

ANNUAL TOWN MEETING
"DOINGS"
May 9, 2016

The Annual and Special Town Meetings were held on Monday, May 9, 2016 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: Mary Walker, Patricia Bradley, Susan Milton, Elizabeth Peters, Cyndi Eager, Ken Rowell, Patricia Rowell, Molly Hidden. Tellers sworn in were: Wally Swidrak, Cathy Southworth, Susan Milton, Betty Peters, Patricia Bradley. Constables on duty were Paul Kelly and Mary Stevens. A total of 451 voters were in attendance.

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 6:34 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 Special Town Meeting on matters affecting their office, department or organization, or for which projects 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 Eight Thousand Four Hundred Seventy-seven and 84/100 Dollars (\$8,477.84) 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 9, 2016:

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>
DPW	Northstar Heating	\$1,121.25
Water Deoartment	Coyne Chemical	\$1,989.00
Orleans Elementary School	Rusty's, Inc.	<u>\$5,367.59</u>
TOTAL		\$8,477.84

ACTION: Voice vote, motion carries unanimously.

ARTICLE 2. RETIRE DEBT ON TWINING'S PROPERTY PURCHASE

To see if the Town will vote to transfer the sum of Ninety Six Thousand Dollars (\$96,000.00) from the Community Preservation Fund to pay off the remaining balance of the Twining's Property purchase, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #2 and that the sum of Ninety Six Thousand Dollars (\$96,000.00) be transferred from the Community Preservation Fund for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 3. PURCHASE PROPERTY AT 141 PORTANIMICUT ROAD

Selectmen Alan McClennen removed himself from the Board of Selectmen's table and he did not participate in any discussion of nor did he vote on this article.

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, by purchase or otherwise, for open space and recreation purposes, the property located at 141 Portaminicut Road, shown on Town of Orleans Assessors Map 76 as Parcel 24, and more particularly described in a deed recorded at Barnstable County Registry of Deeds

in Book 8707, Page 313 and shown on a plan of land recorded in Plan Book 136, Page 91, and to transfer from Community Preservation Act funds the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for such acquisition; and to further authorize the Board of Selectmen and the Conservation Commission to execute any and all documents as may be necessary on behalf of the Town to carry out the provisions of this article, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #3 and that the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) be transferred from the Community Preservation Fund for this purpose as follows: Two Hundred Forty Six Thousand Six Hundred Ninety Eight and 00/100 Dollars (\$246,698.00) from the Sparrow Open Space reserve, Sixteen Thousand One Hundred Nine and 00/100 Dollars (\$16,109.00) from the Toop Fund; and Two Hundred Thirty Seven Thousand One Hundred Ninety Three and 00/100 Dollars (\$237,193.00) from the CPA unreserved fund balance, for a total of Five Hundred Thousand and 00/100 Dollars (\$500,000.00); and that the Board of Selectmen and the Conservation Commission be authorized to take all actions necessary to carry out the acquisition of the property described in the article.

ACTION: Voice vote, motion carries by necessary majority.

ARTICLE 4. SUPPLEMENTAL FY16 HUMAN SERVICES FUNDING

To see if the Town will vote to transfer from available funds the sum of Two Thousand and 00/100 Dollars (\$2,000.00) for the purpose of replenishing the FY16 Human Services account due to a timing error in the payment of a FY15 grant award using the FY16 appropriation, or to take any action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #4 and that the sum of Two Thousand and 00/100 Dollars (\$2,000.00) be transferred from available funds for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 5. RETIRE DEBT ON AMBULANCE PURCHASE

To see if the Town will vote to transfer from the Ambulance Receipts Reserve for Appropriation Account the sum of One Hundred Ninety-Five Thousand and 00/100 Dollars (\$195,000.00) to the General Fund for the purpose of paying off the balance of the short term note issued to purchase a new ambulance in 2014, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article#5 and that the sum of One Hundred Ninety-Five Thousand and 00/100 Dollars (\$195,000.00) be transferred from the Ambulance Receipts Reserve for Appropriation Account for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 6. ESTABLISH REVOLVING ACCOUNT FOR ORLEANS ELEMENTARY SCHOOL TUITION REIMBURSEMENT

To see if the Town will vote to accept G.L. Ch. 71, Section 71F to authorize the Town to establish an account for acceptance and expenditure of tuition payments received for non-resident students and students in foster care, to be spent without further appropriation, or to take any other 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. ROCK HARBOR LAND LEASE AUTHORIZATION

To see if the Town will vote to authorize the Board of Selectmen to enter into a five-year lease of a Town-owned parcel of land consisting of approximately .05 acres, located at Rock Harbor, on such terms as they deem appropriate, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #7 as printed in the warrant.

ACTION: Voice vote, motion carries by necessary majority.

ARTICLE 8. GRANT PERMANENT EASEMENTS FOR MASSDOT HIGHWAY INTERCHANGE IMPROVEMENTS AT ROUTE 6A AND MAIN STREET

To see if the Town will vote to authorize the Board of Selectmen to grant and convey temporary and permanent easements, by deed, eminent domain, or otherwise, 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 and to execute land damage agreements in connection therewith. The temporary and 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" as:

6-3-T, 6-PUE-9-T, 6-TE-17

6-TE-35

6-2-T, 6-PUE-10, 6-TE-16, 6-TE-23

6-11-T, 6-PUE-9, 6-PUE-6-T, 6-TE-54, 6-TE-55

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

MOTION: To accept and adopt Article #8 as printed in the warrant.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 9. GRANT EVERSOURCE EASEMENTS FOR 90 SOUTH ORLEANS ROAD

To see if the Town will vote to authorize the Board of Selectmen to grant an easement to Eversource Energy for utility purposes over the property owned by the Town of Orleans and located at 90 South Orleans Road, Orleans, Mass. and described in a deed recorded with the Barnstable County registry of Deeds in Book 1301, Page 215, on such terms and conditions as the Board of Selectmen may determine, and to further authorize the Board of Selectmen to execute any and all instruments and to take such action as may be necessary on behalf of the Town to effectuate this vote; or to take any action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 10. FUND PRELIMINARY DESIGN PLAN FOR DREDGING PROJECT IN NAUSET ESTUARY

To see if the Town will vote to borrow and/or transfer from available funds the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00), or any other sum, for the purpose of developing preliminary design plans for a dredging project in Nauset Estuary, 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. (3/4 Vote Required)

MOTION: To accept and adopt Article#10 as printed in the warrant and that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00), 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 Thousand and 00/100 Dollars (\$100,000.00), pursuant to Massachusetts General Laws, Chapter 44 Sec. 7(17A), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts

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

MOTION TO AMEND by Steve Smith: That the Town of Orleans fund the full amount of \$336,900 to Woods Hole Group for the permits to dredge Nauset Estuary and that the money be awarded incrementally upon completion of the certain tasks which both parties agree upon.

ACTION ON MOTION TO AMEND: Standing vote, YES = 278, NO = 104, motion to amend Article #10 carries by the necessary majority

ACTION ON THE MAIN MOTION AS AMENDED: Standing vote, YES = 384, NO = 20, motion as amended carries by necessary 3/4 majority.

ARTICLE 11. 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, carries unanimously.

The Special Town Meeting was adjourned at 7:18 p.m.

The Annual Town Meeting was reconvened at 7:19 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, and Thomas Conrad, Nauset Regional School District Business Superintendent; Giovanna Venditti, Nauset Regional School District Business Manager; Noelle Pina, Orleans Chamber of Commerce Executive Director; Richard Pomroy, Pomroy Associates, Police Station Project Manager; Todd Costa, Kaestle Boos Associates, Police Station Architect; and Mike Domenica, Water Resources Associates President and Hannah Rose, student, all of who are not voting residents of the Town of Orleans, be

permitted to address the Town Meeting on matters affecting their office, department or organization, or for which projects 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)

Planning Board Report on the Orleans Comprehensive Plan

As required by the Town Charter, the following is a brief report on the status of the Orleans Comprehensive Plan, the official plan developed to ensure that Orleans will continue as a desirable place in which to live and visit.

The 20-year Plan was last amended by Town Meeting in 2006, and is being implemented by the staff, boards, and committees of the town.

Approximately 70% of the action items called for in the Plan have been completed. Many of the outstanding items are ongoing activities such as the acquisition of open space, which the Special Town Meeting considered under Article 3 tonight. Several other important recommendations of the plan will be considered tonight. I would like to highlight a couple of articles.

First, maintenance of Town facilities is recommended by the Town Plan. Articles 5, 6, and 7 allow voters to consider action on the police station, fuel depot and design for a Department of Public Works facility. Further, Article 8 seeks funding for an overflow parking lot near Nauset Beach, which will eventually be very important to maintaining beach access.

Second, addressing our wastewater management issue is an ongoing effort, and funds are sought under Article 9 to support continued progress on non-traditional strategies to clean our waters.

Third and finally, I want to report to you on progress made in downtown planning that was funded under Article 8 of last year's Special Town Meeting. The Planning Board, Board of Selectmen and other boards of the Town have worked with our planning consultant to project and understand future growth potential for the downtown area. It is the consensus of those boards that a strong downtown residential component is vital to the long-term interests of the community. The Planning Board will be working diligently in the coming year to prepare zoning amendments for your consideration at the next Annual Town Meeting.

On behalf of the Orleans Planning Board, I would like to thank our fellow residents for attending meetings, sending letters, and otherwise helping us to preserve and improve the town.

Thank you, Chip Bechtold, Vice-Chairman, Orleans Planning Board

MOTION: To accept and adopt the report of the Selectmen, Town Officers and all Town Committees, Commissions and Boards as published in the 2015 Annual Town Report and hear the report(s) of any other Town Committee reporting to the Town Meeting.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 2. TOWN / SCHOOL BUDGET (FY17)

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, 2016 and ending June 30, 2017 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 FY17 budget as printed in the warrant and that the sum of Thirty Million Five Hundred Seventy Nine Thousand Seven Hundred Twenty and 00/100 Dollars (\$30,579,720.00) be raised and appropriated, and the sum of Five Hundred Two Thousand One Hundred Seventy and 00/100 Dollars (\$502,170.00) be transferred from the Community Preservation Fund, and the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) 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 Eighty Thousand Eight Hundred Forty Six and 00/100 Dollars (\$80,846.00) be transferred from the Fund Balance Reserve for Premiums on Bond Issue, and the sum of Sixty Thousand Two Hundred Nine and 00/100 Dollars (\$60,209.00) be transferred from the EEA LAND Grants for a total appropriation of Thirty Two Million Ten Thousand Nine Hundred Forty Five and 00/100 Dollars (\$32,010,945.00).

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

ARTICLE 3. CAPITAL IMPROVEMENTS PLAN (FY18 – FY22)

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 by the necessary majority.

ARTICLE 4. FUND COMMUNITY PRESERVATION ACT PROGRAM BUDGET

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2017 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 FY17, 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 Nine Hundred Ten Thousand Seven Hundred Thirty Four and 00/100 Dollars (\$910,734.00) 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 POLICE STATION CONSTRUCTION

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Eleven Million Four Hundred Fifty Seven Thousand Eight Hundred Fifty and 00/100 Dollars (\$11,457,850.00), or any other sum, for the purpose of constructing a new Police Station on the corner of South Orleans Road and Eldredge Park Way, 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 #5 and that the sum of Eleven Million Four Hundred Fifty Seven Thousand Eight Hundred Fifty and 00/100 Dollars (\$11,457,850.00) 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 Eleven Million Four Hundred Fifty Seven Thousand Eight Hundred Fifty and 00/100 Dollars (\$11,457,850.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 7(3) and (3A), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

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

ARTICLE 6. FUND CONSTRUCTION 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 Four Hundred Ninety Six Thousand and 00/100 Dollars (\$496,000.00), or any other sum, for the purpose of constructing a new town fuel depot 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 #6 and that the sum of Four Hundred Ninety Six Thousand and 00/100 Dollars (\$496,000.00) 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 Four Hundred Ninety Six Thousand and 00/100 Dollars (\$496,000.00) pursuant to Massachusetts General Laws, Chapter 44 Sec. 7(34), 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 DESIGN OF NEW DPW & NATURAL RESOURCES FACILITIES

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Nine Hundred Thousand and 00/100 Dollars (\$900,000.00), or any other sum, for the purpose of designing new Department of Public Works and Natural Resources 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 #7 and that the sum of Nine Hundred Thousand and 00/100 Dollars (\$900,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Nine Hundred Thousand and 00/100 Dollars (\$900,000.00), pursuant to Massachusetts General Laws, Chapter 44 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 8. FUND CONSTRUCTION OF ADDITIONAL NAUSET BEACH PARKING

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Hundred Eighty Five Thousand and 00/100 Dollars (\$385,000.00), or any other sum, for the design and construction of the additional parking lot for Nauset Beach on the former Hubler property in East Orleans, 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 and that the sum of Three Hundred Eighty Five Thousand and 00/100 Dollars (\$385,000.00) 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 Three Hundred Eighty Five Thousand and 00/100 Dollars (\$385,000.00), pursuant to Massachusetts General Laws, Chapter 44 Sec. 7(6), 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 INTERIM 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 Six Hundred Ninety One Thousand Five Hundred and 00/100 Dollars (\$691,500.00), 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 # 9 and that the sum of Six Hundred Ninety One Thousand Five Hundred and 00/100 Dollars (\$691,500.00) 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 Ninety One Thousand Five Hundred and 00/100 Dollars (\$691,500.00) 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 10. FUND ROCK HARBOR BULKHEAD REPLACEMENT PROJECT

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Million Four Hundred Thirty Two Thousand Three Hundred Fifty and 00/100 Dollars (\$3,432,350.00), or any other sum, for the purpose of replacing a portion of the bulkhead at Rock Harbor, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 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.
(3/4 Vote Required)

MOTION: To accept and adopt Article #10 and that the sum of Three Million Four Hundred Thirty Two Thousand Three Hundred Fifty and 00/100 Dollars (\$3,432,350.00), 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 Three Million Four Hundred Thirty Two Thousand Three Hundred Fifty and 00/100 Dollars (\$3,432,350.00) pursuant to Massachusetts General Laws, Chapter 44 Sec. 7(33), 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 11. FUND DESIGN OF IMPROVEMENTS TO ORLEANS ELEMENTARY SCHOOL HEATING AND VENTILATION SYSTEMS

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Forty Thousand and 00/100 Dollars (\$40,000.00), or any other sum, for the purpose of preparing design plans for improvements to the heating and ventilation systems at the Orleans Elementary School, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 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 #11 and that the sum of Forty Thousand and 00/100 Dollars (\$40,000.00) 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 Forty Thousand and 00/100 Dollars (\$40,000.00), pursuant to Massachusetts General Laws, 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 unanimously.

ARTICLE 12. FUND FEASIBILITY STUDY FOR REPLACEMENT OF SKAKET BEACH ADMINISTRATION BUILDING AND PUBLIC RESTROOMS

To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds the sum of Thirty Five Thousand and 00/100 Dollars (\$35,000.00) or any other sum, for the purpose of funding a feasibility study for the replacement of the administration building and public restrooms at Skaket Beach, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 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 #12 and that the sum of Thirty Five Thousand and 00/100 Dollars (\$35,000.00) 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 Thirty Five Thousand and 00/100 Dollars (\$35,000.00), 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 unanimously.

ARTICLE 13. FUND TRI-TOWN SEPTAGE FACILITY CLOSURE COSTS

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

MOTION: To accept and adopt Article #13 and that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) be raised and appropriated for this purpose and for costs incidental and related thereto.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 14. FUND HABITAT CONSERVATION PLAN (HCP) PERMIT COSTS

To see if the Town will vote to raise and appropriate the sum of Forty Two Thousand and 00/100 Dollars (\$42,000.00) 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 #14 and that the sum of Forty Two Thousand and 00/100 Dollars (\$42,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 15. 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 Nine Thousand Six Hundred Ninety Seven and 00/100 Dollars (\$169,697.00) into the Stabilization Fund for Water Quality Drainage Improvements, and further to transfer from the Stabilization Fund the sum of One Hundred Sixty Nine Thousand Six Hundred Ninety Seven and 00/100 Dollars (\$169,697.00) 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 # 15 and that the sum of One Hundred Sixty Nine Thousand Six Hundred Ninety Seven and 00/100 Dollars (\$169,697.00) be raised and appropriated to the Stabilization Fund for Water Quality Drainage Improvements, and further to authorize the sum of One Hundred Sixty Nine Thousand Six Hundred Ninety Seven and 00/100 Dollars (\$169,697.00) 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 16. 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 Nine Thousand Four Hundred Fourteen and 00/100 Dollars (\$339,414.00) into the Stabilization Fund for the Town Pavement Management Program, and further to transfer from the Stabilization Fund the sum of Three Hundred Thirty Nine Thousand Four Hundred Fourteen and 00/100 Dollars (\$339,414.00) 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 #16 and that the sum of Three Hundred Thirty Nine Thousand Four Hundred Fourteen and 00/100 Dollars (\$339,414.00) be raised and appropriated to the Stabilization Fund for the Town Pavement Management Program, and further to authorize the sum of Three Hundred Thirty Nine Thousand Four Hundred Fourteen and 00/100 Dollars (\$339,414.00) 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 17. 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 Article #17 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 18. 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 Thousand and 00/100 Dollars (\$250,000.00) into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from the Stabilization Fund the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) 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 #18 and that the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) be raised and appropriated to the Stabilization Fund for Building and Facility Maintenance, and further to authorize the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) 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 voted, motion carries unanimously.

ARTICLE 19. 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 Fifty Nine Thousand and 00/100 Dollars (\$359,000.00) into the Stabilization Fund for Motor Vehicles and Equipment, and further to transfer from the Stabilization Fund the sum of Three Hundred Fifty Nine Thousand and 00/100 Dollars (\$359,000.00) 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 #19 and that the sum of Three Hundred Fifty Nine Thousand and 00/100 Dollars (\$359,000.00) be raised and appropriated to the Stabilization Fund for Motor Vehicles and Equipment, and further to authorize the sum of Three Hundred Fifty Nine Thousand and 00/100 Dollars (\$359,000.00) to be transferred from the Stabilization Fund for Motor Vehicles and Equipment for the purpose of funding building and facility maintenance projects, including all expenses incidental and related thereto.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 20. FUND VISITOR MANAGEMENT SERVICES BY ORLEANS CHAMBER OF COMMERCE

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty 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 #20 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 21. FUND HUMAN SERVICES AGENCIES (FY17)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ninety Thousand Nine Hundred Twenty Seven Dollars and 00/100 Dollars (\$90,927.00), or any other sum, to fund the following human services organizations for the period July 1, 2016 to June 30, 2017.

Alzheimer's Family Caregivers Support Services	8,000.00
CapeAbilities	5,827.00
Cape Cod Child Development	2,500.00
Cape Cod Children's Place	3,000.00
Consumer Assistance Council	300.00
Gosnold, Inc.	7,500.00
Homeless Prevention Council	8,800.00
Independence House	4,700.00
Lower Cape Outreach Council	10,000.00
Nauset Together We Can	7,000.00
Orleans After School Activities Program	20,000.00
Outer Cape Health Services	10,000.00
Sight Loss Services	1,000.00
South Coast Legal Services	<u>2,300.00</u>
	\$90,927.00

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

MOTION: To accept and adopt Article #21 as printed in the warrant, and that the sum of Ninety Thousand Nine Hundred Twenty Seven and 00/100 Dollars (\$90,927.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 22. 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 4th 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 #22 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 unanimously.

ARTICLE 23. FUND CULTURAL COUNCIL GRANTS

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

MOTION: To accept and adopt Article #23 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 24. FUND ELECTED OFFICIALS COMPENSATION (FY17)

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2016 as follows:

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

and to raise and appropriate and/or transfer from available funds the sum of Eleven Thousand One Hundred and 00/100 Dollars (\$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 #24 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 25. FUND UNANTICIPATED EMPLOYEE RETIREMENT BUYOUTS

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fifty Five Thousand and 00/100 Dollars (\$55,000.00), 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 #25 and that the sum of Fifty Five Thousand and 00/100 Dollars (\$55,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 26. 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 #26 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 27. WATER TREATMENT PLANT CHEMICAL CONTAINMENT / HVAC IMPROVEMENTS

To see if the Town will vote to transfer the sum of Forty Thousand and 00/100 Dollars (\$40,000.00) from Water Surplus Funds Reserved for Appropriations Account for the purpose of funding engineering services related to the enclosure of the chemical containment area at the water treatment plant, including all expenses incidental and related thereto; and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept and Federal, State, County or other funds that may be available for this purpose and to enter into Inter-municipal 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 relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #27 and the sum of Forty Thousand and 00/100 Dollars (\$40,000.00) be transferred from the Water Surplus Funds Reserved for Appropriations Account for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 28. FUND DESIGN OF REPLACEMENT OF BEACH ROAD WATER MAIN

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds transfer the sum of One Hundred Fifty Six Thousand and 00/100 Dollars (\$156,000.00), or any other sum, for the purpose of designing the replacement of the water main on Beach 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 #28 and the sum of One Hundred Fifty Six Thousand and 00/100 Dollars (\$156,000.00) 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 Fifty Six Thousand and 00/100 Dollars (\$156,000.00), 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 29. 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 #29 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 30. 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 #30 as printed in the warrant.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 31. 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 #31 as printed in the warrant.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 32. 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 #32 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 33. ADOPT M.G.L. CH. 44, §53F ¾, ESTABLISH PEG ACCESS AND CABLE RELATED FUND

To see if the Town of Orleans will accept General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2017, which begins on July 1, 2016, or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #33 and that the Town of Orleans accept General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2017, which begins on July 1, 2016.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 34. 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 #34 as printed in the warrant.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 35. 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, 2016 to June 30, 2017 (FY17) for those employees who are covered by the current Personnel Bylaw Compensation Plans and those employees covered by individual contracts and employment agreements; and to amend pay plan B by adding one position and by moving toward consistency with state minimum wage rates; or take any 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. ADD GENERAL BYLAW CH. 52 – NAMING / DEDICATION OF TOWN PROPERTY

To see if the Town will vote to amend the General Bylaws by adding a new Chapter 52, Naming/Dedication of Town Property, to read as follows:
52-1. Purpose.

This by-law is enacted for the purpose of preserving the history of the Town by insuring that in naming, renaming or otherwise designating public buildings and public lands, the Town seeks to recognize individuals and/or events of significance to local history.

52-2. Definitions

- A. "Designate" – the act of calling by a distinctive title, term or expression any public buildings or public lands as defined in this by-law.
- B. "Name" - a word or phrase that constitutes the distinctive designation of any public buildings or public lands as defined in this by-law.
- C. "Rename" – the act of re-designating any public buildings or public lands as defined in this by-law.
- D. "Public Building" – any structure, edifice or other facility owned or maintained by the Town of Orleans.
- E. "Public Land" – any real property owned or maintained by the Town of Orleans.

52-3. Procedure

- A. The naming, renaming or other designation of any public building or public land shall be by a two-thirds majority vote of Town Meeting.
- B. Any proposed name or designation of any public building or land shall be submitted to the Orleans Historical Commission for its review and recommendation as to the historic

significance of the proposed name or designation. The Orleans Historical Commission shall forward its recommendation to the Town Meeting.

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.

PROCEDURAL MOTION TO NOMINATE TEMPORARY MODERATOR

Jon Fuller nominated David Lyttle to serve as Temporary Moderator for the consideration of Article #7, Amend General Bylaw Ch. 122, Outdoor Lighting. (Simple Majority Vote Required)

ACTION: Voice vote, motion carries unanimously.

David Lyttle is sworn in as Temporary Moderator by Cynthia May, Town Clerk.

ARTICLE 37. AMEND GENERAL BYLAW CHAPTER 122 – OUTDOOR LIGHTING

Bold underline = new language ~~strikethrough~~ = language removed

Chapter 122 OUTDOOR LIGHTING

§ 122-1. Purpose.

The regulation of outdoor lighting is intended to: enhance public safety and welfare by providing for adequate and appropriate outdoor lighting, provide for lighting that will complement the character of the town, reduce glare, encourage energy savings, and minimize light trespass onto other properties.

§ 122-2. Applicability.

The requirements of this bylaw shall apply to outdoor lighting on lots and parcels in all districts but shall not apply to: one- and two-family dwellings on lots on which they are the principal use, or streetlighting, seasonal holiday lighting, public athletic fields, light fixtures with a lighting output of less than 1,200 lumens (75 wattage incandescent lighting or equal), lights that control traffic, or for public safety on streets and ways. Municipal facilities shall comply with this bylaw except as required for emergency services and public safety.

§ 122-3. Definitions.

As used in this section, the following terms shall have the meanings indicated:

FULLY SHIELDED LIGHT FIXTURE — A light fixture closed at the top with shielding so that the lower edge of the shield is at or below the center line of the light source or lamp so as to minimize the light rays emitted above the horizontal plane.

GLARE — Light emitted from a lamp with an intensity great enough to produce a reduction in a typical viewer's ability to see.

HEIGHT OF THE LIGHT FIXTURE — The vertical distance from the finished grade of the ground directly below the light fixture to the lowest point of the lamp of the light fixture.

LAMP — A bulb **or other device that emits light**, which is a component of a light fixture. ~~It consists of an outer glass envelope and a metal base enclosing a filament or arc tube and electrodes.~~

LIGHT FIXTURE — A lighting device that may be secured to a wall, ceiling, pole, or post and is used to hold one or more lamps. Lighting fixtures are designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the electrical power supply.

LIGHT TRESPASS — The shining of direct light produced by a light fixture onto an abutting lot, parcel, or street.

§ 122-4. Control of glare and light trespass.

- A. To the greatest extent feasible, all light fixtures shall be equipped with whatever shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to minimize glare to persons on any street or abutting lot or parcel.
- B. All light fixtures, regardless of their intended use or mounting configuration, shall be fully shielded, and directed downward. Downward direction may be waived by the Building Commissioner when illuminating architectural features such as building sections, spires, American flags, or landscaping features, provided efforts are made to minimize glare.
- C. All light fixtures shall also be positioned on the site so as to direct light into the site, lot or parcel and away from the property boundaries of the site and away from abutting properties.

§ 122-5. Pole height.

- A. Wherever outside light fixtures are proposed for parking areas, the height of the light fixture, including the pole, base and light fixture itself shall not exceed 20 feet in height.
- B. Wherever outside light fixtures are proposed for walkway lighting, the height of the light fixture, including the pole, base and light fixture itself shall not exceed 12 feet in height.

- C. Wherever outside light fixtures are proposed for walls or building surfaces, the height of the light fixture, including the light fixture itself, shall not exceed 12 feet in height.
- D. Wherever outside light fixtures are proposed for accenting architectural features of building surfaces, the height of the light fixture shall be exempt from the height requirements, provided the light fixture is in compliance with all provisions of this bylaw.

§ 122-6. Compliance.

When an existing outdoor lighting fixture is being modified, extended, expanded, or added to, the outdoor lighting fixture shall be subject to this section. All other outdoor lighting fixtures must come into conformance with this section within 5 years of its effective date.

§ 122-7. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision hereof.

§ 122-8. Enforcement.

This bylaw shall be enforced by the Building Commissioner, or his designee.

§ 122-9. Appeals.

- A. A Lighting Review Committee is hereby created and shall consist of three members appointed by the Board of Selectmen, or in the alternative the Board of Selectmen may designate the Architectural Review Committee, as set forth in § 164-33.1B of the Town of Orleans Zoning Bylaw, as the Lighting Review Committee. The Committee shall have the power to hear and decide appeals from orders or decisions of the Building Commissioner in accordance with § 122-9B.
- B. Any order or decision of the Building Commission made in the administration of this bylaw, may be appealed by any person aggrieved, to the Lighting Review Committee. Any such appeal shall be taken within thirty (30) days from the date of the decision or order which is being appealed by filing a notice of appeal, specifying the grounds thereof, in the office of the Town Clerk with a copy in the office of the Building Commissioner. The Lighting Review Committee shall hold a public hearing on any such appeal within thirty (30) days from the date of filing.

The Lighting Review Committee shall cause notice of the public hearing to be published once in a newspaper of general circulation in the Town of Orleans at least seven (7) days before the hearing. All hearings of the Committee shall be open to the public. The decision of the Committee shall be made within fifteen (15) days of the close of the public hearing and within seven days filed in the Office of the Town Clerk with a copy sent to the petitioners. In exercising the powers granted by this section, the Committee may make orders or decisions, reverse or affirm in

whole or in part, or modify any order of decision, and to that end shall have all the powers of the Building Commissioner.

An applicant may appeal for a variance from the requirements of this section. The Lighting Review Committee may not grant such relief unless it makes findings on each of the criteria below:

1. That strict compliance with the bylaw creates an undue hardship on the applicant;
2. That the relief sought is uncommon and not generally applicable to other properties which must comply with the section;
3. That the proposed lighting will comply with the purpose of the bylaw; and
4. That the relief is the least reasonably necessary.

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

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 38. AMEND ZONING BYLAW SECTION 164-4. Definitions and SECTION 164-21. Schedule of Lot, Yard and Bulk Requirements

Bold underline = new language ~~strike through~~ = language removed

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

§164-4 Definitions

Accessory Dwelling: A subsidiary dwelling unit created within, **detached from**, or on an extension to an existing single-family dwelling.

And further, to amend Section 164-21, Schedule of Lot, Yard, and Bulk Requirements to read as follows:

§164-21 Schedule of Lot, Yard and Bulk Requirements

B. Building Separation. Any building intended for human habitation, except in licensed boys' and girls' camps, shall be separated from any other such building on the same lot by a distance equal to ~~two (2) times~~ the required side yard unless connected with a solid roofed structure with a permanent floor to create usable space fit for occupancy or access between the two buildings.

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

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

PLANNING BOARD REPORT

The Planning Board held a public hearing on January 26, 2015. 12 people were in attendance. The Board received one comment in favor and none opposed to this amendment. The Planning Board voted 5-0-0 in favor of the amendment. The Board of Selectmen and Finance Committee were also unanimous.

This article is intended to increase flexibility in the allowance of Accessory Dwellings. Accessory dwellings are small dwelling units that may serve a family need or provide entry level, low-cost housing for those with limited means.

Under the existing bylaw, accessory dwellings are permitted under certain conditions:

- The building lot must contain at least 40,000 s.f. of buildable upland, ie. a conforming lot.
- Dwelling size is limited to 800 s.f. in floor area;
- The septic system must be adequate;
- Either the primary dwelling or the accessory unit must be occupied by the owner, and the other unit rented on an annual basis.

Problem – Definition of an accessory dwelling is a unit “created within or on an extension to an existing single-family dwelling.” This means the unit must be part of the primary dwelling. This prohibits the use of a separate building or garage for apartment use.

The number of accessory dwellings permitted each year is 2-3 on average. It is believed that the requirement that a unit be part of the primary dwelling is a substantial inhibitor to accessory dwellings.

Response – The article would allow accessory dwellings to be detached from the primary residence. Other limitations on these small dwelling units would remain in effect. It is thought that allowing an accessory unit to be detached may lead to more homeowners installing an accessory dwelling, which will help address a critical need for lower cost rental units in the Town.

The proposed amendment also reduces the setback requirement for habitable dwellings on a single lot from 2 times the required side setback to a distance equal to the side setback. In Residential Districts, the setback is 25 feet. This change has been reviewed by the Fire Chief.

The Planning Board respectfully requests your approval of this article.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 39. AMEND ZONING BYLAW SECTION 164-31, APARTMENT DEVELOPMENT

Bold underline = new language ~~strikethrough~~ = language removed

To see if the Town will vote to amend the Zoning Bylaws, Section 164-31. Apartment Development to read as follows:

§164-31 Apartment Development

- A. Applicability. Apartments may be developed only in districts as provided in §164-13. A special permit for apartments, shall be granted only in accordance with Subsections B through D of this section and only upon these findings being made by the Board of Appeals:
- (1) By virtue of its sponsorship, financing, or design, the housing will serve an important unmet housing need of the community, such as the need of area residents for year-round housing, and there is enforceable assurance that the housing will continue to meet such need for at least twenty (20) years.
 - (2) The housing will not adversely affect business operation on that or other premises within the district or be detrimentally affected by such uses.
- B. Lot Area. Minimum lot area shall equal sixty thousand (60,000) square feet contiguous buildable upland area, **except in the Village Center District, where minimum lot area shall equal twenty thousand (20,000) square feet contiguous buildable upland area.** Seven Thousand (7,000) square feet of contiguous buildable upland area shall be provided per dwelling unit, except that in the Rural Business District fourteen thousand (14,000) square feet of contiguous buildable upland area shall be provided per dwelling unit. Alternatively, in each structure in which the floor area devoted to dwellings is less than that devoted to business, minimum lot area shall equal three thousand five hundred (3,500) square feet contiguous buildable upland area per dwelling unit, plus the area covered by the building, plus the area required for parking servicing the business use.
- C. Other Dimensional Requirements. The normally applicable district frontage, yard, and building height requirements shall be observed.
- D. Design Requirements. No structure shall contain more than twelve (12) dwelling units. No dwelling unit shall have its lowest floor below grade at its entire perimeter.
- E. No Special Permit shall be issued by the Zoning Board of Appeals for an apartment or other multi-family housing development where the density exceeds two (2) units per acre of buildable upland area unless the Board of Health certifies that the septic system is designed to achieve an effluent nitrogen concentration of 19 milligrams per liter (mg/l) or less, as measured at the discharge.

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

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

PLANNING BOARD REPORT

The Planning Board held a public hearing on January 26, 2016. 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 Board of Selectmen and Finance Committee were also unanimous.

This article would allow smaller lots in the Village Center District to be used for residential apartments.

Apartment development is presently allowed in the Village Center by Special Permit from the Zoning Board of Appeals. The Orleans Comprehensive Plan and the Village Center Vision Statement both recommend that the Village Center has a strong residential component. This is the area of the Town where additional density is thought to be appropriate and desirable. The Village Center provides access to shops and services, has public transit stops, and the business climate will improve if more people live in the village.

The density currently permitted under the bylaw is approx. 6 units per acre for an apartment project, with an allowance for 12 units per acre in a mixed commercial and residential development.

PROBLEM

The bylaw contains several dimensional and design requirements that must be met in order to obtain approval for an apartment development. Of note, minimum lot size required for apartments is 60,000 s.f. of land area. While there are 13 parcels in the Village Center that meet the minimum size requirement, most of the lots are either fully utilized or otherwise constrained by existing business development. There are few lots that could reasonably be developed for apartment use.

Therefore, under current regulations, it is unlikely that very many apartments will be added to the Village Center.

RESPONSE

What is proposed is to reduce the minimum lot size for apartments to 20,000 s.f. from the existing 60,000 s.f. This would allow more parcels to be developed for exclusively residential purposes. There are an additional 24 lots that would qualify to apply for a SP.

Under this proposal, all the same rules would apply for an apartment development – Density is the same, SP still required, with abutter notification and public hearing.

The rationale for the change:

- A healthy residential sector makes for a more vibrant and active downtown.
- There is a need for additional housing units in the Village Center
- Section 164-32 of the Bylaw already allows DWELLINGS IN COMMERCIAL STRUCTURES, by right, up to 4 units. The mixed use requirement appears to be a disincentive, so allowing basically the same number of dwelling units through the Apartment Development section makes sense.

- Orleans has more commercially zoned property than is needed to serve future residents, based on a recent buildout study. Allowing some business properties to convert to strictly residential use strengthens remaining commercial property and makes it more viable.

We think this amendment is a positive step to improve the vitality of the Village Center, and we ask for your approval. Thank you.

Motion to Amend made by Jane Moroney. Amendment determined by Moderator and Town Counsel to be beyond the scope of the article.

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

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, 2016, or to take any other action relative thereto. (Simple Majority Vote Required)

	<u>Current</u> <u>Rates</u>	<u>Proposed</u> <u>Rates</u>	
Basic Service	\$88.84	\$95.18	per thousand gallons
0 to 15,000 gallons	\$1.88	\$2.01	per thousand gallons
15,001 to 30,000 gallons	\$4.64	\$4.96	per thousand gallons
30,001 to 50,000 gallons	\$5.97	\$6.39	per thousand gallons
Over 50,000 gallons	\$7.23	\$7.74	per thousand gallons

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 41. AUTHORIZE DEEDS / EASEMENTS FOR 17 HERRING BROOK WAY

To see if the Town will vote to authorize the Board of Selectmen to execute and deliver a release deed of all the Town’s right, title and interest, if any, in a certain parcel of land located at 17 Herring Brook Way, as shown on a plan of land labeled “Release Deed, April 7, 2016,” a copy of which is on file in the Office of the Town Clerk (the “Property”), to Anne F. Kilguss, Trustee of the Herring Brook Way Nominee Trust, or her nominee (“Kilguss”), which release deed shall be in exchange for the grant of an easement to the Town from Kilguss for pedestrian access and small boat storage within a portion of the Property, which easement area is shown as “Town of Orleans Easement Area” on a plan entitled “Herring Brook Way Nominee Trust Easement Plan,” dated January 27, 2016, a copy of which is on file in the Office of the Town Clerk; and further to authorize the Board of Selectmen to determine the terms, conditions and form of any such Easement and to take any and all actions necessary to consummate the exchange of interests in the Property, or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 42. GRANT EASEMENT FOR INSTALLATION AND MAINTENANCE OF SEWER LINE IN COTTAGE STREET.

To see if the Town will vote to authorize the Board of Selectmen to grant an easement to the Holbrook Miller Nominee Trust owners of the property located at 10 and 11 Cottage Street, Orleans, MA for the installation and maintenance of an underground sewer line in Cottage Street on such terms and conditions as the Board of Selectmen and the Board of Health deem appropriate, and to further authorize the Board of Selectmen to execute any and all instruments and to take such action as may be necessary on behalf of the Town, or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 43. AUTHORIZE AMENDMENT TO CONSERVATION RESTRICTION AT 22 MAIN STREET

To see if the Town will vote to authorize and direct the Board of Selectmen to consent to an amendment of the Conservation Restriction on property located at 22 Main Street, Orleans, MA granted by the Snow Realty Trust to the Town of Orleans, through its Conservation Commission, and recorded on January 5, 2001 with the Barnstable Registry District of the Land Court as Document No. 821,302 and recorded with the Barnstable Registry of Deeds in Book 13472 Page 176, said amendment to be pursuant to and consistent with the provisions of Paragraph M of the Conservation Restriction and, further, to authorize the Board of Selectmen and/or the Conservation Commission to negotiate the terms of the amendment and to execute any and all instruments as may be necessary on behalf of the Town, and further to petition the state legislature for special legislation to authorize said amendment to the extent required, or to take any other action relative thereto. (2/3 Vote Required)

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 44. AUTHORIZE AND DIRECT BOS TO EVALUATE DESIGN-BUILD CONSTRUCTION OPTION

To see if the Town will vote to authorize and direct the Board of Selectmen to evaluate the Design-Build option for a new wastewater treatment collection and treatment facility that may be built by the Town. The Design-Build alternative is an option under M.G.L. c.

149A, Sections 14-21 for public works projects costing over \$5 million that allows a Town to select and execute a single contract with a single firm to design and construct the project. This alternative approach streamlines the process and has the potential for substantial savings compared to the traditional Design then Build option that is typically used by Towns for public construction projects. As proposed, the Board of Selectmen will evaluate the Design-Build option and the potential costs/benefits to the Town and report their findings to the Town Meeting in May 2017, or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 45. CREATE AND FUND INDEPENDENT TOWN REVENUE COMMITTEE

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00) for the purpose of funding the activities of an *ad hoc* Revenue Committee, which committee shall be constituted and begin its activities no later than July 1, 2016, and shall be composed of five (5) Town residents or taxpayers (who are not then serving on either the Board of Selectmen or the Finance Committee) to be appointed by the Moderator, which shall meet on a regular basis for the purpose of making a report and recommendations to the Board of Selectmen and the Finance Committee no later than February 28, 2017 of potential sources of non-property-tax revenue that the Town may be able to raise, so that the Selectmen may make a decision on which sources of such potential revenue to pursue. The Committee shall invite the appointment as liaisons to attend its meetings and to report back to their respective organizations, individuals from the following Town bodies: the Board of Selectmen; the Department of Finance; the Finance Committee; the Planning Department; and the Planning Board. Upon delivery of its report to the Selectmen and the Finance Committee, the Revenue Committee shall be dissolved, or to take any other action relative thereto. (Simple Majority Vote required)

MOTION:

To accept and adopt Article #45 and that the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 46. FUND PURCHASE OF ELLICOTT 370 DREDGE OR EQUIVALENT - BY PETITION

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Nine Hundred Five Thousand and 00/100 Dollars (\$905,000.00) for the purpose of purchasing an Ellicott 370 Dredge, or equivalent, for the Harbormaster's

Department, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 ½) amounts required to pay the principal and interest of the borrowing approved by such vote, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: To accept and adopt Article #46 as printed in the warrant and that the sum of Nine Hundred Five Thousand and 00/100 Dollars (\$905,000.00), 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 Nine Hundred Five Thousand and 00/100 Dollars (\$905,000.00), pursuant to Massachusetts General Laws, 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: Standing vote, YES = 53, NO = 134, motion fails to attain the necessary 3/4 majority.

ARTICLE 47. FUND RE-EXAMINATION OF OAK RIDGE ARCHAEOLOGICAL SITE ON NAMSKAKET CREEK – BY PETITION

To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds the sum of Twenty Five Thousand and 00/100 (\$25,000) for the purpose of conducting a “re-examination” of the Oak Ridge Archaeological Site located on upper Namskaket Creek by reviewing the Final Report published in 1984 by Leonard Loparto—the project archaeologist—concerning his research and fieldwork of this Transitional Late Archaic tool-making workshop location. He reported that “significant cultural materials were found.” Mr. Loparto recommended that “a data recovery plan for the Oak Ridge site should include historical, environmental and archaeological research for the site and surrounding area.” Mr. Loparto called for a “determination of eligibility: of the Oak Ridge Site for recognition by the National and State Registers of Historic Places.”

This research has never been conducted. Town elders owe a duty of stewardship to the Nauset culture to undertake a peer review of Mr. Loparto’s research work and to conduct a field survey to update town residents as to the present conditions found at the site. Artifacts found during the preliminary 1984 “dig” are held locally under the jurisdiction of the Massachusetts Historical Commission.

Support this citizen petition calling for “re-examination” of the Oak Ridge Site before the demolition of the Tri-Town Septage Treatment Plant and reclamation in this area of critical archaeological significance in town history.

Provided however, that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by the Massachusetts General Law Chapter 59, Section 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, any such funds or grants which shall be used to offset the total appropriation authorized herein, or to take any other action relating thereto.
(Simple Majority Vote Required)

MOTION: To accept and adopt Article #47 as printed in the warrant and that the sum of Twenty Five Thousand and 00/100 (\$25,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 48. FREE CASH

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

MOTION:

To accept and adopt Article #48 and that the sum of Nine Hundred Fifty-Six Thousand Four Hundred Twenty-Seven and 00/100 Dollars (\$956,427.00) be transferred from available funds for this purpose for FY17.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 49. CLOSING ARTICLE

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

MOTION: To adjourn the Annual Town Meeting

ACTION: Voice vote, motion carries unanimously.

Annual Town Meeting was adjourned at 10:06 pm.

A True Record, Attest:

Cynthia S. May, Town Clerk