

**TOWN OF ORLEANS
TOWN MEETING WARRANTS**

for use at

**MONDAY, October 17, 2011
SPECIAL TOWN MEETING – 6:30 PM
Nauset Middle School Gymnasium**



**SPECIAL ELECTION
TUESDAY, October 25, 2011
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.***

**COPIES OF THIS WARRANT ARE AVAILABLE
ON TAPE OR IN LARGER PRINT
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.”

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 SEVENTEENTH day of OCTOBER in the year TWO THOUSAND ELEVEN at 6:30 P.M. to act on the following:

Article 1.	Approve Borrowing Authorized by Nauset Regional School District	8
Article 2.	Acquire Conservation and Watershed Preservation Restriction on Brewster Land	9
Article 3.	Authorize Water Tank Lease Agreement	10
Article 4.	Fund Water Tank Rehabilitation Design	11
Article 5.	Free Cash	12
Article 6.	Closing Article	12

ARTICLE 1. APPROVE BORROWING AUTHORIZED BY NAUSET REGIONAL SCHOOL DISTRICT

To see if the Town will approve the Six Million Four Hundred Ninety-Two Thousand Six Hundred Eighty-Six and 00/100 Dollars (\$6,492,686.00) borrowing authorized by the Nauset Regional School District, for the purpose of paying costs to replace the windows, exterior doors, and the roofs at Nauset Regional High School located at 100 Cable Road, North Eastham MA 02651, including the payment of all costs incidental or related thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Nauset Regional School Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty-seven point thirty-two percent (37.32%) of eligible approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or take any action relative thereto. (Nauset Regional School Committee)

(2/3 Vote Required)

SUMMARY

This article will fund Orleans’ share of the costs to replace the windows, some exterior doors, and the roofs at Nauset Regional High School. The windows and many exterior doors are original from 1971. They are poorly insulated, glazing and weather stripping has deteriorated beyond repair, and hardware is inoperable on many units. Most windows are very large and potentially dangerous under severe weather conditions. Water damage has resulted from many leaks and patches in the roofs. The project is designed to meet all of the latest “green” energy codes and should save the school 10%-15% on its energy costs in future years. Nauset High has received a grant of \$2.4 million from the state which will subsidize 37.32% of the costs.

TOTAL PROJECT CONSTRUCTION COSTS INCLUDING ISSUANCE FEES	\$ 6,529,186
LESS MSBA GRANT	2,423,070
NET CONSTRUCTION COSTS	4,106,116
INTEREST COSTS - 20 YEAR BORROWING @ 4.000%	1,722,245
TOTAL LOCAL NET COST	\$ 5,828,361

MEMBER TOWN COSTS – PRINCIPAL + INTEREST

TOWN	ASSESSMENT %	COST (P & I)
Brewster	.4821	\$2,802,169
Eastham	.1964	\$1,142,699
Orleans	.1979	\$1,149,304
Wellfleet	.1235	\$ 717,389

BOS: 3 – YES 1 – NO 0 - ABSTAIN
FC: Recommendation to be made at Town Meeting

ARTICLE 2. 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 a parcel of land in Brewster, MA, within the Zone II zone of contribution to the Orleans public water supply, said parcel designated on the Brewster Assessors’ Map 45 as Parcel 58-206, located at 0 Ruddy Duck Road (Lot 6), consisting of 3.04 acres, more or less, and more particularly described in Deed Book 15586 Page 45, and shown as Lot 6 on a plan recorded in Barnstable Plan Book 565 Pages 49 & 50, 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, a sum of money for such acquisition, provided that the Restriction shall be under the control and management of the Board of Selectmen; 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; and further to the extent required to modify the action taken under Article 6 of the May 9, 2011 ATM (CPA Budget Appropriation) to reflect the sum of money authorized to be transferred hereunder from the Community Preservation Fund, or to take any other action relative thereto. (Community Preservation Committee and Open Space Committee)

(2/3 Vote Required)

SUMMARY

This article would authorize the Board of Selectmen to participate in the purchase of 3.04 acres of land off of Route 39 in the Town of Brewster. The property, known as the Jackson property, abuts the 22.5 acre Matthews property that was acquired jointly by Brewster and Orleans in 2010. It is located on Ruddy Duck Road and is important to Orleans because it sits in the Zone II of contribution to the Quanset Road well #7. The purchase price is \$225,000 and Orleans' share is \$54,000, provided Brewster receives a state reimbursement grant for 52% of the total. Funding from an earlier reimbursement grant for the Sparrow property will be used to pay for Orleans share of the purchase. The funds are included in the Community Preservation Account (CPA) fund balance and can only be used for open space acquisitions subject to a vote of the Community Preservation Committee.

BOS: 4 – YES 0 – NO 0 - ABSTAIN
FC: Recommendation to be made at Town Meeting

ARTICLE 3. AUTHORIZE WATER TOWER LEASE AGREEMENT

To see if the Town will vote to authorize the Board of Selectmen to enter into a twenty-five-year lease of space on Water Tank #1, located off Lot's Hollow Road, for installation and maintenance of microwave and radio equipment, including antennas and related ancillary equipment, for the transmission and reception of radio communication signals, all substantially in accordance with the terms and conditions of a draft water tower lease agreement on file at the offices of the Board of Selectmen and Town Clerk, on such terms as they deem appropriate, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article would authorize the Board of Selectmen to lease space on one of the town’s two water towers to support equipment that will be installed as part of the OpenCape project to design and construct a regional broadband system for Cape Cod and Southeast Massachusetts. The benefits of the system include a Municipal Regional Area Network (RAN) that will be created as part of the OpenCape system for the 15 towns of Cape Cod and Barnstable County. The high speed fiber optic network will facilitate common application services among the towns and the County, such as a regional geographic information system (GIS), shared permit management, and shared Assessor’s data through more efficient resource allocations, as well as aggregated services such as internet access through high capacity low cost circuits. OpenCape is absorbing the entire cost of constructing the fiber optic connections and associated equipment. Municipalities, schools and libraries will be able to able to access these high capacity services at reduced rates.

BOS: 4 – YES 0 – NO 0 - ABSTAIN
FC: Recommendation to be made at Town Meeting

ARTICLE 4. FUND WATER TANK REHABILITATION DESIGN

To see if the Town will vote to transfer the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) from the Water Surplus Account to the Water Department Capital Outlay Account, for the purpose of funding the engineering plans and specifications for the rehabilitation and painting of Water Storage Tank No. 2, including all expenses incidental and related thereto, or to take any other action relative thereto. (Board of Selectmen)

(Simple Majority Vote Required)

SUMMARY

This article will fund the design plans and specifications for the rehabilitation and painting of water tank #2. The tank was last painted in 1991 and is currently showing signs of coating failure. MassDEP has adopted new regulations for water storage tanks that will also be addressed as part of the project. The total cost of the work is estimated at \$750,000 and is included in the Capital Improvements Plan for FY13. The town’s engineering consultant has recommended that the design work be completed now so that bids can be received prior to the annual town meeting. This would allow the town to award the contract next May and the actual work could start in early September.

BOS: 4 – YES 0 – NO 0 - ABSTAIN
FC: Recommendation to be made at Town Meeting

ARTICLE 5. FREE CASH

To see if the Town will vote to transfer from Free Cash in the Town’s Treasury the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) 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 taxes for FY 2012.

BOS: 4 – YES 0 – NO 0 - ABSTAIN
FC: Recommendation to be made at Town Meeting

ARTICLE 6. 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 TWENTY-FIRST day of SEPTEMBER in the year of our Lord TWO THOUSAND ELEVEN.

A true copy.
Attest:

Kelly L. Darling
Asst. Town Clerk

Margie Fulcher, Chairwoman

Sims McGrath, Jr.

David M. Dunford

Jon R. Fuller

Susan B. Christie
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 Special Town Meeting to be held on Monday, October 17, 2011 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.

John C. Fitzpatrick, 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 TWENTY-FIFTH day of OCTOBER in the year TWO THOUSAND ELEVEN from 7:00 am to 8:00 pm to vote on the following.

QUESTION 1.

Shall the Town of Orleans be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay Orleans' allocable share of the bond issued by the Nauset Regional School District for the purpose of paying costs to replace the windows, exterior doors, and the roofs at Nauset Regional High School located at 100 Cable Road, North Eastham MA 02651, including the payment of all costs incidental or 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 TWENTY-FIRST day of SEPTEMBER in the year of our Lord TWO THOUSAND ELEVEN.

A true copy.

Attest:

Margie Fulcher, Chairwoman

Kelly L. Darling
Asst. Town Clerk

Sims McGrath, Jr.

David M. Dunford

Jon R. Fuller

Susan B. Christie
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, October 25, 2011 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.

John C. Fitzpatrick, Constable