

ANNUAL TOWN MEETING
"DOINGS"
May 8, 2017

The Annual and Special Town Meetings were held on Monday, May 8, 2017 in the Nauset Regional Middle School Gym. The Annual Town Meeting was opened at 6:43 p.m. after a quorum of 200 voters was declared by the Town Clerk. Election workers were: Mary Walker, Susan Milton, Cynthia Eager, Ken Rowell, Pat Rowell, Elizabeth Peters and Molly Hidden. Constables on duty were Paul Kelly and Mary Stevens. A total of 489 voters were in attendance.

PROCEDURAL MOTION

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

ACTION: Voice vote, motion carries unanimously.

PROCEDURAL MOTION

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

ACTION: Voice vote, motion carries unanimously.

Special Town Meeting was opened at 6:46 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: The motion will be made at Town Meeting and will include the total as of May 8, 2017, and a breakdown by Town department, vendor and amount.

<u>Dept.</u>	<u>Vendor</u>	<u>Amount</u>
Transfer Station	GHD	\$6,650.00

ACTION: Voice vote, motion carries unanimously.

ARTICLE 2. FY 17 BUDGET ADJUSTMENTS

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2017 as follows:

1. Transfer the sum of One Thousand and 00/100 Dollars (\$1,000.00), or any other sum, to the Insurance Notes and Bonds Account for the purpose of paying unanticipated premium increases and deductibles.
2. Transfer the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, to the Transfer Station Recycling/Hauling Account for the purpose of paying increased hauling costs.
3. Transfer the sum of Twelve Thousand and 00/100 Dollars (\$12,000.00), or any other sum, to the Town Office Building Expense Account for the purpose of paying unanticipated repairs to the HVAC systems.
4. Transfer the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00), or any other sum, to the Treasurer/Collector Salary Account for the purpose of funding the budget shortfall due to the unexpected retirement and payout of the previous Town Treasurer/Collector.

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

MOTION: To accept and adopt Article #2 as printed in the warrant, and the transfers be made from Free Cash for the purpose(s) set forth in the article.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 3. APPLICATION OF BOND PREMIUM

To see if the Town will vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bond or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: I move that the Town vote to supplement each prior vote of the Town that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 4. 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 Solar Credits Account, said account not to exceed Twenty Five Thousand and 00/100 Dollars (\$25,000.00). The Account will be used to pay the Town's utility bills. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 2) The Beach Inventory Account, said account not to exceed Seventy Five Thousand and 00/100 Dollars (\$75,000.00). The account will be used to purchase items for resale at Nauset Beach. Said funds to be spent under the direction of the department manager and the Town Administrator. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #4 as printed in the warrant.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 5. FUND BEACH INVENTORY STARTUP COSTS

To see if the Town will vote to transfer from available funds the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), or any other sum, for the purpose of funding the purchase of beach-related items for resale, or to take any other action relative thereto.
(Simple Majority Vote Required)

MOTION: To accept and adopt Article #5 as printed in the warrant, and that the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be transferred from Free Cash for this purpose.

ACTION: Voice vote, motion carries by necessary majority.

ARTICLE 6. AUTHORIZE JOINT POWERS AGREEMENT WITH CAPE LIGHT COMPACT

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter to authorize the Board of Selectmen to enter into a Joint Powers Agreement (JPA) with other governmental units for the joint exercise of their common powers and duties within Barnstable and Dukes County as the Cape Light Compact Joint Powers Entity (JPE), for the purpose of providing services including power supply procurement; offering of energy efficiency programs, participation in regulatory and legislative proceedings and educational outreach with regard to energy issues, in accordance with the Agreement on file with the Town Clerk, or to take any other action relative thereto.
(Simple Majority Required)

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 7. RESCIND OLD DEBT AUTHORIZATIONS FOR CLOSED PROJECTS

To see if the Town will vote to rescind the outstanding balances of the authorized and unissued borrowing for the following projects.

	TOWN		AMOUNT	TOTAL	TOTAL
	MEETING	ARTICLE	AUTHORIZED	ISSUED/ RETIRED/ RESCINDED	UNISSUED
EXEMPT DEBT					
OES Boiler	5/13/2013	10	\$ 200,000	\$ 189,141	\$ 10,859
Sub-Total, Schools			\$ 200,000	\$ 189,141	\$ 10,859
Highway Front End Loader	5/11/2015	9	\$ 175,000	\$ 155,269	\$ 19,731

Ambulance	10/27/2014	4	\$ 270,000	\$ -	\$ 270,000
Street Sweeper	5/13/2013	8	\$ 217,166	\$ 211,460	\$ 5,706
Docks Piers Ramps 2	5/9/2011	10	\$ 250,000	\$ 221,927	\$ 28,073
Rock Harbor Dredge	5/12/2014	8	\$ 900,000	\$ 744,381	\$ 155,620
DPW Garage Design	10/24/2014	2	\$ 40,000	\$ 29,750	\$ 1,705
Nauset Estuary Study	05/11/2015	58	\$ 50,000	\$ 49,936	\$ 64
Sub-Total, Gen Debt			\$ 1,457,166	\$ 1,257,454	\$ 480,898
Water Resource Mgmt Plan	5/12/2014	44	\$ 1,045,000	\$ 980,000	\$ 65,000
Sub-Total, CWMP					\$ 65,000
TOTAL EXEMPT DEBT			\$ 1,657,166	\$ 1,446,595	\$ 556,758
NON - EXEMPT DEBT					
Water Mains - Tonset Road	5/11/2015	10	\$ 755,000	\$ 667,750	\$ 70,583
Well #8	5/23/2008	11	\$ 250,000	\$ 240,505	\$ 9,495
Water Tank #2	5/7/2012	5	\$ 750,000	\$ 739,864	\$ 10,136
Sub-Total, Water			\$ 1,755,000	\$ 1,648,119	\$ 90,214
TOTAL NON-EXEMPT DEBT			\$ 1,755,000	\$ 1,648,119	\$ 90,214
TOTAL AUTHORIZED & UNISSUED TO BE RESCINDED					\$ 646,972

The total to be rescinded is Six Hundred Forty Six Thousand Nine Hundred Seventy Two and 00/100 Dollars (\$646,972.00). 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 unanimously.

ARTICLE 8. GRANT EVERSOURCE EASEMENT FOR 4 GIDDIAH HILL 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 Giddiah Hill Road, Orleans Mass. as described in an Order of Taking recorded with the Barnstable County Registry of Deeds Land Court Division, as Document No. 767361 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 #8 as printed in the warrant.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 9. CLOSING ARTICLE

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

MOTION: To adjourn Special Town Meeting.

ACTION: Voice vote, motion carries unanimously

The Special Town Meeting was adjourned at 6:59 p.m.

The Annual Town Meeting was reconvened at 7:00 p.m.

PROCEDURAL MOTION

That all Town Officials or department managers or their duly designated representatives, required to attend Town Meeting pursuant to Section 2-7-3 of the charter, and Giovanna Venditti, Nauset Regional School District Business Manager; Noelle Pina, Orleans Chamber of Commerce Executive Director; Jeff Alberti, Weston and Sampson, DPW Facilities Project Designer; Joe Sullivan, Daedalus, Inc., DPW Facilities Project Manager; and Mike Domenica, Water Resources Associates President, who are not residents of the Town of Orleans, be permitted to address the Town Meeting on matters affecting their office, department or organization, or projects for which they have performed services for the Town.

ACTION: Voice vote, motion carries unanimously.

Finance Committee had 5 members stating that they wanted Article 4 to be separated from the Consent Calendar.

ARTICLE 4. 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: I move that this article be accepted and adopted as printed in the warrant.

MOTION TO AMEND: To see if the Town will vote to authorize the Town Administrator to dispose of surplus supplies and equipment via a public auction within 60 days after such equipment becomes obsolete under such terms and conditions as the Town Administrator deems advisable, and if unable to auction off said supplies and equipment to dispose of such supplies and equipment as he or she sees fit 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 take any other action relative thereto.

ACTION ON AMENDMENT: Voice voted, unable to be determined, standing vote taken. YES=185 NO= 209. Motion fails to attain majority to amend.

ACTION ON MAIN MOTION: Voice vote, motion carries by necessary majority.

CONSENT CALENDAR ARTICLES

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 Town Committees, Commissions and Boards as published in the 2016 Annual Town Report, and hear the report(s) of any other Town Committees reporting to Town Meeting.

ARTICLE 2. 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, 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, or to take any other action relative thereto.

ARTICLE 3. 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.

ARTICLE 5. 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.

ARTICLE 6. AMEND CH. 40, PERSONNEL BYLAW

To see if the Town will vote to approve a 2% cost of living wage increase for the period of July 1, 2017 to June 30, 2018 (FY18) for those employees who are covered by the Personnel Bylaw Compensation Plans and those employees covered by individual contracts and employment agreements; and to approve a new seasonal Pay Plan D, which includes the position of Beach Safety Supervisor, and to approve a new section 14-1-3 which allows for high deductible PPO and HMO plans, as set forth in the amendment on file with the Town Clerk; or take any action relative thereto.

ARTICLE 7. 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 the depositing of entry fees, expense reimbursements, and for awarding of cash prizes to participants in special exhibits and cultural events. 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.
 - 9) The Solar Credits Account, said account not to exceed Thirty Five Thousand and 00/100 Dollars (\$35,000.00). The Account will be used to pay the Town's utility bills. Said funds to be spent under the direction of the department manager and the Town Administrator.
 - 10) The Beach Inventory Account, said account not to exceed Seventy Five Thousand and 00/100 Dollars (\$75,000.00) The account will be used to purchase items for resale at Nauset Beach. 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.

ARTICLE 8. AMEND ORLEANS MARINE AND FRESH WATER QUALITY TASK FORCE CHARGE

To see if the Town will vote to amend the actions taken under Article 40 of the May 8, 2000 Annual Town Meeting, which created the Marine and Fresh Water Quality Task Force, as follows:

The Board of Selectmen is authorized to appoint a Marine and Fresh Water Quality ~~Task Force~~ **Committee**, charged with protecting the Town's marine and fresh water resources by:

- ~~1. Identifying problem areas and recommending steps for remediation.~~

- ~~2. Prioritizing marine and fresh water problems with respect to environmental and economic criteria.~~
- ~~3. Devising alternatives to current practices where indicated.~~
- ~~4. Ensuring effective communication among all Town employees and agencies concerned with marine and fresh water resource management.~~
- ~~5. Development and maintenance of a database on the condition of Orleans marine resources since 1988 as a foundation for pertinent decisions at all levels of Town government.~~
- ~~6. Identifying sources of external funds and resources for protecting marine and fresh water resources and acting in concert with the Town Administrator making applications for program support.~~
- ~~7. Developing and maintaining a database of water quality in the fresh water Ponds and Lakes of Orleans and notifying all levels of Town government of problem areas.~~

- 1. Monitoring the factors that impact the ecosystem health of Orleans marine and fresh waterbodies.**
- 2. Recruiting and training a cadre of volunteers to conduct monitoring activities in accordance with established scientific procedures.**
- 3. Maintaining, repairing and updating equipment used for water sampling.**
4. Identifying problem areas, **researching solutions, reviewing external reports,** and recommending steps for remediation.
- 5. Providing technical information, data and field research to support the Town's efforts to design and carry out master planning for wastewater and stormwater disposal in an ecologically sound manner.**
- 6. Providing communications to BOS, town departments and committees to advocate for clean waterways and resolve issues.**
- 7. Alerting the Town to outside funding opportunities.**
- 8. Coordinating activities with Pleasant Bay Alliance, nearby towns, and local environmental non-profit organizations.**
- 9. Providing liaison with consultants or contractors working on Town water quality issues, when requested.**
- 10. Providing education and outreach to the Orleans public on the importance of improving water quality.**

11. Maintaining a repository of water quality data.

The Town further authorizes the Board of Selectmen to appoint seven (7) persons to the Marine and Fresh Water Quality ~~Task Force~~ **Committee. Members will serve three-year overlapping terms and be eligible for reappointment. The Committee will hold monthly meetings at Orleans Town Hall. Members are asked to actively contribute a minimum of 2-4 hours per month to the work of the Committee. The Committee will submit minutes of meetings to the Town Clerk within 30 days of each meeting and submit an annual report to the Town Administrator's office by January 1 each year.** No member of the ~~Task Force~~ **Committee** shall be an employee of the Town of Orleans but the appointed body shall be authorized to call upon Town employees for information and recommendations for management of Orleans' marine and fresh water resources subject to the order of the Town Administrator. **Future revisions to this charge will not have to be approved by Town Meeting but instead may be made by vote of the Board of Selectmen.** Or to take any other action relative thereto.

(Simple Majority Vote Required)

CONSENT CALENDAR - MOTION: To accept and adopt Articles 1, 2, 3, 5, 6, 7 and 8 as printed in the warrant.

ACTION: Voice vote, motion carries by necessary majority.

ARTICLE 9. TOWN / SCHOOL BUDGET

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, 2017 and ending June 30, 2018 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 #9 and that the Town Meeting adopt the Selectmen's proposed FY 2018 budget as printed in the warrant, and as funding therefore, to raise and appropriate the sum of Twenty Nine Million Seven Hundred Thirty One Thousand Six Hundred and 00/100 Dollars (\$29,731,600.00), appropriate from Water Fees the sum of Two Million One Hundred Thirteen Thousand Nine Hundred Fifty Six and 00/100 Dollars (\$2,113,956.00), transfer from Free Cash the sum of Eight Hundred Eighty Nine Thousand Four Hundred Eighty Nine and 00/100 Dollars (\$889,489.00), transfer from the Ambulance Receipts Reserved for Appropriation account the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00), transfer

from the Water Ways Improvement account the sum of One Hundred Twenty Six Thousand and 00/100 Dollars (\$126,000.00), transfer from the Cable Fees Receipts Reserved for Appropriation account the sum of One Hundred Thirty Two Thousand and 00/100 Dollars (\$132,000.00), transfer from the Municipal Insurance Fund the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00), transfer from the Water Pollution Abatement Trust account the sum of Five Thousand and 00/100 Dollars (\$5,000.00), transfer from the Wetlands Protection Fund the sum of Ten Thousand and 00/100 Dollars (\$10,000.00), and transfer from the EEA Land Grants the sum of Three Thousand Nine Hundred Sixty Five and 00/100 Dollars (\$3,965.00); for a total appropriation of Thirty Three Million Five Hundred Twenty Seven Thousand Ten and 00/100 Dollars (\$33,527,010.00).

ACTION: Voice vote, motion carries by necessary majority.

ARTICLE 10. CAPITAL IMPROVEMENTS PLAN (FY19 – FY23)

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 #10 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 necessary majority.

ARTICLE 11: 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 2018 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 FY18, or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #11 as printed in the warrant and that the sum of Seven Hundred Fifty-Six Thousand Six Hundred and Sixty-Five and 00/100 Dollars

(\$756,665.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

ACTION: Voice vote, motion carries by unanimously.

ARTICLE 12. FUND NEW DPW & NATURAL RESOURCES CENTRAL GARAGE AND FACILITIES CONSTRUCTION

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Thirteen Million Five Hundred Seventy Five Thousand and 00/100 Dollars (\$13,575,000.00), or any other sum, for the purpose of constructing the new Department of Public Works and Natural Resources Central Garage and Facilities located on land adjacent to the Transfer Station, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 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 Thirteen Million Five Hundred Seventy Five Thousand and 00/100 Dollars (\$13,575,000.00) 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 Thirteen Million Five Hundred Seventy Five Thousand and 00/100 Dollars (\$13,575,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 7 (3), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

ARTICLE 13. FUND CWRMP IMPLEMENTATION – PLANNING, ENGINEERING AND ADAPTIVE MANAGEMENT

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Million Seven Hundred Thirty Three Thousand Six Hundred Sixty and 00/100 Dollars (\$3,733,660.00), or any other sum, for the purpose of funding implementation of the 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 #13 and that the sum of Three Million Six Hundred Ninety Four Thousand Four Hundred Sixty and 00/100 Dollars (\$3,694,460.00) 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 Six Hundred Ninety Four Thousand Four Hundred Sixty and 00/100 Dollars (\$3,694,460.00) 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, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

MOTION TO AMEND: Steve Smith. To reduce overall amount from \$3,694,460 to \$3,46,9260 by removing the funding for Lonnie's Pond (\$143,520), Existing Grant Expansion (45,840) and Town Cove (35,840).

MOTION: From Duane Landreth to allow Mr. Wannamaker, non-voting property owner to speak.

ACTION: Voice vote, motion passes by necessary majority to allow power of speech.

MOTION: From Nello Trevison to call the question.

ACTION: Voice vote, motion passes by necessary majority to call the question.

ACTION ON MOTION TO AMEND: Voice vote, motion fails to pass by necessary majority.

MOTION: From Jim Trainor to call the question.

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

MOTION TO AMEND: From Ed Daly, to reduce the total amount from \$3,694,460 to 2,963,560 by removing the funding for collection and WWTF – prepare a preliminary design report (25% design) and utility survey for Meetinghouse Pond. (\$730,900)

ACTION: Voice voted, cannot be determined. Standing vote Yes – 205, No - 190 motion to amend passes by necessary majority.

ACTION ON MAIN MOTION AS AMENDED: Voice vote, motion passes by necessary 2/3 majority.

ARTICLE 14. FUND TRI-TOWN SEPTAGE FACILITY AND COMPOST SHED DEMOLITION

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Eight Hundred Seventy Thousand and 00/100 Dollars (\$870,000.00), or any other sum, for the demolition of the Tri-Town Septage Facility and compost shed located on Overland 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 #14 and that the sum of Eight Hundred Seventy Thousand and 00/100 Dollars (\$870,000.00) 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 Eight Hundred Seventy Thousand and 00/100 Dollars (\$870,000.00), pursuant to Massachusetts General Laws, Chapter 44, Sec. 7 (1), or any other enabling authority, and to issue bonds or notes of the Town therefor, provided however that this vote shall not take effect until the Town votes to exempt from the limitations on total taxes imposed by the Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote, and

that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 15. FUND WATER DEPT. CHEMICAL CONTAINMENT AND HVAC IMPROVEMENTS

To see if the Town will vote to transfer from available funds the sum of Two Hundred Eighty Seven Thousand and 00/100 Dollars (\$287,000.00), or any other sum, for the purpose of renovating the chemical storage area located in 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 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. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #15 and the sum of Two Hundred Eighty Seven Thousand and 00/100 Dollars (\$287,000.00), be transferred from the Water Surplus Account for this purpose and for costs incidental and related thereto.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 16. FUND BEACH ROAD WATER MAIN REPLACEMENT

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds transfer the sum of One Million Two Hundred Seventy Thousand and 00/100 Dollars (\$1,270,000.00), or any other sum, for the purpose of replacing 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. (2/3 Vote Required)

MOTION: To accept and adopt Article #16 and the sum of One Million Two Hundred Seventy Thousand and 00/100 Dollars (\$1,270,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of One Million Two Hundred Seventy Thousand and 00/100 Dollars (\$1,270,000.00), 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, and that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 17. FUND FEASIBILITY STUDY AND SCHEMATIC DESIGN OF MSBA CORE PROJECT AT NAUSET REGIONAL HIGH SCHOOL

To see if the Town will approve the One Million Three Hundred Thousand and 00/100 Dollars (\$1,300,000.00) borrowing authorized by the Nauset Regional School District, for the purpose of funding the feasibility study and schematic design of the MSBA Core project at Nauset Regional High School, 100 Cable Road, N. Eastham, MA 02651 including all expenses incidental and related thereto; (the "Study"), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of the School Committee. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the district and its member municipalities. Any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. The approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21 C (Proposition 2 1/2) its allocable share of the amounts required to pay the principal and interest of the borrowing, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #17 and that the Town hereby approves the One Million Three Hundred Thousand and 00/100 Dollars (\$1,300,000.00) borrowing authorized by the Nauset Regional School District, for the purpose of paying costs of a feasibility study, for the Nauset High School 100 Cable Road, N. Eastham, Massachusetts, including the payment of all costs incidental or related thereto (the "Study"), and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (MSBA), said amount to be expended at the direction of the School Committee; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that District may receive from the MSBA for the Study shall be set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA. The amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA,

provided that the approval of the District's borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on total taxes imposed by Massachusetts General Laws Chapter 59, Section 21C (Proposition 2 ½ so called).

ACTION: Voice vote, motion carries unanimously.

ARTICLE 18. FUND FIRE & RESCUE DEPT. REPLACEMENT OF AMBULANCE

To see if the Town will vote to transfer from available funds the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00), or any other sum, for the purpose of purchasing a replacement ambulance in the Fire and Rescue Department, 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, 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 ambulance, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #18 as printed in the warrant and that the sum of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) be transferred from the Ambulance Receipts Reserved for Appropriation Account for this purpose and for costs incidental and related thereto.

ACTION: Voice voted, motion passes by the necessary majority.

ARTICLE 19. FUND WATER DEPARTMENT REPLACEMENT OF BACKHOE

To see if the Town will vote to transfer from available funds the sum of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00), or any other sum, for the purpose of purchasing a new backhoe for the Water Department, 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, 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 backhoe, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #19 as printed in the warrant and that the sum of One Hundred Thirty-five Thousand and 00/100 Dollars (\$135,000.00) be transferred from the Water Surplus Account for this purpose and for costs incidental and related thereto. [Article was also to replace a dump truck body for \$15,000. Because the article does not mention the dump body, we will come back in the Fall for the dump body and proceed with the backhoe purchase only – Sims McGrath]

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

ARTICLE 20. FUND HABITAT CONSERVATION PLAN (HCP) PERMIT COSTS

To see if the Town will vote to raise and appropriate and/or transfer from available funds 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 #20 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 21. 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 Seventy Three Thousand Nine Hundred Thirty Nine and 00/100 Dollars (\$173,939.00) into the Stabilization Fund for Water Quality Drainage Improvements, and further to transfer from this Stabilization Fund the sum of One Hundred Seventy Three Thousand Nine Hundred Thirty Nine and 00/100 Dollars (\$173,939.00) 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 #21 as printed in the warrant and that the sum of One Hundred Seventy Three Thousand Nine Hundred Thirty Nine and 00/100 Dollars (\$173,939.00) be raised and appropriated to the Stabilization Fund for Water Quality

Drainage Improvements, and further to authorize the sum of One Hundred Seventy Three Thousand Nine Hundred Thirty Nine and 00/100 Dollars (\$173,939.00) 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 22. 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 Forty Seven Thousand Eight Hundred Ninety Nine and 00/100 Dollars (\$347,899.00) into the Stabilization Fund for the Town Pavement Management Program, and further to transfer from this Stabilization Fund the sum of Three Hundred Forty Seven Thousand Eight Hundred Ninety Nine and 00/100 Dollars (\$347,899.00) 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 #22 as printed in the warrant and that the sum of Three Hundred Forty Seven Thousand Eight Hundred Ninety Nine and 00/100 Dollars (\$347,899.00) raised and appropriated to the Stabilization Fund for the Town Pavement Management Program, and further to authorize the sum of Three Hundred Forty Seven Thousand Eight Hundred Ninety Nine and 00/100 Dollars (\$347,899.00) 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 passes unanimously.

ARTICLE 23. 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 Seventy Three Thousand Three Hundred Forty Three and 00/100 Dollars (\$173,343.00) 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 #23 as printed in the warrant and that the sum of One Hundred Seventy Three Thousand Three Hundred Forty Three and 00/100 Dollars (\$173,343.00) be transferred from Free Cash 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 by the necessary majority.

ARTICLE 24. 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 Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from this Stabilization Fund the sum of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) 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 #24 as printed in the warrant and that the sum of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) be raised and appropriated to the Stabilization Fund for Building and Facility Maintenance, and further to authorize the sum of Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) to be transferred from the Stabilization Fund for Building and Facility Maintenance for the purpose of funding building and facility maintenance projects, including all expenses incidental and related thereto.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 25. 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 Five Hundred Ten Thousand and 00/100 Dollars (\$510,000.00) into the Stabilization Fund for Motor Vehicles and Equipment, and further to transfer from this Stabilization Fund the sum of Five Hundred Ten Thousand and 00/100 Dollars

(\$510,000.00) 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 #25 as printed in the warrant and that the sum of Five Hundred Ten Thousand and 00/100 Dollars (\$510,000.00) be raised and appropriated to the Stabilization Fund for Motor Vehicles and Equipment, and further to authorize the sum of Five Hundred Ten Thousand and 00/100 Dollars (\$510,000.00) to be transferred from the Stabilization Fund for Motor Vehicles and Equipment for the purpose of funding for the purpose of funding motor vehicle and equipment purchases, including all expenses incidental and related thereto.

ACTION: Voice vote cannot be determined, standing vote yes - 175 , no - 103 motion fails to attain 2/3 majority.

ARTICLE 26. 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 #26 as printed in the warrant and that the sum of Twenty Two Thousand Six Hundred Sixty and 00/100 Dollars (\$22,660.00), be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 27. FUND HUMAN SERVICES AGENCIES

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ninety One Thousand One Hundred Fifty and 00/100 Dollars (\$91,150.00), or any other sum, to fund the following human services organizations for the period July 1, 2017 to June 30, 2018.

AIDS Support Group of Cape Cod	\$ 2,000.00
Alzheimer's Support Group of Cape Cod	9,000.00
Big Brothers / Big Sisters of Cape Cod	2,000.00

CapeAbilities	5,900.00
Cape Cod Children's Place	3,250.00
Cape Cod Child Development Program, Inc.	2,500.00
Consumer Assistance Council, Inc.	300.00
Elder Services of Cape Cod and the Islands, Inc.	2,500.00
Gosnold, Inc.	8,000.00
Homeless Prevention Council	9,400.00
Independence House, Inc.	4,800.00
Lower Cape Outreach Council	11,000.00
Nauset Together We Can	7,000.00
Orleans After School Activities Program	20,000.00
Sight Loss Services, Inc.	1,100.00
South Coastal Counties Legal Services, Inc.	<u>2,400.00</u>
	\$91,150.00

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

MOTION: To accept and adopt Article #27 as printed in the warrant, and that the sum of Ninety One Thousand One Hundred Fifty and 00/100 Dollars (\$91,150.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 28. 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 Two Hundred and 00/100 Dollars (\$8,200.00), 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 #28 as printed in the warrant, and that the sum of Eight Thousand Two Hundred and 00/100 Dollars (\$8,200.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 29. 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 #29 as printed in the warrant, and that the sum of Two Thousand and 00/100 Dollars (\$2,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 30. FUND ELECTED OFFICIALS COMPENSATION (FY18)

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2017 as follows:

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

and to raise and appropriate and/or transfer from available funds the sum of Sixteen Thousand One Hundred and 00/100 Dollars (\$16,100.00), 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 #30 as printed in the warrant and that the sum of Sixteen Thousand One Hundred and 00/100 Dollars (\$16,100.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 31. FUND UNANTICIPATED EMPLOYEE RETIREMENT BUYOUTS

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Thirty Five Thousand and 00/100 Dollars (\$35,000.00), or any other sum, to fund unanticipated employee retirement buyouts, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #31 as printed in the warrant and that the sum of Thirty Five Thousand and 00/100 Dollars (\$35,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 32. TRANSFER WATER SERVICE CONNECTION FUNDS

To see if the Town will vote to transfer from available funds the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), or any other sum, to the Water Special Revenue Fund

- Water Services Connection Account for the purpose of maintaining water service connections, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #32 and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be transferred from the Water Special Revenue Fund - Fund Balance Reserved for Water Service Connections for this purpose.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 33. AMEND GENERAL BYLAW CH. 126 – PUBLIC CONSUMPTION OF MARIJUANA

To see if the Town will vote to amend the General Bylaws of the Town of Orleans as contained in the Town Code Chapter 126 entitled Public Consumption of Marijuana” by deleting §126-2 in its entirety and inserting in place thereof the following new §126-2:

~~§ 126-2. Violations and penalties; enforcement.~~

~~This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL c. 40, § 21, or by noncriminal disposition pursuant to MGL c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this bylaw shall be three hundred dollars (\$300.00) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under MGL c. 94C § 32L. For the purposes of enforcing this bylaw, any person charged with a violation of this bylaw shall be required to provide proper identification.~~

§126-2. Violations and penalties; enforcement.

This bylaw may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. Violations of this bylaw shall be punished by a civil penalty of one hundred dollars (\$100.00) for each offense. For the purposes of enforcing this bylaw, any person charged with a violation of this bylaw shall be required to provide proper identification. This bylaw shall not be construed to limit the medical use of marijuana.

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

MOTION: To accept and adopt Article #33 as printed in the warrant except that the last sentence should read as follows: “This bylaw shall not be construed to limit the medical use of marijuana products but does apply to the smoking of medical marijuana in all public places defined in Section 126-1.”

ACTION: Voice vote, motion passes unanimously.

ARTICLE 34. AMEND GENERAL BYLAWS TO PROHIBIT MARIJUANA ESTABLISHMENTS

To see if the Town will vote to amend the General Bylaws of the Town of Orleans as contained in the Town Code by adding thereto a new Chapter 64 as follows:

The operation of any marijuana establishment as defined in M.G.L. c. 94G, §1, including without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Orleans.

The adoption of this provision is subsequently subject to a vote of the voters of the Town of Orleans pursuant to the provisions of M.G.L. c. 94G as follows:

Shall the Town of Orleans ratify and adopt the action of its Town Meeting held on May 8, 2017 in the passage and approval of a general bylaw provision adding a new Chapter 64 to the Code of the Town of Orleans as follows:

The operation of any marijuana establishment as defined in M.G.L. c. 94G, §1, including without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Orleans.

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

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

MOTION: Gail Meyers Lavin, to indefinitely postpone.

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

ARTICLE 35. AMEND GENERAL BYLAW CH. 103 – FERTILIZER NITROGEN AND PHOSPHORUS CONTROL

To see if the Town will vote to amend the Fertilizer, Nitrogen and Phosphorus Control Bylaw Chapter 103, Subsection 6 as follows:

A. The Town of Orleans strongly recommends that nitrogen should be applied to turf and other plants at the lowest rate necessary. Any single application of nitrogen should not exceed 0.5 pounds of nitrogen per 1000 square feet, and the annual

aggregate total application of nitrogen should not exceed 1.0 pounds per 1000 square feet. The application of any nitrogen should be of an organic, slow-release, water-insoluble form.

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

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 36. AMEND GENERAL BYLAW CH. 159 – WATERWAYS

To see if the Town will vote to amend the Waterways Bylaw, Chapter 159, as follows:

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159-1) AUTHORITY, PURPOSE AND APPLICABILITY

The Orleans Waterways Bylaw is written under the authority of Massachusetts General Laws Chapter 90B, Section 15. The bylaw is intended to promote the protection of public safety and welfare by encouraging voluntary compliance, and by deterring noncompliance through penalties and fines. The bylaw is a compilation of Massachusetts General Laws, CMR's, Harbormaster Regulations, the former Orleans Waterways Regulations, and various existing Orleans General Bylaws. This bylaw shall apply to all persons, vessels or objects on or using the waterways of the Town of Orleans.

159-2) DEFINITIONS

"Boating Accident", an occurrence in which a waterborne vessel subject to this bylaw is involved, whether or not there has been any actual collision, and which results in damage by or to such vessel or its equipment, or by or to an object or person being towed, pushed or propelled by such vessel, or in which there is an injury to any person, loss of life, or disappearance of any person under circumstances which indicate the possibility of death or injury or disappearance of a vessel other than by theft.

"Certificate of Number", a document issued by the director of the Massachusetts ~~Division of Law Enforcement~~ ~~Division of Environmental Police~~, upon application therefore, stating the name and address of the owner of, and the **registration** number awarded to, **and properly displayed upon**, a vessel.

"Great Pond", a natural pond the area of which is ten acres or more. **Great Ponds are owned by the Commonwealth of Massachusetts.**

"Headway Speed", the slowest speed at which a ~~personal watercraft~~ **powered vessel** may be operated and **still** maintain steerage way. ~~To be considered operating at headway speed under this bylaw the operator shall be either kneeling or sitting.~~

"Personal Watercraft", a vessel propelled by a water-jet pump or other machinery as its primary source of propulsion that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel.

"Standup Paddleboard" is a paddleboard commonly known as a SUP.

"Waterskiing", for the purpose of this bylaw, shall include towing or manipulating a surfboard, inner-tube or other similar **watersport** device **towed behind a motor vessel or riding the wake behind a** motor vessel.

"Vessel" includes all types of watercraft including non-displacement craft and seaplanes used or capable of being used as a means of transportation on water.

159-3) NUMBERING OF MOTORBOATS. **VESSELS**

No ~~motorboat~~ **vessel powered by machinery as primary or secondary** shall be operated within the waters of the Town of Orleans unless said ~~boat~~ **vessel displays registration** is numbered in accordance with Chapter 90B, Section 2, of the Massachusetts General Laws and said valid Certificate Number shall be carried ~~in~~ **onboard** the vessel at all times. **Any vessel not required to be registered must display somewhere on the vessel the owner's name, address and active phone number.**

159-4) ABANDONMENT AND REMOVAL OF VESSELS

Any vessel, mooring or object constituting a hazard to navigation and any vessel or object improperly secured, swamped, sunk, washed ashore or found in an abandoned condition may be removed or relocated by the Harbormaster or his agent. Any expense or liability incurred therefore shall be the responsibility of the boat owner. The last owner of record of a vessel at the time it was abandoned shall be presumed to be the person who abandoned the boat.

159-5) BOATING COLLISIONS; REPORTING

The operator of any boat involved in a collision, accident or other casualty shall, so far as he is able without serious danger to his own or other vessels or to any persons, render to other persons affected by the boating accident such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the boating accident.

The operator of any boat involved in a boating accident **where there is any personal injury or property damage greater than \$500.**, shall notify the Harbormaster within twenty-four hours of said accident, in addition to notifying all other appropriate state and federal officials.

159-6) EQUIPMENT

In addition to any other state or federal requirements, the following equipment shall be carried on all vessels at all times, when within the waters of the Town of Orleans:

- A. U.S.C.G. Approved Personal Flotation Devices as prescribed by M.G.L. Chapter 90B, Section 5.
- B. A valid Certificate of Number, if required by M.G.L. Chapter 90B, Section 2
- C. From sunset to sunrise, lights that comply with M.G.L. Chapter 90B, Section 5.

- D. Anchor and Line adequate to hold the vessel.
- E. Bailer.
- F. Paddle.
- G. ~~Whistle~~ **Sound producing device (eg. whistle, horn)** (~~Boats~~ **Powered vessels** sixteen feet or over).
- H. Fire Extinguishers as required by M.G.L. Chapter 90B, Section 5.
- I. **Ladder, steps or similar device for reentering the vessel when conducting towed water sports.**

159-7) OPERATION

A. ~~Speed Limit and No Wake Areas:~~

- (1) Vessels shall ~~not exceed five (5) miles per hour and shall~~ **operate at only headway speed so as to make no wake** in all areas listed below:
 - a. The entrance to Rock Harbor, including the entire inner basin.
 - b. Meetinghouse Pond and Meetinghouse River to a point marked by a no wake buoy. ~~at the mouth of the river.~~
 - c. Lonnie's River, including the entire pond.
 - d. Arey's Pond and Namequoit River to a point marked by a no wake buoy at the mouth of the river.
 - e. Pah Wah River, including the entire pond.
 - f. The buoyed entrance into Quanset Pond, including the entire pond.
 - g. The Snow Shore/Tonset mooring area as marked by no wake buoys.
 - h. The entrance into Pochet Inlet to a point marked by a no wake buoy inside the Payson mooring area.
 - i. The mooring area at the head of the cove known as the "Yacht Club area."
 - j. The mooring area at Goose Hummock Shop.
 - k. The entire area of Mill Pond.
 - l. The mooring area at Route 28 in South Orleans.
 - m. The Narrows, from a point marked by a no wake buoy at the North end to a point marked by a no wake buoy at the South end.
- (2) In other areas, vessels shall make no wake within one hundred fifty (150) feet of: bathers, divers, piers, docks, floats, small vessels propelled by means other than machinery, vessels not underway or the shore.
- (3) No one shall operate or permit to be operated any internal combustion engine on Pilgrim Lake, Crystal Lake, or Baker's Pond in the Town of Orleans, except for the express purposes of aiding and rescue or other emergency situations, or for scientific purposes.

B. *Waterskiing and all towed water sports*

- (1) **All towed water sports are prohibited in all areas listed in Section 7) A.1) of this bylaw as well as in all marked vessel channels. Vessels towing should cross marked channels when necessary as close to right angles as safely possible.**
- (2) **All towed water sports** ~~Waterskiing is~~ **are prohibited between sunset and sunrise or during periods of low visibility such as fog.**

- (3) No person shall operate any motorboat on the waters of the town towing a person or persons on water skis, a surfboard, a tube or other similar device, unless there is in such motorboat a person who has attained age twelve in addition to the operator in a position to observe the person or persons being towed, and unless such vessel is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water.

~~C. Sailboards~~ **Town landings, ramps, floats and bulkheads**

~~The use of sailboards is prohibited in all marked channels and in restricted swimming areas. If to gain access to another area, a sailboarder is to cross a marked channel, he shall do so as nearly as practicable at right angles to the flow in the marked channel.~~

Launching and retrieving facilities are for the use of all. Users are expected to be courteous at all times and wait their turn. Some ramps have designated resident-only parking during seasonal times and are well marked. Main ramp areas are primarily for trailered vessels. Paddle craft are requested to launch/retrieve outside of the main ramp areas. Staging of any kind including loading and unloading of vessels on an active ramp is prohibited during peak seasonal times. Power loading of vessels onto trailers is prohibited at all times. Courtesy docks and bulkheads are for convenient loading and unloading and waiting one's turn to retrieve and not for long-term dockage. They have designated tie-up time limits which are posted.

D. Aids to Navigation

No authorized aid to navigation in the harbors and waterways of the town shall be used as a starting, finishing or turning mark for any formal or informal race, regatta or other competition.

E. Divers; Operating Near Divers

(1) Display of Diver's Flag Required

Every scuba diver or group of scuba divers while swimming on or under the waters of the town shall display for each diver or group of divers as a warning device to boat operators, a diver's flag, so called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe. Such diver's flag shall be displayed on a boat or surface float and shall extend a minimum distance of three feet from the surface of the water. Divers shall remain in an area within one hundred feet of such displayed diver's flag while at or near the surface of the water.

(2) Vessels Operating Near Diver(s)

A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred feet of such flag shall proceed at a **headway** speed ~~not to exceed three miles per hour.~~

F. Pollution

The discharge or disposal of petroleum products, holding tank contents, garbage, waste, rubbish or debris on the waters, shores, beaches is prohibited. The discharge of dead fish, shellfish or fish frames is prohibited in all areas listed in Section 7.A.1.

G. Overloading

No vessel may be operated in an overloaded condition. Overloaded condition means that the number of persons on board and/or the cargo being carried exceeds the manufacturers recommended limit for such vessel or is excessive given wind, water and weather conditions.

H. Canoeings/Kayakings/Standup Paddleboards/Sailboards/Kite Boards/Wakeboards

Operators of these type vessels are encouraged to operate outside of main vessel channels and, when required to cross such channels, to do so to as close to right angles as possible.

Any person aboard a canoe or kayak ~~one of these vessel types~~ between September 15 and May 15 shall wear at all times a Coast Guard approved personal flotation device, types 1, 2, or 3.

All such vessels must be clearly marked with owner's name, address and phone number.

I. Negligent Operation

Vessel operators are responsible for their wake at all times and shall not operate in a reckless or negligent manner so as to endanger the life, safety or property of any person. Further, no person shall operate any vessel in a manner that violates Chapter 90B of the Massachusetts General Laws or any regulations thereunder.

159-8) SAFETY OPERATOR'S CERTIFICATE FOR MINORS

An operator's certificate issued by the Massachusetts Environmental Police to the specific youth operator shall be Carried on aboard every motorboat being operated by a person **between the age of thirteen (13)** and under the age of sixteen (16) years old, ~~there shall be a safety certificate issued in the name of such operator unless the operator of the motorboat is accompanied in such motorboat and~~ **when that operator is not being** supervised by a person who is eighteen (18) years old or older.

159-9) PERSONAL WATERCRAFT

No person shall operate a personal watercraft on the waters of the town:

- A. unless wearing a Coast Guard approved Personal flotation device.
- B. between the hours of sunset and sunrise.
- C. unless the operator is sixteen (16) years of age or older.
- D. towing a waterskier or a person in any other manner.
- E. in any manner other than a safe and prudent manner, having due regard for other waterborne traffic, posted wake and speed restrictions and all other attendant circumstances, so as not to endanger the life, limb or property of any person.
- F. within one hundred and fifty (150) feet of shore except at headway speed.
- G. within one hundred and fifty feet of a swimmer in the water.
- H. on waters of the town less than seventy-five acres.

- I. within **waters contiguous to** the boundaries of the Cape Cod National Seashore ~~Park~~ as set forth in Public Law 87-126, 7 August 1961, and as most recently surveyed by the U.S. Department of the Interior.
- J. on the tidal waters of Pleasant Bay, including but not limited to Little Pleasant Bay, Namequoit River, Arey's Pond, Lonnie's/Kescayogansett Pond, Frostfish Cove, the River, Meetinghouse Pond, Pochet, and any adjoining river, inlet, cove, embayment, pond, or harbor.
- K. on the tidal waters of the Nauset estuary, including but not limited to Town Cove, Rachel's Cove, Little Cove, Mill Pond, Robert's Cove, Nauset Harbor, and any adjoining river, inlet, cove, embayment, pond or harbor.
- L. a personal watercraft may be operated in ~~these areas described in paragraphs I., J., and K. above~~ for the purpose of enforcement, search and rescue, training, or other emergency, provided it is under the direction of a duly authorized federal, state, county or local law enforcement or emergency response agency.

159-10) MOORING/DOCKING REGULATIONS AND POLICIES

A. *Mooring Permits*

(1) Mooring Permit Required

No person shall keep or moor any vessel, float, or raft greater than nine (9) feet in overall length in or on the waters, flats, or shores of the town of Orleans, except when tied to a private pier, without first obtaining a mooring permit and mooring permit sticker from the Harbormaster.

(2) Mooring Permit Types

Type 1: *Individual permit*. A Type 1 permit may be issued to an individual vessel owner for a specific vessel and shall entitle the permit holder to moor their vessel at a location designated by the Harbormaster. **The permit holder must attest to having read in their entirety these bylaws at time of permit issuance and/or renewal.**

Type 2: *Blanket permit*. A Type 2 permit may be issued to a commercial marina, sailing school, or other similar private recreational boating facility or association and shall entitle the permit holder to maintain a mooring field at a location designated by the Harbormaster.

(3) Mooring Permit Sticker and Fee

- a. Mooring permit stickers, issued annually by the Harbormaster, shall be affixed to the port bow of the permitted vessel.
- b. No more than one mooring permit sticker shall be issued for a vessel.
- c. Mooring permit stickers shall be valid for a period of one year terminating on December 31 of each year unless sooner suspended or revoked by the Harbormaster.
- d. The annual fee for a mooring permit sticker shall be as follows:
 - 1) Type 1 Commercial: In order to be eligible for a Resident Commercial mooring permit, an applicant must meet all of the following conditions:
 - Be a resident of Orleans or Eastham.

- Hold a current commercial license to sell shellfish, finfish, or lobster issued by the Massachusetts Division of Marine Fisheries.
- If a resident of Eastham, hold a current Orleans commercial shellfish permit.

The annual fee for a Resident Commercial permit shall be thirty dollars (\$30).

- 2) Type 1 Resident or Non-Resident: ~~Beginning July 1, 2008, the annual fee shall be sixty-four dollars (\$64).~~ Beginning July 1, 2009, the annual fee shall be seventy-five dollars (\$75).
- 3) Type 2: Blanket. ~~Beginning July 1, 2008, the annual fee shall be one hundred thirty-nine dollars (\$139).~~ Beginning July 1, 2009, the annual fee shall be two hundred dollars (\$200).

(4) Mooring Buoys/Tenders and Identification

Mooring buoys shall be of white styrofoam, rubber, or plastic material and shall have the assigned mooring permit number permanently and legibly displayed on the buoy in numbers no less than one (1) inch in height and in a color that contrasts with that of the buoy. **Tenders (a.k.a. dinghies, prams, etc.) shall have the assigned mooring permit number permanently and legibly displayed on the tender in numbers no less than one (1) inch in height and in a color that contrasts with that of the tender. Tenders shall only be allowed to be stored at town landings for mooring permit holders specific to that landing.**

(5) Mooring Permit Use

Failure to set and use a mooring and mooring permit annually shall, unless otherwise authorized in writing by the Harbormaster, result in the revocation of said permit.

(6) Mooring Permit Transfer Prohibited

Mooring permits shall be issued by the Harbormaster for a specific vessel owner. No mooring permit shall be transferable to another person, except to a person within the immediate family of the permit holder with the approval of the Harbormaster.

(7) Relocation of Moorings Prohibited

Mooring permits shall be issued by the Harbormaster for a specific location to be designated by the Harbormaster. No mooring permit holder shall relocate his or her mooring to another location without the prior written approval of the Harbormaster.

(8) Vessel and Owner Information

Mooring permits shall be issued for a specific vessel and its owner. All information provided to the Harbormaster pertaining to the vessel and its owner (*Owner's name, address, and phone number, vessel make, length, year, color, state registration number if applicable, vessel name, and engine make and horsepower*) shall be kept current and accurate. It shall be the responsibility of the mooring permit holder to notify the Office of the Harbormaster of any change in the permit holder's address or phone number. No change of vessel information shall be allowed without the prior approval of the Harbormaster.

(9) Mooring and Tender Removal - Annual
Moorings and tenders (*a.k.a. dinghies, prams, etc.*) shall be removed from the waters, flats, or shores of the town of Orleans by no later than November 15th annually, unless otherwise authorized by the Harbormaster.

B. Mooring Permit Issuance and Renewal

(1) Mooring permit issuance

a. The determination as to whether a Type 1 individual mooring permit will be issued shall be made at the sole discretion of the Harbormaster. In making that decision, the Harbormaster may consider, but shall not be limited to, one or more of the following factors:

1. A chronological waiting list of mooring permit requests
2. The number of vessels currently moored in the area
3. Physical characteristics of the vessel (*e.g. size and type*)
4. Availability of, and proximity to, parking or lawful access
5. Potential for impact on navigation
6. Potential for impact on any natural resource
7. Purpose of vessel use (*e.g. commercial or recreational*)

b. The determination as to whether a Type 2 blanket-mooring permit will be issued shall be made by the Harbormaster who may seek a recommendation from the Board of Selectmen. In making that decision, the Harbormaster may consider, but shall not be limited to, one or more of the following factors:

1. Purpose of Type 2 permit (*e.g. marina, sailing school, etc.*)
2. Proximity of the area to other mooring fields or public access points
3. A chronological waiting list of mooring permit requests and the potential effect that the issuance of a Type 2 permit would have on said waiting list
4. The number of vessels currently moored in the area in question
5. Physical characteristics of the vessels (*e.g. size and type*)
6. Availability of, and proximity to, parking or lawful access
7. Potential for impact on navigation
8. Potential for impact on any natural resource
9. The interest, needs, or welfare of the public

c. A vessel owner requesting a mooring permit shall complete and submit a "*Town of Orleans Mooring Permit Application*" and provide the necessary fee to the Office of the Harbormaster. Mooring permit applications shall be processed as follows:

1. For Type 1 applications, the Harbormaster shall act upon the application within a period of fifteen (15) days from receipt. The Harbormaster shall not discriminate against any applicant on the basis of residency, race, religion, sex, age, disability, or other illegal distinction.
2. For Type 2 applications, the Harbormaster may request a meeting with the Board of Selectmen to review the application. If at such meeting, the Board of Selectmen recommends that a public hearing be conducted, the Harbormaster shall not act upon the

application until such a hearing has been concluded. The Harbormaster may, on his own initiative, conduct a public hearing on any such application. The Harbormaster shall act upon the application within thirty (30) days from receipt unless a public hearing is conducted, in which case the Harbormaster shall act upon the application within ten (10) days of the close of the public hearing. In no event shall the public hearing process exceed a period of ninety (90) days from the date of the completed application without the written consent of the applicant.

3. If the application is approved, the mooring permit and mooring permit sticker for the appropriate year shall be issued by the Harbormaster.

(2) Mooring permit renewal - Annual

- a. The Harbormaster shall allow, subject to all applicable local and state regulations, by-laws, and statutes, a previous mooring permit holder to renew, on an annual basis, his or her mooring permit for a period of one (1) year or appropriate fraction thereof, terminating on December 31 of each year.
- b. The Harbormaster shall provide a mooring permit holder with an annual "Mooring Permit Renewal" form.
- c. A mooring permit holder who wishes to renew the permit shall:
 1. Ensure that the renewal form is completed and that all information contained therein is accurate.
 2. **Attest to having read these bylaws.**
 3. Return the renewal form with the necessary payment to the Office of the Harbormaster between January 1 and March 31 inclusive.
- d. A mooring permit holder who does not wish to renew his or her mooring permit should so indicate on the renewal form and return said form to the Office of the Harbormaster.
- e. Mooring permits must be renewed annually between January 1 and March 31 inclusive. Failure to renew during this period shall result in the revocation of the mooring permit.

C. *Mooring Waiting Lists*

(1) Establishment of a Mooring Waiting List

The determination as to whether a mooring waiting list will be established for a specific location shall be made at the sole discretion of the Harbormaster. In making that decision, the Harbormaster may consider, but shall not be limited to, the following factors:

- a. The number, size, and type of vessels currently moored in the area
- b. Availability of, and proximity to, parking or lawful access
- c. Potential for impact on navigation in the area
- d. Potential for impact on any natural resource in the area

(2) Placement on a Mooring Waiting List and Fee

- a. The determination as to whether a mooring waiting list applicant's name will be placed on a waiting list for a mooring shall be made at the sole discretion of the Harbormaster.
In making that decision, the Harbormaster may consider, but shall not be limited to, the following factors:
 1. Date of application
 2. Physical characteristics of the vessel (*e.g. size and type*)
 3. Availability of, and proximity to, parking or lawful access
 4. Purpose of vessel use (*e.g. commercial or recreational*)
- b. The applicant for a mooring waiting list shall complete and submit a "Town of Orleans *Mooring Waiting List Application*" and provide the necessary fee to the Office of the Harbormaster. The fee shall be five dollars (\$5) per mooring waiting list annually.
- c. The applicant for a mooring waiting list shall provide current and accurate vessel information on their mooring waiting list application. Any subsequent changes to the vessel information contained within the original application must be approved by the Harbormaster. Failure to provide current and accurate vessel information may result in removal from the mooring waiting list.
- d. Upon receipt by the Harbormaster of a mooring waiting list application, the Harbormaster shall enter the date of receipt on the application and add the name of the applicant and a description of the applicant's vessel to the chronological mooring waiting list for the area requested.
- e. All mooring waiting lists shall be posted at the Office of the Harbormaster **and online at the Town of Orleans website** and shall be up-dated regularly.

(3) Mooring Waiting List Renewal

- a. The Harbormaster shall provide those individuals on the mooring waiting lists with an annual "*Mooring Waiting List Renewal*" form.
- b. If the individual on the mooring waiting list wishes to renew their place on the mooring waiting list, they shall:
 1. Ensure that the information on the renewal form is accurate and sign the renewal form.
 2. Return the renewal form with the necessary payment to the Office of the Harbormaster between January 1 and March 31 inclusive.

(4) Removal from a Mooring Waiting List

- a. An individual on the mooring waiting list who does not wish to renew their place on a mooring waiting list should so indicate on the renewal form and return said form to the Office of the Harbormaster.
- b. An individual on the mooring waiting list must renew their place on the mooring waiting list annually between January 1 and March 31 inclusive. Failure to renew during this period shall result in removal of the individual's name from the mooring waiting list.

(5) Assignment of a Mooring to an Individual from a Mooring Waiting List

When a mooring location becomes available, the Harbormaster may offer the site to the first individual on the mooring waiting list with a vessel appropriate in size or type as determined by the Harbormaster for the mooring location. If the individual chooses not to accept the location, the Harbormaster shall contact the next individual(s) on the mooring waiting list with a vessel appropriate in size or type as determined by the Harbormaster for the mooring location until the space has been assigned.

D. Mooring Tackle Specifications

All moorings are required to be of the mushroom anchor design unless otherwise authorized by the Harbormaster.

"Double anchoring" (*anchoring bow and stern*) of vessels is prohibited except with the express permission of the Harbormaster.

Please note that the tackle specifications outlined below are minimum standards and are not adequate for storm or hurricane protection:

LENGTH OF VESSEL	PROTECTED AREA	NON-PROTECTED
Under 16'	50lbs.	75lbs.
16'-19'	75lbs.	100lbs.
19'-26'	100lbs.	150lbs.
26'-30'	150lbs.	200lbs.
30'-40'	200lbs.	250lbs.
Over 40'	<i>As specified by Harbormaster</i>	

MUSHROOM SIZE (lbs.)	CHAIN/SHACKLE (inches)	LINE DIAMETER (inches)
50	3/8	1/2
100	3/8	1/2
150	1/2	5/8
200	5/8	5/8
Over 200	<i>As specified by Harbormaster</i>	

MOORING BUOYS shall be of white styrofoam, rubber, or plastic material and shall have the assigned mooring permit number permanently and legibly displayed on the buoy in numbers no less than one inch in height and in a color that contrasts with that of the buoy.

TOTAL LENGTH OF MOORING, CHAIN, AND PENNANT shall be equal to at least three (3) times but, without the permission of the Harbormaster, shall not be more than four (4) times the depth of the water at Mean High Water **plus the vessels freeboard at the bow**, where the mooring is located.

MOORING PENNANTS (HAWSERS) shall be three-strand nylon or equivalent, shall not float, shall be fitted with thimbles of appropriate size where they are attached to chain or metal fittings and shall be equipped with adequate chaffing gear where they pass through chocks or hawseholes.

SHACKLES AND SWIVELS shall be safety wired or welded to prevent loosening.

E. Mooring Inspection, Relocation, or Removal

(1) Mooring Inspection or Removal

The Harbormaster, Assistant Harbormasters, or their agent may, at any time, inspect any mooring located in the waters of Orleans and may remove or cause to be removed any mooring that fails to meet all of the provisions of the regulations contained herein. Any expense for inspection or removal and any liability incurred therefore shall be the responsibility of the permit holder / owner of said mooring.

(2) Mooring Relocation or Removal

The Harbormaster, Assistant Harbormasters, or their agent may, at any time, relocate, remove, or cause to be relocated or removed, any mooring or vessel whenever, in their judgment, the safety of others vessels is in jeopardy or maximum use of the area requires such action. Any expense for relocation or removal of a mooring or vessel and any liability incurred therefore shall be the responsibility of the mooring permit holder.

F. Use of Town Landings, Bulkheads, Piers, and Docks

(1) Town Landings

Mooring permit holders shall be allowed to access their moorings from town landings. To the extent that sufficient space is available as determined by the Harbormaster, mooring permit holders may keep their tenders at town landings subject to the conditions contained within Section B sub-section 9 herein. This regulation does not authorize the keeping of tenders on private property or trespassing on private property.

(2) Town Bulkheads, Piers, and Docks

Mooring permit holders shall be allowed to access their moorings from town bulkheads, piers, and docks. No vessel may remain tied to a town bulkhead, pier, or dock for a period in excess of one-half (1/2) hour without the express permission of the Harbormaster or Assistant Harbormasters. In addition to any fine for violation of this ordinance, the Harbormaster, Assistant Harbormasters, or their agent may remove or cause to be removed the vessel in violation. Any expense for removal of said vessel and any liability incurred therefore shall be the responsibility of the owner of the vessel.

G. Appeal of Harbormaster Decision

Any mooring permit holder or applicant for a mooring permit or mooring waiting list aggrieved by a decision of the Harbormaster or any condition or restriction imposed relative to such mooring or application, pursuant to Massachusetts General Law Chapter 91, Section 10A and 310 Code of

Massachusetts Regulations 9.07, may appeal in writing to the Massachusetts Department of Environmental Protection Waterways Division in accordance with the appeal procedures of that Department.

159-11) ENFORCEMENT/PENALTIES

- A. This bylaw shall be enforced by the Harbormaster, Assistant Harbormasters, Massachusetts Environmental Police, and any other law enforcement agency so empowered.
- B. In addition to any other penalties specified within this bylaw, violations of the following sections contained herein shall be punished by a fine of fifty (\$50.00) dollars: 3, 5A., 5B., 6A. through I., 7A.(1) through (4), 7B.(1) and (2), 7C., 7D., 7E.(1) and (2), 7H., 8, 9A. and B., 10A. and F.
- C. In addition to any other penalties specified within this bylaw, violations of the following sections shall be punished by a fine of one hundred (\$100.00) dollars: 7B.(3) and (4), 7F., 7G., 7I., 9C. through K.
- D. Whoever violates any provision of section 10A. subsections 4,5,6,7, or 8 or section 10E. subsection 1, may be subject to revocation of their mooring permit by the Harbormaster. Furthermore, whoever violates any provision of section 10A. subsection 9 may be subject to a one (1) year suspension of their mooring permit by the Harbormaster.

159-12) JURISDICTION

International Rules of the US Coast Guard Navigation Rules apply to all saltwater bodies of water within the town. Nothing contained herein shall be construed to supersede or conflict with or interfere or limit jurisdiction of the United States government with respect to the enforcement of the navigation, shipping, anchorage or other associated federal laws or regulations or any laws or regulations of the Commonwealth of Massachusetts.

159-13) SEVERABILITY

In the event that any provision, section or clause of this bylaw is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of these regulations.

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

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 37. AMEND GENERAL BYLAW CH. 89 - PARKING

To see if the Town will vote to amend the Parking Bylaw Chapter 89, as follows:

Delete §89-2 entitled "Selectmen's authority" in its entirety which reads as follows:

~~§89-2 Selectmen's Authority~~

~~The Board of Selectmen shall be authorized to promulgate reasonable regulations during times of emergency, as defined herein, governing parking and the use of Town ways and Town landings, including, without limitation, the adoption of fines for violations of this Bylaw, said fines not to exceed \$300.00. For the purposes of this Bylaw an emergency shall be deemed to exist upon the joint recommendation of the Fire Chief, the Police Chief and the Harbormaster.~~

and replace it with the following new §89-2:

§89-2 Authority

The Board of Selectmen shall be authorized to promulgate reasonable rules and regulations governing parking and the use of Town ways, Town landings, and Town parking lots. The Park Commissioners shall be authorized to promulgate reasonable rules and regulations governing parking in areas under the control and jurisdiction of the Park Commissioners. Such rules and regulations may include the adoption of fines for violations thereof, said fines not to exceed \$300.00.

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

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

MOTION TO AMEND: John Nichols. Any and all rules and/or regulations promulgated by the authority of this article shall be invalid and not go into effect until and unless passed by a regular or special town meeting.

ACTION ON AMENDMENT: Voice vote, motion fails to attain necessary majority.

ACTION ON MAIN MOTION: Voice vote, motion carries by necessary majority

ARTICLE 38. ADOPT RESIDENT BEACH PARKING FEE

To see if the Town will vote, pursuant to the Orleans Code §94-8 B., to authorize the Board of Selectmen to set a resident seasonal beach sticker fee, effective May 1, 2018, equal to the cost of the non-resident daily parking fee, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To indefinitely postpone Article #38.

MOTION: Carolyn Kennedy, to call the question.

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

ACTION: Voice vote, motion passes by the necessary majority to indefinitely postpone.

Article 39 moderated by John Kanaga who was sworn in by Town Clerk, Cynthia May.

ARTICLE 39. ADOPT PROPOSED CHARTER AMENDMENT 5-3-1: TERM OF MODERATOR

To see if the Town will adopt the following proposed order of amendment to the Orleans Home Rule Charter:

Chapter 5, Section 3. Term of Moderator Section 5-3-1.

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

5-3-1. A Moderator shall be elected for a ~~one~~**three**-year term. The Moderator shall: (a) preside at all Town Meetings; (b) appoint the members of the Finance Committee; (c) appoint all ad hoc committees of the Town Meeting as provided in clause 2-8-2; (d) preside at any hearing called to discuss the suspension or removal of the Town Administrator; (e) appoint two representatives to the Cape Cod Regional Technical High School Committee; and (f) advertise impending appointments as provided in clause 7-2-2; or take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article #39 as printed in the warrant. The amendment shall take effect on May 16, 2018.

ACTION: Voice vote, motion carries unanimously.

ARTICLE 40. AMEND ZONING BYLAWS 164-31 & 164-34B – APARTMENT DEVELOPMENT

To see if the Town will vote to amend Section 164-31 Apartment Development, by amending the section as follows:

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

§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 ~~DE~~ of this section and only upon these **specific** findings being made by the Board of Appeals:

- (1) By virtue of its sponsorship, financing, or design, the housing development 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.~~
Any housing that is deed restricted for individuals or families that earn 80% or less of the Area Median Income (AMI) for Barnstable County shall be so restricted for a minimum of thirty (30) years;
- (2) The housing development will not adversely affect business operation on that the subject property or other premises within the zoning district or be detrimentally affected by such uses;
- (3) **The development will provide for adequate traffic circulation on and off-site, including pedestrian safety and convenience;**
- (4) **The development is designed to result in an appropriately lighted neighborhood, and meet the requirements of Chapter 122, Outdoor Lighting;**
- (5) **The development has complied with Sections 164-33 and 164-33.1 with, respectively, the Architectural and the Site Plan Review Committees reporting to the Board of Appeals. Building design shall provide for variation in building height between large buildings and other buildings on the same lot, or adjacent lots;**
- (6) **The development is consistent with the Orleans Comprehensive Plan;**
- (7) **The development meets all requirements of a Special Permit under Section 164-44; and**
- (8) **A copy of any Special Permit application under this section shall be filed with the Planning Board when the application is filed with the Town Clerk, and the Planning Board shall review it and make recommendations to the Board of Appeals within forty-five (45) days of the filing date. The Board of Appeals shall consider any such recommendation in its review of the project.**

B. Dimensional Requirements

~~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.~~

1. Lot Area and Density

- a. **Lot Area. Minimum lot area for apartment development shall be as follows:**

<u>RB District</u>	<u>60,000 s.f. of contiguous buildable upland</u>
<u>LB, GB Districts:</u>	<u>30,000 s.f. of contiguous buildable upland</u>
<u>VC District:</u>	<u>20,000 s.f. of contiguous buildable upland</u>

- b. **Residential Density in dwelling units per acre of contiguous buildable upland:**

<u>RB District:</u>	<u>3 dwelling units per acre</u>
<u>LB and GB Districts:</u>	<u>8 dwelling units per acre</u>
<u>VC District:</u>	<u>10 dwelling units per acre</u>

- c. **In mixed residential and commercial developments in the GB, LB, and VC Districts, one-half (1/2) of the total lot area that is covered by the commercial building plus the parking area required to support the commercial use, shall be subtracted from the lot area for the purposes of calculating allowed density of residential units. Any required parking that is located under or within project buildings shall increase the lot area available for calculating unit density by reducing the parking lot area required to support the commercial use. (In calculating required parking, each space shall be equal to 300 square feet of area).**

2. Additional Units for Meeting Community Goals

In addition to the density allowed herein, projects with the following components that support community goals shall be allowed additional dwelling units as follows:

- a. **For each (one) 1-bedroom dwelling unit – 1 additional (one) 1-bedroom dwelling unit;**
b. **For each Affordable Housing Unit¹ - 1 additional dwelling unit; and**
c. **For each 1,500 sq. ft. of preserved Significant Building² - 1 additional dwelling unit.**

The above additional units may be permitted, up to a total project density of 14 dwelling units per acre of contiguous buildable upland in the VC District, and 12 dwelling units per acre of contiguous buildable upland in the GB and LB Districts.

¹as defined in Chapter 104, Affordable Housing, of the Orleans Town Code.

²as defined in Chapter 106, Demolition of Historic Structures, of the Orleans Town Code.

3. Affordable Housing Requirement

In order to further Town goals and meet the need for affordable housing, any apartment development with 10 or more dwelling units shall include 1 Affordable Housing Unit, as defined in Chapter 104 of the Orleans Town Code, for each 10 units of housing. Any fraction of a required Affordable Housing Unit shall be rounded up to the nearest whole unit.

- C. Other Dimensional Requirements. The normally applicable district frontage and yard requirements, and building height requirements shall be observed. With third floor housing, the building height provisions of Section 164-19.1. E. 1 through E. 7 may be utilized in the Village Center, General Business, and Limited Business Districts for apartment development. In such instances the mean height measured between the bottom of the eave and the highest point of the ridge on a pitched roof shall not exceed 35 feet.
- D. Design Requirements. No structure shall contain more than ~~twelve (12)~~ fifteen (15) dwelling units, except that in the Village Center District, up to twenty (20) dwelling units in a single structure may be allowed. No dwelling unit shall have its lowest floor below grade at any point within its entire perimeter.
- E. Nitrogen Discharge Limits. No Special Permit shall be issued ~~granted~~ by the Zoning Board of Appeals for an apartment or other multi-family housing development ~~where~~ when 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 can achieve an effluent nitrogen concentration of 19 milligrams per liter (mg/l) or less, as measured at the point of discharge.

F. Master Plan Special Permit.

The Board of Appeals may grant a Special Permit for phased apartment development on one or more adjacent parcels in a coordinated fashion. Review of these proposals shall conform to the requirements for a Special Permit (Section 164-44), Site Plan Review (Section 164-33), and Architectural Review (Section 164-33.1) as applicable. Additionally, the following procedures and standards shall apply:

1. The Master Plan Special Permit review shall run concurrently with all Special Permits required for the proposal. The other Special Permits required may include, but are not limited to, Special Permits for parking reduction (Section 164-34 B.3), uses allowed through Special Permit (Schedule of Use Regulations), an increase in the number of units per structure (164-31.D), and exemptions for sidewalks (Section 164-19.1.D). The approval of a Master

Plan Special Permit shall include all applicable Special Permits by reference and shall be administered in accordance with subsections 2-4 below.

2. After the initial Master Plan Special Permit is final, subsequent phases of development shall only require Site Plan approval (Section 164-33) if the Building Commissioner determines that the phase is consistent with the terms of the Special Permit, and that no major changes are proposed. For the purposes of this section, a major change is defined as:
 - a. An increase in the number of residential units such that it would exceed the number of residential units originally approved.
 - b. A decrease of more than 10% of the aggregate amount of parking that was originally approved.
 - c. A change that would eliminate elements of the original proposal needed in order to earn incentive housing units under Section 164-31.B.2 (Additional Units for Meeting Community Goals).

If the Building Commissioner determines that the phase being reviewed qualifies as a major change, a modification to the original Master Plan Special Permit from the Board of Appeals pursuant to Section 164-44 shall be required for the approval of the change.

3. Any Master Plan Special Permit granted under this section shall be subject to the expiration provisions of §164-44. Special permits. E.
4. For the purposes of coordinating development across multiple parcels, the Board of Appeals may treat adjacent properties as a single property for measuring setbacks and other dimensional standards. Proposed buildings, travel lanes, parking areas, and other site features may cross interior property lines or be sited closer to those lot lines than what would otherwise be allowable. The Board of Appeals shall require that these adjacent parcels be in common ownership as a condition of the Master Plan Special Permit.

And further, to amend Section 164-34 B. (3) to read as follows:

(3) Special Permits Shared Parking

The required number of spaces may be reduced below these standards upon determination that special circumstances ~~on Special Permit from the Board of Appeals, upon the Board's determination that special circumstances~~, such as shared use of a parking lot by activities having different peak demand times, render a lesser provision adequate for all parking needs. Such written determination may be made by the Building Commissioner for up to 20% reduction of the required number of parking spaces. The Planning Board shall consult with and advise the Building Commissioner if it is requested.

Parking space reduction of greater than 20% shall require a Special Permit from the Board of Appeals, pursuant to Section 164-44.

~~Any Special Permit reducing the required number of spaces issued pursuant to this Section in the case of educational, municipal and religious uses shall:~~

~~(a) Be limited to two (2) years, renewable upon demonstration that the reduced parking is still adequate and~~

~~(b) Be issued only upon assurances that if the special circumstances change, sufficient land will be available in the future to meet the parking requirements otherwise applicable at the time the Special Permit is issued, such assurances to be in the form of a recorded restriction or other land in the same ownership or other written assurance deemed adequate by the Board of Appeals. The Board of Appeals may, in its discretion, impose similar conditions on Special Permits reducing the number of parking spaces for other uses.~~

~~For uses allowed only on Special Permit, the Special Permit Granting Authority may similarly require a large number of spaces to be provided than indicated below if necessary to service anticipated demand.~~

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

[Note - Table of Minimum Parking Requirements intentionally not included, is intended to remain in bylaw]

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

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

ARTICLE 41. AMEND ZONING BYLAW 164-33.1 – ARCHITECTURAL REVIEW

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

To see if the Town will vote to amend Section 164-33.1 Architectural Review, Sections D and E, by amending sections as follows:

164-33.1 Architectural Review.

D. Procedure

- (1) Preliminary Review. The Architectural Review Committee shall provide Preliminary Review of proposed buildings or alterations at their regular meetings **within 30 days** ~~no later than two weeks~~ of receipt of an application. A brief description of the proposed construction or improvements shall be included on the application which shall be available in the Building Department. Plans or sketches are required.

Signs, new or modified, decks, accessory structures such as fences, flagpoles and trellises, and installation of siding or roofing, door and window replacements, and work which does not require a building permit are generally subject only to Preliminary Review. A Plan Review Report will be forwarded to the Building Department. In all other cases, Preliminary Review will be optional, but available at the request of the applicant for exchange of information and ideas before plans for Final Review are submitted.

- (2) Application for Final Plan Review. Application for plan approval under Final Plan Review shall be made by submitting an application and sufficient copies of the Site Plan and other required materials as described below to the Building Department or Committee Recording Secretary. Applications shall be available in the Building Department. Notice of the time, date, and place of review and the location of proposals scheduled for Final Plan Review shall be published in a local newspaper not less than ~~seven (7)~~ **six (6)** days prior to the date of the review.
- (3) Drawings and Materials for Final Plan Review.
 - a. Site Plan. Site plans shall include boundaries and dimensions of the lot; parking areas, driveways, walkways and loading areas; existing and proposed structures; information relating to the intensity and extent of proposed lighting; a landscaping plan showing location of trees 6" or greater in diameter to be removed or retained, and type and location of other existing or proposed plantings; existing or proposed benches, footpaths or other pedestrian amenities; and principle dimensions of signs.
 - b. Architectural Elevations. Building facades, building height, roof pitch, fenestration, doors, floor to floor height shall be shown at a minimum of 1/8" = 1' 0" scale.
 - c. Photographs. Polaroid or other photographs of the site and abutting properties shall be required.
 - d. Samples. Samples of exterior building materials including color shall be part of the application.
 - e. Historical Information. Information on year built, historical significance, if any, and historic use shall be included in materials for review.
- (4) Final Plan Review Report and Recommendations. Within ~~thirty (30)~~ **sixty (60)** days of their receipt of the application for Final Plan Review, the Architectural Review Committee shall review applications and forward a Final Plan Review Report containing its description and recommendations to the Building Inspector. This deadline may be extended at the request of the applicant. The Final Plan Review Report shall be based on consideration of the design criteria in Subsection E below and shall state in all cases the Committee's decision to approve, approve with modifications

or disapprove of the plan and shall contain specific written findings relating to compliance with the design criteria.

The committee may disapprove a proposal if it fails to meet the design criteria in Subsection E and there is a resultant negative visual impact on the town. In the case of disapproval, the committee shall state clearly how the proposal fails to comply and describe the resultant negative impact. A copy of this report shall be hand delivered or mailed ~~by certified mail~~ to the applicant no later than the day it is forwarded to the Building Inspector. If the proposal requires a variance or Special Permit, the Building Inspector shall immediately transmit the Architectural Review Committee's report to the Special Permit Granting Authority.

- (5) Issuance of Building or Special Permits. Neither the Building Inspector nor the Special Permit Granting Authority shall issue a building permit or Special Permit for construction subject to these requirements unless the Architectural Review Committee has approved the plans, the deadline for action has expired, or an appeal of this bylaw or an Exemption from Final Plan Review has been granted. In the event of Architectural Review Committee disapproval of a proposal, the Building Inspector shall not issue a building permit nor shall the Special Permit Granting Authority issue a Special Permit.
- (6) Appeals. Any decision by the Architectural Review Committee under this section may be appealed to the Board of Appeals by any party having standing, including town officials and boards, as provided under M.G.L. Ch. 40A, § 8.

E. Design Criteria

The following criteria shall be used as a guide for the Architectural Review Committee when reviewing applications. No project shall be approved unless the Architectural Review Committee finds that it meets the overall intent of the design criteria described in this bylaw.

1. Character. The proposal shall complement the existing Cape Cod community character that is illustrated by the variety of architectural styles set throughout Orleans. Contemporary or non-traditional designs should not be discouraged if they can be shown to be compatible with the surrounding environment.
2. Distinguishing Features. Original stylistic features or examples of skilled craftsmanship of historic or aesthetic significance on a building shall be preserved and maintained or replaced with similar elements where possible and where desirable.
3. Architectural Details. The architectural details, including signs and use of building materials, should be harmonious with the building's overall architectural style and preserve and enhance the character of the surrounding area.

4. Scale. The proposal demonstrates balanced proportions in relation to height and width, roof shape and pitch, and windows and doors. Scale should be ~~consistent~~ **compatible** with other structures in the surrounding area.
5. Massing and Bulk. There should be an overall relationship between the building size & scale and the lot that is ~~consistent~~ **compatible** with surrounding properties. Nearby structures built in proportion to one another are desirable.
6. Setback. The proposed **building front maintains or builds a street front where possible to reinforce the character of the area wherever possible and desirable.** ~~setback from the street re-enforces the existing building setbacks in the surrounding area where the existing setbacks are desirable. Providing continuity of this set back line maintains the character of the street.~~
7. Height. There should be a relationship between the height of the proposed structure and that of adjacent properties that is ~~consistent~~ **compatible** within the surrounding area.
8. Building Materials. The exterior siding, roof, windows, doors, and trim should be compatible with desirable and traditional materials used in the community. ~~Exterior building materials such as stucco and exposed concrete, though in existence, are not desirable.~~ The use of innovative building materials shall not be discouraged by this criteria provided they are compatible with traditional Cape Cod style.
9. Roof. The shapes and angles of roofs should be ~~consistent~~ **compatible** with surrounding roof shapes and pitches to maintain a visual balance.
10. Fenestration. The patterns of windows and doors should maintain a balance that conveys a sense of function and scale to the structure.
11. Color. Building exteriors, including signs, should have colors consistent with traditional Cape Cod designs and compliment the function of the elements and their locations.
12. Signs. All aspects of signs including but not limited to shape, size, font style, color, design and construction, are subject to the design criteria listed in this bylaw. For buildings containing more than one business, continuity in sign design is desirable (see section 164-35).
13. Lighting. Light shall be contained on site through adequate shielding and downward direction. All outdoor lighting shall comply with Chapter 122 of the Orleans Town Code.
14. Landscaping. Grade changes, plantings, fencing, and other aspects of landscaping, should complement the existing area landscaping as well as integrate buildings with their environment and provide amenities for pedestrians. Plantings on the street-facing side of buildings, window boxes and planters are desirable. Benches or other seating arrangements, distinctive treatment of walkways, and links with other buildings for pedestrians are encouraged. Plants that are native to Cape Cod and provide habitat value are preferred.

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

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

ACTION: Voice vote, motion carries unanimously.

ARTICLE 42. AMEND ZONING BYLAW TO ADD TEMPORARY MORATORIUM

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section 164-40.4, "Temporary Moratorium on Recreational Marijuana Establishments and Marijuana Retailers" that would provide as follows, and further to amend the Table of Contents to add Section 164-40.4:

Section 164-40.4. Temporary Moratorium on Recreational Marijuana Establishments and Marijuana Retailers

§1. Purpose.

By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for recreational purposes. The law provides that it is effective on December 15, 2016 and the Cannabis Control Commission is required to issue regulations regarding implementation by September 15, 2017. Chapter 351 of the Acts of 2016, approved by the Governor on December 30, 2016 and effective immediately as an emergency law, extends the time period for the issuance of the regulations by six months to March 15, 2018. (See Section 11 of Chapter 351 of the Acts of 2016.)

Currently under the Zoning Bylaw, Recreational Marijuana Establishments and Marijuana Retailers are not permitted uses in the Town and any regulations promulgated by the Cannabis Control Commission are expected to provide guidance to the Town in regulating Recreational Marijuana Establishments and Marijuana Retailers.

The regulation of Recreational Marijuana Establishments and Marijuana Retailers raise novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and Marijuana Retailers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments and Marijuana Retailers and other uses related to the regulation of recreational marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments and Marijuana Retailers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to adopt provisions of the Zoning Bylaw in a manner consistent with sound land use planning goals and objectives.

§2. Definitions.

"Manufacture", to compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana cultivator", an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business. (k) "Marijuana product manufacturer", an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana testing facility", an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

§3 Temporary Moratorium.

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments and Marijuana Retailers. The moratorium shall be in effect through June 30, 2019. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments and Marijuana Retailers and related uses, determine whether the Town shall restrict any, or all, licenses for Recreational Marijuana Establishments and Marijuana Retailers, determine whether the Town will prohibit on-site consumption at Recreational Marijuana Establishments and Marijuana Retailers and shall consider adopting new provisions of the Zoning Bylaw to address the impact and operation of Recreational Marijuana Establishments and Marijuana Retailers and related uses.

§4 Severability.

The provisions of this Bylaw are severable. In the event that any provision, paragraph, sentence, or clause of this Bylaw is hereafter judicially found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining portion of this Bylaw.

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

MOTION: To accept and adopt Article #42 as printed in the warrant except that the day be changed to from June 30 2019 to June 30, 2018.

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

ARTICLE 43. AUTHORIZE HOME RULE PETITION – ENTER INTO CONTRACTS FOR A SEWER WORKS SYSTEM AND OPERATION

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation to enter into contracts for a sewer works system and operation as follows:

AN ACT AUTHORIZING THE TOWN OF ORLEANS TO ENTER INTO CONTRACTS FOR A SEWER WORKS SYSTEM AND OPERATION

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding any general or special law to the contrary, the town of Orleans may enter into contracts for the lease or sale, operation and maintenance, repair or replacement, financing, design, construction, installation and modifications to the sewer works system (using traditional and non-traditional technologies) necessary to ensure adequate services and ensure the ability of the town's sewer works system, as such terms are defined in Section 9, to operate in full compliance with all applicable requirements of federal, state and local law; provided, however, that such contracts shall not be subject to sections 14-21, inclusive of chapter 149A of the General Laws and the competitive bid requirements set forth in sections 44-57, inclusive, of chapter 7C (formerly M.G.L. c. 7, §§38½ - O), section 39M of chapter 30 or sections 44A to 44M, inclusive, of chapter 149 of the General Laws; provided, further, that each such contract shall be awarded pursuant to chapter 30B of the General Laws, except for clause (3) of paragraph (b) of section 6, clause (3) of paragraph (e) and paragraph (g) of said section 6 and sections 13 and 16 of said chapter 30B.

(b) The request for proposals for such contracts shall specify the evaluation criteria and method for comparing proposals to determine the proposal offering the lowest overall cost to the town, including, but not limited to, all capital equipment and capital improvement costs, operating and maintenance costs and capital financing costs. If a contract is awarded to an offeror who did not submit the proposal offering the lowest overall cost, the town shall explain the reason for the award in writing.

(c) The request for proposals shall set forth mandatory performance guarantees that the selected offeror will be required to meet in operating the sewer works system, as constructed or improved. The contract which is negotiated with the selected offeror based on the request for proposals shall obligate the selected offeror to meet such mandatory performance guarantees, and shall set forth the minimum design requirements for such construction or improvements and the acceptance tests to be conducted upon the completion of the construction or improvements in order to demonstrate that the system is capable of meeting the performance guarantees.

SECTION 2. (a) Notwithstanding any general or special law to the contrary, contracts awarded pursuant to Section 1 may provide for a term, not exceeding 20 years, and an option for renewal or extension of operation, maintenance, repair and replacement services for 1 additional term not exceeding 5 years. Any renewal or extension shall be at the sole discretion of the town in accordance with the original contract terms and conditions or contract terms and conditions more favorable to and acceptable to the town.

(b) A contract entered into pursuant to this act may provide that, subject to the requisite vote of town meeting, the town shall not be exempt from liability for payment of the costs to lease, finance, permit, design, construct and install modifications, new equipment and systems for the sewer works system and to operate, maintain, repair and replace the sewer works system as necessary to ensure the ability of the sewer works system to operate in full compliance with all applicable requirements of federal, state and local law, provided that any costs relating to leasing, financing, permitting, design, construction and installation of modifications, new equipment and systems shall be amortized over a period that is no longer than the useful life of said modifications, equipment and systems. The town's payment obligations for all operations and maintenance services shall be conditioned on the contractor's performance of such services in accordance with all contractual terms.

(c) A contract entered into pursuant to this act may provide for such activities deemed necessary to carry out the purposes authorized herein, including, but not limited to, equipment purchases, facility or land sale or lease, equipment installation, repair and replacement, performance testing and operation, studies, design and engineering work, construction work, ordinary repairs and maintenance, and the furnishing of all related material, supplies and services required for the construction, management, maintenance, operation, and repair and replacement of the town's sewer works system.

SECTION 3. The town administrator of the town of Orleans shall solicit proposals through a request for proposals which shall include those items in clauses (1) and (2) of paragraph (b) of section 6 of chapter 30B of the General Laws and the proposed key contractual terms and conditions to be incorporated into the contract, some of which may be deemed mandatory or nonnegotiable; provided, however, that such request for proposals may request proposals or offer options for fulfillment of other contractual terms, and such other matters as may be determined by the town. The request for proposals shall provide for the separate submission of price and shall indicate when and how the offerors shall submit price.

SECTION 4. The town administrator of the town of Orleans shall make a preliminary determination of the most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life-cycle costs and the other evaluation criteria set forth in the request for proposals. The town administrator may negotiate all terms of the contract not deemed mandatory or nonnegotiable with such offeror. If after negotiation with such offeror, the town administrator determines that it is in the town's best interests, the town administrator may initiate negotiations with the next most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life-cycle costs and the other evaluation criteria set forth in the request for proposals, and may negotiate all terms of the contract not deemed mandatory or nonnegotiable with such offeror. The town administrator shall award the contract to the most advantageous proposal from a responsible and responsive offeror taking into consideration price, estimated life-cycle costs, the evaluation criteria set forth in the request for proposals, and the terms of the negotiated contract. Subject to the approval of the board of selectmen and, to the extent required with respect to any contract in excess of five years, the authorization of the town meeting, the town administrator shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement.

SECTION 5. Subject to this act, any contract awarded hereunder shall be subject to such terms and conditions as the town administrator and board of selectmen of the town of Orleans shall determine to be in the best interests of the town and shall be authorized by a majority vote of the board of selectmen. Any such contract shall provide that prior to the construction, modification or installation of new equipment and systems, the town shall cause a qualified wastewater engineer to independently review and approve plans and specifications for the modifications, new equipment and systems. Such contract shall further provide that prior to acceptance of any modifications, new equipment or systems, including work undertaken pursuant to Section 6 and estimated to cost more than \$100,000, adjusted in accordance with adjustment factors as determined by the Town, the Town shall cause a qualified wastewater engineer to inspect such modifications, new equipment and systems and certify that the construction or installation has been completed in accordance with the approved plans and specifications.

SECTION 6. The provisions of any general or special law or regulation relating to the advertising, bidding or award of contracts, to the procurement of services or to the design and construction of improvements, except the provisions of sections 26 to 27H, inclusive, of chapter 149 of the General Laws, shall not be applicable to any selected offeror which is awarded a contract as provided in this section. The construction of any new capital improvement or any renovation, modernization, installation, repair or replacement work estimated to cost more than \$100,000, adjusted in accordance with adjustment factors as determined by the town, not specifically included in the initial contract or contracts for the lease or sale, operation or maintenance, financing, design, construction, repair or replacement, and installation of modifications, new equipment and systems necessary for any particular part of the sewer works system, shall be procured on the basis of advertised sealed bids; provided, however, that bids need not be solicited if the contractor causes such construction, renovation, modernization, installation, repair or replacement work to be completed without direct or indirect reimbursement from the town, or other adjustment

to the fees paid by the town, including, but not limited to, any adjustment to sewer rates paid by the town users. Bids shall be based on detailed plans and specifications and the contract shall be awarded to the lowest responsible and eligible bidder. The contractor may act as an agent of the town in solicitation of bids for the construction of any new capital improvement or for any renovation, modernization, installation, repair or replacement work pursuant to this section; provided that the town shall cause a qualified wastewater engineer to independently assess the need for such capital improvement, renovation, modernization, installation, repair or replacement work and to review and approve the contractor's proposed plans and specifications prior to advertising for bids. Based on the recommendation of the qualified wastewater engineer, the town may approve, modify, or reject the contractor's proposed plans and specifications.

SECTION 7. Notwithstanding any general or special law or regulation to the contrary, the department of environmental protection may issue project approval certificates with respect to the design/build contract or contracts procured by the town under this act for operation and maintenance, repair or replacement, design, construction, installation and modifications to the sewer works system, and any such design/build services included in such contract or contracts shall be eligible for assistance under the Massachusetts Water Pollution Abatement Trust established by section 2 of chapter 29C of the General Laws, and any future revolving loan fund programs established by the commonwealth or the department of environmental protection.

SECTION 8. The selected offeror shall furnish to the town performance bonds, payment bonds, or other forms of security for the selected offeror's obligations, and insurance, satisfactory to the Town.

SECTION 9. The following words as used in this act shall, unless the context requires otherwise, have the following meanings:

"Sewer works system", the proposed and/or existing sewer works system, including, without limiting the generality of the foregoing, traditional and non-traditional technologies, all works, instrumentalities or parts thereof, all main, trunk, intercepting, connecting, lateral, force mains, private property components (as accepted by the town), and other adjuncts thereto, wastewater treatment facilities, effluent disposal facilities, septage receiving and treatment facilities, and pump stations and any other property or interests in property, real or personal, incidental to and included in such sewer works system, and all facilities, betterments, extensions, improvements and enlargements thereto.

SECTION 10. All contracts or subcontracts for new construction, renovation, modernization, improvement or capital improvements to the town of Orleans' sewer works system shall be awarded only to persons or entities whose bids or proposals are subject to such persons or entities being signatory to a project labor agreement with the appropriate labor organizations which shall include an obligation for such labor organizations and its constituent members not to strike with respect to the work on such construction project and which shall also establish uniform work rules and schedules for the project. Such project agreement shall be entered into in order to facilitate the timely and efficient completion of the construction of such improvements and to make available a ready and adequate supply of highly trained, skilled craft workers who shall provide a

negotiated commitment to assure labor stability and labor peace over the life of this project. The applicable entity responsible for any construction, renovation, modernization, improvement or capital improvement to the town's sewer works system shall designate a general contractor, project manager or similar construction firm which is familiar in the negotiation and administration of project labor agreements to manage and oversee the construction of the project, including the development and implementation of labor relations policies for the project, and to instruct such general contractor, project manager or other construction firm to negotiate a mutually agreeable project labor agreement covering the above described work.

SECTION 11. This act shall take effect upon its passage.

and to further authorize the Board of Selectmen to approve the final language of any such special legislation or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion carries unanimously

ARTICLE 44. RE-AUTHORIZE HOME RULE PETITION - EXEMPT OLD FIREHOUSE RESTORATION BY NON-PROFIT FROM PREVAILING WAGES

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation to exempt the restoration of the Old Firehouse located at 44 Main Street by a non-profit organization from the applicable provisions of the prevailing wage laws, Chapter 149 of the General Laws, and to further authorize the Board of Selectmen to approve the final language of any such special legislation or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion carries unanimously

ARTICLE 45. RE-AUTHORIZE HOME RULE PETITION - COMPEL NSTAR (EVERSOURCE) TO MITIGATE CORMORANT PROBLEM ON CEDAR POND

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

of any such special legislation or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion carries unanimously

ARTICLE 46. TOWN TO REFRAIN FROM ENFORCING FEDERAL IMMIGRATION LAW AND POLICY – BY PETITION

To see if the Town will vote to:

Instruct the Orleans selectmen to direct officials and employees to refrain from participating in the enforcement of federal immigration law and policy, unless presented with a criminal warrant or other evidence of probable cause as required by the Fourth Amendment of the U.S. constitution. The selectmen are to report annually to the town about this matter, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION BY PETITIONER: To indefinitely postpone.

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

ARTICLE 47. ESTABLISH A POLICY TO REVIEW AND REVISE ALL TOWN OF ORLEANS USER FEES, PERMITS, AND LICENSES ANNUALLY – BY PETITION

To see if the Town will vote to amend the General By-Laws by deleting Chapter 94-7 in its entirety and by further amending the General By-Laws by deleting Chapter 94-8, Sections A, B C and D in its entirety and inserting a new Chapter 94-8 to read as follows:

Chapter 94-8- Restrictions on Certain Fees Set by the Board of Selectmen and Other Town Boards and Commissions.

- A. Annually the Board of Selectmen and every other town board or commission to review, as part of the Town's annual budgeting process, the costs associated with each user fee, permit or license under their authority (excepting fees set by State Statute) and revise, in accordance with town or state limitations, any user fees, permits or licenses that do not cover such costs (defined as all direct operating, inter-departmental allocation and capital (debt and interest) associated with the activity until such time as the costs are fully recovered. This is to be an annual component of the budget process with Finance Committee review and Board of Selectmen approval.

B. If any provision of this bylaw is held to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions, and to this end the provisions are declared to be severable;

or take any other action relative thereto. (Revenue Committee by Petition)
(Simple Majority Vote Required)

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

MOTION: Diana Landau, to indefinitely postpone.

ACTION: Voice vote, motion passes by necessary majority to indefinitely postpone.

ARTICLE 48. ACCEPT GENERAL LAWS TO AUTHORIZE ESTABLISHMENT OF ENTERPRISE FUNDS – BY PETITION.

To see if the Town will vote to accept the provisions of G.L. c. 44, § 53F ½ which authorizes the Town to establish separate accounts classified as Enterprise Funds for a utility, health care, recreational, or transportation facility, and its operation, as the town may designate; or take any other action relative thereto. (Revenue Committee by Petition)
(Simple Majority Vote Required)

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

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

ARTICLE 49. ALLOW ENTERPRISE FUNDS TO BE CONSIDERED OUTSIDE OPERATING BUDGET – BY PETITION

To see if the Town will adopt the following proposed order of amendment to the Orleans Home Rule Charter:

Chapter 2, Section 5. Articles having fiscal implications Section 2-5-1.

Bold = new language

2-5-1. **Except for operating expenses associated with any Enterprise Fund established pursuant to M.G.L. c. 44, § 53F ½**, all proposed operating expenditures shall be included in a single, omnibus-type article in the Town Meeting Warrant. In addition, all regular proposed capital improvements expenditures shall also be included in an omnibus-type article in the Annual Town Meeting Warrant, devoted to capital expenditures; or take any other action relative thereto. (Revenue Committee by Petition)
(2/3 Vote Required)

MOTION: To accept and adopt Article #49 as printed in the warrant. The amendment

shall take effect on May 16, 2018.

ACTION: Voice vote, cannot be determined, standing vote, motion fails to attain the necessary majority yes - 64 to no – 55.

ARTICLE 50. CLOSING ARTICLE

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

MOTION: To adjourn Town Meeting.

ACTION: Voice vote, motion carries by necessary majority.

Town Meeting was adjourned at 11:44 pm

A True Record, Attest:

Cynthia S. May, Town Clerk