

ANNUAL TOWN MEETING
“DOINGS”
May 13-14, 2013

The Annual and Special Town Meetings were held on Monday, May 13-14, 2013 in the Nauset Regional Middle School Gym. The Annual Town Meeting was opened at 6:40 p.m. by Moderator, Duane Landreth after a quorum of 200 voters was announced by the Town Clerk, Cynthia May. Checkers and Election workers were: Pat Bradley, Hannah Caliri, Cindy Eagar, Eric Ehnstrom, Molly Hidden, Barbara Miller, Susan Milton, Ken Rowell, Cathy Southworth and Mary Walker. Tellers sworn in were: Wally Swidrak, Harry Mirick, Jimmy Dishner and Karen Sharpless. Constables on duty were: John Fitzpatrick and Mary Stevens. A total of 1,047 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 6:47 p.m.

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

That 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 Giovanna Venditti, Nauset Regional School District Business Manager, and

Noelle Pina, 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.

PROCEDURAL MOTION

To change the order of consideration of the articles as printed in the warrant so that Article 11 and Article 12 are considered prior to Article 1 of the Special Town Meeting.

ACTION: Voted, voice vote carries unanimously

ARTICLE 11. FUND PHASE 1A WASTEWATER MANAGEMENT PLAN DESIGN

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00) for the purpose of funding an engineering design of a Phase 1A Wastewater Management Plan using a centralized gravity collection, treatment and disposal system, and further to fund a preliminary engineering design of a Phase 2 wastewater management plan using a decentralized collection, treatment and disposal system, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: That Article 11 be accepted and adopted as printed in the warrant and that the sum of Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00) 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 Three Million Five Hundred Thousand and 00/100 Dollars (\$3,500,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 7 Clause (22), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

MOTION: To call the question.

ACTION: Standing vote, YES=866, NO=18, motion to call the question passes.

ACTION: On the main motion, paper ballot, YES=600, NO=309, motion fails to attain the necessary 2/3 majority.

ARTICLE 12. FUND A COMPREHENSIVE WATER QUALITY IMPROVEMENT PLAN – BY PETITION

To see if the town will vote to borrow and/or transfer from available funds the sum of \$2,805,000 for a Comprehensive Water Quality Improvement Plan that includes the following:

1. Storm Water Remediation

Appropriate **\$2,000,000** to be spent over the next 2 – 3 year period for storm water remediation projects giving first priority to storm water systems in the Meetinghouse Pond watershed. At the current pace of spending, compliance and water quality improvement will not be achieved for 10 to 20 years. This investment provides immediate water quality improvement.

2. Conservation Moorings

Appropriate **\$400,000** to be spent on purchase and installation of conservation moorings giving first priority to moorings in Meetinghouse Pond and then to moorings in nitrogen sensitive bodies and areas where eelgrass habitat is impacted by conventional mooring equipment. Formally request the finance committee to recommend an equitable plan for cost recovery of conservation moorings through user fees or other means. This investment provides immediate water quality improvement.

3. Fertilizer Management

Appropriate **\$5000** to establish a task force which will organize lower Cape towns in establishing new protocols with landscape providers, retail garden centers and golf courses for types of fertilizer use allowable and acceptable for residential, commercial and public properties.

4. Downtown Improvement Project:

Appropriate **\$300,000** for engineering design for a downtown wastewater collection and decentralized treatment system to serve the properties included in the Fuller sponsored Plan 1A area. Engineering designs to be developed on a competitive basis by 2 or more independent engineering firms which have demonstrated experience designing a wide range of wastewater solutions including septic tank effluent (STE) sewers and consideration of other environmental and social benefits for small communities. Effluent discharge to be accomplished without risk of negative environmental impact.

5. Meetinghouse Pond Water Quality Improvement Project:

Appropriate **\$100,000** for engineering design of a Meetinghouse Pond watershed septic tank effluent (STE) collection system and wastewater treatment facility. Effluent discharge to be conducted outside the Meetinghouse Pond watershed without risk of negative environmental impact. This project shall maximize Meetinghouse Pond water quality improvement by prioritizing allocations from the items above for storm water management, conservation moorings and fertilizer

management and initiating engineering design of a wastewater solution for the Meetinghouse Pond watershed.

- 6 Septage Treatment:** Request the Cape Cod Commission to include (1) a septage market study of treatment capacity and generated volumes on Cape Cod and within 30 miles of the Cape Cod canal bridges and (2) recommend long term septage waste transport and treatment alternatives considering capital and operating costs, resource recovery and social and environmental risks, costs and benefits. (3/4 Vote Required)

MOTION: That Article #12 be accepted and adopted as printed in the warrant and that the sum of Two Million Eight Hundred Five Thousand and 00/100 Dollars (\$2,805,000.00) 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 Two Million Eight Hundred Five Thousand and 00/100 Dollars (\$2,805,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 7 Clause (1) and Clause (22), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Standing vote, YES=105, NO=522, motion fails to attain the necessary 3/4 majority.

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: That Article #1 to be accepted and adopted and the sum of three thousand five hundred forty one and 84/100 Dollars (\$3,541.84) be transferred from available funds to pay the following unpaid bills:

<u>Vendor</u>	<u>Amount</u>
John B. Cochran, Attorney	\$3,248.00
Cape Tire Service	\$293.84

ACTION: Standing vote, YES=371, NO=1, vote passes by the necessary 9/10 majority.

PROCEDURAL MOTION

Frances McClennen: To adjourn the Special Town Meeting to 6:30 p.m. on May 14, 2013.

ACTION: Standing vote, YES=247, NO=80, vote passes by the necessary majority.

Special Town Meeting was adjourned at 10:14 p.m.

Special Town Meeting was reconvened at 6:30 p.m. on Wednesday, May 14, 2013 when Town Clerk Cynthia May announced there was a quorum of 200 voters.

PROCEDURAL MOTION

Jon Fuller nominated Richard Laraja to serve as Temporary Moderator until the elected Town Moderator is available or until the dissolution of the May 13, 2013 Special Town Meeting whichever comes first.

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 2013 as follows:

1. Transfer the sum of Nineteen Thousand One Hundred and 00/100 Dollars (\$19,100.00), or any other sum, from the Interest on Notes and Bonds Account to the Principal on Notes and Bonds Account.
2. Transfer the sum of Fifty-Six Thousand and 00/100 Dollars (\$56,000.00), or any other sum, from available funds and Fifteen Thousand and 00/100 Dollars (\$15,000.00) from the Fire Department Capital Outlay Account for Roof Repairs, to the Fire Department Overtime Account.
3. Transfer the sum of Thirty-Six Thousand and 00/100 Dollars (\$36,000.00), or any other sum, from the Parks & Beaches Capital Outlay Account line items for Hubler Seasonal Housing and Replenish Sand Skaket, to the Parks & Beaches Capital Outlay Account line item to Demolish Gavigan and Hubler Cottages.
4. Transfer the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00), or any other sum, from available funds to the Pleasant Bay Alliance Assessment Account.

5. Transfer the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), or any other sum, from the Water Surplus Fund to the Water Department Repair Service Vehicle Account. (Simple Majority Vote Required)

MOTION: That Article #2 be accepted and adopted and the following transfers be made from available funds for the purpose(s) set forth in the article.

1. Transfer the sum of Nineteen Thousand One Hundred and 00/100 Dollars (\$19,100.00) from the Interest on Notes and Bonds Account to the Principal on Notes and Bonds Account.
2. Transfer the sum of Fifty-Six Thousand and 00/100 Dollars (\$56,000.00) from available funds and Fifteen Thousand and 00/100 Dollars (\$15,000.00) from the Fire Department Capital Outlay Account for Roof Repairs to the Fire Department Overtime Account.
3. Transfer the sum of Thirty-Six Thousand and 00/100 Dollars (\$36,000.00) from the Parks & Beaches Capital Outlay Account line items for Hubler Seasonal Housing and Replenish Sand Skaket, to the Parks & Beaches Capital Outlay Account line item to Demolish Gavigan and Hubler Cottages.
4. Transfer the sum of Two Hundred Fifty and 00/100 Dollars (\$250.00) from available funds to the Pleasant Bay Alliance Assessment Account.
5. Transfer the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) from the Water Surplus Fund to the Water Department Repair Service Vehicle Account.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 3. AMEND GENERAL BYLAW, CH. 40 – PERSONNEL AND FUND NON-UNION EMPLOYEE COLA

To see if the Town will vote to amend the General Bylaws by amending Chapter 40, Personnel, and to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 salaries accounts for various Town departments with employees who are covered by the Personnel Bylaw Compensation Plans A and B and employees covered by individual contracts and employment agreements, and to be added to the FY13 salaries accounts for Town departments with employees working in 2013 who are covered by Compensation Plans D and E, as set forth in the amendment on file with the Town Clerk; or take any action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #3 be accepted and adopted as printed in the warrant and that the sum of ninety six thousand three hundred and 00/100 Dollars (\$96,300.00) be transferred from available funds for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 4. FUND ORLEANS MANAGERS UNION CONTRACT (FY12 AND FY13)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 Salary Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the Orleans Managers Union, or to take any other action relative thereto.

MOTION: That Article #4 be accepted and adopted as printed in the warrant and that the sum of ninety two thousand and 00/100 Dollars (\$92,000.00) be transferred from available funds for this purpose.

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

ARTICLE 5. FUND STEELWORKERS UNION CONTRACT (FY 12 AND FY13)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 Salary Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 13507, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #5 be accepted and adopted as printed in the warrant and that the sum of seventy three thousand six hundred and 00/100 Dollars (\$73,600.00) be transferred from available funds for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 6. FUND CLERICAL AND TECHNICAL UNION CONTRACT (FY 12 AND FY13)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 Salary Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 9158 Unit #2, Clerical and Technical Union, or to take any other action relative thereto. (Simple Majority Vote Required).

MOTION: That Article #6 be accepted and adopted as printed in the warrant and that the sum of one hundred twenty two thousand four hundred and 00/100 Dollars (\$122,400.00) be transferred from available funds for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 7. FUND ORLEANS PERMANENT FIREFIGHTERS ASSOCIATION CONTRACT (FY12 AND FY13)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY12 and FY13 Salaries Accounts for the Fire Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F., or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #7 be accepted and adopted as printed in the warrant and that the sum of one hundred five thousand three hundred and 00/100 Dollars (\$105,300.00) be transferred from available funds for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 8. RESCIND AUTHORIZED DEBT, UNISSUED BALANCES

To see if the Town will vote to rescind the following amounts that have been authorized to be borrowed, but which are no longer needed for the purposes for which they were initially approved:

<u>Unissued Amount</u>	<u>Date of Approval</u>	<u>Warrant Article</u>	<u>Original Purpose</u>
\$ 600	5/7/07	7	Ladder Truck Purchase
200,000	10/30/07	4	Rock Harbor Bulkhead
29,000	05/09/11	11	Filter Replacement

(Simply Majority Vote Required)

MOTION: That Article #8 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 9. FUND WATER DEPARTMENT ASSET MANAGEMENT AND IMPLEMENTATION PLAN

To see if the Town will vote to transfer from the Water Surplus Account the sum of One Hundred and 00/100 Dollars (\$100,000.00), or any other sum, for the purpose of funding design services for a 20-year asset management and implementation plan for the Town of Orleans Water Department including all expenses incidental and related thereto, or take any other action relative thereto. (3/4 Vote Required)

MOTION: That Article #9 be accepted and adopted as printed in the warrant and that the sum of One hundred Thousand and 00/100 Dollars (\$100,000.00) be transferred from the Water Surplus Account for this purpose.

ACTION: Standing vote, YES=488, NO=3, passes by the necessary 3/4 vote.

ARTICLE 10. FUND BOILER REPLACEMENT AT ORLEANS ELEMENTARY SCHOOL

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00) for the purpose of funding the boiler replacement 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 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: That Article #10 be accepted and adopted as printed in the warrant and that the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00) 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 Two Hundred Thousand and 00/100 Dollars (\$200,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 7 Clause (3A), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 13. CLOSING ARTICLE

MOTION: To adjourn the Special Town Meeting

ACTION: Voted, voice vote carries unanimously.

Special Town Meeting was adjourned at 6:47 p.m.

PROCEDURAL MOTION

Jon Fuller nominated Richard Laraja to serve as Temporary Moderator until the elected Town Moderator is available or until the dissolution of the May 13, 2013 Annual Town Meeting whichever comes first.

ACTION: Voted, voice vote carries unanimously

PROCEDURAL MOTION

That 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 Giovanna Venditti, Nauset Regional School District Business Manager, and Noelle Pina, 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 by the necessary majority.

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: That the Town vote to accept and adopt the report of the Selectmen, Town Officers and all Town Committees, Commissions and Boards as published in the 2012 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 (FY14)

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, 2013 and ending June 30, 2014 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: That Article #2 be accepted and adopted and that the Town Meeting adopt the Selectmen's adopted FY14 budget as printed in the warrant, except that

under Nauset Regional Assessment, line 60 shall be reduced by Four Thousand Thirty Three and 00/100 Dollars (\$4,033.00) to Three Million Seven Hundred Seventy Three Thousand Six Hundred Fourteen and 00/100 Dollars (\$3,773,614.00), and that reduction be carried to the Nauset Regional Assessment total figure, the Education total figure, and the Grand Total budget figure and that the sum of twenty seven million three hundred fifteen thousand two hundred ninety six and 00/100 Dollars (\$27,315,296.00) be raised and appropriated, and the sum of four hundred ninety seven thousand seven hundred twenty nine and 00/100 Dollars (\$497,729.00) be transferred from the Community Preservation Fund, and the sum of four hundred eighty six thousand seven hundred and 00/100 Dollars (\$486,700.00) be transferred from the Ambulance Receipts for Reserve for Appropriation Account, and the sum of one hundred sixty thousand and 00/100 Dollars (\$160,000.00) 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 nine hundred fifty one and 00/100 Dollars (\$127,951.00) 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 eleven thousand four hundred fifty five and 00/100 Dollars (\$11,455.00) be transferred from the Fund Balance Reserve for Premiums on Bond Issue, and the sum of sixty three thousand four hundred forty five and 00/100 Dollars (\$63,445.00) be transferred from the EEA LAND Grants for a total appropriation of twenty eight million six hundred ninety two thousand three hundred ninety two and 00/100 Dollars (\$28,692,392.00).

ACTION: Voted, voice vote by the necessary majority

ARTICLE 3. CAPITAL IMPROVEMENTS PLAN (FY15 – FY19)

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)

FY15 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 1/15/13 is \$361,881. 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:	\$161,530
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 funds, and the FY14 apportionment was provisionally \$433,778. Annual funding for roadway and drainage projects will be based on a proposed project schedule.

Total Estimated Cost:	\$323,060
Method of Financing:	Stabilization Funds
Recommended Schedule:	12 Months
Estimated Annual Cost O/M:	N/A

PROPERTY ACQUISITION – OPEN SPACE PURCHASES

This item provides supplementary support for possible future open space purchases only if CPA funds are depleted to the point that they will not fund additional acquisitions. By including this item in the capital plan, it will facilitate the presentation of property purchases or conservation easements for protection of public drinking water supplies, open space and conservation; and passive recreation during future years to Town Meeting (subject to the 2/3 vote required for land purchases). This provides future planning support for the goals of the Official Town Plan/Local Comprehensive Plan. Funding available as of 1/15/13 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	\$49,300

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 01/15/13 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	\$37,900

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 01/15/13 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	\$162,400

FY16 PROJECT DESCRIPTIONS

DEPARTMENT OF PUBLIC WORKS – NEW CENTRAL GARAGE AND FACILITIES DESIGN

This project involves the design of a new Central Garage and Facilities that would include the removal of the existing Highway Garage and construction of a 12,000 square foot steel building; renovation/replacement of the existing steel barn structure; removal of existing on-site wooden storage structures; and construction of salt and material storage facilities. New facilities would be located on both Bay Ridge Lane and adjacent to the Transfer Station.

Total Estimated Cost:	\$500,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	9 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$54,100

**PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN
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	\$2,268,000

PLANNING DEPARTMENT – 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
If Bonded, Average Annual P&I	\$20,600

FY17 PROJECT DESCRIPTIONS

**DEPARTMENT OF PUBLIC WORKS – NEW CENTRAL GARAGE AND FACILITIES
CONSTRUCTION**

This project involves the construction of a new Central Garage and Facilities that would include the removal of the existing Highway Garage and construction of a 12,000 square foot steel building; renovation/replacement of the existing steel barn structure; removal of existing on-site wooden storage structures; and construction of salt and material storage facilities. New facilities would be located on both Bay Ridge Lane and adjacent to the Transfer Station.

Total Estimated Cost:	\$5,000,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	12 Months for Completion
Estimated Annual Cost O/M:	To be developed during design
Average Annual P&I	\$315,600

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	\$36,100

FY18 PROJECT DESCRIPTIONS

PLANNING DEPARTMENT – WASTEWATER MANAGEMENT PLAN DESIGN (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	\$126,300

POLICE DEPARTMENT – DESIGN POLICE STATION RENOVATION/ADDITION/ REPLACEMENT

This project involves the design of a renovation/addition/replacement of the existing Police Station on South Orleans Road based on the operational and space needs of the department and the outcome of ongoing discussions regarding regionalization options for police/dispatch services.

Total Estimated Cost:	\$625,000
Method of Financing:	Bonding (10 years)
Recommended Schedule:	18 Months for completion
Estimated Annual Cost O/M:	To be determined during design
Average Annual P&I	\$67,700

FY19 PROJECT DESCRIPTIONS

POLICE DEPARTMENT – CONSTRUCTION POLICE STATION RENOVATION/ ADDITION/REPLACEMENT

This project involves the construction of a renovation/addition/replacement of the existing Police Station on South Orleans Road based on the operational and space needs of the department and the outcome of ongoing discussions regarding regionalization options for police/dispatch services.

Total Estimated Cost:	\$10,500,000
Method of Financing:	Bonding (20 years)
Recommended Schedule:	18 Months for completion

Estimated Annual Cost O/M:
Average Annual P&I

To be determined during design
\$662,800

MOTION: That Article #3 be accepted and adopted 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, except that under Police Department, the Project Description be amended to include "Replacement" of the Police Station in addition to "Renovation/Addition", and under Shellfish and Harbormaster Department by adding under FY15 the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00).

MOTION: To amend the Main Motion currently before Town Meeting for Article 3: Capital Improvements Plan as follows:

On page 34 of the document entitled "Town of Orleans Town Meeting Warrants for Use at Monday, May 13, 2013 Annual Town Meeting 6:30 PM"; in the column headed "project Description" under the category entitled PLANNING DEPARTMENT by inserting a new heading between the project entitled "Wastewater Management Plan Implementation" (CF-27) (CF-28) and the project entitled ""Construction (Phase I)", a new project entitled "Design Engineering Services (Phase I)"; and on the same line insert the amount \$3,500,000 in the column headed Proposed FY15; and on page 35 on the line entitled TOTALS, under the column headed Proposed FY15, change the number from \$484,590 to \$3,984,590.

ACTION: On the amendment, standing vote, YES=366, NO=186, motion to amend passes by the necessary majority.

MOTION: To amend the main motion in reference to DPW New Maintenance Garage and Facilities and that \$500,000 for Architectural and Engineering Design be moved from FY16 to FY15, and that \$5,000,000 for construction of that facility be moved from FY71 to FY16, with the totals for FY15, FY16 and FY17 be adjusted accordingly.

ACTION: On the amendment, voted, voice vote carries by the necessary majority.

ACTION: On the main motion as amended, voted, voice vote carries by the necessary majority.

ARTICLE 4. FUND COMMUNITY PRESERVATION ACT PROGRAM BUDGET

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2014 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 FY14, or to take any other action relative thereto. (Community Preservation Committee)

RECOMMENDED AMOUNT AND SOURCE

<u>PURPOSE</u>	FY 14 Est. <u>Surtax</u>	FY 14 Est. <u>State Share</u>	<u>Total</u>
<i>Appropriations:</i>			
1) Debt Service Expenses (Note 1)	497,729		497,729
2) Project #1 Affordable Housing Development Support Funds		5,000	5,000
3) Project #2 Eldredge Park Irrigation Well	112,000		112,000
4) Project #3 OHS Meeting House Storm Window Replacement		9,450	9,450
5) Project #4 Old Firehouse Renovation Feasibility Study		68,000	68,000
6) Committee Expenses	15,000	10,000	25,000
<i>Reserves:</i>			
Community Housing		78,000	78,000
Historic Resources		5,550	5,550
Grand Total	624,729	176,000	800,729

Note1: Debt service previously voted in the operating budget (Article 2)

	<u>Historic Resources</u>	<u>Community Housing</u>
ENDING BALANCE OF RESERVES	108,413	147,018

(Simple Majority Vote Required)

SUMMARY

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from Fiscal Year 2014 Community Preservation Fund revenues, unless otherwise specified, for Fiscal Year 2014 community preservation purposes with each item considered a separate appropriation:

Project 1: Affordable Housing Development Support Funds

Applicant: Affordable Housing Committee

Amount \$ 5,000

Summary: This request is to support the Orleans Affordable Housing Committee in its efforts to increase affordable housing opportunities. The funds will be used for the soft

costs associated with creating or retaining community housing units, such as property appraisals, title research, and other legal services.

Project 2: Eldredge Park Irrigation Well

Applicant: Town of Orleans

Amount \$ 112,000

Summary: the Town has requested funds to design and install an irrigation well for the new irrigation system at Eldredge Park ball field and its west terraced seating area. The goal of the project is to eliminate municipal loading at this location by utilizing a non-potable well with benefits being cost avoidance for the water being consumed and water conservation.

Project 3: Meeting House Storm Window Replacement

Applicant: Orleans Historical Society

Amount \$ 9,450

Summary: The Orleans Historical Society seeks funds to replace the eight exterior storm windows at the historic Meeting House Museum, located at 3 River Road. The new storm windows and screens would include appropriate material, hardware and a recessed style to comply with the antique structure and beauty of the building.

Project 4: Old Firehouse Restoration Feasibility Study

Applicant: Orleans Community Partnership

Amount \$ 68,000

The Orleans Community Partnership, a licensee under the Board of Selectmen of the Old Firehouse at 44 Main Street in Orleans, has requested funds to study the restoration potential of this building. The Fire House is the first fire station ever built by the Town, having been constructed in 1925 following a town appropriation of \$7,000. The initial focus of this request is to prepare an historic structures report to fully understand the history of the building, the remaining historic artifacts and its reuse potential under the Secretary of the Interior's guidelines. Following that work, to be done by experts in historic preservation, the Orleans Community Partnership will convene focus groups to develop a building restoration plan including preliminary drawings and a budget so the Board of Selectmen can decide how to proceed to preserve this important part of Orleans history. All procurement is to be consistent with Massachusetts General Laws.

Committee Expenses: Maximum Allowable \$ 41,500; CP Committee Voted \$25,000

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 2014, the 5% would be \$41,500 (total revenue estimated to be \$830,000). However, due to continued reductions in state funding, the CP Committee is recommending that only \$25,000 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 recreation, open space, community housing, historic resources). Any and all unused funds at the end of the fiscal year revert to the fund balance for future projects.

Community Housing Reserves: CP Committee Voted \$78,000

In order that the Town can meet its CPA obligation to spend 10% of all estimated revenues for FY 2014 on community housing, the CPC is recommending that the difference between the 10% (\$83,000) and the FY 2014 project appropriation for community housing (Affordable Housing Committee \$5,000) be set aside for future community housing projects.

Historic Resources Reserves: CP Committee Voted \$5,550

In order that the Town can meet its CPA obligation to spend 10% of all estimated revenues for FY 2014 on historic resources, the CPC is recommending that the difference between the 10% (\$83,000) and the FY 2014 project appropriations for historic resources (Orleans Historical Society \$9,450 + Orleans Community Partnership \$68,000 = \$77,450) be set aside in reserves for future historic resource projects.

MOTION: That Article #4 be accepted and adopted as printed in the warrant and that the sum of Eight Hundred Thousand Seven Hundred Twenty Nine and 00/100 Dollars (\$800,729.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

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

ARTICLE 5. TRANSFER CPA FUNDS FOR ACADEMY OF PERFORMING ARTS

To see if the Town will vote to modify the action taken under Article 10 (Community Preservation Act Supplemental Budget) of the October 15, 2006 Special Town Meeting by transferring \$89,800 appropriated for the Academy of Performing Arts Playhouse basement/foundation historic preservation work to the Academy of Performing Arts Playhouse historic preservation renovation and expansion project, including design and engineering services, or take any other action relative thereto. (Simple Majority Vote)

MOTION: That Article # 5 be accepted and adopted as printed in the warrant and that the sum of Eighty Nine Thousand Eight Hundred and 00/100 Dollars (\$89,800.00) be transferred from the Community Preservation Fund for the purpose set forth in the article.

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

ARTICLE 6. FUND 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 Seven Thousand Five Hundred Ninety and 00/100 Dollars (\$157,580.00), 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: That Article #6 be accepted and adopted as printed in the warrant and that the sum of One Hundred Fifty Seven Thousand Five Hundred Eighty and 00/100 Dollars (\$157,580.00) raised and appropriated to the Stabilization Fund for Water Quality Drainage Improvements be transferred from the Water Quality Drainage Improvements stabilization fund for this purpose.

ACTION: Voted, voice vote carries unanimously

ARTICLE 7. FUND 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 Fifteen Thousand One Hundred Eighty and 00/100 Dollars (\$315,180.00) 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: That Article #7 be accepted and adopted as printed in the warrant and that the sum of Three Hundred Fifteen Thousand One Hundred Eighty and 00/100 Dollars (\$315,180.00) raised and appropriated to the stabilization fund for the Town Pavement Management Program be transferred from the Town Pavement Management Program stabilization fund for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 8. REPLACE HIGHWAY DEPARTMENT STREET SWEEPER

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Twenty-Five Thousand and 00/100 Dollars (\$225,000.00) for the purpose of purchasing a new street sweeper for the Highway Department, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein,

and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town, the proceeds from any such disposition to be applied toward the cost of acquiring said street sweeper, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: That Article #8 be accepted and adopted as printed in the warrant and that the sum of Two Hundred Twenty Five Thousand and 00/100 Dollars (\$225,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that to meet such appropriation, (i) the sum of Seven Thousand Eight Hundred Thirty-Three and 52/100 Dollars (\$7,833.52) be transferred from surplus amounts previously borrowed to pay costs of replacing compactors and trailers under Article 6 of the Annual Town Meeting held on May 6, 2006, and (ii) the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Two Hundred Seventeen Thousand One Hundred Sixty-Six and 48/100 Dollars (\$217,166.48), pursuant to Massachusetts General Laws, Chapter 44, Section 7 Clause (9), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 9. FUND STORMWATER MANAGEMENT PLAN DESIGN AND CONSTRUCTION

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for the purpose of funding a stormwater management plan, design and construction, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: That Article #9 be accepted and adopted as printed in the warrant and that the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) 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 Five Hundred Thousand and 00/100 Dollars (\$500,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 7 Clause (1) and Clause (22), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the

limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 10. FUND ROCK HARBOR MAINTENANCE DREDGING

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of funding maintenance dredging in Rock Harbor, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To indefinitely postpone Article #10.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 11. FUND CONSERVATION MOORING REPLACEMENT PILOT PROGRAM

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) for the purpose of funding a conservation mooring replacement pilot program, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: That Article #11 be accepted and adopted as printed in the warrant and that the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) 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 Two Hundred Fifty Thousand and 00/100 Dollars

(\$250,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 7 Clause (17), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Standing vote, YES=6, NO=425, motion fails.

ARTICLE 12. FUND PAINTING AND REHABILITATION OF WATER TANK #1

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum or Seven Hundred Thousand and 00/100 Dollars (\$700,000.00) for the purpose of painting and rehabilitating Water Storage Tank No. 1, 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: That Article #12 be accepted and adopted and that the sum of Seven Hundred Thousand and 00/100 Dollars (\$700,000.00) 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 Thousand and 00/100 Dollars (\$700,000.00), 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 therefor.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 13. 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: That Article #13 be accepted and adopted 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 14. 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: That Article #14 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 15. 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: That Article #15 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 16. ADOPT M.G.L. CH. 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 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.
 - 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.
 - 7) The H.K. Cummings Collection Account, said account not to exceed Five Thousand and 00/100 Dollars (\$5,000.00). The account will be used for costs associated with reproduction and digitization of prints. Said funds to be spent under the direction of the department manager and the Town Administrator. (Simple Majority Vote Required)

MOTION: That Article #16 be accepted and adopted 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 17. FUND STABILIZATION FUND FOR POST EMPLOYMENT BENEFITS

To see if the Town will vote to raise and appropriate, and/or transfer the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) to the Stabilization Fund for Other Post-Employment Benefits 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: That Article #17 be accepted and adopted as printed in the warrant and that the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) be raised and appropriated to be reserved for appropriation for the purpose of funding future post-employment benefits, other than pensions.

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

ARTICLE 18. FUND STABILIZATION FUND FOR BUILDING AND FACILITY MAINTENANCE

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of One Hundred Seventy Two Thousand and 00/100 Dollars (\$172,000.00) into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from the Stabilization Fund the sum of One Hundred Seventy Two Thousand and 00/100 Dollars (\$172,000.00) 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: That Article #18 be accepted and adopted as printed in the warrant and that the sum of One Hundred Seventy Two Thousand and 00/100 Dollars (\$172,000.00) be raised and appropriated to the Stabilization Fund for Building and Facility Maintenance, and further to authorize the sum of One Hundred Seventy Two Thousand and 00/100 Dollars (\$172,000.00) 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. 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)

chool District, and has been applied in each of the last ten years by town meeting vote.

MOTION: That Article #19 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 20. 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 Three Hundred Twenty Nine and 0/100 Dollars (\$20,329.00), 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: That Article #20 be accepted and adopted as printed in the warrant and that the sum of Twenty Thousand Three Hundred Twenty Nine and 00/100 Dollars (\$20,329.00), be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 21. FUND HUMAN SERVICES AGENCIES

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eighty One Thousand Three Hundred Twenty Seven and 00/100 Dollars (\$81,327.00), or any other sum, to fund the following human services organizations for the period July 1, 2013 to June 30, 2014.

Aids Support Group	\$ 2,000.00
CapeAbilities	\$ 5,827.00
Cape Cod Child Development	\$ 2,500.00
Cape Cod Children’s Place	\$ 2,500.00
Consumer Assistance Council	\$ 250.00
Elder Services of Cape Cod & Islands	\$ 2,500.00
Gosnold	\$ 8,000.00
Homeless Prevention Council	\$ 7,500.00
Independence House, Inc.	\$ 4,700.00
Lower Cape Outreach Council	\$ 9,000.00
Nauset Together We Can Prevention Council	\$ 5,000.00
Orleans After School Program	\$20,000.00
Outer Cape Health Services	\$ 8,500.00
Sight Loss Services	\$ 950.00
South Coast Legal Services	<u>\$ 2,200.00</u>
Total	\$81,327.00

(Simple Majority Vote Required)

MOTION: That Article #21 be accepted and adopted as printed in the warrant, and that the sum of Eighty One Thousand Three Hundred Twenty Seven and 00/100 Dollars (\$81,327.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 22. 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 Five Thousand and 00/100 Dollars (\$5,000.00), or any other sum, for the purpose of funding the July 4th parade within the Town of Orleans. Said funds to be expended under the direction of the Town Administrator, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #22 be accepted and adopted as printed in the warrant, and that the sum of Five Thousand and 00/100 Dollars (\$5,000.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 23. FUND ELECTED OFFICIALS COMPENSATION

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2013 as follows:

- | | |
|---------------------------|------------|
| 1) Board of Selectmen (5) | \$1,500.00 |
| 2) Board Chairman | \$ 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 Six Hundred and 00/100 Dollars (\$8,600.00) or any other sum, for this purpose, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #23 be accepted and adopted as printed in the warrant and that the sum of Eight Thousand Six Hundred and 00/100 Dollars (\$8,600.00) be raised and appropriated for this purpose as follows:

Board of Selectmen (5)	\$1,500.00 each
Board Chairman	\$500.00
Moderator (1)	\$300.00
Constables (2)	\$150.00 each

ACTION: Voted, voice vote carries unanimously.

ARTICLE 24. FUND NON-UNION EMPLOYEE COLA (FY14)

To see if the Town will vote to approve a cost of living wage increase for the period of July 1, 2013 to June 30, 2014 (FY14) for those employees who are covered by the Personnel Bylaw Compensation Plans A, B, D and E and those employees covered by individual contracts and employment agreements; and to raise and appropriate and/or

transfer a sufficient sum to fund such increase, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #24 be accepted and adopted as printed in the warrant and that the sum of One Hundred Forty Seven Thousand Nine Hundred and 00/100 Dollars (\$147,900.00) be raised and appropriated for this purpose.

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

ARTICLE 25. FUND ORLEANS POLICE FEDERATION CONTRACT (FY14)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY14 Salaries Account for the Police Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Police Federation, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #25 be accepted and adopted as printed in the warrant and that the sum of Seventy Five Thousand One Hundred and 00/100 Dollars (\$75,100.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 26. FUND ORLEANS PERMANENT FIREFIGHTERS ASSOCIATION CONTRACT (FY14)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY14 Salaries Accounts for the Fire Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F., or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #26 be accepted and adopted as printed in the warrant and that the sum of One Hundred Twenty Thousand Five Hundred and 00/100 Dollars (\$120,500.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 27. FUND CLERICAL AND TECHNICAL UNION CONTRACT (FY 14)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY14 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 9158 Unit #2, Clerical and Technical Union, or to take any other action relative thereto. (Simple Majority Vote

Required)

MOTION: That Article #27 be accepted and adopted as printed in the warrant and that the sum of One Hundred Forty Three Thousand Three Hundred and 00/100 Dollars (\$143,300.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 28. FUND UNITED STEELWORKERS UNION CONTRACT (FY 14)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY14 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers Local Union 13507, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #28 be accepted and adopted as printed in the warrant and that the sum of seventy seven thousand seven hundred and 00/100 Dollars (\$77,700.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 29. FUND UNANTICIPATED EMPLOYEE RETIREMENT BUYOUTS

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) to fund unanticipated employee retirement buyouts, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #29 be accepted and adopted as printed in the warrant and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 30. DELEGATE MANAGEMENT OF HISTORIC PRESERVATION RESTRICTIONS

To see if the Town will vote pursuant to the Community Preservation Act, GL. C. 44B. §12(b), to authorize the Board of Selectmen to delegate management of historic preservation restrictions held by the Town to the Orleans Historical Commission, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #30 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 31. AMEND GENERAL BYLAW, CH. 158 – WATER

Chapter 158, WATER

[HISTORY: Adopted by the Town of Orleans as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Water Department rules and regulations -- See Ch. 196.

ARTICLE I, General Regulations [Adopted 3-11-1963 ATM, Art. 41; amended in its entirety 3-9-1970 ATM, Art. 33]

§ 158-1. Guaranty or bond required for extension of mains. [Amended 5-11-2009 ATM, Art. 32]

Whenever any extension of the water main is requested upon any street or way, ~~the Board of Water Commissioners, or~~ the Board of Water and Sewer Commissioners, ~~as the case may be~~ (hereinafter the "Board"), may require that, before such extension is made, a guaranty or bond shall be given to the Town in such amount and form and with such sureties as they shall approve, conditioned that the obligors shall pay to the Town for not more than ten (10) years, at the time appointed for payment of water rates, such sums as shall amount in the aggregate annually to ten percent (10%) upon the cost of such extension, subject to diminution by the amounts that the Town shall receive annually from rates paid for water by consumers connected with such extension.

§ 158-2. Protection of watershed; fines and penalties. [Added 5-9-1989 ATM, Art. 30; amended 5-11-2009 ATM, Art. 32]

Any person who, without lawful authority, directly or indirectly corrupts or defiles or who causes the corruption or defilement of the watershed system or any water source located within the Town of Orleans supplying the watershed system including but not limiting to dumping of any type of materials within the watershed of said Town as depicted on Assessors Map 54, Parcel 1: 490+/- acres, Assessors Map 68, Parcel 5: 3.91 acres, Assessors Map 68, Parcel 7: 6.91 acres, Assessors Map 81, Parcel 10: 13.67 acres, Assessors Map 81, Parcel 9: 3.33 acres, Assessors Map 81, Parcel 5: 11.48 acres, Assessors Map 75, Parcel 119: 4.00 acres, Assessors Map 75, Parcel 87: 6.53 acres filed in the Orleans Tax Assessor's Office, shall be subject to the following fines and penalties. A violation of this bylaw shall be punished by a fine of not more than three hundred and 00/100 (\$300.00) dollars for each day such violation occurs or continues. Any such fine or penalty shall be payable to the Treasury of the Town of Orleans. The fines and penalties imposed under this bylaw are in addition to the fines and penalties imposed under Massachusetts General Laws, Chapter 21, Section 42, and said statutes shall not be construed as a limitation of the enforcement or the extent of violations covered under this bylaw. The bylaw shall not be deemed the exclusive remedy available to the Town of Orleans for the corruption or defilement of the Town's watershed. The Town specifically reserves the right to maintain an action under theories of tort law or any other appropriate legal theory.

ARTICLE II, Cross-Connection Control [Adopted 5-9-1989 ATM, Art. 31]

§ 158-3. Purpose.

A. To protect the public potable water supply served by the Board from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system. [Amended 5-11-2009 ATM, Art. 32]

B. To promote the elimination or control of existing cross-connection, actual or potential, between its customers in-plant potable water system, and non-potable systems.

C. To provide for the maintenance of a continuing program of cross-connections control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

§ 158-4. Authority.

A. As provided in the Federal safe drinking water act of 1974 (Public Law 93-523), and the Commonwealth of Massachusetts drinking water regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.

B. The Water Department Rules and Regulations, adopted August 23, 1988, and amended 5-2-2007, and amended 8-15-2012. [Amended 5-11-2009 ATM, Art. 32]

§ 158-5. Responsibility. [Amended 5-11-2009 ATM, Art. 32]

The Board shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the Water Department determines that an approved backflow prevention device is required at the Town's water service connection or as inplant protection on any customer's premises, the Water Department, or its delegated agent, shall issue a cross-connection violation form to said customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the Water Department, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices at his own expense, and failure or refusal or inability on the part of the customer to install said device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

§ 158-6. Definitions.

~~A. Air Gap Separation: the method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle.~~

A.B. Approved: accepted by the Reviewing Authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.

B.C. Approved Backflow Prevention Device or Devices: A testable or non-testable cross connection control device method to prevent backflow that is approved by the Department of Environmental Protection for use in Massachusetts. [Amended 5-11-2009 ATM, Art. 32]

~~D. Atmospheric Vacuum Breaker: An approved backflow device used to prevent back siphonage which is not designed for use under static line pressure.~~

C.E. Auxiliary Water Supply: Any water supply ~~of unknown or questionable quality~~ on or available to the premises other than the Water Department's approved public potable water supply. [Amended 5-11-2009 ATM, Art. 32]

D.F. Back Pressure: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

E.G. Back Siphonage: A form of backflow due to reduced or subatmospheric pressure within a water system.

FH. Backflow: The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in into the distributions pipes of a potable water supply from any source other than the its intended source.

G. ~~Backflow Preventer with Intermediate Atmospheric Vent~~: A device ~~having two independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and the venting means is force loaded to a normally open position.~~ or means designed to prevent backflow or backsiphonage. Most commonly categorized as air gap, reduced pressure principal device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

1. Air Gap – The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. The air gap separation shall be at least twice the internal diameter of the supply pipe discharge line but in no case less than one inch.
2. Atmospheric Vacuum Breaker – A device which prevents backsiphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in a water system.
3. Barometric Loop – A fabricated piping arrangement rising at least thirty five (35) feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage.
4. Double Check Valve Assembly – An assembly of two (2) independently operating spring loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.
5. Double Check Valve with Intermediate Atmospheric Vent – A device having two (2) spring loaded check valves separated by an atmospheric vent chamber.
6. Hose Bibb Vacuum Breaker – A device which is permanently attached to a hose bibb and which acts as an atmospheric vacuum breaker.
7. Pressure Vacuum Breaker – A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check or checks. Device includes tightly closing shut off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).
8. Reduced Pressure Principle Backflow Preventer – An assembly consisting of two (2) independently operating approved check valves with an automatically operating differential relief valve located between the two (2) check valves, tightly closing shut off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.
- 1.9. Residential Dual Check – An assembly of two (2) spring loaded, independently operating check valves without tightly closing shut off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.

J. ~~Barometric Loop~~: A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

H. Commission – The Town of Orleans Board of Water and Sewer Commissioners (the “Board”) or owner or operator of a public water supply system invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the Ordinance.

I. Containment – A method of backflow prevention which requires a reduced pressure backflow preventer or an air gap separation at the meter or property line.

K. (Reserved)EN

JL. Contaminant: A substance that will impair the quality of water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease. Any physical, chemical, biological or radiological substance or matter in water.

K.M. Cross-Connection: Any actual or potential connection between a distribution pipe of potable water from a the public water supply system and a source of contamination or pollution. any waste pipe, soil pipe, sewer, drain, or other unapproved source.

LN. Cross-Connection Violation Form: A violation form designated by the Department of Environmental Protection, which is sent to the owner by the Water Department with copies sent to the Department of Environmental Protection, plumbing inspectors and Board of Health delineating cross-connection violations found on the owner's premises and a procedure for corrective action. [Amended 5-11-2009 ATM, Art. 32]

M. Department – The Massachusetts Department of Environmental Protection (MassDEP).

N. Design Data Sheet – A report form submitted to the supplier of water along with plans for each installation of a reduced pressure backflow preventer or double check valve assembly, or for each change to any such device already installed, describing and showing the details of the specific installation.

O. (Reserved)EN Health Hazard – An actual or potential threat of contamination to the potable water in a public water system, which, in the opinion of the supplier of water would endanger health.

P. Double Check Valve Assembly: A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.

PQ. In-Plant Protection: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system consumers of water and the potable water system within the premises.

Q. Inspection – An on-site inspection and survey by a qualified individual to determine the existence and location of cross connections and/or the physical examination and testing of an installed backflow prevention device to verify that the backflow prevention device is functioning properly.

R. Inspection and Maintenance Report Form – A report form which is to be used by certified testers to record all pertinent testing information.

S.R. Owner: Any person maintaining a cross-connection installation or owning or occupying premises on which cross-connections can or do exist.

T.S. Owners Agent – Any person or body designated by the owner to act as his or her representative. Permit: A document issued by the Water Department which allows a cross-connection installation. [Amended 5-11-2009 ATM, Art. 32]

U.T. Person: Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the

United States, except that nothing herein shall be construed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian Lands.

~~U. Pressure Vacuum Breaker: An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.~~

~~V. Pollutant – A foreign substance, that if permitted to get into the public water system, will degrade its quality so as to constitute a moderate hazard, or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably effect such water for domestic use.~~

~~V. Reduced Pressure Backflow Preventer: An approved backflow prevention device incorporating (1) two check valves, (2) an automatically operating differential relief valve located between the two checks, (3) two shut-off valves, (4) necessary appurtenances for testing. [Amended 5-11-2009 ATM, Art. 32]~~

~~W. Potable Water – Water from any source that has been approved by MassDEP for human consumption.~~

~~W. Residential Dual Check: An assembly of two spring loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.~~

X. Reviewing Authority: The supplier of public water Water Department, its Designees, or the local plumbing inspector, authorized by M.G.L. C. 142 and licensed by the Board of State Examiners of Plumbers and Gas Fitters, whichever is responsible for the review and approval of the installation of an approved backflow prevention device. [Amended 5-11-2009 ATM, Art. 32]

~~Y. Supplier of Public Water – Any person who owns or operates a public water supply system.~~

~~Z. Unapproved Source – The source or distribution system for any water or other liquid or substance which has not been approved by the MassDEP as being safe and sanitary quality for human consumption, including but not limited to any waste pipe, soil pipe, sewer drain, or non-acceptable potable water system material.~~

§ 158-7. Administration.

A. The Board will operate an active cross-connection control program, to include the keeping of necessary records which fulfills the requirements of the Department of Environmental Protection Cross Connection Regulations and is approved by the Department. [Amended 5-11-2009 ATM, Art. 32]

B. The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the Board's Commission's program and the Department regulations.

§ 158-8. Requirements.

A. WATER DEPARTMENT. [Amended 5-11-2009 ATM, Art. 32]

1. On new installations, the Water Department will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.

2. For premises existing prior to the start of this program, the Water Department will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the

method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.

3. The Board will not allow any cross-connection to remain unless it is protected by an approved backflow preventer which has been approved and which will be regularly tested to insure satisfactory operations.

4. The Water Department shall inform the Owner by letter, of any failure to comply, by the time of the first re-inspection. The Water Department will allow an additional fifteen (15) days for the correction. In the event the Owner fails to comply with the necessary correction by the time of the second re-inspection, the Water Department will inform the Owner by letter that the water service to the Owner's premises will be terminated within a period not to exceed five (5) days. In the event that the Owner informs the Board of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Board, but in no case will exceed an additional thirty (30) days.

5.4- If the Board determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

~~65.~~ The Water Department shall have on its staff, or shall have a delegated representative, who is a backflow prevention device tester certified by the Commonwealth of Massachusetts.

~~76.~~ The Water Department began initial premise inspections to determine the nature of existing or potential hazards, following the approval of this program by the Department of Environmental Protection, during calendar year 1988. Initial focus was on high hazard industries and commercial premises. The Water Department continues with an annual survey program.

B. OWNER.

1. The Owner shall be responsible for the elimination or protection of all cross-connections on his/her premises. [Amended 5-11-2009 ATM, Art. 32]

2. The Owner shall be responsible for applying for and obtaining all necessary approvals for the maintenance of cross-connections and installation of backflow prevention devices. [Amended 5-11-2009 ATM, Art. 32]

3. The Owner shall have any device that fails an inspection or test repaired or replaced by a licensed plumber. [Amended 5-11-2009 ATM, Art. 32]

4. The Owner shall inform the Water Department of any proposed or modified cross-connection and also any existing cross-connections of which the owner is aware but has not been found by the Water Department. [Amended 5-11-2009 ATM, Art. 32]

5. The Owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

6. The Owner shall install backflow preventers in a manner approved by the Water Department. [Amended 5-11-2009 ATM, Art. 32]

7. The Owner shall install only reduced pressure backflow preventers and double check valve assemblies approved by ~~MassDEP~~the State. [Amended 5-11-2009 ATM, Art. 32]

8. Any Owner of industrial, commercial, or institutional premises having a private well or other private water source must have a permit if the well or source is cross connected to the Orleans water system. Permission to cross connect may be denied by the Board. The Owner may be required to install a backflow preventer at the service

entrance if a private water source is maintained even if it is not cross connected to the Orleans water system. [Amended 5-11-2009 ATM, Art. 32]

9. ~~The Owner of any residential premises having a~~ A private well or ~~other private individual~~ water source servicing residential dwellings used for potable or non-potable purposes will not be allowed a physical connection with the public water supply system.

10. The Owner shall be responsible for the payment of all fees for; annual or semi-annual device testings, retesting in the case that the device fails to operate correctly, and second re-inspections for noncompliance with Water Department or MassDEP requirements. [Amended 5-11-2009 ATM, Art. 32]

§ 158-9. Degree of hazard. [Amended 5-11-2009 ATM, Art. 32]

The Board recognizes the threat to the public water system arising from cross-connections. As such, the Board, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross-connections, could contaminate the public water supply system.

§ 158-10. Enforcement. [Amended 5-11-2009 ATM, Art. 32]

The Board shall not allow a cross-connection to exist with the public water supply system unless it is considered necessary and all appropriate approvals and/or permits have been issued.

§ 158-11. Existing in-use backflow-prevention devices. [Amended 5-11-2009 ATM, Art. 32]

Any existing backflow preventer shall be allowed by the Board to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

§ 158-12. Testing. [Amended 5-11-2009 ATM, Art. 32]

A. Reduced pressure backflow preventers shall be tested and inspected at least semi-annually and double check valve assemblies shall be tested and inspected at least annually by the Water Department.

B. Testing shall be performed by the Water Department's certified tester or a Massachusetts Department of Environmental Protection certified tester with the approval of the Water Department.

C. The testing shall be conducted during the Water Department's regular business hours. Exceptions to this, when at the request of the Owner, may require additional charges to cover the increased costs to the Water Department.

D. (Reserved)

E. Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the Owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen days after the test date will be established. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the Owner insuring that uninterrupted

water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.

F. Backflow prevention devices may be tested more frequently than specified above in "A" in cases where there is a history of test failures and the Water Department feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional tests will be borne by the Owner.

§ 158-13. Records and reports. [Amended 5-11-2009 ATM, Art. 32]

A. RECORDS.

The Water Department maintains the following:

1. Master files on customer cross-connection tests and/or inspections.
2. Master files on approved cross-connection installations.
3. Master files on facilities surveyed and violations found. Copies of lists and summaries supplied to the Massachusetts Department of Environmental Protection.
4. Master files on correspondences, violation notices and enforcement actions.

B. REPORTS.

The Water Department will submit the following to the Massachusetts Department of Environmental Protection upon request:

1. 1.—Annual list of all cross-connections protected by an approved dual check valve assembly or reduced pressure backflow preventer device.

1.2. Summary of cross connection inspections and surveys.

§ 158-14. Residential dual check. [Amended 5-11-2009 ATM, Art. 32]

All new residential buildings are required to install a residential dual check device immediately downstream of the water meter. This device will be provided by the Water Department at a scheduled cost to the homeowner. Installation of this residential dual check device on a retrofit basis on existing service lines will be instituted at a time and at a potential cost to the homeowner as deemed necessary by the Water Department.

The Owner must be aware that installation of a residential dual check valve results in a potential closed plumbing system within his residence. As such, The Owner shall be responsible for provisions for thermal expansion within his closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

§ 158-15. Strainers. [Amended 5-11-2009 ATM, Art. 32]

The Board strongly recommends that all new and retrofit installations of reduced pressure backflow preventers and double check valve assemblies include the installation of strainers located immediately upstream of the backflow device. The installation of strainers may preclude the fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains, etc. These occurrences may "stir up" debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

ARTICLE III, Water Supply [Adopted 5-8-2000 ATM, Art. 26EN]

§ 158-16. Authority. [Amended 5-11-2009 ATM, Art. 32]

This Bylaw is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c. 40, §§ 21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, § 69B. This bylaw also implements the Town's authority under M.G.L. c. 40, § 41A, conditioned

upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G the “Massachusetts Water Management Act” and its regulations promulgated at 310 CMR 36:00.

§ 158-17. Purpose.

The purpose of this bylaw is to protect, preserve and maintain the public health, safety, ~~and~~ welfare and the environment whenever there is in force a “State of Water Supply Conservation” or “State of Water Supply Emergency” by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers, and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented imposed restrictions, requirements, provisions or conditions on water use imposed by the Town in accordance with this bylaw and/or by the Department of Environmental Protection under its state law authorities.

§158-18. Applicability.

All Town residents that are customers of the public water supply system and private well users shall be subject to this bylaw. This bylaw shall be in effect year round.

§ 158-19~~8~~. Definitions.

Agriculture - shall mean farming in all its brances as defined at M.G.L. c. 128, §1A.

Automatic Sprinkler System – shall mean any system for watering vegetation other than a hand-held hose or a bucket.

Nonessential outdoor water use - shall mean those uses that are not required:

1. for health or safety reasons
2. by regulation;
3. for the production of food and fiber
4. for the maintenance of livestock; or
5. to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees and greens, and limited fairway watering, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings, wash equipment to prevent damage and/or maintain performance, pest management and plant cooling).

Nonessential outdoor water uses that are subject to mandatory restrictions include:

- irrigation of lawns via sprinklers or automatic irrigation systems;
- washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation of public parks and recreation fields outside the hours of 9AM to 5PM and;
- irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose outside the hours of 9AM to 5PM and;
- irrigation outside the hours of 9 am to 5 pm with harvested and stored

stormwater runoff.

The following outdoor water uses are subject to review and approval by the Town through its Board or their designee:

- irrigation to establish replanted or resodded lawn or plantings during the months of May and September;
- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months;
- filling of privately owned outdoor pools

Person - shall mean any individuals, corporation, trust, partnership or association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Water Supply Emergency - shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c. 21G, § 15-17.

State of Water Supply Conservation – shall mean a State of Water Supply Conservation declared by the Town pursuant to §158-20 of this bylaw.

Water Customers - Users or Water Consumers shall mean all public and private users of the Town's persons using the public water supply system, irrespective of any that person's responsibility for billing purposes for use of the water used at any particular facility.

Water Users – shall mean all persons using water within the Town.

~~Enforcing person shall mean the Board, the Board of Health and Health Agent, Police Officers of the Town and any other persons designated by the Board to enforce this bylaw. [Amended 5-11-2009 ATM, Art. 32]~~

§ 158-~~2019~~. Declaration of a State of Water Supply Conservation. [Amended 5-11-2009 ATM, Art. 32]

The Town, through the Board or its designee authorized to act as such, may declare a State of Water Supply Conservation upon a determination ~~by a majority vote of the Board that a shortage of water exists and~~ conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands and to ensure compliance with the Water Management Act. Upon notification to the public that a declaration of a State of Water Supply Conservation has been declared, no person shall violate any provision, restriction, requirement or condition of the declaration. The “Board” may designate the Water Superintendent to declare a State of Water Supply Conservation at any time that conditions warrant. to all water consumers. Public notice of a State of Water Conservation shall be given under § 158-21 of this bylaw before it may be enforced.

§ 158-20.1. Declaration of a state of Water Supply Emergency.

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department of Environmental Protection for the purpose of bringing about an end to the State of Water Supply Emergency.

§ 158-20.2 Restricted Water Uses. [Amended 5-11-2009 ATM, Art. 32]

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency shall include but not be limited to one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers (and water users) the use of water as necessary to control the volume of water pumped each day, except as provided as acceptable. protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 158-21.

a) ~~Odd/Even Day Outdoor Watering~~ Nonessential Outdoor Water Use Days. ~~Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.~~ Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. During a State of Water Supply Emergency or State of Water Supply Conservation, nonessential outdoor water use is restricted to two days or fewer per week.

b) ~~Outdoor Watering Ban~~ Nonessential Outdoor Water Use Hours. ~~Outdoor watering is prohibited.~~ Nonessential outdoor water use is permitted only during the hourly periods specified in the declaration of a State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.

c) ~~Nonessential Outdoor Watering~~ water Use Method Restriction. ~~Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and/or public notice thereof.~~ Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.

d) ~~Nonessential Outdoor water Use Ban.~~ Filling Swimming Pools. ~~Filling of swimming pools is prohibited.~~ Nonessential outdoor water use is prohibited at all times.

e) Automatic Sprinkler System Ban Use. The use of automatic sprinkler systems is prohibited.

§ 158-21. Public Notification of a State of Water Supply Conservation or State of Water Supply Emergency; Notification of DEP (Department of Environmental Protection). [Amended 5-11-2009 ATM, Art. 32]

a) Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under § 158-20 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection. Public Notification of a State of Water Supply Conservation – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State of Water Supply Conservation by publication in a newspaper of general circulation within the Town and by Signage on major roadways or intersections. The Town may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). Notification may also include email, Web sites, public service announcements on local media or other such means

reasonably calculated to reach and inform all water users.

b) Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department of Environmental Protection (DEP) shall be made by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. The Town may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.) This notice shall be provided as soon as possible, but no later than 48 hours after the public water system receives notice of DEP’s declaration of a State of Water Supply Emergency. Notification may also include email, web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all water users of the State of Water Supply Emergency.

c) Any restriction imposed under §158-20 or §158-20.1 or in DEP’s State of Water Supply Emergency or Order shall not be effective until notification to the public is provided. Submittal of MassDEP’s form “Notification of Water Use Restriction” shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per Mass DEP regulations (310 CMR 22.15(8)).

§ 158-22. Termination of a State of Water Supply Conservation; Notice. [Amended 5-11-2009 ATM, Art. 32]

A State of Water Supply Conservation may be terminated by a majority vote of the Board or its designee, upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by § 158-21 for notice of imposition.

§ 158-22.1. Termination of a State of Water Supply Emergency; Notice, Compliance with DEP Orders.

Upon notification to the Town public that a the declaration of a State of Water Supply Emergency has been terminated issued by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required by §158-21 for notice of imposition. no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

§ 158-22.2. Penalties.

The Town through the Board or its designee including the water superintendent, Building inspector and/or local police may enforce this bylaw. Any person violating this bylaw shall be liable to the Town in the amounts listed below:

- 1) First violation: Warning
- 2) Second violation: \$50.00
- 3) Third and subsequent violations: \$100.00

Any person violating this bylaw shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation, which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court,

~~or by non-criminal disposition in accordance with section 21 D of chapter 40 of the general laws.~~ Each day of violation shall constitute a separate offense. _-Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21 D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the Town or water superintendent or the superintendent's designee. If a State of Water Supply Emergency has been declared the Board may, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop.

§ 158-22.3. Severability.

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.

ARTICLE IV, Water Meter Tampering [Adopted 1-22-1991 STM, Art. 4]

§ 158-23. Violations and penalties.

Any person who, without lawful authority, causes intentional injury to, or interferes with the proper recording of a water meter shall be fined \$250.00 for each violation. Said fine is in addition to the fines and penalties imposed under Massachusetts General Laws, Chapter 165, Section 11. In addition to such fines, the user of the affected water service shall pay for an estimated water usage based on the national average as determined by American Water Works Association and all labor and materials incurred by the Town in correcting said injury or interference.

ARTICLE V, Interest on Unpaid Water Bills [Adopted 10-7-1991 STM, Art. 12; amended in its entirety 5-11-2009 ATM, Art. 32]

§ 158-24. Interest rate.

Town water bills which remain unpaid after their due date shall accrue interest at the rate of 14% per annum or at the maximum rate of interest which may be charged on tax bills under the provisions of Massachusetts General Laws Chapter 59, Section 57. Effective January 1, 1992 interest shall accrue from the due date, until the date of payment.

ARTICLE VI, Water Supply and Watershed District Protection [Adopted 5-12-1992 ATM, Art. 21]

§ 158-25. Authority.

This bylaw is adopted by the Town of Orleans under the Home Rule Amendment and its police powers to protect public health and welfare and the specific authorization under Massachusetts General Laws Chapter 40, Section 21.

§ 158-26. Purpose. [Amended 5-10-2004 ATM, Art. 29]

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare of the inhabitants of the town and quality of groundwater of the town and to preserve and protect the watershed, as defined in § 158-27, as an area primarily devoted to the production of potable water.

§ 158-27. The watershed. [Amended 5-10-2004 ATM, Art. 29EN]

The watershed shall consist of the following tracts of land within the Town:

A. The Route 28 Tract consisting of the following parcels:

- (1) Assessors Map 54, Parcel 1: 490+/- acres.
- (2) Assessors Map 68, Parcel 5: 3.91 acres.
- (3) Assessors Map 68, Parcel 7: 6.91 acres.

B. The Quanset Road Tract consisting of the following parcels:

- (1) Assessors Map 81, Parcel 10: 13.67 acres.
- (2) Assessors Map 81, Parcel 9: 3.33 acres.

- (3) Assessors Map 81, Parcel 5: 11.48 acres.
- (4) Assessors Map 75, Parcel 119: 4.00 acres.
- (5) Assessors Map 75, Parcel 87: 6.53 acres.
- (6) Total area: 39.01 acres.
- C. The Lots Hollow Road Tract consisting of the following parcel:
 - (1) Map 47, Parcel 96: 3.88 acres.

§ 158-28. Land use within the watershed. [Added 5-10-2004 ATM, Art. 29]

A. The primary use of the land located in the watershed shall be the production, treatment and protection of potable water and to provide suitable sites for the location of future wells.

B. The watershed may also be used for selected recreational activities, as authorized from time to time by the Board, after notice and a public hearing. [Amended 5-11-2009 ATM, Art. 32]

C. The Board is hereby authorized to promulgate regulations for the purpose of carrying out the provisions of this bylaw, including the regulation of all activities conducted within the watershed other than the production of water, and uses incidental and related thereto. Failure of the Board to promulgate such regulations or a legal declaration of the regulations' invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. [Amended 5-11-2009 ATM, Art. 32]

§ 158-29. Watershed management plan. [Added 5-10-2004 ATM, Art. 29; amended 5-11-2009 ATM, Art. 32]

The Board shall be charged with the responsibility of drafting a Watershed Management Plan, the primary purpose of which shall be to set forth recommendations for management of the watershed in order to protect the Town's supply of potable water. The plan shall include, but not be limited to, an assessment of the natural habitat of the watershed, recommendation(s) for the control of nonpublic water supply activities within the watershed, assessment of the impact(s) of activities within the watershed, recommendation(s) for posting of informative signs and a trail system for passive recreational activities, and an analysis of fiscal impact(s) resulting from the implementation of the Plan. The Board shall conduct a public hearing, after public notice, prior to the adoption of the Plan and any amendments thereto.

§ 158-30. Discharge of firearms and explosives regulated. [Amended 5-11-2009 ATM, Art. 32]

No person shall fire or discharge any firearms or explosives of any kind for target practice purposes within the limits of the Town of Orleans watershed without the permission of the Board.

§ 158-31. Violations and penalties; enforcement.

A. Any person who violates this bylaw, or any regulation promulgated hereunder by the Board, shall be liable to the Town in the amount of two hundred fifty dollars (\$250) for the first violation and five hundred dollars (\$500.) for each subsequent violation. Each day or portion thereof during which the violation continues shall constitute a separate offense. [Amended 5-10-2004 ATM, Art. 29; 5-11-2009 ATM, Art. 32]

B. This bylaw may be enforced pursuant to the noncriminal disposition procedures provided for Massachusetts General Laws Chapter 40 Section 21D.

§ 158-32. Severability.

The invalidity of any portion or provisions of this bylaw shall not invalidate any other portion, provision or section hereof.

(Simple Majority Vote Required)

MOTION: That Article #31 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries by necessary majority.

ARTICLE 32. ADOPT GENERAL BYLAW, CH. 140 – RIGHT TO FARM

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

Chapter 140 – Right to Farm Bylaw

§140-1. Legislative Purpose and Intent

- A. The purpose and intent of this bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Orleans restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").
- B. This general bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Orleans by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within the Town.

§140-2. Definitions

- A. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.
- B. The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:
 - 1) farming in all its branches and the cultivation and tillage of the soil;
 - 2) dairying;
 - 3) production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
 - 4) growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
 - 5) raising of livestock including horses;
 - 6) keeping of horses as a commercial enterprise; and

- 7) keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

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

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

§140-3. Right To Farm Declaration

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

§140-4. Disclosure Notification

Copies of the Disclosure Notification shall be prepared by the town and included on a one-time basis with the mail out of town real estate tax bills. Following the initial mail out, copies of the Disclosure Notification will be included on a continuing basis with the mail out of Municipal Lien Certificates.

DISCLOSURE NOTIFICATION:

It is the policy of this community to conserve, protect and encourage the

maintenance and improvement of agricultural and aquacultural resources for the production of food and other agricultural products and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause attendant incidental noise, dust and odors associated with normally accepted agricultural practices. Buyers or occupants are also informed that any property within the Town may be impacted by commercial agriculture, aquiculture, and other farming activities.

§140-5. Resolution of Disputes

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

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

§140-6. Severability Clause

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

§140-7. Relationship to Existing Bylaws, Rules and Regulations.

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

MOTION: That Article #32 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries by necessary majority.

ARTICLE 33. AMEND GENERAL BYLAW, CH. 85 – ANIMAL CONTROL

To see if the Town will vote to amend the Town Code, Chapter 85, Animal Control, to read as follows:

§ 85-5. Licensing of Dogs.

The registration, numerical listing, description and licensing of dogs shall be conducted in the office of the Town Clerk. Licenses are due March 1st of each year. It shall be unlawful for the owner or keeper of any dog more than six (6) months old to fail to obtain a dog license and keep it securely affixed to the dog's collar or harness at all times. It shall be unlawful to own or keep more than three (3) dogs on a single premise unless a kennel permit has also been obtained from the Town Clerk, **other than 3 or more dogs kept solely as personal pets of the owner of the dogs.** (Simple Majority Vote Required)

MOTION: That Article #33 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 34. ADOPT GENERAL BYLAW, CH. 88 – PARKING AT TOWN WAYS AND LANDINGS

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

Chapter 88, Town Ways and Landings Parking

88-1 Purpose

The purpose of this Bylaw is to provide for the protection of the general public by providing safe and adequate access over town ways and landings.

88-2 Selectmen's Authority

The Board of Selectmen shall be authorized to promulgate reasonable regulations during times of emergency, as defined herein, governing parking and the use of Town ways and Town landings, including, without limitation, the adoption of fines for violations of this Bylaw, said fines not to exceed \$300.00.

For the purposes of this Bylaw an emergency shall be deemed to exist upon the joint recommendation of the Fire Chief, the Police Chief and the Harbormaster.

88-3 Severability

If any section or provision of this Bylaw shall be deemed invalid, the validity or enforcement of any other section or provision of this bylaw shall not be affected.
(Simple Majority Vote Required)

MOTION: That Article #34 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries by necessary majority.

ARTICLE 35. ADOPT GENERAL BYLAW, CH. 103 – FERTILIZER NITROGEN CONTROL

To see if the Town will vote to adopt Chapter 103, Fertilizer Nitrogen Control as follows.

103-1. Purpose

A Town bylaw to conserve resources and protect the environment by regulating the outdoor application of nitrogen in order to reduce the overall amount of excess nitrogen entering the town's Resource Areas as defined in the Orleans Wetlands Protection Bylaw (CH. 160-2) and Orleans Wetland Protection Regulations CH 196A-2. Reducing excess nitrogen helps protect and improve water quality of Orleans valuable estuaries.

103-2. Applicability

This bylaw shall apply to and regulate any and all applications of nitrogen fertilizer within the Town of Orleans.

103-3. Definitions

"Agriculture" includes farming in all its branches, generally as the cultivation and tillage of soil, dairying, the production cultivation, growing and harvesting of agricultural, floricultural, viticultural, or horticultural commodities, and shellfishing, including preparations and delivery to storage or to market or to carriers for transportation to market.

"Fertilizer" means a substance that enriches the soil with elements essential for plant growth, such as nitrogen, phosphorus, potassium or other substances; fertilizer does not include those nutrients that are normally excluded from fertilizer such as chemicals that are part of dolomite, limestone, or lime.

"Impervious surface" means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

"Nitrogen" means an element essential to plant growth. For the purposes of the Bylaw, nitrogen may be available as slow-release, controlled-release, timed-release, slowly available, or water insoluble nitrogen, which means nitrogen in a form that delays its availability for plant uptake and use after application and is not rapidly

available to turf and other plants; and/or quick-release, water-soluble nitrogen which means nitrogen in a form that does not delay its availability for turf and other plant uptake and is rapidly available for turf and other plant uptake and use after application.

“Turf” means grass-covered soil held together by the roots of the grass, also known as “sod” or “lawn”.

103-4. Performance Standards

All applications of nitrogen shall comply with the following standards:

- A. The application of nitrogen is prohibited between October 16 and April 14.
- B. No person shall cause nitrogen to apply to, or otherwise be deposited to any impervious surface including parking lot, driveway, roadway, sidewalk, or ice. Any fertilizer applied, spilled, and/or deposited on any impervious surface, either intentionally or accidentally, must be immediately and completely removed and contained and either legally applied to turf or any other legal site or returned to an appropriate container.
- C. No person shall apply nitrogen directly before or during a heavy rain event.
- D. The application of nitrogen is prohibited within 100 feet of Resource Areas as defined in the Orleans Wetland Protection Bylaw and regulations.

103-5. Exemptions

The following activities shall be exempt from Section 103-4:

- A. Application of nitrogen for agriculture and horticulture uses
- B. Application of nitrogen to gardens, including vegetable and flower, trees, shrubs and indoor applications including greenhouses.
- C. Application of nitrogen for the establishment of new vegetation in the first growing season, or repairing of turf in the first growing season, after substantial damage
- D. Yard waste compost or other similar materials that are primarily organic in nature and are applied to improve the physical condition of the soil.

103-6. Recommendations

The Town of Orleans strongly recommends that nitrogen should be applied to turf and other plants at the lowest rate necessary. Any single application of nitrogen should not exceed 0.5 pounds of nitrogen per 1000 square feet, and the annual aggregate total application of nitrogen should not exceed 1.0 pounds per 1000 square feet. The application of any nitrogen should be of an organic, slow-release, water-soluble form.

103-7. Enforcement

The enforcement authority shall be the Zoning Enforcement Officer or his designee.

103-8. Severability

Should any section, part, or provision of this bylaw be deemed invalid or unconstitutional, such decision shall not affect the validity of the remaining terms of this bylaw as a whole or any part thereof, other than the section, part, or provision held invalid or unconstitutional. (Simple Majority Vote Required)

MOTION: That Article #35 be accepted and adopted as printed in the warrant, except that in Section 103-6, the word “water-soluble” shall be changed to “water - insoluble”.

PLANNING BOARD REPORT

For clarification, Article 35 is a general bylaw, which requires simple majority approval.

Proposed Article 35 seeks to reduce nitrogen loading in our waterways resulting from our use of nitrogen-based fertilizers. It is estimated that between 7 and 10% of nitrogen flowing into our waters comes from fertilizers. Similar to the Town's fertilizer use policy already in effect for all Town properties, schools and sports fields, this new general bylaw would prohibit the following four applications of nitrogen-based fertilizers :

- From late Fall to early Spring, when it has little impact on lawns and gardens
- Onto impervious surfaces
- Before and during heavy rains
- Within 100 feet of wetlands

The bylaw also recommends that nitrogen not exceed more than one pound per 1000 square feet of lawn.

There are three exempted uses of fertilizers:

- For agricultural purposes
- For composting purposes
- To help establish a new lawn

The Planning Board is aware that a public outreach effort is necessary to help educate residents about their lawn care practices. We feel that adoption of this bylaw with its mild requirements is a positive step toward reducing the amount of fertilizer nitrogen that enters the groundwater table and ultimately our local bays and estuaries. Thank you.

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

ARTICLE 36. ADOPT GENERAL BYLAW, CH. 148 - ILLICIT DISCHARGE

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

Chapter 148 ILLICIT DISCHARGE BYLAW

§148-1. PURPOSE

The purpose of this bylaw is to protect the Town of Orleans's water bodies and groundwater resources and to safeguard the public health, safety, and welfare and the natural resources of the Town by regulating illicit connections and discharges to the municipal storm drainage system.

§148-2. DEFINITIONS

For the purposes of this Bylaw, the following definitions shall apply:

CLEAN WATER ACT: The Federal Water Pollution Control Act of 1972 (33 U.S.C. § 1251 et seq.) with subsequent amendments.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drainage system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this Bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in Article 7, subsection B, of this Bylaw. The term does not include a discharge regulated and in compliance with its own separate NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit.

MUNICIPAL STORM DRAINAGE SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Orleans.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental

Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drainage system not composed entirely of stormwater.

NON-POINT SOURCE: Diffuse sources of pollutants that affect water quality and are or may be contained in runoff that is discharged into waters of the Commonwealth.

PERSON: Any individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is considered toxic to humans or the environment. Pollutants shall include, but not be limited to:

- 1) paints, varnishes, and solvents;
- 2) automotive oil and other fluids;
- 3) cleaning products and other hazardous and non-hazardous liquids
- 4) solid waste, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- 5) fats and oils and grease;
- 6) yard waste, pesticides, herbicides, and fertilizers;
- 7) poisons, hazardous materials and wastes;
- 8) sewage, fecal coliform and pathogens;
- 9) dissolved and particulate metals;
- 10) animal wastes;
- 11) rock; sand; salt, soils;
- 12) construction wastes and residues; and
- 13) noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

SANITARY SEWER: The system of conveyances designed or used for collecting or conveying domestic and industrial wastewater, owned or operated by the Town of Orleans.

STORMWATER: Runoff from precipitation or snow melt.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows, or a stream of water, including, but not limited to, a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

§148-3. APPLICABILITY

This Bylaw shall apply to all flows and dumping to the municipal storm drainage system, waters of the Commonwealth and adjoining land areas that drain to waters of the Commonwealth in the Town of Orleans.

§148-4. AUTHORITY

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and in accordance with the regulations of the federal Clean Water Act found at 40 CFR 122.34 and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999 Federal Register.

§148-5. RESPONSIBILITY FOR ADMINISTRATION

The Department of Public Works and Natural Resources (Department) shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Department may be delegated in writing by the Department to employees or agents of the Department.

§148-6. REGULATIONS

The Department may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Department to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

§148-7. PROHIBITED AND EXEMPT ACTIVITIES

A. Prohibited Activities

1. Illicit Discharges. No person shall dump, discharge, cause, or allow to be discharged any pollutant or non-stormwater discharge into the municipal storm drainage system, into a watercourse, or into the waters of the Commonwealth.
2. Illicit Connections. No person shall construct, use, allow, maintain, or continue any illicit connection to the municipal storm drainage system, regardless of whether the connection was permissible under applicable law, regulation, or custom at the time of connection.
3. Obstruction of Municipal Storm Drainage System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system without prior written approval from the Department or its agent.

B. Exemptions

1. Discharge or flow resulting from fire fighting activities;
2. The following non-stormwater discharges or flows are exempt from this Bylaw, provided that the source is not a significant contributor of a pollutant to the municipal storm drainage system:
 - a) Waterline flushing;
 - b) Flow from potable water sources;
 - c) Springs;
 - d) Natural flow from riparian habitats and wetlands;
 - e) Diverted stream flow;
 - f) Rising groundwater;
 - g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
 - h) Discharge from landscape irrigation or lawn watering;
 - i) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - j) Water from individual residential car washing;
 - k) Residential building wash waters without detergents;
 - l) Discharge from *dechlorinated* swimming pool water (less than one ppm chlorine) provided test data is submitted to the Town substantiating that the water meets the one ppm standard, and the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all applicable Town Bylaws;
 - m) Discharge from street sweeping;
 - n) Dye testing, provided verbal notification is given to the Department prior to the time of the test;
 - o) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection,

- provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- p) Discharge for which advance written approval is received from the Department as necessary to protect public health, safety, welfare or the environment.

3. Discharge or flow that results from exigent conditions and occurs during a State of Emergency declared by any agency of the federal or state government, or by the Orleans Town Administrator, Board of Selectmen or Board of Health.

§148-8. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Department may suspend municipal storm drainage system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Department may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

§148-9. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments and the Department. In the event of a release of non-hazardous material, the reporting person shall notify the Department no later than the next business day. The reporting person shall provide to the Department written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§148-10. ENFORCEMENT

A. Authorized Agent

The Department or an authorized agent of the Department shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

B. Civil Relief

If a person violates the provisions of this Bylaw, regulations, permit, notice, or order issued thereunder, the Department may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Orders

The Department or an authorized agent of the Department may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the municipal storm drainage system; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Orleans may, at its option, undertake such work, and all costs incurred by the Town shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Department within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Department affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

D. Violations and Penalties; Enforcement

Any person who violates any provision of this Bylaw or regulations thereunder shall be punished by a fine of two hundred dollars (\$200.00) for the first offense and three hundred dollars (\$300.00) for each offense thereafter. Each day or portion thereof during which a violation continues shall constitute a separate offense and each provision of the Bylaw or regulations violated shall constitute a separate offense. This Bylaw may be enforced pursuant to the non-criminal disposition procedures set forth in G.L. Ch. 40, §21D. The Department or an authorized agent of the Department shall be the enforcing person.

E. Entry to Perform Duties Under this Bylaw

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Department deems reasonably necessary.

F. Appeals

The decisions or orders of the Department shall be final. Further relief shall be to a court of competent jurisdiction.

G. Remedies Not Exclusive

The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

§148-11. SEVERABILITY

The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

§148-12. TRANSITIONAL PROVISIONS

Residential property owners shall have 90 days from the effective date of the Bylaw to comply with its provisions provided good cause is shown for the failure to comply with the Bylaw during that period. (Simple Majority Vote Required)

MOTION: That Article #36 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 37. AUTHORIZE HOME RULE PETITION – ADDITIONAL ALL-ALCOHOL PACKAGE STORE LICENSE

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation authorizing the Town to grant an additional all-alcohol package store license, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That Article #37 be accepted and adopted as printed in the warrant.

ACTION: Voted, voice vote carries by necessary majority.

ARTICLE 38. AMEND ZONING BYLAW CHAPTER 164-4, DEFINITIONS

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

Buildable Upland: That land which is contiguous, not in the Conservancy District, and which is not **(a) a** swamp, pond, bog, dry bog, **salt marsh, coastal bank, coastal beach, coastal dune, (b)** areas of exposed ground water, **(c)** and which is not subject to flooding from storms and mean high tides, **nor (d)** is located in the FEMA flood zone 100-year base flood elevation. (See §164-23 and §164-20). **The terms “swamp,” “pond,” “salt marsh,” “coastal bank,” “coastal beach,” or “coastal dune,” as used in this section , shall be defined as in the Massachusetts Wetlands Protection Act, MGL C. 131, § 40, and the regulations issued thereunder, 310 CMR 10.04, as of May, 2008.** (2/3 Vote Required)

MOTION: That Article #38 be accepted and adopted as printed in the warrant.

PLANNING BOARD REPORT

The Planning Board held a public hearing on this article on January 15, 2013. 17 people were in attendance. The Board received no comments in favor of or opposed to this amendment. The Planning Board voted 5-0-0 to recommend approval.

The Problem – Definition of buildable upland excludes many wetland areas and other resource areas, but does not exclude coastal beaches, banks, and dunes. These areas are regulated by the Wetlands Protection Act, so a consistent interpretation of land use regulations should exclude coastal beaches, banks, and dunes from being considered part of the buildable upland of a lot.

Solution – the terms coastal bank, coastal beach, and coastal dune are proposed to be added to those land features which are NOT part of buildable upland. An updated reference to the wetlands terms themselves is added, which is consistent with Section 164-21 C of the bylaw.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 39. AMEND ZONING BYLAW CHAPTER 164-4, DEFINITIONS

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

Dog Kennels – One pack or collection of dogs on a single lot, maintained for breeding, boarding, sale, training, hunting or other commercial purposes and specifically including every pack or collection of more than three dogs three months old or over, owned or kept on a single lot for any purpose, other than 3 or more dogs kept solely as personal pets of the owner of the dogs.

(2/3 Vote Required)

MOTION: That Article #39 be accepted and adopted as printed in the warrant.

PLANNING BOARD REPORT

The Planning Board held a public hearing on this article January 15, 2013. 17 people were in attendance. The Board received no comments in favor of or opposed to this amendment. The Planning Board voted 5-0-0 to recommend approval.

Concerning the licensing of dogs, State law defines the keeping of more than 3 dogs as a “dog kennel”. Dog kennels are permitted under the Orleans Zoning Bylaw, but are allowed only in the Industrial Zoning District. Therefore, any homeowners who have more than 3 dogs are technically in violation of zoning (unless they reside in the Industrial District).

Recently, the Town Clerk received applications from a homeowner to license more than 3 dogs. Because the Clerk was aware that this would be in violation of a local bylaw, she was not able to issue the licenses.

What is proposed is to add a definition of Dog Kennels to the Zoning Bylaw. It is highly inclusive, except that it expressly states that the keeping of more than 3 dogs as personal pets shall not be considered a dog kennel.

This amendment goes hand in hand with the general bylaw amendment of article 33.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 40. AMEND ZONING BYLAW CHAPTER 164-3, NONCONFORMING STRUCTURES

To see if the Town will vote to amend the Zoning Bylaws, Section 164-3, Applicability, by revising subsection C. Nonconforming Structures and Uses. (b) and (c), as follows:

(b) ~~Except as otherwise set forth in (c) below,~~ Alteration to a nonconforming single or two family residential structure that increases the nonconforming nature of the structure, **including those alterations which result in the creation of a new dimensional nonconformity, an intensification of an existing nonconformity by extending further into a required setback area or an increase in the height of the structure greater than the allowed height,** may be allowed on Special Permit from the Board of Appeals provided the Board of Appeals finds that such alteration will not be substantially more detrimental to the neighborhood than existing nonconforming structure.

~~(c) Alteration to a nonconforming single or two family residential structure in such a manner as to: 1) create a new dimensional nonconformity, or 2) intensify an existing nonconformity by extending further into a required setback area, or 3) increase the height of the structure greater than the allowed height, shall require the issuance of a variance by the Board of Appeals and the Special Permit finding required under subsection (b). Provided, however, the extension of an exterior wall or surface of an existing structure at or along the same nonconforming distance within a required setback area shall not require the issuance of a variance.~~

(2/3 Vote Required)

MOTION: That Article #40 be accepted and adopted as printed in the warrant.

PLANNING BOARD REPORT

The Planning Board held a public hearing on this article on January 15, 2013. 17 people were in attendance. The Board received comments from two citizens indicating concern that the bylaw amendment was premature, and that it would water down local

land use controls. The Planning Board discussed these concerns, consulted with the Town attorney, and subsequently voted 5-0-0 to recommend your approval.

Section 164-3 of the Zoning Bylaw addresses, among other things, alterations to nonconforming structures. Under *existing zoning*, certain alterations require a zoning Variance. These include alterations that 1) create a new dimensional nonconformity, 2) Intensify an existing nonconformity (by extending further into a setback area), or 3) increase the height about the allowed limit.

Recent case law (*Gale v. Gloucester*) has changed the way alterations to nonconforming structures are treated. Instead of obtaining a Variance, the alterations may be allowed by Special Permit *if* the Board of Appeals finds that the alteration will not be substantially more detrimental to the neighborhood than the existing structure. Bylaw Section 164-3 is proposed to be amended accordingly so that the Town's regulations concerning alterations to nonconforming structures are consistent with recent case law.

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

ARTICLE 41. AMEND ZONING BYLAW CHAPTER 164-40.3, TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 164-40.3 Temporary Moratorium on Medical Marijuana Treatment Centers, that would provide as follows, and further to amend the Table of Contents to add Section 164-40.3:

164-40.3. Temporary Moratorium on Medical Marijuana

A. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law took effect on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a medical marijuana treatment facility is not a permitted use in the Town of Orleans and regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including medical marijuana treatment centers.

The regulation of medical marijuana raises novel and complex legal and planning issues and the Town needs time to study and consider the regulation of medical marijuana treatment centers and address such novel and complex issues and to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical

marijuana.

The Town hereby adopts a temporary moratorium on the use of land and structures in the Town for medical marijuana treatment centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

B. TEMPORARY MORATORIUM

The Town of Orleans hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. The moratorium will be in effect until July 1, 2014. During the moratorium period the Town will undertake a planning process to address the potential impacts of medical marijuana in Orleans, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and to the extent it is determined to allow them, adopt new zoning regulations to address the impact and operation of medical treatment centers and related uses.

C. SEVERABILITY.

The invalidity of any portion or provisions of this Bylaw shall not invalidate any other portion, provision or section hereof.
(2/3 Vote Required)

MOTION: That Article #41 be accepted and adopted as printed in the warrant.

PLANNING BOARD REPORT

The Planning Board held a public hearing on this article on February 26, 2013. 31 people were in attendance. The Board received two comments from citizens. The Planning Board voted 5-0-0 to recommend your approval.

Last November, voters approved making medical marijuana legal in Massachusetts. The Department of Public Health recently issued DRAFT regulations to further the provision, which regulations are due to be released in May. The Board of Selectmen is concerned that if such facilities are to be located in Orleans that they should be properly regulated.

What is proposed is a moratorium on medical marijuana dispensaries until July 1, 2014. This time period will allow the Planning Board to review DPH regulations and develop an appropriate zoning bylaw in time for the 2014 Annual Town Meeting.

MOTION: To amend this article to a 60 day moratorium instead of July 1, 2014.

MOTION: To call the question.

ACTION: On calling the question, voted, voice vote carries unanimously.

ACTION: On amendment to the main motion, voted, voice voted fails to attain required majority.

ACTION: On the main motion, voted, voice vote carries by the necessary 2/3 majority.

ARTICLE 42. 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: That Article #42 be accepted and adopted 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 43. AUTHORIZE INTERMUNICIPAL AGREEMENT, NAUSET BEACH MANAGEMENT

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter to authorize the Board of Selectmen, acting as the Park Commissioners, to enter into an Intermunicipal Agreement with the Town of Chatham. The Agreement sets forth the terms and conditions for the joint management of Nauset Beach (south of the Nauset Beach parking lot) for the period May 1, 2014 through April 30, 2017, a copy of which Agreement is on file with the Town Clerk, or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 44. AUTHORIZE CONTRACT FOR THE DISPOSAL OF SOLID WASTE

To see if the Town will vote to authorize the Board of Selectmen to enter into a contract for the disposal of the Town's solid waste for a period not to exceed twenty (20) years commencing on January 1, 2015, on such terms and conditions as the Board of Selectmen deem to be in the best interests of the Town, which contract may include a provision that the Town shall not be exempt from liability for the payment of contract sums in future fiscal years; or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 45. 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. (2/3 Vote Required)

MOTION: That Article #45 be indefinitely postponed

MOTION: To call the question.

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

ACTION: On the motion to indefinitely postpone, voted, voice vote fails to attain required majority.

MOTION: To accept and adopt Article #45 as printed in the warrant.

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

ARTICLE 46. AUTHORIZE LEASE OF OLD FIREHOUSE COMMUNITY BUILDING

To see if the Town will vote to authorize the Board of Selectmen to lease the Old Firehouse ("Community Building") and the property at 44 Main Street ("Parish Park") on such terms as they deem appropriate to the Orleans Community Partnership for a period not to exceed 30 years, and to authorize the Board of Selectmen to file special legislation to the extent required for this purpose, or to take any such action thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article#46 as printed in the warrant.

MOTION: To call the question.

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

ACTION: On the main motion, voted, voice vote carries by necessary majority.

ARTICLE 47. ADOPT 2013 PLEASANT BAY RESOURCE MANAGEMENT PLAN UPDATE

To see if the Town will vote to adopt the 2013 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 and 2008, and the Intermunicipal Agreement with the Towns of Chatham, Harwich and Brewster, originally authorized by the Town in 1998 and re-authorized in 2003 and 2008; and to authorize the Board of Selectmen to enter into a successor Intermunicipal Agreement, as amended, to expire on December 31, 2018, with one or more of the aforementioned towns for the purpose of continuing the Pleasant Bay Resource Management Alliance to implement the plan and plan updates, a copy of which Agreement is on file with the Town Clerk, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article#47 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 48. AUTHORIZE ACCEPTANCE OF LAND ON NAMSKAKET ROAD FOR PARK OR OPEN SPACE PURPOSES

To see if the Town will vote to authorize and direct the Board of Selectmen to accept a gift of land on Namskaket Road from Habitat for Humanity of Cape Cod, Inc. for park or open space purposes pursuant to the conditions of the Comprehensive Permit issued by the Orleans Zoning Board of Appeals to Habitat for Humanity of Cape Cod, Inc., dated October 17, 2012 and recorded in the Barnstable Registry of Deeds in Book 27226 Page 296, said land being shown as Lot 7 containing 2.47 acres \pm , on a plan dated November 19, 2012, and recorded in said Registry in Plan Book 648 Page 66, on such terms and conditions as the Board of Selectmen deem appropriate, and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article#48 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 49. AUTHORIZE INTERMUNICIPAL AGREEMENT AND FUND SCHOOL RESOURCE OFFICER

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter to authorize the Board of Selectmen enter into an Intermunicipal Agreement with the Towns of Brewster, Eastham and Wellfleet, as member towns of the Nauset Regional School District, to fund the position of School Resource Officer for the Nauset Middle School, a copy of which Agreement is on file with the Town Clerk; and

further to raise and appropriate and/or transfer the sum of Sixty-Five Thousand and 00/100 (\$65,000.00) for this purpose. (Simple Majority Vote Required)

MOTION: That Article#49 be accepted and adopted as printed in the warrant and that the sum of Sixty Five Thousand and 00/100 (\$65,000.00) dollars be raised and appropriated for this purpose.

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

ARTICLE 50. AUTHORIZE INTERMUNICIPAL AGREEMENT, STREET LIGHTS AT ROUNDABOUT

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter to authorize the Board of Selectmen to enter into an Intermunicipal Agreement with the Massachusetts Department of Transportation Highway Division, under the provisions of which the Town will furnish through its own contractor, all necessary labor, materials, equipment and other services necessary for the installation of the Highway Lighting System, substantially in accordance with the Agreement on file with the Town Clerk, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #50 as printed in the warrant.

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

ARTICLE 51. FUND CONSTRUCTION OF SNACK SHACK AT SKAKET BEACH

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Seventy-Five Thousand and 00/100 Dollars (\$75,000.00) for the purpose of funding the construction of the snack shack at Skaket Beach, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: That Article #51 be accepted and adopted as printed in the warrant and that the sum of Seventy Five Thousand and 00/100 Dollars (\$75,000.00) 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 Seventy Five Thousand and 00/100 Dollars (\$75,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 7 Clause

(3A), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 52. FUND ORLEANS ELEMENTARY SCHOOL SAFETY AND SECURITY RESOURCES

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of funding safety and security resources for interior and exterior extremities of 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 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: That Article #52 be accepted and adopted as printed in the warrant and that the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) 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 Three Hundred Thousand and 00/100 Dollars (\$300,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 7 Clause (3A) and Clause (9), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Standing vote, YES=153, NO=4, motion passes by necessary 3/4 majority.

ARTICLE 53. AMEND ZONING BYLAW – BY PETITION

To see if the Town will vote to amend the Orleans Zoning Bylaws and the Orleans Zoning Map by changing the Zoning designation set forth on the existing Zoning Map from Limited Business District (LB) to General Business District (GB) located on Rt. 6A, shown on attached Map entitled “Exhibits A, B & C,” also known as 191 Rt. 6A, Map 40,

Parcel 37; 193 Rt. 6A, Map 40, Parcel 38; and 195 Rt. 6A, Map 40, Parcel 39.
(Submitted by Petition)
(2/3 Vote Required)

MOTION: To accept and adopt Article #53 as printed in the warrant.

ACTION: Standing vote, YES=64, NO=72, motion fails to attain required majority.

ARTICLE 54. NON-BINDING PUBLIC OPINION ADVISORY QUESTION – BY PETITION

To see if the Town will vote to respectfully request Governor Deval Patrick to call upon the Nuclear Regulatory Commission to uphold their mandate to shut Entergy's Pilgrim Nuclear Power Station in Plymouth because the public safety, particularly Cape and Islands residents and visitors, cannot be assured, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #54 as printed in the warrant.

ACTION: Voted, voice vote carries by necessary majority.

ARTICLE 55. 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: That Article #55 be accepted and adopted and that the sum of Four Hundred Twelve Thousand and 00/100 Dollars (\$412,000.00) be transferred from available funds for this purpose for FY14.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 56. CLOSING ARTICLE

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

MOTION: That this meeting be adjourned.

ACTION: Voted, voice vote carries unanimously.

Annual Town Meeting was adjourned at 11:35 p.m.

A True Copy, Attest:

Cynthia S. May, Town Clerk