

SPECIAL TOWN MEETING
"DOINGS"
October 31, 2020

The Special Town Meeting was held on Saturday, October 31, 2020 at Nauset Beach. The Special Town Meeting was opened at 11:29 am after a quorum of 200 voters was declared by the Town Clerk. Tellers were: Greta Avery, Patricia Bradley, Daniella Bradley O'Brien, Hannah Caliri and John Jannell. Constables on duty were Kevin Higgins and Mary Stevens A total of 623 voters were in attendance.

PROCEDURAL MOTIONS

MOTION: To dispense with the reading of the Warrant except the Preamble, Conclusion and Attestation thereof.

ACTION: Motion passes by the necessary simple majority.

MOTION: That all Town Officials or department managers or their duly designated representative, required to attend Town Meeting pursuant to Section 2-7-3 of the charter all of whom are not residents of the Town of Orleans be permitted to address the Special Town Meeting on matters affecting their office, department or organization, or projects for which they have performed services for the Town.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 1. PAY BILLS OF PRIOR YEARS

To see if the Town will vote to transfer from Free Cash 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. (9/10 Vote Required)

MOTION: To accept and adopt and the sum of Eight Hundred and Thirty-Four and 00/100 Dollars (\$834.00) be transferred from Free Cash to pay the following unpaid bills:

The following is a list of unpaid bills of prior years as of October 31, 2020,

DEPARTMENT	VENDOR	AMOUNT
Department of Public Works	Unifirst	\$10.30

Department of Public Works	CYN Environmental Services	\$445.00
Town Meeting	Nauset Disposal	\$150.00
Department of Public Works	Shelter Tree	\$195.00
Zoning Board of Appeals	Gatehouse Media	\$32.78
TOTAL		\$833.08

ACTION: Yes = 457, No = 9, motion passes by the necessary 9/10 majority.

ARTICLE 2. FY 21 BUDGET ADJUSTMENTS

To see if the Town will vote to amend the action taken under Article 9 of the June 20, 2020 Annual Town Meeting (TOWN/SCHOOL BUDGET) by reducing the appropriations under various line items and/or transferring from various line items within current appropriations, such sums of money as necessary in the operating budgets of the various Town departments for FY21 as follows:

1. Reduce the appropriation for Council on Aging Salary and Expense Accounts by rescinding the sum of Forty-Nine Thousand Seven Hundred Forty and 00/100 Dollars (\$49,740.00), or any other sum;
2. Reduce the appropriation for Employee Health and Medicare Account by rescinding the sum of Fifty Five Thousand and 00/100 Dollars (\$55,000.00), or any other sum;
3. Transfer from the Employee Health and Medicare Account the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00) to the Police/Communications Salary and Expense Accounts;
4. Transfer from the Employee Health and Medicare Account the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, to the Select Board/Town Administrator Expense Account;
5. Reduce the appropriation for Highway Department Salary Account by rescinding the sum of One Hundred Fifty Four Thousand and 00/100 Dollars (\$154,000.00), or any other sum;
6. Transfer from the Highway Department Salary Account the sum of Thirty Six Thousand and 00/100 Dollars (\$36,000.00), or any other sum, to the Natural Resources Department Salaries Account and the Fringe Benefit Accounts;
7. Reduce the appropriation for the Windmill Salary Account by rescinding the sum of Four Thousand Seven Hundred Fifty and 00/100 Dollars (\$4,750.00), or any other sum. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #2, as printed in the warrant, and the reductions in appropriations be made from the various accounts by rescinding those amounts and the transfers from the various accounts be made for the purpose(s) set forth in this article.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 3. AMEND CAPITAL IMPROVEMENTS PLAN FOR FY22

To see if the Town will vote to amend the Capital Improvements Plan by adding the following items for FY 2022:

1. Nauset Estuary Dredging Project Environmental Permitting and Engineering Design Services in the amount of One Hundred Sixty Thousand and 00/100 Dollars (\$160,000.00);
2. Pleasant Bay Dredging Project Construction in the amount of Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00). (Simple Majority Vote Required)

MOTION: To accept and adopt Article #3 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 4. ESTABLISH ENTERPRISE FUND – SEWER OPERATIONS

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F1/2 of the Massachusetts General Laws and to establish sewer operations as an enterprise fund for FY22, effective July 1, 2021; or take any action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #4 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 5. ESTABLISH ENTERPRISE FUND – BEACH OPERATIONS

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F1/2 of the Massachusetts General Laws and to establish beach operations as an enterprise fund for FY22, effective July 1, 2021; or take any action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #5 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 6. ESTABLISH ENTERPRISE FUND – MOORING OPERATIONS

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F1/2 of the Massachusetts General Laws and to establish mooring operations as an enterprise fund for FY22, effective July 1, 2021; or take any action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #6 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 7. ESTABLISH ENTERPRISE FUND – TRANSFER STATION

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F1/2 of the Massachusetts General Laws and to establish transfer station operations as an enterprise fund for FY22, effective July 1, 2021; or take any action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #7 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 8. ESTABLISH ENTERPRISE FUND – ROCK HARBOR BOAT BASIN

To see if the Town will vote to accept the provisions of Chapter 44, Section 53F1/2 of the Massachusetts General Laws and to establish Rock Harbor Boat Basin operations as an enterprise fund for FY22, effective July 1, 2021; or take any action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #8 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 9. RESCIND STABILIZATION FUNDING OF MOTOR VEHICLES AND EQUIPMENT

To see if the Town will vote to amend the action taken under Article 31 of the June 20, 2020 Annual Town Meeting by reducing the appropriation for FY21 for the Motor Vehicle and Equipment Stabilization Fund by rescinding the sum of Two Hundred Sixty Five Thousand and 00/100 Dollars (\$265,000.00), or any other sum, or take any action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #9 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 10. RESCIND STABILIZATION FUNDING OF MAINTENANCE OF BUILDINGS AND FACILITIES

To see if the Town will vote to amend the action taken under Article 30 of the June 20, 2020 Annual Town Meeting by reducing the appropriation for FY21 for the Maintenance of Buildings and Facilities Stabilization Fund by rescinding the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), or any other sum; or to take any action relative thereto (Simple Majority Vote Required)

MOTION: To accept and adopt Article #10 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 11. ESTABLISH NEW REVOLVING FUND FOR ELECTRIC CHARGE STATIONS

To see if the Town will vote to authorize a revolving fund under M.G.L. c.44, §53½ and Chapter 82 of the Code of the Town of Orleans for the Revolving Fund for Electric Charge Stations, said fund not to exceed five-thousand and 00/100 Dollars (\$5,000.00). The Account will be used to fund the electricity and subscription service for the program. All funds to be spent under the direction of the Department Manager and the Town Administrator; or take any action relative thereto. (Simple Majority Vote Required)

MOTION: Pursuant to Mass General Laws, Chapter 44, Section 53 E ½ and Chapter 82 of the Code of the Town of Orleans that this article be accepted and adopted

ACTION: Motion passes by the necessary simple majority.

ARTICLE 12. FUND WATER SURPLUS ARTICLE FOR EMERGENCY EXPENDITURE AUTHORIZED BY THE MASSACHUSETTS DEPARTMENT OF REVENUE

To see if the Town will vote to transfer the sum of Forty Seven Thousand and 00/100 Dollars (\$47,000.00), or any other sum, from the Water Surplus Fund to fund the emergency expenditure authorized by the Massachusetts Department of Revenue to make repairs at the Water Treatment Plant; or take any action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #12 as printed in the warrant and the sum of Forty-Six Thousand Two Hundred and 00/100 Dollars (\$46,200.00) be transferred from the Water Surplus Fund for purposes set forth in the article.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 13. FUND FEASIBILITY STUDY FOR FIRE STATION RENOVATION/ ADDITION

To see if the Town will vote to borrow the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00), or any other sum, for the purpose of funding a feasibility study for renovation of and/or addition to the existing Fire Station, 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 Select Board 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. (3/4 Vote Required)

MOTION: To accept and adopt Article #13 as printed in the warrant and that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs

approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: Yes = 452, No = 93, motion passes by the necessary 3/4 majority.

ARTICLE 14. FUND REPLACEMENT OF FIRE DEPARTMENT PUMPER TRUCK

To see if the Town will vote to borrow the sum of Six Hundred Seventy Five Thousand and 00/100 Dollars (\$675,000.00), or any other 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 Select Board 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 Town Administrator to sell, trade, lease or exchange or otherwise dispose of the old fire pumper truck 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. (2/3 Vote Required)

MOTION: To accepted and adopted Article #14 as printed in the warrant and that the sum of Six Hundred Seventy Five Thousand and 00/100 Dollars (\$675,000.00) , be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Six Hundred Seventy Five Thousand and 00/100 Dollars (\$675,000.00) pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: Yes = 450, No = 83, motion passes by the necessary 2/3 majority.

ARTICLE 15. FUND MILL POND LANDING RESTORATION

To see if the Town will vote to borrow the sum of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00), or any other sum, for the purpose of funding the Mill Pond Landing Restoration project, 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 Select Board 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. (3/4 Vote Required)

MOTION: To accept and adopt Article #15 as printed in the warrant and that the sum of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

MOTION: Yes = 347, No = 172, motion fails to meet 3/4 majority.

ARTICLE 16. FUND ENGINEERING DESIGN AND PERMITTING SERVICES FOR NAUSET ESTUARY DREDGING PROJECT

To see if the Town will vote to borrow the sum of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00), or any other sum, for the purpose of funding engineering design and permitting services for the Nauset Estuary Dredging Project, 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 ½) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Select Board 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 (3/4 Vote Required)

MOTION: To accept and adopt Article #16 as printed in the warrant and that the sum of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00) be raised and appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Select Board, is authorized to borrow the sum of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00) pursuant to Massachusetts General Laws Chapter 44, Section 7 Clause (9), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: Yes = 403, No = 105, motion passes by the necessary 3/4 majority.

ARTICLE 17. FUND ENGINEERING SERVICES FOR POTENTIAL PURCHASE OF DREDGING EQUIPMENT

To see if the Town will vote to transfer from Free Cash the sum of Thirty Thousand Dollars (\$30,000.00), or any other sum, for the purpose of funding engineering design services for the potential purchase of dredging equipment, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: To indefinitely postpone.

ACTION: Yes = 443, No = 74, motion passes by the necessary simple majority.

ARTICLE 18. FUND ENGINEERING FOR DREDGE DISPOSAL SITES IN PLEASANT BAY & DREDGE A CHANNEL TO MILL POND IN NAUSET ESTUARY

To see if the Town will vote to borrow the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), or any other sum, for the purpose of funding the engineering design and permitting for dredge disposal/dewatering sites to support maintenance dredging in Pleasant Bay and determine the feasibility of dredging a navigational channel from Mill

Pond to Nauset Estuary, 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 ½) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Select Board 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. (3/4 Vote Required)

MOTION: To accept and adopt Article # 18 as printed in the warrant and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: Yes = 434, No = 86, motion passes by the necessary 3/4 majority.

ARTICLE 19. FUND COMMUNITY CENTER FEASIBILITY STUDY

To see if the Town will vote to borrow the sum of Seventy Five Thousand and 00/100 Dollars (\$75,000.00), or any other sum, for the purpose of funding a feasibility study for purchasing existing property or renovating current town property, for the construction of a Community Center, 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 ½) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Select Board 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 (3/4 Vote Required)

MOTION: To accept and adopt Article #19 as printed in the warrant and that the sum of Seventy Five and 00/100 Dollars (\$75,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Seventy Five Thousand and 00/100 Dollars (\$75,000.00) pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

MOTION: To call the question (2/3 vote required).

ACTION: Yes = 456, No = 59. Motion to call the question passes by necessary 2/3.

ACTION ON THE MAIN MOTION: Yes = 297, No = 226. Motion fails to pass by 3/4 majority.

ARTICLE 20. FUND FEASIBILITY STUDY – ROUTE 6A PROPERTY

To see if the Town will vote to transfer from Free Cash the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, for the purpose of funding a feasibility study of the potential reuses of the Governor Prence Properties on Route 6A, including affordable housing and other compatible uses; or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #20 as printed in the warrant and that the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be transferred from Free Cash for this purpose.

MOTION: To call the question (2/3 vote required).

ACTION: Yes = 466, No = 22. Motion to call the question passes by necessary 2/3.

ACTION ON THE MAIN MOTION: Yes = 400, No = 103. Motion passes by the necessary simple majority. majority.

ARTICLE 21. FUND UNANTICIPATED EMPLOYEE BUYOUTS

To see if the Town will vote to transfer from Free Cash the sum of One Hundred Eighty Five Thousand and 00/100 Dollars (\$185,000.00), or any other sum, to fund unanticipated employee related buyouts, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #21 as printed in the warrant and that the sum of One Hundred Eight- Five Thousand and 00/100 Dollars (\$185,000.00) be transferred from Free Cash for this purpose.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 22. FUND ELECTRONIC VOTING AT TOWN MEETING

To see if the Town will vote to transfer from Free Cash the sum of Twenty Five Thousand Dollars (\$25,000.00), or any other sum, for the purpose of leasing or purchasing electronic voting equipment, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #22 as printed in the warrant and that the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) be transferred from Free Cash for this purpose.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 23. FREE CASH TRANSFER TO GENERAL STABILIZATION FUND

To see if the Town will vote to transfer from Free Cash the sum of Four Million Two Hundred Forty Nine Thousand Two Hundred Twenty Nine and 00/100 Dollars (\$4,249,229.00), or any other sum, to the Town's General Stabilization Fund, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #23 as printed in the warrant, and the transfer from Free Cash the sum of Four Million Two Hundred Forty Nine Thousand Two Hundred Twenty Nine and 00/100 Dollars (\$4,249,229.00) to the Town's General Stabilization Fund for this purpose.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 24. AUTHORIZE CHANGES IN FEE SCHEDULES FOR ASSESSING, BUILDING AND WATER DEPARTMENTS

To see if the Town will vote, pursuant to the Orleans Code §94-8 A. and B., to authorize the Select Board to increase or set user fees, license fees and permit fees for the Assessing, Building and Water Departments as set forth in the following schedule, effective December 1, 2020, or take any other action relative thereto.

Department		Current	Proposed
144 Assessing Department			
Certified Abutter's List - Mailing Labels		\$0	\$1/sheet
Printed Materials		\$0.05pp	\$0.05pp if > 20 pages
241 Building Department			
Building Fees			
<i>Residential 1 & 2 Family</i>			
New construction per sq. ft.		\$0.54	\$0.70
Additions per sq. ft.		\$0.54	\$0.70
Alterations per sq. ft.		\$0.42	\$0.70
Decks per sq. ft.		\$0.28	\$0.40
Gar./ Acc. Building per sq. ft.		\$0.44	\$0.50
Min. fee for above		\$50	\$75
<i>Other Permits</i>			
Retaining wall		\$35	\$50
Foundation only		\$40	\$50
Tennis courts		\$60	\$75
Demolition permit		\$90	\$100
Mechanical permit		\$40	\$50
Cert. of occupancy		\$40	\$45
Sign permit		\$40	\$45
<i>Commercial</i>			
New industrial per sq.ft		\$0.60	\$0.75
New multifamily per sq.ft		\$0.58	\$0.75
Commerical/ business per sq.ft		\$0.60	\$0.75
Commerical addition per sq.ft		\$0.60	\$0.75
Alteration/ repair per sq.ft		\$0.42	\$0.65
Min Fee commercial		\$80	\$85
Re-roofing		\$40	\$75
Awning		\$35	\$80
Reinspection 1st.		\$35	\$50
Reinspection 2nd		\$50	\$60
Reinspection 3rd		\$65	\$70
Plumbing/Gas Fees			
1st	Reinsp.	\$40	\$50
2nd	Reinsp.	\$50	\$60
3rd	Reinsp.	\$65	\$70

Electrical Fees			
Emergency Afterhours		\$100	\$110
450 Water Department			
Backhoe with Operator (per hour)		\$60	\$80
5/8" Meter (annual bid price)		\$242	\$270
3/4" Meter (annual bid price)		\$268	\$300
1" Meter (annual bid price)		\$344	\$400

(Simple Majority Vote Required)

MOTION: To accepted and adopt Article #24 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 25. AUTHORIZE CHANGES IN FEE SCHEDULES FOR SHELLFISH AND HARBORMASTER

To see if the Town will vote, pursuant to the Orleans Code §94-8 A. and B., to authorize the Select Board to increase or set user fees, license fees and permit fees for the Shellfish and Harbormaster Department as set forth in the following schedule, effective December 1, 2020, or take any other action relative thereto.

295 Shellfish/Harbormaster			
Dockage (per foot)			
Resident Back in		\$46	\$50
Non-resident Back in		\$62	\$70
Resident Commercial/Private Pier		\$10	\$15
Non-resident Commercial/Private Pier		\$12	\$20

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #25 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 26. AUTHORIZE CHANGES IN FEE SCHEDULE FOR PARKS AND BEACHES

To see if the Town will vote, pursuant to the Orleans Code §94-8 A. and B., to authorize the Select Board to increase or set user fees, license fees and permit fees for the Parks and Beaches Department as set forth in the following schedule, effective December 1, 2020, or take any other action relative thereto. (Simple Majority Vote Required)

650 Parks and Beaches			
Parks			
Beaches			
Beach Parking - daily		\$20	\$25
Replacement sticker		\$0	\$5
Visitor Beach Parking - weekly		\$75	\$100
Visitor Beach Parking - seasonal resident		\$220	\$250
Resident Taxpayer Beach Parking-first sticker		\$0	\$25
Resident Taxpayer Beach Parking-addt'l sticker		\$0	\$25
ORV			
Resident - Off season		\$40	\$50
Resident - Yearly		\$60 or \$70	\$70 or \$80
Non-Resident - Off Season		\$100	\$110
Non-Resident - Yearly		\$190	\$200
Self-Contained - Off Season		\$135	\$145
Self-Contained - Yearly		\$260	\$270
Camp Owner		\$60 or \$190	\$70 or \$200
Pochet		\$10	\$20
		by mail / in-person	

MOTION: To accept and adopt Article #26 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 27. ACCEPT MGL CH. 59, SEC 5K - PROPERTY TAX LIABILITY REDUCED IN EXCHANGE FOR VOLUNTEER SERVICES; PERSONS OVER AGE 60

To see if the Town will vote to accept the provisions of General Laws Chapter 59 § 5K authorizing the Select Board to reduce the property tax liability of persons over the age of 60 in exchange for volunteer services rendered to the Town. The Select Board shall have the power to create local rules and procedures for implementing this section in any way consistent with the intention of the statute. Such reduction shall be provided in addition to any exemption or abatement the person is otherwise entitled to but in no instance shall the reduction of the real property tax bill exceed \$1,500 in a given tax year, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #27 as printed in the warrant.

ACTION: Yes = 205, No = 206. Motion fails to pass by simple majority

ARTICLE 28. ACCEPT MGL CH. 59, SEC 57A – REAL ESTATE & PERSONAL PROPERTY COLLECTION

To see if the Town will vote to accept Chapter 59, Section 57A (real estate and personal property bills totaling \$100.00 and under due in one installment), and further to rescind the vote on Article 15 from May 10, 1993, acceptance of Chapter 59, Section 57B (real estate and personal property bills totaling \$50.00 and under due in one installment) beginning in FY21, or take any other action relative thereto.
(Simple Majority Vote Required)

MOTION: To accept and adopt Article #28 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 29. AUTHORIZE SPECIAL ACT TO PERMIT SWIMMING AT BAKERS POND FROM STATE OWNED PROPERTIES

To see if the Town will vote to authorize and direct the Select Board to file special legislation to authorize and instruct the State Office of Fishing and Boating Access to issue an annual general permit to the Town of Orleans to permit swimming from the state owned properties located on Bakers Pond Road, or to take any other action relative there to. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #29 as printed in the warrant and that the Select Board be authorized to approve the final wording of any such Special Act.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 30. AUTHORIZE SPECIAL ACT FOR SEWER BETTERMENT ALLOCATION METHOD & RESCIND CH. 381 OF THE ACTS OF 2008

To see if the Town will vote to authorize the Select Board, to the extent necessary, to petition the Great and General Court of the Commonwealth of Massachusetts for special legislation to rescind Chapter 381 of the Acts of 2008 which authorized the town to lay out sewers and assess betterments in accordance with the Town's Comprehensive Wastewater Management Plan (CWMP) approved by the Department of Environmental Protection as of 2008 and further special legislation to authorize the Town, notwithstanding the provisions of Chapters 80 and 83 of the General Laws or any other general or special law to the contrary, to adopt a sewer assessment bylaw, based on the following uniform unit method:

The Town of Orleans, acting through its Board of Sewer and Water Commissioners ("Commission"), shall be authorized when assessing

betterment assessments to assess the owners of land abutting a public sewer installed by the Town by a rate based upon the following uniform unit method:

Sewer assessments shall be determined utilizing sewer unit values.

A single Sewer Unit shall be equal to the residential water usage for the residential properties abutting the wastewater system. For the purpose of any such bylaw such single Sewer Unit shall be considered “a single family residence” as that term is used in MGL c. 83, §15; however, based on the average daily water usage of a single family residence, as calculated in accordance with paragraphs 1-5 set out below, a single family residence may be assessed one or more Sewer Units.

- 1) The Commission shall assess sewer betterments based upon water usage. An average daily water usage for the residential properties shall be calculated based upon the prior three (3) year average ending with the most recent billed water cycle immediately preceding the date of the project’s substantial completion.
- 2) Residential and Non-Residential properties shall be assigned a sewer unit(s) based on their daily water usage relative to the average residential use, provided that the number of sewer units for any residential or non-residential property shall not be less than one (1) sewer unit.
- 3) Residential undeveloped. Sewer units shall be calculated on the basis of the highest and best use permitted as of right of the zoning then in effect. Potential single family, multifamily, and condominiums and other similar uses shall be converted into sewer units on the basis of residential equivalents using volume calculations.
- 4) Non-Residential, undeveloped. Sewer units shall be calculated on the basis of the highest and best use permitted as of right of the zoning then in effect. Potential non-residential, commercial, industrial, semipublic and other similar uses shall be converted into sewer units on the basis of residential equivalents using volume calculations.
- 5) If a property abuts a private or unaccepted way within which a public sewer has been installed, the Commission shall assess the betterment assessment against said property.

Or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #30 as printed in the warrant and that the Select Board be authorized to approve of the final language of the Special Legislation.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 31. AMEND GENERAL BYLAW CH. 140 - RIGHT TO FARM

To see if the Town will vote to amend Chapter 140. Right to Farm, to read as follows:

Bold underline = new language ~~strikethrough~~ = language removed

Chapter 140. Right to Farm **and Fish**

§ 140-1 Legislative purpose and intent.

- A. The purpose and intent of this bylaw is to state with emphasis the right to farm accorded to all citizens of the commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder, including but not limited to MGL c. 40A, § 3, paragraph 1; MGL c. 90, § 9, MGL c. 111, § 125A and MGL c. 128, § 1A. **This bylaw includes the right to fish commercially in accordance with applicable federal, state, and local regulations.** We the citizens of Orleans restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").
- B. This general bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Orleans ~~by~~; **this bylaw also protects the town's historical agricultural and maritime heritage and traditional employment by** allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within the Town.

§ 140-2 Definitions.

- A. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.
- B. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to, the following:
- 1) Farming in all its branches and the cultivation and tillage of the soil;
 - 2) Dairying;
 - 3) Production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
 - 4) Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
 - 5) Raising of livestock, including horses;
 - 6) Keeping of horses as a commercial enterprise; and
 - 7) Keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated

animals for food and other agricultural purposes, including bees and fur-bearing animals.

C. "Farming" shall encompass activities including, but not limited to, the following:

- 1) Operation and transportation of slow-moving farm equipment over roads within the Town;
- 2) Control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- 3) Application of manure, fertilizers and pesticides;
- 4) Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- 5) Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- 6) Maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- 7) On-farm relocation of earth and the clearing of ground for farming operations.

§ 140-3 Right to farm **and fish** declaration.

The right to farm is hereby recognized to exist within the Town of Orleans. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming **and fishing** to the neighborhood, community, and society in general. The benefits and protections of this bylaw are intended to apply exclusively to those commercial **or non-commercial** agricultural, **aquacultural, and fishing** ~~and farming~~ operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm **Bylaw** shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

§ 140-4 Disclosure notification.

Copies of the disclosure notification shall be prepared by the Town and included on a one-time basis with the mail out of Town real estate tax bills. Following the initial mail out, copies of the disclosure notification will be included on a continuing basis with the mail out of municipal lien certificates.

DISCLOSURE NOTIFICATION:

It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural, ~~and aquacultural,~~ **and fishing** resources ~~for the production of food and other agricultural products and also for its natural and ecological value.~~ This disclosure notification is to inform buyers or occupants that the property

DISCLOSURE NOTIFICATION:

they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause attendant incidental noise, dust and odors associated with normally accepted agricultural practices. Buyers or occupants are also informed that any property within the Town may be impacted by commercial agriculture, aquaculture, and **fishing** other farming activities.

§ 140-5 Resolution of disputes.

~~A.~~ Any person who seeks to complain about the operation of a farm **any farming or fishing operation** may, notwithstanding pursuing any other available remedy, file a grievance with the **Agricultural Advisory Council or the Shellfish & Waterways Committee which will review and facilitate the resolution of the grievance and report its recommendations to the appropriate town authority.** Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or the Board of Selectmen may forward a copy of the grievance to the Agricultural Advisory Council or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

~~B.~~

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Advisory Council or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

§ 140-6 Severability clause.

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Orleans hereby declares the provisions of this bylaw to be severable.

§ 140-7 Relationship to existing Bylaws, rules and regulations.

Notwithstanding anything contained herein to the contrary, nothing in this bylaw shall supersede any existing Town bylaw, zoning bylaw, rule or regulation and all such existing bylaws, rules and regulations shall continue in full force and effect.

Or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article # 31 be amended to read as approved by the Shellfish & Waterways Committee. Specifically:

Section 140-1 B., 4th line, that the words “related uses” be deleted and the words

necessary thereto except piggeries on parcels of less than five acres.									

Or to take any other action relative thereto (2/3 Vote Required)

MOTION: To accept and adopt Article #32 as printed in the warrant.

ACTION: Yes =383, No = 13. Motion passes by the necessary 2/3/ vote.

ARTICLE 33. AMEND ZONING BYLAW CH. 164-31. APARTMENT DEVELOPMENT

To see if the Town will vote to amend the Town's Zoning Bylaw Section 164-31. Apartment Development, subsection B. to read as follows:

Bold underline = new language ~~strikethrough~~= language removed

§164-31 Apartment Development

- B. Dimensional Requirements
 - 1. Lot Area and Density
 - a. Lot Area. Minimum lot area for apartment development shall be as follows:

- RB District 60,000 s.f. of contiguous buildable upland
- LB, GB Districts: 0 ~~30,000~~ s.f. of contiguous buildable upland
- VC District: 0 s.f. of contiguous buildable upland

Or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article #33 as printed in the warrant.

ACTION: Yes =326, No = 71. Motion passes by the necessary 2/3/ vote.

ARTICLE 34. AMEND ZONING BYLAW CH. 164-4. DEFINITIONS

To see if the Town will vote to amend the Town's Zoning Bylaw Section 164-4. Definitions, by amending the following definition, to read as follows:

Bold underline = new language ~~strikethrough~~= language removed

Apartment: A structure **or lot**, regardless of form of tenure, containing three (3) of more dwelling units or a mixed-use structure containing three (3) or more dwelling units having

a majority of floor area devoted to non-residential use, except that up to four (4) dwelling units may be contained in a commercial structure in the Village Center District without being considered an apartment (See section §164-32 and §164-19.1). Or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article #34 as printed in the warrant.

ACTION: Yes =371, No = 35. Motion passes by the necessary 2/3/ vote.

ARTICLE 35. AMEND ZONING BYLAW CH. 164-34 A.(1). OFF-STREET PARKING REGULATIONS

To see if the Town will vote to amend the Zoning Bylaws, Section 164-34 Off-Street Parking Regulations, subsection A.(1) to read as follows:

Bold underline = new language ~~strikethrough~~= language removed

§164-34 Off Street Parking Regulations

A. General Provisions

(1) Off street parking space shall be provided as specified in this By-law and shall be furnished with necessary passageways and driveways. All such space shall be deemed to be required space on the lot on which it is situated and shall not be encroached upon or reduced in any manner. All parking areas, passageways, and driveways (except when provided in connection with one-family residences) shall be surfaced with a dustless, durable, all-weather pavement, clearly marked for car spaces and shall be adequately drained, all subject to the approval of the Building Inspector. An area of three hundred (300) square feet of appropriate dimensions for the parking of an automobile, including maneuvering area and aisles, shall be considered as one (1) off-street parking space. **Designated parking spaces shall be not less than ten (10) feet in width.** Except in the VC District, in no case shall a driveway, maneuvering area, aisle or parking space, except loading or service area, be closer than ten feet (10') to a building in any business district. Said ten-foot setback area is to be used only for green area and pedestrian walkways, raised or lowered or otherwise protected. Landscaping, consisting of attractive trees, shrubs, plants and grass lawns shall be required and planted in accordance with the site plans. Special buffer planting shall be provided along the side and rear property lines so as to provide protection to adjacent properties when such lot lines abut residential districts or uses. Or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article #35 as printed in the warrant.

ACTION: Yes =370, No = 27. Motion passes by the necessary 2/3/ vote.

ARTICLE 36. AMEND ZONING BYLAW CH. 164-32. DWELLINGS IN COMMERCIAL STRUCTURES OR ACCESSORY TO COMMERCIAL USES

To see if the Town will vote to amend the Zoning Bylaws, Section 164-32 Dwellings in Commercial Structures or Accessory to Commercial Uses, subsection 3. Other Business Districts, to read as follows:

Bold underline = new language ~~strikethrough~~= language removed

3. Other Business Districts

No more than two (2) dwelling units may be allowed on a lot within a structure used for commerce through new construction, addition, or conversion. The following criteria must be met:

- a. ~~The principal use of the structure must be devoted to the commercial use.~~ **At least 30% of the floor area on the parcel shall be used for commercial purposes.**
- b. ~~Lot area shall equal at least two thousand two hundred (2,200) square feet for each dwelling unit in addition to the area required for the commercial use.~~
- c. Off-street parking shall be provided for the dwelling units as per requirements of this chapter.
- d. For each dwelling unit having in excess of one (1) bedroom, unpaved open space of at least four hundred fifty (450) square feet shall be provided.

¹Up to four (4) units may be allowed, see Section 164-19.1.E.

And further, to amend Section 164-4. Definitions, to read as follows:

Commercial Structures with Dwelling Units: A structure with mixed uses, containing a maximum of two (2) dwelling units, but having a majority of the gross floor area devoted to non-residential use; includes **including** buildings containing office, retail or other non-residential use together with the dwelling units. **Any mixed use containing more than 2 dwelling units, or 4 dwelling units in the Village Center District, shall be regulated as Apartment Development under Section 164-31.**

Or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article #36 as printed in the warrant.

ACTION: Yes =378, No = 12. Motion passes by the necessary 2/3/ vote.

ARTICLE 37. AMEND ZONING BYLAW CHAPTER 164-40.4. MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend the Town's Zoning Bylaw Section 164-40.4 Marijuana Establishments, as follows:

Bold underline = new language ~~strikethrough~~ = language removed

164-40.4. Marijuana Establishments

C. Applicability

(2) ~~Marijuana retailers as defined herein shall be prohibited in all zoning districts.~~ **Pursuant to MGL c. 94G, §3(a)(2), the number of Marijuana Retailers shall be limited to two (2) establishments in Orleans, each required to be an unrelated, licensed entity.**

D. General Requirements for Marijuana Establishments

(3) ~~(Reserved)~~ **The hours of operation of a Marijuana Retailer shall not exceed the Alcoholic Beverages Control Commission (ABCC) maximum hours of operation for liquor licenses not to be drunk on premises pursuant to MGL c. 138 §15, but may be limited by conditions of the special permit.**

And further to amend Section 164-13 Schedule of Use Regulations, as follows:

Section 164 Attachment 1

DISTRICTS

[O = Prohibited, A = Board of Appeals approval required (Special Permit)]

COMMERCIAL	R	RB	LB	GB	VC	I	CD#	SC	MB
Marijuana Cultivator, up to 5,000 s.f. ¹⁰	O	O	A	A	O	A	O	O	O
Marijuana Cultivator, more than 5,000 s.f. ¹⁰	O	O	A	A	O	A	O	O	O
Craft Marijuana Cooperative	O	O	A	A	O	A	O	O	O
Marijuana Product Manufacturer	O	O	A	A	O	A	O	O	O
Marijuana Retailer	O	O	O A	O A	O	O A	O	O	O
Marijuana Transporter	O	O	A	A	O	A	O	O	O
Marijuana Research Facility	O	O	A	A	A	A	O	O	O
Marijuana Testing Laboratory	O	O	A	A	A	A	O	O	O
Marijuana Microbusiness	O	O	A	A	O	A	O	O	O

¹⁰ Area limitation refers to canopy as defined in 935 CMR 500.02

Or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article #37 as printed in the warrant.

MOTION: To indefinitely postpone Article #37.

MOTION: To call the question to indefinitely postpone

ACTION: Yes =366, No = 46. Motion passes by the necessary 2/3/ vote.

ACTION ON THE MOTION TO INDEFINITELY POSTPONE: Yes = 27, No = 286.
Motion to indefinitely postpone fails.

MOTION: To move the question on the main motion.

ACTION: Yes = 390, No = 27, motion to move the question passes by necessary 2/3.

ACTION ON THE MAIN MOTION: Yes = 303, No = 123, passes by necessary 2/3.

ARTICLE 38. RESCIND GENERAL BYLAW CH. 64 PROHIBITING MARIJUANA RETAILS SALES

To see if the Town will vote to amend the General Bylaw of the Town by deleting Ch. 64 of the Orleans Town Code which prohibits Marijuana Retailers in Orleans, in its entirety:

(The strike through below denotes the Chapter being deleted.)

~~Chapter 64 Prohibition of Marijuana Retailer(s)~~

~~The operation of a Marijuana Retailer, as defined in M.G.L. c. 94G, §1 and the Cannabis Control Commission Regulations 935 CMR 500.000 et seq. governing the Adult Use of Marijuana, is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Orleans.~~

Or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #38 as printed in the warrant.

ACTION: Motion passes by the necessary simple majority.

ARTICLE 39. NAMING VETERANS MEMORIAL PARK AT ACADEMY PLACE

To see if the Town will vote to name the triangular shaped property located at the intersections of Main Street, South Orleans Road and Academy Place as Veterans Memorial Park at Academy Place; or to take any other action relative thereto (2/3 Vote Required)

MOTION: To accept and adopt Article #39 as printed in the warrant.

ACTION: Yes = 329, No = 17, motion passes by the necessary 2/3 majority.

**ARTICLE 40. AMEND GENERAL BYLAW CH. 94. FEES, ARTICLE V.
NONPAYMENT OF FEES AND TAXES**

To see if the Town will vote to amend the General Bylaws, Section 94-6. Non-Payment of Fees and Taxes as follows:

Bold underline = new language ~~strikethrough~~ = language removed

- (a) The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, or commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To indefinitely postpone Article #40.

ACTION: Motion passes by necessary simple majority to indefinitely postpone.

ARTICLE 41. COMMERCIAL USE – SINGLE USE PLASTIC WATER BOTTLE BAN

To see if the Town will vote to adopt the following as a General Bylaw and to insert it into the Code of the Town of Orleans, Massachusetts, Chapter 129 Section 129-2.

Section 1. Sale of Single-Use Plastic Water Bottles

Effective on September 1, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Orleans. Enforcement of this regulation will begin September 1, 2021.

Section 2. Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3. Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency (by the Emergency Management Director or other duly authorized Town, County, Commonwealth or Federal official) affecting the availability and/or quality of drinking water to residents of the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4. Enforcement

Enforcement of this article shall be the responsibility of the Board of Health or its designee. The Board of Health shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in G. L. Chapter 40 § 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fines collected shall be payable to the Town of Orleans.

All businesses will be routinely inspected until the Board of Health deems the inspection to no longer be required.

Or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #41 as printed in the warrant.

ACTION: Motion passes by necessary simple majority.

ARTICLE 42. CLIMATE CRISES RESPONSE RESOLUTION

To see if the Town will vote to direct the Select Board to develop a Comprehensive Climate Action Plan for Orleans in 2020 in response to the global climate emergency and identify a focal point in Town Government for managing the process. The plan should have two main pillars; one related to mitigation (reducing carbon emissions) and the other directed to adaptation (managing the impacts from legacy and ongoing carbon emissions).

The mitigation element would start with a green-house gases inventory (an estimation of the 'carbon footprint' of the town). This would become the base line for measuring reductions to reach a net carbon neutral outcome with net zero greenhouse gas emission by 2035. It would then lay out a set of actions to reach that goal.

Similarly, the adaptation plan would undertake an integrated review of the vulnerabilities the Town faces and recommend necessary actions.

All aspects of the process should include an active program of public outreach and education.

Or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #42 as printed in the warrant but striking out “in 2020”.

ACTION: Motion passes by necessary simple majority.

ARTICLE 43. PERMIT AND DREDGE FRESHWATER LAKES & PONDS

To see if the Town will vote to take the necessary steps to permit and dredge the freshwater lakes and ponds. Scientific studies have shown that thick accumulations of sediment on the bottom of freshwater lakes and ponds are the dominant source of phosphorous in the water column which is the cause of algae blooms. In addition, the loaded sediment is smothering the springs and seepage on the bottom of these water bodies and is impacting the health of fish and aquatic life. Clearing Orleans' freshwater lakes and ponds of this poor sediment would improve the water quality significantly and restore the natural levels of their marine life.

Or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #43 as printed in the warrant.

MOTION: To call the question

ACTION: Yes = 272, No = 18. Motion to call the question passes by necessary 2/3 vote.

ACTION ON THE MAIN MOTION: Yes = 126, No = 165. Motion fails to pass by simple majority.

ARTICLE 44. AFFIRM SUPPORT FOR DIVERSITY & JUSTICE

To see if the Town will vote to adopt the following resolution:

WHEREAS, the Town of Orleans acknowledges and deplores the history of systematic racism in the United States; and,

WHEREAS, the Town of Orleans strongly condemns all racist acts of violence; and,

WHEREAS, the Town of Orleans strongly condemns the killing of George Floyd, Breonna Taylor, Ahmaud Arbery, and others, as evidence of the nation's failures to recognize the systematic racism that underlies such violations of human rights and dignity; and,

WHEREAS, on June 5, 2020, a large group of citizens of the Town of Orleans, marched during a non-violent protest to bring an end to the long history of discrimination, violence

and inequity endured by people of color, and others discriminated against, in our country; and,

WHEREAS, the Town of Orleans code, bylaws and policies encourage, among other things, peace and good order in any public place in Town, a responsive government to all citizens through effective communications and written policies; and,

WHEREAS, the Town of Orleans recognizes that discriminatory practices are detrimental to its citizens and to its future, and will take all necessary action to remedy the effects of discrimination and prevent the continuation of such practices; and,

NOW THEREFORE BE IT RESOLVED, that the Town of Orleans supports the work of our Police Department, Fire-Rescue Department, our Town government and our schools to make them more diverse, equitable and inclusive, and commits to present a Resolution on Diversity and Justice in Orleans for adoption by votes at the October 31, 2020 Special Town Meeting.

Or to take any other action relative thereto. (Select Board) (Simple Majority Vote Required)

MOTION: To accept and adopt Article #44 as printed in the warrant.

ACTION: Motion passes by necessary simple majority.

ARTICLE 45. CLOSING ARTICLE

And to act on any other business that may legally come before the meeting. (Select Board) (Simple Majority Vote Required)

MOTION: To adjourn Town Meeting.

ACTION: Motion passes by necessary simple majority

Town Meeting was adjourned at 4:08 pm.