

**ANNUAL TOWN MEETING**  
**“DOINGS”**  
**May 7, 2012**

The Annual and Special Town Meetings were held on Monday, May 7, 2012 in the Nauset Regional Middle School Gym. The Annual Town Meeting was opened at 6:37 p.m. by Moderator, Duane Landreth after a quorum of 200 voters was announced by the Town Clerk, Cynthia May. Tellers sworn in were: Wally Swidrak, Ken Rowell and Pat Bradley. Constables on duty were: John Fitzpatrick and Mary Stevens. A total of 360 voters were in attendance.

**PROCEDURAL MOTION**

To dispense with the reading of the Warrant except the Preamble, conclusion and Attestation thereof.

**ACTION:** Voted, voice vote carries unanimously.

**PROCEDURAL MOTION**

To adjourn the Annual Town Meeting until the close of the Special Town Meeting.

**ACTION:** Voted, voice vote carries unanimously.

**Special Town Meeting was opened at 6:44 p.m.**

**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 indefinitely postpone. There are no bills of prior years.

**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 2012 as follows:

1. Transfer the sum of Twenty Eight Thousand Five Hundred and 00/100 Dollars (\$28,500.00), or any other sum, from Available Funds to the Police Department Overtime Salary Account.
2. Transfer the sum of Twelve Thousand and 00/100 Dollars (\$12,000.00), or any other sum, from Available Funds to the Police Detail Account.
3. Transfer a sufficient sum from Available Funds to the Police Department Salary Account.
4. Transfer the sum of Sixty Nine Thousand and 00/100 Dollars (\$69,000.00), or any other sum, from Available Funds to the Fire Department Overtime Account.
5. Transfer the sum of Thirty-Four Thousand and 00/100 Dollars (\$34,000.00), or any other sum, from Available Funds to the Fire Department Salary Account.
6. Transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, from the Parks and Beaches Department Salary Account and Eleven Thousand Dollars (\$11,000.00), or any other sum, from Available Funds to the Parks and Beaches Department Expense Account.
7. Transfer the sum of Eleven Thousand and 00/100 Dollars (\$11,000.00), or any other sum, from the Highway Department Salary Account to the Highway Department Capital Outlay Account.
8. Transfer the sum of Thirteen Thousand Two Hundred and 00/100 Dollars (\$13,200.00) from the Water Surplus Fund to the Water Department Expense Account.
9. Transfer the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, from the Group Health Account to the Unemployment Account.
10. Transfer the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, from the Snow Library Capital Outlay Account for Replacement of Heating System to the Snow Library Capital Outlay Account for Front Entry Door/Transom Replacement.
11. Transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, from Available Funds to the Legal Account. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 2 and the following transfers be made from available funds for the purpose(s) set forth in the article.

1. Transfer the sum of Twenty Eight Thousand Five Hundred and 00/100 Dollars (\$28,500.00) from Available Funds to the Police Department Overtime Salary Account.
2. Transfer the sum of Twelve Thousand and 00/100 Dollars (\$12,000.00) from Available Funds to the Police Detail Account.
3. Transfer the sum of One Hundred Ten Thousand and 00/100 Dollars (\$110,000.00)

from Available Funds to the Police Department Salary Account.

4. Transfer the sum of Sixty Nine Thousand and 00/100 Dollars (\$69,000.00) from Available Funds to the Fire Department Overtime Account.
5. Transfer the sum of Thirty-Four Thousand and 00/100 Dollars (\$34,000.00) from Available Funds to the Fire Department Salary Account.
6. Transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) from the Parks and Beaches Department Salary Account and Eleven Thousand Dollars (\$11,000.00) from Available Funds to the Parks and Beaches Department Expense Account.
7. Transfer the sum of Eleven Thousand and 00/100 Dollars (\$11,000.00) from the Highway Department Salary Account to the Highway Department Capital Outlay Account.
8. Transfer the sum of Thirteen Thousand Two Hundred and 00/100 Dollars (\$13,200.00) from the Water Surplus Fund to the Water Department Expense Account.
9. Transfer the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) from the Group Health Account to the Unemployment Account.
10. Transfer the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) from the Snow Library Capital Outlay Account for Replacement of Heating System to the Snow Library Capital Outlay Account for Front Entry Door/Transom Replacement.
11. Transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) from Available Funds to the Legal Account.

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

### **ARTICLE 3. AUTHORIZE REQUEST FOR PROPOSALS FOR SOLAR ENERGY PROJECTS**

To see if the Town of Orleans will authorize the Board of Selectmen to proceed with the preparation of a request for proposals for solar energy projects, and further to transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) from available funds for this purpose, and to the extent a project is proposed for the Orleans watershed, to authorize petitioning the state legislature for special legislation exempting any proposed lease from the provisions of M.G.L. Ch. 30B and Article 97 of the Amendments to the Massachusetts Constitution if required, or to take any other action relative thereto. (Simple Majority Vote Required)

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

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

## **PROCEDURAL MOTION**

To dispense with the reading of the Warrant except the Preamble, conclusion and Attestation thereof.

**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 4. FUND WASTEWATER MANAGEMENT PLANNING ACTIVITIES**

To see if the Town will vote to transfer the sum of Sixty Nine Thousand Eight Hundred Twenty-Seven and 00/100 Dollars (\$69,827.00), representing the balance of the funds appropriated under Article 7 of the May 2009 Annual Town Meeting, which funded a feasibility study for pre-design engineering relating to implementation of the comprehensive wastewater management plan (CWMP), to be used for wastewater management planning activities, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 4 as printed in the warrant and the sum of Sixty Nine Thousand Eight Hundred Twenty Seven and 00/100 Dollars (\$69,827.00) be transferred from the balance of the funds appropriated under Article 7 of the May 2009 Annual Town Meeting for the purpose of wastewater management planning activities.

**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 5. AUTHORIZE GULLQUIST BOND PREPAYMENT (CPA)**

To see if the Town will vote to transfer the sum of Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000.00) from the Community Preservation Account to the General Fund Debt Service Account to pre-pay a portion of the General Obligation Bond issued for the purchase of the Gullquist Property, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 5 as printed in the warrant and the sum of Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000.00) be transferred from the Community Preservation Account to the General Fund Debt Service Account to pre-pay a portion of the General Obligation Bond issued for the purchase of the Gullquist property.

**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 6. AUTHORIZE LAYOUT OF ASPINET ROAD**

To see if the Town will vote to accept the doings and report of the Selectmen relative to the layout of Aspinet Road and that portion of Inlet Road, a.k.a. Cliff Road, from Aspinet Road to Callanan's Pass, as a town road, and instruct the Selectmen to accept as a gift or to purchase or take by eminent domain on behalf of the Town of Orleans the land

and/or an interest in the land within the sidelines of said layout for this purpose, and further to transfer a sufficient sum of money necessary to carry out the provisions of this article, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 6 and that the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) be transferred from available funds for the purpose of conducting an appraisal(s) of the property interests necessary to be acquired for the purpose of laying out Aspinet Road as a public way.

**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 7. FUND CONSULTANT SERVICES FOR POLICE CHIEF SEARCH**

To see if the Town of Orleans will authorize the Board of Selectmen to proceed with the preparation of a request for proposals for consultant services for a Police Chief search, and further to transfer the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) from available funds for this purpose, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 7 as printed in the warrant and the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) be transferred from available funds for this purpose.

**ACTION:** Voted, voice vote fails.

## **ARTICLE 8. CLOSING ARTICLE**

**MOTION:** To adjourn the Special Town Meeting

**ACTION:** Voted, voice vote carries unanimously.

**Special Town Meeting was adjourned at 7:11 p.m.**

## **PROCEDURAL MOTION**

All Town Officials or department managers or their duly designated representatives, required to attend Town Meeting pursuant to Section 2-7-3 of the charter, and Bonnie Gifford, Nauset Regional School District Assistant Superintendent, and Mary Corr, Orleans Chamber of Commerce Executive Director, who are not residents of the Town of Orleans, be permitted to address the Town Meeting on matters affecting their office, department or organization, or projects for which they have performed services for the Town.

**ACTION:** Voted, voice vote carries unanimously.

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

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

**MOTION:** To accept and adopt the report of the Selectmen, Town Officers and all Town Committees, Commissions and Boards as published in the 2011 Annual Town Report and hear the report(s) of any other Town Committee reporting to the Town Meeting.

**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 2. TOWN / SCHOOL BUDGET (FY13)**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to fund and pay departmental expenses for the fiscal year commencing July 1, 2012 and ending June 30, 2013 and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or service as the case may be, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 2 and that the Town Meeting adopt the Selectmen's adopted FY13 budget as printed in the warrant and that the sum of Twenty Six Million Eight Hundred Eighteen Thousand One Hundred One and 00/100 Dollars (\$26,818,101.00) be raised and appropriated, and the sum of Four Hundred Eighty Two Thousand Five Hundred Twenty Two and 00/100 Dollars (\$482,522.00) be transferred from the Community Preservation Fund, and the sum of Six Hundred Ninety One Thousand Two Hundred and 00/100 Dollars (\$691,200.00) be transferred from the Ambulance Receipts for Reserve for Appropriation Account, and the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) be transferred from the Cable Fees Reserve for Appropriations Account, and the sum of Fourteen Thousand Eight Hundred Sixteen and 00/100 Dollars (\$14,816.00) be transferred from the Municipal Insurance Fund, and the sum of One Hundred Twenty Seven Thousand Seven Hundred Forty Five and 00/100 Dollars (\$127,745.00) be transferred from the Water Ways Improvement Account, and the sum of Five Thousand and 00/100 (\$5,000.00) be transferred from the Water Pollution Abatement Trust, and the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) be transferred from the Wetlands Protection Fund, and the sum of Nine Thousand Eight Hundred Ninety Nine and 00/100 Dollars (\$9,899.00) be transferred from the Fund Balance Reserve for Premiums on Bond Issue, and the sum of Sixty Four Thousand Six Hundred Forty Five and 00/100 Dollars (\$64,645.00) be transferred from the EEA LAND Grant for a total appropriation of Twenty Eight Million Three Hundred Twenty Three Thousand Nine Hundred Twenty Eight and 00/100 Dollars (\$28,323,928.00).

**ACTION:** Voted, voice vote carries unanimously.

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

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

#### **FY14 PROJECT DESCRIPTIONS**

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

Annually, under the CPA Orleans will receive matching funds to its current CPA 3% surtax from the Commonwealth's CPA Trust Fund annually. The amount currently available for appropriation as of 1/13/12 is \$607,512. As required under the CPA, a minimum of 10% of the Town's annual proceeds have to be allocated to each of the three primary purposes: open space, affordable housing and historic preservation. Town Meeting approval is necessary for all Community Preservation Committee recommendations for funding.

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

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

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

Total Estimated Cost:	\$150,000
Method of Financing:	Stabilization Funds
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

##### HIGHWAY DEPARTMENT – TOWN PAVEMENT MANAGEMENT PROGRAM

This is an annual appropriation for the local share of the town's pavement management program to repair, resurface, and reconstruct town roadways. The town currently maintains approximately 56 miles of public roadways. Also included under this program

is work related to roadway drainage and sidewalk projects. Over the past several years the town has compiled an inventory of the condition of all our roadways in an effort to address, on a priority basis, the long term maintenance needs. Local funding for laid out public roads is also supplemented by State Aid Chapter 90 which in FY12 amounted to \$293,000. Annual funding for roadway and drainage projects will be based on a proposed project schedule.

Total Estimated Cost:	\$300,000
Method of Financing:	Stabilization Funds
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

#### HIGHWAY DEPARTMENT – REPLACE STREET SWEEPER

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

Total Estimated Cost:	\$225,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months for Completion
Estimated Annual Cost O/M:	\$5,000
Estimated Annual P & I	\$50,050

#### PROPERTY ACQUISITION – OPEN SPACE PURCHASES

This item provides supplementary support for possible future open space purchases only if CPA funds are depleted to the point that they will not fund additional acquisitions. By including this item in the capital plan, it will facilitate the presentation of property purchases or conservation easements for protection of public drinking water supplies, open space and conservation; and passive recreation during future years to Town Meeting (subject to the 2/3 vote required for land purchases). This provides future planning support for the goals of the Official Town Plan/Local Comprehensive Plan. Funding available as of 1/13/12 is \$455,000.

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

#### PROPERTY ACQUISITION – AFFORDABLE HOUSING DEVELOPMENT

This item is included in the capital plan to facilitate the presentation of possible property purchases that may arise during the fiscal year to Town Meeting (subject to the 2/3 vote required for land purchases). This item is intended to cover non-CPA acquisitions specifically for affordable housing. As adopted in the Orleans Comprehensive Plan, the goal is to develop 35 new units of affordable housing for families over the next twenty years. Funding available as of 01/13/12 is \$350,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (10 years)



Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
Average Annual P&I	\$42,200

#### PROPERTY ACQUISITION – WASTEWATER MANAGEMENT PURCHASES

This item is included in the capital plan to facilitate the acquisition of property upon completion of the Comprehensive Wastewater Management Plan in order to site sewer collection, treatment, and disposal facilities. It is expected that the Town will need to purchase land, but there may also be opportunity to obtain easements as an alternative. This activity identifies potential expenditures of up to \$1.5 million over a three-year period for land acquisition associated with wastewater management. Funding available as of 01/13/12 is \$1,500,000.

Total Estimated Cost:	TBD
Method of Financing:	Bonding (10 years)
Recommended Schedule:	Open
Estimated Annual Cost O/M:	N/A – Dependent upon purpose
If Bonded, Average Annual P&I	\$181,000

#### SHELLFISH/HARBORMASTER DEPARTMENT – ROCK HARBOR DREDGING

This project includes the dredging of a total of 30,000 cubic yards of sediment from Rock Harbor. This project is to be undertaken jointly with the Town of Eastham with each town covering 50% of the total project cost of \$600,000. Dredged material would be de-watered at an adjacent upland area and then transported to an off-site disposal area. Dredging operations would be conducted in either the fall of 2013 or spring of 2014. Once completed, it is anticipated that the harbor would not have to be dredged again for another eight to ten years.

Total Estimated Cost:	\$300,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	3 Months
Estimated Annual Cost O/M:	N/A
Average Annual P&I	\$66,750

#### WATER DEPARTMENT – REHABILITATION AND PAINTING WATER STORAGE TANK NO. 1

This item involves the rehabilitation and painting of the town's water storage tank no. 1 that was last painted in 1994. An October 2011 report from our tank engineering consultants recommends that the work be completed as soon as possible. Funding for the design of the project will be requested at the annual town meeting in May 2012 in order to have bids in hand for consideration at the annual town meeting in May 2013.

Total Estimated Cost:	\$700,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	3 Months
Estimated Annual Cost O/M:	\$2,500
Average Annual P&I	\$85,000

## FY15 PROJECT DESCRIPTIONS

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

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

Total Estimated Cost:	\$42,000,000
Method of Financing:	Bonding (30 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
If Bonded, Average Annual P&I	\$2,376,500

### WATER QUALITY MAINTENANCE DREDGING

The purpose of this project would be to investigate the feasibility of developing a maintenance dredging program that would target specific salt water ponds and sub-embayments in town where water quality might be improved through channel dredging to enhance tidal flushing.

Total Estimated Cost:	\$100,000
Method of Financing:	Bonding (5 years)
Recommended Schedule:	TBD
Estimated Annual Cost O/M:	N/A
Average Annual P&I:	\$22,250

## FY16 PROJECT DESCRIPTIONS

### TRANSFER STATION – REPLACE FRONT END LOADER

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

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

## FY17 PROJECT DESCRIPTIONS

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

This project involves the completion of the final design necessary for construction of Phase 2 collection system based upon the Town Meeting approval of the Comprehensive Wastewater Management Plan in October 2008. Funds would primarily be used to obtain engineering services to develop construction plans and specifications for public bidding. Associated expenses will include permitting, surveys, obtaining necessary land and easements, legal services, and other activities required to prepare for construction of wastewater treatment, collection, and disposal works.

Total Estimated Cost:	\$2,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	24 Months
Estimated Annual Cost O/M:	To be determined during design
If Bonded, Average Annual P&I	\$142,000

**MOTION:** To accept and adopt Article 3 and that pursuant to Chapter 8, Financial Provisions and Procedures, Section 7, Action of Town Meeting, Sub-section 8-7-1 of the Orleans Home Rule Charter, the Town Meeting accept the Capital Improvement Plan as printed in the warrant.

**ACTION:** Voted, voice vote carries unanimously.

#### **ARTICLE 4. FUND ENGINEERING FOR WATER TANK #1**

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 Fund Funds to the Engineering Expense Account for engineering services for the bidding phase of the painting and rehabilitation of Water Storage Tank No. 1. (3/4 Vote Required)

**MOTION:** To accept and adopt Article 4 and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be transferred from the Water Surplus Funds for the purpose of funding the engineering for Water Tank #1, including all expenses incidental and related thereto..

**ACTION:** Voted, voice vote carries unanimously.

#### **ARTICLE 5. FUND PAINTING AND REHABILITATION OF WATER TANK #2**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds a sufficient sum for the purpose of painting and rehabilitating Water Storage Tank No. 2, including all expenses incidental and related thereto; and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept

any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article 5 and that the sum of Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00) 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 Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 8 Clause (7C) or any other enabling authority, and to issue bonds or notes of the Town therefore.

**ACTION:** Voted, voice vote carries unanimously.

#### **ARTICLE 6. FUND ORLEANS ELEMENTARY SCHOOL PLAYGROUND REPLACEMENT**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Fifteen Thousand and 00/100 Dollars (\$215,000.00) for the purpose of funding the removal and replacement of the current playground structure at the Orleans Elementary School, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 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. (2/3 Vote Required)

**MOTION:** To accept and adopt Article 6 as printed in the warrant and that the sum of Two Hundred Fifteen Thousand and 00/100 Dollars (\$215,000.00) be raised and 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 Two Hundred Fifteen Thousand and 00/100 Dollars (\$215,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 7 Clause (25), 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.

**ACTION:** Voted, voice vote carries unanimously.

**ARTICLE 7. FUND COMMUNITY PRESERVATION ACT PROGRAM BUDGET**

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund’s Annual Revenues and/or available funds for the payment of debt service, the undertaking of Community Preservation projects, the Administrative Expenses of the Community Preservation Committee and all other necessary and proper expenses for FY13, and to modify the actions taken under prior Community Preservation budgets as they pertain to Project #2, Namskaket Road Housing to the extent necessary, or to take any other action relative thereto. (Simple Majority Vote Required)

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from Fiscal Year 2013 Community Preservation Fund revenues, unless otherwise specified, for Fiscal Year 2013 community preservation purposes with each item considered a separate appropriation:

<u>PURPOSE</u>	<u>RECOMMENDED AMOUNT AND SOURCE</u>				
	<u>FY13 Est. Surtax</u>	<u>FY 13 Est. State Share</u>	<u>Housing Transfer</u>	<u>Housing Reserves</u>	<u>Total</u>
<i>Appropriations:</i>					
1) Debt service expenses (Note 1)	482,522				482,522
2) Project #1 Affordable Housing Trust Fund		40,000			40,000
3) Project #2 Namskaket Road Housing		52,356	285,413	277,231	615,000
4) Project #3 OHS Archival Preservation III		7,000			7,000
5) Project #4 Odd Fellows Hall Restoration-Phase V		56,900			56,900
6) Project #5 Fleck Property Acquisition II	117,856	2144			120,000
8) Committee Expenses	10,000				10,000
<i>Reserves:</i>					
Open Space					
Historic Resources		16,600			16,600
Community Housing					
Unallocated					
<b>Grand Total</b>	<b>610,378</b>	<b>175,000</b>	<b>285,413</b>	<b>277,231</b>	<b>1,348,022</b>

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

	<u>Historic Resources</u>	<u>Community Housing</u>
<b>ENDING BALANCE OF RESERVES</b>	<b>141,468</b>	<b>30,413</b>

**Project 1: Orleans Affordable Housing Trust Fund**

Applicant: Affordable Housing Committee

Amount : \$40,000

Summary: This request is to replenish the Trust Fund which has been used in the past to support project feasibility activities and to preserve affordable housing deed restrictions when units have been sold. The Fund is controlled by the Board of Selectmen and allows the Town to have ready access to funding for activities that preserve and expand affordable housing. The Fund was created in 2001 with \$100,000, supplemented with \$14,000 in CPA funds in FY 2010, and has a current balance of approximately \$10,000. These monies would bring the Trust balance to approximately \$50,000.

**Project 2: Namskaket Rd. Community Housing/Possibly Historic Preservation/  
Open Space**

Applicant: Habitat for Humanity of Cape Cod, Inc.

Amount : \$615,000

Summary: Habitat for Humanity, in consultation with the Orleans Affordable Housing Committee, has applied for funds to purchase property and help defray some of the soft costs (engineering, legal, insurance, fees, 40B process) for the construction of five affordable single family homes at 31 Namskaket Road. The property also has, on the site, a c.1850 home (described as a Wellfleet-style farmhouse). Habitat is willing to submit an application under the state 40B process (which allows greater density to foster affordable housing) in order to construct the five homes and allow for the possible preservation, by another entity, of the farmhouse on a sixth lot. To accomplish this, it is anticipated that a Request for Proposals would be issued to sell the house and lot for a nominal fee with a Preservation Deed Restriction being placed on the house to protect it as a historic resource. If no responsible party responds to the RFP within a set time period, then the house would probably be demolished and Habitat would build a sixth affordable house on the lot. The remainder of the parcel, not used for homes, would be deeded to the Town by Habitat for Humanity as Open Space. The primary funding sources for this project are 1) transfers from other community housing projects for which funds are currently not needed—specifically, the Condominium Purchase Program (voted May 2009 ATM) and Route 6A Housing Design (voted May 2006 ATM); and 2) transfer from housing reserves in which funds have accumulated during the past few years when there have been no new community housing applications.

**Project 3: Archival Preservation III – Glass Plates and Lantern Slides**

Applicant: Orleans Historical Society

Amount : \$7,000

Summary: The Orleans Historical Society (OHS) has applied for continued funding for the archival preservation, digitization and storage of items in its collections. Specifically these funds would be used for preservation of glass plate negatives and lantern slides which were discovered during the re-organization of archival boxes as part of the current Archival Preservation project funded with CPA monies.

**Project 4: Odd Fellows Hall Restoration – Phase V**

Applicant: Independent Order of Odd Fellows, Lodge # 132

Amount : \$56,900

Summary: The Odd Fellows Lodge has requested \$121,662 for continued funding of the restoration and preservation of this historic building located at 2 Namskaket Rd. Use of the structure dates back for over 110 years when it served as a Town of Orleans schoolhouse, and it is anticipated that, when fully restored, this building could serve as a community center. The funds were requested for the Construction Documents Phase (architectural and related services) of the project (\$56,900) and for the development of a commercial kitchen (\$64,762). The CPC is recommending funding most of the Construction Documents Phase (\$51,900) and the National Register of Historic Places application (\$5,000), both of which the CPC considers to be important “next steps” in the restoration process. The CPC does not consider the installation of a commercial kitchen as an appropriate use of CPA funds for the preservation and restoration of an historic resource.

### **Project 5: Fleck Property on Twinings Pond – Acquisition II**

Applicant: Orleans Conservation Trust

Amount : \$120,000

Summary: The Orleans Conservation Trust is seeking funds to assist in the purchase of 2.7 acres (2 lots) of developable land on Twinings Pond. This purchase would expand and enhance an existing conservation area owned by the Orleans Conservation Trust and the Town, and would expand the public walking trail system in that area. OCT has the opportunity to purchase the property for \$550,000, which is much less than the appraised fair market value. The Conservation Trust has requested \$240,000 from the Community Preservation Fund, with the remaining \$310,000 being obtained through the private fundraising efforts of the Trust. The Orleans Conservation Commission would hold a conservation restriction on the property. Since there are limited funds currently available within the Community Preservation Fund, the CP Committee voted to use \$120,000 of these available funds for the property and to submit, along with the Open Space Committee, a separate warrant article requesting the borrowing of the additional \$120,000 through the Community Preservation Fund.

### **Committee Expenses: Maximum Allowable \$ 40,250; CP Committee voted \$10,000**

The Community Preservation Act permits the Committee to allocate up to 5 per cent of annual revenues (surtax and state share) for operating and administrative expenses. For FY 2013, the 5% would be \$40,250. However, due to continued reductions in state funding, the CP Committee is again recommending that only \$10,000 be used for Committee expenses (including legal consultation, maintaining records and, if funding permits, potential studies directed toward effectively realizing the Town's possibilities in the areas of open space, community housing, historic resources). Any and all unused funds at the end of the fiscal year revert to the fund balance for future projects.

### **Historic Resources Reserves: CP Committee Voted \$16,600**

In order for the Town to meet its Community Preservation Act obligation to spend 10% of all estimated revenues for FY 2013 (surtax \$630,000 + state funds \$175,000 = \$805,000) on historic resources, the CPC voted that the \$16,600 difference between the ten percent (\$80,500) and the FY 2013 project appropriations for historic resources

(Orleans Historical Society \$7,000 + Odd Fellows \$56,900 = \$63,900) be set aside in reserves for future historic resource projects.

**MOTION:** To accept and adopt Article 7 as printed in the warrant and that the sum of One Million Three Hundred Forty Eight Thousand Twenty Two and 00/100 Dollars (\$1,348,022.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

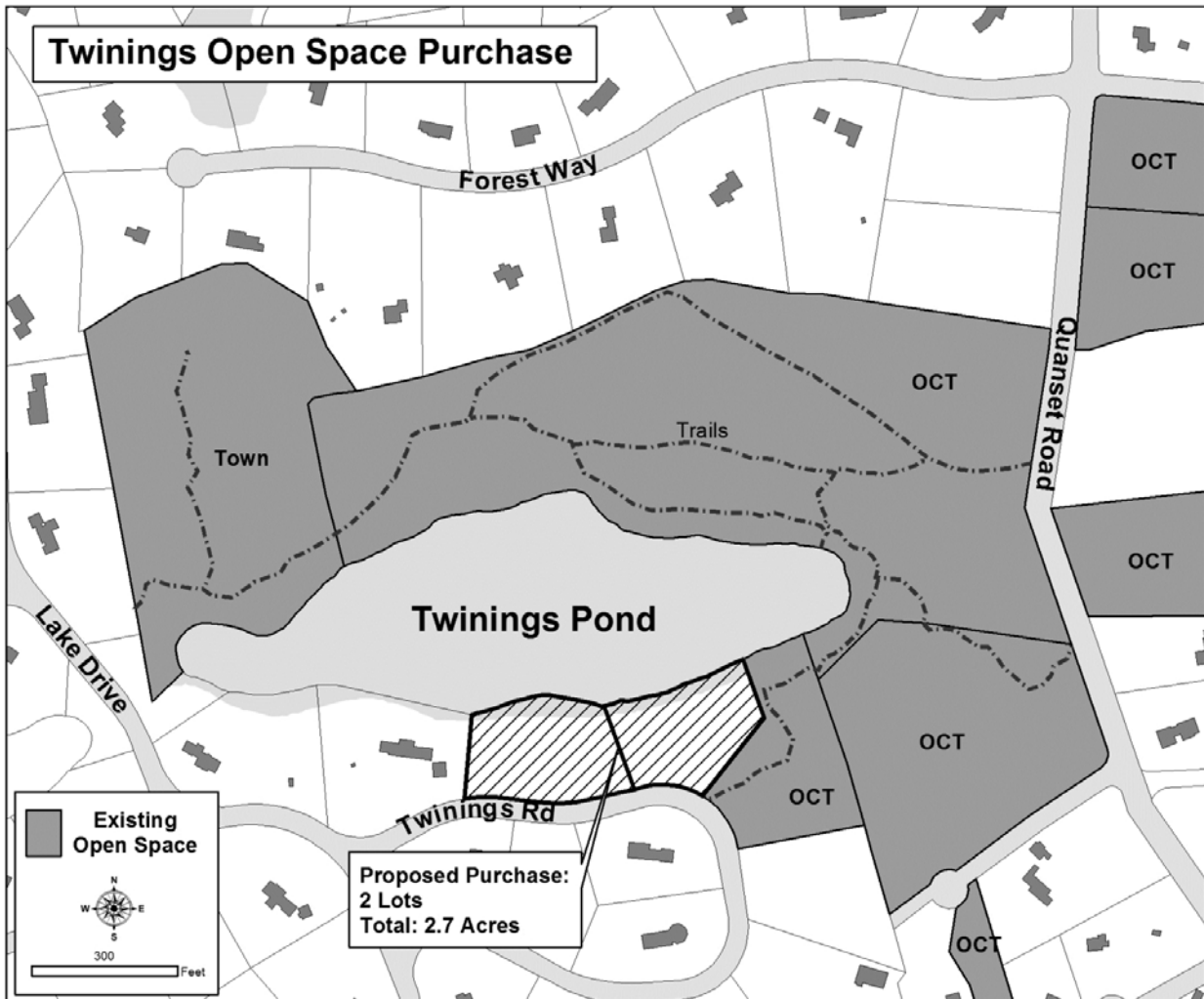
**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 8. ACQUIRE CONSERVATION RESTRICTION ON TWINING ROAD PROPERTY**

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, conservation and passive recreation purposes, a Conservation Restriction (the "Restriction") pursuant to the provisions of G.L.c. 184, §§31-33, on two adjoining lots of land located at 10 and 18 Twinings Lane, Orleans, and shown on the Orleans Assessors' Map 88 as Parcels 9 and 10, consisting of a total of 2.7 acres, more or less, and more particularly shown as Lot 176 on Land Court Plan 7347-11 and described in Certificate of Title No.189324 and Lot 22 on Land Court Plan 7347-J and described in Certificate of Title No. 194657; and to transfer from Community Preservation Act funds, and borrow a sum of money for such acquisition; provided that the Restriction shall be under the control and management of the Conservation Commission; and, further, to authorize the Board of Selectmen and/or the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursement from the Commonwealth of Massachusetts deemed necessary under the Self-Help Act (Chapter 132A, §11) and/or any others in any way connected with the scope of this article, and, further, to authorize the Board of Selectmen to negotiate the purchase of the Restriction and to make the decision to enter into any agreement to purchase the Restriction and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article 8 as printed in the warrant and that the sum of Two Hundred Forty Thousand and 00/100 Dollars (\$240,000.00) be appropriated for this purpose as follows: that the sum of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00) be transferred from Community Preservation Act funds per the action taken under Article 7 of the Annual Town Meeting warrant; and that the sum of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00) be appropriated for such acquisition; and to raise such appropriation, the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00), pursuant to Massachusetts General Laws, Chapter 44B and Chapter 44, Section 7 Clause (3), or any other enabling authority, and to issue bonds or notes of the Town therefore; provided that the amount required to pay the principal and interest on the borrowing authorized by this vote shall, in the first instance, be transferred from Community Preservation Act funds.





**ACTION:** Voted, voice vote carries by the necessary 2/3 majority..

## **ARTICLE 9. WATER QUALITY DRAINAGE IMPROVEMENTS**

To see if the Town will vote to transfer from the Water Quality Drainage Improvements stabilization fund the sum of One Hundred Fifty-Three Thousand Seven Hundred Fifty and 00/100 Dollars (\$153,750.00), or any other sum, for the purpose of funding the design and construction of improvements to the town's drainage infrastructure systems, including all expenses incidental and related thereto; and further authorizes 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. (2/3 Vote Required)

**MOTION:** To accept and adopt Article 9 as printed in the warrant and that the sum of One Hundred Fifty Three Thousand Seven Hundred Fifty and 00/100 Dollars (\$153,750.00) be transferred from the Water Quality Drainage Improvements stabilization fund for this purpose.

**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 10. TOWN PAVEMENT MANAGEMENT PROGRAM**

To see if the Town will vote to transfer from the Town Pavement Management Program stabilization fund the sum of Three Hundred Seven Thousand Five Hundred and 00/100 Dollars (\$307,500.00) for the purpose of funding the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways, including all expenses incidental and related thereto; and further authorizes 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. (2/3 Vote Required)

**MOTION:** To accept and adopt Article 10 as printed in the warrant and that the sum of Three Hundred Seven Thousand Five Hundred and 00/100 Dollars (\$307,500.00) be transferred from the Town Pavement Management Program stabilization fund for this purpose.

**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 11. ROCK HARBOR DREDGING - PERMITTING AND ENGINEERING DESIGN**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) for the purpose of funding the Rock Harbor Dredging Permitting and Engineering Design, including all expenses incidental and related thereto, or to take any other action relative thereto.  
(3/4 Vote Required)

**MOTION:** To accept and adopt Article 11 and that the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00) be raised and appropriated for the purpose of funding the Rock Harbor Dredging Permitting and Engineering Design, including all expenses incidental and related thereto.

**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 12. ACCEPT TRANSPORTATION BOND BILL FUNDS**

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

**MOTION:** To accept and adopt Article 12 and that said funds and their earned interest shall be expended to repair and resurface certain Town roads under the direction of the Board of Selectmen.

**ACTION:** Voted, voice vote carries unanimously.

## **ARTICLE 13. HOLDING STATE HARMLESS FOR WORK**

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

**MOTION:** To accept and adopt Article 13 as printed in the warrant.

**ACTION:** Voted, voice vote carries unanimously.

#### **ARTICLE 14. AUTHORIZATION TO SELL SURPLUS EQUIPMENT & ACCEPT GIFTS**

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

**MOTION:** To accept and adopt Article 14 as printed in the warrant.

**ACTION:** Voted, voice vote carries unanimously.

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

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

- 1) The Home Composting Bin/Recycling Containers Account, said account not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00). The Account will be used to purchase additional composting bins and recycling containers. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 2) The Council on Aging Account, said account not to exceed Sixty Thousand and 00/100 Dollars (\$60,000.00). Monies on hand in the Account will be used to fund programs, class instructor fees, fees for reservations and tickets related to trips and functions, and an annual volunteer appreciation function. All funds to be spent under the direction of the department manager and the Town Administrator.
- 3) The Council on Aging Van Transportation Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to fund driver salaries, vehicle maintenance and other necessary expenses related to the van transportation program. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 4) The Conservation Properties Account, said account not to exceed Ten Thousand and 00/100 Dollars (\$10,000.00). The Account will be used to pay utility bills and other necessary expenses associated with the rental of the Town owned properties under the jurisdiction and control of the Conservation Commission. Said funds to be spent under the direction of the Conservation Commission and the Town Administrator.

- 5) The Hubler Property Account, said account not to exceed Twenty-Five Thousand and 00/100 Dollars (\$25,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the former Hubler property located on Beach Road. Said funds to be spent under the direction of the department manager and the Town Administrator, and further to transfer the sum of Seven Thousand and 00/100 (\$7,000.00) from the balance remaining in the Gavigan Property Account at the end of the fiscal year to the Hubler Property Account and any remaining balance in the Gavigan Property Account shall revert to surplus revenue.
- 6) The Cultural Council Awards Account, said account not to exceed Two Thousand and 00/100 Dollars (\$2,000.00). The Account will be used for awarding of cash prizes for participants and reception expenses for special art gallery showings. Said funds to be spent under the direction of the Cultural Council and the Town Administrator. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 15 as printed in the warrant and that the Revolving Accounts as set forth in the article be established in accordance with Massachusetts General Laws Chapter 44, Section 53E ½.

**ACTION:** Voted, voice vote carries unanimously.

#### **ARTICLE 16. CREATE AND FUND STABILIZATION FUND FOR POST EMPLOYMENT BENEFITS**

To see if the Town will vote to create a Stabilization Fund for Other Post-Employment Benefits as provided under Chapter 40, Section 5B of the General Laws and to raise and appropriate, and/or transfer the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) to be reserved for appropriation for the purpose of funding future post-employment benefits, other than pensions, or take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article 16 as printed in the warrant and that the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) be transferred from available funds to be reserved for appropriation for the purpose of funding future post-employment benefits, other than pensions.

**ACTION:** Voted, voice vote carries unanimously.

#### **ARTICLE 17. CREATE AND FUND GENERAL STABILIZATION FUND**

To see if the Town will vote to create a General Stabilization Fund as provided under Chapter 40, Section 5B of the General Laws and to raise and appropriate, and/or

transfer from available funds the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) to be reserved for appropriation for any lawful purpose as provided in Chapter 40, Section 5B of the General Laws, or take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article 17 as printed in the warrant and that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) be transferred from available funds to be reserved for any lawful purpose as provided in Chapter 40 Section 5B of the General Laws.

**ACTION:** Voted, voice vote carries unanimously.

### **ARTICLE 18. CREATE AND FUND STABILIZATION FUND FOR BUILDING AND FACILITY MAINTENANCE**

To see if the Town will vote to create a Stabilization Fund for Building and Facility Maintenance as provided in Chapter 40, Section 5B of the General Laws and to raise and appropriate, and/or transfer from available funds the sum of Three Hundred Thousand Sixty-Five and 00/100 Dollars (\$365,000.00) into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from the Stabilization Fund the sum of Three Hundred Thousand Sixty-Five and 00/100 Dollars (\$365,000.00) for the purpose of funding building and facility maintenance projects, including all expenses incidental and related thereto, and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article 17 as printed in the warrant and that the sum of Three Hundred Sixty Five Thousand and 00/100 Dollars (\$365,000.00) be raised and appropriated to the Stabilization Fund for Building and Facility Maintenance, and further to authorize the sum of Three Hundred Sixty Five Thousand and 00/100 Dollars (\$365,000.00) to be transferred from the Stabilization Fund for Building and Facility Maintenance for the purpose of funding building and facility maintenance projects, including all expenses incidental and related thereto.

**ACTION:** Voted, voice vote carries unanimously.

### **ARTICLE 19. FUND GROUP HEALTH INSURANCE MITIGATION PLAN**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred One Thousand Eighty-Eight Dollars (\$101,088.00) for the purpose of funding a mitigation plan for Town employees and retirees enrolled in active health insurance plans through the Cape Cod Municipal Health Insurance Group that

represents 25% of the Town's estimated first year savings resulting from the adoption of the plan design changes authorized under Chapter 32B, §§ 21-22 of the General Laws, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 19 as printed in the warrant and that the sum of One Hundred One Thousand Eighty Eight and 00/100 Dollars (\$101,088.00) be raised and appropriated for this purpose.

**ACTION:** Voted, voice vote carries unanimously.

#### **ARTICLE 20. ADOPT M.G.L. CH. 71, § 16B, ASSESSMENT FORMULA – NAUSET REGIONAL SCHOOLS**

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

**MOTION:** To accept and adopt Article 20 as printed in the warrant.

**ACTION:** Voted, voice vote carries unanimously.

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

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty Thousand Four Hundred Fifty and 0/100 Dollars (\$20,450.00), or any other sum, to be spent under the direction of the Orleans Chamber of Commerce, Inc. and the Board of Selectmen for the purposes of managing summer visitors, making the Town more user-friendly and improving the visual image of the Town, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 21 as printed in the warrant and that the sum of Twenty Thousand Four Hundred Fifty and 00/100 Dollars (\$20,450.00), be raised and appropriated for this purpose.

**ACTION:** Voted, voice vote carries unanimously.

## ARTICLE 22. FUND HUMAN SERVICES AGENCIES (FY13)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Sixty Three Thousand One Hundred Sixty Three and 00/100 Dollars (\$63,163.00), or any other sum, to fund the following human services organizations for the period July 1,2012 to June 30, 2013.

CapeAbilities	\$ 5,827.00
Cape Cod Child Development	\$ 2,500.00
Consumer Assistance Council	\$ 250.00
Elder Services of Cape Cod & Islands	\$ 2,500.00
Gosnold	\$ 8,000.00
Homeless Prevention Council	\$ 6,936.00
Independence House, Inc.	\$ 4,700.00
Lower Cape Outreach Council	\$ 8,500.00
Orleans After School Program	\$15,000.00
Outer Cape Health Services	\$ 6,000.00
Sight Loss Services	\$ 850.00
South Coast Legal Services	<u>\$ 2,100.00</u>
Total	\$63,163.00

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

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

- FY12 & FY 11 no application submitted, FY 2010 funded \$5,827.00
- The projected number of Orleans residents to be served in FY13 is 9.

**Cape Cod Child Development** provides quality childcare, early education, developmental intervention and family support services on Cape Cod and the Islands. A non profit resource for early intervention for children with disabilities and a provider of the Head Start program are a small part of what they provide.

- FY12 funded \$2500.00
- The projected number of Orleans residents to be served in FY 13 is 26.

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

- FY12 funded \$250.00
- The projected number of Orleans' residents to be served in FY13 is 200.

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



- FY12 funded \$2,500.00
- The projected number of Orleans' residents to be served in FY13 is 68.

**Gosnold, Inc.** is a not for profit Cape based organization helping individuals and families with drug and alcohol addiction and mental health issues.

- FY12 funded \$7,500.00
- The projected number of Orleans' residents to be served in FY13 is 125.

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

- FY12 funded \$6,033.00
- The projected number of Orleans' residents to be served in FY13 is 240.

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

- FY12 funded \$4,500.00
- The projected number of Orleans' residents to be served in FY13 is 59.

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

- FY12 funded \$7,500.00
- The projected number of Orleans' residents to be served in FY13 is 500 households.

**Orleans After School Activities Program** provides safe, quality after school care for Orleans children 5-14 years of age after school, during vacations and in the summer.

- FY12 funded \$15,000.00
- The projected number of Orleans' residents to be served in FY13 is 70 families/85 children.

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

- FY2012 no application submitted, FY2011 funded \$7,000.00
- The projected number of Orleans' residents to be served in FY2013 is 1000

**Sight Loss Services** is the only nonprofit corporation serving the blind and visually impaired on Cape Cod and the Islands.

- FY12 funded \$850.00
- The projected number of Orleans residents served in FY13 is 100.

**South Coast Legal Services, Inc.** formerly Legal Services for Cape Cod and Islands, Inc. provides free legal advice and representation to qualified Orleans residents.

- FY12 funded \$2,000.00

- The projected number of Orleans' residents to be served in FY13 is 28.

**MOTION:** To accept and adopt Article 22 as printed in the warrant, and that the sum of Sixty Three Thousand One Hundred Sixty Three and 00/100 Dollars (\$63,163.00) be raised and appropriated for this purpose.

**ACTION:** Voted, voice vote carries unanimously.

### **ARTICLE 23. FUND FOURTH OF JULY PARADE**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eight Thousand and 00/100 Dollars (\$8,000.00), or any other sum, for the purpose of funding the July 4<sup>th</sup> parade within the Town of Orleans. Said funds to be expended under the direction of the Town Administrator, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 23 as printed in the warrant, and that the sum of Eight Thousand and 00/100 Dollars (\$8,000.00) be raised and appropriated for this purpose.

**ACTION:** Voted, voice vote carries unanimously.

### **ARTICLE 24. FUND ELECTED OFFICIALS COMPENSATION (FY13)**

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2012 as follows:

- |                           |            |
|---------------------------|------------|
| 1) Board of Selectmen (5) | \$1,500.00 |
| 3) Moderator (1)          | \$ 300.00  |
| 4) Constables (2)         | \$ 150.00  |

and to raise and appropriate and/or transfer from available funds the sum of Eight Thousand One Hundred and 00/100 Dollars (\$8,100.00) or any other sum, for this purpose, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 24 as printed in the warrant and that the sum of Eight Thousand One Hundred and 00/100 Dollars (\$8,100.00) be raised and appropriated for this purpose as follows:

- |                        |                 |
|------------------------|-----------------|
| Board of Selectmen (5) | \$1,500.00 each |
| Moderator (1)          | \$300.00        |

Constables (2) \$150.00 each

**ACTION:** Voted, voice vote carries unanimously.

**ARTICLE 25. AMEND ZONING BYLAW CHAPTER 164, FORMULA BASED RESTAURANTS**

To see if the Town will vote to amend the Definitions section 164-4 to add a new definition:

Restaurant, formula-based – A restaurant business that is required by contractual or other arrangement or as a franchise to maintain two (2) or more of the following items: standardized (formula) array of services and/or merchandise including menu, trademark, logo, service mark, symbol, décor, architecture, façade, layout, uniforms, color scheme, and which are utilized by ten (10) or more other businesses worldwide regardless of ownership or location.

And further, to amend the Table of Use Regulation section 164-13 to add a new category as follows:

**§164-13. Schedule of Use Regulations**

P = Use Permitted    O = Use Prohibited    A = Use allowed: A, under Special Permit by Board of Appeals as provided in section 164-44

COMMERCIAL	R	RB	LB	GB	VC <sup>5</sup>	I	CD <sup>6</sup>	SC	MB
<u>Restaurant, formula-based</u>	<u>O</u>	<u>O</u>	<u>A</u>	<u>A</u>	<u>O</u>	<u>A</u>	<u>O</u>	<u>O</u>	<u>O</u>

And further, to add a new section 164-38 E. to regulate formula-based restaurants:

**E. Special requirements for formula-based restaurants.**

The purpose and intent of regulating formula-based restaurants is to address the negative impact on the town’s historical and cultural relevance, unique Cape Cod rural character, and overall attractiveness as a small town, locally-oriented tourist destination. These uses are therefore regulated in order to maintain Orleans’ distinct community and natural experiences.

The proposed use of any building, structure, or premises for a formula-based restaurant shall require a Special Permit from the Zoning Board of Appeals. In addition to the Special Permit Criteria in Section 164-44, the following additional criteria shall be required:

1. Approval of the formula-based restaurant will not alter the character of the zoning district in a way that detracts from its uniqueness;

2. Approval of the formula-based restaurant will contribute to a diverse blend of businesses in the zoning district;
3. Approval of the formula-based restaurant will complement those businesses already in the zoning district and help promote and foster the local economic base as a whole.
4. The formula-based restaurant will be compatible with existing surrounding uses and has been designed and will be operated in a non-obtrusive manner to preserve the community's character, and the proposed intensity of use on the site is appropriate given the uses permitted on the site and on adjoining sites.
5. No drive thru windows shall be permitted.
6. Approval of the formula-based restaurant will minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.

(2/3 Vote Required)

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

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#### PLANNING BOARD REPORT

The Planning Board held a public hearing on this article and several others on January 24, 2012. 15 people were in attendance. The Board received several comments, all of which were favorable. The Planning Board voted 5-0-0 to recommend approval of the article.

This article addresses formula-based restaurants. The Planning Board is concerned that such restaurants could detract from Orleans' unique community character if they are not properly regulated.

Most people know what formula restaurants are. They are located in ten or more towns, use standardized logos and colors schemes, may require uniforms, and have a predictable menu from one location to the next. These restaurants have a homogenizing effect on a community.

Presently, Orleans restaurants are predominantly proprietor-owned. They are unique. They are local. They return a higher percentage of revenue back to the local economy.

What is proposed is to allow formula-based restaurants by Special Permit in the General Business, Limited Business, and Industrial Districts. The applicant would need to demonstrate compliance with 6 new Special Permit criteria to ensure that the new restaurant is compatible with and complementary to existing businesses. We think that this is a reasonable accommodation, which will allow formula restaurants to come to Orleans, but only with safeguards to protect the unique character of the town. Formula restaurants would be prohibited from locating in the Village Center District.

**ACTION:** Voted, voice vote carries by the necessary 2/3 majority.

**ARTICLE 26. AMEND ZONING BYLAW CHAPTER 164, CUSTOMARY HOME OCCUPATION**

To see if the Town will vote to amend the Zoning Bylaws, Section 164-4, Definitions, to **add** the following language:

Customary or Self-Employed Home Occupation: This term shall include carpenters, electricians, painters, plumbers, paper-hangers, shellfish opening, and the storage of fishing equipment as customarily carried on in the Town, masons, radio and TV repairs, dressmaking, hand laundering, home handicrafts, home cooking, lawn mower and bicycle repairs, the practice of any recognized profession and any others of similar nature, which may be approved on Special Permit by the Board of Appeals, provided it is not injurious, noxious and offensive to the neighborhood, and provided there is no outside display of goods. **This definition does not include a home office which has no non-occupant employees, on-site sales, or any other external evidence of the occupation.** (2/3 Vote Required)

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

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PLANNING BOARD REPORT

The Planning Board held a public hearing on this article on January 24, 2012. 15 people were in attendance. The Planning Board voted 5-0-0 to recommend approval of the article.

A Customary Home Occupation currently requires a Special Permit from the Zoning Board of Appeals. With the changing nature of home offices, the Planning Board felt that it may not be necessary for certain businesses to go through the

Special Permit process. The amendment would exempt home offices that have no employees, nor on-site sales, nor other observable impacts from the Special Permit requirement. Otherwise, the Building Commissioner would require such a business to obtain a Special Permit.

**ACTION:** Voted, voice vote carries unanimously.

**ARTICLE 27. AMEND ZONING BYLAW CHAPTER 164, CONTRACTOR YARD**

To see if the Town will vote to amend the Zoning Bylaws, Section 164-4, Definitions to add the following definition:

**CONTRACTOR YARD – A premises which is used by a building contractor or other tradesman or landscaper for the fabrication of subassemblies or the storage of supplies or equipment. For the purpose of this bylaw a single vehicle used by the owner for the storage of small items of material and equipment that are used on a day by day basis in carrying out his trade, and/or used by the owner for transportation purposes, shall not be classified as a contractor’s yard.**

And further, to amend Section 164-13 to add a new category as follows:

**§164-13 Schedule of Use Regulations**

**DISTRICTS**

<b>COMMERCIAL</b>	<b>R</b>	<b>RB</b>	<b>LB</b>	<b>GB</b>	<b>VC</b>	<b>I</b>	<b>CD</b>	<b>SC</b>	<b>MB</b>
<b><u>Contractor Yard</u></b>	<b><u>O</u></b>	<b><u>O</u></b>	<b><u>A</u></b>	<b><u>A</u></b>	<b><u>O</u></b>	<b><u>P<sup>4</sup></u></b>	<b><u>O</u></b>	<b><u>O</u></b>	<b><u>O</u></b>

(2/3 Vote Required).

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

**PLANNING BOARD REPORT**

The Planning Board held a public hearing on this article on January 24, 2012. 15 people were in attendance. The Planning Board voted 5-0-0 to recommend approval of the article.

The Schedule of Use Regulations table in the Zoning Bylaw currently lacks an entry for a Contractor Yard. The Zoning Enforcement Officer has regulated the use as either light industry or storage. This article corrects the gap in the bylaw. A Contractor Yard would be allowed by right in the Industrial District, and by Special

Permit in the Limited and General Business Districts. The Special Permit requirement will ensure that a Contractor Yard is appropriate and does not adversely impact other adjacent and nearby uses.

**ACTION:** Voted, voice vote carries unanimously.

Moderator Landreth stepped down for Article 28

**PROCEDURAL MOTION:**

Board of Selectmen Chair, Margie Fulcher made a motion to nominate David Lyttle as Temporary Moderator for Article 28.

**ACTION:** Voted, voice vote carries unanimously.

David Lyttle was sworn in by Town Clerk, Cynthia May as Temporary Moderator for Article 28.

**ARTICLE 28. AMEND GENERAL BYLAW CHAPTER 106, DEMOLITION OF HISTORIC STRUCTURE**

To see if the Town will vote to amend the General Bylaws, Chapter 106, by **adding** the following language and **renumbering** sections as necessary:

§ 106-1. INTENT AND PURPOSE.

This Bylaw is enacted for the purpose of preserving and protecting significant buildings within the Town of Orleans which reflect distinctive features of the architectural, historical, and cultural heritage of the Town and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them. To achieve these purposes the Orleans Historical Commission (the "Commission") is empowered to advise the Building Commissioner with respect to the issuance of permits for the demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided for in this Bylaw.

§ 106-2. DEFINITIONS.

1. Building--A structure forming a shelter for persons, animals, property or an activity and having a roof.
2. Building Commissioner--The person occupying the office of Building Commissioner or otherwise authorized to issue demolition permits.
3. Commission--Orleans Historical Commission.
4. Demolition--The act or process of pulling down, destroying, removing or razing a building, or any portion that results in a change in the footprint, or however, that the term "demolition" shall not include the ordinary maintenance or repair to any building or structure.

5. Preferably-preserved Significant Building--Any significant building which the Commission determines is in the public interest to be preserved or rehabilitated rather than demolished.
6. Significant Building--Any building or portion thereof, which is not within a regional or local historic district subject to regulation under the provisions of Massachusetts General Law 40C or special act of Legislature, but which is included in the historical property survey of the Town of Orleans and on file with the Massachusetts Historical Commission, or
  - A) The building was built in or prior to 1920, and
  - B) Is listed in, or is within an area listed, in the National Register of Historic Places, or the State Register of Historic Places, or is the subject of a pending application for listing in said Registers, or has previously been determined to be eligible for listing in the National Register of Historic Places, or
  - C) Has been previously determined by vote of the Commission to be:
    1. Historically or architecturally significant in, terms of period, style, method of building construction, or association with a famous architect or builder, or
    2. Is importantly associated with one or more historic persons or events, or the broad architectural, political, economic or social history of the Town or Commonwealth, provided that the owner of such a building and the Building Commissioner have been notified, in hand or by certified mail within ten (10) days of such Commission vote.

**7. Demolition By Neglect — A process of ongoing damage to the fabric, viability and/or functionality of an unoccupied structure leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the structure from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.**

§ 106-3. PROCEDURES.

- A) No permit for the demolition of a "significant" building as defined in Section 2.3 herein shall be issued other than in conformity with the provisions of this Bylaw and the provisions of all other laws applicable to the demolition of buildings and the issuance of permits generally.
  - 1) Any person who intends to file an application for a permit to demolish a "significant" building shall first file a "Notice of Intent to Demolish a Significant Building" with the Building Commissioner. In addition, the applicant shall complete the review process set forth in this Section. **In order to have standing to file a notice of intent an applicant must have a present intent to demolish a Significant Building within twelve months of the date of the notice of intent.**
  - 2) The Notice of Intent shall include the following:
    - a) Name of applicant with address, telephone number and stated interest in the property.
    - b) Owner name, address and telephone number if different.
    - c) A map showing the location of the building or structure to be demolished on the property and with reference to neighboring properties.



- d) A description of the building or structure, or part thereof, to be demolished including photographs.
  - e) A statement of the reason for the proposed demolition and data supporting said reason, including where applicable, data sufficient to establishing any economic justification for demolition. **Application shall include a copy of the demolition plan and a proposed re-use of the property.**
- B) The Commission shall hold a public hearing on each such Notice of Intent within 45 days after the date it is filed with the Building Commissioner. The Commission shall give public notice thereof by publishing twice a notice of the time, place and purpose of the hearing in a local newspaper with the first notice being published at least fourteen (14) days before said hearing. A copy of said notice shall be mailed to the applicant, to the owners of all abutting property as they appear on the most recent tax list, to the Building Commissioner, Planning Board and Conservation Commission. Commission meetings shall be posted and held in accordance with applicable state law, known as the "open meeting law".
- C) If, after such hearing, the Commission determines that the demolition of the "significant" building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the applicant and the Building Commissioner within ten (10) days of such determination. Upon receipt of such notification, or upon failure by the Commission to hold a public hearing within forty-five (45) days of the day the "Notice of Intent" was filed with the Building Commissioner or to make a decision within ten (10) days following said hearing, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, rules and regulations, issue the demolition permit.
- D) If, after such a hearing, the Commission determines that the demolition of the "significant" building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a "preferably-preserved significant building".
- E) Upon determination by the Commission that the "significant" building which is the subject of the Notice of Intent to Demolish is a "preferably-preserved significant building", the Commission shall so advise the applicant and the Building Commissioner, and no demolition permit may be issued until 365 days after the date of the Commission's determination. Notwithstanding the preceding sentence, the Building Commissioner may issue a demolition permit for a "preferably-preserved significant building" at any time after receipt of written advice from the Commission to the effect that the Commission is satisfied that bona fide and reasonable efforts have been made to locate a purchaser willing to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful. [Amended 11-7-2005 STM, Art. 13]
- F) No building permit for erection of a new structure on the site of an existing "significant" building footprint as defined in Section 2.3 may be issued prior to issuance of a permit for demolition of such existing significant building.
- G) No permit for demolition of a building determined to be a "preferably-preserved significant building" under Section 3.4 shall be granted until plans for use or development of the site after demolition have been filed with the Building Commissioner and found to comply with all laws pertaining to the issuance of a building permit, or if for a parking lot, a certificate of occupancy, for that site. All approvals necessary for the issuance of such a building permit or certificate of

occupancy including without limitation any necessary zoning variances or special permit, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this subsection.

#### **106-4. MINIMUM MAINTENANCE REQUIREMENTS**

- A) A Significant Building shall be maintained in a weather tight condition so as to prevent water intrusion into any portion of the building and to prevent demolition by neglect, including but not limited to maintenance of the roofing, siding, windows, doors, trim and other architectural features. Maintenance shall also include the replacement or repair of any structural element or exterior architectural feature that if left unattended would result in further damage or degradation to any building element.**
- B) This section shall apply to the following Significant Buildings:**
- 1. A building or portion thereof in commercial use, or an income producing residential use.**
  - 2. Any unoccupied single family residential structure.**
- This section shall not apply to an owner-occupied single family residential structure:**
- C) If the Commission has reason to believe, through visual inspection or other means, that a Significant Building may be undergoing Demolition by Neglect then the Commission shall notify the Building Inspector and the owner. The Commission shall hold a public hearing to determine whether or not the Significant Building is undergoing demolition by neglect. In furtherance of determining its condition, the Commission may, at any time, request an inspection of the structure by the Building Inspector. If the Commission determines that the Significant Structure is undergoing demolition by neglect, the Commission shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the Significant Structure and/or prevent further deterioration. In the event that the Commission determines that it is not able to negotiate such an agreement with the owner, for any reason, or that the owner has agreed to undertake but has failed satisfactorily to complete such repairs in a timely manner, then the Commission may take such action as is permitted under this bylaw, including seeking a court order that specific repairs be undertaken to secure the Significant Building against the elements, vandals or vermin, to halt further deterioration, and/or to stabilize it structurally. The Commission may forbear from commencing an action in court for any reason. Upon completion of all repairs that have been agreed upon between the owner and the Commission that have been ordered by the Commission that have been ordered by the court, and upon certification by the Building Inspector that said repairs have been completed, the Commission shall certify that the structure is no longer undergoing demolition by neglect.**
- D. The Commission may grant a waiver from the requirements of this section upon a showing of impossibility, or financial hardship, or the occurrence of events beyond the owner's control, or such other circumstances as the Commission may determine.**

**§ 106-5. EMERGENCY DEMOLITION.**

- A) Nothing in this Bylaw shall restrict the Building Commissioner from ordering the demolition of any "significant" building in the event it is determined that the condition of the building or structure poses a serious and imminent threat to public health and safety and there is no reasonable alternative to immediate demolition.
- B) Whenever the Building Commissioner issues an emergency demolition permit under this Section, he shall prepare a written report with attached photographic evidence describing the condition of said building or structure and the basis of the decision to issue an emergency demolition permit and provide a copy thereof to the Commission.

**§ 106-6. ENFORCEMENT AND REMEDIES.**

- A) Any person(s) who demolishes a building or structure identified in Section 2.3 without first obtaining, and complying fully with, the provisions of a demolition permit shall be subject to a fine of three hundred dollars (\$300.00). Each day of non-compliance shall be considered a separate offense.
- B) The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this Bylaw, or to prevent violation thereof.
- C) No building permit shall be issued with respect to any premises upon which a "significant" building has been voluntarily demolished in violation of this Bylaw for a period of two (2) years after the date of the completion of such demolition. As used herein, "premises" includes the parcel of land upon which the demolished "significant" building was located.
- D) Upon a determination by the Commission that a building is a "preferably-preserved significant building", the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Commissioner.

**§ 106-7. EXPIRATION OF FINDINGS.**

**All determinations by written finding made by the Historical Commission pursuant to 106-3 (C), (D) and (E) shall expire two years from the date of the written finding if the work authorized has not commenced.**

**§ 106-8. APPEALS TO BOARD OF SELECTMEN.**

Any person aggrieved by a decision of the Orleans Historical Commission acting under this bylaw, shall have a right to appeal to the Board of Selectmen filed within seven (7) days of the date any such decision. The Board of Selectmen shall hold a hearing within ten (10) days of receipt of any such appeal and shall have a right to issue any decision which the Orleans Historical Commission could have issued in the first instance.

**§ 106-9. SEVERABILITY.**

If any section, paragraph or part of this Bylaw be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

**§ 106-10. HISTORIC DISTRICT ACT.**

If any provision of this Bylaw conflicts with Massachusetts General Laws, Chapter 40C, the Historic District Act, that Act shall prevail. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 28 as printed in the warrant, except that Section 106-7 shall be revised to read as follows:

§106-7. Expiration of Findings

All determinations by written finding made by the Historical Commission pursuant to 106-3 (C) and (D) shall expire two years from the date of the written finding if the work authorized has not commenced.

**MOTION:** To amend the main motion by adding: *All determinations by written finding made by the Historical Commission pursuant to 106-3 (E) shall expire two years from the expiration of the demolition delay period if the work authorized has not commenced.*

**ACTION:** Voted, voice vote carries unanimously to amend the main motion.

**MOTION:** James Trainor made a motion to give Ben Zehnder, who is not an Orleans resident, the right to address Town Meeting.

**ACTION:** Voted, voice vote carries unanimously to allow Mr. Zehnder to address the Town Meeting.

**MOTION:** To move the question.

**ACTION:** Voted, voice vote carries by the necessary majority to move the question.

**ACTION:** On the main motion as amended, voted, standing vote passes, YES = 106, NO = 89.

**ARTICLE 29. AMEND GENERAL BYLAW CHAPTER 122, OUTDOOR LIGHTING**

To see if the Town will vote to amend the General Bylaw, Section 122-8, Enforcement , by **adding** the following language:

§ 122-8. Enforcement **and Violations.**

This bylaw shall be enforced by the Building Commissioner, or his designee. **Any person, firm or corporation violating any section or provision of this By-law shall be fined not more than one hundred (100) dollars for each offense. Each day that such offense continues shall constitute a separate offense.** (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 29 and that Section 122-8 be amended by adding the following sentence, "Any person, firm or corporation violating any section or provision of this by-law shall be fined one hundred dollars (\$100) for each offense. Each day that such offense continues shall constitute a separate offense."

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#### PLANNING BOARD COMMENTS

This proposed amendment would add an enforcement provision to the Outdoor Lighting Bylaw.

The bylaw was adopted in 2004, with a 5-year period for pre-existing lighting to come into compliance. Overall, the bylaw has been successful. All new construction is required to follow the bylaw. For existing lighting, the Building Department has taken steps to request alterations to fixtures that do not conform. The Building Commissioner met with several business owners, and letters were sent to businesses with observed violations. The majority of businesses are taking corrective action.

For businesses that have not responded to requests for compliance, the bylaw does not provide an adequate enforcement mechanism. It is proposed to add language that would allow the Building Commissioner to assess a fine of \$100.00 for violations. Absent this provision, the Building Commissioner has had to rely upon the good will of property owners to bring their lighting into compliance.

Approval of the amendment will give the Town a discretionary tool to enforce the bylaw.

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

#### **ARTICLE 30. TRANSFER WATER SERVICE CONNECTION FUNDS**

To see if the Town will vote to transfer the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) from the Water Service Connection Funds Reserved for Appropriation Account to the Water Service Connection Account, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 30 as printed in the warrant and the sum of Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) be transferred from the Water

Service Connection Funds Reserved for Appropriations Account to the Water Service Connection Expense Account for this purpose.

**ACTION:** Voted, voice vote carries unanimously.

### **ARTICLE 31. DEMAND FEE FOR UNPAID WATER BILLS**

To see if the Town will vote to amend the General By-Laws of the Town, Chapter 158, Water, by adding the following new sections:

#### **Sec. 158-24.1 Demand Fee**

**Town Water bills that remain unpaid after the due date shall be subject to a \$10.00 demand fee in addition to any interest accrued and owing pursuant to the provisions of sec. 158-24.**

#### **Sec. 158-24.2 Deposit of Interest and Fees**

**Any interest payments or demand fees collected pursuant to sections 158-24 and 158-24.1 shall be deposited into the Water Surplus Fund of the Town.**

(Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 31 as printed in the warrant.

**ACTION:** Voted, voice vote carries unanimously.

### **ARTICLE 32. FUND FIRE DEPARTMENT STAFFING AND ORGANIZATIONAL STUDY**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty Thousand and 00/100 (\$20,000.00) for the purpose of funding a Fire Department staffing and organizational study, including all expenses incidental and related thereto, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 32 as printed in the warrant and that the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00) be raised and appropriated for this purpose.

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

### **ARTICLE 33. FUND MOTORS AND EQUIPMENT FOR NEW RESCUE BOAT**

To see if the Town will vote to raise and appropriate the sum of Thirty-Six Thousand and 00/100 (\$36,000.00) for the purpose of funding the purchase and installation of two (2) outboard motors and firefighting equipment on the new rescue boat, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 33 as printed in the warrant and that the sum of Thirty Six Thousand and 00/100 Dollars (\$36,000.00) be raised and appropriated for the purpose of funding the purchase and installation of two (2) outboard motors and firefighting equipment on the new rescue boat, including all expenses incidental and related thereto.

**ACTION:** Standing vote, YES = 101, NO = 82, vote carries by the necessary majority.

### **ARTICLE 34. AUTHORIZE LEASE OF NAUSET BEACH CONCESSION STAND**

To see if the Town will vote to authorize the Board of Selectmen to lease on such terms as they deem appropriate, the Nauset Beach Concession stand for a period not to exceed ten (10) years or to take any other action relative thereto. (Simple Majority Vote Required)

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

**ACTION:** Voted, voice vote carries unanimously.

### **ARTICLE 35. AMEND INTERMUNICIPAL AGREEMENT TO PROVIDE FOR POST-RETIRMENT BENEFITS FOR EMPLOYEES OF THE ORLEANS, BREWSTER AND EASTHAM GROUNDWATER PROTECTION DISTRICT**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, upon such terms and conditions as the Board deems to be in the best interests of the Town, to provide for the equally shared responsibility of the Towns of Orleans, Brewster and Eastham for the post-retirement benefits of employees of the Orleans, Brewster and Eastham Groundwater Protection District in the event of dissolution of the District; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the

Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto. (Simple Majority Vote Required)

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

**ACTION:** Voted, voice vote carries unanimously.

### **ARTICLE 36. AUTHORIZE INTERGOVERNMENTAL AGREEMENTS RELATED TO RENEWABLE ENERGY PROJECTS**

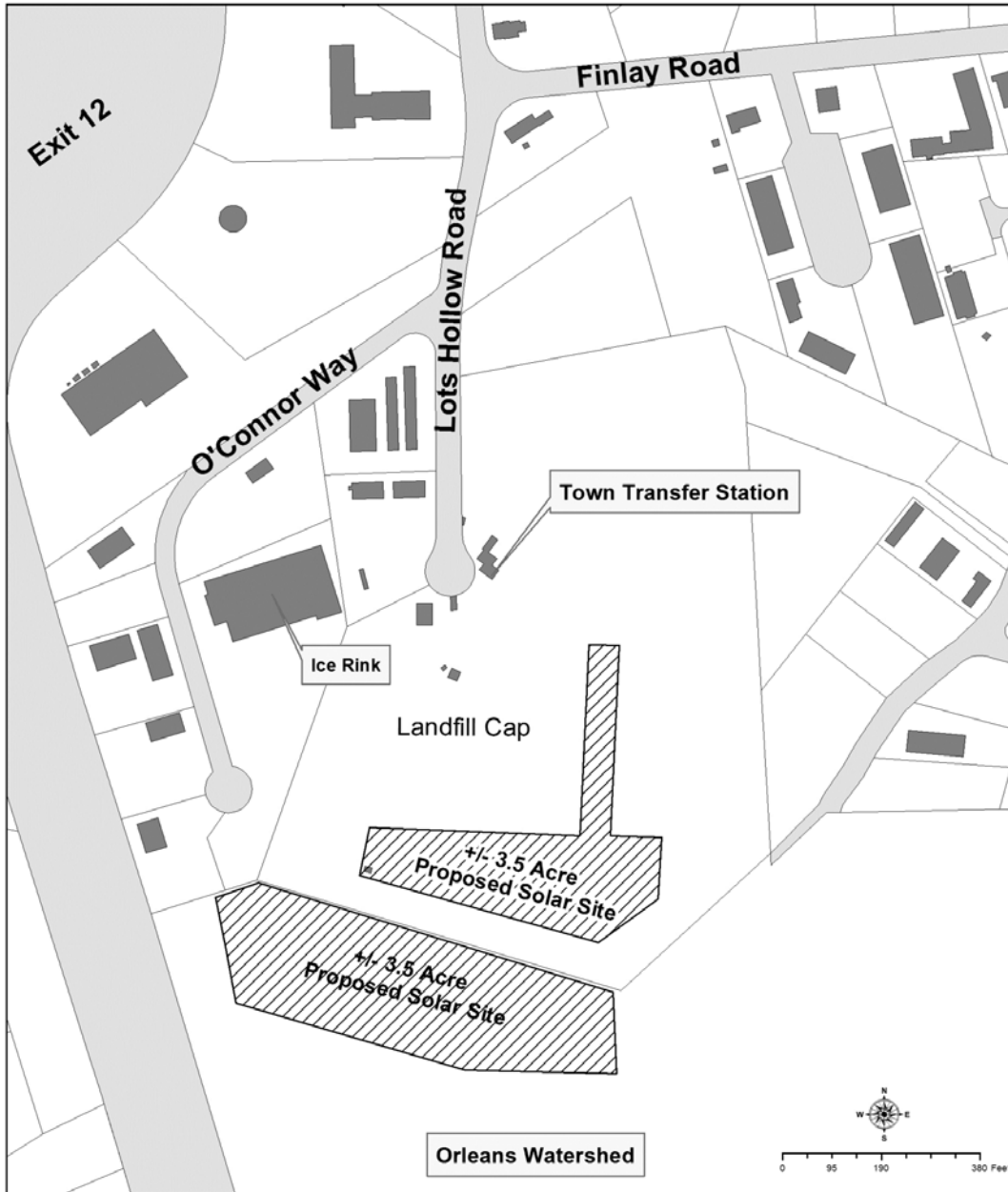
To see if the Town will authorize the Board of Selectmen to enter into intergovernmental agreements not to exceed a term of twenty-five years on behalf of the Town with the Cape & Vineyard Electric Cooperative, Inc. and its other governmental members related to renewable energy projects developed, sponsored or administered by the Cape & Vineyard Electric Cooperative, Inc., which agreements may include, but not be limited to: power purchase agreements, renewable energy certificate contracts, renewable energy project development agreements, in substantially the form of the draft "Intergovernmental Net Metered Power Sales Agreement" and "Intergovernmental Project Development Agreement" on file with the Town Clerk, and leases of land or buildings related to the development of renewable energy; including without limitation petitioning the state legislature for special legislation exempting the leases so authorized from the provisions of M.G.L. Ch. 30B and Article 97 of the Amendments to the Massachusetts Constitution if required, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article 36 as printed in the warrant and that the Board of Selectmen be so authorized to execute and deliver the agreement described in the article for the following Town properties:

- 1) Town landfill site consisting of approximately 3.5 acres
- 2) Orleans Watershed site consisting of approximately 3.5 acres

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





### ARTICLE 37. AMEND PLEASANT BAY RESOURCE MANAGEMENT PLAN

To see if the Town will vote to amend the 2008 Pleasant Bay Resource Management Plan Update developed in accordance with the Pleasant Bay Resource Management Plan adopted by the Town in 1998 and updated in 2003, by inserting after section 8.6.3 a new section, 8.6.4, which provides the conditions under which a member municipality may seek authorization to undertake improvement dredging. The text of the new section, as well as a report providing detailed background to this recommendation, is on file with the Town Clerk. (Simple Majority Vote Required)

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

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

#### **ARTICLE 38. FREE CASH**

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

**MOTION:** To accept and adopt Article 38 and that the sum of Four Hundred and Fifty Thousand and 00/100 Dollars (\$ 450,000.00) be transferred from available funds for this purpose for FY13.

**ACTION:** Voted, voice vote carries unanimously.

#### **ARTICLE 39. CLOSING ARTICLE**

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

**MOTION:** To adjourn the Annual Town Meeting

**ACTION:** Voted, voice vote carries unanimously.

**The Annual Town Meeting was adjourned at 9:34 p.m.**

A True Record, Attest:

Cynthia S. May, Town Clerk