

The meeting was called to order by the Moderator at 7:20 pm who declared a presence of a 5% quorum, there being 378 qualified voters present (16.2%). 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 Elementary School**, Old County Road, in said Town on **Tuesday the Tenth day of April, Two Thousand Twelve**, 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 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
- One Member of the Finance Committee for Three Years
- Two Library Trustees for Three Years
- Two Members of the Planning Board for Five Years
- Two Members of Parks and Recreation for Three Years

QUESTION 1: Shall the Town of West Tisbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for bonds to be issued in order to finance the renovation and restoration of the West Tisbury Free Public Library, including the construction of an addition thereto, the remodeling, reconstructing and making

of extraordinary repairs to the existing building, original equipment and furnishings, landscaping, paving and other site improvements incidental or directly related thereto, and including the cost of moving to and leasing temporary quarters while the project is being carried out and related borrowing costs?

QUESTION 2: Shall the Board of Selectmen of the Town of West Tisbury be authorized to:

- (1) Grant licenses for the sale of wines and malt beverages to be drunk on the premises to restaurants, including restaurants within inns and hotels, with seating capacities of not less than 50 person, to be consumed with meals only; and
- (2) Grant 1 day licenses for the sale of wines and malt beverages under section 14 of chapter 138 of the General Laws, upon such terms and conditions as the Board of Selectmen may from time to time determine, to allow wines and malt beverages to be served at events where the service of such beverages is incidental to the event and where wines and malt beverages are not separately purchased by attendees at the event?

QUESTION 3: Should a roundabout be built at the blinker intersection?

QUESTION 4: Shall the Town of West Tisbury be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds to be issued to pay costs of reconstructing town roads, including the payment of all costs incidental and related thereto?

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 2013.

(RECOMMENDED 4-0)

PASSED

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 2.5% effective July 1, 2012.

(RECOMMENDED 5-0)

PASSED

ARTICLE 5: To see if the Town will vote to amend the Personnel Bylaw at Sections 26-1 (Year Round Classification Plan) to add a new position entitled Local Building Inspector at Grade [I].

(RECOMMENDED 5-0)

PASSED

ARTICLE 6: To see if the Town will vote to authorize the Treasurer and Collector to enter into Compensating Balance Agreements during Fiscal Year 2013 as permitted by M.G.L. c.44, §53F.

(RECOMMENDED 5-0)

PASSED

ARTICLE 7: To see if the Town will vote to expend the sum of Three Thousand Five Hundred Eleven Dollars and Forty Two Cents (\$3,511.42), surplus dog license fees, received from the county per M.G.L. c.140, §172, for the support of the West Tisbury Free Public Library under the direction of the Library Trustees.

(RECOMMENDED 5-0)

PASSED

ARTICLE 8: To see if the Town will vote to Raise and Appropriate the sum of Thirty Seven Thousand One Hundred Seventy-Six Dollars (\$37,176) to fund the Town of West Tisbury's share of the administrative expenses of the Dukes County Regional Housing Authority in Fiscal Year 2013; provided however, that the other five towns on Martha's Vineyard vote in the affirmative to raise and appropriate their respective sums.

(RECOMMENDED 4-0)

PASSED

ARTICLE 9: To see if the Town will vote to Raise and Appropriate the sum of Thirty Six Thousand Three Hundred Eighty Dollars (\$36,380) to purchase and equip a 4WD police cruiser. **(RECOMMENDED 5-0)**

PASSED

ARTICLE 10: To see if the Town will vote to Appropriate from Free Cash the sum of Ninety Eight Thousand Nine Hundred Twenty Seven Dollars and Seventy Seven Cents (\$98,927.77) and further to Appropriate from Overlay Surplus the sum of Seventy Six Thousand Seventy Two Dollars and Twenty Three Cents (\$76,072.23) for a total of \$175,000 to the Dukes County Pooled Other Post-Employment Benefits (OPEB) Trust. **(RECOMMENDED 5-0)**

PASSED

ARTICLE 11: To see if the Town will vote to Appropriate from Free Cash the sum of Twenty Four Thousand Dollars (\$24,000) to purchase a tractor with a loader, mower and trailer. **(RECOMMENDED 5-0)**

PASSED

ARTICLE 12: To see if the Town will vote to Appropriate from Free Cash the sum of Eighty Five Thousand Dollars (\$85,000) for the development of construction documents adequate for the calculation of cost estimates for a new police station to be located at the Public Safety Building site as permitted by M.G.L. Chapter 44, Section 20 or to take any other action thereto. **(RECOMMENDED 5-0)**

PASSED

ARTICLE 13: To see if the Town will vote to authorize the Mill Pond Committee, on behalf of the Town, to pursue, at no cost to the town, grant funding opportunities to dredge the Mill Pond. **(RECOMMENDED 4-0)**

PASSED AS AMMENDED

Add to the end”...and to provide that the recipient of grant monies would be the Town of West Tisbury and that further Town Meeting action would be required before grant monies could be spent.”

ARTICLE 14: To see if the Town will vote to Appropriate One Million Five Hundred Thousand Dollars (\$1,500,000) for the renovation and restoration of the West Tisbury Free Public Library, including the construction of an addition thereto, the remodeling, reconstructing and making of extraordinary repairs to the existing building, original equipment and furnishings, landscaping, paving and other site improvements incidental or directly related thereto, and including the cost of moving to and leasing temporary quarters while the project is being carried out, and related borrowing costs. To authorize that this appropriation be met by authorizing the Treasurer with the approval of the Board of Selectmen to borrow \$1,500,000 under M.G.L. c.44, §7 or any other enabling authority; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, § 21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote, or take any actions relative thereto. **(2/3 VOTE REQUIRED)(RECOMMENDED 4-0-1)**

PASSED YES 326 NO 6

ARTICLE 15: To see if the Town will vote to authorize the Board of Selectmen to: (i) enter into long-term contracts, including, but not limited to, (1) power purchase agreements, (2) renewable energy certificate contracts, (3) renewable energy project development agreements, (4) leases of land or buildings related to the development of renewable energy projects, and (5) contracts or other financial instruments related to the development of renewable energy on behalf of the town with private parties or governmental organizations related to renewable energy projects developed, sponsored or administered by the Cape & Vineyard Electric Cooperative, Inc., without the necessity of further town meeting approval, provided, however, that in all such cases, such contracts, agreements and leases shall not have a term of more than twenty-five years; and (ii) take any other action relative thereto, including, but not limited to, granting the Cape & Vineyard Electric Cooperative, Inc. the right to assign, delegate or sublease any of its rights under the aforementioned agreements or contracts.

(RECOMMENDED 5-0)

PASSED AS AMMENDED

Add sentence; “Photovoltaic project shall be limited to Old Stage Rd at the landfill area.”

ARTICLE 16: To Amend the Town Building Code Bylaw

To see if the Town will vote to accept Appendix 115 AA of the Massachusetts State Building Code, 780 CMR, the “Stretch Energy Code” including future editions, amendments or modifications thereto for the purpose of regulating the design and construction of buildings for the effective use of energy.

Section _ - Stretch Energy Code

Section _.1 – Definitions

Section _.2 – Purpose

Section _.3 – Applicability

Section _.4 – Authority

Section _.5 – Stretch Code

_.1 – Definitions

International Energy Conservation Code (IECC) 2009 - The Code is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for establishing minimum design and construction requirements for energy efficiency. It is updated on a three year cycle. Since July, 2010 the baseline energy conservation requirements of the Massachusetts State Building code default to the latest published edition, currently the IECC 2009, with MA amendments as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115. AA of the Eighth edition MA building code, the Stretch Code is an appendix to the Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

_.2 – Purpose

The purpose of 780 CMR 115. AA is to provide a more efficient alternative to the base energy code applicable to the relevant sections of the building code for both new and existing buildings.

_.3 – Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

_.4 – Authority

A municipality seeking to ensure that construction within its boundaries is designed and built to above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by a municipality in the manner prescribed by MA law.

_.5 – Stretch Code

The Stretch Code, as codified by the Board of building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications is herein incorporated by reference into the Town of West Tisbury General Bylaws. The Stretch Code is enforceable by the Inspector of Buildings. **(NOT RECOMMENDED 3-2)**

PASSED

ARTICLE 17: To see if the Town will vote to Amend the Zoning Bylaw by adding the following new section:

SECTION 8.10 LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

8.10-1 Purpose

The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations with 250 kW or larger of rated nameplate capacity by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

8.10-2 Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

8.10-3 Designated Location

The Light Industrial District is designated by Town Meeting vote, in accordance with the Massachusetts General Laws Chapter 40A, Section 5, as the location where large-scale ground-mounted solar photovoltaic installations may be sited as-of-right, via Site Plan Review by the Zoning Board of Appeals (ZBA). No installations shall be allowed to be constructed within the Critical Habitat shown within the Martha's Vineyard Commission's Island Plan Biodiversity Classification Map, on file with the Town Clerk.

8.10-4 General Requirements for all Large-Scale Ground-Mounted Solar Photovoltaic Installations

The following requirements are common to all large-scale ground-mounted solar photovoltaic installations to be sited in the Light Industrial District:

- A. Compliance with Laws, Ordinances and Regulations: The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
- B. Building Permit and Building Inspection: No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.
- C. Fees: The application for a building permit for a large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for a building permit.
- D. Site Plan Review: large-scale ground-mounted solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo Site Plan Review by the ZBA, as defined in Section 9.1, prior to construction, installation or modification as provided herein.
- E. Expedited Permitting: per Section 8.1-5 of the West Tisbury Rules and Regulations Governing the Subdivision of Land, as-of-right large-scale ground mounted solar photovoltaic installations shall be subject to an expedited permitting process. All relevant Town approvals shall be issued within one year of submission of a completed application

8.10-5 Required Documents

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents:

- A. A Site Plan showing:
 - 1. Property lines and physical features, including roads, for the project site;
 - 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, vegetative or other screening of structures;
- B. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- C. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices;
- D. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- E. Name, address, and contact information for proposed system installer;
- F. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- G. The name, contact information and signature of any agents representing the project proponent;
- H. Documentation of actual or prospective access and control of the project site (see also Section 8.10-5):
- I. An operation and maintenance plan (see also Section 8.10-5N);
- J. Proof of liability insurance; and
- K. Description of financial surety that satisfies Section 8.10-10C.3).
- L. Site Control: The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- M. Operation and Maintenance Plan: The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- N. Utility Notification and Approval: No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the ZBA that the utility company that operates the electrical grid where the installation is to be located has been informed of and approves of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

The ZBA may waive documentary requirements as it deems appropriate.

8.10-6 Dimensional and Density Requirements

- A. Setbacks: For large-scale ground-mounted solar photovoltaic installations, setbacks shall be as follows:
 - where the proposed site abuts the RU district: 50 feet;
 - where the proposed site abuts the LI district: 20 feet.

- B. Appurtenant Structures: All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to Zoning Bylaw Article IV, Dimensional and Density Regulations, concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation or other means and/or joined or clustered to avoid adverse visual impacts.

8.10-7 Design Standards

- A. Lighting: lighting of large-scale ground-mounted solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded down to protect abutting properties, per Zoning Bylaw Section 8.6. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- B. Signage: Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Zoning Bylaw Section 8.4 (Sign Regulations). A sign consistent with the Town's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. This sign shall be visibly displayed at the entrance to the installation.

Solar photovoltaic installations shall not be used for displaying any advertising and may be used for the identification of the manufacturer or operator of the solar photovoltaic installation only.

- C. Prevention of Access: All large-scale ground-mounted solar photovoltaic installations shall be constructed to prevent unauthorized access and/or climbing.

8.10-8 Utility Connections

Reasonable efforts, as determined by the ZBA, shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installations underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

8.10-9 Safety and Environmental Standards

- A. Emergency Services: large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Town's Fire Chief. The owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- B. Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

8.10-10 Monitoring and Maintenance

- A. Solar photovoltaic Installation Conditions: The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief and other emergency services providers. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
- B. Modifications: All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the ZBA.

- C. Abandonment or Decommissioning:
1. Removal Requirements: Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with 8.10-10C2, below, shall be removed. The owner shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the ZBA by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - a. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
 - b. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations;
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The ZBA may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

 2. Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the ZBA. If the owner of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

 3. Financial Surety: Owners of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the ZBA, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for Town- or State-owned facilities. At the time the building permit is submitted the project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation and potential regulatory changes.

Amend the Zoning Bylaw by adding the following definitions to Section 14.2:

As-of-Right Siting: As-of-right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to Site Plan Review to determine conformance with the Zoning Bylaw. Projects cannot be prohibited, but can be reasonably regulated by the Zoning Inspector and designated Site Plan Review authority.

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in Direct Current (DC).

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

Amend Section 3.1-1, Use Table, as follows:

- p. 4, definition of PR, amend the first sentence to read (new language in **bold type**):
 “PR Designates a use permitted by right subject only to Site Plan Review by the Planning Board **unless otherwise designated....**”

- p. 8, Business Uses, add Large-Scale Ground-Mounted Solar Photovoltaic Installations as an allowed use within the LI District only, subject to Site Plan Review (PR).

Amend Section 9.1, Site Plan Review When No Special Permit is Required, as follows:

- Add an introduction under section 9.1: “The Planning Board shall perform Site Plan Review unless the Bylaw provides that the Zoning Board of Appeals (ZBA) is responsible. References to the Planning Board in this section shall apply to the ZBA when so designated. **(2/3 VOTE REQUIRED; RECOMMENDED 4-0)**

PASSED YES 280 NO 6

ARTICLE 18: To see if the Town will vote to reauthorize revolving accounts previously established by vote of the Town under M.G.L. c.44, §53E1/2, for fiscal year 2013, 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	\$110,000

(RECOMMENDED 5-0)

PASSED UNANIMOUSLY

ARTICLE 19: 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)**

PASSED UNANIMOUSLY

ARTICLE 20: To see if the Town will vote to Appropriate the sum of Eighty Three Thousand Eight Hundred Twenty Three Dollars (\$83,823) 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 for Fiscal Year 2012. **(RECOMMENDED 5-0)**

PASSED

ARTICLE 21: To see if the Town will vote to Appropriate the sum of Eighty Three Thousand Eight Hundred Twenty Three Dollars (\$83,823) 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 for Fiscal Year 2013. **(RECOMMENDED 5-0)**

PASSED AS AMMENDED

Add the words ‘up to’ prior to the written dollar amount.

ARTICLE 22: To see if the Town will vote to appropriate the sum of Two Million Six Hundred Fifteen Thousand (\$2,615,000) to pay costs of reconstructing Town roads, including the payment of all costs incidental and related thereto, and to meet this appropriation,

authorize the Treasurer with the approval of the Board of Selectmen to borrow \$2,615,000 under M.G.L. c.44, §7 or any other enabling authority; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59, § 21C (Proposition 2½) amounts required to pay the principal of and interest on the borrowing authorized by this vote, or take any actions relative thereto.

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

PASSED AS AMMENDED Remove Old Courthouse Rd from the list of roads to be done, at a value of \$242,822. YES 120 NO 33

ARTICLE 23: To see if the Town will vote to enter into an Intermunicipal Agreement with the County of Dukes County to provide an Integrated Pest Management Program (including rodent control), and further to Raise and appropriate the sum of Seven Thousand Eighty One Dollars and Thirty Eight Cents (\$7,081.38), which is West Tisbury's share based on the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue (13.11%), under which, in FY2013, the County of Dukes County will pay 10% (\$6,001.68) of the total cost of the program (\$88,016.76), less projected revenue of \$28,000, for a net cost of (\$60,016.76), and each town will pay its proportionate share of the 90% balance of the cost.

(RECOMMENDED 5-0)

PASSED

ARTICLE 24: To see if the Town will vote to enter into an Intermunicipal Agreement with the County of Dukes County to provide a Vineyard Health Care Access Program, and further to Raise and appropriate the sum of Twelve Thousand Four Hundred and Ninety Three Dollars and Two Cents (\$12,493.02), which is West Tisbury's share based on the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue, (13.11%), under which, in FY2013, the County of Dukes County will pay 10% (\$10,588.20) of the total cost of the program (\$105,882.00), and each Town will pay its proportionate share of the 90% balance of the cost.

(RECOMMENDED 5-0)

PASSED

ARTICLE 25: To see if the Town of West Tisbury will Raise and appropriate the sum of Ten Thousand Three Hundred Ninety One Dollars and Forty Two Cents (\$10,391.42) to continue the Vineyard Health Care Access Program at the current level of service. These funds from the six Island Towns will be administered by the County of Dukes County and will provide \$58,914 (Fifty Eight Thousand Nine Hundred and Fourteen Dollars) countywide. When combined with the County's Vineyard Health Care Access Program 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 population as documented in the US Census. Based on this formula the percentage of the total for West Tisbury is 14.98%.

(RECOMMENDED 5-0)

PASSED UNANIMOUSLY

ARTICLE 26: 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, FY2013 revenues, in the following amounts to the following reserves:

- a. Historical Resources reserve \$40,000 (10% of estimated FY2013 Community Preservation Fund revenues)
- b. Community Housing reserve \$40,000 (10% of estimated FY2013 Community Preservation Fund revenues)
- c. Undesignated reserve \$260,000 (65% of estimated FY2013 Community Preservation Fund revenues)

And, to appropriate for Administrative Expenditure \$20,000 (5% of estimated FY2013 Community Preservation Fund revenues)

(RECOMMENDED 4-0)

PASSED UNANIMOUSLY

ARTICLE 27: To see if the Town will vote to appropriate the sum of Forty Thousand Dollars (\$40,000) from estimated FY2013 Community Preservation Fund revenues for Open

Space to support debt service for the acquisition of the Maley/Field Gallery property. This is the first of four annual installments authorized by vote at Annual Town Meeting, April 2011. **(RECOMMENDED 4-0)**

PASSED UNANIMOUSLY

ARTICLE 28: To see if the Town will vote to Appropriate the sum of One Hundred Thousand Dollars (\$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 \$10,000 to be appropriated from the Community Preservation Historical Resources reserve and \$90,000 to be appropriated from the Community Preservation Undesignated reserve. This is the fourth of five annual installments authorized by vote at Annual Town Meeting, April 2008. **(RECOMMENDED 4-0)**

PASSED UNANIMOUSLY

ARTICLE 29: To see if the Town will vote to Appropriate the sum of Five Thousand Two Hundred Fifty Dollars (\$5,250) from the Community Preservation Historical Resources reserve to preserve the town's historic records held by the Clerk and the Treasurer by digitizing and converting them into microfiche format as required by state regulations. **(RECOMMENDED 4-0)**

PASSED UNANIMOUSLY

ARTICLE 30: To see if the Town will vote to Appropriate the sum of Twenty Seven Thousand Two Hundred Eight Dollars (\$27,208) from the Community Preservation Historical Resources reserve, supplemented as needed from the Undesignated reserve, to continue the work of cataloging and preserving historic material in the collection of the Martha's Vineyard museum initiated in FY 2011, with \$25,208 to be appropriated from the Community Preservation Historical Resources reserve and \$2,000 to be appropriated from the Community Preservation Undesignated reserve, as West Tisbury's proportional share of the project's total cost (\$163,360). **(RECOMMENDED 3-1)**

PASSED

ARTICLE 31: To see if the Town will vote to Appropriate from the Community Preservation Community Housing reserve the sum of One Hundred Fifty Thousand Dollars (\$150,000), supplemented as needed from the Undesignated reserve, to support construction of two affordable homes at 619 Edgartown Road being developed by the Island Housing Trust, with \$10,000 to be appropriated from the Community Preservation Community Housing reserve and \$140,000 to be appropriated from the Community Preservation Undesignated reserve, provided that eligible residents of West Tisbury with incomes less than 100% of the Area Median Income will be given preference for these two homes, where the selection process will be conducted with the West Tisbury Affordable Housing Committee. Affordability is assured by the terms of the Condominium covenant with the Island Housing Trust.

(RECOMMENDED 2-1-1)

PASSED

ARTICLE 32: To see if the Town will vote to Appropriate the sum of One Hundred Four Thousand Four Hundred Dollars (\$104,400) 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 #3) in Bailey Park, with \$10,000 to be appropriated from the Community Preservation Community Housing reserve and \$94,400 to be appropriated from the Community Preservation Undesignated reserve. **(RECOMMENDED 4-0)**

PASSED

ARTICLE 33: To see if the Town will vote to Appropriate the sum of Seventy Thousand (\$70,000) from the Community Preservation Community Housing reserve, supplemented as needed from the Undesignated reserve, to support the upgrade and expansion of the septic system at the Sepiessa apartments owned by the Dukes County Regional Housing Authority, to accommodate three additional rental apartments with \$10,000 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)**

PASSED

ARTICLE 34: To see if the Town will vote to appropriate the sum of Eighty Six Thousand Dollars (\$86,000) 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 \$10,000 to be appropriated from the Community Preservation Community Housing reserve and \$76,000 to be appropriated from the Community Preservation Undesignated reserve.

(RECOMMENDED 4-0)

PASSED UNANIMOUSLY

ARTICLE 35: To see if the Town will vote to appropriate from Free Cash the Sum of Eight Thousand Dollars (\$8,000) to be placed in line 151 5305 Legal Services for Fiscal Year 2012.

(RECOMMENDED 5-0)

PASSED

ARTICLE 36: To see if the Town will vote to Raise and appropriate the sum of One Hundred Twenty Five Thousand Dollars (\$125,000) and further to appropriate from the Fire Equipment Stabilization Fund Two Hundred Seventy Five Thousand Dollars (\$275,000) for a total of \$400,000 for the purpose of purchasing a fire truck.

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

PASSED UNANIMOUSLY

ARTICLE 37: To see if the Town vote to rename the recently purchase property known as “The Field Gallery” to “The Maley Field Gallery”.

(RECOMMENDED 5-0)

POSTPONED INDEFINATELY

ARTICLE 38: To see if the Town will vote to Raise and appropriate the sum of Twelve Thousand Five Hundred Dollars (\$12,500) to upgrade the septic tank and leaching field for the Howes House.

(RECOMMENDED 4-1)

PASSED

ARTICLE 39: To see if the Town will vote to appropriate from Free Cash the sum of Two Hundred Ten Thousand Dollars (\$210,000) to reduce the tax levy in Fiscal Year 2013.

(RECOMMENDED 4-0)

PASSED UNANIMOUSLY

ARTICLE 40: To see if the Town will vote to rescind the vote taken at the Special Town Meeting on November 15, 2011 (article 2) banning dogs from Lamberts Cove Beach from June 15th to September 15th annually, and to allow dogs on Lamberts Cove Beach before 10:00 am and after 6:30 pm daily from June 15th to September 15th annually.

(BY PETITION, NO ACTION)

Motion from petitioners: Allow this to be split into 2 questions; first, rescind vote and allow dogs from 7am-10am; second, rescind vote and allow dogs from 6:30pm-9pm. MOTION PASSED YES 116 NO 98

**First vote; Rescind vote and allow dogs from 7am-10am. PASSED YES 146 NO 97
Second vote; Rescind vote and allow dogs from 6:30pm-9pm FAILED**

ARTICLE 41: To see if the Board of Selectmen shall be authorized to petition the State Legislature to allow the Town of West Tisbury to issue one day liquor licenses pursuant to G.L. c. 138, §14, upon such terms and conditions as the Board of Selectmen may from time to time determine, to allow beer and wine to be served at events where the service of alcohol is incidental to the event and where beer and wine is not separately purchased by attendees of the event. 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 the sale of beer and wine to be consumed not on the premises, i.e., in a package or convenience store. (BY PETITION, NO ACTION)

PASSED

Resolution “Restoring Free Speech” read by Patricia Moore

PASSED

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 7TH Day of March in the Year Two Thousand Twelve.

Jeffrey S. “Skipper” Manter,
Chair

Cynthia E. Mitchell

Richard R. Knabel

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