

**ANNUAL and SPECIAL TOWN MEETINGS
“DOINGS”**

MAY 8, 2006

The **Annual and Special Town Meetings** were held on **Monday, May 8, 2006** in the Nauset Regional Middle School Gym. The Annual Town Meeting was opened by Moderator Duane Landreth when a quorum of 266 voters was announced by the Town Clerk, Cynthia May. There were 285 voters in attendance. Counters sworn in were Ann Hodgkinson, John Wherry, Paul O’Connor and Wally Swidrak. The Annual Town Meeting was opened at 7:08 p.m.

Margie Fulcher, Chairwoman of the Board of Selectmen announced that Gail R. Rainey is the recipient of the Board of Selectmen’s 2006 “Good Citizenship Award”. Ms. Fulcher exhibited the framed citation and engraved keychain to be presented to Ms. Rainey.

PROCEDURAL MOTION

Ms. Fulcher made a motion to dispense with the reading of the Warrant except the Preamble, Conclusion and Attestation thereof.

ACTION: Voted, voice vote carries unanimously.

PROCEDURAL MOTION

Ms. Fulcher made a motion to adjourn the Annual Town Meeting until the close of the Special Town Meeting.

ACTION: Voted, voice vote carries unanimously.

The SPECIAL TOWN MEETING was opened at 7:16 p.m.

PROCEDURAL MOTION

Mark Carron made a motion to dispense with the reading of the Warrant except the Preamble, Conclusion and Attestation thereof.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 1. PAY BILLS OF PRIOR YEARS

To see if the Town will vote to transfer from available funds a sum of money to pay bills of prior years under the provisions of Chapter 179, Acts of 1941, as amended, or to take any other action relative thereto.

(9/10 Vote Required)

MOTION: To indefinitely postpone Article #1.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 2. TRANSFER ARTICLE

To see if the Town will vote to transfer from available funds and/or authorize the transfer from various line items within current appropriations, such sums of money as necessary to supplement the operating budgets of the various Town departments for Fiscal Year 2006 as follows:

- 1) transfer Ten Thousand and 00/100 (\$10,000.00) Dollars, or any other sum, from the Assessing Department Salary Account to the Assessing Department Other Professional Expense Account;
- 2) transfer the sum of Seven Thousand and 00/100 (\$7,000.00) Dollars, or any other sum, from Parks & Beaches Salary Account to the Parks & Beaches Expense Account;
- 3) transfer the sum of Seven Thousand Six Hundred Seventy and 00/100 (\$7,670.00) Dollars, or any other sum, from the Disposal Area Expense Account to the Disposal Area Salary Account;
- 4) transfer the sum of Eight Thousand and 00/100 (\$8,000.00) Dollars, or any other sum, from the Highway Department Salary Account to the Highway Department Expense Account;
- 5) transfer a sum of money from available funds to the Fire Department Overtime Account;
- 6) transfer the sum of Two Thousand Eight Hundred Forty-Seven and 00/100 (\$2,847.00) Dollars, or any other sum, from available funds to the Interest of Temporary Debt Account.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #2 and the following transfers be made from available funds for the purposes set in the article:

- 1) transfer Ten Thousand and 00/100 (\$10,000.00) Dollars, or any other sum, from the Assessing Department Salary Account to the Assessing Department Other Professional Expense Account;

- 2) transfer the sum of Seven Thousand and 00/100 (\$7,000.00) Dollars, or any other sum, from Parks & Beaches Salary Account to the Parks & Beaches Expense Account;
- 3) transfer the sum of Seven Thousand Six Hundred Seventy and 00/100 (\$7,670.00) Dollars, or any other sum, from the Disposal Area Expense Account to the Disposal Area Salary Account;
- 4) transfer the sum of Eight Thousand and 00/100 (\$8,000.00) Dollars, or any other sum, from the Highway Department Salary Account to the Highway Department Expense Account;
- 5) transfer the sum of Sixty-Two Thousand and 00/100 (\$62,000) Dollars from available funds to the Fire Department Overtime Account;
- 6) transfer the sum of Two Thousand Eight Hundred Forty-Seven and 00/100 (\$2,847.00) Dollars, or any other sum, from available funds to the Interest of Temporary Debt Account.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 3. FUND ORLEANS POLICE OFFICERS FEDERATION CONTRACT (FY06)

To see if the Town will vote to transfer from available funds a sum of money to be added to the FY06 Salaries Account in the Police Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Police Officers Federation, or to take any other action relative thereto.
(Simple Majority Vote Required)

MOTION: To indefinitely postpone Article #3.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 4. FUND UNITED STEELWORKERS OF AMERICA, AFL-CIO CONTRACT (FY06)

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY06 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers of America, AFL-CIO, or to take any other action relative thereto.
(Simple Majority Vote Required)

MOTION: To indefinitely postpone Article #4.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 5. FUND UNITED STEELWORKERS OF AMERICA,
CLERICAL & TECHNICAL UNION CONTRACT (FY06)**

To see if the Town will vote to transfer from available funds a sufficient sum of money to be added to the FY06 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers of America, Clerical and Technical Union, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #5 as printed in the warrant and that the sum of Thirty-Two Thousand and 00/100 (\$32,000.00) Dollars be raised and appropriated for this purpose.

MOTION WITHDRAWN

MOTION: To accept and adopt Article #5 as printed in the warrant and that the sum of Thirty-Two Thousand and 00/100 (\$32,000.00) Dollars transferred from available funds for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 6. AUTHORIZE EASEMENT – AREY’S LANE

To see if the Town will vote to authorize the Board of Selectmen to grant an easement on such terms and conditions as the Board of Selectmen deem appropriate to Diana Peck, Katherine Peck and Marcia Peck, all with an address c/o Benjamin Zehnder, Esq. P.O. Box 2128, Orleans, MA 02653, over the private way known as "Arey's Lane" as it abuts the land of the Town of Orleans shown as Parcel 66 on Assessor's Map 62, for all purposes for which ways are commonly used in the Town of Orleans. The purpose of the easement is to provide access to the property known as 59 Arey's Lane, Orleans (South), Barnstable County, Massachusetts shown as Lots 1, 2, 3, 4, 5 and "Way - 40 FT. WIDE" on a plan of land entitled "*Plan of Land situated in Orleans, MA prepared for Katherine Peck (et al) Dated December 14, 2005 Scale 1" = 50' Ryder & Wilcox, Inc.*", or to take any other action relative thereto.

(Simple Majority Vote Required)

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

ACTION: Voted, voice vote carries unanimously

ARTICLE 7. CLOSING ARTICLE

(Simple Majority Vote Required)

MOTION: To adjourn the Special Town Meeting.

ACTION: Voted, voice vote carries unanimously.

The SPECIAL TOWN MEETING was closed at 7:28 p.m.

PROCEDURAL MOTION

Margie Fulcher made a 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, and Jack Bicker, a student at the Charter Lighthouse School, Susan Hyland, Nauset Regional School District Business Manager, and Kyle Hinkle, Executive Director of the Orleans Chamber of Commerce, all of whom are not residents of the Town of Orleans, be permitted to address the Town Meeting on matters affecting their office, department or organization, or projects for which they have performed services for the Town.

ACTION: Voted, voice vote carries unanimously.

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

To act upon the Annual Report of the Board of Selectmen, Town Officers and other Special Committees.

(Simple Majority Vote Required)

MOTION: To accept and adopt the report of the Selectmen, Town Offices and all Town Committees, Commissions and Boards as published in the 2005 Annual Report and hear the report of the Planning Board on the Orleans Comprehensive Plan.

Mr. Fred Turner, Chairman of the Finance Committee, presented the following report:

The Finance Committee, as per the Orleans Town Charter, does review all the school budgets and non-school departments. This year we've done the same thing as we've done in years past, and we find that everything is within the directive guidelines. But in doing our review, we did find that the next five years will put us into a situation similar to that that other towns on the Cape are facing, and that is large overrides. We look in '08, '09 and following years that due to escalations in energy costs, in health insurance and in

contractual salary negotiations, that we will be facing some rather large overrides and we just wanted to report that to you.

An example is that in the schools, in the Regional High School, the cost per pupil in '07 is going to be approximately \$10,000 per pupil. When we look at five years out, that cost is going to increase to \$15,000. So obviously, there are going to be impacts on the budget and we feel that now is the time for the Town to be looking at these increases and how we can deal with those increases. We feel that now is the time that we form a committee sponsored by the Selectmen and the Town Administrator, and we'd like to participate with them in that committee, to look at how we do business and how, if there is any way, we can resolve this issue.

Mr. John Fallender, Vice-Chair of the Planning Board presented the following report:

Planning Board Report on the Orleans Comprehensive Plan

I would like to take a few minutes to give you an update on the Town's progress in implementing the Orleans Comprehensive Plan.

The Town Plan was last revised by the Town Meeting in May of 2001. In the intervening 5 years, substantial progress has been made in a number of areas. We have noticed that in several areas our thinking on local issues has evolved to the point where it is time to update the plan so that it continues to be reflective of the best thinking on the many issues that the Town faces. With that in mind, the Planning Board is in the process of updating the Town Plan.

At this date, we have updated the inventory sections with the most contemporary data available. Each chapter also includes an analysis section, and we've updated the language where appropriate. Many of you may recall filling out a town survey that was mailed to all households last summer. The results have been tabulated and the key findings have been incorporated into the Plan update. If you are interested, the results are posted on the Town website in the Planning Department section.

As a measure of the Town's progress, I am pleased to report that 36% of the action items have been completed. These include the landfill capping, the decision to renovate the Town Hall, numerous changes to local bylaws, and the completion of the bike trail and bridge through Orleans.

As you know, the Comprehensive Plan is used each year as part of the annual budget process. For the coming fiscal year, the Planning Board has recommended that the budget and Capital Improvement Plan focus efforts several Town priorities. These are:

- Affordable Housing
- Village Center Planning

- Environmental protection, with an emphasis on Wastewater Management
- Transportation & Parking
- Open Space Preservation

We are pleased to report that the Town Plan is being used as was intended, as a blueprint for the orderly growth and protection of the Town. It is the Planning Board's intention to have a draft of the 5-year update available for your review and comments this summer. We will schedule several public hearings to ensure that every resident has an opportunity to be heard. If all goes well, the update will be brought before the next Town Meeting for approval.

In all our work, be assured that the Planning Board can only make solid progress for Orleans future with the input and consent of our fellow residents.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 2. TOWN/SCHOOL BUDGET (FY07)

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, 2006 and ending June 30, 2007 and to authorize the Board of Selectmen to sell, trade, lease or exchange or otherwise dispose of old equipment or vehicles deemed advisable and in the best interest of the Town. The proceeds from any such disposition to be applied toward the cost of acquiring said equipment or service as the case may be, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #2 and that the Town Meeting adopt the Selectmen's adopted FY07 budget as printed in the warrant and that the sum of Twenty-Two Million One Hundred Fifty-Eight Thousand One Hundred Thirteen and 00/100 (\$22,158,113.00) Dollars be raised and appropriated, and the sum of Seven Hundred Nine Thousand Three Hundred Fifty-Six and 00/100 (\$709,356.00) Dollars be transferred from the Cape Cod Land Bank Fund, and the sum Three Hundred Ninety Three Thousand Five Hundred and 00/100 (\$393,500.00) Dollars be transferred from the Ambulance Receipts for Reserve for Appropriation Account, and the sum of Two Hundred Seventy-Nine Thousand Six Hundred Fifteen and 00/100 (\$279,615.00) Dollars be transferred from the Water Surplus Fund, and the sum of Seventy Thousand Nine Hundred and 00/100 (\$70,900.00) Dollars be transferred from the Cable Fees Reserve for Appropriations Account, and the sum of Fourteen Thousand Eight Hundred Sixteen 00/100 (\$14,816.00) Dollars be transferred from the Municipal Insurance Fund, and the sum of Ninety Two Thousand Four Hundred Eighty-Five and 00/100 (\$92,485.00) Dollars be transferred from the Water Ways Improvement Account, and

the sum of Five Thousand and 00/100 (\$5,000.00) Dollars be transferred from the Water Pollution Abatement Trust, and the sum of Five Thousand and 00/100 (\$5,000.00) Dollars be transferred from the Wetlands Protection Fund for a total appropriation of Twenty-Three Million Seven Hundred Twenty-Eight Thousand Seven Hundred Eighty-Five and 00/100 (\$23,728,785.00) Dollars for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 3. CAPITAL IMPROVEMENTS PLAN

To see if the Town will vote 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, to act on the Capital Improvements Plan as published in the Warrant, by adopting said Plan with or without amendments thereto, which amendments may include an increase or decrease in the amount of money allocated to any particular line item contained therein, the addition of new line items or the deletion of line items contained therein, or to take any other action relative thereto.
(Simple Majority Vote Required)

MOTION: To accept and adopt Article #3 and that pursuant to Chapter 8, Financial Provisions and Procedures, Section 7, Action of Town Meeting, Sub-section 8-7-1 of the Orleans Home Rule Charter, the Town Meeting accept the Capital Improvement Plan as printed in the warrant.

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 4. FUND COMMUNITY PRESERVATION ACT PROGRAM BUDGET (FY07)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2007 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, the undertaking of Community Preservation projects, the Administrative Expenses of the Community Preservation Committee and all other necessary and proper expenses for the FY07, or to take any other action relative thereto. (Community Preservation Committee)

PROPOSED FISCAL YEAR 2007 COMMUNITY PRESERVATION BUDGET

The Community Preservation Committee recommends that the following amounts be appropriated and/or reserved from fiscal year 2007 Community Preservation Fund revenues, unless otherwise specified, for fiscal year 2007 community preservation purposes with each item considered a separate appropriation:

RECOMMENDED AMOUNT AND SOURCE

<u>PURPOSE</u>	<u>FY07 EST. SURTAX</u>	<u>FY07 EST. STATE</u>	<u>FUND BALANCE</u>	<u>TOTAL</u>
<i>Appropriations:</i>				
1) Debt service expenses from previous authorizations. (Note 1)	\$486,000.00		\$ 223,356.00	\$ 709,356.00
2) Project #1 Cemetery Restoration		\$ 10,000.00		\$ 10,000.00
3) Project #2 Eldredge Park Sprinkler System		\$ 28,000.00		\$ 28,000.00
4) Project #3 Open Space Funds			\$ 60,000.00	\$ 60,000.00
5) Project #4 Academy of Performing Arts		\$ 75,000.00		\$ 75,000.00
6) Project #5 Route 6A Housing		\$ 40,000.00		\$ 40,000.00
7) Project #6 Archiving Photographs		\$ 26,012.00		\$ 26,012.00
8) Committee Expenses		\$ 47,650.00		\$ 47,650.00
<i>Reserves:</i>				
Open Space				
Historic Resources				
Community Housing		\$175,000.00		\$ 175,000.00
Unallocated		\$ 65,338.00		\$ 65,338.00
Grand Total	<u>\$486,000.00</u>	<u>\$467,000.00</u>	<u>\$ 283,356.00</u>	<u>\$1,236,356.00</u>

Note 1: Debt service previously voted in the operating budget (Article 2).

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #4 as printed in the warrant and that the sum of Five Hundred Twenty Seven Thousand and 00/100 (\$527,000) Dollars be transferred from the Community Preservation Fund for the purposes and in the amounts set forth in the article.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 5. FUND TOWN-WIDE WASTEWATER MANAGEMENT PLAN (FY07)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred Twenty-Five Thousand and 00/100 (\$125,000.00) Dollars, or any other sum, for the purpose of funding the study of the current wastewater disposal practices to adequately protect the town's fresh water (public drinking water) and salt water resources, including all expenses incidental and related thereto and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #5 as printed in the warrant and that the sum of One Hundred Twenty-Five Thousand and 00/100 (\$125,000) Dollars be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 6. FUND REPLACEMENT OF COMPACTOR(S) & TRAILER(S)
TRANSFER STATION (FY07)**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of Three Hundred Sixty Thousand and 00/100 (\$360,000) Dollars, or any other sum, for the purpose of replacing large capacity trash compactor(s), recycling compactor(s) and trailer(s) at the Orleans Transfer Station, including all expenses incidental and related thereto; provided however that such vote shall not take effect until the Town votes to exempt from the limitations of total taxes imposed by Massachusetts General Law Chapter 59 § 21C (Proposition 2 ½) amounts required to pay the principal and interest of the borrowing approved by such vote and further authorize the Board of Selectmen and/or Town Administrator to apply for and accept any Federal, State, County or other funds that may be available for this purpose and to enter into Intermunicipal Agreements for acceptance of any such grants or funds which shall be used to offset the total appropriation authorized herein, or 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 Three Hundred Sixty Thousand and 00/100 (\$360,000.00) Dollars be appropriated for this purpose and for costs incidental and related thereto, to raise such appropriation the Treasurer, with approval of the Board of Selectmen, is authorized to borrow the sum of Three Hundred Sixty Thousand and 00/100 (\$360,000.00) Dollars, pursuant to Massachusetts General Laws Chapter 44, section 7 clauses (9), 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 Law Chapter 59 Section 21C (Proposition 2 ½ so called) the amounts required to pay the principal and interest on the borrowing approved by such vote.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 7. ACCEPT TRANSPORTATION BOND BILL FUNDS

To see if the Town will vote to authorize the Board of Selectmen to accept and enter into a contract for the expenditure of any funds allocated or to be allocated from year to year by the Commonwealth of Massachusetts and/or Barnstable County for the construction, reconstruction and improvements of roads and bikeways within the Town of Orleans, or to take any other action relative thereto.
(Simple Majority Vote Required)

MOTION: To accept and adopt Article #7 and that said funds and their earned interest shall be expended to repair and resurface certain Town roads under the direction of the Board of Selectmen.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 8. HOLDING STATE HARMLESS FOR WORK

To see if the Town will vote to assume liability in the manner provided by Section 29 of Chapter 91 of the General Laws, as most recently amended by Chapter 5 of the Acts of 1955, for all damages that may be incurred by work to be performed by the Massachusetts Department of Environmental Management for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, harbors, tide-waters, foreshores and shores along a public beach, in accordance with Section 11 of Chapter 91 of the General Laws and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth, or to take any other action relative thereto.
(Simple Majority Vote Required)

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

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 9. 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, and to accept any gift items that may be given to the Town on behalf of the citizens of Orleans, or to take any other action relative thereto.
(Simple Majority Vote Required)

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

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 10. ADOPT M.G.L. CHAPTER 44, SECTION 53E ½ -
REVOLVING ACCOUNTS**

To see if the Town will vote to authorize the establishment of the following Revolving Accounts, in accordance with Massachusetts General Law Chapter 44, § 53E ½;

- 1) The Home Composting Bin/Recycling Containers Account, said account not to exceed Fifteen Thousand and 00/100 (\$15,000.00) Dollars. The Account will be used to purchase additional composting bins and recycling containers. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 2) The Council on Aging Account, said account not to exceed Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars. Monies on hand in the Account will be used to fund programs, class instructor fees, fees for reservations and tickets related to trips and functions, and an annual volunteer appreciation function. All funds to be spent under the direction of the department manager and the Town Administrator.
- 3) The Conservation Properties Account, said account not to exceed Ten Thousand and 00/100 (\$10,000.00) Dollars. 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.
- 4) The Gavigan Property Account, said account not to exceed Eighteen Thousand and 00/100 (\$18,000.00) Dollars. The Account will be used to pay utility and other necessary expenses associated with the rental of the property located on Wildflower Lane. Said funds to be spent under the direction of the department manager and the Town Administrator.
- 5) The Cultural Council Awards Account, said account not to exceed Two Thousand and 00/100 (\$2,000.00) Dollars. The Account will be used for awarding of cash prizes for participants and reception expenses for special art gallery showings. Said funds to be spent under the direction of the Cultural Council and the Town Administrator.

Or to take any other action relative thereto to.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #10 as printed in the warrant and that the Revolving Accounts as set forth in the article be established in accordance with Massachusetts General Law Chapter 44, Section 53E1/2.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 11. FUND NON-UNION EMPLOYEE COLA (FY07)
(PERSONNEL BYLAW PLANS A, B, D & E & CONTRACT
EMPLOYEES)**

To see if the Town will vote to approve a general cost of living wage increase for the period July 1, 2006 to June 30, 2007 for those employees who are covered by the Personnel Bylaw Compensation Plans A, B, D and E and the Town Administrator, Director of Municipal Finance, Police Chief and Fire Chief, and to raise and appropriate and/or transfer the sum of Forty-Four Thousand Six Hundred and 00/100 (\$44,600.00) Dollars, or any other sum, to fund such increase, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #11 as printed in the warrant and that the sum of Forty-Four Thousand Six Hundred (\$44,600.00) Dollars be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 12. FUND ELECTED OFFICIALS COMPENSATION (FY07)

To see if the Town will vote to fix the salaries of elected officials for the twelve month period beginning July 1, 2006 as follows:

- | | |
|---------------------------|-----------------|
| 1) Board of Selectmen (5) | \$1,000.00 each |
| 2 Moderator (1) | \$ 150.00 |
| 3) Constables (2) | \$ 100.00 each |

and to raise and appropriate and/or transfer from available funds the sum of Five Thousand Three Hundred Fifty and 00/100 (\$5,350.00) Dollars, 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 #12 as printed in the warrant and that the sum of Five Thousand Three Hundred Fifty and 00/100 (\$5,350.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 13. FUND ORLEANS POLICE OFFICERS FEDERATION
CONTRACT (FY07)**

To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be added to the FY07 Salaries Account in the Police Department budget for employees covered under the collective bargaining agreement between the Town and the Orleans Police Officers Federation, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To indefinitely postpone Article # 13.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 14. FUND UNITED STEELWORKERS OF AMERICA,
AFL-CIO CONTRACT (FY07)**

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 FY07 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers of America, AFL-CIO, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To indefinitely postpone Article # 14.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 15. FUND UNITED STEELWORKERS OF AMERICA,
CLERICAL & TECHNICAL UNION CONTRACT (FY07)**

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 FY07 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the United Steelworkers of America, Clerical and Technical Union, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #15 as printed in the warrant and that the sum of Sixty-Five Thousand and 00/100 (\$65,000.00) be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 16. FUND MANAGER’S UNION CONTRACT (FY07)

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 FY07 Salaries Accounts for various Town departments with employees covered under the collective bargaining agreement between the Town and the Manager’s Union, or to take any other action relative thereto. (Simple Majority Vote Required)

MOTION: To indefinitely postpone Article # 16.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 17. FUND VISITOR MANAGEMENT SERVICES BY ORLEANS CHAMBER OF COMMERCE/ORLEANS IMPROVEMENT ASSOCIATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty-Four Thousand Seven Hundred Fifty and 00/100 (\$24,750.00) Dollars, or any other sum, to be spent under the direction of the Orleans Chamber of Commerce, Inc. and the Board of Selectmen for the purposes of managing summer visitors, making the Town more user-friendly and improving the visual image of the Town, 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 Twenty-Four Thousand Seven Hundred Fifty and 00/100 (\$24,750.00) Dollars be raised an appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 18. FUND HUMAN SERVICES AGENCIES GRANT AGREEMENTS (FY07)

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Sixty-Nine Thousand Three Hundred Forty-Six and 00/100 (\$69,346.00) Dollars, or any other sum, to fund the following human services organizations for the period July 1, 2006 to June 30, 2007.

GROUP NAME	AMOUNT
AIDS Support Group of Cape Cod	2,048
Bayview Associates - South Shore Mental Health	6,000
Cape Cod Child Development	2,497
Cape Cod Council on Alcoholism & Drug Abuse	4,074
Cape Cod Human Services	5,091
capeAbilities	5,827
Community Connections	1,529
Consumer Assistance Council	112
Elder Services of Cape Cod and the Islands	2,547
Gosnold, Inc.	4,672
Independence House, Inc.	4,504
Interfaith Council for the Homeless	3,146
Lower Cape Outreach Council	5,704
Nauset Together We Prevention Council, Inc.	5,094
Orleans After School Activities Program	7,613
Outer Cape Health Services	5,094
Sight Loss Services, Inc.	751
South Coastal Counties Legal Services, Inc.	<u>3,043</u>
TOTAL	\$69,346

Said funds to be expended under the direction of the Board of Selectmen, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #18 as printed in the warrant and that the sum of Fourteen Thousand and 00/100 (\$14,000.00) Dollars be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 19. FUND CONSULTANT TO FILE NOTICE OF INTENT
PROPOSED RESTORATION OF DUNES AT NAUSET BEACH**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fourteen Thousand and 00/100 (\$14,000) Dollars, or any other sum, to hire a consulting firm to prepare the required Notice of Intent and assist the Town in the preparation of application materials necessary to obtain any permits and/or approvals necessary for the proposed restoration of dunes at Nauset Beach, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #19 as printed in the warrant and that the sum of Fourteen Thousand and 00/100 (\$14,000.00) Dollars be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 20. FUND JULY 4 CELEBRATION

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Ten Thousand and 00/100 (\$10,000.00) Dollars, or any other sum, for the purpose of funding a 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 #20 and the sum of Ten Thousand and 00/100 (\$10,000.00) Dollars be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 21. ADOPT AMENDED WATER RATE FEE SCHEDULE

To see if the Town will vote to authorize the Board of Selectmen to amend the Water Rate Fee Schedule of the Water Department, as published in the Orleans Cape Codder on March 24, 2006, by adding a One and 50/100 (\$1.50) Dollar charge per 1,000 gallons for the first 15,000 gallons used so the new Water Rates Fee Schedule would read as follows:

WATER RATE FEE SCHEDULE

Flat rate	\$42.00	
0 to 15,000 gallons	\$1.50	per thousand gallons
15,001 to 30,000 gallons	\$ 3.70	per thousand gallons
30,001 to 50,000 gallons	\$ 4.75	per thousand gallons
Over 50,000 gallons	\$ 5.75	per thousand gallons

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

MOTION: To accept and adopt Article #21 as printed in the warrant and the proposed increases set forth in the Water Rate Fee Schedule be so authorized.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 22. ADOPT M.G.L. CH. 71, § 16B – ASSESSMENT FORMULA –
NAUSET REGIONAL SCHOOLS**

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

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #22 as printed in the warrant.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 23. AMEND ZONING BYLAW CH. 164-13 –
SCHEDULE OF USE REGULATIONS**

To see if the Town will vote to amend the Orleans Zoning Bylaws by changing section 164-13 to read as follows:

P= Use Permitted O= Use Prohibited A= Use allowed: A, under Special Permit by the Board of Appeals as provided in section 164-44

AGRICULTURAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Agricultural, horticultural, floricultural, or aquaculture use and uses customarily necessary thereto except piggeries on parcels of less than five acres. [ATM 5/1/78 Article 48]	P	P	P	P	P	P	P	P	P
Cultivation, propagation, storage and sorting buildings in connection with the operation of cranberry bogs	P	P	P	P	P	P	P	P	O
Display and sale from roadside stands or otherwise of natural products	O	P	P	P	P	O	O	O	O
INSTITUTIONAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Burial grounds operated by a non-profit organization established for the sole purpose of maintaining a cemetery ⁸ [ATM 5/10/93 Article 23]	P	O	O	O	O	O	O	O	O
Educational or municipal uses ⁷	P	P	P	P	P	P	P	P	P
Hospitals, sanatoriums or convalescent homes	O	P	P	P	O	O	O	O	O
Private clubs, except a club operated for profit or the chief activity of which is a service customarily carried on as a business, not providing sleeping accommodations for its members or their guests. [ATM 3/13/73 Article 46]	O	O	P	P	O	O	O	O	O
Religious use ⁷	P	P	P	P	P	P	P	P	P
RESIDENTIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Apartments, subject to the conditions of §164-31 [ATM 5/1/78 Article 57]	O	A	A	A	A	O	O	O	O
Boys' and girls' camps [ATM 3/13/73 Article 46]	O	O	O	O	O	O	A	O	O
Commercial structures with dwelling units, subject to §164-32 [ATM 5/11/98 Article 25]	O	P	P	P	P	P	O	O	P
Congregate housing (See §164-40B)	A	A	A	A	A	A	O	O	A
Conversion of existing dwelling to multiple dwellings, subject to the conditions in §164-28	O	P	P	P	P	O	O	O	O
RESIDENTIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Detached 1- or 2-family dwelling	P	P ¹	P	O	O	O	O	O	P ¹
Lodging house [ATM 5/8/84 Article 83]	O	A	A	A	A	O	O	O	O
Open Space Residential Development [ATM 5/7/90 Article 42]	P	O	O	O	O	O	O	O	O
The renting or leasing of not more than 2 rooms, nor to more than 4 persons, by a family resident in a dwelling unit [ATM 5/8/84 Article 8]	P	P	P	P	P	O	O	O	P
COMMERCIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Amusement Park	O	O	O	O	O	O	O	O	O
Art gallery	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O

COMMERCIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Bakery	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Bank	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Barber	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Beauty salon	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Bicycle repair and sales	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Book store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Building, sale, rental, charter, storage and repair of boats	O	O	A	P ⁴	P ⁴	A ²	O	O	P ¹
Cobbler	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Crafting and sale of handmade gifts	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Dog Kennels or veterinary hospitals	O	O	O	O	O	P ⁴	O	O	O
Drug store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Fabric yarn and art store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Filling Station or garage	O	O	O	P ⁴	O	P ⁴	O	O	O
Florist shop	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Fruit and vegetable stand	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
General store (food and conveniences)	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Gift Shops, antique shops, beauty parlors	O	P ⁴	P ⁴	P ⁴	P ⁴	O	O	O	O
Hotel, Motels and motor inns subject to the conditions of §164-26	O	O	P ⁴	P ⁴	A	O	O	O	O
Liquor store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Marinas	A	P ⁴	A	P ⁴	O	P ⁴	O	O	P ⁴
Miniature Golf Course	O	O	O	O	O	O	O	O	O
New and Used Motor Vehicle Sales [5/12/2003 Article 22]	O	O	O	O	O	P ⁴	O	O	O
Newspaper or job printing	O	O	O	P ⁴	A	P ⁴	O	O	O
Offices	O	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	O	O	O
Photo store	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Place of assembly [ATM 5/2/83 Article 61]	O	O	O	P ⁴	A	P ⁴	O	O	O
Places of Amusement other than Amusement Park or Miniature Golf Course. [ATM 5/11/92 Article 36]	O	O	O	A	A	A	O	O	O
Post office	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Restaurant, fast food as defined in Section 164-4 [ATM 5/8/89 Article 14]	O	O	O	O	O	O	O	O	O
Restaurants with entertainment and sale or dispensation of alcoholic beverages	O	O	A	P ⁴	P ⁴	O	O	O	O
Restaurant without entertainment	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
Restaurants without alcoholic beverages	O	O	A	P ⁴	P ⁴	A ²	O	O	P ¹
Retail Business	O	A ²	A	P ⁴	P ⁴	A ²	O	O	O
Retail sale of fishing bait, fish and shellfish	O	A ²	A	P ⁴	P ⁴	A ²	O	O	P ¹
Retail sale of marine fishing and boating supplies	O	A ²	A	P ⁴	P ⁴	A ²	O	O	P ¹
Sale of agricultural, landscaping supplies (as a primary use) [5/13/2002 Article 24]	O	O	A	P ⁴	O	P ⁴	O	O	O

COMMERCIAL	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Service or public utility	O	O	A	P ⁴	O	P ⁴	O	O	O
The retail sale of agricultural, farming, gardening and landscaping needs and supplies, processing of trees, stumps and brush. [ATM 5/4/81 Article 34]	O	O	A	P ⁴	O	P ⁴	O	O	O
TV repair	O	P ²	A	P ⁴	P ⁴	A ²	O	O	O
WHOLESALE AND STORAGE	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Sale of fishing bait, fish and shellfish	O	O	O	O	O	A	O	O	P
Wholesale Business	O	O	O	O	O	P	O	O	O
INDUSTRY AND MANUFACTURING	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Light Industry or manufacturing	O	O	O	A	A	P	O	O	O
OTHER USES	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Amateur Radio Tower	P	P	P	P	P	P	P	P	P
Commercial and non-commercial Wind Energy Facilities [ATM 5/10/04 Article 23]	A	A	A	A	O	A	A	A	A
Communication Appurtenance (excluding towers and monopoles) [ATM 5/19/97 Article 29]	O	A	A	P	A	P	O	O	O
Communication Buildings [ATM 5/19/97 Article 29]	O	O	A	P	A	P	O	O	O
Communication Monopole [ATM 5/19/97 Article 29]	O	O	O	A	O	P	O	O	O
Communication Towers [ATM 5/19/97 Article 29]	O	O	O	O	O	A	O	O	O
ACCESSORY USE	R	RB	LB	GB	VC⁵	I	CD⁶	SC	MB
Accessory dwelling (See §164-40A) [ATM 5/6/85 Article 63]	P	P	P	P	P	P	O	O	P
Accessory scientific use (see §164-16) [ATM 5/1/78 Article 48]	A	A	A	A	A	A	A	A	A
Building for the raising, boarding or breeding of dogs or livestock by principal occupant of agricultural premises	A	P	A	O	O	O	O	O	O
Garage, barn and boathouse for the principal occupant of residential premises [STM 6/8/72 Article 16]	P	P	P	A	A	O	O	O	P
Guest House	P	P ⁴	P	O	O	O	O	O	P ⁴
Shed or other building to house maintenance equipment and supplies for apartment complex [ATM 5/6/82 Article 49]	O	A	A	A	A	O	O	O	O
The use of a room or rooms in a dwelling, the use of premises or buildings thereon by resident occupants for a recognized profession and for customary home occupations as defined in §164-4	A	P	P	O	O	O	O	O	P

And further more to replace the existing footnote coding with **new numbering listed below, and replace all footnote references as they exist in reference to this footnote section in the Orleans Zoning Bylaw.**

- (1)** Intending that the retail business be incidental to and directly related to permitted use. [ATM 3/13/73 Article 46]
- (2)** Total retail business floor area, exclusive of storage and office space, shall be limited to 1,500 sq. ft. per business. No parking within the Front and Side yard setbacks is permitted.

- (3)** Must conform to minimum lot size currently in force in the Residential District. Any lot which existed prior to March 9, 1971 which contains 15,000 sq. ft. but less than the current minimum area may be used for a single-family dwelling but not for a two-family dwelling or a guest house, or any lot which existed prior to August 2, 1973 containing at least 20,000 sq. ft. but less than the current minimum area may be used for a single-family dwelling but not for a two-family dwelling or a guest house.
- (4)** Except "A" if creating more than 2,500 square feet of gross floor area in commercial use whether through new construction, addition, or change of use. Such special permits are subject to §164-38 and §164-39.
- (5)** See §164-19.1 for possible exclusions in the VC District.
- (6)** Certain uses may require a Special Permit under Section 164-15-B (7).
[STM 11/18/91 Article 3]
- (7)** See Section 164-40-2 for dimensional, parking and other requirements for Educational, Municipal and Religious Uses. [STM 11/18/91 Article 3]
- (8)** Said use shall be conducted in accordance with the requirements of the Board of Health imposed pursuant to General Laws, Chapter 114, Section 34, and may be carried on only in that portion of the Residence District R designated "d" on the existing zoning map which area is more specifically shown on a plan of land entitled "Topographic Plan of Land located in Orleans, MA prepared for Orleans Cemetery Association Scale 1" = 50', December 7, 1992 Revised February 24, 1993", a copy of which is on file in the Office of the Board of Health, Orleans Town Hall.
[ATM 5/10/93 Article 23]

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

MOTION: To accept and adopt Article #23 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report.

I am Sims McGrath, Chairman of the Planning Board. You may recall that last year's Town Meeting contained several Zoning amendment articles that had significant impacts on growth. The Planning Board was gratified that voters approved all of the articles. Many of them were complex in nature and we appreciated your forbearance.

This year, there are 6 articles, but they are primarily administrative in nature and designed simply to make the existing bylaw function better. We hope to present them to you in an expeditious manner. For each article, I will tell you what the problem that was encountered in the bylaw, and how the proposed Zoning amendment provides a solution.

Back in January, the Planning Board held a public hearing on all of the six proposed Zoning amendments. We received valuable input from many interested residents. The six articles were unanimously approved by the Planning Board and recommended for adoption.

Now on to the article.

Article 23 is a reorganization of the table of allowable uses. The table describes what types of uses are permitted in each of the Zoning Districts of the Town. In the table that appears in your Warrant beginning on Page 64, you will see headings across the top that refer the zoning districts. R is for Residential, the dominant district in Orleans; RB is Rural Business, LB is Limited Business, GB for General Business. The Town's zoning is crafted so that each district serves a community purpose, and it has been accepted that certain uses are only appropriate within certain districts.

The problem: The existing use table is difficult to understand. It contains gaps in the table that could be exploited by someone who wanted to establish a use that may have a negative impact on the town. We've proposed to reformat the use table for ease of use by residents, applicants, and the Zoning Enforcement Officer. There is no intent to change the allowability of any particular type of use, but simply to correct the way the information is presented so that it is more clear.

The Planning Board held a public hearing on January 24, 2006. 18 residents were in attendance. The Board voted unanimously to forward this article to the Town Meeting and recommend its approval.

To explain this better, I would ask the Moderator to recognize the Planning Director to use a couple of brief slides that should help explain the problem and how we've proposed to solve it.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 24. AMEND THE ZONING BYLAW SECTION 164-3,
APPLICABILITY**

To see if the Town will vote to amend the Zoning Bylaw §164-3, Applicability, by striking the existing Section C in its entirety and inserting a new Section C. to read as follows:

C. Nonconforming Structures and Uses. Legally preexisting, nonconforming structures or uses may be continued, in accordance with G.L. c. 40A, §6, subject to the following:

1. Alteration, Reconstruction (which shall include raze and replacement), Extension or Structural Change (collectively "alteration") to Nonconforming Single or Two Family Residential Structures. Nonconforming single or two family residential structures may be altered, reconstructed, extended or structurally changed provided that such alteration does not increase the nonconforming nature of such structure.

(a) In the following circumstances alteration to a nonconforming single or two family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be allowed as of right:

- i. Alteration to a structure which complies with all current setbacks, yard, lot coverage and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.
- ii. Alteration to a structure which complies with all current setbacks, yard, lot coverage and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements.
- iii. Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, lot coverage and building height requirements; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.
- iv. Alteration to a structure which will not increase the footprint of the existing structure provided that existing height requirements shall not be exceeded.

(b) Except as otherwise set forth in (c) below, alteration to a nonconforming single or two family residential structure that increases the nonconforming nature of the structure may be allowed on Special Permit from the Board of Appeals provided the Board of Appeals finds that such alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

(c) Alteration to a nonconforming single or two family residential structure in such a manner as to:

- 7) create a new dimensional nonconformity, or
- 8) intensify an existing nonconformity by extending further into a required setback area, or
- 9) increase the height of the structure greater than the allowed height,

shall require the issuance of a variance by the Board of Appeals and the Special Permit finding required under subsection (b). Provided, however, the extension of an exterior wall or surface of an existing structure at or along the same nonconforming distance within a required setback area shall not require the issuance of a variance.

2. Alteration, Reconstruction, Extension or Structural Change (collectively "alteration") to Nonconforming Structures Other than Single and Two Family Structures. Other nonconforming structures or uses may be altered, reconstructed, extended or structurally changed on Special Permit from the Board of Appeals if the Board of Appeals finds that such alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use. The alteration of a nonconforming structure in such manner as to create a new dimensional nonconformity or to intensify an existing dimensional nonconformity, shall require the Special Permit finding and the issuance of a variance by the Board of Appeals.
3. Restoration. A nonconforming structure or use may be reconstructed or reinstated if destroyed by fire or other casualty if reconstructed or reinstated within a period of two (2) years from the date of the catastrophe, or else such reconstruction must comply with this chapter.
4. Abandonment. A nonconforming use or structure which has been abandoned or otherwise discontinued for a period of two years (2) years shall not be reestablished, and any future use of the premises shall conform to this chapter.
5. Reversion. Once changed to be conforming, no structure or use shall be permitted to revert to a nonconforming structure or use.

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

MOTION: To accept and adopt Article #24 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

This article would amend the section of the bylaw that provides guidance on changes to nonconforming uses and structures.

Presently, the Zoning Bylaw contains a single paragraph that describes the rules by which nonconforming uses and structures may be altered. This is considered deficient, and Town Counsel has drafted new language that appeared in the Article.

Nonconforming uses and structures were established before the enactment of zoning regulations, and so are protected under so-called grandfathering provisions of State Law. An example of a nonconforming use would be a business that is located in what is today a residential neighborhood. A nonconforming structure would include any building that does not meet building setback requirements, or one which exceeds the building height limit.

The Planning Board held a public hearing on January 24, 2006. 18 residents were in attendance. The Planning Board voted unanimously for this article because we think clarity is needed in this area.

Again, because I would like to spare you from listening to a lengthy explanation, I would ask the Moderator to recognize the Planner to use a few slides to explain what is being proposed.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 25. AMEND ZONING BYLAW CH. 164-34 –
OFF STREET PARKING REGULATIONS**

To see if the Town will vote to amend the Orleans Zoning Bylaws section 164-34.B.1 by **adding the following text:**

164-34.B.1: Performance requirement. Off-street parking must be provided to service the net increase in parking demand created by new construction, additions or change of use. Buildings, structures and land uses in existence on May 4, 1981, are not subject to these requirements so long as they are not enlarged or changed to increase their parking needs. A site plan shall be filed with any permit or Special Permit application involving or requiring parking, identifying individual spaces, access lanes and egress.

Notwithstanding anything contained herein to the contrary, any addition or alteration or change in use **of an existing building, structure or use of land which is in compliance with this chapter**, that results in an increase in required off-street parking of less than 6 spaces, shall not be required to provide those spaces. If an increase of six or more spaces is required, all of the spaces must be provided.

New Construction for the purposes of paragraph B(1) shall include alterations of existing buildings or structures, or the construction of any new building or structure, and the establishment of the use thereof. [Amended 5-13-1996 ATM, Art. 23]

MOTION: To accept and adopt Article #25 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

This article proposes a change to the parking regulations. As you know, every development is required to supply its fair share of parking. Presently the bylaw contains a flexible clause that allows expansions of businesses which require fewer than 6 new parking spaces to be approved, even if the business is unable to provide any new spaces on the ground. This so-called "6 space rule" has been used to allow minor expansions of businesses that are located on small parcels and cannot provide parking.

The Problem: Businesses that have little or no parking may presently take advantage of the flexibility clause time and time again. Over time, as the expansions occur, the resulting parking demand gets transferred to neighboring properties, as patrons seek a convenient place to park for the business.

The Solution: The amendment would allow a business to expand only if it is presently in compliance with the parking requirements. This seems reasonable, and will prevent incremental additions to businesses that shift their parking demand onto their neighbors. The 6-space rule essentially becomes a one-time exception.

The Planning Board held a public hearing on January 24, 2006. 18 residents were in attendance. The Board voted unanimously to forward this article to the Town Meeting and recommend its approval.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 26. AMEND ZONING BYLAW CH. 164-22 – SITE PLAN REVIEW

To see if the Town will vote to amend the Orleans Zoning Bylaws section 164-33 Site Plan Review by **adding the following new section 164-33.IV.K:**
164-33.IV.K Parking Interconnections. Parking areas of twenty (20) or more spaces shall provide, or provide future planned accommodations for, interconnections, where feasible, to adjacent parking areas. As a result the total number of parking spaces required for the proposed project can be reduced by 10%.

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

MOTION: To accept and adopt Article #26 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

The Problem: Adjacent parking lots are separated from each other, making it necessary for patrons to exit the parking lot and enter the adjacent lot from the street. This adds to traffic congestion on the roads and is inconvenient to residents.

The Solution: The zoning amendment will require planning for interconnections between large parking lots as part of the Site Plan Review for proposed commercial developments. Parking lots that contain 20 or more spaces must provide or plan for interconnections to adjacent parking areas.

An interconnection is simply a driveway between two parking lots that allows for site traffic to circulate conveniently between the lots without the need to re-enter the public roadways. There are several informal parking interconnections in town at present, and this article will also prevent the loss of those connections as redevelopment occurs in the future.

An allowance is made for space required for the interconnecting driveway, in that the parking requirements for the business may be reduced by 10%.

The Planning Board held a public hearing on January 24, 2006. 18 residents were in attendance. The Board voted unanimously to forward this article to the Town Meeting and recommend its approval.

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 27. AMEND ZONING BYLAW CH. 164-33.1 –
ARCHITECTURAL REVIEW**

To see if the Town will vote to amend the Orleans Zoning Bylaw section 164-33.1, Architectural Review, by ~~striking the following language~~ and **inserting the following new text.**

§ 164-33.1. Architectural Review [Added 5-8-1990 ATM, Art. 40]

Whereas the Town of Orleans contains a number of buildings from the eighteenth and nineteenth centuries which reflect its unique past as a rural coastal community and nineteenth century commercial center, and whereas the architectural styles of these eras and its later twentieth century Colonial-revival brick buildings give the town its distinct character of a desirable community for summer visitors and year-round residents alike, the following Architectural Review process is intended to promote the

continuation of attractive building and landscaping styles, with good blending of the old and the new.

A. Purpose

The purpose of this bylaw is to preserve and enhance the town's cultural, economic and historic resources by providing for a detailed review of the appearance of structures and sites which may affect these resources. The intent of the review process is to:

- (1) Prevent new construction or alterations that are incompatible with older, existing building styles or that are of inferior quality or appearance;
- (2) Promote conservation of buildings and groups of buildings that have aesthetic or historic significance;
- (3) Enhance the social and economic viability of the town by preserving property values and promoting visual attractiveness; and
- (4) Encourage flexibility and variety in future development.

B. Architectural Review Committee

An Architectural Review Committee is hereby created and shall consist of five members appointed by the Board of Selectmen, preferably including at least two members with professional or educational backgrounds in design or architecture, two members with professional or educational backgrounds in historic preservation or with an appreciation for local history, and one additional member. Two associate members shall be appointed to act as alternates in case of the absence of regular members. After initial appointments with staggered terms, future appointments shall be for three years.

C. Applicability

The review process described in this § 164-33.1, shall apply to all building permit and Special Permit applications, including those for alterations, renovations, additions, demolitions and relocations, except those for new or existing one- and two-family dwellings intended for continued residential use, buildings or structures accessory to them, any building permit or Special Permit application involving property in the Industrial District or the Old Kings Highway Regional Historic District, or any interior alteration not visible from the exterior of a building. Changes which affect the appearance of a building whether or not such work requires a building permit, including but not limited to changes in the color, design or character of exterior building materials, windows or doors, light fixtures, signs and appurtenant elements shall be subject to review as provided in the sections on Preliminary and Final Plan Review below.

[Amended 5-10-1999 ATM, Art. 20]

D. Procedure

- (1) Preliminary Review. The Architectural Review Committee shall provide Preliminary Review of proposed buildings or alterations at their regular meetings ~~on a walk-in basis subject to available time, but in no case later than two weeks of their receipt of an application.~~ A brief description of the proposed construction or improvements shall be included on the applications ~~for Preliminary Review, which shall be available in the Building Department or from the Committee at their meetings.~~ Plans or sketches are not required. ~~but sketches may be submitted if desired by the applicant.~~

Signs, new or modified, ~~Erection of decks, accessory structures such as fences, flagpoles and trellises, and installation of siding or roofing, door and window replacements, storm sash, storm doors, window screens, screen doors,~~

~~gutters, and leaders~~ and work which does not require a building permit are generally subject only to Preliminary Review. ~~In these cases the Committee may issue an Exemption from Final Plan Review, a copy of which shall be forwarded immediately to the Building Inspector.~~ **A Plan Review Report will be forwarded to the Building Department.** In all other cases, Preliminary Review will be optional, but available at the request of the applicant for exchange of information and ideas before plans for Final Review are submitted.

(2) Application for Final Plan Review. Application for plan approval under Final Plan Review shall be made by submitting an application ~~for Final Plan Review~~ and sufficient copies of the Site Plan and other required materials as described below to the Building Inspector, **Department or Committee Recording Secretary.** Applications ~~for Final Plan Review~~ shall be available in the Building **Department** ~~Inspector's office.~~ Notice of the time, date, and place of review and the location of proposals scheduled for Final Plan Review shall be published in a local newspaper not less than seven (7) days prior to the date of the review.

(3) Drawings and Materials for Final Plan Review.

- a. Site Plan. Site plans shall include boundaries and dimensions of the lot; parking areas, driveways, walkways and loading areas; existing and proposed structures; information relating to the intensity and extent of proposed lighting; a landscaping plan showing location of trees 6" or greater in diameter to be removed or retained, and type and location of other existing or proposed plantings; existing or proposed benches, footpaths or other pedestrian amenities; and principle dimensions of signs.
- b. Architectural Elevations. Building facades, building height, roof pitch, fenestration, doors, floor to floor height shall be shown at a minimum of 1/8" = 1' = 0" scale.
- c. Photographs. Polaroid or other photographs of the site and abutting properties shall be required.
- d. Samples. Samples of exterior building materials including color shall be part of the application.
- e. Historical Information. Information on year built, historical significance, if any, and historic use shall be included in materials for review.**

(4) Final Plan Review Report and Recommendations. Within thirty (30) days of their receipt of the application for Final Plan Review, the Architectural Review Committee shall review applications and forward a Final Plan Review Report containing its description and recommendations to the Building Department Inspector. This deadline may be extended at the request of the applicant. The Final Plan Review Report shall be based on consideration of the design criteria in Subsection E below and shall state in all cases the Committee's decision to approve, approve with modifications or disapprove of the plan and shall contain specific written findings relating to compliance with the design criteria.

The committee may disapprove a proposal if it fails to meet the design criteria in Subsection E and there is a resultant negative visual impact on the town. In the

case of disapproval, the committee shall state clearly how the proposal fails to comply and describe the resultant negative impact. A copy of this report shall be hand delivered or mailed by certified mail to the applicant no later than the day it is forwarded to the Building Inspector. If the proposal requires a variance or Special Permit, the Building Inspector shall immediately transmit the Architectural Review Committee's report to the Special Permit Granting Authority.

(5) Issuance of Building or Special Permits. Neither the Building Inspector nor the Special Permit Granting Authority shall issue a building permit or Special Permit for construction subject to these requirements unless the Architectural Review Committee has approved the plans, the deadline for action has expired, or an appeal of this bylaw or an Exemption from Final Plan Review has been granted. In the event of Architectural Review Committee disapproval of a proposal, the Building Inspector shall not issue a building permit nor shall the Special Permit Granting Authority issue a Special Permit.

(6) Appeals. Any decision by the Architectural Review Committee under this section may be appealed to the Board of Appeals by any party having standing, including town officials and boards, as provided under M.G.L. Ch. 40A, § 8.

E. Design Criteria

~~The design criteria described below are intended as a guide to the applicant in the development of site and building design, and as a frame of reference for design review. These **The following** criteria shall **be used** not be regarded as **a guide for the Architectural Review Committee when reviewing applications. No project shall be approved unless the Architectural Review Committee finds that it meets the overall intent of the design criteria described in this bylaw.** inflexible requirements and are not intended to discourage creativity, invention, or innovation. The Architectural Review Committee is specifically precluded from mandating any official aesthetic style for Orleans or from imposing the style of any particular historic period. The criteria below shall apply to all reviewable actions described in § 164-33.1C:~~

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

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

After giving consideration to the overall viability and economic impact on the applicant, reasonable effort shall be made to preserve historic buildings on site that may be slated for demolition or relocation. Distinguishing original stylistic features or examples of skilled craftsmanship of historic or aesthetic significance on a building shall be maintained or replaced with similar elements wherever possible. These may include ornamental trim, decorative shingles, eave brackets, door lights, molding, shutters, and cornices. Continuing the use of historic features of a building on new additions is encouraged.

~~(2) Building form and features. Where new buildings and additions are proposed, the mass and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves and with those of the surrounding area when this area includes buildings with distinctive architectural styles.~~

~~(3) Architectural details. Architectural details of new buildings and additions, including signs and colors and textures of wall and roof materials, should be harmonious with a building's overall architectural style and should preserve and enhance the character of the surrounding area. For buildings containing more than one business, continuity in sign design is desirable.~~

~~(4) No building shall be made in effect a sign through fluorescent, neon or vivid paint colors, other graphic devices, unconventional building form or unusual site design.~~

~~(5) Lighting. Unnecessarily bright lighting of the building or grounds is to be avoided.~~

~~(6) Landscaping. Attractive landscaping which helps integrate buildings with their environment and provides amenities for pedestrians is encouraged. Distinguishing original features of a site such as trees of greater than 6" diameter, existing plantings and topography shall be treated with sensitivity wherever possible. Plantings on the street-facing side of buildings, window boxes and planters are desirable. Benches or other seating arrangements, distinctive treatment of walkways, and links with other buildings for pedestrians are encouraged.~~

~~(7) Contemporary design shall not be discouraged when compatible with the surrounding environment.~~

Or to take any other action relative thereto.

(2/3 Vote Required)

MOTION: To accept and adopt Article # 27 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

The Architectural Review Committee has been in existence for 15 years. The committee reviews plans for all new commercial buildings to ensure that they will be compatible with the character of the community. Exempt from review are single family homes, buildings in the Industrial District, and the area already regulated as the Old Kings Highway Regional Historic District. In its deliberations, the committee relies on a set of Design Criteria that describe the various aspects of good architectural design.

The Problem: The Design Criteria are vague so as to provide neither the applicant nor the review committee with a clear understanding of what is expected. The procedures spelled out in the bylaw are also outdated.

The Solution: The article proposes rewriting the Design Criteria so that they are clear for both applicants and the review committee. In addition, the amendment will require the Review Committee to make a specific finding that each proposal meets the overall

intent of the Design Criteria before it is approved. Minor changes are proposed to the Procedure section to reflect project flow and review.

The Planning Board held a public hearing on January 24, 2006 with 18 residents in attendance. We think this will be a good upgrade for the Town and will protect existing properties. Good design is beneficial to the community in a variety of ways. The Architectural Review Committee has reviewed the proposed amendment and recommends approval, as does the Planning Board.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 28. AMEND ZONING BYLAW CH 164-4 - DEFINITIONS

To see if the Town will vote to amend the Orleans Zoning Bylaw section 164-4, Definitions, by inserting the following new definitions:

Change of Use: Either the establishment of a commercial use in an existing commercial or industrial space where the resulting commercial use constitutes a different use category than the existing commercial use pursuant to the use regulation schedule at 164-13, or a use which by reason of its normal operation, would cause readily observable and substantial differences from the existing use in one or more of the following: patronage, service, noise, employment, appearance, parking, traffic or other similar characteristics.

Interconnection: A physical connection, resembling a driveway, between two parking lots or parking areas, either private or public, that allows for site traffic to circulate conveniently and safely between the areas without traveling on or crossing public roadways.

(2/3 Vote Required)

MOTION: To accept and adopt Article #28 as printed in the warrant and the Zoning Bylaw be so amended.

Planning Board Report:

This final zoning article proposes two new definitions: Change of Use and Interconnections.

A Change of Use is a threshold for Site Plan Review and for Special Permit requirements for certain commercial uses. The first part of the definition is that a use

appears in a different category of the Table of Uses. This is straightforward. The second part of the definition has to do with impacts. Where there will be observable and substantial differences in customers, noise, traffic or other characteristics, a proposed use will be deemed a Change of Use, which may trigger the Site Plan Review or Special Permit process.

The definition of an Interconnection is in reference to Article 26 which was addressed previously.

The Planning Board held a public hearing on January 24, 2006. 18 residents were in attendance. The Board voted unanimously to forward this article to the Town Meeting and recommend its approval.

ACTION: Voted, voice vote carries unanimously.

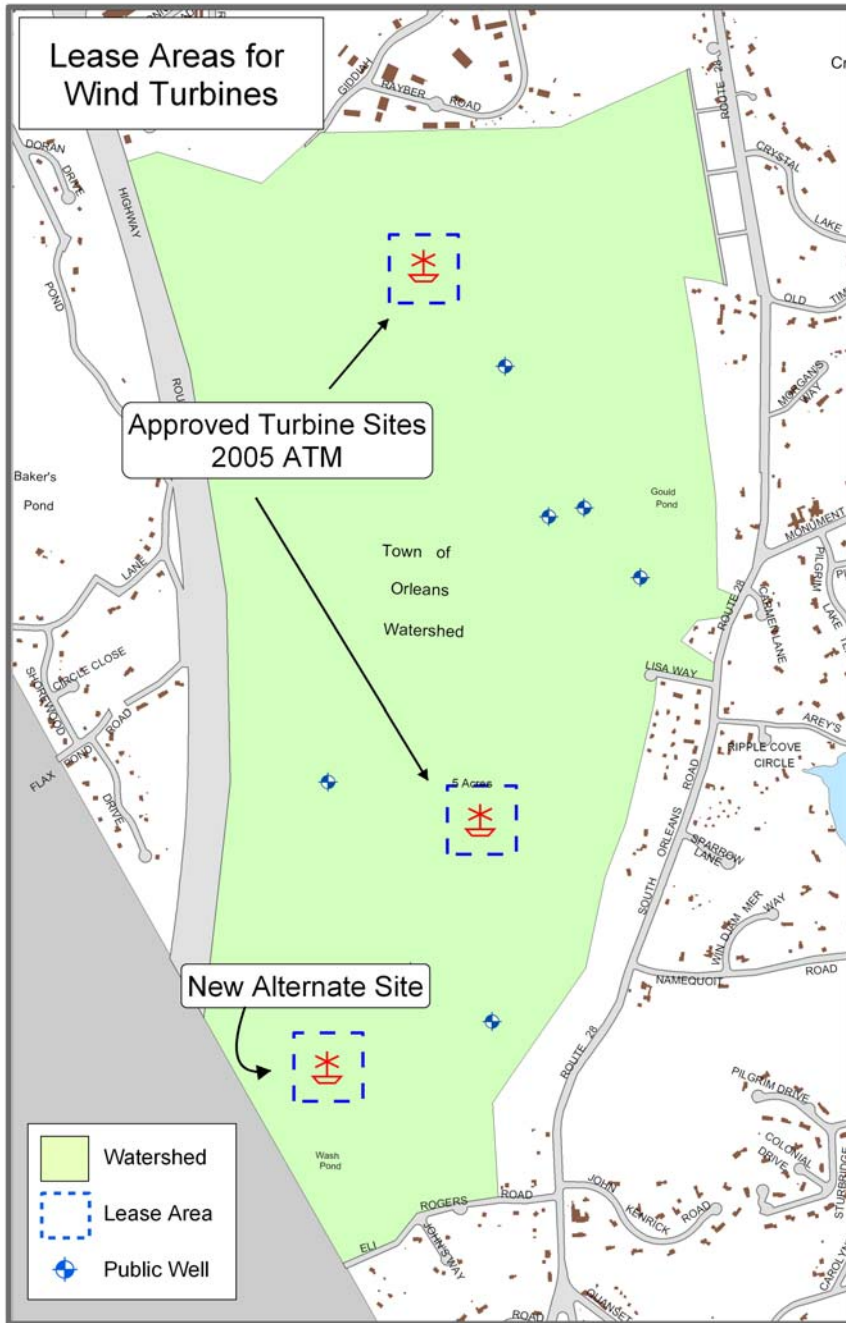
ARTICLE 29. MODIFY WIND TURBINE LEASE LOCATION IN WATERSHED

To see if the Town will vote to amend the action taken under Article 28 of the 2005 Annual Town Meeting which authorized the location(s) for the installation of two wind turbines in the Town Watershed, by further authorizing an alternative location as shown on a sketch plan entitled "Revised Lease Area for Wind Turbines", dated March 16, 2006, on file with the Town Clerk, provided however that not more than two wind turbines are located in the Watershed, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #29 as printed in the warrant.

ACTION: Voted, voice vote carries by the necessary majority.



Dated March 16th 2006

ARTICLE 30. SPECIAL LEGISLATION – 257 Rte. 6A AFFORDABLE HOUSING PROJECT - EXEMPTION FROM PREVAILING WAGES

To see if the Town will vote to authorize and instruct the Board of Selectmen to petition the Great and General Court (State Legislature) for special legislation authorizing the Town to proceed with the construction of affordable housing on the Town land located at 257 Route 6A, without complying with the applicable provisions of Massachusetts General Laws Chapter 149 and Chapter 30 which require the Town to pay prevailing wage rates and to further authorize the Board of Selectmen to approve the final language of any such special legislation, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #30 as printed in the warrant.

ACTION: Voted, standing vote carries by the necessary majority.
YES = 191, NO = 25

ARTICLE 31. AUTHORIZE TRANSFER CABLE FRANCHISE FEES

To see if the Town will vote to transfer from the Cable Fees Reserve for Appropriations Account the sum of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars, or any other sum, to be spent under the direction of the Board of Selectmen for the purpose of purchasing and installing equipment and related expenses necessary to record and broadcast meetings and other information from the renovated Town Office Building, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #31 as printed in the warrant and the sum of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars be transferred from Cable Fees Reserve for Appropriations Account for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 32. TRANSFER WATER SERVICE CONNECTION

To see if the Town will vote to transfer the sum of Thirty-Five Thousand and 00/100 (\$35,000.00) Dollars, or any other sum, from the Water Service Connection Fund Reserved for Appropriation Account to the Water Service Connection Account, or to take any other action relative thereto.

(Simple Majority Vote Required)

MOTION: To accept and adopt Article #32 as printed in the warrant and the sum of Thirty-Five Thousand and 00/100 (\$35,000.00) Dollars be transferred from Water Reserve for Appropriations Account to The Water Service Expense Account for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 33. BARNSTABLE COUNTY IMA (SANITARIAN ASSISTANCE)

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter to authorize the Board of Selectmen to annually enter into an Intermunicipal Agreement with the Barnstable County Commissioners to contract for sanitarian assistance for the Board of Health subject to appropriation. A copy of the proposed annual agreement is on file in the office of the Town Clerk and Board of Selectmen, or to take any action relative thereto.
(Simple Majority Vote Required)

MOTION: To accept and adopt Article #33 as printed in the warrant and the Board of Selectmen be authorized to enter into an Intermunicipal Agreement with Barnstable County Commissioners for Sanitarian Assistance for the Board of Health subject to appropriations.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 34. AUTHORIZE INTERMUNICIPAL MUTUAL AID AGREEMENT – IMA

To see if the Town will vote pursuant to Chapter 3, Section 3-5-3 of the Orleans Home Rule Charter and M.G.L. c. 40, §4A, to authorize the Board of Selectmen and other appropriate Town Officials to enter into an Intermunicipal Agreement with one or more other governmental units to provide public health services which the Board of Health is authorized to perform, in accordance with an Intermunicipal Mutual Aid Agreement. A copy of the proposed Intermunicipal Mutual Aid Agreement is on file with the Town Clerk, or to take any other action relative thereto.
(Simple Majority Vote Required)

MOTION: To accept and adopt Article #34 as printed in the warrant and the Board of Selectmen be authorized to enter into an Intermunicipal Agreement with one or more governmental units to provide public health services which the Board of Health is authorized to perform.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 35. RESOLUTION – CREATION OF A DOG WALKING AREA ON CAPPED LANDFILL

Whereas, the Town has substantially completed the project to cap Orleans’ municipal landfill property and the remaining items including final reseeding of the 15 acre site will take place later in the spring; and

Whereas, the project included an active gas collection system that permits the possible reuse of the site for passive recreation activities subject to formal application and subsequent approval by the Massachusetts Department of Environmental Protection (DEP); and

Whereas, the Board of Selectmen has identified a dog walking area as a possible reuse of the site that may merit further consideration; and

Whereas, any application submitted to the DEP requesting the approval of a dog walking area will have associated costs including the development of formal plans addressing the protection of the above ground gas piping and control valves from tampering; protecting the cap from grass fires by mowing the landfill cap more frequently; and protecting the cap from damage from dogs digging in the topsoil layer or creating possible paths that would promote erosion damage; and

Whereas, in addition to the items that the DEP would want addressed as part of any application for reuse as a dog walking area, the town will also need to consider needed restrooms, parking and access for the dogs and dog owners that would frequent the landfill cap; and

Whereas, the Board of Selectmen prior to moving forward with the development of any formal plans to create a dog walking area, whether funded publicly or through private fund raising efforts, desires to have a sense of the town in this regard,

Now Therefore, the Town of Orleans votes to pursue the possible reuse of the capped landfill site as a future dog walking area and supports the Board of Selectmen pursuing the necessary approvals to construct such a dog walking area, using either public or private monies

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

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

MOTION: (by Mark Boardman, FinCom member) To indefinitely postpone Article #35 of the Orleans 2006 Annual Town Meeting in lieu of an ad hoc committee being established by the Board of Selectmen to investigate and recommend a best use or uses of the property in question.

MOTION: To call the question

ACTION: Voted, voice vote carries unanimously to call the question.

ACTION: Voted, voice vote carries by the necessary majority to indefinitely postpone Article 35.

**ARTICLE 36. RESOLUTION – UNIVERSAL HEALTH CARE PROPOSAL
(BY PETITION)**

Whereas,

Health care coverage has become less affordable and less available to growing numbers of people in our community, despite all efforts to date at both the state and federal level; and

Persons who lack adequate health care coverage faces increased risks of illness, disability, and premature death. Our region has well above state-average rates of uninsured and underinsured people; and

Families of such individuals are faced with growing out-of-pocket costs. These families must now confront the soaring expenses of health coverage, and the worry about bankruptcy or impoverishment in the event of serious illness. Their caregiver stress increases with the need to provide more and more uncovered care; and

Businesses face the soaring expenses of covering their employees' health premiums, passing some of these costs along to employees in the form of rising premiums and out-of-pocket payments. Our regional predominance of small businesses and self-employed individuals is, understandably, a key factor in the low rates of health care coverage; and

Town governments struggle with the costs of health coverage for town employees. We the people are regularly forced to choose among other important and accustomed community services for budget cuts; and

Community health care providers and institutions are caught in the inescapable financial squeeze of rising administrative costs and declining reimbursements. They are forced to reduce staffing, cut services, or close. Access to care of all they serve is diminished.

Whereas,

Consequences represent losses in quality of life for many (if not all) members of Cape and Islands community, and a threat to our collective welfare.

Therefore:

We petition our County Government to support the development of a proposed regional universal health care program, known as Cape Care, which would, at a minimum, meet these criteria:

- provide broad health care coverage for ALL residents of the Cape and Islands, to improve individual and community health; and
- control health care cost inflation by reducing excessive administrative expenses, as well as through bulk discount purchasing of necessary medications and medical supplies; and
- shape health care delivery to meet community needs for appropriate care, through a representative policy-making board of community members and health care providers; and
- strengthen the ability of our existing network of health care providers and institutions to provide high-quality care, by assuring adequate funding for necessary services.

Call for the public hearing process in Barnstable County to include analyses of the proposed plan's organization and governance, its expected effects on community health, and its financial modeling, to be initiated by the end of the year 2006.

Clerk of the Town is instructed to give Notice of Passage of this Resolution to the town's representative to the County assembly of Delegates, the County Commissioners, and the state and federal Representatives and Senators, within 30 days

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 the Town Clerk be directed to notify, within 30 days, the Town's representative to the County Assembly of Delegates, the County Commissioners and the state and federal Representatives and Senators of adoption of this resolution.

MOTION: To call the question.

ACTION: Voted, voice vote passes by the necessary 4/5 majority to call the question.

ACTION: Voted, voice vote passes by the necessary majority

**ARICLE 37. AUTHORIZE EASEMENT – ORLEANS YACHT CLUB
(BY PETITION)**

To see if the Town will vote to authorize the Board of Selectmen to grant a right-of-way/access easement in, over, and upon Town property referred to as the Town Cove Landing and Parking Lot at the end of Cove Road extension and shown as parcel 11 of the Town of Orleans Assessor's Map 34, to the owners of the land (Orleans Yacht Club, Inc) shown as parcel 12 on the Town of Orleans Assessor's Map 34; such easement to be on terms and conditions as the Board of Selectmen deem appropriate, or to take any other action relative thereto.

(Simple Majority Vote Required)

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

ACTION: Voted, voice vote carries unanimously.

**ARTICLE 38. FUND LOWER/OUTER CAPE COMMUNITY COALITION
(BY PEITION)**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of One Thousand and 00/100 (\$1,000.00) Dollars, or any other sum, to support the Lower/Outer Cape Community Coalition, 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 the sum of One Thousand and 00/100 (\$1,000.00) Dollars be raised and appropriated for this purpose.

ACTION: Voted, voice vote carries by the necessary majority.

ARTICLE 39. FREE CASH

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

(Simple Majority Vote Required)

MOTION: to accept and adopt Article #39 as printed in the warrant and that the sum of Three Hundred Sixty-Seven Thousand and 00/100 (\$367,000.00) Dollars be transferred from available funds for this purpose.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 40. CLOSING ARTICLE

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

MOTION: To adjourn the Annual Town Meeting.

ACTION: Voted, voice vote carries unanimously.

Town meeting was adjourned at 9:47 p.m.

