

**WARRANT FOR
SPECIAL TOWN MEETING
April 09, 2019**

County of Dukes County, ss:

To either of the Constables in the Town of Edgartown in the
County of Dukes County, GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and Town affairs, to meet in the Old Whaling Church (Methodist Church) on Main Street in said Edgartown on Tuesday, the ninth day of April, Two Thousand Nineteen at seven o'clock in the evening, then and there to act on the Articles in this Warrant:

ARTICLE 1. To see if the Town will vote to appropriate from Free Cash the sum of \$4,000 to pay for the painting and repair of the Monument Flag Pole at the intersection of Pease's Point Way and Main Street.

Submitted by the Board of Selectmen

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 2. To see if the Town will vote to appropriate from Free Cash the sum of \$20,536.48 to be added to the Town's Fiscal Year 2019 workers compensation insurance account.

Submitted by the Board of Selectmen

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 3. To see if the Town will vote to authorize the Board of Selectmen to take all necessary steps to grant an easement to, and enter into an agreement with, Nstar Electric Company d/b/a Eversource Energy, over a 2' x 6' portion of a Town-owned parking lot located on Dock Street, which will permit an electric box adjacent to Edgartown Yacht Club property to encroach on said parking lot. A copy of the Easement is on file with the Town Clerk

2/3 VOTE REQUIRED

Submitted by the Board of Selectmen

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 4. To see if the Town will vote to appropriate from free cash the sum of \$199,388.00 to be disbursed to various payroll account to cover benefits owed to several employees who have, or will retire or resign during the current Fiscal Year

Submitted by the Personnel Board

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 5. To see if the Town will vote to appropriate the sum of \$5,300.00 from the Water Department's surplus to cover the cost of replacing the office computers of the Water Department, and for costs incidental and related thereto. This article will have no impact on water user's charges or the tax rate. Water surplus funds will finance this purpose.

Submitted by the Board of Water Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 6. To see if the Town will vote to appropriate from Free Cash the sum of \$14,617.00 to cover an increase in the insurance policy that covers injured fire fighters.

Submitted by the Fire Chief

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 7. To see if the Town will vote to appropriate from Free Cash the sum of \$16,288.00 to pay for upgraded safety equipment, electrical upgrades, and fall protection devices purchased by the Wastewater Facility to comply with the new OSHA standards for municipal facilities.

Submitted by the Waste Water Commission

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 8. To see if the Town will transfer from the sale of cemetery lots fund for the expenditure in Fiscal Year 2020, the sum of \$20,000.00 to be used to continue the expansion of the New Westside Cemetery.

Submitted by the Cemetery Commissioners

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 9. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the Amendments of the Constitution, to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition.

AN ACT CREATING THE MARTHA’S VINEYARD HOUSING BANK

Chapter ____ of the Acts of ____

Section 1.	There is hereby established a Martha’s Vineyard Housing Bank (the “Housing Bank”), the purpose of which shall be to provide for the preservation and creation of year-round housing on the Island of Martha’s Vineyard. The Housing Bank is hereby constituted a body politic and corporate and a public instrumentality and the exercise of the powers herein conferred upon the Housing Bank shall be deemed to be the performance of an essential governmental function.
Section 2.	<p>The Housing Bank shall be administered by a Housing Bank Commission consisting of seven (7) persons.</p> <p><u>2.1 Membership:</u> There shall be one (1) person who is a legal resident of each of the towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury and West Tisbury, each person to be elected to a 3-year term, in the same manner as other elected town officials. The initial terms, drawn by lot by the initial six (6) appointed members, shall be staggered so that two (2) members are elected each year, following the initial election of members, and each of the six (6) town boards of selectmen shall, respectively, appoint the initial six (6) members to serve from the effective date of this act until the first elections of the regular members at each town’s regular or special town election after the effective date of this act. One (1) member shall be appointed to a 3-year term by the Dukes County Regional Housing Authority.</p> <p><u>2.2 Vacancies:</u> Should a vacancy occur during the term of the elected town commissioner, the town’s Municipal Housing Trust (“MHT”) and the board of selectmen shall jointly appoint an interim member to serve until the next scheduled town election.</p> <p><u>2.3 Administration:</u> Members shall serve without compensation. The initial appointed members shall adopt temporary rules and regulations to the extent necessary to conduct business until the regular members are</p>

	<p>elected. The Housing Bank Commission shall elect from among its regular members a chairman and a vice chairman and a secretary and a treasurer who may be the same person. The members of the Housing Bank Commission shall adopt, after holding a public hearing and after requesting recommendations from the Board of Selectmen of the six member towns that comprise the commission, rules and regulations for conducting its internal affairs and procedural guidelines for carrying out its responsibilities under this act.</p> <p><u>2.4 Quorum:</u> A quorum shall be four (4) or more members. Decisions of the Housing Bank Commission shall be by majority vote at a meeting where a quorum is present. The Housing Bank Commission shall make rules regarding attendance. The Housing Bank Commission shall keep accurate records of its meetings and actions and shall file an annual report that shall be distributed with the annual report of each member town.</p> <p><u>2.5 Conflict of interest:</u> When members of the Housing Bank Commission hold other public offices and have to act in dual public positions, no conflict of interest shall be assumed in as much as both positions are serving the public interest and no compensation is received. However, if a Housing Bank Commission member or an MHT member also represents an organization that may benefit from a project being considered for a grant from the Housing Bank Commission, the member must declare a possible conflict of interest and shall not participate in the consideration and action on that grant application.</p>
Section 3.	Each Town's MHT shall assist the Housing Bank Commission in reviewing projects in their respective towns.
Section 4.	<p>The Housing Bank Commission shall, subject to this act, have the power and authority to:</p> <ul style="list-style-type: none"> a) 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 Housing Bank in connection with any ordinance or bylaw or any general or special law or any other source, including money from Chapter 44B, provided, however that any such money received pursuant to Chapter 44B shall be used exclusively for community housing and shall remain subject to all rules, regulations and limitations of that chapter; b) purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income; c) 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 Housing Bank property as the Housing Bank Commission deems advisable notwithstanding the length of any such lease or contract; d) 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 Housing Bank

	<p>Commission engages for the accomplishment of the purposes of the Housing Bank;</p> <ul style="list-style-type: none">e) employ regular staff, advisors and agents, such as accountants, appraisers and lawyers, as the Housing Commission deems necessary;f) purchase and retain and/or lease real property for the Housing Bank's internal administrative purposes and to dispose of same as and when the Housing Commission deems advisable.g) pay reasonable compensation and expenses to all employees, advisors and agents and to apportion such compensation between income and principal as the Housing Commission deems advisable;h) apportion receipts and charges between income and principal as the Housing Commission deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;i) 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;j) deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Housing Commission may deem proper and to pay, out of Housing Bank property, such portion of expenses and compensation of such committee as the Housing Commission may deem necessary and appropriate;k) carry property for accounting purposes other than acquisition date values;l) borrow money on such terms and conditions and from such sources as the Housing Commission deems advisable, to mortgage and pledge Housing Bank assets as collateral;m) make distributions or divisions of principal in kind;n) comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Housing Bank, 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 Housing Commission may deem appropriate;o) hold all or part of the Housing Bank property uninvested for such purposes and for such time as the Housing Commission may deem appropriate;p) extend the time for payment of any obligation to the Housing Bank; andq) adopt such regulations and procedures as it deems necessary or
--	---

	appropriate to provide funding for the implementation of any and all programs cited in section 4A of this act.
Section 4A.	<p>The Housing Bank may provide funding as described in this Act. Upon applications from non-profit and for-profit corporations and organizations and public entities in a competitive process which will include public notice of funding availability, and in a form prescribed by the Housing Bank, funding in the form of grants, loans, loan guarantees, lines of credit, interest subsidies, rental assistance or any other means determined to further the goals of the Housing Bank for eligible housing activities might be provided. Eligible activities shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • Purchase and rehabilitation of existing structures for rental or home ownership; • Construction of rental or home ownership housing and necessary infrastructure; • Purchase of land, and any and all improvements including infrastructure and easements to be used for qualified housing; • Down payment assistance, grants and soft second loans; • Rental assistance programs; • Modernization and capital improvements of existing rental and ownership housing; • Housing counseling, predevelopment costs and technical assistance associated with creating housing projects and programs.
Section 4B.	Each member town is hereby authorized to appropriate money to be deposited in the Fund as provided in section 6.
Section 4C.	The Housing Bank is authorized to issue bonds and notes to further the purposes of the Housing Bank but only if the issuance of these bonds or notes has been approved by a majority of the Trustees of all member towns' MHTs.
Section 4D.	The Housing Bank and all its revenues and income used solely by the Housing Bank in furtherance of its public purposes shall be exempt from taxation and from betterments and special assessments, and the Housing Bank shall not be required to pay any tax, excise or assessment to or for the commonwealth or any of its political subdivisions.
Section 5.	All housing units created through funding by the Housing Bank under this act shall be deed restricted in perpetuity for the use approved for funding by the Housing Bank Commission.
Section 6.	<p>The Housing Bank Commission shall meet its financial obligations by drawing upon a fund to be set up as a revolving or sinking account of the Housing Bank Commission (the "Fund"). Deposits into the Fund shall include (a) funds appropriated, borrowed or transferred to be deposited into the Fund by vote of the county commissioners of the county of Dukes County or of town meetings of the towns represented in the Housing Bank Commission; (b) voluntary contributions of money and other liquid assets to the Fund; (c) grants of funds tendered to the Housing Bank by each member town in connection with any ordinance or bylaw or any general or special law or any other source, including without limitation state and/or federal grants.</p> <p>All expenses lawfully incurred by the Housing Bank Commission in carrying out this act shall be evidenced by proper vouchers and shall be paid by the treasurer of the Housing Bank Commission only upon</p>

	<p>submission of warrants duly approved by the Housing Bank Commission. The Housing Bank Commission treasurer shall prudently invest available assets of the Fund in accordance with the regulations and procedures adopted by the Housing Bank Commission under sections 2.3 and 4(q), and all income from its investments shall accrue to the Fund.</p>
Section 6A.	<p>Money from the Fund may be expended by the Housing Bank Commission, subject to approval of a majority of the Trustees of the MHT of the town in which a project is located. In cases of regional housing projects, money from the Fund may be expended subject the permission of a majority of the Trustees of the MHTs of each town in which the project is located.</p>
Section 7.	<p>The Housing Bank Commission shall keep a full and accurate account of its actions including a record as to when, from or to whom, and on what account money has been paid or received under this act. These records or accounts shall be subject to examination by the director of accounts or the director's agent pursuant to section 45 of chapter 35 of the General Laws.</p>
Section 8.	<p>This act, being necessary for the welfare of the member towns and the island of Martha's Vineyard and their inhabitants, shall be liberally construed to effect its purposes.</p>
Section 9.	<p>Acceptance of this act, by each of the towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury and West Tisbury shall be by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot.</p> <p>This act shall become effective on the date on which acceptance by no fewer than three (3) towns has been effected. Additional towns may elect to participate in the Housing Bank after the effective date of this act by affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot.</p>
Section 10.	<p>Any time after five (5) years from the date on which a town votes to accept this act in accordance with Section 9, any town that is a member of the Housing Bank may withdraw from it by the affirmative vote of a majority of the voters at any regular or special town election. A town that has withdrawn remains liable for any obligations prior to withdrawal. A town that has withdrawn may renew its membership by the affirmative vote of a majority of the voters at any regular or special town election at which the question of acceptance has been placed on the ballot.</p> <p>If the Housing Bank is reduced to fewer than three (3) member towns, the Housing Bank shall be dissolved. Upon dissolution of the Housing Bank, title to all funds and other properties held by the Housing Bank shall vest in the towns of the Island of Martha's Vineyard as herein provided after provision is made for payment of all bonds, notes and other obligations of the Housing Bank.</p>

Submitted by Petition

NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 10. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a Special Act substantially in the form set forth below, provided that the General Court may make clerical or editorial amendments to the form of said proposed Special Act, and provided further that the Selectmen shall have the

authority to approve and accept any such amendments that shall be within the scope of the objectives of this petition.

An Act providing funding for the Martha's Vineyard Housing Bank
Chapter ___ of the Acts of ____

Section 1

The Town of Edgartown has elected to impose a local excise tax upon the transfer of occupancy of a room in a short-term rental, as authorized by Section 3A of Chapter 64G of the General Laws and as further set forth in Section 6 of Chapter 337 of the 2018 Acts of Massachusetts. The Town has elected to impose said tax at the rate of four (4%) percent of the total amount of rent for each such occupancy.

Section 2

The Martha's Vineyard Housing Bank is a body politic and corporate, established under Chapter ___ of the Acts of 20___. Said Housing Bank is established under said Act for the sole purpose of the preservation and creation of year-round housing on the island of Martha's Vineyard, in the County of Dukes, as may be further defined in such Act and the regulations promulgated thereunder. Under Section 4B of said Act, the Town is empowered to appropriate funds for the benefit of said Housing Bank.

Section 3

Fifty (50%) percent of the total amount of tax collected by the Town of Edgartown under G.L. c. 64, as aforesaid, shall be appropriated and transferred to the Martha's Vineyard Housing Bank, such funds to be restricted for use by the Housing Bank for the preservation and creation of year-round housing on the island of Martha's Vineyard.

Section 4

This Act shall take effect upon both the effectiveness of the Town's election under G.L. c. 64G as aforesaid and the passage of the aforementioned Act creating the Martha's Vineyard Housing Bank.

Submitted by Petition

NOT RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

ARTICLE 11. To see if the Town will vote to appropriate from Free Cash the sum of \$23,088.14 to pay the following Fiscal Year 2018 unpaid bills:

AV Fuel	\$ 19,500.00	Airfield Commission
Law Office of E. Hutchinson	\$ 600.00	Board of Assessors
Siemens Company	\$ 1,540.98	Highway Department
Safety Kleen	\$ 178.50	Highway Department

9/10 VOTE REQUIRED

RECOMMENDED BY THE FINANCIAL ADVISORY COMMITTEE

And you are directed to serve this Warrant by publishing an attested copy thereof in one newspaper having general circulation in said Edgartown, fourteen days, at least, before the time of holding said meeting or by posting it in six or more conspicuous places in Town at least fourteen days before the time of said meeting.

HEREOF FAIL NOT, and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting as aforesaid.

Given under our hands this 4th day of March in the year of our Lord Two Thousand Nineteen.

Michael J. Donaroma, Chairman

Margaret E. Serpa

Arthur Smadbeck
BOARD OF SELECTMEN
Town of Edgartown