

**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 notify and warn the inhabitants of the Town of Oak Bluffs who are qualified to vote in Town Affairs and Elections, to assemble at **Martha's Vineyard High School Performing Arts Center**, Edgartown-Vineyard Haven Road, Oak Bluffs, on **Tuesday, April 10, 2018 at 7:00 PM** in the evening, then and there to hear the reports and act upon the following articles, with the exception of Article 22.

And to meet again in the **Oak Bluffs Library Meeting Room** on **Thursday, April 12, 2018 at 10:00 AM** at the Polling Place, then and there to act upon Article 22 of the Warrant by the election of Officers and by voting on the Questions on the Official Ballot. **The polls for voting** on the Official Ballot will be **opened at 10:00 AM and shall be closed at 7:00 PM** in the evening.

**Article 1.** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$30,358,454 which sum shall include the transfer and appropriation from the Wastewater Enterprise Fund (60198) the sum of \$1,436,693 (\$756,552 for appropriated costs and \$680,141 indirect costs), from Free Cash the sum of \$146,000, from the Ferry Fee Account (15123) the sum of \$195,000 (to offset Police Salaries), and from the Harbor Fuel SRF account (29298) \$87,125 to fund and pay associated departmental expenses for the ensuing fiscal year 2019, July 1, 2018 through June 30, 2019, or take any action relative thereto.

**(Appendix A)**

**Board of Selectmen**

**Executive Summary:** This article establishes the Fiscal Year 2019 Annual budgets for the various Town Departments as outlined in the attached Appendix A. Appendix B includes a budget worksheet showing sub-detailed line items.

**Finance and Advisory Board Recommendation: 4-yes,1 -no**

**Article 2.** To see if the Town will vote to amend the general bylaws of the town by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½, as follows, or take any other action relative thereto

## **Z. DEPARTMENTAL REVOLVING FUNDS**

Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies, or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers).

No liability shall be incurred in excess of the available balance of the fund.

The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the selectboard and finance committee.

Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by the by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or office on appropriations made for its use.

Authorized Revolving Funds: This table establishes:

Each revolving fund authorized for use by a town department, board, committee, agency, or officer under Massachusetts General Laws Chapter 44, § 53E½;

The department or agency head, board, committee or officer authorized to spend from each fund;

The fees, charges and other monies charged and received by the department, board, committee, agency, or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant or other authorized town employee

The expenses of the program or activity for which each fund may be used;

Any restrictions or conditions on expenditures from each fund;

Any reporting or other requirements that apply to each fund;; and

The fiscal years funds shall operate under this by-law.

Revolving Fund	Agent Authorized to spend from fund	Receipts credited to fund	Expenses payable from fund	Restrictions on expenses payable from fund	Other	Fiscal years
Fire Insp Rev Fund (14220)	Fire Chief	Fees charged for inspections	Fire inspection costs	Salaries or wages of full-time employees shall be paid from the annual budget appropriation or the Ambulance revolving fund as appropriate	Annual limit of expenditures is \$50,000	FY2019 and subsequent years
Marina Repairs Rev Fund (14296)	Harbormaster	Surcharge receipts collected from all transient visitors	Harbor related costs and infrastructure expenses	Services, supplies, and wages shall be related to activities associated with repairs and maintenance of the harbor/marina	Annual limit of expenditures is \$15,000	FY2019 and subsequent years

**Board of Selectmen**

**Executive Summary:** The establishment of a new by-law regarding the Town’s Revolving Funds is required by the recently adopted Municipal Modernization Act. The spending limit for each of these Revolving funds must be authorized annually and is included in the article. Each fund is credited with only the receipts received in connection with the programs supported by such Revolving Fund and expenditures may be made by the specified personnel without further appropriation.

**Finance and Advisory Board Recommendation: 7-yes, 0-no.**

**Article 3.** To see if the Town will vote to rescind all or a part of certain authorizations to borrow funds, which was approved in a prior year, where the purpose of the borrowing has been completed and/or it was unnecessary to borrow the amount approved, or take any other action relative thereto:

Article 17	June 24, 1997 STM Landfill	\$470,000
Article 2	April 11, 2006 ATM Wastewater	\$975,000
Article 6	April 10, 2007 ATM Bulkhead	\$600,000
Article 2	June 26, 2007 STM Land Acquisition Penn Ave	\$420,000
Article 7	December 11, 2008 STM Land Acquisition MV Refuse Proj	\$1,400,000
Article 4	October 29, 2009 STM Wastewater Treatment Facility	\$394,425
Article 6	November 13, 2012 Public Safety Study	\$25,000
Article 7	November 13, 2012 Town Hall Study	\$15,000

Article 3	April 9, 2013 STM Fuel Dispensing Facility	\$166,000
	Total Rescinded	\$4,465,425

**Board of Selectmen**

**Executive Summary:** The above noted authorizations are no longer needed. It is necessary for Town Meeting to rescind the balance of the bond authorizations so they can be removed from the Town’s financial records.

**Finance and Advisory Board Recommendation: 7-yes, 0-no.**

**Article 4.** To see if the Town will transfer from the Waterways Account the sum of \$10,000 (Ten Thousand dollars) for harbor maintenance and the replacement of pilings, floats and moorings, or take any other action relative thereto.

**Harbormaster**

**Executive Summary:** This Article funds minor harbor repairs from winter damage and the replacement of broken and/or rotting pilings, floats and moorings where necessary.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 5.** To see if the Town will vote to appropriate the sum of \$250,000 (two hundred fifty thousand dollars) to be raised for the purpose of conducting renovations to and the expansion of the Harbormaster Office and for conducting electrical repairs at the Oak Bluffs Harbor, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, and to issue bonds and notes of the Town therefor, or take any other action relating thereto.

**Harbormaster**

**Capital Program Committee**

**Board of Selectmen**

**Executive Summary:** This article funds improvements to the Harbormaster Office at the Oak Bluffs Harbor and the harbor electrical system which have been failing due to age and deterioration due to the saltwater environment. This office is critical for the management of the Town Harbor facility and the many slips rented by the Town, and the electrical service is critical to the operation of the harbor. The estimated breakdown is \$210,000 for the Harbormaster Office and \$40,000 for Electrical Repairs. Although borrowing would be a general obligation of the Town, as required by Massachusetts law, it is expected to be repaid from harbor-related receipts, rather than through the use of tax dollars. This project is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 6-yes, 1-no**

**2/3 Majority Required**

**Article 6.** To see if the Town will vote to appropriate the sum of \$350,000(three hundred fifty thousand dollars) to be raised for the purpose of preparing final design and specifications, to include all bidding documents and administration, and evaluation of the public bidding process, including owner’s project manager, for repairs and renovations to the roof, HVAC and related

systems of the Oak Bluffs School and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7 of the Massachusetts General Laws, or any other enabling authority, and to issue bonds and notes of the Town therefor, or take any other action relating thereto.

**School Committee**

**Capital Program Committee**

**Board of Selectmen**

**Executive Summary:** This article funds final design for improvements to the Roof and HVAC system of the Oak Bluffs School which has been failing due to age and deterioration and requires replacement. This improvement is necessary to maintain and preserve the useful life of this important Town building. This project is recommended in the Town's Capital Improvement Program to be funded by a debt exclusion.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**  
**2/3 Majority Required**

**Article 7.** To see if the Town will vote to transfer from free cash the sum of \$70,000 (seventy thousand dollars) to fund Building Maintenance Projects under the supervision of the Highway Department, or take any other action relative thereto.

**Selectmen**

**Capital Program Committee**

**Executive Summary:** This article funds building maintenance projects recommended in the current year Capital Improvement Program (CIP) to include Police Department Renovations (\$25,000), Library Exterior Painting (\$15,000) and Harbor Bathhouse Renovation (\$30,000). This purchase is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 8.** To see if the Town will vote to transfer from the Free Cash Account the sum of \$30,000 (Thirty thousand dollars) to replace the Council on Aging van, or take any other action relative thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article funds the replacement of the Council on Aging vehicle that required extensive repair beyond its value and was no longer a safe and reliable means of transportation to support the Council on Aging. This purchase is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 9.** To see if the Town will vote to transfer from Free Cash the sum of \$43,000 (forty-three thousand dollars) for the purpose of funding a Highway Department Pickup Truck and transfer from the Cemetery Reserve Account the sum of \$12,000 (twelve thousand dollars) for the purchase of a mower or take any other action relative thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article funds vehicle and equipment purchases for the Highway department to include a replacement pickup truck with plow (\$43,000) and a cemetery mower (\$12,000). These projects are recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 10.** To see if the Town will vote to transfer from Free Cash the sum of \$30,000 (Thirty thousand dollars) to replace the beach Stairs at Bayview Avenue, or take any other action relative thereto.

**Board of Selectmen**

**Parks Commission**

**Capital Program Committee**

**Executive Summary:** This article funds the replacement of the beach Stairs at Bayview Avenue. This project is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 11.** To see if the Town will vote to transfer from Free Cash the sum of \$25,000 (Twenty-five thousand dollars) for repairs to the electrical system at the Sailing Camp property, or take any other action relative thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article funds repairs to the substandard electrical system at the Sailing Camp to bring the system up to code compliance. This project is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 12.** To see if the Town will vote to transfer from Free Cash the sum of \$25,000 (Twenty-five thousand dollars) for replacement of the Shellfish Department work skiff, or take any other action relative thereto.

**Board of Selectmen**

**Capital Program Committee**

**Executive Summary:** This article replaces the main work skiff of the Department that is older than twenty years old and requires extensive and continuing maintenance. This project is recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 13.** To see if the Town will vote to transfer from the Ambulance Reserve Fund the sum of \$208,000 (Two Hundred Eight thousand dollars) for the purchase of Public Safety vehicles and equipment, or take any other action relative thereto.

**Fire Department**

**Police Department**

**Capital Program Committee**

**Executive Summary:** This article funds the ongoing Capital Improvement Program for planned public safety vehicles and equipment to be funded from the Ambulance Reserve Fund .The appropriation covers the following vehicles and equipment: Automatic CPR System (\$17,500), Replace Radio System (\$100,000), Replace Fire Hose (\$30,000), New Engine for Rescue Boat (\$15,500), Replace Police Supervisor's Vehicle (\$45,000). These purchases are recommended in the Capital Improvement Program.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 14.** To see if the Town will vote to appropriate or reserve from the Community Preservation Act Fiscal Year 2019 estimated annual revenues of \$627,700 the amounts

recommended by the Community Preservation Committee for administrative expenses and Community Preservation Reserves, with each item to be considered a separate appropriation as follows, or take any action relative thereto.

<b>Appropriation Item</b>	<b>Recommended Amount</b>
Community Preservation Administrative Expenses	\$ 31,385
Reserves	
Open Space/Recreation	\$ 62,770
Historic Preservation	\$ 62,770
Community Housing	\$ 62,770
Budgeted Reserve	\$ 408,005

### **Community Preservation Committee**

**Executive Summary:** This article is required by the Commonwealth of Massachusetts on an annual basis to ensure that Community Preservation Funds are allocated properly, in the amount of at least 10% of total revenues to each of the three required areas of Historic Preservation, Community Housing, and Open Space/Recreation. The appropriation for administrative expenses is 5% of estimated revenues.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 15.** To see if the Town will vote to appropriate from Community Preservation Act Fiscal Year 2019 estimated revenues, CPA Reserve Funds, and the CPA Undesignated Fund Balance the following project grants, to spend a total of \$752,674. Each project shall be considered a separate appropriation.

- 1. Boat Ramp at Oak Bluffs Harbor:** To see if the Town will appropriate \$32,774 from the Undesignated Fund Balance to be used by the Oak Bluffs Marina to restore the boat launch landing at the Harbor.
- 2. Oak Bluffs School Recreation, phase 2:** To see if the Town will appropriate a total of \$250,000, with \$62,770 from the Open Space/Recreation Reserve Fund and \$187,230 from the Undesignated Fund Balance, to be used by the Oak Bluffs School to upgrade and rehabilitate the School's recreation area, contingent upon the Community Preservation Committee's determination, in its sole discretion, that the entity known as the "Field Fund, Inc." contributes funding sufficient to rehabilitate the recreational fields.
- 3. Oak Bluffs Fire Museum:** artifacts, documents, and photos: To see if the Town will appropriate \$10,000 from the Historic Preservation Reserve Fund for the Fire Museum Committee's preservation of documents and photos, and the preparation and installation of artifacts.
- 4. Oak Bluffs Fire Museum, display cases:** To see if the Town will appropriate \$10,000 from the Historic Preservation Reserve Fund to the Fire Museum Committee for construction of cases to preserve and display artifacts.

5. **PALS Program:** To see if the Town will appropriate \$123,900 from the Undesignated Fund Balance to be used by The Resource, Inc. in their interest-free loan program for emergency structural home repairs for income-qualified Oak Bluffs residents.

6. **Greenwood Avenue Affordable Housing:** To see if the Town will appropriate \$100,000 from the Community Housing Reserve Fund to be used by the Island Housing Trust to build 3 duplexes in Vineyard Haven.

7. **Kuehn’s Way Affordable Housing:** To see if the Town will appropriate \$100,000 from the Undesignated Fund Balance to be used by Island Housing Trust in construction of 20 rental apartments in Vineyard Haven.

8. **Rental Assistance:** To see if the Town will appropriate \$126,000 to support the Dukes County Regional Housing Authority’s Rental Assistance Program for Oak Bluffs families, with \$62,770 from the Community Housing Reserve Fund and \$63,230 from the Undesignated Fund Balance.

**Community Preservation Committee**

**Executive Summary:** This article authorizes the expenditure of funds collected through the Town’s Community Preservation Act program to be used as specified in the Article. Funds are collected through a 3% surcharge on property tax bills, supplemented by funds from the State. The Community Preservation Committee has developed an additional handout explaining their project recommendations.

**Finance and Advisory Board Recommendation:**

- |   |                    |
|---|--------------------|
| 1. <b>Boat Ramp at Oak Bluffs Harbor</b>        | <b>7-yes, 0-no</b> |
| 2. <b>Oak Bluffs School Recreation, phase 2</b> | <b>7-yes, 0-no</b> |
| 3. <b>Oak Bluffs Fire Museum</b>                | <b>7-yes, 0-no</b> |
| 4. <b>Oak Bluffs Fire Museum, display cases</b> | <b>7-yes, 0-no</b> |
| 5. <b>PALS Program</b>                          | <b>7-yes, 0-no</b> |
| 6. <b>Greenwood Avenue Affordable Housing</b>   | <b>6-yes, 1-no</b> |
| 7. <b>Kuehn’s Way Affordable Housing</b>        | <b>0-yes, 7-no</b> |
| 8. <b>Rental Assistance</b>                     | <b>6-yes, 1-no</b> |

**Article 16.** To see if the Town will vote to appropriate the sum total of \$600,000 for the preservation, rehabilitation, and restoration of Sunset Lake and Lakeside Park by the Park Commission, the Conservation Commission, and the community group, FANS, for active and passive recreational use, with \$200,000 to be transferred from the Undesignated Fund Balance, and an additional sum of \$400,000 to be borrowed, and that to meet this \$400,000 appropriation, the Town authorizes the Treasurer, with the approval of the Board of Selectmen, to borrow the funds under the provisions of G. L. c. 44B, s. 11, or pursuant to any other enabling authority.

**2/3 majority required**

**Community Preservation Committee**

**Executive Summary:** This article authorizes the Town to spend a total of \$600,000 for the preservation, rehabilitation and restoration of Sunset Lake and Lakeside Park. \$200,000 would come from the present CPA fund balance, and \$400,000 would be borrowed, to be repaid



through Community Preservation funds over the next two years.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 17.** To see if the Town will vote to rescind the vote taken under Article 8 of the April 14, 2015 Annual Town Meeting to allocate \$63,000 for the High School Track Replacement project and to reallocate the same funds to the Open Space/Recreation Reserve Fund, or take any other action relative thereto.

**Community Preservation Committee**

**Executive Summary:** This Article rescinds funding for the High School Track, which was resurfaced in 2017 with other funds. The CPC recommends returning the CPA funds for use in other projects. The applicant may reapply when a complete restoration of the track is planned.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 18.** To see if the Town will vote to reduce the appropriation made by Article 8 of the April 14, 2015 Town Meeting, regarding the East Chop Bluff Stabilization project, from the original appropriation of \$279,800 to a revised appropriation of \$79,800, with \$200,000 of the original appropriation returned to the CPA Undesignated Fund Balance, or take any other action relative thereto.

**Community Preservation Committee**

**Executive Summary:** The original grant of \$279,800 was approved for engineering, geotechnical work, and permitting for the East Chop Bluff. This work has been done, funded mainly by a State grant received after the CPA grant had been approved and the project begun. For any further work on the Bluff, a new CPA grant would need to be approved by the voters.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 19.** To see if the Town will vote to appropriate and transfer from Free Cash the sum of \$40,000 to support regional Human Services, with said funds to be distributed to regional human services providers under the direction and control of the Board of Selectmen, or take any other action relative thereto.

**Board of Selectmen**

**Finance Committee**

**Executive Summary:** The Town of Oak Bluffs has seen a rapid increase in recent years in the amount and number of private human service agencies requesting funding support. Longstanding agencies such as the Vineyard Health Care Access Program at \$78,219 and the Center for Living at \$124,809 continue to be carried in the Town Budget. Newer agency requests such as Dukes County Human Services requesting \$11,459, Substance Abuse Prevention requesting \$10,500, Healthy Aging MV requesting \$14,933, First Stop requesting \$9,975 and the Core program of Martha's Vineyard Community Services requesting \$16,800 simply cannot fit within the Town's budget due to financial constraints and the Town's current need for an override to support its base budget. Further, the funding formula selected for these new services is different from the standard county assessment formula in a way that disadvantages Oak Bluffs. Rather than deny these requests due to a lack of funding, this article sets aside an additional amount of funds that are available that the Board of Selectmen may use to make proportional contributions to support

these worthwhile agencies and programs while stopping short of fully funding each agency at its initial request. In future years the Town may adjust the human services contribution amount based on the availability of funding

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**In its unanimous decision, the committee felt that the town’s Human Service requests from outside organizations has continually grown over the years and the town’s financial situation would not allow this to continue. While the committee understands the value of these services, it also feels that these organizations must do a better job of self-funding. The committee also understands that these many organizations result in multiple hierarchies within these organizations and the increased expenses this causes thus reducing the value of the town’s contributions.**

**Article 20.** To see if the Town will vote to raise and appropriate or transfer from Free Cash the sum of \$10,000 (ten thousand dollars) to fund the Town of Oak Bluffs share of the administrative expenses of the All Island School Committee’s contract for Adult and Community Education in Fiscal Year 2019, or take any other action relative thereto.

**Board of Selectmen**

**Executive Summary:** This Article provides financial support for Adult and Community Education of Martha’s Vineyard (ACE MV). This agency provides an array of accessible opportunities for Island residents, including job skills training, college training courses and enrichment classes for life-long learning. This article level-funds this account from the previous year.

**Finance and Advisory Board Recommendation: 3-yes, 4-no**

**The committee voted against funding ACE. When ACE came to the town several years ago it requested seed money to get the program up and running. The town approved the funding based partly on ACE’s promise that this was a one-time request and that they would develop their own funding in future years. This has not happened and the committee has seen little attempt to make it happen. The committee understands the service this provides which is why the article was amended to provide at least \$10,000 of the requested funds, but the majority of the committee that it was time for ACE to provide their own funding as originally promised.**

**Article 21.** 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 MGL Chapter 41, § 108, as amended, for the twelve month period from July 1, 2017 through June 30, 2018 as follows:

Board of Selectmen, Chair	\$ 4,500
Selectmen, Members	\$ 3,000 each
Constables	\$ 500 each
Town Clerk	\$ 87,409.92
Tree Warden	\$ 1,500;

or take any other action relative thereto.

**Board of Selectmen**

**Executive Summary:** This Article establishes the compensation of elected officials for the fiscal year starting July 1, 2018.

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**Article 22.** To see if the Town will vote to elect the following Town Officers on the official ballot:

- One Moderator for 3 Years
- Two Board of Selectmen for 3 Years
- One Board of Health Member for 3 Years
- One Cemetery Commissioner for 3 Years
- One Park Commissioner for 3 Years
- One Tree Warden for 3 Years
- One Planning Board Member for 5 Years
- One Planning Board Member for 4 Years
- One Planning Board for Member 2 Years
- One School Committee Member for 3 Years
- One School Committee Member for 2 Years
- Three Finance and Advisory Committee Member for 3 Years
- One Wastewater Commissioner for 3 Years
- One Water District Commissioner for 3 Years

Questions:

Question 1.

Shall the Town of Oak Bluffs be allowed to assess an additional \$275,000 in real estate and personal property taxes for the purpose of funding the Town’s Regional High School Assessment and the elementary school and municipal government budget for the fiscal year beginning July first, 2018?

\_\_\_ Yes \_\_\_ No

Question 2. Debt Exclusion

Shall the Town of Oak Bluffs be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bonds issued in order to pay costs of replacing the roof and HVAC equipment at the Oak Bluffs School, and for the payment of all other costs incidental and related thereto?

\_\_\_ Yes \_\_\_ No

**Board of Selectmen**

**Executive Summary:** This article establishes the local elective offices and Questions to appear on the Official Ballot of the Town Election to be held on April 12, 2018 pursuant to this warrant.

**Article 23.**To see if the Town will vote to amend the Oak Bluffs General By-laws by inserting Chapter XXVIII, the full text of which is set forth below, to govern use of parks and beaches under the ownership or control of the Parks Commissioners, or take any other action related thereto.

## **Chapter XXVIII PARKS AND RECREATION DEPARTMENT**

### **A. Use of the Town Parklands and Beaches -**

1. Government and Use of Town Parks and Beaches is under the care and control of The Oak Bluffs Parks Commissioners, who also have independent powers under G. L. c. 45.
2. Enforcement of Rules and Regulations by Town Police or Parks Commissioners – Sections C and D.
3. Issuance of Special Use Permits – Generally – Section E.
4. Special Use Permits - Special Events – Section F.
5. Enforcement/Revocation of Special Use Permits – Section G.

### **B. Definitions/Commissioners Rules and Regulations\_**

1. Parks and Beaches. Parks and Beaches shall include all sidewalks, buildings, structures, land, beaches, ponds, and other waters under the custody, care and control of the Oak Bluffs Parks Commissioners.
2. Rules and Regulations Governing the use of Parks & Beaches. In addition to the rules and regulations governing Parks and Beaches contained in this By-law, the Commissioners have also promulgated, and from time to time may amend, additional rules and regulations under the authority granted to them by G. L. c. 45, § 5. The Commissioners have also created application forms, checklists, and informational materials related to the uses and permits provided for herein, which can be obtained at the Parks Department.

### **C. Use of Parks/Prohibited Uses - Conduct**

1. No littering, cigarette butts, or glass bottles.
2. No graffiti, defacing, or disfiguring park structures or vegetation.
3. No lewd behavior, threatening acts, or profanity allowed.
4. No animals in playgrounds or ball fields. Animals must be under the control of their owner at all times, and all waste must be properly removed.
5. No Parking in or on Parks.
6. No alcohol or fires.
7. No commercial activity including, without limitation, signs, notices, advertisement, concessions, or soliciting/selling of goods, services, or articles.
8. No overnight sleeping.

9. Bikes, skateboards, and similar vehicles must yield to pedestrians. No motorized vehicles (except assistive devices) on pedestrian paths.
10. No amplified music.
11. Special Use Permits for events may permit or condition certain prohibited uses identified in subsections 6, 7, or 10.

**D. Use of Beaches/Prohibited Uses-Conduct**

1. Beach use is at individual's own risk. No Lifeguards on duty unless otherwise posted.
2. No dogs allowed on public beaches from May 15<sup>th</sup> — September 15<sup>th</sup> between 8:00 a.m. and 5:00 p.m., and on Inkwell Beach between 7:00 a.m. and 5:00 p.m. (during the same months).
3. Animals must be under the control of their owner at all times, and all waste must be properly removed.
4. No walking on jetties beyond signage or dunes, as posted.
5. No graffiti, defacing, or disfiguring beach structures or vegetation.
6. No boats, sailboards, or fishing in swimming areas between 7 a.m. and 6 p.m. from May 15<sup>th</sup> — September 15<sup>th</sup>.
7. No smoking.
8. No commercial activity including, without limitation, signs, notices, advertisement, concessions, or soliciting/selling of goods, services, or articles.
9. No littering, no glass bottles. Carry in - Carry out all trash and waste.
10. No disruptive behavior, including loud conversation, fighting, or similar conduct reasonably likely to interfere with the public's enjoyment of the Parks and Beaches.
11. No amplified music.
12. No fires or alcoholic beverages allowed.
13. Special Use Permits for events may permit or condition certain prohibited uses identified in subsections or 8, 11, or 12.

**E. Special Use Permits**

1. The Commissioners may issue a Special Use Permit upon receipt of a complete application for an otherwise prohibited activity identified in Sections C(6), (7), or (10), or in D(8), (11), or (12), or for a Special Event as outlined in Section F. The Commissioners shall decide each application on its merits, considering, in their discretion whether issuance of a permit:
  - a.) increases or promotes public recreational opportunities;
  - b.) preserves, or may be adequately conditioned to preserve, the environmental integrity of the particular park or beach; and
  - c.) is consistent with the rights of the public to use the park or beach simultaneously with the event or use requested.
2. As noted in Section B(2), the Commissioners have promulgated, additional rules and regulations under their authority granted to them by G. L. c. 45, § 5 governing, and providing other limitations on, Special uses/Special Events, which the Commissioners may amend from time to time as they determine is necessary to govern Town Parks and Beaches.
3. The Commission has created application forms for Special Use Permit requests. An applicant must follow the rules set out on the application. All applications must be filed at a minimum of ten (10) days before the Commissioners meet in order to give adequate time for posting and comment.
4. The Commissioners may grant the application, deny the application, or approve the application with conditions. The Commissioners have broad discretion in acting on Special Use Permit applications.
5. An applicant must comply with any terms and conditions contained within a Special Use Permit. Any act authorized pursuant to a Special Use Permit may be performed only by the person(s) named therein, and any such authorizations may not be assigned or delegated, except as provided by the Special Use permit.
6. All person(s) receiving a Special Use Permit must agree, as a condition, to indemnify and hold the Town, the Commission, its employees and agents harmless against all claims relating to or arising out of the use of Parks or beaches. The Commissioners may require the applicant to obtain liability insurance to support the Permittee's obligation to indemnify and hold the Town harmless.

#### **F. Special Use Permits – Special Events**

1. Special Events are defined as supervised or organized activities involving one or more participants or spectators, which might reasonably be expected to affect the public use or enjoyment, or the general environmental quality, of any Park or Beach.
2. No person shall conduct any Special Event upon the lands or waters of a Park or Beach without first obtaining a "Special Use Permit" from the Commissioners.
3. The "Special Event Permit Application" must be submitted ten (10) business days before a scheduled Park Commissioners meeting.

4. There shall be no advertising, posting, or digital notification (for e.g. via email or social medial distribution) of a proposed special event before the event has been approved by the Park Commissioners and any other necessary town entities.
5. The contact person and/or group are responsible for fulfilling the requirements imposed by the Special Event P-Use Permit.
6. Approved groups using park or beach areas shall respect the rights and privacy of neighbors.

### **G. Enforcement**

1. All Special Use Permits are in the nature of a license, and are revocable at-will, in the discretion of the Commissioners.
2. Any violation of a Special Use Permit by its holder, its agents, employees or guests of any term or condition therein shall constitute grounds for its revocation by the Commissioners, whose action therein shall be final.
3. In case of revocation of any Special Use Permit, all monies paid for or on account thereof shall, at the option of the Commissioners, be retained by the Commission, and the holder of such permit, together with his or her agents, employees, and guests who violated said terms or conditions shall be jointly and severally liable to the commission for all damages and/or loss suffered by the Commission in excess of such monies retained. Neither such retention by the Commission of the whole nor any part of such monies nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person(s) from criminal liability for violation of any other state or local law, ordinance, rule or order, or from responsibility under governing law for the violation.
4. This By-law may be enforced by non-criminal disposition under G.L. Chapter 40, § 21D, in the following manner:
  - a. For the first offense within a twelve (12) month period, a \$100.00 fine;
  - b. For the second offense within a twelve (12) month period, a \$200.00 fine;
  - c. For the third and subsequent offense(s) within a twelve (12) month period, a \$300.00 fine.
5. Each day, or portion thereof during which a violation continues, shall constitute a separate offense.
6. This by-law may be enforced, including but not limited to the provisions of G. L. c. 40, § 21D, by Town Police Officers or other officers having police powers.

7. Upon request of the Commission, with Board of Selectmen approval, Town Counsel shall take legal action as may be necessary to enforce this by-law and the conditions of Special Use Permits issued under its provisions.

8. The Commissioners may from time promulgate and amend a separate fine schedule under the independent authority granted to them by Massachusetts law.

**Board of Selectmen**

**Parks Commission**

**Executive Summary:** This article establishes a bylaw to set forth a detailed and transparent system for the Town to use in granting permits for the use of Town Parks and beaches in a way that allows certain events without interfering with the public's right to use and enjoy these Town resources. The bylaw provides for the reasonable regulation of events taking place on these public properties and also safeguards the Town's public interest and provides protections to ensure that any permitted events are conducted in an orderly and predictable manner.

**Article. 24.** To see if the Town will vote to petition the General Court to enact the following home rule petition:

An ACT concerning the rental of Mopeds and Motor Scooters in the Town of Oak Bluffs

Section One. Notwithstanding the provisions of G. L. c. 90, § 1B, or any other general or special law to the contrary, the Town of Oak Bluffs (the "Town") is hereby authorized to amend Chapter XV(F) of its Recodified General By-laws (April 9, 2002), as amended through September of 2017, as set out in Section Two of this Act, to prohibit the commercial lease or rental of mopeds and motor scooters to the public.

Section Two. The question shall be submitted for acceptance to the voters of the Town at its next special or annual town meeting in the form of the following warrant article: "To see if the Town will vote to delete the existing text of Chapter XV(F) of its Recodified General By-laws (April 9, 2002), as amended through September of 2017, in its entirety, and replace it with the following language: 'The rental or leasing of mopeds and motor scooters to the public is prohibited within the Town, and no license shall be issued for an entity to engage in the business of renting or leasing mopeds or motor scooters to the public.'"

Section Three. If a majority of the voters at the special or annual town meeting in which the article provided for in Section Two vote in the affirmative, then then this Act shall take effect, but not otherwise.

Section Four. Duly issued licenses in effect at the time this Act becomes effective shall remain valid for the duration of the then existing license, but shall otherwise confer no benefit or right on the holder to operate past the effective date of the existing license.

**Board of Selectmen**

**Executive Summary:** This article seeks approval to file special legislation with the General Court of the Commonwealth of Massachusetts that would authorize the Town to amend its general bylaws to prohibit the rental or leasing of mopeds or motor scooters to the public within



the Town. At last year's Annual Town Election, voters overwhelmingly approved a non-binding question that recommended prohibiting the rental of mopeds within the Town.

**Article 25.** To see if the Town will vote to approve the establishment by the Martha's Vineyard Regional High School District of a Stabilization Fund known as the "MVRHS Capital Stabilization Fund" to provide a fund for expenditures for capital improvements within Martha's Vineyard Regional High School District and for such other lawful purposes as provided by Massachusetts General Laws, C. 71 section 16G1/2 as it may be amended from time to time, or take any other action relative thereto.

**Martha's Vineyard Regional High School District**

**Executive Summary:** This article authorizes the Martha's Vineyard Regional High School District to establish a stabilization fund to provide a fund for expenditures for capital improvements by the District.

**Finance and Advisory Board Recommendation: 0-yes, 7-no**

**The committee voted unanimously to reject this article due the funding method not being specified. The committee feels that the only proper way to fund this type of fund is to use an equal valuation formula. Currently Oak Bluffs has the highest percentage of funding for the MVRHS and the committee feels strongly that this is unfair for capital improvements which we feel should be split evenly among the towns.**

**2/3 Vote Required**

**Article 26.** To see if the Town will vote to endorse, and petition the General Court for, enactment of a Massachusetts Education Finance Reform bill with the following features, or take any other action relative thereto:

(1) a change in the statutory method for regional school district cost apportionment to member towns to an assessed property value method (unified tax rate), according to the mechanism described below.

(2) a mandate that all towns in the Commonwealth must either have their own school district or belong to a regional school district, by a date several years hence.

Proposed Mechanism for Transitioning to a Unified Tax Rate in a Regional School District:

In each fiscal year beginning with the first fiscal year after enactment of the Massachusetts Education Finance Reform law, each town that paid more than the Unified District Tax Rate in the year of enactment shall pay THE GREATER OF (1) what it was assessed in the year of enactment, or (2) the amount calculated by applying the Unified District Tax Rate to the assessed taxable property value in that town as of the first day of December of the prior fiscal year; and each town that paid less than the Unified District Tax Rate in the year of enactment shall pay THE LESSER OF (a) the amount calculated by applying the Unified District Tax Rate to the assessed taxable property value in that town as of the first day of December of the prior fiscal year, or (b) the total assessment to all member towns minus the assessments to those member towns paying more than the Unified District Tax Rate (the "Residual Assessment"); provided however, that if more than one member town is paying less than the Unified District Tax Rate, then those towns shall apportion the Residual Assessment among themselves according to the apportionment formula in use in the year of enactment.

The "Unified District Tax Rate" is defined as (x) the total apportionment to the member towns of the school district, divided by (y) the total assessed taxable value of residential, commercial,

industrial, and personal property of the member towns, multiplied by (z) 1,000, as of the first day of December of the prior fiscal year., or take any other action relative thereto.

### **Board of Selectmen**

**Executive Summary: (Prepared by the Statewide Supporting Group)**The purpose of the article is to support a Massachusetts Education Finance Reform bill that would fix dysfunctional aspects of current laws and put all of the Commonwealth's regional school districts on a sounder financial footing, enabling them not only to maintain standards but to offer enriched programs.

The features of the bill would be as follows:

(1) Change the statutory method for regional school district apportionment to an assessed property value method (unified tax rate). Currently all District agreements approved by the Department of Elementary & Secondary Education (DESE) use a student headcount formula for apportionment among member towns, unless the member towns unanimously approve, annually, an alternative method. The proposed mechanism for transitioning to this new statutory method is described above.

This change would be consistent with the state's long and proud tradition of supporting public education, whose fundamental financing principle — as opposed to that of private education is that all children are entitled to a free education paid for by all members of their community in proportion to their ability to pay, not on how many children they have, if any. Because the lion's share of public K-12 education is funded by local property taxes, taxable assessed value is an appropriate measure of ability to pay. (Although state income taxes rather than local property taxes might be a better method of education finance, there is no realistic prospect of changing that in Massachusetts or anywhere else in the U.S. in the foreseeable future.)

The practical effect of that change in the statutory method of apportionment would be to bring the tax situation of all taxpayers in regional school districts in line with the other 90 percent of the Commonwealth's taxpayers who already live in school districts where they pay the same rate as all of their other neighbors in the district. (Only seven of the 100 largest public school districts in the state are regional districts, containing more than a single local taxing authority.)

A single rate within a school district is not only the standard practice in Massachusetts (and explicitly mandated in many states like New York and New Jersey); it is good public policy. Any discount to that rate for any taxpayer in a school district is a net loss to that district's revenue. It is in the Commonwealth's interest that all school districts fund themselves as efficiently as possible at the local level so that demands on the state budget can be minimized.

(2) Mandate that all towns in the Commonwealth must either have their own school district or belong to a regional school district, by a date several years hence. If implemented, this would eliminate the "beggar thy neighbor" negotiations that cause some smaller communities to play one district against another in bidding wars. The concept of tuition should be anathema to public schools (see public education's fundamental financing principle cited above).

**Finance and Advisory Board Recommendation: 7-yes, 0-no**

**The committee strongly supports this article which would be the first step in improving the equality of funding the MVRHS among the island towns.**

**Article 27.** To see if the Town will vote on the following article submitted by petition, “Health Imperatives – Martha’s Vineyard requests \$5,000 from the Town of Oak Bluffs for health and human services provided to low-income and vulnerable individuals and families in Fiscal Year 2018”, or take any other action related thereto.

**PETITION ARTICLE**

**Finance and Advisory Board Recommendation: 0-yes, 7-no**

**The committee voted unanimously to reject this article. This is a Human Service and should be included in the combined article created above (Articles 19).**

**Article 28.** To see if the Town will vote on the following article submitted by petition, “2018 Petition to ban the release of lighter-than-air balloons in Oak Bluffs.

Release of Balloons

(1) No person, nonprofit organization, association, firm or corporation ,shall knowingly release, organize the release of or intentionally cause to be released into the atmosphere any helium or other lighter-than-air gas balloons in the Town of Oak Bluffs. Any violation of this bylaw shall result in a fine of \$100.

(2) The provisions of section (1) shall not apply to balloons which are used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure or by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.”, or take any other action relative thereto”

**PETITION ARTICLE**

**Article 29.** To see if the Town will vote on the following article submitted by petition, “To see if the Town will raise and appropriate or transfer from available funds Ninety-Nine Thousand, Six Hundred Forty-Three Dollars and Fifty-Two Cents (\$99,643.52), or fifty percent (50%) of the Town’s proportionate share of the fiscal year 2019 cost of the Dukes County Regional Emergency Communications Center, based on the volume of dispatches, tied to call origin, for all of the Town’s agencies”, or take any other action related thereto.

**PETITION ARTICLE**

**Finance and Advisory Board Recommendation: 0-yes, 7-no**

**The committee voted unanimously to reject this article on the grounds that that the funding formula is unfair to Oak Bluffs. For a town that has many attractions such as the high school, YMCA, skating rink, hospital, etc. using call origin to determine funding is just plain wrong. How many of the calls came from residents of Oak Bluffs versus other town residents or visitors. We again feel that a project such as this has equal value to all the towns and should be split evenly among them.**

## APPENDIX A

## APPENDIX B

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, 2018.

\_\_\_\_\_  
Kathleen A. Burton Chairman

\_\_\_\_\_  
Gregory A. Coogan

\_\_\_\_\_  
Brian Packish

\_\_\_\_\_  
Gail M. Barmakian

\_\_\_\_\_  
Michael J. Santoro

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 \_\_\_\_\_ DAY OF MARCH, 2018 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 \_\_\_\_\_ DAY OF MARCH 2018.

Attest:

\_\_\_\_\_  
Constable