



# Warrant for Annual Town Meeting

## April 23, 2024

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 **Tuesday, the twenty-third day of April in the year Two Thousand and Twenty-Four 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-fourth** day of April in the year Two Thousand and Twenty-Four 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
Three Members of the Finance Advisory Committee	for three years
One Member of the Finance Advisory Committee	for one year
One Member of the Planning Board	for five years
One Constable	for three years
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 Member of the Martha's Vineyard Land Bank Commission	for three years

**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 amounts set forth under A.) the Community Preservation Committee (Dept. 179) shall be funded from the Community Preservation FY2025 Budgeted Reserve Fund Balance, and B.) the Tri Town Ambulance revenue offset (in Department 231) be transferred from the Ambulance Receipts Reserved for Appropriation.

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 **\$10,000.00** and further appropriate the sum of \$10,000.00 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 **\$75,000** for a Reserve Fund to be administered by the Finance Advisory Committee, for the fiscal year beginning July 1, 2024.

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 \$281,000 to the town's stabilizations funds as follows:

**\$130,000** to be placed in the General Stabilization Fund,

**\$25,000** 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,

**\$26,000** to be placed in the Police Vehicle Stabilization Fund,

**\$100,000** 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 vote to transfer from the Police Vehicle Stabilization Fund the sum of **\$75,000.00** for the purchase of a new EV police pickup truck, or to take any other action relative thereto.

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

**ARTICLE 9.** To see if the Town will vote to transfer from the Fire Stabilization Fund the sum of **\$24,210.00** for the purchase of a gear and equipment for the new fire apparatus Engine 121, 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 transfer from available funds in the treasury, and appropriate the sum of **\$6,381.63** (Six Thousand, Three Hundred eighty-one dollars and sixty three cents) to serve as cost share to fund and pay costs associated with grant application services and the grant match requirement for the **Hospital Roads Resilience Assessment being performed by the Town of Oak Bluffs**, and to cover all costs incidental and relative thereto, or to take any other action relative thereto.

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

**ARTICLE 11.** To see if the town will vote, under the provisions of St. 2023, c. 77, s. 9, and as authorized by the Director of Accounts to

A. create a "Special Revenue Fund for Opioid Settlement receipts", pursuant to MGL Chapter 44, section 53;

B. transfer from available funds in the treasury to the special revenue fund the sum of **\$2,756.01** previously received by the town;

C. transfer from Miscellaneous Receipts in FY2024 the sum of **\$2,709.81**; and

D. Authorize all FY2024 and future Opioid Settlement receipts to be deposited into the special revenue fund.

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

**ARTICLE 12.** To see if the town will vote to raise 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 2025.

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

**ARTICLE 13.** To see if the Town will vote to raise and appropriate the sum of **\$ 27,446.18** 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 2025 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 raise and appropriate the sum of **\$65,362.00** to pay the FY2025 operating costs of regional services provided through Dukes County:

- **\$5,390** as the Town's proportionate share of the Fiscal Year 2025 cost to fund the **Dukes County Social Services**, based on the "50/50" formula.
- **\$10,622** to fund the **CORE** program under the supervision of the Up Island Council on Aging.
- **\$12,503** as the Town's proportionate share of the Fiscal Year 2025 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.
- **\$5,127** as the Town's proportionate share of the Fiscal Year 2025 cost to fund the **Dukes County Substance Use Disorder** prevention programs, based on the "50/50" formula.
- **\$7,330** as the Town's proportionate share of the Fiscal 2025 cost to fund the **Homelessness** initiative, based on the "50/50" formula.
- **\$24,390** 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 **\$50,000** to pay to replace PCs at the Town Hall, 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 **\$15,000** to replace the photo copier at the Town Hall, including the payment of costs incidental and relative thereto.

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 **\$26,000** to purchase a new EV SUV/pickup truck to be shared by the Building Inspector and Facilities Manager, 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 **\$16,000** to repair the septic pipes in the Library, 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 **\$2,000** to remove the “big toy” playground equipment from the Police Station yard at 15 State Road (Menemsha School), 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 **\$30,000** to replace HVAC Mini-Splits in the Police Station at 15 State Road (Menemsha School), 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 **\$10,500** to purchase three sets of Personal Protective Equipment (PPE), 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 **\$22,350** to purchase a UTV for the Fire Department, 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, and appropriate the sum of **\$3,600** to purchase and erect a storage shed adjacent to the Menemsha Comfort Station, including the payment of costs incidental and relative thereto.

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

**ARTICLE 24.** To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$12,000** to replace the railing on the Basin Road bridge, including the payment of costs incidental and relative thereto.

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

**ARTICLE 25.** To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$20,000** to repair the septic pipes in the Menemsha Comfort Station, including the payment of costs incidental and relative thereto.

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

**ARTICLE 26.** To see if the town will vote to appropriate the sum of \$73,500 to repair various docks and replace pilings, and to meet this appropriation to transfer from available funds in the treasury the sum of **\$30,000**, and to transfer from the Waterways Improvement Account, and appropriate the sum of **\$43,500**, including the payment of costs incidental and relative thereto.

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

**ARTICLE 27.** To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$6,000** to install the replacement School Zone traffic lights given to the town by the Commonwealth, including the payment of costs incidental and relative thereto.

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

**ARTICLE 28.** To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$25,000** to purchase and install Traffic Calming solutions on Basin Road in Menemsha, including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 4 Ayes - 2 Nays – 1 Absent

**ARTICLE 29.** To see if the town will vote to transfer from available funds in the treasury, and appropriate the sum of **\$50,000** to fund the first year of a ten year facilities maintenance plan, including the payment of costs incidental and relative thereto.

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

**ARTICLE 30.** To see if the town will vote to increase the local room occupancy excise on the transfer of occupancy of a room or rooms in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel as provided by M.G.L. c. 64G, § 3A from 4% to 6%.

*By Request of the Housing Committee*

Recommended by the Finance Advisory Committee - 5 Ayes - 0 Nays – 2 Absent

**ARTICLE 31.** 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 2025 estimated annual revenues up to the following amounts for community preservation projects: **\$50,850** for the Community Preservation Reserve for Open Space; **\$50,850** for the Community Preservation Reserve for Historic Resources; **\$50,850** for the Community Preservation Reserve for Community Housing; and **\$330,525** for the Community Preservation Budget Reserve.

(2) To see if the Town will vote to appropriate from the Community Preservation Reserve for Community **Housing** the sum of **\$100,000** for the **Chilmark Housing Committee Rental Assistance Program** to be used for the conversion of seasonal rental properties in Chilmark to year-round affordable rentals over the next two fiscal years. This program is administered by the Dukes County Regional Housing Authority.

- (3) To see if the Town will vote to appropriate from the Community Preservation Reserve for Community **Housing** the sum of **\$2,000** for **Molly Flender Affordable Housing Trust Committee** to be used for the Housing Needs Assessment update by the Martha's Vineyard Commission.
- (4) To see if the Town will vote to appropriate from the Community Preservation Reserve for Community **Housing** the sum of **\$15,000** to assist with the purchase of an existing building. 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.
- (5) To see if the Town will vote to appropriate from the Community Preservation Reserve for Community **Housing** the sum of **\$25,000** to assist with the building of **affordable 60+ age housing at 401 State Road in West Tisbury**. This is a regional project. CPC funds from all towns will be used to help finance the property. The proposed project will be managed by **Island Housing Trust**. 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. Chilmark residents will have a preference for one unit in the initial offering.
- (6) To see if the Town will vote to appropriate from the Community Preservation Reserve for Community **Housing** the sum of **\$25,000** to assist with the building of **veterans supportive housing at 50 Bellevue Avenue in Oak Bluffs**. This is a regional project. CPC funds from all towns will be used to help finance the property. The proposed project will be managed by **Island Housing Trust**. 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. Chilmark veterans will have a preference for one unit in the initial offering.
- (7) To see if the Town will vote to appropriate the sum of **\$25,000** from the Community Preservation Reserve for Community **Housing** 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.

- (8) To see if the Town will vote to appropriate from the Community Preservation Reserve for **Historic Resources** the sum of **\$39,000** to the Trustees of Reservations. The request will preserve the history of the historic Brickyard and provide improved access and enjoyment through the **Brickyard History Visitor Experience at the Trustees Brickyard** in Chilmark.
- (9) To see if the Town will vote to appropriate from the Community Preservation Reserve for **Historic Resources** the sum of **\$25,000** to the **Vineyard Preservation Trust**. This is a regional project. The request is Chilmark's share of CPA funds being raised for the structural integrity and foundation of the **Grange Hall in West Tisbury**.
- (10) To see if the Town will vote to appropriate from the Community Preservation Reserve for **Historic Resources** the sum of **\$10,000** for **Martha's Vineyard Garden Club** to help fund safety improvements at the **Old Mill in West Tisbury**.
- (11) To see if the Town will vote to appropriate from the Community Preservation Reserve for **Historic Resources** the sum of **\$10,000** to the Chilmark Cemetery Commission for the restoration of historic gravestones in Abel's Hill Cemetery by a qualified party.
- (12) To see if the Town will vote to appropriate from the Community Preservation Reserve for **Open Space** the sum of **\$29,786** to the **Chilmark Town Affairs Council** for the rehabilitation of the existing, outdoor basketball court at the Chilmark Community Center to make it more functional for its intended recreational use.
- (13) To see if the Town will vote to reserve from the Community Preservation Fund **FY 2023** annual revenues in the following additional amounts for community preservation projects: **\$19,900** for the Community Preservation Reserve for Open Space; **\$19,900** for the Community Preservation Reserve for Historic Resources; **\$19,900** for the Community Preservation Reserve for Community Housing, bringing bring the total FY 2023 reserve amounts to the minimum 10 percent of total FY 2023 CPA revenue as required by the Community Preservation Act. The CPA surcharge and the state matching amount were higher than estimated and budgeted.

Recommended by the Finance Advisory Committee - 5 Ayes - 0 Nays – 2 Absent

**ARTICLE 32.** To see if the town will vote to amend Section III of the Town's General Bylaws by adding the following two new subsections:

**13. Tennis Court Committee**

- a. Purpose. There is hereby created a committee to be known as the Tennis Court Committee (the "Committee"), for the purpose of managing and maintaining the Town-owned tennis courts located at 520 South Road (the "Courts").

b. Composition. The Committee shall consist of three (3) members: (1) two at-large members appointed by the Select Board, said members to be year-round residents of Chilmark, who have experience in the operations of the Courts or other suitable experience, as the Select Board may determine, and (2) a Chilmark representative of the Up-Island Regional School Committee, as designated by said committee. Each member shall serve for three-year terms. Subsequent appointments and reappointments shall be in accordance with this paragraph.

c. Powers and Duties. The Committee shall have the following powers and duties:

(1) The Committee shall have the exclusive authority and duty to manage, or delegate the management of, the use of tennis courts, including, but not limited to scheduling, events, and lessons, including the promotion of all such activities.

(2) The Committee shall have the authority to coordinate, with local school districts, events at the courts relating to tennis lessons, leagues, after school programs and competitions.

(3) The Committee shall have the authority and duty, subject to funding, to coordinate and perform, or delegate performance of, all maintenance, repairs, improvements, and replacement of the Courts.

(4) The Committee shall have, subject to funding, the authority to hire and manage any vendors or contractors that provide services related to the Courts, including, but not limited to, tennis instructors, landscapers, and construction professionals. The Committee shall be entitled to review any proposals for services and make recommendations to the Town's Chief Procurement officer with respect thereto. To facilitate any necessary contracts for services, capital improvements or repairs, the Committee shall annually provide to the Town Administrator a budget that includes both operating and capital expenses for the ensuing fiscal year.

(5) The Committee shall have the ability to set reasonable fees for the use of the Courts for the purpose of maintenance, repair, and improvements.

d. Transition. Upon the effective date of this Bylaw, all other methods of management of the Courts shall cease.

#### **14. Revolving Funds**

a. Purpose. This section establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E 1/2.

b. Expenditure Limitations. A department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this section without appropriation subject to the following limitations:

(1) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.

(2) No liability shall be incurred in excess of the available balance of the fund.

(3) The total amount spent during a fiscal year shall not exceed the amount authorized by Town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the select board and finance committee.

c. Interest. Interest earned on monies credited to a revolving fund established by this section shall be credited to the general fund.

d. Procedures and Reports. Except as provided in General Laws, Chapter 44, § 53E 1/2 and this section, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this section. The Town accountant and/or auditor shall include a statement of the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town accountant and/or auditor provides the department, board, committee, agency, or officer on appropriations made for its use.

e. Authorized Revolving Funds. The Table establishes:

- (1) Each revolving fund authorized for use by a town department, board, committee, agency or officer;
- (2) The department or agency head, board, committee or officer authorized to spend from each fund;
- (3) The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant;
- (4) The expenses of the program or activity for which each fund may be used;
- (5) Any restrictions or conditions on expenditures from each fund;
- (6) Any reporting or other requirements that apply to each fund, and the fiscal years each fund shall operate under this section.

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Fiscal Year
Chilmark Tennis	Tennis Court Committee	Fees for use of the Town tennis courts	Services related to tennis instruction, as well as management, maintenance, repairs and improvement of tennis courts	Commencing FY2025

*Submitted by Petition of 112 registered voters – See town web page for listing*  
 Not Recommended by the Finance Advisory Committee - 6 Ayes - 0 Nays – 1 Absent

**ARTICLE 33.** To see if the town will vote to appropriate the sum of **\$30,000** to for public accessibility improvements at Menemsha Beach, and to fund this article, transfer this amount from Article 11 of the April 2019 Annual Town Meeting (9107), including the payment of costs incidental and relative thereto.

Recommended by the Finance Advisory Committee - 5 Ayes - 0 Nays – 2 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 28<sup>th</sup> day of March, A.D. 2024.

## Chilmark Select Board

James M. Malkin

William N. Rossi, Chairman

Marie K. Larsen

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