

**WARRANT FOR THE
ANNUAL TOWN MEETING
MAY 14, 2013
TOWN OF AQUINNAH
THE COMMONWEALTH OF MASSACHUSETTS**

County of Dukes County, ss
To either of the Constables of the Town of Aquinnah:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Aquinnah who are qualified to vote in elections and town affairs to meet at the **Aquinnah Old Town Hall in said Town on the Fourteenth day of May 2013, at 7:00 PM**, then and there to act upon the articles of this Warrant, with the exception of Article One. And to meet **again at the Aquinnah Town Offices Building on the Fifteenth day of May 2013, at twelve noon**, then and there to act on Article One of the Warrant by the election of officers and override questions found on the Official Ballot.

The polls for voting on the Official Ballot will open at 12 PM on Wednesday, May 15, 2013, and will close at 7 PM.

**ARTICLE ONE
Town Clerk**

To elect the following officers on the Official Ballot:

- One Selectman for Three Years
- One Library Trustee for Three Years
- Two Planning Board Members for Three Years
- One Board of Health Member for Three Years
- One Board of Assessors Member for Three Years
- Two Constables for Three Years
- One Moderator for Three Years

ANSWER YES OR NO to the following question:

QUESTION ONE: Shall the town of Aquinnah be allowed to assess an additional **\$230,000.00** (Two hundred thirty thousand dollars) in real estate and personal property taxes for the purpose of funding a portion of the town's share of the Up-Island Regional School District's operating budget for the fiscal year beginning July 1st, 2013?

**ARTICLE TWO
Moderator**

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

ARTICLE THREE
Board of Selectmen

To see if the Town will vote to raise and appropriate the sums of money required to defray the general expenses of the Town as itemized in the FY 2014 operating budget and to fix the salaries and compensation of all elected officers and employees of the Town as itemized therein, and to fund said appropriations through the tax levy with the exception of certain public safety wages which will be defrayed in part by a transfer in the amount of **\$7,000.00** (Seven thousand dollars) from the Waterways Special Revenue Fund and provided that the amount set forth under the Education Budget for the up-Island Regional School District Assessment shall be raised and appropriated only if the majority of voters casting ballots at the Annual Town election to be held on Wednesday, May 15, 2013, vote in the affirmative to override Proposition 2 ½ by **\$230,000.00** (Two hundred thirty thousand dollars), or take any other action relative thereto.

ARTICLE FOUR
Board of Selectmen

To see if the Town will vote to appropriate the sum of **\$53,571.00** (fifty-three thousand five hundred seventy-one dollars) or any other amount as determined by the State Legislature and the State Department of Transportation for highway construction or improvements from the 2014 Chapter 90 Local Transportation apportionment, said sum to be subject to State enactment of the bond bill and of new revenues to support that bill, and to allow the Treasurer to borrow against all expenditures in anticipation of reimbursement by the State, or take any other action relative thereto.

ARTICLE FIVE
Board of Selectmen/Treasurer

To see if the Town will vote to appropriate the sum of **\$50,000.00** (fifty thousand dollars) from free cash to the Dukes County Pooled Other Post-Employment Benefits (OPEB) Trust, or take any other action relative thereto.

ARTICLE SIX
Tri-Town Ambulance

To see if the Town will appropriate the sum of **\$39,000.00** (Thirty nine thousand dollars) from free cash as the Town's share of purchasing and equipping a new ambulance, or take any other action relative thereto.

ARTICLE SEVEN
Police Department

To see if the Town will vote to raise and appropriate the sum of **\$34,500.00** (thirty-four thousand five hundred dollars) to purchase and equip a new vehicle for the Police Department and to authorize the Treasurer to borrow, in accordance with M.G.L. Chapter 44, Sec. 7, Paragraph 9, said amount for that purpose, or take any other action relative thereto.

(2/3 VOTE REQUIRED)

ARTICLE EIGHT
Board of Selectmen

To see if the Town will vote to authorize the use of the following revolving funds pursuant to M.G.L. Chap. 44, sec. 53E1/2 for the fiscal year beginning July 1, 2013, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY13 Spending Limit	Disposition of FY14 F/B
Wiring Inspections	Building Insp./ Selectmen	Wiring Inspection fees charged to homeowners	To pay wiring inspector	\$10,000	Balance available for expenditure
Plumbing Inspections	Building Insp./ Selectmen	Plumbing Inspection fees charged to homeowners	To pay plumbing inspector	\$ 5,000	Balance available for expenditure
Gas Inspections	Building Insp./ Selectmen	Gas Inspection fees charged to homeowners	To pay gas inspector	\$ 6,000	Balance available for expenditure
Fire Inspections	Fire Chief/ Selectmen	Fire Inspection fees charged to homeowners	To pay insp. & asst. inspector	\$ 2,500	Balance available for expenditure
Trench Inspections	Selectmen	Trench Inspection fees charged to landowners	To pay trench inspector	\$ 200	Balance available for expenditure
TOTAL SPENDING				\$ 23,700	

**ARTICLE NINE
Highway/Building & Grounds Department**

To see if the Town will vote to transfer the sum of **\$10,000.00** (Ten thousand dollars) from the Town's Building & Grounds Stabilization Fund for the replacement of the water line between the Town's well and the Town Hall/Fire Department buildings, or take any other action relative thereto.
(2/3 VOTE REQUIRED)

**ARTICLE TEN
Police Department**

To see if the Town will raise and appropriate the sum of **\$2,700.00** (Two thousand seven hundred dollars) for upgrades and preventative maintenance on the police computer server, or take any other action relative thereto.

**ARTICLE ELEVEN
Police Department**

To see if the Town will raise and appropriate the sum of **\$2,000.00** (Two thousand dollars) to purchase computer and office equipment for the conversion of the bunk room in the police station to office space, or take any other action relative thereto.

**ARTICLE TWELVE
Board of Selectmen**

To see if the Town will vote to appropriate the sum of **\$2,650.83** (Two thousand six hundred fifty dollars and eighty three cents) from free cash to pay the 5th year out of a six year contract for the town's financial team software package, or take any other action relative thereto.

ARTICLE THIRTEEN
Board of Selectmen

To see if the Town will vote to raise and appropriate the sum of **\$10,000.00** (Ten Thousand Dollars), to continue to contract a Tax Title Associate to assist the Town of Aquinnah in tax title takings, or take any other action relative thereto.

ARTICLE FOURTEEN
Board of Selectmen

To see if the Town will vote to appropriate the sum of **\$25,000.00** (Twenty five thousand dollars) from free cash to be put into the Compensated Absence Fund, or take any other action relative thereto.

ARTICLE FIFTEEN
Board of Selectmen

To see if the Town will vote to amend the Personnel By-Law section 5.0 "Classification Plan" as follows:
Add the position of Director of Public Works (Grade 8).

ARTICLE SIXTEEN
Board of Selectmen

To see if the Town will vote to amend the annual salary scales of the Classification Plan (Section 6-7) of the Personnel Bylaw, so that they reflect a 2.5% increase, which is a cost of living adjustment becoming effective July 1, 2013.

ARTICLE SEVENTEEN
Vineyard Health Care Access Program

To see if the Town will vote to enter into an inter-municipal agreement with the County of Dukes County to provide a Vineyard Health Care Access Program and to raise and appropriate the sum of **\$7,928.23** (Seven thousand nine hundred twenty eight dollars and twenty three cents) as the town's proportionate share of the balance (\$276,245.00) of the budgeted net cost of the program, based on the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue for a fiscal year starting July 1, 2013.

ARTICLE EIGHTEEN
Dukes County Commissioners

To see if the Town will vote to enter into an inter-municipal agreement with the County of Dukes County to provide an Integrated Pest Management Program (including Rodent Control) and to raise and appropriate **\$1,903.40** (One Thousand Nine Hundred Three Dollars and Fifty Seven Cents) as the town's proportionate share of the balance (\$67,021.00) of the net cost of the program, or take any other action relative thereto.

The budgeted projected cost of the Pest Management Program for the fiscal year 2014 is \$95,021.00, less projected revenue of \$28,000.

ARTICLE NINETEEN
School Superintendent

To see if the Town will raise and appropriate the sum of **\$2,284.00** (Two thousand two hundred eighty four dollars) for the Martha's Vineyard Regional High School District to be used for architectural fees for the design of a new Superintendent's Office building on the high school campus as recommended by the 2012 feasibility study, or take any other action relative thereto.

ARTICLE TWENTY
Community Preservation Committee

To see if the Town will vote to appropriate or reserve for later appropriation monies for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, from projected fiscal year 2014 Community Preservation revenues of **\$152,000 (one-hundred and fifty two thousand dollars)**. Thirty percent of those funds shall be allotted in the following amounts as required by Community Preservation Act legislation:

\$15,200 (fifteen thousand two hundred dollars) to the Community Preservation Open Space Reserve,
and
\$15,000 (fifteen thousand two hundred dollars) to the Community Preservation Historic Reserve, and
\$15,000 (fifteen thousand two hundred dollars) to the Community Preservation Housing Reserve.

In addition, the remaining seventy percent of funds raised during FY2014 shall be reserved for appropriation in the following manner as recommended by the Aquinnah Community Preservation Committee:

\$70,390 (seventy thousand three hundred and ninety dollars) to the Community Preservation Historic Preservation Reserve, and
\$15,160 (fifteen thousand one hundred and sixty dollars) to the Community Preservation Affordable Housing Reserve, and
\$20,850 (twenty thousand eight hundred and fifty dollars) to the Community Preservation Budgeted Reserve,
or take any other action relative thereto.

ARTICLE TWENTY-ONE
Community Preservation Committee

To see if the Town will vote to appropriate monies, from the above reserved Community Preservation revenues, for the undertaking of the following Historic Preservation projects, as recommended by the Community Preservation Committee:

\$25,000 (twenty-five thousand dollars) from the Community Preservation Historic Preservation Reserve for emergency restoration and repairs to the Aquinnah Lighthouse, and
\$10,060 (ten thousand and sixty dollars) from the Community Preservation Historic Preservation Reserve for the final year of mortgage costs related to the restoration of the Old Aquinnah Library, and
\$12,860 (twelve thousand eight hundred and sixty dollars) from the Community Preservation Historic Preservation Reserve for mortgage costs related to the acquisition of the Edwin DeVries Vanderhoop Homestead, and
\$5,400 (five thousand four hundred dollars) from the Community Preservation Historic Preservation Reserve for the video documentation of photographs and artifacts related to the History of the Gay Head Light, and
\$2,070 (two thousand and seventy dollars) from the Community Preservation Historic Preservation Reserve for the second phase of the preservation of windows at Dukes County courthouse, and
\$30,000 (thirty thousand dollars) from the Community Preservation Historic Preservation Reserve for engineering and foundation design services for the proposed restoration and relocation of the Gay Head Light, as proposed by the Selectmen,
or take any other action relative thereto.

ARTICLE TWENTY-TWO
Community Preservation Committee

To see if the Town will vote to appropriate monies, from the above reserved Community Preservation revenues, for the undertaking of the following community housing efforts, open space/recreation and CPA Administrative expenses, as recommended by the Community Preservation Committee

\$6,000 (six thousand dollars) from the Community Preservation Open Space and Recreation Reserve for site development and access to the proposed new playground at the Aquinnah Town Center, and
\$25,160 (twenty-five thousand one hundred and sixty dollars) from the Community Preservation Community Housing Reserve for mortgage costs related to the purchase of property at 45 State Road for the purpose of creating affordable housing, and,
\$3,000 (three thousand dollars) from the Community Preservation Budgeted Reserve for CPA administrative expenses, or take any other action relative thereto.

ARTICLE TWENTY-THREE
Personnel Committee

To see if the Town will vote to amend the Personnel By-Laws of Aquinnah by adding the following new section:

7.1 Compensatory Time

7.1-1 Coverage

All employees

7.1-2 Policy

If a year-round, non-salaried employee needs to exceed his or her regular number of weekly hours, and the extra work is mutually agreed upon in advance, the employee may choose to earn up to the equivalent hours of their normal part-time or full-time work week in a pay period, as long as it doesn't exceed 40 hours. In such cases, the employee may be granted equivalent compensatory time off at a straight-time rate which accrues in a single two week pay period and then is used in the two week pay period immediately following. An extension of the use period can occur by written request to the Town Administrator. No comp time can be carried over into a new fiscal year.

The use of comp time received in this fashion is not fully discretionary for the employee, and must be cleared with the supervisor, who has taken into account broader questions of job management. It is not to be used merely to attain a more flexible work schedule for personal convenience or to lengthen a vacation period.

A compensatory time agreement or understanding with individual employees need not be in writing but a record of its existence must be kept.

ARTICLE TWENTY-FOUR
Personnel Committee

To see if the Town will vote to amend the Personnel By-Laws of Aquinnah by changing the following section:

6.0 Compensation Plan

6.4 Performance Evaluation

“All employees, regardless of their positions in the classification plan, shall have an annual written performance evaluation, which shall be prepared by the department head or appointing authority on such form as is approved by the Personnel Committee. ~~The performance evaluation shall be submitted to the Selectmen on the 1st day of the month in which the employee's anniversary date falls.~~ The written performance evaluation shall be done by December 31st. The report, along with the recommendation or denial of a step increase by the department head or appointing authority, shall be approved by the Board of Selectmen no later than March 31st. ~~The employee's new rate, if granted, will become effective at the~~

of Selectmen no later than March 31st. The employee's new rate, if granted, will become effective at the beginning of the next pay period immediately following the calendar anniversary date. The employee's new rate, if granted, will become effective at the beginning of the next fiscal year."

ARTICLE TWENTY-FIVE
Personnel Committee

To see if the Town will vote to amend the Personnel By-Laws of Aquinnah by changing the following section:

3.0 Recruitment and Appointment

3-3 Recruitment

"All department heads appointing authorities, along with at least one member of the Personnel Committee, shall be responsible for the recruitment and selection of personnel...."

ARTICLE TWENTY-SIX
Personnel Committee

To see if the Town will vote to amend the Personnel By-Laws of Aquinnah by changing the following section:

9.0 Vacation Leave

9.3 Scheduling

~~Vacation must be taken in the twelve months following the year in which it was earned. Unused vacation may be carried into the next twelve month period with the approval of the Appointing Authority.~~

Vacation leave can be taken in the same year it is accrued after the 1st six months in new employment. Yearly vacation time not so utilized shall expire at the end of the fiscal year unless extended for a specified period of time by the Appointing Authority.

ARTICLE TWENTY-SEVEN
Personnel Committee

To see if the Town will vote to adopt Massachusetts General Law Chapter 143, Section 3Z so that the Aquinnah part-time Building Inspector may practice for hire or engage in the business for which he is certified, licensed or registered under the building code, while serving as such inspector.

ARTICLE TWENTY-EIGHT
Personnel Committee

To see if the Town will vote to adopt Massachusetts General Law Chapter 166, section 32A so that a licensed electrician, who is also an Inspector of Wires, may practice for hire in the Town of Aquinnah.

ARTICLE TWENTY-NINE
Personnel Committee

To see if the Town will vote to adopt Massachusetts General Law Chapter 111, Section 26G so that a board of health member who is also a septic system installer may work in his own town.

ARTICLE THIRTY
Police Department

To see if the Town will vote to amend the General By-Laws of Aquinnah by establishing a new section, as follows:

**CHAPTER VI - PUBLIC CONSUMPTION OF MARIJUANA OR
TETRAHYDROCARBINOL**

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocarbinol (as defined in G. L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G. L. c. 40, § 21, or by noncriminal disposition under G. L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G. L. c. 94C, § 32L.

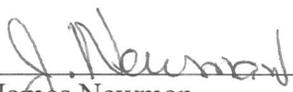
And you are hereby directed to serve this warrant by posting up attested copies at the Schoolhouse Library and Town Hall in said Town, at least seven days prior to time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 30th day of April in the year of our Lord Two Thousand and Thirteen, we the undersigned members of the Board of Selectmen.

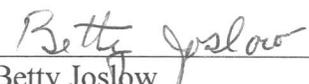


Spencer Booker, Chairman

Beverly Wright, Vice Chairman



James Newman



Betty Joslow
Aquinnah Constable

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