

The meeting was called to order by the Moderator at 7:10 pm who declared a presence of a 5% quorum, there being 210 qualified voters present. All articles were duly moved, seconded and voted upon. There were two floor amendments. The meeting was adjourned at 10:55 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 Eleventh day of April, Two Thousand Seventeen**, 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 Thirteenth 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
- Two Members of the Finance Committee for Three Years
- One Library Trustee for One Year
- One Library Trustee for Two 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
- One Land Bank Commissioner for Three Years

QUESTION 1: Are you in favor of eliminating rental mopeds from Martha’s Vineyard?

QUESTION 2: Shall the Town be recorded in favor of the following *non-binding resolution*: Are you in favor of establishing a regional housing bank, to address the critical housing needs on the Vineyard?

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

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 2018.

PASSED UNANIMOUSLY

(RECOMMENDED 5-0)

ARTICLE 4: To see if the Town will vote to authorize the Treasurer and Collector to enter into Compensating Balance Agreements during Fiscal Year 2018 as permitted by M.G.L. c.44, §53F.

(RECOMMENDED 5-0)

MOTION TO POSTPONE INDEFINITELY

PASSED UNANIMOUSLY

ARTICLE 5: 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, 2017

(RECOMMENDED 3-1-1)

PASSED

ARTICLE 6: To see if the Town will vote to Raise and Appropriate the sum of Twenty Nine Thousand Nine Hundred Thirty Nine Dollars and Seventy Six Cents (\$29,939.76) to pay the Town's assessed share of the Dukes County debt authorized by Chapter 287 of the Acts of 2014.

(RECOMMENDED 5-0)

PASSED UNANIMOUSLY

ARTICLE 7: To see if the Town will vote to transfer unused balances of Nineteen Thousand Six Hundred Fifty Five Dollars and Thirty Eight Cents (\$19,655.38) from Article 16 and Seven Thousand Five Hundred Dollars (\$7,500.00) from Article 22 voted at the 2015 Annual Town Meeting, Five Thousand Dollars (\$5,000.00) from Article 33 and Three Thousand Six Hundred Thirty Three Dollars and Eighty Seven Cents (\$3,633.87) from Article 17 voted at the 2014 Annual Town Meeting and Sixty Four Thousand Two Hundred Ten Dollars and Seventy Five Cents (\$64,210.75) from Overlay Surplus for a total sum of One Hundred Thousand Dollars (\$100,000.00) for repairs and upgrades to town buildings including, but not limited to, replacing the roof and skylights at the Field Gallery and associated repairs; remediating moisture intrusion on the Library's "bump out" section on the north east corner; and other repairs to town buildings as prioritized by the Board of Selectmen in its discretion.

(RECOMMENDED 5-0)

PASSED UNANIMOUSLY

ARTICLE 8: To see if the Town will approve up to \$2,500,000.00 borrowing authorized by vote of the Martha's Vineyard Refuse Disposal and Resource Recovery District for the purpose of financing the cost of capital improvements toward the restructuring of Traffic flow and Residential Drop-Off at the Edgartown Transfer Station, or take any action relative thereto providing all 4 towns vote in the affirmative to do so.

(RECOMMENDED 5-0)

PASSED

ARTICLE 9: To see if the Town will vote to Raise and Appropriate the sum of Fifteen Thousand Two Hundred Eighty (\$15,280) to fund the Town of West Tisbury's share of the expense of the All Island School Committee's contract for Adult and Community Education in fiscal year 2018.

(RECOMMENDED 5-0)

PASSED UNANIMOUSLY

ARTICLE 10: To see if the Town will vote to reauthorize revolving funds previously established by vote of the Town under M.G.L. c.44, §53E1/2, as recommended by the Board of Selectmen, for Fiscal Year 2018, 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 Fund	Conservation Commission By-law Filing Fees	Conservation Commission	To pay for expenses of the Commission related to the administration of the Bylaw	\$3,000
Refuse	Fees collected at	Board of Health	Expenses related to	\$120,000

District Local Drop-off Fund	local drop-off by MVRDRRD		operation of the Local Drop-off	
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(RECOMMENDED 5-0)

PASSED UNANIMOUSLY

ARTICLE 11: To see if the Town will vote to Raise and Appropriate the sum of Seven Thousand Eight Hundred Thirty Nine Dollars (\$7,839.00) as the Town's proportionate share (14.79%) of Fiscal year 2018 adjusted cost of \$53,000 to fund the CORE (Counseling, Outreach and Referral for the Elderly) program as developed by the Councils on Aging cooperatively with MVCS Island Counseling Center in 2011. The CORE program provides coordinated care to the elderly through a combination of community, office and home-based behavioral health and support services to people 55 years and older.

PASSED UNANIMOUSLY (RECOMMENDED 5-0)

ARTICLE 12: To see if the Town will Appropriate Four Hundred Sixty Thousand Dollars (\$460,000) to pay costs of purchasing and equipping a new pumper fire truck to replace the current 1987 Ford Pumper fire truck, and that to meet this appropriation, (i) the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow Four Hundred Thousand Dollars (\$400,000) as permitted by M.G.L. Chapter 44, Sub Section 1 or any other enabling authority, and (ii) the sum of Sixty Thousand Dollars (\$60,000) shall be transferred from the Fire Equipment Stabilization Fund. It is expected that any funds required beyond this amount for this purpose will be contributed by the West Tisbury Firefighters Civic Association.

PASSED YES 201 NO 1 (RECOMMENDED 5-0, REQUIRES A 2/3 VOTE)

ARTICLE 13: To see if the Town will vote to Appropriate from Overlay Surplus the sum of Twenty Seven Thousand Five Hundred Dollars (\$ 27,500.00) to purchase and equip one (1) All Wheel Drive Police Cruiser. This sum of money will be added to the Fifteen Thousand Dollars (\$15,000) appropriated in Article 13 of the 2016 annual town meeting for a total of Forty Two Thousand Five Hundred Dollars (\$42,500.00); and to dispose of a 2010 Ford Expedition in the best interest of the town.

(RECOMMENDED 4-1)

PASSED

ARTICLE 14: To see if the Town will vote to Appropriate from Overlay Surplus the sum of Thirty One Thousand Dollars (\$31,000) to purchase and equip a vehicle for the Animal Control Department.

(RECOMMENDED 5-0)

PASSED

ARTICLE 15: To see if the Town will vote to Appropriate the sum of Eighty Two Thousand Four Hundred Twenty Dollars (\$82,420) for reconstruction work on town roads under the provisions of Section 34 of Chapter 90 of the M.G.L. or any other enabling authority, which amount is the Town's FY2017 state allocation which will be reimbursed by the Commonwealth of Massachusetts and is therefore considered an available fund.

PASSED UNANIMOUSLY (RECOMMENDED 5-0)

ARTICLE 16: To see if the Town will vote to Raise and Appropriate the sum of Twelve Thousand Eight Hundred Sixty Six Dollars (\$12,866.00) as the Town's proportionate share (14.79%) of Fiscal Year 2018 adjusted cost of \$86,990.00 to fund the FirstStop information and resource service as recommended by Healthy Aging Martha's Vineyard.

PASSED (RECOMMENDED 5-0)

ARTICLE 17: To see if the Town will vote to Appropriate from Overlay Surplus the sum of Forty Five Thousand Dollars (\$45,000) to transfer to the Retired/Separating Employees Compensated Absences Reserve Fund as provided for by M.G.L. c. 40, § 13D.

PASSED UNANIMOUSLY (RECOMMENDED 5-0)

ARTICLE 18: 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, FY2018 revenues, in the following amounts to the following:

- a. Open Space reserve \$50,000 (10% of estimated FY2018 Community Preservation Fund revenues)

- b. Historical Resources reserve \$50,000 (10% of estimated FY2018 Community Preservation Fund revenues)
- c. Community Housing reserve \$50,000 (10% of estimated FY2018 Community Preservation Fund revenues)
- d. Undesignated reserve \$325,000 (65% of estimated FY2018 Community Preservation Fund revenues)

And to Appropriate for the Administrative Expenditures the sum of \$25,000 from FY2018 Community Preservation Fund Revenues. **(RECOMMENDED 4-0-1)**

PASSED UNANIMOUSLY

ARTICLE 19: To see if the Town will vote to Appropriate the sum of Ten Thousand Dollars (\$10,000) from the Community Preservation Undesignated reserve for the purpose of rehabilitating, restoring and refurbishing the basketball court and soccer fields at the West Tisbury School. **(RECOMMENDED 4-0-1)**

PASSED

ARTICLE 20: To see if the Town will vote to appropriate Five Hundred Thousand Dollars (\$500,000) to assist the Island Housing Trust in the development of the Fire Station Lot Affordable Housing Project (Scott's Grove) which consists of a maximum of seven buildings (excluding non-habitable outbuildings), with a maximum of eighteen bedrooms on Town Owned land at 565 Edgartown Road, part of Assessor's Map 31, Lot 36, and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said amount under M.G.L. c. 44B, §11 or any other enabling authority, or to take any other action relative thereto. **(RECOMMENDED 3-1-1, REQUIRES A 2/3 VOTE)**

PASSED YES 160 NO 30

ARTICLE 21: To see if the Town will vote to appropriate Fifty Seven Thousand Five Hundred Dollars (\$57,500) from the Community Preservation Fund Undesignated reserve, to support the debt service, including interest payments, for the Scott's Grove borrowing. *Note: This is the first of a maximum of ten installments.* **(RECOMMENDED 3-1-1)**

PASSED

ARTICLE 22: To see if the Town will vote to Appropriate the sum of Sixty Five Thousand Dollars (\$65,000) from the Community Preservation Undesignated reserve to fund the creation of ADA compliant wheelchair pathways, regrading of parking areas and adding handicap signage and designation of additional handicap parking spaces and landscaping as necessary at the Vineyard Baseball Park. **(RECOMMENDED 4-0-1)**

PASSED

ARTICLE 23: To see if the Town will vote to Appropriate the sum of Eighty Thousand Dollars (\$80,000) from the Community Preservation Undesignated reserve to support the rental assistance program of the Dukes County Regional Housing Authority for West Tisbury residents. **(RECOMMENDED 4-0-1)**

PASSED

ARTICLE 24: To see if the Town will vote to Appropriate the sum of Fifty Thousand Dollars (\$50,000) from the Community Preservation Undesignated reserve to partially fund a fire suppression water tank for the Fire Station Lot Affordable Housing Project (Scott's Grove), located at 565 Edgartown Road. **(RECOMMENDED 4-0-1)**

PASSED UNANIMOUSLY

ARTICLE 25: To see if the Town will vote to amend the language of Article #34 approved at the Annual Town Meeting held on April 14, 2015 to read: To see if the Town will vote to Appropriate the sum of Fifty Thousand Dollars (\$50,000) to fund restoration by the Martha's Vineyard Museum of the wood shingled Marine Hospital Roof with \$45,500 to be appropriated from the Community Preservation Historic Resources reserve and 4,500 to be appropriated from the Community Preservation Undesignated reserve. This amendment seeks to approve a change in materials from slate to cedar shingles based on historic data not available at the time of the original Town Meeting vote. **(RECOMMENDED 4-0-1)**

FAILED

ARTICLE 26: To see if the Town will vote to Raise and Appropriate the sum of One Hundred Forty Six Thousand Six Hundred Thirty Three Dollars (\$146, 633) for the purpose of reducing the Up-Island Regional School District’s Other Post-Employment Benefits (OPEB) Liability. If approved, these funds will be placed in the budget line item Education- Up-Island Regional School District #311-5600 Intergovernmental, of the fiscal year 2017-2018 budget for this purpose, provided however that the other two member towns of the District approve their share of the total \$208,286. **(RECOMMENDED 5-0)**
PASSED

ARTICLE 27: To see if the Town will vote to Appropriate from Overlay Surplus the sum of Two Thousand Five Hundred Dollars (\$2,500) to fund the cost of a hearing officer who is charged with hearing appeals from violations of the building and fire codes. **(RECOMMENDED 5-0)**
PASSED

ARTICLE 28: To see if the Town will vote to Appropriate from Free Cash the sum of Five Hundred Seventy Five Thousand Dollars (\$575,000) and from Overlay Surplus the sum of Nineteen Thousand Dollars (\$19,000) to reduce the tax levy in Fiscal Year 2018. **(RECOMMENDED 5-0)**
PASSED UNANIMOUSLY

ARTICLE 29: To see if the Town will vote to adopt the following bylaw:

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town, departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E½.

2. Expenditure Limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds:

FUND	REVENUE SOURCE	AUTHORITY TO SPEND FUNDS	USE OF FUNDS	FISCAL YEAR
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	Fiscal Year 2019 and subsequent years
Refuse District Local Drop-off	Fees collected at local drop-off by MVRDRRD	Board of Health	Expenses related to operation of the Local Drop-off	Fiscal Year 2019 and subsequent

Fund				years
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PASSED UNANIMOUSLY

(RECOMMENDED 5-0)

ARTICLE 30: To see if the Town will vote to request the Selectmen to authorize law enforcement and all Town officials to refrain from using Town funds and/or resources to enforce federal immigration laws, *in keeping with current practice*, unless presented with a criminal warrant or other evidence of probable cause, as required by the Fourth Amendment of the United States Constitution. **(RECOMMENDED 4-1)**

PASSED

ARTICLE 31: To see if the Town will vote to amend the Personnel Bylaw to read as follows, the amended text appearing in **bold print**:

ARTICLE 31 A

By adding the following new subsections to Section 9 Police Department

9-7 Shift Differential

Full time officers assigned to work evening shifts between the hours of 4pm and 2am shall be paid an additional \$2.00 per hour added to their base pay.
Full time officers assigned to work an overnight shift between the hours of 11pm -8am shall be paid an additional \$2.50 per hour added to their base pay.
This shift differential applies to base pay only and shall be not added to overtime hours.

9-8 Working on Vacation

Full time officers who are on a vacation day for their scheduled shift may work overtime shifts that are being filled on a rotational basis for that day.

PASSED AS AMENDED Strike the line below:

~~**This shift differential applies to base pay only and shall be not added to overtime hours.**~~

ARTICLE 31 B

Section 16:

16 .0 Family and Medical Leave

Employees that have worked at least 12 months for the town and have actually worked for no less than 1,250 hours over the past 12 months (not counting vacation, sick, injury, personal or any other periods of leave, whether paid or unpaid) may be eligible for up to 12 weeks of job-protected leave in a 12-month period under the Family and Medical Leave Act (FMLA). Relatives of military personnel may have additional rights: An eligible employee who is a covered service member’s spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

A poster summarizing employee rights is located at the Town Hall bulletin board.

The following is a good-faith effort to summarize some of the provisions of the Family and Medical Leave Act (FMLA). Consultation with the US Department of Labor is recommended for the latest updates. www.dol.gov is that agency’s web site.

16. 1. Coverage. All Full-time employees.

16-2. Policy. Entitlement to Leave: Subject to certification by the appropriate health care provider, an eligible employee shall be entitled to a total of 12 (twelve) unpaid work weeks of leave during any 12 month period for one or more of the following:

- (a) Because of the birth of a child of the employee and in order to care for such child;
- (b) Because of the placement of a child with the employee for adoption or foster care;
- (c) In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition;

- (d) Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
- (e) For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child or parent.**

16-5. Relationship to Paid Leave. ~~The employee may elect, or the Department Head may require the employee to substitute any of his/her accrued vacation leave or personal leave for any part of the 12 week period of such leave.~~

Employees shall use all available accrued sick leave concurrently with FMLA leave until such time is exhausted. Once an employee's sick leave has been exhausted, paid leave, such as vacation or personal leave shall then be used while taking FMLA leave. However, the employee may reserve up to one week of vacation time for later use provided that a written request is submitted to the Personnel Board once the employee's sick leave is exhausted. (RECOMMENDED 3-1-1)

MOTION TO POSTPONE INDEFINITELY PASSED

ARTICLE 32: To see if the Town will vote to amend the following Town Bylaw in order to make it consistent with the current West Tisbury Personnel Bylaw by deleting the language in bold as indicated and adding new sentence shown in italics:

Pursuant to Chapter 41 Section 108C of the General Laws, there shall be established a Personnel Board consisting of five members ~~*who shall be residents of the Town and~~ who shall be responsible for proposing personnel by-laws for voter approval and administering personnel by-laws, and who shall advise the Town of any matters pertaining thereto, in accordance with Chapter 41 Section 108C General Laws.

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 years 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 members whose term expire in the year during which said appointments shall be made. ~~The Personnel Board shall not include employees, and/or elected or appointed officials of the Town.~~

One of the members shall be a Town employee nominated and elected by the employees and appointed by the Selectmen. (NOT RECOMMENDED 5-0)

PASSED AS AMENDED Insert **at least four (4) of whom shall be town residents**

ARTICLE 33: To see if the Town will vote to amend Section 4.4-3, subsection 1 of the zoning bylaw by striking the following language:

~~*The lot, dwelling and apartment shall be in single ownership. and the owner shall occupy either the principal or accessory unit. The owner must be domiciled year-round in West Tisbury. At no time are both the principal and the accessory units to be rented.*~~

This amendment will allow for an accessory apartment to remain an affordable year-round rental unit regardless of ownership. (RECOMMENDED 3-1-1)

PASSED YES 75 NO 10

ARTICLE 34: To see if the Town will vote to adopt the following bylaw: No operator of a diesel truck shall use engine braking (also called exhaust braking or Jake braking) while operating a vehicle on a public way in the Town of West Tisbury. Whoever violates this bylaw shall be punished by a fine of One Hundred Dollars (\$100) for the first offense and Three Hundred Dollars (\$300) for the second and subsequent offenses. The owner of the vehicle may be cited in lieu of the operator. (RECOMMENDED 4-0-1)

PASSED

ARTICLE 35: To see if the Town will amend the existing deadline for warrant articles or subjects now appearing in the Town Bylaws in the part entitled "Annual Town Meeting Date" by deleting the first sentence of the second paragraph [*All articles or subjects to be acted upon at the Annual Town Meeting to be held on the second Tuesday of April shall be filed with the Selectmen on or before the first Tuesday in February preceding said second Tuesday*]

of April when the warrant shall be closed.] and inserting in place thereof, the following language:

All Articles or subjects to be acted upon at the Annual Town Meeting to be held on the second Tuesday of April shall be filed with the Selectmen on or before the first Tuesday of the January preceding said second Tuesday of April when the warrant shall be closed.

FAILED

(RECOMMENDED 5-0)

ARTICLE 36: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59 Section 5 Clause 54, which shall establish a minimum fair cash value for the taxation of Personal Property accounts subject to taxation of Ten Thousand Dollars (\$10,000).

(RECOMMENDED 4-1-0)

PASSED UNANIMOUSLY

ARTICLE 37: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59 Section 57A. Note: this allows once annual billing of personal property tax bills under \$100.

(RECOMMENDED 4-1-0)

PASSED UNANIMOUSLY

ARTICLE 38: To see if the Town will vote to accept the provisions of Section 193 of Chapter 218 of the Acts of 2016. Note: this allows the municipality to opt-in to M.G.L c. 90, §17C, thereby authorizing the Selectmen to reduce the statutory speed limit from 30 mph to 25 mph on any or all city- or town-owned roadways within a thickly settled or business district.

(RECOMMENDED 4-0-1)

PASSED

ARTICLE 39: Should the Town provide childcare for Town Meetings? **(By Petition)**

FAILED

(RECOMMENDED 5-0)

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 15 Day of March in the Year Two Thousand Seventeen.

Richard R. Knabel
Chair

Jeffrey S. "Skipper" Manter

Cynthia E. Mitchell

WEST TISBURY SELECTMEN

DATE:

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

Timothy A. Barnett
Constable

A true copy, attest:

Tara J. Whiting
Town Clerk