

Warrant for Annual Town Meeting

April 27, 2015

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 in said Town of Chilmark on Monday, the twenty-seventh day of April in the year Two Thousand and Fifteen A.D. at 7:30 o'clock in the evening, 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, in said Chilmark on Wednesday, the twenty-ninth day of April in the year Two Thousand and Fifteen 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 afternoon, 8:00 PM.

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

One Member of the Board of Selectmen	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 Trustee of the Public Library	for one year
Three Members of the Finance Advisory Committee	for three years
One Member of the Finance Advisory Committee	for one year
One Member of the Cemetery Commission	for three years
One Member of the Planning Board	for five years
One Member of the Planning Board	for one year
One Fence Viewer	for three years
One Surveyor of Wood, Lumber and Bark	for three years
One Surveyor of Wood, Lumber and Bark	for one year
One Tree Warden	for one year
One Constable	for three years
One Member of Land Bank Commission	for three years

Questions

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 the bond issued in order to pay costs of purchasing and improving a building to provide health and human services for county residents, as authorized by Chapter 287 of the Acts of 2014? 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 bond issued by the Martha's Vineyard Regional High School Committee in order to pay costs of designing, constructing, originally equipping and furnishing a new administrative building, including the payment of all other costs incidental and related ? 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, provided that the amount set forth under the Community Preservation Committee (Dept. 179) shall be funded from the Community Preservation FY2016 Undesignated Fund Balance.
Recommended by the Finance Advisory Committee - 4 Ayes-0 Nays-3 Not Present
- 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 - 7 Ayes
- ARTICLE 5.** To see if the town will vote to raise and appropriate the sum of **\$40,000.00** for a Reserve Fund to be administered by the Finance Advisory Committee, for the fiscal year beginning July 1, 2015.
Recommended by the Finance Advisory Committee - 7 Ayes
- ARTICLE 6.** To see if the Town will vote to raise and appropriate **\$27,851.96** as the Town's proportionate share (11.09%) of the net cost of the Vineyard Health Care Access Program for Fiscal Year 2016 (\$251,144.82), based on the "50/50" formula and authorize the Board of Selectmen to enter into an inter-municipal agreement with the County of Dukes County to provide a Health Care Access Program.
Submitted by the Dukes County Commission
Recommended by the Finance Advisory Committee - 7 Ayes
- ARTICLE 7.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$100,000.00** to be placed in the General Stabilization Fund.
Recommended by the Finance Advisory Committee - 7 Ayes
- ARTICLE 8.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$40,000.00** 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.
Recommended by the Finance Advisory Committee - 7 Ayes
- ARTICLE 9.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$12,000.00** to be placed in the Ambulance Stabilization Fund.
Recommended by the Finance Advisory Committee - 7 Ayes
- ARTICLE 10.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$14,000.00** to be placed in a Police Vehicle Stabilization Fund.
Recommended by the Finance Advisory Committee - 7 Ayes
- ARTICLE 11.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$100,000.00** to be placed in a Highway Repair Stabilization Fund.
Recommended by the Finance Advisory Committee - 4 Ayes - 3 Absent

- ARTICLE 12.** To see if the town will vote to adopt the provisions of Massachusetts General Laws Chapter 40 section 13D to establish a reserve fund for the future payment of accrued liabilities for compensated absences due any employee or full-time officer of the town upon the termination of the employee's or full-time officer's employment.
Recommended by the Finance Advisory Committee - 7 Ayes
- ARTICLE 13.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$11,000.00** to fund the Reserve Fund for the Future Payment of Accrued Liabilities for Compensated Absences.
Recommended by the Finance Advisory Committee - 7 Ayes
- ARTICLE 14.** To see if the Town will vote to approve the debt authorized by the County of Dukes County to pay costs of purchasing and improving a building to provide health and human services for county residents, as authorized by Chapter 287 of the Acts of 2014; to acknowledge that the assessment on account of this debt by the County shall be based on no more than a 15 year term and such debt shall be divided among the towns by the "50/50" formula for fiscal year 2016 (50% equalized valuation as computed by the Mass. Department of Revenue for FY2016 and 50% population per the December 2014 town census), which amount is not to exceed \$1,600,000.00 plus interest and which will be determined upon the sale of Bonds and which will constitute a charge or fee for services subscribed to by the Town at local option, within the meaning of Chapter 59, Section 20A of the General Laws, provided that the other towns on Martha's Vineyard also vote to approve this, or take any other action relative thereto.
Submitted by the Dukes County Commissioners
Recommended by the Finance Advisory Committee - 6 Ayes- 1 Abstention
- ARTICLE 15.** To see if the Town will vote to raise and appropriate the sum of twenty four thousand eight hundred forty one dollars and sixty cents (**\$24,841.60**) to pay the Town's FY 2016 assessed share of the County of Dukes County debt authorized by Chapter 287 of the Acts of 2014 for a building to provide health and human services for county residents and any related issuance costs, and authorize the Board of Selectmen to enter into an inter-municipal agreement with the County of Dukes County to provide services for the elderly on the island.
Submitted by the Dukes County Commissioners
Recommended by the Finance Advisory Committee - 6 Ayes- 1 Abstention
- ARTICLE 16.** To see if the Town will vote to raise and appropriate the sum of **\$8,849.82**, as the Town's proportionate share (11.09%) of the Fiscal Year 2016 adjusted cost \$79,800, to fund the **Healthy Aging Task Force FIRST STOP**, based on the "50/50" formula.
Submitted by the Dukes County Commissioners
Recommended by the Finance Advisory Committee - 4 Ayes- 3 Nays
- ARTICLE 17.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$710.10** to fund its share of the Island Wide Youth Collaborative (IWYC). Said funds shall supplement the Public Health, Prevention and Wellness funds currently administered by the Board of Health. This funding is contingent upon the other five Martha's Vineyard towns appropriating their share, as proposed at their 2015 annual town meetings, together totaling \$13,500.

Submitted by the Board of Health
Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 18. To see if the town will vote to transfer from available funds in the treasury the sum of **\$40,000.00** to fund the initial design phase of a replacement for the Cross Road fire station and to hire a state mandated Owner's Project Manager (OPM), including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 19. To see if the town will vote to raise and appropriate the sum of **\$12,733.00** to fund a School Resource Officer (SRO) ten hours a week at the Chilmark Elementary School.
Not Recommended by the Finance Advisory Committee - 6 Ayes-1 Nay

ARTICLE 20. To see if the town will vote to transfer from available funds in the treasury the sum of **\$3,000.00** to do exterior painting and maintenance to the police station (Menemsha Schoolhouse), including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 21. To see if the town will vote to transfer from available funds in the treasury the sum of **\$5,500.00** to convert an office at the police station into an interview room and purchase of state recommended audio visual recording equipment, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 22. To see if the town will vote to raise and appropriate the sum of **\$3,500.00** to fund the Police Department's FY2016 participation in the Martha's Vineyard Law Enforcement Council.

Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 23. To see if the town will vote to transfer from available funds in the treasury the sum of **\$37,000.00** to purchase and equip a new police vehicle to replace the 2010 Ford Expedition, including the payment of costs incidental and relative thereto.

Not Recommended by the Finance Advisory Committee - 3 Ayes-0 Nays-1 Abstain-3 Not Present

ARTICLE 24. To see if the town will vote to transfer from available funds in the treasury the sum of **\$30,000.00** to install an underground tank and well for firefighting purposes in the Nab's Corner neighborhood, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 4 Ayes-0 Nays- 0 Abstain-3 Not Present

ARTICLE 25. To see if the town will vote to approve the following request of the **Community Preservation Committee:**

To see if the Town will vote to reserve from the Community Preservation Fund FY 2016 estimated annual revenues up to the following amounts for community preservation projects: **\$32,287.00** for Open Space Preservation; **\$32,287.00** for Historic Resources Preservation; **\$32,287.00** for Housing; and **\$226,007.00** for the Community Preservation Budgeted Reserve.

NO ACTION taken by the Finance Advisory Committee - 7 Ayes

ARTICLE 26. To see if the town will vote to approve the following request of the **Community Preservation Committee:**

To see if the Town will vote to appropriate from the Community Preservation Historic Resources Reserve Fund the sum of **\$3,500.00** to restore the remaining

slate gravestones from the late 1700's and 1800's in Abel's Hill Cemetery.
NO ACTION taken by the Finance Advisory Committee - 7 Ayes

ARTICLE 27. To see if the town will vote to approve the following request of the **Community Preservation Committee:**

To see if the Town will vote to appropriate from the Community Preservation Open Space/Parks & Recreation Reserve Fund the sum of **\$33,390.00** as Chilmark's share of the estimated \$300,000 fund raising goal to re-build the MV Regional High School running track.

NO ACTION taken by the Finance Advisory Committee - 7 Ayes

ARTICLE 28. To see if the town will vote to transfer from available funds in the treasury the sum of **\$48,000.00** to re-shingle the main roof at the Community Center, remove and replace the photovoltaic array, replace a skylight in the women's room, and re-shingle sidewalls on the addition, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 29. To see if the town will vote to transfer from available funds in the treasury the sum of **\$25,000.00** to replace the main entrance doors and construct a vestibule at the Community Center, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 30. To see if the Town will vote to transfer from Waterways Improvement Fund the sum of **\$30,000.00** for replacing pilings in Menemsha Basin, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 31. To see if the Town will vote to transfer from Waterways Improvement Fund the sum of **\$5,000.00** and further transfer from available funds in the treasury the sum of **\$5,000.00** for repairs to the West Dock parking area, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 32. To see if the town will vote to transfer from available funds in the treasury the sum of **\$10,000.00** to create a walking path along Basin Road from the Comfort Station to the Menemsha Beach, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 7 Ayes

ARTICLE 33. To see if the Town will vote to authorize the Board of Selectmen to purchase, to acquire, or to take by eminent domain under the provisions of Massachusetts General Laws Chapter 79, or any other enabling authority, a parcel of land located off Squibnocket Road and further identified on Assessors Map 35, as Parcel 17.4, and as Lot 13 on Land Court Plan 2081N, and owned by Harold I. Pratt and Thomas E. Bator, Trustees of the Osprey Ridge Realty Trust, to be used for recreation and open space purposes, for One Hundred Forty Two Thousand and Eight Hundred Dollars (\$142,800.00), and to pay for any costs incidental and related to the acquisition or taking. The funding source for this acquisition or taking is the Community Preservation Undesignated Reserve Fund, from which the Town appropriated monies for this purpose at the February 2, 2015, Special Town Meeting.

Recommended by the Finance Advisory Committee – 4 Ayes-0 Nays-3 Not Present

ARTICLE 34. To see if the Town will vote to authorize the Board of Selectmen to purchase, to acquire, or to take by eminent domain under the provisions of Massachusetts General Laws Chapter 79, or any other enabling authority, a parcel of land located off Squibnocket Road and further identified on Assessors Map 35, as Parcel 17.3, and as Lot 12 on Land Court Plan 2081N, owned by Anthony G. Orphanos and Wendy Jeffers, Trustees of the Blacksmith Ridge Realty Trust, to be used for recreation and open space purposes, for One Hundred Forty Two Thousand and Eight Hundred Dollars (\$142,800.00), and to pay for any costs incidental and related to the acquisition or taking. The funding source for this acquisition or taking is the Community Preservation Undesignated Reserve Fund, from which the Town appropriated monies for this purpose at the February 2, 2015, Special Town Meeting.
Recommended by the Finance Advisory Committee - 4 Ayes-0 Nays-3 Not Present

ARTICLE 35. To see if the town will vote to approve the indebtedness authorized by the Regional District School Committee of the Martha's Vineyard Regional High School District for the purposes of paying costs of designing, constructing, originally equipping and furnishing a new administrative building, including the payment of all other costs incidental and related thereto, or to take any other action relative thereto. This approval is conditional upon 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 Chapter 59, Section 21C of the General Laws (Prop 2 ½)
Recommended by the Finance Advisory Committee - 4 Ayes-0 Nays--3 Not Present

ARTICLE 36. To see if the town will vote to transfer from available funds in the treasury the sum of **\$5,315.00** to fund the Town's share of the administrative expenses of the All Island School Committee's contract for Adult and Community Education in Fiscal Year 2016.
Recommended by the Finance Advisory Committee - 6 Ayes -1 Abstention

ARTICLE 37. To see if the town will vote to amend the Zoning Bylaws by inserting:

[DEFINITIONS]

2.25 Accessory Apartment

An "Accessory Apartment" is a separate living area (attached to or detached from the principal dwelling) which is equipped with a kitchen, a bathroom and a separate entrance and is intended for accessory use to a single-family dwelling, on any sized lot.

A 2.26 Caregiver

"Caregiver" is an adult who regularly looks after an elderly, chronically sick or disabled person who requires such assistance.

[USE REGULATIONS: ACCESSORY USES 4.2A (Permitted Uses)]

4.2A 9. Accessory Apartments – See Section 6.12

[DIMENSIONAL AND DENSITY REQUIREMENTS]

6.12 EXCEPTION FOR ACCESSORY APARTMENTS – PRIVATELY OWNED PROPERTIES

A. Accessory Apartments

This section is intended (a) to help provide affordable year-round rental housing opportunities within the context of Chilmark's predominantly single-family home character (and to give homeowners an opportunity for supplemental income), and (b) to provide housing for an owner's immediate family members (i.e., children, grandchildren, parents, in-laws) and Caregivers.

One Accessory Apartment (pre-existing or to be constructed) may be allowed by Special Permit and with approval of the Board of Health, subject to compliance with all these Bylaws and to the following conditions:

1. Permitted Use: An Accessory Apartment must be either (a) rented as affordable housing (as further set forth herein) or (b) rented or provided free of charge to immediate family members or Caregivers (as further set forth herein). No other occupancy is permitted.
2. Requirements for Affordable Housing Apartments:
 - a. The principal dwelling and the Accessory Apartment must be owned by the same party.
 - b. The owner of the property need not be a year-round resident of Chilmark.
 - c. The Accessory Apartment must be rented on a year-round basis to persons eligible to rent affordable housing as determined by the DCHRA following basic income certification.
 - d. The maximum rental rate shall be established annually by the Federal Department of Housing & Urban Development (HUD) and administered by the Dukes County Regional Housing Authority (DCRHA) which will also administer the Accessory Apartment program for those apartments used as affordable housing.
3. Requirements for Immediate Family Member/Caregiver Apartments:
 - a. The principal dwelling and the Accessory Apartment must be owned by the same party.
 - b. The owner of the property must be a year-round resident of Chilmark and must occupy either the principal dwelling or the Accessory Apartment (with the exception of seasonal Caregivers as set forth in 3.e below).
 - c. The Accessory Apartment must be rented or occupied on a year-round basis (with the exception of seasonal Caregivers as set forth in 3.e below).
 - d. There is no minimum or maximum rental rate.
 - e. Notwithstanding 3.b and 3.c above (regarding the year-round residency requirement of the property owner and the year-round occupancy requirement of the Accessory Apartment), if the owner of the property is not a year-round resident of Chilmark and the Special Permit specifically so provides, the Accessory Apartment may be rented or provided free of charge on less than a year-round basis for an owner's Caregiver while the owner is in residence on the property.
4. Size Restriction: Accessory Apartments (including an Accessory Apartment within an otherwise non-habitable structure such as a garage or barn) shall not exceed 800 square feet (or, if a Guest House would not be permissible on such lot, such Accessory Apartment shall not exceed 400 square feet).
5. Conversion of Accessory Apartment to Guest House (Accessory Apartment is more than 400 sq.ft.): Any Special Permit for a detached Accessory Apartment (including an Accessory Apartment within an otherwise non-habitable structure such as a garage or barn) of more than 400 square feet shall specify that such Accessory Apartment may not be used other than as affordable rental housing (in accordance with the requirements of the DCHRA) or by an owner's Caregiver or immediate family members unless and until such Accessory Apartment is formally approved by the Town as a permissible Guest House pursuant to these Bylaws (including, without limitation, the 5 year waiting period

requirement for a Guest House).

6. Conversion of Accessory Apartment to Detached Bedroom or Guest House (Accessory Apartment is 400 sq. ft. or less): Any Special Permit for a detached Accessory Apartment (including an Accessory Apartment within an otherwise non-habitable structure such as a garage or barn) of 400 square feet or less shall specify that such Accessory Apartment may not be used other than as affordable rental housing (in accordance with the requirements of the DCHRA) or by an owner's Caregiver or immediate family members until either (i) the kitchen is removed and such structure qualifies as a Detached Bedroom or (ii) the structure is formally approved by the Town as a permissible Guest House pursuant to these Bylaws (including, without limitation, the 5 year waiting period requirement for a Guest House).

7. Both Guest House & Accessory Apartment Permissible: For the avoidance of doubt and subject to the other provisions of these Bylaws, an owner of a property shall not be precluded from having both an Accessory Apartment and a Guest House. No property may have more than one Guest House.

B. Filing Requirements

To ensure compliance with the requirements of this Section 6.12, the owner of an Accessory Apartment shall file the following with the DCHRA or the Town Clerk as noted below, and the Chilmark Housing Committee shall be authorized to administer these provisions:

1. All Accessory Apartments: Prior to the issuance of an occupancy permit for the Accessory Apartment and within 30 days of any change in ownership of the premises, the owner of the Accessory Apartment must file with the Town Clerk an affidavit attesting to the owner's understanding of the occupancy restrictions of this Bylaw and the owner's intention to comply with its requirements.
2. Affordable Housing Apartments: On or before January 31 of each year, the owner of the Accessory Apartment must file with the DCHRA the names of lessees of the Accessory Apartment who are year-round residents of Martha's Vineyard, together with copies of the year-round lease and the lessee's driver's license or other appropriate proof of island residency. Any such lease shall clearly state that year-round occupancy of the Accessory Apartment is a condition of the lease.
3. Immediate Family Member/Caregiver Apartments: With respect to Accessory Apartments rented to or occupied by immediate family members and Caregivers as permitted hereunder: On or before January 31 of each year, the owner of the Accessory Apartment shall provide the Town Clerk with the names of year-round lessees or occupants of the Accessory Apartment who are immediate family members of the owner (children, grandchildren, parents or in-laws) or Caregivers for the owner or the owner's family.

C. Enforcement

The Chilmark Building Inspector is authorized to enforce the provisions of this Bylaw.

D. 5-Year Review

There shall be a joint Zoning Board of Appeals, Planning Board and Chilmark Housing Committee meeting every 5 years to review the effectiveness of this Bylaw. These committees shall report to the next town meeting their findings and recommendations. The first such review meeting shall be scheduled no later than one month in advance of the town meeting 5 years after this Bylaw's adoption.

NO ACTION taken by the Finance Advisory Committee - 7 Ayes

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 17th day of March, A.D. 2015.

Chilmark Board of Selectmen

William N. Rossi, Chairman

Jonathan E. Mayhew

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