Warrant for Annual Town Meeting

April 26, 2010

COUNTY OF DUKES COUNTY, SS.

TO THE CONSTABLES OF THE TOWN OF CHILMARK, GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to warn and notify the inhabitants of the Town of Chilmark, qualified to vote in elections and town affairs, to assemble at the Chilmark Community Center in said Town of Chilmark on Monday, the twenty-sixth day of April in the year Two Thousand and Ten A.D. at 8:00 o'clock in the evening, there and then to act on the Articles in this Warrant, with the exception of Article One.

And to meet again in the Chilmark Community Center, in said Chilmark on Wednesday, the twenty-eighth day of April in the year Two Thousand and Ten A. D. at 12 noon, there and then to act on Article One of the Warrant by the election of Town Officers and action on Questions on the Official Ballot.

The polls for voting on the Official Ballot will be open at 12 o'clock noon, and shall close at eight o'clock in the afternoon.

ARTICLE 1. To elect the following officers on the Official Ballot:

One Member of the Board of Selectmen	for three years
One Member of the Board of Assessors	for three years
One Member of the Board of Health	for three years
One Trustee of the Public Library	for three years
Two Members of the Finance Advisory Committee	for three years
One Member of the Cemetery Commission	for three years
One Member of the Planning Board	for five years
One Member of the Planning Board	for three years
One Treasurer	for three years
One Moderator	for three years
One Fence Viewer	for three years
One Surveyor of Wood, Lumber and Bark	for three years
One Constable	for three years
One elected member of the Site Review Committee	for three years
One Tree Warden	for one year

ARTICLE 2. To hear the reports of the Town Officers and Committees and act thereon.

ARTICLE 3. To see if the town will vote to raise such sums of money as will be necessary to defray town charges and to make the appropriations for the ensuing year, as printed under Departmental Budgets - Salaries and Expenses totals, provided that the amount set forth under the Community Preservation Committee (Dept. 179) shall be funded from the Community Preservation FY2011 Budgeted Reserve.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 4. To see if the town will vote to raise and appropriate the sum of **$5,000.00** and further appropriate the sum of $5,000.00 to be received from the Chilmark Town Affairs Council, subject to receipt, which amounts are to be added to the maintenance account of the Chilmark Community Center.

RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 5. To see if the town will vote to appropriate from available funds in the treasury the sum of **$1,500.00** to transfer to the Martha's Vineyard Cultural Council to supplement state funding.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 6. To see if the town will vote to transfer the sum of **$27,685.00** from the Overlay Surplus Account and transfer from available funds in the treasury the sum of **$12,315.00** for a Reserve Fund to be administered by the Finance Advisory Committee, for the fiscal year beginning July 1, 2010.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 7. To see if the town will vote to transfer the sum of **$50,000.00** from available funds in the treasury to the General Stabilization Fund.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 8. To see if the town will vote to appropriate from available funds in the treasury the sum of **$35,000.00** to be placed in the Fire Department Stabilization Fund, with the intent that it be put towards the replacement costs for fire apparatus which is over twenty-five (25) years in age.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 9. To see if the town will vote to appropriate from available funds in the treasury the sum of **$30,000.00** to fund the costs of bonding (borrowing) for the three affordable housing rental duplex units at Middle Line Road; including the payment of costs incidental and related thereto.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 10. To see if the town will vote to raise and appropriate the sum of **$4,949.15** to fund Chilmark's share of the County Pest Management program based on the county tax formula and authorize the Board of Selectmen to enter into an inter-municipal agreement with the County of Dukes County to provide an Integrated Pest Management Program.
Submitted by the Dukes County Commission
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 11. To see if the town will vote to raise and appropriate the sum of **$9,374.26** to fund Chilmark's share of the Vineyard Health Care Access program based on the county tax formula and authorize the Board of Selectmen to enter into an inter-municipal agreement with the County of Dukes County to provide a Health Care Access Program.
Submitted by the Dukes County Commission
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 12. To see if the town will vote to raise and appropriate the sum of **$6,559.90** to fund Chilmark's proportionate share of the Dukes County Health Care Access program, based 50% on the county tax formula and 50% on population, to continue providing the FY2009 level of services to residents in need of assistance.
Submitted by the Vineyard Health Care Access program
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 13. To see if the town will vote to transfer the sum of **$6,000.00** from the Waterways Improvement account to pay for maintenance to town owned mooring tackle, including the payment of costs incidental and related thereto.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 14. To see if the town will vote to approve the following requests of the **Community Preservation Committee**:
To see if the Town will vote to reserve from the Community Preservation Fund FY 2011 estimated annual revenues up to the following amounts for community preservation projects: **$19,600** for Open Space Preservation; **$19,600** for Historic Resources Preservation; **$19,600** for Housing; and **$82,200** for the Community Preservation Budgeted Reserve.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 15. To see if the town will vote to approve the following request of the **Community Preservation Committee**:
To see if the town will vote to appropriate from the Community Preservation **Historic Resources Reserve** the sum of **$30,000.00** to restore historic stone walls along the public roadsides.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 16. To see if the town will vote to approve the following request of the **Community Preservation Committee**:
To see if the town will vote to appropriate from the Community Preservation Fund FY 2011 estimated annual revenues the sum of **$55,000.00** to continue funding of the Chilmark Housing Year-Round Rental Conversion Program, managed by the Dukes County Regional Housing Authority.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 17 To see if the town will vote to approve the following request of the **Community Preservation Committee**:
To see if the town will vote to appropriate from the Community Preservation **Historic Resources Reserve** the sum of **$5,545.00** to partially fund the replacement of windows on the 1860's Dukes County Courthouse building.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 18. To see if the town will vote to raise and appropriate the sum of **$100,000.00** to continue the funding of OPEB (Other Post Employment Benefits) obligations.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 19. To see if the town will vote to raise and appropriate the sum of **$55,000.00** to conduct property revaluation of the Town of Chilmark for Fiscal Year 2012, as mandated by the Commonwealth of Massachusetts, including the payment of costs incidental and relative thereto.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 20. To see if the town will vote to transfer from available funds in the treasury the sum of **$9,000.00** to replace the emergency notification siren on the roof of the Town Hall, including the payment of costs incidental and relative thereto.
No Action Taken by FINANCE ADVISORY COMMITTEE

ARTICLE 21. To see if the town will vote to transfer from available funds in the treasury the sum of **$34,525.00** to perform repairs on the West Tisbury School.
No Action Taken by FINANCE ADVISORY COMMITTEE

ARTICLE 22. To see if the town will vote to transfer from available funds in the treasury the sum of **$2,500.00** to continue the MV Shellfish Group's Tisbury Pond Oyster Shell Reef project, including the payment of costs incidental and relative thereto.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 23. To see if the town will vote to transfer from available funds in the treasury the sum of **$10,000.00** to purchase and install a replacement outboard motor for the town boat assigned to the Shellfish Department, including the payment of costs incidental and relative thereto.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 24. To see if the town will vote to transfer from available funds in the treasury the sum of **$27,110.00** to purchase and equip a new Ford Explorer 4x4 for the Police Department, including the payment of costs incidental and relative thereto.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 25. To see if the town will vote to transfer from available funds in the treasury the sum of **$3,500.00** to purchase joint training and equipment for the regional emergency response team, including the payment of costs incidental and relative thereto.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 26. To see if the town will vote to transfer from available funds in the treasury the sum of **$4,000.00** to implement the Town Center Path Enhancement plan, including the payment of costs incidental and relative thereto.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 27. To see if the town will vote to abolish the **Seasonal Wage Scale** adopted as part of Article 12 of the April 24th 2000 Annual Town Meeting.
RECOMMENDED by FINANCE ADVISORY COMMITTEE

ARTICLE 28. To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section 55C establishing a trust to be known as the **Chilmark Affordable Housing Trust Fund** to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households
No Action Taken by FINANCE ADVISORY COMMITTEE

ARTICLE 29. To see if the Town will vote to establish the MOLLY FLENDER - CHILMARK AFFORDABLE HOUSING TRUST FUND

a) In accordance with Massachusetts General Laws Chapter 44 Section 55C, Chilmark hereby establishes a trust to be known as the Molly Flender Chilmark Affordable Housing Trust Fund, in this Section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households in Chilmark.

Recognizing the unusually high disparity between median income and median housing costs in Dukes County, the trust may assist in providing housing for households whose

income is below 150% of the Area Median Income for Dukes County as established annually by the U.S. Department of Housing and Urban Development.

b) There shall be a board of trustees of the trust established by the vote under Article 28 of the Warrant for the 2010 Annual Town Meeting, (the "board"), which shall include five (5) trustees, including one member of the Board of Selectmen, one member of the Housing Committee, one member of the Planning Board, one member of the Finance Advisory Committee, and one member at-large, all to be appointed by the Board of Selectmen. Trustees shall serve for a term not to exceed two years, and are designated as public agents for purposes of the Constitution of the Commonwealth;

c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this bylaw and General Law Chapter 44, Section 55C, shall include the following powers:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise, or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source such as Community Preservation Act Funds, including money from Chapter 44B, with the concurrence of the Board of Selectmen.

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income, with the concurrence of the Board of Selectmen.

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable not withstanding the length of any such lease or contract, with the concurrence of the Board of Selectmen.

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust, with the concurrence of the Board of Selectmen.

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary, with the concurrence of the Board of Selectmen.

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable, with the concurrence of the Board of Selectmen.

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise, with the concurrence of the Board of Selectmen.

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person, with the concurrence of the Board of Selectmen.

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate, with the concurrence of the Board of Selectmen.

(10) to carry property for accounting purposes at other than acquisition date values, with the concurrence of the Board of Selectmen.

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral, with the concurrence of the Board of Selectmen.

(12) to make distributions or divisions of principal in kind, with the concurrence of the Board of Selectmen.

(13) to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate, with the concurrence of the Board of Selectmen.

(14) to manage or improve real property; and to abandon any property which the board determines not to be worth retaining, with the concurrence of the Board of Selectmen.

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate, with the concurrence of the Board of Selectmen.

(16) to extend the time for payment of any obligation to the trust, with the concurrence of the Board of Selectmen.

(d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with zoning ordinances or by-law, exaction fee, ordinances, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

(e) The trust is a public employer and the members of the board are public employees for purposes of General Laws chapter 258.

(f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of General Laws chapter 268A.

(g) The trust is exempt from General Laws chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

(h) The books and records of the trust shall be audited annually by an independent auditor in accordance with generally accepted accounting practices.

(i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of General Laws chapter 39.

(j) The trust is a board of the town for purposes of General Laws chapter 30B and section 15A of General Laws chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said chapter 30B.
k) The trust shall keep a record of its doings and at the close of every fiscal year make a report thereof to the Board of Selectmen and Annual Town Meeting. The report shall include a description and source of funds received and expended and the type of affordable housing programs or properties assisted with the funding. The trust shall also provide the Board of Selectmen with a copy of the trust's annual audit.

You are hereby directed to serve this warrant by posting attested copies in three public places in said Town of Chilmark at least seven days before the time of said meeting, and to publish said warrant in one newspaper having general circulation in the Town of Chilmark during the week before said meeting.

Given under our hands this 2nd day of March, A.D. 2010.

Chilmark Board of Selectmen

Warren M. Doty | Frank M. Fenner Jr. | J.B. Riggs Parker, Chairman

I have notified the inhabitants of the Town of Chilmark qualified to vote in town affairs, by posting three (3) attested copies of this warrant in three (3) public places and by publishing said warrant in one newspaper having general circulation in said Town of Chilmark and made due return of this warrant at the time and place of said meeting. God save the Commonwealth.

Posted:

By: _____
Constable Daniel Bryant