



TOWN OF TISBURY
SPECIAL TOWN MEETING WARRANT
TUESDAY, March 25, 2008 at 7:30 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 twenty-fifth day of March in the year Two Thousand Eight at seven thirty o'clock in the evening, then and there to act on the following articles in this warrant:

ARTICLE 1 TO HEAR OR RECEIVE REPORTS

To see if the Town will vote to hear or receive the reports of the Selectmen and other Town boards, commissions, committees, and officials, or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (7-0)

ARTICLE 2 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 FY2009 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. (7-0)

ARTICLE 3 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 FY2009, 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. (7-0)

ARTICLE 4 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 2009 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. (7-0)

ARTICLE 5 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 2009, 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. (7-0)

ARTICLE 6 TO APPROVE THE DESIGN FOR TASHMOO PARK

To see if the Town will vote to approve the Tashmoo Park plan created by the Natural Playgrounds Company, a copy of which is on file with the Tisbury Town Clerk, for implementation at the Town's property located at the end of Lake Street and shown as Assessors' Map Parcel #37-B-1 and 37-B-1.2, or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (7-0)

ARTICLE 7 TO AMEND THE ZONING BYLAW

To see if the Town will vote to amend Section 02.00 (Definitions) of the Tisbury Zoning Bylaw by adding to the second paragraph of the definition of "Accessory Use" the following language in bold print, so that the paragraph will read as follows:

02.01 Accessory Use (second paragraph)

If more than 30% of the floor area or 50% of the lot area is occupied for such use, it shall no longer be considered accessory. Accessory use shall not be construed to include a building or structure used in whole or in part for human habitation. **A detached accessory use or structure shall not contain any plumbing or plumbing fixtures.** An accessory building's cubic footage is not to exceed the cubic footage of the principal structure.

or take any action relative thereto.

Submitted: Building/Zoning Inspector
Recommended – Planning Board
The Finance and Advisory Committee Does Not Recommend Passage of This Article. (7-0)

ARTICLE 8 TO AMEND THE ZONING BYLAW

To see if the Town will vote to amend Section 02.00 (Definitions) of the Tisbury Zoning Bylaw by adding the following definition for the term "Attached", and renumbering the entire section accordingly.

02.05 Attached

The physical/structural connection by which one thing is attached to another, as to the arrangement and interrelation of all the parts of the horizontal projection of the building's uninterrupted structural floor system(s), wall system(s), roof system(s), and mechanical system(s).

or take any action relative thereto.

Submitted – Building/Zoning Inspector
Recommended – Planning Board
The Finance and Advisory Committee Does Not Recommend Passage of This Article. (7-0)

ARTICLE 9 TO ACCEPT MGL CH. 59, SECTION 5, CLAUSE 5TH B TO EXEMPT REAL ESTATE BELONGING TO OR HELD IN TRUST BY INCORPORATED VETERANS ORGANIZATIONS

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 5th B, to authorize the Board of Assessors to exempt from taxation real and personal property, to the extent of up to Seven Hundred Thousand Dollars (\$700,000), belonging to or held in trust for the benefit of incorporated organizations of veterans of any war in which the United States has been engaged, if used and occupied by such association, and if the net income from said property is used for charitable purposes; provided, however, that such estate shall not be exempt for any year in which such association or the trustees holding for the benefit of such association willfully omit to file with the Assessors the list and statement required by section twenty-nine of Chapter 59.

or take any action relative thereto.

Submitted: Board of Assessors
The Finance and Advisory Committee Recommends Passage of This Article. (7-0)

ARTICLE 10 TO AMEND THE BYLAW FOR LATE LICENSING DOGS

To see if the Town will vote to amend the "Late Licensing Dogs" bylaw to increase the late fee for failure to license a dog by March 1st so that it reads as follows:

"Should any owner or keeper of a dog fail to license that dog before March 1st, that owner or keeper shall, beginning March 1st, pay an initial late fee of \$5.00 for the first month. For each successive month thereafter that the license remains unpaid, the late fee shall be increased by \$5.00. For example, the second month late fee will be \$10.00, the third month late fee will be \$15.00, and so on until the license fee is paid, excepting a dog brought into town as provided in section 138 of Chapter 140 MGL, this late fee shall be applicable from the third month after arrival of such dog. Further, any person maintaining a kennel in the Town of Tisbury, as properly permitted, who fails to obtain a license as prescribed by this section and the laws of the Commonwealth shall be subject to the same fees as outlined above."

Submitted – Board of Selectmen/Animal Control Officer
The Finance and Advisory Committee Recommends Passage of This Article. (9-0)

ARTICLE 11 TO GRANT AN EASEMENT TO LOCATE A BUILDING ADJACENT TO THE DPW

To see if the Town will vote to grant an easement to Global Protection Communications Systems, LLC of Massachusetts, a licensed telecommunications provider, to construct a building on the DPW complex property located at 115 High Point Lane, in a location as shown on a plan on file with the Town Clerk, for the purpose of locating a facility providing communications switching capacity for a new fiber optic network to serve the Island's high speed telecommunications needs, and to authorize the Board of Selectmen to execute an easement upon such terms and conditions as it deems appropriate, which may include the installation and provision of a municipal local area network connecting all occupied municipal facilities and telecommunications services for the Town's Central Sewer System communications network, or take any action relative thereto.

Submitted – Board of Public Works Commissioners

The Finance and Advisory Committee took No Action on This Article (Unanimous)

ARTICLE 12 TO ADOPT AN EMBARKATION FEES BYLAW

To see if the Town will vote to adopt the following Embarkation Fees Bylaw to provide a process for expenditure of embarkation fee monies received by the Town pursuant to Section 129 of Chapter 46 of the Acts of 2003, as amended:

Embarkation Fees Bylaw

A: Establishment of Advisory Committee

There is hereby established a permanent committee of the Town to be known as the Embarkation Fees Advisory Committee, consisting of five (5) members. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows:

- (1) One member of the Board of Selectmen appointed by the Board of Selectmen;
- (2) One member of the Finance & Advisory Committee as recommended by the Finance & Advisory Committee and appointed by the Board of Selectmen;
- (3) Two members at-large, not serving on any other Town Board or Committee, appointed by the Board of Selectmen;
- (4) One member of the Harbor Management Committee as recommended by the Harbor Management Committee and appointed by the Board of Selectmen

Each member of the Committee shall serve for a term of one (1) year or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

Any member of the Committee may be removed for cause by majority vote of the other members after notice and a hearing.

B: Duties

(1) The Committee shall study the needs, possibilities and resources of the Town regarding the expenditure of embarkation fee monies received by the Town pursuant to Section 129 of Chapter 46 of the Acts of 2003, as amended. In carrying out its duties, the Committee shall be guided by the purpose for which embarkation fee monies may be appropriated, as set forth in said Section 129. The Committee shall hold at least one annual public informational hearing on the needs, possibilities and resources of the Town regarding the expenditure of embarkation fee monies, notice of which shall be posted publicly and published for each of two weeks preceding the hearing in a newspaper of general circulation in the Town.

(2) The Committee shall make recommendations to the Board of Selectmen regarding appropriation of embarkation fee monies to be considered at the Annual Town Meeting or a Special Town Meeting. The total amount of the recommendations shall take into account the amount of embarkation fee monies expected to be received by the Town for the fiscal year in which the appropriation will be expended, as reasonably estimated by the Committee.

C: Town Meeting

(1) The Board of Selectmen shall place on the warrant for the Annual Town Meeting or any Special Town Meeting for which it has received appropriation recommendations from the Committee one article containing the appropriation recommendations of the Committee.

(2) No embarkation fee monies may be appropriated for any purpose or project other than those contained in the article presented to the Town Meeting by the Board of Selectmen pursuant to the preceding paragraph.

D: Effective Date

This bylaw shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met. Each body which has membership on the Committee shall have thirty days after approval by the Attorney General to make its initial recommendation for appointment to the Board of Selectmen.

or take any action relative thereto.

Submitted: Board of Selectmen

The Finance and Advisory Committee Recommends Passage of This Article. (6-0-1)

ARTICLE 13 TO APPLY FOR MEMBERSHIP IN THE CAPE AND VINEYARD ELECTRIC COOPERATIVE

To see if the Town will vote to apply for membership in the Cape & Vineyard Electric Cooperative, Inc. (the "Cooperative"), and authorize the Board of Selectmen to negotiate the terms and conditions of such membership, or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (6-0-1)

ARTICLE 14 TO GRANT A PERPETUAL EASEMENT FOR A SEPTIC SYSTEM ON TOWN PROPERTY AT OWEN PARK

To see if the Town will vote to grant and approve a perpetual easement in and over Town property at Owen Park identified as Assessors' Map Parcel 6-C-35 for the purpose of construction of a subsurface sewage disposal system to serve the property located at 16 Owen Park Way and identified as Assessors' Map Parcel 6-C-30.2, and authorize the Board of Selectmen to execute an easement upon such terms and conditions as it deems appropriate, or take any action relative thereto.

Submitted: Board of Selectmen
The Finance and Advisory Committee Recommends Passage of This Article. (7-0)

ARTICLE 15 TO REDUCE THE NUMBER OF FINANCE & ADVISORY COMMITTEE MEMBERS

To see if the Town will vote to amend Section 31 of its Bylaws to reduce the number of members of the Finance and Advisory Committee from thirteen (13) to eleven (11), as follows:

Though four terms on the Finance & Advisory Committee shall expire in 2009 and five terms on the Committee shall expire in 2010, only three positions shall be filled by ballot at the 2009 Annual Town Election and only four positions shall be filled by ballot at the 2010 Annual Town Election, so that beginning in 2011 three or four 3 year terms on the Finance and Advisory Committee shall be filled by ballot each year.

or take any action relative thereto.

Submitted: Finance & Advisory Committee
The Finance and Advisory Committee Recommends Passage of This Article. (7-0)

Given under our hands this tenth day of March in the year Two Thousand and Eight

Tisbury Board of Selectmen

Thomas W. Pachico

Denys Wortman

Tristan R. Israel

Posted at: Tisbury Town Hall
Tisbury Town Hall Annex
Tisbury Senior Center
Vineyard Haven Public Library
Cronig's State Road Market

March 10, 2008

Remo L. Fullin, Jr., Constable