COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR STATE ELECTION

SS.
To the Constable of the Town of Chilmark

GREETING:
In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in the State Election to vote at

Ward 0, Precinct 01

The Chilmark Community Center at 520 South Road

on **TUESDAY, THE SECOND DAY OF NOVEMBER, 2010,** from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

GOVERNOR/LT. GOVERNOR . . . . . FOR THIS COMMONWEALTH
ATTORNEY GENERAL . . . . . FOR THIS COMMONWEALTH
SECRETARY OF STATE. . . . . FOR THIS COMMONWEALTH
TREASURER . . . . . FOR THIS COMMONWEALTH
AUDITOR . . . . . FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS . . . . . .TENTH DISTRICT
COUNCILLOR . . . . . .FIRST DISTRICT
SENATOR IN GENERAL COURT . . . . . .CAPE & ISLANDS DISTRICT
REPRESENTATIVE IN GENERAL COURT. . . . . BARNSTABLE, DUKES & NANTUCKET DISTRICT
DISTRICT ATTORNEY . . . . . .CAPE & ISLANDS DISTRICT
SHERIFF . . . . . .COUNTY OF DUKES COUNTY
COUNTY COMMISSIONERS . . . . . .COUNTY OF DUKES COUNTY
MARTHA'S VINEYARD COMMISSION. . . . . .COUNTY OF DUKES COUNTY
UP-ISLAND REGIONAL SCHOOL COMMITTEE. . . . . .UP-ISLAND REGIONAL SCHOOL DISTRICT
(COUNTY CHARTER COMMISSIONER) . . . . . CAPE & ISLANDS DISTRICT

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION
Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY
This proposed law would remove the Massachusetts sales tax on alcoholic beverages and alcohol, where the sale of such beverages and alcohol or their importation into the state is already subject to a separate excise tax under state law. The proposed law would take effect on January 1, 2011.
A YES VOTE would remove the state sales tax on alcoholic beverages and alcohol where their sale or importation into the state is subject to an excise tax under state law.
A NO VOTE would make no change in the state sales tax on alcoholic beverages and alcohol.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION
Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY
This proposed law would repeal an existing state law that allows a qualified organization wishing to build government-subsidized housing that includes low- or moderate-income units to apply for a single comprehensive permit from a city or

town's zoning board of appeals (ZBA), instead of separate permits from each local agency or official having jurisdiction over any aspect of the proposed housing. The repeal would take effect on January 1, 2011, but would not stop or otherwise affect any proposed housing that had already received both a comprehensive permit and a building permit for at least one unit.

Under the existing law, the ZBA holds a public hearing on the application and considers the recommendations of local agencies and officials. The ZBA may grant a comprehensive permit that may include conditions or requirements concerning the height, site plan, size, shape, or building materials of the housing. Persons aggrieved by the ZBA's decision to grant a permit may appeal it to a court. If the ZBA denies the permit or grants it with conditions or requirements that make the housing uneconomic to build or to operate, the applicant may appeal to the state Housing Appeals Committee (HAC).

After a hearing, if the HAC rules that the ZBA's denial of a comprehensive permit was unreasonable and not consistent with local needs, the HAC orders the ZBA to issue the permit. If the HAC rules that the ZBA's decision issuing a comprehensive permit with conditions or requirements made the housing uneconomic to build or operate and was not consistent with local needs, the HAC orders the ZBA to modify or remove any such condition or requirement so as to make the proposal no longer uneconomic. The HAC cannot order the ZBA to issue any permit that would allow the housing to fall below minimum safety standards or site plan requirements. If the HAC rules that the ZBA's action was consistent with local needs, the HAC must uphold it even if it made the housing uneconomic. The HAC's decision is subject to review in the courts.

A condition or requirement makes housing "uneconomic" if it would prevent a public agency or non-profit organization from building or operating the housing except at a financial loss, or it would prevent a limited dividend organization from building or operating the housing without a reasonable return on its investment.

A ZBA's decision is "consistent with local needs" if it applies requirements that are reasonable in view of the regional need for low- and moderate-income housing and the number of low-income persons in the city or town, as well as the need to protect health and safety, promote better site and building design, and preserve open space, if those requirements are applied as equally as possible to both subsidized and unsubsidized housing. Requirements are considered "consistent with local needs" if more than 10% of the city or town's housing units are low- or moderate-income units or if such units are on sites making up at least 1.5% of the total private land zoned for residential, commercial, or industrial use in the city or town. Requirements are also considered "consistent with local needs" if the application would result, in any one calendar year, in beginning construction of low- or moderate-income housing on sites making up more than 0.3% of the total private land zoned for residential, commercial, or industrial use in the city or town, or on ten acres, whichever is larger.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would repeal the state law allowing the issuance of a single comprehensive permit to build housing that includes low- or moderate-income units.

A NO VOTE would make no change in the state law allowing issuance of such a comprehensive permit.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives before May 4, 2010?

SUMMARY

This proposed law would reduce the state sales and use tax rates (which were 6.25% as of September 2009) to 3% as of January 1, 2011. It would make the same reduction in the rate used to determine the amount to be deposited with the state Commissioner of Revenue by non-resident building contractors as security for the payment of sales and use tax on tangible personal property used in carrying out their contracts.

The proposed law provides that if the 3% rates would not produce enough revenues to satisfy any lawful pledge of sales and use tax revenues in connection with any bond, note, or other contractual obligation, then the rates would instead be reduced to the lowest level allowed by law.

The proposed law would not affect the collection of moneys due the Commonwealth for sales, storage, use or other consumption of tangible personal property or services occurring before January 1, 2011.

The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would reduce the state sales and use tax rates to 3%.

A NO VOTE would make no change in the state sales and use tax rates.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 5th day of October, 2010.

Selectmen of: CHILMARK

By Hand

Constable

OCTOBER 7, 2010.

Warrant must be posted by **October 26, 2010,** (at least *seven days prior* to the **November 2, 2010**, State Election).