



Warrant for Annual Town Meeting

April 24, 2023

County of Dukes County, ss.

To the Constables of the Town of Chilmark,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to warn and notify the inhabitants of the Town of Chilmark, qualified to vote in elections and town affairs, to assemble at the Chilmark Community Center 520 South Road in said Town of Chilmark on Monday, **the twenty-fourth day of April in the year Two Thousand and Twenty-Three A.D. at seven o'clock in the evening 7:00 PM**, there and then to act on the Articles in this Warrant, with the exception of Article One.

And to meet again in the Chilmark Community Center 520 South Road, in said Town of Chilmark on Wednesday, the twenty-sixth day of April in the year Two Thousand and Twenty-Three A. D. 12 Noon, there and then to act on Article One of the Warrant by the election of Town Officers and action on Questions on the Official Ballot.

The polls for voting on the Official Ballot will be open at 12:00 PM Noon, and shall close at eight o'clock in the evening, 8:00 PM.

ARTICLE 1. To elect the following officers on the Official Ballot:

One Member of the Select Board	for three years
One Member of the Board of Assessors	for three years
One Member of the Board of Health	for three years
One Trustee of the Public Library	for three years
One Member of the Cemetery Commission	for three years
Two Members of the Finance Advisory Committee	for three years
One Member of the Planning Board	for five years
One Fence Viewer	for three years
One Surveyor of Wood, Lumber and Bark	for three years
One Tree Warden	for one year

Question 1. Shall the Town of Chilmark be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for bonds issued in order to pay costs of upgrading the **HVAC systems at the Chilmark School**, and to pay for the payment of any and all other costs incidental and related thereto?
Yes No

Question 2. Shall the Town of Chilmark be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the Town's allocable share of the bond issued by the **Martha's Vineyard Regional School District** to pay costs of a **feasibility study** relating to the possible replacement or reconstruction of the District High School, located at 100 Edgartown-Vineyard Haven Road, in Oak Bluffs, Massachusetts, including all costs incidental and related thereto?
Yes No

Question 3. Shall the Town of Chilmark be allowed to assess an additional **\$297,988** in real estate and personal property taxes for the purposes of operating the **Up Island Regional Schools** for the fiscal year beginning July 1, 2023?
Yes No

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

ARTICLE 3. To see if the town will vote to raise such sums of money as will be necessary to defray town charges and to make the appropriations for the ensuing year, as printed under Departmental Budgets - Salaries and Expenses totals, and that the amount set forth under the Community Preservation Committee (Dept. 179) shall be funded from the Community Preservation FY2024 Budgeted Reserve Fund Balance, further provided that the amount of **\$297,998** set forth under the Up Island Regional School District (Department 300 Education), shall be raised and appropriated only if a majority of voters casting ballots at the Annual Town

Election to be held on April 26th 2023 vote in the affirmative to override proposition 2½.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 4. To see if the town will vote to raise and appropriate the sum of **\$5,000.00** and further appropriate the sum of \$5,000.00 to be received from the Chilmark Town Affairs Council, subject to receipt, which amounts are to be added to the maintenance account of the Chilmark Community Center.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 5. To see if the town will vote to transfer from available funds in the treasury the sum of **\$50,000** and further **\$25,000** from the Overlay Surplus Account for a Reserve Fund to be administered by the Finance Advisory Committee, for the fiscal year beginning July 1, 2023.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 6. To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$15,000** to fund the Reserve Fund for the Future Payment of Accrued Liabilities for Compensated Absences.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 7. To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of \$20,000 to the town's stabilizations funds as follows:

\$5,000 to be placed in the General Stabilization Fund,

\$5,000 to be placed in the Fire Department Stabilization Fund, with the intent that it be put towards the replacement costs for fire apparatus which is over twenty-five (25) years in age,

\$5,000 to be placed in the Police Vehicle Stabilization Fund,

\$5,000 to be placed in the Highway Stabilization Fund.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 8. To see if the Town will appropriate **\$2,251,047** to pay the costs of procuring and installing a cold-climate heat-pump system and additional insulation at the Chilmark School, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided, however, that this appropriation shall only take effect if the Up Island Regional School District Committee, the Town of Aquinnah, and the Town of West Tisbury approve and join in an Inter Municipal Agreement authorizing this HVAC project and providing for the apportionment of the costs of this project. The \$950,000 previously appropriated for this project under Article 1 of the Warrant at the Special Town Meeting held on November 6, 2021 is hereby rescinded.

Recommended by the Finance Advisory Committee - **5 Ayes - 1 Nay – 1 Absent**

ARTICLE 9. To see if the Town will vote to transfer from the Fire Stabilization Fund the sum of **\$315,000** for the purchase of a fire apparatus as a replacement for the 1986 Class A fire engine, or to take any other action relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 10. To see if the Town will vote to approve the **\$2,000,000 borrowing** authorized by the Regional District School Committee of the Martha's Vineyard Regional School District, for the purpose of paying costs of a **feasibility study** relating to the possible **replacement or reconstruction of the District High School**, located at 100 Edgartown-Vineyard Haven Road, in Oak Bluffs, Massachusetts, including all

costs incidental and related thereto, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee, or to take any other action relative thereto. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member towns. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. This approval of the District’s borrowing is conditioned upon and subject to an affirmative vote of the Town to exclude the amounts needed to repay the Town’s allocable share of this borrowing from the limitation on local property taxes contained in G.L. c. 59, §21C (*also known as Proposition 2½*).

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 11. To determine whether the Town will vote to accept and approve the **amendment and restatement** of the **Regional Agreement** for the Martha’s Vineyard Regional School District which was initiated and approved by a vote of the School Committee for the **Martha’s Vineyard Regional School** District on September 1, 2022, and which has been submitted as an amended and restated “Regional Agreement for Martha’s Vineyard Regional School District” to the Town Clerks of each Member Town, consistent with Section XIII of the existing Regional Agreement, titled “REGIONAL AGREEMENT Martha’s Vineyard Regional High School”; or take any action relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 12. To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$10,780** to fund the Town’s share of the administrative expenses of the All Island School Committee’s contract for adult and community education programs in Fiscal Year 2024.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 13. To see if the Town will vote to transfer from available funds in the treasury,, and appropriate the sum of **\$ 27,852.32** to support the maintenance costs of the Martha’s Vineyard Public Safety Communication System (Regional Emergency Communications Center) in accordance with the Cooperative Agreement for Emergency Communications and Dispatch Services. The funding is contingent on all Island Towns paying for such costs in Fiscal Year 2024 according to the agreed upon dispatch and fixed cost formula. *Submitted by the Dukes County Sheriff*

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 14. To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$67,349** to pay the FY2024 operating costs of regional services provided through Dukes County:

- **\$4,915**, as the Town’s proportionate share of the Fiscal Year 2024 cost to fund the **Dukes County Social Services**, based on the “50/50” formula.
- **\$10,795** to fund the **CORE** program under the supervision of the Up Island Council on Aging.
- **\$12,707**, as the Town’s proportionate share of the Fiscal Year 2024 cost to fund the **Healthy Aging Martha’s Vineyard** for planning, community

building and advocacy work for all Island elders, based on the “50/50” formula.

- **\$5,155**, as the Town’s proportionate share of the Fiscal Year 2024 cost to fund the **Dukes County Substance Use Disorder** prevention programs, based on the “50/50” formula.
- **\$6,320**, as the Town’s proportionate share of the Fiscal 2024 cost to fund the **Homelessness** initiative, based on the “50/50” formula.
- **\$21,220** as the apportioned share of the necessary improvements of the Dukes County Health Care Access **building**.
- **\$6,237** as the apportioned share of the county budget supplemental income.

Submitted by the Dukes County Commissioners

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 15. To see if the Town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$70,000** to pay to replace the telephone systems at town buildings, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 16. To see if the Town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$20,000** for bills of a previous fiscal year.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 17. To see if the Town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$85,000** to have an engineering company prepare **plans** and obtain **permits** for the **dredging** of both Chocker’s Creek and Hariph’s Creek in Nashaquitsa Pond to improve water flushing and navigation, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 18. To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$25,000** to, provide the town’s matching share of a grant to install an **Electric Vehicle Fast Charger** at the Chilmark School, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 19. To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$20,000** to complete annual maintenance dredging of less than 1,000 cubic yards within Menemsha Harbor for the purposes of navigation, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 20. To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$55,000** to repair the west facing timber bulkhead of the Filled Dock, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 21. To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$20,000** to complete necessary annual dock repair and pile driving, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 22. To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$10,000** to purchase a forestry fire fighting slip-in unit for the Fire Department UTV, including the payment of costs incidental and relative

thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 23. To see if the town will vote to transfer from available funds in the treasury the sum of **\$212,900** to reduce the tax rate for the fiscal year beginning July 1, 2023.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

ARTICLE 24. To see if the Town will vote to approve the following requests of the Community Preservation Committee:

- (1) To see if the Town will vote to reserve from the Community Preservation Fund FY 2024 estimated annual revenues up to the following amounts for community preservation projects: **\$55,784** for the Community Preservation Reserve for Open Space; **\$55,784** for the Community Preservation Reserve for Historic Resources; **\$55,784** for the Community Preservation Reserve for Community Housing; and **\$390,486** for the Community Preservation Budget Reserve.
- (2) To see if the Town will vote to appropriate from the FY 2024 Community Preservation Reserve for Community **Housing** the sum of **\$15,000** to assist with the purchase of an existing building and the creation of 5 – 6 additional units of affordable housing. This is a regional project. CPC funds from all towns will be used to help finance the property. The home will be purchased by **Harbor Homes of Martha's Vineyard**, Inc. for its exclusive use to serve homeless individuals. If the property is sold or its use changes, 100 percent of the funds shall be reimbursed to the Town of Chilmark Community Preservation Reserve for Community Housing. If the Town has repealed the CPA the funds shall be reimbursed to the Town's Molly Flender Affordable Housing Trust. The funds shall not be distributed until the property has been identified.
- (3) To see if the Town will vote to appropriate from the FY 2024 Community Preservation Reserve for Community **Housing** the sum of **\$25,000** for Phase 2 of a mixed use of housing and park & recreation to the Island Autism Group. *The request is Chilmark's share of CPA funds being raised to partially fund the acquisition of 7.5-acres and construction costs for residential units at 515 Lambert's Cove Rd. in West Tisbury. Three of the 7.5-acres is dedicated to housing eligible people with autism needs preferably from the island and earning less than 100% AMI. If the property is sold or its use changes, 100 percent of the funds shall be reimbursed to the Town of Chilmark Community Preservation Reserve for Community Housing. If the Town has repealed the CPA the funds shall be reimbursed to the Town's Molly Flender Affordable Housing Trust.*
- (4) To see if the Town will vote to appropriate from the FY 2024 Community Preservation Reserve for **Historic Resources** the sum of **\$15,000** to the Martha's Vineyard Camp Meeting Association. *The request is Chilmark's share of CPA funds being raised to restore the roof on the historic Tabernacle in Oak Bluffs. This structure is listed in the National Registry of historic places.*
- (5) To see if the Town will vote to appropriate from the FY 2024 Community Preservation Reserve for **Open Space & Recreation** the sum of **\$15,000** for Aquinnah Parks & Recreation Committee to help fund a community designed playground that will be the center of the Community Hub. *The playground will be located on Aquinnah town property, behind the Aquinnah Town Hall and will be a safe, accessible place for Island families to gather.*
- (6) To see if the Town will vote to appropriate from the FY24 Community Preservation Reserve for **Historic Resources** the sum of **\$10,000** to the

Chilmark Cemetery Commission for the restoration of historic headstones in Abel's Hill Cemetery by a qualified party.

- (7) To see if the Town will vote to appropriate the sum of **\$150,000** from the Community Preservation Reserve for Community **Housing** for Peaked Hill Pastures affordable housing to be used for planning, design, permitting and construction layout.

No Action Taken by the Finance Advisory Committee - 6 Ayes - 0 Nays - 1 Absent

- ARTICLE 25.** To see if the Town will vote to authorize the Select Board to issue a Request for Proposals ("RFP") to lease an area of land adjacent to the Chilmark Elementary School for the construction of a building, approximately 24' x 60' in size, which would contain two classrooms for up to thirty-two (32) preschoolers and toddlers (with priority enrollment to be offered to residents of Chilmark and Aquinnah), and which space could also be utilized by the Chilmark Community Center during the summer months; provided, however, that the permitting, design and construction of the building and the operation of the preschool would be managed and funded by a not-for-profit entity at no cost to the Town. The specific location of the building and the specific terms of any lease shall be authorized by a vote of a subsequent Town Meeting, and approved by the Up-Island Regional School Committee. It is the intent of this Article that title to the building will revert to the Town at the end of the lease term, or at such earlier time as the lease shall provide, or to take any other action relative thereto.

Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

- ARTICLE 26.** To see if the Town will vote to authorize the Select Board Members to petition the State Legislature to allow the Town of Chilmark to issue not more than four annual or seasonal licenses under Massachusetts General Laws, Chapter 138, section 12 for the sale of all liquors to be drunk on the premises of restaurants with seating capacities of not less than 30 persons, and to be consumed with meals only, notwithstanding any limitations imposed by Sections 11, 11A, and 17 of Chapter 138 of the General Laws or any other special or general law to the contrary.

Submitted by petition of: Jenna Petersiel, Roger Cook, Russell Maloney, Jan Buhrman, Richard Osness, Judith LoRusso, Frank LoRusso, Edward Gavin, Joel Glickman, Jennifer LoRusso, William Rossi, Joseph Rossi, Stephanie daRosa, James Bohan, Matthew Littlefield, Patricia Bacon, Jeffrey Zack, Loren Ghiglione, Alex Koren, Robert Rosenbaum, Quinn Littlefield, Steve McQuiggan, Ellen Biskis, Aaron Barbatti, Helen Delilah Meegan, Steve Bernier, Eric Glasgow, Molly Glasgow, Nancy Grundman, Jay Grossman, Ann DeWitt, Sarah Flanders, Lindsay Morgan, Jesse Jason, Dennis Jason, Julie Sennott, Charles Sennott, Ariana Binney, Anne Rudner, Carol Shweder, Richard Shweder, Elisa Cohen, & Richard Gilberg.

No Action Taken by the Finance Advisory Committee - 5 Ayes - 0 Nays – 1 Abstain -1 Absent

- ARTICLE 27.** To see if the Town will vote to amend Section 4.2A of the Zoning Bylaws by replacing paragraph 3 Swimming Pool and/or Tennis Court, and inserting the following:

3. Swimming Pool and/or Tennis Court.

Swimming pools and tennis courts are considered accessory to the use of a principal dwelling. The Town will adhere to the following process:

- a. **Permitting and Enforcement:** Applicants are required to demonstrate compliance with all requirements set out in the International Swimming Pool and Spa Code, as adopted by and incorporated in the Massachusetts Building Code. In addition, a Special Permit is required for a swimming pool or a tennis court from the Zoning Board of Appeals which, in its discretion, will determine whether the applicant/owner's plan meets the purposes and requirements of this section. Special Permits granted under this section will be enforced by the Building Inspector.

- b. **Application:** The applicant/owner must own the principal dwelling for two (2) years before applying for a Special Permit for a swimming pool or a tennis court. Principal dwelling ownership begins when an occupancy permit for the principal dwelling is issued by the Building Inspector or from the date of transfer of property with an existing dwelling for which an occupancy permit has been granted. Special Permits for new swimming pools and tennis courts may not be transferred to new owners.
- c. **Use:** A swimming pool or tennis court permitted under this Section may only be used by the residents or tenants of the principal dwelling and their guests.
- d. **Setbacks:** No portion of the swimming pool or tennis court or any related fencing or pool-related equipment may be located within 50 feet of any boundary line of said lot. Setback relief may be available under Section 6.6.
- e. **Access and Enclosure:** As noted in Section 3(a), applicants are required to demonstrate compliance with the barrier requirements set out in the International Swimming Pool and Spa Code, as adopted by and incorporated into the Massachusetts Building Code.
- f. **Line of Sight Observation:** A pool must be situated so as to provide a clear and direct line of sight to the entire pool area (not dependent upon a closed circuit camera or other equipment enabling remote observation) from a highly used room or place within the principal dwelling or an area attached to the principal dwelling such as a deck. The Zoning Board of Appeals may approve another room or place from which the line-of-sight is established. No portion of any swimming pool barrier, pool mechanicals, pool heating equipment or vegetative screening may be installed so as to interfere with the required line-of-sight. Vegetative screening must be maintained to preserve the line of sight.
- g. **Covers:** All swimming pools will be equipped with a winter safety cover for off-season use.
- h. **Energy Use:** If a swimming pool is heated, applicants are strongly encouraged to use:
 - a. an energy efficient heating system, including on-site solar thermal or a heat pump system; and
 - b. a powered pool cover to conserve energy and provide additional safety.
- i. **Light:** The swimming pool or tennis court must comply with sections 5.5, 5.6 and 5.7 of these Zoning Bylaws. Submerged in-pool lights and path lights are permissible. Tennis courts must not be lighted.
- j. **Noise:** The Zoning Board of Appeals may require all pool-related mechanical equipment to be located in an enclosed, sound-insulated shed or in an underground vault to reduce noise. The location of such shed or vault must be approved by the Zoning Board of Appeals. Any such equipment which the Zoning Board of Appeals does not require to be so located must comply with the provisions of Article 5, Section 5.9 of these Zoning Bylaws.
- k. **Landscaping and Visibility:** A detailed landscaping plan may be required by the Zoning Board of Appeals and, if so, it must be approved prior to construction of the pool or tennis court. All vegetative screening, whether in a plan or not, must consist of native, non-invasive species. No portion of the swimming pool or tennis court, the pool/court barriers/enclosures, the pool mechanicals and any vegetative screening may be sited so as to interfere with the view of the natural surroundings from a way used by the public or

from public land, as determined by the Zoning Board of Appeals. Vegetative screening must be planted at least 4 feet outside the pool barrier and maintained at a height not to exceed 4 feet.

- l. **Fire Protection:** A standpipe for Fire Department access is required for all pools containing over 10,000 gallons of water. The Fire Chief must approve the standpipe design and placement before an applicant may obtain a building permit.
- m. **Initial Filling:** The initial filling of the pool shall come from an off-site source and shall not occur until the pool is in compliance with this Section.
- n. **Drainage:** The concentration of potentially hazardous chemicals in the water must be significantly reduced and properly tested before any necessary draining of the pool water directly into the ground of the property. Pool water must not be drained into any 'buffer zone' (as that term is defined in the Wetlands Protection Act).
- o. **Maintenance/Compliance with Laws:** Swimming Pools, barriers, pool-related mechanicals and covers must be maintained in good working order and in compliance with state building codes and these Zoning Bylaws.

No Action Taken by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

You are hereby directed to serve this warrant by posting attested copies in three public places in said Town of Chilmark at least seven days before the time of said meeting, and to publish said warrant in one newspaper having general circulation in the Town of Chilmark during the week before said meeting.

Given under our hands this 23rd day of March, A.D. 2023.

Chilmark Select Board

James M. Malkin

William N. Rossi, Chairman

Warren M. Doty

I have notified the inhabitants of the Town of Chilmark qualified to vote in town affairs, by posting three (3) attested copies of this warrant in three (3) public places and by publishing said warrant in one newspaper having general circulation in said Town of Chilmark and made due return of this warrant at the time and place of said meeting. God save the Commonwealth.

Posted: _____

By: _____

Constable Marshall E. Carroll, III