

**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 14, 2009 at 7:00 pm in the evening, then and there to act upon the following articles:

**Article 1.** To see if the Town will petition the General Court to enact the following special act, or take any action relative thereto:

**“An Act Authorizing the Government Employers In The County Of  
Dukes County To Establish A Pooled Other Post –Employment  
Benefits Trust Fund.**

**SECTION 1.** Notwithstanding any general or special law to the contrary, the government employers in the County of Dukes County may, at their sole discretion, appropriate funds in order to offset the anticipated costs of premium payments for, or direct payments to, retired employees and the eligible surviving spouses or dependents of deceased employees. These funds shall be credited to a special fund to be known as the Dukes County Pooled Other Post Employment Benefits (OPEB) Trust Fund. Any interest or other income earned by the fund shall be added to and become part of the fund. The Board of Trustees of the Dukes County Pooled OPEB Trust Fund shall be the custodian of the fund, and the Trust Fund shall be governed the Declaration of Trust of the Dukes County Pooled OPEB Trust Fund.

**SECTION 2.** Each government employer, by a vote of its applicable legislative authority, may vote to join the Dukes County Pooled OPEB Trust Fund at any time after its creation.

**SECTION 3.** This act shall take effect upon its passage.”

**Board of Selectmen**

**Executive Summary:** This article provides authorization for our representatives to the state legislature to file this piece of legislation. Legislative permission is required before the towns on Martha's Vineyard can create an Island-wide mechanism to pool post-retirement health benefit funds. Joining the trust itself would be optional.

**Article 2.** To see if the Town will vote to petition the General Court to enact special legislation authorizing the Martha's Vineyard Regional High School District Committee to sell, convey, exchange, transfer, lease for an unlimited period of years, or otherwise

dispose of the parcel of land and buildings thereon located at 4 Pine Street, Tisbury, Massachusetts, in such manner and under such terms and conditions as the Martha's Vineyard Regional High School District Committee shall deem appropriate, and to exempt such sale, conveyance, exchange, transfer, lease or other disposal from the state public bidding statutes, notwithstanding the provisions of any general or special law to the contrary; or to act in any other manner in relation thereto.

**Martha's Vineyard Public Schools**

**Executive Summary:** This article seeks to authorize the High School District Committee to sell, transfer, exchange or lease the property that currently houses the Superintendent's office. The Committee is seeking alternatives to housing the Superintendent's office at the present location, and this legislation would permit it to consider alternative uses for the present building. While applicable state statutes authorize the Committee to purchase real property for school use, including the Superintendent's office, special legislation is required to allow the sale, exchange or lease of real property by a regional school district.

**Article 3.** To see if the Town will vote to transfer the following sums from the following line items in the FY'09 budget to fund shortfalls in corresponding line items in the FY'09 budget, or take any other action relative thereto:

<u>From:</u>	<u>Amount:</u>
01146-51101 Tax Admin. Salaries	\$29,796
01199-51914 Unclassified Selectmen Ins. Expense	\$54,250
01199-52000 Street Light Expense	\$35,000
01421-5217 Fuel	\$15,000
01241-51242 Building Inspector-Separate Inspectors	\$4,700

<u>To:</u>	<u>Amount:</u>
01199-5700 Unclassified Negotiated Salary Increases	\$69,446
01543-5770 Veterans Benefit Payments	\$14,600
01144-51916 Medical Insurance	\$50,000
01760-5997 Bond Anticipation Note Interest	\$4,700

**Board of Selectmen**

**Executive Summary:** This article would transfer funds from available line items in order to cover estimated shortfalls in other line items.

**Article 4.** To see if the Town will vote to transfer from Ferry Fees or any other available funds the amount of \$15,000 to construct improvements to the Seaview Avenue beach storm water runoff and to construct a platform and ramps to provide handicapped access to portions of the beach.

**Board of Selectmen**

**Executive Summary:** This article would provide funds to make improvements to the drainage of storm water onto Seaview Beach, and provide better access to portions of the beach. The Seaview Waterfront Committee has endorsed this proposal unanimously.

**Article 5.** To see if the Town will vote to appropriate or reserve from Community Preservation Funds for Fiscal Year 2010 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.

<b>Appropriation</b>	<b>Recommended Amount</b>	
Community Administrative Expense	\$ 20,000	(Not to Exceed 5%)
<b>Reserves</b>		
Historic Resources	\$75,872	(10%)
Community Housing	\$75,872	(10%)
Open Space	\$75,872	(10%)

#### **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.

**Article 6.** To see if the Town will vote to adopt Schedule A, Classification Schedule, and Schedule B, Compensation Schedule, of the Personnel Bylaws as listed in Special Town Meeting, Appendix A, attached, or take any action relative thereto.

#### **Personnel Board**

**Executive Summary:** The Town's consultant, Municipal Resources Inc. (MRI), returned to Oak Bluffs in May 2008 to hear appeals from eleven employees who felt that their positions had been misclassified. Based on recommendations from MRI with the consent of Town Administrator, the Personnel Board endorsed five classification changes, subject to town meeting approval. These recommendations are based on the positions having wider job responsibilities than originally understood:

1. Zoning Administrator – moved to grade 8
2. Wastewater Admin Assistant / Lab Technician– moved to grade 8
3. Wastewater Operator / Mechanic – moved to grade 8
4. Council on Aging Outreach Coordinator – moved to grade 7
5. Highway Office Administrator – moved to grade 7

Employment status has also been added to the Classification System for each position. The Compensation Ranges are unchanged from FY2009. However, the ranges have been split into two tables to reflect hourly rates for hourly employees and annual rates for salaried employees based on a 40-hour work week. These compensation rates were used for both the FY2009 and FY2010 budgets.

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, 2009

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Ronald L. DiOrio, Chairman

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Gregory A. Coogan

---

Duncan Ross

---

Kerry Scott

---

Roger W. Wey

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:

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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, 2009 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 2009.

Attest:

\_\_\_\_\_  
Constable

**Special 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)

<u>Grade</u>	<u>Department</u>	<u>Position</u>
	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)
	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)

<u>Grade</u>	<u>Department</u>	<u>Position</u>
	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 FY2010 Budgeting)**

<b><u>Step \$ per Year</u></b>								
<b><u>Pay Grade</u></b>	<b><u>A</u></b>	<b><u>B</u></b>	<b><u>C</u></b>	<b><u>D</u></b>	<b><u>E</u></b>	<b><u>F</u></b>	<b><u>G</u></b>	<b><u>H</u></b>
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

**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 14, 2009 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 transfer from Free Cash the sum of \$10,700 (Ten Thousand Seven Hundred Dollars) for the purpose of continuing the inspection, groundwater and gas monitoring, and DEP reporting associated with the landfill through the end of fiscal year 2010, all mandated by the Commonwealth's Department of Environmental Protection (DEP).

**Board of Health**

**Executive Summary:** This article would provide funds to continue landfill gas monitoring and groundwater monitoring pursuant to standard, post-closure orders from the Department of Environmental Protection. The town's obligation under this article in the past to test for the old septage lagoons has ended this year.

**Article 4.** To see if the Town will vote to transfer from Free Cash or any other available funds the sum of \$7,000 (Seven Thousand Dollars) for the hard cash match toward the Drug Task Force grant (17-3533), or take any action relative thereto.

**Police Department**

**Executive Summary:** This article would appropriate from Free Cash the Town's share of the money to match the Commonwealth's contribution to the Martha's Vineyard Drug Task Force.

**Article 5.** To see if the town will vote the FY 2010 Town Budget as printed in Town Meeting Appendix A by:

- a. Raising and appropriating the amount of \$23,090,608 (Twenty Three Million Ninety Thousand Six Hundred Eight Dollars), and;
- b. Transferring from the Wastewater Enterprise Fund the sum of \$627,940 (Six Hundred Twenty Seven Thousand Nine Hundred Forty Dollars) to fund the Wastewater budget, and;
- c. Transferring and appropriating from Wastewater Retained Earnings the sum of \$136,500 (One Hundred Thirty Six Five Hundred Dollars) to pay the principal and interest cost of land acquisition, and;

- d. Transferring and appropriating from Ferry Fee account (#15123) the sum of \$200,000 to fund the following accounts:
  - a. #210 Police - \$38,000
  - b. #291 Emergency Management - \$4,000
  - c. #421 Highway Administration – \$53,000
  - d. #231 Ambulance - \$42,000
  - e. #296 Marina Manager – \$12,000
  - f. #199 Unclassified (Selectmen) - \$51,000

All to fund and pay departmental expenses and Town debt for the ensuing fiscal year July 1, 2009 to June 30, 2010, or take any other action relative thereto.

#### **Finance and Advisory Board and Board of Selectmen**

**Executive Summary:** This article would authorize the expenditure of the fiscal year 2010 annual budget. The fiscal year 2010 is from July 1, 2009 to June 30, 2010. The Wastewater transfer in paragraph B pays for the Town's portion of the debt associated with the construction of the wastewater system as well as other minor costs apportioned to the wastewater operation such as employee health insurance, pension costs, and fuel costs. The transfer from Wastewater Retained Earnings in paragraph C pays for the property purchased last year for future wastewater expansion. Transfers from the Ferry Fee account offset those line items in which the Town must pay more as a result of ferry service to Oak Bluffs. For FY2010 those detailed worksheet line items are Police Department Summer and Special Line #210-51213, Emergency Management Supplies Line #291-5700, Highway Laborer Salaries #421-51422, Highway Solid Waste Disposal #421-5241, Highway Public Building Wastewater Fee #421-5709, Ambulance Shift Pay #231-51400, Marina Manager Salaries #296-51101, and Unclassified Selectmen Street Lighting #1199-52000. As is always the case, the operating budget does not include most state and county assessments.

**Article 6.** To see if the town will vote to enter into an inter-municipal agreement with the County of Dukes County to provide an Integrated Pest Management Program (including Rodent Control) and to raise and appropriate or transfer from available funds, subject to an override election, the amount of \$4,635.04 (Four Thousand Six Hundred Thirty Five Dollars and Four Cents) as the Town proportionate share of the balance (\$31,149.49) of the net cost of the program, based upon the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue for the fiscal year starting July 1, 2009.

#### **County of Dukes County**

**Executive Summary:** This article proposes to shift to the towns a significant share of the burden of providing the Pest Management Program.

**Article 7.** To see if the town will vote to enter into an inter-municipal agreement with the County of Dukes County to provide a Vineyard Health Care Access Program and to raise and appropriate or transfer from available funds, subject to an override election, the amount of \$7,933.77 (Seven Thousand Nine Hundred Thirty Three Dollars and Seventy Seven Cents) as the Town proportionate share of the balance (\$53,318.36) of the level budgeted projected cost, based upon the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue for the fiscal year starting July 1, 2009. The cost of the level budgeted share of the program for fiscal year 2010 is \$88,863.94. The County will pay 40% of the total cost of the program.

**County of Dukes County**

**Executive Summary:** This article proposes to shift to the towns an increasing amount of the burden of providing the Vineyard Health Care Access Program.

**Article 8.** To see if the Town will vote to raise and appropriate or transfer from available funds, subject to an override election, the amount of \$10,259.27 (Ten Thousand Two Hundred Fifty Nine Dollars and Twenty Seven Cents) to continue the Vineyard Health Care Access Program at the current level of service. These funds will be administered by the County of Dukes County and will provide \$51,972 county-wide.

**Executive Summary:** This article proposes to shift to the towns the cost of lost grant moneys which previously funded parts of the Health Access Program.

**Article 9.** 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.

**Article 10.** To see if the Town will vote to appropriate from the available CPA funding resources as follows:

From Reserves for Open Space	\$75,872
From Reserves for Community Housing	\$75,872
From Reserves for Historic Space	\$75,872
From available CPA Funds	\$542,384

For the following purposes based on the CPA Committee recommendation to spend \$770,000 for the following projects:

<u>Project Title (Alphabetical Order)</u>	<u>Organization</u>	<u>CPA Category</u>	<u>Amount</u>
1. Church Window Replacement - Trinity Methodist Church		Historic	\$24,000
2. Eastville Beach Preservation - Eastville Beach Committee		Open Space	\$15,000
3. Niantic Park - Oak Bluffs Park Department		Open Space	\$18,000
4. Old Library Conversion – O.B. Affordable Housing Committee		Housing	\$224,000
5. Old Town Fire Engine - Oak Bluffs Fire Department		Historic	\$10,000
6. Rental Assistance Funding - Regional Housing Authority		Housing	\$42,000
7. Seaview Heritage – OB Parks, Historical Commission, BOH		Historic	\$300,000
8. Shoreline Engineering – O.B. Conservation Commission		Open Space	\$75,000
9. Tabernacle Clerestory Restoration - MV Camp Mtg Assoc.		Historic	\$24,000
10. Town Hall Records preservation – O. B. Town Clerk’s Office		Historic	\$38,000

### **Community Preservation Committee**

**Executive Summary:** The article would authorize funds already collected by the Community Preservation Committee from the taxpayers, with additional funds from the Commonwealth, to be used as specified. The CPC has developed a handout explaining its recommended decisions. This year the Commonwealth’s contribution was 87.29% of the amount raised by local taxation.

**Article 11.** To see if the Town will vote to adopt the following new general bylaw as Chapter XV, Section X, or take any action relative thereto:

“It shall be a violation of the Town Bylaw to wash vehicles upon any town owned road layout within the zoning districts known as the B-1 and B-2 districts. The owner of the vehicle shall be responsible for any fine hereunder. Any person who violates this section shall be subject to a fine of \$50 (fifty dollars) for the first offense and \$100 (one hundred dollars) for each subsequent offense.”

### **Board of Selectmen**

**Executive Summary:** This article would create a new provision in the town bylaw making it an infraction to wash cars in the town road layout within the B-1 and B-2 zoning districts. Historically, pedestrians have had to walk into the streets to avoid puddles created by downtown businesses washing cars.

**Article 12.** To see if the Town will vote to amend Section 4.3 of the Zoning Bylaw by deleting Section 4.3 and replacing it with the following provisions, or take any action relative thereto:

**“4.3 SPECIAL PERMIT FOR AFFORDABLE HOUSING**

4.3.1 General. The Planning Board may grant a special permit for the construction of an affordable dwelling unit on a lot subject to the conditions listed in Section 4.3.2.:

4.3.2 Conditions.

1. Lots not serviced by the town wastewater system must be at least 5,000 square feet.
2. Lots serviced by the town wastewater system must be at least 2,500 square feet.
3. The unit shall be sold at a price affordable to a household or person in Dukes County under the applicable guidelines of the Commonwealth’s Department of Housing and Community Development earning less than 140% of the median income for Dukes County. If the unit is to be constructed and occupied by the original applicant for the special permit, such applicant shall meet the income guidelines applicable for the sale of such unit.
4. The unit shall be deed restricted for a period of not less than thirty (30) years as affordable for the persons or families in Dukes County under the applicable guidelines of the Commonwealth’s Department of Housing and Community Development earning less than 140% of the median income for Dukes County.
5. Prior to the sale or any subsequent sale(s) of the unit, deed restrictions complying with the terms set forth above shall be approved as to form by Town Counsel.
6. Lots shall be serviced or serviceable by the municipal water system.
7. For lots of 5,000 square feet or greater, the side and rear setback requirements for the district may be adjusted by special permit of the Planning Board. For lots of 2,500 square feet to 4,999 square feet, front, side and rear setback requirements for the district may be adjusted by special permit of the Planning Board.
8. Nothing herein shall be construed to waive otherwise applicable provisions of M.G.L. c. 40A, s. 6, paragraph 4, governing the merger of lots.”

**Planning Board**

**Executive Summary:** This article allows the Planning Board to issue a special permit to construct a single family home on undersized lots subject to affordability restrictions.

**Article 13.** To see if the Town will vote to amend Chapter VIII, Finance & Advisory Committee, Section D. Administration, by deleting the existing text and replacing it with a new Section D, as follows, or take any action relative thereto:

**“D. ADMINISTRATION**

1. Budgeting Procedures

- a. No later than four months prior to the Annual Town Meeting, the Finance & Advisory Committee after conferring with the Personnel Board, the Town Administrator and the Financial Director, will provide to all Town boards, commissions, committees and departments charged with the expenditure of Town monies, the prescribed budgetary forms and formats with the deadlines and conditions for submittal thereof.
- b. The Finance & Advisory Committee shall duly consider the estimates and statements filed by the Town's boards, commissions, committees and departments, and may confer with said boards, commissions, committees and departments, and hold hearings, if they deem it advisable. The Finance & Advisory Committee shall thereupon recommend such sums in such divisions of items for the ensuing fiscal year, as it considers necessary and convenient (under Chapter 41, Section 60 of the General Laws).

2. Annual Warrant Procedures

- a. The Finance & Advisory Committee shall prepare its recommendations for the annual warrant prior to the publication of the budget.
- b. The Finance & Advisory Committee shall present the budget at the Annual Town Meeting, which shall first be subject to amendments, if proposed, by the Committee and then by the Board of Selectmen before any other amendments are proposed.

3. General Procedures

a. Beginning the Year

The Finance & Advisory Committee shall elect a Chairman, Vice Chairman, Clerk, and a member to the Capital Program Committee for a term of one year. The Finance & Advisory Committee shall also appoint for a full term of three years, or for any balance thereof, its appointees to the Personnel Board.

b. Meetings

Meetings shall be held regularly and shall be scheduled at times convenient to the Finance & Advisory Committee. The Chairman, subject to proper noticing, may call special and emergency meetings."

**Finance and Advisory Board**

**Executive Summary:** This article proposes revisions to the General Bylaw which reflect the current practice. The current bylaw places too many unrealistic time constraints upon the Committee, and requires meetings on specific days at specific times which cannot be attended by the majority of the Finance & Advisory Committee members. The proposed bylaw allows the Committee to schedule according to the availability of the members.

**Article 14.** To see if the Town will vote to amend the Chapter III, Animal Control, of the General Bylaws by deleting it in its entirety and replacing it with a new Chapter III as printed in Appendix B attached hereto, or take any action relative thereto.

**Animal Control Officer**

**Executive Summary:** This article would make comprehensive changes and additions to the Animal Control Bylaw and more clearly define the role of the Animal Control Officer.

**Article 15.** 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 Oak Bluffs 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. If passed, the Affordable Housing Committee would draft a trust for review and approval by a future Town Meeting.

**Article 16.** To see if the Town will vote to appropriate, borrow or issue bonds in the amount of \$500,000 to dredge a channel parallel to the Joseph Silvia State Beach in Sengekontacket Pond, or take any other action relative thereto.

**Petitioned Article**

**Executive Summary:** This petitioned article asks the Town to authorize a borrowing of up to \$500,000 to provide funds to dredge the channel in Sengekontacket Pond.

**Article 17.** 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, 2009 through June 30, 2010 as follow:

Moderator	\$325
Board of Selectmen, Chair	\$4,500
Selectmen, Members	\$3,000 each
Constable (2)	\$500 each
Town Clerk	\$74,360
Tree Warden	\$1,500
Board of Health, Chair	\$3,000
Board of Health, Members	\$2,500 each
Cemetery Commission, Chair	\$250
Cemetery Commissioner	\$150

**Article 18.** To see if the Town will vote to elect the following Town Officers on the official ballot:

One Moderator for 1 year

Two Selectmen 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  
One Parks Commissioner for 3 years  
One Planning Board Members for 5 years  
One School Committee Member for 3 years  
One Wastewater Commissioner for 3 years  
One Water District 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, 2009

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Ronald L. DiOrio, Chairman

---

Gregory A. Coogan

---

Duncan Ross

---

Kerry Scott

---

Roger W. Wey

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, 2009 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 2009.

Attest:

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Constable

**Town Meeting  
Appendix B**

**CHAPTER III ANIMAL CONTROL**

**A. Definitions**

1. *Abandoned*: A canine is considered abandoned within the meaning of this chapter when it has been left alone or unattended by the owner for any period greater than 24 hours without the owner providing for its needs.
2. *Adequate Shelter*: A structure that is large enough for the animal, whether it be livestock or other domestic animal, to stand naturally, turn around and lie down inside of the structure without being exposed to the elements or weather. The roof and walls of the structure must be waterproof and windproof. Bedding must be kept dry and changed regularly to preserve insulating qualities. Insulation and an inner wall must be included in shelter for canines with short fur (example: Pointers, Staffordshire Terriers, Boxers, Labrador Retrievers) to provide adequate protection from cold. During cold weather a moveable flap must be placed over the entrance to a canine shelter to preserve the canine's body heat. Adequate shelter from sun may be provided by a tarp placed in a manner to provide deep shade and allow air to pass through for ventilation
3. *At large*: Any canine that is not under immediate control of owner via lead restraint or first call command.
4. *Complainant*: Any person, including the animal control officer who witnesses any domestic animal in the act of committing a violation under this chapter, or any other applicable law.
5. *Cruelty to Animals*: Any person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates or kills an animal, or causes or procures an animal to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed; and any person who uses in a cruel or inhuman manner in a race, game, or contest, or in training therefore, as lure or bait a live animal, except an animal if

- used as lure or bait in fishing; and whoever, having the charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, adequate shelter, sanitary environment, or protection from the weather, and whoever, as owner, possessor, or person having the charge or custody of an animal, cruelly drives or works it when unfit for labor, or willfully abandons it, or carries it or causes it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind.
6. *Domestic Animal*: Any canine, feline, farm animal, exotic pet or otherwise domesticated animal with an owner.
  7. *Intact*: An un-spayed female canine or feline or an un-neutered male canine or feline.
  8. *Owner*: Any person, group of persons or corporation owning, keeping or harboring a domestic animal.
  9. *Public Nuisance*: Any domestic canine shall be deemed a public nuisance when such canine is witnessed to be engaged in any of the following activities:
    - a) Attacking, threatening, harassing, or menacing toward persons, fowl, livestock or other domestic animals such as felines, canines or other household pets as determined post investigation by the animal control officer.
    - b) Being a canine at large (not under immediate control of owner via lead restraint or first call command) upon any public park, playground, schoolyard, beach or other public recreation area.
    - c) Being a canine at large upon any public way or private way to which the public has access, chasing motor vehicles, bicycles or pedestrians.
    - d) Being a canine at large over the age of six months, not wearing a suitable collar, current license and rabies tag.
    - e) Being a canine which has been abandoned.
    - f) Being a canine that deposits solid waste not removed by the canine's owner upon any public park, playground, schoolyard, beach or other public recreation area, public or private way, sidewalk or any property other than that of the canine's owner.
    - g) Being a canine on public beaches between May 15th to September 15th of each year between 0800 hours and 1700 hours and on the Inkwell Beach between 0700 hours and 1700 hours.
    - h) Any canine within 100 yards of a posted nesting habitat by federal and state regulation.
    - i) Any canine or feline in non-compliance with Massachusetts General Law Chapter 140 Section 145B stating whoever is the owner or keeper of a canine or feline in the Commonwealth six months of age or older shall cause such canine or feline to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine according to the manufacturer's directions, and shall cause such canine or feline to be revaccinated at intervals recommended by the manufacturer. Unvaccinated canines and

felines acquired or moved into the Commonwealth shall be vaccinated within 90 (ninety) days after the acquisition or arrival into the Commonwealth or upon reaching the age of six months, whichever last occurs.

10. *Restraint*: The control of a canine by physical means, such as a leash, fence or other means of physically confining or restraining a canine.

#### **B. Public Nuisance Prohibited**

No owner of any canine shall, while such canine is within the confines of the Town of Oak Bluffs, allow such canine to be a public nuisance as defined above.

#### **C. Proper Shelter**

Any person owning, keeping or otherwise responsible for a companion animal or pet or farm animal or livestock who confines that animal by tethering, fencing or other means of restraint, shall provide for that animal access to adequate shelter as defined in chapter , from the elements of weather such as rain, cold, or heat. Potable water must be available to the animal at all times.

#### **D. Trapping**

No person shall use, set, place or maintain any type of jawed leg hold trap, padded or not padded, modified or unmodified, including, but not limited to, a soft catch trapping system or any type of conibear trap within the limits of any private property. Any person violating any provision of this by-law shall be punished by a fine of \$300 (three hundred dollars) for each offense.

#### **E. Cruelty to Animals Prohibited**

In compliance with Massachusetts General Law Chapter 272, Section 77 no owner of a domestic animal shall, while within the confines of the Town of Oak Bluffs, commit an act of cruelty against animals.

#### **F. Enforcement:**

1. In all cases it shall be the duty of the appointed animal control officer to investigate any violation under this chapter either witnessed by officer or reported to officer in a complaint by any citizen.
2. If after the animal control officer's investigation of an alleged violation under this chapter, such officer has reason to believe that the described violation did in fact occur as set forth in said complaint or as witnessed by officer, it shall be the animal control officer's duty to issue the owner, the appropriate order and/or impose the appropriate fine designed to prevent a recurrence or continuation of such violation. The period of time during which the order shall be in effect shall be on the order.
3. In all cases it shall be the duty of the animal control officer, if, in officer's opinion appropriate action is necessary to prevent further or continued violations of this chapter pending a complete investigation, to take the following action.

- a. Notify the owner, if known and available, of the alleged violation and issue of an alleged violation and issue a preliminary order requiring the owner to restrain the canine pending a complete investigation.
  - b. If the owner is not known or is not immediately available:
    - (i) Humanely restrain the domestic animal.
    - (ii) Confine the domestic animal in the Oak Bluffs Town Pound.
    - (iii) Use available means to attempt to identify the animal's owner.
    - (iv) Take such further actions as is allowed by law.
4. It shall be the responsibility of the owner of any domestic animal impounded to reclaim such domestic animal subject to the following criteria.
  - a. The owner shall pay the animal control officer the sum of \$10 for each calendar day the canine or feline was in custody.
  - b. The owner shall have in their possession a current town license for said canine as well as a license tag, both of which shall have been issued with respect to that canine. The license tag shall be attached to the canine by suitable collar before the canine is released from the custody of the animal control officer.
5. Pursuant to Chapter 140 Section 173 of the Massachusetts General Laws, all canines shall be licensed by January 1<sup>st</sup> of each year. Any person who does not register, number, describe and license his or her canine annually by March 1<sup>st</sup> in the Town of Oak Bluffs, Dukes County, shall pay the fees and charges under rules and regulations pursuant to Chapter 140 Section 139 will be required to pay the Town of Oak Bluffs a penalty after the last day of February annually in the amount of \$10 on account of such failure for the first offense. Any second and subsequent failure to so register, number, describe and license the canine shall be subject to a penalty of \$15 in addition to the annual registration fee required by Dukes County regulations.
6. Failure to comply with this section shall constitute a violation subjecting the owner of any unlicensed canine to financial penalties as are allowed by this chapter or as provided for in regulations promulgated by the Board of Selectman
7. All monies received by the Town Clerk's office for the issuance of canine licensing or other fees, fines, charges and penalties under Chapter 140 of the Massachusetts General Laws and this chapter shall be paid into the treasury of the town.

#### **G. Violations and Penalties**

1. Fines assessed for violation of this bylaw shall be as follows:
  - a. If it is the first offense so committed by such person within a calendar year the animal control officer shall issue a written warning.
  - b. If it is the second offense so committed in the Town in the calendar year, the animal control officer shall issue a fine of (\$25.00) twenty five dollars per public nuisance offense. Payment shall be made to the Town Clerk of Oak Bluffs and serve as a final disposition of the charges.
  - c. If it is the third offense so committed in the Town in the calendar year, the animal control officer shall issue a fine of (\$35.00) thirty five dollars per

public nuisance offense. Payment shall be made to the Town Clerk of Oak Bluffs and serve as a final disposition of the charges.

- d. If it is the fourth or subsequent offense so committed in the Town in the calendar year, the animal control officer shall issue a fine of (\$50.00) fifty dollars per public nuisance offense. Payment shall be made to the Town Clerk of Oak Bluffs and serve as a final disposition of the charges.
2. If you desire to contest this matter, you may do so by making a written request for a non-criminal hearing, and enclose a copy of the citation within 21 days of the date of the notice to the Dukes County District Court.
3. These proceedings shall be deemed non-criminal and no person notified to appear before the clerk of the District Court shall be required to report to the probation and no record of the case shall be entered in the probation records.
4. Pursuant of Chapter 272 Section 77 any person committing an act of cruelty against animals shall be punished by imprisonment in the state prison for not more the 5 years or imprisonment in the house of correction for not more then 2 ½ years or by a fine of not more the \$2,500 (two thousand five hundred dollars), or both such fine and imprisonment.
5. In addition to any other penalty provided by law, upon conviction for any violation of Town bylaw Chapter III Section E, the defendant shall forfeit to the custody of the animal to the animal control officer for the care and protection of homeless or suffering animals, the animal whose treatment was the basis of such conviction.
6. In accordance with Massachusetts General Law Chapter 140 Section 151A canines at large shall remain in the custody of the animal control officer for ten (10) days. If at the end of the ten (10) day period the canine has not been claimed by the rightful owner, it shall be surrendered to a recognized animal adoption organization.