

The meeting was called to order by the Moderator at 7:10 pm who declared a presence of a 5% quorum, there being 164 qualified voters present. All articles were duly moved, seconded and voted upon. There were two floor amendments. The meeting was adjourned at 9:05 pm

**WEST TISBURY
COMMONWEALTH OF MASSACHUSETTS**

**WARRANT FOR
SPECIAL 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 fifth day of November, two thousand and thirteen**, at **seven o'clock** in the evening; then and there to act on the articles of this Warrant.

ARTICLE 1: To see if the Town will vote to appropriate the sum of Ten Thousand Eight Hundred Eight Dollars (\$10,808) to replace windows in the historic County Courthouse, contingent upon proportional support from all other Island towns, with \$10,000 to be appropriated from the Community Preservation Act Historic Resources reserve fund and \$808 to be appropriated from the Community Preservation Act Undesignated reserve.
(RECOMMENDED 5-0)

PASSED

ARTICLE 2: To see if the Town will vote to create a "Roads Maintenance" Stabilization Fund.
(2/3 VOTE REQUIRED, RECOMMENDED 5-0)

PASSED UNANIMOUSLY

ARTICLE 3: To see if the Town will vote to create a "Buildings Maintenance" Stabilization Fund.
(2/3 VOTE REQUIRED, RECOMMENDED 5-0)

PASSED UNANIMOUSLY

ARTICLE 4: To see if the Town will vote to Raise and appropriate the sum of Five Thousand Two Hundred Two Dollars (\$5,202) to increase budget line 241-5120, Inspector of Buildings – Personnel, from the sum of One Hundred Three Thousand One Hundred Three Dollars and Twenty Three Cents (\$103,103.23) to the sum of One Hundred Eight Thousand Three Hundred Five Dollars and Twenty Three Cents (\$108,305.23).

(RECOMMENDED 5-0)

PASSED

ARTICLE 5: To see if the Town will vote to Raise and appropriate the sum of Five Thousand Dollars (\$5,000) to increase budget line 241-5700, Inspector of Buildings – Expenses, from the sum of Three Thousand Six Hundred Ninety Five Dollars (\$3,695) to the sum of Eight Thousand Six Hundred Ninety Five Dollars (\$8,695).

(RECOMMENDED 5-0)

PASSED

ARTICLE 6: To see if the Town will vote to Raise and appropriate the sum of Eight Thousand Two Hundred Twenty Three Dollars and Fifty Six Cents (\$8,223.56) to increase

budget line 193-5700, Town Insurance, from the sum of Sixty Five Thousand One Hundred (\$65,100) to the sum of Seventy Three Thousand Three Hundred Twenty Three Dollars and Fifty Six Cents (\$73,323.56). **(RECOMMENDED 5-0)**
PASSED

ARTICLE 7: To see if the Town will vote to adopt the following general by-law:

“No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G. L. c. 94C, §1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, §21, or by noncriminal disposition under G. L. c. 40, §21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G. L. c. 94C, §32L.”

(RECOMMENDED 4-1)

AMENDED: To remove “ingest, or otherwise use or consume”

PASSED

MOTION TO POSTPONE INDEFINATELY

PASSED

ARTICLE 8: To see if the Town will vote to have its elected Treasurer become an appointed Treasurer for the Town effective April 10, 2014, provided that a majority of voters also vote in the affirmative on a ballot question for this purpose on April 10, 2014.

(RECOMMENDED 4-1)

PASSED

ARTICLE 9: To see if the town will vote to Appropriate the sum of Seven Thousand Four Hundred Forty Two Dollars and Thirty Five cents (\$7,442.35) to purchase a lockable cabinet system with proper air flow to store and preserve historic West Tisbury documents and literature at the town library to be appropriated from the Community Preservation Historic Resources Reserve.

(RECOMMENDED 4-1)

PASSED

ARTICLE 10: To see if the Town will vote to Raise and Appropriate the sum of Four Thousand Five Hundred Dollars (\$4,500) as additional funds to supplement the sum of \$18,500 approved in a vote on Article 20 at the Annual Town Meeting on April 9, 2013 to be used to purchase a truck for the highway department. The total appropriation then being \$23,000.

(RECOMMENDED 5-0)

PASSED

ARTICLE 11: To see if the Town will vote to rescind the following bylaw which states: *At any meeting of the inhabitants of the town qualified to vote in town affairs, the number of voters necessary to constitute a quorum shall consist of not less than five percent (5%) of registered voters of the town at the time of said meeting, but a number less than a quorum may from time to time adjourn such meetings. This by-law shall not apply to meetings or parts of meetings devoted exclusively to the election of town officers.* This was Article #14 of the Special Town Meeting held on January 17, 2006.

(NOT RECOMMENDED 5-0)

FAILED

ARTICLE 12: To see if the Town will vote to amend the West Tisbury Zoning Bylaw to allow Registered Marijuana Dispensaries (RMD) in the Mixed Business District and the Light Industrial Districts for the sale and cultivation of medical marijuana by Special Permit, with a cultivation area not to exceed 1000 square feet, specifically:

To be added to the Zoning Bylaw *Definitions* Section:

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.

Registered Marijuana Dispensary (RMD) – A facility for the cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use, whether located inside a structure or building or not.

To be added to the Zoning Bylaw *Use Table* Section:

Registered Marijuana Dispensary operating location to be allowed by Special Permit in the Mixed Business District and the Light Industrial Districts.

To be added as a symbol addition to the Zoning Bylaw *Use Table* Section:

The Board of Selectmen is to be the special permit granting authority for a Registered Marijuana Dispensary.

To be added to the Zoning Bylaw *Dimensional Table* Section:

Maximum cultivation area for medical marijuana not to exceed 1000 square feet.

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

**AMENDED: Change Board of Selectmen to Zoning Board of Appeals PASSED
YES 132 NO 2**

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 9th Day of October in the Year Two Thousand Thirteen.

Richard R. Knabel, Chairman

Jeffrey S. 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 Barnett
Constable

A true copy, attest:

Tara J. Whiting
Town Clerk