

**TOWN OF ORLEANS
TOWN MEETING WARRANTS**

for use at

**MONDAY, May 10, 2010
ANNUAL TOWN MEETING - 6:30 PM
&
SPECIAL TOWN MEETING – 6:30 PM
Nauset Middle School Gymnasium**



**ANNUAL ELECTION
TUESDAY, May 18, 2010
7:00 AM - 8:00 PM
Council on Aging Senior Center**

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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 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 two hundred (200) 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-thirds (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 or amendments thereto 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 Improvements: 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-fourths (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 Improvements Plan, provided that any article for capital improvements not in compliance with clause 8-5-1 shall require a three-fourths majority vote of the town meeting.”

Clause 8-5-1 of the Charter reads:

“The Town Administrator shall prepare a five-year Capital Improvements Plan, which shall be designed to deal with unmet long-range needs, and to implement the goals and objectives of the Orleans Comprehensive 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, on the following pages you will find a number of schedules and charts that may be of help to you at Town Meeting.

The “Financial Plan” compares revenues and expenditures as adopted in FY10 with those proposed in FY11. The plan assumes adoption of all funding articles as recommended in the Annual Town Meeting warrant. As presented, the total expenditures in FY11 amount to \$27,576,000, an increase of \$387,000 or 1.4% from FY10. The total property tax levy would increase by 3.0% and the tax rate would increase by 2.3% to \$5.27 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 \$152,000. Based on the schedule, the financial impact would be 4 cents on the tax rate or \$28 annually.

The “Proposed Operating Budget” compares the FY10 adopted and FY11 proposed budgets and is broken down by department, line item description and amounts. In addition, “Capital Outlay Requests” are listed for both the Town and the Nauset Regional School District.

For FY11, the total proposed operating budget is \$27,432,483, inclusive of all non-school and school operating costs. This amount represents an increase of \$417,362 or 1.54% from FY10. In accordance with the Board of Selectmen’s Budget Policy, non-school and school operating costs were capped at no more than a 2% increase in FY11. As proposed, the non-school operating budget is up 1% and the schools (Orleans Elementary, Nauset and Cape Cod Tech) are up a combined 2.7%. In order to fund this additional increase, the Board will have to dip below the minimum 5% free cash reserves next year. At the time the warrant went to press, the Orleans Elementary budget was still being reviewed and the Board has requested that the School Committee reduce their final budget amount by \$33,000 in order to meet the 2% budget policy and avoid having to balance the budget with additional free cash reserves next year.

Finally, the warrant includes two additional charts that summarize the Town’s “Financing Sources” and “Expenditure Comparison By Organizational Group” for both FY10 and FY11.

John F. Kelly
Town Administrator

FINANCIAL PLAN
FOR THE FISCAL YEARS 2010 & 2011
(\$000)

	ADOPTED	PROPOSED	DOLLAR	PERCENT
	FY 2010	FY 2011	CHANGE	CHANGE
REVENUES				
Property Tax				
Property Tax (Base)	16,890	17,514	623	3.7%
Statutory Increase	422	438	16	3.7%
Growth	201	131	(70)	-34.7%
Debt/Capital Exp. Exclusions	1,842	1,859	18	1.0%
Cape Cod Commission Act	132	136	3	2.5%
General Override	-	-	-	
Unused Levy Capacity	(0)	-	0	-100.0%
Community Preserv. Surtax	573	591	17	3.0%
Total Property Tax	20,061	20,669	608	3.0%
Provision for Abatement/Exempt	(181)	(186)	(5)	2.8%
Non-Property Tax				
State Aid	463	417	(46)	-9.9%
Motor Vehicle Excise	914	824	(90)	-9.8%
Local Receipts	4,200	4,204	5	0.1%
Free Cash	665	432	(233)	-35.0%
Funds Resv. Appr./Other Avail.	862	1,025	163	18.9%
Hotel Tax	206	191	(15)	-7.3%
Total Non Property Tax	7,310	7,093	(216)	-3.0%
Total Revenues	27,189	27,576	387	1.4%
Assessed Value (est. as of 1/1/08)	3,783,861	3,809,361	25,500	0.7%
Tax Rate	5.15	5.27	0.12	2.3%
EXPENDITURES				
Non-School				
Salaries and Wages	9,024	8,953	(71)	-0.8%
Fringe Benefits	1,910	2,003	93	4.9%
Pensions	1,119	1,277	158	14.1%
General Expenses	3,387	3,333	(54)	-1.6%
State/County Assessments	462	471	10	2.1%
Sub Total - Non Sch Operating	15,901	16,037	136	0.9%
Capital Expenditures	650	611	(40)	-6.1%
Debt	2,279	2,352	73	3.2%
Sub Total - Non Sch Capital/Debt	2,929	2,963	34	1.1%
Total - Non School	18,831	19,000	169	0.9%
School				
Nauset Regional	3,522	3,575	54	1.5%
Orleans Elementary	3,063	3,093	31	1.0%
Fringe Benefits	662	730	68	10.3%
Pensions	72	82	10	13.6%
C.C. Technical High	220	259	40	18.1%
Sub Total - School Operating	7,538	7,740	202	2.7%
Capital Expenditures	93	93	-	0.0%
Nauset Regional Debt	45	-	(45)	-100.0%
Sub Total - School Capital/Debt	138	93	(45)	-32.6%
Total - Schools	7,675	7,833	157	2.0%
Other Expenses				
Community Preserv. Expenses	691	600	(91)	-13.2%
Community Preserv. Fund	(118)	(9)	109	-92.2%
Special Articles	110	152	43	38.8%
Sub Total - Other Expenses	683	743	60	8.8%
Total Expenditures	27,189	27,576	387	1.4%

TAX RATE INFORMATION
ESTIMATED FOR FISCAL YEAR 2011

Per tax rate increments:

TAX RATE INCREASE	MUNICIPAL REVENUE RAISED	TAX IMPACT ON \$700,000.00 PROPERTY
\$ 0.01	\$ 38,093.61	\$ 7.00
\$ 0.05	\$ 190,468.05	\$ 35.00
\$ 0.10	\$ 380,936.10	\$ 70.00
\$ 0.20	\$ 761,872.20	\$ 140.00
\$ 0.30	\$ 1,142,808.30	\$ 210.00
\$ 0.40	\$ 1,523,744.40	\$ 280.00
\$ 0.50	\$ 1,904,680.50	\$ 350.00
\$ 0.60	\$ 2,285,616.60	\$ 420.00
\$ 0.70	\$ 2,666,552.70	\$ 490.00
\$ 0.80	\$ 3,047,488.80	\$ 560.00
\$ 0.90	\$ 3,428,424.90	\$ 630.00
\$ 1.00	\$ 3,809,361.00	\$ 700.00

Per revenue raised increments:

\$ 0.0003	\$ 1,000.00	\$ 0.18
\$ 0.0013	\$ 5,000.00	\$ 0.92
\$ 0.0026	\$ 10,000.00	\$ 1.84
\$ 0.0131	\$ 50,000.00	\$ 9.19
\$ 0.0263	\$ 100,000.00	\$ 18.38
\$ 0.1313	\$ 500,000.00	\$ 91.88
\$ 0.2625	\$ 1,000,000.00	\$ 183.76

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 2011. These figures should be considered as estimates only, since valuations can change annually.

FINANCING SOURCES
Adopted Fiscal Year 2010 vs. Proposed Fiscal Year 2011

<u>FINANCING SOURCES</u>	<u>FY 2011 PERCENT OF TOTAL</u>	<u>FY 2010 ADOPTED</u>	<u>FY 2011 PROPOSED</u>	<u>PERCENT INCR./DECR</u>	<u>DOLLAR INCR./DECR</u>
Property Tax	74%	19,879,322	20,482,103	3%	602,781
Local Receipts	15%	4,199,739	4,204,274	0%	4,535
Other Available Funds	4%	861,790	1,024,516	19%	162,726
Motor Vehicle Excise	3%	913,994	823,994	-10%	(90,000)
State Aid	2%	463,429	417,433	-10%	(45,996)
Free Cash	2%	665,000	432,479	-35%	(232,521)
Hotel Tax	1%	205,787	190,787	-7%	(15,000)
Total	100%	27,189,061	27,575,586	1%	386,525

EXPENDITURE COMPARISON BY ORGANIZATIONAL GROUP
Adopted Fiscal Year 2010 vs. Recommended Fiscal Year 2011

<u>ORGANIZATIONAL UNIT</u>	<u>FY 2011 PERCENT OF TOTAL</u>	<u>FY 2010 ADOPTED</u>	<u>FY 2011 PROPOSED</u>	<u>PERCENT INCR./DECR.</u>	<u>DOLLAR INCR./DECR.</u>
Education (1)	28%	7,675,359	7,832,654	2%	157,295
Public Safety	20%	5,299,577	5,382,402	2%	82,825
Public Works	9%	2,406,080	2,364,137	-2%	(41,943)
Debt	9%	2,278,908	2,352,312	3%	73,404
General Government	8%	2,174,100	2,201,288	1%	27,188
Fringe Benefits	8%	2,013,619	2,100,718	4%	87,099
Culture & Recreation	7%	1,853,349	1,811,691	-2%	(41,658)
Pensions	5%	1,118,919	1,276,877	14%	157,958
Human Services	3%	795,554	786,194	-1%	(9,360)
Land Bank Expenses	2%	691,138	599,878	-13%	(91,260)
State & County Assess.	2%	461,743	471,307	2%	9,564
Insurance	1%	246,775	253,025	3%	6,250
Special Articles	1%	109,743	152,271	39%	42,528
Capital Expenditure	0%	182,000	-	-100%	(182,000)
<u>OTHER</u>					
Community Preserv. Fund	0%	(117,803)	(9,168)	-92%	108,635
Total	100%	27,189,061	27,575,586	1%	386,525

(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 2011 fiscal year is July 1, 2010 to June 30, 2011. 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 advisability of Warrant Articles and Capital Expenditures in the Town Budget. Our vote on individual warrant articles appears at the end of each Article in the Warrant itself or will be presented during the Town Meeting.

Economic conditions continue to hamper our residents with the Cape's unemployment level reported at 11.1% in January, ongoing housing foreclosures, and declining yields on income investments. Many of our citizens have a limited ability to absorb increased taxes which limits consideration of proposition 2 ½ overrides. Further pressure on the budget results from significant reductions in revenue and income from the Town's investments, reduction of state aid to schools and town governments. Because of these issues, the Board of Selectmen, the Town Administration developed an Operating Budget for FY2011 based upon no general override. There are several articles requesting approval of Capital Investments that require both approvals at town hall and by election, which are Debt Exclusion Overrides.

Debt burden, Health insurance, pension benefit costs, unemployment compensation and other expense areas continue to increase at rates higher than Proposition 2 ½ requiring expense constraints in other categories in order to not incur an override which has been accomplished by eliminating and reducing some services. Personnel reductions have been made as well as concessions eliminating cost of living increases by some of the Town's employees and unions as well as the Police Department's loss of the state share of the incentives income subsidy. Orleans Elementary and Nauset Regional School reduced expenses and eliminated teachers and other positions.

Budget and Capital Plan Review

Members of the Finance Committee reviewed and held public hearings jointly with the Board of Selectman 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
- Buildings
- Regionalization
- Wastewater
- Town Employment

Town Services

In order to afford maintaining the essential services to the town's residents and guests, it was necessary to reduce services in a number of areas. As much as possible, reductions in expenses have been made in areas that minimize the impact of services to the town. Expense reduction have been accomplished by reducing overtime hours, reducing the number of hours of work per week for some support personnel, furloughs, and reduction or elimination of cost of living adjustments and raises for some employees.

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 if you can.

The Finance Committee has concerns in the budget constraints in the fire department's overtime. The major portion of overtime is a result of a combination of backfilling for injured employees and the demand for EMS services. Overall, we agree with the budget but recognize that there are budget risks due to assumptions that must be made.

School Budget Sustainability

The Nauset Regional School budgets came in at or lower than the guideline through cuts in employment and services and the use of stimulus funds. The Orleans Elementary School and Cape Cod Technical came in over the guidelines requested by the Board of Selectmen. The Cape Cod Technical would have come in at below Board of Selectmen target except for the increase in enrollment for Orleans pupils. The Board of Selectmen has included the budget as submitted, but has requested that the original guidelines be met for the Orleans Elementary School.

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 have experienced.

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 Snow Library. Some of the town buildings (American Legion building and Main Street building) are underutilized and several others, such as the Septage facility compost building reacquired by the town in 2005, are not usable for the original intended purposes. The Finance Committee feels that a long term plan needs to be developed, after evaluating all of the town's buildings and property, based upon future requirement for services and support for the town's residents and guests.

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 and other Cape Cod towns. These include, but are not limited to: joint projects for wastewater treatment, further regionalization of the schools, regionalization of Police services, 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 and encourages 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. The first phase of the plan covers areas in the town that the state still has not supplied the information necessary to evaluate the “placeholder estimates” used in the CWMP. A Validation and Design committee was formed and evaluated the Pleasant Bay portion of the Massachusetts Estuaries Project (MEP) which forms the basis for the CWMP. This due diligence was completed and the results presented for the Pleasant Bay portion of the project resulting in a number of questions and concerns. While significant amounts of data for Pleasant Bay had been accumulated over the years, not all areas were consistently covered or the data available due to budget constraints and other issues. In order to evaluate our requirements and progress as called for in the CWMP, an increase in monitoring and evaluation of the information may be required that has not been fully funded.

The Finance Committee requested a study to update the costs as presented in the CWMP covering the cost from the hook up at the source to the waste treatment facility. The Board of Selectmen also concurred and a request for funding for the project of \$150,000 is included in the Capital Improvement Plan proposed for 2012. The study will also evaluate the use of alternative methods of collection and treatment relative to the centralized approach of the CWMP. The Finance Committee recommends a further detailed evaluation through test sites and wells to measure actual nitrogen levels and any year to year changes. Some sites were eliminated in the past due to budget consideration and should be reevaluated whether they should be funded again and/or other measurement sites added.

The lowering of nitrogen in our estuaries will benefit the town, our tourists, the Commonwealth of Massachusetts and the Federal National Seashore; however, 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 had requested that the Board of Selectmen allow the town to vote on incremental room tax and meal taxes, but the Board of Selectmen voted 3 to 2 to include only the incremental meal tax in the warrant.

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

Town Employment

An organizational study addressing the Town’s requirements for personnel including building management and Department of Public Works/Highway department was completed in Fiscal Year 2009. Partial implementation is incorporated in Fiscal Year 2011 budget including improvements in the American Legion building to allow it to be used as an office area bringing together three departments presently scattered in separate facilities throughout the town.

The Finance Committee has stated in the past and continues to feel that there is cost justification for a full time Professional Engineer as part of the Town’s organization. The Town has previously had a Professional Engineer who was the Highway Manager. Highway projects including drainage programs, wastewater monitoring projects, monitoring and evaluations, building considerations and maintenance

present opportunities for cost reductions and consistency that we feel oversight by a Professional Engineer would provide.

Union contracts are completed with a one year extension through 2011 with three of the five unions. Talks are on-going with the fourth Union for a similar extension and the fifth Union, the Police Union, is already under contract through 2011.

Town Expenditures Overview

The projected operating budget for FY2011 is \$27,429,566 representing a 1.5% increase compared to FY2010.

Due to the decline in the assessed values, the projected tax rate of \$5.27 per \$1,000 valuation is 2.3% over the FY2010 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 2010 tax period was billed approximately \$2,575. 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 2011 of approximately \$2,617 or an increase of approximately 1.6%.

Operating Budget Breakdown:

- Non-School Budget - \$19,609,878, a increase of 1%
- School Budget \$ 7,832,654, an increase of 2.1%
- Total \$27,432,483, a increase of 1.5%

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 project 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 demand for Capital Projects as reflected in this plan makes the future sustainability of our Operating Budget within the constraint of Proposition 2 ½ extremely difficult due to the increasing debt burden in the Operating Budget.

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

Respectfully submitted,

Walter L. Bennett – Chairman

Laurence Hayward – Vice
Chairman

Dale Fuller

Mark Fiegel

Edwin Barr

John Hodgson

Paul Rooker

Rick Sigel

Gwen Holden Kelly– Secretary

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 TENTH day of MAY in the year TWO THOUSAND TEN 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.

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

ARTICLE 2. TOWN / SCHOOL BUDGET (FY11)

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, 2010 and ending June 30, 2011 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, 2010 - JUNE 30, 2011

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2010 ADOPTED</u>	<u>2011 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
		GENERAL GOVERNMENT				
	122	<u>SELECTMEN/TOWN ADMINISTRATOR</u>				
1		SALARY	309,045	304,006	(5,039)	-1.63%
2		EXPENSE	132,360	128,566	(3,794)	-2.87%
	TOTAL	SELECTMEN/TOWN ADMINISTRATOR	441,405	432,572	(8,833)	-2.00%
	123	<u>TELEPHONE/COMMUNICATIONS</u>				
3		EXPENSE	30,065	29,265	(800)	-2.66%
	TOTAL	TELEPHONE/COMMUNICATIONS	30,065	29,265	(800)	-2.66%
	124	<u>MEDIA OPERATIONS</u>				
4		SALARY	60,504	56,923	(3,581)	-5.92%
5		EXPENSE	20,248	19,898	(350)	-1.73%
6		CAPITAL OUTLAY	17,500	17,500	-	0.00%
	TOTAL	MEDIA OPERATIONS	98,252	94,321	(3,931)	-4.00%
	131	<u>FINANCE COMMITTEE</u>				
7		EXPENSE	950	850	(100)	-10.53%
8		RESERVE FUND	105,000	115,000	10,000	9.52%
	TOTAL	FINANCE COMMITTEE	105,950	115,850	9,900	9.34%
	135	<u>FINANCE DIRECTOR</u>				
9		SALARY	207,264	207,589	325	0.16%
10		EXPENSE	22,610	23,197	587	2.60%
	TOTAL	FINANCE DIRECTOR	229,874	230,786	912	0.40%
	141	<u>ASSESSING</u>				
11		SALARY	143,736	144,293	557	0.39%
12		EXPENSE	86,628	85,585	(1,043)	-1.20%
	TOTAL	ASSESSING	230,364	229,878	(486)	-0.21%
	145	<u>TREASURER/COLLECTOR</u>				
13		SALARY	190,058	190,546	488	0.26%
14		EXPENSE	37,996	37,996	-	0.00%
	TOTAL	TREASURER/COLLECTOR	228,054	228,542	488	0.21%
	155	<u>MANAGEMENT INFORMATION SYSTEMS</u>				
15		SALARY	77,509	77,559	50	0.06%
16		EXPENSE	70,783	66,939	(3,844)	-5.43%
17		CAPITAL OUTLAY	55,000	55,000	-	0.00%
	TOTAL	MANAGEMENT INFORMATION SYSTEMS	203,292	199,498	(3,794)	-1.87%
	161	<u>TOWN CLERK/ELECTIONS/VOTER REG.</u>				
18		SALARY	107,462	112,695	5,233	4.87%
19		EXPENSE	12,100	16,141	4,041	33.40%
20		CAPITAL OUTLAY	-	-	-	
	TOTAL	TOWN CLERK	119,562	128,836	9,274	7.76%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2010 ADOPTED</u>	<u>2011 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	171	CONSERVATION				
21		SALARY	108,457	108,607	150	0.14%
22		EXPENSE	5,083	5,083	-	0.00%
	TOTAL	CONSERVATION	113,540	113,690	150	0.13%
	175	PLANNING				
23		SALARY	191,731	191,931	200	0.10%
24		EXPENSE	5,190	4,790	(400)	-7.71%
	TOTAL	PLANNING	196,921	196,721	(200)	-0.10%
	176	ZONING BOARD OF APPEALS				
25		SALARY	7,431	7,431	-	0.00%
26		EXPENSE	2,812	2,812	-	0.00%
	TOTAL	ZONING BOARD OF APPEALS	10,243	10,243	-	0.00%
	192	TOWN OFFICE BUILDING				
27		SALARY	49,346	47,869	(1,477)	-2.99%
28		EXPENSE	89,680	92,986	3,306	3.69%
29		CAPITAL OUTLAY	-	30,000	30,000	
	TOTAL	TOWN OFFICE BUILDING	139,026	170,855	31,829	22.89%
	195	TOWN REPORTS/TOWN MEETING				
30		EXPENSE	8,350	7,814	(536)	-6.42%
	TOTAL	TOWN REPORTS/TOWN MEETING	8,350	7,814	(536)	-6.42%
	198	COMMUNITY CENTER				
31		SALARY	-	3,660	3,660	
32		EXPENSE	19,202	8,757	(10,445)	-54.40%
	TOTAL	COMMUNITY CENTER	19,202	12,417	(6,785)	-35.33%
		GENERAL GOVERNMENT	2,174,100	2,201,288	27,188	1.25%
		PUBLIC SAFETY				
	210	POLICE/COMMUNICATIONS				
33		SALARY	1,986,805	1,894,899	(91,906)	-4.63%
34		EXPENSE	158,855	156,355	(2,500)	-1.57%
35		CAPITAL OUTLAY	47,000	52,000	5,000	10.64%
	TOTAL	POLICE/COMMUNICATIONS	2,192,660	2,103,254	(89,406)	-4.08%
	211	POLICE BUILDING				
36		SALARY	20,072	19,570	(502)	-2.50%
37		EXPENSE	47,151	50,963	3,812	8.08%
	TOTAL	POLICE BUILDING	67,223	70,533	3,310	4.92%
	213	FUEL				
38		EXPENSE	147,000	151,993	4,993	3.40%
	TOTAL	FUEL	147,000	151,993	4,993	3.40%
	220	FIRE/RESCUE				
39		SALARY	1,835,267	1,847,216	11,949	0.65%
40		EXPENSE	268,572	277,847	9,275	3.45%
41		CAPITAL OUTLAY	134,000	275,000	141,000	105.22%
	TOTAL	FIRE/RESCUE (see note 1)	2,237,839	2,400,063	162,224	7.25%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2010 ADOPTED</u>	<u>2011 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	221	<u>FIRE BUILDING</u>				
42		EXPENSE	47,988	49,188	1,200	2.50%
43		CAPITAL OUTLAY	10,000	15,000	5,000	50.00%
	TOTAL	FIRE BUILDING	57,988	64,188	6,200	10.69%
	241	<u>BUILDING</u>				
44		SALARY	158,856	159,884	1,028	0.65%
45		EXPENSE	70,125	65,711	(4,414)	-6.29%
	TOTAL	BUILDING	228,981	225,595	(3,386)	-1.48%
	242	<u>BUILDING CODE BOARD OF APPEALS</u>				
46		SALARY	193	193	-	0.00%
47		EXPENSE	50	50	-	0.00%
	TOTAL	BUILDING CODE BOARD OF APPEALS	243	243	-	0.00%
	291	<u>CIVIL DEFENSE</u>				
48		SALARY	2,250	2,250	-	0.00%
49		EXPENSE	10,578	10,578	-	0.00%
50		CAPITAL OUTLAY	-	-	-	
	TOTAL	CIVIL DEFENSE	12,828	12,828	-	0.00%
	294	<u>TREE WARDEN</u>				
51		SALARY	57,705	57,330	(375)	-0.65%
52		EXPENSE	24,115	24,115	-	0.00%
	TOTAL	TREE WARDEN	81,820	81,445	(375)	-0.46%
	295	<u>SHELLFISH/HARBORMASTER</u>				
53		SALARY	217,043	218,423	1,380	0.64%
54		EXPENSE	55,952	53,837	(2,115)	-3.78%
55		CAPITAL OUTLAY	-	-	-	
	TOTAL	SHELLFISH/HARBORMASTER	272,995	272,260	(735)	-0.27%
		PUBLIC SAFETY	5,299,577	5,382,402	82,825	1.56%
		EDUCATION				
	300	<u>ORLEANS ELEMENTARY SCHOOL</u>				
56		SALARY	733,892	811,803	77,911	10.62%
57		EXPENSE	3,062,569	3,093,237	30,668	1.00%
	TOTAL	ORLEANS ELEMENTARY SCHOOL	3,796,461	3,905,040	108,579	2.86%
	310	<u>NAUSET REGIONAL ASSESSMENT</u>				
58		EXPENSE	3,566,538	3,575,490	8,952	0.25%
59		CAPITAL OUTLAY - NRSD AGREEMENT	92,817	92,817	-	0.00%
	TOTAL	NAUSET REGIONAL ASSESSMENT	3,659,355	3,668,307	8,952	0.24%
	330	<u>CAPE COD TECHNICAL ASSESSMENT</u>				
60		EXPENSE	219,543	259,307	39,764	18.11%
	TOTAL	CAPE COD TECHNICAL ASSESSMENT	219,543	259,307	39,764	18.11%
		EDUCATION	7,675,359	7,832,654	157,295	2.05%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2010 ADOPTED</u>	<u>2011 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
		PUBLIC WORKS AND FACILITIES				
	421	HIGHWAY				
61		SALARY	542,658	553,191	10,533	1.94%
62		EXPENSE	154,756	156,331	1,575	1.02%
63		CAPITAL OUTLAY	28,000	-	(28,000)	-100.00%
	TOTAL	HIGHWAY	725,414	709,522	(15,892)	-2.19%
	423	SNOW REMOVAL				
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%
	424	STREET LIGHTS				
66		EXPENSE	29,063	28,000	(1,063)	-3.66%
	TOTAL	STREET LIGHTS	29,063	28,000	(1,063)	-3.66%
	431	TRANSFER STATION				
67		SALARY	173,976	175,119	1,143	0.66%
68		EXPENSE	318,431	293,697	(24,734)	-7.77%
69		CAPITAL OUTLAY	-	21,000	21,000	
	TOTAL	TRANSFER STATION	492,407	489,816	(2,591)	-0.53%
	440	SEWERAGE COLLECTION				
70		SALARY	40,000	41,000	1,000	2.50%
71		EXPENSE	-	1,000	1,000	
	TOTAL	SEWERAGE COLLECTION	40,000	42,000	2,000	5.00%
	450	WATER				
72		SALARY	509,265	512,596	3,331	0.65%
73		EXPENSE	448,650	415,922	(32,728)	-7.29%
74		CAPITAL OUTLAY	73,000	78,000	5,000	6.85%
	TOTAL	WATER-SRF (see note 2)	1,030,915	1,006,518	(24,397)	-2.37%
		PUBLIC WORKS AND FACILITIES	2,406,080	2,364,137	(43,943)	-1.74%
		HUMAN SERVICES				
	510	HEALTH				
75		SALARY	212,460	203,370	(9,090)	-4.28%
76		EXPENSE	54,818	55,282	464	0.85%
	TOTAL	HEALTH	267,278	258,652	(8,626)	-3.23%
	541	COUNCIL ON AGING				
77		SALARY	394,962	397,530	2,568	0.65%
78		EXPENSE	90,405	85,726	(4,679)	-5.18%
79		CAPITAL OUTLAY	5,000	5,000	-	0.00%
	TOTAL	COUNCIL ON AGING	490,367	488,256	(2,111)	-0.43%
	543	VETERANS BENEFITS				
80		EXPENSE	37,909	39,286	1,377	3.63%
	TOTAL	VETERANS BENEFITS	37,909	39,286	1,377	3.63%
		HUMAN SERVICES	795,554	786,194	(9,360)	-1.18%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2010 ADOPTED</u>	<u>2011 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
		CULTURE AND RECREATION				
	610	SNOW LIBRARY				
81		SALARY	369,586	371,989	2,403	0.65%
82		EXPENSE	127,500	127,481	(19)	-0.01%
83		CAPITAL OUTLAY	5,000	18,000	13,000	260.00%
	TOTAL	SNOW LIBRARY	502,086	517,470	15,384	3.06%
	630	RECREATION				
84		SALARY	117,396	98,615	(18,781)	-16.00%
85		EXPENSE	16,060	16,060	-	0.00%
	TOTAL	RECREATION	133,456	114,675	(18,781)	-14.07%
	649	WINDMILL				
86		SALARY	3,204	3,099	(105)	-3.28%
87		EXPENSE	3,950	3,975	25	0.63%
	TOTAL	WINDMILL	7,154	7,074	(80)	-1.12%
	650	PARKS & BEACHES				
88		SALARY	897,171	910,907	13,736	1.53%
89		EXPENSE	211,609	212,992	1,383	0.65%
90		CAPITAL OUTLAY	93,800	44,000	(49,800)	-53.09%
	TOTAL	PARKS & BEACHES	1,202,580	1,167,899	(34,681)	-2.88%
	690	OLD KINGS HIGHWAY REG DISTRICT				
91		SALARY	1,448	1,448	-	0.00%
92		EXPENSE	625	625	-	0.00%
	TOTAL	OLD KINGS HIGHWAY REG DISTRICT	2,073	2,073	-	0.00%
	692	MEMORIAL & VETERANS DAY				
93		EXPENSE	2,500	2,000	(500)	-20.00%
	TOTAL	MEMORIAL & VETERANS DAY	2,500	2,000	(500)	-20.00%
	699	SPECIAL EVENTS & INFORMATION				
94		EXPENSE	3,500	500	(3,000)	-85.71%
	TOTAL	SPECIAL EVENTS & INFORMATION	3,500	500	(3,000)	-85.71%
		CULTURE AND RECREATION	1,853,349	1,811,691	(41,658)	-2.25%
		DEBT SERVICE				
	710	PRINCIPAL - NOTES & BONDS				
95		EXPENSE	1,980,000	2,036,000	56,000	2.83%
	TOTAL	PRINCIPAL - NOTES & BONDS	1,980,000	2,036,000	56,000	2.83%
	751	INTEREST - NOTES & BONDS				
96		EXPENSE	990,046	916,190	(73,856)	-7.46%
	TOTAL	INTEREST - NOTES & BONDS	990,046	916,190	(73,856)	-7.46%
		DEBT SERVICE	2,970,046	2,952,190	(17,856)	-0.60%
		INTERGOVERNMENTAL/INSURANCE				
	820	STATE ASSESSMENTS				
97		EXPENSE	159,597	163,587	3,990	2.50%
	TOTAL	STATE ASSESSMENTS	159,597	163,587	3,990	2.50%

<u>LINE #</u>	<u>CODE</u>	<u>DEPARTMENT</u>	<u>2010 ADOPTED</u>	<u>2011 PROPOSED</u>	<u>DOLLAR CHANGE</u>	<u>PCT CHANGE</u>
	830	COUNTY ASSESSMENTS				
98		SALARY	1,118,919	1,276,877	157,958	14.12%
99		EXPENSE	260,446	266,920	6,474	2.49%
	TOTAL	COUNTY ASSESSMENTS	1,379,365	1,543,797	164,432	11.92%
	840	OTHER STATE & COUNTY CHARGES				
100		EXPENSE	41,700	40,800	(900)	-2.16%
	TOTAL	OTHER STATE & COUNTY CHARGES	41,700	40,800	(900)	-2.16%
	912	INSURANCE NOTES AND BONDS				
101		EXPENSE	350,372	350,525	153	0.04%
	TOTAL	INSURANCE NOTES AND BONDS	350,372	350,525	153	0.04%
	913	UNEMPLOYMENT COMPENSATION				
102		EXPENSE	10,208	26,693	16,485	161.49%
	TOTAL	UNEMPLOYMENT COMPENSATION	10,208	26,693	16,485	161.49%
	914	EMPLOYEE HEALTH & MEDICARE				
103		SALARY	1,899,814	1,976,525	76,711	4.04%
	TOTAL	EMPLOYEE HEALTH & MEDICARE	1,899,814	1,976,525	76,711	4.04%
		INTERGOVERNMENTAL/INSURANCE	3,841,056	4,101,927	260,871	6.79%
	TOTAL		27,015,121	27,432,483	417,362	1.54%
		TOTAL-OPERATING BUDGETS	27,015,121	27,432,483	417,362	1.54%
		SPECIAL ARTICLES	109,743	152,271	42,528	38.75%
		COMMUNITY PRESERVATION FUND	(117,803)	(9,168)	108,635	-92.22%
		CAPITAL PLAN	182,000	-	(182,000)	-100.00%
		GRAND TOTAL	27,189,061	27,575,586	386,525	1.42%

Note 1 \$ 725,200 of appropriations for the FY 2011 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
Town Office Buildings	29	Former Legion Building Upgrades	\$30,000
Police/Communications	35	Replace Two Cruisers	\$52,000
Fire/Rescue	41	Replace Ambulance	\$275,000
Fire/Rescue Building	43	Phase 1 Roof Repair	\$15,000
Transfer Station	69	Replace Trash Trailer	\$21,000
Water	74	Roof Repair (\$12k), Replace Undersized Pipe (\$12k), Replace Meters (\$54k)	\$78,000
Snow Library	83	Front Entry Repairs (\$12k), Bathroom Repairs (\$6k)	\$18,000
Parks & Beaches	90	Replenish Sand Skaket (\$19k), Replace Pick-Up (\$25k),	\$44,000
TOTAL			<u><u>\$605,500</u></u>

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

	FISCAL YEAR					Totals
	2011	2012	2013	2014	2015	
HIGH SCHOOL						
EXTERIOR DOOR REPLACEMENT	10,000					10,000
BUS/VAN ADDITION/REPLACEMENT		20,000	20,000			40,000
TECHNOLOGY PLAN	20,000	50,000	20,000	77,000	50,000	217,000
LOCKER REPLACEMENT			20,000			20,000
REPLACE WINDOWS IN ORIGINAL BUILDINGS	20,000					20,000
REPLACE CARPET: Office Lobby, Auditorium, Library	15,000	30,000		20,000		65,000
REPLACE MOWER				30,000		30,000
ROOF REPAIR		20,000				20,000
REPLACE LAB STATIONS / RENOVATE CLASSROOMS	75,000			85,000	87,000	247,000
PARKING LOT RESURFACING			75,000	50,000		125,000
RESURFACE TRACK	50,000					50,000
COURTYARD HEAVES/CRACKS/DEPRESSIONS		35,000	35,000	35,000	35,000	140,000
DEMOLISH PORTABLE CLASSROOMS			15,000			15,000
INTERIOR DOOR REPLACEMENT	10,000	10,000				20,000
REPLACE WOOD SIDING		50,000	50,000	50,000		150,000
REPLACE VINYL TILE - N BUILDING			12,000	12,000	12,000	36,000
REPLACE PHONE SYSTEM			35,000			35,000
CUSTODIAL EQUIPMENT			10,000			10,000
BUILDING NEEDS ASSESSMENT STUDY	40,000					40,000
TOTAL HIGH SCHOOL	240,000	215,000	292,000	359,000	184,000	1,290,000
MIDDLE SCHOOL						
REPLACE SLATE ROOF						
REPAIR RUBBER MEMBRANE ROOF	20,000	20,000	20,000		250,000	310,000
TECHNOLOGY PLAN	25,000	25,000	25,000	50,000		125,000
REPLACE CARPET WITH TILE		12,500	25,000	25,000		62,500
SEAL UPPER PARKING LOT		8,500				8,500
REPLACE BOILER DRUMS		11,000	11,000			22,000
UPGRADE TELEPHONE SYSTEM			30,000			30,000
REMOVE TENNIS COURTS, REPLACE WITH FIELD	30,000					30,000
REPLACE WINDOWS	20,000					20,000
REPLACE MULLIONS / DOORS			15,000			15,000
REPLACE ROOF FANS	10,000					10,000
PAINT EXTERIOR PIPES, STAIRS, CUPOLA		10,000				10,000
REPLACE AIR COMPRESSOR		10,000				10,000
AUDITORIUM AIR CONDITIONING		40,000				40,000
DUCT WORK CLEANING	15,000					15,000
PA SOUND SYSTEM	10,000					10,000
ELEVATOR CONTROLS	20,000	25,000				45,000
SCHOOL FURNITURE			10,000			10,000
OIL BURNER UPGRADES			25,000	25,000	25,000	75,000
TECHNOLOGY INFRASTRUCTURE	9,000	6,000	6,000			21,000
BUILDING NEDS ASESSMENT STUDY	20,000					20,000
TOTAL MIDDLE SCHOOL	179,000	168,000	167,000	100,000	275,000	889,000
CENTRAL OFFICE						
RELOCATE CENTRAL OFFICE TO MIDDLE SCHOOL	5,000	76,000				81,000
REPLACE SIDEWALL SHINGLES	25,000					25,000
MINOR CAPITAL REPAIRS	10,000					10,000
TOTAL CENTRAL OFFICE	40,000	76,000	-	-	-	116,000
TOTAL CAPITAL PLAN	459,000	459,000	459,000	459,000	459,000	2,295,000

ORLEANS REGIONAL MAXIMUM SHARE: 92,817

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 \$27,432,483 for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	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
FY12 - FY16**

Project Descriptions	Adopted	Budgeted	Proposed					
	FY11	FY11	FY12	FY13	FY14	FY15	FY16	
COMMUNITY PRESERVATION ACT								
Program Activity Funding	498,211	498,211	(1)	(1)	(1)	(1)	(1)	(1)
TRANSFER STATION								
Replace Front End Loader					175,000			
FIRE DEPARTMENT								
Replace Pumper Truck	550,000	500,000						
Fire Station Renovation/Addition (CF-32)								
Feasibility Study					45,000			
Architectural & Engineering Design							500,000	
Construction								6,000,000
HIGHWAY DEPARTMENT								
Water Quality Drainage Improvements (NR-6)(NR12)	150,000	150,000	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	300,000	300,000
New Department of Public Works Facilities (CF-11)								
Architectural & Engineering Design			250,000					
Construction				3,100,000				
Replace Front End Loader	160,000	160,000						
Replace Street Sweeper					170,000			
Replace Dump Truck w/Catch Basin Cleaner							120,000	
PROPERTY ACQUISITION								
Open Space Purchases (OS-2)	1,190,000	0	(2)	(2)				
Affordable Housing Development (AH-1)	350,000	0	(3)					
Wastewater Management Purchases (CF-27)(CF-28)(CF-33)	1,500,000	0	(4)	(4)				
PARKS AND BEACHES								
Nauset Beach Off-Site Parking Lot (CF-13)(CF-15)			5,000,000					

**CAPITAL IMPROVEMENTS PLAN
FY12 - FY16**

Project Descriptions	Adopted	Budgeted		Proposed				
	FY11	FY11	FY12	FY13	FY14	FY15	FY16	
PLANNING DEPARTMENT								
Wastewater Management Plan Implementation (CF-27)(CF-28)								
Technical Review and Cost Analysis of CWMP Options			150,000					
Design Engineering Services (Phase 1)	5,000,000	0	5,000,000					
Construction (Phase 1)						42,000,000		
POLICE DEPARTMENT								
Police Station Renovation/Addition (CF-32)								
Architectural & Engineering Design	500,000	0	500,000					
Construction				7,000,000				
SHELLFISH/HARBORMASTER DEPARTMENT								
Replace Town Piers, Docks and Ramps (CF-19)			320,000					
SNOW LIBRARY								
Library Renovation/Addition								
Feasibility Study				45,000				
Architectural & Engineering Design					500,000			
Construction						6,000,000		
WATER DEPARTMENT								
I & M Plant - Filter Membrane Rack Replacements	285,000	285,000	285,000					
Wind Turbine (600kW Class)			2,400,000					
TOTALS	10,483,211	1,893,211	9,355,000	15,765,000	1,115,000	48,950,000	6,450,000	

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 28% or \$160,000), fund reserves for Historical Resources (\$124,605), Community Housing (\$153,606), and fund balance for Open Space (\$60,000). 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.

(2) Open Space Purchases can be made in FY11 up to \$1,190,000. The balance available for FY12 - FY13 will be determined based on expenditures made during the previous year.

(3) Affordable Housing Development purchases can be made in FY11 up to \$350,000. The balance available for 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: January 15, 2010
 Revised: March 17, 2010
 Approved: March 24, 2010

ORLEANS COMPREHENSIVE PLAN IMPLEMENTATION PROGRAM DESCRIPTIONS	
ITEM	
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-13	Develop a plan to deal with beach erosion at Nauset Beach
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
CF-33	Initiate consideration of potential sites for wastewater treatment
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 round 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 2011**

<u>PROJECT DESCRIPTION</u>	<u>AMOUNT</u>	<u>FUNDING SOURCE</u>
COMMUNITY PRESERVATION ACT Program Activity Funding	\$498,211	Available Funds (CPA)
FIRE DEPARTMENT Replace Pumper Truck	\$500,000	Bonding
HIGHWAY DEPARTMENT Water Quality Drainage Improvements Town Pavement Management Program Replace Front End Loader	\$150,000 \$300,000 \$160,000	Bonding Bonding Bonding
PROPERTY ACQUISITION Conservation and Watershed Preservation Restriction	\$375,000	Bonding
WATER DEPARTMENT I&M Plant - Filter Membrane Rack Replacements	\$285,000	Bonding (Water Reserves)
TOTAL	\$2,268,211	

Note: The following changes to the Capital Improvements Plan are being proposed since its adoption at Town Meeting in May 2009:

Starting Dates

Wastewater Management Plan Implementation Phase 1 Design (FY11) to (FY13) and Construction (FY13) to (FY15); Police Station Renovation Design (FY11) to (FY12) and Construction (FY12) to (FY13).

Projects Added

Technical Review and Cost Analysis of CWMP Options (FY12); New Department of Public Works Facilities Design (FY12) and Construction (FY13); Wind Turbine (FY12).

Projects Removed

FY 2012 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. The amount currently available for appropriation is \$498,211. 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.

Total Project Funding:	TBD
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

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.

Total Estimated Cost:	\$150,000
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.

Total Estimated Cost:	\$300,000
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 DEPARTMENT OF PUBLIC WORKS FACILITIES DESIGN

This project involves the design of new Department of Public Works (DPW) Facilities that would include the removal of the existing Highway Garage and construction of an 11,000 square foot steel building; renovation of the existing steel structure and addition of 1,500 square feet; removal of existing on-site wooden storage structures; construction of new salt storage and material storage facilities; and upgrading proposed DPW administrative offices in former legion building or building new offices on two acres of property possibly acquired from the state across from the existing Highway Garage on Bay Ridge Lane.

Total Estimated Cost:	\$250,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	9 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$30,200

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 1/15/10 is \$1,190,000.

Total Estimated Cost:	TBD
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 1/15/10 is \$350,000.

Total Estimated Cost:	TBD
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.

Total Estimated Cost:	\$1,500,000
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

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 ten to fifteen years due to ongoing beach erosion and would result in a significant financial loss to the Town. In 2009, daily parking revenues generated from Nauset Beach amounted to \$495,000.

Total Estimated Cost:	\$5,000,000
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

PLANNING DEPARTMENT – TECHNICAL REVIEW AND COST ANALYSIS OF CWMP OPTIONS

This project will provide an objective review of wastewater management alternatives. An outside engineering consultant will be asked to evaluate the centralized and decentralized alternatives in the draft CWMP. The consultant may also consider other alternatives not in the CWMP. The work will require the development of preliminary plans for collection, treatment, and disposal systems for each of the two main alternatives. Preliminary plans will be used to develop a full cost comparison between the alternatives. Costs to be developed and compared will include all project life cycle costs, including capital costs, land acquisition, legal, financing, operations, and maintenance.

Total Estimated Cost:	\$150,000
Method of Financing	General Override
Recommended Schedule	6 months
Estimated Annual Cost O/M:	To be determined during study

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 the outcome of any discussions on possible options for regionalization of police services with the Town’s of Eastham and Wellfleet.

Total Estimated Cost:	\$500,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	18 Months for completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$60,300

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.

Total Estimated Cost:	\$320,000
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

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 proposed replacement of the existing ultra-filtration membranes 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.

Total Estimated Cost:	\$285,000
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

WATER DEPARTMENT – WIND TURBINE (600kW CLASS)

This project involves the installation of a municipally owned and operated wind turbine in the Orleans watershed. This 600KW class wind turbine would provide power for approximately 60% of the Town's municipal electric load. Under this article the savings from turbine generated electricity and Renewable Energy Certificate sales would be used to offset the cost of borrowing for this project. This turbine installation would utilize previous studies on wind energy in the Orleans Watershed.

Total Estimated Cost:	\$2,400,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	TBD
Estimated Annual Cost O/M:	TBD
Average Annual P&I	\$289,500

FY 2013 PROJECT DESCRIPTIONS

HIGHWAY DEPARTMENT – NEW DEPARTMENT OF PUBLIC WORKS FACILITIES CONSTRUCTION

This project involves the construction of new Department of Public Works (DPW) Facilities that would include the removal of the existing Highway Garage and construction of an 11,000 square foot steel building; renovation of the existing steel structure and addition of 1,500 square feet; removal of existing on-site wooden storage structures; construction of new salt storage and material storage facilities; and upgrading proposed DPW administrative offices in former legion building or building new offices on two acres of property possibly acquired from the state across from the existing Highway Garage on Bay Ridge Lane.

Total Estimated Cost:	\$3,100,000
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	\$220,100

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.

Total Estimated Cost:	\$170,000
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 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 (20 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
If Bonded, Average Annual P&I	\$355,000

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.

Total Estimated Cost:	\$7,000,000
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	\$497,000

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.

Total Estimated Cost:	\$45,000
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.

Total Estimated Cost:	\$175,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for completion
Estimated Annual Cost O/M:	\$ 1,500
Average Annual P&I	\$38,900

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.

Total Estimated Cost:	\$45,000
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 in an effort to improve drainage system performance and address environmental concerns of contaminated runoff to surrounding estuaries. The truck is also used by the Highway Department to haul materials and equipment and to plow snow, and by other departments to move equipment, materials and various structures at seasonal facilities.

Total Estimated Cost:	\$120,000
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 proposes to fund design of the renovation/addition to the existing library to address space needs based on outcome of feasibility study to be completed in FY13.

Total Estimated Cost:	\$500,000
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	\$60,300

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.

Total Estimated Cost:	\$500,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be determined during design
Estimated Annual P & I	\$60,300

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.

Total Estimated Cost:	\$42,000,000
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	\$2,376,500

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.

Total Estimated Cost:	\$6,000,000
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

FY 2016 PROJECT DESCRIPTIONS

FIRE DEPARTMENT – FIRE STATION RENOVATION/ADDITION CONSTRUCTION

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.

Total Estimated Cost:	\$6,000,000
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	\$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 address 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-CIP 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 CIP includes all proposed projects to be undertaken for the period beginning July 1, 2011 (FY12) through June 30, 2016 (FY16).

Projects that are being proposed for funding in FY11 make up the Capital Budget and these projects will be presented as individual articles in the town meeting warrant for consideration. The Capital Budget projects were either “Adopted” in the CIP at the May 2010 town meeting or are new and being “Budgeted” for the first time in FY11. In

accordance with the Orleans Home Rule Charter, any project that did not appear in the CIP in the prior year or exceeds the estimated cost by ten percent (10%) must receive a favorable three-fourths majority vote of the town meeting to be approved

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 8 – 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 2011 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 FY11, or to take any other action relative thereto. (Community Preservation Committee)

(Simple Majority Vote Required)

SUMMARY

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from fiscal year 2011 Community Preservation Fund revenues, unless otherwise specified, for fiscal year 2011 community preservation purposes with each item considered a separate appropriation:

<u>PURPOSE</u>	<u>RECOMMENDED AMOUNT AND SOURCE</u>				
	<u>FY11 Est. Surtax</u>	<u>FY 11 Est. State Share</u>	<u>Historic Reserves</u>	<u>Fund Balance</u>	<u>Total</u>
<i>Appropriations:</i>					
1) Debt service expenses (Note 1)	583,495			16,383	599,878
2) Project #1 Sea Call Farm Orchard Rehabilitation		14,935			14,935
3) Project #2 OHS Document/Photograph Preservation		14,500			14,500
4) Project #3 Odd Fellows Hall Architect/Painting		45,565	1,875		47,440
5) Project #4 Fleck Property				60,000	60,000
6) Committee Expenses		10,000			10,000
<i>Reserves:</i>					
Open Space					-
Historic Resources					-
Community Housing		75,000			75,000
Unallocated					-
Grand Total	583,495	160,000	1,875	76,383	821,753

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

	<u>Historic Resources</u>	<u>Community Housing</u>
ENDING BALANCE OF RESERVES	122,730	228,606

Project 1: Sea Call Farm Orchard Rehabilitation

Applicant: Sea Call Farm Supporters, Inc.

Amount: \$ 14,935

Summary: Sea Call Farm Supporters, Inc. is requesting funds for the rehabilitation of the orchard and pasture which are historic elements of Sea Call Farm as listed on the National Register of Historic Places. These parts of the landscape are currently badly degraded but if rehabilitated would add to the historic and recreational value of the Farm, the buildings of which have been considerably restored in recent years. The Community Preservation Committee is recommending funding for the rehabilitation of the orchard as the first priority.

Project 2: Preservation of Photographs and Documents

Applicant: Orleans Historical Society

Amount: \$14,500

Summary: the Orleans Historical Society, the Town's largest repository of cultural artifacts, historic photographs and archival records, is seeking funding for the archival preservation, digitization and storage of selected photographs and documents from the Orleans Historical Society's collections. The preserving, digitizing and archiving process will be performed by a professional Archivist and is expected to take three years. The CP Committee is recommending funding for one third of the requested amount.

Project 3: Odd Fellows Hall Restoration – Architectural Services and Painting

Applicant: Independent Order of Odd Fellows, Lodge 132

Amount: \$47,440

Summary: The Orleans Odd Fellows Chapter has applied for funds for architectural services and exterior painting as part of the continuing restoration of this historically significant building, which is the only remaining 19th century schoolhouse still standing in Orleans. At this point it is essential that a preservation architect be engaged to complete an overall architectural Master Plan. Painting of the exterior is also needed. The Odd Fellows has submitted a request for complete architectural services (through construction) and the exterior painting. The CP Committee is recommending funding for architectural services of the initial phases (measured drawings, schematic design, and design development), which will ensure the development of a Master Plan, and for the painting.

Project 4: Fleck Property on Twinings Pond

Applicant: Orleans Conservation Trust

Amount: \$60,000

Summary: The Orleans Conservation Trust is seeking funds to assist in the purchase of a 1.86 acre buildable parcel on Twinings Pond. This purchase would expand and enhance an existing conservation area owned by the Orleans Conservation Trust and the Town, and would protect the public walking trail along Twinings Pond. The Orleans

Conservation Commission would hold a conservation restriction on the property. OCT has an option to purchase the property for \$480,000, which is less than it appraised fair market value. Due to limitations on the availability of funding for new Open Space purchases, the CP Committee is recommending \$60,000 with the anticipation that these funds could be used as leverage to raise the additional monies needed.

Committee Expenses: Maximum Allowable \$37,500 ; CP Committee voted \$10,000

The Community Preservation Act permits the Committee to allocate up to 5 per cent of annual revenues (surtax and state share) for operating and administrative expenses. In FY 2011, the Committee anticipates using the funds for legal consultation, maintaining records and, if funding permits, potential studies directed toward effectively realizing the Town's possibilities in the areas of open space, community housing, historic resources. Any and all unused funds at the end of the fiscal year revert to the fund balance for future projects.

Community Housing Reserve: CP Committee voted \$75,000

The Community Preservation Act requires that "not less than 10 per cent of the annual revenues" (estimated to be approximately \$750,000 for FY 2011) be used for each of the primary community preservation areas - open space, community housing and historic resources. Since there were no community housing applications for FY 2011, the CP Committee has recommended that \$75,000, or 10 per cent of the estimated revenues, be set aside for future housing purposes in order to adhere to this provision of the Act.

BOS:	5 – YES	0 – NO	0 – ABSTAIN
FC:	5 – 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: 8 – 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 FY11 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 FY11 is \$237,460.

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

ARTICLE 7. FUND REPLACEMENT OF FIRE DEPARTMENT PUMPER TRUCK

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum for the purpose of purchasing a new pumper truck for the Fire Department, 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, 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 pumper truck, or to take any other action relative thereto. (Board of Selectmen)

(2/3/ Vote Required)

SUMMARY

This item involves the replacement of the 1994 KME Fire Pumper. By FY11 this pumper will be 17 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 would 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, with the radios and associated electronic equipment, from the old truck to the new truck.

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

ARTICLE 8. FUND REPLACEMENT OF HIGHWAY DEPARTMENT FRONT END LOADER

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum for the purpose of purchasing a new front end loader for the Highway Department, 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, 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 front end loader, or to take any other action relative thereto. (Board of Selectmen)

(2/3/ Vote Required)

SUMMARY

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.

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

ARTICLE 9. 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 are being replaced for 3 successive years beginning in FY10. This is the second of three Town

Meeting Articles that will be needed to support this project. The first article was positively supported by the May, 2009 Annual Town Meeting and Annual Town Election.

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

ARTICLE 10. ACCEPT PROVISIONS OF M.G.L. CHAPTER 64L §2(a) – LOCAL OPTION SALES TAX ON RESTAURANT MEALS

To see if the Town will vote to accept the provisions of M.G.L. c. 64L, § 2(a) to impose a local sales tax on the sale of restaurant meals originating within the town of Orleans by a vendor at the rate of .75 percent of the gross receipts of the vendor from the sale of restaurant meals, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article proposes the acceptance of a local option sales tax that would enable the town to increase the tax on meals by 0.75 percent with the proceeds being paid to the state and then returned to the town on a quarterly basis. The additional tax would apply to the sale of restaurant meals originating in Orleans and would be in addition to the current 6.25 percent state sales tax on meals. If approved, the local option would go into effect on July 1, 2010 and based on information provided by the Department of Revenue could generate \$230,000 annually

BOS: 3 – YES 2 – NO 0 – ABSTAIN
FC: 4 – YES 4 – 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 FY11 is \$237,460.

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

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

ARTICLE 14. 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 Council on Aging Van Transportation Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to fund driver salaries, vehicle maintenance and other necessary expenses related to the van transportation program. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 4) 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.
- 5) 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.
- 6) 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. (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 use by the Council on Aging to offset expenses related to the operation and maintenance of the Roadrunner passenger vans with monies collected through a new van sponsorship program. 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.
- 4) 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.
- 5) 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.
- 6) 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 15. 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 16. 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 17. 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.

Fiscal Year 2011 tax rate impact of \$0.005 per thousand valuation.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 1 – ABSTAIN

ARTICLE 18. FUND HUMAN SERVICES AGENCIES (FY11)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Sixty-Four Thousand Eight Hundred Seventy-One and 0/100 Dollars (\$64,871.00), or any other sum, to fund the following human services organizations for the period July 1, 2010 to June 30, 2011.

Cape Cod Child Development	2,500
CapeAbilities	5,827
Community Connections	1,200
Consumer Assistance Council	250
Elder Services of Cape Cod and the Islands	2,500
Gosnold on Cape Cod	7,000
Homeless Prevention Council	5,244
Independence House, Inc.	4,500
Lower Cape Outreach Council	7,000
Nauset Together We Can/Juice Bar	5,000
Orleans After School Activities Program	15,000
Outer Cape Health Services	6,000
Sight Loss Services	850
South Coast Legal Services	2,000
TOTAL	\$64,871

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

Cape Cod Child Development provides childcare, education and developmental intervention, and family support services. The primary mission is to offer child centered, family focused programs that are affordable, accessible, and of the highest quality.

- (no FY10 application, FY09 funding \$2,500)
- The projected number of Orleans' residents to be served in FY11 is 35.

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

- (FY10 funding \$5,827)
- The projected number of Orleans' residents to be served in FY11 is 7.

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

- (FY10 Funding \$1,500)
- The projected number of Orleans' residents to be served in FY11 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.

- (FY10 funding \$250)
- The projected number of Orleans' residents to be served in FY11 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.

- (FY10 funding \$2,500)
- The projected number of Orleans' residents to be served in FY11 is 70.

Gosnold, Inc. provides inpatient care and offer outpatient services for all aspects of substance abuse and mental health treatment to those affected with addiction, substance abuse and/or mental health illness.

- (no FY10 application, FY09 funding \$8,280)
- The projected number of Orleans' residents to be served in FY11 is 120.

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

- (FY10 funding \$4,682)
- The projected number of Orleans' residents to be served in FY11 is 199.

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.

- (FY10 funding \$4,500)
- The projected number of Orleans' residents to be served in FY11 is 95.

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

- (FY10 funding \$6,500)
- The projected number of Orleans' residents to be served in FY11 is 185.

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.

- (FY10 funding \$ 5,000)
- The projected number of Orleans' residents to be served in FY11 is 15.

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

- (FY10 funding \$15,000)
- The projected number of Orleans' residents to be served in FY11 is 80.

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.)

- (FY10 funding \$7,000)
- The projected number of Orleans' residents to be served in FY11 is 400.

Sight Loss Services, Inc. provides assistance to Orleans residents who are newly blind, visually impaired or affected with progressive eye disease.

- (no FY10 application, FY09 funding \$800)
- The projected number of Orleans' residents to be served in FY11 is 65.

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.

- (FY10 funding \$3,100)
- The projected number of Orleans' residents to be served in FY11 is 25.

Fiscal Year 2011 tax rate impact of \$0.017 per thousand.

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

ARTICLE 19. FUND FOURTH OF JULY PARADE

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00), or any other sum, for the purpose of funding the July 4th parade within the Town of Orleans. Said funds to be expended under the direction of the Town Administrator, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article would fund expenses related to July 4th parade in the Town of Orleans in July, 2011. The funding request could be reduced by private fund raising activities in support of events.

Fiscal Year 2011 tax rate impact of \$0.002 per thousand.

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

ARTICLE 20. FUND ELECTED OFFICIALS COMPENSATION (FY11)

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2010 as follows:

- 1) Board of Selectmen (5) \$1,000.00
- 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 Five Thousand Three Hundred Fifty and 00/100 Dollars (\$5,350.00) 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 2011.

Fiscal Year 2011 tax rate impact of \$0.001 per thousand.

BOS: 4 – YES 1 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ARTICLE 21. AMEND GENERAL BYLAWS, CH. 40: PERSONNEL

To see if the Town will vote to amend the General Bylaws by amending Chapter 40, Personnel. The amendment removes outdated references, reflects changes in the law and standardizes policies, all as more fully set forth in the amendment on file with the Town Clerk; or take any action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The Orleans Personnel Bylaw was last updated in 2004. This amendment would remove references to employees who are now covered under collective bargaining agreements; reflect changes to state and federal laws, and update and standardize personnel policies. The Personnel Advisory Board is required to hold a public hearing on revisions to the bylaw prior to Town Meeting.

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

ARTICLE 22. ADOPT GENERAL BYLAW, CH. 138: SECOND HAND MERCHANDISE DEALERS AND COLLECTORS

To see if the Town will vote to amend the General Bylaws, by adding the following new General Bylaw:

Chapter 138 – Secondhand Dealers and Secondhand Collectors

§138-1. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCEPTABLE IDENTIFICATION - means either:

A. A current driver's license that includes the date of birth, photograph, and physical description of the person offering the identification; or

B. Two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

POLICE CHIEF - The Chief of Police of the Town of Orleans or her or his designee.

REGULATED PROPERTY - means the following used property:

A. Precious metals, including but not limited to, any metal valued for its character, rarity, beauty or quality, including gold, silver, copper, platinum or other metals, whether as a separate item or in combination with other items.

B. Precious gems, including but not to limited to any gem valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or other precious or semiprecious gems or stones, whether as a separate item or in combination with other items or as a piece of jewelry.

C. Watches and jewelry containing precious metals or precious gems, including but not limited to, rings, necklaces, pendants, earrings, brooches, chains, pocket watches, wristwatches, or stopwatches.

D. Sterling silver flatware, including but not limited to knives, forks, spoons, candlesticks, coffee and tea sets, or ornamental objects.

E. Any electronic audio, video or photographic and optical equipment, along with computer or computer equipment or recordings in any form.

F. Any power tools or equipment.

G. Musical instruments.

H. Sporting equipment.

I. Automobiles, boats, planes, motorcycles, in whole or taken in parts, or any other type machinery.

J. Collectibles, including objects of art, coins, currency and antique objects, but not including those items identified in §138-8.H, below.

SECONDHAND COLLECTOR Has the same meaning as the term "junk collector" in MGL c. 140, § 56.

SECONDHAND DEALER Has the same meaning as the term "junk dealer" and "keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles" in MGL c. 140, § 54.

The term Secondhand Collector and Secondhand Dealer shall not include consignment shops and non-profit organizations that are exempt from taxation under section 501 (c)(3) of the Internal Revenue Code) that accept donations for resale.

§ 138-2. Issuance, renewal and revocation of licenses.

A. Secondhand collectors and secondhand dealers must obtain a license to conduct said activities.

B. The Licensing Authority of the Town of Orleans may, after notice and a public hearing, deny an original or renewal application for a secondhand dealer or secondhand collector license or revoke an issued license if it has probable cause to believe any of the following conditions exist after a public hearing:

(1) The applicant, or any person who in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business, has owned or operated a secondhand dealer or secondhand collector business regulated under this regulation or any substantially similar license and, within the five years prior to the application date:

(a) Has had a secondhand dealer or secondhand collector license revoked for a reason that would be grounds for a denial or revocation pursuant this chapter; or

(b) The secondhand dealer or secondhand collector business has been found to constitute a public nuisance.

(2) The licensee applicant, or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business, has been convicted of a felony or any crime involving a false statement within 15 years prior to the application date.

(3) The applicant has:

(a) Knowingly made a false statement in the application;

(b) Knowingly omitted information requested to be disclosed in the application; or

(c) Completed the application with reckless disregard for the truth or accuracy of the statements made therein.

(4) A lawful inspection of the secondhand dealer or secondhand collector business premises by the Police Chief or his designee has been unjustifiably refused by a person who, in part or whole, manages or operates the business.

(5) The secondhand dealer or secondhand collector business, the applicant or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business has more than five violations of this Bylaw, any state or federal law, or any combination thereof within a two-year period, including the two years prior to the application date.

(6) The secondhand dealer or secondhand collector business, the applicant or any person who, in part or whole, owns, manages or operates the secondhand dealer or secondhand collector business has been convicted of any law of the Commonwealth of Massachusetts that is contrary to the type of secondhand business to be conducted, such as, but not limited to, receiving stolen property, any form of breaking and entering, larceny from a person or any other form of larceny, or any form of aggravated assault, as verified by a CORI by the Police Chief or his designee.

(7) Such other grounds as the Licensing Authority determines to be in the public interest or in violation of the conditions of the license or any law or regulation of the commonwealth or the Town of Orleans.

§ 138-3 Inspection of property and records.

A. Whenever necessary to make an inspection to enforce the provisions of this chapter, or when the Police Chief or his designee has reasonable grounds to believe more likely than not that a specific item of regulated property held by a secondhand dealer or secondhand collector is associated with criminal conduct, the Police Chief or his designee may enter the premises of the secondhand dealer or secondhand collector at any reasonable time, provided that the premises is occupied at the time of entry and the Police Chief or his designee presents proper official identification at or near the time of entry. If entry is refused, the Police Chief or his designee shall have recourse to every remedy provided by law to secure entry, including an administrative search warrant or a criminal search warrant.

B. Authority to inspect secondhand dealer or secondhand collector premises under this regulation is in addition to and not in limitation of the authority the Town or the Police Chief or any police officer would otherwise have to enter the business premises.

C. Once allowed to enter the premises of the secondhand dealer or secondhand collector, the Police Chief or his designee may inspect property kept there. The Police Chief or his designee may also inspect the business records associated with regulated property and perform any duty imposed upon the Town or the Police Chief by this Bylaw.

§ 138-4. Recordkeeping.

A. The Police Chief or his designee shall design a purchase report form and make copies available to all secondhand dealers or secondhand collectors. Secondhand dealers or secondhand collectors shall utilize these forms, or any other substantially similar form approved by the Police Chief, to record purchases of regulated property. The form may request any information reasonably calculated to help the Police Chief identify the purchaser, the seller or the property associated with the purchase of regulated property.

B. Whenever a secondhand dealer or secondhand collector purchases regulated property for business purposes, the secondhand dealer or secondhand collector shall obtain acceptable identification from the seller along with the seller's current residence address. The secondhand dealer or secondhand collector shall fill out a purchase report form in all relevant aspects at the time of the purchase. A purchase report form as required to be filled out by this section shall be filled out in legible English. The seller shall sign his or her name on the filled-out form.

C. A digital photograph will be taken of each item purchased as defined under "regulated property" in §138-1. The photographs may be stored electronically, but are subject to the same recordkeeping requirements as listed in §138-4.A. Copies of the photographs will be made available to the Chief of Police in a timely manner and are subject to the same rights of inspection as listed in §138-8.

D. The licensee shall cause to be delivered to the Orleans Police Department, on a weekly basis, a copy of all transactions recorded in the ledger on the form provided. If during the preceding week such secondhand dealer or secondhand collector has taken no articles in, he/she shall make out and deliver to the Police Department a report of such fact.

§ 138-5. Posting of licenses and notices.

A. All licenses shall be conspicuously posted in an accessible place on the licensed premises, available at all times to the proper authorities.

B. A secondhand dealer shall post the following notice, no smaller than 8 ½ inches by 11 inches with lettering no smaller than ¼ of an inch in height, outside each point of entry intended for patron use and at or near each place where a secondhand dealer purchases used property in the regular course of business. If a significant number of the patrons of the regular secondhand dealer use a language other than English as a primary language, the notice shall be worded in both English and the primary language or languages of the patrons.

NOTICE:

The sale or attempted sale of property to a secondhand dealer without consent of the property's owner is punishable by a civil penalty not to exceed \$300 per item. Don't sell property without consent of the property's owner. You will be held strictly liable for violation of this law.

§ 138-6. Purchases by dealers or collectors.

- A. A secondhand dealer or secondhand collector shall not make any cash purchase in an amount that exceeds \$50.
- B. A secondhand dealer must not carry on the business of buying or selling secondhand property except at the premises designated in the dealership license.
- C. A secondhand dealer must not purchase any property whose serial number or other identifiable marking has been wholly or partially tampered with or removed.
- D. A secondhand dealer or secondhand collector may not purchase any item from any person under the age of 18.

§ 138-7. Unauthorized sale of property.

No secondhand dealer or secondhand collector may purchase or sell any property of any type without the consent of the owner.

§ 138-8. Holding periods.

- A. A copy of every purchase report form filled out as required by this chapter shall be kept on the premises of the secondhand dealer or secondhand collector business during normal business hours for at least three years from the date of purchase. The report form shall be subject to inspection by the Police Chief or his designee. The secondhand dealer or secondhand collector shall not be required to keep the purchase report forms in excess of 3 years.
- B. All regulated property in the categories of precious metals or precious gems, defined in §138-1, A.-D., purchased by a secondhand dealer or secondhand collector and required to be recorded on a purchase report form, shall be held by the secondhand dealer or secondhand collector for at least 21 days from the date of purchase.
- C. All other regulated property purchased by a secondhand dealer or secondhand collector and required to be recorded on a purchase report form shall be held by the secondhand dealer or secondhand collector for at least 15 days from the date of purchase.
- D. The secondhand dealer or secondhand collector shall maintain the property in substantially the same form as when purchased and shall not alter, exchange or commingle the property. During the holding period the regulated property shall be kept on the business premises during normal business hours and shall be subject to inspection by the Police Chief or his designee.
- E. The Police Chief or his designee may give written notice to a secondhand dealer or secondhand collector holding regulated property that the Police Chief or his designee has reasonable grounds to believe that more likely than not a specific item of regulated

property is associated with criminal conduct. The secondhand dealer or secondhand collector holding the regulated property shall then continue to hold the property specified in the notice in the same manner and place as required under subsection B of this section until released by the Police Chief.

F. The holding period for any item of regulated property shall not exceed 180 days from the date of purchase.

G. A secondhand dealer or secondhand collector may from time to time request, in writing, that the Police Chief shorten the length of the holding period. If the Police Chief or his designee determines relief from the holding period is appropriate due to unreasonable hardship, the Police Chief or his designee shall provide the secondhand dealer or secondhand collector who requested relief with written authorization to sell, transfer or otherwise dispose of the regulated property. The request shall identify the property and state the basis of the unreasonable hardship. The authorization shall be effective only upon delivery of the written authorization to the secondhand dealer or second hand collector.

H. Secondhand dealers retailing or wholesaling used property, limited to the following are exempt from subsection B. and C. above:

(1) Used clothing, furniture, costume jewelry, knickknacks, footwear, and houseware items such as dishes, pots, pans, cooking utensils, and cutlery; or

(2) Used clothing, furniture, costume jewelry, footwear and houseware items such as dishes, pots, pans, cooking utensils and cutlery, obtained only from or through a registered charity or by donations; or

(3) Used books, papers, or magazines.

§ 138-9. Testing of weighing and measuring devices.

All weighing or measuring devices used by a licensee in the conduct of the licensed business shall be tested and sealed by the Town of Orleans prior to being placed in service.

§ 138-10. Violations and penalties.

A. Violation of any provision of this chapter may be prosecuted as a criminal matter or as an administrative procedure or by the noncriminal disposition method provided in MGL c. 40, §21D. Each violation shall be considered separately.

B. Whoever violates the provisions of this chapter shall be fined not more than \$300. The Licensing Authority may suspend, revoke or modify any license issued by it whenever it has reasonable cause to believe the licensee has violated the terms, conditions or regulations pertaining to such license. Any violation of this chapter enforced by the methods provided in MGL c.40 § 21D shall be subject to a fine of \$250.

§ 138-11. Severability.

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.

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

(Simple Majority Vote Required)

SUMMARY

The purpose of this bylaw is to regulate the buying and selling of certain used property by secondhand dealers and secondhand collectors by requiring that such businesses be licensed by the Police Department. This bylaw would establish requirements related to inspection, record keeping, purchases, unauthorized sales, and holding periods for regulated property.

BOS: 5 – YES 0 – NO 0 – ABSTAIN

FC: No significant fiscal impact

ARTICLE 23. ADOPT GENERAL BYLAW, CH. 127: PUBLIC TREES

To see if the Town will vote to amend the General Bylaws by adopting Chapter 127, Public Trees, as follows:

Chapter 127 – Public Trees

127-1. Purpose

The purpose of this bylaw is to promote a diverse, healthy and sustainable community forest in order to provide for the general welfare of Orleans' citizens. Public trees define public spaces and create a civic identity. This bylaw protects public trees located on public rights of way from removal or preventable damage.

127-2. Definitions

Diameter breast height (DBH): The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.

Drip line: A vertical line running through the outermost portion of the crown (outer branch tips) of a tree and extending to the ground.

Public tree: Any tree located within the boundaries of a public right of way.

Remove (including removing and removal): The cutting down of any public tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a public tree, including, but not limited to, excessive or improper pruning, excavation, or construction damage.

127-3. Applicability

This bylaw applies to all public trees. The Tree Warden shall have jurisdiction over all public trees. This bylaw is intended to supplement Chapter 87 of the Massachusetts General Laws, known as the Shade Tree Act.

127-4. Activities Requiring a Permit

- A. Planting a tree on public property or right-of-way
- B. Removal of a public tree
- C. Pruning of a public tree, including root pruning or disturbance
- D. Construction activities within the drip line of a public tree that may be damaging to the tree.

127-5. Prohibited activities

- A. Carving
- B. Breaking of limbs
- C. Poisoning
- D. Cutting or digging of roots
- E. Girdling, nailing
- F. Posting of signs
- G. Topping or otherwise damaging
- H. Injuring or otherwise putting public trees at risk

127-6. Emergencies

Pruning or removal is allowed without a permit for any public tree which is determined by utility or emergency response officials to create a public hazard so as to immediately endanger the public health, safety or welfare or cause an immediate disruption of public services. A written record shall be completed within a reasonable time and kept on file with the Tree Warden.

127-7. Permit and Application process

A person who wishes to initiate any activity affecting a public tree for which a permit is required shall make application to the Tree Warden. Applications are available at the Town Clerk, and office of the Tree Warden. There is no fee for filing an application.

In the case of a proposed removal, a public hearing will be required. For activities except removal, the Tree Warden shall issue or deny the permit within 14 business days of receipt of a completed application. A permit will be valid for one hundred twenty (120) days from issuance unless specified in the permit.

Where a public hearing is required, the Tree Warden shall cause a notice of the time and place of the hearing for the removal of public trees, which notice shall identify the size, type and location of the public trees to be cut down or removed, to be posted in two or more public places in the Town of Orleans and upon the tree at least seven days before such hearing and published in a newspaper of general circulation in the Town of Orleans once in each of two successive weeks, the first publication to be not less than seven days before the day of the hearing or if no such local newspaper exists then in accordance with the provisions of M.G.L. Chapter four, Section six; provided however,

that when a public hearing must be held under the provisions of this section and under M.G.L. Chapter forty, Section fifteen C prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board. Cost for posting and notice shall be borne by the applicant.

127-8. Approval Criteria

The criteria for granting removal of a public tree, after a public hearing, are as follows:

- A. The public tree interferes with structures, utilities, streets, sidewalks or proposed necessary improvements, and there is no alternative to removal;
- B. The public tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, causing disruption of public utility service, causing drainage or passage problems upon rights-of-way, or posing a threat to pedestrian or vehicular safety; or
- C. The removal of the public tree is necessary and/or desirable as determined by the Tree Warden.

The Tree Warden shall not grant a permit for the cutting down or removal of a public tree if, at or before a public hearing as provided in this section, objection in writing is made by one or more persons, unless such cutting or removal or permit to cut or remove is approved by the Board of Selectmen.

127-9. Tree replacement

The removal of a public tree shall require its replacement, which shall be provided as follows.

- A. The replacement tree shall be of the same or similar species or such other species as deemed advisable by the Tree Warden and shall have the same or equivalent size as measured in DBH inches as that of the public tree that was removed. Installation shall be included.
- B. In the event that a tree of equivalent size cannot be obtained or is not appropriate, multiple smaller replacement trees may be used if approved by the Tree Warden.
- C. If multiple smaller trees are not approved, a payment to the Town of the value of the tree, as determined by a qualified arborist, shall be made.

Replacement may be waived if the Tree Warden finds it is in the interest of the Town to remove the subject tree(s).

127-10. Waivers

The requirements of this bylaw may be waived by the Tree Warden within a specified period of an emergency such as a hurricane, windstorm, flood or other natural event.

127-11. Enforcement and Penalties

Any person who violates any of the provisions of this bylaw shall be notified by the Tree Warden of the specific violation, including a time frame to address the violation and penalties.

Any person who removes or alters a public tree without a permit shall be assessed a penalty equal to the cost of replacing the tree in addition to the fixed penalty amount described below:

- A. Removal without a permit or performing prohibited activities - \$300 per instance
- B. Failure to obtain a permit for activities requiring a permit, or prohibited activities other than removal of a tree - \$300 per instance

127-12. Appeal

Any decision of the Tree Warden under this section may be appealed to the Board of Selectmen. Said appeal must be in writing and must be received by the Board of Selectmen within thirty (30) calendar days of the issuance of the Tree Warden's decision. The Board shall make a final decision on the matter within thirty (30) calendar days from the date of receipt of the appeal request.

127-13. Severability

Should any part or provision of this by-law be determined by a court of law to be invalid, such determination shall not affect the validity of the by-law as a whole nor any part thereof other than the part found invalid.

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

(Simple Majority Vote Required)

SUMMARY

The purpose of this bylaw is to promote a diverse, healthy and sustainable community forest in order to provide for the general welfare of Orleans' citizens. Public trees define public spaces and create a civic identity. This bylaw protects public trees located on town property and on public rights of way from removal or preventable damage.

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 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 Section 164-40-2-B, or Section 164-35.1 D. Non-Commercial Wind Facilities, 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 which 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.

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

(2/3 Vote Required)

SUMMARY

This article proposes an amendment to the Zoning Bylaw so that building-mounted wind energy facilities can be considered by the Zoning Board of Appeals through the Special Permit process. In 2004, the Town adopted a bylaw to regulate Commercial and Non-commercial Wind Energy Facilities. At that time, there was no thought given to a wind turbine being attached to a building. The Planning Board has been made aware of an inconsistency with the definition of Building Height, which limits building appurtenances to no higher than 5 feet above the ridge line. This limitation does not allow a wind facility to be placed more than 5 feet above the ridge line of a house. The article would amend the definition of Building Height by inserting a reference to the wind energy facility section of the bylaw. This change will allow the ZBA to review building-mounted wind energy facilities and to allow them, on a case by case basis, if they are found to be consistent with the general criteria required for the granting of a Special Permit.

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

ARTICLE 25. AMEND ZONING BYLAW SECTION 164-13: SCHEDULE OF USE REGULATIONS

To see if the Town will vote to amend the Zoning Bylaws, Section 164-13 Schedule of Use Regulations, to delete existing language and insert the following new language.

COMMERCIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Beauty salon <u>and beauty parlors</u>	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Gift Shops, antique shops, beauty parlors	O	P ^{4,2}	P ⁴	P ⁴	P ⁴	O	O	O	O

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

(2/3 Vote Required)

SUMMARY

This amendment would change the Schedule of Uses table in the zoning bylaw. The use table describes which types of land uses are permitted in which zoning districts. The table currently has separate listings for “beauty salon” and “beauty parlor”. It is proposed that the two uses be listed in a single category to eliminate confusion.

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

ARTICLE 26. AMEND ZONING BYLAW SECTION 164-22: MODIFICATIONS

To see if the Town will vote to amend the Zoning Bylaws, Section 164-22.A. (3) to insert the following new language:

One (1) single family dwelling may be erected, enlarged, or maintained on any lot, regardless of a common ownership with that of adjoining land located in the same residential district, which existed on August 2, 1973 or which was shown on a preliminary plan prior to that date and which was further shown on a definitive plan which was subsequently filed and approved by the Planning Board, and contained at least 20,000 sq. ft. and had a minimum frontage of 120 ft. or has 50 ft of arc frontage on a cul-de-sac and is 120 ft. wide at the building line and the existing structure(s) or the proposed structure is ~~to be~~ located on such lot so as to conform with the minimum requirements of front, side and rear yard setbacks and to all other requirements for such structures in effect at the time of building.

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

(2/3 Vote Required)

SUMMARY

This amendment is intended to correct a problem with the way nonconforming lots are treated in Orleans. As currently written, the section allows a dwelling to be constructed on a 20,000 square foot lot if the EXISTED on August 2, 1973. There are four existing subdivisions in Orleans which were proposed on a preliminary plan prior to that date, but which were not approved and recorded at the Registry of Deeds until after the date. Therefore, lots were not in existence prior to the date and are not qualified building lots. The change affects vacant lots as well as those with existing homes. The proposed amendment would clarify that a dwelling could be constructed on a lot which was shown on a preliminary plan prior to August 2, 1973.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 1 – ABSTAIN

ARTICLE 27. ACQUIRE CONSERVATION AND WATERSHED PRESERVATION RESTRICTION ON BREWSTER LAND

To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for open space, watershed protection, conservation and passive recreation purposes, a Conservation and Watershed Preservation Restriction (the "Restriction") pursuant to the provisions of G.L.c. 184, §§31-33, on two adjoining parcels of land in Brewster, MA within the Zone II zone of contribution to the Orleans public water supply, said parcels designated on the Brewster Assessors' Map 45 as Parcels 41 and 58-1, located off Route 39, consisting of 22.57 acres, more or less, and more particularly described in Certificate of Title No. 156342 and shown on Land Court Plan 40582A and described in deed Book 12786 Page 342, and

shown as Lot 1 on a plan recorded in Barnstable Plan Book 398 Page 30, a copy of which is on file with the Orleans Town Clerk; and to raise and appropriate or transfer from available funds, or transfer from Community Preservation Act funds, or borrow a sum of money for such acquisition, provided, however, that no funds, shall be borrowed hereunder unless the Town shall have voted at an election to exempt the amounts required to pay for the bond from the limitations of Proposition 2 ½ so-called, if required; and, provided that the Restriction shall be under the control and management of the Conservation Commission and/or the Water Department; and, further, to authorize the Board of Selectmen and/or the Conservation Commission and/or the Water Department to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursement from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, §11) and/or any others in any way connected with the scope of this article, and, further, to authorize the Board of Selectmen to negotiate the purchase of the Restriction and to make the decision to enter into any agreement to purchase the Restriction and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (Open Space Committee)

(2/3 Vote Required)

SUMMARY

This article recommends the purchase of 22.5 acres of land off of Route 39 in the Town of Brewster. The purchase price is \$750,000, and it will be shared 50/50 with Brewster. This parcel was the site of a proposed 9-lot sub division that was rejected by the Brewster Planning Board. The state appeals court upheld that denial. The property is unique and important to Orleans because it sits in the Zone II of contribution to the Quanset Road well #7. Therefore any water contamination filtering into the ground will ultimately enter the water system of the Town of Orleans.

The Brewster Conservation Trust has a purchase and sale agreement to acquire an adjacent 7.9-acre parcel, known as the Hamilton property. Town of Brewster holds about 8 acres of tax title land that lie in the Zone II of contribution to our well fields in our watershed. These parcels will be dedicated to conservation as part of the proposed Mathews acquisition.

Both Orleans and Brewster Town Meetings must vote favorably on this proposal. Brewster will vote to acquire the Mathews property for its full value of \$750,000. Orleans will vote to participate and raise 50% of the total or \$375,000, which will be used to reimburse Brewster for 50% of the purchase price. If both towns vote favorably, the Brewster Conservation Trust will proceed to execute a signed purchase and sale agreement for the Hamilton property for the agreed upon price of \$80,000. The Town of Brewster will transfer three tax title properties to its Conservation Commission in Brewster for conservation purposes. In exchange for the 50% Orleans share the Mathews purchase, the Orleans Conservation Commission will hold Conservation Restrictions on all 39 acres of the property described above. The land will be protected from development and reserved as open space in perpetuity, and the Zone II's of our well fields will be protected from development of any of this land.

The Town of Orleans will be protecting 39 acres of land in the Zone II of our watershed for approximately \$9,600 per acre.

The Town of Brewster will apply with the support of Orleans for a state-matching grant in the amount of \$375,000 before July 15, 2010. If funded this grant would reduce the net cost to each town to \$187,500 or less than \$5,000 per acre.

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

ARTICLE 28. FUND LAYOUT OF BEACH ROAD FROM MAIN STREET TO NAUSET BEACH – BY PETITION

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$71,000 for the purpose of developing a road layout survey and plan of Beach Road from Main Street to Nauset Beach, or to take any other action relative thereto. (By Petition)

(3/4 Vote Required)

SUMMARY

Beach Road is currently not a laid out public way. This means that the Town’s authority to do work on the road does not extend beyond the paved shoulder area. This presents problems and additional expense related to drainage and paving projects. By having the road laid out and recorded it will also complete the last piece of the puzzle needed to create a sidewalk that would run from Nauset Beach to Skaket Beach. The “Coast to Coast” sidewalk that would allow the approximately 2 miles of existing sidewalks to be connected to new sidewalks resulting in a 4 mile continuous walkway connecting the two coasts of Orleans. The Coast to Coast sidewalk will promote safety, convenience and a healthy alternative to driving to both residents and visitors of Orleans. The continuous sidewalk will also bring economic benefit to the shops and restaurants of East Orleans, Town Center and the various businesses that lie on the outskirts of downtown. By creating a “walk-able city” Orleans would be widely known as a great place to visit and live which promotes a sense of community and value that will be enjoyed by all residents.

This article would fund the engineering costs associated with the road layout survey and plan needed for the Board of Selectmen to initiate the process to lay out Beach Road as a public way. A public layout of Beach Road will allow the Town to proceed with a sidewalk from Main Street to Nauset Beach. It is anticipated that there will be no monetary compensation for the property taking associated with the road layout.

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

Note: Votes reflect agreement to amend petition to fund a preliminary study at \$6,000.

ARTICLE 29. 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 2011.

BOS: Recommendation to be made at Town Meeting

FC: Recommendation to be made at Town Meeting

ARTICLE 30. 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 FOURTEENTH of APRIL in the year of our Lord TWO THOUSAND TEN.

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

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

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 10, 2010 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 TENTH day of MAY in the year TWO THOUSAND TEN at 6:30 P.M. to act on the following:

ARTICLES

Article 1. Pay Bills of Prior Years..... 71

Article 2. Transfer Article 72

Article 3. Transfer Funds for Police Station HVAC Repairs..... 73

Article 4. Transfer Funds for Replacement of Eldredge Field Lights 73

Article 5. Transfer Funds for Marine Corps Band Concert 73

Article 6. Authorize Intergovernmental Agreements Related to Renewable Energy Projects..... 74

Article 7. Acquire Land Owned by G.R.B.S. Corporation 75

Article 8. Acquire Land Owned by Putnam Family 76

Article 9. Accept M.G.L. Ch. 138 Sec. 33B – Sale of Alcoholic Beverages by On-Premise Licensees on Sundays and Certain Legal Holidays 77

Article 10. Closing Article 77

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.
- FC:** 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 2010 as follows:

- 1) Transfer a sufficient sum of money from the Ambulance Receipts Reserve for Appropriation Account and the Insurance Recovery Account to the Fire/Rescue Department Overtime Salary Account.
- 2) Transfer the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, from the Water Surplus Fund to the Site Improvements Expense Account.
- 3) Transfer a sufficient sum of money from the Parks & Beaches Salary Account to the Parks & Beaches Expense Account.
- 4) Transfer the sum of Three Thousand Five Hundred Dollars (\$3,500.00), or any other sum, from the Community Building Expense Account to the Community Building Salary Account.

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

(Simple Majority Vote Required)

SUMMARY

- 1) Funds from the ambulance receipts account and the insurance recovery account will be used to fund overtime coverage during injured-on-duty leaves of absence.
- 2) Funds from the water surplus fund will be used for repairs to the Water Department's two storage tanks, as recommended in the October 2009 report from the engineering firm Haley and Ward after completing the annual tank inspections.
- 3) These funds will be used for expenses at the beaches due to erosion and storm damage. These would include engineering, design, replacing stairs, and boardwalks as well as sand replacement for Skaket Beach, Nauset dune and Nauset ORV trail.
- 4) Funds were originally placed in the expense portion of the budget in order to hire a private contractor to clean the Community Building. Due to the lack of bids, part-time staff was hired to clean the building, and wages are required to be paid out of the salary line item.

BOS: Recommendation to be made at Town Meeting.

FC: Recommendation to be made at Town Meeting.

ARTICLE 3. TRANSFER FUNDS FOR POLICE STATION HVAC REPAIRS

To see if the Town will vote to transfer from available funds a sufficient sum of money to make repairs to the HVAC system at the police station, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

The funds are needed to pay for repair of the heating system that broke down during this past winter. Although the police station renovation included replacing the old boiler with two new ones, much of the piping and air handlers remain unchanged. The money that will be transferred is the balance that is available from the design funds and will be used to replace and/or repair necessary heating equipment.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: Recommendation to be made at Town Meeting.

ARTICLE 4. TRANSFER FUNDS FOR REPLACEMENT OF ELDREDGE FIELD LIGHTS

To see if the Town will vote to transfer from available funds a sufficient sum of money to replace the Eldredge Field lights, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

When the new lights were installed at Eldredge Park the Park Commissioners instituted a new fee that required all groups using the lights to pay a maintenance fee of \$25 per night. This money was to be used for future light bulb replacement. To date \$6,575 has been collected. The estimated costs to replace all of the light bulbs is over \$10,000. The Orleans Athletic Association and other user groups would be responsible for any costs over \$6,575.

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

ARTICLE 5. TRANSFER FUNDS FOR MARINE CORPS BAND CONCERT

To see if the Town will vote to transfer from available funds the sum of Three Thousand and 00/100 Dollars (\$3,000.00) for the purpose of funding a future Marine Corps Band concert, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

Funding for the Marine Corps Band concert was not included in the FY11 budget, and their annual concert has been moved to Yarmouth this year. This article will reserve funding originally appropriated for FY10 for the concert in the event that it is held in Orleans at a future date.

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

ARTICLE 6. AUTHORIZE INTERGOVERNMENTAL AGREEMENTS RELATED TO RENEWABLE ENERGY PROJECTS

To see if the Town of Orleans will authorize its Board of Selectmen to enter into one or more intergovernmental net metered power sales agreements not to exceed a term of twenty-five years on behalf of the Town with the Cape & Vineyard Electric Cooperative, Inc. in substantially the form of the draft “Intergovernmental Cooperative/General Member Net Metered Power Sales Agreement” on file in the Town Clerk’s Office, as may be revised as necessary on such terms and conditions as the Board of Selectmen deem appropriate; or take any other action relative thereto, provided that such intergovernmental agreement(s) do not exceed a term of twenty-five years. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

Approval of this article would authorize the Board of Selectmen to enter into one or more intergovernmental net metered power sales agreements with the Cape & Vineyard Electric Cooperative, Inc. (“Cooperative”). The Town is a member of the Cooperative. The purposes of the Cooperative are to develop and/or own renewable and non-renewable electric generation facilities and to procure and/or sell long term electric supply or other energy-related goods or services including renewable energy certificates at competitive prices to its members. The Cooperative is currently in the development stages for two land based wind projects, one to be located on land leased from the Town of Harwich, a Cooperative member, and the other to be leased from the Town of Brewster, another Cooperative member. The Cooperative will sell up to 90% of the power from these projects to the host community for the host community to net meter its municipal load. The Cooperative will sell 10% of the power from each project to the Cape Light Compact to benefit all ratepayers, and the Cooperative will sell any remaining power on a *pro rata* basis to its other members, including the Town, in accordance with the form of Intergovernmental Cooperative/General Member Net Metered Power Sales Agreement on file in the Town Clerk’s Office. As a member of the Cooperative, the Town will benefit from the Cooperative’s renewable energy projects.

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

ARTICLE 7. ACQUIRE LAND OWNED BY G.R.B.S. CORPORATION ON BEACH ROAD AND HUBLER LANE, EAST ORLEANS, MA

To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for general municipal purposes, the land located on Beach Road and Hubler Lane, East Orleans, MA, being Lot A, containing 1.68 acres \pm , Lot 1 containing .94 acres \pm , Lot 2 containing 1.02 acres \pm , Lot 3 containing 1.08 acres \pm , and Lot 4 containing .93 acres \pm , as more particularly shown on a plan entitled "Definitive Subdivision Plan land in Orleans, Mass. prepared for Elizabeth O. Hubler" dated April 29, 2002, and recorded in the Barnstable Registry of Deeds in Plan Book 576 Page 5, including a portion of a 30-foot way shown as Hubler Lane on said plan, together with a right of way over the 30-foot way between said land and Smith Neck Road; said land being more particularly described in the deed recorded in the Barnstable Registry of Deeds in Book 21908 Page 350 and Book 21400 Page 345; said lots are also shown on the Orleans Assessor's Map 38 as Parcels 16-6, 16-1, 16-2, 16-3 and 16-4; and to raise and appropriate or transfer from available funds, or borrow a sum of money for such acquisition, provided, however, that no funds, shall be borrowed hereunder unless the Town shall have voted at an election to exempt the amounts required to pay for the bond from the limitations of Proposition 2 ½ so-called, if required; and, provided that such land shall be under the control of the Board of Selectmen for general municipal purposes, and, further, to authorize the Board of Selectmen to negotiate the purchase of the land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (Board of Selectmen)

(3/4 Vote Required)

SUMMARY

The purchase of this five lot subdivision would allow the Town to build a 450 space parking lot. The existing parking lot at Nauset Beach has 925 spaces and could be lost to ongoing beach erosion within the next ten to fifteen years. This is the last piece of property in close proximity to the beach large enough to build a substantial parking lot. The town currently generates \$800,000 annually in revenues from Nauset Beach parking and the concession stand. The loss of this ocean beach parking area may impact future business and residential property values.

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

ARTICLE 8. ACQUIRE LAND OWNED BY PUTNAM FAMILY, 50 BRIDGE ROAD, ORLEANS, MA

To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for conservation, open space, passive recreation, and agriculture purposes, the land located at 50 Bridge Road, Orleans, MA consisting of approximately 13.86 acres, and being shown on the Orleans Assessor's Map 10 as Parcel 1; and more particularly described in the deed recorded in the Barnstable Registry of Deeds in Book 10672 Page 225; and to raise and appropriate or transfer from available funds, or transfer from Community Preservation Act funds, or borrow a sum of money for such acquisition, provided, however, that no funds, shall be borrowed hereunder unless the Town shall have voted at an election to exempt the amounts required to pay for the bond from the limitations of Proposition 2 ½ so-called, if required; and, provided that the land, or a portion thereof, shall be under the control and management of the Conservation Commission and/or the control and management of the Board of Selectmen, and, further, to authorize the Board of Selectmen and/or the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursement from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, §11) and/or any others in any way connected with the scope of this article, and, further, to authorize the Board of Selectmen to negotiate the purchase of the land and to make the decision to enter into any agreement to purchase the land and to execute any and all instruments as may be necessary on behalf of the Town, including the grant of a conservation restriction, or to take any other action relative thereto. (Open Space Committee)

(2/3 Vote Required)

SUMMARY

This warrant article proposes that the Town of Orleans purchase 13.86 acres of agricultural land for conservation and community supported agriculture. The property, known as Putnam Farm, lies off of Bridge Road and sits behind the District Court House. It is also accessible from the Cape Cod Rail Trail. If acquired by the Town this property will become the largest piece of useable publicly controlled conservation land in Orleans north of Eldredge Park between Town Cove and Cape Cod Bay.

Negotiations with the owners have been on going for almost four years. The cash purchase price for the Town is \$360,000. The owners will be making a charitable contribution of \$140,000 to help with the transaction. Thus the town will be acquiring almost 14 acres of open space for just under \$26,000 per acre. If the Town Meeting and the voters support the acquisition, the Town intends to apply for an Open Space Land Grant that could reduce the local share of the purchase price to \$180,000 or just under \$13,000 per acre.

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

ARTICLE 9. ACCEPT M.G.L. C. 138 SECTION 33B - SALE OF ALCOHOLIC BEVERAGES BY ON-PREMISE LICENSEES ON SUNDAYS AND CERTAIN LEGAL HOLIDAYS

To see if the Town will vote to accept the provisions of M.G.L. C. 138 Section 33B, which authorizes the licensing authority, under Section 12 of C. 138, to permit the sale of alcoholic beverages between the hours of 11:00 a.m. and 12:00 noon on Sundays, the last Monday in May, and on Christmas Day or on the day following when said day occurs on Sunday, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article would authorize the Board of Selectmen, as the licensing authority, to permit holders of license(s) for sale of alcoholic beverages to be consumed on premises to serve alcoholic beverages starting at 11:00 a.m. on Sundays, the last Monday in May, and Christmas Day. Currently alcoholic beverages may not be served on Sunday in such establishments until 12:00 noon. License holders have informed the Board of Selectmen that neighboring communities have adopted these provisions.

BOS: 5 – YES 0 – NO 0 – ABSTAIN
FC: Recommendation to be made at Town Meeting

ARTICLE 10. 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 FOURTEENTH day of APRIL in the year of our Lord TWO THOUSAND TEN.

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

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

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 10, 2010 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 Council on Aging Senior Center in said Orleans on Tuesday the EIGHTEENTH day of MAY in the year TWO THOUSAND TEN 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)
- 2 Selectman (3 year terms)
- 2 Constable (3 year terms)
- 1 Board of Health (3 year term)
- 1 Orleans Housing Authority (unexpired 3 year term)
- 1 Orleans Housing Authority (unexpired 2 year term)
- 1 Orleans Housing Authority (unexpired 1 year term)
- 1 Nauset Regional School Committee (3 year term)
- 2 Orleans Elementary School Committee (3 year terms)
- 2 Trustees for Snow Library (3 year terms)
- 1 Trustee for Snow Library (unexpired 1 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 purchase of a new pumper truck for the Fire Department, 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 purchase of a new front end loader for the Highway Department, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 5.

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 6.

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 purchase of a Conservation and Watershed Preservation Restriction on two adjoining parcels of land off Route 39 in Brewster, MA within the Zone II zone of contribution to the Orleans public water supply, shown on the Brewster Assessors' Map 45 as Parcels 41 and 58-1, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 7.

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 purchase of all or a portion of the land located at Beach Road and Hubler Lane, East Orleans,

MA, shown on the Orleans Assessor's Map 38 as Parcels 16-6, 16-1, 16-2, 16-3 and 16-4, including all expenses incidental and related thereto?

YES _____ NO _____

QUESTION 8.

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 purchase of all or a portion of the land located at 50 Bridge Road, Orleans, MA, consisting of approximately 13.86 acres, shown on the Orleans Assessor's Map 10 as Parcel 1, including all expenses incidental and related thereto?

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 FOURTEENTH day of APRIL in the year of our Lord TWO THOUSAND TEN.

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

Jon R. Fuller, Chairman
Margie Fulcher
Sims McGrath, Jr.
Mark E. Carron
David M. Dunford
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 18, 2010 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