

ANNUAL TOWN MEETING  
"DOINGS"  
May 12, 2014

The Annual and Special Town Meetings were held on Monday, May 12, 2014 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. Election workers were: Cindy Eagar, Molly Hidden, Susan Milton, and Mary Walker. Tellers sworn in were: Hannah Caliri, Ken Rowell, Christine Lorge and Cathy Southworth. Constable on duty was Mary Stevens. A total of 436 voters were in attendance.

**PROCEDURAL MOTION**

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

**ACTION:** Voice vote, carries unanimously

**PROCEDURAL MOTION**

To give 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 Richard Hoffman, Nauset Regional School District Superintendent; Giovanna Venditti, Nauset Regional School District Business Manager; Noelle Pina, Orleans, Chamber of Commerce Executive Director; Mike Domenica, Water Resources Associates President; Paul Niedzwiecki, Cape Cod Commission Executive Director; Konrad Schultz, Aspinet Road abutter; and Paul Sabel, Aspinet Road abutter, 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:** Voice vote, carries by 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:** To accept and adopt the report of the Selectmen, Town Officers and all Town Committees, Commissions and Boards as published in the 2013 Annual Town

Report and hear the report(s) of any other Town Committee reporting to the Town Meeting.

**ACTION:** Voice vote carries unanimously.

### **PROCEDURAL MOTION**

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

**ACTION:** 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:** Voice vote, carries unanimously

### **PROCEDURAL MOTION**

To give 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 all of whom 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:** Voice vote, carries unanimously

### **ARTICLE 1. PAY BILLS OF PRIOR YEARS**

To see if the Town will vote to transfer from available funds a sum of money to pay bills of prior years under the provisions of Chapter 179, Acts of 1941, as amended, or to take any other action relative thereto. (9/10 Vote Required)

**MOTION:** To accept and adopt Article #1 and that the sum of Eight Hundred Three and 40/100 Dollars (\$803.40) be transferred from available funds to pay the following unpaid bills:

The following is a list of unpaid bills of prior years as of May 12, 2014:

<u>Dept.</u>	<u>Vendor</u>	<u>Amount</u>
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Treasurer/Collector  
Water

Registrar of Deeds  
Invoice Cloud

\$ 75.00  
\$728.40

**ACTION:** 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 2014 as follows:

1. Transfer the sum of Thirty Two Thousand and 00/100 Dollars (\$32,000.00), or any other sum, from the Parks and Beaches Capital Outlay Account to the Buildings and Facilities Stabilization Account.
2. Transfer the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00), or any other sum, from available funds to the Fire Department Overtime Account.
3. Transfer the sum of Twenty Nine Thousand and 00/100 Dollars (\$29,000.00), or any other sum, from available funds to the Police Department Overtime Account.
4. Transfer the sum of Twenty Eight Thousand and 00/100 Dollars (\$28,000.00), or any other sum, from the Water Surplus Fund to the Water Department Electricity Expenses Account.
5. Transfer the sum of Fourteen Thousand and 00/100 Dollars (\$14,000.00), or any other sum, from available funds to departmental Electricity Expense Accounts.
6. Transfer the sum of Two Thousand Seven Hundred and 00/100 Dollars (\$2,700.00), or any other sum, from the Cable Television Reserve Account to the Media Operations Salary Account. (2/3 Vote Required)

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

1. Transfer the sum of Thirty Two Thousand and 00/100 Dollars (\$32,000.00), or any other sum, from the Parks and Beaches Capital Outlay Account to the Buildings and Facilities Stabilization Account.
2. Transfer the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00), or any other sum, from available funds to the Fire Department Overtime Account.
3. Transfer the sum of Twenty Nine Thousand and 00/100 Dollars (\$29,000.00), or any other sum, from available funds to the Police Department Overtime Account.

4. Transfer the sum of Twenty Eight Thousand and 00/100 Dollars (\$28,000.00), or any other sum, from the Water Surplus Fund to the Water Department Electricity Expenses Account.
5. Transfer the sum of Fourteen Thousand and 00/100 Dollars (\$14,000.00), or any other sum, from available funds to departmental Electricity Expense Accounts.
6. Transfer the sum of Two Thousand Seven Hundred and 00/100 Dollars (\$2,700.00), or any other sum, from the Cable Television Reserve Account to the Media Operations Salary Account.

**ACTION:** Voice vote carries unanimously.

### **ARTICLE 3. FUND WATER DEPARTMENT CAPITAL PROJECTS**

To see if the Town will vote to transfer from the Water Surplus Account the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00), or any other sum, to the Water Department Capital Outlay Account for the purpose of funding high-priority capital projects identified during the Asset Management and Implementation Plan study. (3/4 Vote Required)

**MOTION:** To accept and adopt Article #3 as printed in the warrant and that the sum of Six Hundred Thousand and 00/100 (\$600,000.00) be transferred from the Water Surplus Account for this purpose.

**ACTION:** Voice vote carries unanimously.

### **ARTICLE 4. FUND POLICE DEPARTMENT FINGERPRINT TECHNOLOGY**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty Two Thousand One Hundred Fifty and 00/100 Dollars (\$22,150.00), or any other sum, for the purpose of funding the purchase and implementation of a Live Scan digital fingerprinting system. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #4 as printed in the warrant and that the sum of Twenty-two Thousand One Hundred Fifty and 00/100 Dollars (\$22,150.00), be transferred from available funds for this purpose

**ACTION:** Voice vote carries unanimously.

### **ARTICLE 5. AUTHORIZE 20-YEAR NET METERING POWER SALES AGREEMENT WITH CAPE & VINEYARD ELECTRIC COOPERATIVE (CVEC)**

To see if the Town of Orleans will authorize its Board of Selectmen to enter into an intergovernmental net metered power sales agreement not to exceed a term of twenty years on behalf of the Town with the Cape & Vineyard Electric Cooperative, Inc. in substantially the form of the draft "INTER-GOVERNMENTAL NET METERED POWER SALES AGREEMENT BETWEEN THE CAPE & VINEYARD ELECTRIC COOPERATIVE, INC. AND THE TOWN OF ORLEANS" on file in the Town Clerk's Office, as may be revised as necessary on such terms and conditions as the Board of Selectmen deem appropriate; or take any other action relative thereto, provided that such intergovernmental agreement does not exceed a term of twenty years. (Simple Majority Vote Required)

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

**ACTION:** Voice vote carries unanimously.

#### **ARTICLE 6. 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:** To accept and adopt Article #6 as printed in the warrant and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be transferred from available funds for this purpose.

**ACTION:** Voice vote carries unanimously.

#### **ARTICLE 7. CLOSING ARTICLE**

And to act on any other business that may legally come before the meeting. (Board of Selectmen)

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

**ACTION:** Voice vote carries unanimously.

**Annual Town Meeting reconvened at 7:14 p.m.**

#### **ARTICLE 2. TOWN / SCHOOL BUDGET (FY15)**

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, 2014 and ending June 30, 2015 and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or service as the case may be, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #2 and that the Town Meeting adopt the Selectmen's proposed FY15 budget as printed in the warrant and that the sum of twenty eight million eight hundred ninety thousand three hundred fifty nine and 00/100 Dollars (\$28,890,359.00) be raised and appropriated, and the sum of five hundred three thousand one hundred thirty and 00/100 Dollars (\$503,130.00) be transferred from the Community Preservation Fund, and the sum of six hundred forty thousand two hundred and 00/100 Dollars (\$640,200.00) be transferred from the Ambulance Receipts for Reserve for Appropriation Account, and the sum of one hundred thousand and 00/100 Dollars (\$100,000.00) be transferred from the Cable Fees Reserve for Appropriations Account, and the sum of fifteen thousand and 00/100 Dollars (\$15,000.00) be transferred from the Municipal Insurance Fund, and the sum of one hundred twenty nine thousand eight hundred twenty one and 00/100 Dollars (\$129,821.00) be transferred from the Water Surplus Fund, and the sum of one hundred twelve thousand and 00/100 Dollars (\$112,000.00) 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 eight thousand three hundred nine and 00/100 Dollars (\$8,309.00) be transferred from the Fund Balance Reserve for Premiums on Bond Issue, and the sum of sixty two thousand six hundred forty five and 00/100 Dollars (\$62,645.00) be transferred from the EEA LAND Grants for a total appropriation of thirty million four hundred seventy six thousand four hundred sixty four and 00/100 Dollars (\$30,476,464.00).

**ACTION:** Voice vote carries unanimously.

### **ARTICLE 3. CAPITAL IMPROVEMENTS PLAN (FY16 – FY20)**

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)

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

**ACTION:** Voice voted, carries by 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 2015 Community Preservation budget and to appropriate or reserve for later appropriations monies from the Community Preservation Fund's Annual Revenues and/or available funds for the payment of debt service, undertaking of Community Preservation projects, the Administrative Expenses of the Community Preservation Committee and all other necessary and proper expenses for FY15, or take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #4 as printed in the warrant and that the sum of One Million One Hundred Nineteen Thousand Five Hundred Seventy-One and 00/100 Dollars (\$1,119,571.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

**MOTION TO AMEND:** That the motion under Article #4 be amended to state that none of the funds awarded to the Orleans Community Building Fund Inc. for Project 10 be used for Clayton Circle access and parking related thereto; by Michael Zawadzkas, Clayton Circle.

**MOTION:** On the amendment, to call the question.

**ACTION:** Standing vote, Yes=354, No=1, motion to call the question passes.

**ACTION:** On the motion to amend, standing vote, Yes=232, No=99, motion to amend passes.

**MOTION:** On the main motion as amended, to call the question.

**ACTION:** Standing vote, Yes=336, No=15, motion to call the question passes.

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

#### **ARTICLE 5. TRANSFER CPA PROJECT FUNDS FOR HABITAT FOR HUMANITY OF CAPE COD AND ORLEANS HISTORICAL SOCIETY**

To see if the Town will vote to modify the action taken under Article 7 (Community Preservation Act Program Budget) of the May 15, 2012 Annual Town Meeting by transferring the balance of \$33,738.30 appropriated for the Habitat for Humanity of Cape Cod Namskaket Road Community Housing project property purchase and soft costs to the Habitat for Humanity of Cape Cod Namskaket Road Community Housing project construction costs; And further to modify the action taken under Article 6 (Community Preservation Act Program Budget) of the May 17, 2011 Annual Town

Meeting by transferring the balance of \$18,800 for the Orleans Historical Society land and septic system survey to the Orleans Historical Society architectural drawings, or take any other action relative thereto. (Simple Majority Vote)

**MOTION:** To accept and adopt Article #5 as printed in the warrant and that the sum of Fifty Two Thousand Five Hundred Thirty Eight and 30/100 Dollars (\$52,538.30) be transferred from the Community Preservation Fund in the amounts and for the purposes set forth in the article.

**ACTION:** 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 Sixty One Thousand Five Hundred Twenty and 00/100 Dollars (\$161,520.00), or any other sum, for the purpose of funding the design and construction of improvements to the town's drainage infrastructure systems, including all expenses incidental and related thereto; and further authorizes the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article #6 as printed in the warrant and that the sum of One Hundred Sixty One Thousand Five Hundred Twenty and 00/100 Dollars (\$161,520.00) 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:** 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 Twenty Three Thousand Sixty and 00/100 Dollars (\$323,060.00) for the purpose of funding the local share of the town's ongoing pavement management program to repair, resurface, and reconstruct town roadways, including all expenses incidental and related thereto; and further authorizes the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be



used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article #7 as printed in the warrant and that the sum of Three Hundred Twenty Three Thousand Sixty and 00/100 Dollars (\$323,060.00) 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:** Voice vote carries unanimously.

### **ARTICLE 8. 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 Nine Hundred Thousand and 00/100 Dollars (\$900,000.00), or any other sum, 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. (3/4 Vote Required)

**MOTION:** To accept and adopt Article #8 as printed in the warrant, to proceed with the Town of Eastham with this dredging project, and that the sum of Nine Hundred Thousand and 00/100 Dollars (\$900,000.00) 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 Nine Hundred Thousand and 00/100 Dollars (\$900,000.00), 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; and further to authorize the Board of Selectmen to take all actions necessary to carry out the provisions of the article and this vote.

**ACTION:** Voice vote carries unanimously.

### **ARTICLE 9. ACCEPT TRANSPORTATION BOND BILL FUNDS**

To see if the Town will vote to authorize the Board of Selectmen to accept and enter into a contract for the expenditure of any funds allocated or to be allocated from year to year by the Commonwealth of Massachusetts and/or Barnstable County for the

construction, reconstruction and improvements of roads and bikeways within the Town of Orleans, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #9 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:** Voice vote carries unanimously.

#### **ARTICLE 10. HOLDING STATE HARMLESS FOR WORK**

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

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

**ACTION:** Voice vote carries unanimously.

#### **ARTICLE 11. AUTHORIZATION TO SELL SURPLUS EQUIPMENT & ACCEPT GIFTS**

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

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

**ACTION:** Voice vote carries unanimously.

#### **ARTICLE 12. 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 Twenty Thousand and 00/100 Dollars (\$20,000.00). The Account will be used to fund driver salaries, vehicle maintenance and other necessary expenses related to the 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 Twenty Thousand and 00/100 Dollars (\$20,000.00). 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 Seasonal Housing Properties Account, said account not to exceed Thirty Thousand and 00/100 Dollars (\$30,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the property on Wildflower Lane and 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.
- 8) The Community Building Account, said account not to exceed Twenty Thousand and 00/100 Dollars (\$20,000.00). The Account will be used to pay utility and other necessary expenses associated with the rental of the property at 44 Main Street. Said funds to be spent under the direction of the department manager and the Town Administrator. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #12 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:** Voice vote carries unanimously.

### **ARTICLE 13. 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:** To accept and adopt Article #13 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:** Voice vote carries unanimously.

### **ARTICLE 14. FUND STABILIZATION FUND, BUILDING AND FACILITY MAINTENANCE**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from the Stabilization Fund the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) for the purpose of funding building and facility maintenance projects, including all expenses incidental and related thereto, and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article #14 as printed in the warrant and that the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) be raised and appropriated to the Stabilization Fund for Building and Facility Maintenance, and further to authorize the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) 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:** Voice vote carries unanimously.

### **ARTICLE 15. CREATE STABILIZATION FUND, MOTOR VEHICLES & EQUIPMENT**

To see if the Town will vote to create a Stabilization Fund for Motor Vehicles and Equipment as provided in Chapter 40, Section 5B of the General Laws for the purpose

of funding vehicle and equipment purchases, including all expenses incidental and related thereto, and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose, and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article #15 as printed in the warrant

**ACTION:** Voice vote carries unanimously.

**ARTICLE 16. AUTHORIZE ESTABLISHMENT OF STABILIZATION FUND FOR CAPE COD REGIONAL TECHNICAL HIGH SCHOOL**

To see if the Town will vote pursuant to MGL Chapter 71 Section 16G1/2 to allow Cape Cod Regional Technical High School to establish a stabilization fund for future facility capital costs, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #16 as printed in the warrant

**ACTION:** Voice vote carries unanimously.

**ARTICLE 17. ADOPT M.G.L. CH. 71, § 16B, ASSESSMENT FORMULA – NAUSET REGIONAL SCHOOLS**

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

**MOTION:** To accept and adopt Article #17 as printed in the warrant

**ACTION:** Voice vote carries unanimously.

**ARTICLE 18. APPROVE NAUSET REGIONAL SCHOOL DISTRICT BORROWING FOR PARTIAL ROOF REPLACEMENT**

To see if the Town will approve the \$2,438,439 borrowing authorized by the Nauset Regional School District, for the purpose of paying costs of the partial roof replacement of the Nauset Regional Middle School located at 70 Route 28 Orleans MA 02653, including the payment of all costs incidental or related thereto the Middle School Roof Project, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required

educational program, and for which the Nauset Regional School District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Nauset Regional School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the Nauset Regional School District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Nauset Regional School District and its member municipalities. Any grant that the Nauset Regional School District may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty seven point three two percent (37.32%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #18 as printed in the warrant and that the Town hereby approve the \$2,438,439 borrowing authorized by the Nauset Regional School District, for the purpose of paying costs of the partial roof replacement of the Nauset Regional Middle School located at 70 Route 28 Orleans MA 02653, including the payment of all costs incidental or related thereto, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Nauset Regional School District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the Nauset Regional School Building Committee; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the Nauset Regional School District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Nauset Regional School District and its member municipalities; provided further that any grant that Nauset Regional School District may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty seven point three two percent (37.32%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that the approval of the Nauset Regional School District’s borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 21/2); and that the amount of borrowing authorized by the Nauset Regional School District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Nauset Regional School District and the MSBA.

**ACTION:** Voice vote carries unanimously.

## **ARTICLE 19. 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 Nine Hundred Forty and 00/100 Dollars (\$20,940.00), 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 promoting the Town and its businesses; and to advance economic development initiatives for and with the Town of Orleans, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article#19 as printed in the warrant and that the sum of Twenty Thousand Nine Hundred Forty and 00/100 Dollars (\$20,940.00), be raised and appropriated for this purpose.

**ACTION:** Voice vote carries unanimously.

## **ARTICLE 20. 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 Four Thousand Six Hundred and 00/100 Dollars (\$84,600.00), or any other sum, to fund the following human services organizations for the period July 1, 2014 to June 30, 2015.

Big Brothers/Big Sisters	\$2,000.00
AIDS Support Group	\$2,000.00
CapeAbilities	\$5,800.00
Cape Cod Child Development	\$2,500.00
Children's Place	\$2,750.00
Consumer Assistance Council	\$300.00
Elder Services of Cape Cod & Islands	\$2,500.00
Gosnold	\$7,500.00
Homeless Prevention Council	\$8,000.00
Independence House, Inc.	\$4,700.00
Lower Cape Outreach Council	\$9,000.00
Nauset Together We Can	\$5,000.00
Orleans After School Program	\$20,000.00
Outer Cape Health Services	\$9,500.00
Sight Loss Services	\$950.00
South Coast Legal Services	<u>\$2,100.00</u>
Total	\$84,600.00

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

**MOTION:** To accept and adopt Article#20 as printed in the warrant, and that the sum of Eighty Four Thousand Six Hundred and 00/100 Dollars (\$84,600.00) be raised and appropriated for this purpose.

**ACTION:** Voice vote carries by the necessary majority.

#### **ARTICLE 21. FUND FOURTH OF JULY CELEBRATION**

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

**MOTION:** To accept and adopt Article #21 as printed in the warrant, and that the sum of Eight Thousand and 00/100 Dollars (\$8,000.00) be raised and appropriated for this purpose.

**ACTION:** Voice vote carries unanimously.

#### **ARTICLE 22. FUND CULTURAL COUNCIL GRANTS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Two Thousand and 00/100 Dollars (\$2,000.00), or any other sum, for the purpose of funding Cultural Council awards to Orleans recipients. Said funds to be expended under the direction of the Town Administrator, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #22 as printed in the warrant, and that the sum of Two Thousand and 00/100 Dollars (\$2,000.00) be raised and appropriated for this purpose.

**ACTION:** Voice vote carries by the necessary majority.

#### **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, 2014 as follows

- |                           |            |
|---------------------------|------------|
| 1) Board of Selectmen (5) | \$1,500.00 |
| 2) Board Chairman         | \$ 500.00  |
| 3) Moderator              | \$ 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:** To accept and adopt Article #23 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:** Voice vote carries unanimously.

#### **ARTICLE 24. FUND TWO ADDITIONAL FIREFIGHTER / PARAMEDIC POSITIONS**

To see if the Town will vote to hire two additional Firefighter/Paramedics and to raise and appropriate and/or transfer the sum of One Hundred Fifty Thousand Two Hundred Forty and 00/100 Dollars (\$150,240.00) for this purpose, including all expenses incidental and related thereto, provided however that such appropriation shall be contingent upon the passage of a general override ballot question under the provisions of M.G.L. Chapter 59, §21C, paragraphs (g) and (m) (Proposition 2½ so-called), or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #24 as printed in the warrant and that the sum of One Hundred Fifty Thousand Two Hundred Forty and 00/100 Dollars (\$150,240.00) be raised and appropriated to be added to the FY15 Fire and Rescue Department Salary Account for this purpose, provided, however, that this appropriation shall be contingent upon the passage of a general override ballot question to exempt this amount from the limitations on total taxes imposed by the Massachusetts General Law Chapter 59 Section 21C (Proposition 2 ½ so called).

**ACTION:** Voice vote carries by necessary majority.

#### **ARTICLE 25. AMEND GENERAL BYLAWS, CH. 40: PERSONNEL**

To see if the Town will vote to amend the General Bylaws by amending Chapter 40, Personnel. The amendment will update sections of the bylaw to reflect existing policies and procedures of the town, as set forth in the amendment on file with the Town Clerk; or take any action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #25 as printed in the warrant, and that the classification and compensation plans be updated to reflect the cost-of-living increase for non-union employees funded under Article 2.

**ACTION:** Voice vote carries unanimously.

## **ARTICLE 26. AMEND GENERAL BYLAWS, HISTORICAL COMMISSION**

To see if the Town will vote to amend the General Bylaws of the Town by adding a new Chapter 53 entitled "Historical Commission" and inserting the following new section:  
Chapter 53, §1.

The Historical Commission appointed by the Board of Selectmen under the Charter Section 6-10-1 shall consist of five members and two associate members appointed for three-year overlapping terms.

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

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

**ACTION:** Voice vote carries unanimously.

## **ARTICLE 27. AMEND ZONING BYLAW SECTIONS 164-6 and 164-19**

To see if the Town will vote to amend Section 164-6 Location of Districts, to read as follows:

### **§164-6 Location of Districts, Zoning Map**

**B. (3) Flood Plain District** (b) The Floodplain District includes all special flood hazard areas within the Town of Orleans designated as Zone A, AE, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Orleans are panel numbers 250001C0417I, 250001C0419I, 250001C0429I, 250001C0436I, 250001C0437I, 250001C0438I, 250001C0439I, 250001C0441I, 250001C0443I, 250001C0607I, 250001C0626I, 250001C0627I and 250001C0631I, effective date July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report, effective date July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Department, Conservation Commission and the Building Department.

And further, to see if the Town will vote to amend Section 164-19 Floodplain District, to read as follows:

### **§164-19 Flood Plain District, F**

The following requirements apply in the Flood Plain District:

**A. Purpose.** The purposes of the Floodplain District are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;

3. Prevent the occurrence of public emergencies resulting from water quality contamination, and pollution due to flooding;
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shutdown the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions;
6. Reduce damage to public and private property resulting from flooding waters.

**B. Floodplain District Boundaries.** The Floodplain District includes all special flood hazard areas within the Town of Orleans designated as Zone A, AE, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Barnstable County FIRM that are wholly or partially within the Town of Orleans are panel numbers 250001C0417I, 250001C0419I, 250001C0429I, 250001C0436I, 250001C0437I, 250001C0438I, 250001C0439I, 250001C0441I, 250001C0443I, 250001C0607I, 250001C0626I, 250001C0627I and 250001C0631I, effective date July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report, effective date July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Department, Conservation Commission and the Building Department.

**C. Base Flood Elevation Data.**

- a. Base flood elevation data are required for subdivision or other developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, within unnumbered A zones.
- b. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

**D. Notification of watercourse alteration.** The Town shall notify the following of any alteration or relocation of a watercourse:

- Adjacent communities
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
- NFIP Program Specialist  
**FEMA Region I**  
99 High Street, 6th Floor  
Boston, MA 02110

**E. Reference to existing regulations.** The Floodplain District is established as an overlay to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR)
- Wetlands Protection Regulations, Department of Environmental Protection (DEP)(currently 310 CMR 10.00);
- Inland Wetlands Restrictions, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

**F. Other use regulations.**

1. Man-made alteration of sand dunes within Zone VE which would increase potential flood damage is prohibited.
2. All subdivision proposals shall be reviewed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided to reduce exposure to flood hazards.

**G. Unnumbered Zone A.** Within the unnumbered Zone A (near Baker's Pond), since the base floor elevation is not provided on the Flood Insurance Rate Map (FIRM) the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or floor-proofing requirements, as appropriate, of the State Building Code.

**H. Zone VE.**

- (1) No building shall be erected within areas designated as coastal high hazard areas (Zone VE), since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash.
- (2) All new construction within the VE Zones shall be located landward of the reach of mean high tide.
- (3) **(Reserved)**
- (4) **(Reserved)**
- (5) The use of fill for structural support of buildings within the V Zone is prohibited.
- (6) Man-made alteration of sand dunes within the V Zones is prohibited.

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

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

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## PLANNING BOARD REPORT

The Planning Board held a public hearing on this article on January 28, 2014. 26 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 Federal Emergency Management Agency (FEMA) has completed a new Flood Insurance Study and revised its Flood Insurance Rate Map (FIRM). Barnstable County towns are required to adopt the new maps as local regulations prior to July 16, 2014. If the maps are not adopted, properties in Orleans will be deemed ineligible to participate in the National Flood Insurance Program.

Issuance by FEMA of a Notice of Final Determination is the culmination of a 3 year public review process, during which the maps were revised in response to comments. The new maps replace the existing 1992 FIRM maps which were created prior to digitization of data and are less accurate. Under the 1992 FIRM, 288 buildings are located in the flood zone. When the 2013 FIRM is adopted, 321 buildings will be in the flood zone. This changes reflects the accuracy of the maps with respect to topography, as well as a more sophisticated model use for the agency's Wave Set-up Analysis.

Sections 164-6 and 164-19 of the Zoning Bylaw are proposed to be amended in accordance with FEMA requirements. Adoption of the new FIRM is required. Absent Town Meeting approval, Orleans properties within the flood zone would no longer be eligible to participate in the National Flood Insurance Program. This action is not related to a parallel effort by FEMA to recover costs from previous flood events by raising flood insurance rates.

**ACTION:** Voice voted carries by necessary 2/3 majority.

### ARTICLE 28. AMEND ZONING BYLAW SECTION 164-35

To see if the Town will vote to amend Section 164-35 Signs, to read as follows:

~~(Strikethrough - language removed)~~  
**Bold underlined** – language added)

#### §164-35 Signs

- A. Purpose.** It is the purpose of this section to regulate the size, location, and appearance of signs within the Town of Orleans in order to facilitate the smooth and safe flow of traffic within the Town while preserving the essential character of the neighborhoods in which signs are located.
- B. Definitions** – As used in this section, the following terms shall have the meanings indicated.

**A-Frame Sign / Sandwich Board Sign:** A portable freestanding sign or folding sign with a hinge at the top.

**Back Lit Sign:** A sign illuminated by a non-visible light source consisting of non-translucent lettering and where the only visible light is light reflected off the background creating a “halo” effect. The average face brightness of the sign must not exceed thirty (30) foot-lamberts, and the total light output from the sign must not exceed fifteen thousand (15,000) lumens, as measured with an exposure meter. In all cases, the primary source of light must not be visible to the public. The sign fabricator or his designated agent shall certify **to the Building Commissioner** after installation that the average face brightness of the sign does not exceed the specifications of the article **before the installation may be used.**

**Banner Sign:** A sign of lightweight, plastic, fabric, or similar non-rigid material that is temporarily mounted.

**Double-Faced Sign** - A double-faced sign shall have two (2) advertising surfaces of identical shape and size, on shared supports and separated by a distance of not more than 18 inches. The planes of such advertising shall be parallel.

**Internally Illuminated Signs.** A sign illuminated by a light source, either incandescent, fluorescent, neon, or other light that is enclosed by the sign panel(s) or within the sign.

**Ladder Signs** - A sign identifying several businesses located on the same property or within a shopping plaza.

**Mobile Signs** - A mobile sign is a sign attached to a vehicle or trailer and located in a stationery position primarily for use as an advertising or identifying device. Such signs may be considered either temporary or permanent.

**Permanent Signs** - A permanent sign is one which is used to identify or advertise a principal use or activity for the property with which it is associated.

**Sign** - Sign shall mean any device, including recognizable logos, pictographs, and objects of similar nature, which is used to identify or advertise a permitted use, service, or activity in the zone in which it is located.

**Sign Area** - Sign area shall be defined as the area of the smallest single horizontal or vertical rectangle which will totally enclose the face of a sign, including any borders, or in the case of signs painted or otherwise applied directly to the sides of buildings, the smallest vertical or horizontal rectangle which will completely enclose the identifying or advertising information. Support structures for freestanding signs shall not be considered in determining sign area unless they are deemed to contribute significantly to the advertising content of the sign, or are of such

construction that they would contribute to the limiting of vision of oncoming traffic. The area of a ~~two~~ **double**-faced sign shall be figured using one face only.

**Sign Height –** The height of the sign from the existing average natural grade to the top of the highest point of the sign.

**Temporary Sign** - A temporary sign is one which is used to identify or advertise a use or activity which is not a principal use or activity for the property with which it is associated and which is intended for removal when such use or activity stops. Such signs shall include, but are not limited to: sale, rent, or lease signs erected by a property owner or licensed real estate broker, yard sale, garage sale, or open house signs.

**Window Sign** - A window sign is any temporary or permanent sign visible on or through a window, affixed to the window or with any part situated closer than two (2) feet from the interior surface of a window. Window signs for an identified business shall not obscure more than twenty-five percent (25%) of the surface area of the windows on any one side of the building or portion of a side of a building occupied by the business. Temporary window signs exceeding this amount of area may be displayed for up to 24 consecutive days, two times per year.

Window signs shall be measured according to the method in Section 164-35-B. The surface area of a window shall include the gross area within the exterior frame of the window. Window signs shall not be included in the total number of signs allowed per business and shall not be limited in number. Requirements of Section 164-35-B shall apply to window signs. No fee or permit shall be required.

### **C. Sign Permits**

**(1)** No sign shall be erected or altered without a permit granted by the Building Commissioner, except as otherwise provided herein. All signs, other than temporary signs, shall be subject to review and approval by the Architectural Review Committee under Section 164-33.1.C.

**(2)** All applications for sign permits shall include a sketch or photograph of the proposed sign showing size, colors, and materials used, and a site plan for the associated property showing the height and proposed location of the sign as well as locations of buildings, driveways, street lines, and pavement edges, as well as the location of any trees or shrubbery which might interfere with traffic visibility.

**(3)** The following signs may be erected without a permit granted by the Building Commissioner, provided that they conform in all respects to height setback, and other restrictions as set forth elsewhere in this By-law:

(a) One (1) permanent sign not to exceed four (4) square feet in area identifying the principal occupant of a dwelling in a residential or other zone.

(b) One (1) temporary sign not to exceed six (6) square feet in area advertising property for sale, rent, or lease, or no more than five (5) open house signs. Such sign shall be removed within ten (10) days of transfer of title or signing of lease or rental agreement.

(c) Permanent signs not exceeding four (4) square feet in area whose purpose is solely for direction of traffic, such as "Enter", "Exit", "Parking" and the like and which contain no advertising information.

(d) Accessory signs such as "Open", "Closed", "Sale", and the like not exceeding three (3) square feet in area which are attached to signs for which permits have been issued. One (1) flag of a similar nature is permitted for each street facing side of the business, up to six (6) square feet in area.

(e) Signs within the confining walls of a building or window signs.

(f) Legal notices, or informational signs erected or required by government bodies.

(g) Church, school, municipal, historical, and ladder type signs for residential property owners' group listings.

(h) One (1) contractor sign for the general contractor or contractor who takes out a building permit to work on property, not to exceed four (4) square feet in area. Such signs shall be removed promptly upon completion of the contracted services, or within one (1) year of date of permit, whichever comes first.

(4) **Temporary Sign Permits.** Upon at least twenty-four (24) hours notice, the Building Commissioner may issue, permits for the erection of signs advertising yard or garage sales, ~~open house~~, special events, and the like. Not more than ~~two (2)~~ five (5) such signs shall be permitted per event. Such signs shall conform to the By-law in all other respects and shall be removed within 24 hours after the end of the event. Such signs shall meet the dimensional requirement set forth in Section 164-35.I, but shall not exceed ~~fifteen (15)~~ six (6) square feet in sign area.

(5) **Fees.** Fees may be charged for the issuance of a sign permit in accordance with a schedule determined by the Board of Selectmen.



**D. Signs for Customary or Self-Employed Home Occupation.**

One (1) sign not to exceed six (6) square feet in area shall be permitted for a customary self-employed or home occupation in any zone for which a special permit or variance has been granted by the Board of Appeals, subject to any restrictions as to lighting, etc., imposed by the Board of Appeals, provided that such sign conforms in all other respects to the provisions of this section.

**E. Projecting signs.**

(1) Projecting signs of up to three (3) square feet in area are permitted to project over walkways and shall maintain a clearance height of eight (8) feet below the bottom of the sign. No sign shall project over any lot line or any way intended for vehicular traffic.

(2) No sign affixed to any building shall project more than four (4) feet in any direction beyond the exterior walls of such building. Such signs shall meet the dimensional requirement set forth in Section 164-35.1.

**F. Banner signs**

Banner **signs** are permitted in all business districts for not more than four (4) calendar days in any one calendar month. There is a limit of one (1) and a temporary sign permit is required, which permit shall not be for longer than four (4) months. All Banner signs are subject to Section 164-35.1.1.

**G. A-Frame & Sandwich Board Signs**

**One (1) A-frame, sandwich board, or other temporary sign is allowed per business not to exceed six (6) square feet in area, which may advertise the principal use without being considered one of the three signs allowed per business. Such signs shall not be fixed to the ground and must be removed daily. Such signs may not be installed within the layout of a public road without approval of the Orleans Board of Selectmen, or its designee, nor within two (2) feet of the travelled surface of any road.**

**H. Ladder signs.**

On any lot on which three (3) or more businesses are located, all freestanding signs shall be of the ladder type, and no business shall be permitted a freestanding sign other than a sign located on the ladder. In cases where businesses are not readily visible from the street, one (1) additional sign may be allowed by Special Permit.

**I. Prohibited Signs.** The following types of signs shall be prohibited:

- (1) Any sign which employs intermittent or flashing lights, whirling or similar moving devices, or which emits any loud sounds.
- (2) Any internally illuminated sign.
- (3) Off-premise signs: Off premise signs shall be prohibited except
  - a. subdivision identification signs at entrance to subdivisions or
  - b. signs allowed in public display areas as designated by the Board of Selectmen, **or**
  - c. **signs advertising yard or garage sales, open house, special events, and the like. Such temporary off-premises signs may not be installed within a public road layout without approval of the Board of Selectmen or its designee, nor within 2 feet of the travelled way of a road.**
- (4) Billboards
- (5) Signs attached to trees or utility poles.
- (6) Temporary signs except as described in 164-35.C.4 or 164-35.C.3.b.
- (7) Inflatable signs.
- (8) Sandwich board or A-frame type signs that exceed six (6) square feet in area.

**J. Size, Height, Setback and Other Restrictions**

**(1) Size and Location.**

- (a)** Signs shall be governed as to size and location according to the following table:

Setback from property Line (feet)	Maximum Height for Freestanding Sign (feet)	*Maximum Sign Area Signs (feet)
1 – 3	3	6
3 – 10	6	15
10 – 25	10	32
Over 25	12	60

**NOTE:** \*Area for signs on ladder signs shall be computed individually without regard for open space between signs, and maximum aggregate sign area shall be as set forth above, except that the maximum aggregate area for ladder signs specified in Section 164-35-B above may be increased up to one third (1/3) by Special Permit from the Board of Appeals.

(b) No sign shall be located closer than ten (10) feet to any side lot line except on the panhandle portion of panhandle lots.

(2) **Waiver of setback requirement:** In cases where the distance from the pavement edge to the property line exceeds 10 feet, the setback requirement may be waived on recommendation of the Planning Board and Traffic Study Committee, and setbacks may be computed from the pavement edge instead of the property line. In no case shall any sign be located closer than one (1) foot from any property line, ~~and all permits for signs for which setback requirements have been waived shall be subject to review and modification.~~

(3) **Number of Signs:** No business shall have more than three (3) signs other than accessory signs not requiring permits as described elsewhere in this By-law. No residence shall have more than one (1) sign.

**K. Erection Time, Inspection and Removal of Sign Violations, and Pre-existing Signs**

(1) A sign permit shall become void for any sign which is not erected within six (6) months of date of issuance of such permit.

(2) All signs for which permits are required shall be subject to inspection to check conformance to site plan and By-law restrictions. Requests for inspection shall be made to the Building Commissioner within ten (10) days of erection of any sign requiring a permit.

(3) A sign that is determined by the Building Commissioner to be in violation of this section shall be removed or modified within ten (10) business days of such determination.

(4) Preexisting, nonconforming signs. Permanent signs that do not conform to this section, lawfully erected before enactment of this section, or permanent signs not yet erected but for which permits have been granted prior to enactment of this section may be erected and/or maintained, provided that such erection shall take place within ninety (90) days of enactment of this section.

(5) Sign permits shall be deemed to be associated with the use, service or activity with which the sign is associated and shall become void thirty (30) days after such use, service or activity ceases. Signs whose permits have become void under this principle provision shall be removed promptly by the end of this thirty (30) day period. Signs for uses, services or activities of a seasonal nature that are removed during the off-season may be re-

erected, and their permits remain in effect, provided that a period of one (1) year has not elapsed since removal of the sign.

(6) Alterations to a preexisting, nonconforming sign shall require the sign to come into compliance with all of the requirements herein. For the purpose of this section, alterations shall consist of changes in any way including change in structure, location, design or lettering.

L. Notwithstanding anything else contained in Section §164-35 to the contrary, banners advertising civic, or cultural and/or athletic events conducted by a non-profit entity, may be placed at location(s) across Main Street and/or Eldredge Park Way provided that any such banner, and its location, is approved by the Board of Selectmen or, if designated by the Board of Selectmen, the Town Administrator. In the event multiple requests are made for a common time period the Board of Selectmen or the Town Administrator, as the case may be, may give preference in scheduling and location to Town sponsored events. Banner(s) shall be no more than twenty feet in length and two feet in height and shall be strung in such a manner so the bottom of the banner is fifteen feet off the road surface. Banner(s) shall be temporary in nature and removed as soon as practicable after the event to which it refers has ended. The Board of Selectmen is hereby authorized to promulgate rules and regulations as they deem necessary to carry out the provisions of this paragraph.

M. **Lighting of Signs.** Lighted signs shall conform with the Outdoor Lighting Bylaw, Chapter 122 of the Orleans General Code.

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

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

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### PLANNING BOARD REPORT

The Planning Board held a public hearing on this article on January 28, 2014. 26 people were in attendance. The Board received several helpful comments on the proposal. The Planning Board voted 5-0-0 to recommend approval.

This article proposes 2 changes to the regulation of signs in the town. The Chamber of Commerce requested clarifications on the allowance of A-frame signs for street front businesses and about off-premises signs for special events in the community. The Board of Realtors inquired about the display of open house signs to direct people to real estate open houses.

Presently, A-frame signs under 6 s.f. are allowed, but little guidance is given for location, duration, and what they may advertise. It is proposed that A-frame signs not

larger than 6 s.f. be allowed with certain guidance. Such signs may advertise a primary use of the business (such as a menu board of daily specials at a restaurant); they must be removed daily; and must be located on the subject property and not the Town road layout.

For off-premises signs, these signs are currently prohibited except for public display areas specifically designated by the Board of Selectmen. As such, off-premises signs which are used to advertise special events including open houses are technically prohibited. What is proposed is that yard sale, open house and special event signs would be allowed. Such signs cannot be placed in the road layout without approval of the Board of Selectmen, nor within 2 feet of the travelled way of a road.

Lastly, while the bylaw was under review, miscellaneous minor language clarifications were proposed to make it more readable and understandable.

**ACTION:** Voice vote carries by necessary 2/3 majority.

## **ARTICLE 29. AMEND ZONING BYLAW SECTION 164-40.3, MEDICAL MARIJUANA FACILITIES**

To see if the Town will vote to amend the Town's Zoning Bylaw by deleting Section 164-40.3 Temporary Moratorium on Medical Marijuana Treatment Centers and replacing it with a new Section 164-40.3 Medical Marijuana Facilities, to read as follows:

### **164-40.3. Medical Marijuana Facilities**

#### **A. Purposes**

- (1) To provide for the establishment of Medical Marijuana Facilities in appropriate places and under strict conditions in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c. 94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.000 et seq.
- (2) To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.
- (3) To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Facilities.

#### **B. Definitions**

Medical Marijuana Facility – Shall mean a “Medical marijuana treatment center” to mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports,

sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in MA Department of Public Health Regulation 1.5 CMR 725.000..

Marijuana – The same substance defined as “marihuana” under Chapter 94C of the Massachusetts General Laws.

### **C. Applicability**

- (1) The commercial cultivation [unless it meets the requirements for an agricultural exemption under Chapter 40A Section 3], production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as a Medical Marijuana Facility under this Section.
- (2) No Medical Marijuana Facility shall be established except in compliance with the provisions of this Section.
- (3) Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- (4) Medical Marijuana Facilities, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by Special Permit from the Zoning Board of Appeals in accordance with Section 164- 13, Schedule of Use Regulations.

### **D. General Requirements for Medical Marijuana Facilities**

- (1) All non-exempt Medical Marijuana Facilities shall be contained within a building or structure.
- (2) A Medical Marijuana Facility shall not be located in buildings that contain any medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- (3) The hours of operation of a Medical Marijuana Facility shall be set by the Zoning Board of Appeals, but in no event shall said Facility be open and/or operating between the hours of 8:00 PM and 8:00 AM.
- (4) No Medical Marijuana Facility shall be located within 500 feet of any lot with a school, or day care facility.
- (5) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Facility.

- (6) No Medical Marijuana Facility shall be located inside a building containing residential units.
- (7) A Medical Marijuana Facility shall provide the Zoning Board of Appeals with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.
- (8) Special Permits shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.
- (9) Special Permits shall be valid for a period of three (3) years from the date of the decision. It shall be renewed for successive three (3) year periods provided that a written request for renewal is made to the Board of Appeals not less than three (3) months prior to the expiration of the then-existing three (3) year period.

Publication of notice of said request shall be made in the same manner as would be required for an original application for a Special Permit. Said notice shall state that the renewal request will be granted unless, prior to the expiration of the then-existing permit, a written objection to the renewal, stating reasons, is received by the Board of Appeals. In the event of such an objection, a hearing on the renewal shall be held and shall proceed in a manner identical to the course of proceedings in connection with an original permit application.

The Special Permit shall remain in effect until the conclusion of the public hearing and decision of the Board of Appeals either granting or denying the Special Permit renewal. In granting the renewal, the Board of Appeals may impose additional conditions, including, without limiting the foregoing, time limits to correct violations, hours of operation and additional screening, upon which a specific lapse of time without correction or compliance shall result in a revocation of the permit.

#### **E. Special Permit Requirements**

- (1) A Medical Marijuana Facility shall only be allowed by Special Permit from the Zoning Board of Appeals in accordance with M.G.L. c. 40A, §9, and Section 164-44 of this bylaw, subject to the following statements, regulations, requirements, conditions and limitations.
- (2) A special permit application for a Medical Marijuana Facility shall include the following:
  - a) the name and address of each owner of the facility;
  - b) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Facility;

- c) evidence of the Applicant's right to use the site of the Facility for the Facility, such as a deed, or lease;
- d) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
- e) Proposed security measures for the Medical Marijuana Facility, including lighting, fencing, gates and alarms, surveillance cameras, etc., to ensure the safety of persons and to protect the premises from theft. Vehicular access to all sides of the building for security shall be provided.

**F. Mandatory Findings**

- (1) The Zoning Board of Appeals shall not issue a special permit for a Medical Marijuana Facility unless it finds that:
  - a) the Facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, §11;
  - b) the Facility demonstrates that it will meet all the permitting requirements; and
  - c) the applicant has satisfied all of the General and Special Permit Requirements of this section and Section 164-44.
  
- (2) The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Medical Marijuana Facility in the event the Town must remove the facility. The value of the bond shall be developed based upon the applicant providing the Zoning Board of Appeals with three (3) written bids. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the Facility at prevailing wages.

**G. Abandonment and Discontinuance of Use**

A Medical Marijuana Facility shall be required to remove all material, plants equipment and other paraphernalia:

- (1) prior to surrendering its state issued licenses or permits; or
- (2) within six months of ceasing operations; whichever comes first.

And further to amend Section 164 Attachment I, as follows:

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

**DISTRICTS**

<b>COMMERCIAL</b>	<b>R</b>	<b>RB</b>	<b>LB</b>	<b>GB</b>	<b>VC</b>	<b>I</b>	<b>CD</b>	<b>SC</b>	<b>MB</b>
<b>Medical Marijuana Facility</b>	<b>O</b>	<b>O</b>	<b>O</b>	<b>A</b>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>

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



**MOTION:** To accept and adopt Article #29 as printed in the warrant.

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## PLANNING BOARD REPORT

The Planning Board held a public hearing on this article on January 28, 2014. 26 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.

In 2012, legislation was passed making medical marijuana legal in Massachusetts. Acts of 2012, Chapter 369. Last year's Town Meeting adopted a moratorium on medical marijuana facilities, pending new regulations by the MA Dept. of Public Health. The regulations are in place, which allow communities to regulate the siting of such facilities, as long as the requirements are consistent with the state regs.

Planning Board looked at alternatives for where a medical marijuana facility could be located in Orleans. They considered the Industrial District, Limited Business District, and General Business District. The Board's perspective was that this use is similar to a pharmacy and should be allowed in much the same manner. The Board noted that there may be reason for increased safeguards with such a facility, and has incorporated them into the proposed zoning amendment.

It is proposed that Medical Marijuana facilities be allowed in the General Business Districts, and only by SP from the Zoning Board of Appeals. The permit would run 3 years, and would remain solely with the applicant not the land.

A number of general requirements are proposed:

- A Facility must be within a building
- It may not be in same location as a prescribing doctor's office
- Hours of operation are limited to no more than 8AM to 8PM
- It shall not be located within 500 feet of a school or day care facility
- No consumption is allowed on the premises
- No residential units allowed in the building
- Security measures must be approved by the ZBA, and vehicular access to all sides of the building is required.

**ACTION:** Voice vote carries by necessary 2/3 majority.

### **ARTICLE 30. AMEND ZONING BYLAW SECTION 164-21, NOTE 5**

To see if the Town will vote to amend the Zoning Bylaws, Section 164-21, note 5, to read as follows:

~~(Strikethrough - language removed)~~  
**language added**

(note) 5 - The building coverage in a residential district shall not exceed fifteen (15%) percent of the buildable upland. However, building coverage in a residential district shall not exceed 4,000 square feet without the issuance of a Special Permit under the provisions of §164-44. **Minimum Yard Dimensions for a new structure, or addition to an existing structure which causes the building coverage on the lot to exceed four thousand (4,000) square feet shall be twice that required in the zoning district.** In no event shall the Board of Appeals be authorized to grant a Special Permit which would result in a building coverage which exceeds fifteen (15%) percent of the buildable upland.

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

**MOTION:** To accept and adopt Article #30 as printed in the warrant.

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### PLANNING BOARD REPORT

The Planning Board held a public hearing on this article on January 28, 2014. 26 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.

Over the last few years, residents have expressed concern about very large homes being built in established neighborhoods having a detrimental effect on community character. The Planning Board has wrestled with the issue for several years. The Planning Board has looked at a host of alternatives to try to protect residential properties while allowing property owners to be able to construct a large home if their property is suitable.

After much discussion, what is proposed is to increase the building setbacks for large homes. Under the existing bylaw, whenever building coverage is proposed to exceed 4,000 s.f., a SP from the ZBA is required. What is proposed is that the yard dimensions for such large homes be twice that required, or 50 feet in a Residential District.

The language pertains to a new structure or an addition to an existing structure that causes building coverage to exceed 4,000 s.f.

The proposal protects existing property owners by requiring that large homes be set back further away from neighbors. The Planning Board is not against allowing a property owner to construct a large dwelling, but that dwelling should not be allowed to overwhelm a more modest home next door.

Analysis of lots in town shows that most residential lots in the town could still support a large home, and on those lots the setbacks would need to be greater. So the bylaw would not excessively restrict large homes, but would have an impact on siting. The Planning Board felt that this amendment would help to protect existing homes and neighbors from the impacts of very large homes nearby, and we recommend your approval.

**ACTION:** Standing vote, Yes=156, No=136, motion fails to attain necessary 2/3 majority.

**ARTICLE 31. AMEND ZONING BYLAW SECTION 164-27. TENTS, TRAILERS, AND MOBILE CAMPING UNITS**

To see if the Town will vote to amend Section 164-27, Tents, Trailers, and Mobile Camping Units, by adding a new subsection C. to read as follows:

- C. Notwithstanding the above, trailers may be used for storage on a lot in the Industrial Zoning District, provided the following conditions are met:**
- 1. Trailers may not be occupied.**
  - 2. Trailers must be screened from all street frontages by landscaping, fencing or other means.**
  - 3. A trailer must be set back from side and rear property lines a distance equal to its height. It shall not obstruct egress, parking or access to dumpsters on the premise.**
  - 4. Trailers may not contain hazardous materials unless approved by the Orleans Fire Chief, and shall be posted on the door if required.**
  - 5. Trailers shall not have electricity, heating, or refrigeration.**

**All trailers must comply with this subsection by May 12, 2016.**

And further to amend Section 164 Attachment I, as follows:

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

**DISTRICTS**

<b>ACCESSORY USE</b>	<b>R</b>	<b>RB</b>	<b>LB</b>	<b>GB</b>	<b>VC</b>	<b>I</b>	<b>CD#</b>	<b>SC</b>	<b>MB</b>
<b>Storage Trailers</b>	<b><u>O</u></b>	<b><u>O</u></b>	<b><u>O</u></b>	<b><u>O</u></b>	<b><u>O</u></b>	<b><u>P<sup>9</sup></u></b>	<b><u>O</u></b>	<b><u>O</u></b>	<b><u>O</u></b>

**(9) See §164-27 for storage trailer requirements.**

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

**MOTION:** To accept and adopt as printed in the warrant, seconded, oral.

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**PLANNING BOARD REPORT**

The Planning Board held a public hearing on this article on January 28, 2014. 26 people were in attendance. The Board received many comments from residents and property owners concerning the amendment. The Planning Board voted 5-0-0 to recommend approval.

Storage trailers are prohibited town-wide, except allowed on a temporary basis incidental to the construction of a permanent home or business. Nonetheless, storage containers and trailers are observable in many parts of the town and in all zoning districts. Such storage trailers are in violation of local zoning.

Before taking enforcement action, the Building Commissioner forwarded the issue to the Planning Board. The Board considered whether storage trailers should be permitted in some limited capacity.

Storage units in a residential setting detract from the character of a neighborhood and may have an adverse effect on property values. In a business setting, a storage unit creates a low-investment, temporary or low-quality effect. To date, trailers have only been lawfully permitted on a temporary basis.

The proposed amendment would allow storage trailers ONLY in the Industrial District, and only if several conditions are met. The Board met with 2 dozen Ind. District property owners, and arrived at a set of conditions that they think is reasonable. The basic conditions are as follows:

1. The trailer may not be occupied.
2. Screening from the street is required.
3. Must be meet setback requirements and not obstruct access.
4. May not contain hazardous materials unless approved by the Fire Chief, and posting of hazardous materials is required.

A date for full compliance with the requirements was set at 2 years after the date of Town Meeting. Storage trailers in violation of the new proposed bylaw would need to be removed.

Let me just reiterate, that under the exiting bylaw, storage trailers are prohibited. The proposed bylaw would allow them only in the Industrial District. This would be supportive of the many businesses in the District which provide services to residents. We recommend your approval.

**ACTION:** Voice vote carries unanimously.

## **ARTICLE 32. TRANSFER WATER SERVICE CONNECTION FUNDS**

To see if the Town will vote to transfer the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) from the Water Service Connection Funds Reserved for Appropriation Account to the Water Service Connection Account, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #32 as printed in the warrant and the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be transferred from the Water Service Connection Funds Reserved for Appropriations Account to the Water Service Connection Expense Account for this purpose.

**ACTION:** Voice vote carries unanimously.

## **ARTICLE 33. AMEND FEES - TOWN CLERK, MARRIAGE CERTIFICATES**

To see if the Town will vote to increase the fee for entering notice of intention of marriage and issuing certificates thereof from thirty-five dollars (\$35) to forty dollars (\$40), or to take any other action relative thereto. (Simple Majority Vote Required)

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

**ACTION:** Voice vote carries unanimously.

#### **ARTICLE 34. AMEND FEES - BOARD OF SELECTMEN, LICENSES**

To see if the Town will vote to authorize the Board of Selectmen to increase the fees for certain licenses as outlined in the schedule on file with the Town Clerk, or to take any other action relative thereto. (Simple Majority Vote Required)

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

**ACTION:** Voice vote carries unanimously.

#### **ARTICLE 35. AMEND FEES - BOARD OF SELECTMEN, OUTDOOR WEDDINGS**

To see if the Town will vote to authorize the Board of Selectmen, acting as Park Commissioners, to establish a single administrative fee for outdoor weddings of both residents and non-residents in the amount of one hundred fifty dollars (\$150), or to take any other action relative thereto. (Simple Majority Vote Required)

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

**ACTION:** Standing vote Yes=101, No=164, motion fails to attain necessary majority.

#### **ARTICLE 36. AMEND FEES – BUILDING DEPT., ELECTRICAL INSPECTIONS**

To see if the Town will vote to authorize the Board of Selectmen to amend the fees for electrical inspections, as outlined in the schedule on file with the Town Clerk, or take any other action relative thereto. (Simple Majority Vote Required)

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

**ACTION:** Voice vote carries by the necessary majority.

#### **ARTICLE 37. AMEND FEES – TRENCH AND ROAD OPENING PERMITS**

To see if the Town will vote to authorize the Board of Selectmen to establish a fee of fifty dollars (\$50) for trench and road opening permits, or to take any other action relative thereto. (Simple Majority Vote Required)

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

**ACTION:** Voice vote carries by the necessary majority.

**ARTICLE 38. FUND FEASIBILITY STUDY AND AUTHORIZE LEASE OF LAND AT DEPOT SQUARE**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) for the purpose of funding a feasibility study for the possible development and use of Town-owned land located at Depot Square, identified on the Orleans Assessors Maps as Map 33, Parcels 21 and 22, and 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 see if the Town will vote to authorize the Board of Selectmen to lease said land on such terms as they deem appropriate to the Orleans Chamber of Commerce or such other non-profit entity as the Board shall determine, 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 relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #38 as printed in the warrant and that the sum of Ten Thousand and 00/100 Dollars (\$10,000.00) be raised and appropriated for this purpose.

**ACTION:** Voice vote carries by the necessary majority.

**ARTICLE 39. AUTHORIZE INTERMUNICIPAL AGREEMENT / GRANT FOR PERMEABLE REACTIVE BARRIER (PRB) TEST PROJECT**

To see if the Town will vote to authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State or County or other funds that may be available and to enter into Intermunicipal Agreements for acceptance of any such grants or funds for the purpose of a conducting a Permeable Reactive Barrier (PRB) demonstration project at a location to be determined in Orleans, or to take any such action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #39 as printed in the warrant, and that the Board of Selectmen and/or Town Administrator be authorized to apply for and accept any Federal, State, County or other public funds that may be available.

**ACTION:** Voice vote carries unanimously.

**ARTICLE 40. 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:** To accept and adopt Article #40 as printed in the warrant and that the sum of One Thousand Five Hundred and 0/100 Dollars (\$1,500.00) be raised and appropriated for this purpose.

**MOTION:** To indefinitely postpone by Ben Buck

**ACTION:** On the motion to postpone, voice vote fails to attain necessary majority.

**MOTION:** To call the question.

**ACTION :** Voice vote, verified by moderator as the necessary 4/5.

**ACTION:** On the main motion, standing vote Yes=165, No=113, motion fails to attain the necessary 2/3 majority.

#### **ARTICLE 41. AUTHORIZE AND FUND HABITAT CONSERVATION PLAN (HCP) PERMITS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$78,000 for the purpose of funding low-effect conservation and management permits from the Federal and State Fish and Wildlife Services to provide limited over sand vehicle use of Nauset Beach south of the bathing beach parking lot during the summer migratory bird nesting season; and see if the Town will vote to authorize the Board of Selectmen, acting as Park Commissioners, to establish a surcharge fee of twenty-five dollars (\$25) for each over sand sticker sold beginning in March 2015 to pay for the implementation costs of the Habitat Conservation Plan requirements, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #41, and that the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00) be raised and appropriated for this purpose, and that the proposed surcharge fee of \$25 be deleted.

**ACTION:** Voice vote carries by necessary majority.

**ARTICLE 42. AMEND THE INTERMUNICIPAL AGREEMENT BETWEEN THE TOWNS OF ORLEANS, BREWSTER AND EASTHAM FOR THE CONSTRUCTION, MANAGEMENT AND OPERATION OF A SEPTAGE TREATMENT FACILITY**

To see if the Town will vote to authorize the Board of Selectmen to amend the Intermunicipal Agreement between the Towns of Orleans, Brewster and Eastham for the Construction, Management and Operation of a Septage Treatment Facility dated May 30, 1985, as amended (the "IMA"), by adopting a further amendment pursuant to Section XVI of the IMA, in substantially the form set forth below:

**Whereas**, the Towns of Orleans, Brewster and Eastham (collectively the "Towns"), are parties to an Intermunicipal Agreement between the Towns of Orleans, Brewster and Eastham for the Construction, Management and Operation of a Septage Treatment Facility, as amended, (the "IMA");

**Whereas**, as originally adopted the IMA had a term of twenty (20) years and was due to expire on May 30, 2005;

**Whereas**, the Towns amended the IMA and extended the term of the IMA for an additional ten (10) years, until May 30, 2015;

**Whereas**, paragraph 1 of the amended IMA states, in part, that: "Further, unless Orleans by vote of its Board of Selectmen, determines that it does not intend to further extend the term of the IMA, and notice of such vote is provided in writing to Eastham and Brewster prior to May 30, 2013, then the term of the IMA shall be extended for an additional ten (10) years until May 30, 2025";

**Whereas**, Orleans by vote of its Board of Selectmen determined that it did not intend to further extend the term of the IMA and notice of such vote was provided in writing to Eastham and Brewster prior to May 30, 2013, i.e. on January 15, 2013;

**Whereas**, the IMA will expire on May 30, 2015;

**Whereas**, the Towns are desirous of extending the term of the IMA until December 31, 2016;

**Whereas**, Section XVI of the IMA, provides that it may be amended by written amendment, but that no such amendment shall become effective until approved by a Town Meeting vote in all three (3) member Towns;

**Now, therefore**, the Towns, in consideration of the mutual covenants set forth herein, the provisions of the IMA and the authority set forth in General Laws chapter 40, §4A, and every other power, hereby agree as follows:

1. The term of the IMA shall be extended until December 31, 2016.
2. Other than as set forth in this amendment the provisions of the IMA are hereby ratified and confirmed by all member Towns.



This amendment shall only become effective upon approval by a Town Meeting vote in all three (3) towns.

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

**MOTION:** To accept and adopt Article #42 as printed in the warrant.

**ACTION:** Voice vote carries unanimously.

#### **ARTICLE 43. FUND TRI-TOWN SEPTAGE FACILITY COSTS**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) for costs associated with the engineering, design, repair, maintenance and/or demolition under the Intermunicipal Agreement between the Towns of Orleans, Brewster and Eastham for the Construction, Management and Operation of a Septage Treatment Facility, and to authorize the Town Administrator to solicit bids and/or proposals, enter into a contract or contracts and expend said funds for this purpose, or to take any other action relative thereto. (3/4 Majority Vote Required)

**MOTION:** To accept and adopt Article #43 as printed in the warrant and that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) be raised and appropriated for this purpose.

**ACTION:** Standing vote, Yes=260, No=2, passes by necessary 3/4 majority.

#### **ARTICLE 44. FUND COMPREHENSIVE WATER RESOURCE MANAGEMENT PLANNING**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of One Million Forty Five Thousand and 00/100 Dollars (\$1,045,000.00), or any other sum, for the purpose of funding engineering, planning and hydrogeologic studies necessary for the development of septage, wastewater, groundwater and stormwater management plans needed to maintain and protect the water resources of the Town by integrating the Comprehensive Wastewater Management Plan completed by the Town in 2011 with a new Adaptive Management Plan and components of the Cape-wide Section 208 Water Quality Management Plan being developed by the Cape Cod Commission, 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 accept and adopt Article #44 as printed in the warrant and that the Town appropriate One Million Forty Five-Thousand and 00/100 Dollars (\$1,045,000.00) to pay costs of engineering, planning and hydro geologic studies necessary for the development of septage, wastewater, groundwater and stormwater management plans needed to maintain and protect the water resources of the Town by integrating the Comprehensive Wastewater Management Plan completed by the Town in 2011 with a new Adaptive Management Plan and components of the Cape-wide Section 208 Water Quality Management Plan being developed by the Cape Cod Commission, including all expenses incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 29C and Chapter 44, Sections 7 and 8 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; provided however that no amounts shall be borrowed or expended hereunder unless and until the Town votes to exempt from the limitation on total taxes imposed by Chapter 59 § 21C of the General Laws (Proposition 2 1/2), the amounts required to pay the principal and interest of the borrowing approved by this vote, and, further, that the Board of Selectmen and/or Town Administrator are authorized to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein.

**MOTION:** To call the question.

**ACTION:** Voice vote carries unanimously.

**ACTION:** On the main motion, voice vote carries unanimously.

#### **ARTICLE 45. WITHDRAW FROM THE CAPE COD COMMISSION – BY PETITION**

To see if the Town will vote to direct the Board of Selectmen to place the following question on the next election ballot “Shall the Town of Orleans petition the General Court of the Commonwealth of Massachusetts asking that the Town of Orleans be released from membership in and removed from the authority of the Cape Cod Commission and the Cape Cod Commission Act or to take any other action relative thereto. (Simple Majority Vote Required)

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

**MOTION:** To call the question.

**ACTION:** Voice vote carries unanimously.

**ACTION:** On the main motion, voice vote fails to pass by the necessary majority.

**ARTICLE 46. FUND RECONSTRUCTED SEPTAGE TREATMENT FACILITY - BY PETITION**

To see if the Town of Orleans will allocate \$1.7 million dollars to fund jointly with the Towns of Eastham and Brewster a reconstructed septage treatment facility at the "Tri Town" site that will meet new stricter environmental standards imposed by the State of Massachusetts in December, 2016 required for a septage disposal permit not to exceed 35,000 gallons per day. (3/4 Majority Vote Required)

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

**MOTION:** To call the question.

**ACTION:** Voice vote, verified by moderator as having the 4/5 majority.

**ACTION:** Voice vote fails to attain necessary majority.

**ARTICLE 47. VOTERS TO APPROVE USE OF ELECTRONIC CONTROL WEAPONS BY OPD - BY PETITION**

To see if the Town will vote to respectfully ask the Orleans Police Department and all other Town officials not to deploy or use any electronic control weapons including Tasers until and unless voters so approve in an election or Town Meeting. (Simple Majority Vote Required)

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

**ACTION:** Voice vote fails to attain the necessary majority.

**ARTICLE 48. FREE CASH**

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

**MOTION:** To accept and adopt Article #47 and that the sum of Seven Hundred Forty-two Thousand and 00/100 Dollars (\$742,700.00) be transferred from available funds for this purpose for FY15.

**ACTION:** Voice vote carries unanimously.

**ARTICLE 49. CLOSING ARTICLE**

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

**MOTION:** To adjourn this meeting.

**ACTION:** Voice vote carries unanimously.

**Town Meeting was adjourned at 11:32 p.m.**