



# TOWN OF EDGARTOWN

## ANNUAL TOWN MEETING WARRANT

FOR 2019

With

**FINANCIAL ADVISORY COMMITTEE REPORT**

And

**RECOMMENDATIONS**

**Date of Special Town Meeting and Annual Town Meeting:**

**Time  
Place**

April 09, 2019  
7:00 P.M.

Old Whaling Church  
(Methodist Church)

**Date of Annual Election:**

**Time  
Place**

April 11, 2019  
10:00 A.M. to 7:00 P.M.

Town Hall Meeting  
Room - Entrance from  
South Summer Street  
Parking Lot

*PLEASE BRING THIS REPORT TO THE MEETING*

If you require special assistance or have any accessibility requests in regard to attending or participating in Edgartown's Annual Town Meeting on Tuesday April 9, 2019, please contact the Edgartown Selectmen's Office either via email, [selectmen@edgartown-ma.us](mailto:selectmen@edgartown-ma.us) or by phone, 508-627-6180. We will make every effort to accommodate requests if at all possible

## PROPOSITION 2 1/2 AND BALLOT QUESTIONS

Since Proposition 2 1/2 went into effect in 1981, a levy limit for each community is annually calculated by the Department of Revenue. A community's levy limit is the maximum amount in real and personal property taxes it can levy.

Edgartown's tax levy in Fiscal Year 2019 is \$34,388,081.76. Edgartown's tax Levy for Fiscal Year 2018 was \$31,936,228.50, this is an increase of approximately 7.68%. The tax rate for FY2018 is \$3.87 per \$1,000.00 of property value; last year's rate was also \$3.87.

### What is an Override?

For towns needing to increase taxes more than the automatic annual 2.5% and new construction increases, there is the override process. In order for an override to pass, all three of the following must occur:

A majority vote of the town's Selectmen is required to allow the item to be placed on the ballot. Override questions must be presented in dollar terms and must specify the purpose of the override.

The appropriation must be approved at Town Meeting. If the article is funded by debt, the usual 2/3 vote is necessary.

A majority of the ballot vote of approval at Town election.

### Types of Overrides

#### 1. General Overrides

The override is generally used to finance Town services. Once passed, the levy limit is calculated by adding the amount of the override to the previous year's levy limit. The override therefore results in a " increase in the levy limit.

#### 2. Debt Exclusion and Capital Outlay Exclusion

The Town can access taxes in excess of its levy limit for the payment of certain capital projects and for the payment of specified debt service costs. An exclusion for the purpose of raising funds for debt service costs is referred to as a DEBT EXCLUSION and an exclusion for the purpose of raising funds for capital project cost is referred to as a CAPITAL OUTLAY EXPENDITURE EXCLUSION.

The additional amount for the payment of debt service is added to the levy limit for the life of the debt only. The additional amount for the payment of the capital project cost is added to the levy limit only for the year in which the project is being undertaken. Unlike operation overrides, exclusions do not become part of the base upon which the levy limit is calculated for future years. It represents a temporary increase in the levy limit.

## FINANCIAL ADVISORY COMMITTEE

To the Honorable Board of Selectmen and the Citizens of Edgartown:

As the Financial Advisory Committee, our main responsibility is to facilitate effective decision making at Town Meetings by advising and providing recommendations on budget, articles, and other areas of finance. These recommendations are made with care based on extensive analysis, dialogue, and collaboration with town departments, boards and committees.

The Capital Programs Committee once again met with the FinCom this winter to discuss the five year plan for expense requests in excess of \$100,000.00. The Committee recommended setting up funding accounts for future capital expenditures as a number of departments such as school, parks, fire, harbor, highway, wastewater and water have capital expenses on their five year plan.

Our tax base remains strong, and our revenues have been steady and taxes paid. Our credit rating continues to be at Aa2. There will be some override, capital exclusion and debt exclusion questions this year. The Town departments, boards and committees worked diligently to keep costs down. The overall operating budget for FY20 represents an increase of 3.77% over the previous fiscal year, including assessments for the MVRHS, MVRD, MVC, and cost of living adjustment.

The Town's stabilization fund remains healthy at \$2,640,022.46 and debt has decreased by 3.5%. We continue to appropriate monies to fund Other Post-Employment Benefits (OPEB). This year we are appropriating \$150,000.00 to be used for these unfunded liabilities.

The proposed Martha's Vineyard Housing Bank was discussed in length during the preparation of the Special Town Meeting Warrant. A major concern among Committee members was the lack of representation on the Housing Bank Commission, in comparison to Edgartown's

39% position in island wide property valuation. If future short term rental revenue has any correlation to assessed property value, Edgartown will be funding the majority of the housing bank, but only holding one vote on a seven member body.

Furthermore, the Committee analyzed the financial risks of relying on revenue estimates tied to an unproven model of Short Term Rental collection and regulation. Based on the Housing Bank formula, if Edgartown does not realize at least \$980,515.00 in short term rental revenue, they will be at a deficit for Fiscal Year 2020 due to the cumulative 50% assessment on preexisting Local Option Room Occupancy tax. The Committee felt that earmarking premature revenue streams to a point of a potential deficit was a very unwise financial decision, and unanimously voted to not recommend the Housing Bank.

I could not conclude this report without acknowledging the cooperation and attendance of all the Finance Advisory Committee Members, as well as the many Department heads involved in the budget and article review process.

The Committee once more looks forward to a well attended and productive Annual Town Meeting.

Respectfully submitted,

PAULO C. DEOLIVEIRA, Chairman  
ROBERT COAD, Co-chairman  
LESLIE BAYNES  
MORTON FEAREY, JR.  
STEVEN JORDAN  
DONNA LOWELL-BETTENCOURT  
JAMES CARTER  
JANE CHITTICK, Alternate

Edgartown Financial Advisory Committee

## FREE CASH, STABILIZATION FUND AND STATE REVENUES & CHARGES (Definitions at back of this booklet)

Free Cash was certified by the Massachusetts Department of Revenue in the amount of \$2,748,072.00 effective for the Fiscal Year beginning July 1, 2019. There will be a Special Town Meeting just prior to the Annual Town Meeting on April 09, 2019. The requests from Free Cash will total \$274,948.96. The requests on the Annual Town Meeting warrant for April 09, 2019 from Free Cash will total \$1,742,072.00. That will leave us with a balance of \$527,153.41 in our Free Cash for the remainder of Fiscal Year 2019. Our Stabilization Fund Balance is \$2,640,022.46.

This year we are appropriating \$150,000.00 to be invested in the Dukes County Pooled OPEB Trust Fund for Other Post Retirement Benefits. Edgartown's investments through December 31, 2018 are \$2,172,240.30

State revenues for Fiscal Year 2019 were \$2,312,631.00, an increase of \$136,924.00. State Charges for Fiscal Year 2019 were \$1,752,280.00, which represented an increase of \$110,002.00.

JAMES M. HAGERTY  
Town Administrator

**IMPACT ON TAX RATE OF VARIOUS PROPOSED APPROPRIATIONS (ASSUMES TOWN VALUE DOES NOT CHANGE UNLESS NOTED)**

ACTUAL PRIOR YEAR TAX LEVY AND RATE	FY2019
TOTAL TAXABLE VALUE	\$8,885,809,240
TOTAL TAX LEVY	\$34,388,081.76
TAX RATE	\$3.87

TAX RATE INCREASE PER \$100,000.00 OF TAX LEVY = \$0.01130  
( 1.1 CENTS)

**BALLOT QUESTIONS FOR 2019 ANNUAL ELECTION**

The following represents a summary of the Ballot Questions and their tax rate impact for the fiscal year beginning July 1, 2019 based on FY2019 assessments and projected expenditures.

QUESTION NUMBER	DESCRIPTION	COST	TYPE OF OVERRIDE	TAX RATE INCREASE PER APPROPRIATION	ARTICLE #
1	Restore Stone Bulkhead and Wooden Walkways End of Morse St.	\$133,200	Debt Exclusion YR1	\$0.015	56
2	Rebuilding & Resurfacing Town Streets	\$400,000	General	\$0.045	57
3	Rebuilding & Repairing Town Sidewalks, Bike paths, Storm Drains	\$350,000	Capital Exclusion	\$0.039	58
4	New Hangar at Katama Airfield	\$140,600	Debt Exclusion YR1	\$0.016	66
<b>TOTALS</b>				<b>\$0.1000</b>	

**NOTE:**

**Question #1** Assumes a ten year payback. This is an estimated first year cost.

**Question #4** Assumes a ten year payback. This is an estimated first year cost.

**SCHEDULE OF APPROPRIATIONS  
FOR THE  
2020 FISCAL YEAR BEGINNING  
JULY 1, 2019 AND ENDING JUNE 30, 2020**

	Appropriations/ Transfers FY 2019	Appropriations Requested FY 2020	Appropriations Recommended by Financial Advisory Committee	Appropriations Recommended by Personnel Board
<b><u>GENERAL GOVERNMENT</u></b>				
<b>MODERATOR</b>				
1. Salary - Elected	300.00	300.00	300.00	
<b>SELECTMEN'S DEPARTMENT - TOWN ADMINISTRATOR</b>				
2. Selectman's Salaries (3) - Elected	13,500.00	13,500.00	13,500.00	
3. Other Salaries (2 FT, 2 PT)	233,890.14	228,891.78	234,156.29	86,596.08
4. Expense	7,115.00	10,350.00	10,350.00	
<b>FINANCIAL ADVISORY COMM.</b>				
5. Salary (1 PT)	4,946.68	4,946.68	5,060.45	5,060.45
6. Expense	4,867.00	4,867.00	4,867.00	
7. Reserve Fund	40,000.00	40,000.00	40,000.00	
<b>TOWN ACCOUNTANT'S DEPT.</b>				
8. Salaries (2 FT)	155,528.54	170,334.41	174,252.10	174,252.10
9. Expense	14,205.00	14,205.00	14,205.00	
<b>PROCUREMENT DEPARTMENT</b>				
10. Salaries (1FT)	32,520.80	42,614.30	43,596.80	43,596.80
11. Expense	2,000.00	2,000.00	2,000.00	
<b>ASSESSOR'S DEPARTMENT</b>				
12. Assessors' Salaries(3)-Elected	3,300.00	3,300.00	3,300.00	
13. Other Salaries (3 FT)	206,464.08	201,268.18	205,897.35	205,897.35
14. Expense	28,790.00	29,804.00	29,804.00	
<b>TREASURER'S DEPARTMENT</b>				
15. Salaries (2FT)	144,340.12	145,609.06	148,868.34	148,868.34
16. Expense	25,075.00	25,075.00	25,075.00	
<b>TOWN COLLECTOR'S DEPT.</b>				
17. Collector's Salary - Elected	76,124.75	78,290.60	80,091.28	
18. Salaries (2 FT)	109,705.58	111,139.17	113,651.75	113,651.75
19. Expense	12,220.00	12,220.00	12,220.00	
<b>PERSONNEL BOARD</b>				
20. Salary (1 FT)	80,849.60	84,720.32	86,668.89	86,668.89
21. Expense	9,700.00	10,200.00	10,200.00	

	Appropriations/ Transfers FY 2019	Appropriations Requested FY 2020	Appropriations Recommended by Financial Advisory Committee	Appropriations Recommended by Personnel Board
<b>TOWN CLERK'S DEPARTMENT</b>				
22.	Salaries (2FT)	149,001.26	122,445.36	125,184.57
23.	Expense	3,320.00	3,320.00	3,320.00
<b>ELECTION &amp; REGISTRATION</b>				
24.	Salaries (3 PT)	10,000.00	10,000.00	10,000.00
25.	Expense	7,127.00	7,127.00	7,127.00
<b>CONSERVATION COMMISSION</b>				
26.	Salaries (2 FT)	130,112.68	132,626.51	135,560.91
27.	Expense	37,000.00	37,000.00	37,000.00
<b>PLANNING BOARD</b>				
28.	Salaries (1 FT, 1 PT)	80,268.66	74,005.00	75,707.12
29.	Expense	7,950.00	7,600.00	7,600.00
<b>ZONING BOARD OF APPEALS</b>				
30.	Salary (1 PT)	26,317.67	27,585.35	28,218.40
31.	Expense	1,000.00	1,000.00	1,000.00
<b>TOWN HALL AND VISITOR'S CENTER MAINTENANCE</b>				
32.	Salary (1 S)	8,260.60	8,260.60	8,260.60
33.	Town Hall and Visitor's Center Maintenance	143,200.00	145,700.00	145,700.00
<b>COMPUTER SYSTEM MANAGER</b>				
34.	Computer System Administrator (1 FT)	107,799.33	108,612.61	111,106.53
35.	Computer System Expense	105,618.00	108,018.00	108,018.00
<b>TOWN BUILDING UTILITIES</b>				
36.	Library Utilities	0.00	28,000.00	28,000.00
<b>COUNCIL ON AGING</b>				
37.	Salaries (5FT 1PT)	327,969.27	347,525.87	355,417.31
38.	Expense	40,640.00	40,640.00	40,640.00
<b>HISTORIC DISTRICT COMMIS.</b>				
39.	Salaries (1 PT)	39,024.96	40,909.73	41,852.93
40.	Expense	1,000.00	2,500.00	2,500.00
<b>EMPLOYEE BENEFITS</b>				
41.	Expense	80,000.00	80,000.00	80,000.00
<b>BY-WAYS COMMITTEE</b>				
42.	Expense	1,100.00	1,100.00	1,100.00
43.	<b>LEGAL EXPENSE</b>	157,500.00	167,500.00	167,500.00
44.	Tax Title/Foreclosure	10,000.00	10,000.00	10,000.00
<b>Total for General Government</b>		<b>2,679,651.72</b>	<b>2,745,111.53</b>	<b>1,755,900.13</b>
			<b>2,788,877.62</b>	



	Appropriations/ Transfers FY 2019	Appropriations Requested FY 2020	Appropriations Recommended by Financial Advisory Committee	Appropriations Recommended by Personnel Board
<b><u>DREDGE</u></b>				
<b><u>DREDGE</u></b>				
68.	129,984.60	133,133.40	133,593.92	21,049.08
69.	136,000.00	136,000.00	136,000.00	
	<b>265,984.60</b>	<b>269,133.40</b>	<b>269,593.92</b>	<b>21,049.08</b>
	<b>Total for Dredge</b>			
<b><u>HIGHWAY DEPARTMENT</u></b>				
<b><u>HIGHWAY DEPARTMENT</u></b>				
70.	784,531.94	776,887.83	791,811.33	791,811.33
71.	19,000.00	19,000.00	19,000.00	
72.	61,100.00	61,100.00	61,100.00	
73.	235,300.00	235,300.00	235,300.00	
	<b>1,099,931.94</b>	<b>1,092,287.83</b>	<b>1,107,211.33</b>	<b>791,811.33</b>
	<b>Total for Highway Department</b>			
<b><u>HEALTH AND SANITATION</u></b>				
<b><u>TRANSFER STATION &amp; SITE MAINTENANCE</u></b>				
74.	532,533.37	546,418.36	546,418.36	
<b><u>WASTEWATER TREATMENT PLANT</u></b>				
75.	632,417.75	656,874.59	671,802.47	671,802.47
76.	495,749.75	505,595.00	505,595.00	
<b><u>BOARD OF HEALTH</u></b>				
77.	182,494.41	191,420.39	195,687.84	195,687.84
78.	122,957.79	126,285.21	126,285.21	
	<b>1,966,153.07</b>	<b>2,026,593.55</b>	<b>2,045,788.88</b>	<b>867,490.31</b>
	<b>Total for Health and Sanitation</b>			
<b><u>VETERAN'S SERVICES</u></b>				
<b><u>VETERAN'S SERVICES</u></b>				
79.	30,000.00	30,000.00	30,000.00	
	<b>30,000.00</b>	<b>30,000.00</b>	<b>30,000.00</b>	
	<b>Total for Veteran's Services</b>			
<b><u>EDUCATION</u></b>				
<b><u>EDUCATION</u></b>				
80.	5,951,875.33	6,217,922.57	6,217,922.57	
81.	868,297.00	897,494.50	897,494.50	
82.	1,405,706.48	1,528,081.53	1,528,081.53	
<b><u>M.V.R.H.S. DISTRICT</u></b>				
83.	4,838,117.34	5,136,422.26	5,136,422.26	
	<b>13,063,996.15</b>	<b>13,779,920.86</b>	<b>13,779,920.86</b>	
	<b>Total for Education</b>			



	Appropriations/ Transfers FY 2019	Appropriations Requested FY 2020	Appropriations Recommended by Financial Advisory Committee	Appropriations Recommended by Personnel Board
<b><u>LIBRARY</u></b>				
<b>EDG. PUBLIC LIBRARY DEPT.</b>				
84.	573,073.76	595,827.10	609,488.97	609,488.97
85.	341,692.83	316,609.12	316,609.12	
	<b>914,766.59</b>	<b>912,436.22</b>	<b>926,098.09</b>	<b>609,488.97</b>
		<b>Total for Library</b>		
<b><u>PARK AND BEACHES</u></b>				
<b>PARK AND BEACHES</b>				
86.	366,987.08	329,100.00	329,698.95	329,698.95
87.	63,500.00	63,500.00	63,500.00	
	<b>430,487.08</b>	<b>392,600.00</b>	<b>393,198.95</b>	<b>329,698.95</b>
	<b>Total for Parks and Beaches</b>			
<b><u>KATAMA AIRPORT</u></b>				
<b>KATAMA AIRPORT</b>				
88.	40,000.00	40,000.00	40,000.00	40,000.00
89.	74,900.00	74,900.00	74,900.00	
	<b>114,900.00</b>	<b>114,900.00</b>	<b>114,900.00</b>	<b>40,000.00</b>
	<b>Total for Katama Airport</b>			<b>40,000.00</b>
<b><u>CEMETERY</u></b>				
<b>CEMETERY DEPARTMENT</b>				
90.	33,454.60	34,600.00	35,144.00	35,144.00
91.	4,925.00	4,925.00	4,925.00	
	<b>38,379.60</b>	<b>39,525.00</b>	<b>40,069.00</b>	<b>35,144.00</b>
	<b>Total for Cemetery</b>			<b>35,144.00</b>
<b><u>UNCLASSIFIED</u></b>				
92.	400,000.00	430,000.00	430,000.00	
93.	15,000.00	15,000.00	15,000.00	
94.	6,000.00	6,000.00	6,000.00	
95.	9,000.00	9,500.00	9,500.00	
96.	17,000.00	17,000.00	17,000.00	
97.	2,750.00	2,750.00	2,750.00	
98.	3,000.00	3,000.00	3,000.00	
99.	65,000.00	73,500.00	73,500.00	
100.	34,542.50	36,242.50	36,242.50	
101.	411,278.00	434,966.00	434,966.00	
102.	3,000.00	3,500.00	3,500.00	

	Appropriations/ Transfers FY 2019	Appropriations Requested FY 2020	Appropriations Recommended by Financial Advisory Committee	Appropriations Recommended by Personnel Board
103.	Dukes County Regional Housing	94,985.00	109,162.00	109,162.00
104.	Beautification Committee	25,000.00	25,000.00	25,000.00
	<b>D.C. RETIREMENT SYSTEM</b>			
105.	Pension Fund	1,477,977.44	1,592,064.67	1,592,064.67
106.	Other Post Employment Benefits	150,000.00	150,000.00	150,000.00
	<b>GROUP INSURANCE</b>			
107.	Health - Town Share	3,735,860.00	3,735,860.00	3,735,860.00
108.	Medicare - Town Share	225,000.00	241,115.40	241,115.40
109.	Life Ins. - Town Share	2,500.00	2,500.00	2,500.00
	<b>Total for Unclassified</b>	<b>6,677,892.94</b>	<b>6,887,160.57</b>	<b>6,887,160.57</b>
	<b><u>INTEREST AND DEBT</u></b>			
	<b>PRINCIPAL</b>			
110.	GOB 2008	88,000.00	88,000.00	88,000.00
111.	GOB 2010	100,000.00	100,000.00	100,000.00
112.	MPL 2010 Series B	27,000.00	27,000.00	27,000.00
113.	Wastewater 2011	11,411.00	11,411.00	11,411.00
114.	MPL 2015 Series A	506,700.00	506,700.00	506,700.00
115.	MPL 2015 Series B	595,000.00	595,000.00	595,000.00
116.	MPL 2016	245,000.00	245,000.00	245,000.00
117.	M.V. Senior Center Building (County)	49,312.00	49,312.00	49,312.00
	<b>INTEREST</b>			
118.	GOB 2008	15,424.50	12,168.50	12,168.50
119.	GOB 2010	12,375.00	9,375.00	9,375.00
120.	MLP 2010 Series B	4,455.00	3,375.00	3,375.00
121.	Wastewater 2011	11,866.50	11,495.64	11,495.64
122.	MPL 2015 Series A	94,570.00	69,235.00	69,235.00
123.	MPL 2015 Series B	95,350.00	65,600.00	65,600.00
124.	MPL 2016	94,325.00	89,425.00	89,425.00
125.	M.V. Senior Center Building (County)	10,602.08	9,122.72	9,122.72
126.	Interest Temporary Loans	10,000.00	10,000.00	10,000.00
	<b>Totals for Interest and Debt</b>	<b>1,971,391.08</b>	<b>1,902,219.86</b>	<b>1,902,219.86</b>
	<b>Sub-totals</b>	<b>35,340,281.76</b>	<b>36,479,915.06</b>	<b>36,684,056.13</b>
				<b>6,386,922.71</b>

	Appropriations/ Transfers FY 2019	Appropriations Requested FY 2020	Appropriations Recommended by Financial Advisory Committee	Appropriations Recommended by Personnel Board
<b><u>WATER DEPARTMENT (FUND 024)</u></b>				
127. Salaries (8 FT)	573,892.41	606,034.71	619,651.82	619,651.82
128. Expense	604,050.00	614,150.00	614,150.00	
129. Principal	267,281.94	272,716.34	272,716.34	
130. Interest	209,284.48	199,401.27	199,401.27	
	<b>1,654,508.83</b>	<b>1,692,302.32</b>	<b>1,705,919.43</b>	<b>619,651.82</b>
<b>Total for Water Department</b>				
<b>Total Appropriations and Transfers for FY 2018</b>	<b>36,994,790.59</b>			
<b>Total Appropriations for Fiscal Year 2019</b>		<b>38,172,217.38</b>		
<b>Total Appropriations Recommended by the Financial Advisory Committee</b>			<b>38,389,975.56</b>	
<b>Total Appropriations Recommended by the Personnel Board</b>				<b>7,006,574.53</b>

**WARRANT FOR  
SPECIAL TOWN MEETING  
APRIL 09, 2019**

County of Dukes County, ss:

To either of the Constables in the Town of Edgartown in the County of Dukes County, GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and Town affairs, to meet in the Old Whaling Church (Methodist Church) on Main Street in said Edgartown on Tuesday, the ninth day of April, Two Thousand Nineteen at seven o'clock in the evening, then and there to act on the Articles in this Warrant:

**ARTICLE 1.** To see if the Town will vote to appropriate from Free Cash the sum of \$4,000 to pay for the painting and repair of the Monument Flag Pole at the intersection of Pease's Point Way and Main Street.

Submitted by the Board of Selectmen

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 2.** To see if the Town will vote to appropriate from Free Cash the sum of \$20,536.48 to be added to the Town's Fiscal Year 2019 workers compensation insurance account.

Submitted by the Board of Selectmen

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 3.** To see if the Town will vote to authorize the Board of Selectmen to take all necessary steps to grant an easement to, and enter into an agreement with, Nstar Electric Company d/b/a Eversource Energy, over a 2' x 6' portion of a Town-owned parking lot located on Dock Street, which will permit an electric box adjacent to Edgartown Yacht Club property to encroach on said parking lot. A copy of the Easement is on file with the Town Clerk

2/3 VOTE REQUIRED

Submitted by the Board of Selectmen

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 4.** To see if the Town will vote to appropriate from free cash the sum of \$199,388.00 to be disbursed to various payroll accounts to cover benefits owed to several employees who have, or will retire or resign during the current Fiscal Year

Submitted by the Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 5.** To see if the Town will vote to appropriate the sum of \$5,300.00 from the Water Department's surplus to cover the cost of replacing the office computers of the Water Department, and for costs incidental and related thereto. This article will have no impact on water user's charges or the tax rate. Water surplus funds will finance this purpose.

Submitted by the Board of Water Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 6.** To see if the Town will vote to appropriate from Free Cash the sum of \$14,617.00 to cover an increase in the insurance policy that covers injured fire fighters.

Submitted by the Fire Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 7.** To see if the Town will vote to appropriate from Free Cash the sum of \$16,288.00 to pay for upgraded safety equipment, electrical upgrades, and fall protection devices purchased by the Wastewater Facility to comply with the new OSHA standards for municipal facilities.

Submitted by the Waste Water Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 8.** To see if the Town will transfer from the sale of cemetery lots fund for the expenditure in Fiscal Year 2020, the sum of \$20,000.00 to be used to continue the expansion of the New Westside Cemetery.

Submitted by the Cemetery Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 9.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

**AN ACT CREATING THE MARTHA'S VINEYARD  
HOUSING BANK**

Chapter \_\_\_ of the Acts of \_\_\_

Section 1. There is hereby established a Martha's Vineyard Housing Bank (the "Housing Bank"), the purpose of which shall be to provide for the preservation and creation of year-round housing on the Island of Martha's Vineyard. The Housing Bank is hereby constituted a body politic and corporate and a public instrumentality and the exercise of the powers herein conferred upon the Housing Bank shall be deemed to be the performance of an essential governmental function.

Section 2. The Housing Bank shall be administered by a Housing Bank Commission consisting of seven (7) persons.

2.1 Membership: There shall be one (1) person who is a legal resident of each of the towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury and West Tisbury, each person to be elected to a 3-year term, in the same manner as other elected town officials. The initial terms,

drawn by lot by the initial six (6) appointed members, shall be staggered so that two (2) members are elected each year, following the initial election of members, and each of the six (6) town boards of selectmen shall, respectively, appoint the initial six (6) members to serve from the effective date of this act until the first elections of the regular members at each town's regular or special town election after the effective date of this act. One (1) member shall be appointed to a 3-year term by the Dukes County Regional Housing Authority.

2.2 Vacancies: Should a vacancy occur during the term of the elected town commissioner, the town's Municipal Housing Trust ("MHT") and the board of selectmen shall jointly appoint an interim member to serve until the next scheduled town election.

2.3 Administration: Members shall serve without compensation. The initial appointed members shall adopt temporary rules and regulations to the extent necessary to conduct business until the regular members are elected. The Housing Bank Commission shall elect from among its regular members a chairman and a vice chairman and a secretary and a treasurer who may be the same person. The members of the Housing Bank Commission shall adopt, after holding a public hearing and after requesting recommendations from the Board of Selectmen of the six member towns that comprise the commission, rules and regulations for conducting its internal affairs and procedural guidelines for carrying out its responsibilities under this act.

2.4 Quorum: A quorum shall be four (4) or more members. Decisions of the Housing Bank Commission shall be by majority vote at a meeting where a quorum is present. The Housing Bank Commission shall make rules regarding attendance. The Housing Bank Commission shall keep accurate records of its meetings and actions and shall file an annual report that shall be distributed with the annual report of each member town.

2.5 Conflict of interest: When members of the Housing Bank Commission hold other public offices and have to act in dual public positions, no conflict of interest shall be assumed in as much as both positions are serving the public interest and no compensation is received. However, if a Housing Bank Commission member or an MHT member also represents an organization that may benefit from a project being considered for a grant from the Housing Bank Commission, the member must declare a possible conflict of interest and shall not partic-

ipate in the consideration and action on that grant application.

Section 3. Each Town's MHT shall assist the Housing Bank Commission in reviewing projects in their respective towns.

Section 4. The Housing Bank Commission shall, subject to this act, have the power and authority to:

- a) 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 Housing Bank in connection with any ordinance or bylaw or any general or special law or any other source, including money from Chapter 44B, provided, however that any such money received pursuant to Chapter 44B shall be used exclusively for community housing and shall remain subject to all rules, regulations and limitations of that chapter;
- b) purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- c) 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 Housing Bank property as the Housing Bank Commission deems advisable notwithstanding the length of any such lease or contract;
- d) 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 Housing Bank Commission engages for the accomplishment of the purposes of the Housing Bank;
- e) employ regular staff, advisors and agents, such as accountants, appraisers and lawyers, as the Housing Commission deems necessary;
- f) purchase and retain and/or lease real property for the Housing Bank's internal administrative purposes and to dispose of same as and when the Housing Commission deems advisable.
- g) pay reasonable compensation and expenses to all employees, advisors and agents and to apportion such compensation between income and principal as the Housing Commission deems advisable;

h) apportion receipts and charges between income and principal as the Housing Commission deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;

i) 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;

j) deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Housing Commission may deem proper and to pay, out of Housing Bank property, such portion of expenses and compensation of such committee as the Housing Commission may deem necessary and appropriate;

k) carry property for accounting purposes other than acquisition date values;

l) borrow money on such terms and conditions and from such sources as the Housing Commission deems advisable, to mortgage and pledge Housing Bank assets as collateral;

m) make distributions or divisions of principal in kind;

n) comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Housing Bank, 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 Housing Commission may deem appropriate;

o) hold all or part of the Housing Bank property uninvested for such purposes and for such time as the Housing Commission may deem appropriate;

p) extend the time for payment of any obligation to the Housing Bank; and

q) adopt such regulations and procedures as it deems necessary or appropriate to provide funding for the implementation of any and all programs cited in section 4A of this act.

Section 4A. The Housing Bank may provide funding as described in this Act. Upon applications from non-profit and for-profit corporations and organizations and public entities in a competitive process which will include public notice of funding availability,

and in a form prescribed by the Housing Bank, funding in the form of grants, loans, loan guarantees, lines of credit, interest subsidies, rental assistance or any other means determined to further the goals of the Housing Bank for eligible housing activities might be provided. Eligible activities shall include, but not be limited to, the following:

- Purchase and rehabilitation of existing structures for rental or home ownership;
- Construction of rental or home ownership housing and necessary infrastructure;
- Purchase of land, and any and all improvements including infrastructure and easements to be used for qualified housing;
- Down payment assistance, grants and soft second loans;
- Rental assistance programs;
- Modernization and capital improvements of existing rental and ownership housing;
- Housing counseling, predevelopment costs and technical assistance associated with creating housing projects and programs.

Section 4B. Each member town is hereby authorized to appropriate money to be deposited in the Fund as provided in section 6.

Section 4C. The Housing Bank is authorized to issue bonds and notes to further the purposes of the Housing Bank but only if the issuance of these bonds or notes has been approved by a majority of the Trustees of all member towns' MHTs.

Section 4D. The Housing Bank and all its revenues and income used solely by the Housing Bank in furtherance of its public purposes shall be exempt from taxation and from betterments and special assessments, and the Housing Bank shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions.

Section 5. All housing units created through funding by the Housing Bank under this act shall be deed restricted in perpetuity for the use approved for funding by the Housing Bank Commission.

Section 6. The Housing Bank Commission shall meet its financial obligations by drawing upon a fund to be set up as a revolving or sinking account of the Housing Bank Commission (the "Fund"). Deposits into the Fund shall include (a) funds appropriated, borrowed or transferred to be deposited into the Fund by vote of the county commissioners of the county of Dukes County or of town meetings of the towns represented in the Housing Bank Commission; (b) voluntary contributions of money and other liquid assets to the Fund; (c) grants of funds tendered to the Housing Bank by each member town in connection with any ordinance or

bylaw or any general or special law or any other source, including without limitation state and/or federal grants.

All expenses lawfully incurred by the Housing Bank Commission in carrying out this act shall be evidenced by proper vouchers and shall be paid by the treasurer of the Housing Bank Commission only upon submission of warrants duly approved by the Housing Bank Commission. The Housing Bank Commission treasurer shall prudently invest available assets of the Fund in accordance with the regulations and procedures adopted by the Housing Bank Commission under sections 2.3 and 4(q), and all income from its investments shall accrue to the Fund

Section 6A. Money from the Fund may be expended by the Housing Bank Commission, subject to approval of a majority of the Trustees of the MHT of the town in which a project is located. In cases of regional housing projects, money from the Fund may be expended subject the permission of a majority of the Trustees of the MHTs of each town in which the project is located.

Section 7. The Housing Bank Commission shall keep a full and accurate account of its actions including a record as to when, from or to whom, and on what account money has been paid or received under this act. These records or accounts shall be subject to examination by the director of accounts or the director's agent pursuant to section 45 of chapter 35 of the General Laws.

Section 8. This act, being necessary for the welfare of the member towns and the island of Martha's Vineyard and their inhabitants, shall be liberally construed to effect its purposes.

Section 9. Acceptance of this act, by each of the towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury and West Tisbury shall be by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot.

This act shall become effective on the date on which acceptance by no fewer than three (3) towns has been effected. Additional towns may elect to participate in the Housing Bank after the effective date of this act by affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot.

Section 10. Any time after five (5) years from the date on which a town votes to accept this act in accordance with Section 9, any town that is a member of the Housing Bank may withdraw from it by the affirmative vote of a majority of the voters at any regular

or special town election. A town that has withdrawn remains liable for any obligations prior to withdrawal. A town that has withdrawn may renew its membership by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot.

If the Housing Bank is reduced to fewer than three (3) member towns, the Housing Bank shall be dissolved. Upon dissolution of the Housing Bank, title to all funds and other properties held by the Housing Bank shall vest in the towns of the Island of Martha's Vineyard as herein provided after provision is made for payment of all bonds, notes and other obligations of the Housing Bank.

Submitted by Petition

**NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 10.** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a Special Act substantially in the form set forth below, provided that the General Court may make clerical or editorial amendments to the form of said proposed Special Act, and provided further that the Selectmen shall have the authority to approve and accept any such amendments that shall be within the scope of the objectives of this petition.

An Act providing funding for the Martha's Vineyard Housing Bank

Chapter \_\_ of the Acts of \_\_

Section 1

The Town of Edgartown has elected to impose a local excise tax upon the transfer of occupancy of a room in a short-term rental, as authorized by Section 3A of Chapter 64G of the General Laws and as further set forth in Section 6 of Chapter 337 of the 2018 Acts of Massachusetts. The Town has elected to impose said tax at the rate of four (4%) percent of the total amount of rent for each such occupancy.

Section 2

The Martha's Vineyard Housing Bank is a body politic and corporate, established under Chapter \_\_ of the Acts of 20\_\_. Said Housing Bank is established under said Act for the sole purpose of the preservation and creation of year-round housing on the island of Martha's Vineyard, in the County of Dukes, as may be further defined in such Act and the regulations promulgated thereunder. Under Section 4B of said Act, the Town is empowered to appropriate funds for the benefit of said Housing Bank.

Section 3

Fifty (50%) percent of the total amount of tax collected by the Town of Edgartown under G.L. c. 64, as aforesaid, shall be appropriated and transferred to the Martha's Vineyard Housing Bank, such funds to be restricted for use by the Housing Bank for the preservation and creation of year-round housing on the island of Martha's Vineyard.

Section 4

This Act shall take effect upon both the effectiveness of the Town's election under G.L. c. 64G as aforesaid and the passage of the aforementioned Act creating the Martha's Vineyard Housing Bank.

Submitted by Petition

**NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 11.** To see if the Town will vote to appropriate from Free Cash the sum of \$23,088.14 to pay the following Fiscal Year 2018 unpaid bills:

AV Fuel	\$ 19,500.00	Airfield Commission
Law Office of E. Hutchinson		
	\$ 600.00	Board of Assessors
Siemens Company	\$ 1,540.98	Highway Department
Safety Kleen	\$ 178.50	Highway Department

9/10 VOTE REQUIRED

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

And you are directed to serve this Warrant by publishing an attested copy thereof in one newspaper having general circulation in said Edgartown, fourteen days, at least, before the time of holding said meeting or by posting it in six or more conspicuous places in Town at least fourteen days before the time of said meeting.

HEREOF FAIL NOT, and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this 4th day of March in the year of our Lord Two Thousand Nineteen.

Michael J. Donaroma, Chairman  
 Margaret E. Serpa  
 Arthur Smadbeck  
**BOARD OF SELECTMEN**  
 Town of Edgartown

**WARRANT FOR  
 ANNUAL TOWN MEETING  
 APRIL 9, 2019**

County of Dukes County, ss:

To either of the Constables in the Town of Edgartown in the County of Dukes County, GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and Town affairs, to meet in the Old Whaling Church (Methodist Church) on Main Street in said Edgartown on Tuesday, the ninth day of April, Two Thousand nineteen at seven-thirty o'clock in the evening, then and there to act on the Articles in the Special Town Meeting Warrant and the Articles in this Warrant, with the exception of Article One.

And to meet again in the Town Hall Meeting Room, entrance from South Summer Street parking lot, in said Edgartown on Thursday, the eleventh day of April, Two Thousand nineteen at ten o'clock in the forenoon, at the polling place, then and there to act on Article One of the Warrant by the election of Officers on the Official Ballot.

The polls for voting on the Official Ballot will be open at ten o'clock in the forenoon, and shall be closed at seven o'clock in the afternoon.

**Answer YES or NO to the following question:**

**Question 1.** Shall the Town of Edgartown be allowed to exempt from proposition two and one-half, so called, the amounts required to pay for the principal and interest on bonds or notes issued to restore the stone bulkhead and wooden walkways on three sides of Town owned property located at 1 Morse Street?

**Question 2.** Shall the Town of Edgartown be allowed to assess an additional \$400,000.00 in real estate and personal property taxes for rebuilding and resurfacing of certain Town streets for the Fiscal Year beginning July first, two thousand and nineteen?

**Question 3.** Shall the Town of Edgartown be allowed to assess an additional \$350,000.00 in real estate and personal property taxes for building and repairing of various Town sidewalks, bike paths and storm water drainage systems, for the Fiscal Year beginning July first, two thousand and nineteen?

**Question 4.** Shall the Town of Edgartown be allowed to exempt from proposition two and one-half, so called, the amounts required to pay for the principal and interest on bonds or notes issued to engineer, demolish, expand, and build a new hangar at the Katama Airfield?



**ARTICLE 1.** To elect the following Officers on the Official Ballot:

1. One Selectmen for Three Years
2. One Assessor Three Years
3. One Board of Health member for Three Years
4. One Constable for Three Years
5. Two Financial Advisory Committee Members for Three Years
6. Two Library Trustees for Three Years
7. One Park Commissioner for Three Years
8. One Planning Board Member for Five Years
9. One School Committee Member for Three Years
10. One Town Collector for Three Years
11. One Wastewater Treatment Commissioner for Three Years
12. One Water Commissioner For Three Years
13. One Martha's Vineyard Land Bank Representative for Three Years

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

**ARTICLE 3.** To choose all other necessary Town Officers who are elected from the floor of the Town Meeting.

**ARTICLE 4.** To see if the Town will vote to amend the annual salary scales of the Classification Plan of the Personnel By-law, so that they reflect a 2.3% increase, which is a cost of living adjustment becoming effective July 1, 2019.

Submitted by Personnel Board

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 5.** To see if the Town will vote to appropriate from Free Cash the sum of \$200,000.00 to reduce the tax levy in Fiscal Year 2020.

Submitted by the Board of Selectmen

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 6.** To see if the Town will vote to raise the necessary sums of money to defray the general expenses of the Town for Fiscal Year 2020 and to make appropriations therefore.

**ARTICLE 7.** To see if the Town will vote to appropriate and set aside for later expenditure from the Community Preservation Fund established pursuant to Chapter 44B of the Massachusetts General Laws, Fiscal Year 2020 revenues in the following amounts to the following reserves.

\$120,000.00 to be appropriated to the Community Preservation Open Space Reserve Fund

\$120,000.00 to be appropriated to the Community Preservation Affordable Housing Reserve Fund

\$120,000.00 to be appropriated to the Community Preservation Historic Preservation Reserve Fund

\$500,000.00 to be appropriated to the Community Preservation Budgeted Reserve

\$20,000.00 to be appropriated to the Community Preservation Administrative Expenses Account.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 8.** To see if the Town will vote to return the following amounts to the specified Community Preservation accounts from the specified Community Preservation project accounts:

\$22,855.00 from the DCRH Rental Assistance FY17 Account (34106094) Art. 7 ATM 2017 into the Community Preservation Affordable Housing Reserve Account.

\$5,355.00 from the DCRH Rental Assistance FY18 Account (34106104) Art. 10 ATM 2018 into the Community Preservation Affordable Housing Reserve Account.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 9.** To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Fund the sum of \$112,000.00 to be paid to The Dukes County Regional Housing Authority to fund the Rental Assistance Program for Edgartown Families for Fiscal Year 2020.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 10.** To see if the Town will vote to appropriate from the Community Preservation Affordable Housing Fund the amount of \$36,210.00 and from the Fiscal Year 2019 Community Preservation Budgeted Reserve the amount of \$113,790.00 for a total of \$150,000.00 to pay Edgartown's portion to support and create the building of Aidylberg III, a new five unit building at the Island Elderly Housing's Aidylberg Property to be used for community housing which includes low and moderate income senior housing. The funding agreement will include a condition that preference for one unit be given to a qualifying Edgartown Resident.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 11.** To see if the Town will vote to appropriate from the Community Preservation Unreserve the amount of \$100,000.00 to go to the Island Housing Trust to support its Mortgage Buy Down Program, which will be used to assist Edgartown families who are eligible for Community Housing with making housing more affordable to them.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 12.** To see if the Town will vote to appropriate from the Community Preservation Historic Preservation Fund the amount of \$94,500.00 for grading of the Cooke House property to fix drainage issues, which will protect

the historic house owned by the MV Museum and will prolong its useful life.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 13.** To see if the Town will vote to appropriate from the Community Preservation Historic Preservation Fund the amount of \$23,846.00 to make capital improvements to the lighting system at the Whaling Church to improve access, safety, and visibility.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 14.** To see if the town will appropriate from the Community Preservation Fiscal Year 2019 Budgeted Reserve the amount of \$230,210.00 and from the Community Preservation Unreserve the amount of \$319,790.00 for a total sum of \$550,000.00 to be used to rehabilitate and to make capital improvements to the tennis court area at the Robinson Road Recreation Area by rebuilding the base and laying four (4) new tennis courts, two (2) new pickle ball courts and one (1) new shuffleboard court. This will be added to the CPC funds appropriated at Annual Town Meeting April '18 in the amount of \$340,000.00 for a total project cost of \$990,000.00.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 15.** To see if the town will appropriate from the Community Preservation Open Space and Recreation Fund the amount of \$145,000.00 to go toward the restoration of the wooden bulkhead at Northwharf as guided by the engineering study conducted with CPC funds voted at the Annual Town Meeting in April 2017.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 16.** To see if the town will appropriate from the Community Preservation Open Space and Recreation Fund the amount of \$200,000.00 for the planning and creation of a park at the Yellow House property at 66 Main St.

Submitted by the Community Preservation Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 17.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$46,000.00 to pay the cost of the Fourth of July Fireworks.

Submitted by the Board of Selectmen

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 18.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$25,000.00 to provide funds for an integrated pest management program as needed by various departments.

Submitted by the Board of Selectmen

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 19.** To see if the Town will vote to authorize the Board of Selectmen to sell, by silent bid auction, in consideration of an amount equal to or greater than the

assessed value of the lots at the time of the auction, the following lots, "As Is", containing an area of less than 5,000 square feet and having an assessed value of less than \$35,000.00, acquired by the town through foreclosure for unpaid taxes, also known as tax possession properties, only to any person, persons, or other legal entity that own a lot that directly abuts the tax possession properties and to further authorize the Board of Selectmen to impose terms and conditions on the sale of the properties that it deems appropriate, and to advertise and give notice of the auction in such a manner as to give all abutters a fair and equal opportunity to submit a bid. (Note: At least one abutter of each lot, included with this article, has notified the town in writing of their interest in purchasing them.)

Map 11A-Lot 455; Map 11A-Lot 456; Map 11-Lot 19; Map 11-Lot 19.2; Map 11A-Lot 442; Map 11A- Lot 213.1, Map 11B-Lot 166; Map 11B-Lot 61

2/3 VOTE REQUIRED

Submitted by Board of Selectmen

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 20.** To see if the Town will vote to authorize the Board of Selectmen, on the terms and conditions as they deem in the best interest of the Town, to grant a waste water easement under a Town-owned parcel of land identified on Assessors Map 21, as Parcel 70, to benefit the owners of a parcel of land identified on Assessors Map 21, as Parcel 124.115, which has a physical address of 73 Pennywise Path. The Town acquired Parcel 403 by a 1986 tax taking.

2/3 VOTE REQUIRED

Submitted by Board of Selectmen

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 21.** To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$30,000.00 to be used for valuation updates of real and personal property, revaluations, and Department of Revenue recertification.

Submitted by the Board of Assessors

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 22.** To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$32,000.00 to be used for a critical upgrade of the town's property appraisal software and including the cost of moving to a cloud based system.

Submitted by the Board of Assessors

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 23.** To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. c. 59, s. 5, Clause 41(A) from eight percent to two percent, with such reduced rate to apply to taxes assessed for any Fiscal Year beginning on or after July 1, 2019.

Submitted by the Board of Assessors

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 24.** To see if the Town will vote to increase the gross receipts that seniors may have in prior calendar year to be eligible to defer property taxes under G.L. c. 59, s. 5, Clause 41(A) from \$20,000 to \$40,000, with such increases to be effective for deferrals granted for taxes assessed for any Fiscal Year beginning on (or after) July 1, 2019.

Submitted by the Board of Assessors

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 25.** To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$7,000.00 to be used for the purchase of a voting machine, supplies, and training.

Submitted by the Town Clerk

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 26.** To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$30,000.00 to enhance the Town accounting system with additional Munis software, implementation, training and other related costs.

Submitted by the Town Accountant

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 27.** To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$20,000.00 for the Conservation Commission's Land Acquisition fund.

Submitted by the Conservation Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 28.** To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$20,000.00 for the Conservation Commission's property maintenance fund.

Submitted by the Conservation Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 29.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$120,000.00 for the Town's 25% share of the reconstruction of the Katama launch and landing. The State will pay for the reconstruction of the landing; the additional amount that the Town is contributing is to increase the load capacity and length of the landing to accommodate launching the dredge by trailer, instead of by crane.

Submitted by the Dredge Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 30.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$80,000.00 for permitting costs associated with increasing the number of dredging and/or disposal locations on the Ten year Comprehensive Dredge Permit

Submitted by the Dredge Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 31.** To see if the Town will vote to appropriate from Free Cash for expenditure in Fiscal Year 2020, the sum of \$20,000.00 to purchase replacement parts and

perform routine maintenance on the Department's Front End Loader.

Submitted by the Dredge Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 32.** To see if the Town will vote to appropriate from Free Cash, for expenditure in 2020, the sum of \$26,544.00 to support the CORE program to provide coordinated counseling, outreach, and referral services to our residents who are 55 years and older. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 33.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$22,710.00 to support Healthy Aging Martha's Vineyard. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 34.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$10,385.00, to support the First Stop Information and Referral Service as recommended by the Healthy Aging Martha's Vineyard. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 35.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$187,198.00, to support the Martha's Vineyard Senior Services (MV Center for Living Programs).

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 36.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$116,741.00 to support the Vineyard Health Care Access Program for Fiscal Year 2020.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 37.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$16,590.00, to support the Dukes County Social Services. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 38.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$9,954.00, to support the Substance Use Disorder Prevention Programs on Martha's Vineyard. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 39.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$38,600.00, to fund the County Other Post - Employment Benefits. The funds will not be available if all six towns do not vote in the affirmative.

Submitted by the Dukes County Commissioners

**NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 40.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$18,000.00 to hire an engineering firm to conduct a study of how best to dehumidify the Edgartown School Building.

Submitted by the Edgartown School

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 41.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$65,000.00 to upgrade and maintain building security at the School, including installation of a new locking system for all interior doors and enhancing the strength of interior windows.

Submitted by the Edgartown School

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 42.** To see if the Town will vote to approve the transfer of the sum of \$316,267.99 in funds from the Excess and Deficiency Fund of the Martha's Vineyard Regional High School (the "District") to the general funds of the District for fiscal year 2020 and, in addition, to appropriate, and/or transfer from available funds of the Town the sum of Two hundred eighty-six thousand one hundred forty-five dollars (\$286,145), all of such sums to be paid to the District and expended under the direction of the School Committee for the District, for the purpose of funding a feasibility study and schematic design work in connection with possible new construction of and/or renovations to the high school building and grounds located at 100 Edgartown – Vineyard Haven Road, Oak Bluffs, Massachusetts, such feasibility study and schematic design work to include, but is not limited to, the hiring of architects, engineers and an owner's project manager; such sums to be in addition to the sums paid by the Town pursuant to the Regional High School Assessments under the FY2020 budget for the School District; or to take any other action relative thereto. The Town's approval of said transfer of funds from the District's Excess and Deficiency Fund and the Town's obligation to pay the additional \$286,145 to the Martha's Vineyard Regional School District is conditioned upon both the approval of the transfer of funds from the District's Excess and Deficiency Fund by the other Member Towns of the District and the appropriation by the other Member Towns of the District of their proportionate share of the overall cost of such feasibility study and schematic design work, after application of the District's Excess and Deficiency Fund monies authorized for transfer hereunder, such proportionate share to be calculated pursuant to the applicable formula in the Regional Agreement.

2/3 VOTE REQUIRED

Submitted by MV Superintendent's Office

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 43.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$15,425.00 to fund the Town of Edgartown's share of the administrative expenses for the All Island School Committee's contract for Adult and Community Education . The funds will not be available if all six Towns do not vote in the affirmative.

Submitted by MV Superintendent's Office and Adult & Community Education of M.V.

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 44.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$31,600.00 to fund the Town of Edgartown's share of the administrative expenses for the All Island School Committee's contract for MV Youth Task Force. The funds will not be available if all six Towns do not vote in the affirmative.

Submitted by MV Superintendent's Office and Adult & MV Youth Task Force

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

(2 MEMBERS VOTING NO)

**ARTICLE 45.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$98,500.00 to purchase and equip two new police cruisers and further, to authorize the Chief of Police and Board of Selectmen to dispose of two cruisers in the best interest(s) of the Town

Submitted by the Police Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 46.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$25,000.00 to build a storage and communications building at the Mill Hill water tower site

Submitted by the Fire Chief/Emergency Manager

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 47.** To see if the Town will transfer \$35,379.87 from Article 33 (ATM 17) into the fire truck stabilization fund.

Submitted by the Fire Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 48.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$115,000.00 to purchase and equip a utility truck meeting minimum firefighting capabilities and able of accessing remote areas not accessible by existing apparatus.

Submitted by the Fire Chief

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 49.** To see if the Town will vote to authorize the Edgartown Library Board of Trustees to accept any

gifts or grants of money from various sources and to expend as the Board deems appropriate.

Submitted by Library Board of Trustees

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 50.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$44,000.00 to fund various Shellfish Committee programs to be administered by the Shellfish Department.

Submitted by the Shellfish Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 51.** To see if the Town will vote to appropriate from Free Cash the sum of \$38,000.00 to fund the Town's Fiscal Year 2020 membership fee in the Martha's Vineyard Shellfish Group.

Submitted by the Shellfish Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 52.** To see if the Town will vote to authorize the Edgartown Shellfish Committee to accept any gifts or grants of money from various sources, to fund participation in various Shellfish Committee propagation programs during for Fiscal Year 2020.

Submitted by the Shellfish Committee

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 53.** To see if the Town will vote to appropriate from free cash, for expenditure in Fiscal Year 2020, the sum of \$85,000.00 for the maintenance and replacement of moorings, buoys, spiles, tie-off stakes, floats, walkways, and equipment necessary for marine operations on Town owned docks and property.

Submitted by the Harbormaster

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 54.** To see if the Town will vote to appropriate from Receipts Reserved for Waterways, for expenditure in Fiscal Year 2020, the sum of \$15,000.00 for an Existing Condition Engineering Survey to determine necessary repairs on the Town owned 150' X 8' "Loading Zone" pier that runs from the Edgartown Yacht Club to the public access in front of the Atlantic Restaurant.

Submitted by the Harbormaster

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 55.** To see if the Town will vote to appropriate from Receipts Reserved for Waterways, for expenditure in Fiscal Year 2020, the sum of \$9,000.00 to renovate the three seasonal Yachtsmen showers located at North Wharf, 1 Morse Street.

Submitted by the Harbormaster

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 56.** To see if the Town will vote to raise and appropriate the sum of \$900,000.00 to restore the stone bulkhead and wooden walkways on three sides of Town owned property located at 1 Morse Street, and for costs incidental and related thereto, and further, that to raise this appropriation, the Treasurer, with the approval of the

Board of Selectmen, is authorized to borrow said sum, under and pursuant to Chapter 44, Section 8, of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town thereof, provided that a majority of the voters casting a ballot (Question #1) thereon at the Annual Town Election to be held on April 11, 2019 vote in the affirmative to exempt from the provision of Proposition 2 ½ so-called, the amounts required to pay for the principal and interest on bonds or notes issued for the project or take any other action relative thereto. Any premium received by the Town upon sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

2/3 VOTE REQUIRED

Submitted by the Harbormaster

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 57.** To see if the Town will vote to raise and appropriate the sum of \$400,000.00 for the rebuilding and resurfacing of various Town streets, provided that a majority of voters casting a ballot (Question #2) thereon at the Annual Town Election to be held on April 11, 2019, vote in the affirmative to allow the Town to exceed its Fiscal Year 2020 Proposition 2½ spending cap.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 58.** To see if the Town will vote to raise and appropriate the sum of \$350,000.00 for the building and repairing of various Town sidewalks, bike paths, and storm water drainage systems, provided that a majority of voters casting a ballot (Question #3) thereon at the Annual Town Election to be held on April 11, 2019, vote in the affirmative to allow the Town to exceed its Fiscal Year 2020 Proposition 2½ spending cap.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 59.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$25,000.00 to clean the catch basins.

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 60.** To see if the Town will vote to authorize the Board of Selectmen to accept and enter into contracts for the expenditure of any funds allotted by the Commonwealth for the construction, reconstruction, and improvements of the Town infrastructure, and to authorize the Board of Selectmen to borrow in anticipation of the reimbursement of funds. (Chapter 303, Acts of 2008, in the amount of \$236,529.00).

Submitted by the Highway Superintendent

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 61.** To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$13,000.00 for new equipment for use in the town cemeteries

Submitted by the Cemetery Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 62.** To see if the Town will vote to appropriate from overlay surplus, for expenditure in Fiscal Year 2020, the sum of \$45,000.00 to be used for the rental and maintenance of the portable toilets at South Beach, Robinson Road Recreation Area, and Edgartown Park and Ride and further to authorize the Park Commissioners to accept and expend any and all funds that may be received for said purposes.

Submitted by the Park Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 63.** To see if the Town will vote to authorize the Edgartown Park Commissioners to accept any gifts or grants of money from various sources on behalf of the Town of Edgartown for use in the Edgartown Park Department for Fiscal Year 2020.

Submitted by the Park Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 64.** To see if the Town will vote to appropriate from Free Cash, for the expenditure in Fiscal Year 2020, the sum of \$14,500.00 to remove three large shade trees at the Robinson Road Recreation Area and replace them with three new shade trees at the Robinson Road Recreation Area

Submitted by the Park Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 65.** To see if the Town will vote to appropriate from Free Cash, for the expenditure in Fiscal Year 2020, the sum of \$13,000.00 to update lifeguard equipment at South Beach including but not limited to new rescue boards, straps and two-way hand held radios.

Submitted by the Park Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 66.** To see if the Town will vote to raise and appropriate the sum of \$950,000.00 to engineer, demolish, expand, and build a new hangar located at the Katama Airfield, and for costs incidental and related thereto, and further, that to raise this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum, under and pursuant to Chapter 44, Section 8, of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town thereof, provided that a majority of the voters casting a ballot (Question #4) thereon at the Annual Town Election to be held on April 11, 2019 vote in the affirmative to exempt from the provision of Proposition 2 ½ so-called, the amounts required to pay for the principal and interest on bonds or notes issued for the project or take any other

action relative thereto. Any premium received by the Town upon sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

2/3 VOTE REQUIRED

Submitted by the Airfield Commission

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

(2 MEMBERS VOTING NO)

**ARTICLE 67.** To see if the Town will vote to appropriate from Free Cash, for expenditure in Fiscal Year 2020, the sum of \$65,000.00 for the Wastewater Department's Equipment and Collection System Maintenance account.

Submitted by the Wastewater Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 68.** To see if the Town will vote to authorize the Water Department to transfer the sum of \$80,000.00 from Water Department's Surplus to the Water Department Expense account for improvements necessary for the town's water system including: the installation, replacement, cleaning, and relining of water mains and appurtenances; the installation and replacement of water service lines and water meters; construction equipment; construction and restoration of pump stations, wells, water treatment, office, standpipe, and other structures, buildings, facilities, and grounds; water quality improvements; and for costs incidental and related thereto for Fiscal Year 2020. This article will have no impact on water user's charges or tax rate.

Submitted by the Water Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 69.** To see if the Town will vote to appropriate the sum of \$50,000.00 from the Water Department's surplus to cover the cost of inspecting, cleaning and repairs to a municipal well, and for costs incidental and related thereto. This article will have no impact on water user's charges or the tax rate. Water surplus funds will finance this purpose.

Submitted by the Water Commissioners

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 70.** To see if the Town of Edgartown will raise and appropriate or transfer from available funds \$52,382.91 of the Town's proportionate share of the Fiscal Year 2020 maintenance cost of the State-funded development and upgrades of the Dukes County Regional Emergency Communication Center and Radio System, such share based on the apportionment formula equal to an average of 16.67% fixed share of Island-wide maintenance costs of \$237,313.11 plus 27.48% variable share of such costs based on dispatch

volume, for the total share of 22.07%, with the corresponding Fiscal Advisory Committee representation; and to authorize the Selectmen to negotiate and execute a Cooperative Agreement with Dukes County Sheriff's Office for annual payment of such costs. The funding is contingent on all Island Towns paying for such maintenance costs in Fiscal Year 2020 according to their agreed upon proportionate shares and the creation of an Inter-Governmental Agreement, mutually acceptable to the Towns and the Sheriff, to address the governance of the RECC.

Submitted by Dukes County Sheriff

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 71.** To see if the Town will amend the Edgartown Zoning Bylaw, Section 1.3.D "DEFINITIONS" as follows:

**DRIVEWAY:** For the purposes of this bylaw, a minor private way used by vehicles and pedestrians for access from a public way to a single lot.

**COMMON DRIVEWAY:** For the purposes of this bylaw, a minor private way used by vehicles and pedestrians for access from a public way to multiple separate residential lots.

and further, to amend the Edgartown Zoning Bylaw, by adding Section 10.1.J "Common Driveways" as follows:

**10.1.J: COMMON DRIVEWAYS**

The use of common driveways to provide access may be allowed through the issuance of a Special Permit. The Planning Board shall serve as the Special Permit Granting Authority (SPGA).

All lots associated with the use of a common driveway must provide parking that does not impede or restrict access along the common driveway, in accordance with the criteria established by this Bylaw.

The Town shall not be required to provide construction, reconstruction, maintenance, or snow plowing services, nor provide school bus pick-up, or regular police patrols along a common driveway.

The Town shall have in all cases right of passage along the common driveway to respond to emergencies or calls for assistance.

Generally, common driveway design shall, to the greatest extent possible, support the following goals:

- reduce the overall number of curb-cuts onto public ways, preserving the rural character of the Town;
- provide for appropriate sightlines;
- provide safe access to and from public ways;
- minimize adverse impact to wetlands, farmland, or other natural resources;
- allow reasonable, safe, and less environmentally damaging access to lots characterized by slopes or ledges; and
- retain existing vegetation and topography.

The SPGA may establish general conditions for approval of common driveways as it determines are

necessary to serve the public interest, and which are in harmony with the purposes and intent of this Bylaw.

The SPGA may impose additional conditions on a case-by-case basis, based on site conditions, site orientation, and lot line configuration.

or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Planning Board

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 72.** To see if the Town will amend the Edgartown Zoning Bylaw, by adding the following section:

**14.2. Solar Photovoltaic Installations**

**14.2.A Definitions**

Solar Photovoltaic Installation ("SPI"): A system designed to generate electricity through the use of solar photovoltaic panels and other necessary equipment. An SPI may be ground- or roof-mounted.

Roof-mounted Solar Photovoltaic Installation ("RSPI"): a solar photovoltaic system that is structurally mounted on the roof of another structure, and generates power utilized on- or off-site.

Ground-mounted Solar Photovoltaic Installation ("GSPI"): a solar photovoltaic system that is structurally mounted on the ground, is not mounted on a roof, and generates power utilized on- or off-site.

Nameplate Capacity: The maximum rated output of electric power production of a Photovoltaic system in Direct Current (DC).

**14.2.B Roof-mounted Solar Photovoltaic Installation (RSPI)**

RSPI Use Table

Nameplate Capacity	R-5	R-20	R-60	R-120	RA-120	B-1	B-2	B-3	B-4
1-36kw	SPR	P	P	P	P	SPR	P	P	P
Over 36kw	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR

"P" = Building Permit Only

"SPR" = Requires Site Plan Review

**14.2.C Ground-mounted Solar Photovoltaic Installations (GSPI)**

GSPI Use Table

Nameplate Capacity	R-5	R-20	R-60	R-120	RA-120	B-1	B-2	B-3	B-4
Any	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR

"P" = Building Permit Only

"SPR" = Requires Site Plan Review

**14.2.D Site Review for Solar Photovoltaic Installations**

**14.2.D.1 Authority.** The Planning Board shall be the Site Plan Review Authority (SPRA) in all SPIs requiring Site Plan Review.

**14.2.D.2 Notice.** The SPRA shall notify the following of any application for an SPI: Building Inspector, Conservation Commission, Board of Health, Historic District

Commission, Zoning Board of Appeals. The SPRA shall not grant approval for an SPI without consideration of all responses received from said entities within thirty (30) days of issuance of notification.

**14.2.D.3 Third Party “Peer” Review.** The SPRA may engage, at the applicant’s cost, professional and technical consultants, including legal counsel, to assist the authority with its review of the application, in accordance with the requirements of Section 53G of Chapter 44 of the Massachusetts General Laws. Failure to comply with this section shall be good grounds for denying the application.

**14.2.D.4 Public Notice and Hearing Optional.** The SPRA may require, at its option, public notice and public hearing, in accordance with Section 9 of Chapter 40A of the General Laws. Any expense related to said public notice and hearing shall be borne by the applicant.

**14.2.D.5 Approval.** Pursuant to MGL Chapter 40A §3, the SPRA shall approve an application submitted in accordance with this section, with or without conditions, if it finds that the SPI as proposed represents:

- no negative impact on public safety,
- no negative impact on scenic, natural and historic resources, and
- no negative impact on the welfare of the residents of the Town of Edgartown.

Said findings must be recorded in the proceedings of the SPRA.

**14.2.D.6 Timeline.** If the SPRA requires a public hearing in accordance with 14.2.D.4, then all procedures and timelines therein specified shall prevail. Otherwise, the decision of the special permit granting authority shall be made and filed with the Town Clerk no more than ninety days following receipt of the application.

**14.2.D.7 Conditions for Approval.** The SPRA shall establish in each case reasonable conditions for approval that address: placement, setbacks, design, construction, operation, monitoring, site control, site security, site lighting, visual screening, noise generation and abatement, reflectivity, landscaping, signage, utility connections, emergency services access, discontinuance of use, and removal.

**14.2.D.8 Regulatory Compliance.** The construction and operation of all SPI shall be consistent

with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with all applicable Building Codes and the Edgartown Zoning Bylaw.

**14.2.D.9 Permit and SPRA Approval Required.** No SPI shall be constructed, or installed or modified except pursuant to a building permit. No existing SPI shall be modified without application and approval from the SPRA.

or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Planning Board

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 73.** To see if the Town will vote to amend the Edgartown Zoning Bylaw, to allow Marijuana Retail as a conditionally permitted use in the B-II Upper Main Street District, by amending the Edgartown Zoning Bylaw, Section 3.2.B.1.o as follows:

3.2.B.1.o) — ~~Registered Marijuana Dispensary~~ **Marijuana Retailer**

Further, to allow “Marijuana Establishment” as a conditionally permitted use in the B-III Light Industrial and Service District (located at the Martha’s Vineyard Airport), by amending the Edgartown Zoning Bylaw, Section 3.3.D, by adding the following:

**3.3.D.4 –Marijuana Establishment**

or take any other action relative thereto.

2/3VOTE REQUIRED

Submitted by the Planning Board

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 74.** To see if the Town will vote to regulate Adult Use Marijuana Establishments, by striking Section 10.4.A and Section 10.4.B of the Edgartown Zoning Bylaw entirely, and by adding the following:

**10.4.A - ADULT USE MARIJUANA ESTABLISHMENTS**

**10.4.A.1 Definitions:**

**Any term not specifically defined herein shall have the meaning as defined in 935 CMR 500.00 (for adult use marijuana) and 935 CMR 501.00 (for medical use of marijuana).**



**Cannabis Cultivation:** The use of land and/or buildings for planting, tending improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media to promote the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning. Note this term is not defined in 935 CMR 500.

**Cannabis or Marijuana or Marihuana:** All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- b) hemp; or
- c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

**Cannabis or Marijuana Products:** Cannabis or marijuana and its products unless otherwise indicated. These include products that have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**Ceases to Operate:** Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

**Commission:** The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to

implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.

**Host Community Agreement:** An agreement, pursuant to M.G.L. c. 94G, § 3(d), between a Marijuana Establishment and a municipality setting forth additional conditions for the operation of a Marijuana Establishment, including stipulations of responsibility between the parties an up to 3% host agreement revenue sharing. Note this term is not defined in 935 CMR 500.

**Craft Marijuana Cooperative:** A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

**Hemp:** The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

**Host Community:** A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

**Marijuana Independent Testing Laboratory:** A laboratory that is licensed by the Commission and is

- a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;
- b) independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and
- c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

**Licensee:** A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

**Manufacture:** To compound, blend, extract, infuse

or otherwise make or prepare a cannabis or marijuana product.

**Marijuana Cultivator:** An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

**Marijuana Establishment:** A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

**Marijuana Microbusiness:** A colocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

**Marijuana Process or Processing:** To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

**Marijuana Product Manufacturer:** An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

**Marijuana Research Facility:** An entity licensed to engage in research projects by the Commission.

**Marijuana Retailer:** An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.

**Marijuana Transporter:** An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to

Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

**Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD):**

An entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

**Propagation:** The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

**Provisional Marijuana Establishment License:** A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

**RMD Applicant:** A previously Registered Marijuana Dispensary with a final or provisional certificate of registration in good standing with the DPH.

#### **10.4.A.2. Purposes**

It is recognized that the nature of the substance cultivated, processed, and/or sold by Marijuana Establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as legally authorized adult consumer seeking to legally purchase marijuana for their own use. The specific and separate regulation of Marijuana Establishments is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Edgartown.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the M.G.L c. 94G and 105 CMR 725.000, Marijuana Establishments will be permitted to provide the opportunity for the legal cultivation, product manufacturing and retail sale of marijuana for non-medical adult marijuana use in a manner that complies with local and state regulations.

#### **10.4.A.3. Applicability**

Nothing in this Section shall be construed to supersede federal and state laws governing the cultivation, sale and distribution of marijuana. This Section shall not be construed to prevent the

conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such medical marijuana treatment center obtains a special permit pursuant to this Section for any such conversion to an adult use Marijuana Establishment.

This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to M.G.L. c. 128 § 116-123.

#### **10.4.A.4. Additional Requirements/Conditions**

In addition to the standard requirements for uses permitted by right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Marijuana Establishments:

##### **a. Use:**

- i. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.
- ii. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- iii. The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a Marijuana Establishment be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
- iv. No Marijuana Establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.
- v. The number of Marijuana Retailers facilities permitted to be located within the Town of Edgartown shall not exceed 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under M.G.L. c. 138, §15 (commonly known as “package stores”). For the purposes of determining this number, any fraction shall be rounded up to the next highest whole number.

##### **b. Physical Requirements:**

- i. All aspects of the any Marijuana Establishment (except for the transportation of product or materials) relative to the acquisition, cultivation, possession, processing, sales, distri-

bution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) as defined by 935 CMR 500.002 and shall not be visible from the exterior of the business. A Marijuana Establishment may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type of potentially movable enclosure.

- ii. No outside storage of marijuana, related supplies, or educational materials is permitted.
- iii. No Marijuana Retailer shall have a retail floor area in excess of 2,500 square feet.
- iv. Ventilation – all Marijuana Establishments shall be ventilated in such a manner that no:

- Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
  - No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.
- v. Signage shall be displayed on the exterior of the marijuana establishment’s entrance in plain sight of the public stating that “Access to this facility is limited to individuals 21 years or older.” in text two inches in height.

All other signage must comply with all other applicable signage regulations in this Zoning Bylaw and 935 CMR 500.

- vi. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the SPRA shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

##### **c. Location:**

- i. Marijuana Establishments are encouraged to utilize existing vacant buildings where possible.
- ii. No Marijuana Establishment shall be located on a parcel which is within five hundred

(500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre-existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12.

iii. No Marijuana Retailer shall be located on a parcel which is within five hundred (500) feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the marijuana retailer is or will be located) of a parcel occupied by another Marijuana Retail facility.

iv. No Marijuana Establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.

v. No Marijuana Establishment is permitted to utilize or provide a drive-through service.

**d. Reporting Requirements:**

i. Prior to the commencement of the operation or services provided by a Marijuana Establishment, it shall provide the Police Department, Fire Department, Building Commissioner/Inspector and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

ii. The local Building Commissioner/Inspector, Board of Health, Police Department, Fire Department and Special Permit Granting Authority shall be notified in writing by the marijuana establishment facility owner/operator/ manager:

1. A minimum of 30 days prior to any change in ownership or management of that establishment.
2. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.

iii. Permitted Marijuana Establishments shall file an annual written report to, and appear

before, the Special Permit Granting Authority no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

iv. The owner or manager of a Marijuana Establishment is required to respond by phone or email within twenty-four hours of contact by a Town official concerning their Marijuana Establishment at the phone number or email address provided to the Town as the contact for the business.

**e. Issuance/Transfer/Discontinuance of Use:**

i. Special Permits/Site Plan Approvals shall be issued to the Marijuana Establishment owner.

ii. Special Permits/Site Plan Approvals shall be issued for a specific type of Marijuana Establishment on a specific site/parcel.

iii. Special Permits/Site Plan Approvals shall be non-transferable to either another Marijuana Establishment owner or another site/parcel.

iv. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a Marijuana Establishment, and shall lapse/expire if:

- the Marijuana Establishment ceases operation (not providing the operation or services for which it is permitted) for 365 days, and/or
- the Marijuana Establishment's registration/license by the Cannabis Control Commission expires or is terminated.

v. The Marijuana Establishment shall notify the Zoning Enforcement Officer and Special Permit Granting Authority in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.

vi. Any Marijuana Establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.

- Prior to the issuance of a Building Permit for a marijuana establishment the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to said Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the

applicant fails to do so. The Building Inspector shall give the applicant 45 days' written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Inspector prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

#### **10.4.A.5. Application Requirements**

Applications for Special Permits and Site Plan Approvals for Marijuana Establishments will be processed in the order that they are filed with the Town. The approval of a Special Permit for any Marijuana Establishment is up to the discretion of the Planning Board who will be making its determination based on selecting the Marijuana Establishments that it finds are in the best interests of the Town and best comply with the standards and intent of this Bylaw. While the Planning Board is authorized to approve Special Permits for Marijuana Establishments in an amount up to, but not exceeding, 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under M.G.L. c. 138, the Planning Board is not obligated to approve an application for a marijuana establishment that it doesn't find is in the best interests of the Town and complies with the standards and intent of this Bylaw just because the maximum number of allowed Special Permits for a marijuana establishment haven't been approved.

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for a Marijuana Establishment shall include the following:

- a. The name and address of each owner and operator of the marijuana establishment facility/operation.
- b. A copy of an approved Host Community Agreement.
- c. A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.
- d. If it's in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.
- e. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.
- f. Evidence that the Applicant has site control and right to use the site for a Marijuana Establishment facility in the form of a deed or valid executed purchase and sales agreement or, in the case of a

lease a notarized statement from the property owner and a copy of the lease agreement.

g. A notarized statement signed by the Marijuana Establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.

h. In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.

i. A detailed floor plan identifying the areas available and functional uses (including square footage).

j. All signage being proposed for the facility.

k. A pedestrian/vehicular traffic impact study to establish the marijuana establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways will not be unreasonably obstructed.

l. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administration of odor control including maintenance of such controls.

m. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to marijuana establishment or off-site direct delivery.

n. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the marijuana establishment's:

- i. Operating procedures
- ii. Marketing and advertising
- iii. Waste disposal
- iv. Transportation and delivery of marijuana or marijuana products
- v. Energy efficiency and conservation
- vi. Security and Alarms
- vii. Decommissioning of the marijuana establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

#### **10.4.A.6. Third Party "Peer" Review**

The SPGA may engage, at the applicant’s cost, professional and technical consultants, including legal counsel, to assist the authority with its review of the application, in accordance with the requirements of M.G.L. c. 44, § 53G. Failure to comply with this Section shall be good grounds for denying the application.

**10.4.A.7. Findings**

In addition to the standard Findings for a Special Permit or Site Plan Approval the Special Permit Granting Authority must also find all the following:

- a. The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
- b. That the Marijuana Establishment facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- c. That the Marijuana Establishment facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- d. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
- e. That the Marijuana Establishment facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
- f. That the Marijuana Establishment facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Planning Board

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 75.** To see if the Town will vote to remove an outdated and expired provision of the Zoning Bylaw, by striking Section 17.11 of the Edgartown Zoning Bylaw entirely.

2/3 VOTE REQUIRED

Submitted by the Planning Board

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 76.** To see if Town Meeting will clarify the definition of the “Chappaquiddick Road” section of the “Island Roads District”, by amending the Edgartown Zoning Bylaw, Section 5.2.A.1 , as follows:

~~“Chappaquiddick Road to and including Wasque Road, School Road and Dyke Road, from the ferry landing~~ **to the intersection of Pocha Road, including Dike Bridge Road to the boundary of the Trustees of Reservations' property, Assessor’s FY17 data – Map 32 Lot 2, and including Pocha Road** to the boundary of the Trustees of Reservations' property, **Assessor’s FY17 data – Map 49 Lot 1.”**

or take any other action relative thereto.

2/3 VOTE REQUIRED

Submitted by the Planning Board

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 77.** To see if the Town will vote to amend the Edgartown Zoning Bylaw, Section 5.1.C.2 “Permitted Uses”, by requiring a Special Permit for a Guest House in the Inland Zone of the Coastal District as follows:

Inland Zone: All uses permitted in the Shore Zone as well as ~~detached single family dwellings~~ **one detached single family dwelling** and non-habitable minor accessory structures normally used for personal, family and household purposes; subject to the regulations and restrictions of Sec. 5.1.E. and the underlying zoning district.

2/3 VOTE REQUIRED

Submitted by the Planning Board

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 78.** To see if the Town will vote to authorize the Board of Selectmen to accept a gift of land from Richard and Laura Chasin consisting of approximately 3.1 acres of unimproved land located at 5 Chasin Road, Edgartown, Massachusetts, identified on Edgartown Assessor’s Map 34, Parcel 39.3 (the “Premises”), for purposes of affordable housing.

Submitted by the Affordable Housing Committee

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 79.** To see if the Town will vote to authorize the Board of Selectmen to transfer the care, custody, management and control of said parcel to the Edgartown Affordable Housing Committee for purposes of developing, leasing or conveying the property for affordable housing purposes.

2/3 VOTE REQUIRED

Submitted by the Affordable Housing Committee

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 80.** To see if the Town will vote to authorize the Board of Selectmen to transfer the care, custody, management and control of a parcel of land located at 63 Twenty First Street South, Edgartown, Massachusetts, identified on Edgartown Assessor’s Map 11, Parcel 84.2 to the Edgartown Affordable Housing Committee for purposes of developing, leasing or conveying the property for affordable housing purposes.

2/3 VOTE REQUIRED

Submitted by the Affordable Housing Committee

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 81.** To see if the Town will appropriate the sum total of Twenty Five Thousand Dollars \$25,000 for survey and engineering costs necessary for widening of Town Accepted Ways Mill Hill Road which provides the only access to the Town Water Tower and Emergency Communications Equipment for the island. This will begin the process of upgrading the road to Town Accepted Way requirements and benefit public safety.

Submitted by Petition

**RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 82.** To see if the Town will vote to authorize the Board of Selectmen to file a petition in the General Court of the Commonwealth of Massachusetts for special legislation to prevent substances designed to kill vegetation from infiltrating and contaminating watersheds and groundwater sources of drinking water, the better to preserve the public health, welfare, and safety, by requiring all governmental agencies and public utilities intending to employ such substances to undergo review and receive approval from the Edgartown Board of Health prior to such use, so that the Board of Health may prescribe, limit, or prohibit the application of such products on lands in the Town that are designated as watersheds affecting ponds in the Town and/or the sole source aquifers for the Town water supply and/or aquifers for private and community residential wells in the Town.

Submitted by Petition

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 83.** The below signatories, all residents, of the Town of Edgartown, urge the Board of Selectmen to investigate the use of Town owned property, including the following parcels: 29 Old Indian Trail (34-247) and/or Cassat Way (35-18), Chappaquidick for such a tower and to there-after, pursue all necessary action to locate a telecommunications tower in said town owned property.

Submitted by Petition

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 84.** (1) No person, nonprofit organization, association, firm or corporation, shall knowingly release,

organize the release of or intentionally cause to be released into the atmosphere any helium or other lighter than air gas balloons in the town of Edgartown. Any violation of this bylaw shall result in a fine of \$100. The provisions of section (1) shall not apply to the balloons which are used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure of or by a person on behalf of the government agency or pursuant to a governmental contract for scientific or meteorological purposes.

Submitted by Petition

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

**ARTICLE 85.** To see if the Town will vote to mandate that the Edgartown Board of Health obtain written approval from the Board of Selectmen and Board of Water Commissioners prior to future order of adding fluoride to our water system.

Submitted by Petition

**NEITHER RECOMMENDED NOR NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE**

And you are directed to serve this Warrant by publishing an attested copy thereof in one newspaper having general circulation in said Edgartown, seven days, at least, before the time of holding said meeting or by posting it in six or more conspicuous places in Town at least seven days before the time of said meeting.

HEREOF FAIL NOT, and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this 4th day of March in the year of our Lord Two Thousand Nineteen.

Michael J. Donaroma  
Margaret E. Serpa  
Arthur Smadbeck  
BOARD OF SELECTMEN  
Town of Edgartown

## TOWN MEETING PROCEDURE GUIDELINES

**The Moderator** has absolute control of the Town Meeting.

**The General Laws Chapter 39 Section 15:** The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes. The Moderator recognizes speakers from the floor, and while they are speaking allows no interruptions except when a point of order is raised.

**When a voter wishes to speak** he may rise, say “Mr. Moderator,” and wait for recognition. Then, standing at a microphone, he should give his name. The voter may continue, with due regard to reasonable brevity, as long as he speaks directly to the question under discussion.

### MOTIONS

**MAIN** motions are usually on articles in the Town Warrant. They are made, seconded, then open for consideration. Articles are not always brought before the Meeting in the order of their appearance in the Warrant.

**SECONDARY motions** are motions which refer to main motions. The Meeting is usually limited to the discussion of two secondary motions at one time. Secondary motions usually amend, postpone, or limit consideration.

### AMEND

**Amendments** may be offered by any voter to the motion under discussion, provided the scope of the original motion is not enlarged or altered. Amendments are seconded and discussed; they require a majority vote to carry (pass). An amendment need not be voted upon if the proposed change is agreeable to the proponents of the original motion. Voters are encouraged to submit amendments in writing.

### POSTPONE

1. **To refer to committee “Commit”;** If changes in a main motion are numerous, take much time, or require additional information, it is wise to commit the article to a committee. This secondary motion should specify which board or committee. If proposing a new committee, specify how many members, how appointments are to be made and when the committee should report.
2. **Postpone to a definite time;** defers action on a main motion to a stated hour, usually during the Meeting. At the hour specified, it is returned to the floor when a motion is made that the deferred article be considered.
3. **“Lay on Table”** intends to temporarily lay aside an article. Not debatable; majority vote carries. (To “Take from Table” see RECONSIDERATION.) An article not taken from table before the meeting adjourns is dead. To be considered at a subsequent meeting, it must reappear in the Warrant for that meeting.
4. **“Take no action” “Pass over” “Postpone indefinitely”** are debatable motions and require majority vote. The intent is to defeat the motion.

### LIMIT CONSIDERATION

1. **Limit Debate:** This secondary motion requests vote to be taken at a specific time. Requires 2/3 majority vote.
2. **“Move the Previous Question”** demands an immediate vote on any motions under consideration. May not be debated or amended. Requires 2/3 vote to carry.

### POINT OF ORDER

**If a voter questions the legality** or propriety of the proceedings, he may rise, interrupt the speaker and say, “Mr. Moderator, I rise to a point of order” or “question of privilege”.



## RECONSIDERATION

**To consider a tabled motion** “Take from Table”. The motion to consider a tabled question requires a majority vote and can be made at any time when no other question is before the Meeting.

### TO RECONSIDER AN ARTICLE ONCE ACTED UPON AND DISPOSED OF

1. **Move to reconsider the vote:** This motion may be made by one who voted on the prevailing side of a motion which has been adopted, rejected or postponed indefinitely and wishes to change his views.
2. **To rescind.** If no one who voted on the prevailing side is willing to move to reconsider, any voter may move to rescind the vote on the main motion. Usually a 2/3 vote is required.

### VOTES ON MAIN MOTIONS

1. Usually majority of those attending carries.

**Exceptions:**

**2/3 majority vote required** borrowing of money; appropriations for land purchase; land purchase for public domain; sale or abandonment of unneeded land; abandonment of projects for which money has been borrowed; appropriation for celebration of settlement or incorporation; zoning by-laws.

**4/5 usually required** payment of a bill for which insufficient appropriations were made in previous year.

## MODERATOR’S RULES REGARDING TOWN MEETINGS

Priority shall be given to Registered Voters of the Town for admission to all Town Meetings, whether Annual or Special meetings. Therefore the following rules shall apply:

1. Prior to admission to the Hall, persons desiring admittance shall check in with the Registrars of Voters who shall be present at the main entrance with Voter Registration Lists.
2. Town officials and voters who desire to have a non-voter present to speak on any article of which he may have special knowledge or expertise should request the Moderator in writing at least seven days prior to the meeting that the non-voter be allowed to be present. The request should briefly state the subject matter and articles to which the non-voter desires to address the meeting. If the Moderator allows the non-voter to be present, he shall so inform the Registrars of Voters.
3. The Registrars of Voters shall admit to the meeting all duly registered voters of the Town and all persons whom the Moderator has informed them to admit.
4. Five minutes prior to the time the meeting is scheduled to begin, if there are sufficient seats for the registered voters present, plus an adequate reserve for later arriving voters, the Registrars may admit non-voters. Admitted non-voters shall not mingle with registered voters. They shall be seated in an area distinguishable from the remainder of the meeting so that the Tellers and Moderator can easily determine those who have a right to vote and those who do not.
5. Non-voters admitted to a Town Meeting shall not address the Meeting without the permission of the Moderator and shall make no remarks or comments during debate or participate in voting.

The Moderator retains the right to have any voter or non-voter removed from the Meeting.

## **TOWN MEETING TERMINOLOGY**

### **CHERRY SHEET**

This is a cherry red form which shows all of the State and County charges and reimbursements to the Town as certified by the Massachusetts Department of Revenue.

### **RESERVE FUND**

This fund may be established by the voters at an ANNUAL TOWN MEETING or Special Town Meeting and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both.

Any unexpired balance thereof at the end of the year is closed out to the surplus revenue (E & D) except, however, that from such balance there shall first be deducted and credited back to Overlay Reserve, to the extent possible, a sum equal to that amount, if any, which was appropriated from the Reserve Fund.

Transfers from the Reserve Fund are within the exclusive control of the Financial Advisory Committee.


### **STABILIZATION FUND**

A fund set up by Town meeting vote under the provisions of Section 5b, Chapter 40 of the Massachusetts General Laws, not to exceed 10% of the amount raised in the preceding fiscal year by taxation of Real Estate and Tangible Personal Property. The aggregate amount in the fund at any time shall not exceed 10% of the equalized valuation of the Town. Any interest shall be added to and become a part of the fund. Appropriations from this fund may be made for any purpose. A two-thirds vote is required.

### **SURPLUS REVENUE - FREE CASH**

Generally referred to as Excess and Deficiency, though that phrase nowhere appears in the statutes. This fund represents the amount by which Cash, Accounts Receivable and other floating assets exceed the liabilities and reserves. This amount of the Excess and Deficiency account over and above uncollected taxes of prior years constitutes "Free Cash" or "Available Funds" and is certified to the Town by the Director of Accounts of the Commonwealth of Massachusetts, effective July first of each year.

**SPECIMEN BALLOT  
ANNUAL TOWN ELECTION  
EDGARTOWN, MASSACHUSETTS  
THURSDAY, APRIL 11, 2019**

- A. TO VOTE, completely fill in the OVAL to the RIGHT of your choice(s), like this** 
- B. Follow directions as to the number of candidates to be marked for each office.**
- C. To vote for a person whose name is not printed on the ballot, write the candidate's Name on the line provided and completely fill in the OVAL.**

<b>BOARD OF SELECTMEN</b>	
Three Years	Vote for ONE
Michael J. Donaroma 46 Braley's Way	Candidate for Re-Election
John S. Krowski 342 Edgartown Road	
	Write-in
<b>BOARD OF ASSESSORS</b>	
Three Years	Vote for ONE
Donna L Goodale 14 Knoll Drive	Candidate for Re-Election
	Write-in
<b>BOARD OF HEALTH</b>	
Three Years	Vote for ONE
Harold T. Zadeh 20 Jason Drive	Candidate for Re-Election
	Write-in
<b>CONSTABLE</b>	
Three Years	Vote for ONE
William C. Bishop, IV 5 Wood Duck Circle	Candidate for Re-Election
	Write-in
<b>FINANCIAL ADVISORY COMMITTEE</b>	
Three Years	Vote for TWO
Steven C. Jordan Sr. 25 Edgewood Drive	Candidate for Re-Election
James K. Carter 407 Katama Road	Candidate for Re-Election
	Write-in
	Write-in
<b>LIBRARY TRUSTEES</b>	
Three Years	Vote for TWO
Justine Shemeth DeOliveira 27 Mill Street	Candidate for Re-Election
Olga Church 85 Fifth Street North	Candidate for Re-Election
	Write-in
	Write-in
<b>PARK COMMISSIONER</b>	
Three Years	Vote for ONE
Glen Searle 51 Chase Road	Candidate for Re-Election
	Write-in
<b>PLANNING BOARD</b>	
Five Years	Vote for ONE
Glen Searle 51 Chase Road	
	Write-in

<b>SCHOOL COMMITTEE</b>	
Three Years	Vote for ONE
Kelly M. McCracken 99 Pocha Road	Candidate for Re-Election
	Write-in
<b>WASTEWATER TREATMENT COMMISSIONER</b>	
Three Years	Vote for ONE
Glen Searle 51 Chase Road	Candidate for Re-Election
	Write-in
<b>WATER COMMISSIONER</b>	
Three Years	Vote for ONE
Scott Ellis 26 Hye Road	Candidate for Re-Election
	Write-in
<b>MARTHA'S VINEYARD LAND BANK REPRESENTATIVE</b>	
Three Years	Vote for ONE
Richard S. Knight, Jr. 209 Chappaquiddick Road	
John S. Krowski 342 Edgartown Road	
	Write-in
<b>BALLOT QUESTION #1</b>	
Shall the Town of Edgartown be allowed to exempt from proposition two and one-half, so called, the amounts required to pay for the principal and interest on bonds or notes issued to restore the stone bulkhead and wooden walkways on three sides of Town owned property located at 1 Morse Street?	
YES NO	
<b>BALLOT QUESTION #2</b>	
Shall the Town of Edgartown be allowed to assess an additional \$400,000.00 in real estate and personal property taxes for rebuilding and resurfacing of certain Town streets for the Fiscal Year beginning July first, two thousand and nineteen?	
YES NO	
<b>BALLOT QUESTION #3</b>	
Shall the Town of Edgartown be allowed to assess an additional \$350,000.00 in real estate and personal property taxes for building and repairing of various Town sidewalks, bike paths, and storm water drainage systems, for the Fiscal Year beginning July first, two thousand and nineteen?	
YES NO	
<b>BALLOT QUESTION #4</b>	
Shall the Town of Edgartown be allowed to exempt from proposition two and one-half, so called, the amounts required to pay for the principal and interest on bonds or notes issued to engineer, demolish, expand, and build a new hanger at the Katama Airfield?	
YES NO	



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