

WARRANT FOR THE
ANNUAL TOWN MEETING MAY
14, 2024
TOWN OF AQUINNAH COMMONWEALTH OF
MASSACHUSETTS

County of Dukes County, ss.

To either of the Constables of the Town of Aquinnah

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Aquinnah who are qualified to vote in the election and town affairs to meet at the Town Hall in said Town on the Fourteenth day of May, 2024 at 7:00 P.M. then and there to act upon the articles of this Warrant, with the exception of Article One. And to meet again at the Aquinnah Town Office **Building** on the Sixteenth day of May at twelve noon, then and there to act on Article One of the Warrant by the election of offices, ballot questions and any required override found on the Official Ballot.

The polls for voting on the Official Ballot will open at 12:00 P.M. and close at 8:00 P.M. on Thursday, May 16, 2024.

ARTICLE ONE: To elect the following officers on the Official Ballot One member of the Board of Selectmen for three years

One Town Clerk for two years

One member of the Board of Health for three years One member of Planning Board for three years.

Two Constables for Three years One Library Trustee for Three years

One member of the Martha's Vineyard Land Bank Commission for three years.

Question One:

Shall the Town of Aquinnah be allowed to assess an additional Three Hundred Thirty Thousand Dollars (\$330,000.00) in real estate and personal property taxes for the purposes of funding the Up-Island and Martha's Vineyard Regional High School Districts department budgets for the Fiscal Year beginning July 1, 2024? Yes No

(Recommended by Finance Committee)

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

ARTICLE THREE: To see if the town will vote to raise and appropriate the sums of money required to defray the general expenses of the Town as itemized in the FY 2025 operating budget

and fix the salaries and compensation of all elected officers and employees of the Town as itemized therein, and to fund said appropriations through the tax levy. (Recommended by Finance Committee)

ARTICLE FOUR: To see if the Town will vote to rescind votes taken on Article 6 of the Special Town Meeting held on May 11, 2004; Article 15 of the Special Town Meeting held on May 13, 2008; and Article 11; Article Eleven of the Special Town Meeting held on June 19, 2008; and further to declare that the property shown as Parcel 59 on Aquinnah Assessor's map 5 is available for disposition as required under G.L. c. 30B, sec. 16(a) and to direct the Select Board to take such action as they deem appropriate to dispose of said land. (See attached map for further identification of parcel) (No action taken by Finance Committee)

ARTICLE FIVE: To see if the Town will vote to exempt land owned by the Town and shown on Assessors Map 6, Parcels 25.1 and 25.2 from Town Zoning Regulations, or take any other action relative thereto. (See attached map for further identification of parcels) (No action taken by Finance Committee)

ARTICLE SIX: To see if the Town will vote to take from available funds the sum of Five Thousand Five Hundred Dollars (\$5,500.00) to pay unpaid contractual obligations to Atlantic Construction related to the Town's effort to make repairs to Town buildings and locate and design new restrooms at Aquinnah Circle, or take any other action relative thereto. (4/5 vote required) (Recommended by Finance Committee)

ARTICLE SEVEN: To see if the Town will vote to take from available funds the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) for the purpose of repairs to Town buildings, including town hall, fire station and the town comfort station at Aquinnah Circle, or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE EIGHT: To see if the Town will vote to appropriate the sum of Thirty-Nine Thousand Four Hundred Eleven Dollars and Twenty-Seven Cents (\$39,411.27) for highway construction or improvements from the Town of Aquinnah's Chapter 90 local transportation aid apportionment from the Commonwealth of Massachusetts for FY 2025 or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE NINE: To see if the Town will vote to authorize the Select Board and Board of Assessors to take the necessary steps to cancel any/all outstanding taxes on land owned by the Gay Head Baptist Church, or take any other action relative thereto. (No action taken by Finance Committee).

ARTICLE TEN: To see if the Town will vote to authorize the Select Board to amend the Town's Ground Lease to the Island Housing Trust for the

Carl Widdiss Way apartments to include an easement over a 20-foot by 56.3-foot portion of the Town-owned land, identified on Aquinnah Assessors' Map 5, as Parcel 170.2, but more particularly shown as "Lot 2" on a plan titled "Plan

of Land in Aquinnah, Mass. Prepared for the Town of Aquinnah Scale: 1" = 40' March 7, 2022,..." which portion abuts "Lease Lot 1" shown on said Plan, for the purposes of developing accessible parking for the two lower level apartments, as recommended by the Aquinnah Housing Committee, or any other uses which may be approved by the Town, under the terms and conditions that the Select Board determine are in the best interest of the Town, or to take any other action relative thereto. (No action taken by Finance Committee)

ARTICLE ELEVEN: To see if the Town will vote to transfer from available funds the sum of Fifty Thousand Dollars (\$50,000.00) to the Town's "Other Post-employment Benefits Stabilization Fund," or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE TWELVE: To see if the Town will vote to Raise and Appropriate the sum of Five Thousand Dollars (\$5,000.00) to renew its option for transportation engineering services for design work and/or technical analyses on Town projects, with funds administered by the Martha's Vineyard Commission, for Fiscal Year 2025. (Recommended by Finance Committee)

ARTICLE THIRTEEN: To see if the Town will vote to take from available funds the sum of Two Thousand Four Hundred Dollars (\$2,400.00) for FY '22 and FY '23 unpaid wages due the Fire Chief, or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE FOURTEEN: To see if the Town will vote to transfer Fifty Thousand Dollars (\$50,000.00) from the Town Waterways Fund to be used to dredge the entrance to West Basin Harbor, or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE FIFTEEN: To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section SSC establishing a trust to be known as the Aquinnah Affordable Housing Trust Fund to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households. (No action taken by Finance Committee)

ARTICLE SIXTEEN: To see if the Town will vote to (a) establish the Aquinnah Affordable Housing Trust Fund; (b) create the Aquinnah Affordable Housing Trust with the language contained in the body of this article; and (c), to amend the Town's General By-laws by adding Chapter XXXL entitled Aquinnah Affordable Housing Trust Fund, with the following text:

a) In accordance with Massachusetts General Laws Chapter 44 Section 55C, Aquinnah hereby establishes a trust to be known as the Aquinnah Affordable Housing Trust Fund, in this Section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing for the benefit of low and

moderate income households in Aquinnah.

Recognizing the unusually high disparity between median income and median housing costs in Dukes County, the trust may assist in providing housing for households whose income is below 175% of the Area Median Income for Dukes County as established annually by the U.S.

Department of Housing and Urban Development.

...

b) There shall be a board of trustees of the trust, (the "board"), which shall include five (5) trustees, including one member of the Select Board, two member of the Housing Committee, one member of the Finance Advisory Committee, and one member at-large, all to be appointed by the Select Board. Trustees shall serve for a term not to exceed two years, and are designated as public agents for purposes of the Constitution of the Commonwealth;

c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this bylaw and General Law Chapter 44, Section 55C, shall include the following powers:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise, or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source such as Community Preservation Act Funds, including money from Chapter 44B, with the concurrence of the Select Board.

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income, with the concurrence of the Select Board.

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable not withstanding the length of any such lease or contract, with the concurrence of the Select Board.

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust, with the concurrence of the Select Board.

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary, with the concurrence of the Select Board.

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable, with the concurrence of the Select Board.

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise, with the concurrence of the Select Board.

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any

securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person, with the concurrence of the Select Board.

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto **as** the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such

committee as the board may deem necessary and appropriate, with the concurrence of the Select Board.

(10) to carry property for accounting purposes at other than acquisition date values, with the concurrence of the Select Board.

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral, with the concurrence of the Select Board and the Town Meeting.

(12) to make distributions or divisions of principal in kind, with the concurrence of the Select Board.

(13) to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate, with the concurrence of the Select Board.

(14) to manage or improve real property; and to abandon any property which the board determines not to be worth retaining, with the concurrence of the Select Board.

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate, with the concurrence of the Select Board.

(16) to extend the time for payment of any obligation to the trust, with the concurrence of the Select Board.

d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with zoning ordinances or by-law, exaction fee, ordinances, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

e) The trust is a public employer and the members of the board are public employees for purposes of General Laws chapter 258.

f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of General Laws chapter 268A.

g) The trust is exempt from General Laws chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

h) The books and records of the trust shall be audited annually by an independent auditor in accordance with generally accepted accounting practices.

i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of General Laws chapter 39.

j) The trust is a board of the town for purposes of General Laws chapter 30B and section 15A of General Laws chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said chapter 30B.

k) The trust shall keep a record of its doings and at the close of every fiscal year make a report thereof to the Board of Selectmen and Annual Town Meeting. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding. The trust shall also provide the Board of Selectmen with a copy of the trust's annual audit. (No action taken by Finance Committee)

ARTICLE SEVENTEEN: To see if the Town will vote to appropriate, or reserve, monies for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, from projected Fiscal Year 2025 Community Preservation revenues of Two Hundred and Eighty Thousand Dollars (\$280,000). Thirty percent of those funds shall be allotted in the following amounts as required by Community Preservation legislation:

*\$28,000 to the Community Preservation Historic Preservation Reserve; and,
\$28,000 to the Community Preservation Community Housing Reserve; and,
\$28,000 to the Community Preservation Open Space and Recreation Reserve;
and,*

In addition, the remaining seventy percent of funds raised during the Fiscal Year 2024 shall be reserved for appropriation or use in the following manner as recommended by the Aquinnah Community Preservation Committee:

*\$10,000 to the Community Preservation Historic Preservation Reserve; and,
\$32,000 to the Community Preservation Community Housing Reserve; and,
\$150,000 to the Community Preservation Open Space and Recreation Reserve;
and,*

\$4,000 to FY '25 CPA administrative expenses, or take any other action relative thereto. (No action taken by Finance Committee)

ARTICLE EIGHTEEN: To see if the Town will vote to appropriate monies, from currently reserved Community Preservation revenues, for the undertaking of the following **Community Housing** efforts, as recommended by the Community Preservation Committee:

***\$25,000 (twenty-five thousand dollars)** from the Community Preservation Community Housing Reserve for costs related to the development of affordable housing as proposed by Island Autism Group, and*

***\$25,000 (twenty-five thousand dollars)** from the Community Preservation Community Housing Reserve for the subsidy of affordable rents in Aquinnah through the DCRHA's Rental Assistance program, and*

***\$15,200 (fifteen thousand two hundred dollars)** from the Community Preservation Community Housing Reserve for three IHT projects: Veterans Housing, and*

***\$12,200 (twelve thousand two hundred dollars)** from the Community Preservation Community Housing Reserve for additional funding for the Carl Widdiss Way apartments, and*

***\$150,000 (one-hundred and fifty thousand dollars)** for ongoing*

construction costs at the Carl Widdiss Way apartments behind Aquinnah Town Hall. \$60,000 of which to be drawn from the Community Preservation Community Housing Reserve, and \$90,000 of which to be drawn from the Community Preservation Undesignated Reserve, or take any other action relative thereto.

(No action taken by Finance Committee)

ARTICLE NINETEEN: To see if the Town will vote to appropriate monies, from currently reserved Community Preservation revenues, for the undertaking of the following Historic Preservation efforts, as recommended by the Community Preservation Committee:

\$35,000 (thirty-five thousand dollars) from the Community Preservation Historic Preservation Reserve for the restoration, preservation, display, and storage of documents and artifacts within the ACC 's archival collection, and \$10,000 (ten thousand dollars) from the Community Preservation Historic Preservation Reserve for the restoration of the West Tisbury Grange Hall, including restoration and reinforcement of the historic structure, and
\$40,000 (forty thousand dollars) from the Community Preservation Historic Preservation Reserve for the restoration of the Gay Head Light lantern room as part of the ongoing restoration of the historic structure, including the ability to use prior unspent Lighthouse funding for the same purpose, or take any other action relative thereto.

(No action taken by Finance Committee)

ARTICLE TWENTY: To see if the Town will vote to appropriate monies, from currently reserved Community Preservation revenues, for the undertaking of the following **Open Space and Recreation** efforts, as recommended by the Community Preservation Committee:

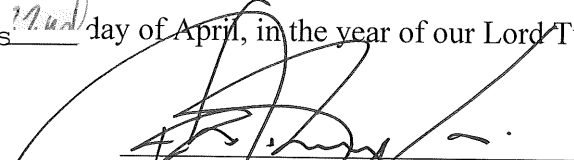
\$125,000 (one-hundred twenty-five thousand dollars) from the Community Preservation Open Space and Recreation Reserve for additional construction costs for the Town Center Playground, pathways and Basketball Court, and
\$55,500 (fifty-five thousand five hundred dollars) for ongoing mortgage costs related to capital improvements at the Aquinnah Circle and the Acquisition of #13 Aquinnah Circle, or take any other action relative thereto.

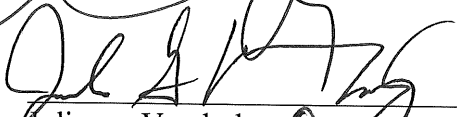
(No action taken by Finance Committee)

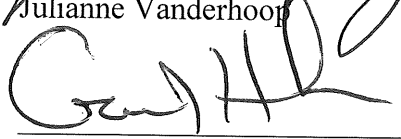
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SIGNATURE PAGE TO FOLLOW

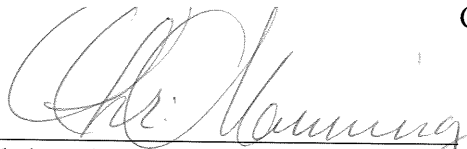
And you are hereby directed to serve this warrant by posting up attested copies at the School House and Town Hall in said Town, at least seven days prior to said meeting. Hereof fail not, and make due return of this warrant with your doings thereon to the town Clerk at the time and place of said meeting.

Given under our hands 22nd day of April, in the year of our Lord Two Thousand and this 22nd


Thomas Murphy, Chairman


Julianne Vanderhoop


Gary


Christopher Manning, Constable
Dated: April 22nd, 2024