

SPECIAL TOWN MEETING
"DOINGS"
October 25, 2021

The Special Town Meeting was held on Monday, October 25, 2021 in the Nauset Regional Middle School Auditorium. The Special Town Meeting was opened at 6:05 pm after a quorum of 200 voters was declared by the Town Clerk. Tellers were: Patricia Bradley, Louise Brady, Bonnie Munro, Daniella Bradley-O'Brien. Constables on duty were Kevin Higgins and Mary Stevens A total of 335 voters were in attendance.

PROCEDURAL MOTIONS

MOTION: To dispense with the reading of the Warrant except the Preamble, Conclusion and Attestation thereof.

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

MOTION: That all Town Officials or department managers or their duly designated representative, required to attend Town Meeting pursuant to Section 2-7-3 of the charter all of whom are not residents of the Town of Orleans be permitted to address the Special Town Meeting on matters affecting their office, department or organization, or projects for which they have performed services for the Town.

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

ARTICLE 1. PAY BILLS OF PRIOR YEARS

To see if the Town will vote to transfer from Free Cash 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. (Select Board) (9/10 Vote Required)

MOTION: I move this article to be accepted and adopted and the sum of One Hundred Ninety Six and 00/100 Dollars (\$196.00) be transferred from Free Cash to pay the following unpaid bills:

The following is a list of unpaid bills of prior years as of October 25, 2021,

DEPARTMENT	VENDOR	AMOUNT
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Historical Committee	Gatehouse Media	\$8.20
Old Kings Highway Reg. Historic District	Gatehouse Media	\$18.89
Department of Public Works	Mid-Cape Home Centers	\$33.96
Department of Public Works	Baskin's Ace Hardware	\$16.31
Department of Public Works	Unifirst	\$15.19
Board of Appeals	Gatehouse Media	\$103.34
TOTAL		\$195.89

SB: 0 – YES 0 – NO 0 – ABSTAIN
FC: 0 – YES 0 – NO 0 – ABSTAIN

ACTION: Yes = 212 No = 3, motion passes by the necessary simple majority

ARTICLE 2. FY 22 BUDGET ADJUSTMENTS

To see if the Town will vote to transfer from available funds, such sums of money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2022 as follows:

1. Raise and appropriate the sum of Forty Thousand Seven Hundred Seventy Nine and 00/100 Dollars (\$40,779.00), or any other sum, to the Finance Department Salaries Account for the purpose of funding an increase in hours for the principal clerk's position from a 19 hour part-time position to a 40 hour full-time position.
2. Raise and appropriate the sum of Thirty Two Thousand and 00/100 Dollars (\$32,000.00), or any other sum, to the Fuel Expense Account to fund an increase in estimated fuel costs based on the Barnstable County FY 22 fuel bids.
3. Raise and appropriate the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00), or any other sum, to the Insurance and Bonds Expense Account to fund an increase in Property and Casualty premium costs.
4. Transfer from the Water Surplus Account the sum of Sixteen Thousand Five Hundred Ninety Five and 00/100 Dollars (\$16,595.00), or any other sum, to the Water Department Salaries Account to fund contract obligations with the Town of Orleans Managers Union, the United Steelworkers Local Union 9158 Unit #2 Clerical and Technical Union, and the United Steelworkers Local Union 13507.

5. Transfer from the Transfer Station Enterprise Fund Budgeted Surplus account the sum of Eighteen Thousand and 00/100 Dollars (\$18,000.00), or any other sum, to the Transfer Station Enterprise Fund Capital Outlay account for the purpose of providing additional funding to replace a 2007 Stetco Trailer.
6. Transfer from the Transfer Station Enterprise Fund Budgeted Surplus account the sum of Thirty Five Thousand and 00/100 Dollars (\$35,000.00), or any other sum, to the Transfer Station Enterprise Fund Expense account to fund emergency repairs on the trash compactors.

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

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of One Hundred Two Thousand Seven Hundred Seventy Nine and 00/100 Dollars (\$102,779.00) be raised and appropriated, and that the sum of Sixteen Thousand Five Hundred Ninety Five and 00/100 Dollars (\$16,595.00) be transferred from Water Surplus, and that the sum of Fifty Three Thousand and 00/100 Dollars (\$53,000) be transferred from the Transfer Station Enterprise Fund Budgeted Surplus account for the purposes set forth in the article.

SB:	4 – YES	0 – NO	0 – ABSTAIN
FC:	5 – YES	0 – NO	0 – ABSTAIN

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

ARTICLE 3. FY22 BUDGET ADJUSTMENT SEWER ENTERPRISE FUND

To see if the Town will vote to transfer from the Wastewater Special Purpose Stabilization Fund the sum of Two Hundred Thousand and 00/100 Dollars (\$100,000.00), or any other sum, to the Sewer Enterprise Fund Expense Account for the purpose of funding the new position of Sewer Coordinator and the Sewer Operations Contractor; or to take any other action relative thereto. (Select Board) (2/3 Majority Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) be transferred for this purpose.

SB:	4 – YES	0 – NO	0 – ABSTAIN
FC:	8 – YES	0 – NO	0 – ABSTAIN

ACTION: Yes = 259 No = 12 , motion passes by the necessary 2/3 majority

ARTICLE 4. FUND SHORTFALL IN REVOLVING FUND FOR ELECTRIC CHARGE STATIONS

To see if the Town will vote to transfer the sum of Five Hundred and 00/100 Dollars (\$500.00), or any other sum, from Free Cash to the Electric Charge Stations Revolving Fund; or to take any action relative thereto. (Select Board) (Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of five hundred dollars (\$500.00) be transferred from Free Cash for this purpose.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 6 – YES 1 – NO 0 – ABSTAIN

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

ARTICLE 5. FUND POLICE DETAIL

To see if the Town will vote to transfer from Free Cash the sum of Two Hundred Four and 00/100 Dollars (\$204.00), or any other sum, to line item #89-25500 (Police Details) to reimburse the town for uncollectible police detail expenses incurred in prior years; or to take any action relative thereto. (Select Board) (Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Two Hundred Four and 00/100 Dollars (\$204.00) be transferred from Free Cash for this purpose.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

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

ARTICLE 6. FUND INSTALLATION OF LANDFILL METHANE GAS FLARE REPLACEMENT

To see if the Town will vote to borrow the sum of Three Hundred Sixty Five Thousand and 00/100 Dollars (\$365,000.00), or any other sum, for the purpose of funding the 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 Select Board 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. (Select Board) (3/4 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Three Hundred Sixty Five Thousand and 00/100 Dollars (\$365,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Three Hundred Sixty Five Thousand and 00/100 Dollars (\$365,000.00) 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.

SB:	4 – YES	0 – NO	0 – ABSTAIN
FC:	5 – YES	0 – NO	0 – ABSTAIN

ACTION: Yes = 267 No = 33 motion passes by the necessary 3/4 majority

ARTICLE 7. FUND NAUSET BEACH RETREAT PHASE 2 PROJECT

To see if the Town will vote to borrow the sum of Three Million Three Hundred Thousand and 00/100 Dollars (\$3,300,000.00), or any other sum, for the purpose of funding the construction of a new 218-space parking lot, access road connecting to the Nauset Beach parking lot, and a septic system leach field, 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 Select Board 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. (Select Board) (2/3 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Three Million Three Hundred Thousand and 00/100 Dollars (\$3,300,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow

the sum of Three Million Three Hundred Thousand and 00/100 Dollars (\$3,300,000.00) 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.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

ACTION: Yes = 224 No = 81 motion passes by the necessary 2/3 majority

ARTICLE 8. FUND ROCK HARBOR DREDGING PROJECT

To see if the Town will vote to borrow the sum of Five Hundred Eighty Thousand and 00/100 Dollars (\$580,000.00), or any other sum, for the purpose of funding the Rock Harbor Dredging project, 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 Select Board 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. (Select Board)
(3/4 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Five Hundred Eighty Thousand and 00/100 Dollars (\$580,000.00), be appropriated for this purpose and for costs incidental and related thereto, and that the Treasurer, with approval of the Select Board, is authorized to borrow the sum of Five Hundred Eighty Thousand and 00/100 Dollars (\$580,000.00) 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.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 5 – YES 0 – NO 0 – ABSTAIN

ACTION: Yes = 292 No = 16 motion passes by the necessary 3/4 majority

ARTICLE 9. FUND UNIVERSAL PRE-SCHOOL SUPPORT PROGRAM

To see if the Town will vote to raise and appropriate the sum of Four Hundred Ninety Five Thousand and 00/100 Dollars (\$495,000.00), or any other sum, including all expenses incidental and related thereto, for the purpose of funding universal Pre-school educational opportunities for the 3 and 4 year old population within the Town of Orleans, provided however that such appropriation shall be contingent upon the passage of a general override ballot question under the provisions of Massachusetts General Laws, Chapter 59 Sec. 21C, paragraph (g) and (m) (Proposition 2/1/2 so called); or to take any other action relative thereto. (Select Board) (Simple Majority Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Four Hundred Ninety Five Thousand and 00/100 Dollars (\$495,000.00), be raised and appropriated for this purpose and for costs incidental and related thereto, provided however that this vote shall not take effect until the Town votes, pursuant to Massachusetts General Laws, Chapter 59 Sec. 21C, to assess an additional Four Hundred Ninety Five Thousand and 00/100 Dollars (\$495,000.00) in real estate and personal property taxes for the purpose of funding the universal Pre-school educational opportunities for the fiscal year beginning July 1, 2021.

SB: 3 – YES 0 – NO 0 – ABSTAIN
FC: 8 – YES 0 – NO 0 – ABSTAIN

ACTION: Voice voted, count unclear

ACTION: Yes = 221 No = 86 motion passes by the necessary simple majority

ARTICLE 10. APPROVE ADDITIONAL FUNDING FOR EXPANDED FIRE STATION FEASIBILITY STUDY

To see if the town will vote to transfer from Free Cash the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00), or any other sum, for the purpose of funding a Fire Station Feasibility Study for a new Fire Station on the existing site or another site; or to take any other action relative thereto. (Select Board) (3/4 Vote Required).

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) be transferred from Free Cash for this purpose.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

AMENDED MOTION by Kyle Wibby: I move that this article be accepted and adopted and that the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) be transferred from Free Cash for this purpose; except the feasibility study should not examine land owned by Nauset Regional School District.

ACTION: Vote on amended motion Yes = 191 No = 121 motion passes by the necessary simple majority.

MOTION: To reconsider the amended motion. (2/3 vote required)

ACTION: Vote to reconsider amended motion Yes =154 No= 163 motion fails to receive the 2/3 majority

ACTION: Vote on article with amended motion. Yes = 256 No = 51, motion passes by the necessary 3/4 majority

ARTICLE 11. FUND CONSULTANT SERVICES FOR REUSE OF GOVERNOR PRENCE PROPERTIES

To see if the Town will vote to transfer from Free Cash the sum of Seventy Five Thousand and 00/100 Dollars (\$75,000.00), or any other sum, for the purpose of funding consultant services to support the Governor Prence Planning Committee to undertake studies and community engagement efforts and make recommendations on how to proceed with the redevelopment of the properties; or to take any other action relative thereto. (Select Board) (Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of Seventy Five Thousand and 00/100 Dollars (\$75,000.00) be transferred from Free Cash.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

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

ARTICLE 12. FUND VOTING EQUIPMENT AT TOWN ELECTIONS

To see if the Town will vote to transfer from Free Cash the sum of Fifteen Thousand Dollars (\$15,000.00), or any other sum, for the purpose of leasing or purchasing additional voting equipment to be used at Town Elections, or to take any other action relative thereto. (Select Board) (Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00) be transferred from Free Cash for this purpose.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 7 – YES 0 – NO 0 – ABSTAIN

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

ARTICLE 13. 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 costs associated with replacing the water main on Rock Harbor Road authorized under Article 15 of the June 20, 2020 Annual 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>
\$4,388.66	05/07/2018	22	Engineer/Design to Connect Well #7 to Plant
\$1,152.72	05/13/2013	12	Paint/Rehab Water Tank #1

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

MOTION: I move this article to be accepted and adopted as printed in the warrant for the purpose(s) set forth in the article.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 5 – YES 0 – NO 0 – ABSTAIN

ACTION: Yes = 279 No = 11 motion passes by the necessary 2/3 majority

ARTICLE 14. RESCIND OLD DEBT AUTHORIZATIONS FOR CLOSED PROJECTS

To see if the Town will vote to rescind the outstanding balance of the authorized and unissued borrowing for the following project:

	TOWN MEETING	ARTICLE	AMOUNT AUTHORIZED	ACTUAL COSTS	RESCIND
NON - EXEMPT DEBT					
Rock Harbor Water Main Design	05/13/2019	24	\$ 72,000.00	\$ 70,400.00	\$ 1,600.00

TOTAL NON-EXEMPT DEBT	\$ 72,000.00	\$ 70,400.00	\$ 1,600.00
TOTAL AUTHORIZED & UNISSUED TO BE RESCINDED			\$ 1,600.00

The total to be rescinded is One Thousand Six Hundred and 00/100 Dollars (\$1,600.00).

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

MOTION: I move that this article be accepted and adopted as printed in the warrant for the purpose(s) set forth in the article.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 5 – YES 0 – NO 0 – ABSTAIN

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

ARTICLE 15. APPLICATION OF BOND ANTICIPATION NOTES PREMIUMS

To see if the Town will vote to appropriate the premium paid to the Town upon the sale of notes issued on February 5, 2021 to pay costs of the following capital projects and to reduce the amounts appropriated for such projects by the same amount as follows:

- (a) Water Quality Management Plan project authorized by vote of the Town on May 7, 2018 (ATM Article 14) in the amount of One Hundred Sixty Two Thousand One Hundred Forty Six and 63/100 Dollars (\$162,146.63) 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) Arey’s Pond Land Acquisition project authorized by vote of the Town on June 20, 2020 (ATM Article 12) in the amount of Eight Thousand Six Hundred Forty Five and 12/100 Dollars (\$8,645.12) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount;
- (c) Fire Station HVAC/Interim Improvements project authorized by vote of the Town on June 20, 2020 (ATM Article 16) in the amount of Four Thousand Four Hundred Ninety One and 11/100 Dollars (\$4,491.11) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount;
- (d) Rock Harbor Water Main Replacement project authorized by vote of the Town on June 20, 2020 (ATM Article 15) in the amount of Fifteen Thousand Nine Hundred Eighty Two and 72/100 Dollars (\$15,982.72) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount;

- (e) Fire Station Feasibility Study project authorized by vote of the Town on October 31, 2020 (STM Article 13) in the amount of One Thousand One Hundred Twenty Two and 77/100 Dollars (\$1,122.77) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount;
- (f) Fire Department Pumper Truck project authorized by vote of the Town on October 31, 2020 (STM Article 14) in the amount of Seven Thousand Five Hundred Seventy Eight and 73/100 Dollars (\$7,578.73) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount;
- (g) Nauset Estuary Dredging Design project authorized by vote of the Town on October 31, 2020 (STM Article 16) in the amount of One Thousand Three Hundred Forty Seven and 33/100 Dollars (\$1,347.33) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount;
- (h) Pleasant Bay Engineering for Dredge Disposal Site Study project authorized by vote of the Town on October 31, 2020 (STM Article 18) in the amount of Five Hundred Sixty One and 39/100 Dollars (\$561.39) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount;
- (i) Nauset Beach Retreat Master Plan and Design project authorized by vote of the Town on May 7, 2018 (STM Article 6) in the amount of One Thousand Eight Hundred Fifty Four and 74/100 Dollars (\$1,854.74) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount;
- (j) Construction to Replace Bulkheads at Rock Harbor and Town Cove project authorized by vote of the Town on May 13, 2019 (ATM Article 23) in the amount of Three Thousand Eighty Eight and 03/100 Dollars (\$3,088.03) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount.
- (k) Replace Landfill Methane Gas Flare Design and Installation project authorized by vote of the Town on May 13, 2019 (ATM Article 22) in the amount of Five Hundred Thirty Eight and 47/100 Dollars (\$538.47) and to reduce the amount authorized to be borrowed for such project, but not yet permanently financed by the Town, by the same amount.

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

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of Two Hundred Seven Thousand Three Hundred Fifty Seven and 04/100 Dollars (\$207,357.04) be appropriated for this purpose from the premium paid to the

Town upon the sale of the notes issued on February 5, 2021.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 5 – YES 0 – NO 0 – ABSTAIN

ACTION: Voice vote motion passes by the necessary simple majority

ARTICLE 16. FUND UNANTICIPATED EMPLOYEE BUYOUTS

To see if the Town will vote to transfer from Free Cash the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00), or any other sum, to fund unanticipated employee-related buyouts, or to take any other action relative thereto. (Select Board)
(Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of Sixty Thousand and 00/100 Dollars (\$60,000.00) be transferred from Free Cash for this purpose.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 5 – YES 0 – NO 0 – ABSTAIN

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

ARTICLE 17. FUND MEDIA EQUIPMENT UPGRADE IN THE NAUSET AND SKAKET MEETING ROOMS

To see if the Town will vote to transfer from Free Cash the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00), or any other sum, for the purpose of funding the media equipment upgrade in the Nauset and Skaket Meeting Rooms, or to take any other action relative thereto. (Select Board) (Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) be transferred from Free Cash for this purpose.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 5 – YES 0 – NO 0 – ABSTAIN

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

ARTICLE 18. ADOPT AND FUND PROPOSED CHANGES TO GENERAL BYLAW CH. 40 – PERSONNEL

To see if the Town will vote to adopt the changes to Chapter 40, Personnel, to implement the non-union 2019 Classification and Compensation study recommendations, and to

raise and appropriate the sum of Eleven Thousand Six Hundred Eighty and 00/100 Dollars (\$11,680.00), or any other sum, to fund these changes, a copy of which is on file with the Town Clerk, or take any action relative thereto. (Select Board) (Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of Eleven Thousand Six Hundred Eighty and 00/100 Dollars (\$11,680.00) be raised and appropriated for this purpose.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 5 – YES 0 – NO 0 – ABSTAIN

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

ARTICLE 19. ADOPT SEWER RULES AND REGULATIONS FEE SCHEDULE

To see if the Town will vote, pursuant to the Orleans Code §94-8 A. and B., to authorize the Select Board to increase or set user fees, license fees and permit fees for the Sewer Use Rules and Regulations as set forth in the following schedule, effective November 1, 2021, or take any other action relative thereto. (Select Board)

Item	Remarks	Fee (USD)
Sewer Main Tap Application Fee	For up to 50 l.f.	\$0.20 / ft, \$1,000.00 min
Drain Layer’s License	Via Department	\$100.00 per year
Connection Permit Application Fee	Via Department	\$0.50 / gal or \$250.00 min. whichever is greater
Exist. Cut, Cap or Reconnect Permit Application	Via Department	\$50
Failure to Connect after Town Order	Via Department	\$50/day
Shutoff / Turn on for non-payment each	Via Department	\$100.00 during workday \$150.00 beyond normal workday
Septic System Abandonment Permit	Via Board of Health	Per Board of Health
Street Opening Permit	Via Department	Per the Department
State Highway Opening Permit	Via MassDOT	Per MassDOT
Trench Permit	Via Department	Per the Department
Septage	Via Department	\$0.10 / gallon

Item	Remarks	Fee (USD)
Grease	Via Department	\$0.15 / gallon
Inspections	Via Department	First Inspection \$50.00 per hour Minimum Charge = \$100 Additional Inspection(s) \$75.00 per hour Minimum Charge = \$150
Rates (billed quarterly)	Via Department	TBD
Flow Offset Fee	Via Department	TBD
Privilege Fee	Via Department	TBD
Demand Letter for Delinquent Balances	Via Department	\$10.00
Interest Rate on Unpaid Amounts	Via Department	14% per annum or as amended by MGL Chapter 60, Sect. 57C
Return Check Fee	Via Department	1% of check value, \$25 min. or as amended by MGL Chapter 60, Sect. 57A
Sewer Service Area Expansion Application	Via Department	\$1,500.00
Annual Haulers License	Via Board of Health	Per Board of Health
FOG Management Plan Submittal Fee	Via Department	\$500.00
FOG Permit	Via Department	Up to 2 FOG Traps/Tanks \$100 / year More than 2 FOG Traps/Tanks Additional \$50 / year for each FOG Trap/Tank over 2 Exemptions to FOG yearly fee: Seasonal mobile food service units

Item	Remarks	Fee (USD)
FOG Inspection	Via Department	First Inspection \$50.00 per hour Minimum Charge = \$200 Additional Inspection \$75.00 per hour Minimum Charge = \$500
FOG Violations	Via Commission	Failure to pump: 1 st Offense - \$100 2 nd Offense - \$1,000 3 rd Offense - \$2,000 4 th Offense - petition BOH to revoke food license Discharge Grease into Sewer: 1 st Offense - \$3,000 2 nd Offense - \$6,000 3 rd Offense – petition BOH to temp. suspend food license Tampering with Monitoring Device: 1 st Offense - \$1,000 2 nd Offense - \$2,000 3 rd Offense – petition BOH to temp. suspend food license Failure to Pay FOG fees: Petition BOH to suspend food license
Operation without FOG Management Plan and/or FOG Permit	Via Board	\$10,000 per year

Notes:

1. All sewer billing is based upon ninety-five (95) percent of the water meter readings. If an irrigation deduct meter is present, then the sewer bill is based upon one hundred (100) percent of the water meter readings.
2. If the Department is unable to obtain a water reading, the sewer bill shall be based on a minimum usage of fifty (50) cu. ft. Once an actual reading is obtained, the following sewer bill will be adjusted to reflect the actual water used.

3. Payments are due within thirty (30) calendar days after the bills are mailed.
4. All claims for adjustment of sewer bills shall be made in writing to the Department within thirty (30) calendar days after the date on the sewer bill. As per the General Laws of the Commonwealth, Chapter 165, Section 11 - Whoever unlawfully and intentionally injures, or suffers to be injured, a water meter belonging to a city, town, district, or company engaged in supplying water, or prevents such meter from duly registering the quantity of water supplied through it, or hinders or interferes with its proper action or just registration, or attaches a pipe to a main or pipe belonging to a city, town, district or water company, or otherwise uses or causes to be used the water supplied by a city, town, district or company without the consent of the same, unless it passes through a meter set by such city, town, district or company, shall be punished by a fine of triple the amount of damages sustained thereby or one thousand dollars (\$1,000), whichever is greater or by imprisonment for not more than one year, or both. Damages shall include the value of the water and sewer used and the cost of labor and equipment repair and replacement.

(Simple Majority Vote Required)

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

SB:	4 – Yes	0 – No	0 – Abstain
FC:	5 – Yes	0 – No	0 – Abstain

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

ARTICLE 20. ADOPT SEWER ASSESSMENT GENERAL BYLAW

To see if the Town will vote to adopt Chapter 6, Sewer Assessment, as follows:

§ 6-1. General

The Town of Orleans (“Town”), acting through its Board of Water and Sewer Commissioners (“Commission”) and as approved by the Select Board shall assess one hundred (100) percent cost of the wastewater collection system and pumping stations upon those properties that benefit from the project. In assessing one hundred percent of the costs for the wastewater collection system and pumping stations, the Town shall determine what portion of such costs shall be assessed as betterment assessment and what portion shall be assessed as a privilege fee.

One hundred (100) percent of the costs of the wastewater treatment facility, effluent disposal and non-traditional technologies shall be paid by property taxes.

Property owners which abut the wastewater system are responsible for one hundred (100) percent of the cost to connect to the Town’s wastewater system. Refer to the **Sewer Use Rules and Regulations** for additional information and requirements.

§ 6-2. Statutory authority

The authority to assess betterments, as well as the permitted methodologies for doing so, are described in MGL c. 80, Betterments, and MGL c. 83 Sewers, Drains and Sidewalks. See also the Orleans Town Charter Chapter 6, Section 6-8-3.

§ 6-3. Assessment based on uniform unit method

1. The Commission in assessing betterment assessments shall assess the owners of land abutting a public sewer installed by the Town by a rate based upon the uniform unit method. Sewer assessments shall be determined utilizing sewer unit values.
2. A single Sewer Unit shall be equal to the residential water usage for the residential properties abutting the wastewater system as defined in the **Sewer Use Rules and Regulations**.

§ 6-4. Sewer unit calculation

- A. The Commission shall assess sewer betterments based upon water usage. An average daily water usage for the residential properties shall be calculated based upon the prior three (3) year average ending with the most recent billed water cycle immediately preceding the date of the project's substantial completion.
- B. Residential and Non-Residential properties shall be assigned a sewer unit(s) based on their daily water usage relative to the average of residential uses, provided that the number of sewer units for any residential or non-residential property shall not be less than one (1) sewer unit.
- C. Properties abutting a sewer street shall be assessed by a rate proportional to the value assigned to the sewer unit(s) at the time of the assessment.
- D. The total assessments shall not exceed the local share of the total sewer project traditional collection costs, which shall include total costs of engineering, survey and design, construction, land acquisition, construction engineering services, legal services, the cost of borrowing funds and all related contingencies less all state and federal aid received.
- E. Residential undeveloped. Sewer units shall be calculated on the basis of the highest and best use permitted as a right of the zoning then in effect. Potential single family, multi-family, and condominiums and other similar uses shall be converted into sewer units on the basis of residential equivalents. Refer to Paragraph H.4 for volume calculation.
- F. Non-residential, undeveloped. Sewer units shall be calculated on the basis of the highest and best use permitted as a right of the zoning then in effect. Potential non-residential, commercial, industrial, semipublic and other similar uses shall be converted into sewer units on the basis of residential equivalents. Refer to Paragraph H.4 for volume calculation.
- G. If a property abuts a private or unaccepted way within which a public sewer has been installed, the Board shall assess the betterment assessment against said property.

§ 6-5. Method of assessing betterments; order of assessment

The Commission shall levy, by preparing an order of assessment, assessments against all properties abutting a sewer street. In the order of assessment, the Town shall designate the owner of each parcel, as of the preceding January 1, as liable to assessment under the provisions of the General Laws.

§ 6-6. Time of assessment

The time of assessment for lands abutting the sewer street shall be in accordance with the provisions of M.G.L. c. 80, §1.

§ 6-7. Betterment payment

A. General. Except as herein provided, the provisions of the General Laws relative to the assessments, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefore and to interest thereon, shall apply to assessments made under this article, and the Tax Assessor and Town Treasurer/Collector shall have all the powers conveyed by the General Laws.

B. Betterment Payment Options

1. Lump-sum betterment. The lump sum betterment payment for an assessed property shall be equivalent to the product of the total number of sewer units designated upon said property and the appropriated value for one sewer unit at the time of assessment.
2. Apportionment of betterment payment. Property owners shall have the option to finance betterment payments through apportionment for up to thirty (30) years. The interest rate charged by the Town may be up to two (2) percent greater than the project bond premium rate being paid by the Town for the construction of the wastewater system project.

§ 6-8. Sewer privilege fees

- A. For the purpose of the Sewer Assessment Bylaw, a privilege fee shall be equivalent to one hundred (100) percent, adjusted by the Consumer Price Index (Engineering News Record Index) at the time of the assessment, of the calculated betterment assessment value pertinent to each property as determined under Section D. of this **Sewer Assessment Bylaw**. Sewer privilege fees shall be levied at the time of connection to the public sewer system. Property owner options for payment of said fees shall be per Section D. of this **Sewer Assessment Bylaw**.
- B. For those properties not abutting the sewer line, but tying into the system at a future date, the time of assessment of privilege fee shall be the date upon which that property owner applies to connect into the sewer system. Payment shall be made prior to the issuance of approval by the Department of Public Works and Natural Resources of the Town or authorized representative.
- C. Private sewer extension. If a developer or a person other than the Town, or duly authorized representative of same, constructs a sewer extension to the Town's wastewater system, the Town shall assess a sewer privilege fee in lieu of betterment assessment against each property tying into said sewer extension.

The time of assessment of privilege fee shall be the date upon which the developer or person applies to connect into the sewer system. Payment shall be made prior to the issuance of approval by the Department of Public Works and Natural Resources of the Town or authorized representative.

- D. Calculation of wastewater flows shall be based on one of the following as approved by the Commission:
1. Documented facilities with at least two (2) years of water use data in Orleans;
 2. Documented similar facilities with at least two (2) years of water use data; or
 3. Sixty (60) percent of 310 CMR 15 – The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.
- E. In addition, the developer and/or property owners connecting to private sewer extensions shall bear the burden of all costs, including engineering, survey and design, construction, land acquisition and legal services, related to the following:
1. Preparation of design plans and specifications for the private sewer extensions to be accepted as part of the Town's wastewater system, shall be prepared by a Civil or Environmental professional engineer registered in the Commonwealth of Massachusetts. The design plans and specifications shall be in accordance with the Town's **Sewer Use Rules and Regulations**.
 2. Application fees for a building sewer installation permit shall be in accordance with the Town's **Sewer Use Rules and Regulations**.
 3. Inspection fees related to the installation of the private sewer extension tying into the Town's wastewater system shall be in accordance with the Town's **Sewer Use Rules and Regulations**.
- F. Costs associated with the design and construction of a private sewer extension shall be considered separate to the sewer privilege fee. Payments or method of payment related to these costs shall not be reflected within the sewer privilege fee.

§ 6-9. **Compensatory Sewer privilege fees**

- A. Undeveloped Property. In the situation where a betterment has been assessed to an undeveloped property based upon the number of sewer units required by Section D., paragraph 4 and paragraph 5 of this **Sewer Assessment Bylaw** and said property is ultimately developed to accommodate a number of sewer units in excess of the number used for determining the betterment assessment, the Town shall assess a compensatory sewer privilege fee.
- B. Developed Property. In the situation where a betterment has been assessed to a developed property based upon the number of sewer units required by this **Sewer Assessment Bylaw**, and the usage of said property is changed or increased, which results in a number of sewer units in excess of the number used for determining the betterment assessment, the Town shall assess a compensatory sewer privilege fee.

- C. The compensatory sewer privilege fee shall be equivalent to that sum of money that would have been charged, as a betterment assessment upon the property at the time of the original assessment and adjusted by the Consumer Price Index (Engineering News Record Index) at the time of the assessment, under the conditions to which they have changed or increased, less than the amount of the original assessment. The time of assessment of the compensatory sewer privilege fee shall be the date upon which the developer or person applies to connect into the sewer system. Payment shall be made prior to the issuance of approval by the Department of Public Works and Natural Resources of the Town or its authorized representative.
- D. All rules and regulations governing the payment and method of payment related to betterment assessments, as designated in this **Sewer Assessment Bylaw**, and the Town's **Sewer Rules and Regulations** shall apply.
- E. The Commission is authorized to take any other action necessary or appropriate to accomplish the establishment and recovery of such betterment assessments.

§ 6-10. **Regulations**

The Commission is authorized to promulgate regulations to carry out the purpose and intent of this Bylaw.

§ 6-11. **Sewer connection costs**

All costs of connecting individual properties to the Town's wastewater system shall be at the sole cost and expense of the property owner. See also the provisions of Paragraph A above.

§ 6-12. **Hardship**

Hardships shall be applied for and approved in accordance with the applicable statutory real estate property tax exemptions sections of the Town Charter for all qualified residents of the Town of Orleans.

§ 6-13. **Appeals**

Property owners may appeal to the Commission for exemption from, modification of, or reconsideration of any decision pertaining to this **Sewer Assessment Bylaw**.

Petition for abatement; filing, etc. shall be made in accordance with MGL Chapter 80, Section 5 and the Town's **Sewer Abatement General Guidelines**.

The Commission shall render a decision within sixty (60) days of receipt of the appeal, unless continued by the Commission. If no decision is rendered, then the appeal is approved.

§ 6-14. **Severability**

If any provisions of this **Sewer Assessment Bylaw** or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this **Sewer Assessment Bylaw** which can be given effect without such invalid provisions or applications.

Or take any other action relative thereto. (Board of Water & Sewer Commissioners)
(Simple Majority Vote Required)

MOTION: I move that this article be indefinitely postponed.

SB: 4 – Yes 0 – No 0 – Abstain
FC: 5 – Yes 0 – No 0 – Abstain

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

ARTICLE 21. AUTHORIZE CHANGES IN FEE SCHEDULE FOR RECREATION

To see if the Town will vote, pursuant to the Orleans Code §94-8 A. and B., to authorize the Select Board to increase or set user fees, license fees and permit fees for the Recreation Department as set forth in the following schedule, changes in bold, effective November 1, 2021, or take any other action relative thereto. (Select Board)

630 Recreation	Current	Proposed in bold
Summer Program res/non-res	\$125/\$150 6 wks	\$125/ \$180 6 wks
	\$75/\$95 3 wks	\$75/\$95 3 wks
	\$40/\$40/day	\$20 /\$40/day
Swimming Lessons res/non-res	\$25/\$45 6 wks	\$25/ \$100 6 wks
Youth Clinics (Tennis, Soccer, Basketball Lessons)	\$15/\$15	\$30/\$30

(Simple Majority Vote Required)

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

SB: 4 – Yes 0 – No 0 – Abstain
FC: 5 – Yes 0 – No 0 – Abstain

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

ARTICLE 22. FUND WASTEWATER MASTER PLAN FOR FRESHWATER PONDS AND TONSET ROAD AND ROCK HARBOR WATERSHED AREAS

To see if the Town will vote to transfer from the Wastewater Special Purpose Stabilization Fund the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), or any other sum, for the purpose of funding a Wastewater Master Plan for Freshwater Ponds and Tonset Road and Rock Harbor Watershed Areas, including all expenses incidental and related thereto; and further authorize the Select Board 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. (Select Board)

(2/3 Vote Required)

MOTION: I move that this article be accepted and adopted as printed in the warrant and that the sum of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00), be transferred from the Wastewater Stabilization Fund.

SB: 4 – Yes 0 – No 0 – Abstain
FC: 5 – Yes 0 – No 0 – Abstain

ACTION: Yes = 287 No = 13 motion passes by the necessary 2/3 majority

ARTICLE 23. FUND EMERGENCY RADIO EQUIPMENT REPLACEMENT IN FIRE/RESCUE DEPARTMENT

To see if the Town will vote to transfer from Ambulance Receipts Reserved for Appropriation the sum of One Hundred Thirty Five Thousand Eight Hundred Eighty and 00/100 Dollars (\$135,880.00), or any other sum, for the purpose of funding the Town share of the cost to replace the existing emergency 800MHZ radio equipment in the Fire/Rescue Department; or to take any other action relative thereto. (Select Board)
(Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and that the sum of One Hundred Thirty Five Thousand Eight Hundred Eighty and 00/100 Dollars (\$135,880.00) be transferred from Ambulance Reserves for this purpose.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 5 – YES 0 – NO 0 – ABSTAIN

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

ARTICLE 24. FREE CASH TRANSFER TO GENERAL STABILIZATION FUND

To see if the Town will vote to transfer from Free Cash the sum of Six Hundred Ten Thousand Three Hundred Eighty Two and 00/100 Dollars (\$610,382.00), or any other sum, to the Town's General Stabilization Fund, or to take any other action relative thereto. (Select Board) (Simple Majority Vote Required)

MOTION: I move this article be accepted and adopted as printed in the warrant and transfer from Free Cash the sum of Six Hundred Ten Thousand Three Hundred Eighty Two and 00/100 Dollars (\$610,382.00) to the Town's General Stabilization Fund for this purpose.

SB: 4 – YES 0 – NO 0 – ABSTAIN
FC: 5 – YES 0 – NO 0 – ABSTAIN

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

ARTICLE 25. CLOSING ARTICLE

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

MOTION: I move this meeting be adjourned/

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

Meeting adjourned at 7:24pm.

A True Record, Attest:

Kelly L. Darling
Town Clerk