

# Warrant for Annual Town Meeting

April 23, 2012

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-third day of April in the year Two Thousand and Twelve A.D. at 7:30 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-fifth day of April in the year Two Thousand and Twelve 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
Three Members of the Finance Advisory Committee	for three years
One Member of the Cemetery Commission	for three years
One Members of the Planning Board	for five years
One Member of the Planning Board	for two year
One Fence Viewer	for three years
One Surveyor of Wood, Lumber and Bark	for three years
One Tree Warden	for one year
One Constable	for one year
One Martha's Vineyard Land Bank Commissioner	for three years

**Questions**

Question 1. Shall the Town of Chilmark be allowed to exempt from the provisions of Proposition 2 ½, so-called, the amounts required to pay for the bond issued in order to conduct exterior repairs to the West Tisbury School? Yes No

Question 2. Shall the Town of Chilmark be allowed to assess an additional \$31,767 in real estate and personal property taxes for the purposes of participating in the Massachusetts Estuary Project in the Menemsha Pond system for the fiscal year beginning July 1, 2012? Yes No

Question 3. Shall the Town of Chilmark be allowed to assess an additional \$54,500 in real estate and personal property taxes for the purposes of participating in the Massachusetts Estuary Project in the Chilmark Pond system for the fiscal year beginning July 1, 2012? Yes No

Question 4. Shall a roundabout be built at the blinker intersection? NON-BINDING Yes No

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**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 and that \$2,500.00 be transferred from the Wetlands Fund to fund the Conservation Officer.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 4.** To see if the town will vote transfer from General Fund Account 145-9291-5700 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 the sum of **\$34,000.00** from available funds in the treasury and transfer the sum of **\$6,000.00** from Overlay Surplus for a Reserve Fund to be administered by the Finance Advisory Committee, for the fiscal year beginning July 1, 2012.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 6.** To see if the town will vote to transfer from General Fund Account 145-9291-5700 the sum of **\$8,550.59** to fund Chilmark's share of the County Pest Management program based on the county tax formula.  
Submitted by the Dukes County Commission  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 7.** To see if the town will vote to transfer from General Fund Account 198-9272-5700 the sum of **\$15,085.01** 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 8.** To see if the town will vote to transfer from General Fund Account 299-9260-5850 the sum of **\$1,177.87** 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 FY2010 level of services to residents in need of assistance.  
Submitted by the Vineyard Health Care Access program  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 9.** To see if the town will vote to transfer the sum of **\$15,000.00** from available funds in the treasury to the General Stabilization Fund.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 10.** To see if the town will vote to transfer the sum of **\$15,000.00** from available funds in the treasury 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 11.** To see if the town will vote to transfer from available funds in the treasury the sum of **\$100,000.00** to continue the funding of OPEB (Other Post Employment Benefits) obligations.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 12.** To see if the town will vote to transfer from General Fund Account 122-9105-5700 the sum of **\$2,800.00** and transfer from General Fund Account 122-9241-5700 the sum of **\$4,000.00** to fund computer and software upgrades for the Town Hall and the Public Safety network.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 13.** To see if the town will vote to transfer from General Fund Account 145-9291-5700 the sum of **\$12,000.00** and transfer the sum of **\$12,000.00** from the Waterways Improvement account to pay to for the replacement of pilings in Menemsha Harbor, including the payment of costs incidental and related thereto.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 14.** To see if the town will vote to transfer the sum of **\$3,000.00** from the Waterways Improvement account to pay to for the replacement of navigational aids in Menemsha Pond, including the payment of costs incidental and related thereto.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 15.** To see if the town will vote to transfer from General Fund Account 145-9291-5700 the sum of **\$3,000.00** to fund the Police Department's FY2013 participation in the Martha's Vineyard Law Enforcement Council.  
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 reserve from the Community Preservation Fund FY 2012 estimated annual revenues up to the following amounts for community preservation projects: **\$27,316** for Open Space Preservation; **\$27,316** for Historic Resources Preservation; **\$27,316** for Housing; and **\$191,209** for the Community Preservation Budgeted Reserve.  
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 **\$8,610.00** to fund Chilmark's share of an island-wide funding campaign to preserve Martha's Vineyard Museum historic artifacts.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE
- ARTICLE 18.** To see if the town will vote to transfer from General Fund Account 122-9105-5700 the sum of **\$17,000.00** to upgrade self contained breathing apparatus (SCBA) at the Fire Department, including the payment of costs incidental and relative thereto.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE

**ARTICLE 19.** To see if the town will vote to transfer from General Fund Account 198-9272-5700 the sum of **\$10,000.00** and further appropriate the sum of **\$1,700.00** to be received from the Chilmark Volunteer Firemen's Association, subject to receipt, to purchase Personal Protective Equipment for the Fire Department  
RECOMMENDED by FINANCE ADVISORY COMMITTEE

**ARTICLE 20.** To see if the town will vote to raise and appropriate the sum of up to **\$31,767.00** and further appropriate any donations from any source, to enroll the Menemsha, Squibnocket, Nashaquitsa, and Stonewall Ponds in the Massachusetts Estuaries Project, including the payment of costs incidental and relative thereto, provided that the amount set forth shall be raised and appropriated only if a majority of voters casting ballots at the Annual Town Election to be held on April 25th 2012 vote in the affirmative to override proposition 2 1/2.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE

**ARTICLE 21.** To see if the town will vote to raise and appropriate the sum of up to **\$54,500.00** and further appropriate any donations from any source, to enroll the Chilmark Pond in the Massachusetts Estuaries Project, including the payment of costs incidental and relative thereto, provided that the amount set forth shall be raised and appropriated only if a majority of voters casting ballots at the Annual Town Election to be held on April 25th 2012 vote in the affirmative to override proposition 2 1/2.  
RECOMMENDED by FINANCE ADVISORY COMMITTEE

**ARTICLE 22.** To see if the town will vote to instruct the Selectmen to communicate to the Massachusetts State Senate and House the support of the citizens of the town of Chilmark for Senate Bill 772, Restoring Free Speech, which is 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.

NO ACTION TAKEN by the FINANCE ADVISORY COMMITTEE

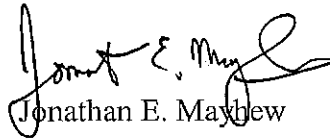
You are hereby directed to serve this warrant by posting attested copies in three public places in said Town of Chilmark at least seven days before the time of said meeting, and to publish said warrant in one newspaper having general circulation in the Town of Chilmark during the week before said meeting.

Given under our hands this 6<sup>th</sup> day of March, A.D. 2012.

Chilmark Board of Selectmen



Frank M. Fenner Jr., Chairman



Jonathan E. Mayhew



Warren M. Doty

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:   
Assistant Constable Marshall E. Carroll, III

*Town of Chilmark*  
**ANNUAL TOWN MEETING**

April 23, 2012

MODERATOR: Everett H. Poole  
TOWN CLERK: Jennifer L. Christy  
REGISTRARS: Susan M. Heilbron, Laurisa D. Rich  
CONSTABLE: Marshall E. Carroll, III  
TELLERS: Jane N. Slater, Catherine Thompson

At the close of voter registration on April 3, 2012 there were eight hundred and seventy-eight (878) registered voters in the Town of Chilmark. With one-hundred and thirty-five (135) voters present at the Annual Town Meeting, 15% of the total number of registered voters, the Moderator called the meeting to order at 7:35 p.m. Constable Marshall E. Carroll, III attested to the posting of the warrant. The cub scouts and their leaders led the town in the Pledge of Allegiance.

Warren Doty was recognized and stood to honor Selectman Frank M. Fenner, Jr.'s dedicated four terms in service to the Town of Chilmark. Mr. Fenner was presented with a certificate from the Massachusetts House of Representatives in honor of his service to the town. Mr. Fenner stood to thank his fellow selectmen, town employees, counsel and the people of Chilmark.

**ARTICLE 1.** Article 1 was postponed by the Moderator until the Annual Town Election at noon, Wednesday, April 25, 2012.

**ARTICLE 2.** Read by the Moderator, moved and seconded. Selectman Warren Doty stood and reported on the Tea Lane/Silva Farm project. Mr. Doty noted the 5 members of Tea Lane Farm Committee. Mr. Doty stated there were 13 farm plans submitted to the committee and the committee selected 6 semi-finalists. Three finalists have been selected by the Tea Lane Farm Committee: Allen Healy, Krishana Collins, Rusty Gorden & Sarah Crittenden. The committee hopes to select a farmer by June 1.

Selectman Fenner stood and reported on the visit of the selectmen to the Seaport Council to receive grant money for harbor improvements. Mr. Fenner described the phases of the improvements to be made. The council awarded the town \$629,026.00 for harbor repairs.

The Moderator asked if there were any other reports from Town Officers or committees. No other reports were made.

**ARTICLE 3.** Read by the Town Clerk, moved and seconded. Moderator stated he would not read the departmental budgets. Moderator asked that anyone with questions about the budget to rise and be recognized. Judie Jardin stood and inquired about legal expenses. Ms. Jardin was concerned with the amount budgeted for the

coming year and whether it was sufficient. Selectman Doty responded the budgeted amount for legal expenses seemed sufficient. No other discussion.

The Moderator brought Article 3 to a vote.

**Article 3 passed unanimously.**

**ARTICLE 4.** Read by the Town Clerk, moved and seconded. No discussion.

**Article 4 passed unanimously.**

**ARTICLE 5.** Read by the Town Clerk, moved and seconded. No discussion.

**Article 5 passed unanimously.**

**ARTICLE 6.** Read by the Town Clerk, moved and seconded. No discussion.

**Article 6 passed unanimously.**

**ARTICLE 7.** Read by the Town Clerk, moved and seconded. No discussion.

**Article 7 passed unanimously.**

**ARTICLE 8.** Read by the Town Clerk, moved and seconded. No discussion.

**Article 8 passed unanimously.**

**ARTICLE 9.** Moderator noted that this article would require a 2/3rds vote to pass because it involved funds from the Stabilization Fund. Read by the Town Clerk, moved and seconded. No discussion.

**Article 9 passed unanimously.**

**ARTICLE 10.** Moderator noted that this article would require a 2/3rds vote to pass because it involved funds from the Stabilization Fund. Read by the Town Clerk, moved and seconded. No discussion.

**Article 10 passed unanimously.**

**ARTICLE 11.** Read by the Town Clerk, moved and seconded. No discussion.

**Article 11 passed unanimously.**

**ARTICLE 12.** Read by the Town Clerk, moved and seconded. Mr. Doty was recognized and explained the transfers to which this article referred. No other discussion.

**Article 12 passed unanimously.**

**ARTICLE 13.** Read by the Town Clerk, moved and seconded. Ms. Jardin was recognized and inquired whether the article was written before the grant money for Menemsha was received. Mr. Fenner stood and explained that this article funds general maintenance in Menemsha while the grant money funds new improvements. Ms. Jardin further asked whether the town will approve the improvements the grant money will fund. Mr. Doty stood and stated the Selectmen could bring the design of improvements to the town. No further discussion.

**Article 13 passed unanimously.**

**ARTICLE 14.** Read by the Town Clerk, moved and seconded. No discussion.  
**Article 14 passed unanimously.**

**ARTICLE 15.** Read by the Town Clerk, moved and seconded. No discussion.  
**Article 15 passed unanimously.**

**ARTICLE 16.** Read by the Town Clerk, moved and seconded. No discussion.  
**Article 16 passed unanimously.**

**ARTICLE 17.** Read by the Town Clerk, moved and seconded. No discussion.  
**Article 17 passed unanimously.**

**ARTICLE 18.** Read by the Town Clerk, moved and seconded. No discussion.  
**Article 18 passed unanimously.**

**ARTICLE 19.** Read by the Town Clerk, moved and seconded. No discussion.  
**Article 18 passed unanimously.**

**ARTICLE 20.** Read by the Town Clerk. Moved and seconded. Wendy Weldon stood to amend the article to change the amount to read \$14,792.00 instead of \$31,767.00. Moderator brought the amendment to a vote.

**Amendment passed unanimously.**

The Town Clerk read article as amended. Moved and seconded. Mr. Allen Healy stood and asked for clarification of the Massachusetts Estuaries Project studies. Ms. Weldon provided a description of the project and what it will provide to the town. There was discussion about whether the studies the MEP will do are worthwhile due to the length of time it takes to receive a finished study and whether there is a reason to conduct studies to ascertain the health of the ponds. People spoke against, but overwhelmingly for, the article. Mr. Fenner stood and noted the matching funds available for this study.

**Article 20 passed.**

**ARTICLE 21.** Read by the Town Clerk. Moved and seconded. Mr. Steven Lewenberg, a resident on Chilmark Pond and a commissioner on the Chilmark Pond Committee, was recognized and noted the topic was not discussed by his committee and that the executive committee does not take any position on it.

**Article 21 passed.**

Moderator was informed of an error in Article 16 by Town Counsel Ron Rappaport. The article should have referenced FY2013, not FY2012. Moderator asks for a motion to change the FY to 2013. Moved and seconded. No discussion.

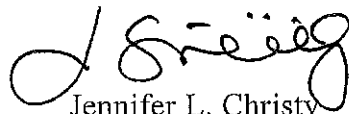
**Article 16, as amended, was passed unanimously.**

**ARTICLE 22.** Read by the Town Clerk. Moved and seconded. No discussion.  
**Article 22 passed.**

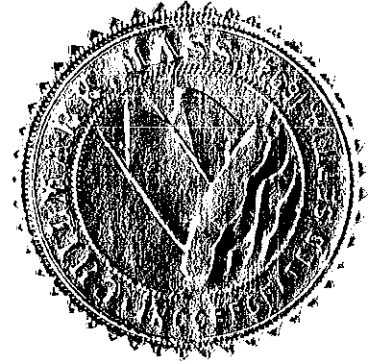


Moderator Everett Poole asked if there was any further business. There was none. Mr. Poole adjourned meeting until 12:00 p.m. on Wednesday, April 25, 2012.

A true record. Attest:



Jennifer L. Christy  
Town Clerk  
April 26, 2012



*Town of Chilmark*  
**ANNUAL TOWN ELECTION**

April 25, 2012

TOWN CLERK: Jennifer L. Christy  
 CONSTABLE: Marshall E. Carroll, III  
 ELECTION OFFICERS: Bette Carroll, R. Samuel Carroll

TELLERS: Liz Gude, Michael Drezner, Harriette Otteson, John O. Flender, Happy Spongberg, Chris Dreyer, Deb Sillimanwass, Judith LoRusso, Joan Malkin, Nan Doty, Linda Coutinho, Bob Zeltzer, Judith Jardin

The polls were opened at noon by the Moderator, Everett H. Poole, and were closed at eight p.m. by the Moderator, Everett H. Poole. Of the Eight Hundred and Seventy-Eight (878) registered voters, one hundred fifty five (261) cast their vote. (22) Absentee Ballots were requested, of which five (18) cast their vote. The results were tallied as follows:

OFFICE	TERM	CANDIDATE	VOTES
<u>Selectmen</u>	3 Years	William N. Rossi	186
		Blank	20
		<u>Write-In</u>	
		Alan Porter	54
		Chris Murphy	1
<u>Assessor</u>	3 Years	Leonard Jason, Jr.	207
		Blank	53
		<u>Write-In</u>	
		Elmore Mayhew	1
<u>Board of Health</u>	3 Years	Janet Buhrman	198
		Blank	58
		<u>Write-In</u>	
		Janice Brown	1
		Kent Healy	2
		Rodney Bunker	1
		Buddy Mayhew	1
<u>Finance Advisory Committee</u> <u>Vote for Three (3)</u>	3 Years	Bruce E. Golden	180
		Frank S. Yeomans	178
		Blank	417
		<u>Write-In</u>	
		Alan Porter	2

		Jeff Parker	1
		Mary Boyd	1
		John Larsen	1
		Patrick Jenkinson	1
		Denny Jason	1
		Donald Poole	
	1		
<u>Library Trustee</u>	3 Years	Jane N. Slater	217
		Blank	43
		<u>Write-In</u>	
		R. Samuel Carroll	1
<u>Cemetery Commissioner</u>	3 Years	John O. Flender	223
		Blank	37
		<u>Write-In</u>	
		Coco Adams	1
<u>Surveyor of Wood, Lumber &amp; Bark</u>			
	1 Year	Blank	223
		<u>Write-In</u>	
		Keith Emin	11
		Julie Flanders	7
		Tom Ruimerman	5
		Alan Porter	3
		James Morgan	2
		Scatter	10
<u>Fence Viewer</u>	3 Years	Blank	218
		<u>Write-In</u>	
		Julie Flanders	22
		Keith Emin	6
		Alan Porter	3
		Nathaniel Allen-Posin	2
		Chris Fischer	2
		Scatter	8
<u>Planning Board</u>	5 Years	Catherine Thompson	193
		Blank	67
		<u>Write-In</u>	
		Chris Fischer	1

<u>Planning Board</u>	2 Years	Richard Osnoss	193
		Blank	67
		<u>Write-In</u> Matt Mayhew	1
<u>Tree Warden</u>	1 Year	Keith Emin	226
		Blank	35
<u>Constable</u>	3 Years	Marshall E. Carroll, III	242
		Blank	19
<u>MV Land Bank Commissioner</u>	3 Years	Pamela S. Goff	215
		Blank	46
<u>QUESTION #1</u>		YES	187
		NO	54
		Blank	20
<u>QUESTION #2</u>		YES	192
		NO	56
		Blank	13
<u>QUESTION #3</u>		YES	179
		NO	69
		Blank	13
<u>QUESTION #4</u>		YES	65
		NO	180
		Blank	16

A true record. Attest:



*Jennifer L. Christy*  
 Jennifer L. Christy  
 Town Clerk  
 April 27, 2012