



TOWN OF TISBURY
SPECIAL TOWN MEETING WARRANT
TUESDAY, April 25, 2017 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 twenty-fifth day of April in the year Two Thousand and Seventeen 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 FY2018 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 the Article (8-0-0).

ARTICLE 2 TO ELECT A FISH COMMITTEE

To see if the Town will vote to elect Janet Messineo, James T. Tilton and John M. Wilbur as a Fish Committee, in FY2018, 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 the Article (8-0-0).

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 Years 2017 and 2018 pursuant to Chapter 44, Section 53F, of the Massachusetts General Laws, or take any action relative thereto.

Submitted: Treasurer/Collector
The Finance and Advisory Committee Recommends Passage of the Article (8-0-0).

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 2018, 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 the Article (8-0-0).

ARTICLE 5 TO AUTHORIZE REVOLVING FUNDS AND SET SPENDING LIMIT FOR TASHMOO SPRING BUILDING REVOLVING FUND IN FY2018

To see if the Town will vote, pursuant to the provisions of G.L. Chapter 44 Section 53E ½, as most recently amended, to amend the General By-laws by inserting a new bylaw establishing revolving funds, specifying the departmental receipts to be credited to each fund, the departmental purposes or programs for which each fund may be expended, and the entity authorized to expend each fund, such By-law to provide as follows:

There are hereby established in the Town of Tisbury, pursuant to the provisions of G.L. C.44, Sec 53E ½, the following Revolving Funds:

Program or Purpose	Representative or Board Authorized to Spend	Department Receipts
Tashmoo Spring Building	Board of Selectmen	Building Use Charges and Fees

Expenditures from each revolving fund set forth herein shall be subject to the limitation established annually by Town Meeting or any increase therein as may be authorized in accordance with G.L. C.44, Section 53E ½.

And, further, to set FY2018 spending limits for such revolving funds as follows:

Program or Purpose	FY 2018 Spending Limit
Tashmoo Spring Building	\$35,000

or take any action relative thereto.

Submitted: Board of Selectmen

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

ARTICLE 6 TO AMEND PROCUREMENT BYLAW

To see if the Town will vote to amend the Procurement and Property Disposal Bylaw, Paragraphs 2 and 3, by deleting the text shown below in strikethrough and adding the text shown below in bold, or take any action relative thereto:

All Town contracts or purchase orders with a value of at least ~~one~~ five thousand dollars (~~\$1,000-5,000~~) but less than ten thousand dollars (\$10,000) and all amendments to such contracts or purchase orders shall be signed by an elected official or board or the designee of such official or board.

All procurements of supplies, equipment and services, including construction and design services, with a value of ~~one~~ five thousand dollars (~~\$1,000-5,000~~) or more shall be reviewed and approved by the Chief Procurement Officer or his or her designee prior to execution of any contract or purchase order therefor.

Submitted: Board of Selectmen

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

ARTICLE 7 TO APPROVE NEW SEWER LINE EXTENSION AND CONNECTION FOR THE MARTHA'S VINEYARD MUSEUM

To see if the Town will vote to approve sewer line extension and single-property connection to the Centralized Wastewater Collection and Treatment System to serve the property of the Martha's Vineyard Museum located at 151 Lagoon Pond Road and shown on Assessors' Map 9A as Parcel 25, and to determine any assigned flow for said property, or take any action relative thereto.

Submitted: Board of Selectmen/Public Works Department

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

ARTICLE 8 TO APPROVE NEW SEWER LINE EXTENSION AND CONNECTIONS ON HIGH POINT LANE

To see if the Town will vote to approve the extension of the Centralized Wastewater Collection and Treatment System Service Area to serve the property shown on Assessors' parcels 22-A-13.12, 22-A-13.13 and 22-A-13.14 in connection with a Service Area extension for High Point Lane, and to determine any assigned flow for said properties, or take any action relative thereto.

Submitted: Board of Selectmen/Public Works Department

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

ARTICLE 9 TO ADD LABORER POSITIONS TO THE PUBLIC WORKS DEPARTMENT

To see if the Town will vote to approve two additional Laborer 1 union positions, Grade 1, to the Public Works Department, or take any action relative thereto.

Submitted: Board of Selectmen/Public Works Department

The Finance and Advisory Committee Recommends Passage of the Article (7-1-0).

ARTICLE 10 TO ADD DEPARTMENT SECRETARY POSITION.

To see if the Town will vote to establish a Department Secretary union position, Grade 1, to the Planning Board Department, or take any action relative thereto.

Submitted: Planning Board

The Finance and Advisory Committee Does Not Recommend Passage of the Article (2-4-1).

ARTICLE 11 TO AMEND ZONING BYLAW: DEFINITIONS, AFFORDABLE HOUSING AND SITE PLAN REVIEW

To see if the Town will vote to amend the Tisbury Zoning Bylaw by adding to Section 02.00, Definitions, the following definitions for Area Median Income, Affordable Housing, Community Housing, And Affirmative Fair-Housing Marketing Plan And Resident Selection Guidelines; and by revising the definition for Site Plan-Review Board by adding the text shown in bold print below:

Area Median Income (AMI): County Area Median Income is determined annually by the Federal Department of Housing and Urban Development (HUD) and used to calculate limits for eligibility in a range of housing programs.

Affordable Housing: Affordable Housing is defined as permanently deed-restricted year-round rental or ownership housing for those earning up to 80% of AMI as referenced in HUD and the Massachusetts Department of Housing & Community Development (DHCD) guidelines.

Community Housing: Community Housing is permanently deed-restricted year-round rental or ownership housing for those earning between 81% - 150% of AMI as referenced in the 2004 State Legislation for Martha's Vineyard

Affirmative Fair Housing Marketing Plan and Resident Selection Guidelines: Federal and State Housing statutes require municipalities to prevent and address disparities in access to community resources and assets in the promotion of healthy, diverse, and sustainable communities. All municipal housing efforts shall follow Fair Housing prescripts and guidelines.

02.73 Site Plan Review Board: The Site Plan Review Board shall act as an advisory body to the Zoning Board of Appeals, the Planning Board, the Building Inspector and the Zoning Enforcement Officer in reviewing all applications for Permits **excluding applications for demolitions and repairs, provided that they do not involve changes to the structure, design, texture or material;** and/or Special Permits, **excluding applications for swimming pools** within the Coastal District, the Tisbury Island Road District, and the Waterfront Commercial District as provided for in Sections 06.00, 09.00 and 10.00 and, in future, as provided for in any amendments to the Zoning By-Law.

Submitted: Planning Board

The Finance and Advisory Committee Recommends Passage of the Article (7-0-0).

ARTICLE 12 TO AMEND ZONING BYLAW, WATERFRONT COMMERCIAL DISTRICT

To see if the Town will vote to amend Section 06.00 of the Tisbury Zoning Bylaw, Waterfront Commercial District, by deleting the text shown in bold print below, or take any action relative thereto:

06.07.00 Special Requirements.

Plan Review by the Site Plan Review Board shall be required prior to the issuance of a Special Permit, a permit to construct a structure, a permit to alter the exterior appearance of a structure, ~~a permit to raze a structure~~ or a permit to use land. All such applications shall be referred to the Site Plan Review Board by the Building Inspector and the Zoning Enforcement Officer.

.01 The Site Plan Review Board shall act as an advisory body to the Planning Board and to the Building Inspector and the Zoning Enforcement Officer. The Board shall perform its duties, as listed in Section 10.06.01 to ascertain an application's compliance with the Site Plan Standards For Review.

The Site Plan Standards for Review for the Waterfront Commercial District as adopted on June 26, 1999, will be amended from time to time by the Tisbury Planning Board, and will be on file with the Tisbury Town Clerk.

Said members shall be appointed for a term of two years.

The Site Plan Review Board shall act as an advisory body to the Planning Board and to the Building and Zoning Inspector.

Submitted: Planning Board

The Finance and Advisory Committee Recommends Passage of the Article (7-0-0).

ARTICLE 13 TO AMEND ZONING BYLAW, SITE PLAN REVIEW BOARD

To see if the Town will vote to amend Section 10.06.01 of the Tisbury Zoning Bylaw by adding the text shown in bold print below, or take any action relative thereto:

10.06 SITE PLAN REVIEW BOARD

.01 There is hereby established a Site Plan Review Board consisting of six (6) members. **With the exception of the architect, landscape architect or designer,** said members shall be Town residents and appointed for one (1) year. The Board will include:

- one (1) member of the Tisbury Historical Commission, appointed by the Chairman of said Commission;
- one (1) member of the Planning Board, appointed by the Chairman of said Board;
- one (1) member of the Conservation Commission, appointed by the Chairman of said Commission;
- one (1) member of the Tisbury Board of Health, appointed by the Chairman of said Board;
- one (1) member of the Zoning Board of Appeals, appointed by the Chairman of said Board;
- one (1) architect, landscape architect or designer to be appointed by the Site Plan Review Board.

who shall act as an advisory body to all Permit and Special Permit granting authorities and to the Building Inspector and the Zoning Enforcement Officer ~~by in~~ reviewing all applications for Permits, **excluding applications for demolitions and repairs, provided that they do not involve changes to the structure, design, texture or material;** and/or Special Permits, **excluding applications for swimming pools** within the Coastal District, the Tisbury Island Road District and The Waterfront/Commercial District as required by sections, 09.01.07, 09.02.05 and 06.07 respectively.

Powers and Duties of the Site Plan Review Board shall include the following:

- To adopt, for the conduct of its business and to inform the public, rules and procedures consistent with the goals and objectives of this bylaw as they pertain to the Coastal District, the Tisbury Island Road District, and the Waterfront Commercial District.
A copy of said rules and procedures shall be filed with the Tisbury Town Clerk.
- To conduct posted meetings with applicants or their appointed agent(s) and any other interested parties to review the information submitted by the applicant.
- To request advice from other Town Boards, as necessary.
- To report findings and recommendations in writing to the Board of Appeals, Planning Board, Building Inspector and the Zoning Enforcement -Officer by the date of a posted public hearing

on said application or within twenty days of receiving a complete application for any permit not requiring a public hearing (e.g. sign permit, building permit).

Submitted: Planning Board

The Finance and Advisory Committee Recommends Passage of the Article (7-0-0).

ARTICLE 14 TO AMEND THE TISBURY BYLAWS BY ADDING NEW BYLAW FOR REGULATION OF RENTAL HOUSING UNITS

To see if the Town will vote to amend the Town's General Bylaw by adding a new bylaw providing for the regulation of all rental housing units in the Town of Tisbury, including but not limited to year round, seasonal and short term rentals, as set forth below, or take any action relative thereto.

Section 1: Purpose

The purpose of the bylaw is to protect the public health, safety and welfare of both the general public and the occupants of all rental housing units within the Town of Tisbury, including but not limited to, year round, seasonal and short term rentals.

Section 2: Rental Certificate Required

No property owner shall rent or lease, or offer to rent or lease, or cause to rent or lease any building or any portion of a building to be used for human habitation without first obtaining a rental certificate from the Town of Tisbury.

Section 3: Application for Rental Certificate

The application shall contain the name and address of the property owner, the address of the property being registered, the number of units in the registered property, the number of rooms in each unit, and the size (in square feet) of each unit.

The application shall include the name and phone number of one or more responsible individuals who can be reached and who shall be available at all times to respond to emergencies.

The application shall include a certification by the owner or its authorized agent, under pains and penalties of perjury, that they have inspected each unit and that it complies with all applicable laws, including but not limited to the State Sanitary Code, 105 CMR 410.000, et seq., the State Building Code, 780 CMR, the State Comprehensive Fire Safety Code 527 CMR 1.00 and the Town of Tisbury Zoning Bylaws.

The application shall be accompanied by the applicable fee. Fees shall be waived for affordable and community housing units.

Section 4: Rental Certificate – Conditions, Term and Fees

Rental Certificates shall be issued subject to such conditions as the Town deems necessary for the protection of public health, safety and welfare.

The Rental Certificates shall specify the maximum number of occupants that may be permitted in each unit. Maximum occupancy will be determined by the Town based on information provided in the application and available Town records. In no case shall occupancy exceed two persons for each legally recognized bedroom over 100 square feet. In accordance with the State Sanitary Code bedrooms less than 100 square feet shall be recognized for single occupancy only.

Prior to issuing a Rental Certificate the Town may require an inspection of the rental property by the Board of Health, Building Department and/or Fire Chief in order to determine maximum occupancy and to confirm that the rental unit complies with all applicable laws.

The Rental Certificates shall specify the name and contact information for persons responsible for responding to emergencies and requests for assistance from tenants and/or Town of Tisbury staff.

The Rental Certificate shall be conspicuously posted on the premises in a location accessible to all occupants and visitors.

All advertisements of property for rent shall clearly post the Rental Certificate number assigned by the Town of Tisbury.

Rental Certificates will be effective for three years from the date of issue, unless sooner revoked in accordance with these regulations.

The Rental Certificate fee shall be established annually by the Board of Selectmen.

Section 5: Owner's Duty of Compliance

It shall be the responsibility of the property owner to ensure that compliance with the conditions set forth in the Rental Certificate and all applicable laws relative to the habitation of the premises is maintained at all times.

It shall be the responsibility of the property owner to ensure that the maximum occupancy of the premises is not exceeded at any time.

It shall be the responsibility of the property owner to ensure that the individual(s) identified as being available for responding to emergencies and requests for assistance are in fact available at all times and that a prompt and appropriate response is provided.

Section 6: Suspension, Modification or Revocation of Rental Certificate

The Town may suspend or revoke any Rental Certificate, after a hearing for violation of any provision of this bylaw, the State Sanitary Code, the State Building Code, the State Comprehensive Fire Safety Code or any other applicable General Law, regulation or by-law intended to protect public health, safety and/or the environment.

The Town may, in lieu of suspension or revocation, modify any Rental Certificate to impose additional conditions, including but not limited to a requirement for periodic inspections and/or a limitation on the maximum number of occupants allowed.

If any Rental Certificate is suspended or revoked, the owner of the premises shall be responsible for finding alternative and comparable housing for any and all tenants until such time as the tenancy ends or the rental certificate is reinstated.

This bylaw is intended to further the objectives of and to act in concert with any existing federal, state or local laws concerning the maintenance of property and the habitation of dwellings. Nothing in this bylaw is intended to limit or restrict the authority of the Town or any board, commission or officer of the Town to act in accordance with federal, state and local laws within their jurisdiction, including but not limited to the emergency condemnation procedures set forth in the State Sanitary Code and the State Building Code.

Section 7: Fines and Penalties

Any Code Enforcement Officer for the Town of Tisbury may enforce this bylaw. Any person who violates any provision of this bylaw shall be subject to a penalty of \$300. Each day or portion thereof shall constitute a separate offense.

This bylaw may be enforced by means of the non-criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition bylaw.

As an alternative to enforcement through non-criminal disposition, this bylaw may be enforced by indictment or on criminal complaint brought in the district court.

Section 8: Severability

If any provision of this bylaw is declared invalid or unenforceable, the other provisions shall not be affected and shall continue in full force and effect.

Section 9: Operation and Effect

This bylaw shall become effective July 1, 2017.

Submitted: Board of Selectmen

The Finance and Advisory Committee Does Not Recommend Passage of the Article (0-7-1).

ARTICLE 15 DEEM LICENSE OF ISLAND ADVENTURE RENTALS, LLC TO BE NULL AND VOID

To see if the Town will vote to deem the license of Island Adventure Rentals, LLC to be null and void because of violations and the lack of enforcement of the Tisbury Moped Regulations, Paragraph 2 (c) and (d) regarding information to be filed with the license, and Paragraph 4 "Licenses shall not be transferable and licenses not used during one year's time shall be null and void", and not to issue further license to this entity and to take any other action thereto.

Submitted: Citizens Petition

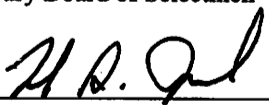
The Finance and Advisory Committee Recommendation (1-0-7).

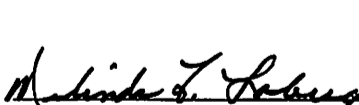
And you are hereby directed to serve this Warrant by posting attested copies thereof at five public places in said Town, fourteen days at least before the time of holding said Meeting.

Hereof fail not, and make due return of this warrant, with your doings therein, to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this Sixth day of April in the year Two Thousand and Seventeen.

Tisbury Board of Selectmen


Tristan R. Israel


Melinda F. Loberg


Larry J. Gomez

Posted at: Tisbury Town Hall
Tisbury New Town Hall Annex
Tisbury Senior Center
Vineyard Haven Public Library
Tisbury Police Department

April 6, 2017

Tisbury Constable