



**TOWN OF TISBURY**  
**SPECIAL TOWN MEETING WARRANT**  
**TUESDAY, APRIL 12, 2022, at 7:00 PM**

Commonwealth of Massachusetts

County of Dukes, ss.

To either of the Constables of the Town of Tisbury,

Greetings:

In the name of the Commonwealth of Massachusetts you are further directed to notify the inhabitants of the Town of Tisbury who are qualified to vote in elections and Town affairs to assemble at the Tisbury School Gymnasium-Auditorium, 40 West William Street, in said Town of Tisbury, on the twelfth day of April in the year Two Thousand and Twenty-Two at seven o'clock in the evening, then and there to act on the following articles in this warrant:

**ARTICLE 1 TO OBTAIN OFFICIAL BONDS**

To see if the Town will vote to instruct the Select Board to obtain of the Town Officers from whom bonds are required in FY2023 only such bonds as are secured by regular bond and surety firms and, when the bond of any Town Officer is accepted by the Select Board, that the Town shall bear the expense of the amount paid by him or her for said bond, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (7-0-0)

**ARTICLE 2 TO AUTHORIZE THE TREASURER-COLLECTOR TO ENTER INTO A COMPENSATING BALANCE AGREEMENT**

To see if the Town will vote to authorize the Treasurer-Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2023, pursuant to Chapter 44, Section 53F, of the Massachusetts General Laws, or take any action relative thereto.

Submitted: Treasurer/Collector

The Finance and Advisory Committee Recommends Passage of This Article. (7-0-0)

**ARTICLE 3 TO AUTHORIZE THE TREASURER TO BORROW IN ANTICIPATION OF REVENUE**

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Select Board, to borrow from time to time, in anticipation of revenue for Fiscal Year 2023, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within one (1) year, and to renew any note or notes as may be given for a period of less than one (1) year, in accordance with Massachusetts General Laws, Chapter 44, Section 17, or take any action relative thereto.

Submitted: Treasurer/Collector

The Finance and Advisory Committee Recommends Passage of This Article. (7-0-0)

**ARTICLE 4 TO ELECT A FISH COMMITTEE**

To see if the Town will vote to elect Janet Messineo, James T. Tilton and John M. Wilbur as a Fish Committee, in FY2023, pursuant to the provisions of Chapter 40 of the Special Acts of 1847 as it relates to the regulation of herring fishing at Chappaquonsett Pond and Creek and access thereto, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

**ARTICLE 5 TO AMEND THE TISBURY PERSONNEL BYLAW**

To see if the Town will vote to amend the Town's Personnel Bylaw, section 3, by revising the position title for administration purposes, as shown below, with language to be deleted shown in ~~strike through~~ and language to be added shown as underlined, or take any action relative thereto.

Personnel Bylaw

### Section 3. PERSONNEL SYSTEM

The Personnel Board shall be responsible for the establishment and maintenance of a personnel system based on merit principles, a classification plan, the development of an annual compensation plan, the adjustment of grievances, and the development of personnel policies pursuant to section 4 of this by-law. The personnel system shall made use of modern concepts of personnel management and shall include but not be limited to the following elements:

(a) Method of administration. ~~The executive secretary shall act as~~ Tthe Town Administrator shall act as the Personnel Director of the town.

The Personnel Director shall be responsible for a system of administration which assigns specific responsibility for all elements of the personnel system, including maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, evaluating the personnel system, and development of a disciplinary policy and grievance procedure. In the capacity of the Personnel Director, the ~~Executive Secretary~~ Town Administrator shall only report to and be administratively responsible to the Personnel Board. The Personnel Board shall participate in and contribute to any employment evaluation process of the Town Administrator while acting as the Personnel Director ~~executive secretary~~ and shall be the sole determination as to any review of the Personnel Director.

Submitted: Personnel Board

### ARTICLE 6 TO ESTABLISH HUMAN RESOURCES DEPARTMENT

To see If the Town will vote to authorize the Select Board to establish a Human Resources Department to serve the human resources needs of the employees and retirees of the Town of Tisbury; to provide programs and services to assist employees and retirees; to oversee the recruitment and hiring for the Town; to promote retention and training of employees; to implement coordination of benefits, including health and wellness programs, leave management and FMLA leave and workers' compensation administration; to support labor relations and contract negotiation; to implement affirmative action and diversity programs; and to promote organizational development, or take any action relative thereto.

Submitted: Select Board and Personnel Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

### ARTICLE 7 TO ESTABLISH THE POSITION OF THE DIRECTOR OF HUMAN RESOURCES

To see If the Town will vote to authorize the Select Board to recommend placement on the Classification and Compensation Plan for Full-time Managerial and Professional Employees the position of Director of Human Resources that reports to and with guidance from the Town Administrator is responsible for the administration and coordination of the Town's human resources program, including, but not limited to: recruitment; preemployment screening and background checks; compensation benefits; personnel policies; employee development and training; assisting with negotiation of collective bargaining agreements; providing advice and support to Town departments on human resources issues; ensuring compliance with applicable state and federal and local laws, including Fair Labor Standards Act, Americans with Disabilities Act, Equal Opportunity/Affirmative Action laws, Family Medical Leave Act, Civil Service regulations, Workers' Compensation laws, and similar state and federal personnel laws and regulations; with such position subject to a three year appointment by the Select Board, or take any action relative thereto.

Submitted: Select Board and Personnel Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

### ARTICLE 8 TO AMEND SECTION 09.05 OF THE ZONING BYLAWS

To see if the Town will vote to amend section 09.05, entitled "Floodplain District," by deleting the existing language and replacing it with the proposed language shown below, or take any action relative thereto.

#### Section 09.05

**Original:**

.01 Purpose:

To promote the health, safety, and general welfare of the inhabitants of the Town of Tisbury by ensuring that structures, facilities, and uses are sited, constructed, and arranged so as to preclude or minimize Flood/Storm effects.

To protect the economic well-being of the Town of Tisbury and its inhabitants by preventing burdensome property and employment losses.

To make available to the inhabitants of the Town of Tisbury Flood Insurance (under the National Flood Insurance Program) and to the Town of Tisbury eligibility for federal disaster relief funds by establishing and maintaining a qualifying Flood/Storm Program conforming to the "Flood Disaster Protection Act of 1968" (Title 13 of the Housing and Urban Development Act of 1968 - Public Law 90-448), 42 U.S.C. 4001-4128 and 44 CFR 67, the specific enumerations-found in 44 CFR section 60,3(e) and such amendments thereto as are applicable.

To accomplish the purposes set forth in the above three paragraphs by uniform administrative procedures, conformity with land and water use policies, and in keeping with objectives to preserve the character of Tisbury's waterfronts.

#### .02 Floodplain District Boundaries:

The Floodplain District is herein established as an overlay district to all other districts. The District includes all special flood hazard areas within the Town of Tisbury designated as Zone A, AE or VE on the Dukes County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Dukes County FIRM that are wholly or partially within the Town of Tisbury are panel numbers 25007C0082J, 25007C0083J, 25007C0084J, 25007C0101J, 25007C0102J,

25007C0103J, 25007C0104J and 25007C0111J dated July 20, 2016.

The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Dukes County Flood Insurance Study (FIS) report dated July 20, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

All development in the district, comprised of all land in the Town of Tisbury inland of the Mean Low Water (MLW) line lying along the shores of Lake Tashmoo, Vineyard

Sound, Vineyard Haven Harbor and Lagoon Pond, including structural and non-structural

activities whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code (CMR 780) which addresses flood plain and coastal high hazard areas.
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00)
- Inland Wetlands Restriction, Department of Environmental Protection DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, Department of Environmental Protection DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

#### .03 Floodway Data:

In Zones A, AI-A30, and AE, along watercourses that have not had a regulatory floodway designated the best available federal, state and local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood (flood having a one percent chance of being equaled or exceeded in any given year) discharge.

#### .04 Notification of Watercourse Alteration

In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- a. Adjacent communities,
- b. NFIP State Coordinator

Massachusetts Department of Conservation and Recreation - 251 Causeway Street,

Suite 600-700, Boston, MA 02114-2140

c. NFIP Program Specialist

Federal Emergency Management Agency 99 High Street, 6th Fl, Boston, MA 02110

.05 Use Regulations:

Man-made alteration of sand dunes within Zone VE which would increase potential flood damage are prohibited.

All new construction within Zones VE must be located landward of the reach of mean high tide.

All subdivision proposals must be designed to assure that:

- a. Such proposals minimize flood damage;
- b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided to reduce exposure to flood hazards.

Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

.06 Basis:

Administrative and regulatory address to construction, facilities, uses and arrangements shall be based upon:

Mean Sea Level (MSL) elevation as determined by the "National Geodetic Vertical Datum of 1929" (NGVD 1929);

North American Vertical Datum (NAVD) 1988

The Flood Insurance Rate Map

.07 Floodplain Rules and Regulations:

Coastal and Elevation Data Plans may be a required attachment for all properties in the Town of Tisbury located within all flood hazard zones, as defined by the Dukes County Flood Insurance Rate Maps.

There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, and Building Inspector for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

The cognizant Board, Commission or Official may require certifications by a Massachusetts Registered Professional Engineer(s) and Registered Land Surveyor (s) as to situations, designs, data, calculations, statements of effect or non-effect, values, ratings, specifications, etc.

.08 Exceptions, Waivers and Appeals:

Any variance to the requirements of state regulations or FEMA's minimum standards for floodplain management must go through the proper state channels and conform to FEMA's guidelines as listed in CFR 44, 60.0.

The applications, procedures and requirements relating to EXCEPTIONS (whether considered in the form of "Special Permits" or in the form of "Variances"), WAIVERS (pertinent only to Rules and Regulations) and APPEALS (whether an appeal from a determination or alleging a failure to act) are set forth in MGL Chapter 40A, elsewhere in the Zoning Bylaws and in the established administrative procedures of the cognizant Board, Commission or Official.

.09 Compliance:

The Building/Zoning Inspector shall:

- make site inspections and determinations of physical and use compliance in matters of specification particulars;
- ensure that the plans and specifications submitted as a part of Building Permit Applications comply; and,

. 10 Enforcement:

The Building/Zoning Inspector shall enforce program or permit specification particulars, and the conditions and restrictions imposed by Special Permits, Waivers, Variances, and Appeal determinations, as provided for in Chapter 40A (MGL) and elsewhere in the Zoning Bylaws.

In the manner, and to the extent, provided by law, cognizant Boards, Commissions and Officials may obtain enforcement of procedural, class or

category requirements by such processes as 'cease and desist orders', 'unfit for habitation or occupancy closures', and 'revocation or suspension of authorization'.

.11 Interpretation:

Notwithstanding any other Town of Tisbury Bylaw, this Section 09.05 (Floodplain District) and its provisions shall be determinative with regard to Flood/Storm hazards, the prevention or mitigation of Flood/Storm effects and the maintenance of qualifying status under the National Flood Insurance Program.

In the interpretation and application of this Section 09.05 (Floodplain District), all provisions shall be:

- considered as minimum requirements;
- liberally construed in favor of the Town of Tisbury;
- deemed neither to limit nor repeal any other powers granted under the statutes of the Commonwealth of Massachusetts. •

.12 Penalties:

Whosoever violates the provisions of this Section 09.05 (Floodplain District) and the Rules and Regulations herein authorized and legally adopted may be fined two hundred dollars (\$200) for each violation and for each day each violation continues after notice or such lesser amount as may be set by statute.

**Proposed:**

.01 Purpose:

Ensure public safety through reducing the threats to life and personal injury; Eliminate new hazards to emergency response officials;

Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;

Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;

Eliminate costs associated with the response and cleanup of flooding conditions; Reduce damage to public and private property resulting from flooding waters.

.02 Floodplain District Boundaries:

Floodplain District is herein established as an overlay district to all other districts. The District includes all special flood hazard areas within the Town of Tisbury designated as Zone A, AE or VE on the Dukes County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency(FEMA) for the administration of the National Flood Insurance Program. The map panels of the Dukes County FIRM that are wholly or partially within the Town of Tisbury are panel numbers 25007C0082J, 25007C0083J,25007C0084J,25007C0101J,25007C0102J,25007C0103J,25007COI04J and

25007C0111J dated July 20,2016.

The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated July 20, 2016. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission:

All development in the district, comprised of all land in the Town of Tisbury inland of the Mean Low Water (MLW) line lying along the shores of Lake Tashmoo, Vineyard Sound, Vineyard Haven Harbor and Lagoon Pond, including structural and non-structural activities whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

Section of the Massachusetts State Building Code (CMR 780) which addresses flood plain and coastal high hazard areas;

Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

Inland Wetlands Restriction, Department of Environmental Protection (DEP) (currently 310 CMR 13.00);

Coastal Wetlands Restriction, Department of Environmental Protection (DEP) (currently 310 CMR 12.00);

Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (DEP) (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

.03 Definitions that apply to Section 09.05

**DEVELOPMENT:** means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

**FLOODWAY** (also referenced as Regulatory Floodway): The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

**FUNCTIONALLY DEPENDENT USE:** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

**HIGHEST ADJACENT GRADE:** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

**HISTORIC STRUCTURE:** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

**NEW CONSTRUCTION:** Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

**RECREATIONAL VEHICLE:** means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

**SPECIAL FLOOD HAZARD AREA:** The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, AI-30, A99, AR, AO, AH, V, VO, VE or VI-30. [Base Code, Chapter 2, Section 202]

**START OF CONSTRUCTION:** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

**STRUCTURE:** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

**SUBSTANTIAL REPAIR OF A FOUNDATION:** When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

**VARIANCE:** means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

**VIOLATION:** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

#### .04 Floodway Data:

In Zones A, AI-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones AI-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In A Zones, in the absence of FEMA BFE data and floodway data, the Building/Zoning Inspector will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

#### .05 Notification of Watercourse Alteration

In a riverine situation, the Building/Zoning Inspector shall notify the following of any alteration or relocation of a watercourse:

- a) Adjacent communities,
- b) NFIP State Coordinator - Massachusetts Department of Conservation and Recreation - 251 Causeway Street, 8th Floor, Boston, MA 02114-2140
- c) NFIP Program Specialist - Federal Emergency Management Agency 99 High Street, 6th Fl, Boston, MA 02110

#### .06 Use Regulations:

Alteration of sand dunes which would increase potential flood damage are prohibited.

All new construction within Zones VE must be located landward of the reach of mean high tide. All subdivision proposals must be designed to assure that:

- a) Such proposals minimize flood damage;
- b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c) Adequate drainage is provided to reduce exposure to flood hazards.

Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

In AI-30, AH, AE Zones, VI-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements, or be on the site for less than 180 consecutive days, or be fully licensed and highway ready.

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### .07 Basis:

Administrative and regulatory address to construction, facilities, uses and arrangements shall be based upon:

Mean Sea Level (MSL) elevation as determined by the "National Geodetic Vertical Datum of 1929" (NGVD 1929);

North American Vertical Datum (NAVD) 1988

The Flood Insurance Rate Map (FIRM)

.08 Floodplain Rules and Regulations:

Coastal and Elevation Data Plans may be a required attachment for all properties in the Town of Tisbury located within all flood hazard zones, as defined by the Dukes County Flood Insurance Rate Maps.

There shall be established a "routing procedure" which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, and Building Inspector for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

The cognizant Board, Commission or Official may require certifications by a Massachusetts Registered Professional Engineer(s) and Registered Land Surveyor (s) as to situations, designs, data, calculations, statements of effect or non-effect, values, ratings, specifications, etc.

.09 Exceptions, Variances, Waivers and Appeals:

Any variance to the requirements of state regulations or FEMA's minimum standards for floodplain management must go through the proper state channels and conform to FEMA's guidelines as listed in 44 CFR 60.0.

The applications, procedures and requirements relating to EXCEPTIONS (whether considered in the form of "Special Permits" or in the form of "Variances"), WAIVERS (pertinent only to Rules and Regulations) and APPEALS (whether an appeal from a determination or alleging a failure to act) are set forth in MGL Chapter 40A, elsewhere in the Zoning Bylaws and in the established administrative procedures of the cognizant Board, Commission or Official.

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

.10 Variances to the Building Code Floodplain Standards

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the Floodplain District.

.11 Disclaimer of Liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

.12 Severability

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

.13 Compliance:

The Town Tisbury requires a permit for all proposed construction or other development in the Floodplain District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

Tisbury's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the Floodplain District. The proponent must acquire all necessary permits and must submit the completed checklist demonstrating that all necessary permits have been acquired.

When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

.14 Enforcement:



The Building/Zoning Inspector shall enforce program or permit specification particulars, and the conditions and restrictions imposed by Special Permits, Waivers, Variances, and Appeal determinations, as provided for in Chapter 40A (MGL) and elsewhere in the Zoning Bylaws.

In the manner, and to the extent, provided by law, cognizant Boards, Commissions and Officials may obtain enforcement of procedural, class or category requirements by such processes as 'cease and desist orders', 'unfit for habitation or occupancy closures', and 'revocation or suspension of authorization'.

.15 Floodplain Administrator

The Building/Zoning Inspector shall be the official Floodplain Administrator for the Town of Tisbury.

.16 Interpretation:

Notwithstanding any other Town of Tisbury Bylaw, this Section 09.05 (Floodplain District) and its provisions shall be determinative with regard to Flood/Storm hazards, the prevention or mitigation of Flood/Storm effects and the maintenance of qualifying status under the National Flood Insurance Program.

The floodplain management regulations found in this Floodplain District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

In the interpretation and application of this Section 09.05 (Floodplain District), all provisions shall be:

- considered as minimum requirements.
- liberally construed in favor of the Town of Tisbury;
- deemed neither to limit nor repeal any other powers granted under the statutes of the Commonwealth of Massachusetts.

.17 Penalties:

Whosoever violates the provisions of this Section 09.05 (Floodplain District) and the Rules and Regulations herein authorized and legally adopted may be fined two hundred dollars (\$200) for each violation and for each day each violation continues after notice, or such lesser amount as may be set by statute.

Submitted: Planning Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

## ARTICLE 9 PAYMENT PLANS FOR TAX TITLE PROPERTIES BYLAW

To see if the Town will vote to adopt the following bylaw regarding properties in tax title, or take any action relative thereto:

### Payment Plans for Properties in Tax Title

Section 1. Pursuant to Massachusetts General Laws Chapter 60, Section 62A, the Town Treasurer is authorized to enter into payment agreements with taxpayers whose properties are in tax title, subject to the following requirements: that there be a minimum initial payment of at least 25% of the amount needed to redeem the parcel from tax title, and that the payment agreement have a term of five years. If the terms and conditions of the agreement are met and all payments are made on time, and timely payments are made on other amounts due to the Town that are a lien on the same parcel, the Treasurer shall not bring an action to foreclose the tax title. Also, if the terms and conditions of the agreement are met and all payments are made on time, the Treasurer shall waive 25% of the interest that has accrued on the tax title account.

Section 2. All agreements made and waivers granted under this bylaw shall be uniform for all taxpayers for the following assessment categories of tax titles: Residential, Open Space, Commercial, and Industrial.

Submitted: Finance Director

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

## ARTICLE 10 TO REPEAL THE COMPUTERIZATION BYLAW

To see if the Town will vote to repeal the Computerization bylaw, which is shown below, and which was adopted under Article 48 of the warrant for the 1993 Annual Town Meeting, or take any action relative thereto:

### Computerization

Voted April 13, 1993, Article 48

Section 1. No addition to, deletion from, or modification of the hardware or software connected to the Computer systems of the Town shall be made without the written approval of the Town's Computer Committee, duly appointed by the Board of Selectmen.

Section 2. All requests for appropriations for additions to, deletions from, or modifications of the Town's computer

systems shall be submitted first to the Town's Computer Committee for its recommendation prior to action being taken thereon by the Capital Program Committee, the Finance and Advisory Committee, or the Town Meeting.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

#### ARTICLE 11 TO AMEND THE COMMUNITY PRESERVATION COMMITTEE BYLAW, SECTION 6.

To see if the Town will vote to amend the Community Preservation Committee Bylaw, Section 6, Action Upon Approval, by deleting the existing language and replacing it with new language, as shown below:

Replace current Section 6:

"Upon approval of this bylaw by the Attorney General of the Commonwealth, the Board of Selectmen shall request the Historical Commission, the Tisbury Housing Committee, the Board of Public Works Commissioners, the Planning Board and the Conservation Commission, to designate a member to serve on the Community Preservation Committee. The Board of Selectmen will designate four at-large positions to the Community Preservation Committee."

With:

"Upon approval of this bylaw by the Attorney General of the Commonwealth, the Select Board shall request the Historical Commission, the Tisbury Housing Committee, the Open Space and Recreation Committee, the Planning Board and the Conservation Commission, to designate a member to serve on the Community Preservation Committee. The Select Board will designate four at-large positions to the Community Preservation Committee." or take any action relative thereto.

Submitted: Community Preservation Committee

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

#### ARTICLE 12 TO AMEND THE COMMUNITY PRESERVATION COMMITTEE BYLAW

To see if the Town will vote to amend the Community Preservation Committee Bylaw, Section 1, Establishment, by replacing the existing language of the 5<sup>th</sup> clause of paragraph (1) with new language, as shown below:

Replace the language of the 5<sup>th</sup> clause: "One member of the Board of Public Works Commissioners as designated by the Commissioners for a term one year."

With the new language: "One member of the Open Space and Recreation Committee as designated by the Committee for a term of one year."

Or take any action relative thereto.

Submitted: Community Preservation Committee

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And you are hereby directed to serve this Warrant by posting attested copies thereof at five public places in said Town, fourteen days at least before the time of holding said Meeting.

Hereof fail not, and make due return of this warrant, with your doings therein, to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this fifteenth day of March in the year Two Thousand and Twenty-Two.  
Tisbury Select Board

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Jeff Kristal

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Larry J. Gomez

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Roy Cutrer

Posted at: Tisbury Town Hall  
Tisbury New Town Hall Annex  
Tisbury Senior Center  
Vineyard Haven Public Library  
Tisbury Police Department

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Tisbury Constable



**TOWN OF TISBURY**  
**ANNUAL TOWN MEETING**  
**WARRANT**  
**TUESDAY, APRIL 12, 2022, at 7:00 PM**

Commonwealth of Massachusetts

County of Dukes, ss.

To either of the Constables of the Town of Tisbury,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the inhabitants of the Town of Tisbury who are qualified to vote in elections to assemble at the Tisbury Emergency Services Facility at 215 Spring Street, in said Town of Tisbury, on the twenty-fourth day of May in the year Two Thousand and Twenty Two between the hours of 12 o'clock noon and eight o'clock in the evening, then and there to give their votes, under the system as adopted by the Town, viz.:

OFFICE	NUMBER OF SEATS	TERM OF OFFICE
Constable	1	3 years
Select Board	1	3 years
Board of Assessors	1	3 years
Board of Assessors	1	2 years
Board of Assessors	1	1 year
Board of Health	1	3 years
School Committee	1	3 years
Water Commissioner	1	3 years
Planning Board	1	5 years
Library Trustee	3	3 years
Finance and Advisory Committee	3	3 years

Also, to answer yes or no to the following ballot questions:

Question #1:

Shall the Town of Tisbury be allowed to assess an additional Seven Hundred Fifty Thousand Dollars (\$750,000) in real estate and personal property taxes for the purpose of funding the Town and School operating costs and budgets for the fiscal year beginning July 1, 2022?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

Question #2:

Shall the Select Board, on behalf of the Town, be authorized to petition the Legislature for a special act establishing a Housing Bank funded through a 2% transfer fee on transfers of interests in real property for more than \$1,000,000.00, to provide both year-round housing and housing affordable to those earning up to 240% of the Dukes County median income?

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Question #3:

Non-binding Public Opinion Advisory Question: Pilgrim Nuclear Power Station, and Holtec Pilgrim, LLC and Holtec Decommissioning International, LLC; Discharge to Cape Cod Bay.

This question is not binding.

WHEREAS, Cape Cod Bay is a federal and state protected area and habitat for the endangered Right Whale; and

WHEREAS, Cape Cod Bay provides a vital livelihood for fishermen and the tourist industry; and

WHEREAS, The National Academies of Science has determined there is no safe dose of ionizing radiation; and

WHEREAS, One radioactive element in Holtec Pilgrim water is Tritium, which concentrates up the food chain from sediment to sea grasses to the fish we eat; and

WHEREAS, Holtec Pilgrim can discharge radioactive water anytime without approval of the Nuclear Regulatory Commission [NRC]; and

WHEREAS, The Attorney General of New Mexico has filed a lawsuit against the NRC for unlawful proceedings and illegal activities involving Holtec; and

WHEREAS, The Commonwealth has the authority to stop the dumping;

Therefore, shall the people of the Town of Tisbury direct the local government to communicate with Governor Charlie Baker, Attorney General Maura Healey, and the State Legislature to employ all means available to ensure that Holtec commits to immediately withdraw any plans to dump any radioactive water into Cape Cod Bay?

Yes: \_\_\_\_\_

No: \_\_\_\_\_

And you are further directed to notify the inhabitants of the Town of Tisbury who are qualified to vote in elections and Town affairs to assemble at the Tisbury School Gymnasium-Auditorium, 40 West William Street, in said Town of Tisbury, on the twelfth day of April in the year Two Thousand and Twenty-Two at seven o'clock in the evening, then and there to act on the following articles in this warrant:

ARTICLE 1 TO HEAR OR RECEIVE REPORTS

To see if the Town will vote to hear or receive the reports of the Select Board and other Town boards, commissions, committees, and officials, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 2 TO PAY BILLS OF PRIOR YEAR

To see if the Town will vote to appropriate and transfer from designated sources the sum of Thirteen Thousand Six Hundred Sixty-Two Dollars and Eleven Cents (\$13,662.11) to be expended in FY22 by the departments listed below for the payment of bills incurred in a prior fiscal year, or take any action relative thereto.

DEPARTMENT	FUNDING SOURCE	VENDOR	AMOUNT
Police	General Fund	Depot Corner	\$18.00
Ambulance	General Fund	Save Lives.com	\$31.95
Ambulance	General Fund	Cape & Islands EMS	\$1,800.00
Animal Control	General Fund	Kathleen Hoffman	\$715.96
Public Works	General Fund	Cape & Vineyard Electric	\$6500.00
Wastewater	Wastewater Enterprise Fund	M.V. Propane	\$ 651.21
Water Works	Water Works Enterprise Fund	Vineyard Home Center	\$ 14.99
Water Works	Water Works Enterprise Fund	Envirotech Labs, Inc.	\$ 3,930.00

Submitted: Select Board /Departments Listed

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 3 TO ADD FUNDS TO THE SICK/VACATION TRUST FUND

To see if the Town will vote to transfer from Unreserved Fund Balance the sum of Seventy-Five Thousand Dollars (\$75,000) to be added to the Town Sick and Vacation Trust Fund and appropriate and transfer from Wastewater Available Surplus the sum of Five Thousand Dollars (\$5,000) to be added to the Wastewater Sick & Vacation Trust Fund, and to appropriate and transfer from Water Available Surplus the sum of Twenty Thousand Dollars (\$20,000) to be added to the Water Department Sick & Vacation Trust Fund to pay for accrued sick and vacation time owed to employees leaving their employment with the Town, or take any action relative thereto.

Submitted: Finance Director

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 4 EMBARKATION FUND EXPENDITURES

To see if the Town will vote to appropriate in FY2022 the sum of Two Hundred Forty-Eight Thousand, Five Hundred Nineteen Dollars (\$248,519) from the passenger ferry embarkation fee receipts, said funds to be expended by the departments listed below in accordance with the provisions of Chapter 46, Section 129 of the Acts of 2003, as amended, for the specific purposes set forth below, each expenditure to be considered a separate appropriation:

- a) One Hundred Thousand Dollars (\$100,000) to be expended jointly by the Select Board and Dredge Committee for permitting, surveying, and hiring consultants for, and dredging of the harbor and north groin and for future dredge projects, or take any action relative thereto.

Submitted by: Select Board

The Finance and Advisory Committee recommends passage of this article. (7-0-0)

- b) Ninety-Four Thousand Two Hundred Fifty Dollars (\$94,250) to be expended by the Police Department for salaries, equipment, and clothing for traffic safety officers and/or full-time police officers to mitigate the impact of traffic to and from and calls for service at the Steamship Authority terminal in Tisbury, or take any action relative thereto.

Submitted by: Police Chief

The Finance and Advisory Committee recommends passage of this article. (7-0-0)

- c) Twenty-Five Thousand Dollars (\$25,000) to be expended by the Select Board for the beautification of the downtown area, including Main Street, Union Street, Water Street, and surrounding areas, or take any action relative thereto.

Submitted by: Select Board

The Finance and Advisory Committee recommends passage of this article. (7-0-0)

- d) Twenty-Three Thousand, Five Hundred Nineteen Dollars (\$23,519) to be expended by the Fire Department to pay 50% of the annual cost of the replacement of Self-Contained Breathing Apparatus equipment, or take any action relative thereto.

Submitted by: Fire Chief

The Finance and Advisory Committee recommends passage of this article. (7-0-0)

- e) Five Thousand Seven Hundred Fifty Dollars (\$5,750) to be expended by the Police Department to pay the annual membership costs for the Martha's Vineyard Law Enforcement Tactical Team for FY2023, or take any action relative thereto.

Submitted by: Police Chief

The Finance and Advisory Committee Recommends Passage of This Article.

#### ARTICLE 5 TO FUND VARIOUS COMMUNITY PRESERVATION ACT PROJECTS

To see if the Town will vote to appropriate and transfer from FY2022 reserved and unreserved Community Preservation Fund revenues, unless otherwise specified, the following sums to be expended in FY2023 for the following purposes, each project to be considered a separate appropriation:

- a) To appropriate and transfer from the Community Preservation Historic Reserve Fund, the sum of Seventy Four Thousand Nine Hundred Twenty Dollars (\$74,920.00) and Thirty Dollars (\$30.00) from the Community Preservation Unreserved Fund, for a total of Seventy Four Thousand Nine Hundred Fifty Dollars (\$74,950.00), as Tisbury's share towards the Martha's Vineyard Campground Meeting Association Tabernacle Roof Replacement Project, located at 80 Trinity Park, Oak Bluffs, or take any action relative thereto.

Submitted: Martha's Vineyard Campground Meeting Association

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- b) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of Twenty-Five Thousand Dollars (\$25,000.00) towards the restoration of the Cranberry Barn building located at 572 Lamberts Cove Road as shown on Tisbury Assessors' Maps as Parcel #64-A-5, to include electrical and carpentry work, replacement of doors, ADA ramp installation, and educational signage, or take any action relative thereto.

Submitted: Vineyard Open Land Foundation

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- c) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of One Hundred Seven Thousand Eight Hundred Twenty Nine Dollars (\$107,829.00) towards the preservation, stabilization and repair of the Grace Episcopal Church historic bell tower, including the repair of the roof, replacement of rotting roof timbers, adding insulation and replacing the shingling on the bell tower, the front gable and south wall, repairing and preserving exterior masonry, replacing rotted wooden trim and other decay/rot areas, and painting the exterior trim on the south and east sides of the church, located at the corner of Woodlawn Avenue and William Street, as shown on Tisbury Assessors' Maps as Parcel #6-2, or take any action relative thereto.

Submitted: Grace Episcopal Church

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- d) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of Thirty Thousand Dollars (\$30,000.00) toward the expansion and preservation of the cranberry bog located at 572 Lamberts Cove Road, as shown on Tisbury Assessors' Maps as Parcel # 64-A-5, to include re-establishing the cranberry habitat by removing invasive plant species, improving drainage and also creating walking trails along the habitat area, , or take any action relative thereto.

Submitted: Vineyard Open Land Foundation

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- e) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of Thirty Nine Thousand Two Hundred Dollars (\$39,200.00) toward the development of a walking trail and enhanced public access to the Tashmoo Spring Pond, 325 West Spring Street, as shown on Tisbury Assessor's Maps as Parcel #39-A-7, to include construction of viewing platforms and a kayak landing, with expenditure of the funds subject to and contingent upon the Conservation Commission's approval of this project, or take any action relative thereto.

Submitted: Tisbury Open Space & Recreation Committee & Department of Public Works

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- f) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of Twenty Three Thousand Dollars (\$23,000.00) towards the addition of fixed park amenities to include: five (5) Mobi-Mats to provide ADA access across the Town's park beaches to the water; eight (8) ADA compliant benches; one (1) ADA compliant picnic table; two (2) picnic tables; and two (2) bike racks, to be located on Town park properties including, but not limited to: 19 Owen Park Way and Owen Way Beach, as shown on Tisbury Assessors' Map as Parcel #6-C-35; Lake Street Park, located on Lake Street, as shown on Tisbury Assessors' Map as Parcel #37-B-1; Tashmoo Spring Pond, as shown on Tisbury Assessors' Map as Parcel #39-A-7; 50 Church Street at the Town Tennis Courts, as shown on Tisbury Assessors' Maps as Parcel #7-H-2; and Tisbury Town Landing, located at Lagoon Pond, as shown on Tisbury Assessors' Maps as Parcel #13-D-3, or take any action relative thereto.

Submitted: Tisbury Open Space & Recreation Committee & Department of Public Works  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- g) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of Thirty-Five Thousand Three Hundred Eighty-Five Dollars (\$35,385.00) toward the development of a Stormwater and Recreation Plan for Veteran's Memorial Park, located at 10 Causeway Road, as shown on Tisbury Assessors' Maps as Parcel #9-A-41, or take any action relative thereto.

Submitted: Tisbury Open Space & Recreation Committee & Department of Public Works  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- h) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of Twenty-Six Thousand Five Hundred Dollars (\$26,500.00) toward the development of a walking path, with associated drainage detention and planting areas; development of an ADA drop-off area proximate to the bandstand, and ADA access into the bandstand at Owen Park, located at 19 Owen Park Way, as shown on Tisbury Assessors' Maps as Parcel #6-C-35, or take any action relative thereto.

Submitted: Tisbury Open Space & Recreation Committee & Department of Public Works  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- i) To appropriate and transfer from the Community Preservation Open Space Reserve Fund, the sum of Seventy Four Thousand Nine Hundred Twenty Dollars (\$74,920.00) and Twenty Five Thousand Eighty Dollars (\$25,080.00) from the Community Preservation Unreserved Fund, for a total of One Hundred Thousand Dollars (\$100,000.00) toward grading, landscaping, plantings and play structures, contributing directly to recreational opportunities on Tisbury School grounds, at 40 West William Street, as shown on Tisbury Assessors' Maps as Parcel #8-A-1, or take any action relative thereto.

Submitted: Tisbury School  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- j) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of Ninety-Five Thousand Dollars (\$95,000.00) as Tisbury's share towards the development and support of the Harbor Homes of Martha's Vineyard Affordable Housing project, which is deed restricted as affordable housing, located at 111 New York Avenue, in Oak Bluffs, as shown on Oak Bluffs Assessors' Maps as Parcel #4-76-1, or take any action relative thereto.

Submitted: Harbor Homes of Martha's Vineyard  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- k) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of Seventy-Five Thousand Dollars (\$75,000.00), as Tisbury's share of Island Elderly Housing's five unit Aidylberg III project, located at 38 Wing Road, as shown on Oak Bluff's Assessors' Maps as Parcel #17-105, or take any action relative thereto.

Submitted: Island Elderly Housing  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- l) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of One Hundred Thousand Dollars (\$100,000.00) as Tisbury's share for the Island Autism Center and Neighborhood project's funding of the affordable housing project for construction of two four-bedroom residential units to house eight adult autistic Island residents at 515 Lamberts Cove Road in West Tisbury, as shown on West Tisbury Assessors' Maps as Parcel #11-2, the development being permanently deed restricted as affordable housing for eligible Island autistic residents, or take any action relative thereto

Submitted: Island Autism Center and Island Housing Trust  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)



- m) To appropriate and transfer from the Community Preservation Unreserved Fund, the sum of One Hundred Twenty-Four Thousand Dollars (\$124,000.00) to fund the annual cost of the Dukes County Regional Housing Authority's Rental Assistance Program, or take any action relative thereto.

Submitted: Dukes County Regional Housing Authority  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- n) To appropriate and transfer from the current year CPA revenues, the sum of Twenty-Five Thousand Dollars (\$25,000.00) for FY 2023 administrative expenses of the Community Preservation Committee including wages, dues and advertising, or take any action relative thereto.

Submitted: Community Preservation Committee  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

#### ARTICLE 6 TO ESTABLISH COMMUNITY PRESERVATION FY2023 BUDGET RESERVE ACCOUNTS

To see if the Town will vote to appropriate from the Community Preservation Fund established pursuant to Chapter 44B of Massachusetts General Laws and set aside for later expenditure the following amounts to the following reserve funds:

FY2023 Community Preservation Committee Budget Reserve Account:

- \$ 76,400 to the Community Preservation Open Space Reserve Fund;
- \$ 76,400 to the Community Preservation Historic Reserve Fund;
- \$ 76,400 to the Community Preservation Community Housing Reserve Fund;
- \$ 534,812 to the Community Preservation Budget Reserve Account,

or take any action relative thereto.

Submitted: Community Preservation Committee  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

#### ARTICLE 7 TO FUND WATERWAYS CAPITAL EXPENDITURES

To see if the Town of Tisbury will vote to appropriate and transfer from Waterways Fund in FY2023 the sums of money listed below, to be expended by the Harbor Department for the purposes listed and deemed to be waterways capital expenditures:

- a) One Thousand Five Hundred Dollars (\$1,500) to be expended by the Harbor Department for the purchase of a boat trailer for the second Tashmoo skiff, or take any action relative thereto.

Submitted: Harbor Department  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- b) Thirty-Five Thousand Dollars (\$35,000) to be expended by the Harbor Department for the maintenance of Town owned moorings, or take any action relative thereto.

Submitted: Harbor Department  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- c) Eighty Thousand Dollars (\$80,000) to be expended by the Harbor Department for future dredge projects including surveying, engineering, and permitting, or take any action relative thereto.

Submitted: Harbor Department  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- d) Three Thousand Five Hundred Dollars (\$3,500) to be expended by the Harbor Department to equip a patrol boat with emergency defibrillator and first aid kit with Narcan, or take any action relative thereto.

Submitted: Harbor Department  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- e) Eleven Thousand Dollars (\$11,000), to be expended by the Harbor Department to refurbish the Tashmoo harbor skiff, or take any action relative thereto.

Submitted: Harbor Department  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- f) Two Thousand Five Hundred Dollars (\$2,500) as a match for a Clean Vessel Act grant to be expended by the Harbor Department to soda blast, barrier coat and paint the PUE II vessel and Tashmoo pump out boat, or take any action relative thereto.

Submitted: Harbor Department

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- g) Six Thousand Dollars (\$6,000) as a match for a Clean Vessel Act grant to be expended by the Harbor Department to complete a deep engine servicing to the PUE II vessel Yanmar diesel engine, or take any action relative thereto.

Submitted: Harbor Department

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

## ARTICLE 8 CAPITAL APPROPRIATIONS AND OTHER NEW EQUIPMENT

To see if the Town will vote to appropriate and transfer from Unreserved Fund Balance in FY2023, the sums of money listed below, to be expended by the indicated Departments for the purposes listed and deemed to be capital expenditures:

- a) Twenty-Seven Thousand Dollars (\$27,000) for the Town's cost share of a FEMA Building Resilient Infrastructure and Communities (BRIC) grant funded project for engineering and investigative services related to the design and development of, and public outreach for, the repair and replacement of the Beach Road Seawall and coastal resiliency work, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- b) Eighty Thousand Dollars (\$80,000) towards the construction costs of a new bandstand, located at Owen Park on the property shown on Tisbury Assessors' Maps as Parcel #6-C-35, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (5-1-0)

- c) One Hundred Thousand Dollars (\$100,000) to construct/upgrade the Lake and Church Street Tennis courts, including but not limited to fencing, resurfacing, retaining wall, nets and lines, or take any action relative thereto.

Submitted: Department of Public Works

The Finance and Advisory Committee Recommends Passage of This Article. (5-1-0)

- d) Fifteen Thousand Dollars (\$15,000) to be expended by the Library Board of Trustees for design, consulting and information technology services, to design, build, test, and deploy a new website and content management system for the Vineyard Haven Public Library, or take any action relative thereto.

Submitted: Library Board of Trustees

The Finance and Advisory Committee Recommends Passage of This Article. (8-0-0)

- e) One Hundred Fifty Thousand Dollars (\$150,000) for repairs and maintenance to the Tisbury Public Library building envelope, HVAC, electrical, plumbing and wastewater systems and other building systems, and for related construction and design services, or take any action relative thereto.

Submitted: Select Board/ Department of Public Works

The Finance and Advisory Committee Recommends Passage of This Article. (8-0-0)

- f) Fifteen Thousand Dollars (\$15,000) for the preservation of historical records per state statute, or take any action relative thereto.

Submitted: Board of Assessors

The Finance and Advisory Committee Recommends Passage of This Article. (7-0-0)

- g) Twenty-Three Thousand Five Hundred and Eighteen Dollars and Twenty-Eight Cents (\$23,518.28) to fund a 50% share of the third year of the 5-year financing payment plan for SCBA equipment, which purchase was approved by vote of the 2020 Annual Town Meeting, or take any action relative thereto.

Submitted: Fire Department

The Finance and Advisory Committee Recommends Passage of This Article. (7-0-0)

- h) Thirty-Nine Thousand Dollars (\$39,000) to upgrade the network infrastructure of the Public Safety Building, including smart switches, flat panel displays/software in training room/Command Center, camera/Zoom, speakers for training room, and installation of surveillance cameras/HD storage on the outside of the building, or take any action relative thereto.

Submitted: IT, Fire Department, EMS and Emergency Management

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- i) Thirty-Five Thousand Dollars (\$35,000) to redesign and upgrade the Town's website, or take any action relative thereto.  
Submitted: IT Director  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)
- j) Thirty-Two Thousand Dollars (\$32,000) to purchase a new hybrid gas/electric SUV for the Assessors' Department, or take any action relative thereto.  
Submitted: Board of Assessors  
The Finance and Advisory Committee Recommends Passage of This Article. (7-0-0)
- k) One Hundred-Ten Thousand Dollars (\$110,000) to purchase a new rubbish truck in conjunction with trade in of a 2012 International truck, or take any action related thereto.  
Submitted: Department of Public Works  
The Finance and Advisory Committee Does Not Recommend Passage of This Article. (3-3-0)
- l) Fifty Thousand Dollars (\$50,000) to purchase roadside safety / highway equipment, to include cones, signage, barriers, ride on roller, compactor and other items associated with road repairs, or take any action relative thereto.  
Submitted: Department of Public Works  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)
- m) Thirty-Six Thousand Dollars (\$36,000) for the replacement of seawater lines at the John T. Hughes Hatchery at 57 Shirley Avenue, Oak Bluffs, to be expended in FY2023, or take any action relative thereto.  
Submitted: Martha's Vineyard Shellfish Group  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

#### ARTICLE 9 TO FUND GENERAL STABILIZATION FUND

To see if the Town will vote to appropriate and transfer from Unreserved Fund Balance the sum of Five Hundred Thousand Dollars (\$500,000) to be placed in the general stabilization fund, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

#### ARTICLE 10 TO FUND CAPITAL BUILDING AND INFRASTRUCTURE STABILIZATION FUND

To see if the Town will vote to appropriate and transfer from Unreserved Fund Balance the sum of Two Hundred Fifty Thousand Dollars (\$250,000) to be placed in the Capital Building and Infrastructure Stabilization Fund, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

#### ARTICLE 11 TO FUND TISBURY MUNICIPAL AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to appropriate and transfer from Unreserved Fund Balance the sum of Fifty Thousand Dollars (\$50,000) to be placed in the account of the Tisbury Municipal Affordable Housing Trust Fund established under Article 19 of the 2010 Annual Town Meeting, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (5-1-0)

#### ARTICLE 12 TO ESTABLISH STABILIZATION FUND FOR ENERGY CONSERVATION AND REDUCTION

To see if the Town will vote, pursuant to Section 5B of Chapter 40 of the General Laws, to establish an Energy Stabilization Fund to be used for costs of improvements related to energy conservation, reduction, generation and storage for Town facilities, to be expended by the Select Board, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

#### ARTICLE 13 TO ACQUIRE THE PROPERTY SHOWN ON TISBURY ASSESSORS' MAPS AS PARCEL 21-B-27.1 OFF MUD PUDDLE LANE

To see if the Town will vote to authorize the Select Board to acquire all or a portion of the property located off Mud Puddle Lane and shown on Tisbury Assessors' Maps as parcel 21-B-27.1, containing approximately 1.03 acres, and to raise and appropriate or transfer from available funds a sum of money for said acquisition, including any expenses related thereto, said property to be under the custody of the Select Board for public purposes, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (5-0-1)

ARTICLE 14 TO DISPOSE OF OWNERSHIP INTEREST OF A PORTION OR PORTIONS OF ASSESSORS' PARCEL 20-A-4 OFF SHORT HILL ROAD

To see if the Town will vote to transfer the care, custody and control of the property on Short Hill Road shown on Tisbury Assessors' Maps as parcel 20-A-4 to the Select Board for the purpose of sale, conveyance and/or transfer of all or a portion of said parcel; and to authorize the Select Board to execute a deed for such conveyance in accordance with such terms and conditions as the Select Board deems necessary or appropriate; and to authorize the Select Board to take all actions necessary to implement any vote under this Article, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (5-0-1)

ARTICLE 15 TO FUND QUINQUENNIAL CERTIFICATION OF ALL REAL ESTATE AND PERSONAL PROPERTY

To see if the Town will vote to appropriate and transfer the sum of Fifty Thousand Dollars (\$50,000) from Unreserved Fund Balance to be expended by the Board of Assessors for the Certification of all real estate and personal property in the Town every five years as required by Massachusetts General Laws, Chapter 40, Section 56, or take any action relative thereto.

Submitted: Board of Assessors

The Finance and Advisory Committee Recommends Passage of This Article. (7-0-0)

ARTICLE 16 TO APPROVE THE WATER WORKS DEPARTMENT FY2023 BUDGET

To see if the Town will vote to approve the proposed Water Works Department Enterprise Fund Budget for FY2023, a copy of which is on file with the Town Clerk, and as shown below, to be expended by the Board of Water Commissioners to operate the Tisbury Water Works Department in FY2023, and to appropriate and transfer the sum of One Million Six Hundred Thirty One Thousand One Hundred Thirteen Dollars and Thirty Eight Cents (\$1,631,113.38) from Estimated Revenues for said purpose, or take any action relative thereto.

Salaries and Wages	\$651,281.36
Operating Expenses	\$450,250.00
Benefits/Fixed Expenses	\$404,200.00
<u>Debt/Interest</u>	<u>\$125,382.02</u>
Total Operations, Debt Service	\$1,631,113.38
Total Estimated Revenue to Offset Expenses	\$1,631,113.38 Water Related Earnings

Submitted: Water Commissioners

The Finance and Advisory Committee Recommends Passage of this Article. (8-0-0)

ARTICLE 17 TO FUND VARIOUS WATER WORKS DEPARTMENT CAPITAL EXPENSES

To see if the Town will vote to appropriate and transfer from Water Enterprise Fund Available Surplus in FY2023 the sum of Seven Hundred Eighty-Five Thousand Dollars (\$785,000) to be expended by the Board of Water Commissioners for the purposes listed below and deemed to be capital expenses, or take any action relative thereto.

a) Vehicle Replacement	\$50,000
b) Water Meter Replacement Program	50,000
c) Vehicle Replacement	60,000
d) Sanborn Generator Replacement	100,000
e) Water Main Replacement Program	500,000
f) <u>Fire Hydrant Replacement Program</u>	<u>25,000</u>
Total Capital Projects	\$785,000

Submitted: Water Commissioners

The Finance and Advisory Committee Recommends Passage of this Article. (8-0-0)

ARTICLE 18 TO ADOPT FY2023 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to approve the proposed Sewer Enterprise Fund Budget for FY2023 of Eight Hundred

Eighty Four Thousand Nine Hundred and Twenty Two Dollars (\$884,922), a copy of which is on file with the Town Clerk, and as shown below, to be expended by the Select Board, to operate and maintain the Tisbury Wastewater Collection and Treatment System for FY2023, and appropriate from user fees the following sums therefor, or take any action relative thereto.

Salaries and Wages	\$337,399
Benefits/ Fixed Expenses	\$196,400
Operating Expenses	\$224,950
Debt/Interest	\$52,575
Budgeted Surplus	\$73,598
<b>TOTAL EXPENSE BUDGET</b>	<b>\$884,922</b>

Total estimated Revenue to Offset Expenses

Sewer User Fees (Tiered Billing System)	\$803,622
Sewer Interest & Penalty Charges	\$5,000
Septage Pump-out Disposal Fees	\$2,000
Change of Use Fees	\$400
Wastewater Labor Charges	\$5,400
Grease Trap Maintenance Fee	\$1,900
Quarterly Base Changes	\$27,600
Abatement Meter Charges	\$6,000
Sewer Connection Fees	\$18,000
Inspection Fees	\$2,000
Bio-Chemical Oxygen Demand Fees	\$15,000
Wastewater Related Earnings	\$884,922

Submitted: Select Board/Public Works Department  
 The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

**ARTICLE 19 TO APPROVE EXISTING SEWER LINE CONNECTIONS FOR WASTEWATER COLLECTION AND TREATMENT SYSTEM**

To see if the Town will vote to approve single-property connection extensions of the Centralized Wastewater Collection and Treatment System Service Area to serve the properties listed below, which are currently connected to the collection and treatment system but which have not been formally approved for connection by Town Meeting vote, or to take any action relative thereto.

16 Drummer Lane	7-C-7	Stephen Bowen
75 Main Street	7-D-7	Old Santander Bank
215 Spring Street	24-A-35	Town of Tisbury ESF Building
56 Short Hill Road	22-A-6.2	Vineyard House
115 High Point Lane	21-B-1	Town of Tisbury DPW/WWTF
53 William Street	8-C-3	Robert & Elise Eliiston
10 State Road	9A-5.3/5.9	Katherine Kinsman, Tr.

Submitted: Department of Public Works

The Finance and Advisory Committee Recommends Passage of this Article. (8-0-0)

#### ARTICLE 20 TO ACCEPT TASHMOO AVENUE AT BAYLIS WOODS AS A PUBLIC WAY

To see if the Town will vote to accept Tashmoor Avenue at Baylis Woods, as a public way, and any appurtenant easements thereto, as generally shown on a plan entitled "Subdivision Plan of Land in Tisbury, Massachusetts prepared for Janet R. Frink" dated November 18, 2003 by Sourati Engineering Group," and to authorize the Select Board to acquire by gift, purchase, eminent domain or otherwise, easements in said way for the purpose for which public ways are used in the Town, and any appurtenant drainage, utility or other easements related to said way and/or to accept grants thereof; and further to authorize the Select Board and other applicable Town of Tisbury Boards and personnel to take all related actions necessary or appropriate to accomplish the purposes of this article; meaning and intending to accept as a public way all, or the unaccepted portion of Tashmoor Avenue at Baylis Woods such that the entirety of this named road is accepted by the Town as a public way, or take any other action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Does Not Recommend Passage of this Article. (2-3-1)

#### ARTICLE 21 TO FUND REGIONAL SOCIAL SERVICES

To see if the Town will vote to raise and appropriate the sums of money listed below, to be expended by the indicated Departments for the purposes listed below, or take any action relative thereto.

- a) Ten Thousand Dollars (\$10,000) to fund the Town of Tisbury's share of the expenses of the All-Island School Committee's contract for Adult and Community Education in Fiscal Year 2023, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

- b) Nine Thousand Twenty-Three Dollars (\$9,023) to support the Dukes County Social Services in accordance with the Inter-municipal Agreement, as the same may be amended from time to time, or take any action related thereto.

Submitted: Dukes County

The Finance and Advisory Committee Recommends Passage of This Article. (5-0-0)

- c) Ten Thousand One Hundred Nine Dollars (\$10,109) to support the Homelessness Prevention Program on Martha's Vineyard through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time, or take any action relative thereto.

Submitted: Dukes County

The Finance and Advisory Committee Recommends Passage of This Article. (5-0-0)

- d) Seventeen Thousand Nine Hundred Fifty-Five Dollars (\$17,955) 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, or take any action relative thereto.

Submitted: Dukes County

The Finance and Advisory Committee Recommends Passage of This Article. (5-0-0)

- e) One Thousand Six Hundred Forty-Four Dollars (\$1,644), to support the First Stop Information and Referral Service through Dukes County in accordance with the Inter-municipal Agreement, as the same may be amended from time to time, or take any action relative thereto.

Submitted: Dukes County

The Finance and Advisory Committee Recommends Passage of This Article. (5-0-0)

- f) Eighteen Thousand Seven Hundred Eighty-Six Dollars (\$18,786) 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, or take any action relative thereto.

Submitted: Dukes County

The Finance and Advisory Committee Recommends Passage of This Article. (4-0-1)

- g) Eight Thousand Eight Hundred and Ten Dollars (\$8,810) 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, or take any action relative thereto.

Submitted: Dukes County

The Finance and Advisory Committee Recommends Passage of This Article. (5-0-0)

- h) Eleven Thousand Four Hundred Eighty-Six Dollars (\$11,486) as the apportioned share of the allocation of overhead for regional services hosted and administered by the County on behalf of the Towns.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (5-0-0)

#### ARTICLE 22 TO FUND MAINTENANCE COSTS OF THE MARTHA'S VINEYARD PUBLIC SAFETY COMMUNICATION SYSTEM

To see if the Town of Tisbury will vote to raise and appropriate, for expenditure in Fiscal Year 2023, the sum of Fifty-Seven Thousand Two Hundred Twenty-Three Dollars and Eighty-Six Cents (\$57,223.86) to support the maintenance costs of the Martha's Vineyard Public Safety Communication System in accordance with the Cooperative Agreement for Emergency Communications and Dispatch Services, provided that the funding is contingent on all Island Towns paying for such costs in Fiscal Year 2023 according to the agreed upon dispatch and fixed cost formula, or to take any action relative thereto.

Submitted: Dukes County Sheriff Office

The Finance and Advisory Committee Recommends Passage of this Article. (5-0-0)

#### ARTICLE 23 TO FUND LOCAL DROP OFF AREA

To see if the Town will vote to appropriate and transfer the sum of One Hundred Fifty Thousand Dollars (\$150,000) from the reserve for appropriation for sanitary landfill as provided for in Article 19 of the Special Town Meeting of November 2, 1993 and to raise and appropriate Seventy-Five Thousand Dollars (\$75,000) for the total sum of Two Hundred Twenty-Five Thousand Dollars (\$225,000), to be expended by the Select Board for operation of the local drop off area and ancillary curbside recycling and refuse services and residential hazardous waste disposal for Fiscal Year 2023, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of this Article. (6-0-0)

#### ARTICLE 24 TO PETITION THE GENERAL COURT FOR PASSAGE OF A SPECIAL LAW ESTABLISHING A MARTHA'S VINEYARD HOUSING BANK

To see if the Town will vote to authorize the Select Board, on behalf of the Town, to petition the General Court for passage of a special law establishing a Martha's Vineyard Housing Bank (the "Housing Bank") as set forth in the document entitled "An Act Establishing the Martha's Vineyard Housing Bank" (the "Housing Bank Act") on file with the Town Clerk, subject to approval by a majority of the voters voting on such question at an annual or special Town election held in the same year as the Town Meeting vote approving submission of this petition to the General Court; provided, however, that submission of such petition to the General Court shall be contingent upon approval of this petition by not less than four towns located on Martha's Vineyard. The Housing Bank Act may be amended prior to submission to the General Court by a body composed of one designee appointed by the Select Board of each town on Martha's Vineyard that approves this article (the "Housing Bank Review Committee"), provided that the Housing Bank Act shall be subject, to the maximum extent possible, to the following parameters:

Initial Members and Local Acceptance: The initial members of the Housing Bank shall be those towns that vote to accept the Housing Bank Act, as passed by the General Court, as provided for in this article.

Housing Bank Commission: The Housing Bank shall be administered by a Housing Bank Commission (the "Commission") consisting of one resident of each member town elected by town wide vote for staggered three-year terms, and one person elected at-large by an island-wide vote for a two-year term. The Commission shall be subject to G.L. c. 30A, §§ 18-25 (the "Open Meeting Law") and shall be deemed to be a municipal agency for purposes of G.L. c. 268A (the "State Conflict of Interest Law").

Town Advisory Boards: A Town Advisory Board shall be established within each member town to assist the Commission with the administration of the Housing Bank Act. Town Advisory Boards shall be composed of: one representative appointed by each of the select board, conservation commission, planning board, board of health, zoning board, and, if one exists, wastewater committee, and two members appointed by the town housing committee. Town Advisory Boards shall be consulted by the Commission in developing regulations to implement the Housing Bank Act. Approval by a two-thirds majority vote of the Town Advisory Board(s) in the town or towns in which a project will be located, or in which a real property interest will be acquired, shall be required for any expenditure or use of Housing Bank funds, including the making of any loans or the disbursement of any down payment assistance as provided in this article. The Town Advisory Boards shall each be subject to the Open Meeting Law and be deemed to be a municipal agency for purposes of the State Conflict

of Interest Law.

Activities: The purpose of the Housing Bank shall be to promote both year-round housing, and housing affordable to households which earn up to 240% of the applicable household area median income for Dukes County as determined by the federal Department of Housing and Urban Development ("AMI"), in the manner determined by the Housing Bank. In furtherance of said purpose, the Housing Bank shall be authorized to make grants for the acquisition, renovation, or construction of housing and housing-related infrastructure; provide loans, loan and bond guarantees, lines of credit, interest subsidies, rental assistance, and other means of financial assistance; purchase, receive, lease, grant and sell property and real property interests; and provide shared appreciation equity loans through which the Housing Bank receives a portion of the appreciation of the applicable property upon resale. The Housing Bank shall not be authorized to develop, renovate, manage, or operate properties, but shall fulfill its purposes primarily through funding projects proposed by non-profit and for-profit corporations and organizations, individuals and public entities. In considering projects for funding, the Housing Bank shall use as guidelines town or regional master plans, wastewater plans, watershed management plans, open space plans, and climate and energy goals.

The Housing Bank may: (i) provide loans or down payment assistance to individuals who are members of households which earn up to 240% of AMI, subject to imposition of perpetual year-round occupancy restrictions (as defined by the Commission); and (ii) purchase year-round occupancy restrictions from any property owner with respect to properties located within member towns. Except as provided in the foregoing sentence, all housing units created, renovated, rehabilitated or acquired with Housing Bank funds shall be restricted in perpetuity to require occupancy by households earning up to a specified AMI not to exceed 240% of AMI, and shall be subject to perpetual maximum sale price and year-round occupancy restrictions. If a project includes income-restricted and market-rate units, any Housing Bank funding shall be applied only to income-restricted units in such project.

The Housing Bank will pay its own expenses from Housing Bank revenue. In order to expand public participation, in alignment with local diversity, equity and inclusion goals, Commissioners may be paid a stipend not to exceed \$2,000 annually, subject to approval by a two-thirds majority vote of every Town Advisory Board, unless a higher amount is both authorized by a majority vote of town meeting in every member town and approved by a two-thirds vote of every Town Advisory Board.

Limitation on Annual Debt Service: The Housing Bank may incur debt only to the extent that its projected annual debt service obligations prior to maturity with respect to any existing and any new debt will not, in the aggregate, exceed 10% of the average annual revenues received by the Housing Bank during its prior three fiscal years, commencing with the initial partial fiscal year following passage of the Act. Any issuance of bonds by the Housing Bank shall be subject to approval by two-thirds of the Town Advisory Boards and by the Commission. Each such vote of the Town Advisory Boards shall also require a two-thirds vote.

Requirements for Use of Funds: The Housing Bank shall address the greatest community need as determined from time to time by the Commission according to prevailing data. No less than 75% of island-wide annual funding commitments approved in each fiscal year shall be allocated to projects on properties previously developed with existing buildings, or to fund infrastructure associated with such projects. All new construction shall use no fossil fuels on site (except as needed during construction, renovation, repair, temporary use for maintenance, or vehicle use), achieve a HERS (Home Energy Rating Service) rating of zero and, to the maximum extent possible, produce no new net nitrogen pollution. All new construction on undeveloped properties of more than five acres shall preserve a minimum of 40% of the property as open space and minimize tree removal, in order to promote clustering and preserve undeveloped property. All projects shall minimize disturbances to the local ecology.

If a project that receives Housing Bank funds includes income-restricted and market-rate units, the provisions of this section shall apply to the entire project. Satisfaction of each of the provisions of this section shall be as determined by the Commission.

Priorities: The Housing Bank shall prioritize projects that: are close to existing services (honor "Smart Growth" principles); are not in priority habitat areas as defined by the Massachusetts Natural Heritage and Endangered Species Act; and mitigate the effects of climate change, such as projects which (i) do not involve acquisition of fossil fuel equipment and (ii) have a master plan to delineate a path to fossil-fuel free operation and net-zero annual site energy consumption.

Transfer Fee: The Housing Bank's activities will be funded by a two percent fee imposed on transfers of real property interests paid by the purchaser, such fee to be established either by general law or by the Housing Bank Act. An amount to be determined by the Commission annually, but not less than the first \$1,000,000.00 of the purchase price or other consideration paid with respect to any transfer of a real property interest, shall be exempt from the transfer fee. Additional exemptions shall be as set forth in any general law establishing the transfer fee or in the Housing Bank Act as amended prior to submission to the General Court.

Non-member Towns: No Housing Bank funds may be expended in any town which is not a member of the Housing Bank; provided, however, that the Housing Bank may expend funds in a town that withdraws to the



extent such expenditures were approved before the date that such town provides notice to the Housing Bank that the member town has voted at a regular or special election to withdraw from the Housing Bank, and provided that transfer fees continue to be collected in that town.

Withdrawal and Sunset: Any member town may withdraw from the Housing Bank by the affirmative vote of a majority of the voters at any regular or special town election. The transfer fee shall continue to be collected in any town that votes to withdraw from the Housing Bank until satisfaction of the withdrawing town's pro rata share of all Housing Bank debt incurred prior to the date that such town provides notice to the Housing Bank that the town has voted at a regular or special election to withdraw from the Housing Bank, determined as the ratio all transfer fees collected by such town during its membership in the Housing Bank to all transfer fees collected by all member towns during the same period.

The Housing Bank Act shall expire 30 years after its passage unless extended by vote of the Commission and a majority vote of town meeting by at least four member towns; provided that, if extended, the Housing Bank Act shall remain in effect only for the towns that vote to extend. The transfer fee shall continue to be collected in any town that does not vote to extend the Housing Bank Act until satisfaction of all Housing Bank debt incurred prior to (1) the effective date of the extension of the Housing Bank Act if the Housing Bank Act is extended notwithstanding the town's vote, and (2) the expiration of the Housing Bank Act, if the Housing Bank Act is allowed to expire.

Taxes: All property and housing units created, renovated, rehabilitated or acquired with Housing Bank funds shall be taxed in accordance with assessed values.

The Housing Bank Act is subject to approval by the General Court, which may only make clerical or editorial changes of form to the bill unless the Select Boards of at least two thirds of the towns that approve this article vote to approve amendments to the bill before enactment by the General Court. Approval of this article authorizes the Select Board to approve amendments which shall be within the scope of the general public objectives of the Housing Bank Act. Adoption of the Housing Bank Act by any town, in the final form approved by the General Court, must be approved by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot. The Housing Bank Act shall become effective on the date on which no less than four towns located on Martha's Vineyard accept its provisions as provided for in this article.

or take any other action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Does Not Recommend Passage of this Article. (2-4-0)

ARTICLE 25 TO ESTABLISH AND FUND ADMINISTRATIVE SECRETARY POSITION FOR THE FIRE DEPARTMENT

To see if the Town will vote to establish the position of Fire Department's Administrative Secretary, under the union contract 4, Step 1; and to raise and appropriate the sum of Fifty-One Thousand Four Hundred and Seventy-Eight Dollars and Eighteen Cents (\$51,478.18) to fund the position for FY 2023, or take any action relative thereto.

Submitted: Fire Department

ARTICLE 26 TO ESTABLISH AND FUND ASSISTANT ACCOUNTANT POSITION

To see if the Town will vote to establish the position of financial assistant reporting to the Town Accountant, under the union contract grade 6 and to raise and appropriate the sum of Sixty-Four Thousand Eighteen Dollars (\$64,018) to fund the position for FY 2023, or take any action relative thereto.

Submitted: Finance Director

The Finance and Advisory Committee Recommends Passage of This Article. (7-0-0)

ARTICLE 27 TO AMEND CLASSIFICATION PLAN FOR NON-UNION PART-TIME, SEASONAL AND TEMPORARY EMPLOYEES

To see if the Town will vote to amend the Classification and Compensation Plan for Non-Union Part-Time, Seasonal and Temporary Employees to become effective July 1, 2022, as follows, or take any action relative thereto.

Position	Step					
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Casual Labor/ Dock Attendant	\$14.58	\$ 14.98	\$15.39	\$15.81	\$16.24	\$16.67
Library Page						

DPW Laborer	\$17.69	\$ 18.19	\$18.70	\$19.22	\$19.76	\$ 20.32
Election Officer						
Harbor Attendant						
Lifeguard						
Tennis Attendant						
Comfort Station Attendant						
Receptionist						

Board or Committee Secretary	\$19.75	\$20.33	\$20.91	\$21.51	\$22.14	\$22.78
Crossing Guard, Harbor Assistant,						
Head Lifeguard, Lifeguard/Water						
Safety Instructor Shellfish Assistant						
Special Traffic Officer						
Comfort Station Leader						

Library Aide/Part-Time Substitute	\$22.86	\$23.53	\$24.21	\$24.92	\$25.65	\$26.39
Asst. Animal Control Officer						
Asst. Harbormaster						
Asst. Shellfish Constable						
Part-time Police Officer						

EMT	\$25.58	\$26.70	\$27.88	\$29.10	\$30.38	\$31.72
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Paramedic	\$28.64	\$29.95	\$31.32	\$32.76	\$34.25	\$35.82
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Submitted: Personnel Board  
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 28 TO AMEND THE CLASSIFICATION PLAN FOR MANAGERIAL AND PROFESSIONAL EMPLOYEES

To see if the Town will vote to approve the following amendment to the Classification and Compensation Plan for Full-time Managerial and Professional Employees, effective July 1, 2022, or take any action relative thereto.

POSITION	1	2	3	4	5	6	7	8	9	10
<b>M-1</b> No Positions Assigned	\$54,789	\$56,585	\$58,401	\$60,281	\$62,181	\$64,185	\$66,252	\$68,361	\$70,554	\$72,767
<b>M-2</b> No Positions Assigned	\$58,986	\$60,803	\$62,786	\$64,791	\$66,837	\$69,008	\$71,201	\$73,456	\$75,815	\$78,237
<b>M-3</b> No Positions Assigned	\$64,853	\$66,962	\$69,092	\$71,305	\$73,581	\$75,899	\$78,342	\$80,847	\$83,436	\$86,151
<b>M-4</b> Harbormaster or Shellfish Const. Asst. Fire Chief	\$70,741	\$73,059	\$75,377	\$77,778	\$80,284	\$82,852	\$85,483	\$88,260	\$91,037	\$93,939
<b>M-5</b> Facilities Mgr. Asst. Water Supt. Adm. Assist. -BOS/ Personnel Director Ex. Asst. to Town Adm. Local Bldg. Inspector	\$80,179	\$82,706	\$85,378	\$88,155	\$90,912	\$93,835	\$96,841	\$99,932	\$103,105	\$106,467
<b>M-6</b> IT Adm. Library Director WW Supt. / Lab Dir.	\$84,898	\$87,633	\$90,431	\$93,354	\$96,319	\$99,389	\$102,563	\$105,841	\$109,265	\$112,731
<b>M-7</b> Water Supt. Bldg. Inspector Health Agent	\$92,498	\$95,463	\$98,512	\$101,623	\$104,880	\$108,263	\$111,708	\$115,299	\$118,953	\$122,733
<b>M-8</b> Finance Dir. Fire Chief DPW Director EMS Director	\$100,495	\$103,711	\$106,989	\$110,432	\$113,984	\$117,638	\$121,417	\$125,322	\$129,352	\$133,486
<b>M-9</b> Police Chief	\$119,120	\$122,691	\$126,387	\$130,166	\$134,070	\$138,100	\$142,235	\$146,515	\$150,900	\$155,410
<b>M-10</b> Town Adm.	\$129,957	\$133,862	\$137,850	\$142,005	\$146,285	\$150,649	\$155,180	\$159,836	\$164,618	\$169,587

Submitted: Personnel Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

ARTICLE 29 FISCAL YEAR 2023 OPERATING BUDGET

To see if the Town will vote to raise and appropriate the sum of Thirty Four Million, Two Hundred Thirty Four Thousand, Three Hundred and Six and Seventy Cents Dollars (\$34,234,306.70); to transfer from Reserve for Betterments the sum of One Hundred and Fifty Thousand Dollars (\$150,000); to transfer from the Waterways Fund the sum of Fifty Two Thousand Dollars (\$52,000); and to transfer from the Premium and Interest on Bonds Fund the sum of Four Thousand Seven Hundred Eighty Dollars and Thirty Cents (\$4,780.30), for a total FY2023 operating budget of Thirty-Four Million, Four Hundred Forty One Thousand and Eighty Seven Dollars (\$34,441,087), to defray Town charges as set out in Appendix A of this warrant for the fiscal year July 1, 2022, through June 30, 2023 (FY2023); and to set the FY2023 expenditure limit for the Tashmoo Spring Building Revolving Fund; or take any action relative thereto.

Submitted: Boards, Commissions, Committees, Officials, and Departments listed.

ARTICLE 30 TO TRANSFER FROM UNRESERVED FUND BALANCE TO REDUCE THE TAX RATE

To see if the Town will vote to appropriate and transfer from Unreserved Fund Balance the sum of Eight Hundred Thousand Dollars (\$800,000) to meet the limitations of Chapter 59 of the General Laws, (Proposition Two and One-Half, so called), as amended, or to reduce the tax rate, or take any action relative thereto.

Submitted: Select Board

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-0)

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And you are hereby directed to serve this Warrant by posting attested copies thereof at five public places in said Town, seven days at least before the time of holding said Meeting.

Hereof fail not, and make due return of this warrant, with your doings therein, to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this fifteenth day of March in the year Two Thousand and Twenty-Two.  
Tisbury Select Board

\_\_\_\_\_  
Jeff Kristal

\_\_\_\_\_  
Larry J. Gomez

\_\_\_\_\_  
Roy Cutrer

Posted at: Tisbury Town Hall  
Tisbury New Town Hall Annex  
Tisbury Senior Center  
Vineyard Haven Public Library  
Tisbury Police Department

\_\_\_\_\_  
Tisbury Constable