



TOWN OF TISBURY
SPECIAL TOWN MEETING WARRANT
TUESDAY, MAY 28, 2024 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 directed to notify the inhabitants of the Town of Tisbury who are qualified to vote in elections and Town affairs to assemble at the Martha's Vineyard Regional High School Performing Arts Center, 100 Edgartown Vineyard Haven Road, in the Town of Oak Bluffs, on the twenty-eighth day of May in the year Two Thousand and Twenty-Four 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 Select Board to obtain of the Town Officers from whom bonds are required in FY2025 only such bonds as are secured by regular bond and surety firms and, when the bond of any Town Officer is accepted by the Select Board, 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: Select Board

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

ARTICLE 2 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 Select Board, to borrow from time to time in anticipation of revenue for FY2025, 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: Finance Director

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

ARTICLE 3 TO AUTHORIZE THE FINANCE DIRECTOR TO ENTER INTO A COMPENSATING BALANCE AGREEMENT

To see if the Town will vote to authorize the Finance Director to enter into a compensating balance agreement or agreements for FY2025, pursuant to Chapter 44 Section 53F of the Massachusetts General Laws, or take any action relative thereto.

Submitted: Finance Director

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

ARTICLE 4 TO ADOPT THE PRUDENT INVESTOR RULE FOR TRUST FUND MANAGEMENT

To see if the Town will vote to accept subsection (b)(1) of section 54 of Massachusetts General Laws Chapter 44 to

enable the Treasurer to manage trust funds in accordance with Chapter 203C of the General Laws, the Massachusetts Prudent Investor Act, or take any action relative thereto.

Submitted: Finance Director

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

ARTICLE 5 TO ELECT A FISH COMMITTEE

To see if the Town will vote to elect Janet Messineo, James Tilton, and John M. Wilbur as a Fish Committee in FY2025, 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: Select Board

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

ARTICLE 6 TO ADD PARCELS TO THE CENTRALIZED WASTEWATER COLLECTION AND TREATMENT SYSTEM SERVICE AREA

To see if the Town will vote to extend the Centralized Wastewater Collection and Treatment System Service Area to include the lots identified on the Tisbury Assessors' Maps as follows, or take any action relative thereto.

22-C-3 280 State Road

9-A-3 28 State Road

Submitted: Select Board/ Wastewater Department

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

ARTICLE 7 TO AMEND THE TISBURY PERSONNEL BYLAW

To see if the Town will vote to amend Section 3 of the Tisbury Personnel Bylaw, first paragraph and subparagraph (a), Method of administration, to provide for delegation of duties to the Human Resources Director, as set forth below, or take any action relative thereto:

Current: The Personnel Board shall be responsible for the establishment and maintenance of a personnel system based on merit principles, a classification plan, the development of an annual compensation plan, the adjustment of grievances, and the development of personnel policies pursuant to section 4 of this by-law. The personnel system shall made use of modern concepts of personnel management and shall include but not be limited to the following elements:

(a) Method of administration. The Town Administrator shall act as the Personnel Director of the town.

The Personnel Director shall be responsible for a system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, evaluating the personnel system, and development of a disciplinary policy and grievance procedure. In the capacity of the Personnel Director, the Town Administrator shall only report to and be administratively responsible to the Personnel Board. The Personnel Board shall participate in and contribute to any employment evaluation process of the Town Administrator while acting as the Personnel Director and shall be the sole determination as to any review of the Personnel Director.

Proposed: The Personnel Board shall be responsible for the establishment and maintenance of a personnel system based on merit principles, a classification plan, the development of an annual compensation plan, the adjustment of grievances, and the development of personnel policies pursuant to section 4 of this by-law. The personnel system shall made use of modern concepts of personnel management and shall include but not be limited to the following elements:

(a) Method of administration. The Town Administrator shall act as the Personnel Director of the town. The Town Administrator may assign any responsibilities and duties under this by-law to the Human Resources Director.

The Personnel Director shall be responsible for a system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, evaluating the personnel system, and development of a disciplinary policy and grievance procedure. In the capacity of the Personnel Director, the Town Administrator shall only report to and be administratively responsible to the Personnel Board. The Personnel Board shall participate in and contribute to any employment evaluation process of the Town Administrator while acting as the Personnel Director and shall be the sole determination as to any review of the Personnel Director.

Submitted: Personnel Board

ARTICLE 8 TO AMEND THE TISBURY ZONING BY-LAW

To see if the Town will vote to amend the existing text in Section 04.02.08 of the Tisbury Zoning By-Law, entitled Use of premises or building thereon in connection with one's trade, by revising the current language and adding the proposed language as shown below, or take any action relative thereto:

TZBL 04.02.08

Current: Use of premises or building thereon in connection with one's trade by a resident carpenter, electrician, painter, plumber, or other artisan, provided that no manufacturing or business requiring substantially continuous employment of more than one (1) person on the premises be carried on. No outside storage of materials connected with said business shall be permitted in Residential Districts.

Proposed: The use of premises or a building by a resident thereof in connection with that person's trade. It is the intent of this section to allow the residents of the Town of Tisbury to use their premises for activities associated with the work of building trades, landscapers and artisans if carried out in a manner that minimizes impacts on the residential use or character of the residential neighborhood and subject to the following provisions.

- a) The trade activity is conducted by a permanent resident of the property and no more than one non-resident employee may be employed on the premises.
- b) Outside storage of materials, equipment, and workspace must be screened from abutting properties.
- c) The use and/or storage of toxic or hazardous materials, or flammable or explosive materials, in excess of normal household quantities, must be in compliance with all applicable regulatory requirements.
- d) In the Groundwater Protection District, the handling of toxic or hazardous materials in quantities greater than those associated with normal household use requires a special permit from the Planning Board under Section 9 .11.
- e) Only two vehicles and one trailer connected with one's trade, including employee vehicles, are allowed. The trailer itself must not exceed 30 feet in length. Parking of any vehicles related to the residence or the trade, whether overnight or at any time during the day, must be entirely within the boundaries of the lot.
- f) Any trade activities conducted on site must comply with Tisbury Zoning Bylaw Section 07.09, Noise, Illumination, and Odors. No dry cutting of masonry or stone and no spraying of paint or other compounds, above normal household use, shall be allowed on a residential property unless conducted in the appropriate indoor facility.

Reason: In an effort to maintain residential districts and clarify the number of tradespeople conducting business on a residential property, number of vehicles associated with said business on the property, and to address storage of associated materials and equipment.

Submitted: Planning Board

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

ARTICLE 9 TO AMEND THE WILLIAM STREET HISTORIC DISTRICT BY-LAW

To see if the Town will vote to amend Section 2 of the William Street Historic District Commission By-law as set forth below, or take any action relative thereto;

Section 2

Current:

The William Street Historic District Commission established by this By-law is to consist of seven members. This Commission shall be appointed by the Board of Selectman, and shall include: one member by two nominees submitted by the local historical society, or, in the absence thereof, by the Society for the Preservation of New England Antiquities; one member from two nominees submitted by the Chapter of the American Institute of Architects covering the area; one member from two nominees submitted by the board of realtors, if any, covering the area; and one or more residents in or owners of property in the historic district to be administered by the Commission. If within 30 days after submission of a written request for nominations to an organization entitled to submit nominations for membership on the Commission, no such nominations have been made, the appointing body may proceed to make the appointment to the Commission without nomination by such organization.

The appointments to nomination in the Commission shall be arranged so that the term of at least one member will expire each year, and their successor shall be appointed in the same manner as the original appointment, for terms of three years. Vacancies for unexpired terms shall be filled in the same manner as the original appointments.

Alternate members, who need not be from nominees of organizations entitled to nominate members may be appointed, not to exceed in number the principle of regular members. Their term shall be 3 years. In the case of absence, inability to act, or unwillingness to act because of self-interest on the part of a member of the Commission, that members place shall be taken by an alternate member designated by the Chairman of the Commission. Each member and alternate member shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation. The Commission shall elect annually a Chairman and a Vice-Chairman from its own number, and a Secretary from within or without its own number.

Proposed:

The William Street Historic District Commission established by this By-law shall consist of five regular members and up to five alternate members. All members of the Commission shall be appointed by the Select Board and shall serve without compensation. Pursuant to MGL Chapter 40C, Section 4 the Commission shall include: one member from two nominees submitted by the local historical society or, in the absence thereof, by the Historic New England, one member from two nominees submitted by the chapter of the American Institute of Architects covering the area, and one member from two nominees of the board of Realtors, if any, covering the area. The Commission shall, if possible, include, as regular or alternate members: the Town Historian (or, if that office is vacant, an individual who meets the qualifications for it), a Realtor, an architect, an attorney, and a builder.

At least two regular members of the Commission shall be legal residents of, or property owners in, the District. Members (regular or alternate) who are not property owners in the District shall be residents of the Town of Tisbury. The regular members shall elect annually a Chair and a Vice-Chair from among themselves.

Regular members shall be appointed for terms of three years, in such a way that the term of at least one member will expire in each calendar year. Terms shall end on August 1. A regular member whose three-year term is expiring may, at the Select Board's discretion, be appointed for an additional three-year term, after which 12 months must elapse before they are eligible for further reappointment. If a regular member leaves the Commission before the end of their term, the Select Board shall appoint a replacement to serve the unexpired portion of the term, with the option for reappointment for one additional full term (if the unexpired portion is 18 months or more) or two additional full terms (if the unexpired portion is less than 18 months).

Alternate members shall be appointed on the same terms as regular members, except that there shall be no limit on their reappointment. If a regular member is absent, or unable to act on a specific application due to recusal, that member's place shall be taken by an alternate member designated by the Chair. The Chair may also invite alternate members whose professional expertise (historian, Realtor, architect, attorney or builder) they deem relevant to understanding a particular application to participate in discussions of that application on an advisory, non-voting basis.

Submitted: William Street Historic District Commission
The Finance and Advisory Committee Recommends Passage of this Article. (7-0-0)

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 first day of May in the year Two Thousand and Twenty-Four.

Tisbury Select Board

Roy Cutrer Jr.

John F. Cahill

Christina M. Colarusso

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

Tisbury Constable