

**WARRANT FOR THE  
ANNUAL TOWN MEETING  
MAY 8, 2012  
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 Eighth day of May 2011, 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 Ninth day of May 2012, 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 9, 2012, 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
- One Planning Board Members for Three Years
- One Board of Health Member for Three Years
- One Board of Assessors Member for Three Years
- One Land Bank Commissioner for Three Years

ANSWER YES OR NO to the following questions:

QUESTION ONE: Shall the Town of Aquinnah be allowed to assess an additional \$175,000 (one hundred seventy-five thousand dollars) in Real Estate and Personal Property taxes for the fiscal year beginning July 1, 2012 to meet the FY13 general operating expenses of the Town?

QUESTION TWO: Shall the Town of Aquinnah be allowed to assess an additional \$25,016 (twenty-five thousand sixteen dollars) in Real Estate and Personal Property taxes for the fiscal year beginning July 1, 2012 for the purchase of 4 (four) Scott Air Packs and cylinders for Fire Department use?

QUESTION THREE: Shall the Town of Aquinnah be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay the Town's allocable share of the bond issued by the Up-Island Regional School District for the purpose of paying costs of acquiring new school buses, including the payment of all other costs incidental and related thereto?

QUESTION FOUR: Shall the Town of Aquinnah be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay the Town's allocable share of the bond issued by the Martha's Vineyard Regional High School District for the purpose of paying costs of acquiring new school buses, including the payment of all other costs incidental and related thereto?

QUESTION FIVE: Shall the Town of Aquinnah be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay the Town's allocable share of the bond issued by the Up-Island Regional School District for the purpose of paying costs of making extraordinary repairs to the West Tisbury School, located at 401 Old County Road, in West Tisbury, Massachusetts, including, but not limited to: window replacement, replacement of all gutters, replacement of some soffits, replacement of wood trim with Azec trim boards and reshingling the entire exterior of the building, including the payment of all costs incidental or related thereto?

QUESTION SIX: Shall the Town of Aquinnah be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay the Town's allocable share of the bond issued by the Up-Island Regional School District for the purpose of paying costs for construction of the new Chilmark School, located at 8 State Road, Chilmark, Massachusetts, including the payment of all costs incidental or related thereto?

QUESTION SEVEN: Shall the Town of Aquinnah be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay the Town's allocable share of the bond issued by the Up-Island Regional School District for the purpose of paying costs for the addition and renovation of the West Tisbury School, located at 401 Old County Road, West Tisbury, Massachusetts, including the payment of all costs incidental or related thereto?

QUESTION EIGHT: Should a roundabout be built at the blinker intersection?  
**This is a non-binding ballot question.**

**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 FY2013 general expenses of the Town as itemized in the 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 police, fire and shellfish/harbormaster 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 2300 as follows: 1% of police and fire wages and 15% of harbormaster wages, or take any other action relative thereto.

**ARTICLE FOUR**  
**Fire Department**

To see if the Town will vote to raise and appropriate the sum of **\$25,016.00** (twenty five thousand sixteen dollars) for the purchase of four (4) Scott Air Packs and four (4) 4.5-30 Air Cylinders, provided that the amount set forth shall be raised and appropriated only if a majority of voters casting ballots at the Annual Town election vote in the affirmative to override Proposition 2 ½ so called, or take any other action relative thereto.

**ARTICLE FIVE  
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 3.0% increase, which is a cost of living adjustment becoming effective July 1, 2012.

**ARTICLE SIX  
Board of Selectmen**

To see if the Town will vote to appropriate the sum of **\$35,996.00** (Thirty five thousand, nine hundred ninety six dollars) for highway construction or improvements from the 2013 Chapter 90 Local transportation apportionment, 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 SEVEN  
Tri-Town Ambulance**

To see if the Town will take from free cash the sum of **\$8,334.00** (eight thousand three hundred thirty-four dollars) as the Town's one-third share of training and related services provided to the Tri-town ambulance staff during fiscal year 2013, or take any other action relative thereto.

**ARTICLE EIGHT  
Board of Selectmen**

To see if the Town will vote to appropriate from free cash the sum of **\$1,667.00** (One thousand six hundred sixty seven dollars) to make the final payment on the lease/purchase option of the town office copier, or take any other action relative thereto.

**ARTICLE NINE  
Board of Selectmen**

To see if the Town will vote to raise and appropriate the sum of **\$2,700.00** (Two thousand seven hundred dollars) for Automated External Defibrillators to be placed on Town Hall Campus, or take any other action relative thereto.

**ARTICLE TEN  
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 take from free cash **\$3,621.16** (Three Thousand Six Hundred Twenty One Dollars and Sixteen Cents) as the town's proportionate share of the balance (\$105,822.00) of the budgeted projected cost, based on the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue for a fiscal year starting July 1, 2012. The cost of the budgeted share of the program for fiscal year 2013 is \$95,293.80. The County of Dukes County will pay 10% (\$10,588.20) of the budgeted cost of the program.

**ARTICLE ELEVEN  
Dukes County Commissioners**

To see if the Town will vote to take from free cash **\$758.34** (Seven Hundred Fifty Eight Dollars and Thirty Four Cents) to continue the Vineyard Health Care Access Program at the current level of service. These funds from the six Island Towns will be administered by the County of Dukes County and will provide \$58,914 (Fifty One Thousand Nine Hundred and Fourteen Dollars) countywide. When combined with the County's Vineyard Health Care Access Program Article # 8, the total amount

represents the town's proportionate share, based on the 50/50 Formula which combines 50% of the cost based on equalized valuation of property values as computed by the Commonwealth of Massachusetts Department of Revenue and 50% based on the Town's population as documented in the US Census. Based on this formula the percentage of the total for Aquinnah is 2.87%.

**ARTICLE TWELVE  
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 **\$2,052.57** (Two Thousand Fifty Two Dollars and Fifty Seven Cents) as the town's proportionate share of the balance (\$54,015.08) 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 2013 is \$88,016.76, less projected revenue of \$28,000, for the net cost of \$60,016.76. The County of Dukes County will pay 10% (\$6,001.68) of the net cost of the program.

**ARTICLE THIRTEEN  
Treasurer/Tax Collector**

To see if the Town will vote to raise and appropriate the sum of **\$15,000.00** (fifteen 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 Assessors**

To see if the Town will vote to raise and appropriate the sum of **\$1,500.00** (fifteen hundred dollars) for the purchase of a new CPU and printer for the Town's Assistant Assessor, or take any other action relative thereto.

**ARTICLE FIFTEEN  
Board of Selectmen**

To see if the Town will vote to appropriate from free cash the sum of **\$2,650.83** (Two thousand six hundred fifty dollars and eighty three cents) to pay the 4<sup>th</sup> year out of a six year contract for the town's financial team software package, or take any other action relative thereto.

**ARTICLE SIXTEEN  
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, 2012, 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 from each fund for the fiscal year, and the disposition of the balance of each fund at the end of the current fiscal year, as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY12 Spending Limit	Disposition of FY12 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 SEVENTEEN  
Police Department**

To see if the Town will vote to appropriate the sum of **\$39,000.00** (thirty-nine thousand 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 EIGHTEEN  
Board of Selectmen/Treasurer**

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

**ARTICLE NINETEEN  
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 2013 Community Preservation revenues of **\$150,000 (one-hundred and fifty thousand dollars)**. Thirty percent of those funds shall be allotted in the following amounts as required by Community Preservation Act legislation:  
**\$15,000 (fifteen thousand dollars)** to the Community Preservation Open Space Reserve, and **\$15,000 (fifteen thousand dollars)** to the Community Preservation Historic Reserve, and **\$15,000 (fifteen thousand dollars)** to the Community Preservation Housing Reserve.

In addition, the remaining seventy percent of funds raised during FY2013 shall be reserved for appropriation in the following manner as recommended by the Aquinnah Community Preservation Committee:

**\$49,680 (forty-nine thousand six hundred and eighty dollars)** to the Community Preservation Historic Preservation Reserve, and

**\$53,520 (fifty-three thousand five hundred and twenty dollars)** to the Community Preservation Affordable Housing Reserve, and

**\$1,800 (one thousand eight hundred dollars)** to the Community Preservation Budgeted Reserve, or take any other action relative thereto.

**ARTICLE TWENTY**  
**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

**\$2,500 (two thousand five hundred dollars)** from the Community Preservation Historic Preservation Reserve for the study of cliffs erosion as related to the preservation of Aquinnah Lighthouse under the supervision of the Martha's Vineyard Museum, and

**\$10,540 (ten thousand five hundred and forty dollars)** from the Community Preservation Historic Preservation Reserve for mortgage costs related to the restoration of the Old Aquinnah Library, and

**\$13,640 (thirteen thousand six hundred and forty dollars)** from the Community Preservation Historic Preservation Reserve for mortgage costs related to the acquisition of the Edwin DeVries Vanderhoop Homestead, and

**\$6,000 (six thousand dollars)** from the Community Preservation Historic Preservation Reserve for the rehabilitation and restoration of first floor windows at the Edwin DeVries Vanderhoop Homestead, and

**\$3,000 (three thousand dollars)** from the Community Preservation Historic Preservation Reserve for the preservation of archives and collections at the Martha's Vineyard Museum, and

**\$4,000 (four thousand dollars)** from the Community Preservation Historic Preservation Reserve for engineering and design services for the proposed rehabilitation and restoration of the Menemsha pond bulkhead, 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 Community Housing efforts and CPA Administrative expenses, as recommended by the Community Preservation Committee:

**\$9,400 (nine thousand four hundred dollars)** from the Community Preservation Affordable Housing Reserve to the Dukes County Regional Housing Authority for support of its Rental Assistance Program, and

**\$1,500 (one thousand five hundred dollars)** from the Community Preservation Affordable Housing Reserve to the Island Housing Trust for support of its HomeTracker program, and

**\$25,620 (twenty-five thousand six hundred and twenty 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

**\$1,800 (one thousand eight hundred dollars)** from the Community Preservation Budgeted Reserve for CPA administrative expenses, or take any other action relative thereto.

**ARTICLE TWENTY-TWO**  
**Police Department**

To see whether the Town will vote, as authorized by Chapter 256 of the Acts of 2010, and incorporated into the Massachusetts General Laws as Chapter 6, Section 172 B 1/2, to create a by-law enabling the

Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to-Door Salespeople
- Manager of Alcoholic Beverage License
- Owner or Operator of Public Conveyance
- Dealer of Second-Hand Articles
- Pawn Dealers
- Hackney Drivers, and
- Ice Cream Truck Vendors

and to adopt appropriate policies and procedures to effectuate the purposes of this by-law, or take any other action relative thereto.

## **PROPOSED NEW TOWN BY-LAW.**

### **CHAPTER IV: Criminal History Check Authorization** *(Replaces TBL Chapter IV: Peddlers)*

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses:

- Hawking and Peddling or other Door-to- Door Salespeople (Lic. Authority - Selectmen)
- Manager of Alcoholic Beverage License (Lic. Authority - Police)
- Owner or Operator of Public Conveyance (Lic. Authority – Selectmen)
- Dealer of Second-hand Articles (Lic. Authority – Health)
- Hackney Drivers, and, (Lic. Authority – Selectmen/Police)
- Ice Cream Truck Vendors (Lic. Authority – Selectmen/Police)

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security (“EOPSS”) which has issued an Informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law. The State and FBI criminal history will not be disseminated to unauthorized entities.

Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

The Board of Selectmen is authorized to promulgate regulations for the implementation of the proposed by-law, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

### **Use of Criminal Record by Licensing Authorities**

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

### **Fees**

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be up to one hundred dollars (\$100). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees.

A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

### **Effective Date**

This by-law shall take effect July 1, 2012, so long as the requirements of G.L. c. 40 sec. 32 are satisfied.

**ARTICLE TWENTY-THREE**  
**Submitted by Petition**

To see if the Town will vote to instruct the Selectmen to communicate to the Massachusetts State Senate and House support on behalf of the citizens of the town of Aquinnah for Senate Bill 772, Restoring Free Speech, which reads as follows:

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations;

WHEREAS, for the past three decades, a divided United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate democratically-enacted reforms;

WHEREAS, this corporate takeover of the First Amendment has reached its extreme conclusion in the United States Supreme Court's recent ruling in Citizens United v. FEC;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. FEC overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. FEC will now unleash a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. FEC presents a serious and direct threat to our democracy;

WHEREAS, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government;

Now be it resolved that the Commonwealth of Massachusetts hereby calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to restore the First Amendment and fair elections to the people.

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

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James Newman, Chairman

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Spencer Booker, Vice Chairman

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Beverly Wright

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Betty Joslow  
Aquinnah Constable

*posted*      , 2012