

ANNUAL TOWN MEETING
"DOINGS"
May 13, 2019

The Annual and Special Town Meetings were held on Monday, May 13, 2019 in the Nauset Regional Middle School Gym. The Annual Town Meeting was opened at 6:10 p.m. after a quorum of 200 voters was declared by the Town Clerk. Election workers were: Mary Walker, Lynda Burwell, Louise Brady, Cathy Southworth, Barbara Quinn, Patricia Bradley, Cyndi Eager, Susan Milton. Constables on duty were Paul Kelly and Mary Stevens. A total of 660 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 passes unanimously.

PROCEDURAL MOTION

That all Town Officials or department managers or their duly designated representatives, required to attend Town Meeting pursuant to Section 2-7-3 of the Charter, Noelle Pina, Orleans Chamber of Commerce Executive Director, Thomas E. Parece, AECOM Associate Vice President, Mark Robinson, The Compact of Cape Cod Conservation Trusts Executive Director, Dr. Madhavi Venkatesan, Sustainable Practices Executive Director, and local students, who are not residents of the Town of Orleans, be permitted to address the Town Meeting on matters affecting their office, department or organization, projects for which they have performed services for the Town, or articles in which they have an interest.
(Simple Majority Vote Required)

ACTION: Voice vote, motion passes unanimously

PROCEDURAL MOTION

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

ACTION: Voice vote, motion passes unanimously.

Special Town Meeting was opened at 6:12 p.m.

PROCEDURAL MOTION

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

ACTION: Voice vote, motion passes 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 passes 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: Article to be indefinitely postponed.

ACTION: Voice voted, motion passes unanimously.

ARTICLE 2. FY 19 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 2019 as follows:

1. Transfer from DPW/Facilities/Non-Union Others Salary Account the sum of Nine Thousand Three Hundred Fifty Five and 00/100 Dollars (\$9,355.00), or any other sum, to the DPW/Facilities/Maintenance Contracts Expense Account to hire an outside contractor instead of a seasonal employee.
2. Transfer from Overlay Surplus the sum of Six Thousand Four Hundred and 00/100 Dollars (\$6,400.00), or any other sum, to the Building Department Expense Account for the purpose of paying the Plumbing & Gas Inspector for his inspections to meet the contract obligations through the end of the fiscal year.
3. Transfer from the Overlay Surplus Account the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00), or any other sum, to the Transfer Station Expense Account due to increase in cost of recycling disposal.
4. Transfer from Overlay Surplus the sum of Ten Thousand Five Hundred Eight and 00/100

Dollars (\$10,508.00), or any other sum, to the DPW/Facilities Electricity Expense Account to pay electric bills through year end for DPW facilities.

5. Transfer from Overlay Surplus the sum of Thirty Nine Thousand and 00/100 Dollars (\$39,000.00), or any other sum, to the Selectmen/Town Administrator's Expense Account for the purpose of paying Legal and Labor Counsel services.
6. Transfer from Overlay Surplus the sum of Thirty Seven Thousand One Hundred Fifty Nine and 00/100 Dollars (\$37,159.00), and from Free Cash the sum of Thirty Three Thousand Nine Hundred Sixty One and 00/100 Dollars (\$33,961.00), or any other sum; to the Fire Department/Union Firefighter Overtime Salary Account in the amount of Thirty Six Thousand One Hundred Twenty and 00/100 Dollars (\$36,120.00), and the Fire Department/Vehicle Repairs Expense Account in the amount of Thirty Five Thousand and 00/100 Dollars (\$35,000.00).
7. Transfer from the Water Surplus Account the sum of Sixty Seven Thousand and 00/100 Dollars (\$67,000.00), or any other sum, to the Water Department Expense Account for the purpose of replacing computer hardware, software, and firmware communication equipment at the Water Treatment Plant.
8. Transfer from Water Surplus Account the sum of Four Thousand and 00/100 Dollars (\$4,000.00), or any other sum, to the Water Department Overtime Account for the purpose of funding additional overtime from water main breaks.
9. Transfer from the Water Surplus Account the sum of Six Thousand and 00/100 Dollars (\$6,000.00), or any other sum, to the Water Department Heating Account for the purpose of paying to heat the maintenance garage during the winter months due to a delayed move into the new DPW facility initially projected for October. (Simple Majority Vote Required)

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

ACTION: Voice voted, motion passes by necessary majority.

ARTICLE 3. FUND SPECIAL NEEDS EDUCATION PROGRAM AT OES

To see if the Town will vote to transfer from available funds the sum of Ninety Seven Thousand and 00/100 Dollars (\$97,000.00), or any other sum, to fund Orleans Elementary School Special Needs budget, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #3 as printed in the warrant and that the sum of Ninety Seven Thousand and 00/100 Dollars (\$97,000.00) be transferred from the Cape Cod Technical Assessment account in the amount of Forty Thousand and 00/100 Dollars (\$40,000.00); and from Free Cash in the amount of Fifty Seven Thousand and 00/100 Dollars (\$57,000.00) for this purpose.

ACTION: Voice voted, motion passes unanimously.

ARTICLE 4. FUND COSTS FOR CATV FRANCHISE RENEWAL NEGOTIATIONS

To see if the Town will vote to transfer from available funds the sum of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00), or any other sum, to fund outside legal and technical services in connection with the upcoming CATV franchise renewal negotiations, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #4 as printed in the warrant and that the sum of Seven Thousand Five Thousand and 00/100 Dollars (\$7,500.00) be transferred from the Cable Fees Receipts Reserved for Appropriation account for this purpose.

ACTION: Voice voted, motion passes by necessary majority.

ARTICLE 5. 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 MEETING	ARTICLE	AMOUNT AUTHORIZED	ISSUED/ RETIRED/ RESCINDED	TOTAL UNISSUED
NON-EXWMPT DEBT					
Beach Road Water Main	05/08/2017	16	\$ 1,270,000	\$1,044,961	\$225,039
TOTAL NON- EXEMPT DEBT			\$ 1,270,000	\$1,044,961	\$225,039
TOTAL AUTHORIZED & UNISSUED TO BE RESCINDED					\$225,039

The total to be rescinded is Two Hundred Twenty Five Thousand Thirty Nine and 00/100 Dollars (Simple Majority Vote Required)

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

ACTION: Voice vote, motion passes unanimously.

ARTICLE 6. FUND UNANTICIPATED EMPLOYEE BUYOUTS

To see if the Town will vote to transfer from available funds the sum of Twelve Thousand Two Hundred Fifty Eight and 00/100 Dollars (\$12,258.00), or any other sum, to fund unanticipated employee related buyouts, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #6 as printed in the warrant and that the sum of Twelve Thousand Two Hundred Fifty Eight and 00/100 Dollars (\$12,258.00) be transferred from Free Cash for this purpose.

ACTION: Voice vote, motion passes necessary majority.

ARTICLE 7. CLOSING ARTICLE

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

MOTION: To adjourn the Special Town Meeting

ACTION: Voice vote, motion passes unanimously.

The Special Town Meeting was adjourned at 6:28 p.m.

The Annual Town Meeting was reconvened at 6:29 p.m.

PROCEDURAL: John Kanaga was sworn in to act as temporary moderator for Article 14 and Article 21.

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 Special Committees.

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, 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 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

ARTICLE 5. DEPARTMENTAL REVOLVING FUNDS AUTHORIZATION

To see if the Town will vote to authorize revolving funds for certain town departments under M.G.L. c. 44, § 53E½ and Chapter 82 of the Code of the Town of Orleans as follows:

- 1) Council on Aging Revolving Fund, said account not to exceed Sixty Thousand and 00/100 Dollars (\$60,000.00). 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.
- 2) Council on Aging Transportation Revolving Fund, said account not to exceed Thirty Thousand and 00/100 Dollars (\$30,000.00). 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.
- 3) The Home Composting Bin/Recycling Revolving Fund, 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.
- 4) Cultural Council Awards Revolving Fund, 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.
- 5) The Beach Store Revolving Fund, 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 and to pay for other beach store related expenses. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 6) The H.K. Cummings Collection Revolving Fund, 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.

- 7) The Solar Credits Revolving Fund, 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.

ARTICLE 6. CONTINUATION OF MUNICIPAL RENTAL REVOLVING ACCOUNT

To see if the Town will vote to reauthorize the establishment of the following municipal building or property rental revolving accounts under M.G.L. c. 40, §3 and, further, that any balance at the close of the fiscal year shall remain in the account and may be expended for the upkeep and maintenance of the building or property by the board, committee or department head in control of the building or property:

- 1) 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.
- 2) 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 former Gavigan property located 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.
- 3) 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 bills and other necessary expenses associated with the rental of the property at 44 Main Street. Said funds to be spent under the direction of the department manager and the Town Administrator.

Or to take any other action relative thereto.

ARTICLE 7. CONTINUATION OF PARKS AND RECREATION REVOLVING FUND

To see if the Town will vote, having previously accepted the provisions of M.G.L. c. 44, §53D, to continue a revolving fund which shall be kept separate and apart from all other monies by the Treasurer and in which shall be deposited the receipts received in connection with the conduct of self-supporting recreation and park services of the town. The principal and interest thereon shall be expended at the direction of the authority, commission, board or official of the Town with said responsibility, and with the approval of the Town Administrator, without further appropriation; and only for the purpose of operating self-supporting recreation and park services; provided, further, that the unreserved fund balance shall not exceed Ten Thousand Dollars (\$10,000.00) at the close of each fiscal year and any such amount in excess of Ten Thousand Dollars (\$10,000.00) shall be paid into the Town treasury as provided in c.40, §53.

Or to take any other action relative thereto

ARTICLE 8. ADOPT M.G.L. CH. 71, § 16B, ASSESSMENT FORMULA – NAUSET REGIONAL SCHOOLS

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

(Simple Majority Vote Required)

CONSENT CALENDAR MOTION: That Articles 1, 2, 3, 4, 5, 6, 7 and 8 be accepted and adopted as printed in the warrant.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 9. TOWN / SCHOOL BUDGET (FY20)

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, 2019 and ending June 30, 2020 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 2020 budget as printed in the warrant, and that the Town Meeting adopt the Selectmen's proposed FY 2020 budget, with the following amendment under Line Item #50, department Code #330, Cape Cod Tech Assessment by increasing the amount from \$191,352.00 to \$313,779.00, and as funding therefore, to:

1. raise and appropriate the sum of Thirty Four Million One Hundred Ninety Seven Thousand Three Hundred Fifty Seven and 00/100 Dollars (\$34,197,357.00),
2. appropriate from Water Fees the sum of Two Million Five Hundred Fifty Eight Thousand Three Hundred Seventy Four and 00/100 Dollars (\$2,558,374.00),
3. transfer from Free Cash the sum of Nine Hundred Seven Thousand Nine Hundred Ninety Eight and 00/100 Dollars (\$907,998.00),
4. transfer from the Ambulance Receipts Reserved for Appropriation account the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00),
5. transfer from the Water Ways Improvement account the sum of One Hundred Twenty Six Thousand and 00/100 Dollars (\$126,000.00),
6. 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),

7. transfer from the Municipal Insurance Fund the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00),
8. transfer from the Water Pollution Abatement Trust account the sum of Five Thousand and 00/100 Dollars (\$5,000.00),
9. transfer from the Wetlands Protection Fund the sum of Ten Thousand and 00/100 Dollars (\$10,000.00),
10. and transfer from the General Fund- Bond Premiums Reserved for Debt Exclusion the sum of Thirty Three Thousand Nineteen and 00/100 Dollars (\$33,019.00);

for a total appropriation of Thirty Eight Million Five Hundred Eighty Four Thousand Seven Hundred Forty Eight and 00/100 Dollars (\$38,584,748.00).

ACTION: Voice vote, motion passes by necessary majority.

ARTICLE 10. CAPITAL IMPROVEMENTS PLAN (FY21 – FY25)

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, article passes by necessary majority.

PROCEDURAL MOTION: To take Article 11 out of order after Article 15

ACTION: Voice vote, motion passes unanimously.

ARTICLE 12. RESCIND CPA PROJECT FUNDING

To see if the Town will vote to act on the report and recommendations of the Community Preservation Committee to amend the action taken under Article 4 of the May 9, 2016 Annual Town Meeting by rescinding the appropriation continued therein in the amount of Forty Eight Thousand One Hundred Ninety and 73/100 Dollars (\$48,190.73) for Project 1 HECH Housing Emergency Loan Program and to transfer those funds to the Community Preservation Undesignated Fund balance, or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #12 as printed in the warrant and that the sum of Forty Eight Thousand One Hundred Ninety and 73/100 Dollars (\$48,190.73) be transferred to the Community Preservation Undesignated Fund balance for the purposes of and in the amounts set forth in the article.

ACTION: Voice vote, motion passes by necessary majority.

ARTICLE 13. TRANSFER CPA FUNDS TO THE AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to act on the report and recommendations of the Community Preservation Committee to transfer the sum of Forty Eight Thousand One Hundred Ninety and 73/100 Dollars (\$48,190.73) to the Affordable Housing Trust Fund, or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #13 as printed in the warrant and that the sum of Forty Eight Thousand One Hundred Ninety and 73/100 Dollars (\$48,190.73) be transferred from the Community Preservation Undesignated Fund Balance for the purposes set forth in the article.

ACTION: Voice vote, motion passes unanimously.

PROCEDURAL MOTION: To take Article 52 out of order after Article 16.

ACTION: Voice voted, motion passes necessary majority.

ARTICLE 14. ACQUIRE LAND OWNED BY HERRICK FAMILY ON LONNIE'S POND

To see if the Town will vote to authorize and direct the Board of Selectmen to acquire by gift, by purchase, by eminent domain or otherwise, for open space and recreation purposes, the land located at 45 Herring Brook Road, Orleans, MA, consisting of approximately 1.04 acres, and being shown as Lot 4A on a plan entitled "Preliminary Division of Land situated in Orleans, MA prepared for the Harry K. Herrick Family Trust Scale 1" = 40' Date: June 27, 2018" a copy of which is on file with the Town Clerk's office, and described in deeds recorded with the Barnstable County Registry of Deeds in Book 29209 Page 155; and further to construct a small parking lot, trail and kayak rack on the property so acquired, and to raise and appropriate or transfer from available funds, or transfer from Community Preservation Act funds, or borrow a sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for such acquisition and improvements, 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 Majority Vote Required)

MOTION: To accept and adopt Article #14 as printed in the warrant and that the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen is authorized to borrow the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) pursuant to Massachusetts General Laws Chapter 44, Section 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore. 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 move the question.

ACTION: Voice vote, motion to move the question passes by necessary 2/3 majority.

ACTION ON MAIN MOTION: Standing count: YES=304, NO = 288. Motion fails to attain 2/3 majority required.

ARTICLE 15. ACQUIRE CONSERVATION RESTRICTION ON SIPSON ISLAND

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, by purchase, by eminent domain, or otherwise, a perpetual conservation restriction ("Restriction") pursuant to the provisions of M.G.L. Ch.184, §§31-33, for open space, conservation and passive recreation purposes under the provisions of M.G.L. Ch. 40, §8C, on certain parcels of land totaling approximately 18.1 acres and situated on Sipson Island in Pleasant Bay, Orleans, MA, shown on the Orleans Assessors' Map 94 as Parcels 5, 6, 7, 10, 11, 12 and 13, and further shown as Lots A-1 and A-2 on plan recorded with the Barnstable County Registry of Deeds in Plan Book 312 Page 84, and as Lots A-4, A-5, A-6 and A-7 on plan recorded in Plan Book 447 Page 6, and as the land on plan recorded in Plan Book 252 Page 45, with the care, custody, control and management of the Restriction to be vested with the Conservation Commission; and, further, to raise and appropriate or transfer from available funds, or transfer from the Community Preservation Act Funds, or borrow a sum of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) for such acquisition and, further, to authorize the Board of Selectmen and/or the Conservation Commission to file on behalf of the Town any and all applications for grants and/or reimbursement from the Commonwealth of Massachusetts under the Self-Help Act (Chapter 132A, §11) and/or any others in any way connected with the scope of this article, and, further, to authorize the Board of Selectmen to negotiate the purchase of the Restriction and to make the decision to enter into any agreement to purchase the Restriction and to execute any and all instruments as may be necessary on behalf of the Town, or to take any other action relative thereto. (2/3 Majority Vote Required)

MOTION: To accept and adopt Article #15 as printed in the warrant and that the sum of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) 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 One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00) pursuant to Massachusetts General Laws Chapter 44, Section 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore. 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 move the question.

ACTION: Motion to move the question passes by the necessary 2/3 vote.

ACTION on the MAIN MOTION: Standing vote: YES= 377, NO=231. Motion fails to attain the required 2/3 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 2020 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 FY20, or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #11 as printed in the warrant except that Projects 7 & 8 be deleted, and that the debt service expenses be reduced by One Hundred Twenty Thousand and 00/100 (\$120,000.00), and that the sum of Nine Hundred Eighty-nine Thousand Seven Hundred Sixty Three and 00/100 Dollars (\$989,763.00) be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

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

ARTICLE 16. FUND COMPREHENSIVE WATER RESOURCES MANAGEMENT PLAN IMPLEMENTATION / CONSTRUCTION

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Forty Seven Million Three Hundred Eighty Two Thousand Eight Hundred and 00/100 Dollars (\$47,382,800.00), or any other sum, for the purpose of funding the construction of the Downtown Area Collection System, Wastewater Treatment Plant and Effluent Disposal System including Contract Administration and Owner's Project Management Services; and for funding the monitoring of the Permeable Reactive Barrier

off Eldredge Parkway, including all expenses incidental and related thereto, and further to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, easements or such other interests in land as necessary to fully implement the Amended Water Quality Management Plan; 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 #16 as printed in the warrant and that the sum of Forty Seven Million Three Hundred Eighty Two Thousand Eight Hundred and 00/100 Dollars (\$47,382,800.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Forty Seven Million Three Hundred Eighty Two Thousand Eight Hundred and 00/100 Dollars (\$47,382,800.00) 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 therefore, 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. 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 voted, motion passes by the necessary majority.

ARTICLE 52. AMEND FEES – RECREATION

To see if the Town will vote, pursuant to the Orleans Code §94-8 A. and B., to authorize the Board of Selectmen to increase the fees for Recreation Department, as set forth in the following schedule, effective June 1, 2019, or take any other action relative thereto. (Simple Majority Vote Required)

630 Recreation		
Youth Sports	0	\$30
Youth Sports (Soccer)	\$0	\$30
Youth Sports (Field Hockey)	\$0	\$30
Youth Sports (Basketball)	\$0	\$30
Youth Sports (Baseball)	\$0	\$30

Youth Sports (Softball)	\$0	\$30
Summer Program resident/non-resident	\$0	\$125/\$150 6 wks
		\$75/\$95 3 wks
		\$40/day
Swimming Lessons res/non-resident	\$0	\$25/\$45 6 wks
Youth Clinics	\$0	\$15
Youth Clinics (Tennis Lessons)	\$0	\$15
Adult Programs	\$0	\$15

MOTION: To accept and adopt Article #52 as printed in the warrant.

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

ARTICLE 17. FUND PLEASANT BAY ALLIANCE SHARED WATERSHED PERMIT ACTIVITIES

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of Fifty Thousand Eight Hundred Eighty Seven and 00/100 Dollars (\$50,887.00), or any other sum, to cover the Town’s share of matching funds for conducting an update of the Massachusetts Estuaries Project Linked Watershed Model for Pleasant Bay. The funds will be combined with a total of \$94,503 in matching funds from the towns of Brewster, Chatham, and Harwich, and \$72,610 from the Southeast New England Estuaries Program Watershed Grant awarded to the Pleasant Bay Alliance. The model update is an implementation activity specified in the Pleasant Bay Watershed Permit issued to the Town by Massachusetts Department of Environmental Protection, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #17 as printed in the warrant and that the sum of Fifty Thousand Eight Hundred Eighty Seven and 00/100 Dollars (\$50,887.00) be raised and appropriated for this purpose.

ACTION: Voice voted, article carries unanimously.

ARTICLE 18. SPECIAL PURPOSE STABILIZATION FUND FOR WASTEWATER

To see if the Town will vote to accept Paragraph 4 of Chapter 40, Section 5B of the General Laws and dedicate, without further appropriation, into a special purpose Infrastructure and Community Investment Stabilization Fund, created herein 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; one-hundred percent of the local option rooms excise tax that the Town receives on the transfer of occupancy of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel, pursuant to its acceptance of General Laws Chapter

64G, Section 3A, as amended by Chapter 337 of the Acts of 2018; provided that said dedication shall take effect beginning in Fiscal Year 2020 which begins on July 1, 2019; and provided further that the Town may not revoke its acceptance of this Act for at least three fiscal years; or to take any other action relative thereto. (Simple Majority Vote Required)

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

MOTION TO AMEND by Luke Chapman: I move that Article 18 be amended as follows: on line 6 immediately following the semi-colon strike the words "One Hundred percent" and insert in lieu thereof the words "55 percent". "The remaining 45% be designated for tourism and leisure purposes"

MOTION: To call the question on the amended motion.

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

ACTION ON AMENDED MOTION: Voice voted, amendment fails to attain the necessary majority.

MOTION: To call the question on the main motion.

ACTION: Voice voted, passes unanimously to call the question.

ACTION ON MAIN MOTION: Voice voted, passes by necessary majority.

ARTICLE 19. AUTHORIZE ROOMS EXCISE TAX INCREASE FROM 4% TO 6%

To see if the Town will vote, pursuant to the provisions of G.L. c. 64G sec. 3A, as amended, to increase the local option rooms excise tax upon the transfer of occupancy by the operator of a room in a bed and breakfast establishment, hotel, lodging house, short-term rental or motel in the Town of Orleans, from 4% to 6%, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #19 as printed in the warrant.

MOTION: To call the question.

ACTION: Motion passes by necessary majority to call the question.

ACTION ON MAIN MOTION: Motion passes by necessary majority.

ARTICLE 20. AUTHORIZE AGREEMENT WITH MASSDOT

To see if the Town will vote to authorize the Board of Selectmen to enter into an Agreement with the Commonwealth of Massachusetts Department of Transportation Highway Division (MassDOT) which authorizes the Town to utilize a section of State Highway (Route 6 Exit

12 Lobe) for the purpose of Aquifer Recharge of effluent from the Town's wastewater treatment facility, which Agreement shall be substantially in the Form of the Agreement on file with the Town Clerk, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #20 as printed in the warrant.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 21. FUND CONSTRUCTION TO CONNECT WELL NO. 7 TO THE WATER TREATMENT PLANT

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Two Million Three Hundred Thirty Five Thousand and 00/100 Dollars (\$2,335,000.00), or any other sum, for the purpose of funding the construction to connect Well No. 7 to the water treatment plant at 350 South Orleans Rd, including all expenses incidental and related thereto, and to authorize the Board of Selectman to acquire by purchase, gift, eminent domain or otherwise, easements or other interests in land necessary to complete the authorized connection, and to further authorize the Board of Selectmen and/or the 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 Two Million Three Hundred Thirty Five Thousand and 00/100 Dollars (\$2,335,000.00) be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Two Million Three Hundred Thirty Five Thousand and 00/100 Dollars (\$2,335,000.00) pursuant to Massachusetts General Laws, Chapter 44, Sec. 8 (5), or any other enabling authority, and to issue bonds or notes of the Town therefore, 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 voted, motion passes by the necessary majority.

ARTICLE 22. REPLACE LANDFILL METHANE GAS FLARE DESIGN AND INSTALLATION

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00), or any other sum, for the purpose of funding the design and replacement of the methane gas

flare at the landfill, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: To accept and adopt Article#22 as printed in the warrant and that the sum of One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of One Hundred Ninety Thousand and 00/100 Dollars (\$190,000.00) pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, 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. 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 challenge the existence of a quorum.

ACTION: A quorum was determined by count.

ACTION ON MOTION: Standing count, YES=259 , NO=2, motion passes by necessary 3 /4 majority.

ARTICLE 23. REPLACE BULKHEADS AT ROCK HARBOR AND TOWN COVE – DESIGN

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Four Hundred Thirty Thousand and 00/100 Dollars (\$430,000.00), or any other sum, for the purpose of funding the replacement design of the Rock Harbor commercial timber bulkhead and loading dock and the Town Cove bulkhead and storm drain pipe, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and

to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto.

(3/4 Vote Required)

MOTION: To accept and adopt Article #23 as printed in the warrant and that the sum of Four Hundred Thirty Thousand and 00/100 Dollars (\$430,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Four Hundred Thirty Thousand and 00/100 Dollars (\$430,000.00) pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, 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. 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: Standing count, YES=251, NO= 4. Motion passes by necessary majority.

ARTICLE 24. REPLACE ROCK HARBOR ROAD WATER MAIN – DESIGN

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds transfer the sum of Seventy Two Thousand and 00/100 Dollars (\$72,000.00), or any other sum, for the purpose of designing the replacement of the water main on Beach Road, including all expenses incidental and related thereto; and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto.

(3/4 Vote Required)

MOTION: To accept and adopt Article #24 as printed in the warrant and the sum of Seventy Two Thousand and 00/100 Dollars (\$72,000.00) 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 Seventy Two Thousand and 00/100 Dollars (\$72,000.00), pursuant to Massachusetts General Laws, Chapter 44 Sec. 8(5), or any other enabling authority, and to issue bonds or notes of the Town therefore. 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: Standing count, YES=226, NO=5, motion passes by necessary majority.

ARTICLE 25. FUND MAIN STREET RECONSTRUCTION AND VILLAGE CENTER STREETScape

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00), or any other sum, for the purpose of funding the Main Street Reconstruction and Village Center Streetscape, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 1/2) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto. (3/4 Vote Required)

MOTION: To accept and adopt Article #25 as printed in the warrant and that the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Six Hundred Thousand and 00/1 00 Dollars (\$600,000.00) pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, 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. 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 voted, passes unanimously.

ARTICLE 26. TRANSFER OF UNEXPENDED BOND PROCEEDS

To see if the Town will appropriate the following unexpended amounts of money that were initially borrowed to finance the following project that is now complete and for which no further liability remains, to pay Thirty Four Thousand Ninety Six and 00/100 Dollars (\$34,096.00) in costs associated with the Orleans Elementary School Heating and Ventilation Systems project authorized under Article 5 at the October 16, 2017 Town Meeting; and to pay Forty Seven Thousand Twenty Nine and 00/100 Dollars (\$47,029.00) in costs associated with the Main Street Reconstruction and Village Center Streetscape

project authorized under Article 25 at this Town Meeting, as permitted by Chapter 44, Section 20 of the General Laws:

<u>Unexpended Amount</u>	<u>Date of Approval</u>	<u>Warrant Article</u>	<u>Original Purpose</u>
\$81,125.00	05/09/2016	7	Design of New DPW Facility

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

MOTION: That the Town appropriates the unexpended amount of Eighty One Thousand One Hundred Twenty Five and 00/100 Dollars (\$81,125.00) that was initially borrowed to finance the Design of the New DPW Facility that is now complete and for which no further liability remains, to pay costs associated with the Orleans Elementary School Heating and Ventilation System and the Main Street Reconstruction and Village Center Streetscape projects in the amounts printed in the warrant and as permitted by Chapter 44, Section 20 of the General Laws.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 27. FUND FEASIBILITY STUDY FOR FIRE STATION RENOVATION OR REPLACEMENT

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

MOTION: To accept and adopt Article #27 as printed in the warrant and that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) pursuant to Massachusetts General Laws, Chapter 29C and Chapter 44 Sec. 7 and 8, or any other enabling authority, and to issue bonds or notes of the Town therefore, 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. 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: Standing count YES=159, NO=9, motion passes by necessary majority.

MOTION: To challenge the existence of a quorum.

ACTION: A quorum was determined by count.

ARTICLE 28. FUND FIRE DEPARTMENT STAFFING AND ORGANIZATIONAL STUDY

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) for the purpose of funding a Fire Department staffing and organizational study, including all expenses incidental and related thereto, 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 Thirty Five Thousand and 00/100 Dollars (\$35,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion passes by necessary majority.

ARTICLE 29. FUND WATER TREATMENT PLANT MEMBRANE REPLACEMENT - DESIGN

To see if the Town will vote to transfer from available funds the sum of Thirty Six Thousand and 00/100 Dollars (\$36,000.00), or any other sum, for the purpose of funding the replacement design of the Water Treatment Plant Membranes, including all expenses incidental and related thereto, 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 Thirty Six Thousand and 00/100 Dollars (\$36,000.00) be transferred from the Water Surplus Account for this purpose.

ACTION: Voice vote, motion passes by necessary majority.

ARTICLE 30. 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 Eighty Two Thousand Seven Hundred Forty Five and 00/100 Dollars (\$182,745.00), or any other sum, into the Stabilization Fund for Water Quality Drainage Improvements, and further to transfer from the Stabilization Fund the sum of One Hundred Eighty Two Thousand Seven Hundred Forty Five and 00/100 Dollars (\$182,745.00) 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, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article # 30 as printed in the warrant and that the sum of One Hundred Eighty Two Thousand Seven Hundred Forty Five and 00/100 Dollars (\$182,745.00) be raised and appropriated to the Stabilization Fund for Water Quality Drainage Improvements, and further to authorize the sum of One Hundred Eighty Two Thousand Seven Hundred Forty Five and 00/100 Dollars (\$182,745.00) 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 passes by necessary majority.

ARTICLE 31. 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 Sixty Five Thousand Five Hundred Eleven and 00/100 Dollars (\$365,511.00), or any other sum, into the Stabilization Fund for the Town Pavement Management Program, and further to transfer from the Stabilization Fund the sum of Three Hundred Sixty Five Thousand Five Hundred Eleven and 00/100 Dollars (\$365,511.00) 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, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article #31 as printed in the warrant and that the sum of Three Hundred Sixty Five Thousand Five Hundred Eleven and 00/100 Dollars (\$365,511.00) be raised and appropriated to the Stabilization Fund for the Town Pavement Management Program, and further to authorize the sum of Three Hundred Sixty Five Thousand Five Hundred Eleven and 00/100 Dollars (\$365,511.00) 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 32. FUND OTHER POST-EMPLOYMENT BENEFITS (OPEB) LIABILITY TRUST FUND

To see if the Town will vote to raise and appropriate the sum of Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) to be deposited in the Other Post-Employment Benefits (OPEB) Liability Trust Fund; or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #32 as printed in the warrant and that the sum of Four Hundred Fifty Thousand and 00/100 Dollars (\$450,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 33. FUND AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to raise and appropriate the sum of Two Hundred Seventy-Five Thousand and 00/100 Dollars (\$275,000.00), to be deposited in the Affordable Housing Trust Fund, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #33 as printed in the warrant and that the sum of Two Hundred Seventy-Five Thousand and 00/100 Dollars (\$275,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 34. 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), or any other sum, into the Stabilization Fund for Building and Facility Maintenance, and further to transfer from the 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, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article #34 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.

MOTION: To challenge the existence of a quorum.

ACTION: A quorum was not present. Town Meeting is to be reconvened on Tuesday, May 14, 2019 at 6:00PM.

The Annual Town Meeting was reconvened at 6:10 p.m. on May 14, 2019 after a quorum of 200 voters was declared by the Town Clerk. Election workers were: Mary Walker, Lynda Burwell, Louise Brady, Cathy Southworth, Barbara Quinn, Patricia Bradley, Cyndi Eager, Susan Milton. Constables on duty were Paul Kelly and Mary Stevens. A total of 238 voters were in attendance.

Duane Landreth sworn in as Temporary Moderator for Article 58 by the Town Clerk.

ARTICLE 35. 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 Seventy Thousand and 00/100 Dollars (\$570,000.00), or any other sum, into the Stabilization Fund for Motor Vehicles and Equipment, and further to transfer from the Stabilization Fund the sum of Five Hundred Seventy Thousand and 00/100 Dollars (\$570,000.00) 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, or to take any other action relative thereto. (2/3 Vote Required)

MOTION: To accept and adopt Article #35 as printed in the warrant and that the sum of Five Hundred Seventy Thousand and 00/100 Dollars (\$570,000.00) be raised and appropriated to the Stabilization Fund for Motor Vehicles and Equipment, and further to authorize the sum of Five Hundred Seventy Thousand and 00/100 Dollars (\$570,000.00) to be transferred from the Stabilization Fund for Motor Vehicles and Equipment for the purpose of funding motor vehicle and equipment purchases, including all expenses incidental and related thereto.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 36. 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 Thirty Three Thousand and 00/100 Dollars (\$33,000.00), 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 year round 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 #36 as printed in the warrant and that the sum of Thirty Three Thousand and 00/100 Dollars (\$33,000.00), be raised and appropriated for this purpose.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 37. FUND HUMAN SERVICES AGENCIES (FY20)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Twenty Six Thousand Six Hundred and 00/100 Dollars (\$126,600.00), or any other sum, to fund the following human services organizations for the period July 1, 2019 to June 30, 2020.

Funding for FY 2020

AIDS Support Group of Cape Cod	\$ 2,000.00
Alzheimers Support Group of Cape Cod	\$ 10,000.00
Big Brothers/Big Sisters	\$ 2,000.00
CapeAbilities	\$ 6,000.00
Cape Cod Children’s Place	\$ 3,250.00
Consumer Assistance Council, Inc.	\$ 650.00
Duffy Health Center	\$ 1,000.00
Elder Services of Cape Cod and the Islands, Inc.	\$ 2,500.00
Food4Kids	\$ 4,000.00
Gosnold, Inc.	\$ 9,000.00
Homeless Prevention Council	\$ 10,000.00
Independence House, Inc.	\$ 10,000.00
Lower Cape Outreach Council	\$ 10,000.00
Nauset Together We Can	\$ 12,000.00
Orleans After School Activities Program	\$ 20,000.00
Outer Cape Health Services	\$ 20,000.00
Sight Loss Services, Inc.	\$ 1,600.00
South Coastal Counties Legal Services, Inc.	\$ 2,600.00
TOTAL:	\$ 126,600.00

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

MOTION: To accept and adopt Article #37 as printed in the warrant, and that the sum of One Hundred Twenty Six Thousand Six Hundred and 00/100 Dollars (\$126,600.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 38. FUND FOURTH OF JULY CELEBRATION

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

MOTION: To accept and adopt Article #38 as printed in the warrant, and that the sum of Eight Thousand and 00/100 Dollars (\$8,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 39. 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 organizations that benefit Orleans residents. 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 #39 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 passes unanimously.

ARTICLE 40. AUTHORIZE AND FUND HABITAT CONSERVATION PLAN PERMITS

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), or any other sum, 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 #40 as printed in the warrant 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 passes unanimously.

ARTICLE 41. FUND ELECTED OFFICIALS COMPENSATION (FY20)

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2019 as follows:

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

and to raise and appropriate and/or transfer from available funds the sum of 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 #41 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 passes unanimously.

ARTICLE 42. FUND UNANTICIPATED EMPLOYEE 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 related buyouts, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #42 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 passes unanimously.

ARTICLE 43. TRANSFER WATER SERVICE CONNECTION FUNDS

To see if the Town will vote to transfer from available funds the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00), or any other sum, to the Water Special Revenue Fund - Water Service 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 #43 as printed in the warrant and the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00) be transferred from the Water Special Revenue Fund – Fund Balance Reserved for Water Service Connections for this purpose.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 44. FUND ORLEANS POLICE FEDERATION CONTRACT (FY20)

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sufficient sum of money to be added to the FY20 Salaries Account for the Police Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Police Federation, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To indefinitely postpone Article #44.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 45. FUND ORLEANS PERMANENT FIREFIGHTERS ASSOCIATION CONTRACT (FY20)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY20 Salary Accounts for the Fire Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Permanent Firefighters Association, Local 2675 I.A.F.F., or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To indefinitely postpone Article #45.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 46. AMEND GENERAL BYLAW CH. 40 – PERSONNEL AND FUND NON-UNION EMPLOYEE COLA

To see if the Town will vote to amend Chapter 40, Personnel, to update full time employee benefit and compensation provisions to be comparable with recent collective bargaining agreements, update part time and seasonal employment requirements, a copy of the update to Chapter 40 is on file with the Town Clerk, and approve a 2% cost of living wage increase for the period of July 1, 2019 to June 30, 2020 (FY20) for those employees who are covered by the Personnel Bylaw Compensation Plans and those employees covered by individual contracts and employment agreements; or take any action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion passes unanimously.

ARTICLE 47. AMEND GENERAL BYLAW CH. 88 – DRAINAGE & EROSION & SEDIMENT CONTROL

To see if the Town will vote to amend the General By-Laws, Section 88. Drainage and Erosion and Sediment Control, as follows:

§ 88-1. Purpose.

The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements to control the adverse effects of stormwater runoff and erosion. Through proper management of stormwater, sediment and erosion controls this bylaw safeguards the public health, safety, environment and general welfare of the public. This bylaw serves to protect water and groundwater resources, promote groundwater recharge and prevent flooding.

§ 88-2. Applicability.

The requirements of this bylaw shall apply to existing development, new development, and redevelopment projects to minimize adverse impacts of erosion and stormwater runoff off site and downstream which would be borne by abutters, townspeople and the general public. The Board of Selectmen may delegate from time to time certain duties described in this bylaw to designees who will act on its behalf for the purposes of enforcement.

§ 88-3. Drainage requirements.

- a. **Runoff.** All runoff from impervious surfaces of a lot shall be recharged on that lot. Runoff shall be diverted towards areas covered with vegetation for surface infiltration.
- b. **Stormwater.** All Stormwater drainage shall be contained on the development site and away from wetland resources. All stormwater shall be treated on site unless there is a public benefit to connecting to another drainage system or allowing stormwater to flow off site. Commercial development shall be required to handle calculated flows from a 25-year storm.
- c. **Drains.** In no instance shall roof drains, subsurface drains, or overflow drains of any kind be directed to the public road layout.
- d. **Post Construction Stormwater Management. For new development or redevelopment, any construction activities or land alteration resulting in total earth disturbance equal to or greater than one (1) acre (or activities that are part of a larger common plan of development disturbing greater than one (1) acre), shall meet the following stormwater management requirements:**

1. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent feasible.

2. The design of treatment and infiltration practices should follow the guidance in Volume 2 of the Massachusetts Stormwater Handbook, as amended, or other State approved BMP design guidance.

3. Stormwater management systems on new development sites shall be designed to:

- i. Not allow new stormwater conveyances to discharge untreated stormwater in accordance with Massachusetts Stormwater Handbook Standard 1;
- ii. Control peak runoff rates in accordance with Massachusetts Stormwater Handbook Standard 2;
- iii. Recharge groundwater in accordance with Massachusetts Stormwater Handbook Standard 3;
- iv. Eliminate or reduce the discharge of pollutants from land uses with higher pollutant loads as defined in the Massachusetts Stormwater Handbook in accordance with Massachusetts Stormwater Handbook Standard 5;
- v. Protect Zone II or Interim Wellhead Protection Areas of public water supplies in accordance with Massachusetts Stormwater Handbook Standard 6;
- vi. Implement long term maintenance practices in accordance with Massachusetts Stormwater Handbook Standard 9; and
- vii. Require that all stormwater management systems be designed to:
 - 1) Retain the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the site AND/OR
 - 2) Remove 90% of the average annual load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) generated from the total post-construction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available.

4. Stormwater management systems on Redevelopment sites shall meet the following sections to the maximum extent feasible:

- i. Be designed to meet Massachusetts Stormwater Standard Volumes 1-3 and the pretreatment and structural best management practices requirements of Massachusetts Stormwater Standards 5 and 6.
- ii. Stormwater management systems on Redevelopment sites shall also improve existing conditions by requiring that stormwater management systems be designed to:
 - 1) Retain the volume of runoff equivalent to, or greater than, 0.80 inch multiplied by the total post-construction impervious surface area on the site AND/OR
 - 2) Remove 80% of the average annual post-construction load of Total Suspended Solids (TSS) generated from the total post-construction impervious area on the site AND 50% of the

average annual load of Total Phosphorus (TP) generated from the total postconstruction impervious surface area on the site. Pollutant removal shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available.

iii. Stormwater management systems on redevelopment sites may utilize offsite mitigation within the same USGS HUC10 as the redevelopment site to meet the equivalent retention or pollutant removal requirements as described in the Massachusetts 2016 MS4 Permit part 2.3.6.a.ii.4(b).

iv. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible.

Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements fully.

5. As-built drawings shall be submitted no later than two years after completion of construction projects and must depict all on-site stormwater controls (both structural and non-structural) designed to manage the post-construction stormwater associated with the site. The submittal shall include planned long-term operation and maintenance practices that will be undertaken to ensure adequate on-going functioning of site controls.

§ 88-4. Erosion and sediment control requirements.

- a. Erosion. Erosion control provisions shall be designed and executed to prevent **erosion or excessive uncontrolled surface water runoff** from draining onto any public way, both during and after construction. No grading or clearing of land shall begin until all required erosion control measures are in place and fully constructed. Permanent erosion control measures including but not limited to re-vegetation, retention basins and siltation barriers may be required to ensure stormwater will not discharge onto the public way.
- b. Sediment control. The Town may require measures to reduce tracking of sediment from construction vehicles onto the public way. The contractor is required to clean up any sediment inadvertently discharged, through tracking or other means, into the public way or drainage systems. In no case shall sediment be allowed to discharge onto a public way or into public drainage infrastructure.

§ 88-5. Construction Site Stormwater Controls

This section is applicable to any construction activities or land alteration resulting in total earth disturbance equal to or greater than one (1) acre (or activities that are part of a larger common plan of development disturbing greater than one (1) acre),

- a. In addition to complying with § 88-4 Erosion and Sediment Control requirements, controls must be in place to ensure proper handling and disposal of demolition debris, litter, concrete truck wash out, chemicals and sanitary wastes to prevent these wastes from being discharged into the public stormwater system or waters of the Commonwealth.
- b. Construction site operators performing land disturbing activities must implement a sediment and erosion control program that includes Best Management Practices (BMPs) as appropriate for the conditions at the site. The BMPs shall meet the design standards as detailed in the Massachusetts Stormwater Handbook, as amended.
- c. The Town has the right to inspect construction sites and enforce compliance with approved stormwater management plans and construction permits.

§ 88-6. Fines and penalties.

Any person violating this chapter shall be punished by a fine of not more than two hundred dollars (\$200.) for each offense, and may have his permit revoked. Each day that such offense continues shall constitute a separate offense. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion passes unanimously.

ARTICLE 48. ADOPT GENERAL BYLAW CH. 97 – PROHIBITION ON SALE AND USE OF BALLOONS

To see if the Town will vote to adopt Chapter 97, Prohibition on Sale and Use of Balloons, as follows:

§97-1. Purpose and Intent

The purpose of this Bylaw is to address public concerns regarding the environmental hazards to wildlife and marine life in the Town of Orleans posed by the release and improper disposal of balloons.

§97.2. Definitions

Lighter-than-air gas: a gas that is buoyant in air because it has an average density lower than that of air (including, but not limited to helium gas).

§97.3 Applicability

Effective September 15, 2019, no person shall sell, or distribute to the public, any type of balloon (including, but not limited to plastic, latex, rubber or Mylar balloons) inflated with any type of **lighter-than-air gas**. No person shall throw, deposit, discard, or otherwise discharge inflated or uninflated balloons into any street, alley, waterway, park, beach, or other public place in the Town of Orleans unless placing in a trash receptacle. Further, no person shall knowingly release or cause to be released into the air any balloon(s) inflated with any **lighter-than-air gas**.

§97.4. Exemptions

Launching or operation of lighter-than-air aircraft, or the launching of balloons inflated with lighter-than-air gas by government agencies or scientific organizations is allowed.

§97.5. Enforcement

This bylaw may be enforced by any Town of Orleans police officer or other designee/ agent authorized by the Board of Selectman.

§97.6. Fines and Penalties

Any person or Establishment violating this chapter shall be punished by a non-criminal fine of not more than fifty dollars (\$50) for each offense. Or to take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion passes unanimously.

ARTICLE 49. AMEND GENERAL BYLAW CH. 104 – AFFORDABLE HOUSING TRUST FUND BOARD OF TRUSTEES

To see if the Town will vote to amend the General By-Laws, Section 104-2. Board of Trustees, as follows:

Section 2: Board of Trustees. There shall be a Board of Trustees (Board) consisting of not less than ~~five~~ seven nor more than ~~seven~~ nine Trustees who shall be appointed by the Board of Selectmen. At least one of the Trustees shall be a member of the Selectmen. Only persons who are residents of the Town shall be eligible to hold the office of Trustee. Trustees shall serve for a term of two years, except that two of the initial Trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Selectmen. Any Trustee who ceases to be a resident of the Town shall cease to be a Trustee and shall promptly provide a written notification of the change in residence to the Selectmen. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee before his or her term of office expires, a successor shall be appointed by the Selectmen to fill such vacancy provided that in each case the appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are seven Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion passes unanimously.

ARTICLE 50. ACCEPT MGL CH 59, SEC 5 – PROPERTY; EXEMPTIONS

To see if the Town will vote to accept the provisions of General Laws Chapter 59, §5, Clause Forty-first D which increases annually the amounts of the gross receipts and whole estate, real and personal, as set forth in clauses Forty-first, Forty-first B, and Forty-first C of said Section 5, by an amount equal to the increase in the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index for Urban Consumers, Boston (CPI-U) for the previous calendar year, for such year; said adjustments to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2019, or take any other action relative thereto. (Simple Majority Vote Required)

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

ACTION: Voice vote, motion passes unanimously.

ARTICLE 51. AMEND TOWN MEETING BYLAWS - METHOD OF VOTING – ELECTRONIC VOTING

To see if the Town will vote to amend the bylaws governing Town Meeting Procedure as follows:

Under Method of Voting: by adding the phrase at the end of the first sentence “ or by electronic voting” and by striking out the word “or” before the phrase “a written ballot” so as revised the first sentence will read, “Except as otherwise specified by law, the Moderator shall have full authority to specify a voice vote, a standing vote counted by him or by tellers appointed by him, a written ballot or by electronic voting.”; and to raise and appropriate or transfer from available funds the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00), or any other sum, for the purpose of leasing or purchasing electronic voting equipment, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #51 as printed in the warrant and that the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00) be raised and appropriated for this purpose.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 53. AUTHORIZE CHANGES IN FEE SCHEDULE

To see if the Town will vote, pursuant to the Orleans Code §94-8 A. and B., to authorize the Board of Selectmen to increase or set user fees, license fees and permit fees for various departments as set forth in the following schedule, effective September 1, 2019, or take any other action relative thereto. (Simple Majority Vote Required)

Department	Current	Proposed
122 Selectmen/Town Administrator		
Auto Class I	\$75	\$100
Auto Class IV	\$75	\$100
Auto Class V	\$75	\$100
Hawkers/Peddler		
Annual	\$75	\$100
Transient Vendor		
Annual	\$75	\$100
Lodging House	\$50	\$75
Innholder	\$50	\$75
Entertainment		
Annual (Mon - Sat)	\$75	\$125
Temporary Entertainment per day		
Annual (Mon - Sat)	\$20	\$30
LIQUOR LICENSES		
Common Victualler - A		
All Alcoholic	\$1,500	\$1,750
Wine & Malt	\$1,000	\$1,250
Common Victualler - S.		
All Alcoholic	\$1,400	\$1,525
Wine & Malt	\$1,000	\$1,125
Innholder		
All Alcoholic	\$1,500	\$1,750
Wine & Malt	\$750	\$1,250
Club		
All Alcoholic	\$1,250	\$1,275
Wine & Malt	\$625	\$875
Gen Pouring License - A		
Wine & Malt	\$750	\$1,000
Gen. Pouring License - S		
All Alcoholic	\$1,250	\$1,375
Wine & Malt	\$625	\$1,000
Retail Package Goods Store		
All Alcoholic - A	\$1,750	\$1,850
Wine & Malt	\$1,000	\$1,250

161 Town Clerk		
Other fees		
Dog Licenses, male/female	\$12	\$15
Dog Licenses, neutered/spayed	\$6	\$10

241 Building		
Plumbing/Gas Fees		
Base plus 1 fixtures		
2 fixtures	\$68	\$70
3 fixtures	\$76	\$80
4 fixtures	\$84	\$90
5 fixtures	\$92	\$100
6 fixtures	\$100	\$110

7 fixtures	\$108	\$120
8 fixtures	\$116	\$130
9 fixtures	\$124	\$140
10 fixtures	\$132	\$150
1 st Reinspection	\$35	\$40

295 Shellfish/Harbormaster		
Commercial Shellfish permit	\$100	\$200
Mooring Permit Non-Commercial Individual	\$75	\$100

650 Parks and Beaches		
ORV		
Resident - Off season	\$30	\$40
Resident - Yearly	\$50 or \$60	\$60 or \$70
Non-Resident - Off Season	\$90	\$100
Non-Resident - Yearly	\$180	\$190
Self-Contained - Off Season	\$125	\$135
Self-Contained - Yearly	\$250	\$260
Camp Owner	\$50 or \$180	\$60 or \$190
Pochet	\$5	\$10

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

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

ARTICLE 54. AMEND FEES & FUND SEASONAL PARKING ENFORCEMENT PROGRAM

To see if the Town will vote, pursuant to the Orleans Code §94-8 A. and B., to authorize the Board of Selectmen to set a user fee for each resident and/or taxpayer seasonal parking sticker in the amount of twenty-five dollars (\$25.00) effective September 1, 2019, and to raise and appropriate or transfer from available funds the sum of Thirty Thousand Dollars (\$30,000.00), for the purpose of funding a Seasonal Parking Enforcement Program, or take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #54 as printed in the warrant and that the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00) be raised and appropriated for this purpose.

MOTION TO AMEND: By John Nichols to indefinitely postpone article.

MOTION: To call the question.

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

ACTION ON AMENDED MOTION: Voice vote, motion passes by necessary majority to indefinitely postpone Article #54.

ARTICLE 55. AMEND ZONING BYLAW CHAPTER 164-35, SIGNS

To see if the Town will vote to amend the Town's Zoning Bylaw Section 164-35 Signs, to amend the following sections:

B. Definitions

SIGN AREA — The area of the smallest single horizontal or vertical rectangle which will totally enclose the face of a sign, including any borders, or, in the case of a sign painted or otherwise applied directly to the sides of buildings, the smallest vertical or horizontal rectangle which will completely enclose the identifying or advertising information. Support structures for freestanding signs shall not be considered in determining “sign area” unless they are deemed to contribute significantly to the advertising content of the sign or are of such construction that they would contribute to the limiting of vision of oncoming traffic. **Support structures of temporary signs shall be considered part of the sign for the purposes of calculating sign area.** The area of a two-faced sign shall be figured using one (1) face only.

TEMPORARY SIGN — One that is used to identify or advertise a use or activity that is not a principal use or activity for the property with which it is associated and which is intended for removal when such use or activity stops. Such signs shall include but are not limited to sale, rent or lease signs erected by a property owner or licensed real estate broker, yard sale, garage sale or open house signs. **A temporary sign shall not be dug into the ground or permanently affixed to the property.**

C. Sign Permits

- (3) The following signs may be erected without a permit granted by the Building Commissioner, provided that they conform in all respects to height, setback and other restrictions as set forth elsewhere in this section:
 - (b) One (1) temporary sign not to exceed ~~Six (6)~~ **four (4)** square feet in area, advertising property for sale, rent or lease. Such sign shall be removed within ten (10) days of a transfer of title or signing of a lease or rental agreement.

J. Erection time, inspection and removal of sign violations, and pre-existing signs

(4) In Residence Districts, summer rental signs shall not be present on the property between October 1st and January 1st.

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

MOTION: To indefinitely postpone and refer back to the Planning Board for further study and revision.

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

ARTICLE 56. AMEND ZONING BYLAW CHAPTER 164-40. UNCOMMON HOUSING

To see if the Town will vote to amend the Town's Zoning Bylaw Section 164-40. A. Accessory Dwellings, to read as follows:

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

§164-40 Uncommon Housing

A. Accessory Dwellings

Accessory dwellings shall be permitted subject to the following provisions:

- (4)** Lot area must equal at least 40,000 ~~30,000~~ square feet of contiguous buildable upland.

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

MOTION: To accept and adopt Article #56 as printed in the warrant.

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

ARTICLE 57. AMEND ZONING BYLAW CHAPTER 164-33, SITE PLAN REVIEW

To see if the Town will vote to amend the Zoning Bylaws, Section 164-33. Site Plan Review, Subsection VI., as follows:

§164-33 Site Plan Review

VI. APPROVED SITE PLAN/WHEN REQUIRED.

- A. No building permit, special permit, or occupancy permit shall be issued for any activity or use within the scope of § 164-33 II.B. herein unless a Site Plan Review has been approved therefor or the deadline for action has expired.

For all construction activities that result in a land disturbance of greater than or equal to one (1) acre or is part of a larger common plan of development that would disturb one (1) or more acres, the site plan review shall include a pre-construction review of the stormwater management site design which shall include a description of planned operations at the construction site, planned Best Management Practices (BMPs) to be used during the construction phase, planned BMPs to be used to manage runoff volume and water quality after development, and shall include an evaluation of the opportunity to use low impact design and green infrastructure practices.

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

MOTION: To accept and adopt Article #57 as printed in the warrant.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 58. AMEND ZONING BYLAW CHAPTER 164-4. DEFINITIONS

To see if the Town will vote to amend the Town's Zoning Bylaw Section 164-4. Definitions, to amend the following definition:

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

MOTION: To accept and adopt Article #58 as printed in the warrant.

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

ARTICLE 59. CHARTER AMENDMENT – NAME CHANGE FROM BOARD OF SELECTMEN TO SELECT BOARD

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

By striking out the words “Board of Selectmen” and “Selectman” wherever they appear, and inserting in place thereof, in each instance, the words “Select Board”; and to insert a new subsection in the Charter section 3-8-5 to read as follows:

3-8-5 The Select Board shall have the full role of and all powers and authorities of a Board of Selectmen under any general or special laws, and its members and officers shall have the full role of and all of the powers and authority of the members and officers of a Board of Selectmen under any general or special laws. Or to take any other action relative thereto (2/3 Vote Required)

MOTION: To accept and adopt Article #59 as printed in the warrant.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 60. APPLICATION OF BOND AND BOND ANTICIPATION NOTE PREMIUMS

To see if the Town will vote to appropriate the premium paid to the Town upon the sale of notes issued on February 9, 2018, bonds issued on February 7, 2019, and notes issued on February 8, 2019 to pay costs of capital projects and to reduce the amounts appropriated for such projects by the same amount; or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: That the Town votes to appropriate the sum of Eighty Six Thousand One Hundred Ninety Two and 28/100 Dollars (\$86,192.28) from the premium paid to the Town upon the sale of the notes issued on February 9, 2018; and the sum of One Hundred Forty Nine Thousand Seven Hundred Forty One and 13/100 Dollars (\$149,741.13) from the premium paid to the Town upon the sale of the notes issued on February 8, 2019; to pay costs of the following projects:

- (a) Water Quality Management Plan project authorized by vote of the Town on October 24, 2016 (Article 2) in the amount of Two Hundred Twenty Six Thousand Nine Hundred Eighty Eight and 13/100 Dollars (\$226,988.13) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount;
- (b) Engineering and Design to connect Well No.7 to Water Treatment Plant Facility project authorized by vote of the Town on May 7, 2018 (Article 22) in the amount of Two Thousand One Hundred Seventy Seven and 42/100 Dollars (\$2,177.42) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount; and
- (c) Nauset Beach Retreat Master Plan and Design project authorized by vote of the Town on May 7, 2018 (Article 6) in the amount of Six Thousand Seven Hundred Sixty Seven and 86/100 Dollars (\$6,767.86) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount.

AND:

That the Town votes to appropriate the sum of One Thousand Six Hundred Thirty Seven and 32/100 Dollars (\$1,637.32) from the premium paid to the Town upon the sale of the notes issued on February 9, 2018; and the sum of Three Thousand Four Hundred Sixty One and 95/100 Dollars (\$3,461.95) from the premium paid to the Town upon the sale of the bonds issued on February 7, 2019; to pay costs associated with the:

- (a) Main Street Reconstruction and Village Center Streetscape project authorized under Article 24 at this town meeting, in the amount of Five Thousand Ninety Nine and 27/100 Dollars (\$5,099.27) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount.

ACTION: Voice vote, motion passes unanimously.

ARTICLE 61. ENFORCING FEDERAL IMMIGRATION POLICY – BY PETITION

To see if the Town will vote to adopt the following Resolution:

A Resolution Regarding U.S. Federal Policy Concerning Refugees and Immigrants
Orleans is a community which welcomes visitors from all over the world and celebrates diversity as a source of strength. Our success is grounded in a generosity of spirit to our neighbors, not in fears for our own security.

In recent months, the Federal Administration's actions towards immigrants and refugees have been inconsistent with these values. The Administration has promulgated extreme policies, including:

'Zero tolerance' for those seeking asylum who cross our nation's borders, resulting in the inhumane separation of children from parents and burgeoning detentions and deportations;
Preventing asylum seekers from entering the United States;

Drastically decreasing the number of refugee admissions by lowering the annual target, slowing down vetting procedures and discriminating against those from some Muslim majority nations;

Increasing the arrests, detentions and deportations of unauthorized residents who have committed no crimes, uprooting lives and families;

Proposing to deny green card legal status to immigrants who receive basic government services (such as nutrition and medical care) which might help them to become self-sustaining.

These policies have been promulgated through fear and false claims about the lives of newcomers and their impact on the United States. They have diminished our nation's standing in the world by eroding our moral authority. To date, our elected leaders have been unable or unwilling to act to reverse these policies.

Therefore, because we recognize the genuine contributions that immigrants, refugees, asylees and those seeking asylum, and those here on Temporary Protected Status, make to our society the Town Meeting of Orleans, through the Board of Selectman, calls upon Congress and the Administration to:

Enact comprehensive immigration reform, with appropriate border protections, that establishes merciful and humane processes for handling refugees and those seeking asylum and takes a reasonable approach toward the millions of unauthorized persons living in our midst, including the Dreamers;

Cease the arbitrary arrests, detentions, and deportations of persons who have not been convicted of serious crimes;

Treat both documented and undocumented people with the humanity and dignity they deserve. Or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To accept and adopt Article #61 as printed in the warrant.

ACTION: Voice vote, motion passes the necessary majority.

ARTICLE 62. ADOPT GENERAL BYLAW CH. 129 – PLASTIC CONTAINER PROHIBITION – BY PETITION

To see if the Town will vote to adopt the following as a general bylaw and to insert it into the Code of the Town of Orleans as Chapter 129, § 129-I:

The procurement by the Town of Orleans of either water or any other beverage in plastic containers of any size is prohibited, and the dispensing of water or any beverage in plastic containers is prohibited on Town property. Or to take any other action relative thereto. (By Petition) (Simple Majority Vote Required)

MOTION: To accept and adopt Article #62 as printed in the warrant with the following revisions:

- Effective September 1, 2020, the procurement by the Town of Orleans of either water or any other beverage of any size is prohibited, and the sale of water or any beverage in plastic containers is prohibited on Town property.
- Any Town department when engaged in public safety operations shall be exempt from this Bylaw.
- In the event of a declaration (by Emergency Management Director, or other duly-authorized Town, Commonwealth, or United States official) of an emergency affecting the availability and/or quality of drinking water for Orleans residents, the Town shall be exempt from this Bylaw until seven (7) calendar days after such declaration has ended.

ACTION: Voice vote, motion passes unanimously

ARTICLE 63. RESOLUTION TO CREATE COMMISSION RELATIVE TO THE STATE SEAL & MOTTO – BY PETITION

To see if the Town will vote to adopt the following resolution to provide for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth:

Whereas the 400th anniversary of the landing of the Euro-Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro-colonial immigrants and the Native Nations of the Commonwealth;

Whereas Native Americans have long suffered the many cases of abuse of racism, the appropriation of their symbols for public schools and sports teams, the diminution, and pollution of their ancestral lands and the encroachment of their culture;

Whereas Cape Cod towns and villages continue to examine the symbols, names, and features that convey disrespect for the people of Native Nations and their culture;

Now, therefore, **BE IT RESOLVED** that the Town of Orleans hereby adopt this resolution in support of HD. 2776 and SD.1877 and vote to:

Support the proposed legislation by the Senate and House that “a special commission is hereby established (1) for the purpose of investigating the features of the official seal and

motto of the Commonwealth including those which potentially have been unwittingly harmful to or misunderstood by the citizens of the Commonwealth and (2) for the purpose of examining the seal and motto of the Commonwealth to ensure that they faithfully reflect and embody the historic and contemporary commitments of the commonwealth to peace, justice, liberty and equality and to spreading the opportunities and advantages of education.”

This article will not 1) require changes to existing town regulations; 2) require a public hearing; and 3) create ongoing expenses, and is not required to be included in the capital outlay recommendations. Or to take any other action relative thereto. (By Petition)
(Simple Majority Vote Required)

MOTION: To accept and adopt Article #63 as printed in the warrant.

MOTION TO AMEND: To amend Article #63 by deleting the entire second paragraph starting “Whereas the...”.

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

ACTION ON THE MIAN : Voice vote, motion passes by necessary majority.

ARTICLE 64. 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 passes unanimously.

The Annual Town meeting was adjourned at 7:20pm.

A True Record, Attest:

Cynthia S. May
Town Clerk