

**Tisbury Finance & Advisory Committee
at the Katherine Cornell Theatre
6:30PM, Wednesday, March 22, 2018**

Present: Chair – Jeff Kristal, Pamela Brock, Nancy Gilfoy,
Jynell Kristal, Mary Ellen Larsen,
Town: Planning Board Chair – Ben Robinson,
Moderator Deborah Medders,
Others: Zoe Turcotte – West Tisbury School
Recorder Marni Lipke * Late arrivals or early departures

• Call to Order

The Tisbury Finance and Advisory Committee (FinCom) was called to order at 6:33PM. *(Recorder's Note: Discussions are summarized and grouped for clarity and brevity.)*

**• Special Town Meeting Warrant Article Review
Vote (Recommend or not Recommend)**

• STM Article #19 – Ban Release of Lighter than Air Balloons

The West Tisbury School students petitioned this late-filed article to all Town Warrants after a science class. It was an educational opportunity for vendors to explain the detrimental effects of Mylar balloons on the environment. The regulation only covered intentional release; accidental releases were exempt.

• JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #19 ON **BANNING THE RELEASE OF LIGHTER THAN AIR BALLOONS IN TISBURY**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

• STM Article #13 – Amend Marihuana Dispensary Zoning Bylaw

The Planning Board added recreational to medical dispensary regulations, reduced the grow area from 5,000 to 2,500 sq. ft. and eliminated sales space restrictions. The FinCom discussed:

- current status of medical and marihuana establishments on the Island;
- State law delays,
- 100 ft. setbacks from areas used by children (schools, mini-golf, etc.);
- medical (18 yr. or older) and recreational (21 yrs. or older) restrictions;
- 3% local sales tax incentive.

• JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #13 ON **AMENDING THE MARIJUANA DISPENSARY OR ESTABLISHMENTS ZONING BYLAWS**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

• STM Article #9 – Amend Zoning Bylaw Definitions

This was a housekeeping article required when Zoning bylaws were amended.

Tisbury Finance & Advisory Committee
March 22, 2018

2

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #9 ON **AMENDING ZONING BYLAW DEFINITIONS**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #11 – Amend Multiple Family Dwelling Units Zoning Bylaw

The amendment (linked to #10 & #14) eased restrictions on: frontage, discreet yard space, separate entrances, and lot area, in keeping with neighborhood character and by special permit, for projects including 25% affordable housing (80% and below Average Median Income (AMI)) and 25% community housing (150% and below AMI). The Planning Board consulted affordable housing agencies, (Island Housing Trust, South Mountain) to address affordable housing needs and reduce the need for cumbersome 40B applications. FinCom asked about rental procedure and year round housing. Objections were:

- was Planning Bd. special permit designation in keeping with the neighborhood enough safeguard; and

- would the amendment lend itself to absentee landlord/developers.

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #11 ON **AMENDING THE MULTIPLE FAMILY DWELLING UNITS ZONING BYLAWS**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **FAILED: 2 AYES—PAMELA BROCK, NANCY GILFOY; 2 NAYS—JEFF KRISTAL, MARY ELLEN LARSEN, 1 ABSTENTION—JYNELL KRISTAL.** (This article is linked to #10 & #14.)

- STM Article #12 – Amend Accessory Apartment Zoning Bylaw

The amendment eased accessory apartment space restrictions to 50%, for affordable, community, or caretaking purposes on existing structures where the footprint/structure was unchanged.

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #12 ON **AMENDING THE ACCESSORY APARTMENT ZONING BYLAWS**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- Town Moderator Deborah Medders explained Town Meeting process: capturing the essence of lengthy articles and judging discussion. The Planning Board would generate a fact sheet.

- STM Article #14 – Amend Schedule A Zoning Bylaw

This was a housekeeping article (linked to #10 & #11) required by the Multiple Family Dwelling Unit amendment.

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #14 ON **AMENDING SCHEDULE A OF THE ZONING BYLAWS**; NANCY GILFOY AND MARY ELLEN LARSEN

**Tisbury Finance & Advisory Committee
March 22, 2018**

3

SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #15 – Accept Mullen Law Provision

This provision, for the convenience of applicants (especially in cases requiring multiple meetings and super majorities), allowed an adjudicatory board member a single absence per case, to be made up by reviewing minutes, recordings and documentation. It would apply to all Town adjudicatory boards.

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #15 ON **ADOPTING MASSACHUSETTS GENERAL LAW CHAPTER 39 SECTION 23D**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #1 – Obtaining Official Bonds – housekeeping article

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #1 ON **OBTAINING OFFICIAL BONDS**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #2 – Elect a Fish Committee – housekeeping article

This was the only Committee historically chosen this way.

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #2 ON **ELECTING A FISH COMMITTEE**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #3 – Compensating Balance - housekeeping article.

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #3 ON **TREASURER-COLLECTOR AUTHORIZATION TO ENTER INTO A COMPENSATING BALANCE AGREEMENT**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #4 – Dispose of Surplus Equipment - housekeeping article

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #4 ON **DISPOSE OF SURPLUS EQUIPMENT**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #5 – Establish Assistant Building Inspector Position

(See 1/24/18 Minutes p.1-2.) The position planned for next year.

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #5 TO **ESTABLISH AN ASSISTANT LOCAL BUILDING INSPECTOR POSITION**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

**Tisbury Finance & Advisory Committee
March 22, 2018**

4

- STM Article #6 – Establish Wastewater Lead Operator Position

(See 2/14/18 Minutes p. 2.)

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #6 TO **ESTABLISH A WASTEWATER LEAD OPERATOR POSITION**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #7 – Special Legislation to Protect Ground and Surface Water

The measure was a response to Eversource herbicide spraying.

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #7 ON **PROTECTING GROUNDWATER AND SURFACE WATER RESOURCES**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #8 – Establish a State Road Sewer District

This was in anticipation plant upgrades and to protect the Tashmoo watershed from nitrification in case of further development. The district would extend to the Cranes Appliance area. The previous extension towards the Library failed proposal, was part of the harbor watershed that had better tidal flushing.

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #8 TO **ESTABLISH A STATE ROAD SEWER DISTRICT**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

- STM Article #10 – Amend Multiple Family Dwelling Units Zoning Bylaw

This was a housekeeping article (linked to #11 & #14) required by the Multiple Family Dwelling Unit amendment. (This article is linked to #11 & #14.)

- JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #10 ON **AMENDING THE MULTIPLE FAMILY DWELLING UNITS ZONING BYLAWS**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION PASSED: 3 AYES, 2 NAYS—JEFF KRISTAL, JYNELL KRISTAL, 0 ABSTENTIONS: **MOTION RE-VOTED AND PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

Tisbury Finance & Advisory Committee
March 22, 2018

5

- STM Article #16 – Amend Discharge of Firearms Bylaw

The amendment expanded the inclusion of other arms (e.g. bow & arrows), and allowed authorization by the Selectmen or written permission of owners on private property. There was some confusion over the intent of the amendment.

- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #16 ON **AMENDING THE DISCHARGE OF FIREARMS BYLAWS**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED: 4 AYES, 0 NAYS, 1 ABSTENTION—PAMELA BROCK.***

- STM Article #17 – Establish a MVRHS Stabilization Fund

This would authorize a Martha's Vineyard Regional High School (MVRHS) stabilization fund budget line item as a mechanism to fund, track and save for mid-size maintenance projects.

- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #17 TO **ESTABLISH A MARTHA'S VINEYARD REGIONAL HIGH SCHOOL STABILIZATION FUND**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED: 4 AYES, 1 NAY—JEFF KRISTAL, 0 ABSTENTIONS.** Jeff Kristal preferred to wait to see the outcome of the Massachusetts School Building Authority (MSBA) process.*

- STM Article #18 – WICK System Stabilization Fund

This would authorize a stabilization fund for the WICK leaching fields (See 2/21/18 Minutes p.3).

- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #18 TO **ESTABLISH A WICK SYSTEM STABILIZATION FUND**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.***

- STM Article #20 – Rental Property Registration Bylaw

The Board of Health, Fire Chief and Building Inspector sponsored the Article as a health and safety measure. There was a discussion on revenue implications of pending State Legislation designed to impose 2.5% local occupancy tax for short and long term rentals—raising hotel tax rates to 14%. The FinCom noted the workload increase to the three departments.

- *JYNELL KRISTAL MOVED THAT THE TISBURY FINANCE COMMITTEE RECOMMEND APPROVAL OF ARTICLE #20 TO **ADD RENTAL PROPERTY REGISTRATION BYLAW**; NANCY GILFOY AND MARY ELLEN LARSEN SECONDED; MOTION **PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.***

- **Discussion of Voter Guide**

Nancy Gilfoy had started the draft. The FinCom paid to publish the Guide. The FinCom discussed a separate Chair's Report on the year's activities as follows.

Tisbury Finance & Advisory Committee
March 22, 2018

6

- Property valued at \$126,000,000 was off the Tisbury tax rolls due to use for conservation, affordable housing, Town ownership, Church ownership, etc. The FinCom advocated for a more rigorous process to qualify for and to establish rates re: Payment In Lieu of Taxes (PILOT).
- Mary Ellen Larsen reported on the Affordable Housing Committee and her proposal to subsidize down payments instead of funding developments.
- Vineyard Haven had the highest tax rate on the Island (although Oak Bluffs was catching up). Edgartown was very low due to its real estate wealth. However it was also noted that Island taxes were all lower than mainland taxes.
- The FinCom struggled with the balance of revenue, taxes, and need:
 - keeping to 0% budgets for several years by “nickel and diming” departments;
 - wise expenditure of funds and managing with what the Town had;
 - objections to regional requests (MVRHS, non-profits, etc.) beyond FinCom control;
 - budget forces such as: salaries, contractual obligations, Other Post Employee Benefits–OPEB, etc.);
 - \$6,000,000 in Free Cash partly due to understaffed Police and Dept. of Public Works (DPW).
- After considerable discussion FinCom look at drafting a position paper (either in the voter guide or separately) about the Tisbury School project.
 - Lack of Town Planning and maintenance neglect, allowed the current situation to develop. The Tisbury School Committee had expected some Town direction on uses for the current building.
 - Although Principal John Custer managed to accommodate the aging building it was inadequate to student needs.
 - The building was greatly treasured by the Town and there was dissatisfaction with the quality of most new building projects.
 - The cost of education was part of being a citizen in the community.
 - FinCom members respected the experts in education and in renovation/construction who were part of the Tisbury School Building Committee.
 - FinCom expressed frustration with the Selectmen who signed-off on the process at each step and were now failing to support the outcome.

• **Approval of Minutes** – Tabled

• **Adjourn**

• *MARY ELLEN LARSEN MOVED TO ADJOURN AT 8:42PM; PAMELA BROCK SECONDED; MOTION PASSED UNANIMOUSLY.*

continued

Tisbury Finance & Advisory Committee
March 22, 2018

7

Meetings/Events:

TFC - 6:30PM, Wednesday, April 4, 2018 at the EMS Bldg.

Tisbury STM/ATM – 7:00PM, Tuesday, April 10, 2017

Action List:

- Jeff/Nancy – draft Tisbury School Project position paper.
- Jeff/Nancy – draft FinCom ATM report.
- Warrant Edits:
 - Article 40 - (order of articles) mistake 0, 6, 1 does not recommend
 - Article 7i - (CPC dog park) vote: 2, 5, 0 does not recommend
- Agenda Items
 - Minutes 2/14/18, 2/20/18, 2/21/18, 3/1/18, 3/22/18

Documents on file:

- Agenda 3/22/18
- Kristal email re: Votes Taken on County Articles 3/8/18
- Tisbury Town Warrants 2018, Tuesday, (22 p.)

Minutes approved 4/10/18.