

**WARRANT FOR THE
ANNUAL TOWN MEETING
MAY 10, 2011
TOWN OF AQUINNAH
THE COMMONWEALTH OF MASSACHUSETTS**

County of Dukes County, ss
To either of the Constables of the Town of Aquinnah:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Aquinnah who are qualified to vote in elections and town affairs to meet at the **Aquinnah Old Town Hall in said Town on the Tenth day of May 2011, at 7:00 PM**, then and there to act upon the articles of this Warrant, with the exception of Article One. And to meet **again at the Aquinnah Town Offices Building on the Eleventh day of May 2011, at twelve noon**, then and there to act on Article One of the Warrant by the election of officers found on the Official Ballot.

The polls for voting on the Official Ballot will open at 12 PM on Wednesday, May 11, 2011, and will close at 7 PM.

**ARTICLE ONE
Town Clerk**

To elect the following officers on the Official Ballot:

One Selectman for Three Years
One Library Trustee for Three Years
Two Planning Board Members for Three Years
One Board of Health Member for Three Years
One Board of Assessors Member for Three Years
Town Clerk for Three Years

**ARTICLE TWO
Moderator**

To hear the reports of the Town Officers and Committees and act thereon.

**ARTICLE THREE
Board of Selectmen**

To see if the Town will vote to appropriate the sums of money required to defray the FY2012 general expenses of the Town as itemized in the budget and to fix the salaries and compensation of all elected officers and employees of the Town as itemized therein, and to fund said appropriations through the tax levy with the exception of police, fire and shellfish/harbormaster wages which will be defrayed in part by a transfer in the amount of **\$7,000** (Seven thousand dollars) from the Waterways Special Revenue Fund 2300 as follows: 1% of police and fire wages and 18% of harbormaster wages, or take any other action relative thereto.

**ARTICLE FOUR
Board of Selectmen**

To see if the Town will vote to direct the Board of Selectmen to investigate the use of the capped landfill for a photovoltaic array site and to authorize the Board of Selectmen to lease the site if they determine it is feasible and in the financial interest of the Town.

**ARTICLE FIVE
Board of Selectmen**

To see if the Town will vote to appropriate the sum of **\$36,027** (thirty six thousand twenty seven dollars) for highway construction or improvements from the 2012 Chapter 90 Local transportation apportionment, and to allow the Treasurer to borrow against all expenditures in anticipation of reimbursement by the State, or take any other action relative thereto.

**ARTICLE SIX
Board of Selectmen**

To see if the Town will vote to raise and appropriate the sum of **\$2,300** (Two thousand three hundred dollars) to make the final payment on the lease/purchase option of the town office copier, or take any other action relative thereto.

**ARTICLE SEVEN
Board of Selectmen**

To see if the Town will vote to change as follows the language of Personnel By-Law 11-5 **Accrual of Sick Leave** to state the following:

11-5.1 Year-round benefits-eligible employees shall accrue sick leave at the rate of twelve (12) days per year. Leave shall be earned at the rate of one (1) day per month. Unused sick leave may accumulate from year to year to a maximum accumulation of one hundred twenty (120) days. A day of earned sick leave shall be equal to an employee's current average daily number of hours worked in a work week.

11-5.2 If an employee who chooses to resign or retire has accumulated sick leave; has worked for the Town for at least (5) five years; and is in good standing, he or she shall be compensated for up to 60 days of accrued sick leave at the following rates:

5 – 10 years of continuous employment – 25%;

More than 10 years of continuous employment – 50%

**ARTICLE EIGHT
Board of Selectmen**

To see if the Town will vote to raise and appropriate the sum of **\$1,105** (one thousand one hundred five dollars) to fund the town's share of the cost for a feasibility study for the replacement of the Superintendent's Office. This study will include a review of the space needs for the office, an examination of the Martha's Vineyard Regional High School property to determine a possible site and develop a rough estimate of the cost for a building on that site, or any other action relative thereto.

ARTICLE NINE
Petitioned Article

To see if the Town, in order to equalize real estate taxation on all Town affordable housing lots, will vote to take from available funds the sum of **\$4,954.90** (four thousand nine hundred fifty-four dollars and ninety cents) to refund excess tax payments and accrued interest made by Geoffrey Craig (Spa) Tharpe, or take any other action relative thereto.

ARTICLE TEN
Board of Selectmen

To see if the Town will vote to transfer from the Town's General Stabilization Fund the sum of **\$4,607.50** (Four thousand six hundred seven dollars and fifty cents) for the FY2011 lease/purchase amounts due for two computer financial software programs from VADAR Systems, or take any other action relative thereto. **(2/3 VOTE REQUIRED)**

ARTICLE ELEVEN
Vineyard Health Care Access Program

To see if the Town of Aquinnah 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 **\$2,696.15** (Two Thousand Six Hundred Ninety Six and Fifteen Cents) as the town's proportionate share of the balance (\$72,868.80) of the level budgeted projection cost, based on the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue for a fiscal year starting July 1, 2010. The cost of the level budgeted share of the program for fiscal year 2012 is \$91,086.00. The County of Dukes County will pay 20% (\$18,217.20) of the level budgeted cost of the program, or take any other action relative thereto.

ARTICLE TWELVE
Dukes County Commissioners

To see if the Town of Aquinnah will raise and appropriate or transfer from available funds **\$1,280.37** (One Thousand Two Hundred and Eighty Dollars and Thirty Seven Cents) to continue the Vineyard Health Care Access Program at the current level of service. These funds from the six Island Towns will be administered by the County of Dukes County and will provide \$58,914 (Fifty Eight Thousand Nine Hundred and Fourteen Dollars) countywide. When combined with the County's Vineyard Health Care Access Program Article # 11, the total amount represents the town's proportionate share, based on the 50/50 Formula which combines 50% of the cost based on equalized valuation of property values as computed by the Commonwealth of Massachusetts Department of Revenue and 50% based on the Town's population as documented in the US Census. Based on this formula the percentage of the total for Aquinnah is 3.04%, or take any other action relative thereto.

ARTICLE THIRTEEN
Dukes County Commissioners

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) under which, in FY2012, the County of Dukes County will pay 20% (\$9,742.80) of the total cost of the program (\$73,714.00, less projected revenue of \$25,000, for a net cost of \$48,714.00) and to raise and appropriate the sum of **\$1,441.93** (One thousand four hundred forty one dollars and ninety three cents) as the Town's proportionate share of the balance (\$38,971.20) of the net cost of the program, based on the equalized valuation as computed by the Commonwealth of Massachusetts Department of Revenue for FY2011, or take any other action relative thereto.

ARTICLE FOURTEEN
Board of Selectmen

To see if the Town will vote raise and appropriate the sum of **\$12,500** (twelve thousand five hundred dollars) for the Fiscal Year 2011 audit.

ARTICLE FIFTEEN
Planning Board

To see if the Town will vote to change the Aquinnah Zoning Bylaw,

1. Amend Section 6.4-1 as follows:

In the second sentence, change the word *including*, to *excluding*.

2. Add a new section:

6.4-2 Extension of Special Permits

If the rights authorized by a Special Permit are not exercised within the time period authorized in Section 6.4-1 the special permit shall lapse; provided, however, that the special permit granting authority, in its discretion and upon written application by the recipient of the special permit, may extend the time for exercise of the rights granted by the special permit, for a period not to exceed one year; and provided, further, that the application for such extension is filed with the special permit granting authority prior to the expiration of the original special permit. If the special permit granting authority does not grant the extension within 45 days of the date of application therefore, and upon the expiration of the original time period, the special permit may be re-issued only after notice and a new hearing pursuant to the provisions of G. L. c. 40A, § 11 and the notice provisions of this By-law.

3. Add a new section:

6.4-3 Zoning Determinations

To simplify the implementation of this By-law, the Planning Board Plan Review Committee may determine that certain small developments, or certain parts of larger projects, identified on a particular application, do not require a special permit granted at a public hearing with public notice and notification of abutters. Such determination shall be made by a unanimous vote at a properly noticed public meeting and the project must be consistent with the goals and purposes of the applicable District(s) of Critical Planning Concern set forth in the Town of Aquinnah Zoning By-law. Examples of projects that might qualify for a zoning determination, as set forth in this section, include: the siting of a small shed in an area that is not openly or highly visible; a small addition, or extension, of a deck; the addition of an outdoor shower; conducting perc tests without submission of a Project Notification Form; determination if a site is open and highly visible before design work is started; or the cutting of trees or brush for well drilling or perc tests. If the Planning Board Plan Review Committee determines that the small development or certain part of a larger project qualifies under this Section, it will issue a written and signed Zoning Determination to the applicant, with a copy to the building inspector, granting permission to proceed with the work, including any conditions or limitations the Planning Board Plan Review Committee deems reasonable to impose consistent with the goals and purposes of the applicable section(s) of the Aquinnah Zoning By-law.

4. In sections 10.2-2D, and 10.2-4A,B,C,D change the term “Board of Appeals” to “Planning Board Plan Review Committee” (there are 6 mentions).

5. Amend section 3.7 MINIMUM FRONTAGE to read (amendment is in italics):
All lots shall have a minimum frontage of 200 feet on a public *or private* way.

6. Add a new section:

13.4-10 MINIMUM FRONTAGE

All lots shall have a minimum frontage of 200 feet on a public or private way.

7. To section 7.1 (Definitions) add the following:

FRONTAGE: The boundary of a lot running along a private or public way, but not along a common driveway, which contains at least one point of vehicular access to the lot at a location providing safe and adequate sight distance.

(2/3 VOTE REQUIRED)

ARTICLE SIXTEEN
Housing Committee

To see if the Town will vote to change the Aquinnah Zoning Bylaw,
Delete the language in Sections 3.3-3 and 13.2 and replace both with the following:

HOMESTEAD LOTS

A. For the purpose of helping Aquinnah residents who have lived here for a period of time and who, because of rising land prices, have been unable to obtain suitable land for their permanent homes at a reasonable price, and who desire to continue to live in Aquinnah, the Planning Board Plan Review may grant a Special Permit to build a one-family dwelling for owner occupancy upon a Homestead Lot as prescribed in this By-Law.

B. Lots which are one acre or more and were created after the adoption of zoning, may be built upon by an individual who has been qualified by the Aquinnah Housing Committee under current Resident Homesite guidelines and by Special Permit from the Planning Board Plan Review Committee under the following conditions:

1. The lot satisfies all applicable Zoning and Board of Health requirements with the exception of section 3.1-1.

2. The applicant for the Special Permit transfers ownership of the Homestead Lot, prior to the issuance of a building permit, to the Dukes County Regional Housing Authority (“DCRHA”) or to an entity selected by the Town, through the Aquinnah Housing Committee, through an RFP or other process in accordance with governing law, to lease the Homestead Lot to the applicant, or other lessee approved by the Aquinnah Housing Committee, under a long term lease, which lease ensures the perpetual affordability of the Homestead Lot under terms acceptable to the Aquinnah Housing Committee and which provides the Town the option, in the case of a default, foreclosure, dissolution, or bankruptcy of either the applicant, the DCRHA, or any entity to which the Town has delegated the right to manage the Homestead Lot, to acquire the Homestead Lot.

C. Owners of lots containing three acres or more may create by subdivision or division a Homestead Lot for conveyance to an Aquinnah resident who has been qualified by the Aquinnah Housing Committee under current Resident Homesite guidelines, and who obtains a Special Permit from the Planning Board Plan Review Committee under the same conditions specified under Section 3.3-3-B, provided, however, that the remainder lot(s) must be at least 2 acres in area.

(2/3 VOTE REQUIRED)

**ARTICLE SEVENTEEN
Board of Selectmen**

To see if the Town will vote to authorize the use of the following revolving funds pursuant to M.G.L. Chap. 44, sec. 53E1/2 for the fiscal year beginning July 1, 2011, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year, and the disposition of the balance of each fund at the end of the current fiscal year, as follows:

| Revolving Fund | Authorized to Spend | Revenue Source | Use of Fund | FY12 Spending Limit | Disposition of FY11 F/B |
|-----------------------|---------------------------|--|--------------------------------|---------------------|-----------------------------------|
| Wiring Inspections | Building Insp./ Selectmen | Wiring Inspection fees charged to homeowners | To pay wiring inspector | \$ 10,000 | Balance available for expenditure |
| Plumbing Inspections | Building Insp./ Selectmen | Plumbing Inspection fees charged to homeowners | To pay plumb- ing inspector | \$ 5,000 | Balance available for expenditure |
| Gas Inspections | Building Insp./ Selectmen | Gas Inspection fees charged to homeowners | To pay gas inspector | \$ 6,000 | Balance available for expenditure |
| Fire Inspections | Fire Chief/ Selectmen | Fire Inspection fees charged to homeowners | To pay insp. & asst. inspector | \$ 2,500 | Balance available for expenditure |
| Trench Inspections | Selectmen | Trench Inspection fees charged to landowners | To pay trench inspector | \$ 200 | Balance available for expenditure |
| TOTAL SPENDING | | | | \$ 23,700 | |

**ARTICLE EIGHTEEN
Board of Selectmen**

To see if the Town will transfer from the Stabilization Fund **\$20,000** (twenty thousand dollars) for temporary disability payments, or take any other action relative thereto.
(2/3 VOTE REQUIRED)

**ARTICLE NINETEEN
Police Department**

To see if the Town will vote to raise and appropriate the sum of **\$4,600** (Four Thousand Six Hundred Dollars) to purchase 3 computers, an all-in-one printer/fax/copier, and associated hardware & software for the police department, or any other action relative thereto.

ARTICLE TWENTY
Police Department

To see if the Town will vote to raise and appropriate the sum of **\$2,500** (Two thousand five hundred dollars) for payment to the Martha's Vineyard Law Enforcement Council (M.V.L.E.C) as Aquinnah Police Department's share of the island wide program. Payment enables the police department to participate in joint training and equipment purchases with other island police departments including the State Police and other emergency cases and situations exceeding the capabilities of a single municipality, or any other action relative thereto.

ARTICLE TWENTY-ONE
Board of Selectmen/Treasurer

To see if the Town will vote to accept the provisions of Chapter 149 of the Acts of 2010, which authorized the creation of the "Dukes County Pooled Other Post-Employment Benefits (OPEB) Trust" and vote to join the Trust, or take any action relative thereto.

ARTICLE TWENTY-TWO
Board of Selectmen/Treasurer

To see if the Town will vote to raise and appropriate the sum of **\$50,000** (fifty thousand dollars) to the Dukes County Pooled Other Post-Employment Benefits (OPEB) Trust, or take any action relative thereto.

ARTICLE TWENTY-THREE
Board of Selectmen/Treasurer

To see if the Town will vote to transfer the full balance of the OPEB Stabilization Fund, including interest earnings thereon, to the Dukes County Pooled Other Post-Employment Benefits (OPEB) Trust. **(2/3 VOTE REQUIRED)**

ARTICLE TWENTY-FOUR
Board of Selectmen

To see if the Town will vote to appropriate from free cash the sum of **\$80,000** (eighty thousand dollars) to be put into the stabilization fund. **(2/3 VOTE REQUIRED)**

ARTICLE TWENTY- FIVE
Community Preservation Committee

To see if the Town will vote to appropriate or reserve for later appropriation monies for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, from projected fiscal year 2012 Community Preservation revenues of **\$145,000** (one-hundred and forty-five thousand dollars). Thirty percent of those funds shall be allotted in the following amounts as required by Community Preservation Act legislation:

\$14,500 (fourteen thousand five hundred dollars) to the Community Preservation Open Space Reserve, **\$14,500** (fourteen thousand five hundred dollars) to the Community Preservation Historic Reserve, and **\$14,500** (fourteen thousand five hundred dollars) to the Community Preservation Housing Reserve.

In addition, the remaining seventy percent of funds raised during FY2012 shall be reserved for appropriation in the following manner as recommended by the Aquinnah Community Preservation Committee:

\$47,270 (forty-seven thousand two hundred and seventy dollars) to the Community Preservation Historic Preservation Reserve, and,
\$52,230 (fifty-two thousand two hundred and thirty dollars) to the Community Preservation Affordable Housing Reserve, and,
\$2,000 (two thousand dollars) to the Community Preservation Budgeted Reserve, or take any other action relative thereto.

ARTICLE TWENTY - SIX
Community Preservation Committee

To see if the Town will vote to appropriate monies, from the above reserved Community Preservation revenues, for the undertaking of the following Historic Preservation projects, as recommended by the Community Preservation Committee:

\$20,000 (twenty thousand dollars) from the Community Preservation Historic Preservation Reserve for emergency restoration and repairs to the Aquinnah Lighthouse, and

\$14,500 (fourteen thousand five hundred dollars) from the Community Preservation Historic Preservation Reserve for mortgage costs related to the Edwin Vanderhoop Homestead, and

\$10,500 (ten thousand five hundred dollars) from the Community Preservation Historic Preservation Reserve for mortgage costs related to the restoration of the Old Aquinnah Library, and

\$3,770 (three thousand seven hundred seventy dollars) from the Community Preservation Historic Preservation Reserve for the documentation of archives and collections at the Martha's Vineyard Museum, and

\$10,000 (ten thousand dollars) from the Community Preservation Historic Preservation Reserve for the restoration of the main entry door and interior lighting at the Aquinnah library, and

\$3,000 (three thousand dollars) from the Community Preservation Historic Preservation Reserve for engineering and design services for the overlook area at the Gay Head Cliffs, or take any other action relative thereto.

ARTICLE TWENTY- SEVEN
Community Preservation Committee

To see if the Town will vote to appropriate monies, from the above reserved Community Preservation revenues, for the undertaking of the following Community Housing efforts and CPA Administrative expenses, as recommended by the Community Preservation Committee:

\$16,850 (sixteen thousand eight hundred and fifty dollars) from the Community Preservation Affordable Housing Reserve to the Dukes County Regional Housing Authority for support of its Rental Assistance Program, and

\$26,760 (twenty-six thousand seven hundred sixty dollars) from the Community Preservation Community Housing Reserve for mortgage costs related to the purchase of property at 45 State Road for the purpose of creating affordable housing, and,

\$2,000 (two thousand dollars) from the Community Preservation Budgeted Reserve for CPA

administrative expenses, or take any other action relative thereto.

ARTICLE TWENTY-EIGHT
Board of Selectmen

To see if the Town would vote to change the Town Bylaw's requirement of having the number of voters necessary to constitute a quorum at any meeting of the inhabitants of the Town reduced from not less than 10% of the registered voters of the Town as of the time of said meeting to not less than 6%.

ARTICLE TWENTY-NINE
Board of Selectmen

To see if the Town will vote to condemn the decision made by the federal government on the issuance of federal permits to Cape Wind for the construction of a private wind farm out on Nantucket Shoals without due process.

ARTICLE THIRTY
Board of Selectmen

To see if the Town will vote to eliminate the option of tabling a question at Town Meeting on the grounds that it deprives the voters of the ability to discuss and understand the meaning of an article.

And you are hereby directed to serve this warrant by posting up attested copies at the Schoolhouse Library and Town Hall in said Town, at least seven days prior to time of said meeting. Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this Third day of May in the year of our Lord Two Thousand and Eleven, we the undersigned members of the Board of Selectmen.

Camille Rose, Chairman

James Newman, Vice Chairman

Spencer Booker

Betty Joslow
Aquinnah Constable

posted May 4, 2011