

**WARRANT FOR SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

County of Dukes County, ss

To either of the Constables in the Town of Oak Bluffs, **Greetings:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to warn the inhabitants of the Town of Oak Bluffs who are qualified to vote in Town Affairs and Elections, to assemble at the Martha's Vineyard High School Performing Arts Center, Edgartown-Vineyard Haven Road, Oak Bluffs, on Tuesday, April 13, 2010 at 7:00 pm in the evening, then and there to act upon the following articles:

Article 1. To see if the Town will vote to transfer from the Wastewater Retained Revenue account, in the following amount and to the following entities, to pay prior year bill incurred by the Wastewater Department in Fiscal Year 2008:

<u>Amount</u>	<u>Payee</u>
\$2,697.66	Verizon

Wastewater Department

Executive Summary: This article pays a bill incurred in fiscal year 2008.

Massachusetts law requires Town Meeting vote to pay this invoice by a 9/10ths vote.

Finance and Advisory Board Recommendation: 7 In Favor; 0 Against; 0 Abstain.

Article 2. To see if the Town will accept the provisions of Massachusetts G.L. c. 64L, § 2(a) to impose a local meals excise.

Board of Selectmen

Executive Summary: This article would implement a town-wide tax of 3/4% on restaurant meals which would make the combined State and local tax 7%. Revenue to the Town in FY2011 would be over \$200,000.

Finance and Advisory Board Recommendation: 7 In Favor; 0 Against; 0 Abstain.

The Finance Committee supports this meals tax proposal because it is a way to raise revenue from a source other than Town residents. The Town needs more revenue to balance the budget and this option is preferable to raising taxes on property owners. Since eating out is a discretionary activity – a choice that customers make, rather than a requirement – this is seen as the most desirable way to raise revenue from a range of undesirable possibilities.

Article 3. To see if the Town will amend its local room occupancy excise under G.L. c. 64G, § 3A to the rate of six percent (6%).

Board of Selectmen

Executive Summary: This article would increase the local tax on hotel and motel rooms from 4% to 6%, bringing the total state and local tax on lodging to 11%. Revenue to the Town in FY2011 is estimated at \$100,000.

Finance and Advisory Board Recommendation: 5 In Favor; 2 Against; 0 Abstain.
Those In Favor of this occupancy tax support it because it is a way to raise revenue from a source other than Town residents. When more revenue is needed to balance the budget, they believe that this option is preferable to raising taxes on property owners. Those Against this hotels tax argue that it is unfair to continue to raise taxes on hotel and motel guests when there is no tax at all on guests who occupy vacation rental homes in the Town. They believe it is preferable to balance the budget by tightening spending rather than by raising revenue from this source.

Article 4. To see if the Town will vote to transfer \$70,734 (Seventy thousand seven hundred thirty four dollars) from the Stabilization Fund to pay for a residential placement, or take any action relative thereto.

Oak Bluffs School

Executive Summary: This article pays a portion of the expense of a residential school placement for the fiscal year 2010, which the Town is legally obligated to pay. The cost of this placement is shared with another Vineyard town.

Finance and Advisory Board Recommendation: 6 In Favor; 1 Against; 0 Abstain.

Article 5. To see if the Town will vote to transfer from Sale of Cemetery Lots the sum of \$10,000 (ten thousand dollars) to Cemetery Perpetual Care (82493 4970) for the upkeep and maintenance of Oak Grove Cemetery, or take any action relative thereto.

Cemetery Commission

Executive Summary: This article transfers already collected money to ensure upkeep and maintenance of the Oak Grove Cemetery.

Finance and Advisory Board Recommendation: 7 In Favor; 0 Against; 0 Abstain.

Article 6. To see if the Town will accept the provisions of Massachusetts G.L. c. 40, § 22(F) to allow municipal boards or officers empowered to issue licenses, permits, or certificates to set reasonable fees for such licenses, permits, or certificates, or take any action relative thereto.

Town Clerk

Executive Summary: This article allows municipal boards and officers to set fees for certain licenses and permits without state approval.

Finance and Advisory Board Recommendation: 7 In Favor; 0 Against; 0 Abstain.

Article 7. To see if the Town will vote to amend the General Bylaws by adding the following Chapter XV, Section L, Conflict of Interest, or take any action relative thereto:

- L. No member of a Town board or committee shall hold a paid position with the Town which is answerable either directly or indirectly to the Board or Committee on which he or she serves.

Board of Selectmen

Executive Summary: This article prevents conflicts of interest between boards and committees, and employees of the Town by preventing elected officials from working for the boards or committees on which they serve.

Finance and Advisory Board Recommendation: 4 In Favor; 0 Against; 1 Abstain.

Article 8. To see if the Town will vote to appropriate or reserve from Community Preservation Funds for Fiscal Year 2011 estimated annual revenues the amounts recommended by the Community Preservation Committee for administrative expenses and Community Preservation projects, with each item to be considered a separate appropriation as follows, or take any action relative thereto.

Appropriation	Recommended Amount
Community Administrative Expense	\$ 12,000
Reserves	
Historic Resources	\$ 42,889
Community Housing	\$ 42,889
Open Space	\$ 42,889

Community Preservation Committee

Executive Summary: This article is required by the Commonwealth on an annual basis to ensure that CPA funds are allocated at least 10% to each of the three required areas: Historic Resources, Community Housing, and Open Space. The appropriation for administrative expenses is roughly 2 ½ % of the collected funds.

Finance and Advisory Board Recommendation: 7 In Favor; 0 Against; 0 Abstain.

Article 9. To vote from the available CPA funding sources as follows:

From Undesignated Reserves the amount of \$22,700 (Twenty two thousand seven hundred dollars) for the following purposes based on the CPA Committee recommendation to spend \$22,700 for the following projects:

<u>Project Title (Alphabetical Order)</u>	<u>Organization</u>	<u>CPA Category</u>	<u>Amount Recommended</u>
1. Affordable Housing Land 54 Pacific Avenue	Affordable Housing Committee	Housing	\$22,700

Community Preservation Committee and Board of Selectmen

Executive Summary: The article would authorize funds already collected by the Community Preservation Committee from the taxpayers to be used as specified. The CPC has developed a handout explaining its recommended decisions.

Finance and Advisory Board Recommendations: Recommendation available at Town Meeting

HEREIN FAIL NOT AND GIVE PUBLIC NOTICE BY CAUSING THIS NOTICE TO BE POSTED IN TWO(2) OR MORE PLACES IN THE TOWN AT LEAST FOURTEEN (14) DAYS BEFORE THE TIME OF SAID MEETING AND MAKE DUE

RETURN OF THIS WARRANT WITH YOUR DOINGS TO THE TOWN CLERK AT THE TIME AND PLACE SPECIFIED.

GIVEN UNDER OUR HANDS THIS ____ DAY OF MARCH, 2010

Gregory A. Coogan, Chairman

Kathleen Burton

Ronald L. DiOrio

Duncan Ross

Kerry Scott

BOARD OF SELECTMEN
TOWN OF OAK BLUFFS

PURSUANT TO THE FOREGOING INSTRUCTIONS, I HEREBY NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF OAK BLUFFS, QUALIFIED TO VOTE AS EXPRESSED IN THIS WARRANT TO VOTE AT THE TIME AND PLACE SPECIFIED.

Attest:

Constable

OFFICER'S RETURN
COUNTY OF DUKES COUNTY, SS.

IN ACCORDANCE WITH THE FOREGOING INSTRUCTIONS, I HEREBY CERTIFY THAT I DID ON THE ____ST DAY OF MARCH, 2010 GIVE PUBLIC NOTICE BY CAUSING ATTESTED COPIES OF THIS WARRANT TO BE POSTED

IN TWO (2) OR MORE PLACES IN THE TOWN OF OAK BLUFFS, AND I HEREBY
MAKE RETURN OF THIS WARRANT THIS ____ST DAY OF MARCH 2010.

Attest:

Constable

**WARRANT FOR ANNUAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS**

County of Dukes County, ss

To either of the Constables in the Town of Oak Bluffs, **Greetings:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to warn the inhabitants of the Town of Oak Bluffs who are qualified to vote in Town Affairs and Elections, to assemble at the Martha's Vineyard High School Performing Arts Center, Edgartown-Vineyard Haven Road, Oak Bluffs, on Tuesday, April 13, 2010 at 7:00 pm in the evening, then and there to act upon the following articles:

Article 1. To hear reports of the Selectmen and other Boards and Committees.

Article 2. To choose all other necessary officers, including Surveyor of Lumber and Measurers of Wood and Bark; Field Driver; and Fence Viewer.

Article 3. To see if the Town will vote to adopt Schedule A, Classification Schedule, and Schedule B, Compensation Schedule, of the Personnel Bylaws as printed Appendix A attached, or take any action relative thereto.

Personnel Board

Executive Summary: This yearly article sets the classifications and compensation ranges for town employees under the Personnel Board purview. There is no change to the tables for FY2011.

Finance and Advisory Board Recommendation: 7 In Favor; 0 Against; 0 Abstain.

Article 4. To see if the Town will vote to appropriate the sum of \$110,000 from the Stabilization Fund to be used by the Board of Assessors for a valuation update of real estate and personal property to meet triennial certification of values as required by Chapter 797 of the Acts of 1979 for the fiscal year 2011.

Board of Assessors

Executive Summary: This article would authorize the expenditure from the stabilization fund to pay for the state-mandated revaluation of real and personal property for assessing purposes.

Finance and Advisory Board Recommendation: Recommendation will be available at Town Meeting.

Article 5. To see if the Town, upon recommendation of the Board of Selectmen, will vote as authorized by MGL Chapter 44, section 53E1/2 to re-establish a revolving fund for Department 296, Marina, to be funded from receipts collected from all transient visitors, or take any action relative thereto.

Harbormaster

Executive Summary: This article is the annual re-authorization of the Marina revolving account. The account collects a \$1.50 surcharge from all transient visitors. The collected money is used to offset the cost of Harbor area infrastructure improvements such as piling repair and small dredging, and environmental impact to the harbor such small oil spills.

Finance and Advisory Board Recommendation: 7 In Favor; 0 Against; 0 Abstain.

Article 6. To see if the town will vote the FY 2011 Town Budget as printed in Appendix B attached, or take any action relative thereto.

Board of Selectmen

Executive Summary: The budget, including transfers, is included as Appendix B.

Finance and Advisory Board Recommendation: Recommendation will be available at Town Meeting.

Article 7. To see if the Town will vote to raise and appropriate the amount of \$27,286 (Twenty seven thousand two hundred eighty six dollars) to fund the Assessors Salary budget line item, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Board of Assessors

Executive Summary: This article would replenish some of the FY2010 reductions in the Assessors Department, subject to a positive ballot vote.

Finance and Advisory Board Recommendation: 5 In Favor; 2 Against; 0 Abstain.

Those In Favor of the article accepted the judgment of the Board of Assessors that adequate staffing of the Assessors Office is a necessary component of Town functioning. We must be able to tax every property in Town fairly. Those Against this Article point out that overrides are permanent increases in taxes. The Assessor department's funding was cut in the current year (FY2010) to balance the budget; therefore the cut has only been in effect for six months. The cuts have not severely hampered the department. The current economic climate is a time to tighten the Town's spending – not to raise taxes.

Article 8. To see if the Town will vote to raise and appropriate the amount of \$96,980 (Ninety six thousand nine hundred eighty dollars) to fully fund the Police budget, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Police

Executive Summary: This article would replenish some of the FY2010 reductions in the Police Department, subject to a ballot vote.

Finance and Advisory Board Recommendation: 4 In Favor; 3 Against; 0 Abstain. Those In Favor of the article noted that scheduled pay for police was cut last fall to deal with the Town financial crisis, and that in order to avoid understaffing, the officers have taken pay cuts for the balance of the fiscal year. Adequate police coverage is essential for the safety of our citizens. It is unfair to expect the effective functioning of this department to depend on additional sacrifices from its officers and nothing more from taxpayers and citizens. Those Against this Article point out that overrides are permanent increases in taxes. The Police department's funding was cut in the current year (FY2010) to balance the budget and that cut should be sustained. Critical Police functions are still being supported. The current economic climate is a time to tighten Town spending – not to raise taxes to cover cuts that were made last year.

Article 9. To see if the Town will vote to raise and appropriate the amount of \$7,000 (Seven thousand dollars) for the hard cash match toward the Drug Task Force grant (17-3533), provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Police Department

Executive Summary: This article would fund the Town's share of the money to match the Commonwealth's contribution to the Martha's Vineyard Drug Task Force, subject to a ballot vote.

Finance and Advisory Board Recommendation: 4 In Favor; 3 Against; 0 Abstain. Those In Favor of the article saw Oak Bluffs participation in this Task Force as essential. It is here as a separate article not as an extra expense but because by law it must be re-voted every year.

Article 10. To see if the Town will vote to raise and appropriate the amount of \$67,546 (Sixty seven thousand five hundred forty six dollars) to fund the Fire Department budget, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Fire Department

Executive Summary: This article would fund increases in the Chief's salary from \$12,000 to \$42,000 and increases to the stipends paid to all firefighters, subject to a ballot vote and to Personnel Board approval.

Finance and Advisory Board Recommendation: 3 In Favor; 4 Against; 0 Abstain. Those Against this Article argue that a Classification and Compensation (C&C) Study should be conducted for the Fire Department to determine fair and equitable compensation before the Town votes to permanently raise taxes. The proposed compensation in this Article has not been developed in the same way as the Study that was conducted for other Town employees several years ago. There is uneasiness about the fact that almost half of the proposed dollars in this Article would go to the Fire Chief

– and almost 90% would go to management-level positions – leaving the rank-and-file firefighters with about 10%. Also, some questions need to be answered. For example: Is the Fire Chief a full-time or part-time position? Will the Ambulance department fall under the jurisdiction of the Fire Chief? Those In Favor of the article were impressed by the dedication and contributions of our firefighters to the Town and by how little they receive in compensation for their time and costs of serving. In the past we also were fortunate to have a Chief who was able to serve for far less than he deserved. It is time to bring compensation up a little for this entire department. The proposed article provides a token increase. We hope that the Town will be able to raise these amounts more in future years, as the overall economy improves.

Article 11. To see if the Town will vote to raise and appropriate the amount of \$19,436 (Nineteen thousand four hundred thirty six dollars) to fully fund the position of Assistant Shellfish Warden, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Shellfish Department

Executive Summary: This article would replenish some of the FY2010 reductions to the Shellfish Department, subject to a ballot vote.

Finance and Advisory Board Recommendation: 2 In Favor; 5 Against; 0 Abstain.

Overrides are permanent increases in taxes. Those against this Article believe that this is a time to tighten the Town's spending, rather than to raise taxes – even if services must be reduced. Those In Favor of the article accepted the arguments of the shellfish warden that his department had been cut last year as a temporary fix to the Town's fiscal crisis, that the department was already strained, and that it could not meet its core responsibilities to the Town unless staff were restored.

Article 12. To see if the Town will vote to raise and appropriate the amount of \$35,000 (Thirty five thousand dollars) to lease a loader, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Highway Department

Executive Summary: This article would fund the lease of a new front end loader for the Highway Department, subject to a ballot vote. The old loader is 15 years old.

Finance and Advisory Board Recommendation: 1 In Favor; 5 Against; 1 Abstain.

Those Against this Article argue that repairs to the existing loader would be less expensive to the Town this year than approving this override. Those In Favor of the article accepted the argument of the Highway Department that this is an essential piece of equipment, and that to delay purchase will lead to costly repairs on the current loader that will delay its replacement only temporarily.

Article 13. To see if the Town will vote to raise and appropriate the amount of \$30,000 (Thirty thousand dollars) to fully fund the Town Building Maintenance budget line item, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Highway Department

Executive Summary: This article would add money to the Building Maintenance line item to begin a town building painting program and a roof replacement program, subject to a ballot vote.

Finance and Advisory Board Recommendation: 5 In Favor; 1 Against; 1 Abstain. Those In Favor of this Article acknowledge that it will be a permanent increase in taxes, but point out that building maintenance often falls into the category of “Pay me now, or pay me *more* later.” Those Against the Article point out that the current economic climate is a time to tighten the Town’s spending – not to raise taxes.

Article 14. To see if the Town will vote to raise and appropriate the amount of \$220,000 (Two hundred twenty thousand dollars) to implement a yearly paving and road maintenance program, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Highway Department

Executive Summary: This article would fund the Town’s road paving program that was suspended in FY2010, subject to a ballot vote.

Finance and Advisory Board Recommendation: 4 In Favor; 2 Against; 1 Abstain. Those In Favor of the article saw the proposed spending as necessary in order to maintain our streets in adequate repair through planned resurfacing and upgrading. Failure to fund this article will result in delay of projects, increased costs, and further deterioration of our streets. Those Against this Article argue that the balanced budget already includes funding for essential road repair and that the Town can survive without road re-paving in the coming year.

Article 15. To see if the Town will vote to raise and appropriate the amount of \$37,500 (Thirty seven thousand five hundred dollars) to fully fund the Oak Bluffs School budget, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

School Committee

Executive Summary: This article would fund the Oak Bluffs School budget at the level at which it was voted by the School Board.

Finance and Advisory Board Recommendation: 4 In Favor; 3 Against; 2 Abstain. Those In Favor of the article recognize that the Oak Bluffs School has been working to reduce costs while striving at the same time to maintain quality education. This small increase helps to fill out a budget that is already strained by previous cuts. Those Against this Article point out that this amount is a tiny fraction of the School budget – an amount

that could be absorbed within the School's budget of over \$5,900,000. Approving an override for this tiny amount should not be necessary – especially since funding for employee compensation increases has been included in the balanced budget.

Article 16. To see if the Town will vote to raise and appropriate the amount of \$30,743 (Thirty thousand seven hundred forty three dollars) to fund the position of Board of Health assistant, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Board of Health

Executive Summary: This article would replenish the FY2010 reductions to the Board of Health, subject to a ballot vote.

Finance and Advisory Board Recommendation: 2 In Favor; 5 Against; 0 Abstain. Those Against this Article point out that overrides permanently increase taxes. This cut was debated and supported at the October 2009 Special Town Meeting. That decision should stand. Now that most Town departments have been moved to one floor at Town Hall, cooperation between departments will be easier and cross-coverage between departments will help to balance the workload. It is time to tighten Town spending, not to raise taxes. Those In Favor of the article accepted the judgment of the Board of Health that they are currently understaffed and stressed, and that the additional funds are needed in order to perform essential services for the health and safety of the citizens of Oak Bluffs.

Article 17. To see if the Town will vote to raise and appropriate the amount of \$75,000 (Seventy five thousand dollars) to staff the Town beach with lifeguards, provided that a majority of voters casting a ballot thereon at the annual town election on April 15, 2010 vote in the affirmative to allow the Town to exceed it FY2011 Proposition 2 ½ levy limit.

Parks Commission

Executive Summary: This article would re-institute the lifeguard program which was abandoned in FY2009.

Finance and Advisory Board Recommendation: 0 In Favor; 7 Against; 0 Abstain. This override would permanently raise taxes. Several years ago the Town Meeting decided to eliminate lifeguards on those town beaches where there had been lifeguards. That decision should stand.

Article 18. To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 44, Section 55C which shall allow the town to establish a trust to be known as the Municipal Affordable Housing Trust Fund for the purpose of creating and preserving affordable housing for the benefit of low and moderate income households.

Affordable Housing Committee

Executive Summary: This article authorizes the creation of a trust which could hold funds and property for affordable housing uses. The trust would be managed by trustees

made up of the members of the Board of Selectmen and the Affordable Housing Committee.

Finance and Advisory Board Recommendation: Recommendation will be available at Town Meeting.

Article 19. To see if the Town will vote to amend the General Bylaws by adding Section XXVII for the creation of an affordable housing trust as printed in Appendix C attached, or take any action relative thereto.

Affordable Housing Committee

Executive Summary: This article creates the Oak Bluffs Affordable Housing Trust.

Finance and Advisory Board Recommendation: Recommendation will be available at Town Meeting.

Article 20. To vote from the available CPA funding sources as follows:

From Reserves for Open Space	\$42,889
From Reserves for Community Housing	\$42,889
From Reserves for Historic Space	\$42,889
From available CPA Funds	\$207,034

For the following purposes based on the CPA Committee recommendation to spend \$335,701 for the following projects:

Project Title (Alphabetical Order)	Organization	CPA Category	Amount Recommended
1. Affordable Housing Trust	Affordable Housing Committee	Housing	\$100,000
2. Edg. Courthouse Restoration	County of Dukes County	Historic Preservation	\$10,201
3. Niantic Park & Picnic Pavilion	Parks Department	Historic Preservation	\$44,000
4. Rental Assistance	DCRHA	Community Housing	\$132,000
5. Watershed Survey & Drainage	ConCom/Parks	Open Space/Recreation	\$49,500
TOTAL:			\$335,701

Community Preservation Committee and Board of Selectmen

Executive Summary: The article would authorize funds already collected by the Community Preservation Committee from the taxpayers to be used as specified. The CPC has developed a handout explaining its recommended decisions.

Finance and Advisory Board Recommendations: Recommendation will be available at Town Meeting.

Article 21. To see if the Town will vote to amend the General Bylaws, Chapter XV; V. Prohibition of Smoking in Certain Places within the Town of Oak Bluffs, by adding the following Paragraph 9, or take any action relative thereto:

9. No person shall smoke on any beach controlled by the Town of Oak Bluffs, nor in the areas known as David Healey Way between Kennebec and Circuit Avenues.

Executive Summary: This article would ban smoking on the town's beaches as well as on the pedestrian mall outside the post office.

Finance and Advisory Board Recommendation: No Vote Taken.

Article 22. To see if the Town will amend the General Bylaws, Chapter XV by adding a bylaw governing the licensing of street performers as printed in Appendix D attached, or take any action relative thereto.

Board of Selectmen

Executive Summary: This proposed bylaw allows the town to regulate the activities of street performers and to define the areas where they are permitted to perform. Sponsored performances such as the Vineyard Haven Band or the Christmas Tree Lighting are exempted from the bylaw.

Finance and Advisory Board Recommendation: No Vote Taken.

Article 23. To see if the Town will vote to delete the current FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA and adopt the following FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA or take any other action relative thereto:

SECTION A. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as an overlay district. The Floodplain Overlay District (FPOD) includes all special flood hazard areas within the Town of Oak Bluffs designated as Zone A, AE, AO, V, or VE on the Dukes County Federal Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Dukes County FIRM that are wholly or partially within the Town of Oak Bluffs are panel numbers 25007C0102H, 25007C0103H, 25007C0104H, 25007C0106H, 25007C0108H, 25007C0111H, 25007C0112H, 25007C0116H, dated July 6 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Dukes County Flood Insurance Study (FIS) report dated July 6, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the conservation commission and the zoning administrator.

SECTION B. BASE FLOOD ELEVATION

Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

StormSmart Coasts Committee

Executive Summary: This article adopts the new federal flood maps. The flood maps are relatively unchanged over the prior maps, but the new maps need to be adopted in order for certain town residents to be eligible for federal flood insurance.

Finance and Advisory Board Recommendation: No Vote Taken.

Article 24. To see if the Town will vote to delete the current Section 8.1, Floodplain Overlay District, of the Oak Bluffs Zoning By-law in its entirety and substitute in its place the Floodplain Overlay District bylaw as printed in Appendix E attached, or take any other action relative thereto.

StormSmart Coasts Committee

Executive Summary:

Finance and Advisory Board Recommendation: No Vote Taken.

Article 25. To see if the Town will vote to delete the Current Section 8.1.3 in its entirety and substitute in its place the following or take any other action relative thereto:

Section 8.1.3 LOCATION

A. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION DATA

The Floodplain District is herein established as an overlay district. The Floodplain Overlay District (FPOD) includes all special flood hazard areas within the Town of Oak Bluffs designated as Zone A, AE, AO, V, or VE on the Dukes County Federal Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Dukes County FIRM that are wholly or partially within the Town of Oak Bluffs are panel numbers 25007C0102H, 25007C0103H, 25007C0104H, 25007C0106H, 25007C0108H, 25007C0111H, 25007C0112H, 25007C0116H, dated July 6 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Dukes County Flood Insurance Study (FIS) report dated July 6, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the conservation commission and the zoning administrator.

B. BASE FLOOD ELEVATION

Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

Stormsmart Coasts Committee

Executive Summary: This article would only be voted if the prior, similar article is turned down. This article would re-adopt the old maps.

Finance and Advisory Board Recommendation: No Vote Taken.

Article 26. To see if the Town will vote to amend the Oak Bluffs Zoning Bylaw by deleting Section 6.2, Windmills, and replacing it with Section 6.1, Wind Energy Generating Facility Regulations, as printed in Appendix F attached, or take any action relative thereto.

Planning Board

Executive Summary: This article would more clearly define the process of permitting a wind generated structure by replacing the old zoning bylaw in its entirety and replacing it with the printed language. This bylaw only governs those structures not covered by the Martha's Vineyard Commission's District of Critical Planning Concern. Since there is no section 6.1 in the Zoning bylaw, the numbering has been adjusted accordingly.

Finance and Advisory Board Recommendation: No Vote Taken.

Article 27. To see if the Town will vote to accept the provisions of H4105, "An Act Authorizing the Government Employers In The County Of Dukes County To Establish A Pooled Other Post –Employment Benefits Trust Fund," and vote to join the Trust, or take any action relative thereto.

Board of Selectmen

Executive Summary: This article, the final step in the creation and adoption of the OPEB Trust to become a holding trust for funds allocated to post-retirement benefits such as retiree health care. It allows the town to pool contributions with all other towns and other municipal entities for investment purposes. Contributions are pooled for investment purposes only. This article does not transfer any money to the trust. Only Town Meeting will have the authority to allocate money to the Trust.

Finance and Advisory Board Recommendation: 4 In Favor; 0 Against; 1 Abstain

Article 28. To see if the Town will vote to raise and appropriate the sum of \$3,500 (Three thousand five hundred dollars) for the purpose of paying the Town's share for the Island-wide reverse 911 emergency notification system, or take any action relative thereto.

Emergency Management and Board of Selectmen

Executive Summary: This article would fund the Town's share of the emergency notification system known as "reverse 911." The system would allow the Sheriff or Chairman of the Board of Selectmen to notify residents and visitors directly by recorded phone call. The system is Island-wide, but can be divided up to serve only the Town in the event of a Town emergency.

Finance and Advisory Board Recommendation: Recommendation will be available at Town Meeting.

Article 29. To see if the Town will vote to fix the compensation of full time and part time elected officials of the Town as provided by M.G.L. Chapter 41, Section 108, as amended, for the twelve month period from July 1, 2010 through June 30, 2011 as follow:

Moderator	\$325
Board of Selectmen, Chair	\$4,500
Selectmen, Members	\$3,000 each
Constable (2)	\$500 each
Town Clerk	\$76,590
Tree Warden	\$1,500
Board of Health, Chair	\$3,000
Board of Health, Members	\$2,500 each
Cemetery Commission, Chair	\$250
Cemetery Commissioner	\$150

Finance and Advisory Board Recommendation: 0 In Favor; 4 Against; 1 Abstain.

The Finance Committee supports the elimination of stipends for the Moderator, the Constables, the Tree Warden, the Board of Health Members and Chair, and the Cemetery Commission and Chair. It also supports leaving the Clerk's salary at \$74,360 because all other town and school employees like the Clerk, who have reached the top step of their classification grade, are not receiving increases in FY2011. Therefore, in its present form the Finance Committee does not support this Article.

Article 30. To see if the Town will vote to elect the following Town Officers on the official ballot:

One Moderator for 1 year
One Selectman for 3 years
One Board of Health Member for 3 years
One Cemetery Commissioner for 3 years
Three Finance & Advisory Committee Members for 3 years
One Finance & Advisory Committee Member for 2 years
Two Constables for 3 years
One Planning Board Members for 5 years
One Parks Commissioner for 3 years
One School Committee Member for 3 years
One Martha's Vineyard Land Bank Commissioner for 3 years
One Water District Commissioner for 3 years
One Water District Moderator for 3 years
One Wastewater Commissioner for 3 years

HEREIN FAIL NOT AND GIVE PUBLIC NOTICE BY CAUSING THIS NOTICE TO BE POSTED IN TWO(2) OR MORE PLACES IN THE TOWN AT LEAST FOURTEEN (14) DAYS BEFORE THE TIME OF SAID MEETING AND MAKE DUE

RETURN OF THIS WARRANT WITH YOUR DOINGS TO THE TOWN CLERK AT
THE TIME AND PLACE SPECIFIED.

GIVEN UNDER OUR HANDS THIS ____ DAY OF MARCH, 2010

Gregory A. Coogan, Chairman

Kathleen Burton

Ronald L. DiOrio

Duncan Ross

Kerry Scott

BOARD OF SELECTMEN
TOWN OF OAK BLUFFS

PURSUANT TO THE FOREGOING INSTRUCTIONS, I HEREBY NOTIFY AND
WARN THE INHABITANTS OF THE TOWN OF OAK BLUFFS, QUALIFIED TO
VOTE AS EXPRESSED IN THIS WARRANT TO VOTE AT THE TIME AND PLACE
SPECIFIED.

Attest:

Constable

OFFICER'S RETURN
COUNTY OF DUKES COUNTY, SS.

IN ACCORDANCE WITH THE FOREGOING INSTRUCTIONS, I HEREBY
CERTIFY THAT I DID ON THE ____ST DAY OF MARCH, 2010 GIVE PUBLIC
NOTICE BY CAUSING ATTESTED COPIES OF THIS WARRANT TO BE POSTED
IN TWO (2) OR MORE PLACES IN THE TOWN OF OAK BLUFFS, AND I HEREBY
MAKE RETURN OF THIS WARRANT THIS ____ST DAY OF MARCH 2010.

Attest:

Constable

Town Meeting Appendix A

Schedule A:

<u>Grade</u>	<u>Department</u>	<u>Position</u>
3	Highway	Custodian (H,A)
4	BoH	Admin Assistant I (H,A)
	Conserve	Property Manager (H,P)
	Finance	Administrative Clerk (H,A)
	Library	Assistant (H,A)
	Police*	Asst Animal Ctl Officer (H,P)
	Wastewater	Junior Operator (H,A)
5	Ambulance	EMT Basic (H,P)
	Bd of Reg	Admin Assistant II (H,P)
	Clerk	Assistant Town Clerk (H,A)
	Highway	Cemetery Skilled Laborer (H,A)
	Highway	Skilled Laborer (H,A)
	Library	Library Associate (H,A)
	Police*	Animal Control Officer (H,P)
	Shellfish	Deputy Shellfish Constable (H,P)
6	Ambulance	Admin Assistant III (H,P)
	Ambulance	EMT Intermediate (H,P)
	Finance	Admin Assistant III (H,A)
	Highway	Carpenter (H,A)
	Highway	Heavy Equipment Operator (H,A)
	Library	Children's Librarian (S,B)
	Police	Admin Assistant III (H,P)
	Selectmen	Admin Assistant III (H,P)
7	Ambulance	Paramedic (H,P)
	Ambulance	Paramedic Lieutenant (H,P)
	CoA	Assistant Director (H,A)
	CoA	Outreach Coordinator (H,A)
	Finance	Assistant Assessor (H,A)
	Finance	Assistant Treasurer (H,P)
	Highway	Office Administrator I (H,A)
	Highway	Parks Foreman (H,A)
	Police	Office Admin II (H,P)
	Police*	Patrol Officer (H, UP)
8	Building	Admin/Local Inspector (H,A)

<u>Grade</u>	<u>Department</u>	<u>Position</u>
	Building	Zoning Administrator (H,A)
	Library	Ref Librarian/Asst Direct (S,B)
	Wastewater	Mechanic Operator (H,A)
	Wastewater	Office Admin / Lab Tech (H,A)
9	CoA	Director (S,B)
	Highway	Foreman (H,A)
	Selectmen	Office Admin III (H,P)
10	Conserve	Agent (S,B)
11	Ambulance	Ambulance Chief/Paramedic (S,P)
	BoH	Agent (S,B)
	Building	Inspector of Buildings (S,B)
	Clerk	Town Clerk (S,P)
	Finance	Principal Assessor (S,P)
	Finance	Tax Collector (S,P)
	Finance	Town Accountant (S,P)
	Harbor	Harbormaster/Marina Mgr (S,P)
	Library	Director (S,P)
	Police*	Sergeant (S,UP)
	Shellfish	Constable (S,P)
	Wastewater	Facilities Manager (S,P)
12	Finance	Director / Treasurer (S,P)
	Selectmen	IT Manager (S,P)
13	Fire	Fire Chief (S,P)
	Highway	Superintendent (S,P)
	Police*	Lieutenant (S,P)

KEY:

A Union, Unit A
 B Union, Unit B
 UP Union, Police
 P Personnel Board/Non-union
 H Hourly
 S Salaried
 * Preliminary

Schedule B:

COMPENSATION RANGES FOR HOURLY POSITIONS

Step \$ per Hour

<u>Pay Grade</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
1	\$13.22	\$13.62	\$14.03	\$14.45	\$14.88	\$15.33	\$15.79	\$16.26
2	\$14.28	\$14.71	\$15.15	\$15.60	\$16.07	\$16.55	\$17.05	\$17.56
3	\$15.42	\$15.88	\$16.36	\$16.85	\$17.36	\$17.88	\$18.41	\$18.96
4	\$16.65	\$17.15	\$17.67	\$18.20	\$18.74	\$19.31	\$19.89	\$20.48
5	\$17.99	\$18.53	\$19.08	\$19.65	\$20.24	\$20.85	\$21.48	\$22.12
6	\$19.42	\$20.01	\$20.61	\$21.23	\$21.86	\$22.52	\$23.19	\$23.89
7	\$20.98	\$21.61	\$22.26	\$22.92	\$23.61	\$24.32	\$25.05	\$25.80
8	\$22.66	\$23.34	\$24.04	\$24.76	\$25.50	\$26.27	\$27.05	\$27.86
9	\$24.47	\$25.20	\$25.96	\$26.74	\$27.54	\$28.37	\$29.22	\$30.09
10	\$26.43	\$27.22	\$28.04	\$28.88	\$29.74	\$30.64	\$31.56	\$32.50
11	\$29.07	\$29.94	\$30.84	\$31.77	\$32.72	\$33.70	\$34.71	\$35.75
12	\$31.98	\$32.94	\$33.92	\$34.94	\$35.99	\$37.07	\$38.18	\$39.33
13	\$35.17	\$36.23	\$37.32	\$38.44	\$39.59	\$40.78	\$42.00	\$43.26
14	\$38.69	\$39.85	\$41.05	\$42.28	\$43.55	\$44.85	\$46.20	\$47.59
15	\$42.56	\$43.84	\$45.15	\$46.51	\$47.90	\$49.34	\$50.82	\$52.34
16	\$46.82	\$48.22	\$49.67	\$51.16	\$52.69	\$54.27	\$55.90	\$57.58
17	\$51.50	\$53.04	\$54.63	\$56.27	\$57.96	\$59.70	\$61.49	\$63.34
18	\$56.65	\$58.35	\$60.10	\$61.90	\$63.76	\$65.67	\$67.64	\$69.67

COMPENSATION RANGES FOR SALARIED POSITIONS

(Used for FY2011 Budgeting)

Step \$ per Year

<u>Pay Grade</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	<u>H</u>
1	\$27,498	\$28,330	\$29,182	\$30,056	\$30,950	\$31,886	\$32,843	\$33,821
2	\$29,702	\$30,597	\$31,512	\$32,448	\$33,426	\$34,424	\$35,464	\$36,525
3	\$32,074	\$33,030	\$34,029	\$35,048	\$36,109	\$37,190	\$38,293	\$39,437
4	\$34,632	\$35,672	\$36,754	\$37,856	\$38,979	\$40,165	\$41,371	\$42,598
5	\$37,419	\$38,542	\$39,686	\$40,872	\$42,099	\$43,368	\$44,678	\$46,010
6	\$40,394	\$41,621	\$42,869	\$44,158	\$45,469	\$46,842	\$48,235	\$49,691
7	\$43,638	\$44,949	\$46,301	\$47,674	\$49,109	\$50,586	\$52,104	\$53,664
8	\$47,133	\$48,547	\$50,003	\$51,501	\$53,040	\$54,642	\$56,264	\$57,949
9	\$50,898	\$52,416	\$53,997	\$55,619	\$57,283	\$59,010	\$60,778	\$62,587
10	\$54,974	\$56,618	\$58,323	\$60,070	\$61,859	\$63,731	\$65,645	\$67,600
11	\$60,466	\$62,275	\$64,147	\$66,082	\$68,058	\$70,096	\$72,197	\$74,360
12	\$66,518	\$68,515	\$70,554	\$72,675	\$74,859	\$77,106	\$79,414	\$81,806
13	\$73,154	\$75,358	\$77,626	\$79,955	\$82,347	\$84,822	\$87,360	\$89,981
14	\$80,475	\$82,888	\$85,384	\$87,942	\$90,584	\$93,288	\$96,096	\$98,987
15	\$88,525	\$91,187	\$93,912	\$96,741	\$99,632	\$102,627	\$105,706	\$108,867
16	\$97,386	\$100,298	\$103,314	\$106,413	\$109,595	\$112,882	\$116,272	\$119,766
17	\$107,120	\$110,323	\$113,630	\$117,042	\$120,557	\$124,176	\$127,899	\$131,747
18	\$117,832	\$121,368	\$125,008	\$128,752	\$132,621	\$136,594	\$140,691	\$144,914

**Town Meeting
Appendix B
FY2011 Budget**

DEPT #	DEPARTMENT	FY2010 ACTUAL BUDGET	FY2011 PROPOSED BUDGET
114	MODERATOR		
	EXPENSES	\$325	\$325
	TOTAL MODERATOR	<hr/> \$325	<hr/> \$325
122	SELECTMEN		
	PERSONAL SERVICES	\$257,095	\$257,095
	EXPENSES	\$87,550	\$102,500
	TOTAL SELECTMEN	<hr/> \$344,645	<hr/> \$359,595
131	FINANCE COMMITTEE		
	EXPENSES	\$6,000	\$6,000
	TOTAL FIN COMM	<hr/> \$6,000	<hr/> \$6,000
132	FIN COMM-RESERVE FUND		
	EXPENSES	\$43,750	\$43,751
	TOTAL FIN COMM-RES FUND	<hr/> \$43,750	<hr/> \$43,751
135	TOWN ACCOUNTANT		
	PERSONAL SERVICES	\$105,885	\$127,638
	EXPENSES	\$1,440	\$3,000
	TOTAL TOWN ACCOUNTANT	<hr/> \$107,325	<hr/> \$130,638
141	ASSESSORS		
	PERSONAL SERVICES	\$91,505	\$77,868
	EXPENSES	\$9,490	\$10,401
	TOTAL ASSESSORS	<hr/> \$100,995	<hr/> \$88,269
144	TREASURER/ FIXED COSTS		
	EXPENSES	\$2,843,914	\$3,152,083
	TOTAL TREAS FIXED COSTS	<hr/> \$2,843,914	<hr/> \$3,152,083
145	TOWN TREASURER		
	PERSONAL SERVICES	\$52,501	\$54,168
	EXPENSES	\$42,304	\$41,500
	TOTAL TREASURER	<hr/> \$94,805	<hr/> \$95,668

146 TAX COLLECTOR		
PERSONAL SERVICES	\$102,772	\$105,855
EXPENSES	\$15,350	\$15,350
TOTAL COLLECTOR	<u>\$118,122</u>	<u>\$121,205</u>
155 INFORMATION TECHNOLOGY		
PERSONAL SERVICES	\$72,671	\$74,852
EXPENSES	\$218,256	\$239,460
TOTAL INFORMATION TECH	<u>\$290,927</u>	<u>\$314,312</u>
161 TOWN CLERK		
PERSONAL SERVICES	\$122,082	\$125,706
EXPENSES	\$2,825	\$2,825
TOTAL TOWN CLERK	<u>\$124,907</u>	<u>\$128,531</u>
163 BOARD OF REGISTRARS		
PERSONAL SERVICES	\$20,000	\$23,600
EXPENSES	\$4,000	\$6,000
TOTAL BD OF REGISTRARS	<u>\$24,000</u>	<u>\$29,600</u>
171 CONSERVATION		
PERSONAL SERVICES	\$60,073	\$61,876
EXPENSES	\$6,619	\$7,250
TOTAL CONSERVATION	<u>\$66,692</u>	<u>\$69,126</u>
175 PLANNING BOARD		
PERSONAL SERVICES	\$3,800	\$3,800
EXPENSES	\$2,000	\$27,000
TOTAL PLANNING BOARD	<u>\$5,800</u>	<u>\$30,800</u>
199 UNCLASSIFIED (SELECTMEN)		
EXPENSES	\$860,293	\$1,080,581
TOTAL UNCLASSIFIED	<u>\$860,293</u>	<u>\$1,080,581</u>
210 POLICE DEPT		
PERSONAL SERVICES	\$1,640,067	\$1,670,878
EXPENSES	\$69,690	\$56,500
TOTAL POLICE DEPT	<u>\$1,709,757</u>	<u>\$1,727,378</u>

220 FIRE DEPT		
PERSONAL SERVICES	\$109,600	\$109,600
EXPENSES	\$66,863	\$80,863
TOTAL FIRE DEPT	<u>\$176,463</u>	<u>\$190,463</u>
231 AMBULANCE		
PERSONAL SERVICES	\$238,187	\$256,036
EXPENSES	\$35,500	\$37,000
TOTAL AMBULANCE	<u>\$273,687</u>	<u>\$293,036</u>
241 BUILDING INSPECTOR		
PERSONAL SERVICES	\$217,844	\$222,853
EXPENSES	\$16,320	\$11,320
TOTAL BUILDING INSPECTOR	<u>\$234,164</u>	<u>\$234,173</u>
249 SHELLFISH		
PERSONAL SERVICES	\$95,602	\$97,899
EXPENSES	\$49,000	\$49,000
TOTAL SHELLFISH	<u>\$144,602</u>	<u>\$146,899</u>
291 EMERGENCY MANAGEMENT		
EXPENSES	\$13,500	\$17,000
TOTAL EMER MANAGEMENT	<u>\$13,500</u>	<u>\$17,000</u>
296 MARINA MANAGER		
PERSONAL SERVICES	\$183,572	\$184,072
EXPENSES	\$40,035	\$40,500
TOTAL MARINA MANAGER	<u>\$223,607</u>	<u>\$224,572</u>
300 SCHOOL DEPT		
PERSONAL SERVICES	\$5,089,106	\$5,165,743
EXPENSES	\$751,539	\$764,118
TOTAL SCHOOL DEPT	<u>\$5,840,645</u>	<u>\$5,929,861</u>
301 M V REGIONAL HIGH SCHOOL		
DISTRICT ASSESSMENT	\$3,099,453	\$3,423,940
CAPITAL ASSESSMENT	\$198,729	\$185,237
TOTAL M V DISTRICT	<u>\$3,298,182</u>	<u>\$3,609,177</u>
421 HIGHWAY ADMINISTRATION		
PERSONAL SERVICES	\$696,679	\$707,241
EXPENSES	\$683,714	\$688,715
TOTAL HIGHWAY	<u>\$1,380,393</u>	<u>\$1,395,956</u>

491 CEMETERY		
PERSONAL SERVICES	\$550	\$550
TOTAL CEMETERY	<u>\$550</u>	<u>\$550</u>
519 BOARD OF HEALTH		
PERSONAL SERVICES	\$89,377	\$91,550
EXPENSES	\$45,275	\$44,476
TOTAL BOARD OF HEALTH	<u>\$134,652</u>	<u>\$136,026</u>
541 COUNCIL ON AGING		
PERSONAL SERVICES	\$141,169	\$137,798
EXPENSES	\$61,362	\$61,362
TOTAL COUNCIL ON AGING	<u>\$202,531</u>	<u>\$199,160</u>
543 VETERANS SERVICES		
EXPENSES	\$45,667	\$45,667
TOTAL VETERANS SERVICES	<u>\$45,667</u>	<u>\$45,667</u>
610 LIBRARY		
PERSONAL SERVICES	\$339,326	\$349,974
EXPENSES	\$126,050	\$127,150
TOTAL LIBRARY	<u>\$465,376</u>	<u>\$477,124</u>
612 ARTS COUNCIL		
EXPENSES	\$1,500	\$1,500
TOTAL ARTS COUNCIL	<u>\$1,500</u>	<u>\$1,500</u>
630 RECREATION		
PERSONAL SERVICES	\$52,260	\$54,004
EXPENSES	\$94,302	\$94,302
TOTAL RECREATION	<u>\$146,562</u>	<u>\$148,306</u>
710 MATURING DEBT- PRINCIPAL		
EXPENSES	\$2,012,389	\$2,059,689
TOTAL DEBT PRINCIPAL	<u>\$2,012,389</u>	<u>\$2,059,689</u>
750 MATURING DEBT- INTEREST		
EXPENSES	\$330,132	\$291,310
TOTAL DEBT INTEREST	<u>\$330,132</u>	<u>\$291,310</u>

751	INTEREST TEMPORARY DEBT		
	EXPENSES	\$317,783	\$299,970
	TOTAL TEMP DEBT INTEREST	<u>\$317,783</u>	<u>\$299,970</u>
760	BOND ISSUANCE COSTS		
	EXPENSES	\$1,600	\$15,000
	TOTAL BOND COSTS	<u>\$1,600</u>	<u>\$15,000</u>
184	STATE/COUNTY ASSESSMENTS		
	EXPENSES	\$1,035,174	\$997,973
	TOTAL ASSESSMENTS	<u>\$1,035,174</u>	<u>\$997,973</u>
	TOTAL GENERAL FUND	\$23,021,416	\$24,091,274
60198	WASTEWATER ENTERPRISE		
	PERSONAL SERVICES	\$223,125	\$234,713
	EXPENSES	\$379,789	\$379,789
	TOTAL WASTEWATER	<u>\$602,914</u>	<u>\$614,502</u>
TOTAL BUDGET FOR TOWN MEETING		\$23,624,330	\$24,705,776
TRANSFERS AS PART OF BUDGET VOTE			
	WASTEWATER TO PAY BOND EXPENSE		\$156,208
	FERRY FEES TO PAY BOND EXPENSE		\$194,758

Town Meeting Appendix C

Section XXVII of the General Bylaws:

OAK BLUFFS AFFORDABLE HOUSING TRUST

THIS DECLARATION OF TRUST is executed as of the ____ day of ____, 2010 by the members of the Oak Bluffs Board of Selectmen and the members of the Oak Bluffs Affordable Housing Committee, hereinafter called the Trustees, who shall serve in such capacity pursuant to the provisions of M.G.L. Chapter 44, s 55C.

WHEREAS, The Town Meeting of Oak Bluffs has authorized the establishment of a Housing Trust pursuant to the provisions of M.G.L. Chapter 44, s 55C; and

WHEREAS, It is the intention of the Trustees, to establish a comprehensive trust in accordance with the provisions of M.G.L. Chapter 44, s 55C authorizing the establishment of thereof; and

WHEREAS, All monies received by this Trust for all purposes relevant to the Trust shall be considered available for the purposes of accomplishing the mission of providing for the preservation and creation of affordable housing in the Town of Oak Bluffs for the benefit of low and moderate income households.

THEREFORE, in consideration of the agreements contained in this Trust, and the requirements of M.G.L. Chapter 44, s 55C, the Trustees hereby acknowledge and agree for themselves and their successors in trust to hold the same, together with such other property and funds as may be added thereto, for the purposes hereof in trust for the benefit of all of the Inhabitants of the Town of Oak Bluffs, in the manner and under the terms and conditions set forth herein.

ARTICLE I TRUSTEES

The Trustees shall be appointed in accordance with Article IV hereof.

ARTICLE II PURPOSE OF TRUST

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Oak Bluffs for the benefit of low and moderate income households.

ARTICLE III POWERS OF TRUSTEES

The Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of M.G.L. Chapter 44, s 55C (Municipal Affordable Housing Trust Fund) as outlined below except that it shall have no ability to borrow money, or mortgage or pledge Trust assets, purchase, sell, lease, exchange, transfer or convey any interest in real property without prior approval of the Oak Bluffs Board of Selectmen:

- 1) to accept and receive real property, personal property or money, by gift, grant, contributions, devise, or transfer from any person, firm, corporation or other public entity or organization or tendered to the Trust in connection with provisions of any ordinance or by-law or any General Law or Special Act of the Commonwealth or any other source including money from M.G.L. Chapter 44B (Community Preservation);
- 2) with Town Meeting approval from Trustee recommendation, 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 Trustees deem advisable notwithstanding the length of any such lease or contract;
- 3) 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 Trustees engage for the accomplishment of the purposes of the Trust;

- 4) with Town Meeting approval from Trustee recommendation, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral; to the extent of the Trust's assets, and subject to 2/3 vote at any Annual or Special Town Meeting for greater than the extent of the Trust's assets.
- 5) to construct, manage or improve real property; and to abandon any property which the Trustees determine not to be worth retaining;
- 6) with Board of Selectmen approval from Trustee recommendation, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- 7) to hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate; and
- 8) to become the lottery and monitoring agent for affordable housing and accept compensation for those services into the Fund,
- 9) to monitor the expiring use of any affordable housing in Oak Bluffs,
- 10) to compensate Town employees for services provided as authorized by the Town Administrator, including but not limited to dedicated staff to Trustees, engineering support for project specific activities, and other Town services, as requested by the Trustees to the Town Administrator;
- 11) to employ advisors and agents, including but not limited to accountants, appraisers and lawyers as the Trustees deem necessary;
- 12) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- 13) to participate or join or form a partnership, corporation or any other legally organized entity to accomplish the purposes of this Trust and 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, person or entity,
- 14) to apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- 15) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
- 16) to carry property for accounting purposes other than acquisition date values;
- 17) to make distributions or divisions of principal in kind;
- 18) to extend the time for payment of any obligation to the Trust,
- 19) to establish criteria and/or qualifications for recipients and expenditures in accordance with Trust's stated purposes;
- 20) to compromise, 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 Trustees may deem appropriate;

Notwithstanding anything to the contrary herein, Board of Selectmen approval shall be required for any of the following actions:

- a) to purchase real or personal property;
- a) to sell, lease, exchange, transfer or convey any personal, mixed, or real property; and
- b) to borrow money, or to mortgage or pledge Trust assets as collateral to the extent of the Trust's assets.

Notwithstanding anything to the contrary herein, the Trustees may not borrow, mortgage or pledge greater than the current Trust assets unless approved by the Board of Selectmen and by a 2/3 vote at any Annual or Special Town Meeting.

The Trustees shall have full power and authority, at any time and from time to time and without the necessity of applying to any court for leave to do so, to expend the 100% of the Trust funds, both principal and interest, to the extent that all funds hereunder may be expended if the Trustees deem such expenditure appropriate. All expenditures shall be made in conformance with the terms of this Trust and M.G.L. Chapter 44, s 55C.

ARTICLE IV APPOINTMENT AND TENURE OF TRUSTEES

There shall be a Board of Trustees consisting of all the members of the Board of Selectmen and all the members of the Affordable Housing Committee.

The Trustees shall be appointed for a terms corresponding to their terms as Selectmen or Affordable Housing Committee members.

ARTICLE V MEETINGS OF THE TRUSTEES

The Trust shall meet at least quarterly at such time and such place as the Trustees shall determine. Special meetings may be called by the Chairperson or by any two (2) Trustees. Notice of any meeting of the Trust shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law, M.G.L. Chapter 39, s 23A, 23B and 23C.

A quorum of the Board of Trustees shall be the majority of the number of authorized Trustees.

The Trustees shall annually elect one (1) Trustee who shall serve as Chairperson. The Chairperson may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairpersons of the sub-committees may be selected by the members of the sub-committees.

ARTICLE VI ACTS OF TRUSTEES

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

ARTICLE VII TREASURER AS CUSTODIAN

The Town of Oak Bluffs Treasurer shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds.

He or she shall invest the funds in the manner authorized by M.G.L Chapter 44, s 55 (Public Funds on Deposit; Limitations; Investments,) s 55A, (Liability of Depositor for Losses Due to Bankruptcy), s 55B (Investment of Public Funds).

Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Expenditures by the Trust shall be processed through the warrant but shall be controlled by the provisions of M.G.L. Chapter 44, s.55C. The yearly approved budget, and any approved budget revisions will be recorded by the Town Treasurer.

As custodian, the Treasurer shall issue checks as directed by the Trustees.

In accordance with M.G.L. Chapter 44, s.55C (Municipal Affordable Housing Trust Fund), the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices. The Trust shall be audited as part of the Town audit.

ARTICLE VIII DURATION OF THE TRUST

This Trust shall continue so long as authorized under the Laws of the Commonwealth of Massachusetts. Notwithstanding the foregoing, The trust may be terminated by a majority vote of the Town Meeting in accordance with M.G.L. Chapter 4, s 4B, provided that an instrument of termination together with a certified copy of the Town Meeting vote are duly recorded with the Dukes County District Registry of

Deeds and the Land Court. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Board of Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Board of Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

ARTICLE IX CONSTRUCTION OF TERMS

In the construction hereof, whether or not so expressed, words used in the singular or in the plural respectively include both the plural and singular, words denoting males include females and words denoting persons include individuals, firms, associations, companies, trusts and corporations unless a contrary intention is to be inferred from or required by the subject matter or context. All the powers and provisions of the Trust herein contained shall take effect and be construed according to the laws of the Commonwealth of Massachusetts.

Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.

ARTICLE X RECORDING

This Declaration of Trust shall be recorded with the Dukes County District Registry of Deeds and the Land Court.

ARTICLE XI AMENDMENTS

The Declaration of Trust may be amended from time to time except as to those provisions specifically required under M.G.L. Chapter 44, s 5C, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, and approved by the Board of Selectmen provided that in each case, a certificate of amendment has been recorded with the Dukes County District Registry of Deeds and the Land Court.

ARTICLE XII RECORD TO BE CONCLUSIVE, CERTIFICATE AS TO FACTS

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees as appears from instruments or certificates recorded with the Registry of Deeds and Land Registration Office to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that instruments of amendment pursuant to Article XI and an instrument of termination pursuant to Article VIII hereof shall be conclusive only if it appears that the delegations, amendments or termination have been executed by all of the Trustees. Any person dealing with the Trust property or the Trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be Trustee hereunder as to the identity of the then current Trustees or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by the Trustees or in any other manner germane to the affairs of the Trust.

ARTICLE XIII TITLES

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such article.

**Town Meeting
Appendix D
Street Performers Bylaw**

X. STREET PERFORMERS

1 Purpose: Definitions.

A. Purpose. The Board of Selectmen finds that the existence of Town street performers provides a public amenity and enhances the character of the Town and seeks to encourage such performances to the extent that they do not interfere with the reasonable expectations of residents of the enjoyment of peace and quiet in their homes and businesses. This article seeks to balance the interests of the performers with those of the residents of the Town of Oak Bluffs.

B. Definitions. The following words used in this article shall have the following meanings, unless a different meaning is clearly apparent from the language or text:

BOARD OF SELECTMEN or SELECTMEN

The duly elected members of the Board of Selectmen for the Town of Oak Bluffs, Massachusetts.

PERFORMER

A person who has obtained a permit pursuant to this article.

PERFORMING

Includes, but is not limited to, the following activities: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading and reciting.

PERMIT

The permit issued by the Town for street performers.

POLICE OFFICER or OFFICER

Any officer authorized to make arrests or serve criminal process, provided that he/she is in uniform and displays his/her badge of office.

PUBLIC AREAS

All public sidewalks, bicycle paths, beaches, parks, playgrounds and all public ways in Oak Bluffs.

TOWN

The Town of Oak Bluffs, Massachusetts.

2. Prohibition.

No person may perform in a public area without a permit pursuant to paragraph 3 of this article.

3. Permit Required.

A. A street performer's permit shall be issued by the Town to each applicant in exchange for a completed application and a fee of \$50.

B. A completed application for a permit, and the permit itself, shall contain such information as may be required by the Town and shall include the applicant's name, current address, permanent address, social security number and telephone number. The permit application shall be signed by the applicant and it shall specify the type of performance for which a permit is requested.

C. The permit shall be valid from the date on which it is issued to the end of that calendar year.

D. The permit shall be nontransferable and shall state the applicant's name, type of performance, the permit number of the applicant and the year in which the permit is valid. Each member of a group of performers who play together shall be required to obtain an individual permit.

4. Display of Permit.

A performer shall clearly display his/her permit while performing and shall allow inspection of the permit by any officer authorized to enforce this article on request.

5. Permitted Performances.

A. Performances may take place in the following locations:

(1) In public areas, except within 200 feet of an elementary school, secondary school, church while in session or a hospital open at any time, further to except within 25 feet of a public entryway of an open business and further to except public areas excluded by the Board of Selectmen or the Chief of Police pursuant to paragraph 6.

(2) On private property with the written permission of the owner or other person in lawful control of such property.

(3) In public areas where the Town has authorized a street fair or public festival to be conducted, with the permission of the sponsor of such fair or festival.

B. Performance may take place at the following times:

(1) Monday through Saturday between 9:00 a.m. and 10:00 p.m.

(2) Sundays between 10:00 a.m. and 10:00 p.m.

C. No performer or group of performers may generate sound exceeding a sound level of 80 decibels (db) measured at a distance of 50 feet from the performer or group of performers. The use of sound amplification equipment is expressly prohibited.

D. A performer may not create any interference with the traffic flow of the public through a public area.

E. If a performer attracts a crowd sufficient to interfere with traffic flow of the public through a public area or endanger the safety of the public or if said crowd becomes disorderly, the police officer shall first request that the crowd disperse or, if necessary, thereafter request that the performer leave the location.

F. No performer or group of performers may perform less than 75 feet from another performer or group of performers.

G. A performer may request contributions at a performance, provided that no sign requesting contributions shall be posted. Contributions may be received in a receptacle, such as an open musical instrument case, box or hat. The placement of any type of blanket or covering over any sidewalk or street during a performance shall be prohibited.

6. Exclusion of Public Areas.

A. A specific public area may be excluded from performances by decision of the Board of Selectmen after a public hearing, notice of which shall be advertised once in a local newspaper no less than seven days prior to said hearing.

B. A specific public area may be excluded from performances by decision of the Chief of Police to adequately protect the public or to preserve order. Any permit holder who disputes the need for said exclusion may appeal to the Board of Selectmen for review.

7. Town Sponsored Event.

This bylaw shall not apply to performances on town property sponsored or approved by the Board of Selectmen or to performances in any park sponsored or approved by the Parks Commissioners.

8. Violations and Penalties.

A. Noncriminal disposition. Whoever violates any provision of this article may be penalized by a noncriminal disposition as provided in MGL c. 40, § 21D. The penalty for each violation shall be \$50.

B. Suspension of permit. A performer who provides false information on the application may have his/her permit permanently suspended. If a performer is found to be in violation of any other provision of this article, the Chief of Police may suspend a permit for no more than 30 days. Any permit holder who disputes the suspension may appeal to the Board of Selectmen.

9. Exclusivity.

The provisions of this article shall take precedence over any other Town regulations or bylaws applicable to street performances. To the extent other Town regulations or bylaws are applicable and are inconsistent with this article, this article shall govern.

10. Severability.

The provisions of this article are severable, and if any part of this article should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the article, and the remainder of the article shall stay in full force and effect.

**Town Meeting
Appendix E
Floodplain Zoning Bylaw**

Section 8.1: THE TOWN OF OAK BLUFFS FLOODPLAIN OVERLAY DISTRICT BY-LAW

8.1.1: Statement of Purpose

The purposes of the Floodplain Overlay District are to:

- a) Limit development in areas subject to flooding, particularly high hazard V zones and AO zones in order to minimize potential loss of life, destruction of property, and environmental damage inevitably resulting from storms, flooding, erosion and relative sea level rise.
- b) Reduce or prevent public health emergencies resulting from surface and ground water contamination from inundation of or damage to sewage disposal systems and storage areas for typical household hazardous substances.
- c) Enable safe access to and from homes and structures for homeowners and emergency response personnel, such as police, fire, and rescue departments.
- d) Minimize monetary loss and public health threats resulting from storm damage to public facilities (water and gas mains; electric, telephone and sewer lines, streets, bridges, etc.).
- e) Prevent loss or diminution of the beneficial functions of storm and flood damage prevention or reduction and pollution prevention provided by wetlands, beaches, dunes, barrier beaches, the floodplain, and coastal banks
- f) Protect public access and ensure that areas of high public value remain open to the public.

8.1.2: Floodplain Overlay District Boundaries

The Floodplain District is herein established as an overlay district. The Floodplain Overlay District (FPOD) includes all special flood hazard areas within the Town of Oak Bluffs designated as Zone A, AE, AO, V, or VE on the Dukes County Federal Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Dukes County FIRM that are wholly or partially within the Town of Oak Bluffs are panel numbers 25007C0102H, 25007C0103H, 25007C0104H, 25007C0106H, 25007C0108H, 25007C0111H, 25007C0112H, 25007C0116H, dated July 6th, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Dukes County Flood Insurance Study (FIS) report dated July 6th, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the conservation commission and the zoning administrator.

8.1.3: Scope of Authority

a) Reference to Existing Regulations

The Floodplain District is established as an overlay district to all other districts and is superimposed on existing zoning districts. All uses, dimensional requirements, and other provisions of the bylaw applicable to such underlying districts shall remain in force and effect, except where the restrictions and requirements of the overlay district are more restrictive, the later shall prevail.

b) Reference to Other Applicable Laws and Regulations

In addition, all development in the district, including structural and non-structural activities, whether permitted by right or by special permit under this section must be in compliance with the following;

- a. Wetlands Protection Act, G.L. Ch. 131, s. 40;
- b. Massachusetts State Building Code, 780 CMR;
- c. Coastal Wetlands Restriction Act, G.L. Ch.130, s. 105
- d. Title 5 of the State Sanitary Code, 310 CMR 15.00
- e. Title 5 of the State Sanitary Code, 310 CMR 12.00

8.1.4: Permitted Uses

Notwithstanding any other provision of this bylaw the following uses and activities are permitted by right within the entire FPOD:

1. Public access activities; however the structures in connection with these activities may be regulated as stipulated below.
2. Repair of existing foundations, unless the work replaces the foundation in total or repairs the foundation so as to constitute new construction or a substantial repair of a foundation.
3. Repair of existing structures, provided that the repair does not constitute a substantial improvement or a reconstruction.

8.1.5: Permitted Uses by Special Permit

8.1.5.1: Notwithstanding any *other* provision of this bylaw, and upon issuance of a Special Permit by the Zoning Board of Appeals, and subject to such special conditions and safeguards as are deemed necessary to fulfill the purpose of this bylaw, the following uses and activities can be permitted in the entire FPOD:

1. Substantial repair to a foundation.
2. Restoration and construction of structures listed in the National Register of Historic Places or the official State Inventory of Historic Places.
3. Construction of water dependent structures as determined by MassDEP Chapter 91 (Waterways) Regulations.
4. Beach or dune nourishment and restoration of coastal resource areas as defined in the MA Wetlands Protection Act and Oak Bluffs Wetlands Bylaw
5. The repair or replacement of an existing septic system.
6. Replacement or repair of existing impervious surfaces, including, but not limited to, swimming pools, tennis/basketball courts, pavement, pavers, concrete slabs at grade, curbing, and retaining walls.

8.1.5.2: Notwithstanding any *other* provision of this bylaw, and upon issuance of a Special Permit by the Zoning Board of Appeals, and subject to such special conditions and safeguards as are deemed necessary to fulfill the purpose of this bylaw, the following uses and activities can be permitted in the A and AE Zone of the FPOD:

1. New construction of residential structures.
2. The construction of an addition or other alterations to an existing structure that results in an increase in floor area or intensity of use, or constitutes a substantial improvement.
3. Repair of a substantially damaged structure or reconstruction of an existing structure.
4. New construction of non-residential structures.
5. The following activities are allowed by Special Permit, provided a registered professional engineer certifies in writing that the activity will not cause an increase in wave runup, a deflection or channelization of flood waters, or an increase in the velocity of flow:
 - a) An increase in impervious surface, which may include, but is not limited to, swimming pools, tennis/basketball courts, pavers, concrete slabs at grade, curbing, and retaining walls.
 - b) The storage or disposal of any soil, loam, peat, sand, gravel, rock, or other mineral substance, refuse, trash, rubbish, debris, or dredged spoil.
 - c) The excavation, dredging, removal, or relocation of loam, peat, sand, gravel, soil, rock, or other mineral substance.

8.1.5.3: Notwithstanding any *other* provision of this bylaw, and upon issuance of a Special Permit by the Zoning Board of Appeals, and subject to such special conditions and safeguards as are deemed necessary to fulfill the purpose of this bylaw, the following uses and activities can be permitted in the V and AO Zones of the FPOD:

1. Repair of a substantially damaged structure or reconstruction of an existing structure provided the work shall *not* increase floor area or the intensity of the use, or constitute a substantial improvement.
2. All new construction shall be located landward of the reach of mean high tide.

8.1.6: Prohibited Uses

8.1.6.1: The following uses are prohibited within the entire FPOD:

1. The installation of a basement.

8.1.6.2: The following uses are prohibited within the V, VE and AO Zones of the FPOD:

1. New construction of residential structures.
2. The construction of an addition or other alterations to an existing structure that results in an increase in floor area or intensity of use, or constitutes a substantial improvement.
3. Repair of substantially damaged structure or reconstruction of an existing structure that results in an increase in floor area or intensity of use, or constitutes a substantial improvement.
4. New construction of non-residential structures, with the exception of water dependent structures.
5. Any increase in impervious surface on a residential lot. This may include, but is not limited to, swimming pools, tennis/basketball courts, pavers, concrete slabs at grade, curbing, and retaining walls. For water dependent projects allowed in the V, VE, and AO Zones, impervious surfaces accessory to the use is allowed provided a registered professional engineer certifies in writing that the impervious surface will not cause an increase in wave runoff, a deflection or channelization of flood waters, or an increase in the velocity of flow.
6. With the exception of beach nourishment and raised septic systems, which must receive a Special Permit (see above), the following uses are specifically prohibited and may not be allowed by Special Permit:
 - a) The storage or disposal of any soil, loam, peat, sand, gravel, rock, or other mineral substance, refuse, trash, rubbish, debris, or dredged spoil, with the exception of landscaping fill that is permitted, provided a registered professional engineer certifies in writing that the fill will not cause an increase in wave runoff, a deflection or channelization of flood waters, or an increase in the velocity of flow;
 - b) Draining, excavation, or dredging, or removal or relocation of loam, peat, sand, gravel, soil, rock, or other mineral substance.
7. The use of fill for structural support of buildings
8. Man made alterations to sand dunes

8.1.7 General Administration.

- A. This bylaw hereby establishes a plan review committee, which shall consist of representatives from the Zoning Board of Appeals, Conservation Commission, Board of Health, Planning Board, and the Cottage City Historic District Commission and Copeland Plan District Review Board when the site is within their jurisdiction. The purpose of this committee is to advise the zoning enforcement officer on building permit decisions for properties in the FPOD.
- B. Before rendering a building permit decision, the building inspector shall receive written comments from the plan review committee, particularly on the following:
 1. Determination of any project's flood zone status, and
 2. Determination of whether a proposed construction or alteration of the landform within the FPOD has received all necessary permits from those government agencies from which approval is required by federal, state, or town law.
- C. The building inspector shall:
 1. Obtain and maintain records of the elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures; maintain records as to whether or not such structures contain a basement.
 2. Make a determination of substantial improvement or substantial damage (as defined) using the official records of the Tax Assessor.

8.1.8 Special Permit Administration

- A. All special permits in the FPOD will be granted by The Board of Appeals and shall be administered as follows:

1. Before granting a special permit, The Board of Appeals shall file applications forms and plans to receive written comments from the plan review committee.
 2. The special permit granting authority shall impose conditions and requirements as deemed necessary to fulfill the purpose of this bylaw and as set forth in the regulations promulgated in accordance with MGL Chapter 40A section 9.
 3. The special permit granting authority may require such additional information and impose conditions as it finds necessary to protect the health, safety, and welfare of the public or the occupants of the proposed use, or of the floodplain district.
- B. The Board of Appeals may grant a special permit only upon:
1. A determination that the granting of the special permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or conflict with existing local by-laws; and
 2. Determination that the special permit is the minimum necessary to afford relief, considering the flood hazard.

8.1.9 Regulations

The Board of Appeals may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), procedures, and administration of this district by majority vote after conducting a public hearing to receive comments on any proposed revisions.

8.1.10 Fees

The Board of Appeals shall obtain with each submission an Application Fee established by the Board to cover expenses connected with the review of the special permit and a technical review fee sufficient to cover professional review services for the project. The Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Board on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

8.1.11 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of this bylaw.

8.1.12: Definitions

Definitions in this bylaw shall be consistent with the Massachusetts State Building Code, 780 CMR, the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) 59.1, and with Massachusetts Department of Environmental Protection (MassDEP) Chapter 91 (Waterways) Regulations.

ADDITION means an extension or increase in floor area or height of a building or structure.

ALTERATION means any Construction or Renovation to an Existing Structure other than Repair or Addition.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT means that portion of a building that is partly or completely below grade (see “Story above grade plan”) and 780 CMR 502.1 and 1612.2).

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V1-30, VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

EXISTING STRUCTURE means a structure erected prior to the date of adoption of the appropriate code, or one for which a legal building permit has been issued.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

PERMIT means an official document or certificate issued by the authority having jurisdiction, which authorizes performance of a specific activity.

REGULATORY FLOODWAY - see FLOODWAY

REPAIR means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

WATER-DEPENDENT USE means a use that requires direct access to or location in tidal or inland waters, and therefore cannot be located away from said waters. It is any use that complies with or is specified in the DEP regulations at 310 CMR 9.12(2)

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1-30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and ZONE AO means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE V means a special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

ZONE V1-30 and ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

**Town Meeting
Appendix F
Wind Energy Zoning Bylaw**

6.1 - WIND ENERGY GENERATING FACILITY REGULATIONS

6.1.1 Purpose

This section is designed to accomplish the following objectives: to reduce the overall consumption of fossil fuels through energy conservation; to preserve and protect the cultural and natural environment; and to minimize the potential adverse effect on the character of the neighborhood with the construction and use of a wind energy generating machine.

6.1.2 Applicability

Except in the ocean waters within the corporate bounds of the Town of Oak Bluffs, use of a wind generating energy facility of any kind, as defined in this by-law, must be accessory to the primary use on the lot. Communal and Municipal wind energy generating facilities are exempt from this provision.

6.1.3 Definitions. The following special definitions shall apply in this section 6.1

BLADE – Extensions from the hub, which are designed to catch the wind and turn the rotor to generate electricity.

BLADE-TIP HEIGHT – The height as measured from the grade of the land below to the highest extension of the blade.

CUT-OUT WIND SPEED – The high wind speed at which the wind energy generating facility must shut down and/or turn perpendicular to the wind to protect itself from being over powered, typically 56 miles per hour.

GROUND BLADE CLEARANCE – The height as measured from the grade of the land below the wind energy generating facility to the lowest extension of the blade.

HUB – The center of the rotor to which the blades are attached.

HUB HEIGHT – The height as measured from the grade of the land below the wind energy generating facility to the center of the rotor or hub.

NACELLE – The frame and housing at the top of the tower. It protects the gear box and generator from weather and helps control the mechanical noise level.

RATED NAMEPLATE CAPACITY – The rated output of electric power from the producing equipment.

ROTOR – A wind energy generating facility's blades and the hub to which they are attached.

ROTOR DIAMETER – The diameter of the rotor of a wind energy generating facility rotor measured as twice the length of the longest blade plus the hub width.

TREE LINE BLADE CLEARANCE – The height as measured from the top of the tallest object within 300 feet to the South and West of the base of the tower to the lowest extension of the blade.

WIND ENERGY GENERATING FACILITY – All equipment, machinery and structures, utilized in connection with wind-generated energy production, generation and sale, including related systems, whether underground, on the surface, or overhead and other equipment

including but not limited to, rotor, electrical generator and tower, anemometers, transformers, substation, power lines, control and maintenance facilities, site access and service roads.

WIND MONITORING OR METEOROLOGICAL (“test” or “met”) TOWER – A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

6.1.4 – LAND BASED WIND ENERGY FACILITIES

CATEGORIES – A wind energy generating facility shall be divided into the following categories for permitting requirements:

A. Private:

1. Single Owner:

A facility designed to provide on-site electrical needs and not to exceed 150-feet in overall height.

2. Communal:

A facility designed to provide local residential electrical needs to its owners and not to exceed 150- feet in overall height. Residents may form associations or other legally binding forms of cooperative ownership for the purpose of accommodating wind energy generating facilities, where deeded easements and restrictions can be put on vacant land to create a common area that can be used for a wind energy generating facility. The association is to bear all the financial and maintenance responsibilities of a single owner under this regulation.

B. Municipal:

A publicly owned wind energy generating facility, for the benefit of the Town of Oak Bluffs.

6.1.5 – GENERAL REQUIREMENTS FOR THE INSTALLATION OF ANY WIND FACILITY

6.1.5.1 Compliance with Laws, Ordinances and Regulations:

The construction and operation of all such proposed wind energy generating facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements. The safety of the design and the construction of any wind energy generating facility, including towers and associated equipment and the compatibility of the tower structure with the rotors and other components, shall be certified by the manufacturer and by an engineer licensed by the Commonwealth of Massachusetts if the manufacturer is out of state or country. The owner/applicant of any wind energy generating facility shall provide proof of liability insurance for the installation, use and maintenance of the wind energy generating facility.

6.1.5.2 Technical Requirements:

A wind energy generating facility must meet the current minimum technical requirements for renewable energy installations funded by the Massachusetts Technology Collaborative to the extent they apply.

6.1.5.3 Safety Wires:

Safety wires shall be installed on the turnbuckles on guy wires of “Met” towers and guyed wind energy generating facility towers.

6.1.5.4 Wind Speed Controls:

All wind energy generating facilities should be equipped with manual and automatic cut-out wind speed controls. The rotor and cut-out wind speed control shall be certified by the manufacturer.

6.1.5.5 Towers:

All towers shall be monopole, guyed poles or guyed tilt ups and if they require external climbing apparatus, they shall have either tower climbing apparatus located not closer than twelve (12) feet to the ground or be un-climbable by design for the first twelve (12) feet. The tower, blades, rotor, hub and nacelle shall be painted a neutral, non reflective color designed to blend with sky and clouds.

6.1.5.6 Connections:

All utility connections from the wind energy generating facility to the existing grid shall be underground.

6.1.5.7 Monitoring:

All equipment necessary for monitoring and operation of the wind energy generating facility shall be contained in the tower. If this is unfeasible, ancillary equipment may be located outside the tower or behind a year round landscaped or vegetative buffer.

6.1.5.8 Site Clearing:

Clearing of natural vegetation shall be limited to that which is necessary for the construction and maintenance of the wind energy generating facility – including roadways and power interconnects. Night lighting shall be prohibited unless required by state or federal law and shall be the minimum necessary.

6.1.5.9 Land Clearing:

Land clearing for the purposes of reducing wind turbulence in the vicinity of the turbine is prohibited unless the applicant can prove it is essential to operational requirements, does not adversely affect the natural resources in the area and that adequate erosion controls are proposed.

6.1.5.10 Rooftop Systems:

Wind energy generating facilities sited on top of, or attached to and extending above the ridgeline of, an existing structure shall comply with all applicable provisions of the latest 780 CMR version of the Massachusetts Building Code. Certification by an engineer licensed by the Commonwealth of Massachusetts shall be required of the existing structure the facility will be attached to.

6.1.5.11 Efficiency:

The wind energy generating facility should be able to provide the rated nameplate capacity, as per the manufacturer's specifications.

6.1.5.12 Interference:

A wind energy generating facility shall create no TV or radio interference.

6.1.6 REGULATIONS

6.1.6.1 – Private Wind Facilities

Private facilities may be allowed anywhere in Town subject to the following requirements:

1. It receives a building permit from the Building Department.
2. Freestanding wind energy generating facilities shall be located at least the blade tip height of the facility to the nearest property line, except in the case of a communal wind energy generating facility, the nearest property line of an owner who is not associated with the facility.
3. Freestanding wind energy generating facilities shall be located where they will not create or be subject to turbulence from nearby wind energy generating facilities.
4. For a freestanding wind energy generating facility, the Tree Line Blade clearance shall be at least 30 feet.
5. Rooftop wind energy generating systems shall not extend more than ten feet above the ridgeline of the structure to which it is attached.

6.1.6.2 – Municipal Wind Energy Generating Facilities

Municipal wind energy generating facilities may be located at least the blade tip height or 300 feet from the nearest dwelling or commercial structure and nearest property line, except in the case of a communal wind energy generating facility or wind energy generating facility association, the nearest property line of an owner not associated with the facility.

6.1.7 SPECIAL PERMIT. The Zoning Board of Appeals may vary, by special permit, any requirement of Sections 6.1.5.9 and 6.1.6.1.2, 3, 4 & 5 only with an approved siting plan from the Building Department and upon its written determination that the adverse effects of the proposed wind energy generating facility will not outweigh its beneficial impacts to the neighborhood.

6.1.8 TERMS OF USE

To ensure that the goals of this by-law are met in the face of evolving technology, wind energy generating facilities will expire at the end of the useful life of the facility or 20 years, whichever is less. At that time, the facility shall be removed by the applicant or, if the existing facility is still

operable and efficient, the facility may be renewable by the Building Department for a term of no more than 5 years at a time. A new permit is required to install a replacement system. Submitting a renewal request shall allow for continued operation of the wind energy generating system until the Building Department acts. At the end of that period (including extensions and renewals), the wind energy generating facility shall be removed as required by this by-law.

6.1.8.1 – Decommissioning

Upon a finding by the Building Inspector that the facility has been abandoned, or has been left in disrepair, or has not been maintained in accordance with its approved maintenance plan, the owner of the facility or land on which it is located shall be notified in writing by certified mail that the facility must be brought up to standard.

If required repairs or maintenance are not accomplished within 45 days from receipt of certified mailing, the facility may be deemed condemned and may be removed from the site by the Town within 90 days, at the property owner's expense. At the request of the property owner, the Zoning Administrator, with the concurrence of the Building Inspector, may allow extensions of these time periods.

6.1.8.2 – Removal Requirements

Any wind energy generating facility which has reached the end of its useful life or has been abandoned must be removed. When the wind energy generating facility is scheduled to be decommissioned, the owner(s) shall notify the town by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of physical removal of all wind turbines, towers, machinery, equipment, security barriers and accessory structures from the site. Disposal will occur of all solid and hazardous waste in accordance with all local and state waste disposal regulations. The owner may leave existing landscaping or below grade foundations in order to minimize erosion and disruption to vegetation.

6.1.8.3 – Abandonment

A wind energy generating facility shall be considered abandoned if it fails to operate continuously for 12 months. If the owner fails to remove the facility within 90 days of a finding of abandonment by the Building Inspector, the town shall have the authority to enter the property and physically remove the facility, after a Board of Survey is conducted and a determination made that the structure is unsafe, at the expense of the property owner.

6.1.8.4 – Surety

The Building Inspector may require the applicant to post a bond at the time of construction to cover costs for removal in the event that the town must remove the facility. The applicant, if required to include a bond in the permit application, shall submit a fully inclusive estimate of the costs associated with removal prepared by a qualified engineer. The amount shall include a mechanism for cost of living adjustment. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town's removal of the facility.

TOWN MEETING
APPENDIX B
FY2011
BUDGET WORKSHEETS