

ANNUAL TOWN MEETING  
"DOINGS"  
May 11, 2015

The Annual and Special Town Meetings were held on Monday, May 11, 2015 in the Nauset Regional Middle School Gym. The Annual Town meeting was opened at 6:30 p.m. when a quorum of 200 voters was declared by the Town Clerk. Election workers were: Cindy Eagar, Megan Fates, Molly Hidden, Susan Milton, Elizabeth Peters and Mary Walker. Tellers sworn in were: Bob Canning, Kelly Darling, Robin Hubbard, Christine Lorge and Susan Milton. Constables on duty were Paul Kelly and Mary Stevens. A total of 414 voters were in attendance.

**PROCEDURAL MOTION**

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

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

**PROCEDURAL MOTION**

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

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

**Special Town Meeting was opened at 6:35 p.m.**

**PROCEDURAL MOTION**

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

**ACTION:** Voice vote, motion 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 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, motion 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 the sum of Six Thousand Six Hundred Ninety-six and 20/100 Dollars (\$6,696.20) 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 11, 2015:

| <u>Dept</u>  | <u>Vendor</u> | <u>Account</u> | <u>Amount</u>     |
|--------------|---------------|----------------|-------------------|
| Harbormaster | Eversource    | Electric       | \$6,419.78        |
| Water        | Eversource    | Electric       | <u>\$ 276.42</u>  |
|              |               | <b>TOTAL</b>   | <b>\$6,696.20</b> |

**ACTION:** Voice vote, motion 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 2015 as follows:

1. Transfer the sum of Nineteen Thousand and 00/100 Dollars (\$19,000.00), or any other sum, from the Highway Capital Outlay Account to the Highway Capital Outlay Account.
2. Transfer the sum of Twenty five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, from available funds to the Police Overtime Account.
3. Transfer the sum of Four Thousand Five Hundred and 00/100 Dollars (4,500.00), or any other sum, from available funds to the Building Department Expense Account.
4. Transfer the sum of One Thousand Five Hundred and 00/100 Dollars (1,500.00), or any other sum, from the Health Dept. Salary Account to the Health Department Expense Account.

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

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

1. Transfer the sum of Nineteen Thousand and 00/100 Dollars (\$19,000.00), or any other sum, from the Highway Capital Outlay Account to the Highway Capital Outlay Account.
2. Transfer the sum of Twenty five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, from available funds to the Police Overtime Account.
3. Transfer the sum of Four Thousand Five Hundred and 00/100 Dollars (4,500.00), or any other sum, from available funds to the Building Department Expense Account.
4. Transfer the sum of One Thousand Five Hundred and 00/100 Dollars (1,500.00), or any other sum, from the Health Dept. Salary Account to the Health Department Expense Account.

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

### **ARTICLE 3. FUND HABITAT CONSERVATION PLAN (HCP) PERMIT IMPLEMENTATION COSTS**

To see if the Town will vote to transfer from available funds the sum of Sixty Thousand Five Hundred and 00/100 Dollars (\$60,500.00) for the purpose of funding the implementation costs, including all expenses incidental and related thereto, of the Habitat Conservation Plan (HCP) approved by the Federal and State Fish and Wildlife Services. The HCP provides for limited over sand vehicle use of Nauset Beach south of the bathing beach parking lot during the summer migratory bird nesting season, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #3 as printed in the warrant and that the sum of Sixty Thousand Five Hundred and 00/100 Dollars (\$60,500.00) be transferred from available funds for this purpose.

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

### **ARTICLE 4. FUND WATER MANAGEMENT ACT (WMA) PERMIT RENEWAL ENGINEERING AND PERMITTING**

To see if the Town will vote to transfer the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) from the Water Surplus Account to fund outside engineering and permitting

services necessary to assist the Water Department to complete the requirements under the Water Management Act to renew the Town's municipal water system permits, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #4 as printed in the warrant and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be transferred from the Water Surplus Account for this purpose.

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

#### **ARTICLE 5. CONSTRUCT / EFFECTUATE WATER TREATMENT PLANT (WTP) RESIDUALS STUDY RECOMMENDATIONS**

To see if the Town will vote to transfer the sum of Sixty Thousand and 00/100 Dollars (\$60,000) from the Water Surplus Account to fund the purchase of equipment and technical services necessary to improve the performance of the Water Treatment Plant (WTP) to meet the MassDEP maximums for system membrane waste, and to replace existing computer hardware and upgrade the software at the WTP, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #5 as printed in the warrant and that the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00) be transferred from the Water Surplus Account for this purpose.

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

#### **ARTICLE 6. GRANT PERMANENT EASEMENTS FOR MASSDOT MAIN STREET INTERSECTION PROJECT**

To see if the Town will vote to authorize the Board of Selectmen to grant and convey permanent easements necessary for and in connection with the Massachusetts Department of Transportation Highway Division project "Two Intersections Main Street at Route 6A & at Route 28" for public right of way purposes, including public utilities, grading, loaming, seeding, roadway and driveway construction and reconstruction, sidewalks, surveying, constructing, inspecting, and installing roadway improvements, and the construction, operation and maintenance of drainage and utilities, and all other acts incidental thereto; and further, to authorize the Board of Selectmen to negotiate the terms and conditions of such easements. The permanent easements are shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of Two Intersections Main Street at Route 6A & at Route 28 in the Town of Orleans Barnstable County Preliminary Right of Way" dated 8/30/13 (as revised), a portion of said plan showing the easements is on file in the office of the Town Clerk, as:

Permanent Easements: 6-  
PUE-9  
6-PUE-6-T

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

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

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

#### **ARTICLE 7. FUND WATER DEPT. WATER MAIN BREAK REPAIRS**

To see if the Town will vote to transfer the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00) from the Water Surplus Account to the Water Repairs/Preventative Maintenance Account, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #7 as printed in the warrant and the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00) be transferred from the Water Surplus Service Connection Funds Reserved for Appropriations Account to the Water Repairs/Preventative Maintenance Account for this purpose.

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

#### **ARTICLE 8. FUND ORLEANS TOWN CENTER PLAN**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) or any other sum for the purpose of funding the Town Center Plan, which Plan will include feasibility analysis relating to the design of wastewater facilities for the downtown area, including all expenses incidental and related thereto; provided that such vote shall not take effect until the town votes to exempt from the limitation of total taxes imposed by Massachusetts General Law Chapter 59 s. 21C (Proposition 2 ½) amounts required to pay the principal and interest of the borrowing approved by such vote; and further authorize the /board of Selectmen and/or Town Administrator to apply for and accept any federal, state, county or other funds that may be available for this purpose and to enter into intermunicipal agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or take any other action relating thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #8 as printed in the warrant, and that the sum of One Hundred Fifty Thousand and 00/100 dollars (\$150,000.00) be appropriated for this purpose, including all expenses incidental and related thereto; and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of One Hundred

Fifty Thousand and 00/100 Dollars (\$150,000.00), pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44, Sec. 7 (22), or any other enabling authority, and to issue bonds or notes of the Town therefor; provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

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

#### **ARTICLE 9. NOT ALLOW TOWN EMPLOYEES TO ENFORCE TOWN LINE ON NAUSET SPIT – *BY PETITION***

To see if the Town will vote to:

Not allow employees of Orleans to enforce the town line between Eastham and Orleans on the North Spit of Nauset Beach in any manner nor shall Orleans spend any money enforcing this border. Also, no vehicle owned, leased or rented by a resident, renter or taxpayer of any town which prohibits Orleans residents from driving on its beaches shall be allowed to drive on Orleans beaches. (Simple Majority Vote Required)

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

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

#### **ARTICLE 10. CLOSING ARTICLE**

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

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

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

**The Special Town Meeting adjourned at 6:55 p.m.**

**Annual Town Meeting was reconvened at 6:56 p.m.**

#### **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, Giovanni Venditti, Nauset Regional School District Business Manager; Noella Pina, Orleans Chamber of Commerce Executive Director; and Mike Domenica, Water Resources Associates President, 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, motion carries unanimously.

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

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

**MOTION:** To accept and adopt the report of the Selectmen, Town Officers and all Town Committees, Commissions and Boards as published in the 2014 Annual Town Report and hear the report(s) of any other Town Committee reporting to the Town Meeting.

**ACTION:** Voice voted, motion carries by necessary majority.

## **ARTICLE 2. TOWN / SCHOOL BUDGET (FY16)**

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, 2015 and ending June 30, 2016 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 FY16 budget as printed in the warrant and that the sum of Twenty Nine Million Six Hundred Twenty Thousand Two Hundred Two and 00/100 Dollars (\$29,620,202.00) be raised and appropriated, and the sum of Five Hundred Three Thousand Seven Hundred Sixty and 00/100 Dollars (\$503,760.00) be transferred from the Community Preservation Fund, and the sum of Five Hundred Seventy Five Thousand Five Hundred and 00/100 Dollars (\$575,500.00) be transferred from the Ambulance Receipts for Reserve for Appropriation Account, and the sum of One Hundred Thirty Two Thousand and 00/100 Dollars (\$132,000.00) 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 Six Thousand and 00/100 Dollars (\$126,000.00) be transferred from the Water Ways Improvement Account, and the sum of Five Thousand and 00/100 Dollars (\$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 Seven Thousand Four Hundred Ninety and 00/100 Dollars (\$7,490.00) be transferred from the Fund Balance Reserve for Premiums on Bond Issue, and the sum of Sixty One Thousand Four Hundred Forty Five and 00/100 Dollars (\$61,445.00) be transferred from the EEA LAND Grants for a total appropriation of Thirty One Million Fifty Six Thousand Three Hundred Ninety Seven and 00/100 Dollars (\$31,056,397.00).

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

### **ARTICLE 3. CAPITAL IMPROVEMENTS PLAN (FY17 – FY21)**

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 vote, motion carries unanimously.

### **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 2016 Community Preservation budget and to appropriate or reserve for later appropriation monies from the Community Preservation Fund's Annual Revenues and/or available funds for the payment of debt service, undertaking of Community Preservation projects, the Administrative Expenses of the Community Preservation Committee and all other necessary and proper expenses for FY16, 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 Eight Hundred Eight Thousand Five Hundred One and 00/100 Dollars (\$808,501.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.



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

## **ARTICLE 5. FUND COMPREHENSIVE WATER RESOURCE MANAGEMENT PLANNING, ENGINEERING AND MANAGEMENT ACTIVITIES**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of One Million and 00/100 Dollars (\$1,000,000.00), or any other sum, for the purpose of funding an Amended Water Quality Management Plan and associated Adaptive Management Plan for the Town, 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 #5 as printed in the warrant and that the sum of One Million and 00/100 Dollars (\$1,000,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of One Million and 00/100 Dollars (\$1,000,000.00), pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

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

## **ARTICLE 6. FUND DEMOLITION AND REMOVAL OF HUBLER PROPERTY COTTAGES AND OFFICE**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00), or any other sum, for the purpose of funding the demolition and removal of the cottages and office at the former Hubler property in East Orleans, such demolition to be the first phase of a project to provide additional parking for Nauset Beach related activities, 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 #6 as printed in the warrant and that the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00), pursuant to Massachusetts General Laws, Chapter 44 Sec. 7, or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

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

## **ARTICLE 7. FUND POLICE STATION DESIGN**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Six Hundred Seventy Thousand and 00/100 Dollars (\$670,000.00), or any other sum, for the purpose of preparing design plans for the construction of a new Police Station on South Orleans Road, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 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 #7 as printed in the warrant and that the sum of Six Hundred Seventy Thousand and 00/100 Dollars (\$670,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Six Hundred Seventy Thousand and 00/100 Dollars (\$670,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 7 (21), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws

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

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

#### **ARTICLE 8. FUND SOIL / SITE TESTING & PRELIMINARY DESIGN OF NEW DPW FACILITIES**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of One Hundred Forty Nine Thousand and 00/100 Dollars (\$149,000.00), or any other sum, for the purpose of conducting soil/site testing and preparing preliminary design plans for the construction of new Department of Public Works facilities on Town property adjacent to the landfill, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 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 #8 as printed in the warrant and that the sum of One Hundred Forty Nine Thousand and 00/100 Dollars (\$149,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of One Hundred Forty Nine Thousand and 00/100 Dollars (\$149,000.00), pursuant to Massachusetts General Laws, Chapter 44 Sec. 7 (21), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

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

#### **ARTICLE 9. FUND REPLACEMENT FRONT END LOADER AT TRANSFER STATION**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00), or any other sum, for the purpose of purchasing a new front end loader for the Transfer Station, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts

required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town, the proceeds from any such disposition to be applied toward the cost of acquiring said front end loader, or to take any other action relative thereto. (2/3 Vote Required)

**MOTION:** To accept and adopt Article #9 as printed in the warrant and that the sum of One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of One Hundred Seventy Five Thousand and 00/100 Dollars (\$175,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 7 (9), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

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

#### **ARTICLE 10. FUND WATER MAIN REPLACEMENT AND APPURTENANCES ON TONSET RD.**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Seven Hundred Fifty Five Thousand and 00/100 Dollars (\$755,000.00), or any other sum, for the purpose of constructing water main replacement and appurtenances on Tonset Road, 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. (3/4 Vote Required)

**MOTION:** To accept and adopt Article #10 as printed in the warrant and that the sum of Seven Hundred Fifty Five Thousand and 00/100 Dollars (\$755,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Seven Hundred Fifty Five Thousand and 00/100 Dollars (\$755,000.00), pursuant to Massachusetts General Laws, Chapter 44. Sec. 8 (5) and (6), or any other enabling authority, and to issue bonds or notes of the Town therefor.

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

## **ARTICLE 11. CONSTRUCT IMPROVEMENTS TO WELLS AND AUXILIARY POWER**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Six Hundred Forty Thousand and 00/100 Dollars (\$640,000.00), or any other sum, for the purpose of constructing improvements to Wells 1, 2, 3, 6, 7, 8, Facility 1 and auxiliary power, 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. (3/4 Vote Required)

**MOTION:** To accept and adopt Article #11 as printed in the warrant and that the sum of Six Hundred Forty Thousand and 00/100 Dollars (\$640,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Six Hundred Forty Thousand and 00/100 Dollars (\$640,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 8 (5), or any other enabling authority, and to issue bonds or notes of the Town therefor.

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

## **ARTICLE 12. FUND DESIGN OF NEW TOWN FUEL DEPOT**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), or any other sum, for the purpose of preparing design plans for a new fuel depot at the Town property adjacent to the landfill, 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 #12 as printed in the warrant and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 7 (21) and (22), or any other enabling authority, and to issue bonds or notes of the Town therefor; provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59,

Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

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

### **ARTICLE 13. FUND WATER QUALITY DRAINAGE IMPROVEMENTS**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of One Hundred Sixty Five Thousand Five Hundred Sixty and 00/100 Dollars (\$165,560.00) into the Stabilization Fund for Water Quality Drainage Improvements, and further to transfer from the Stabilization Fund the sum of One Hundred Sixty Five Thousand Five Hundred Sixty and 00/100 Dollars (\$165,560.00) 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 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 #13 as printed in the warrant and that the sum of One Hundred Sixty Five Thousand Five Hundred Sixty and 00/100 Dollars (\$165,560.00) be raised and appropriated to the Stabilization Fund for Water Quality Drainage Improvements, and further to authorize the sum of One Hundred Sixty Five Thousand Five Hundred Sixty and 00/100 Dollars (\$165,560.00) to be transferred from the Stabilization Fund for Water Quality Drainage Improvements 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.

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

### **ARTICLE 14. FUND TOWN PAVEMENT MANAGEMENT PROGRAM**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Three Hundred Thirty One Thousand One Hundred Thirty and 00/100 Dollars (\$331,130.00) into the Stabilization Fund for the Town Pavement Management Program, and further to transfer from the Stabilization Fund the sum of Three Hundred Thirty One Thousand One Hundred Thirty and 00/100 Dollars (\$331,130.00) 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 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 Thirty One Thousand One Hundred Thirty and 00/100 Dollars (\$331,130.00) be raised and appropriated to the Stabilization Fund for the Town Pavement Management Program, and further to authorize the sum of Three Hundred Thirty One Thousand One Hundred Thirty and 00/100 Dollars (\$331,130.00) to be transferred from the Stabilization Fund for the Town Pavement Management Program, 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.

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

#### **ARTICLE 15. FUND OTHER POST-EMPLOYMENT BENEFITS (OPEB) LIABILITY TRUST FUND**

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 be deposited in the Other Post-Employment Benefits (OPEB) Liability Trust Fund to cover the unfunded actuarial liability related to retirees' health care and other post-employment benefits, and further to authorize funds of the Town to be invested and reinvested by the Town Treasurer consistent with the prudent investor rule of M.G.L. Chapter 32B, section 20 as the same may be amended from time to time, or take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt 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 deposited in the Other Post-Employment Benefits (OPEB) Liability Trust Fund, and further to authorize funds of the Town to be invested and reinvested by the Town Treasurer consistent with the prudent investor rule of M.G.L. Chapter 32B, section 20 as the same may be amended from time to time.

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

#### **ARTICLE 16. FUND MAINTENANCE OF BUILDINGS AND FACILITIES**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Two Hundred Fifty Five Thousand and 00/100 Dollars (\$255,000.00) into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from the Stabilization Fund the sum of Two Hundred Fifty Five Thousand and 00/100 Dollars (\$255,000.00) 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 #16 as printed in the warrant and that the sum of Two Hundred Fifty Five Thousand and 00/100 Dollars (\$255,000.00) be raised and appropriated to the Stabilization Fund for Building and Facility Maintenance, and further to authorize the sum of Two Hundred Fifty Five Thousand and 00/100 Dollars (\$255,000.00) 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, motion carries unanimously.

## **ARTICLE 17. FUND PURCHASE OF MOTOR VEHICLES AND EQUIPMENT**

To see if the Town will vote to raise and appropriate, and/or transfer from available funds the sum of Three Hundred Eighty Eight Thousand Seven Hundred and 00/100 Dollars (\$388,700.00) into the Stabilization Fund for Motor Vehicles and Equipment, and further to transfer from the Stabilization Fund the sum of Three Hundred Eighty Eight Thousand Seven Hundred and 00/100 Dollars (\$388,700.00) 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 #17 as printed in the warrant and that the sum of Three Hundred Eighty Eight Thousand Seven Hundred and 00/100 Dollars (\$388,700.00) be raised and appropriated to the Stabilization Fund for Motor Vehicles and Equipment, and further to authorize the sum of Three Hundred Eighty Eight Thousand Seven Hundred and 00/100 Dollars (\$388,700.00) to be transferred from the Stabilization Fund for Motor Vehicles and Equipment for the purpose of funding vehicle and equipment purchases, including all expenses incidental and related thereto.

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



**ARTICLE 18. 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 Two Thousand Six Hundred Sixty and 00/100 Dollars (\$22,660.00), or any other sum, to be spent under the direction of the Orleans Chamber of Commerce, Inc. and the Board of Selectmen for the purposes of managing summer visitors and making the Town more user friendly; 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 sum of Twenty Two Thousand Six Hundred Sixty and 00/100 Dollars (\$22,660.00), be raised and appropriated for this purpose.

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

**ARTICLE 19. FUND HUMAN SERVICES AGENCIES (FY16)**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Eighty Five Thousand Eight Hundred Twenty Seven and 00/100 Dollars (\$85,827.00), or any other sum, to fund the following human services organizations for the period July 1, 2015 to June 30, 2016.

|  |                     |
|--|---------------------|
| Aids Support Group of Cape Cod             | \$2,000.00          |
| CapeAbilities                              | 5,827.00            |
| Cape Cod Child Development                 | 2,500.00            |
| Cape Cod Children’s Place                  | 3,000.00            |
| Duffy Health Center                        | 1,000.00            |
| Elder Services of Cape Cod and the Islands | 2,500.00            |
| Gosnold, Inc.                              | 7,500.00            |
| Homeless Prevention Council                | 8,800.00            |
| Independence House                         | 4,700.00            |
| Lower Cape Outreach Council, Inc.          | 10,000.00           |
| Nauset Together We Can                     | 7,000.00            |
| Orleans After School Activities Program    | 20,000.00           |
| Outer Cape Health Services, Inc.           | 10,000.00           |
| Sight Loss Services                        | <u>1,000.00</u>     |
| <b>TOTAL</b>                               | <b>\$ 85,827.00</b> |

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

**MOTION:** To be accept and adopt Article#19 as printed in the warrant, and that the sum of Eighty Five Thousand Eight Hundred Twenty Seven and 00/100 Dollars (\$85,827.00) be

raised and appropriated for this purpose.

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

#### **ARTICLE 20. 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 #20 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, motion carries by the necessary majority.

#### **ARTICLE 21. 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 be accept and adopt Article #21 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, motion carries unanimously.

#### **ARTICLE 22. FUND ELECTED OFFICIALS COMPENSATION (FY16)**

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2015 as follows:

- |    |                        |            |
|----|------------------------|------------|
| 1) | Board of Selectmen (5) | \$2,000.00 |
| 2) |                        |            |
| 3) | Board Chairman         | \$ 500.00  |
| 4) | Moderator              | \$ 300.00  |
| 5) | Constables (2)         | \$ 150.00  |

and to raise and appropriate and/or transfer from available funds the sum of Eleven Thousand One Hundred (\$11,100.00), or any other sum, for this purpose, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #22 as printed in the warrant and that the sum of Eleven Thousand One Hundred and 00/100 Dollars (\$11,100.00) be raised and appropriated for this purpose.

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

**ARTICLE 23. 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 Thirty Five Thousand and 00/100 Dollars (\$35,000.00), or any other sum, to fund unanticipated employee retirement buyouts, 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 the sum of Thirty Five Thousand and 00/100 Dollars (\$35,000.00) be raised and appropriated for this purpose.

**ACTION:** Voice voted, motion passes unanimously.

**ARTICLE 24. 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 #24 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, motion carries unanimously.

## **ARTICLE 25. 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 #25 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, motion carries unanimously.

## **ARTICLE 26. HOLD 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 #26 as printed in the warrant.

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

## **ARTICLE 27. 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 #27 as printed in the warrant.

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

## **ARTICLE 28. 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 Five Thousand and 00/100 Dollars (\$25,000.00). 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.

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

**MOTION:** To accept and adopt Article #28 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, motion carries unanimously.

#### **ARTICLE 29. 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 #29 as printed in the warrant.

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

#### **ARTICLE 30. AMEND CH. 40, PERSONNEL BYLAW CLASSIFICATION / COMPENSATION PLANS**

To see if the Town will vote to approve a 2% cost of living wage increase for the period of July 1, 2015 to June 30, 2016 (FY16) for those employees who are covered by the Personnel Bylaw Compensation Plans A,B,D and E and those employees covered by individual contracts and employment agreements; and to add the position of Buildings and Facilities Maintenance Technician to Classification Plan A, 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 #30 as printed in the warrant.

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

#### **ARTICLE 31. AUTHORIZATION TO NEGOTIATE A 20-YEAR CONTRACT FOR RENEWABLE ENERGY**

To see if the Town will vote to authorize the Board of Selectmen to enter into a power sales agreement, not to exceed a term of 20 years, on behalf of the Town and an "active energy supplier" in substantially the form of the draft agreement/proposals on file with the Town Clerk, and to further authorize the Board of Selectmen to finalize the terms

and conditions of such agreement as the Board deems appropriate or to take any other action relative thereto. (Simple Majority Vote Required)

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

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

**ARTICLE 32. AUTHORIZE HOME RULE PETITION - WITHDRAW FROM OLD KINGS HIGHWAY REGIONAL HISTORIC DISTRICT**

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation to exempt the Town of Orleans and any portion of lands within its boundaries from all provisions and penalties of Massachusetts Chapter 470 of the Acts of 1973, as amended, otherwise known as the Old King's Highway Regional Historic District Act, or to take any other action relative thereto. (Simple Majority Vote Required)

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

**ACTION:** Voice vote, motion fails to carry by the necessary majority.

**ARTICLE 33. AUTHORIZE HOME RULE PETITION - USE EXIT 12 INTERCHANGE FOR WASTEWATER DISPOSAL**

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation authorizing the Town to use land owned by the Commonwealth of Massachusetts located within the layout of the Mid-Cape Highway Route 6 Exit 12 Interchange and more particularly shown on the sketch plan entitled "ATM Article 33 Sketch Plan" filed with the Town Clerk, for the underground discharge of treated wastewater effluent, and to further authorize the Board of Selectmen to approve the final language of any such special legislation 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, motion carries unanimously.

**ARTICLE 34. AUTHORIZE HOME RULE PETITION - EXEMPT OLD FIREHOUSE RESTORATION AND DEPOT SQUARE PROPERTY REDEVELOPMENT BY NON-PROFIT FROM PREVAILING WAGES**

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the

Great and General Court (State Legislature) for special legislation to exempt the restoration of the Old Firehouse located at 44 Main Street and the redevelopment of the Depot Square property on Old Colony Way by a non-profit organization from the applicable provisions of the prevailing wage laws, Chapter 149 of the General Laws, and to further authorize the Board of Selectmen to approve the final language of any such special legislation 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, motion carries by the necessary majority.

**ARTICLE 35. AUTHORIZE HOME RULE PETITION - COMPEL NSTAR (EVERSOURCE) TO MITIGATE CORMORANT PROBLEM ON CEDAR POND**

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation to compel NStar Electric Company (Eversource Energy) to undertake any and all actions necessary to abate the public nuisance caused by cormorants perching on the transmission lines owned by NStar Electric Company and located over Cedar Pond, a Great Pond, in the Town of Orleans, and to further authorize the Board of Selectmen to approve the final language of any such special legislation 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:** Voice vote, motion carries unanimously.

**ARTICLE 36. AUTHORIZE HOME RULE PETITION - LEASE PORTION OF FORMER LEGION PROPERTY TO HISTORICAL SOCIETY FOR BUILDING**

*(Article #36 was moderated by Richard A. Laraja)*

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation authorizing the Town to lease a portion of the former American Legion property located at 139 Main Street, Orleans, MA and being a portion of Lot 2 as shown on a plan recorded in the Barnstable Registry of Deeds in Plan Book 572 Page 77, to the Orleans Historical Society, for a period not to exceed 99 years on such terms as they deem appropriate and to exempt and such lease from the applicable provisions of Massachusetts General Laws Chapter 30B, and to further authorize the Board of Selectmen to approve the final language of any such special legislation or to 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, motion carries unanimously.

**ARTICLE 37. AMEND ZONING BYLAW SECTION 164- 4. Definitions and SECTION 164-27 C. Tents, Trailers, and Mobile Camping Units**

To see if the Town will vote to amend Section 164-4, Definitions, by amending the section as follows:

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

TRAILER: Any vehicle or object which is, has been or may be portable. For the purpose of this definition, "trailers" shall include, but shall not be limited to, motor freight trailers, dump trailers, utility trailers, **mobile camping units, shipping containers** and the like, **but shall not include dumpsters or roll-off refuse containers.** ~~other than those covered in this section.~~

And further, to amend Section 164-27 B. and C. as follows:

**§164-27 Tents, Trailers and Mobile Camping Units**

- A. No person shall park, store or occupy a tent or trailer for living or business purposes except in a garage or other accessory building or in the rear half of a lot owned or occupied by the owner of the tent or trailer (if placed so as to conform to the yard requirements for main buildings in the same district), but its use for living and/or business purposes is prohibited (unless temporary occupancy for a period not exceeding six (6) months in any one calendar year is permitted by the Board of Selectmen in connection with the construction of a permanent home.
- B. Trailers used for business purposes of storing goods, materials, equipment and the like or warehousing **for more than thirty (30) days** are prohibited. ~~unless the use is incidental to the construction of a permanent home or business.~~ A temporary permit **incidental to the construction of a permanent home or business** may be issued by the Building Inspector for a period not to exceed six (6) months with one (1) six-month renewal allowed.
- 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 as required.

5. Trailers shall not have electricity, heating, or refrigeration. All trailers must comply with this subsection by May 12, 2016.

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

## PLANNING BOARD REPORT

The Planning Board held a public hearing on January 13, 2015. 12 people were in attendance. The Board received no comments in favor of or opposed to this amendment.

The Planning Board voted 5-0-0 in favor of the amendment.

The article revises the definition of trailer to include mobile camping units and shipping containers, and to exclude dumpsters and roll-off refuse containers. The article also amends the prohibition on the use of trailers for business purposes of storing goods to allow such storage for up to 30 days.

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

**MOTION:** By Gail Meyers Lavin, that Article #37 be indefinitely postponed.

**ACTION:** Voice voted, motion carries by necessary majority to postpone Article #37.

### ARTICLE 38. AMEND ZONING BYLAW SECTION 164-3C, NONCONFORMING STRUCTURES

To see if the Town will vote to amend the Zoning Bylaws, Section 164-3, Applicability, by revising subsection C. Nonconforming Structures and Uses. (1) (b), as follows:

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

- (1) (b) Alteration to a nonconforming single or two family residential structure that increases the nonconforming nature of the structure, including those alterations which **increase or intensify a pre-existing nonconformity, but not including those alterations which result in the creation of a new nonconformity.** ~~result in the creation of a new dimensional nonconformity, an intensification of an existing nonconformity by extending further into a required setback area or an increase in the height of the structure greater than the allowed height,~~ may be allowed on Special Permit from the Board of Appeals provided the Board of Appeals finds that **any** such alteration will not be substantially more detrimental to the neighborhood than **the** existing nonconforming structure. **Any alteration which results in the creation of a new nonconformity shall require a Variance.**

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

## PLANNING BOARD REPORT

The Planning Board held a public hearing on January 13, 2015. 12 people were in attendance. The Board received several helpful comments from residents in favor of this amendment. The Planning Board voted 5-0-0 in favor of the amendment.

This amendment to the regulation of nonconforming structures is brought forward in response to recent case law on the issue. Under the proposal, an alteration to a nonconforming structure which increases or intensifies the nonconformity may be allowed by Special Permit from the Zoning Board of Appeals. A Special Permit requires findings that the site is suitable for the proposed alteration. An alteration that would result in the creation of a NEW nonconformity would require the granting of a Variance. A Variance requires statutory findings of substantial hardship among other findings, and is much more difficult to obtain.

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

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

### ARTICLE 39. AMEND ZONING BYLAW SECTION 164-43. ZONING BOARD OF APPEALS

To see if the Town will vote to amend Section 164-43, Zoning Board of Appeals, by changing Section A. to read as follows:

~~(Strikethrough-- language removed~~  
**three (3)** – language added)

- A. Establishment.** The Board of Appeals shall consist of five (5) members and ~~two~~ (1) **three (3)** associate members, who shall be appointed by the Selectmen and shall act in all matters under this By-law in the manner prescribed by Chapter 40A, 40B and 41 of the General Laws.

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

## PLANNING BOARD REPORT

The Planning Board held a public hearing on January 13, 2015. 12 people were in attendance. The Board received no comments in favor of or opposed to this amendment. The Planning Board voted 5-0-0 in favor of the amendment. The proposed amendment would increase the number of Zoning Board of Appeals associate members from 2 to 3, making the number consistent with the Orleans Home Rule Charter.

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

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

### ARTICLE 40. AUTHORIZE WATER RATE INCREASE

To see if the Town will vote, pursuant to the Orleans Code §94-8 A., to authorize the Board of Selectmen to raise the water rates as listed, effective July 1, 2015, or to take any other action relative thereto. (Simple Majority Vote Required)

|                          | Current<br>Rates | FY16<br>Rates |                      |
|--------------------------|------------------|---------------|----------------------|
| Basic Service            | \$83.13          | \$88.95       |                      |
| 0 to 15,000 gallons      | \$ 1.76          | \$ 1.88       | per thousand gallons |
| 15,001 to 30,000 gallons | \$ 4.34          | \$ 4.64       | per thousand gallons |
| 30,001 to 50,000 gallons | \$ 5.58          | \$ 5.97       | per thousand gallons |
| Over 50,000 gallons      | \$ 6.76          | \$ 7.23       | per thousand gallons |

**MOTION:** To accept and adopt Article #40 as printed in the warrant.

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

### ARTICLE 41. RESOLUTION ON FUNDING PROFESSIONAL SERVICES IN CONNECTION WITH NAUSET SPIT OWNERSHIP CLAIM

To see if the Town will vote to pass the following Resolution: Resolved that the Town of Orleans proceed with all actions necessary to perfect and quiet the Town's title to that portion of Nauset Spit located in the Town of Eastham. (Simple Majority Vote Required)

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

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

**ARTICLE 42. AMEND HOME RULE CHARTER CHAPTER 2 TOWN MEETING,  
CLAUSE 2-5-2, ARTICLES WITH APPROPRIATION OF FUNDS**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

**Bold underlined** – language added)

2-5-2 Articles calling for appropriation of funds may be considered at any Town Meeting, but only after review and comment by both the Board of Selectmen and the Finance Committee, acting separately at separate meetings. **Except for the insertion of subjects in the Town Meeting Warrant by written request of registered voters pursuant to M.G.L c39 sect.10, articles that authorize capital expenditure or borrowing shall be in the printed Warrant only if a cost estimate and appropriate supporting data is included.**

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #42 as printed in the warrant. The amendment shall take effect on May 18, 2016.

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

**ARTICLE 43. AMEND HOME RULE CHARTER CHAPTER 2 TOWN MEETING,  
CLAUSE 2-7-2, CONSENT CALENDAR**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

**Bold underlined** – language added)

2-7-2 The order of consideration of the articles as printed in the Warrant may be changed only by a two-thirds vote of the Town Meeting. **In preparing the Warrant under Clause 2-4-1, the Board of Selectmen may include in it a Consent Calendar listing articles which that Board deems non-controversial. In the event such a Consent Calendar is so included, a written request by five registered voters before the commencement of Town Meeting, or, afterward, an oral request by five registered voters prior to consideration of the Consent Calendar, shall remove a particular article from it. All remaining articles in the Consent Calendar shall then be voted upon by a single vote without debate. Removed articles shall be considered and acted upon immediately after consideration of the Consent Calendar, and in the order of their listing in the Consent Calendar.**

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #43 as printed in the warrant. The amendment shall take effect on May 18, 2016.

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

**ARTICLE 44. AMEND HOME RULE CHARTER, CHAPTER 2 TOWN MEETING, CLAUSE 2-7-5, TERMINATION OF DEBATE**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

(~~Strikethrough~~— language removed  
**Bold underlined**— language added)

2-7-5 No person shall speak twice on the same question until all those wishing to speak thereon have done so, nor shall any person speak for more than five minutes at one time, except by permission of the ~~Town Meeting~~ **Moderator**, provided, however, that the restrictions shall apply neither to those persons required to be in attendance under provisions of 2-7-3, nor to those persons making the original motion or amendments thereto under the article. A motion to terminate debate requires a second, is not debatable and shall require a ~~4/5~~ **2/3** majority to prevail.

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #44 as printed in the warrant. The amendment shall take effect on May 18, 2016.

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

**ARTICLE 45. AMEND HOME RULE CHARTER CHAPTER 2 TOWN MEETING, CLAUSE 2-7-8, RECONSIDERATION OF ARTICLES**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

**Bold underlined**— language added)

2-7-8 No motion, the effect of which would be to dissolve the Town Meeting, shall be in order until every article in the Warrant has been duly considered and acted upon. This requirement shall not preclude the postponement of consideration of any article to an adjournment of the meeting to a stated time and place. **Provided further, however, that any reconsideration of all matters must be voted on at the same session at which the**

original action was taken, the intent being to make these matters final at the same session regardless of whether the meeting is later adjourned for a lack of quorum or other circumstance.

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt the following order of amendment to Chapter 2, Town Meeting, Clause 2-7-8 of the Home Rule Charter: Provided further, that any reconsideration of a vote shall take place at the session it was voted, the intent being that a final vote taken at a Town Meeting shall not be reconsidered at a subsequent session of the same Town Meeting. The amendment shall take effect on May 18, 2016.

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

#### **ARTICLE 46. AMEND HOME RULE CHARTER, CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-1-4, HONORARIA FOR SELECTMEN**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

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

3-1-4 Members of the Board shall each receive an annual honorarium not to exceed ~~two thousand dollars~~ **three thousand dollars (\$3,000)**, and shall receive actual and necessary expenses incurred in the performance of their duties of office, as provided by general law and the vote of the Town. The Chairperson shall receive an additional amount not to exceed five hundred (\$500) annually as provided by vote of the Town.

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #46 as printed in the warrant. The amendment shall take effect on May 18, 2016.

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

#### **ARTICLE 47. AMEND HOME RULE CHARTER, CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-5-3, INTERMUNICIPAL AGREEMENTS**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

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

3-5-3 Any contract or formal agreement establishing such cooperation which requires an appropriation of Town funds in excess of \$50,000 ~~\$500,000~~ or entails a commitment by the Town in excess of ~~three~~ five years, shall require the approval of Town Meeting.

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #47 as printed in the warrant. The amendment shall take effect on May 18, 2016.

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

**ARTICLE 48. AMEND HOME RULE CHARTER, CHAPTER 6 APPOINTED MULTI-MEMBER BODIES, CLAUSE 6-1-1, TERM LIMITS FOR APPOINTED MEMBERS, MULTI-MEMBER BODIES**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

**Bold underlined** – language added)

6-1-1 Members of all appointed multi-member bodies, whether appointed by the Board of Selectmen, Town Moderator, or by any other appointing authority, shall serve on a particular multi-member body no longer than two consecutive three- year terms as a full or regular member. A one-time exception to extend a member's term for one year may be made when the appointing authority determines to its satisfaction that extended service is in the best interests of the Town. When the member has filled an unexpired term for a period not to exceed two years immediately prior to his or her regular three-year terms that time is not counted against this limit. Once an appointee has been off a particular multi- member body for at least one year, that person may be appointed again to that multi-member body. Provided further, that any current member of an appointed multi-member body at the time this Charter provision is adopted shall be "grandfathered" and allowed to remain in office for the full term of his or her appointment. Vacancies on appointed multi-member bodies shall be advertised as provided in clause 7-2-1.

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #48 as printed in the warrant. The amendment shall take effect on May 18, 2016.

**ACTION:** Voice vote, motion fails to carry by necessary 2/3 majority.



**ARTICLE 49. AMEND HOME RULE CHARTER, CHAPTER 6 APPOINTED MULTI-MEMBER BODIES, NEW CLAUSE 6-1-12, NON-RESIDENTS ELIGIBLE AS MEMBERS OF APPOINTED MULTI-MEMBER BODIES**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

**6-1-12 A non-resident who owns real property in the Town of Orleans shall be eligible to be appointed as a member of a multi-member body under this Chapter.**

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #49 as printed in the warrant. The amendment shall take effect on May 18, 2016.

**MOTION:** To call the question.

**ACTION:** Voice vote, carries unanimously to call the question.

**ACTION:** Voice voted, motion fails to pass. A counted vote was requested by 2 voters.

**ACTION:** Standing vote counted by tellers, YES=61, NO=147, Motion fails to carry by necessary 2/3 majority.

**ARTICLE 50. AMEND HOME RULE CHARTER, CHAPTER 6 APPOINTED MULTI-MEMBER BODIES, CLAUSE 6-8-2, APPOINTMENTS OF BOARD OF WATER AND SEWER COMMISSIONERS**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

(~~Strikethrough~~— language removed  
**Bold underlined**— language added)

6-8-2 The Board of Selectmen shall appoint three members and two associate members ~~to~~ **of** the Board of Water and Sewer Commissioners for three-year overlapping terms. The Board of Health and the Planning Board shall each appoint one member ~~to~~ **of** the Board of Water and Sewer Commissioners for three-year overlapping terms.

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #50 as printed in the warrant. The amendment shall take effect on May 18, 2016.

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

**ARTICLE 51. AMEND HOME RULE CHARTER, CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, CLAUSE 8-3-2, JOINT PUBLIC HEARING ON PROPOSED BUDGET**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

~~(Strikethrough-- language removed~~

~~8-3-2 On or before March 15 of each year, the Finance Committee and the Board of Selectmen shall conduct a joint public hearing on the proposed budget. The hearing agenda shall be established by the Finance Committee in consultation with the Board of Selectman and the Town Administrator. Subsequent budget changes may be made by the Board of Selectman prior to the publication of the Annual Town Meeting Warrant provided a second joint hearing is similarly conducted. Subsequent to the publication of the Annual Town Meeting Warrant, further budget changes to be proposed to the Town Meeting by the Board of Selectmen shall, to the extent that time allows, be the subject of a similarly conducted public hearing at least seven (7) days prior to the commencement of the Annual Town Meeting.~~

Section 8-3-2 would read as follows:

On or before March 15 of each year, the Finance Committee and the Board of Selectman shall conduct a joint public hearing on the proposed budget. The hearing agenda shall be established by the Finance Committee in consultation with the Board of Selectman and the Town Administrator.

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #51 as printed in the warrant. The amendment take effect on May 18, 2016.

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

**ARTICLE 52. AMEND HOME RULE CHARTER, CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, CLAUSES 8-5-1 THROUGH 8-5-4 CAPITAL IMPROVEMENTS PLAN, 8-6-1 NOTICE OF PUBLIC HEARING ON CAPITAL IMPROVEMENTS PLAN AND 8-7-1 ACTION OF TOWN MEETING.**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

The current Charter sections 8-5, 8-6 and 8-7 will be replaced.

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

## Section 5 Capital Improvements Plan

~~8-5-1The Town Administrator shall prepare a five-year Capital Improvements Plan, which shall be designed to deal with unmet long-range needs, and to implement the goals and objectives of the Orleans Comprehensive Plan. The Capital Improvements Plan shall be developed based on established Board of Selectmen policy regarding types of projects to be included.~~

~~8-5-2The Capital Improvements Plan shall include all Town activities and departments. Proposed capital expenditures for the regional school and other regional entities shall be excluded in said Plan provided that such exclusion shall be consistent with the regional or inter-municipal agreement establishing such entities.~~

~~8-5-3The Capital Improvements Plan shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next five fiscal years, together with supporting data; (c) cost estimates, methods of financing, and recommended time schedules; and (d) the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information may be revised and shall be extended each year with regard to capital improvements pending or in the process of construction or acquisition. Any entry in said Plan previously approved at Town Meeting that is moved out more than one year shall be specifically noted and adjusted to reflect changing economic conditions.~~

~~8-5-4The Capital Improvements Plan shall be submitted to the Board of Selectmen January 15 of each year. The Board shall act thereon within thirty days and shall then submit any Plan revisions to the Finance Committee, which shall issue its recommendation as part of the annual Finance Committee Report.~~

**8-5-1The Town Administrator shall prepare a five year Capital Improvements Plan (CIP) and an annual Capital Budget which shall be designed to deal with unmet long range needs of the Town and to implement the goals and objectives of the Orleans Comprehensive Plan as it may be amended from time to time. The CIP shall include land acquisitions, buildings and improvements, machinery and equipment, vehicles, and infrastructure including roads, water mains, storm drainage and other publicly owned utilities. The Board of Selectmen may establish more detailed policies relating to the refinement and implementation of the CIP.**

**8-5-2The Capital Improvements Plan (CIP) shall include proposed expenditures for all town activities and departments for the capital improvements defined in Section 8-5-1. Proposed capital improvements for the regional school and other regional**

entities shall be included in the CIP provided that such inclusion is consistent with the regional or inter-municipal agreements establishing such entities. In addition, the CIP shall include regional, county, state and federal grants that may be used to support and finance capital improvements, facilities and equipment through grants, loans or inter-municipal agreements.

8-5-3 The Capital Improvements Plan (CIP) shall include: (a) A clear summary of its contents; (b) A list of all capital expenditures proposed for all categories of items listed in 8-5-1 above for the next five fiscal years and projects to be included in the proposed Capital Budget for the next fiscal year, together with all supporting data; (c) cost estimates, proposed methods of financing, sources of funds and terms of debt repayment along with a recommended time schedule for each capital expenditure to be financed over a period of more than one year; and (d) the estimated annual cost of operating and maintaining the facilities and/or equipment to be constructed, improved or acquired.

The information in the CIP shall be updated at least annually and submitted to and approved by the annual or special town meetings as appropriate. In the case of multi-year projects, it shall be adjusted to insure that the CIP accurately reflects the projected annual costs of all capital projects.

8-5-4 The Town Administrator shall transmit the Capital Improvements Plan (CIP) and the proposed annual Capital Budget to the Board of Selectmen no later than January 15 of each year. The Board of Selectmen shall, within 30 days, act on the CIP and Capital Budget, with or without amendments, and submit the documents to the Finance Committee for its review and comment. The Board of Selectmen and the Finance Committee, after the public hearing held under Section 8-6-1 below, shall report their recommendations to the Town Meeting.

#### Section 6 Notice of Public Hearing on Capital Improvement Plan

~~8-6-1 The Board of Selectmen shall publish, in one or more newspapers of general circulation in the town, the general summary of the capital improvements plan and a notice stating: (a) the times and places where copies of the capital improvements plan are available for inspection; and (b) the date, time, and place, not less than seven days following such publication, when the Board of Selectmen and the Finance Committee shall conduct a public hearing, chaired by the Finance Committee, on said plan. The joint hearing shall be held no later than March 1 of each year.~~

8-6-1 The Board of Selectmen shall publish, in one or more newspapers of general circulation in town, the general summary of the proposed Capital Improvements Plan (CIP) and Capital Budget and a notice stating: (a) the times and places where copies of the complete CIP and Capital Budget are available for inspection; and (b) the date, time and place, not less than seven days following such publication, where the Board of Selectmen and the Finance Committee will conduct a public hearing on said plan to be chaired by the Finance Committee. The joint hearing shall be held no later than

**March 1 of each year in order to allow the Board of Selectmen and the Finance Committee to include their respective positions on the CIP and the Capital Budget to be printed in the Warrant for the Town Meeting.**

Section 7 Action of Town Meeting

~~8-7-1 The Town Meeting shall act on the Capital Improvement Plan, provided that any article for capital improvements not in compliance with clause 8-5-1 shall require a three-fourths<sup>68</sup> majority vote of the town meeting.<sup>51</sup> An article for capital improvements shall be considered in compliance with clause 8-5-1 if it appeared in the Capital Improvements Plan in the prior year and does not exceed the Capital Improvements Plan estimated cost by more than ten percent.~~

**8-7-1 The Town Meeting shall act on the five year Capital Improvements Plan (CIP) and the annual Capital Budget, provided all proposed projects included in the Capital Budget have been included in the CIP in the prior fiscal year. The Capital Budget may consist of more than one article in the Warrant for the Town Meeting. Any articles for capital improvements not in compliance with 8-5-1 shall require a three-fourths (3/4) majority vote of the Town Meeting.**

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #52 as printed in the warrant. The amendment take effect on May 18, 2016.

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

## **ARTICLE 53. AMEND HOME RULE CHARTER TO UPDATE STAFF TITLES**

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

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

4-4-1 Subject to the approval of the board of selectmen, the town administrator shall appoint and, on the basis of merit and fitness alone, and except as otherwise is provided by general law, charter, or personnel by-laws, may suspend or remove: a town clerk; a town collector-treasurer; ~~a surveyor of highways~~; a full-time professional assessor who shall not be a member of the Board of Assessors; and a ~~water superintendent~~ **Director of Public Works and Natural Resources**. A town engineer and town planner may also be appointed by the town administrator, subject to the availability of funds.

4-7-1 Warrants or vouchers for the payment of town funds, prepared and signed by the town

accountant/Director of Municipal Finance in accordance with general law procedures, shall be submitted to the town administrator, and his approval thereof shall be sufficient authorization for payment by the treasurer, provided, however, that at least three selectmen shall approve all warrants in the town administrator's absence or in the event of a vacancy in his/her office.

8-2-3 On or before the first day of October of each year, the town administrator shall request and receive from the collector-treasurer, the town accountant/Director of Municipal Finance, the board of selectmen, and the assessors the estimated revenues for the ensuing fiscal year.

Or take any action relative thereto. (2/3 vote required)

**MOTION:** To accept and adopt Article #53 as printed in the warrant. The amendment shall take effect on May 18, 2016.

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

#### **ARTICLE 54. AUTHORIZE INTERMUNICIPAL AGREEMENT / GRANT FOR ALTERNATIVE TECHNOLOGY 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 conducting an alternative technology demonstration project involving aquaculture, floating vegetated wetland, or habitat restoration 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 #54 as printed in the warrant.

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

#### **ARTICLE 55. FUND SECONDARY PUBLIC SAFETY ANSWERING POINT (PSAP) EQUIPMENT UPGRADE AT THE POLICE DEPARTMENT**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty Eight Thousand Five Hundred and 00/100 Dollars (\$28,500.00) to fund a secondary (PSAP) equipment upgrade at the Orleans Police Department, or to take any other action relative thereto. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #55 as printed in the warrant and that the sum of the sum of Twenty Eight Thousand Five Hundred and 00/100 Dollars (\$28,500.00), or any other sum, be raised and appropriated for this purpose.

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

**ARTICLE 56. AMEND HOME RULE CHARTER CHAPTER 7 CITIZEN PARTICIPATION, ELECTIONS AND RECALL, CLAUSE 7-5-1 NON-PARTISAN TOWN ELECTIONS, AND ADD NEW 7-5-2 – BY PETITION**

*(Article #56 was moderated by Richard A. Laraja)*

To see if the Town will vote to split the current sentence, move the second part of sentence to a new 7-5-2, capitalizing the “E,” and replace it with new text shown as **bold underline**, so that it shall now read:

7-5-1 - All Town elections shall be non-partisan, and **no candidate or candidate’s committee for elective town offices shall accept contributions - monetary or in-kind - from any political party committee.**

**7-5-2** Election ballots shall be printed without any party mark or designation. (2/3 Vote Required)

**MOTION:** To accept and adopt Article #56 as printed in the warrant with the following revisions:

That Section 7-5-1 be revised as follows:

**7-5-1** “All town elections shall be non-partisan **in that** election ballots shall be printed without any party mark or designation, **and no candidate or candidate’s committee for elective town offices shall accept contributions – monetary or in-kind - from any political party committee.**”

And that 7-5-2 in your warrant be deleted.

**MOTION:** To call the question.

**ACTION:** Voice vote, motion carries unanimously to call the question.

**ACTION:** Voice vote, the main motion passes by necessary 2/3 majority.

**ARTICLE 57. RESOLUTION: DEVELOP ZONING BYLAWS REQUIRING EXEMPLARY ENVIRONMENTAL STEWARDSHIP IN THE MANAGEMENT, DESIGN, AND CONSTRUCTION OF BUILDINGS ON TOWN PROPERTY – BY PETITION**

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

We, the voters of the Orleans Town Meeting, are committed to exemplary stewardship of our fragile Cape Cod environment and call on the Town to institute exemplary zoning bylaws reflecting this commitment.

NOW, THEREFORE, BE IT RESOLVED THAT WE, THE VOTERS OF ORLEANS, CALL FOR MUNICIPAL ZONING BYLAWS TO BE DEVELOPED REQUIRING EXEMPLARY ENVIRONMENTAL STEWARDSHIP IN THE MANAGEMENT, DESIGN, AND CONSTRUCTION OF BUILDINGS ON TOWN PROPERTY.

This resolution directs the Orleans Planning Board, in collaboration with the Board of Selectmen, the Zoning Bylaw Task Force, the Conservation Commission, the Renewable Energy Committee, and other Town Boards and Committees, to develop municipal zoning bylaws requiring Town Buildings be managed, designed, and constructed to minimize energy and water usage and costs, to improve the efficiency and longevity of building systems, including occupant well-being and productivity, and to minimize waste, pollution and environmental degradation in order to decrease burdens that buildings impose on the environment. (Simple Majority Vote Required)

**MOTION:** To accept and adopt Article #57 as printed in the warrant, except that the phrase, "using cost-effective measures" be added at the end of the resolution.

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

#### **ARTICLE 58. FUND MARINE STUDY OF NAUSET ESTUARY – BY PETITION**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) for the purpose of funding a marine engineering study of Nauset Estuary to determine whether the accumulation of coastal sand in and around Nauset Inlet is causing blockage of channels and reduced tidal flushing in Town Cove and Nauset Harbor thereby impairing water quality conditions, impeding navigation and restricting shellfish production, such funding including all expenses incidental and related to conducting a hydrographic survey of the entire estuary focusing on need and feasibility of yearly maintenance program; 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 Section 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 these purposes 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~~) (3/4 vote required since CIP passed).



**MOTION:** To accept and adopt Article #58 as printed in the warrant and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), pursuant to Massachusetts General Laws, Chapter 44, Section 7 (22), or any other enabling authority, and to issue bonds or notes of the Town therefor.

**ACTION:** Standing vote, YES=165, NO=20, motion carries by the necessary 3/4 majority.

#### **ARTICLE 59. 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 #59 and that the sum of Six Hundred Twenty-seven Thousand and 00/100 Dollars (\$627,000.00) be transferred from available funds for this purpose for FY16.

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

#### **ARTICLE 60. CLOSING ARTICLE**

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

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

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

**Annual Town Meeting was adjourned at 10:33 p.m.**

A True Copy Attest:

Cynthia S. May, Town Clerk

