moved to recommend warrant article #31. Chuck seconded the motion which passed 4-0-1 with Doug abstaining.*

**ARTICLE 32:** To see if the Town will vote to appropriate the sum of Three Hundred Thousand Dollars (\$300,000) from the Community Preservation Undesignated Reserve with Two Hundred Fifty Thousand Dollars (\$250,000) set aside for the purpose of an Affordable Housing Emergency Reserve to be used appropriately by the Affordable Housing Trust when an affordable home is in danger of foreclosure or otherwise in preserving affordability of present or future affordable homes. The remaining Fifty Thousand Dollars (\$50,000) would be transferred to the Trust for future use toward affordable housing opportunities: search, predevelopment, legal fees associated with such, and various other affordable housing causes that meet CPA guidelines.

*Katherine moved to recommend warrant article #32. Chuck seconded the motion which passed 4-0-1 with Doug abstaining.*

**ARTICLE 33:** To see if the Town will vote to appropriate the sum of Eighty Thousand Dollars (\$80,000) to support the rental assistance program of the Dukes County Regional Housing Authority for West Tisbury residents with \$1,000 to be appropriated from the Community Preservation Community Housing reserve and \$79,000 to be appropriated from the Community Preservation Undesignated reserve.

*Katherine moved to recommend warrant article #33. Chuck seconded the motion which passed 5-0.*

**ARTICLE 34:** To see if the Town will vote to appropriate the sum of Forty Nine Thousand Dollars (\$49,000) from the Community Preservation Community Housing reserve to pay down principal on the borrowing for Scott's Grove Affordable Housing development approved in Article #29 at the Annual Town Meeting held on April 11, 2017.

*Katherine moved to recommend warrant article #34. Chuck seconded the motion which passed 4-0-1 with Doug abstaining.*

**ARTICLE 35:** To see if the Town will vote to appropriate from Free Cash the sum of Five Hundred Twenty Thousand Dollars (\$520,000) to reduce the tax levy in Fiscal Year 2019.

*Doug moved to recommend warrant article #35. Katherine seconded the motion which passed 5-0.*

**ARTICLE 36:** To see if the Town will vote to transfer the care, custody, management and control of Town owned land located at 16 Old Courthouse Road (Map 22, Lot 8) to the West Tisbury Affordable Housing Committee for development and use as affordable housing.

*Katherine moved to recommend warrant article #36. Doug seconded the motion which passed 5-0.*

**ARTICLE 37:** To see if the Town will vote to transfer the care, custody, management and control of Town owned land located at 401 State Road (Map 11, Lot 18) to the West Tisbury Affordable Housing Committee for development and use as affordable housing.

*Katherine moved to recommend warrant article #37. Chuck seconded the motion which passed 5-0.*

**ARTICLE 38:** To see if the Town will vote to authorize the Board of Selectmen to take all necessary steps to grant an easement to, and to enter into an easement and agreement with, the Island Housing Trust, over a portion of a town-owned parcel of land located at 565 Edgartown Road for the use and protection of twin public water supply wells located within land leased to the Island Housing Trust. **(2/3 VOTE REQUIRED)**

*Katherine moved to recommend warrant article #38. Greg seconded the motion which passed 4-0-1 with Doug abstaining.*

**ARTICLE 39:** Shall the Town vote to have its elected Tax Collector become an appointed Treasurer/Collector of the Town?

*Doug moved to recommend warrant article #39. Greg seconded the motion which passed 5-0.*

**ARTICLE 40:** To see if the Town will vote to amend the following Town Bylaw that established the Personnel Board in 1986. Revisions are in **bold**.

Pursuant to Chapter 41 Section 108C of the General Laws there shall be established a Personnel Board consisting of five members of which at least 4 members shall be residents of the Town who shall be responsible for proposing personnel by-laws for voter approval and administering personnel by-laws, and who shall advise the Town on any matters pertaining thereto, in accordance with Chapter 41 Section 108C of the General Laws. One of the members shall be a Town employee, **who shall not be required to be a Town resident**, nominated and elected by the employees and appointed by the Selectmen. **This provision shall apply to all members appointed to the Personnel Board as of April 10, 2018.**

The Board of Selectmen shall initially appoint one member to serve for one year, two members to serve for two years and two members to serve for three year each; the Board of Selectmen shall in each succeeding year thereafter appoint for terms of three years each as many members are required to replace those member whose term expired in the year during which said appointment shall be made.

~~One of the members shall be a Town employee, nominated and elected by the employees and appointed by the Selectmen.~~

*Chuck moved to recommend warrant article #40. Greg seconded the motion which passed 5-0.*

**ARTICLE 41:** To see if the Town will vote to amend the Personnel Bylaw to read as follows, the amended text appearing in **bold print**:

1.2 Administration:

Purpose

- (b) Fair treatment of all applicants and employees shall be the goal in all aspects of the personnel system which shall be administered without regard to race, color, religion, sex, sexual orientation, gender expression, national origin, political affiliation, age, disability, **pregnancy**, or other non-merit factors and with proper regard for privacy and constitutional rights.

1-4. Personnel Board

The Board of Selectmen shall appoint a Personnel Board consisting of five members of which at least 4 members shall be residents of the Town. Members shall serve for three-year terms. One of the members shall be a Town employee **who may reside outside of Town**, nominated and elected ~~following election~~ by the employees and appointed by the Selectmen. Said election shall be administered by the Town Administrator. Only employees described in 1-6 (c & d) shall be eligible to vote and serve on the Board. No elected official of the Town or more than one Town employee shall be appointed to the Board. **This provision shall apply to all members appointed to the Personnel Board after April 10, 2018.**

1-6 Definitions:

**(p) Change of Status:** A change in status shall mean an employee has resigned, retired or been discharged. A promotion to a higher graded position on the classification plan or a change of classification of an employee's current position is not a change of status.

**(q) Anniversary Date:** An employee's anniversary date is the date on which he/she will be considered for a step increase. The anniversary date is one year after the date of hire and annually thereafter. An employee who has been on an authorized leave of absence shall keep their original anniversary date. An employee who receives a promotion shall retain their original anniversary date for accrual of benefits. The anniversary date for step increases shall be the date of promotion.

**(r) Promotion:** The movement of an employee from one position to another position within the same department at a higher grade level.

Add the following new section to Section 6:



**6-7 Rate of Pay upon Reclassification: When wage rates are changed as a result of a compensation and classification study, an employee whose position is regraded to a higher grade shall be compensated at the rate of pay that is closest to but greater than the employee's current rate of pay.**

**No employee's pay shall be reduced as a result of a revision to the wage scale as a result of a reclassification of their position. If, as a result of a compensation and classification study, an employee currently receives a rate of pay above the maximum rate for a position that is downgraded, or if an incumbent employee currently receives a rate of pay above the new maximum rate, this rate becomes a personal rate and applies only to any incumbent employee.**

7-6. Performance Evaluations: All employees, regardless of their position on the Classification Plan, shall have an annual written performance evaluation, which shall be prepared by the Department Head or Appointing Authority on such form as is approved by the Personnel Board. The Performance Evaluation shall be submitted to the Personnel Board on the first day of the month in which the employee's anniversary date falls. If an employee ~~has had a change in status~~ **is promoted, his/her anniversary date for performance reviews and step increases shall be one year from the date of the promotion.** The Performance Evaluation shall include the recommendations for a step increase or the denial of a step increase by the Department Head or Appointing Authority if applicable. The employee's new rate, if granted, will become effective on the employee's anniversary date.

*Greg moved to recommend warrant article #41. Chuck seconded the motion which passed 4-0-1 which Doug abstaining.*

**ARTICLE 44:** To see if the Town will vote to amend the Personnel Bylaw to read as follows, the amended text appearing in **bold print**:

Section 26.1(Year Round Classification Plan)

26. 0 Classification and Compensation Plans (To be effective July 1, 2018)

26.1 Year Round Classification Plan

GRADE 1	Circulation Assistant
	<b>Substitute Circulation Assistant</b>
	Custodian
	Kitchen Manager

GRADE 2	Administrative Clerk
	Building Maintenance Worker
	<del>Highway Department Laborer</del>
GRADE 3	Administrative Assistant
	<b>Assistant</b> Animal Control Officer
	Reference and Technology Librarian
	Programming Coordinator/Administrative Assistant (4/12/2016)
	<b>Highway Department Laborer</b>
GRADE 4	Associate Assessor/Data Collector
	Assistant Librarian/Children's Librarian/Youth Librarian
	Executive Assistant
	Outreach Coordinator
	Assistant Council on Aging Director
	<b>Animal Control Officer</b>
GRADE 5	Head of Circulation/Assistant Library Director (4/12/2016)
	<b>Highway Department Foreman</b>
	<b>Assistant Treasurer/Collector</b>
GRADE 6	Board Administrator
	Local Building Inspector
	Patrol Officer
GRADE 7	Council on Aging Director
	Health Agent
	Library Director

GRADE 8                    Inspector of Buildings/Zoning Enforcement Officer  
                                  Police Sergeant  
                                  Principal Assessor  
                                  Town Accountant  
                                  Treasurer

GRADE 9                    Police Lieutenant  
                                  **Treasurer/Collector**

GRADE 10                  Town Administrator

GRADE 11                  None

*Greg moved to recommend warrant article #44. Chuck seconded the motion which passed 4-0-1 with Doug abstaining.*

**ARTICLE 46:** To see if the Town will vote to adopt the provisions of Massachusetts General Law Chapter 59 section 21A with regard to compensation for Certified Assessors.

*Greg moved to recommend warrant article #46. Chuck seconded the motion which passed 5-0.*

**ARTICLE 47:** To see if the Town will vote to amend the Business Uses Section of the USE TABLE section of the zoning bylaws by adding the following:

Recreational Marijuana Sales:	RU	VR	MB	LI
		-	-	S       -

This amendment will allow the sale of recreational marijuana in the Mixed Business District by special permit from the Zoning Board of Appeals.

**(2/3 VOTE REQUIRED)**

*Katherine moved to recommend warrant article #47. Greg seconded the motion which passed 4-0-1 with Chuck abstaining.*

**ARTICLE 48:** To see if the Town will vote to amend the zoning bylaws by adding the following:

Section 3.1-1 Use Table	RU	VR	MB	LI
Electrical Generator:	P	P	P	P       8.6-4

Portable Generator: P P P P 8.6-5

#### Section 8.6-4 Electrical Generators:

In order to minimize noise from abutting properties, electrical generators shall be located within the required zoning setbacks per district. Generators shall cycle (test run) one time weekly, exclusively between the hours of 9:00 am and 3:00 pm Monday through Friday, and they shall be screened by vegetation or a fence to curtail excessive sound and block the generator from public view. If the shape or size of a lot prevents an applicant from placing a generator within the required setbacks, a special permit from the Zoning Board of Appeals may be requested.

#### Section 8.6-5 Portable Generators:

Portable generators may be used during construction and in situations where electricity is temporarily unavailable on or to the property. **(2/3 VOTE REQUIRED)**

*Chuck moved to recommend warrant article #48. Katherine seconded the motion which passed 4-0-1 with Doug abstaining.*

**ARTICLE 49:** To see if the Town will vote to amend the zoning bylaws by adding the following section:

#### SECTION 8.11 Cargo Containers- Commercial MB & LI Districts

##### 8.12-1 Purpose

This Bylaw establishes the minimum conditions and requirements whereby a Cargo Container may be used permanently as a container for incidental storage in the Mixed Business or Light Industrial Zoning Districts.

##### 8.12-2 Applicability

Cargo containers which are temporarily storage units deposited on a lot for fewer than 90 days in conjunction with an approved industrial or commercial use are not required to meet the requirements of this Bylaw.

##### 8.12-3 Permits & Fees

A Special Permit shall be required for each lot where containers are to be used for incidental storage. The Planning Board shall be the Special Permit Granting Authority (SPGA). A fee shall be charged by the Building Department for each Certificate of Use per container. An Annual Inspection by the Building Department is required.

##### 8.12-4 Zoning Regulations

A. Containers shall be located only on lots where open storage of incidental materials and equipment is permitted by the Town of West Tisbury Planning and Zoning Bylaws.

B. Long term (over 90 days) containers may only be located on a lot that does not contain residential uses and only within the area where open storage is allowed by the Zoning Bylaw.

#### 8.12-5 Plans & Specifications

- A. A plot plan drawn to scale showing the location of all existing buildings, parking spaces, septic systems, wells and electric lines on the lot, and the size and location of the proposed container(s) with respect to those buildings, parking and property lines is required.
- B. The containers shall be constructed of steel or aluminum with a minimum 14 gauge thickness except for a wood floor within the metal shell.

#### 8.12-6 Location, Number & Size

- A. The containers shall be located as permitted by the zoning bylaw.
- B. The containers shall not be located so as to block, obstruct, or reduce any required exits, open spaces, windows, vent shafts, or “required” parking spaces (including access driveways) of the existing buildings on the lot.
- C. The number of containers on a lot shall be limited to one container with a maximum floor area of 400sq. ft. for each 5,000sq. ft. of lot area; however, a lot with less than 5,000 sq. ft. will be allowed to have one container. Lots in the Light Industrial District shall be permitted to have up to 8 containers. In all cases, the area occupied by the container(s) shall comply with the setback requirements per the West Tisbury Zoning Bylaws for that District.
- D. Each container shall not exceed 10 feet in height, 10 feet in width and 40 feet in length and shall have no wall openings except for an access door opening.
- E. Container(s) shall not be “stacked” on top of each other.

#### 8.12-7 Miscellaneous Requirements

- A. The use shall be limited to incidental storage and shall not be used to store hazardous materials unless approved by the Fire Department, Building Department and/or the Board of Health.
- B. The use shall not allow human occupancy of the container(s).
- C. The use shall not allow retail to occur from container(s).
- D. Containers that have been factory-built with any electrical, plumbing, heating or air- conditioning systems shall not be allowed.
- E. Container(s) shall be maintained in good condition and free of graffiti at all times.

#### 8.12-8 Violations

- A. See Section 10.2-2 for violations of the above provisions.

#### **(2/3 VOTE REQUIRED)**

*Katherine moved to recommend warrant article #49. Greg seconded the motion which failed to pass 2-3 with Katherine, Greg and Doug voting no. Greg moved to not recommend warrant article #49. Doug seconded the motion which passed 3-2 with Gary and Chuck voting no.*

**ARTICLE 50:** To see if the Town will vote to amend the Supplemental Regulations Section of the zoning bylaws by adding the following:

Section 8.10-6.0

NFPA 1 Chapter 38, (2018):

Marijuana Growing, Processing and Extraction Facilities shall comply with the current addition of NFPA 1 Chapter 38. **(2/3 VOTE REQUIRED)**

*Greg moved to recommend warrant article #50. Katherine seconded the motion which passed 4-0-1 with Doug abstaining.*

**ARTICLE 51:** To see if the Town will vote to amend Section 14.2 "Definitions in This Bylaw" by deleting the following:

~~Medical Marijuana Cultivation Area: Shall refer to the space in a building where plants are cultivated and does not include the area used for processing or dispensi~~To be replaced with the following language:

"Cultivation Area" is synonymous with "Canopy Area." Canopy Area means the net vegetative growth area measured by the combined diameters of individual plants, and does not include aisle space or floor space for storage, processing, packaging, dispensing, or other non-growing uses.**(2/3 VOTE REQUIRED)**

*Katherine moved to recommend warrant article #51. Greg seconded the motion which passed 4-0-1 with Doug abstaining.*

**ARTICLE 52:** To see if the Town will vote to authorize the Board of Selectmen to take all necessary steps to grant an easement to, and to enter into an easement and agreement with, the owners of Map 31, Lot 34.1, over a portion of a Town-owned parcel of land located at 565 Edgartown Road for the maintenance and repair of underground utilities.

*Chuck moved to recommend warrant article #52. Greg seconded the motion which passed 5-0.*

**ARTICLE 53:** To see if the Town will vote to approve the following Town Bylaw:

Release of Balloons

(1) No person, nonprofit organization, association, firm or corporation, shall knowingly release, organize the release of or intentionally cause to be released into the atmosphere any helium or other lighter-than-air gas balloons in the Town of West Tisbury. Any violation of this bylaw shall result in a fine of \$100.

(2) The provisions of Section (1) shall not apply to balloons which are used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure or by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes. **(BY PETITION)**

*Greg moved to recommend warrant article #53. Chuck seconded the motion which passed 3-1-1 with Katherine voting no and Doug abstaining.*

**ARTICLE 56:** To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court for special legislation as set forth below to allow the Town of West Tisbury to protect groundwater sources of drinking water and watersheds from herbicide infiltration by requiring review and approval from the West Tisbury Board of Health.

To see if the Town will vote to authorize the Board of Selectmen to undertake a petition to be filed with the General Court of the state of Massachusetts for special legislation to preserve the public health, welfare and safety relative to the protection of groundwater sources of drinking water and watersheds from herbicide infiltration by requiring all governmental agencies and public utilities to undergo review and receive approval from the West Tisbury Board of Health, so that the Board of Health may prescribe, limit or prohibit the application of herbicides and related chemical products to control or eliminate vegetation on lands in the Town of West Tisbury that are designated as sole source aquifers for the Town of West Tisbury Water Supply or for individual and community private residential well water supplies or Watersheds. **(BY PETITION)**

*Katherine moved to take no action on warrant article #56. Doug seconded the motion which passed 3-2 with Chuck and Greg voting no.*

#### **Amended Budgets**

##### **Budget #510 - Board of Health**

The Chair reported that total revenue was revised upward from \$30,242 to \$44,200 effectively covering salary of proposed new hire.

*Chuck moved to preliminarily recommend amended budget #510 Board of Health. Katherine seconded the motion which passed 5-0.*

##### **Budget #176 - Board of Appeals**

The Chair reported that total personal services was reduced from \$63,698 to \$59,213 which is up 2% over FY18. The Chair said the current administrator will be retiring in May and a new administrator will be hired and will work 35 hours which is more than the 33 hours worked by the prior administrator.

*Chuck moved to preliminarily recommend budget #176 - Board of Appeals as amended. Doug seconded the motion which passed 5-0.*

#### **Budgets with Revisions**

Revisions are attached.

*Greg moved to preliminarily recommend as amended the following budgets:*

- *#176 Board of Appeals*
- *#197 Dukes County Regional Housing Authority*
- *#231 Tri-Town Ambulance – Intergovernmental*
- *#311 Up-Island Regional School District*

- #313 MVRHS District
- #433 Local Dropoff Intergovernment
- #439 MV Refuse District Intergovernment
- #525 Vineyard Health Access
- #540 Martha's Vineyard Center for Living
- #914 Health Insurance

*Chuck seconded the motion which passed 5-0.*

The Chair said the previous amendments have changed the total budget amount to \$18,853,061.32.

### **Proposition 2 ½ Override**

There was no additional discussion.

### **Budget Wrap**

There was no additional discussion.

### **Correspondence/Scheduling**

The next meeting is Thursday, March 8 at 4:00pm.

### **Adjournment**

*Katherine moved to adjourn. Doug seconded the motion which passed unanimously. The meeting was adjourned at 6:04pm.*

Respectfully Submitted,

Margo Urbany-Joyce  
West Tisbury Finance Committee Admin Assistant

Approved 5-0

March 30, 2018