



Town of Tisbury
Office of the Town Administrator/Personnel Director
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TOWN ADMINISTRATOR REPORT

August 10, 2021

License Request

Beach Road Restaurant: Request to extend the end date for outdoor seating to April 1, 2022

The provision for outdoor dining during COVID 19 is a positive. The recommendation is to extend the use of outdoor seating.

One-Day Alcohol License

Martha's Vineyard Museum: Smithsonian and Viacom CBS Film Screening- August 18th

Martha's Vineyard Museum: Museum Program- July 16th

FY21 Oak Bluffs Regional Community Development Block Grant

The Town of Tisbury has participated in the CDBG program grant for several years. The grant application is for housing rehabilitation and child subsidy program. The recommendation is to authorize the Select Board Chair to sign the grant application.

Notice of Intent to Sell MGL Chapter 61 B § 9: Mink Meadows

Mink Meadows conveyed another parcel out a couple of years ago and the tow collected roll back taxes in the amount of \$13,365.00. The BOS must reply within 120 days upon receipt of the notice. The notice has been sent out to the Planning Board, Conservation Commission and Board of Assessors. I have heard no objections to the selling of the property to date.

Tashmoo Ave at Baylis Woods Petition for Road Acceptance

This is a request for street acceptance. The next step is for the Select Board to refer the request for Street Acceptance to the Planning Board for a recommendation. The Select Board refer the street acceptance request to the Planning Board for its report (per G.L. c. 41, §§81G and 81I). Once the Planning Board receives such notice, the Planning Board may solicit recommendations from the DPW Director, the Police

Chief, the Fire Chief, and/or other officers or boards. The following documents have been submitted or on file.

- Request for Road Acceptance from Tashmoo at Baylis Woods Homeowner Association, letter dated August 9, 2021
- Amended and Restated Declaration of Restrictive Covenants and Road Maintenance Provisions
- Form O Certificate of Completion
- Declaration of Restrictive Covenants
- Planning Board Decision October 29, 2003
- Road Cross Section
- Submit Petition and Documents to Select Board. The applicant must petition the Select Board in writing to lay out a road as a Town way. The petition must include three (3) copies of the following:

If the recommendations are positive from town officials and the Planning Board, then a warrant article will need to be submitted for the next available Town Meeting. The Specific steps are below, and I have highlighted the items that will need to be addressed going forward.

A title certification prepared by an attorney licensed in Massachusetts, running to the benefit of the Town, listing the names and addresses of all persons currently owning the fee to the road (generally either the developer of the subdivision and/or the abutting lot owners) and the lots affected by drainage, water, sewer, utility, access, buffer, and/or other related easements (the “appurtenant easements”) to be granted to the Town;

A copy of the deed into the applicant if none of the lots have been conveyed. If any of the lots have been conveyed, the applicant shall also submit a copy of all the deeds out from the developer, deeds either granting or reserving easements to the developer, and any covenants, declarations, or other instruments by which the developer retains or reserves the fee in the roadway and appurtenant easements. Unless the developer expressly states in the deed to a lot that the developer is reserving the fee to the road, it is presumed that the lot owner owns the fee to the centerline of the road abutting the lot.

A copy of the definitive subdivision As-Built Plan, prepared and stamped by a Massachusetts Registered Professional Engineer and Professional Land Surveyor, showing the existing roadway and all utilities, public and private, above and below grade, and in compliance with the other requirements of the Subdivision Rules and Regulations.

Roadway Acceptance or Definitive Subdivision Plans: A copy of the Roadway Acceptance, showing the metes and bounds of the road and any and all other easement areas, in recordable form, with a signature block provided for the Planning Board. This plan is referred to as the “Layout Plan.” The definitive subdivision plan can be used as the Layout Plan, provided it shows the correct boundaries of the roads as built and the easement areas.

Legal description, with metes and bounds, of the road and all other easement areas that are to be conveyed to the Town. Legal descriptions are not required if the metes and bounds of the road and the easement area is legibly shown on the Layout Plan; and

In conclusion, Town Meeting must vote on whether to accept the listed road as a public Town way and authorize the Select Board to acquire the roadway easement and the appurtenant easements by gift, purchase or eminent domain and appropriate funds for the easement acquisition, if needed. A majority vote is needed to accept a road that is shown on an approved subdivision plan. A two-thirds (2/3) vote is needed to accept any other way. A two-thirds (2/3) vote is needed to appropriate funds for acquisition by purchase or eminent domain, if needed.

Roads do not automatically become public ways upon Town Meeting acceptance. There is more involved here, but for the purposes of moving forward, we need to do the front end first.

350th Celebration Update

The Town is celebrating the 350th anniversary by incorporating 350th activities within existing ongoing events this summer. The Town will have a birthday celebration Sunday, September 19, 2021. Members of the VHBA are coordinating the events.

Permission & Licensing for Donations for Tisbury School

There is a strong interest in donating to the Tisbury School Project. As part of the 350th the proposal is to permit businesses to sell 350th merchandise and the profits can be donated to the school. The use of the Town Seal for example will require a licensing agreement between the business and Town to set the pricing. The Select Board would need to authorize the Select Board Chair to enter said license agreements.

County American Recovery Plan Act Funding, Letter of Support

You received a letter from Dukes County regarding the guiding principles for the American Recovery Plan Act (ARPA), which are as follows.

1. Demonstrated need from COVID-19 impact
2. Ability to mitigate such impacts
3. Ability to multiply/leverage ARPA investment, through matching funds, grants, state aid, etc.
4. Potential Return on Investment (to-be-defined)
5. Opportunity to make fundamental change on a county-wide level.

There is a growing awareness during this pandemic that broadband infrastructure is lacking in certain areas of the island. These underserved areas need better connectivity with schools, health care, libraries, and public safety organizations. ARPA funds that the County has received are substantial and can be used to address this need. The letter of recommendation would be in support of the above principles and the need for expanded and/or upgraded broadband infrastructure.

Coalition to Create Martha's Vineyard Housing Bank Funding, Letter of Support

Attached you will find more information. There are at least three bills before the State Legislature seeking to establish Transfer Fees on real estate that would create enabling legislation to fund the above housing bank

S868: <https://malegislature.gov/Bills/192/S868> H1377:
<https://malegislature.gov/Bills/192/H1377>
H2895: <https://malegislature.gov/Bills/192/H2895>

The request from your representative Jeff Kristal on the committee is to have Tisbury submit a letter of support on this initiative and legislation.

Martha's Vineyard Landbank

Landbank agreement is satisfactory as to form. I sent out to Eversource, CVECC and Town Officials. I have heard no objections to the relocation of the trails on town owned land. If the Select Board approves the agreement, then it should be subject final acceptance and approval by the Town Attorney.

Respectfully Submitted

John W. Grande
Town Administrator