
2007 Special Town Meeting

SPECIAL TOWN MEETING "DOINGS" October 29, 2007

The Special Town Meeting was held on Monday, October 29, 2007 in the Nauset Regional Middle School Gym. The Special Town Meeting was opened at 6:46 p.m. when a quorum of 268 voters was announced by Town Clerk, Cynthia S. May. There was a total of 302 voters in attendance. Tellers sworn in were Wally Swidrak, Jane Hinckley and Harry Mirick.

Board of Selectmen Chair, John Hinckley, Jr. announced that due to the absence of the Moderator, the first order of business was the election of a temporary moderator for this meeting. He asked for nominations from the floor.

David A. Lyttle was nominated and seconded. No other nominations were forthcoming.

MOTION: To close nominations for moderator of this meeting.

ACTION: Voted, voice vote carries unanimously.

MOTION: To elect David A. Lyttle as moderator for this Special Town Meeting.

ACTION: Voted, voice vote carries unanimously.

Mr. Lyttle was sworn in by the Town Clerk and assumed his duties as moderator.

PROCEDURAL MOTION

John Hinckley, Jr. made a motion to dispense with the reading of the Warrant except the Preamble, Conclusion and Attestation thereof.

ACTION: Voted, voice vote carries unanimously.

PROCEDURAL MOTION

John Hinckley, Jr. made a 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 or department.

ACTION: Voted, voice vote carries unanimously.

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. (9/10 Vote Required)

MOTION: To accept and adopt Article #1 and that the sum of Five Thousand Three Hundred Eighty Four and 69/100 Dollars (\$5,384.69) be transferred from available funds to pay the following unpaid bills:

<u>Vendor</u>	<u>Amount</u>
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Starfish Radiator \$60.00
Plymouth Police Academy \$300.00
Kaleidoscope Imprints \$1,040.30
Andrew McLaughlin \$112.92
William Norton \$375.71
Kerry O'Conner \$160.32
James Rosato \$17.37
Travis Tebbetts \$35.29
Matthew Watts \$131.75
Agway of Orleans \$158.47
Kimball Midwest \$2,720.75
Groundwater Analytical \$289.80

Total \$5,384.69

ACTION: Voted, voice vote carries unanimously.

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 2008 as follows:

Transfer One Thousand Ninety-Eight and 00/100 Dollars (\$1,098.00), or any other sum, from the Assessing Department Expense Account to the Assessing Department Salary Account.

MOTION: To accept and adopt Article #2 and that the sum of One Thousand Ninety-Eight and 00/100 Dollars (\$1,098.00) be transferred from the Assessing Department Expense Account to the Assessing Department Salary Account.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 3. FUND BEACH SNACK BARS FEASIBILITY STUDY

To see if the Town will vote to transfer from available funds the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00), or any other sum, for the purpose of funding a feasibility study for the renovation of the existing snack bars at Nauset Beach and Skaket Beach and authorize the Board of Selectmen and/or the 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. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #3 as printed in the warrant and that the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00) be transferred from the Parks & Beaches Salary Account for this purpose.

ACTION: Standing count carries by the necessary majority, YES=200, NO=70

ARTICLE 4. FUND ROCK HARBOR BULKHEAD RECONSTRUCTION

To see if the Town will vote to borrow and/or transfer from available funds a sufficient sum for the purpose of replacement of the bulkhead at Rock Harbor, 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) the 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.

(3/4 Vote Required)

MOTION: To accept and adopt Article #4 as printed in the warrant and that the sum of One Million One Hundred Thousand and 00/100 Dollars (\$1,100,000.00) be appropriated for this purpose and for costs incidental and related thereto, and to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of sum of One Million One Hundred Thousand and 00/100 Dollars (\$1,100,000.00), 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 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 Law 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.

ACTION: Standing vote carries by the necessary ¾ majority, YES=283, NO=3

ARTICLE 5. AUTHORIZE TRANSFER CABLE FRANCHISE FEES

To see if the Town will vote to transfer from the Cable Fees Reserve for Appropriation Account the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) to the Cable TV Expense Account, or any other sum, to be spent under the direction of the Board of Selectmen for the purpose of contract negotiations, and the sum of Five Thousand and 00/100 Dollars (\$5,000.00) to the Cable TV Salaries Account, or any other sum, for backup operation of the Town's electronic communications media, or to take any other action related thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #5 and that the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be transferred from the Cable Reserve for Appropriation Account as follows:

- Ten Thousand and 00/100 Dollars (\$10,000.00) to the Cable TV Expense Account; and
- Five Thousand and 00/100 Dollars (\$5,000.00) to the Cable TV Salaries Account.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 6. AMEND BOARD OF SELECTMEN FEES

To see if the Town will vote to authorize the Board of Selectmen to increase the fees for certain Liquor Licenses and fees for certain boat slips and moorings, as published in the Orleans Cape Codder on September 28, 2007 and on file in the offices of the Board of Selectmen and the Town Clerk, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #6 and that the Board of Selectmen be authorized to increase fees by not more than the amounts published in the Orleans Cape Codder and as on file in the offices of the Board of Selectmen and Town Clerk.

ACTION: Standing vote fails to pass by the necessary majority, YES=77, NO=196

ARTICLE 7. AMEND TOWN CLERK FEES

To see if the Town will vote to increase the fees titled "Town Clerk Fees" as published in the Orleans Cape Codder on September 28, 2007 and on file in the offices of the Board of Selectmen and the Town Clerk, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #7 and that the Board of Selectmen be authorized to increase fees by not more than the amounts published in the Orleans Cape Codder and as on file in the offices of the Board of Selectmen and Town Clerk.

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 8. AMEND PARK COMMISSIONERS FEES

To see if the Town will vote to authorize the Board of Selectmen, acting as Park Commissioners, to increase the fees for resident off-road vehicle stickers, as published in the Orleans Cape Codder on September 28, 2007 and on file in the offices of the Board of Selectmen and the Town Clerk, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #8 and that the Board of Selectmen be authorized to increase fees by not more than the amounts published in the Orleans Cape Codder and as on file in the offices of the Board of Selectmen and Town Clerk.

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 9. FUND ORLEANS MANAGERS UNION CONTRACT

To see if the Town will vote to transfer from available funds the sum of One Hundred Twenty-Five Thousand and 00/100 Dollars (\$125,000.00) to be added to the FY07 and FY08 Salaries Accounts, and the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) to undertake a classification/compensation study of existing positions for various town departments with employees covered under the collective bargaining agreement between the Town and the Orleans Managers Union, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #9 as printed in the warrant and that the sum of One Hundred Twenty-five Thousand and 00/100 Dollars (\$125,000.00) be transferred from available funds to the FY07 and FY08 Salaries accounts, and that the sum of Twenty-five Thousand and 00/100 Dollars (\$25,000.00) be transferred from available funds to undertake a classification/compensation study.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 10. FUND UNITED STEELWORKERS OF AMERICA, AFL-CIO CONTRACT

To see if the Town will vote to transfer from available funds the sum of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) to be added to the FY07 Salaries Accounts and raise and appropriate the sum of Forty-Eight Thousand and 00/100 Dollars (\$48,000.00) to be added to the FY08 Salaries Accounts for various town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers of America, AFL-CIO, provided however that the sum of \$48,000 shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Law Chapter 59 §21C (Proposition 2 ½) paragraphs (g) and (m), or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #10 as printed in the warrant and that the sum of Thirty-Five Thousand and 00/100 Dollars (\$35,000.00) be transferred from available funds to the FY07 Salaries Accounts, and that the sum of Forty-Eight Thousand and 00/100 Dollars (\$48,000.00) be raised and appropriated to be added to the FY08 Salaries Accounts, provided, however, that the sum of \$48,000 shall be contingent upon the passage of a general override ballot question to

exempt this amount from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59 Section 21C (Proposition 2 ½ so called).

ACTION: Voted, voice vote carries unanimously.

ARTICLE 11. AUTHORIZE LEASE FOR SKAKET BEACH CONCESSION STAND

To see if the Town will vote to authorize the Board of Selectmen, acting as the Park Commissioners, to lease on such terms as they deem appropriate, the Skaket Beach Concession Stand for a period not to exceed five (5) years or to take any other action relative thereto.

MOTION: To accept and adopt Article #11 as printed in the warrant.

ACTION: Voted, voice vote carries by the necessary majority

ARTICLE 12. AMEND MAY 2007 ANNUAL TOWN MEETING VOTE (COMMUNITY PRESERVATION ACT PROGRAM BUDGET)

To see if the Town would vote to amend the action taken under Article 4 of the May 2007 Annual Town Meeting as follows:

That the sum of Four Hundred Eighty Thousand and 00/100 Dollars (\$480,000.00) be amended to the sum of Five Hundred Thirty Thousand and 00/100 Dollars (\$530,000.00), to include funding of all nine items set forth in Article 4, and in all other respects the action taken under Article 4 is hereby ratified and confirmed, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #12 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 13. ACQUIRE LAND AT 21 CAPTAIN LINNELL ROAD

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, by purchase, or otherwise, for the land located at 21 Captain Linnell Road, shown on the Orleans Assessor's Map 24 as Parcel 15 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, including the grant of a conservation restriction, or to take any other action relative 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 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.

(3/4 Vote Required)

MOTION: That the sum of One Hundred Twenty-Five Thousand and 00/100 Dollars (\$125,000.00) be and hereby is appropriated to pay costs of acquiring, by gift, purchase or otherwise, the land located at 21 Captain Linnell Road, shown on the Orleans Assessor's Map 24 as Parcel 15 for open space and drainage purposes; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said amount under and pursuant to

Chapter 44, Section 7(3) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore, and, further, that the Selectmen are authorized to negotiate the purchase of this land and to enter into any agreement to purchase the land and to execute any and all instruments as they may find necessary in connection therewith, including the grant of a conservation restriction; provided, however, that no funds shall be borrowed or expended hereunder unless and until the Town votes to exempt from the limitations of total taxes imposed by Chapter 59, Section 21C of the General Laws (Proposition 2 ½) the amounts required to pay the principal and interest of the borrowing approved by this vote, and further that the Board of Selectmen and/or Town Administrator are authorized 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 by this vote.

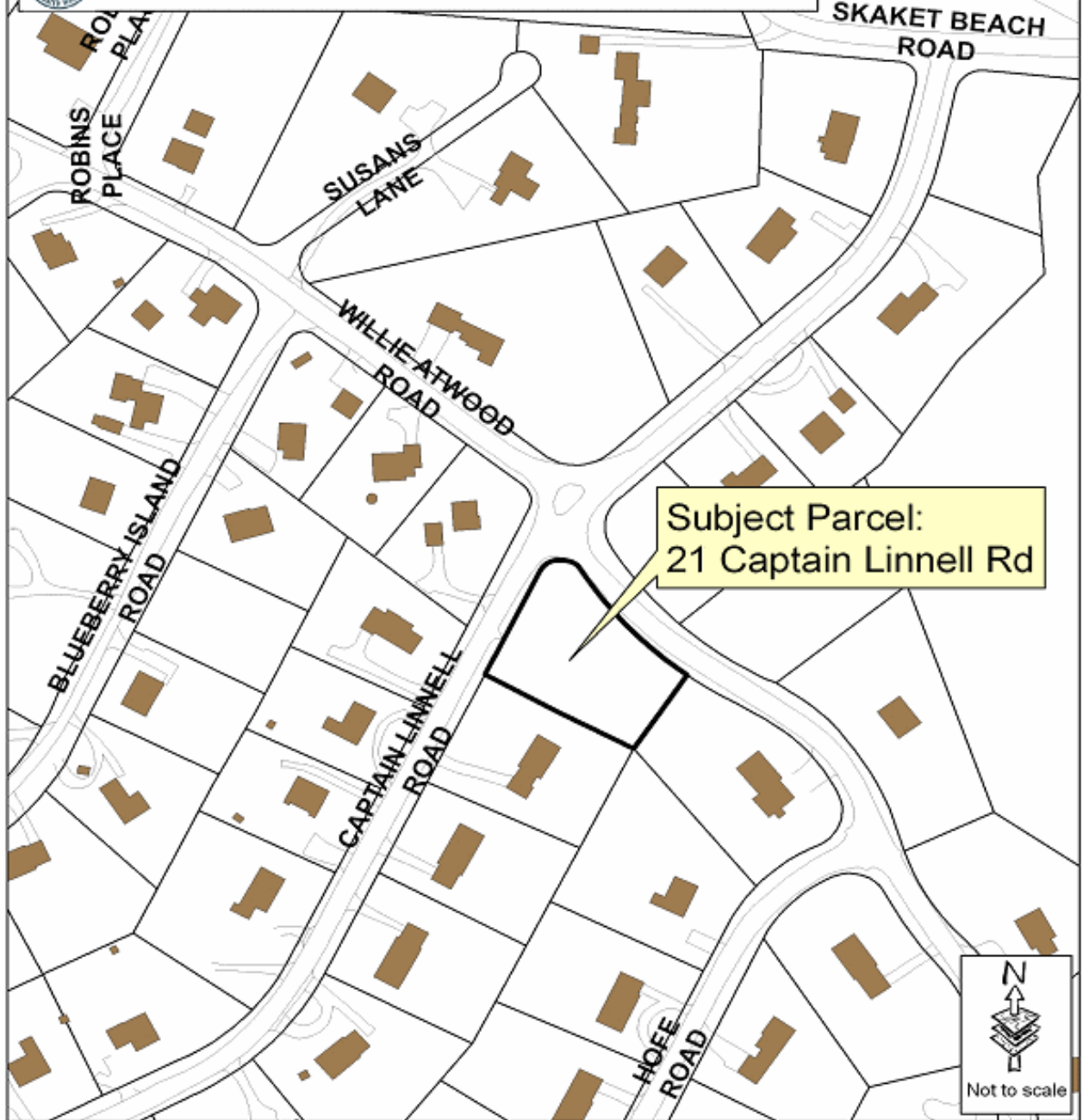
MOTION: To move the question.

ACTION: Voted, voice vote carries unanimously to move the question.

ACTION: Standing vote carries by the necessary $\frac{3}{4}$ majority, YES=242, NO=16.



21 Captain Linnell Road: Map 24 Parcel 15



Subject Parcel:
21 Captain Linnell Rd



ARTICLE 14. CLOSING ARTICLE

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

MOTION: To adjourn the Special Town Meeting.

ACTION: Voted, voice vote carries unanimously

Special Town Meeting was adjourned at 8:20 p.m.