

The meeting was called to order by the Moderator at 7:10 pm who declared a presence of a 5% quorum, there being 250 qualified voters present. All articles were duly moved, seconded and voted upon. There were six floor amendments. The meeting was adjourned at 11:20 pm.

**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 School**, Old County Road, in said Town on **Tuesday the Tenth day of April, Two Thousand Eighteen**, 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 Twelfth Day of April, at Seven O’Clock in the Morning** 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 Seven O’Clock in the Morning** 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 Tax Collector for One Year
- One Town Clerk for One Year
- One Tree Warden for One Year
- One Constable for Three Years
- One Member of the Finance Committee for Three Years
- One Library Trustee for One Year
- Two Library Trustees for Three Years
- Two Members of Parks and Recreation for Three Years

QUESTION 1: Shall the Town of West Tisbury be allowed to assess an additional Four Hundred Thousand Dollars (\$400,000.00) in real estate and personal property taxes for purposes of funding the Annual Operating Budget of the Town for the fiscal year beginning July First Two Thousand Eighteen (2018)?

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

(RECOMMENDED 4-0)

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).

PASSED

(RECOMMENDED 4-1)

ARTICLE 4: To see if the Town will vote to amend the Personnel By-law at Sections 26.3 (Pay Schedule Year Round) to reflect a wage adjustment of 2% effective July 1, 2018.

PASSED

(RECOMMENDED 2-1-1)

ARTICLE 5: To see if the Town will vote to Raise and Appropriate the sum of Forty Four Thousand, Two Hundred Fifteen Dollars (\$44,215.00) to purchase and equip one (1) four wheel drive police cruiser, and dispose of a 2013 Ford all wheel drive in the best interest of the Town.

PASSED

(RECOMMENDED 3-1)

ARTICLE 6: To see if the Town will vote to Raise and Appropriate the sum of One Hundred Thousand Dollars (\$100,000) for repairs and upgrades to town buildings including, but not limited to, repairs to the foundation of the Howes House, Town Hall downspout drainage repair, alarm systems for both fire stations and other repairs to town buildings as prioritized.

PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

ARTICLE 7: To see if the Town will vote to Appropriate from Free Cash the sum of Fifty Thousand Dollars (\$50,000) to pay for the Town's share of the water tank required for the development of the Scott's Grove Housing project.

PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

ARTICLE 8: To see if the Town will vote to Raise and Appropriate the sum of Ten Thousand Dollars (\$10,000) for the purposes of engineering, design and permitting the replacement of a culvert on Tiah's Cove Rd.

PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

ARTICLE 9: To see if the Town will vote to Appropriate from Free Cash the sum of Twenty Seven Thousand Dollars (\$27,000) for the purpose of conducting a speed study to determine appropriate speed limits on Town-owned roads.

FAILED

(NOT RECOMMENDED 3-1)

ARTICLE 10: To see if the Town will Raise and Appropriate the sum of Seventy-Five Thousand Dollars (\$75,000) for the re-surfacing the parking lot at Fire Station 1 on Edgartown/West Tisbury Road. **(RECOMMENDED 4-1)**
PASSED

ARTICLE 11: To see if the Town will Raise and Appropriate the sum of Sixty Thousand Dollars (\$60,000) to purchase and equip one (1) fire vehicle for the Fire Chief. The vehicle also will be set up for any Mass-Casualty calls or incidents with radios in the back for Fire & Police & EMS to be able to run a Unified Incident Command Vehicle. **(RECOMMENDED 4-1)**
PASSED

ARTICLE 12: To see if the Town will vote to Appropriate from Free Cash the sum of Seven Thousand Dollars (\$7,000) for the purposes of creating two (2) or three (3) additional parking spaces at Town Hall. **(RECOMMENDED 3-1)**
FAILED

ARTICLE 13: To see if the Town will vote to Appropriate from Free Cash the sum of Two Thousand Five Hundred Dollars (\$2,500) for the purpose of funding the Town picnic. **(RECOMMENDED 4-0)**
PASSED

ARTICLE 14: To see if the Town will vote to Raise and Appropriate the sum of Twelve Thousand Five Hundred Ninety Dollars (\$12,590) to fund the Town of West Tisbury's share of the expenses of the All Island School Committee's contract for Adult and Community Education in Fiscal Year 2019. **(RECOMMENDED 3-1-1)**
PASSED AS AMENDED

'To see if the Town will vote to Raise and Appropriate a sum of money to fund the Town of West Tisbury's share of the expenses of the All Island School Committee's contract for Adult and Community Education in Fiscal Year 2019 Provided it does not exceed 12.59% of the total monies appropriated by all six island towns to a maximum of Twelve Thousand Five Hundred Ninety Dollars (\$12,590).

ARTICLE 15: To see if the Town will vote to Raise and Appropriate the sum of Seventeen Thousand One Hundred Fifty-Two Dollars (\$17,152) to pay the Town's share of the Up-Island Regional School District's Phase III upgrade of the fire alarm system at the West Tisbury School providing design, procurement, installation, project management, and any costs incidental and relative thereto, provided however that the other two member Towns of the District approve their share of the total project cost of \$21,440. **(RECOMMENDED 4-0)**
PASSED UNANIMOUSLY

ARTICLE 16: To see if the Town will vote to raise and appropriate the sum of Twenty-Three Thousand Two Hundred Sixty-One Dollars and Eighty-Eight Cents (\$23,261.88) to pay the Town's share of the Up-Island Regional School District's renovations of the heating and ventilation systems at the Chilmark School providing design, procurement, installation, project management, and any costs incidental and relative thereto, provided however the other two member Towns of the District approve their share of the total project costs of \$284,375.

PASSED

(RECOMMENDED 3-1)

ARTICLE 17: 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 the certification of values as required by Massachusetts state law.

(RECOMMENDED 4-0)

PASSED

ARTICLE 18: To see if the Town will vote to Raise and Appropriate the sum of Seven Thousand Eight Hundred Fifty-Two Dollars (\$7,852) to support the Dukes County Social Services.

(RECOMMENDED 4-0)

PASSED

ARTICLE 19: To see if the Town will vote to Raise and Appropriate the sum of Seven Thousand One Hundred Ninety-Five Dollars (\$7,195) to support Substance Use Disorder Prevention Programs on Martha's Vineyard.

(RECOMMENDED 4-0)

PASSED UNANIMOUSLY

ARTICLE 20: To see if the Town will vote to Raise and Appropriate the sum of Eleven Thousand Five Hundred Twelve Dollars (\$11,512) to support the CORE program, a collaborative program of the Councils on Aging and MV Community Services, to provide coordinated counseling, outreach, and referral services to residents 55 years and older.

PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

ARTICLE 21: To see if the Town will vote to Raise and Appropriate the sum of Six Thousand Eight Hundred Thirty-Five Dollars (\$6,835) to support the First Stop Information and Referral Service for Island residents of all ages and their families.

PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

ARTICLE 22: To see if the Town will vote to Raise and Appropriate the sum of Ten Thousand Two Hundred Thirty-Three Dollars (\$10,233) to support the planning, community building and advocacy work of Healthy Aging Martha's Vineyard for all Island elders.

PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

ARTICLE 23: To see if the Town will vote to authorize the expenditure in Fiscal Year 2019 from revolving funds previously established by vote of the Town under M.G.L. c.44, §53E1/2 not to exceed the following spending limits respectively:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUNDS	SPENDING LIMITS
Wetlands Protection Bylaw Fund	Conservation Commission By-law Filing Fees	Conservation Commission	To pay for expenses of the Commission related to the administration of the Bylaw	\$2,000
Refuse District Local Drop-	Fees collected at local drop-off by MVRDRRD	Board of Health	Expenses related to operation of the Local Drop-off	\$120,000

off Fund				
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PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

ARTICLE 24: To see if the Town will vote to Raise and Appropriate the sum of Twenty Thousand Dollars (\$20,000) to transfer to the Retired/Separating Employees Compensated Absences Reserve Fund as provided for by M.G.L. c. 40, §13D.

PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

ARTICLE 25: To see if the Town will vote to Raise and Appropriate the sum of Twenty Six Thousand One Hundred Fifty-Eight Dollars and Thirty-Two Cents (\$26,158.32) to pay the Town's assessed share of the County of Dukes County debt authorized by Chapter 287 of the Acts of 2014 for a building to provide health and human services for county residents.

PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

ARTICLE 26: To see if the Town will vote to Raise and Appropriate the sum of Sixty Eight Thousand Eight Hundred Eighty-Six Dollars (\$68,886) for the elected position of Tax Collector if said elected position exists after July 1, 2018.

PASSED

(RECOMMENDED 3-2)

ARTICLE 27: 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, FY2019 revenues, in the following amounts to the following:

- a. Open Space reserve \$50,000 (10% of estimated FY2019 Community Preservation Fund revenues)
- b. Historical Resources reserve \$50,000 (10% of estimated FY2019 Community Preservation Fund revenues)
- c. Community Housing reserve \$50,000 (10% of estimated FY2019 Community Preservation Fund revenues)
- d. Undesignated reserve \$325,000 (65% of estimated FY2019 Community Preservation Fund revenues)

And to Appropriate for the Administrative Expenditures the sum of \$25,000 from FY2019 Community Preservation Fund Revenues.

PASSED

(RECOMMENDED 3-0-1)

ARTICLE 28: To see if the Town will vote to Appropriate the sum of Fifteen Thousand Dollars (15,000) from the Community Preservation Historic Resources reserve to fund the Martha's Vineyard Agricultural Society replacement of the barn doors at the Agricultural Hall.

PASSED

(RECOMMENDED 3-0-1)

ARTICLE 29: To see if the Town will vote to Appropriate the sum of Twenty Thousand Dollars (\$20,000) from the Community Preservation Historic Resources reserve to fund the Martha's Vineyard Garden Club replacement of the exterior doors of the Old Mill.

PASSED

(RECOMMENDED 3-0-1)

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.

PASSED

(RECOMMENDED 3-2)

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.

(RECOMMENDED 4-0-1)

PASSED UNANIMOUSLY AS AMENDED

“either living ~~or working~~ or an employee of the Town of West Tisbury at the initial lottery.”

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~~ to 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.

(RECOMMENDED 4-0-1)

PASSED AS AMENDED

Strike as above.

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.

(RECOMMENDED 5-0)

PASSED UNANIMOUSLY

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.

PASSED

(RECOMMENDED 4-0-1)

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.
PASSED UNANIMOUSLY AS AMENDED (RECOMMENDED 5-0)
Add monies from failed articles 9 (\$27,000) &12 (\$7,000) for a total of \$554,000.

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.
PASSED (2/3 VOTE REQUIRED, RECOMMENDED 5-0)
YES 180 NO 25

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.
(2/3 VOTE REQUIRED, RECOMMENDED 5-0)

MOTION TO POSTPONE INDEFINITELY PASSED
YES 125 NO 25

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, RECOMMENDED 4-0-1)**
PASSED UNANIMOUSLY

ARTICLE 39: Shall the Town vote to have its elected Tax Collector become an appointed Treasurer/Collector of the Town?
(RECOMMENDED 5-0)
PASSED

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.**~~

PASSED UNANIMOUSLY

(RECOMMENDED 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. **(RECOMMENDED 4-0-1)**

PASSED UNANIMOUSLY

ARTICLE 42: To see if the Town will vote to amend the Personnel Bylaw to read as follows, the amended text appearing in **bold print**:

By adding the following **new** subsection to Section 9 Police Department

9-7 Education Incentive

Members of the Police Department who have earned degrees in the following areas of study: Criminal Justice, Business Administration, Juris Doctor (Law Degree), Psychology, Forensic Science, Science, Sociology, or other fields of criminal justice study as determined by the Chief will receive the following compensation. Such degree must be from an accredited College or University.

The compensation for the above listed degrees shall be calculated using the following percentages of hourly pay. The percentage shall be the average of the lowest and highest steps for each position's pay grade, regardless of the employee's own step placement on the pay schedule.

Associate's Degree: 5%

Bachelor's Degree: 10%

Master's Degree: 12.5%

This section applies only to Full-Time Officers

PASSED AS AMENDED

(RECOMMENDED 3-1)

Strike 'Science'

ARTICLE 43: To see if the Town will vote to amend the Personnel Bylaw to read as follows, the amended text appearing in **bold print**:

By adding the following new section 10:

10. Animal Control Officer:

10-1 On call duty: Animal Control Officers who are assigned to an on-call shift shall be compensated Seventy-Five Dollars (\$75) per shift. If called out, the Animal Control Officer shall also be compensated on an hour for hour basis.

PASSED UNANIMOUSLY

(RECOMMENDED 4-0)

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 Substitute Circulation Assistant Custodian Kitchen Manager
GRADE 2	Administrative Clerk Building Maintenance Worker Highway Department Laborer
GRADE 3	Administrative Assistant Assistant Animal Control Officer Reference and Technology Librarian Programming Coordinator/Administrative Assistant (4/12/2016) Highway Department Laborer
GRADE 4	Associate Assessor/Data Collector Assistant Librarian/Children's Librarian/Youth Librarian Executive Assistant Outreach Coordinator Assistant Council on Aging Director Animal Control Officer
GRADE 5	Head of Circulation/Assistant Library Director (4/12/2016) Highway Department Foreman Assistant Treasurer/Collector
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

PASSED UNANIMOUSLY

(RECOMMENDED 4-0-1)

ARTICLE 45: TO ESTABLISH THE MARTHA’S VINEYARD REGIONAL HIGH SCHOOL STABILIZATION FUND. To see if the Town will vote to approve the establishment by the Martha’s Vineyard Regional High School District of a Stabilization Fund to be known as the “MVRHS Capital Stabilization Fund” to provide a fund for expenditures for capital improvements within the Martha’s Vineyard Regional High School District and for such other lawful purposes as provided by Massachusetts General Laws, c.71, §16G½ as it may be amended from time to time, or take any other action relative thereto.

FAILED

(2/3 VOTE REQUIRED, NOT RECOMMENDED 4-0))

YES 12 NO 120

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.

PASSED AS AMENDED

(RECOMMENDED 5-0)

21A1/2

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, RECOMMENDED 4-0-1)

PASSED YES 125 NO 5

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, RECOMMENDED 4-0-1)

MOTION TO POSTPONE INDEFINITELY PASSED UNANIMOUSLY

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, NOT RECOMMENDED 3-2)

FAILED YES 25 NO 125

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, RECOMMENDED 4-0-1)**

PASSED UNANIMOUSLY

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 dispensing.~~

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, RECOMMENDED 4-0-1)**
PASSED YES 66 NO 32

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.

(RECOMMENDED 5-0)

MOTION TO POSTPONE INDEFINITELY PASSED UNANIMOUSLY

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, RECOMMENDED 3-1-1)**

PASSED UNANIMOUSLY

ARTICLE 54: To see if the Town of West Tisbury will Raise and Appropriate or Transfer from Available Funds Thirty-Six Thousand Five Hundred and Eighty Dollar and Fifty One Cents (\$36,580.51), or fifty percent (50%) of the Town's proportionate share of the fiscal year 2019 cost of the Dukes County Regional Emergency Communication Center, based on the volume of dispatches, tied to call of origin, for all of the Town's agencies.

FAILED (BY PETITION, NOT RECOMMENDED 4-0)

ARTICLE 55: Health Imperatives – Martha's Vineyard requests \$5,000 from the Town of West Tisbury for health and human services provided to low-income and vulnerable individuals and families in Fiscal Year 2018.

(BY PETITION, NOT RECOMMENDED 4-0)

MOTION TO POSTPONE INDEFINITELY PASSED UNANIMOUSLY

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, NO ACTION 3-2)

PASSED UNANIMOUSLY

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 21 Day of March in the Year Two Thousand Eighteen.

Jeffrey S. "Skipper" Manter
Chair

Cynthia E. Mitchell

Kent A. Healy

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