

**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 Twenty Three**, at **Six 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**.

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 the bond issued in order to pay the costs of repairing and/or replacing the HVAC system in the West Tisbury Public Library, including removal of failed system components, installation of new components, and related repairs to the library building and grounds (i.e., interior walls and ceilings, utilities, paving and landscaping, or any site improvements) incidental or directly related thereto, and all related borrowing costs?

QUESTION 2: 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 Town’s allocable share of the bond issued by the Martha’s Vineyard Regional School District to pay costs of a feasibility study relating to the possible replacement or reconstruction of the District High School, located at 100 Edgartown-Vineyard Haven Road, in Oak Bluffs, Massachusetts, including all costs incidental and related thereto?

ARTICLE 1: To elect the following Officers on the Official Ballot:

- Assessors (vote for 1) (Three year term)
- Board of Health (vote for 1) (Three year term)
- Board of Health (vote for 1) (One year term)
- Constable (vote for 1) (Three year term)
- Finance Committee (vote for 2) (Three year term)
- Library Trustee (vote for 2) (Three year term)
- MV Land Bank Commissioner (vote for 1) (Three year term)
- Moderator (vote for 1) (One year term)
- Parks and Recreation (vote for 2) (Three year term)
- Select Board (vote for 1) (Three year term)
- Town Clerk (vote for 1) (One year term)
- Tree Warden (vote for 1) (One year term)

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 2024.
(See the Budget published in the Town Report) **(RECOMMENDED 5-0)**

ARTICLE 4: To see if the Town will vote to amend the Personnel By-law at Section 27.3 (Year-Round Pay Schedule) and Section 27.4 (Seasonal Pay Schedule) to reflect a wage adjustment of 4.4% effective July 1, 2023. **(RECOMMENDED 5-0)**

ARTICLE 5: To see if the Town will vote to amend the Personnel By-law at Section 27.3 (Year- Round Pay Schedule) to adjust the pay scale by ten percent (10%) and further to vote to raise and appropriate the sum of Four Hundred Fifteen Thousand Dollars (\$415, 000) to cover the cost of implementing this change effective July 1, 2023. **(RECOMMENDED 4-1)**

ARTICLE 6: To see if the Town will vote to amend the Personnel By-law Section 12-4 as follows by deleting the following wording in **bold:**

Section 12-4: Vacation Benefits upon Termination. Upon termination, an employee or the beneficiary of a deceased employee shall be paid an amount equal to the vacation allowance as earned and not granted in the vacation year prior to such termination. In addition, payment shall be made for that portion of the vacation allowance earned in the vacation year during which termination occurred up to the time of the employee's separation from the payroll. **with the following exceptions:**

- ~~(a)The employee had not completed his/her probationary period.~~
- ~~(b)The employee failed to give proper notice of termination. (See termination of employment).~~
- ~~(c)The employee was terminated due to delinquency or misconduct on the part the employee.~~ **(RECOMMENDED 5-0)**

ARTICLE 7: To see if the Town will vote to amend Section 27-1 the Personnel Bylaw to add the position of Administrative Clerk/ Building Department and the position of Community Service Officer at Grade 2 on the Year- Round Classification Plan and further to amend Section 27-1 to delete the position of Summer Parking Officer. **(RECOMMENDED 5-0)**

ARTICLE 8: To see if the Town will vote to Appropriate from Free Cash the Sum of Nineteen Thousand Two Hundred Dollars (\$19,200) for the purpose of planting 16 trees at various locations throughout the Historic District. **(RECOMMENDED 5-0)**

ARTICLE 9: To see if the Town will vote to transfer Ten Thousand Dollars (\$10,000) from the FY2023 budget line 141-5120 Assessors Personal Services to FY 2023 budget line 141-5700 Assessors Expenses. **(RECOMMENDED 5-0)**

ARTICLE 10: 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 5-0)**

ARTICLE 11: To see if the Town will vote to Appropriate from Free Cash the sum of Seventy Five Thousand Dollars (\$75,000) and Appropriate from of the Building Maintenance Stabilization Fund the sum of Seventy Five Thousand Dollars (\$75,000) for repairs and upgrades to town buildings as prioritized by the Facilities Maintenance Committee and the Select Board. **(2/3 VOTE, RECOMMENDED 5-0)**

ARTICLE 12: To see if the Town will vote to appropriate the sum of One Million Two Hundred Thousand Dollars (\$1,200,000) to pay the costs of repairing and/or replacing the HVAC system in the West Tisbury Public Library, including removal of failed system

components, installation of new components, and related repairs to the library building and grounds (i.e., interior walls and ceilings, utilities, paving and landscaping, or any site improvements) incidental or directly related thereto, and all related borrowing costs. Further, to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow One Million Two Hundred Thousand Dollars (\$1,200,000) as permitted by M.G.L. Chapter 44, § 7(1) or any other enabling authority; provided, however, that this vote shall be contingent upon the Town voting to exempt from the limitation of total taxes imposed by M.G.L. Chapter 59, § 21C (Proposition 2 ½) the amounts required to pay the principal of and interest on the borrowing authorized by this vote and, a majority of voters casting a Ballot on Question 1 at the Annual Town Election, to be held April 13, 2023 voting in the affirmative.

(2/3 VOTE, RECOMMENDED 5-0)

ARTICLE 13: To see if the Town will vote to amend Section 3.1, USE TABLE of the zoning bylaws, USE TABLE, by adding the language in ***bold italic***; And further to see if the Town will vote to amend Section 14.2, “Definitions in this bylaw” by adding the language in ***bold italics***:

USE TABLE

USE CATEGORY	USE DISTRICTS-				SECTION
	RU	VR	MB	LI	
RESIDENTIAL USES					
Single-family Dwelling	P*	P*	P	--	4.4
Two-family Dwelling†	P	P	P	--	4.4
Multi-family Dwelling (conversion)†‡	S	S	PR	--	4.4
Multi-family Dwelling (new)†‡	S	S	PR	-	4.4-3
Accessory Apartment‡	S	S	S	--	4.4-3
Subordinate Dwelling	P	P	P	--	4.4-1(B)
Upper-floor Apts. in Mixed-use Building‡	--	--	PR	S	4.4-2
Assisted Living Facility†	S	S	S	--	
Employee Dormitory†‡	S	S	S	S	4.4-5
Solar Energy Systems☼	P	P	P	P	
Large-scale Residential Development Δ	S	S	S	--	
<i>Limited Retail Sales</i>	<i>PR</i>	<i>PR</i>	<i>PR</i>	<i>PR</i>	
Open Space Development	P	P	--	--	Art. V.
Swimming Pools	S	S	S	S	8.5-4
Tennis Courts	S	S	S	S	
Heliports ▲	--	--	--	--	
Wind Energy Conversion Systems	S	S	S	S	8.9
Studio	P	P	P	P	
COMMUNITY USES					
Cemetery	S	S	S	S	
Educational/Charitable/Religious •	PR	PR	PR	PR	8.5-3
<i>Events</i>	<i>P/S</i>	<i>P/S</i>	<i>P/S</i>	<i>P/S</i> ■	
Health Care Facility	S	S	S	S	
Membership Club	S	S	S	S	
Municipal Facility (not listed elsewhere)	PR	PR	PR	PR	
Airport	--	--	--	S	
Solid Waste Facility	--	--	--	S	
Preservation of Natural Areas	P	P	P	P	
Bus Shelter	P	P	P	P	
Heliports ▲	--	--	--	--	
Wind Energy Conversion Systems	S	S	S	S	8.9

▪ *Within overlay districts, additional Special Permit and Site Plan Review requirements may apply. Within the West Tisbury Historic District, the West Tisbury Historic District Bylaw also applies.*

† *Subject to density controls in Section 4.4. Applicability of Special Permit requirement may depend upon density.*

‡ *May be subject to occupancy restrictions (see Section 4.4-4).*

- * *Site Plan Review required if floor area exceeds 3,000 square feet for principal residences or 2,500 square feet for accessory structure, including barns or stables (unless exempted as agricultural structures), riding arenas, or other recreational facilities.*
- *Subject to limitations on municipal regulations in G.L. Chapter 40A, Section 3. Site Plan Review applies where legally permissible.*
- Δ *The Planning Board is the Special Permit Granting Authority for Large-scale Residential Developments.*
- ▲ *Allowed within District LI2 (Martha's Vineyard Airport). This does not preclude bona fide emergency helicopter landings in any Use District.*
- ☀ *A Special Permit is required by the Zoning Board of Appeals for arrays larger than 1500 square feet, for ground mounted arrays higher than 12 feet, and for arrays located within a front yard, see Section 8.10-4C.*

■

USE TABLE, continued

USE CATEGORY	USE DISTRICTS				SECTION
	RU♣	VR	MB	LI	
BUSINESS USES					
Adult Uses	--	--	--	S	8.5-6
Agriculture, Fishing, Forestry •	P	P	P	P	
Automobile Service Station	--	--	S	S	
Chain Businesses	---	---	---	---	---
Craft Workshop	PR	PR	PR	PR	
Child Care Facility •	PR	PR	PR	S	8.5-3
Cultivation and manufacturing of recreational marijuana	--	--	--	S☀	
Home Occupation	S	S	S	S	8.5-1
Junkyard	--	--	--	S	8.5-8
Kennel	--	--	S	PR	
Large-Scale Ground-Mounted Solar Photovoltaic Installations • •	--	--	--	PR	8.10
Light Industry	--	--	--	S☀	
Lodging Facility	--	--	PR	PR	
Mobile Food Establishments	PR	PR	PR	PR	
Office	--	--	PR	PR	
Public Utility Facility (excluding wireless communication facilities)	PR	PR	PR	PR	
Recreational Marijuana Sales	--	--	S	S	
Recreational Marijuana Facility	--	--	S	S	
Recreational Business	S	S	PR	PR	
Registered Marijuana Dispensary	--	--	S	S	
Renting of 3 or fewer rooms □	P	P	P	--	
Renting of 4 or more rooms □	S	S	S	--	8.5-7
Restaurant	--	--	PR	S	
Retail Business (not listed elsewhere)	S♦	--	PR	S♠	
Riding Stable	PR	PR	S	S	
Service Business (not listed elsewhere)	S	--	PR	PR	
Soil Mining	S	--	--	S	8.5-5
Storage of Heavy Equipment	S	--	--	PR	
Veterinary Clinic	S	--	S	S	
Warehouse	--	--	--	PR	
Wholesale Business	S	--	S	PR	
Wireless Communication Facilities	S	S	S	S	8.8
Heliports ▲	--	--	--	--	

- *Within overlay districts, additional Special Permit and Site Plan Review requirements may apply.*
Within the West Tisbury Historic District, the West Tisbury Historic District Bylaw also applies.
- ♣ *See Section 8.5-2 for regulation of non-residential uses in the RU and VR Districts.*
- ☀ *No light industrial use shall have direct access onto the Edgartown Road.*
- *Subject to limitations on municipal regulations in G.L. Chapter 40A, Section 3.*
- *In owner-occupied dwelling with or without meals provided, excluding detached bedrooms.*

- ◆ *Only in connection with agricultural use, including sale of produce and related products customarily sold by farms and nurseries.*
- ♠ *Only in connection with products manufactured or warehoused on the premises.*
- ¶ *Recreational marijuana cultivation and product manufacturing is permitted in the Light Industrial Districts (LI) 1 & 2 by special permit from the Zoning Board of Appeals.*
**Recreational marijuana sales are permitted in the Light Industrial District (LI) 2 (airport) by special permit from the Zoning Board of Appeals.*
- *By Site Plan Review by the Zoning Board of Appeals*

Definitions:

- *Events: One event, including weddings for which the property owner is paid a fee per calendar year per property is allowed by right. Any additional events, including weddings require the property owner to apply for a special permit.*
- *Limited Retail Sales: A retail location that is not operational for a defined period of time.*
- *Mobile Food Establishments: A food service operation permitted by Plan Review by the Planning Board.*
- *Chain Business: A chain business is comprised of a group of stores, three or more that possess the same brand name, adhere to the same corporate policies, and sell similar products. A chain business shall not include businesses operating on the effective date of this amendment.*

(2/3 VOTE, RECOMMENDED 5-0)

ARTICLE 14: To see if the Town will vote to amend Section 4.4-3 of the zoning bylaws by adding the language in ***bold italic***:

• **Affordable Accessory Apartments**

In order to help provide affordable year-round rental housing within the context of West Tisbury’s predominantly single-family home character, and to provide an opportunity for supplemental income to senior citizens and other homeowners in West Tisbury, who might otherwise find it difficult to remain in their homes due to increasing energy and maintenance costs and/or concerns about security and health, one apartment may be allowed by Special Permit from the ZBA as an accessory use to a single-family dwelling, on any sized lot, subject to the following conditions:

9. *Accessory Apartments shall be occupied only by Family Members or Caregivers if the Owner chooses not to rent to a qualified applicant for year-round housing.*

(2/3 VOTE, RECOMMENDED 5-0)

ARTICLE 15: To see if the town will vote to amend Section 8.8-5 Swimming Pools, of the zoning bylaws by deleting the stricken language and adding the ***Bold Italic language***:

8.5-4 Swimming Pools

A. Pools, General

1. ~~In-ground swimming pools of any depth and above and on-ground swimming pools, as defined in the applicable provisions of the Massachusetts State Building Code governing swimming pools, in effect at the time the application is submitted, shall be enclosed by a fence at least 4 feet in height which meets all the requirements of State Building Code CMR 780 Section 421.~~

The design and construction of pools and their enclosures must be in compliance with the regulations of the current edition of the International Swimming Pool and Spa Code with MA amendments (referred to hereafter as the “Massachusetts State Building Code”)

2. In-ground swimming pools of any depth and above and on-ground swimming pools, as defined in the applicable provisions of the Massachusetts State Building

Code governing swimming pools, in effect at the time the application is submitted, shall be enclosed by a fence at least 4 feet in height *or so as to meet the requirements of the current Massachusetts State Building Code.*

3. Lighting of pools shall comply with the requirements of Section 8.6.
4. In order to minimize noise impacts on neighbors, associated noise-producing pool equipment shall be located as far as possible from abutting properties, and at least the minimum required setback and shall be installed in a sound insulated enclosure.
5. *Energy Use: If a swimming pool is heated or if a water heating system is added to an existing pool--*
 - a. *applicants are required to use a fossil fuel-free heating system, such as solar thermal panels or a heat pump pool heater, and are encouraged to use on-site renewable energy generation to power the heating system; and*
 - b. *a pool cover shall be installed to retain heat and to serve as a winter safety cover for off-season use.*
6. *Screening and Landscaping: A screening plan shall consist of native, non-invasive species, and must be perpetually maintained for the life of the pool.*
7. *Fire Protection: An accessible and functional standpipe is required for pools containing more than 10,000 gallons of water with the design, placement and operation to be approved by the West Tisbury Fire Chief.*
8. *Drainage: The concentration of potentially hazardous chemicals in the water must be significantly reduced and properly tested before any necessary draining of the pool water directly into the ground of the property.*

B. Pools Permitted by Right

1. An on-ground portable pool may be allowed by a permit from the Zoning and Building Inspector provided that it does not exceed 250 sq. feet in area and 4' in height, or involve structural materials or any type of mechanical pool equipment.
2. All such pools must be in compliance with the regulations and requirements of the Massachusetts State Building Code in effect at the time the application is submitted.

C. Pools *and equipment* by Special Permit

1. *Additions of heating systems to existing swimming pools and* all other on-ground pools and in-ground and above-ground pools, spas and exercise pools meeting the definitions of the Massachusetts State Building Code in effect at the time the application is submitted. **(2/3 VOTE, RECOMMENDED 5-0)**

ARTICLE 16: To see if the Town will vote to appropriate from Free Cash the sum of Twenty Five Thousand Dollars (\$25,000) to conduct a Visioning Session in the Town of West Tisbury. **(RECOMMENDED**

5-0)

ARTICLE 17: To see if the Town will vote to approve the Two Million Dollars (\$2,000,000) borrowing authorized by the Regional District School Committee of the Martha's Vineyard Regional School District for the purpose of paying costs of a feasibility study relating to the possible replacement or reconstruction of the District High School, located at 100 Edgartown-Vineyard Haven Road, in Oak Bluffs, Massachusetts including the payment of all costs incidental and related thereto (the "Study"), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee; that the Town acknowledges that the MSBA's grant program is a non-entitlement,

discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member towns; provided further that any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. This approval of the District's borrowing is conditioned upon and subject to an affirmative vote of the Town to exclude the amounts needed to repay the Town's allocable share of this borrowing from the limitation on local property taxes contained in G.L. c. 59, §21C (also known as Proposition 2½) and further contingent upon a majority of voters casting a Ballot on Question 2 at the Annual Town Election, to be held April 13, 2023 voting in the affirmative. **(RECOMMENDED 5-0)**

ARTICLE 18: To see if the Town will vote to Raise and Appropriate the sum of Fourteen Thousand Two Hundred Forty Dollars (\$14,240) to fund the Town of West Tisbury's share of the expenses of the All-Island School Committee's contract for continuing and community education in Fiscal Year 2024 provided all six towns vote to approve their share. **(RECOMMENDED 5-0)**

ARTICLE 19: To see if the Town will vote to Raise and Appropriate the sum of Ninety Six Thousand Dollars (\$96,000) to be paid to the Up Island Regional School District as the Town's share of the costs of the District's capital project for the purchase of services related to conducting a Space Needs Study for the West Tisbury School building, including any other costs incidental and relative thereto, or to take any other action relative thereto; provided, however, that this appropriation shall not be effective unless each of the other member Towns of the District approve a corresponding appropriation for their respective share of the total project costs. **(RECOMMENDED 5-0)**

Article Information: The estimated total cost of the UIRSD West Tisbury School Space Needs Study is \$120,000.

ARTICLE 20: AMENDMENT AND RESTATEMENT OF THE REGIONAL AGREEMENT FOR MARTHA'S VINEYARD REGIONAL SCHOOL DISTRICT

To determine whether the Town will vote to accept and approve the amendment and restatement of the Regional Agreement for the Martha's Vineyard Regional School District which was initiated and approved by a vote of the School Committee for the Martha's Vineyard Regional School District on September 1, 2022, and which has been submitted as an amended and restated "Regional Agreement for Martha's Vineyard Regional School District" to the Town Clerks of each Member Town, consistent with Section XIII of the existing Regional Agreement, titled "REGIONAL AGREEMENT Martha's Vineyard Regional High School"; or take any action relative thereto. **(RECOMMENDED 5-0)**

Explanation: The School Committee for the District has proposed an amendment and restatement of the District's Regional Agreement to supersede the original 1954 regional agreement and all other amendments to the original agreement and which will reflect and comply with changes in applicable law. This amendment and restatement of the Regional Agreement will take effect only if all six member towns accept and approve the amendment and restatement at their respective Town Meetings and only upon approval by the Commissioner of Elementary and Secondary Education for the Commonwealth of Massachusetts. A copy of the full text of the amendment and restatement of the Regional Agreement is available from the Town Clerk and also will be available at Town Meeting.

ARTICLE 21: To see if the Town will vote to Appropriate from Free Cash up to the sum of thirty-five thousand eight hundred fifty-eight dollars (\$35,858) to provide two electric vehicle charging stations, including 4 charging points, for public use at the West Tisbury School. This

appropriation will also cover the software and maintenance costs for five years. The cost of electricity will be covered through a charge for a “fill-up”. **(RECOMMENDED 5-0)**

ARTICLE 22: To see if the Town will vote to Appropriate from Free Cash One Hundred Thousand Dollars (\$100,000) to be placed in the Fire Equipment Stabilization Fund. **(RECOMMENDED 5-0)**

ARTICLE 23: To see if the Town will vote to Appropriate from Free Cash the sum of Forty Three Thousand Dollars (\$43,000) to put towards the purchase and equipping of one all-wheel drive hybrid police cruiser in FY 2024 and to authorize the Select Board to dispose of the cruiser being replaced in manner that is in the best interest of the Town at that time. In the event of unforeseen major repairs a portion of the \$43,000 may be used towards those repairs. **(RECOMMENDED 5-0)**

ARTICLE 24: To see if the Town will vote to Appropriate from Free Cash the sum of Ninety Five Thousand Dollars (\$95,000) to be put toward the purchase and equipping of a dump truck for the Highway Department. **(RECOMMENDED 5-0)**

ARTICLE 25: To see if the Town will Appropriate from Free Cash the sum of Thirty Thousand Dollars (\$30,000) to manually lower the dunes at Lambert’s Cove Beach. **(RECOMMENDED 5-0)**

ARTICLE 26: To see if the Town will vote to establish an Unemployment Compensation Fund in accordance with MGL Chapter 40 Section 5E. **(RECOMMENDED 5-0)**

ARTICLE 27: To see if the Town will vote to transfer Three Thousand Dollars (\$3,000) in the FY 2023 budget line 913-5170 to the Unemployment Compensation Fund and in addition to raise and appropriate Three Thousand Dollars (\$3,000) in FY 2024 for the Unemployment Compensation Fund. **(RECOMMENDED 5-0)**

ARTICLE 28: To see if the Town will vote to Raise and Appropriate the sum of Fifteen Thousand Dollars (\$15,000) toward Transportation Engineering services for design work and/or technical analyses on Town projects, with funds administered by the Martha’s Vineyard Commission, for Fiscal Year 2024. **(RECOMMENDED 5-0)**

ARTICLE 29: 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, FY 2024 revenues, in the following amounts:

- a. Open Space reserve \$70,000 (10% of estimated FY 2024 Community Preservation Fund revenues).
- b. Historical Resources reserve \$70,000 (10% of the estimated FY 2024 Community Preservation Fund revenues)
- c. Community Housing reserve \$70,000 (10% of estimated FY 2024 Community Preservation Fund revenues)
- d. Undesignated reserve \$455,000 (65% of estimated FY 2024 Community Preservation Fund revenues)

And to Appropriate for the administrative expenditures the sum of Thirty-five Thousand Dollars (\$35,000) from the FY 2024 Community Preservation Fund Revenues. **(RECOMMENDED 5-0)**

ARTICLE 30: To see if the Town will vote to Appropriate the sum of Fifty Thousand Dollars (\$50,000) from the Community Preservation Housing Reserve Fund to Dukes County

Regional Housing Authority to support the rental assistance program for West Tisbury residents. **(RECOMMENDED 5-0)**

ARTICLE 31: To see if the Town will vote to Appropriate the sum of Fifty-Four Thousand Dollars (\$54,000) from the Community Preservation Open Space – Recreation Reserve Fund to The Field Fund for the West Tisbury field irrigation program. **(RECOMMENDED 5-0)**

ARTICLE 32: To see if the Town will vote to Appropriate the sum of Nine Thousand (\$9,000) from the Community Preservation Housing Reserve Fund and Seventy-One Thousand Dollars (\$71,000) from the Community Preservation Undesignated Reserve Fund to Harbor Homes of Martha’s Vineyard as West Tisbury’s share of the Permanent Supportive Housing project for residents who may need medication supervision. **(RECOMMENDED 5-0)**

ARTICLE 33: To see if the Town will vote to Appropriate the sum of Two Hundred Eight Thousand Nine Hundred Ninety-Five Dollars (\$208,995) from the Community Preservation Undesignated Reserve Fund to pay down principal and interest to retire the Scotts Grove affordable housing development debt. **(RECOMMENDED 5-0)**

ARTICLE 34: To see if the Town will vote to Appropriate the sum of Seventy-Nine Thousand Five Hundred Seventeen Dollars (\$79,517) from the Community Preservation Historic Resources Reserve Fund and One Hundred Fifty-Five Thousand Four Hundred Eighty-Three Dollars (\$155,483) from the Community Preservation Undesignated Reserve Fund to the Vineyard Preservation Trust for the replacement of the Grange Hall roof. **(RECOMMENDED 5-0)**

ARTICLE 35: To see if the Town will vote to Appropriate the sum of Thirty Thousand Dollars (\$30,000) from the Community Preservation Open Space – Recreation Reserve Fund to the West Tisbury Parks & Recreation Department for rope railings at Lamberts Cove Beach. **(RECOMMENDED 5-0)**

ARTICLE 36: To see if the Town will vote to Raise and Appropriate, for expenditure in Fiscal Year 2024, the sum of Five Thousand Fifty Two Dollars and Sixty Cents (\$5052.60) as the apportioned share of the county budget supplemental income. **(RECOMMENDED 5-0)**

ARTICLE 37: To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2024, the sum of Twenty Eight Thousand Two Hundred Forty Dollars (\$28,240) as the apportioned share of the necessary improvements of the Dukes County Health Care Access building. **(RECOMMENDED 5-0)**

ARTICLE 38: To see if the Town will vote to Raise and Appropriate, for expenditure in Fiscal Year 2024, the sum of Sixteen Thousand Nine Hundred Ten Dollars (\$16,910), to support the planning, advocacy and education for Healthy Aging on Martha’s Vineyard through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time provided all six towns vote to approve their share. **(RECOMMENDED 5-0)**

ARTICLE 39: To see if the Town will vote to Raise and Appropriate, for expenditure in Fiscal Year 2024, the sum of Eight Thousand Four Hundred Eleven Dollars (\$8,411), to support the Homelessness Prevention Programs on Martha’s Vineyard through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time provided all six towns vote to approve their share. **(RECOMMENDED 5-0)**

ARTICLE 40: To see if the Town will vote to Raise and Appropriate, for expenditure in Fiscal Year 2024, the sum of Six Thousand Eight Hundred Sixty One Dollars (\$6,861), to support the Substance Use Disorder Coalition in addressing needs related to substance use prevention, treatment, recovery support and harm reduction on Martha’s Vineyard through

Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time provided all six towns vote to approve their share.

(RECOMMENDED 5-0)

ARTICLE 41: To see if the Town will vote to Raise and Appropriate, for expenditure in Fiscal Year 2024 the sum of Eighty One Thousand Five Hundred Twenty Seven Dollars (\$81,527), to support the Martha’s Vineyard Center for Living Programs through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time provided all six towns vote to approve their share. **(RECOMMENDED 5-0)**

ARTICLE 42: To see if the Town will vote to Raise and Appropriate, for expenditure in Fiscal Year 2024, the sum of Fourteen Thousand Three Hundred Sixty Six Dollars (\$14,366), to support the CORE program to provide coordinated counseling, outreach, and referral services to our residents who are 55 years and older through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time provided all six towns vote to approve their share. **(RECOMMENDED 5-0)**

ARTICLE 43: To see if the Town will vote to Raise and Appropriate the sum of Twenty Five Thousand Eight Hundred Fifty-One Dollars and Sixty Cents (\$25,851.60) 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 provided all six towns vote to approve their share. **(RECOMMENDED 5-0)**

ARTICLE 44: To see if the Town will vote to Raise and Appropriate (or transfer from free cash) the sum of Thirty Thousand Dollars (\$30,000) to transfer to the Retired/Separating Employees Compensated Absences Reserve Fund as provided for by M.G.L. c. 40, § 13D. **(RECOMMENDED 5-0)**

ARTICLE 45: To see if the Town will vote to authorize the expenditure in Fiscal Year 2024 from revolving funds previously established by vote of the Town pursuant to the provisions of M. G. L. Chapter 44, Section 53E1/2, for fiscal year 2024 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

(RECOMMENDED 5-0)

ARTICLE 46: To see if the Town will vote to appropriate the sum of Nine Hundred Sixty Five Dollars(\$965) from the Receipts Reserved for Appropriation from the Transportation Network Companies in accordance with Chapter 187 of the Acts of 2016, Amending Chapter 6, Section 172, subsection (a) of the Massachusetts General Laws to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the Town of West Tisbury, specifically, to supplement the Complete Streets Program established in section 1 of chapter 90I of the Mass. General Laws. **(RECOMMENDED 5-0)**

ARTICLE 47: To see if the Town will vote to accept, for all boards, committees or commissions holding adjudicatory hearings in the Town, the provisions of M.G. L. Chapter 9

Section 23D, which provide that a member of a board, committee or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met.
(RECOMMENDED 5-0)

ARTICLE 48: To see if the Town will vote to appropriate from Free Cash the sum of Seven Hundred Forty Five Thousand Dollars (\$745,000) to reduce the tax levy in Fiscal Year 2024.
(RECOMMENDED 5-0)

ARTICLE 49: To see if the Town will vote to approve the following bylaw:

Construction and Landscaping Noise

The generation of noise from non-public, outdoor construction and landscaping activity shall be prohibited at any hour on Sundays and legal holidays as defined by the Commonwealth of Massachusetts.

Exceptions

This bylaw shall not apply in the following cases:

- A. Homeowners engaging in these activities on their own behalf on their property, with the exception that operation of heavy equipment and equipment with back-up beepers and similar repetitive sound alerts is prohibited on the above-mentioned Sundays and holidays.
- B. Emergency work performed to protect, provide, or restore public safety, or to repair damage on a property that otherwise prevents safe use of that property.
- C. Road maintenance, snow plowing, and similar activities performed by a public entity or agents, and snow plowing by others as required by weather event.
- D. Construction or landscaping undertaken on a public project, or project in the public interest, with prior Select Board authorization, in order to complete a project in a timely and expeditious manner.

Enforcement

Violations under this bylaw shall be enforced by the Police Department (with notice to the Building Inspector). Penalties shall include fines of: 1st offense: \$100.00, 2nd offense: \$200.00, and 3rd offense: \$300.00. Any violation shall also entitle the Building Inspector to issue a cease-and-desist order or revoke the building permit. Building Inspector shall revoke the building permit for more than three offenses, and the town may take additional action as may be advised by town counsel for repeat offenses.

(BY PETITION, NOT RECOMMENDED 1-4)

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 15th Day of March in the Year Two Thousand Twenty Three.

Cynthia E. Mitchell

Chair

J. Skipper Manter

Jessica D. Miller

WEST TISBURY SELECT BOARD

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-Wells
Town Clerk