
SPECIAL TOWN MEETING WARRANT for Tuesday, April 7th, 2009

TOWN OF TISBURY
SPECIAL TOWN MEETING WARRANT
TUESDAY, April 7, 2009 at 7:00 PM
Commonwealth of Massachusetts
County of Dukes, ss.

To either of the Constables of the Town of Tisbury,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the inhabitants of the Town of Tisbury who are qualified to vote in elections and Town affairs to meet at the Tisbury School Gymnasium-Auditorium, Vineyard Haven, in said Town of Tisbury, on the seventh day of April in the year Two Thousand Nine at seven o'clock in the evening, then and there to act on the following articles in this warrant:

[] ARTICLE 1 TO OBTAIN OFFICIAL BONDS

To see if the Town will vote to instruct the Selectmen to obtain of the Town Officers from whom bonds are required in FY2010 only such bonds as are secured by regular bond and surety firms and, when the bond of any Town Officer is accepted by the Selectmen, that the Town shall bear the expense of the amount paid by him or her for said bond, or take any action relative thereto.

Submitted: Board of Selectmen

—The Finance and Advisory Committee Recommends Passage of This Article. (8-0) —

ARTICLE 2 TO ELECT A FISH COMMITTEE

To see if the Town will vote to elect Charles Conroy, Janet Messineo, and Ronald Rose as a Fish Committee, in FY2010, pursuant to the provisions of Chapter 40 of the Special Acts of 1847 as it relates to the regulation of herring fishing at Chappaquonsett Pond and Creek and access thereto, or take any action relative thereto.

Submitted: Board of Selectmen

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 3 TO AUTHORIZE THE TREASURER-COLLECTOR TO ENTER INTO A COMPENSATING BALANCE AGREEMENT

To see if the Town will vote to authorize the Treasurer-Collector to enter into a compensating balance agreement or agreements for Fiscal Year 2010 pursuant to Chapter 44, Section 53, of the Massachusetts General Laws, or take any action relative thereto.

Submitted: Treasurer/Collector

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 4 TO AUTHORIZE THE TREASURER TO borrow in Anticipation of revenue

To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen, to borrow from time to time, in anticipation of revenue for Fiscal Year 2010, in accordance with the provisions of Massachusetts General Laws, Chapter 44, Section 4, and to issue a note or notes therefor, payable within one (1) year, and to renew any note or notes as may be given for a period of less than one (1) year, in accordance with Massachusetts General Laws, Chapter 44, Section 17, or take any action relative thereto.

Submitted: Treasurer/Collector

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 5 charging of interest on betterments per MGL Ch. 80, Sec. 13

To see if the Town will vote to charge an interest rate of 2% above the rate of interest chargeable to the Town on the betterments assessed for the Tisbury Wastewater and Collection System, as provided for in MGL Chapter 80, Section 13, or take any action relative thereto.

Submitted: Treasurer/Collector

The Finance and Advisory Committee Does Not Recommend Passage of This Article. (8-0)

ARTICLE 6 TO accept MGL chapter 83, sections 16A - 16F

To see if the Town will vote to accept MGL Chapter 83, Sections 16A through 16F regarding the collection and enforcement of rates and charges for the use of the Town's Sewer system, or take any action relative thereto.

Submitted – []Treasurer/Collector

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 7 tO authorize petition for special legislation for County pooled post-employment benefits trust fund

To see if the Town of Tisbury will vote to petition the General Court to enact the following Special Act:

SECTION 1. Notwithstanding any general or special law to the contrary, government employers in the County of Dukes County may, at their sole discretion, appropriate funds in order to offset the anticipated cost of premium payments for, or direct payments to, retired employees and the eligible surviving spouses or dependents of deceased employees. These funds shall be credited to a special fund to be known as the Dukes County Pooled Other Post Employment Benefits (OPEB) Trust Fund. Any interest or other income earned by the fund shall be added to and become part of the fund. The Board of Trustees of the Dukes County Pooled OPEB Trust Fund shall be the custodian of the fund and the Trust Fund shall be governed by the Declaration of Trust of the Dukes County Pooled OPEB Trust Fund.

SECTION 2. Each government employer, by a vote of its applicable legislative authority, may vote to join the Dukes County Pooled OPEB Trust Fund at any time after its creation.

SECTION 3. This act shall take effect upon its passage.

Or take any action relative thereto.

Submitted: County Commissioners

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 8 to amend the town bylaws to provide for civilian flaggers

To see if the Town will vote to amend the Town Bylaws by adopting a new bylaw as follows:

SECTION 1. Definitions. As used in this bylaw the following words shall, unless the context requires otherwise, have the following meanings:

“MUTCD” - Manual of Uniform Traffic Control Devices as published and amended by the United States Department of Transportation and Federal Highway Administration.

“Flagger” – Any natural person, employed by the Department of Public Works of the Town of Tisbury, for the purpose of using traffic control devices as defined in the MUTCD, and trained in the control of traffic and work zone safety as defined in the MUTCD.

“Street” - Any public way, Town way, private way or way to which the public has a right of access in the Town of Tisbury, excluding State-owned public ways.

SECTION 2. Notwithstanding any provisions of any rule, regulation, order or bylaw to the contrary, the Department of Public Works of the Town of Tisbury in the course of constructing, maintaining, or repairing, over or under any street, including the construction, repairs or maintenance to utilities along, under, or through such streets, other than those owned by the Commonwealth of Massachusetts, whether performed by a contractor or performed by Department personnel, may employ flaggers to direct and control traffic around such construction or maintenance sites so long as such will not impact or otherwise compromise public safety, from Labor Day through June 30th of each year.

Or take any action relative thereto.

Submitted: Board of Public Works Commissioners

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 9 TO amend the Utility cut bylaw

To see if the Town will vote to amend the “Utility Cut Bylaw” as voted under Article 10 of the April 14, 1998 Special Town Meeting, as follows:

Add the words: “and /or a Trench Permit if applicable”, after “Road Cut Permit”,

or take any action relative thereto.

Submitted: Board of Public Works Commissioners

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 10 TO add the Tisbury School to the central wastewater collection and treatment system

To see if the Town will vote to extend the Service Area of the Wastewater and Treatment System to include the Tisbury School located on the property shown on Tisbury Assessors’ Maps as Parcel #8-A-1, with an assigned flow of 7,800 gallons per day, or take any action relative thereto.

Submitted: Board of Public Works Commissioners

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 11 TO approve negotiation of an apprenticeship program for the dpw

To see if the Town will vote to authorize the Selectmen or their designated appointees to negotiate with the American Federation of State, County and Municipal Employees, AFL-CIO, Massachusetts Council 93, Local 3992, an apprenticeship program for the Department of Public Works which will create an upward mobility track through a training program for all unskilled employees to fill skilled positions within the Department, or take any action relative thereto.

Submitted: Board of Public Works Commissioners

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 12 TO approve connector road layout

To see if the Town will vote to approve a road layout for the construction of a connector road between the Edgartown-Vineyard Haven Road and State Road, beginning at the property shown as Assessors' Map Parcel #21-B-31 and proceeding through the property shown as Assessors' Map Parcels #21-B-32.1, 21-B-34, 20-A-4, 20-A-5, 22-A-4.3, 22-A-4.2, and 22-A-6, and as further described on a plan of land entitled "Plan of Proposed Town Way in Tisbury, MA" by Schofield, Barbini & Hoehn, Inc.; Scale 1"= 40', dated March 1, 2009, on file with the Town Clerk, or take any action relative thereto.

Submitted: Board of Public Works Commissioners

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 13 TO establish a Town of tisbury water department

To see if the Town will vote to endorse the formal establishment of a Town of Tisbury Water Department, aka The Tisbury Water Works; to authorize the Board of Selectmen to petition the legislature for a Special Act amending Chapter 394 of the Acts of 1905, which is entitled "An Act to Provide for the Establishment of a Water Supply System by the Town of Tisbury", in connection with the establishment of a Town of Tisbury Water Department and to authorize the Board of Selectmen and the Board of Water Commissioners to take all actions necessary for such establishment and for implementation of any Special Act adopted in connection therewith, or take any action relative thereto.

Submitted: Selectmen, Water Commissioners and the Water Department Charter Study Committee

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 14 TO accept MGL CH. 44, Sec.53F½ to establish a water department enterprise fund

To see if the Town will vote to accept the provisions of MGL Chapter 44, Section 53F½ and establish a Water Enterprise Fund for the operation of the Town's water supply system, said fund to be effective beginning in FY2010, or take any action relative thereto.

Submitted: Selectmen, Water Commissioners and the Water Department Charter Study Committee

The Finance and Advisory Committee Recommends Passage of This Article. (8-0)

ARTICLE 15 TO amend the leash law bylaw

To see if the Town will vote to amend the leash law bylaw so that it reads as follows:

“No person who owns or keeps a dog shall allow it to run free when not restricted to the premises of said owner or keeper. When off said premises, such dog shall be leash restrained. Any person violating this bylaw shall be subject to a warning for the first offense; a penalty of \$25.00 for the second offense; a penalty of \$30.00 for the third offense, and a penalty of \$50.00 for the fourth and any subsequent offenses. Charges for boarding dogs and cats shall be determined by the Board of Selectmen.”

Or take any action relative thereto.

Submitted – Board of Selectmen/Animal Control Officer

The Finance and Advisory Committee Does Not Recommend Passage of This Article. (5-3)

Given under our hands this nineteenth day of March in the year Two Thousand and Nine

Tisbury Board of Selectmen

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Denys Wortman	Tristan R. Israel	Jeffrey C. Kristal

Posted at: Tisbury Town Hall

Tisbury Town Hall Annex

Tisbury Senior Center

Vineyard Haven Public Library

Cronig's State Road Market

March 20, 2009

Remo L. Fullin, Jr., Constable

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