

**TOWN OF ORLEANS  
TOWN MEETING WARRANTS**

for use at

**MONDAY, May 11, 2009  
ANNUAL TOWN MEETING - 6:30 PM  
&  
SPECIAL TOWN MEETING – 6:30 PM  
Nauset Middle School Gymnasium**



**ANNUAL ELECTION  
TUESDAY, May 19, 2009  
7:00 AM - 8:00 PM  
Former American Legion Hall  
Published as a supplement of  
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***Please bring this copy of the warrant  
to Town Meeting.***

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PLEASE CALL 240-3700 EXTENSION 415**

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## MOTION CHART

Application of rules is indicated by the Motion's Numerical Sequence

Motions	Debatable	Non-Debatable	Amendable	Non-Amendable	Second Required	Second Not Required	Vote Required	May Reconsider	May Not Reconsider
1. Point of Order		X				X	n/a		
2. Previous Question Terminate Debate		X		X	X		4/5		
3. Postpone Indefinitely	X			X	X		MAJ	X	
4. Lay on Table		X		X	X		MAJ	X	
5. Amendment	X		X		X		MAJ	X	
6. Accept and Adopt	X		X		X		MAJ	X	
7. Consider Articles Out of Order	X		X		X		2/3		X
8. Reconsider	X			X	X		2/3		X
9. Adopt a Resolution	X		X		X		MAJ		X
10. Adjourn to Time Uncertain	X		X		X		MAJ	X	
11. Adjourn		X		X	X		MAJ		X

While a motion to amend is under discussion, a motion to postpone indefinitely displaces the previous motion, but a motion to adjourn cannot be taken up until the motion to amend is decided.

## ORLEANS TOWN MEETING BYLAWS

Pursuant to the provisions of the Town of Orleans Charter duly adopted by voters of the Town of Orleans, the Town Clerk, with the advice of the Moderator, hereby adopts the following Town Meeting By-Laws:

1. Procedural Rules: The Moderator shall enforce procedural rules in accordance with general laws, the Charter, and these By-Laws.
2. Other Procedural Rules: If none of the rules set forth herein or in the Charter governs a situation at the Town Meeting, then rules which would be in effect with respect to the Orleans Town Meeting if the Charter had not been adopted shall apply.
3. Attendance: No person other than a legal voter shall be allowed on the floor of the house except by the consent of the Moderator. At the Town Meeting, a non-voter may speak after a favorable majority vote of Town Meeting.
4. Quorum: For all Town Meetings, both annual and special, there shall be required a quorum of a least five (5) percent of the registered voters of the Town.
5. Quorum Challenge: Any five (5) voters may challenge the existence of a quorum. If the Moderator determines the number in attendance to be less than the established quorum, he shall adjourn the meeting to a stated date, time and place.
6. Moderator: Participation in Discussions: The Moderator, when acting as such, shall not participate in any discussions.
7. Method of Voting: Except as otherwise specified by law, the Moderator shall have full authority to specify a voice vote, a standing vote counted by him or by tellers appointed by him, or a written ballot. The Moderator may conduct all votes requiring a two-thirds (2/3) majority by statute in the same manner in which the Moderator conducts the vote when a majority vote is required.
8. Motions in Writing: All motions shall be submitted in writing.
9. Withdrawal of Motions: A motion moved, seconded and stated may be withdrawn by the mover and the seconder.
10. Precedence of Motions: When a question is under debate, motions shall have precedence in the order of their arrangement shown on the attached chart.
11. Changing Order of Articles: The order of consideration of the articles as printed in the warrant may be changed only by a two-third (2/3) vote of the Town Meeting.

12. Speaking Twice: No person shall speak twice on the same question until all those wishing to speak thereon have done so, nor shall any person speak for more than five (5) minutes at one time, except by permission of the Town Meeting; provided, however, that the restrictions shall apply neither to those persons required to be in attendance under provisions of Clause 2-7-3 of the Charter (town officers, members of boards and commissions, department heads, or their duly designated representatives, when proposals affecting their various office, board or department are being considered), nor to those persons making the original motion under any article.
13. Reconsideration: Any vote may be reconsidered if a voter on the prevailing side moves to do so and if the Moderator moves that there is additional information to bring before the meeting. Only one (1) reconsideration shall be allowed per article.
14. Recount: When a voice vote as decided by the Moderator is questioned by more than one voter, it shall be made certain by a rising vote counted by the Moderator, or the tellers appointed by him, or by a written ballot. When a standing vote is challenged by more than five (5) voters, the Moderator may rule a written ballot be taken.
15. Move the Question: Requires a second. Not debatable. Four-fifths (4/5) Vote. Terminates debate.
16. Move the Question After Presentation: A motion to move the question shall not be allowed if the moving party makes a presentation immediately prior to making the motion to call the question.
17. Amendments to Motions: The first amendment to a motion may be amended (secondary amendment). This secondary amendment may not itself be amended.
18. Article for Capital Improvement: In accordance with Charter clause 8-7-1, an article for capital improvements not in compliance with the Capital Improvement Plan shall require a three-quarter (3/4) majority vote of the Town Meeting.

Clause 8-7-1 of the Charter reads as follows:

“The town meeting shall act on the capital improvement plan and budget, provided that any article for capital improvements not in compliance with clause 8-5-1 shall require a three-fourth majority vote of the town meeting.”

Clause 8-5-1 of the Charter reads:

“The Town Administrator shall prepare a five-year capital improvement plan, which shall be designed to deal with unmet long-range needs, and to implement the goals and objectives of the official town plan.”

19. Dissolution of Town Meeting: In accordance with Charter clause 2-7-8, the Town Meeting must act on every article placed before it.

Clause 2-7-8 of the Charter reads:

“No motion, the effect of which would be to dissolve the town meeting, shall be in order until every article in the warrant has been duly considered and acted upon. This requirement shall not preclude the postponement of consideration of any article to an adjournment of the meeting to a stated time and place.”

## FINANCIAL SUMMARY

### TO THE VOTERS:

The Annual Town Meeting warrant includes a number of articles that have an impact on the financial condition of the town, as well as on individual voters in terms of local property taxes. To assist you in your deliberations, each funding article contains a fiscal year 2010 tax rate impact per thousand dollars of assessed valuation. In addition, on the following pages you will find a number of schedules and charts that are included in the warrant to provide additional information that may be of help to you at Town Meeting.

The “Financial Plan” compares revenues and expenditures as adopted in FY 2009 with those proposed in FY 2010. The plan assumes adoption of all funding articles as printed in the Annual Town Meeting warrant. As presented, the total expenditures in FY 2010 amount to \$27,186,000, a decrease of \$120,000 or 0.4% from FY 2009. The total property tax levy would increase by 3.0% in FY 2010, but because of the overall 4% drop in the town’s total assessed valuation, the tax rate would actually increase 7.3% to \$5.24 per thousand dollars of assessed valuation.

A “Tax Rate Information” schedule shows the relationship between the tax rate increases, municipal revenue, and the annual tax impact on a property valued at \$700,000. For example, the total dollar amount of Special Articles included in the annual town meeting warrant is \$88,000. Based on the schedule, the financial impact would be 2 cents on the tax rate or \$14 annually. Using non-school debt as another example, we are scheduled to make \$2,279,000 in payments in FY 2010. Based on the schedule, this amount represents 61 cents on the tax rate or \$427 annually. Debt payments, in accordance with each bond issue, are normally scheduled to be made over a period of up to 20 years.

The “Proposed Operating Budget” compares the 2009 adopted and 2010 proposed budgets, and includes two schedules that identify specific “Capital Outlay Requests” of \$10,000 or greater in both the Town and the Nauset Regional School District budgets. The Town’s schedule is further broken down by department, line item, description and amount. For FY 2010, the total operating budget as proposed is \$27,032,310, inclusive of all non-school and school operating costs. This amount represents an overall decrease of \$72,767 or 0.27% from FY 2009.

Finally, there are two additional charts that summarize the Town’s “Financing Sources” and “Expenditure Comparison By Organizational Group” for both fiscal years 2009 and 2010.

John F. Kelly  
Town Administrator

**FINANCIAL PLAN**  
**FOR THE FISCAL YEARS 2009 & 2010**  
(\$000)

<b>REVENUES</b>	<b>ADOPTED</b>	<b>PROPOSED</b>	<b>DOLLAR</b>	<b>PERCENT</b>
	<b>FY 2009</b>	<b>FY 2010</b>	<b>CHANGE</b>	<b>CHANGE</b>
<b>Property Tax</b>				
Property Tax (Base)	16,008	16,890	882	5.5%
Statutory Increase	400	422	22	5.5%
Growth	190	211	21	10.9%
Debt/Capital Exp. Exclusions	1,981	1,877	(104)	-5.2%
Cape Cod Commission Act	130	133	3	2.5%
General Override	292	-	(292)	-100.0%
Unused Levy Capacity	(31)	-	31	-100.0%
Community Preserv. Surtax	558	575	17	3.0%
<b>Total Property Tax</b>	<b>19,528</b>	<b>20,108</b>	<b>580</b>	<b>3.0%</b>
Provision for Abatement/Exempt	(167)	(200)	(33)	19.9%
<b>Non-Property Tax</b>				
State Aid	802	514	(288)	-35.9%
Motor Vehicle Excise	1,180	874	(306)	-26.0%
Local Receipts	4,046	4,275	229	5.7%
Free Cash	599	550	(49)	-8.1%
Funds Resv. Appr./Other Avail.	1,115	862	(253)	-22.7%
Hotel Tax	205	205	-	0.0%
<b>Total Non Property Tax</b>	<b>7,946</b>	<b>7,279</b>	<b>(667)</b>	<b>-8.4%</b>
<b>Total Revenues</b>	<b>27,306</b>	<b>27,186</b>	<b>(120)</b>	<b>-0.4%</b>
Assessed Value (est. as of 1/1/07)	3,887,216	3,730,855	(156,361)	-4.0%
Tax Rate	4.88	5.24	0.36	7.3%
<b>EXPENDITURES</b>				
<b>Non-School</b>				
Salaries and Wages	8,855	9,024	169	1.9%
Fringe Benefits	1,736	1,910	174	10.0%
Pensions	1,020	1,119	99	9.7%
General Expenses	3,478	3,387	(91)	-2.6%
State/County Assessments	461	479	18	3.9%
<b>Sub Total - Non Sch Operating</b>	<b>15,549</b>	<b>15,919</b>	<b>369</b>	<b>2.4%</b>
Capital Expenditures	926	650	(275)	-29.8%
Debt	2,641	2,279	(362)	-13.7%
<b>Sub Total - Non Sch Capital/Debt</b>	<b>3,567</b>	<b>2,929</b>	<b>(638)</b>	<b>-17.9%</b>
<b>Total - Non School</b>	<b>19,116</b>	<b>18,848</b>	<b>(268)</b>	<b>-1.4%</b>
<b>School</b>				
Nauset Regional	3,384	3,522	137	4.1%
Orleans Elementary	2,980	3,063	83	2.8%
Fringe Benefits	659	662	3	0.5%
Pensions	65	72	7	10.6%
C.C. Technical High	221	220	(2)	-0.8%
<b>Sub Total - School Operating</b>	<b>7,309</b>	<b>7,538</b>	<b>228</b>	<b>3.1%</b>
Capital Expenditures	98	93	(6)	-5.7%
Nauset Regional Debt	62	45	(17)	-27.5%
<b>Sub Total - School Capital/Debt</b>	<b>160</b>	<b>138</b>	<b>(23)</b>	<b>-14.1%</b>
<b>Total - Schools</b>	<b>7,470</b>	<b>7,675</b>	<b>206</b>	<b>2.8%</b>
<b>Other Expenses</b>				
Community Preserv. Expenses	704	691	(13)	-1.8%
Community Preserv. Fund	(146)	(116)	29	-20.2%
Special Articles	162	88	(74)	-45.6%
<b>Sub Total - Other Expenses</b>	<b>720</b>	<b>663</b>	<b>(57)</b>	<b>-8.0%</b>
<b>Total Expenditures</b>	<b>27,306</b>	<b>27,186</b>	<b>(120)</b>	<b>-0.4%</b>

**TAX RATE INFORMATION**  
**ESTIMATED FOR FISCAL YEAR 2010**

**Per tax rate increments:**

<u>TAX RATE INCREASE</u>	<u>MUNICIPAL REVENUE RAISED</u>	<u>TAX IMPACT ON \$700,000.00 PROPERTY</u>
\$ 0.01	\$ 37,308.55	\$ 7.00
\$ 0.05	\$ 186,542.75	\$ 35.00
\$ 0.10	\$ 373,085.50	\$ 70.00
\$ 0.20	\$ 746,171.00	\$ 140.00
\$ 0.30	\$ 1,119,256.50	\$ 210.00
\$ 0.40	\$ 1,492,342.00	\$ 280.00
\$ 0.50	\$ 1,865,427.50	\$ 350.00
\$ 0.60	\$ 2,238,513.00	\$ 420.00
\$ 0.70	\$ 2,611,598.50	\$ 490.00
\$ 0.80	\$ 2,984,684.00	\$ 560.00
\$ 0.90	\$ 3,357,769.50	\$ 630.00
\$ 1.00	\$ 3,730,855.00	\$ 700.00

**Per revenue raised increments:**

\$ 0.0003	\$ 1,000.00	\$ 0.19
\$ 0.0013	\$ 5,000.00	\$ 0.94
\$ 0.0027	\$ 10,000.00	\$ 1.88
\$ 0.0134	\$ 50,000.00	\$ 9.38
\$ 0.0268	\$ 100,000.00	\$ 18.76
\$ 0.1340	\$ 500,000.00	\$ 93.81
\$ 0.2680	\$ 1,000,000.00	\$ 187.62

As you consider each article included in this year's warrant, the above schedule will provide you with the anticipated tax rate and tax impact on a property valued at \$700,000.00. This applies only to articles funded by property tax and not to articles funded by bonding or by a special revenue or receipts account (such as Ambulance Billing or Stabilization Fund).

The above calculations are based on the Town's total estimated valuation for Fiscal Year 2010. These figures should be considered as estimates only, since valuations can change annually.

**FINANCING SOURCES**  
**Adopted Fiscal Year 2009 vs. Proposed Fiscal Year 2010**

<b><u>FINANCING SOURCES</u></b>	<b><u>FY 2010 PERCENT OF TOTAL</u></b>	<b><u>FY 2009 ADOPTED</u></b>	<b><u>FY 2010 PROPOSED</u></b>	<b><u>PERCENT INCR/DECR</u></b>	<b><u>DOLLAR INCR/DECR</u></b>
Property Tax	73%	19,360,605	19,907,303	3%	546,698
Local Receipts	16%	4,045,670	4,274,689	6%	229,019
Other Available Funds	3%	1,114,791	861,790	-23%	(253,001)
Motor Vehicle Excise	3%	1,180,000	873,744	-26%	(306,256)
State Aid	2%	801,800	513,618	-36%	(288,182)
Free Cash	2%	598,656	550,000	-8%	(48,656)
Hotel Tax	1%	204,915	204,915	0%	-
<b>Total</b>	<b>100%</b>	<b>27,306,437</b>	<b>27,186,060</b>	<b>0%</b>	<b>(120,377)</b>

**EXPENDITURE COMPARISON BY ORGANIZATIONAL GROUP**  
**Adopted Fiscal Year 2009 vs. Recommended Fiscal Year 2010**

<b><u>ORGANIZATIONAL UNIT</u></b>	<b><u>FY 2010 PERCENT OF TOTAL</u></b>	<b><u>FY 2009 ADOPTED</u></b>	<b><u>FY 2010 PROPOSED</u></b>	<b><u>PERCENT INCR./DECR.</u></b>	<b><u>DOLLAR INCR./DECR.</u></b>
Education (1)	28%	7,469,780	7,675,359	3%	205,579
Public Safety	19%	5,295,346	5,299,577	0%	4,231
Public Works	9%	2,474,306	2,406,080	-3%	(68,226)
Debt	8%	2,641,141	2,278,908	-14%	(362,233)
General Government	8%	2,215,472	2,174,100	-2%	(41,372)
Culture & Recreation	7%	1,942,104	1,853,349	-5%	(88,755)
Fringe Benefits	7%	1,847,261	2,013,619	9%	166,358
Pensions	4%	1,020,187	1,118,919	10%	98,732
Human Services	3%	786,814	795,554	1%	8,740
Land Bank Expenses	3%	703,996	691,138	-2%	(12,858)
State & County Assess.	2%	460,850	478,932	4%	18,082
Insurance	1%	247,820	246,775	0%	(1,045)
Capital Expenditure	1%	185,000	182,000	-2%	(3,000)
Special Articles	0%	162,252	88,209	-46%	(74,043)
<b><u>OTHER</u></b>					
Community Preserv. Fund	0%	(145,891)	(116,459)	-20%	29,432
<b>Total</b>	<b>100%</b>	<b>27,306,437</b>	<b>27,186,060</b>	<b>0%</b>	<b>(120,377)</b>

(1) Includes Capital Outlay Items per NRSD Agreement.

## MUNICIPAL FINANCE TERMS

**Appropriation** - An authorization made by the legislative body of a government, which permits officials to incur obligations against and to make expenditures of governmental resources. Appropriations are usually made for fixed amounts and are typically granted for a one-year period.

**Bond** - A written promise to pay (debt) a specified sum of money (called principal or face value) at a specified future date (called the maturity date) along with periodic interest paid at a specified percentage of the principal (interest rate). Bonds are typically used for long-term debt.

**Budget** - A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. Used without any modifier, the term usually indicates a financial plan for a single fiscal year.

**Capital Improvement Program** - A plan for capital expenditures to be incurred each year over a fixed period of several future years setting forth each capital project, the amount to be expended in each year, and the method of financing those expenditures.

**Chapter 90 Highway Funds** – The state legislature authorizes and issues transportation capital bonds every few years. In each Transportation Bond, funds are apportioned to communities based upon a formula under the provisions of MGL Ch. 90 § 34, hence the term Chapter 90 funds. The Chapter 90 highway formula is comprised for three variables: local road mileage as certified by the Massachusetts Highway Department (MHD), employment figures from the Department of Employment and Training (DET), and population estimates from the U.S. Census Bureau. Under this formula, those communities with a large number of road miles received proportionately more aid than those with fewer road miles. These funds are reimbursed to communities based upon certified expenditure reports submitted to MHD.

**Conservation Fund** - This fund may be expended for lawful conservation purposes as described in MGL Ch. 40, § 8C. This fund may also be expended for damages related to the taking of land by eminent domain provided that such taking has first been approved by a two-thirds (2/3) vote of city council or town meeting.

**Contingent Appropriation** – This is an appropriation that authorizes spending for a particular purpose upon the occurrence of a later event. The grant of spending authority made by an appropriation must be certain at the time of the vote and, therefore, contingent appropriations are not generally permissible. Under MGL Ch. 59 § 21C(m), however, towns may make appropriations from the tax levy, available funds or borrowing, contingent upon the subsequent passage of a Proposition 2 ½ override or exclusion question for the same purpose.

**Debt Exclusion** - A vote by a community at an election to exclude debt service payments for a particular capital project from the levy limit. The amount necessary to

cover the annual debt service payment is added to the levy limit for the life of the debt only. A debt exclusion may temporarily increase the levy above the levy ceiling.

**Debt Service** - Payment of interest and repayment of principal to holders of a government's debt instruments.

**Equalized Valuations (EQVs)** - Determinations for the full and fair cash value of all property in the Commonwealth which is subject to local taxation. EQVs have historically been used as variables in distributing certain state aid accounts, and for determining county assessments and certain other costs. The Commissioner of Revenue, in accordance with Chapter 58, Section 10C, is charged with the responsibility of biannually determining an equalized valuation for each city and town in the Commonwealth.

**Excess Levy Capacity** - The difference between the levy limit and the amount of real and personal taxes actually levied in a given year.

**Exemptions** - Statutory exclusions of specific amounts of property tax owed. Upon approval of an application to the Board of Assessors, exemptions may be granted for qualified veterans, blind individuals, surviving spouses and persons over 70 years of age. In addition, an exemption may, at the discretion of the Assessors, be issued for certain financial hardships.

**Fiscal Year** – Since 1974, the Commonwealth and municipalities have operated on a budget cycle that begins July 1 and ends June 30. The designation of the fiscal year is that of the calendar year in which the fiscal year ends. For example, the 2006 fiscal year is July 1, 2005 to June 30, 2006. Since 1876, the federal government has had a fiscal year that begins October 1 and ends September 30.

**Free Cash (also Budgetary Fund Balance)** - Funds remaining from the operations of the previous fiscal year which are certified by the Massachusetts Department of Revenue Director of Accounts as available for appropriation. Remaining funds include unexpended free cash from the previous year, receipts in excess of estimates shown on the tax rate recapitulation sheet and unspent amounts in budget line-items. Unpaid property taxes and certain deficits reduce the amount of remaining funds which can be certified as free cash. The calculation of free cash is made based on the balance sheet, which is submitted by the community's Accountant, Auditor, or Comptroller.

**Levy** – The amount a community raises through the property tax. The levy can be any amount up to the levy limit.

**Levy Ceiling** – the maximum levy assessed on real and personal property may not exceed 2 ½ percent of the total full and fair cash value of all taxable property (MGL Ch. 59 § 21C). Property taxes levied may exceed this limit only if the community passes a capital exclusion, a debt exclusion, or a special exclusion.

**Levy Limit** – The maximum amount a community can levy in a given year. The limit can grow each year by 2 ½ percent of the prior year's levy limit plus new growth and

any overrides. (MGL Ch. 59 § 21C[f & g]. The levy limit can exceed the levy ceiling only if the community passes a capital expenditure exclusion, a debt exclusion, or a special exclusion

**Local Receipts** - Locally generated revenues other than real and personal property taxes and excluding Special Revenue fund revenues. Examples include motor vehicle excise, investment income, hotel/motel tax, fees, rentals and charges. Annual estimates of local receipts are shown on the tax rate recapitulation sheet.

**New Growth** - The taxing capacity added by new construction and other increases in the property tax base. New growth is calculated by multiplying the value associated with new construction by the tax rate of the previous fiscal year.

**Proposition 2 ½ Overrides/Underrides** - General Override to permanently increase the amount of property taxes the Town can raise. This requires a majority vote by the Selectmen in order to be placed on the ballot.

General Underride to permanently decrease the amount of property taxes the Town can raise. This requires a majority vote by the Selectmen in order to be placed on the ballot.

Capital Override exemption is a one-year increase in the property tax levy for the specific item or project. This requires a two-thirds (2/3) vote by the Selectmen to appear on the ballot.

Debt Exclusion is an increase in the property tax levy for the life of the bond issue. This requires a two-thirds (2/3) vote by the Selectmen to appear on the ballot.

**Reserve Fund** – An amount set aside annually within the budget of a town (not to exceed 5% of the tax levy for the preceding year) to provide a funding source for extraordinary or unforeseen expenditures. In a town, the Finance Committee can authorize transfers from this fund for “extraordinary or unforeseen” expenditures. Other uses of the fund require budgetary transfers by town meeting.

**School Building Assistance Program (SBA)** – Established in 1948 and frequently revised by statutory amendments, this state program reimburses cities, towns and regional school districts various percentages of their school construction costs depending on the wealth of the community or district and the category of reimbursement. The Department of Education administers the SBA program.

**Stabilization Fund** – A fund designed to accumulate amounts of capital and other future spending purposes, although it may be appropriated for any lawful purpose. (MGL Ch. 40 § 5B). Communities may appropriate into this fund in any year an amount not to exceed ten percent of the prior year’s tax levy or a larger amount with the approval of the Emergency Finance Board. The aggregate of the stabilization fund shall not exceed ten percent of the community’s equalized value, and any interest shall be added to and become a part of the fund. A two-thirds vote of town meeting is required to appropriate money from the Stabilization Fund.

## REPORT OF THE FINANCE COMMITTEE

### Introduction

It is the responsibility of the Finance Committee to advise Orleans taxpayers of the financial justification and desirability of Warrant Articles and Capital Improvement Plan items in the Town Budget. Our vote on individual warrant articles appears at the end of each Article in the Warrant itself.

Economic conditions have changed significantly during the budgeting process for FY2010. The state of the United States economy including stock averages, employment, housing starts, sales and prices, and yield on investments has contracted significantly. The result has been large reductions in revenue for government agencies and budget shortfalls leading to curtailment of services, reduction of aid to schools and town governments, and layoffs.

With the depressed financial position of many of our citizens combined with declining Town revenues and state aid, the Town's objective for fiscal year 2010 was a budget that required no override by staying within the constraints of proposition 2 ½. This objective has been accomplished by eliminating and reducing some services. It was also done in a manner that maintained our town's key employees who are the core for the services provided to our citizens and guests. The critical areas of Police, Fire and Ambulance services have maintained their full complement of personnel.

### Budget and Capital Plan Review

Members of the Finance Committee reviewed and held public hearings on the Operating Budget, Capital Budget and Capital Improvement Plan and met with Town Administration and the department managers, evaluating department operations and subsequent budgets. The members monitored key committees, Boards and Commissions and Board of Selectmen meetings to better understand plans and decisions with significant fiscal impact for the Orleans taxpayer.

### Budget Concerns

The Finance Committee has six areas of concern:

- Town Services
- School Budgets Sustainability
- Buildings
- Regionalization
- Wastewater
- Town Employment

### Town Services

In order to afford the increases in the school budget, health and pension costs and other benefit areas increasing at a rate higher than 2 ½ %, it was necessary to reduce services in a number of areas. This will affect how often lawns are mowed, how long waiting times are, when and how we update our software, and the availability of supplies of brochures, forms and pamphlets. In many cases, the departments are putting forms and information on the Town of Orleans website to make them readily available without having to come to Town Hall. We ask that you take advantage of this as often as you can, if you have the capability.

The Finance Committee agrees with the curtailment of certain services in order to maintain vital personnel and services.

### School Budget Sustainability

The Orleans Elementary School, Nauset Regional School and Cape Cod Technical budgets came in at or lower than the 2½% guideline through cuts in employment and services and the use of stimulus funds. The Nauset Regional School assessment for Orleans was higher than the 2½ % due to the increase of Orleans students as a percentage of the total number of students.

The student population for all of the schools continues to decline while our costs increase. With the increasing unemployment on Cape Cod, we fear the exodus of families may accelerate the declining student enrollment. In order to maintain the high quality achieved in the past, a detailed long range plan needs to be developed that maintains quality without the rapidly increasing cost per pupil that we are experiencing. Orleans Elementary School expense is \$19,877 per student. The total expense for Orleans elementary, middle and high schools is approximately 21% higher than the state average.

The Finance Committee plans to meet with School Committee representatives during FY2010 to facilitate discussions/work sessions on ways to address the increasing costs while maintaining the historic high quality of education.

### Buildings

Over the years, the town has continuously deferred maintenance of our buildings resulting in replacement being a less expensive alternative than repairing. The results of this neglect are that many of the Town's buildings require significant updating or replacement. Committees have been formed to propose updates required for the Police Station and to evaluate requirements and recommendations for the Town's highway department/public works facilities. Significant expense is scheduled in the Capital Improvement Plan for the Fire Department building and Snows Library. Two of the town buildings (American Legion building and Main Street building) are underutilized and a long term plan needs to be developed to make them useable or sell them.

The Finance Committee will continue to evaluate maintenance funding and evaluate the requirements for Town buildings.

### Regionalization

There are a number of areas beginning to be explored for shared services with our neighboring towns and beyond. These include, but are not limited to: joint projects for wastewater treatment, further regionalization of the schools, a study of the Police departments, evaluation of possible joint water projects, and alternative energy projects. These potential projects could result in significant mutual savings if they come to fruition.

The Finance Committee supports all these efforts and will continue to evaluate all regional opportunities and encourage them when fiscally responsible.

### Wastewater

This large unfunded mandate could not come at a more difficult financial time. The Town has made significant investment in the development of a draft Comprehensive Wastewater Management Plan (CWMP) which was approved at the last town meeting. A Validation and Design committee was formed to evaluate the Draft CWMP for technical viability, and to do a peer review of the Massachusetts Estuaries Project (MEP) which forms the basis for the CWMP. This necessary due diligence is being accomplished by the committee and through hired consultants but is significantly constrained by the lack of information required and repeatedly

promised, but yet to be delivered, by the state. The latest promise for the information is June, 2009. The states' commitment for its' own peer review of the delayed information has been put on hold.

The lowering of nitrogen in our estuaries will benefit the town, our tourists, the Commonwealth of Massachusetts and the Federal National Seashore. The cost burden is 100% the responsibility of the town. The only assistance currently being offered by the state is the possible availability of 2% and/or zero interest loans awarded on a competitive basis with other towns. Other avenues of funding such as significant grants, increasing room taxes and/or meal or other taxes with benefit to the town need to be more actively pursued and addressed.

The Finance Committee will continue to request more focused efforts on funding alternatives other than real estate taxes and betterment, user fees.

#### Town Employment

Part of the Finance Committee recommendations last year were requests that the town budget include a Plan for management of our buildings, direction for a Department of Public Works or Highway Department, a Compensation Study, and Reduction of Compensatory time in the Police Department. The Town has completed an organizational study through a consultant and has hired a consultant for the compensation study. The organizational study addressed both the needs for building management and Department of Public Works/Highway department. The Police department substantially reduced the use of Compensatory overtime.

The most significant events scheduled for FY2010 are three Union contracts due for negotiation.

The Finance Committee will monitor the town's actions on the additional changes suggested by the consultants and the FY2010 implementation of the programs developed during FY2009.

#### Town Expenditures Overview

The projected operating budget for FY2010 is \$27,032,310 representing a .3 % decrease compared to FY2009.

Due to the decline in the assessed values, the projected tax rate of \$5.24 per \$1,000 valuation is 7.3% over the FY2009 rate. Please keep in mind that as valuations decrease the tax rate must increase proportionally to generate the same amount of tax dollars. A property valued at \$500,000 for the fiscal year 2009 tax period was billed approximately \$2,440. For that same property, assuming its valuation decreases in a proportional amount equal to all other properties in the town as estimated would see a tax bill in fiscal year 2010 of approximately \$2,490 or an increase of approximately 2%.

#### Operating Budget Breakdown:

- Non-School Budget - \$19,356,951, a decrease of 2.6%
- School Budget \$ 7,675,359, an increase of 2.75%
- Total \$27,032,310, a decrease of .3%

The Finance Committee voted 8 for, 0 against, 0 abstains for the budget presented.

**Capital Improvement Plan**

The Capital Improvement Plan provides the taxpayers with a plan of the estimated cost and timing for Capital Projects that the town is considering over the five-year time frame. The approval of the Capital Improvement Plan is not a commitment to spend money. Each plan in the Capital Improvement Plan that subsequently becomes a part of the Capital Plan will be presented to the Town in the future for approval in order to be funded.

**The Finance Committee voted 8 for, 0 against, 0 abstains for the Capital Improvement Plan presented.**

**Respectfully submitted,**

Walter L. Bennett – Chairman  
Mark Fiegel  
Paul Rooker

Peter Monger – Vice Chairman  
Laurence Hayward  
Rick Sigel

Dale Fuller – Secretary  
John Hodgson  
Cynthia Suonpera

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable SS.

To either of the Constables of the Town of Orleans in the County of Barnstable  
GREETINGS:

IN THE NAME OF The Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Town affairs, to meet at the NAUSET MIDDLE SCHOOL GYMNASIUM in said ORLEANS on MONDAY, the ELEVENTH day of MAY in the year TWO THOUSAND NINE at 6:30 P.M. to act on the following:

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**ARTICLE 1. REPORT OF THE SELECTMEN, TOWN OFFICERS AND SPECIAL COMMITTEES**

To act upon the Annual Report of the Board of Selectmen, Town Officers and other Special Committees. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This article provides for the acceptance of the Annual Town Report and any other reports that Town Boards, Committees and Commissions may want to present to the Annual Town Meeting.

<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	7 – YES	0 – NO	0 – ABSTAIN

**ARTICLE 2. TOWN / SCHOOL BUDGET (FY10)**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund and pay departmental expenses for the fiscal year commencing July 1, 2009 and ending June 30, 2010 and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or service as the case may be, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**TOWN OF ORLEANS  
PROPOSED OPERATING BUDGET  
FOR THE FISCAL YEAR JULY 1, 2009 - JUNE 30, 2010**

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2009 ADOPTED</u>	<u>2010 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
		<b>GENERAL GOVERNMENT</b>				
	<b>122</b>	<b>SELECTMEN/TOWN ADMINISTRATOR</b>				
1		SALARY	297,056	309,045	11,989	4.04%
2		EXPENSE	169,750	132,360	(37,390)	-22.03%
	TOTAL	SELECTMEN/TOWN ADMINISTRATOR	466,806	441,405	(25,401)	-5.44%
	<b>123</b>	<b>TELEPHONE/COMMUNICATIONS</b>				
3		EXPENSE	32,065	30,065	(2,000)	-6.24%
	TOTAL	TELEPHONE/COMMUNICATIONS	32,065	30,065	(2,000)	-6.24%
	<b>124</b>	<b>MEDIA OPERATIONS</b>				
4		SALARY	58,103	60,504	2,401	4.13%
5		EXPENSE	30,300	20,248	(10,052)	-33.17%
6		CAPITAL OUTLAY	17,500	17,500	-	0.00%
	TOTAL	MEDIA OPERATIONS	105,903	98,252	(7,651)	-7.22%
	<b>131</b>	<b>FINANCE COMMITTEE</b>				
7		EXPENSE	950	950	-	0.00%
8		RESERVE FUND	85,000	105,000	20,000	23.53%
	TOTAL	FINANCE COMMITTEE	85,950	105,950	20,000	23.27%
	<b>135</b>	<b>FINANCE DIRECTOR</b>				
9		SALARY	201,064	207,264	6,200	3.08%
10		EXPENSE	26,530	22,610	(3,920)	-14.78%
	TOTAL	FINANCE DIRECTOR	227,594	229,874	2,280	1.00%
	<b>141</b>	<b>ASSESSING</b>				
11		SALARY	158,919	143,736	(15,183)	-9.55%
12		EXPENSE	69,190	86,628	17,438	25.20%
	TOTAL	ASSESSING	228,109	230,364	2,255	0.99%
	<b>145</b>	<b>TREASURER/COLLECTOR</b>				
13		SALARY	187,773	190,058	2,285	1.22%
14		EXPENSE	37,996	37,996	-	0.00%
	TOTAL	TREASURER/COLLECTOR	225,769	228,054	2,285	1.01%
	<b>155</b>	<b>MANAGEMENT INFORMATION SYSTEMS</b>				
15		SALARY	75,222	77,509	2,287	3.04%
16		EXPENSE	73,591	70,783	(2,808)	-3.82%
17		CAPITAL OUTLAY	66,400	55,000	(11,400)	-17.17%
	TOTAL	MANAGEMENT INFORMATION SYSTEMS	215,213	203,292	(11,921)	-5.54%
	<b>161</b>	<b>TOWN CLERK/ELECTIONS/VOTER REG.</b>				
18		SALARY	105,727	107,462	1,735	1.64%
19		EXPENSE	15,020	12,100	(2,920)	-19.44%
20		CAPITAL OUTLAY	12,000	-	(12,000)	-100.00%
	TOTAL	TOWN CLERK	132,747	119,562	(13,185)	-9.93%
	<b>171</b>	<b>CONSERVATION</b>				
21		SALARY	104,409	108,457	4,048	3.88%
22		EXPENSE	7,350	5,083	(2,267)	-30.84%
	TOTAL	CONSERVATION	111,759	113,540	1,781	1.59%
	<b>175</b>	<b>PLANNING</b>				
23		SALARY	186,018	191,731	5,713	3.07%
24		EXPENSE	9,000	5,190	(3,810)	-42.33%
	TOTAL	PLANNING	195,018	196,921	1,903	0.98%
	<b>176</b>	<b>ZONING BOARD OF APPEALS</b>				
25		SALARY	7,219	7,431	212	2.94%
26		EXPENSE	2,770	2,812	42	1.52%
	TOTAL	ZONING BOARD OF APPEALS	9,989	10,243	254	2.54%

LINE #	CODE	DEPARTMENT	2009 ADOPTED	2010 PROPOSED	DOLLAR CHANGE	PCT CHANGE
	<b>192</b>	<b>TOWN OFFICE BUILDING</b>				
27		SALARY	47,941	49,346	1,405	2.93%
28		EXPENSE	96,098	89,680	(6,418)	-6.68%
29		CAPITAL OUTLAY	13,000	-	(13,000)	-100.00%
	TOTAL	TOWN OFFICE BUILDING	157,039	139,026	(18,013)	-11.47%
	<b>195</b>	<b>TOWN REPORTS/TOWN MEETING</b>				
30		EXPENSE	11,375	8,350	(3,025)	-26.59%
	TOTAL	TOWN REPORTS/TOWN MEETING	11,375	8,350	(3,025)	-26.59%
	<b>198</b>	<b>COMMUNITY CENTER</b>				
31		EXPENSE	10,136	19,202	9,066	89.44%
	TOTAL	COMMUNITY CENTER	10,136	19,202	9,066	89.44%
		<b>GENERAL GOVERNMENT</b>	2,215,472	2,174,100	(41,372)	-1.87%
		<b>PUBLIC SAFETY</b>				
	<b>210</b>	<b>POLICE/COMMUNICATIONS</b>				
32		SALARY	1,943,907	1,986,805	42,898	2.21%
33		EXPENSE	159,205	158,855	(350)	-0.22%
34		CAPITAL OUTLAY	58,000	47,000	(11,000)	-18.97%
	TOTAL	POLICE/COMMUNICATIONS	2,161,112	2,192,660	31,548	1.46%
	<b>211</b>	<b>POLICE BUILDING</b>				
35		SALARY	18,762	20,072	1,310	6.98%
36		EXPENSE	51,996	47,151	(4,845)	-9.32%
	TOTAL	POLICE BUILDING	70,758	67,223	(3,535)	-5.00%
	<b>213</b>	<b>FUEL</b>				
37		EXPENSE	190,545	147,000	(43,545)	-22.85%
	TOTAL	FUEL	190,545	147,000	(43,545)	-22.85%
	<b>220</b>	<b>FIRE/RESCUE</b>				
38		SALARY	1,855,668	1,835,267	(20,401)	-1.10%
39		EXPENSE	258,535	268,572	10,037	3.88%
40		CAPITAL OUTLAY	70,000	134,000	64,000	91.43%
	TOTAL	FIRE/RESCUE (see note 1)	2,184,203	2,237,839	53,636	2.46%
	<b>221</b>	<b>FIRE BUILDING</b>				
41		EXPENSE	53,777	47,988	(5,789)	-10.76%
42		CAPITAL OUTLAY	45,000	10,000	(35,000)	-77.78%
	TOTAL	FIRE BUILDING	98,777	57,988	(40,789)	-41.29%
	<b>241</b>	<b>BUILDING</b>				
43		SALARY	153,536	158,856	5,320	3.46%
44		EXPENSE	74,591	70,125	(4,466)	-5.99%
	TOTAL	BUILDING	228,127	228,981	854	0.37%
	<b>242</b>	<b>BUILDING CODE BOARD OF APPEALS</b>				
45		SALARY	187	193	6	3.21%
46		EXPENSE	75	50	(25)	-33.33%
	TOTAL	BUILDING CODE BOARD OF APPEALS	262	243	(19)	-7.25%
	<b>244</b>	<b>SEALER OF WEIGHTS &amp; MEASURES</b>				
47		EXPENSE	500	-	(500)	-100.00%
	TOTAL	SEALER OF WEIGHTS & MEASURES	500	-	(500)	-100.00%
	<b>291</b>	<b>CIVIL DEFENSE</b>				
48		SALARY	2,250	2,250	-	0.00%
49		EXPENSE	6,325	10,578	4,253	67.24%
50		CAPITAL OUTLAY	7,000	-	(7,000)	-100.00%
	TOTAL	CIVIL DEFENSE	15,575	12,828	(2,747)	-17.64%
	<b>294</b>	<b>TREE WARDEN</b>				
51		SALARY	56,047	57,705	1,658	2.96%
52		EXPENSE	24,964	24,115	(849)	-3.40%
	TOTAL	TREE WARDEN	81,011	81,820	809	1.00%

LINE #	CODE	DEPARTMENT	2009 ADOPTED	2010 PROPOSED	DOLLAR CHANGE	PCT CHANGE
	<b>295</b>	<b>SHELLFISH/HARBORMASTER</b>				
53		SALARY	208,138	217,043	8,905	4.28%
54		EXPENSE	56,338	55,952	(386)	-0.69%
55		CAPITAL OUTLAY	-	-	-	
	TOTAL	SHELLFISH/HARBORMASTER	264,476	272,995	8,519	3.22%
		<b>PUBLIC SAFETY</b>	5,295,346	5,299,577	4,231	0.08%
		<b>EDUCATION</b>				
	<b>300</b>	<b>ORLEANS ELEMENTARY SCHOOL</b>				
56		SALARY	723,820	733,892	10,072	1.39%
57		EXPENSE	2,980,044	3,062,569	82,525	2.77%
	TOTAL	ORLEANS ELEMENTARY SCHOOL	3,703,864	3,796,461	92,597	2.50%
	<b>310</b>	<b>NAUSET REGIONAL ASSESSMENT</b>				
58		EXPENSE	3,446,174	3,566,538	120,364	3.49%
59		CAPITAL OUTLAY - NRSD AGREEMENT	98,464	92,817	(5,647)	-5.74%
	TOTAL	NAUSET REGIONAL ASSESSMENT	3,544,638	3,659,355	114,717	3.24%
	<b>330</b>	<b>CAPE COD TECHNICAL ASSESSMENT</b>				
60		EXPENSE	221,278	219,543	(1,735)	-0.78%
	TOTAL	CAPE COD TECHNICAL ASSESSMENT	221,278	219,543	(1,735)	-0.78%
		<b>EDUCATION</b>	7,469,780	7,675,359	205,579	2.75%
		<b>PUBLIC WORKS AND FACILITIES</b>				
	<b>421</b>	<b>HIGHWAY</b>				
61		SALARY	510,418	542,658	32,240	6.32%
62		EXPENSE	162,159	154,756	(7,403)	-4.57%
63		CAPITAL OUTLAY	133,000	28,000	(105,000)	-78.95%
	TOTAL	HIGHWAY	805,577	725,414	(80,163)	-9.95%
	<b>423</b>	<b>SNOW REMOVAL</b>				
64		SALARY	31,202	31,202	-	0.00%
65		EXPENSE	57,079	57,079	-	0.00%
	TOTAL	SNOW REMOVAL	88,281	88,281	-	0.00%
	<b>424</b>	<b>STREET LIGHTS</b>				
66		EXPENSE	31,380	29,063	(2,317)	-7.38%
	TOTAL	STREET LIGHTS	31,380	29,063	(2,317)	-7.38%
	<b>431</b>	<b>TRANSFER STATION</b>				
67		SALARY	170,509	173,976	3,467	2.03%
68		EXPENSE	324,758	318,431	(6,327)	-1.95%
69		CAPITAL OUTLAY	45,000	-	(45,000)	-100.00%
	TOTAL	TRANSFER STATION	540,267	492,407	(47,860)	-8.86%
	<b>440</b>	<b>SEWERAGE COLLECTION</b>				
70		SALARY	-	40,000	40,000	
	TOTAL	SEWERAGE COLLECTION	-	40,000	40,000	
	<b>450</b>	<b>WATER</b>				
71		SALARY	492,174	509,265	17,091	3.47%
72		EXPENSE	408,627	448,650	40,023	9.79%
73		CAPITAL OUTLAY	108,000	73,000	(35,000)	-32.41%
	TOTAL	WATER-SRF (see note 2)	1,008,801	1,030,915	22,114	2.19%
		<b>PUBLIC WORKS AND FACILITIES</b>	2,474,306	2,406,080	(108,226)	-2.76%
		<b>HUMAN SERVICES</b>				

LINE #	CODE	DEPARTMENT	2009 ADOPTED	2010 PROPOSED	DOLLAR CHANGE	PCT CHANGE
	<b>510</b>	<b>HEALTH</b>				
74		SALARY	206,475	212,460	5,985	2.90%
75		EXPENSE	57,372	54,818	(2,554)	-4.45%
	TOTAL	HEALTH	263,847	267,278	3,431	1.30%
	<b>541</b>	<b>COUNCIL ON AGING</b>				
76		SALARY	377,346	394,962	17,616	4.67%
77		EXPENSE	103,822	90,405	(13,417)	-12.92%
78		CAPITAL OUTLAY	5,000	5,000	-	0.00%
	TOTAL	COUNCIL ON AGING	486,168	490,367	4,199	0.86%
	<b>543</b>	<b>VETERANS BENEFITS</b>				
79		EXPENSE	36,799	37,909	1,110	3.02%
	TOTAL	VETERANS BENEFITS	36,799	37,909	1,110	3.02%
		<b>HUMAN SERVICES</b>	786,814	795,554	8,740	1.11%
		<b>CULTURE AND RECREATION</b>				
	<b>610</b>	<b>SNOW LIBRARY</b>				
80		SALARY	365,375	369,586	4,211	1.15%
81		EXPENSE	129,381	127,500	(1,881)	-1.45%
82		CAPITAL OUTLAY	5,000	5,000	-	0.00%
	TOTAL	SNOW LIBRARY	499,756	502,086	2,330	0.47%
	<b>630</b>	<b>RECREATION</b>				
83		SALARY	115,558	117,396	1,838	1.59%
84		EXPENSE	17,206	16,060	(1,146)	-6.66%
	TOTAL	RECREATION	132,764	133,456	692	0.52%
	<b>649</b>	<b>WINDMILL</b>				
85		SALARY	3,111	3,204	93	2.99%
86		EXPENSE	4,460	3,950	(510)	-11.43%
	TOTAL	WINDMILL	7,571	7,154	(417)	-5.51%
	<b>650</b>	<b>PARKS &amp; BEACHES</b>				
87		SALARY	913,625	897,171	(16,454)	-1.80%
88		EXPENSE	219,304	211,609	(7,695)	-3.51%
89		CAPITAL OUTLAY	155,800	93,800	(62,000)	-39.79%
	TOTAL	PARKS & BEACHES	1,288,729	1,202,580	(86,149)	-6.68%
	<b>690</b>	<b>OLD KINGS HIGHWAY REG DISTRICT</b>				
90		SALARY	1,169	1,448	279	23.87%
91		EXPENSE	615	625	10	1.63%
	TOTAL	OLD KINGS HIGHWAY REG DISTRICT	1,784	2,073	289	16.20%
	<b>692</b>	<b>MEMORIAL &amp; VETERANS DAY</b>				
92		EXPENSE	2,500	2,500	-	0.00%
	TOTAL	MEMORIAL & VETERANS DAY	2,500	2,500	-	0.00%
	<b>699</b>	<b>SPECIAL EVENTS &amp; INFORMATION</b>				
93		EXPENSE	9,000	3,500	(5,500)	-61.11%
	TOTAL	SPECIAL EVENTS & INFORMATION	9,000	3,500	(5,500)	-61.11%
		<b>CULTURE AND RECREATION</b>	1,942,104	1,853,349	(88,755)	-4.57%
		<b>DEBT SERVICE</b>				
	<b>710</b>	<b>PRINCIPAL - NOTES &amp; BONDS</b>				
94		EXPENSE	2,290,000	1,980,000	(310,000)	-13.54%
	TOTAL	PRINCIPAL - NOTES & BONDS	2,290,000	1,980,000	(310,000)	-13.54%
	<b>751</b>	<b>INTEREST - NOTES &amp; BONDS</b>				
95		EXPENSE	1,055,137	990,046	(65,091)	-6.17%
	TOTAL	INTEREST - NOTES & BONDS	1,055,137	990,046	(65,091)	-6.17%

LINE #	CODE	DEPARTMENT	2009 ADOPTED	2010 PROPOSED	DOLLAR CHANGE	PCT CHANGE
		DEBT SERVICE	3,345,137	2,970,046	(375,091)	-11.21%
		<b>INTERGOVERNMENTAL/INSURANCE</b>				
	<b>820</b>	<b>STATE ASSESSMENTS</b>				
96		EXPENSE	164,348	175,823	11,475	6.98%
	TOTAL	STATE ASSESSMENTS	164,348	175,823	11,475	6.98%
	<b>830</b>	<b>COUNTY ASSESSMENTS</b>				
97		SALARY	1,020,187	1,118,919	98,732	9.68%
98		EXPENSE	255,070	261,409	6,339	2.49%
	TOTAL	COUNTY ASSESSMENTS	1,275,257	1,380,328	105,071	8.24%
	<b>840</b>	<b>OTHER STATE &amp; COUNTY CHARGES</b>				
99		EXPENSE	41,432	41,700	268	0.65%
	TOTAL	OTHER STATE & COUNTY CHARGES	41,432	41,700	268	0.65%
	<b>912</b>	<b>INSURANCE NOTES AND BONDS</b>				
100		EXPENSE	359,167	350,372	(8,795)	-2.45%
	TOTAL	INSURANCE NOTES AND BONDS	359,167	350,372	(8,795)	-2.45%
	<b>913</b>	<b>UNEMPLOYMENT COMPENSATION</b>				
101		EXPENSE	10,069	10,208	139	1.38%
	TOTAL	UNEMPLOYMENT COMPENSATION	10,069	10,208	139	1.38%
	<b>914</b>	<b>EMPLOYEE HEALTH &amp; MEDICARE</b>				
102		SALARY	1,725,845	1,899,813	173,968	10.08%
	TOTAL	EMPLOYEE HEALTH & MEDICARE	1,725,845	1,899,813	173,968	10.08%
		<b>INTERGOVERNMENTAL/INSURANCE</b>	3,576,118	3,858,245	282,127	7.89%
	<b>TOTAL</b>		27,105,077	27,032,310	(72,767)	-0.27%
		TOTAL-OPERATING BUDGETS	27,105,077	27,032,310	(72,767)	-0.27%
		SPECIAL ARTICLES	162,252	88,209	(74,043)	-45.63%
		COMMUNITY PRESERVATION FUND	(145,891)	(116,459)	29,432	-20.17%
		CAPITAL PLAN	185,000	182,000	(3,000)	-1.62%
		<b>GRAND TOTAL</b>	27,306,437	27,186,060	(120,377)	-0.44%

Note 1 \$569,000 of appropriations for the FY 2010 Fire/Rescue budget are offset by revenues from ambulance billings.

Note 2 Appropriations for employee benefits and debt payments associated with Water Department operations are included in the operating budget under employee health/medicare and debt service totals. A portion of the Water Department revenues will be used to offset these costs.

**NON-SCHOOL OPERATING BUDGET  
CAPITAL OUTLAY REQUESTS  
\$10,000 OR GREATER**

<u>DEPARTMENT</u>	<u>LINE ITEM NO.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Media Operations	6	Broadcast Equipment	\$17,500
Manage. Info. Systems	17	Upgrade Computer Hardware and Software	\$55,000
Police/Communications	34	Replace Two Cruisers	\$47,000
Fire/Rescue	40	Replace Chief 4 X 4 (\$27k), Replace Utility Truck (\$48k) AmbPro Billing System (\$59k)	\$134,000
Fire/Rescue Building	42	Replace Trim (\$10k)	\$10,000
Highway	63	Replace Pick-Up	\$28,000
Water	73	Roof Repair (\$12k), Replace Pick-Up (\$32k), Replace Meters (\$29k)	\$73,000
Parks & Beaches	89	Replenish Sand Skaket (\$19k), Replace Unloader (\$45k), Replace Pick-Up (\$29.8k),	\$93,800
<b>TOTAL</b>			<b>\$458,300</b>

**NAUSET REGIONAL SCHOOL DISTRICT - CAPITAL OUTLAY REQUESTS  
PER N.R.S.D. AGREEMENT**

<u>DESCRIPTION</u>	<u>FISCAL YEAR</u>					<u>TOTAL</u>
	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	
<b><u>HIGH SCHOOL</u></b>						
REPLACE GREEN FLOOR IN GYM					10,000	10,000
EXTERIOR PUBLIC ADDRESS SYSTEM	89,299					89,299
BUS/VAN ADDITION/REPLACEMENT				20,000	20,000	40,000
TECHNOLOGY PLAN				50,000	50,000	100,000
REPLACE CARPET LOBBY, AUD., LIBR.	19,670				15,000	34,670
ROOF REPAIR	5,942			90,000	90,000	185,942
REPLACE LAB STATIONS	82,808					82,808
REPLACE TENNIS COURTS				250,000		250,000
PARKING LOT RESURFACING					100,000	100,000
AUDITORIUM LIGHTS	52,262					52,262
RESURFACE TRACK					50,000	50,000
COURTYARD HEAVES/CRACKS					25,000	25,000
INTERIOR DOOR REPLACEMENT				10,000	10,000	20,000
REPLACE WOOD SIDING				150,000		150,000
REPLACE MUSIC EQUIPMENT	20,000				20,000	40,000
PLUMBING FIXTURES	1,575					1,575
CUSTODIAL EQUIPMENT	11,103					11,103
REPLACE BOILER PLANT		650,000				650,000
<b>SUB TOTAL HIGH SCHOOL</b>	<b>282,659</b>	<b>650,000</b>	<b>-</b>	<b>570,000</b>	<b>390,000</b>	<b>1,892,659</b>
<b><u>MIDDLE SCHOOL</u></b>						
REPAIR RUBBER MEMBRANE ROOF	32,698			20,000	20,000	72,698
TECHNOLOGY PLAN	8,016			50,000	50,000	108,016
REPLACE CARPET WITH TILE	24,459					24,459
REPLACE BOILER FIRE BRICK	4,885			11,000		15,885
REMOVE TENNIS COURTS					40,000	40,000
REPLACE WINDOWS					20,000	20,000
REPLACE ROOF FANS					10,000	10,000
REPLACE PICK-UP TRUCK					28,000	28,000
REPLACE BOILER PLANT			650,000			650,000
<b>SUB TOTAL-MIDDLE SCHOOL</b>	<b>70,058</b>	<b>-</b>	<b>650,000</b>	<b>81,000</b>	<b>168,000</b>	<b>969,058</b>
<b><u>CENTRAL OFFICE</u></b>						
MOVE CENTRAL TO MIDDLE SCH.				40,000	60,000	100,000
REPLACE SIDEWALL SHINGLES				10,000		10,000
<b>SUB TOTAL CENTRAL OFFICE</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>50,000</b>	<b>60,000</b>	<b>110,000</b>
<b>TOTAL CAPITAL PLAN</b>	<b>352,717</b>	<b>650,000</b>	<b>650,000</b>	<b>701,000</b>	<b>618,000</b>	<b>2,971,717</b>

**ORLEANS REGIONAL MAXIMUM SHARE: 92,817.00**

**NOTE: AT THE TIME THE WARRANT WENT TO PRESS, THE NAUSET REGIONAL SCHOOL COMMITTEE WAS CONSIDERING THE ABOVE CAPITAL OUTLAY PLAN.**

### **SUMMARY**

This article would set and fund the operational budgets for the normal operation for all Town functions in the amount of \$27,032,310 for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	8 – YES	0 – NO	0 – ABSTAIN

### **ARTICLE 3. CAPITAL IMPROVEMENTS PLAN**

To see if the Town will vote pursuant to CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, Section 7, Action of Town Meeting, Subsection 8-7-1 of the Orleans Home Rule Charter, to act on the Capital Improvements Plan as published in the Warrant, by adopting said Plan with or without amendments thereto, which amendments may include an increase or decrease in the amount of money allocated to any particular line item contained therein, the addition of new line items or the deletion of line items contained therein, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**CAPITAL IMPROVEMENTS PLAN  
FY 2011 - FY 2015**

Project Descriptions	Adopted		Budgeted		Proposed				
	FY10	FY11	FY10	FY11	FY12	FY13	FY14	FY15	
<b>COMMUNITY PRESERVATION ACT</b>									
Program Activity Funding	441,711	(1)	441,711	(1)	(1)	(1)	(1)	(1)	
<b>TRANSFER STATION</b>									
Replace Front End Loader							175,000		
<b>FIRE DEPARTMENT</b>									
Replace Pumper Truck				550,000					
Fire Station Renovation/Addition (CF-32)									
Feasibility Study							45,000		
Architectural & Engineering Design								500,000	
Construction									
<b>HIGHWAY DEPARTMENT</b>									
Water Quality Drainage Improvements (NR-6)(NR12)	150,000		150,000		150,000	150,000	150,000	150,000	
Town Pavement Management Program (T-1)	300,000		300,000		300,000	300,000	300,000	300,000	
New Town Maintenance Facility (CF-11)									
Architectural & Engineering Design	500,000		0						
Construction				6,000,000					
Replace Front End Loader				160,000					
Replace Street Sweeper							170,000		
Replace Dump Truck w/Catch Basin Cleaner							120,000		
<b>PROPERTY ACQUISITION</b>									
Open Space Purchases (OS-2)	1,190,000		0	(2)	(2)	(2)			
Affordable Housing Development (AH-1)	350,000		0	(3)	(3)				
Wastewater Management Purchases (CF-27)				1,500,000	(4)				
<b>PARKS AND BEACHES</b>									
Nauset Beach Off-Site Parking Lot (CF-15)					5,000,000				
Nauset Beach Dune Restoration (CF-15)	200,000		0						

**CAPITAL IMPROVEMENTS PLAN  
FY 2011 - FY 2015**

Project Descriptions	Adopted		Budgeted		Proposed				
	FY10	FY11	FY10	FY11	FY12	FY13	FY14	FY15	
<b>PLANNING DEPARTMENT</b>									
Wastewater Management Plan Implementation (CF-28)									
Pre-Design Engineering Feasibility	175,000		155,000						
Design Engineering Services (Phase 1)				5,000,000					
Construction (Phase 1)									
Design Engineering Services (Phase 2)						42,000,000			2,000,000
Village Center Master Plan (ED-2)									
Economic Assessment	40,000		27,000						
<b>POLICE DEPARTMENT</b>									
Police Station Renovation/Addition (CF-32)				500,000					
Architectural & Engineering Design					7,000,000				
Construction									
<b>SHELLFISH/HARBORMASTER DEPARTMENT</b>									
Replace Town Piers, Docks and Ramps (CF-19)	300,000		300,000		320,000				
<b>SNOW LIBRARY</b>									
Library Renovation/Addition							45,000		
Feasibility Study								500,000	
Architectural & Engineering Design									6,000,000
Construction									
<b>WATER DEPARTMENT</b>									
I & M Plant - Filter Membrane Rack Replacements	285,000		285,000	285,000	285,000				
<b>TOTALS</b>	<b>3,931,711</b>	<b>14,445,000</b>	<b>1,658,711</b>	<b>14,445,000</b>	<b>13,055,000</b>	<b>42,665,000</b>	<b>1,290,000</b>	<b>8,950,000</b>	

**Notations:** References to the Orleans Comprehensive Plan are shown after each project description in parenthesis and described in the addendum.

(1) Community Preservation Act program activities will be supported through state matching funds (estimated at \$190,000), fund reserves for Historical Resources (\$124,605) and Community Housing (\$124,606). Existing Community Preservation Fund Balance and the proceeds from the Community Preservation Surtax will be used to pay debt amortization costs for previous open space purchases funded by long term debt. The balance as of 12/15/2008 is \$441,711.

(2) Open Space Purchases can be made in FY10 up to \$1,190,000. The balance available for FY11 - FY13 will be determined based on expenditures made during the previous year.

(3) Affordable Housing Development purchases can be made in FY10 up to \$350,000. The balance available for FY11 - FY12 will be determined based on any expenditures made during the previous year.

(4) Wastewater Management purchases can be made in FY11 up to \$1,500,000. The balance available for FY12 - FY13 will be determined based on any expenditures made during the previous year.

Date: December 15, 2008  
 Revised: March 27, 2009  
 Approved: April 1, 2009

ITEM	ORLEANS COMPREHENSIVE PLAN IMPLEMENTATION PROGRAM DESCRIPTIONS
AH-1	Develop 35 new units of affordable housing for families over the next twenty years, and support this activity by scheduling it in the capital improvement plan.
CF-11	Construct office, storage and maintenance facility (ies) for Highway Department, Parks & Beaches, and Water Department.
CF-15	Implement improvements to parks and beaches as scheduled.
CF-19	Implement improvements to Town Landings as scheduled.
CF-27	Develop a wastewater management plan for the entire town.
CF-28	Implement recommendations of the wastewater management plan.
CF-32	Study the future facilities and staffing needs of the Police and Fire & Rescue Departments
ED-2	Perform a market feasibility study to determine the types of desirable businesses for Orleans.
NR-6	Prevent direct discharge of untreated stormwater into coastal embayments and ponds.
NR-12	Prevent direct discharge of untreated stormwater into fresh water bodies.
OS-2	Preserve 400 or more acres of high priority parcels for ground and surface water protection, conservation, recreation and other environmental purposes.
T-1	Complete and utilize a Pavement Management System to develop a systematic approach to street maintenance and improvement.

**CAPITAL BUDGET  
FY 2010**

<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>	<u>FUNDING SOURCE</u>
<b>COMMUNITY PRESERVATION ACT</b> Program Activity Funding	\$441,711	Available Funds (CPA)
<b>HIGHWAY DEPARTMENT</b> Water Quality Drainage Improvements Town Pavement Management Program	\$150,000 \$300,000	Bonding Bonding
<b>PLANNING DEPARTMENT</b> Town-Wide Wastewater Mgmt. Pre-Design Engineering Village Center Economic Assessment	\$155,000 \$27,000	Available Funds Available Funds
<b>SHELLFISH/HARBORMASTER</b> Replace Town Piers, Docks and Ramps	\$300,000	Bonding
<b>WATER DEPARTMENT</b> I&M Plant - Filter Membrane Rack Replacements	\$285,000	Bonding (Water Reserves)
<b>TOTAL</b>	<b>\$1,658,711</b>	

**Note:** The following changes to the Capital Improvements Plan are being proposed since its adoption at Town Meeting in May 2008:

**Starting Dates**

Fire Station Feasibility Study (FY12) to (FY14) and A&E Design (FY13) to (FY15); and Snow Library Feasibility Study (FY11) to (FY13), A&E Design (FY12) to (FY14), and Construction (FY13) to (FY15);

**Projects Added**

Police Station Renovation/Addition A&E Design (FY11) and Construction (FY12); Wastewater Management Plan Implementation Phase 1 Eng. Design (FY11) and Construction (FY13), and Phase 2 Eng. Design (FY14);

**Projects Removed**

Eldredge Park Music Shell Replacement (FY11).

## FY 2011 PROJECT DESCRIPTIONS

### **COMMUNITY PRESERVATION ACT – PROGRAM ACTIVITY FUNDING**

Annually, under the CPA Orleans will receive matching funds to its current CPA 3% surtax from the Commonwealth's CPA Trust Fund annually. The amount currently available for appropriation as of 12/15/08 is \$441,711. As required under the CPA, a minimum of 10% of the Town's annual proceeds have to be allocated to each of the three primary purposes: open space, affordable housing and historic preservation. Town Meeting approval is necessary for all Community Preservation Committee recommendations for funding.

<b>Total Project Funding:</b>	<b>TBD</b>
Method of Financing:	Available Funds (CPA)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon use
Average Annual P&I	N/A

### **FIRE DEPARTMENT – REPLACE PUMPER TRUCK**

This item involves the replacement of the 1994 KME Fire Pumper. By FY10 this pumper will be 16 years old with an anticipated construction phase of about 12 months. With the problems that we have had to date with the newer KME pumper, this Engine, #177, has been used as a front line piece longer than was originally anticipated. We could replace this truck with one of equal capabilities, 1250 to 1500 gpm pump, 750 gallon water tank, foam system, seating for 5 or 6 firefighters inside the cab, and a rear body capable of carrying our compliment of equipment that would be transferred, along with the radios and associated electronic equipment, from the old truck to the new truck.

<b>Total Estimated Cost:</b>	<b>\$550,000</b>
Method of Financing:	Bonding (10 years)
Recommended Schedule:	6 Months for completion
Estimated Annual Cost O/M:	12 Months
Average Annual P&I	\$66,300

### **HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS**

This project involves the design and construction of improvements to the town's drainage infrastructure systems in an effort to address storm water quality issues that result from storm water runoff that adversely affects the health of the various town coastal embayments and ponds, along with the town's fresh water bodies. Addressing these drainage issues will bring the town into compliance with US EPA Storm Water Quality Permits and Massachusetts DEP Water Quality requirements. Various state and federal agencies do offer limited grant funding to address storm water issues. As proposed, annual funding requests will be based on a proposed project schedule.

<b>Total Estimated Cost:</b>	<b>\$150,000</b>
Method of Financing:	Bonding (5 years)
Recommended Schedule:	12 Months

Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$33,400

**HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM**

This project involves funding for the local share of the town’s ongoing pavement management program to repair, resurface, and reconstruct town roadways. The Town currently maintains approximately 56 miles of public roadways. Also included under this program is work related to roadway drainage and sidewalk projects. Over the past several years the town has compiled an inventory of the condition of all our roadways in an effort to address, on a priority basis, the long term maintenance needs. As proposed, annual funding requests for roadway and drainage projects would be based on a proposed project schedule. Program funding for laid out public roads will also be supplemented by State Aid Chapter 90 which is approximately \$185,000 per year.

<b>Total Estimated Cost:</b>	<b>\$300,000</b>
Method of Financing:	Bonding (5 years)
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A
Average Annual P & I	\$66,750

**HIGHWAY DEPARTMENT – NEW TOWN MAINTENANCE FACILITY CONSTRUCTION**

This project involves the construction of a new Town Maintenance Facility to replace the existing facilities on Bay Ridge Lane and Giddiah Hill Road. A feasibility study is proposed in FY09 that will focus on evaluating existing and potential sites, as well as the option to include additional town departments in a larger combined facility. Upon completion of the study, the final design of the project would be completed in FY10.

<b>Total Estimated Cost:</b>	<b>\$6,000,000</b>
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$426,000

**HIGHWAY DEPARTMENT – REPLACE FRONT END LOADER**

This item involves the replacement of a Front End Loader in the Highway Department. The purchase will replace the existing loader that was purchased new and put into service in 1996. The loader is utilized for varied tasks in the Highway as well as several other Town departments, including the loading and off loading of various equipment, materials and supplies, re-grading of public gravel roads and removing windblown sand from coastal roads. In the winter it is used for snow removal in the downtown area, plowing the larger town parking lots, and plowing some main roads in heavier snow storm events. The loader is a valuable piece of equipment used in maintenance and upkeep of the Town.

<b>Total Estimated Cost:</b>	<b>\$160,000</b>
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for Completion
Estimated Annual Cost O/M:	\$ 1,500
Average Annual P&I	\$35,600

**PROPERTY ACQUISITION – OPEN SPACE PURCHASES**

This item provides supplementary support for possible future open space purchases only if CPA funds are depleted to the point that they will not fund additional acquisitions. By including this item in the capital plan, it will facilitate the presentation of property purchases or conservation easements for protection of public drinking water supplies, open space and conservation; and passive recreation during future years to Town Meeting (subject to the 2/3 vote required for land purchases). This provides future planning support for the goals of the Official Town Plan/Local Comprehensive Plan. Funding available as of 12/15/08 is \$1,190,000.

<b>Total Estimated Cost:</b>	<b>TBD</b>
Method of Financing:	Bonding (Staggered over 14 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$114,200

**PROPERTY ACQUISITION – AFFORDABLE HOUSING DEVELOPMENT**

This item is included in the capital plan to facilitate the presentation of possible property purchases that may arise during the fiscal year to Town Meeting (subject to the 2/3 vote required for land purchases). This item is intended to cover non-CPA acquisitions specifically for affordable housing. As adopted in the Orleans Comprehensive Plan, the goal is to develop 35 new units of affordable housing for families over the next twenty years. Funding available as of 12/15/08 is \$350,000.

<b>Total Estimated Cost:</b>	<b>TBD</b>
Method of Financing:	Bonding (10 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$42,200

**PROPERTY ACQUISITION – WASTEWATER MANAGEMENT PURCHASES**

This item is included in the capital plan to facilitate the acquisition of property upon completion of the Comprehensive Wastewater Management Plan in order to site sewer collection, treatment, and disposal facilities. It is expected that the Town will need to purchase land, but there may also be opportunity to obtain easements as an alternative. This activity identifies potential expenditures of up to \$1.5 million over a three-year period for land acquisition associated with wastewater management.

<b>Total Estimated Cost:</b>	<b>\$1,500,000</b>
Method of Financing:	Bonding (10 years)
Recommended Schedule:	Open

Estimated Annual Cost O/M: N/A – Dependent upon purpose  
If Bonded, Average Annual P&I \$181,000

**PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN  
IMPLEMENTATION DESIGN ENGINEERING SERVICES (PHASE 1)**

This project involves the completion of the final design necessary for construction of Phase 1 of the treatment facility and collection system based upon the Town Meeting approval of the Comprehensive Wastewater Management Plan in October 2008. Funds would primarily be used to obtain engineering services to develop construction plans and specifications for public bidding. Associated expenses will include permitting, surveys, obtaining necessary land and easements, legal services, and other activities required to prepare for construction of wastewater treatment, collection, and disposal works. Transition issues at the Tri-town Septage Treatment Facility may also need to be addressed in order to provide for continued services during construction.

**Total Estimated Cost: \$5,000,000**  
Method of Financing: Bonding (30 years)  
Recommended Schedule: 24 Months  
Estimated Annual Cost O/M: To be determined during design  
If Bonded, Average Annual P&I \$270,000

**POLICE DEPARTMENT – RENOVATION/ADDITION DESIGN**

This project involves the design of a renovation/addition to the existing Police Station on South Orleans Road based upon further review and evaluation of the available options.

**Total Estimated Cost: \$500,000**  
Method of Financing: Bonding (20 years)  
Recommended Schedule: 18 Months for completion  
Estimated Annual Cost O/M: To be determined during design  
Average Annual P&I \$35,500

**WATER DEPARTMENT – I&M PLANT FILTER MEMBRANE RACK  
REPLACEMENT**

This project involves the replacement of the original Water Treatment Plant Membranes that were supplied with a 5 year performance warranty. The supplier (Pall Corp.) and other experienced professionals advise planning for the replacement as the warranty expires. Assuming the lifetime will be greater than 5 years, 1 of 3 racks would be replaced for 3 successive years beginning in FY10. The replacement with in-kind, ultra modules would carry a 5 year warranty. However, replacement with micro modules would reduce energy costs, provide the possibility of reducing the number of modules (without reducing production capacity) and carry a ten year warranty. At this point, MA DEP would require a pilot study as a treatment change from ultra to micro and a final decision will be made next year.

<b>Total Estimated Cost:</b>	<b>\$285,000</b>
Method of Financing:	Bonding (5 years)
Recommended Schedule:	12 Months for completion
Estimated Annual Cost O/M:	\$9,900 per rack (3)
Average Annual P&I	\$63,400

### **FY 2012 PROJECT DESCRIPTIONS**

#### **PARKS & BEACHES – NAUSET BEACH OFF SITE PARKING LOT**

This project involves the purchase of land for the development of future off-site parking for Nauset Beach. The existing 925 space parking lot at Nauset Beach could be lost within the next twenty years due to ongoing beach erosion and would result in a significant financial loss to the Town. In 2007, daily parking revenues generated from Nauset Beach amounted to \$469,000.

<b>Total Estimated Cost:</b>	<b>\$5,000,000</b>
Method of Financing:	Bonding (10 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$603,000

#### **POLICE DEPARTMENT – RENOVATION/ADDITION CONSTRUCTION**

This project involves the construction of a renovation/addition to the existing Police Station on South Orleans Road based upon the outcome of the project design.

<b>Total Estimated Cost:</b>	<b>\$7,000,000</b>
Method of Financing:	Bonding (20 years)
Recommended Schedule:	18 Months for completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$ 497,000

#### **SHELLFISH/HARBORMASTER DEPARTMENT – REPLACE MUNICIPAL PIERS, DOCKS AND BOAT LAUNCH RAMPS**

This project involves the replacement of the boat launch ramp at the River Road town landing and the replacement of the floating docks in the outer portion of the harbor. The launch ramp is one of our most heavily used and is presently in poor condition. Funding includes the cost for engineering and design, removal of the existing concrete launch ramp, bulkheading and re-grading of the work area and installation of a new concrete launch ramp. The estimated useful life of the launch ramp is twenty years. The floating docks were constructed and installed in the late 1980's and have reached the end of their useful life. Funding includes the cost for replacement of the existing docks.

<b>Total Estimated Cost:</b>	<b>\$320,000</b>
Method of Financing:	Bonding (10 years)
Recommended Schedule:	12 Months for completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$38,600

## FY 2013 PROJECT DESCRIPTIONS

### **HIGHWAY DEPARTMENT – REPLACE STREET SWEEPER**

This item involves the replacement of the street sweeper in the Highway Department that was purchased in 2004. The sweeper is used to clean the 56 miles of public roads and the town owned parking lots.

<b>Total Estimated Cost:</b>	<b>\$170,000</b>
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for Completion
Estimated Annual Cost O/M:	\$5,000
Estimated Annual P & I	\$37,800

### **PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN IMPLEMENTATION CONSTRUCTION (PHASE 1)**

This project involves the construction of the first phase of the wastewater treatment infrastructure identified in the comprehensive wastewater management plan. A sewage treatment facility at the Tri-town site on Bay Ridge Lane, and the Phase 1 collection system will be installed. In this phase, 560 homes will be connected to public sewer service. Funding will provide core infrastructure in the treatment facilities, collection, and disposal systems that will support subsequent phases of the plan.

<b>Total Estimated Cost:</b>	<b>\$42,000,000</b>
Method of Financing:	Bonding (30 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
If Bonded, Average Annual P&I	\$2,268,000

### **SNOW LIBRARY – LIBRARY RENOVATION/ADDITION FEASIBILITY STUDY**

This project involves a feasibility study of the existing library. Since the last expansion of Snow Library in 1991, several factors have come together which warrant an investigation into another expansion and renovation of the existing site. The most notable factors are a) space needs for service to an older population; b) space requirements for meetings, archival/special collections, community activities and art; c) greater space needs for print materials and increase in items in other formats such as audio books, music and films; and d) community expectations for general computer use.

<b>Total Estimated Cost:</b>	<b>\$45,000</b>
Method of Financing:	Available Funds
Recommended Schedule:	12 Months for Completion

## FY 2014 PROJECT DESCRIPTIONS

### **TRANSFER STATION – REPLACE FRONT END LOADER**

This item would replace a Front End Loader at the Transfer Station originally purchased in 2000. The loader is utilized for varied tasks at the Transfer Station as well as several other town departments including the loading and off loading of various equipment, materials and supplies and maintaining the composting area. In the winter it is used for snow removal in the downtown area, plowing the larger town parking lots and plowing some main roads in heavier snow events.

<b>Total Estimated Cost:</b>	<b>\$175,000</b>
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for completion
Estimated Annual Cost O/M:	\$ 1,500
Average Annual P&I	\$39,000

### **FIRE DEPARTMENT – FIRE STATION RENOVATION/ADDITION FEASIBILITY STUDY**

This project involves a feasibility study of the existing fire station to address departmental space needs. The fire station was originally constructed in 1987. Since that time, the full time staff has nearly doubled. In addition, many major pieces of fire apparatus have been added to the department. As a result, the current operations have outgrown the space available in the existing fire station. The purpose of the study will be to identify the various options that may be available to renovate and/or add on to the existing fire station to meet the future needs of the department and the town.

<b>Total Estimated Cost:</b>	<b>\$45,000</b>
Method of Financing:	Available funds
Recommended Schedule:	12 Months for Completion

### **HIGHWAY DEPARTMENT – REPLACE DUMP TRUCK EQUIPPED WITH A CATCH BASIN CLEANER**

This item would replace a Dump Truck Equipped with a Catch Basin Cleaner in the Highway Department. The vehicle is used to remove sediment from catch basins throughout town in an effort to improve drainage system performance and address environmental concerns of contaminated runoff to our surrounding estuaries. The dump truck is also used to haul materials, equipment and plow snow for the Highway Department and it is used by other departments to move equipment, materials and various structures at the assorted seasonal facilities in town.

<b>Total Estimated Cost:</b>	<b>\$120,000</b>
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for completion
Estimated Annual Cost O/M:	\$ 1,800
Average Annual P&I	\$26,700

**SNOW LIBRARY – LIBRARY RENOVATION/ADDITION DESIGN**

This project involves the proposes to fund the design of the renovation/addition to the existing library to address space needs based on outcome of the feasibility study to be completed in FY13.

<b>Total Estimated Cost:</b>	<b>\$500,000</b>
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$35,500

**FY 2015 PROJECT DESCRIPTIONS**

**FIRE DEPARTMENT – FIRE STATION RENOVATION/ADDITION DESIGN**

This project involves the design of a renovation/addition of the existing fire station to address departmental space needs based on the outcome of the feasibility study to be completed in FY14.

<b>Total Estimated Cost:</b>	<b>\$500,000</b>
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be determined during design
Estimated Annual P & I	\$35,500

**PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN IMPLEMENTATION DESIGN ENGINEERING SERVICES (PHASE 2)**

This project involves the completion of the final design necessary for construction of Phase 2 facilities which includes both wastewater collection and local systems based upon the Town Meeting approval of the Comprehensive Wastewater Management Plan in October 2008. Funds would primarily be used to obtain engineering services to develop construction plans and specifications for public bidding.

<b>Total Estimated Cost:</b>	<b>\$2,000,000</b>
Method of Financing:	Bonding (30 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
If Bonded, Average Annual P&I	\$108,000

**SNOW LIBRARY – LIBRARY RENOVATION/ADDITION CONSTRUCTION**

This project involves the construction of the renovation/addition to the existing library to address space needs based on final design selected.

<b>Total Estimated Cost:</b>	<b>\$6,000,000</b>
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$426,000

## SUMMARY

In accordance with Chapter 8-5-1 of the Charter, the Town Administrator shall prepare a five year Capital Improvements Plan (CIP), which shall be designed to deal with the unmet long-range needs, and to implement the goals and objectives of the official town plan.

The purpose of the CIP is to systematically plan, schedule, and finance capital projects over a five year period. The plan is to include, but not necessarily be limited to, major infrastructure projects involving roads, storm drainage, water and sidewalks; public building or facility renovation or replacement; and property acquisitions.

Wherever possible, to emphasize project planning, the CIP will incorporate the progression of a project through the various phases, beginning first with a feasibility study, after which final design plans and specifications are developed, followed by construction to complete the project.

Proposed project financing for CIP projects may include bonding, a proposition 2.5 override or exclusion, or other available funds.

Non-capital plan projects or expenditures budgeted in excess of \$10,000, including motor vehicle and equipment purchases, facility repairs, or materials and supplies will continue to be presented in the annual operating budget as capital outlay requests summarized by department.

As presented, the Capital Improvements Plan includes all proposed projects to be undertaken for the period beginning July 1, 2010 (FY11) through June 30, 2015 (FY15), the five fiscal years following the proposed capital budget (FY10).

The Capital Budget authorizes the appropriation of funds necessary to complete projects proposed in the capital improvement plan as adopted by the May 2008 town meeting for the fiscal year beginning July 1, 2009 (FY10). In accordance with the Orleans Home Rule Charter, any capital improvements project that is not in compliance with the plan must receive a favorable three-fourths majority vote of the town meeting for approval.

<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	7 – YES	0 – NO	0 – ABSTAIN

## ARTICLE 4. FUND COMMUNITY PRESERVATION ACT PROGRAM BUDGET

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund's Annual Revenues and/or available funds for the payment of debt service, the undertaking of Community Preservation projects, the

Administrative Expenses of the Community Preservation Committee and all other necessary and proper expenses for FY10, and to modify the actions taken under prior Community Preservation budgets as they pertain to Project #3, Hinckley Affordable Housing to the extent necessary, or to take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote Required)

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from fiscal year 2010 Community Preservation Fund revenues, unless otherwise specified, for fiscal year 2010 community preservation purposes with each item considered a separate appropriation:

<u>PURPOSE</u>	<u>RECOMMENDED AMOUNT AND SOURCE</u>				
	<u>FY10 Est. Surtax</u>	<u>FY 10 Est. State Share</u>	<u>Housing Transfer</u>	<u>Fund Balance</u>	<u>Total</u>
<i>Appropriations:</i>					
1) Debt service expenses (Note 1)	560,000			131,138	691,138
2) Project #1 Historic Vessel Restoration		65,000			65,000
3) Project #2 Meeting House Electrical				3,770	3,770
4) Project #3 Hinckley Affordable Housing			398,000		398,000
5) Project #4 Condo Purchase Program		77,000	178,000		255,000
6) Project #5 Housing Trust Fund		14,000			14,000
7) Project #6 Nelson Overlook				15,000	15,000
7) Project #7 COA Walkway				60,000	60,000
8) Project #8 Vocalion Organ Restoration				16,000	16,000
9) Project #9 Odd Fellows Hall Restoration		25,500		9,500	35,000
10) Committee Expenses		8,500		30,000	38,500
<i>Reserves:</i>					
Open Space					-
Historic Resources					-
Community Housing			29,000		29,000
Unallocated					-
<b>Grand Total</b>	<b>560,000</b>	<b>190,000</b>	<b>605,000</b>	<b>265,408</b>	<b>1,620,408</b>

Note 1: Debt service previously voted in the operating budget (Article 2).

	<u>Historic Resources</u>	<u>Community Housing</u>
<b>ENDING BALANCE OF RESERVES</b>	124,605	153,606

### **Project 1: Historic Vessel Restoration**

Applicant: Orleans Historical Society  
 Amount: \$65,000

Summary: The Orleans Historical Society owns and maintains the Motor Lifeboat CG36500 which was built in 1946. It is the only 36-foot wooden lifeboat listed on the National Register of Historic Places and is the only 36-foot motor lifeboat that is still operational. It was also involved in what is considered one of the Coast Guard's greatest rescues, the rescue of 32 seamen from the tanker Pendleton off the coast of Chatham in a fierce gale in 1952. Since obtaining the vessel in 1981, the OHS has worked tirelessly to maintain the lifeboat. However, the lifeboat is now in need of major overhaul and restoration with some of the work currently underway at Marine Salvage and Restoration. This grant will allow the OHS to apply for a matching grant from the Massachusetts Historical Commission and will specifically allow the OHS to restore the survivor's compartment on the vessel, where the 32 seamen were placed when they were rescued from the Pendleton.

### **Project 2: OHS Meeting House Electrical Upgrade – Part 2**

Applicant: Orleans Historical Society  
Amount: \$3,770

Summary: The Orleans Historical Society has requested \$3,770 to complete the electrical upgrade project begun in 2008. The Orleans Building Department required commercial armored cable to be used because the Meeting House occupancy is listed at 100 persons. This grant will enable the OHS to complete the project, meeting Building Department codes.

### **Project 3: John P. Hinckley, Jr. Rt. 6A Affordable Housing Project**

Applicant: Joint Committee on Affordable Housing  
Amount: \$398,000

Summary: The Joint Committee on Affordable Housing has requested that \$398,000 of the funds previously voted for the Rt. 6A Affordable Housing Project (an 8 unit rental project) be reallocated and transferred for an ownership type project consisting of two 2-bedroom units and two 3-bedroom units at the same site, and that \$207,000 of the funds previously voted be transferred for other housing uses. The CP Committee has recommended that the \$207,000 be used for the Condominium Purchase Program and Community Housing Reserve.

### **Project 4: Condominium Purchase Program**

Applicant: Joint Committee on Affordable Housing  
Amount: \$255,000

Summary: A CPC funded feasibility study of a condominium purchase program, as a means to increase the Town's affordable housing stock, has indicated that such a program is indeed feasible, especially given today's market opportunities. The Joint Committee on Affordable Housing is, therefore, requesting funds for a pilot program to subsidize the purchase of three units (\$85,000 per unit) for income-

qualified first time home buyers. Under this program the Town would issue an RFP to obtain a Program Administrator to expedite the many facets of the Program.

**Project 5: Orleans Housing Trust Fund**

Applicant: Joint Committee on Affordable Housing  
Amount: \$14,000

Summary: This request is to replenish the Orleans Affordable Housing Trust Fund. Created in 2001 at \$100,000, the balance is now approximately \$36,000. The funds have been used in the past to support feasibility activities prior to purchasing land or existing housing units. The Fund is controlled by the Board of Selectmen and allows the Town to have ready access to funding for due diligence and assessments of potential affordable housing opportunities. The CP Committee is recommending that the Fund be replenished by \$14,000 to bring the balance to approximately \$50,000.

**Project 6: Nelson Overlook**

Applicant: Orleans Conservation Trust  
Amount: \$15,000

Summary: Mr. Louis Nelson bequeathed his home and property on Arey's lane and Pilgrim Lake to the Orleans Conservation Trust, with the stipulation that the house must be demolished within one year, thereby creating open space. OCT is requesting funds to begin the process. The remainder of the money to complete the project will be raised from OCT members and neighbors of the property. Any of the \$15,000 not used will be returned to the Community Preservation Fund.

**Project 7: Senior Center Walkway**

Applicant: Council on Aging  
Amount: \$60,000

Summary: The Council on Aging is currently using Community Preservation Funds to acquire working documents for bidding the Walkway Project. This \$60,000 appropriation would be used, along with additional donations, to create: a walking path behind the Senior Center building; a patio to provide recreational outdoor activity space; and raised flower beds to offer recreational gardening experience for those limited to a wheelchair.

**Project 8: Vocalion Organ Restoration**

Applicant: Orleans Historical Society  
Amount: \$16,000

Summary: This request is to fund the restoration and preservation of the Mason and Risch Vocalion organ, opus #3277. It was probably constructed in 1899 and

was designed to replicate the human voice. In its present condition, the Vocalion is barely playable with many problems that prevent it from operating properly. Further attempts at playing music on this instrument will likely hasten its deterioration. The organ has the original wooden pipe facades which is rare. The CPC is recommending approximately half of the amount necessary for the restoration, to be used as matching funds along with private donations.

**Project 9: Odd Fellows Hall Restoration**

Applicant: Independent Order of Odd Fellows, Lodge No. 132  
Amount: \$35,000

Summary: The Orleans Odd Fellows Chapter has applied to the CPC for funding for the continued renovation of this historically significant building located at 2 Namskaket Rd. Use of the structure dates back for over 110 years when it served as a Town of Orleans schoolhouse. Several years ago, the Odd Fellows Lodge embarked on a major project to preserve this important building using their own funds and donated labor (estimated approximate value of \$130,00 to date), as well as Community Preservation funds. Substantial structural work has been completed but much remains before the building is secure and can again be used by the public. The Odd Fellows Chapter originally requested \$163,614 for the installation of an elevator, replacing the clapboards and replacement and/or restoration of windows. The request was amended to \$95,000 – the same amount as awarded for FY 2009. The recommendation of the CP Committee is to provide \$35,000 for clapboards and windows as a match for other funds raised by the Odd Fellows.

**Committee Expenses: Maximum Allowable \$38,500; Committee voted \$38,500**

The Community Preservation Act mandates that the CP Committee “study the needs, possibilities, and resources of the Town regarding community preservation”. The Act also permits the Committee to allocate up to 5% of CPA funds for administrative and operating expenses. In FY 2010, the Committee anticipates using the funds for legal consultation, maintaining records and potential studies directed toward effectively realizing Orleans possibilities concerning open space, community housing, historic preservation, and recreation. Any and all unused funds at the end of the fiscal year revert to the fund balance for use for future projects.

**Reserves - Community Housing; Committee voted \$29,000**

The CP Committee is recommending that some of the funds made available by reducing the size of the RT. 6A John P. Hinckley Affordable Housing Project be used to increase the Community Housing Reserve. Funds allocated to the Reserve support future project applications that involve adding to the Town's inventory of Community Housing.

**BOS:** 5 – YES 0 – NO 0 – ABSTAIN  
**FC:** 6 – YES 0 – NO 0 – ABSTAIN

**ARTICLE 5. HIGHWAY DEPARTMENT – WATER QUALITY DRAINAGE IMPROVEMENTS**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00), or any other sum, for the purpose of funding the design and construction of improvements to the town’s drainage infrastructure systems, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote, and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

**SUMMARY**

This project seeks to address storm water quality issues resulting from storm water runoff that adversely affects the health of the various town coastal embayments and ponds, as well as the town’s fresh water bodies. Addressing these drainage issues will bring the town into compliance with US EPA Storm Water Quality Permits and Massachusetts DEP Water Quality requirements. Annual funding requests are based on a multi-year completion schedule.

**BOS:**            5 – YES            0 – NO            0 – ABSTAIN  
**FC:**             7 – YES            0 – NO            0 – ABSTAIN

**ARTICLE 6. HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of funding the local share of the town’s ongoing pavement management program to repair, resurface, and reconstruct town roadways, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to

offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

**SUMMARY**

This article will provide the local share of the funding for the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways. The program also includes work related to roadway drainage and sidewalk projects. The town currently maintains approximately 56 miles of public roadways and uses an inventory of roadway conditions to address, on a priority basis, the long term maintenance needs of the town. Funding from this article will supplement existing appropriations, enabling the town to move forward with the completion of projects already scheduled through FY10 that may otherwise be delayed. In addition to local funding of roadway projects, the Town receives State Aid Chapter 90 funds each year; our apportionment for FY10 is \$225,756.

<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	7 – YES	0 – NO	0 – ABSTAIN

**ARTICLE 7. PLANNING DEPARTMENT - WASTEWATER MANAGEMENT PRE-DESIGN ENGINEERING FEASIBILITY**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Fifty-Five Thousand and 00/100 Dollars (\$155,000.00) for the purpose of funding a feasibility study for pre-design engineering relative to the implementation of the comprehensive wastewater management plan (CWMP), and authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This project involves funding over a three year period to ensure an orderly transition from the planning phase of wastewater management to the design and construction phases. As proposed, funding in the third year will be used to prepare a preliminary sewer plan for all six phases; identify all land to be acquired (fee simple or easement) to support system facilities; prepare detailed project cost estimates for construction, annual operating and maintenance, and an updated financing plan. As part of the preliminary design activities, the Town will be filing for a Groundwater Discharge Permit and initiating the Site Assignment Process

through DEP. A Preliminary Design Report will be prepared in sufficient detail to allow final design to proceed efficiently upon acceptance by the Town.

**BOS:**            5 – YES        0 – NO        0 – ABSTAIN  
**FC:**             8 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 8. FUND VILLAGE CENTER ECONOMIC ASSESSMENT**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Twenty-Seven Thousand and 00/100 Dollars (\$27,000.00) and for the purpose of conducting an economic assessment of the Village Center, including all expenses incidental and related thereto; and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This project involves conducting an economic assessment of the Village Center as a follow up to the preliminary market study which was started in 2001 with state funds but never completed. Prior to taking steps to plan for the infrastructure of the district, we need to complete a thorough review and analysis. The market analysis will document details about the Village Center's current condition and explore changes that can reasonably be expected in the future. It will verify what consumers want from the Village Center and discover what businesses our Village Center will support. This study is expected to take six months to complete.

**BOS:**            3 – YES        1 – NO        0 – ABSTAIN  
**FC:**             7 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 9. SHELLFISH/HARBORMASTER DEPARTMENT - REPLACE MUNICIPAL PIERS, DOCKS AND BOAT LAUNCH RAMP**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of funding the replacement of municipal piers and boat launch ramp, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal

Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

**SUMMARY**

This project involves the replacement of the municipal piers located at the Meetinghouse Pond town landing and the River Road town landing and \$125,000 for the replacement of the boat launch ramp at the Cove Road town landing. The piers were built in the late 1970's and have reached the end of their useful lives. Funding includes the cost for engineering and design, removal of the existing piers and support pilings, and installation of new support pilings, decking and handrails. The estimated useful life of both piers is thirty years. The launch ramp was built in the mid 1980's and is one of our most heavily used and, despite annual repairs, is in poor condition. Funding includes the cost for engineering and design, removal of the existing concrete launch ramp, bulkheading and regrading of the work area and installation of a new concrete launch ramp. The estimated useful life of the launch ramp is twenty years.

<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	7 – YES	0 – NO	0 – ABSTAIN

**ARTICLE 10. WATER DEPARTMENT – I&M PLANT FILTER MEMBRANE RACK REPLACEMENT**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Eighty-five Thousand and 00/100 Dollars (\$285,000.00) for the purpose of funding the replacement of Water Treatment Plant membranes, as needed, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (Board of Selectmen)

(2/3 Vote Required)

**SUMMARY**

This project involves the replacement of the original Water Treatment Plant Membranes that were supplied with a 5 year performance warranty. The supplier (Pall Corp.) and other experienced professionals advise planning for the

replacement as the warranty expires. Assuming the lifetime will be greater than 5 years, 1 of 3 racks would be replaced for 3 successive years beginning in FY10.

**BOS:**        5 – YES        0 – NO        0 – ABSTAIN  
**FC:**         7 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 11. ACCEPT TRANSPORTATION BOND BILL FUNDS**

To see if the Town will vote to authorize the Board of Selectmen to accept and enter into a contract for the expenditure of any funds allocated or to be allocated from year to year by the Commonwealth of Massachusetts and/or Barnstable County for the construction, reconstruction and improvements of roads and bikeways within the Town of Orleans, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This article will allow the Town to accept money from the state to perform work under the provisions of Massachusetts General Law Chapter 90, Section 34(2)(a). The Town’s apportionment for FY10 is \$225,756.

**BOS:**        5 – YES        0 – NO        0 – ABSTAIN  
**FC:**         7 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 12. HOLDING STATE HARMLESS FOR WORK**

To see if the Town will vote to assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws, as most recently amended by Chapter 5 of the Acts of 1955, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Management for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tide-waters, foreshores and shores along a public beach, in accordance with Section 11 of Chapter 91 of the General Laws and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

The Commonwealth requires that the Town annually assume all liability for certain damages that may occur when work is performed by the Massachusetts Department Environmental Management within tidal and non-tidal waterways within the Town.

**BOS:**        5 – YES        0 – NO        0 – ABSTAIN  
**FC:**         8 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 13. AUTHORIZATION TO SELL SURPLUS EQUIPMENT & ACCEPT GIFTS**

To see if the Town will vote to authorize the Town Administrator to dispose of surplus supplies and equipment under such terms and conditions as the Town Administrator deems advisable, provided all proceeds from any such disposition are returned to the General Fund, Water Surplus Fund or Reserve for Appropriation account where applicable and to accept any gift items that may be given to the Town on behalf of the citizens of Orleans, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This article authorizes the Town Administrator to dispose of surplus and outdated supplies and equipment during the fiscal year. All money received for the disposal of such goods is to be placed in the General Fund, Water Surplus Fund or Reserve for Appropriation account, as appropriate. It will also allow the Town Administrator to accept gifts to the Town or any departments of the Town without additional Town Meeting action.

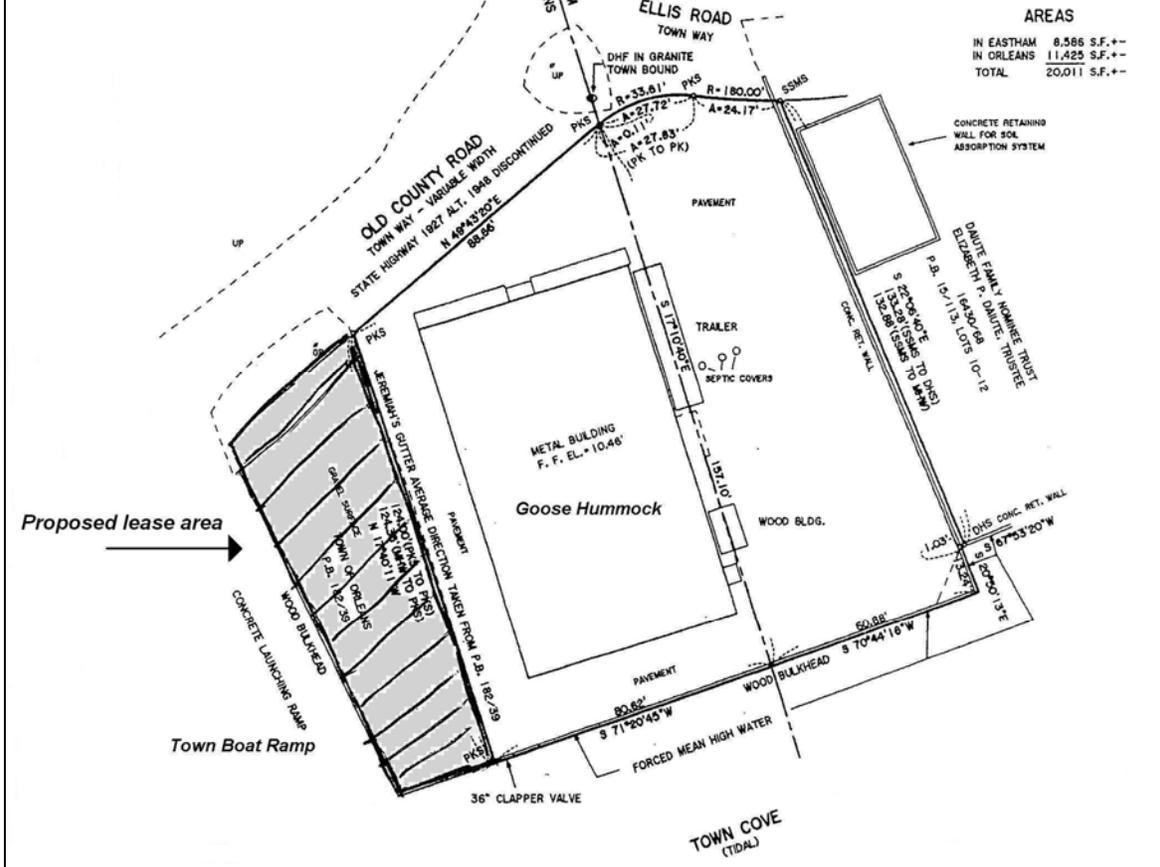
<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	8 – YES	0 – NO	0 – ABSTAIN

**ARTICLE 14. LEASE OF TOWN COVE LAND**

To see if the Town will vote to authorize the Board of Selectmen to lease the property located adjacent to the Town Boat ramp at Town Cove, being a portion of Lot 48 on Town of Orleans Assessors Map 18, consisting of approximately 5,000 square feet, as more particularly shown on a sketch plan dated March 10, 2009, on file with the Town Clerk, for a period not to exceed fifty (50) years, on such further terms and conditions as the Board of Selectmen deem appropriate, or to take any other action related thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**Sketch Plan Showing Proposed Lease Area at Town Cove - March 10, 2009**



**AREAS**

IN EASTHAM	8,586 S.F.+-
IN ORLEANS	11,425 S.F.+-
<b>TOTAL</b>	<b>20,011 S.F.+-</b>

**SUMMARY**

This article authorizes the Board of Selectmen to negotiate a lease of Town-owned land adjacent to the Town Boat Ramp. The site is currently not utilized for municipal purposes. There is a common wooden bulkhead that extends from the boat ramp across several properties and the Town owned portion is in extreme disrepair. If this article is approved, the Town would issue a Request for Proposals that would include a requirement that the lessee maintain the property and upgrade the bulkhead as part of a lease agreement with the Town.

<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	7 – YES	0 – NO	0 – ABSTAIN

**ARTICLE 15. ADOPT M.G.L. CHAPTER 44, SECTION 53E ½ - REVOLVING ACCOUNTS**

To see if the Town will vote to authorize the establishment of the following Revolving Accounts, in accordance with Massachusetts General Law Chapter 44, § 53E ½;

- 1) The Home Composting Bin/Recycling Containers Account, said account not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00). The Account will be used to purchase additional composting bins and recycling containers. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 2) The Council on Aging Account, said account not to exceed Seventy-Five Thousand and 00/100 Dollars (\$75,000.00). Monies on hand in the Account will be used to fund programs, class instructor fees, fees for reservations and tickets related to trips and functions, and an annual volunteer appreciation function. All funds to be spent under the direction of the department manager and the Town Administrator.
- 3) The Conservation Properties Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to pay utility bills and other necessary expenses associated with the rental of the Town owned properties under the jurisdiction and control of the Conservation Commission. Said funds to be spent under the direction of the Conservation Commission and the Town Administrator.
- 4) The Gavigan Property Account, said account not to exceed Eighteen Thousand and 00/100 Dollars (\$18,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the property located on Wildflower Lane. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 5) The Cultural Council Awards Account, said account not to exceed Two Thousand and 00/100 Dollars (\$2,000.00). The Account will be used for awarding of cash prizes for participants and reception expenses for special art gallery showings. Said funds to be spent under the direction of the Cultural Council and the Town Administrator.

Or to take any other action relative thereto to. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This article will authorize, establish and continue the authorization of various revolving funds for the following purposes:

- 1) A revolving fund for the purchase of composting bins and recycling containers. These bins and containers are sold to the general public and the funds collected are placed in a special revolving account that allows for the purchase of additional composting bins and recycling containers.
- 2) A revolving fund for the specific receipts, fees and charges for particular programs, services and activities of the Council on Aging. The Town

Accountant shall account for all funds separately from all other monies of the Town and credit will include only departmental receipts received in connection with the programs supported by such revolving funds.

- 3) A revolving fund for the properties managed by the Conservation Commission. Monies collected as rent will be placed in the account for use to pay utility bills and other necessary expenses associated with the rental of the properties.
- 4) A revolving fund for the Gavigan property. Monies collected as rent from seasonal employees will be placed in the account and used to pay utility bills and other necessary expenses associated with the rental of the property.
- 5) A revolving fund for use by the Cultural Council to award cash prizes for selected juried shows. The funds for cash prizes would be generated by the entry fee that artists pay to show their work.

This article authorizes the establishment of revolving accounts and must be voted on annually.

**BOS:**        5 – YES        0 – NO        0 – ABSTAIN  
**FC:**         8 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 16. ADOPT M.G.L. CH. 71, § 16B – ASSESSMENT FORMULA – NAUSET REGIONAL SCHOOLS**

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 71, § 16B, which would reallocate the sum of the member towns' contribution to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, or to take any other action relative thereto. (Nauset Regional School Committee)

(Simple Majority Vote Required)

**SUMMARY**

This article will apportion the Nauset Regional School Assessments for FY11 to the four member towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four towns establishing the Nauset Regional School District, and has been applied in each of the last nine years by town meeting vote.

**BOS:**        5 – YES        0 – NO        0 – ABSTAIN  
**FC:**         8 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 17. ACCEPTANCE OF M.G.L. CH. 83 §1A: REGARDING INSTALLATION OF SEWER MAINS**

To see if the Town will vote to accept the provisions of M.G.L. Chapter 83 §1A, as amended by Ch. 312 of the Acts of 2008, which authorizes the Town to lay out,

construct, maintain and operate a system or systems of common sewers and main drains in public or private ways for that part of its territory as it adjudges necessary to reduce or eliminate the impacts of nutrient enrichment on surface water bodies or sources of drinking water with such connections and other works as may be required for a system or systems of sewerage and drainage and sewage treatment and disposal, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

Chapter 312 of the Acts of 2008 allows a municipality to lay out sewer lines on public and private ways, and to determine which properties shall connect to the sewer. Properties to be connected would be based on the Orleans Comprehensive Wastewater Management Plan. This ability to “checkerboard” sewer connections is critical to achieving the most efficient and cost-effective collections system to meet the nitrogen removal requirements of the DEP.

**BOS:**        5 – YES        0 – NO        0 – ABSTAIN  
**FC:**         8 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 18. TRANSFER WATER SERVICE CONNECTION FUNDS**

To see if the Town will vote to transfer the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), or any other sum, from the Water Service Connection Funds Reserved for Appropriation Account to the Water Service Connection Account, or to take any other action relative thereto. (Board of Water Commissioners)

(Simple Majority Vote Required)

**SUMMARY**

This article would transfer funds that have been received, from a reserve account to the working account of the Water Department, for the purpose of funding supplies, materials and equipment associated with the installation, maintenance and improvements of water service connections and associated capital investments.

**BOS:**        5 – YES        0 – NO        0 – ABSTAIN  
**FC:**         8 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 19. APPROVE NON-UNION EMPLOYEE COLA (FY10)**

To see if the Town will vote to adopt an amendment to the Personal Bylaw Compensation plans, which amendment provides for a general cost of living wage increase for those employees who are covered by such Plans, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This article will fund a 3% percent cost of living wage increase for those full-time and part-time employees covered by the Personnel Bylaw Compensation plans. Funding for this increase has been included in the Town operating budget.

**BOS:** 4 – YES 0 – NO 1 – ABSTAIN  
**FC:** 7 – YES 0 – NO 0 – ABSTAIN

**ARTICLE 20. FUND ELECTED OFFICIALS COMPENSATION (FY10)**

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2009 as follows:

- 1) Board of Selectmen (4) \$2,000.00 each
- 2) Chairperson \$2,500.00
- 3) Moderator (1) \$ 150.00
- 4) Constables (2) \$ 100.00 each

and to raise and appropriate and/or transfer from available funds the sum of Ten Thousand Eight Hundred Fifty and 00/100 Dollars (\$10,850.00), or any other sum, for this purpose, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This article will provide funding for the Board of Selectmen, Moderator and Constables compensation for Fiscal Year 2010. The Selectmen’s honoraria reflects changes to the Town Charter to be voted on at the May 19 election.

*Fiscal Year 2010 tax rate impact of \$0.003 per thousand.*

**BOS:** 4 – YES 1 – NO 0 – ABSTAIN  
**FC:** 7 – YES 0 – NO 0 – ABSTAIN

**ARTICLE 21. FUND VISITOR MANAGEMENT SERVICES BY ORLEANS CHAMBER OF COMMERCE**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eighteen Thousand Five Hundred Fifty and 0/100 Dollars (\$18,550.00), or any other sum, to be spent under the direction of the Orleans Chamber of Commerce, Inc. and the Board of Selectmen for the purposes of managing summer visitors, making the Town more user-friendly and improving the visual image of the Town, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

The Orleans Chamber of Commerce, Inc. is requesting funds for projects including management of the Town’s Visitor Information Center, staffing, printed materials, displays and fixtures; and projects and functions designed to make the Town of Orleans more user-friendly and safe for residents and visitors. Funding for town-wide beautification projects by the Orleans Improvement Association, in the amount of \$3,000, has been included in the Town operating budget.

*Fiscal Year 2010 tax rate impact of \$0.005 per thousand valuation.*

**BOS:**            5 – YES            0 – NO            0 – ABSTAIN  
**FC:**             8 – YES            0 – NO            0 – ABSTAIN

**ARTICLE 22. FUND HUMAN SERVICES AGENCIES (FY10)**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Sixty-Four Thousand Three Hundred Fifty-Nine and 0/100 Dollars (\$64,359.00), or any other sum, to fund the following human services organizations for the period July 1, 2009 to June 30, 2010.

AIDS Support Group of Cape Cod	2,000
Cape Cod Human Services	6,500
CapeAbilities	5,827
Community Connections	1,500
Consumer Assistance Council	250
Elder Services of Cape Cod and the Islands	2,500
Independence House, Inc.	4,500
Homeless Prevention Council	4,682
South Coast Legal Services	3,100
Lower Cape Outreach Council	6,500
Nauset Together We Can/Juice Bar	5,000
Orleans After School Activities Program	15,000
Outer Cape Health Services	7,000
<b>TOTAL</b>	<b>\$64,359</b>

Said funds to be expended under the direction of the Board of Selectmen, or to take any other action relative thereto. (Board of Selectmen).

(Simple Majority Vote Required)

**SUMMARY**

**The Aids Supports Group of Cape Cod** provides services to persons living with

HIV and AIDS within Cape Cod communities. The Support Group also helps clients to maintain and enhance their quality of life while providing health education/prevention/harm reduction outreach to the residents of Barnstable County via timely and accurate information about HIV/AIDS, STD's and Viral Hepatitis.

- (FY09 funding \$2,000)
- The projected number of Orleans' residents to be served in FY10 is 8.

**Cape Cod Human Services** provides a wide range of quality assured human services (outpatient mental health, psychiatric evaluation and medication follow up, and substance abuse and education) and clinical care by professional personnel to promote the health and well being of individuals, couples and families.

- (FY09 funding \$6,260)
- The projected number of Orleans' residents to be served in FY10 is 90.

**capeAbilities, Inc.**, formerly Nauset Inc., provides vocational rehabilitation services to residents who have disabilities and can benefit from such services but have no other means of support.

- (FY09 funding \$5,827)
- The projected number of Orleans' residents to be served in FY10 is 6.

**Community Connections** coordinates and arranges services that allow people with disabilities to live as independently as possible. Services include Day Centers, Employment, Supported Living, Life Skills and Transportation

- (FY09 Funding \$1,200)
- The projected number of Orleans' residents to be served in FY10 is 6

**Consumer Assistance Council, Inc.** assists consumers by providing information so they are aware of their legal rights should they have difficulties dealing with a business.

- (FY09 funding \$210)
- The projected number of Orleans' residents to be served in FY10 is 200.

**Elder Services of Cape Cod and the Islands** provides many programs including Meals-on-Wheels, a Home Care Program, Protective Services, Elder At Risk Program, Family Caregiver Support, Long Term Care Screening, Nursing Home Ombudsman Program, Senior AIDES Program, Retired and Senior Volunteer Program, Money Management Program, Community Grants, Information and Referral Program and Senior Nutrition Program.

- (FY09 funding \$2,500)
- The projected number of Orleans' residents to be served in FY10 is 72.

**Independence House** is the only comprehensive resource center for victims of domestic violence on Cape Cod, their children and sexual assault survivors on Cape Cod.

- (FY09 funding \$4,500)
- The projected number of Orleans' residents to be served in FY10 is 95.

**The Homeless Prevention Council** serves Orleans residents who are homeless or at risk of homelessness.

- (FY09 funding \$4,180)
- The projected number of Orleans' residents to be served in FY10 is 174.

**Lower Cape Outreach Council, Inc.** provides emergency assistance of free food, clothing, and financial support to individuals and families, which will lead to health, productive and self-sustaining lives as part of the Cape Cod Community

- (FY09 funding \$6,200)
- The projected number of Orleans' residents to be served in FY10 is 181.

**Nauset Together We Can Prevention Council, Inc.** operates the Juice Bar which is an alcohol, tobacco and other drug free club for teenagers from the Nauset Regional School District.

- (FY09 funding \$ 5000)
- The projected number of Orleans' residents to be served in FY10 is 30.

**Orleans After School Activities Program** provides safe, quality after school care for Orleans Elementary School students after school, during vacations and in the summer

- (FY09 funding \$14,200)
- The projected number of Orleans' residents to be served in FY10 is 82.

**Outer Cape Health Services, Inc.** is a federally qualified 501(3) not for profit, JCAHO-accredited community health center that provides high quality primary care to those living in or visiting the Lower and Outer Cape, regardless of their financial circumstances.)

- (FY09 funding \$5,965)
- The projected number of Orleans' residents to be served in FY10 is 480.

**South Coast Legal Services, Inc.,** formerly Legal Services for Cape Cod and Islands, Inc. provides free legal advice and representation to Orleans residents over the age of sixty, despite income, through the Elder Law Project.

- (FY09 funding \$3,000)
- The projected number of Orleans' residents to be served in FY10 is 40

*Fiscal Year 2010 tax rate impact of \$0.017 per thousand.*

**BOS:**            4 – YES            0 – NO            0 – ABSTAIN

**FC:**             6 – YES            0 – NO            0 – ABSTAIN

## **ARTICLE 23. AMEND ZONING BYLAW SECTION 164-4: DEFINITIONS**

To see if the Town will vote to amend Section 164-4 by ~~striking~~ and **adding** the following language:

**BUILDING:** A structure enclosed within exterior walls or firewalls, whether portable or fixed, built, erected, and framed, and having a roof for the shelter of persons, animals, or property. For the purposes of yard requirements, decks and porches shall be considered part of a building but shall not count towards the building coverage of the lot.

**BUILDING COVERAGE:** The buildable upland portion of a lot that is covered by buildings, including as well as porches and bulkheads, but excluding parking areas, pools, decks, or any permanent structures that do not have roofs. [Added 5-13-1996 ATM, Art. 21]

**FENCE:** A combination of materials assembled at a fixed location for the purposes of protection, confinement, enclosure, or privacy. Any fence, that exceeds ~~six~~ **seven (7)** feet in height, as measured from the undisturbed existing natural grade, shall be required to meet yard requirements of an accessory building as set forth in ~~Section 164-22.F~~ setback from the lot line a distance equal to the height of the fence. Trees, hedges, plants and all other vegetation shall not be considered a fence. [Added 5-10-2004 ATM, Art. 25]

**RESTAURANT, CONVENTIONAL: An establishment for the sale of on-premise food, the majority of which is served and consumed at tables or counters on the premises with open plates and utensils, and not in bags or containers suitable for takeout. Any take-out service conducted at a conventional restaurant shall be incidental and subordinate to the on-premise dining.**

Or to take any other action relative thereto. (Planning Board)

(2/3 vote required)

### SUMMARY

This article proposes amending three existing definitions and adding one new definition. Building and building coverage are amended to clarify that porches are considered part of a building and will be counted toward the calculation of building coverage. The definition of a fence is amended to allow up to a 7-foot tall fence, to account for sloping lots and air space under a standard 6-foot section of fence. A new definition of a conventional restaurant is needed to clarify how it is different from a fast-food restaurant, which is prohibited in Orleans.

**BOS:** 5 – YES      0 – NO      0 – ABSTAIN  
**FC:** No significant fiscal impact

### ARTICLE 24. AMEND ZONING BYLAW SECTION 164-4: DEFINITIONS

To see if the Town will vote to amend Section 164-4 by striking and adding the following language:

**BUILDING HEIGHT:** The vertical distance from the average undisturbed existing natural grade at the foundation ~~on the street side of the building~~ to the top of the ridge. Except as otherwise provided in § 164-40.2B, the only portions of a structure permitted above the ridge line shall be chimneys, air conditioning equipment, skylights, ventilators and antennae and other like features appurtenant to buildings that are usually carried above roofs and are not used for human occupancy and which in no event shall exceed 5 feet above the ridge line. [Amended 5-9-1988 ATM, Art. 66; 11-18-1991 STM, Art. 3]

Or to take any other action relative thereto. (Planning Board)

(2/3 vote required)

### SUMMARY

Building height is currently measured only from the street side of the building. The current definition has resulted in an inequity in the regulation of buildings on sloping lots. Lots which slope up from the street side are unduly restricted, while lots which slope down from the street are granted additional building height. The current definition is also difficult to administer for the many panhandle lots in town, as well as for buildings that are situated at angles to the street side or on corner lots. The proposed definition would simply measure building height from the average existing natural grade at the foundation. The new method is used by adjacent neighboring towns and treats all lots in a fair and equal manner.

**BOS:** 5 – YES 0 – NO 0 – ABSTAIN  
**FC:** No significant fiscal impact

### ARTICLE 25. AMEND ZONING BYLAW SECTION 164-21: SCHEDULE OF LOT, YARD AND BULK REQUIREMENTS

To see if the Town will vote to amend Section 164-21.C by ~~striking~~ and adding the following language:

C. In all zoning districts, all construction, with the exception of water-dependent facilities, such as piers, docks, floats, boathouses, structures used in conjunction with fishing and shellfishing and structures used for agricultural purposes, shall be set back a minimum distance equal to one and one-half (1 1/2) times the building height from any coastal bank, coastal beach, coastal dune, salt marsh, inland pond, lake or inland bank bordering on any pond or lake. "Building height," for the purpose of this section, shall be the vertical distance from the preexisting natural grade at the foundation on the side of a building facing the coastal bank, coastal beach, coastal dune, salt marsh, inland pond, lake or inland bank bordering on any pond or lake, as defined herein, to the highest point of the building(s). Notwithstanding anything contained in this section, no building shall be required to be set back more than fifty (50) feet from any coastal bank, coastal beach, coastal dune, salt marsh, inland pond, lake or inland bank bordering on any

pond or lake. The terms "coastal bank," "coastal beach," "coastal dune," "salt marsh," "inland bank," "pond" or "lake," as used in this section, shall be defined as in the Massachusetts Wetlands Protection Act, MGL C. 131, § 40, and the regulations issued thereunder, 310 CMR 10.04, as of May 2008. ~~April 1, 1983.~~

Or to take any other action relative thereto. (Planning Board)

(2/3 vote required)

#### **SUMMARY**

The zoning requirements for building setbacks from coastal banks and other coastal features make reference to a state regulation for the definition of those coastal features. The date of the state regulation has changed and the proposed zoning amendment would correctly cite the state regulation.

**BOS:** 5 – YES 0 – NO 0 – ABSTAIN  
**FC:** No significant fiscal impact

#### **ARTICLE 26. AMEND ZONING BYLAWS SECTION 164-22: MODIFICATIONS**

To see if the Town will vote to amend Section 164-22.I.2 (Yard Requirements in the VC District) by ~~striking~~ and **adding** the following language:

164-22.I.2: Side and rear yards shall be a minimum of ten (10) feet or more, except that, by Special Permit by the Board of Appeals, following consultation with the Fire Chief and Board of Health, said side and rear yards may be reduced to zero (0) for party wall ~~or similar~~ construction, **or access for disabled persons**, provided that adequate access is assured for fire or other emergency and public services and that satisfactory provisions have been made for storm drainage and sewage disposal.

Or to take any other action relative thereto. (Planning Board)

(2/3 vote required)

#### **SUMMARY**

The required side and rear yard setbacks in the Village Center are 10 feet. The setback may be waived for party walls. This amendment would add an allowance for handicapped access within the side yard setback in order to provide reasonable accommodations for disabled persons.

**BOS:** 5 – YES 0 – NO 0 – ABSTAIN  
**FC:** No significant fiscal impact

## ARTICLE 27. AMEND ZONING BYLAW SECTION 164-35: SIGNS

To see if the Town will vote to amend Section 164-35 by striking and **adding** the following language:

### § 164-35. SIGNS.

**A. Purpose.** It is the purpose of this section to regulate the size, location and appearance of signs within the Town of Orleans in order to facilitate thea smooth **and safe** flow of traffic within the town while preserving the essential character of the neighborhoods in which signs are located.

**B. Definitions.** As used in this section, the following terms shall have the meanings indicated:

#### **A-FRAME SIGN / SANDWICH BOARD SIGN – A portable freestanding sign or folding sign with a hinge at the top.**

**BACK LIT SIGN** — A sign illuminated by a non- visible light source consisting of non-translucent lettering and where the only visible light is light reflected off the background creating a “halo” effect. The average face brightness of the sign must not exceed thirty (30) foot-lamberts, and the total light output from the sign must not exceed fifteen thousand (15,000) lumens, as measured with an exposure meter. In all cases, the primary source of light must not be visible to the public. The sign fabricator or his designated agent will certify after installation that the average face brightness of the sign does not exceed the specifications of the article. [Added 5-9-2005 AT M, Art. 33]

#### **BANNER SIGN – A sign of lightweight, plastic, fabric, or similar non-rigid material that is temporarily mounted.**

**DOUBLE-FACED SIGN** — Shall have two (2) advertising surfaces of identical shape and size, on shared supports and separated by a distance of not more than eighteen (18) inches. The planes of such advertising shall be parallel.

**INTERNALLY ILLUMINATED SIGN** — A sign illuminated by a light source, either incandescent, fluorescent, neon, or other light that is enclosed by the sign panel(s) or within the sign. [Added 10-13-1987 STM; amended 5-9-2005 ATM, Art. 33]

**LADDER SIGNS** — **A sign identifying several businesses located on the same property or within a shopping plaza.** ~~On any lot on which three (3) or more businesses are located, all freestanding signs shall be of the ladder type, and no business shall be permitted a freestanding sign other than a sign located on the ladder.~~

**MOBILE SIGN** — A sign attached to a vehicle or trailer and located in a stationary position primarily for use as an advertising or identifying device. Such signs may be considered either temporary or permanent.

**PERMANENT SIGN** — One that is used to identify or advertise a principal use or activity for the property with which it is associated.

**SIGN** — Any device, including recognizable logos, pictographs and objects of similar nature, which is used to identify or advertise a permitted use, service or activity in the zone in which it is located.

**SIGN AREA** — The area of the smallest single horizontal or vertical rectangle which will totally enclose the face of a sign, including any borders, or, in the case of a sign painted or otherwise applied directly to the sides of buildings, the smallest vertical or horizontal rectangle which will completely enclose the identifying or advertising information. Support structures for freestanding signs shall not be considered in determining “sign area” unless they are deemed to contribute significantly to the advertising content of the sign or are of such construction that they would contribute to the limiting of vision of oncoming traffic. The area of a two-faced sign shall be figured using one (1) face only.

**SIGN HEIGHT – The height of the sign from the existing average natural grade to the top of the highest point of the sign.**

**TEMPORARY SIGN** — One that is used to identify or advertise a use or activity that is not a principal use or activity for the property with which it is associated and which is intended for removal when such use or activity stops. Such signs shall include but are not limited to sale, rent or lease signs erected by a property owner or licensed real estate broker, yard sale, garage sale or open house signs.

**WINDOW SIGN** — Any temporary or permanent sign visible on or through a window, affixed to the window or with any part situated closer than two (2) feet from the interior surface of a window. “Window signs” for an identified business shall not obscure more than twenty-five percent (25%) of the surface area of the windows on any one (1) side of the building or portion of a side of a building occupied by the business. Temporary “window signs” exceeding this amount of area may be displayed for up to fourteen (14) consecutive days two (2) times per year. “Window signs” shall be measured according to the method in the definition of “sign area” in this subsection. The surface area of a window shall include the gross area within the exterior frame of the window. “Window signs” shall not be included in the total number of signs allowed per business and shall not be limited in number. Requirements of the definition of “internally illuminated signs” shall apply to “window signs.” No fee or permit shall be required. [Added 5-9-1988 AT M, Art. 65]

### **C. Sign permits.**

- (1) No sign shall be erected or altered without a permit granted by the Building Inspector **Commissioner**, except as otherwise provided herein. **All signs, other than temporary signs, shall be subject to review and**

**approval by the Architectural Review Committee under Section 164-33.1.C.**

(2) All applications for sign permits shall include a sketch or photograph of the proposed sign showing size, colors and materials used and a site plan for the associated property showing the height and proposed location of the sign, as well as locations of buildings, driveways, street lines and pavement edges, as well as the location of any trees or shrubbery that might interfere with traffic visibility. [Amended 5-6-1986 AT M, Art. 69]

~~(3) — Preexisting, nonconforming signs. Permanent signs which do not conform to this section, lawfully erected before enactment of this section, or permanent signs not yet erected but for which permits have been granted prior to enactment of this section may be erected and/or maintained, provided that such erection shall take place within ninety (90) days of enactment of this section.~~

~~(4) — Sign permits shall be deemed to be associated with the use, service or activity with which the sign is associated and shall become void thirty (30) days after such use, service or activity ceases. Signs whose permits have become void under this principle shall be removed promptly by the end of this thirty-day period. Signs for uses, services or activities of a seasonal nature which are removed during the off-season may be re-erected, and their permits remain in effect, provided that a period of one (1) year has not elapsed since removal of the sign.~~

~~(5)~~ (3) The following signs may be erected without a permit granted by the Building Inspector **Commissioner**, provided that they conform in all respects to height, setback and other restrictions as set forth elsewhere in this section:

(a) One (1) permanent sign, not to exceed four (4) square feet in area, identifying the principal occupant of a dwelling in a residential or other zone.

(b) One (1) temporary sign not to exceed six (6) square feet in area, advertising property for sale, rent or lease. Such sign shall be removed within ten (10) days of a transfer of title or signing of a lease or rental agreement.

(c) Permanent signs, not exceeding four (4) square feet in area, whose purpose is solely for direction of traffic, such as “Enter,” “Exit,” “Parking” and the like, and which contain no advertising information.

(d) Accessory signs, such as “Open,” “Closed,” “Sale” and the like, not exceeding three (3) square feet in area, which are attached to signs for which permits have been issued. **One (1) Flag of a similar nature is permitted, up to six (6) square feet in area.**

(e) Signs within the confining walls of a building or window sign.  
[Amended 5-9-1988 AT M, Art. 65]

(f) Legal notices or informational signs erected or required by governmental bodies.

(g) Church, school, municipal, historical and ladder-type signs for property owners' group listings.

**(h) One (1) contractor sign for the general contractor or contractor who takes out a building permit to work on property, not to exceed four (4) square feet in area. Such signs shall be removed promptly upon completion of the contracted services.**

(64) Temporary sign permits. Upon at least twenty-four (24) hours' notice, the Building Inspector **Commissioner** may issue, ~~with the concurrence of the Selectmen and without advisory review,~~ permits for the erection of signs advertising yard or garage sales, open houses, special events and the like. **Not more than two (2) such signs shall be permitted per event.** Such signs shall conform to this section in all other respects and shall be removed within twenty-four (24) hours after the end of the event. **Such signs shall meet the dimensional requirement set forth in Section 164-35. H., but shall not exceed fifteen (15) square feet in sign area.**

(75) Fees. Fees may be charged for the issuance of a sign permit in accordance with a schedule as ~~may be determined from time to time~~ **determined** by the **Board of** Selectmen.

**D. Signs for customary or self-employed home occupation.** One (1) sign not to exceed six (6) square feet in area shall be permitted for a customary self-employed or home occupation in any zone for which a Special Permit or variance has been granted by the Board of Appeals, subject to any restrictions as to lighting, etc., imposed by the Board of Appeals, provided that such sign conforms in all other respects to the provisions of this section.

**E. Projecting signs.**

**(1) Projecting signs of up to three (3) square feet in area are permitted to project over walkways and shall maintain a clearance height of eight (8) feet below the bottom of the sign. No sign shall project over any lot line or any way intended for vehicular traffic.**

**(2) No sign affixed to any building shall project more than four (4) feet in any direction beyond the exterior walls of such building. Such signs shall meet the dimensional requirement set forth in Section 164-35. H.**

**F. Banners**

**Banners are permitted in all business districts for not more than four (4) calendar days in any one calendar month. There is a limit of one and a temporary sign permit is required, that permit shall not be for longer than four (4) months. All Banners are subject to section 164-35.I.1**

**Banner signs over public streets are regulated per section 164-35.K.**

**G. Ladder signs.**

**On any lot on which three (3) or more businesses are located, all freestanding signs shall be of the ladder type, and no business shall be permitted a freestanding sign other than a sign located on the ladder. In cases where businesses are not readily visible from the street, one additional sign may be allowed by Special Permit.**

**H. Prohibited signs.** The following types of signs shall be prohibited:

(1) ~~In all zones, a~~ **Any** sign that employs intermittent or flashing lights, whirling or similar moving devices or that emits noises or other loud sounds.

(2) ~~In all districts, a~~ **Any** internally illuminated sign ~~or sign employing illuminated gas-filled types or any other sign for which the primary source of light is visible to the public.~~

(3) Off-premises signs, except subdivision identification signs at entrances to subdivisions **or except signs allowed in public display areas as designated by the Board of Selectman**

(4) Billboards of a general advertising nature.

(5) Signs attached to trees or utility poles.

**(6) Temporary signs except as described in 164-35.C.4 or 164-35.C.3.b**

**(7) Inflatable signs.**

~~(6-8)~~ Sandwich-board or A-frame-type signs that exceed 6 square feet in area. ~~except as provided for in Subsection B, definition of "temporary sign."~~

**I F. Size, height, setback and other restrictions**

~~(1)~~ No sign shall project over any public way intended for vehicular traffic nor more than four (4) feet over any sidewalk or public right-of-way intended for pedestrian use.

~~(2)~~ No sign affixed to any building shall project more than four (4) feet in any direction beyond the exterior walls of such building.

~~(31)~~ Size and location.

(a) Signs shall be governed as to size and location according to the following table:

<b>Setback from property street line (feet)</b>	<b>Maximum height for freestanding or projecting signs (feet)</b>	<b>Maximum sign area (square feet)</b>
1-3	3	6
3-10	6	15
10-25	10	32
Over 25	12	60

\*NOTE: Area for signs on ladder-type signs shall be computed individually without regard for open space between signs, and maximum aggregate sign area shall be as set forth above, except that the maximum aggregate area for ladder signs required in Subsection B, definition of "ladder signs," may be increased up to one-third (1/3) by special permit from the Board of Appeals.

(b) No sign shall be located closer than ten (10) feet to any side lot line, except panhandle lots.

~~(42)~~ **Waiver of setback requirement.** In cases where the distance from the pavement edge to the ~~street~~property line exceeds ten (10) feet, the setback requirement may be waived on recommendation of the Planning Board and Traffic Study Committee, and setbacks may be computed from the pavement edge instead of the ~~street~~property line. In no case shall any sign be located closer than one (1) foot to any ~~street~~property line, and all permits for signs for which setback requirements have been waived shall be subject to review and modification.

~~(53)~~ **Number of signs.** No business shall have more than three (3) signs other than accessory signs not requiring permits as described elsewhere in this section. No residence shall have more than one (1) sign.

**J. G. Erection time, inspection and removal of sign violations, and pre-existing signs**

(1) A sign permit shall become void for any sign that is not erected within six (6) months of issuance of such permit.

(2) All signs for which permits are required shall be subject to inspection to check conformance to site plan and bylaw restrictions. Requests for

inspection shall be made to the Building Inspector **Commissioner** within ten (10) days of erection of any sign requiring a permit.

(3) **A sign that is determined by the** ~~The Building Inspector~~ **Commissioner to be in violation of this section** shall ~~cause to be removed or modified within ten (10) days of such finding any sign which is found to be in violation of this section.~~

**(4) Preexisting, nonconforming signs. Permanent signs that do not conform to this section, lawfully erected before enactment of this section, or permanent signs not yet erected but for which permits have been granted prior to enactment of this section may be erected and/or maintained, provided that such erection shall take place within ninety (90) days of enactment of this section.**

**(5) Sign permits shall be deemed to be associated with the use, service or activity with which the sign is associated and shall become void thirty (30) days after such use, service or activity ceases. Signs whose permits have become void under this principle shall be removed promptly by the end of this thirty-day period. Signs for uses, services or activities of a seasonal nature that are removed during the off-season may be re-erected, and their permits remain in effect, provided that a period of one (1) year has not elapsed since removal of the sign.**

**(6) Alterations to a preexisting, nonconforming sign shall require the sign to come into compliance with all of the requirements herein. For the purpose of this section alterations shall consists of changes in any way including change in structure, location, design or lettering.**

**K H.** Notwithstanding anything else contained in Section 164-35 to the contrary, banners advertising civic, or cultural and/or athletic events conducted by a non-profit entity, may be placed at location(s) across Main Street and/or Eldredge Park Way provided that any such banner, and its location, is approved by the Board of Selectmen or, if designated by the Board of Selectmen, the Town Administrator. In the event multiple requests are made for a common time period the Board of Selectmen or the Town Administrator, as the case may be, may give preference in scheduling and location to Town sponsored events. Banner(s) shall be no more than twenty feet in length and two feet in height and shall be strung in such a manner so the bottom of the banner is fifteen feet off the road surface. Banner(s) shall be temporary in nature and removed as soon as practicable after the event to which it refers has ended. The Board of Selectmen is hereby authorized to promulgate rules and regulations as they deem necessary to carry out the provisions of this paragraph. [Added 5-19-1997 AT M, Art. 46; amended 10-25-2004 STM, Art. 10]

**L. Lighting of Signs. Lighted signs shall conform with the Outdoor Lighting Bylaw, Chapter 122 of the Orleans General Code.**

Or to take any other action relative thereto. (Planning Board)

(2/3 vote required)

**SUMMARY**

Several amendments to the sign regulations are proposed to make them more functional, practical, and enforceable. The bylaw has been better organized. Definitions of various sign types are now in the definition section and regulations were moved to their proper location. The amendment provides and allowance for A-frame signs or sandwich boards, with appropriate limitations. Temporary signs are better described for yard sales, contractor signs, and banners. New regulations on projecting signs were added, and a single "flag" sign is allowed with limits on size. Ladder signs are clarified for commercial plazas, and an additional sign is permitted for businesses which cannot be seen from the plaza entrance. Finally, the amendment proposes that nonconforming signs be brought into compliance when they are altered.

**BOS:** 5 – YES 0 – NO 0 – ABSTAIN

**FC:** No significant fiscal impact

**ARTICLE 28. ADOPT GENERAL BYLAW, CH. 125: LITTERING**

To see if the Town will vote to amend the General Bylaws by adopting Chapter 125, Littering, as follows:

Chapter 125 – Littering

§125-1. Prohibited acts; "litter" defined.

No person shall throw, deposit, sweep or abandon upon any public way or any property owned by the Town or on property of another any litter. For purposes of this provision, "litter" includes but is not limited to paper wrappers from sandwiches; paper, styrofoam, or plastic cups; plastic bags; paper bags; cup lids; cigarette butts; cigarette packs; gum packs; paper towels; tissues; fruit skins and containers; bottles, cans, or any other refuse which would be considered trash.

§125-2. Violations and penalties; enforcement.

A. Violation of this chapter shall be punishable by noncriminal disposition pursuant to the provisions of MGL c. 40, § 21D. For the purposes of noncriminal disposition, penalty to apply in the event of a violation shall be as follows: \$50 for the first offense; \$100 for the second offense; \$300 for the third offense and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

B. This chapter shall be enforced by natural resources officers, harbor masters, assistant harbor masters, Town police officers, or any other official so authorized by the Board of Selectmen.

or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

The Town currently does not have a littering bylaw. This bylaw would define litter, set forth penalties for violations, and assign enforcement authority.

<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	7 – YES	0 – NO	0 – ABSTAIN

**ARTICLE 29. AMEND GENERAL BYLAWS, CH. 120: NOISE**

To see if the Town will vote to amend the General Bylaws, Chapter 120, Noise, by deleting Chapter 120 (§120-1, §120-2§, §120-3 and §120-4), in its entirety and inserting in place thereof the following new Chapter 120, Noise:

§120-1. **UNLAWFUL NOISE PROHIBITED**

It shall be unlawful for any person or persons occupying or having charge of, or being present in or about any building, dwelling, structure, premises, shelter, boat, vehicle or conveyance, or any part thereof, in the Town (other than that section of any establishment licensed under M.G.L. c. 138), to create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise, including any such noise in the operation of any radio, phonograph or other sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noise or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise or to attract attention, or loud or continuous animal noises, where such noise is plainly audible at a distance of 150 feet from the building, structure, premises, shelter, vehicle, boat or conveyance in which or from which it is produced.

The fact that the noise is plainly audible at a distance of one hundred fifty (150) feet from the building, dwelling, structure, premises, shelter, boat or vehicle from which it originates or when the noise occurs between 10:00 PM and 7:00 AM, shall constitute prima facie evidence of a violation of this By-law.

Any person shall be deemed in violation of this By-law who shall make, or aid and abet, or cause, or suffer or countenance or assist in the making of any such noise.

§120-2. **EXEMPTIONS.**

The following uses and activities shall be exempt from the provisions of this By-law:

- A. Emergency Vehicles. Any police or fire vehicle or any ambulance while engaged in necessary emergency business.
- B. Highway and Utility Maintenance and Construction. Necessary excavation in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the town, or any public utility or any agency of the Commonwealth of Massachusetts.
- C. Public Address. The reasonable use of amplifiers or loud speakers for public addresses which are non-commercial in nature.
- D. Garbage and Refuse collection vehicles, or vehicles providing an emergency service including without limitation fuel delivery vehicles.

§120-3. **PENALTIES.**

The first violation of this By-Law shall be punished by a fine of not more than \$50.00.

The second violation of this By-Law within 12 months after the first violation shall be punished by a fine of not more than \$100.00.

Further violations within 12 months after the last violation shall be punished by a fine of two hundred fifty dollars \$250.00.

Each such act which either continues or is repeated more than once shall be prosecuted as a separate offense.

If the violation occurs on the premises of rental property, then the owner will be notified in writing that a violation(s) has occurred.

§120-4. **ENFORCEMENT.**

This Bylaw shall be enforced by the Orleans Police Department. Officers may:

- A. Issue a verbal warning.
- B. Issue a written warning on the appropriate departmental form.
- C. Utilize the noncriminal disposition procedure authorized by the Orleans By-Law §1-1 and M.G.L. c. 40, §21D.

or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This proposed amendment seeks to clarify the existing noise bylaw and provide further guidance in its enforcement.

**BOS:**            5 – YES            0 – NO            0 – ABSTAIN  
**FC:**             7 – YES            0 – NO            0 – ABSTAIN

**ARTICLE 30. ADOPT GENERAL BYLAW, CH. 126: PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL**

To see if the Town will vote to amend the General Bylaws by adopting Chapter 126, Public Consumption of Marijuana or Tetrahydrocannabinol, as follows:

Chapter 126 – Public Consumption of Marijuana

§126-1. Prohibited acts.

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, §1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

§126-2. Violations and penalties; enforcement.

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40, §21, or by noncriminal disposition pursuant to G.L. c. 40, §21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this bylaw shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C §32L. For the purposes of enforcing this bylaw, any person charged with a violation of this bylaw shall be required to provide proper identification.

§126-3. In the event that any provision, section or clause of this bylaw is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of these regulations.

or to take any other actions related thereto. (Board of Selectmen)

(Simple Majority Vote Required)

## SUMMARY

By public referendum at the Nov. 4 election, Massachusetts voters decriminalized the possession of an ounce or less of marijuana. The new law specifically allows communities to draft their own public consumption ordinances or bylaws that prohibit the public use of marijuana, and to impose a \$300 fine, the state maximum, as recommended by the Massachusetts Attorney General.

**BOS:**            5 – YES            0 – NO            0 – ABSTAIN  
**FC:**             7 – YES            0 – NO            0 – ABSTAIN

### **ARTICLE 31.    AMEND GENERAL BYLAWS, CH. 104:    AFFORDABLE HOUSING**

To see if the Town will vote to amend the General Bylaws, Chapter 104 of the Code, Affordable Housing, §104-2. DEFINITIONS, as follows:

In the definition 1) Affordable Housing Trust Fund, delete the third sentence which reads:

Expenditures should follow an allocation plan submitted by a joint committee made up of the Housing Task Force and the Orleans Housing Authority Commissioners as appointed by the Selectmen.

and replace with the following sentence:

Expenditures should follow an allocation plan submitted by the Affordable Housing Committee.

Add the following new definition and then renumber the remaining definitions:

1) Affordable Housing Committee - An Affordable Housing Committee shall be established consisting of seven members, who are residents of the Town, to be appointed by the Board of Selectmen, for three year overlapping terms as follows: two members to be appointed for a term of one year and thereafter for a term of three years, two members to be appointed for a term of two years and thereafter for a term of three years, and three members to be appointed for a term of three years.

And further to authorize the Board of Selectmen, to the extent necessary, to dissolve the existing Orleans Housing Task Force, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

## SUMMARY

This amendment replaces the joint committee made up of the Housing Task Force and the Orleans Housing Authority Commissioners with a single Affordable Housing Committee, for the purpose of administering the Affordable Housing Trust fund.

**BOS:** 5 – YES 0 – NO 0 – ABSTAIN  
**FC:** No significant fiscal impact

### ARTICLE 32. AMEND GENERAL BYLAWS, CH. 158: WATER

To see if the Town will vote to amend the Orleans Water Bylaw by ~~striking the following language~~ and inserting the following new text.

ARTICLE I General Regulations [Adopted 3-11-1963 A TM, Art. 41; amended in its entirety 3-9-1970 ATM, Art. 33]

§ 158-1. Guaranty or bond required for extension of mains.

Whenever any extension of the water main is requested upon any street or way, the Board of Water Commissioners, or the Board of Water and Sewer Commissioners, as the case may be, (hereinafter the "Board" may require that, before such extension is made, a guaranty or bond shall be given to the town in such amount and form and with such sureties as they shall approve, conditioned that the obligors shall pay to the town for not more than ten (10) years, at the time appointed for payment of water rates, such sums as shall amount in the aggregate annually to ten percent (10%) upon the cost of such extension, subject to diminution by the amounts that the town shall receive annually from rates paid for water by consumers connected with such extension.

§ 158-2 Protection of watershed; fines and penalties.[Added 5-9-1989 ATM, Art 30]

Any person who, without lawful authority, directly or indirectly corrupts or defiles or who causes the corruption or defilement of the watershed system or any water source located within the Town of Orleans supplying the watershed system including but not limiting to dumping of any type of materials within the watershed of said Town as depicted on assessor's maps, # ~~3, 8, 9, and 11~~ Assessors Map 54, Parcel 1: 490+/- acres, Assessors Map 68, Parcel 5: 3.91 acres, Assessors Map 68, Parcel 7: 6.91 acres, Assessors Map 81, Parcel 10: 13.67 acres, Assessors Map 81, Parcel 9: 3.33 acres, Assessors Map 81, Parcel 5: 11.48 acres, Assessors Map 75, Parcel 119: 4.00 acres, Assessors Map 75, Parcel 87: 6.53 acres filed in the Orleans Tax Assessor's Office, shall be subject to the following fines and penalties. A violation of this bylaw shall be punished by a fine of not more than ~~Two hundred and Fifty and 00/100 (\$250.00)~~ Three Hundred and 00/100 (\$300.00) Dollars for each day such violation occurs or continues. Any such fine or penalty shall be payable to the Treasury of the Town

of Orleans. The fines and penalties imposed under this bylaw are in addition to the fines and penalties imposed under Massachusetts General Laws, ~~Chapter 92, Section 111~~ and Massachusetts General Laws, Chapter 21, Section 43 **42**, and said statutes shall not be construed as a limitation of the enforcement or the extent of violations covered under this bylaw. ~~The fines imposed by this bylaw shall be posted at or near the areas to which it applies and shall be published at least once in a newspaper published in the County where said areas, in whole or in part, are situated.~~ The bylaw shall not be deemed the exclusive remedy available to the Town of Orleans for the corruption or defilement of the Town's watershed. The Town specifically reserves the right to maintain an action under theories of tort law or any other appropriate legal theory.

## ARTICLE II Cross-Connection Control [Adopted 5-9-1989 ATM, Art. 31]

### § 158-3. Purpose.

- A. To protect the public potable water supply served by the ~~Orleans Board Water Commission~~ **Orleans Board Water Commission** from the possibility of contamination of ~~or~~ **or** pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system.
- B. To promote the elimination or control of existing cross-connection, actual or potential, between its customers in-plant potable water system, and non-potable systems.
- C. To provide for the maintenance of a continuing program of cross-connections control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

### § 158-4. Authority.

- A. As provided in the Federal Safe Drinking Water Act of 1974 (Public Law 93-523), and the Commonwealth of Massachusetts drinking water regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.
- B. ~~Orleans The Water Commission~~ **Orleans The Water Commission Department** Rules and Regulations, Adopted August 23, 1988 **and amended 5-2-2007**.

### § 158-5. Responsibility.

The ~~Board Water Commission~~ **Board Water Commission** shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the ~~commission~~ **Water Department** determines that an approved backflow prevention device is required at the Town's water service connection or as inplant protection on any customer's premises, the ~~Commission~~ **Water Department**, or its delegated agent, shall issue a cross-connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the ~~Commission~~ **Water Department**,

install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

§ 158-6. Definitions.

A. Air Gap Separation: the method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.

B. Approved: accepted by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

C. Approved Backflow Prevention Device or Devices: A method to prevent backflow approved by the Department **of Environmental Protection** for use in Massachusetts.

D. Atmospheric Vacuum Breaker: An approved backflow device used to prevent back siphonage which is not designed for use under static line pressure.

E. Auxiliary Water Supply: Any water supply of unknown or questionable quality on or available to the premises other than the suppliers **Water Department's** approved public potable water supply.

F. Back Pressure: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

G. Back Siphonage: A form of backflow due to reduced or subatmospheric pressure within a water system.

H. Backflow: The flow of water or other liquids, mixtures or substances into the distributions pipes of a potable water supply from any source other than the intended source.

I. Backflow Preventer with Intermediate Atmospheric Vent: A device having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and the venting means is force loaded to a normally open position.

J. Barometric Loop: A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

~~K. Commission: The Town of Orleans Water Commission or owner or operator of a public water supply system.~~

L. Contaminant: Any physical, chemical, biological or radiological substance or matter in water.

M. Cross-Connection: Any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain, or other unapproved source.

N. Cross-Connection Violation Form: A violation form designated by the Department **of Environmental Protection**, which is sent to the owner by the water supplier **department** with copies sent to the Department **of Environmental Protection**, plumbing inspectors and Board of Health delineating cross-connection violations found on the owner's premises and a procedure for corrective action.

O. Department: ~~The Massachusetts Department of Environmental Quality Engineering.~~

P. Double Check Valve Assembly: A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.

Q. In-Plant Protection: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.

R. Owner: Any person maintaining a cross-connection installation or owning or occupying premises on which cross-connections can or do exist.

S. Permit: A document issued by the **Water** Department which allows a cross-connection installation.

T. Person: Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the United States, except that nothing herein shall be construed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian Lands.

U. Pressure Vacuum Breaker: An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.

V. Reduced Pressure Backflow Preventer: An approved backflow prevention device incorporating (1) two ~~more~~ check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shut-off valves, (4) necessary appurtenances for testing.

W. Residential Dual Check: An assembly of two spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

X. Reviewing Authority: The **Water** Department, its Designees, or the local plumbing inspector, authorized by M.G.L. C. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device.

#### § 158-7. Administration.

A. The ~~Commission~~ **Board** will operate an active cross-connection control program, to include the keeping of necessary records which fulfills the requirements of the ~~State DEQE's~~ **Department of Environmental Protection** Cross Connection Regulations and is approved by the Department.

B. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Commission's program and the Department regulations.

#### § 158-8. Requirements.

##### A.COMMISSION **WATER DEPARTMENT**.

1. On new installations, the ~~Commission~~ **Water Department** will provide on-site evaluation and/or inspection of plans in order to determine the type

of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.

2. For premises existing prior to the start of this program, the ~~Commission~~ **Water Department** will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.

3. The ~~Commission~~ **Board** will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued **approved** and which will be regularly tested to insure satisfactory operations.

4. If the ~~Commission~~ **Board** determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

5. The ~~Commission~~ **Water Department** shall have on its staff, or shall have a delegated representative, who is a backflow prevention device tester certified by the Commonwealth of Massachusetts.

6. The ~~Commission~~ **Water Department** will ~~begin~~ **began** initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department **of Environmental Protection**, during calendar year 1988. Initial focus will ~~be~~ **was** on high hazard industries and commercial premises. **The Water Department continues with an annual survey program.**

B. OWNER.

1. The Owner shall be responsible for the elimination or protection of all cross-connections on his/**her** premises.

2. The Owner shall be responsible for applying for and obtaining all necessary approvals ~~and permits~~ for the maintenance of cross-connections and installation of backflow prevention devices, ~~and applying annually for the renewal of each permit.~~

3. The Owner shall have any device that fails an inspection or test repaired **or replaced** by a licensed plumber.

4. The Owner shall inform the ~~Commission~~ **Water Department** of any proposed or modified cross-connection and also any existing cross-connections of which the owner is aware but has not been found by the ~~Commission~~ **Water Department**.

5. The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

6. The Owner shall install backflow preventers in a manner approved by the **Water Department** ~~Department and by the Commission.~~

7. The Owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by the State ~~DEQE.~~

8. Any Owner of industrial, commercial, or institutional premises having a private well or other private water source must have a permit if the well or source is cross connected to the ~~Commission's~~ **Orleans water** system. Permission to cross connect may be denied by the ~~Commission~~ **Board**. The Owner may be

required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross connected to the Orleans water system.

9. The Owner of any residential premises having a private well or other private water source will not be allowed a physical connection with the public water supply system.

10. The Owner shall be responsible for the payment of all fees for permits, device testings, retesting in the case that the device fails to operate correctly, and second re-inspections for noncompliance with ~~commission or Department~~ Water Department requirements.

#### § 158-9. Degree of hazard.

The ~~Commission~~ Board recognizes the threat to the public water system arising from cross-connections. As such, the ~~Commission~~ Board, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross-connections, could contaminate the public water supply system.

§ 158-10. Enforcement. The ~~Commission~~ Board shall not allow a cross-connection to exist with the public water supply system unless it is considered necessary and all appropriate approvals and /or permits have been issued.

§ 158-11. Existing in-use backflow-prevention devices. Any existing backflow preventer shall be allowed by the ~~Commission~~ Board to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

#### §158-12. Periodic Testing.

A. Reduced pressure backflow preventers **shall be tested and inspected at least semi-annually** and double check valve assemblies shall be tested and inspected at least **annually** ~~semi-annually~~ by the Water Department ~~Commission~~.

~~B. Periodic Testing shall be performed by the Commission's~~ Water Department's certified tester or a Massachusetts Department of Environmental Protection certified tester with the approval of the Water Department, ~~his delegated representative, who shall be a certified tester.~~

C. The testing shall be conducted during the ~~Commission's~~ Water Department's regular business hours. Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the ~~Commission~~ Water Department.

~~D. Reduced pressure backflow preventers and double check valve assemblies must be tested annually by the owner, independent of the semiannual test by the~~

~~water supplier, and said test must be conducted by a certified tester.~~

E. Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the Owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the Owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.

F. Backflow prevention devices ~~will~~ **may** be tested more frequently than specified above in "A" in cases where there is a history of test failures and the ~~Commission~~ **Water Department** feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the Owner.

#### § 158-13 Records and reports.

##### A. RECORDS.

The ~~Commission~~ **Water Department** ~~will initiate and maintain~~ **maintains** the following:

1. Master files on customer cross-connection tests and/or inspections.
2. Master files on approved cross-connection installations.
3. Copies of lists and summaries supplied to the Massachusetts Department of Environmental Quality Engineering **Protection.**

##### B. REPORTS.

The ~~Commission~~ **Water Department** will submit the following to the ~~DEQE~~ **Massachusetts Department of Environmental Protection:**

1. ~~Initial listing of high-hazard cross-connections.~~ **Annual list of all cross connections protected by an approved dual check valve assembly or reduced pressure backflow preventer device.**

2. ~~Initial listing of low-hazard cross-connections.~~

3. ~~Annual update lists of Items 1 and 2 above.~~

4. ~~Annual summary of cross-connection inspections and surveys.~~

#### § 158-14 residential dual check.

~~Effective the date of the acceptance of the Cross-Connection Control Program for the Town of Orleans, Massachusetts,~~ **All** new residential buildings will be **are** required to install a residential dual check device immediately downstream of the water meter. This device will be provided by the ~~Water Commission~~ **Water Department** at a scheduled cost to the homeowner. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the ~~Commission~~ **Water Department.**

The Owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, **The Owner shall be responsible for** ~~provisions may have to be made by the Owner to provide~~ for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

§ 158-15. Strainers.

The ~~Commission~~ **Board** strongly recommends that all new and retrofit installations of reduced pressure backflow preventers and double check valve assemblies include the installation of strainers located immediately upstream of the backflow device. The installation of strainers ~~will~~ **may** preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may “stir up” debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

ARTICLE III Water Supply[Adopted 5-8-2000 ATM, Art. 26 ]

§ 158-16. Authority.

This Bylaw is adopted by the T own under its police powers to protect public health and welfare and its powers under M.G.L. c. 40, §§ 21 et seq. ~~And~~ **and** implements the Town’s authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This bylaw also implements the Town’s authority under M.G.L. c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 158-17. Purpose.

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

§ 158-18. Definitions.

Person shall mean any individuals, corporation trust, partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, § 15-17.

Water Users or Water Consumers shall mean all public and private users of the Town’s public water system, irrespective of any person’s responsibility for billing purposes for water used at any particular facility.

Enforcing person shall mean the Board of ~~Water Commissioners~~, the Board of Health and Health Agent, Police Officers of the Town and any other persons designated by the Board of ~~Water Commissioners~~ to enforce this bylaw.

§ 158-19. Declaration of a State of water Supply Conservation.

The Town, through its Board of ~~Water Commissioners~~, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under § 158-21 of this bylaw before it may be enforced.

§ 158-20. Restricted Water Uses.

A declaration of a State of Water Supply Conservation shall include **but not limited to** one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 158-21.

- a) Odd/Even Day Outdoor Watering. Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
- b) Outdoor Watering Ban. Outdoor watering is prohibited.
- c) Outdoor Watering Hours Restriction. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and/or public notice thereof.
- d) Filling Swimming Pools. Filling of swimming pools is prohibited.
- e) Automatic Sprinkler Use. The use of automatic sprinkler systems is prohibited.

§ 158-21. Public notification of a State of Water Supply Conservation; Notification of DEP (**Department of Environmental Protection**).

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under § 158-20 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

§ 158-22. Termination of a State of Water Supply Conservation; Notice.

A State of Water Supply Conservation may be terminated by a majority vote of the Board of ~~Water Commissioners~~, upon a determination that the water supply

shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by § 158-21.

§ 158-22.1. State of Water Supply Emergency, Compliance with DEP Orders.

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

§ 158-22.2. Penalties.

Any person violating this bylaw shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation, which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21 D of Chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

§ 158-22.3. Severability.

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

ARTICLE V Interest on Unpaid Water Bills [Adopted 10-7-1991 STM, Art. 12]

§ 158-24. Interest rate.

Town water bills which remain unpaid after their due date shall accrue interest at the rate of 14% per annum or at the maximum rate of interest which may be charged on tax bills under the provisions of Massachusetts General Laws Chapter 59, Section 57. Effective January 1, 1992 interest shall accrue from the due date or January 1, 1992, whichever is later, until the date of payment.

ARTICLE VI Water Supply and Watershed District Protection [Adopted 5-12-1992 ATM, Art. 21]

§ 158-25. Authority.

This bylaw is adopted by the Town of Orleans under the Home Rule Amendment and its police powers to protect public health and welfare and the specific authorization under Massachusetts General Laws Chapter 40, Section 21.

§ 158-26 Purpose. [Amended 5-10-2004 ATM, Art. 29]

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare of the inhabitants of the town and quality of groundwater of the town and to preserve and protect the watershed, as defined in § 158-27, as an area primarily devoted to the production of potable water.

§ 158-27. The watershed. [Amended 5-10-2004 ATM, Art 29]

The watershed shall consist of the following tracts of land within the Town: A.

The Route 28 Tract consisting of the following parcels:

- (1) Assessors Map 54, Parcel 1: 490+/- acres.
- (2) Assessors Map 68, Parcel 5: 3.91 acres.
- (3) Assessors Map 68, Parcel 7: 6.91 acres.

B. The Quanset Road Tract consisting of the following parcels:

- (1) Assessors Map 81, Parcel 10: 13.67 acres.
- (2) Assessors Map 81, Parcel 9: 3.33 acres.
- (3) Assessors Map 81, Parcel 5: 11.48 acres.
- (4) Assessors Map 75, Parcel 119: 4.00 acres.
- (5) Assessors Map 75, Parcel 87: 6.53 acres.
- (6) Total area: 39.01 acres.

C. The Lots Hollow Road Tract consisting of the following parcel:

- (1) Map 47, Parcel 96: 3.88 acres.

§ 158-28. Land use within the watershed. [Added 5-10-2004 ATM, Art. 29]

A. The primary use of the land located in the watershed shall be the production, treatment and protection of potable water and to provide suitable sites for the location of future wells.

B. The watershed may also be used for selected recreational activities, as authorized from time to time by the ~~Board of Water Commissioners~~, after notice and a public hearing.

C. The ~~Board of Water Commissioners~~ is hereby authorized to promulgate regulations for the purpose of carrying out the provisions of this bylaw, including the regulation of all activities conducted within the watershed other than the production of water, and uses incidental and related thereto. Failure of the ~~Board of Water Commissioners~~ to promulgate such regulations or a legal declaration of the regulations' invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

§ 158-29. Watershed management plan. [Added 5-10-2004 ATM, Art. 29]

The ~~Board of Water Commissioners~~ shall be charged with the responsibility of drafting a Watershed Management Plan, the primary purpose of which shall be to set forth recommendations for management of the watershed in order to protect the town's supply of potable water. The plan shall include, but not be limited to, an assessment of the natural habitat of the watershed, recommendation(s) for the control of nonpublic water supply activities within the watershed, assessment of the impact(s) of activities within the watershed, recommendation(s) for posting of informative signs and a trail system for passive recreational activities, and an analysis of fiscal impact(s) resulting from the implementation of the Plan. The ~~Board of Water Commissioners~~ shall conduct a public hearing, after public notice, prior to the adoption of the Plan and any amendments thereto.

§ 158-30. Discharge of firearms and explosives regulated.

No person shall fire or discharge any firearms or explosives of any kind for target practice purposes within the limits of the Town of Orleans watershed without the permission of the Board of Water Commissioners.

§ 158-31. Violations and penalties; enforcement.

A. Any person who violates this bylaw, or any regulation promulgated hereunder by the Board of Water Commissioners, shall be liable to the Town in the amount of two hundred ~~thirty~~ **fifty** dollars ~~(\$200.)~~ **(\$250)** for the first violation and ~~three~~ **five** hundred dollars ~~(\$300.)~~ **(\$500.)** for each subsequent violation. Each day or portion thereof during which the violation continues shall constitute a separate offense. [Amended 5-10-2004 ATM, Art. 29]

B. This bylaw may be enforced pursuant to the noncriminal disposition procedures provided for Massachusetts General Laws Chapter 40 Section 21D. (Board of Water Commissioners)

(Simple Majority Vote Required)

**SUMMARY**

This article addresses language inconsistencies without changing any intent or meaning of the sections. It provides for consistent references to the Water Department and the Department of Environmental Protection, and provides for a future Board of Water and Sewer Commissioners. It also addresses inconsistencies with regard to cross connections and the current rules and regulations of the Department of Environmental Protection. Finally, it increases the fines for corruption or defilement of the watershed from \$250 to \$300, and for discharge of firearms for target practice first offense from \$200 to \$250 and subsequent offenses from \$300 to \$500.

**BOS:**            4 – YES            0 – NO            0 - ABSTAIN  
**FC:**             7 – YES            0 – NO            0 - ABSTAIN

**ARTICLE 33. AMEND GENERAL BYLAW SECTION 159-10: MOORING /DOCKING REGULATIONS AND POLICIES**

To see if the Town will vote to amend the General Bylaws, Chapter 159, Waterways, by removing the language from Section 159-10 A(1) indicated by a strikethrough.

No person shall keep or moor any vessel, float, or raft greater than nine (9) feet in overall length ~~for a period in excess of fourteen (14) consecutive days~~ in or on the waters, flats, or shores of the town of Orleans, except when tied to a private pier, without first obtaining a mooring permit and mooring permit sticker from the Harbormaster.

Or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

Removal of the above language will prevent individuals from temporarily mooring their vessels for less than fourteen days. Given the extensive waiting lists for our mooring areas, the temporary mooring of a vessel should not be allowed unless in the event of an emergency situation.

**BOS:**            4 – YES            0 – NO            0 - ABSTAIN

**FC:**             8 – YES            0 – NO            0 - ABSTAIN

**ARTICLE 34. SPECIAL LEGISLATION - ROOM OCCUPANCY TAX**

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation authorizing the Town to impose a room occupancy tax on vacation rentals, including but not limited to apartments, single or multiple family housing, cottages, condominiums and time share units or any such temporary occupancy not currently subject to such tax, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

The purpose of this article is to obtain a sense of the Town Meeting as to whether the Town of Orleans supports the provisions of a bill filed with the state legislature in January, 2009, which seeks to expand the current room occupancy tax by imposing such a tax on all forms of vacation rentals as set forth in the article.

**BOS:**            5 – YES            0 – NO            0 – ABSTAIN

**FC:**             5 – YES            2 – NO            0 – ABSTAIN

**ARTICLE 35. EXPLORE REGIONALIZATION OF POLICE DEPARTMENT WITH OTHER TOWNS**

To see if the Town will vote to support the efforts of the Board of Selectmen to explore the potential for regionalization of the Town's police department with neighboring towns, or to take any other action related thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This article seeks to have the Town Meeting provide guidance to the Board of Selectmen with respect to how they might respond in future discussions with our neighboring towns that focus on efforts to regionalize police services. Recently, the Town held preliminary discussions with Eastham Selectmen regarding the potential to merge our two police departments. That effort led to a state funded grant being awarded to the towns of Orleans, Eastham and Wellfleet to develop a model that towns could follow to regionalize police services in the future since this has not previously been done in Massachusetts.

**BOS:**        5 – YES        0 – NO        0 - ABSTAIN  
**FC:**         7 – YES        0 – NO        0 - ABSTAIN

**ARTICLE 36. CAPE & VINEYARD ELECTRIC COOPERATIVE MEMBERSHIP**

To see if the Town will vote to authorize the Board of Selectmen to apply on behalf of the Town for membership in the Cape & Vineyard Electric Cooperative, Inc., (the “Cooperative”) all in accordance with the Bylaws of the Cooperative, a copy of which, amended as of August 11, 2008, is on file with the Town Clerk, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This article would allow the Board of Selectman to apply for membership in the Cape and Vineyard Electric Cooperative, and to join the Cooperative if membership is determined to be in the Town’s best interest. The purposes of the Cape and Vineyard Electric Cooperative include developing and/or owning renewable electric generation facilities, and procuring and/or selling long term electric supply or other energy-related goods or services, including renewable energy certificate contracts, at competitive prices to member communities, and to consumers within member communities

**BOS:**        5 – YES        0 – NO        0 – ABSTAIN  
**FC:**         7 – YES        0 – NO        0 – ABSTAIN

**ARTICLE 37. FREE CASH**

To see if the Town will vote to transfer from Free Cash in the Town’s Treasury a sum of money to be used for the reduction of taxes, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

**SUMMARY**

This article would transfer from Free Cash a sum of money to reduce the taxes for Fiscal Year 2010.

**BOS:** Recommendation to be made at Town Meeting  
**FC:** Recommendation to be made at Town Meeting

**ARTICLE 38. CLOSING ARTICLE**

And to act on any other business that may legally come before the meeting.  
(Board of Selectmen)

(Simple Majority Vote Required)

Given under our hands this FIFTEENTH of APRIL in the year of our Lord TWO THOUSAND NINE.

A true copy.  
Attest:  
Cynthia S. May  
Town Clerk

David M. Dunford, Chairman  
Mark E. Carron  
Margie Fulcher  
Jon R. Fuller  
Sims McGrath, Jr.

ORLEANS BOARD OF SELECTMEN

Barnstable SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Orleans by posting up attested copies of the said Warrants for the Annual and Special Town Meetings to be held on Monday, May 11, 2009 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE fourteen (14) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable SS.

To either of the Constables of the Town of Orleans in the County of Barnstable  
GREETINGS:

IN THE NAME OF The Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in Town affairs, to meet at the MIDDLE SCHOOL GYMNASIUM in said ORLEANS on MONDAY, the ELEVENTH day of MAY in the year TWO THOUSAND NINE at 6:30 P.M. to act on the following:

**ARTICLES**

Article 1.	Pay Bills of Prior Years .....	90
Article 2.	Transfer Article .....	90
	Transfers within Water Dept. Capital Outlay Account;	
	Water Surplus Fund and Water Dept. Salary Account to Water Dept. Expense Account;	
	Water Reserve Account to Water Service Connection Account;	
	Cable Reserve Account to Media Operations Expense Account	
Article 3.	Closing Article .....	91

**ARTICLE 1. PAY BILLS OF PRIOR YEARS**

To see if the Town will vote to transfer from available funds a sum of money to pay bills of prior years under the provisions of Chapter 179, Acts of 1941, as amended, or to take any other action relative thereto. (Board of Selectmen)

(9/10 Vote Required)

**SUMMARY**

This article requests funding to pay outstanding bills from the previous fiscal year. According to Massachusetts General Law, a town cannot pay a bill of a previous year from the current fiscal year’s appropriations. A 9/10 vote is required for passage of this article.

**BOS:** Recommendation to be made at Town Meeting.

**FCR:** Recommendation to be made at Town Meeting.

**ARTICLE 2. TRANSFER ARTICLE**

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of

money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2009 as follows:

- 1) Transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) from the Water Department Capital Outlay Account, of which Twenty-Two Thousand and 00/100 Dollars (\$22,000.00) was for the replacement of a pickup truck and Three Thousand and 00/100 Dollars (\$3,000.00) was for the replacement of undersized mains, to the Water Department Capital Outlay Account for the purpose of recoating the roof of Water Tank Number 1;
- 2) Transfer the sum of Fifty-Six Thousand and 00/100 Dollars (\$56,000.00), or any other sum, from the Water Surplus Fund and One Thousand and 00/100 Dollars (\$1,000.00), or any other sum, from the Water Department Salary Account to the Water Department Expense Account;
- 3) Transfer the sum of Four Thousand Eight Hundred Twenty and 00/100 Dollars (\$4,820.00), or any other sum, from the Water Service Connection Funds Reserved for Appropriation Account to the Water Service Connection Account;
- 4) Transfer the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), or any other sum, from the Cable Fees Reserve for Appropriations Account to the Media Operations Expense Account.

Or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

#### **SUMMARY**

- 1) This transfer would reallocate funds originally earmarked for a new pickup truck and for water mains improvements to the recoating of the water tank roof in order to protect the metal surface. Work is to be completed by July 2009.
- 2) This transfer is necessary to cover the unexpected increase in the Town's annual bid price for Potassium Hydroxide from \$3 a gallon in FY08 to \$7 a gallon in FY09. We are required by Mass. DEP to add Potassium Hydroxide to our water to minimize corrosion in the distribution system and reduce exposure to lead in household plumbing.
- 3) The Water Department has sold old meters for their scrap metal value. This article allows the funds to be transferred to the appropriate account.
- 4) This article funds Orleans' negotiation of a new cable contract with Comcast, either as a single town or through the Lower Cape Cable Consortium. As a Consortium member, Orleans would make up to \$5,000 available for legal services for Wellfleet's contract renewal denial proceedings if necessary.

<b>BOS:</b>	5 – YES	0 – NO	0 – ABSTAIN
<b>FC:</b>	7 – YES	0 – NO	0 – ABSTAIN

#### **ARTICLE 3. CLOSING ARTICLE**

And to act on any other business that may legally come before the meeting.  
(Board of Selectmen)

(Simple Majority Vote Required)

Given under our hands this FIFTEENTH day of APRIL in the year of our Lord TWO THOUSAND NINE.

A true copy.  
Attest:  
Cynthia S. May  
Town Clerk

David M. Dunford, Chairman  
Mark E. Carron  
Margie Fulcher  
Jon R. Fuller  
Sims McGrath, Jr.

ORLEANS BOARD OF SELECTMEN

BARNSTABLE SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Orleans by posting up attested copies of the Annual and Special Town Meetings to be held on Monday, May 11, 2009 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE fourteen (14) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable

Barnstable SS:

To either of the Constables of the Town of Orleans in the County of Barnstable  
GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at Precinct #1 and Precinct #2, in the Former American Legion Building in said Orleans on Tuesday the NINETEENTH of MAY in the year TWO THOUSAND and NINE from 7:00am to 8:00pm to vote on the following.

To Vote for the Election of the following Town Officers and Questions:

- 1 Moderator (1 year term)
- 1 Selectman (3 year term)
- 2 Board of Health (3 year terms)
- 1 Orleans Housing Authority (5 year term)
- 1 Orleans Elementary School Committee (3 year terms)
- 3 Trustees for Snow Library (3 year terms)
- 1 Nauset Regional School Committee (3 year term)

**QUESTION 1.**

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the design and construction of improvements to the town's drainage infrastructure systems, including all expenses incidental and related thereto?

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 2.**

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways, including all expenses incidental and related thereto?

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 3.**

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the replacement of municipal piers and boat launch ramp, including all expenses incidental and related thereto?

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 4.**

Shall the Town of Orleans be allowed to exempt from the provisions of proposition 2½, so-called, the amounts required to pay for the bond issued in order to fund the replacement of Water Treatment Plant membranes, as needed, including all expenses incidental and related thereto?

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 5.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 33 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment reduces the Town Meeting quorum from 5% (currently approximately 260-270) of the registered voters to 200.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 6.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 34 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment provides an exemption from the Town Meeting speaking limits for those persons proposing an amendment.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 7.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 35 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment provides that a member of the Board of Selectmen can serve a maximum of three consecutive terms and can then serve again after taking one year off.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 8.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 36 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment removes the requirement that the Board of Selectmen hold one regularly scheduled meeting a week and provides that the Board hold at least one regularly scheduled meeting a month.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 9.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 37 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment increases the honorarium payable to members of the Board of Selectmen from \$1,000 to an amount not to exceed \$2,000 and provides that the Chairperson shall receive an additional amount not to exceed \$500.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 10.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 38 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment requires the Board of Selectmen to develop and annually update the Town's Emergency Plan.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 11.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 39 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment increases the appropriation amount of Town funds from \$10,000 to \$50,000, and the time period for commitment by the Town from 2 years to 3 years, for inter-municipal agreements that require the approval of Town Meeting.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 12.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 40 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment deletes the General Bylaws Review Committee and provides that the Board of Selectmen shall review the General Bylaws and propose any revisions to the Town Meeting.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 13.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 41 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment corrects the Town Accountant title to Town Accountant/Director of Municipal Finance, changes the Arts Council to a Cultural Council, and specifies that the Board of Selectmen appoints members to the Community Preservation Committee and the Board of Water and Sewer Commissioners.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 14.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 42 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment provides that the Town Clerk need not be Town resident, deletes a sentence that a Town Engineer and Town Planner may be appointed by the Town Administrator and adds that the Town Administrator may appoint other positions subject to available funds.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 15.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 43 of the May 12, 2008 Annual Town Meeting as amended by Article 4 of the October 27, 2008 Special Town Meeting, as summarized below?

This amendment adds the following to the list of officers and multi-member bodies elected by the Town: Old Kings Highway Historic District Committee (except that the architect or building contractor members are appointed by the Board of Selectmen), Town Constables, and a Representative to the Barnstable County Assembly of Delegates; and it specifies that the Board of Health appoints one member of the new Board of Water and Sewer Commissioners.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 16.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 44 of the May 12, 2008 Annual Town Meeting, as amended by Article 4 of the October 27, 2008 Special Town Meeting, as summarized below?

This amendment adds the Historical Commission and the Community Preservation Committee to the list of appointed boards and moves a reference to associate members to a separate section.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 17.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 45 of the May 12, 2008 Annual Town Meeting, as amended by Article 4 of the October 27, 2008 Special Town Meeting, as summarized below?

This amendment establishes the new Board of Water and Sewer Commissioners, to be effective July 1, 2009 or after passage of a comprehensive wastewater management plan whichever shall occur later, and thereafter the Board of Water Commissioners will be terminated. The new Board will be responsible for the water system and shall set policy ensuring adequate and potable water and the development of a sewer works system. The Board of Selectmen will set the water and sewer rates in consultation with the Board of Water and Sewer Commissioners.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 18.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 46 of the May 12, 2008 Annual Town Meeting, as amended by Article 4 of the October 27, 2008 Special Town Meeting, as summarized below?

This amendment provides that Town officials shall encourage citizen interaction by the regular use of public service announcements and local media and clarifies the process for the recall of elective officers and the retention of the recall petition records.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 19.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 47 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment sets forth the responsibilities of the Finance Committee to examine and analyze the Town's financial affairs, specifies that the Capital Improvements Plan shall be developed based on established Board of Selectmen policy and shall be submitted to the Board of Selectmen by January 15 of each year, and that the joint hearing on the Plan shall be chaired by the Finance Committee.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 20.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 48 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment provides that the Capital Improvements Plan shall exclude expenditures for regional entities and that any entry in the Plan previously approved at Town Meeting that is moved out more than one year shall be adjusted to reflect economic conditions. Further an article for capital improvements shall be considered to be in compliance with the Plan and shall not require a ¾ vote of Town Meeting if the article was included in the prior year's Plan and the costs do not exceed the Plan's estimated costs by more than 10%.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 21.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 49 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment provides that the Planning Board shall appoint one member to the new Board of Water and Sewer Commissioners and clarifies the Planning Board's responsibility for the developing and updating of the Orleans Comprehensive Plan.

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 22.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 50 of the May 12, 2008 Annual Town Meeting, as amended by Article 4 of the October 27, 2008 Special Town Meeting, as summarized below?

This amendment updates the definition section of the Charter, eliminates "he/his" because the Charter is now gender neutral, eliminates the definition of "Town Agency" because it is no longer used and adds a definition for "appropriate local media" which is defined as "the Town's website, public access television, any additional posters, signs, and electronic or other available media."

YES \_\_\_\_\_ NO \_\_\_\_\_

**QUESTION 23.**

Shall the Town of Orleans approve the Charter Amendment proposed by Article 51 of the May 12, 2008 Annual Town Meeting as summarized below?

This amendment provides several miscellaneous changes to make the Charter gender neutral, capitalizes proper nouns, adds words to clarify the references to boards, committees, commissions and multi-member bodies.

YES \_\_\_\_\_ NO \_\_\_\_\_

And you are directed to serve this Warrant, by posting up attested copies thereof at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE in said Town, seven (7) days at least before the time of holding said Election.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of the Election, as aforesaid.

Given under our hands this FIFTEENTH day of APRIL in the year of our Lord TWO THOUSAND NINE.

A true copy.  
Attest:  
Cynthia S. May  
Town Clerk

David M. Dunford, Chairman  
Mark E. Carron  
Margie Fulcher  
Jon R. Fuller  
Sims McGrath, Jr.  
ORLEANS BOARD OF SELECTMEN

Barnstable SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Orleans by posting up attested copies of the said Warrant for the Annual Town Election to be held on Tuesday, May 19, 2009 at the ORLEANS POST OFFICE, SOUTH ORLEANS POST OFFICE, and EAST ORLEANS POST OFFICE seven (7) days before the date, time and place of the meeting, as within directed.

Mary E. Stevens, Constable