

**WARRANT FOR THE  
ANNUAL TOWN MEETING  
MAY 9, 2023  
COMMONWEALTH OF MASSACHUSETTS**

County of Dukes County, ss.  
To either of the Constables of the Town of Aquinnah

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Aquinnah who are qualified to vote in the election and town affairs to meet at the Aquinnah Town Hall in said Town on the Ninth day of May, 2023 at 7:00 P.M. then and there to act upon the articles of this Warrant, with the exception of Article One; and to meet again at the Aquinnah Town Office Building on the Eleventh day of May, 2023 at twelve noon, then and there to act on Article One of the Warrant by the election of offices, ballot questions and override found on the Official Ballot.

The polls for voting on the Official Ballot will open at 12:00 P.M. and close at 8:00 P.M. on Thursday, May 11, 2023.

**ARTICLE ONE**

To elect the following officers on the Official Ballot  
One member of the Board of Selectmen for three years  
Two members of the Planning Board for three years  
One member of the Planning Board for one year  
One member of the Board of Health for three years  
One Town Clerk for three years  
One Library Trustee for three years

Question One:

Shall the Town of Aquinnah be allowed to assess an additional One Hundred Ten Thousand Dollars (\$110,000.00) in real estate and personal property taxes for the purposes of operating the Up-Island Regional Schools for the Fiscal Year beginning July 1, 2023?                      Yes              No  
(Recommended by Finance Committee)

**ARTICLE TWO**

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

**ARTICLE THREE**

To see if the town will vote to raise and appropriate the sums of money required to defray the general expenses of the Town as itemized in the FY 2024 operating budget and fix the salaries and compensation of all elected officers and employees of the Town as itemized therein, and to fund said appropriations through the tax levy; provided however, that the amount of One Hundred

Ten Thousand Dollars (\$110,000.00) set out under a portion of the Up-Island Regional School District shall be raised and appropriated only if a majority of the voters casting ballots at the Annual town election to be held on May 11, 2023, vote in the affirmative to override Proposition 2-1/2, so called. (Recommended by Finance Committee)

#### ARTICLE FOUR

To see if the Town will vote to take from available funds the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) to paint and make emergency repairs to town buildings, including the Town Hall, Town Comfort Station at Aquinnah Circle and Fire Station, or take any other action relative thereto. (Recommended by Finance Committee)

#### ARTICLE FIVE

To see if the Town will vote to take from available funds the sum of Eighteen Thousand Eight Hundred Seventy-Six Dollars and Twenty Cents (\$18,876.20) to be paid to the Up-Island regional School District as the Town's share of the costs of the District's capital project for the purchase and installation of services, supplies, equipment and materials related to electrical service upgrades and heating system equipment replacement in or on the West Tisbury School building, including any other costs incidental and relative thereto, provided however, that this appropriation shall not be effective unless each of the other member Towns of the District approve a corresponding appropriation for their respective share of the total project costs, or take any other action relative thereto. (Recommended by Finance Committee)

#### ARTICLE SIX

To see if the Town will vote to take from available funds the sum of Two Thousand Nine Hundred Ninety Dollars (\$2,990.00) to fund the Town's share of the expenses of the All-Island School Committee's contract for continuing community education in Fiscal Year 2024, or take any other action relative thereto. (Recommended by Finance Committee)

#### ARTICLE SEVEN

To see if the Town will vote to raise and appropriate the sum of Six Thousand Nine Hundred Fifty-Eight Dollars and Sixty-Eight Cents (\$6,958.68) to be paid to Sgt. Paul Manning for unpaid Fiscal Year 2021 longevity payment as allowed by the police contract. (Recommended by Finance Committee)

#### ARTICLE EIGHT

To see if the Town will vote to take from available funds the sum of Two Thousand One Hundred (\$2,100.00) for the purchase of a new printer for the Police Department, or take any other action relative thereto. (Recommended by Finance Committee)

#### ARTICLE NINE

To see if the town will vote to raise and appropriate the sum of Seventy Three Thousand Four Hundred Six Dollars and Six Cents (\$73,406.06) to pay outstanding cost overruns in design,

feasibility of repairs and additions to Town buildings, or take any other action relative thereto. (Recommended by Finance Committee)

#### ARTICLE TEN

To see if the Town will vote to take from available funds the sum of Twenty Three Thousand Four Hundred Seventy-Six Thousand Dollars and Ninety-Seven Cents (\$23,476.97) as the Town's share of Fiscal Year 2024 costs of the Martha's Vineyard Public Safety Communications System in accordance with the Cooperative Agreement for Emergency Communications and Dispatch Services. Funding is contingent on all Island Towns paying for such cost in Fiscal Year 2024 according to the agreed upon dispatch and fixed cost formula, or take any other action relative thereto. (Recommended by Finance Committee)

#### ARTICLE ELEVEN

To see if the Town will vote to take from available funds the sum of Five Thousand dollars (\$5,000.00) to renew its option for transportation engineering services for design work and/or technical analysis of Town projects, with funds administered by the Martha's Vineyard Commission for Fiscal Year 2024, or take any other action relative thereto. (Recommended by Finance Committee)

#### ARTICLE TWELVE

To see if the Town will vote to enact Chapter XXIX of the Town of Aquinnah General Bylaws, entitled "Fossil Fuel Free Demonstration," for the purpose of restricting and prohibiting new building construction and substantial renovation projects that are not fossil fuel free, pursuant to the entirety of 225 CMR XX, with an effective date of January 1, 2024, a copy of which is on file with the Town Clerk, or take any other action relative thereto. This shall take effect only if Aquinnah is approved by the Massachusetts Department of Energy Resources as a Participating Community pursuant to 225 CMR XX.

### FOSSIL FUEL FREE DEMONSTRATION

#### § 1 Definitions

#### § 2 Purpose

#### § 3 Applicability

#### § 4 Fossil Fuel Free Demonstration

#### § 5 Amendments to the Specialized Energy Code

#### § 6 Building Permits

#### § 7 Waivers

#### § 8 Appeals

#### **§ 1 Definitions**

**Effective Date** -- The provisions of this bylaw shall take effect on January 1, 2024, provided that the Town's participation in the Fossil Fuel Free Demonstration has been approved by the Commonwealth's Department of Energy Resources.

**Fossil Fuel Free Demonstration** – Codified by the entirety of 225 CMR 24.00, the Fossil Fuel Free Demonstration.

**Review Board** -- A Town board, established and appointed by the Select Board, whose members shall have the experience and expertise necessary to perform the functions and requirements of reviewing waivers and appeals as set out in Chapter XXIX, Sec. 7 and 8 of this Bylaw. The Review Board shall have at least three (3) members serving three-year staggered terms. Review Board members shall be considered special municipal employees for purposes of G. L. c. 268A. The Select Board, in its discretion, may serve as the Review Board in lieu of appointing Review Board members.

**Specialized Energy Code** – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch energy code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

**Major Renovation** -- Alteration of an existing building in which the work area exceeds 50 percent of the building area. [See 2015 IEBC section 505.1]

**Work Area** – The portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work areas exclude other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by the IEBC code. [See 2015 IEBC section 202]

## **§ 2 Purpose**

The purpose of this bylaw is to protect the health and welfare of Town inhabitants and to protect the environment by reducing greenhouse gas emissions, which cause climate change, and by reducing other air pollutants. The Town seeks to do this by participating in XX CMR XX, also referred to as the Fossil Fuel Free Demonstration, to prohibit new building construction and Major Renovations that are not fossil fuel free.

## **§ 3 Applicability**

The restrictions in this bylaw apply to residential and commercial buildings that qualify as new construction or Major Renovation. These restrictions shall not apply to research laboratories for scientific or medical research, hospitals and medical offices regulated by the department of public health as a health care facility as defined in XX CMR XX.

#### **§ 4 Fossil Fuel Free Demonstration**

The Fossil Fuel Free Demonstration, as codified by the entirety of XX CMR XX, is herein incorporated by reference into the Town of Aquinnah General Bylaws, Chapter XXIX.

#### **§ 5 Amendments to the Specialized Energy Code**

With adoption of the Fossil Fuel-Free Demonstration, and upon approval by the Department of Energy Resources, the following amendments to the Specialized Energy Code are adopted. These changes are enforceable by the inspector of buildings and will go into effect for any project seeking a permit after the Effective Date.

- a. **Low-rise Residential Code (225 CMR 22 Appendix RC)** Sections RC102 and RC101 “Zero Energy Pathway” and “Mixed Fuel Pathway” shall not be permitted for use for new construction or major renovations.
- b. **Commercial and All Other (225 CMR 23 Appendix CC)** Sections CC103 and CC105 “Zero Energy Pathway” and “Mixed-Fuel Pathway” shall not be permitted for new construction or major renovations, with the following exceptions:
  1. Research laboratories for scientific or medical research,
  2. Hospitals regulated by the department of public health as a health care facility,
  3. Medical offices regulated by the department of public health as a health care facility,
  4. Buildings heated with Clean Biomass Heating Systems as defined in 225 CMR 23 as the only combustion equipment,
  5. Multi-family buildings over 12,000 square feet with permit application filed prior to January 1, 2027 may utilize gas or propane for domestic water heating as the only combustion equipment.

#### **§ 6. Building Permits**

On and after the Effective Date,

- a. Any application for a building permit for a new building or a Major Renovation must identify the means of heating, cooling, and hot water that will be used in the building.

- b. The Town will grant a building permit for a new building or a Major Renovation only if the building will comply with the restrictions in this bylaw.

## **§ 7. Waivers**

- a. The Review Board may grant a waiver of the provisions of this bylaw in the event that compliance makes a project financially infeasible or impractical to implement. Compliance with this bylaw may be considered infeasible or impractical to implement if, without limitation:
    - b.
      - 1. as a result of factors beyond the control of the proponent, the additional cost of the project over the long term, including any available subsidies, would make the project economically unviable; or
      - 2. Technological or other factors would make the project unsuitable for its intended purpose.
  - c. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits.
  - d. Waivers may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are infeasible or impractical to implement, rather than for entire projects.
3. The Review Board, or the Select Board if in its discretion it chooses, may issue guidance on the granting of waivers and the imposition of conditions, to be periodically amended in light of experience under this bylaw. The Review Board shall submit its proposed guidance to the Select Board for review before the guidance becomes effective, which may offer amendments or additions. The Review Board's decisions on waiver requests shall be final, with the exception of judicial review as provided for in Section 8b. below.

## **§ 8 Appeals**

- a. An appeal from a decision by the building inspector under this bylaw may be taken to the Review Board and must be filed with the Town Clerk within fourteen (14) days after the decision appealed. The Review Board shall hold a public hearing within a reasonable time after the appeal is filed, but is not required to provide notice other than as required by the Open Meeting Law. The Review Board shall reverse the decision of the building inspector only if the decision was arbitrary, capricious, or not supported by substantial evidence. The Review Board shall consider only the record or documents provided to the building inspector, shall not conduct a de novo review or proceeding, and shall issue its decision in writing, which decision shall be final.

- b. An applicant aggrieved by a decision of the Review Board under this bylaw may seek judicial review only in the Dukes County Superior Court under the provisions of G. L. c. 249, § 4.

## ARTICLE THIRTEEN

To see if the Town will vote to enact Chapter XXX of the Town of Aquinnah General Bylaws, entitled “Specialized Energy Code” for the purpose of restricting and prohibiting new building construction and substantial renovation projects that are not fossil fuel free, pursuant to the entirety of 225 CMR XX, with an effective date of January 1, 2024, a copy of which is on file with the Town Clerk, or take any other action relative thereto. This shall take effect only if Aquinnah is approved by the Massachusetts Department of Energy Resources as a Participating Community pursuant to 225 CMR XX.

### SPECIALIZED ENERGY CODE

§ 1 Definitions

§ 2 Purpose

§ 3 Applicability

§ 4 Specialized Code

#### § 1 Definitions

**International Energy Conservation Code (IECC)** – The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards and published in state regulations as part of 780 CMR.

**Specialized Energy Code** – Codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, the Specialized Energy Code adds residential and commercial appendices to the Massachusetts Stretch Energy Code, based on amendments to the respective net-zero appendices of the International Energy Conservation Code (IECC) to incorporate the energy efficiency of the Stretch Energy Code and further reduce the climate impacts of buildings built to this code, with the goal of achieving net-zero greenhouse gas emissions from the buildings sector no later than 2050.

**Stretch Energy Code** - Codified by the combination of 225 CMR 22 and 23, not including Appendices RC and CC, the Stretch Energy Code is a comprehensive set of amendments to the International Energy Conservation Code (IECC) seeking to achieve all lifecycle cost-effective energy efficiency in accordance with the Green Communities Act of 2008, as well as to reduce the climate impacts of buildings built to this code.

## **§ 2 Purpose**

The purpose of 225 CMR 22 and 23 including Appendices RC and CC, also referred to as the Specialized Energy Code, is to provide a more energy efficient and low greenhouse gas emissions alternative to the Stretch Energy Code or the baseline Massachusetts Energy Code, applicable to the relevant sections of the building code for both new construction and existing buildings.

## **§ 3 Applicability**

This energy code applies to residential and commercial buildings.

## **§ 4 Specialized Code**

The Specialized Code, as codified by the entirety of 225 CMR 22 and 23 including Appendices RC and CC, including any future editions, amendments, or modifications, is herein incorporated by reference into the Town of Aquinnah General Bylaws, Chapter XXX.

The Specialized Code is enforceable by the inspector of buildings.

### **ARTICLE FOURTEEN (4/5 vote required)**

To see if the Town will vote to take from available funds the sum of Six Thousand Eight Hundred Twenty-Five Dollars (\$6,825.00) to pay Crosswater Landscape for services related to landscape maintenance at Aquinnah Circle in FY 2022, or take any other action relative thereto. (Recommended by Finance Committee)

### **ARTICLE FIFTEEN (4/5 vote required)**

To see if the Town will vote to take from available funds the sum of Four Thousand Three Hundred Seventeen Dollars and Twenty-Two Cents (\$4,317.22) to pay Vineyard Land Surveying & Engineering for an outstanding invoice from FY 2022 for services related to surveying work related to clearing view channels on Moshup Trail at the request of Carlos Montoya and Peter Temple, or take any other action relative thereto. (Recommended by Finance Committee)

### **ARTICLE SIXTEEN**

To see if the Town will vote to take from available funds the sum of Thirty Thousand Dollars (\$30,000.00) for the purpose of replacing the auxiliary generator at the Town Hall, or take any other action relative thereto. (Recommended by Finance Committee)

### **ARTICLE SEVENTEEN**

To see if the Town will vote to take from available funds the amount of Sixteen Thousand Dollars (\$16,000.00) for the purpose of funding sailing programs offered during the summer, or take any other action relative thereto. (Recommended by Finance Committee)



ARTICLE EIGHTEEN (2/3 vote required)

To see if the Town will vote to take the necessary steps to convey its title to Set-Off Lot 341 to the Heirs of Shirley A. Francis Jardin. (By petition)

ARTICLE NINETEEN

To see if the Town will vote to take from available funds the sum of Fifteen Thousand Dollars (\$15,000.00) to purchase and install equipment to facilitate video conferencing of meetings at the Town Offices, or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE TWENTY

To see if the Town will vote to take from available funds the sum of Four Thousand Five Hundred (\$4,500.00) Dollars to purchase and install wireless speaker system for the Town Hall, or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE TWENTY-ONE

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

ARTICLE TWENTY-TWO

To see if the Town will vote to raise and appropriate the sum of Thirty Five Thousand Seven Hundred Three Dollars and Twenty-Six Cents (\$35,703.26) for highway construction or improvements from the Town of Aquinnah's Chapter 90 local transportation aid apportionment from the Commonwealth of Massachusetts for FY 2024, or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE TWENTY-THREE

To see if the Town will vote to increase the short-term rental tax from four percent (4%) to six percent (6%) and assess a two and one-half percent (2.5%) administrative fee as allowed under M.G.L. Ch. 64G, sec. 3A, or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE TWENTY-FOUR

To see if the Town will vote to take from available funds the sum of Sixty Thousand Dollars (\$60,000.00) to purchase and install mini-split heating/cooling units in the offices of the Tax Collector, Town Clerk, Treasurer and Accountant in the Town Office building, or take any other action relative thereto. (Recommended by Finance Committee)

ARTICLE TWENTY-FIVE

To see if the town will vote to authorize the Select Board to accept a gift of land from the East Pasture Trust, West Basin Trust, Jane Bernstein and The James D. Bernstein GST – Credit Shelter Trust, consisting of approximately .38 acres of unimproved land located at Off Moshup Trail (Assessors' Map 10, Parcels 37 and 38) for purposes of expanding the Philbin Beach parking lot

and access to Philbin Beach, or take any other action relative thereto. (Recommended by Finance Committee)

#### ARTICLE TWENTY-SIX (4/5 vote required)

To see if the Town will vote to take from available funds the sum of Eleven Thousand Dollars (\$11,000.00) to pay unpaid overtime due the Town Highway Supervisor for work in prior years, or take any other action relative thereto. (Recommended by Finance Committee)

#### ARTICLE TWENTY-SEVEN

To see if the Town will vote to appropriate, or reserve, monies for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, from projected Fiscal Year 2024 Community Preservation revenues of **Three Hundred Thousand Dollars (\$300,000)**. Thirty percent of those funds shall be allotted in the following amounts as required by Community Preservation legislation:

*\$30,000 to the Community Preservation Open Space and Recreation Reserve; and,*

*\$30,000 to the Community Preservation Historic Reserve; and,*

*\$30,000 to the Community Preservation Housing Reserve; and,*

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

*\$15,000 to the Community Preservation Community Housing Reserve; and,*

*\$20,000 to the Community Preservation Historic Preservation Reserve; and,*

*\$172,000 to the Community Preservation Open Space and Recreation Reserve; and,*

*\$3,000 to FY '24 CPA administrative expenses, or take any other action relative thereto.*

#### ARTICLE TWENTY-EIGHT

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

**\$7,000 (seven thousand dollars)** from the Community Preservation Historic Preservation Reserve for the restoration, preservation, display, and storage of documents and artifacts within the Aquinnah Conservation Commission's archival collection, and

**\$50,000 (fifty thousand dollars)** from the Community Preservation Historic Preservation Reserve for the restoration of the Gay Head Community Baptist Church Meetinghouse , including restoration and reinforcement of the bell tower, steeple and roof structure, as well as the exterior trim, shingles and paint, or take any other action relative thereto.

#### ARTICLE TWENTY-NINE

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

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

**\$20,000 (twenty thousand dollars)** from the Community Preservation Housing Reserve for the subsidy of affordable rents in Aquinnah through the DCRHA's Rental Assistance program, and

**\$10,000 (ten thousand dollars)** from the Community Preservation Housing Reserve for pre-development and permitting costs for Affordable Housing efforts in Aquinnah, and

**\$2,900 (two thousand nine hundred dollars)** to be transferred from previously appropriated FY '22 Covid-19 Rental Subsidy funds, to the DCRHA's Aquinnah Rental Assistance program, or take any other action relative thereto.

#### ARTICLE THIRTY

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

**\$125,000 (one hundred twenty-five thousand dollars)** from the Community Preservation Open Space and Recreation Reserve for the proposed playground behind Aquinnah Town Hall, and

**\$10,000 (ten thousand dollars)** from the Community Preservation Open Space and Recreation Reserve for additional design and permitting costs for new bathrooms at the Aquinnah Circle, and

**\$87,840 (eighty-seven thousand eight hundred and forty dollars)** for ongoing mortgage costs related to capital improvements at the Aquinnah Circle and the Acquisition of #13 Aquinnah Circle; including an additional \$20,000 paydown of principal on the Capital Improvements at Aquinnah Circle portion of mortgage, or take any other action relative thereto.

#### ARTICLE THIRTY-ONE

To see if the Town will vote to appropriate Community Housing funds, from proceeds to be received from the Island Housing Trust from the conservation of a portion of the Smalley's Knoll property, for the undertaking of the following **Community Housing** efforts, as recommended by the Community Preservation Committee:

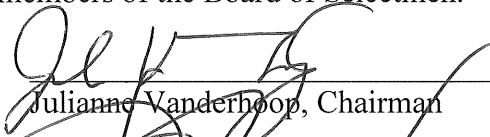
**\$90,400 (ninety thousand four hundred dollars)** to be dedicated to the reduction or pay down of principal on the Town of Aquinnah's Town Center Apartments borrowing amount (as approved in FY '23), thereby reducing the previously approved \$400,000 borrowing total to \$309,600, or take any action relative thereto.

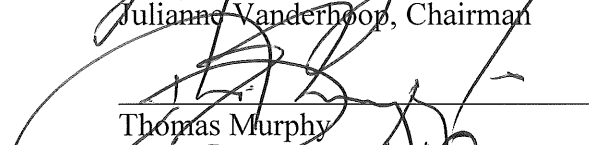
#### ARTICLE THIRTY-TWO

To see if the town will raise and appropriate the sum of Thirteen Thousand Three Dollars (\$13,003.00) to pay charges for FY 2024 lease on the Town Police Cruiser, or take any other action relative thereto. (Recommended by Finance Committee)

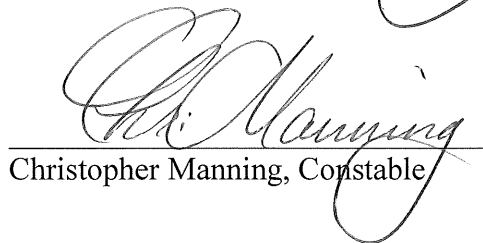
And you are hereby directed to serve this warrant by posting up attested copies at the Schoolhouse/Library and Town Hall in said Town at least seven days prior to time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place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

Given under our hands this Eleventh day of April, in the year of our Lord Two Thousand and Twenty-Three we the undersigned members of the Board of Selectmen.

  
Julianne Vanderhoop, Chairman

  
Thomas Murphy

  
Gary Haley

  
Christopher Manning, Constable

Posted: April<sup>12</sup>, 2023