ORLEANS CHARTER REVIEW COMMITTEE
Orleans Town Hall

MEMORANDUM

TO: Board of Selectmen; Town Administrator
FROM: Harry Mirick, Chair
SUBJECT: Charter Review Committee Interim Report
DATE: February 25, 2008

The Charter Review Committee (CRC) has completed the major portion of its work as charged by the Board of Selectmen and required under the Orleans Home Rule Charter Chapter 6-9-2. (See Appendix A)

The first is our Report dated October 24, 2007, which details the progress of the CRC up to that date. (See Appendix B: Report to the Board of Selectmen, October 24, 2007). Since that time, we have completed our 28th meeting and conducted the first of our two Public Hearings. Since the start of the New Year, we have met weekly to advance our deliberations.

In their detailed review of the Charter, Patricia Fallender and Gail Meyers Lavin discovered that the Charter provided to the Committee was not an accurate document inclusive of all voted amendments and original language that belonged within it. We wish to thank Town Clerk Cynthia May for her invaluable assistance in correcting the problems which preceded her tenure. The Town Clerk charted and confirmed the “Doings” of every Charter-related Town Meeting vote from the initial passage of the Orleans Home Rule Charter in 1985, and its related confirming Ballot vote in May 1987 to the “Doings” of every amendment since. Where there were “scrivener’s errors,” she fixed them. Where original language was omitted, she replaced it. Where discrepancies were found between certain Town Meeting votes and subsequent Ballot votes, Ms Fallender and Ms Lavin worked jointly with Ms May to report them to the Town Administrator and Town Counsel; and these will be addressed by the Board at the May Town Meeting.

On December 20th, 2007 the Town Clerk provided the Charter Review Committee with a complete archival record of the Charter, with all deletions, additions, changes, and related endnotes, and an accurate copy of the current Charter. The archival record will be kept in a master file in the Town Clerk’s office and will be regularly updated. An accurate Charter is now on the Town website, in the Town Clerk’s office, and will be provided to the vendor of the Orleans Town Code at the next appropriate opportunity.

In terms of the CRC vote process, as reported in October, each member of the Committee was assigned chapters to review, report, and present. “First cut” recommendations on assigned chapters continued throughout the Fall. The chronological spreadsheet suggestions were then re-ordered by chapter and section; and presented as our working document. Each suggestion was deliberated by Chapter, and the first “run-through” votes taken were on what we called “NFC” (No Further Consideration). With those suggestions
APPENDIX A

ORLEANS HOME RULE CHARTER
CHAPTER 6 APPOINTED MULTI-MEMBER BODIES
Section 9 – Review Committees

6-9-2: Every seven years, commencing with the year 1999, the Board of Selectmen shall appoint a Charter Review Committee of seven members. The Board of Selectmen shall charge the committee to review the provisions of the Charter and report any amendments deemed advisable.

ORLEANS BOARD OF SELECTMEN
CHARGE TO THE
CHARTER REVIEW COMMITTEE (CRC)

The Town of Orleans adopted its Home Rule Charter on May 6, 1987. A Charter Review committee (CRC), appointed in 1994, proposed a number of amendments, and on four occasions the Charter was amended outside the formal review process.

A second CRC was appointed by the Board of Selectmen in 1999 to fulfill the requirements of Section 10-13-2 of the Orleans Home Rule Charter. The CRC presented six articles to the May 8, 2000 Annual Town Meeting, all of which were approved.

At this time, a third CRC consisting of 7 members shall be appointed by the Board of Selectmen to fulfill these requirements, as currently outlined in Section 6-9-2, and to accomplish the following tasks:

1. To study the Orleans Home Rule Charter as most recently amended, and background information relating to its development, and to prepare a list of basic principles (tenets) of town government on which the Charter is based.

2. To review proposals for amendments received from the Board of Selectmen, the Town Administrator, Town Committees, Commissions and Boards, and the general public, and to measure each amendment against the basic principles developed in task #1.

3. To review the entire Charter for sections which may be unclear, inappropriate, or inconsistent with the basic principles developed in task #1, and draft amendments to address these issues.

4. To compile a list of proposed amendments and review them with Town Counsel.

5. To conduct a public hearing on proposed amendments and make a decision on which will be recommended to the voters for approval.

6. To prepare a report for the Board of Selectmen concerning recommended amendments. If a proposed amendment has strong public support but departs from the list of basic principles developed in task #1 above, it should be so noted in the report.

7. To meet with the Board of Selectmen to discuss the findings of the report and forthcoming actions.

8. To present final recommendations for amendments to Annual Town Meeting, in accordance with M.G.L. Ch. 43B §10.

Date adopted: 18 August 1999
Date amended: 28 June 2006
CHARTER REVIEW COMMITTEE REPORT

to the
Orleans Board of Selectmen
October 24, 2007

TO: Orleans Board of Selectmen
FROM: Orleans Charter Review Committee
Harry Mirick, Chair
RE: PROGRESS UPDATE

The Charter Review Committee has to date received more than 300 suggestions, and has held 17 meetings through October 18, 2007. We want to publicly thank Norris Shook who input all the suggestions by chapter, section, and a brief description onto individual spreadsheets. This provided us with an orderly format in which to discuss each chapter, and has been very successful. A binder of the proposers’ suggestions and rationale by chapter has also been compiled for reference. We regretfully had to accept Norris’ resignation in September, due to a new job and new responsibilities and hours, which he felt would not allow him to participate fully in the CRC. Because Norris had already submitted his initial chapter reviews, and because the majority thought that replacing him would be counterproductive because of the “catch up” time required of a new person, the CRC sought clearance to continue with only six members. That being cleared, we have agreed to a process for dealing with close or tie votes.

Since January, the CRC has hosted the Board of Selectmen, the Planning Board and Director of Planning, the Finance Committee, the Wastewater Management Steering Committee, the Town Administrator, Town Moderator, Town Clerk, the Fire and Police Chiefs, and many members of the Fire Department and individual citizens. Any committee or citizen wishing to meet with us is welcome to attend our 7 PM Public Comment period or arrange to be placed on the Agenda. Our meetings are held on the first and third Thursdays of each month in the Nauset Room and Skaket Room respectively, and are shown live on Channel 18, with several repeats.

We also want to thank David Dunford for his willingness to participate in our discussions, to unofficially offer clarification on any questions we might have regarding Board input, and to formally take any questions back to the Board. We also commend him for his perfect attendance record!

Each member of the Committee was assigned to review and report on one or two chapters, using the input spreadsheets to facilitate the report, and most have had a first run-through discussion. Although individual members have begun offering potential recommendations which appear to have consensus, we are systematically deliberating all suggested changes chapter by chapter. No decisions have been made and no votes have been taken, nor will they be until December or early January. Our agendas are posted on the Town website so voters can see what will be on tap at each meeting, and we hope they will join us. (Scroll down to Charter Review Committee Starts Deliberation, and the agenda is posted below it.) Our first Public Hearing is scheduled for Thursday, January 31st, 2008 at 7 pm. We chose the fifth Thursday of the month, so it would not conflict with any other scheduled meetings, and we hope as many people as possible will attend.
SOME OF THE MORE SUBSTANTIVE SUGGESTIONS TO CONSIDER

Introduction: Restore/update some of the original Introduction to the Charter; restore a Table of Contents to make more “user-friendly”

Chapter 1: **Town Powers**: Delete some obsolete sections

Chapter 2: **Town Meeting**
Reduce the Quorum – suggested 200 ATM; 100 STM
Look at Warrant Time Line, order of articles
Look at splitting School Budget from Omnibus operating budget or providing more accessible ways to deliberate Budgets at Town Meeting
Allow mover of amended motions at Town Meeting exemption from 5-minute limit Initiative petitions?

Chapter 3: **Board of Selectmen**
BoS increase in honorarium - suggested $2000 and $500 for the Chairperson;
Place Board Policies online;
Annual emergency management plan and information for residents?
Inter-municipal agreements: $25,000 and 3 years?
Amend “Strong Fire Chief’s” existing provisions to enable BoS oversite and hiring to be consistent with that of Police Chief?
Provide for BoS to plan full meetings with some multi-member bodies to improve communication and to make time commitment of Board members more manageable?

Chapter 4: **Town Administrator**
Various questions on Section 3, including cap on transfers within budget and clarification of BoS, TA and FinCom budget responsibilities
Nonresident provision for Town Clerk

General Question re appointments and responsibilities of multi-member bodies:
Not all multi-member bodies are included in the Charter. Some are MGL-driven rather than Charter formed. We are assessing if there is a way to streamline what is included – or should all be included?

General Question whether there is a way to streamline redundancies in Chapters 5 and 6? Could there be a general language section that would apply to both?

Chapter 5: **Elected Multi-member Bodies**
Add Assembly of Delegates representative;
Old King’s Hwy Historic District Committee election
Chapter 6: Appointed Multi-member Bodies
Add Water and Sewer Commission provisions; Add CPA; Historic Commission/ Architectural Review?

Chapter 7: Citizen Participation, Election, Recall
Length of disqualification for recalled elected official;
7-6-1 deletion (no longer applicable)

Chapter 8: Financial Provisions and Procedures
Separation of all school budgets/assessments? and Operating Budget;
Capital Plan Improvement process;
Review of FinCom/BoS public hearings process

Chapter 9: Planning and Environment
Planning Board/BoS relationship; remove August requirement for status report

Chapter 10: Change title to “General Charter Provisions and Definitions” to better reflect contents

Throughout, wherever relevant, change “newspaper” to “appropriate media and on Town website”

Throughout, wherever relevant, change Water Commission to Water and Sewer Commission

Throughout, correct spellings and typos, capitalize all titles, etc., re-word for gender neutrality; clarify language with no change of meaning

We look forward to continuing our deliberations, and again encourage everyone to participate – first and third Thursdays at 7 PM – check our Agenda and join us in person or on TV!
CHARTER REVIEW COMMITTEE
Thursday, January 31, 2008
Nauset Room, Orleans Town Hall
PUBLIC HEARING
Minutes

Present: Harry Mirick, Chair; Gail Meyers Lavin, Vice-Chair; Pat Fallender, Jim Hadley, Marty Rich, and Job Taylor III

Audience: David Dunford, Mark Carron, and Margie Fulcher, Board of Selectman; John Kelly, Town Administrator; Anne Carron, Alan McClennan, Brooks Woods, Larry Hayward

Handouts Provided: Copies of the CRC Power Point Presentation and draft language of proposed Charter amendments voted to date are attached to these Minutes. Copies of the Orleans Charter were also available to the audience.

1. Chairman Harry Mirick called the meeting to order at 7:00 pm by reading the public notice advertising this first Public Hearing, and noting its placement twice as required in the Cape Codder. He introduced the CRC members; briefly reviewed the history of the Massachusetts Home Rule Charter Amendment and the CRC Charge; and explained that the lead member for each Chapter’s amendments would speak to their rationale, with all members asking and answering questions of clarification.

2. Chapter 2 – Gail Meyers Lavin

2-1-3: Quorum
- Brooks Woods questioned the rationale for reducing the Quorum to 150, and the results of the research that led to it, doubting that getting a quorum had been enough of a problem to reduce it. He also stated that: More consideration should be given to the starting time of the meetings rather than reducing quorum; Asking people to be at Town Meeting at dinner time (6:30 pm) is not “customer friendly,” is an imposition, and should be reviewed; 76 people being able to vote something into effect for the whole town is objectionable; and the Town needs to find a better way to get people to the meetings if it has a Quorum problem – not reduce the Quorum. The Chair noted that the latter is not a Charter issue, but agreed that it is a good recommendation to make to the Board of Selectmen.
- Margie Fulcher agreed with Mr. Woods that more user-friendly timing should be considered.
- Mark Carron asked if the CRC would consider both a % and a number, to allow for the Town’s growth. The Chair replied that the Town Clerk had advised us, and our research indicated that growth had remained level for several years, that a number was easier to keep track of, and that it could be brought back for another amendment if circumstances change.

2-5-1: Omnibus Budget
- The Chair noted that a CRC’s recommendation to include a separate presentation of the School Budget/s had been agreed by the Town Administrator and Superintendent.
Ms. Fulcher said that each school budgets should be presented not by the Superintendent, but by the appropriate elected School Committee members, which was acknowledged and supported, with thanks.

Mr. Kelly suggested we encourage the School Committee to consider a Power Point presentation. Mrs. Fulcher said she has also been concerned for some time about making it easier for the amendment process for the Omnibus Budget.

Chapter 3: Harry Mirick

Term Limits 3-1-1:
- Mr. Carron remarked that the Board was informally split on this issue, but he was curious why only one year off after a term limit of 3 terms had been suggested, rather than the usual one term off between terms. This was discussed with several members.
- Mrs. Fulcher stated that she would vote against any term limits article, and her opinion was that the polls were where terms should be decided.

Relaxing meeting requirement 3-1-3:
- Mrs. Fulcher expressed support for a reduction in meetings, but thought it would be difficult to do all their work if meeting only monthly, and asked if bi-weekly meetings had been considered as an alternative.
- Mr. Taylor explained that the proposal was intended to increase the Board’s flexibility to meet when necessary, but not require it to hold weekly meetings. During Budget time, weekly meetings would undoubtedly be necessary, but in the summer, probably not. Other CRC rationales included uncontested elections and the limited pool of people running for office, believed to be because of the combination of weekly meetings and how often Board members were required to attend further meetings each week as liaisons; increased opportunities for policy-making; and more productivity from staff with less weekly prep for meeting and more time to complete their other responsibilities.
- Mrs. Fulcher agreed with both speakers, and suggested that the CRC look at the Board’s current practice of sending individual liaisons to most committees, which was not the intent of the original Charter or of the CRC on which she served.
- Mr. Woods disagreed. He felt that if BoS meetings were dropped down to once a month, dissemination of what the Board was doing would be extremely curtailed.

3-1-4: Honorarium increase
- Mrs. Fulcher said she would not support a 100% increase in the Board’s honorarium at this time, when the Board is currently discussing how it can meet next year’s budget and facing possible overrides. She asked how the taxpayers would feel to see the Board increase their stipend while they were struggling with their own worsening financial situations.

3-5-3: Inter-municipal Agreement dollar and year increases
- Mrs. Fulcher said she is not comfortable with the proposed increase from 2 to 3 years, but understood that since the $10,000 was voted, costs had risen considerably. Mr. Taylor confirmed that the dollar increase proposed was less than the cost of living increase. She remained concerned that taxpayers should retain the opportunity to vote on any agreement of more than 2 years.

3-8-3: Park Commissioners
- Mr. Carron asked if the Committee had considered a way of getting around the difficult procedural process the BoS undertakes to move in and out of session to become Park
Commissioners – and whether it was avoidable. Mr. Taylor noted that it had never come up, and the CRC was asked to research what options were available.

Chapter 4: Mr. Taylor
4-3-2 (l): General By-laws Review responsibility

- Ms Fallender discussed the absence of volunteers expressing interest in serving on the General By-laws Review Committee this year under 6-9-1, and recommended an ongoing Task Force similar to the Zoning By-laws Task Force, but under the Town Administrator’s responsibilities, which would include department heads who already work with those By-laws.
- Mr. Carron commented on the seeming contradiction of adding to the staff work load the CRC hoped to reduce in 3-1-3. He thought having the Zoning By-laws Task Force under the Board of Selectmen had worked extremely well this year, and should be continued.
- Mr. Kelly noted that the Committee was established by the 2000 CRC, but the absence of interest may indicate that it is not needed. He recommended having a combined Task Force appointed, but as a responsibility of the Board of Selectmen, and the removal of 6-9-1, as Ms Fallender had proposed.

4-4-1: Amendment to allow Town Clerk non-residency

- Mr. Taylor introduced the background issue of Massachusetts Town Clerks’ in-town residency, noting that when they were elected, it was required; but now, many Town Clerks are appointed and not living in their “home” town. Information gathered for the CRC by Cynthia May of Town Clerks statewide also includes a number of existing appointed non-resident Town Clerks. After its review, the CRC was surprised to learn that Town Counsel’s longstanding opinion was that the Town Clerk had to be a resident; and Mr. Taylor noted that he and others strongly disagreed.
- Mr. Kelly said that there had been communication with the Attorney General’s office; that Mr Ford is correct in his opinion; and that according to the Attorney General, the proper way to address the non-residency proposal would be to make a Home Rule petition. He added that a Charter amendment is not going to “get you where you need to be without the special legislation, and without the special legislation the Charter cannot be amended to simply not require the Town Clerk to live in town.” Mr. Taylor noted that the CRC had not seen a written opinion from the Attorney General to that effect, and would like to. Otherwise, it implies that the other towns with appointed Town Clerks are currently breaking the General Law, which he does not believe they are. Mr. Kelly indicated that it was more an issue in the other towns of no one bringing it up

Chapter 5 – Jim Hadley - Add missing elective offices – Old King’s Highway Historical District Committee; Assembly of Delegate member; Constables; Term limits for all elective offices.

- Mr. Carron asked if the CRC had confirmed that the Town can put a term limit on an elected County office. He noted that there was some merit to term limits in that most people locally seemed reluctant to run against an incumbent; and that if term limits were proposed for the Board of Selectmen, it should include all elective offices.
- Mrs. Fulcher asked whether the CRC realized that Constables only served a one-year term, and did this mean they could only serve 3 years?
- **Mr. Hadley** noted that he understood the question of term limits in Chapter 5 was going to be brought up for re-consideration later in the meeting.

- **Mr. Kelly** commented that the Town has had some discussion about whether it might want to remove itself from Old King’s Highway Committee, and asked if that had been studied. He suggested that the Town would have to go through several steps - Town Meeting, a Home Rule message, state legislation, a general election, and that adding a Charter amendment would create yet another layer of complexity to the withdrawal process if the Town decided to do so. **Mr. Hadley** said that it sounded like the Town first would need Town Counsel's opinion to see if we could opt out. **Mr. Mirick** said that he would ask **Mr. Ford**. **Mr. Hadley** suggested that he would himself ask the OKHHDC attorney for answers to these questions as well.

**Chapter 6 – Pat Fallender**

6-8 – **Ms Fallender** explained the proposed replacement language to create the Water and Sewer Commission in place of Water Commission, effective July 2009. The Board of Selectmen will appoint 3 members and 2 associate members; and the Board of Health and Planning Board will each appoint a member. The Board would continue to set rates.

- **Mr. Carron** made the point that he did not agree with the need for the Planning Board to be as involved as proposed; but he had voted in favor of the compromise the CRC had drafted.

**Chapter 7 – Marty Rich – Clarification of Recall process and archiving of documents**

No Comments

**Chapter 8 – Pat Fallender – Statement of FinCom’s responsibility; Town Administrator to provide budgets to BoS and FinCom at same time – Jan. 15; Various other proposals**

8-5-3: (new) “Any entry in said Plan previously approved at Town Meeting that is moved out more than one year shall be specifically noted and adjusted to reflect changing economic conditions.”

- **Mr. Carron** liked the improved new language, but asked what “specifically noted” meant. **Mr. Kelly** confirmed that it referred to the reference notes he provides in the layout of the Capital Budget and Plan in the Warrant, and they could be noted there.

8-7-1: (new) “An article for capital improvements shall be considered in compliance with 8-5-1 if it appeared in the Capital Improvements Plan in the prior year and does not exceed the Capital Improvements Plan estimated cost by more than twenty-five percent.”

- **Mr. Carron** said he had trouble not requiring a ¾ majority vote for an up to 25% increase. It is a change from what is currently being done. He noted that the Town has been moving out projects from one year to the next with no cost increase; but 25% is a lot. With the strengthening of 8-5-3, **Mr. Carron** did not think 8-7-1 was now necessary.

He agreed with **Mrs. Fulcher** that the taxpayers should always be provided with the information they need regarding capital projects. He added that if the Board presented an annual Capital Budget to Town Meeting, and it was not the one voted in the Plan the previous year exactly as presented; the taxpayers should hold their “feet to the fire.” He did not think it would be difficult to get a ¾ vote. He felt that if a well-presented project suddenly appears in the Budget and requires the 75% vote; and the Board cannot get that vote, they have not done their homework.

- **Mr. Kelly** noted that the 25% was a “place holder” inserted when he was asked to provide the CRC with some language for this proposed amendment. He had a different
approach from **Mr. Carron.** His view is that under the current Capital Plan process, there is actually no first year Capital Plan being voted this May. It was voted last year to be this year’s Budget. Town Meeting will vote the Plan for the years following this FY 2009 budget year. He said he wanted to remove this restriction because it hindered rather than helped him prepare the budget. He gave the hypothetical example of a project that had been in the Plan every year for 5 years, moved through the phases to the design; and then was “off” for a variety of reasons in construction costs put into the Plan for the following year’s Budget, and a year later finding that the bids came in higher than the estimate of the previous year. Currently the project would have to go back to the voters because the “not to exceed” number had been exceeded.

- **Mr. Kelly** said he feels that the Plan is disjointed because it is always one year removed. He feels that it can lead to an overstatement of the potential costs of the Capital Plan to make sure there is always enough, and noted that it is difficult from a financial planning standpoint because everything in the capital plan is also included in **David Withrow’s** 5-year working plan. The language he provided was in response to a CRC request to keep the “one year out” for planning purposes. He commented that the best planning in the world will always be an estimate, and this would provide a way to protect a project that had done everything right but would currently still have to go back to the voters if the costs increased beyond the estimate in that one year out. There have been very few ¾ votes – mostly emergencies, he said. He noted that he is not comfortable with projecting out, and being asked to defend numbers that he knows are not fast. When asked what percentage he thought should be inserted, he said he would defer to the CRC to decide.

- **Mr. Carron** objected to the 25% number. He said that what Mr. Kelly says in theory is good; but with budgets ranging from $3 to $5 million, 25% would have a terrible impact on the tax rate.

- **Mr. Woods** commented that we “seem to have a fetish” about avoiding the ¾ vote. He said that if a project is worthy to be done, the super majority only goes from 66% to 75%. “If we need it, if we want it, you’ll get it.”

- **Mr. Mirick** summed up the two positions: Concern about over-inflating estimates because of having to project so far ahead, with escalators built in vs. stronger planning and fiscal discipline, using economic indicators and more precise numbers.

**Ms Lavin** asked why the Capital Outlay Budget was part of the Operating Budget.

- **John Kelly** said that in 1996, all items over $10,000 went into the CIP. He said that buying police cars, etc. did not fit the description of meeting “unmet long range needs.” He noted that the BoS and the FinCom decided on a Board policy to include fewer capital items in the Plan, but with much larger scope, and to vote each project separately. Operational items that do not rise to that level go into the Capital Outlay Budget – vehicles, supplies, materials, equipment, and small repairs on buildings in excess of $10,000. He explained that he reviews both budgets each year, and if something is so large that we cannot afford it in the Operating Budget, he will put it in the CIP. There are joint discussions every year on how to bring budgets in under limit without an override. Sometimes the Town bundles several projects under the CIP, and borrows money to do the work. He would like to see the current policy referenced in the Charter. It allows the Board to decide how to present the budgets to the best advantage; and he believes it works very well.

- **Mr. Carron** noted that prior to the Charter Commission, there were separate articles for every large item – trucks, etc.; and the Commission made a conscious decision to shorten
the length of Town Meetings. He disagreed that these Capital Outlay items should be with the Operating Budget OR the Capital Budget. As it is now, it causes major fluctuations in the Operation Budget totals — not in the total amount spent, but in the individual department budgets. The items do not belong in a true operating budget. He would prefer to see all Capital Outlay items in a separate article, like Bills of Prior Years. These expenses should not get in the way of operating their departments. His concern is that the taxpayers tend to only notice the overall % increase reflected in the Operating budget. He believes that these dollars are outside what it takes to operate the Town.

- **Mrs. Fulcher** said she did not agree.
- **Mr. Kelly** stated that the Town no longer technically has a Capital Budget, and the Town does not do an Omnibus Capital Budget any longer. Each project is now separately listed and voted. He does not feel the Capital Outlay items are buried in the Operating Budget — there is the Capital Outlay list showing each proposed purchase in the Warrant.

The Chair thanked all participants for their very productive comments, which would be carefully considered.

**It was moved, seconded, and unanimously voted to close the Public Hearing at 9:05 pm.**

The following motions took place following the Public Hearing:

**Motions:**

1. As a result of a discussion with Town Counsel, Mr. Mirick moved to rescind the previous media vote to substitute “newspaper” with “appropriate media,” and return to “at least two weeks in a local newspaper, and in appropriate media.” **Motion was seconded and voted 6-0-0 to amend language as indicated.**

2. Ms Fallender, having voted on the prevailing side in favor of term limits in Chapter 5, moved to rescind her previous vote and seek its reconsideration. **Motion was seconded, and voted 4-2 to rescind the previous vote and reconsider the issue of term limits in Chapter 5.**

3. Mr. Taylor moved to reinstate term limits of 3 terms with 1 year off. Motion was seconded. Jim moved to table the motion pending further information. **It was seconded, and voted 5-1 to table the motion.**

**A motion to adjourn was seconded and voted unanimously at 9:20 pm.**

Respectfully submitted,

Gail Meyers Lavin  
Clerk Pro Tem

*Note: Public Hearing comments were transcribed directly, in most cases, from the Town-provided DVD.*
Reviews/Surveys Completed
(through today, our 25th meeting – Jan. 31, 2008)

- Orleans Charter and all Amendments since 1987

- Analysis to ensure accuracy of current Charter to Town Meeting votes and subsequent Ballot votes.

- Comparison of our current CRC input for amendments to 2 previous CRC’s input and resulting decisions
Reviews/Surveys Completed (continued)

- Cape Towns’ Operating Budget Articles – Omnibus or separate
- Massachusetts Town Meeting Quorum Analysis
- Orleans Town Meeting Quorum Analysis since 1987 (Annual & Special)
- Town Clerk residency requirement
Reviews/Surveys Done (continued)

- Cape Boards of Selectmen’s Annual "Stipends" & Towns’ Operating Budgets
- Fire Chief statutes
- Available Individual Term Histories on Multi-member bodies
- Water and Sewer Commission options
- Old King’s Highway statute
Proposed Amendments

• TOWN MEETING
  – 2.1.3 Reduce Quorum from 5% to 150
  – 2.7.5 Exempt person making amendment from 5 minute limit
  – Place annual “housekeeping” in one article

• BOARD OF SELECTMEN
  – 3.1.1 Three Term limit – one year off
  – 3.1.3 Reduced meeting requirement
  – 3.1.4 Increased honorarium to up to $2,000
Proposed Amendments

- BOARD OF SELECTMEN (continued)
  - 3.1.5 (New) Additional $500 for Chair
  - 3.2.4 (New) Annually update Emergency Plan, present summary, and publish appropriate guidance for citizens

- TOWN ADMINISTRATOR
  - 4.3.1 Permit Town Clerk non-residency if otherwise qualified
Proposed Amendments

- 4.3.2 (I) General By-law review to be responsibility of Town Administrator & staff, under BoS

• CHAPTER 5 – ELECTED: ADD (new)
  - 5.9 Old King’s Highway Historic District Committee
  - 5.10 Town Constables
  - 5.11 Representative, Barnstable Assembly of Delegates
  - Three term limit, one year off
Proposed Amendments

- **CHAPTER 6 – APPOINTED**
  - 6.8 (New) Replace Water Commissioners with appropriate Water and Sewer Commissioners language throughout – (pending)

- Add Community Preservation Committee (new)

- Add Historical Commission (new)
Proposed Amendments

CHAPTER 7: RECALL OF ELECTED OFFICERS

- 7.8 Simplify/Clarify Recall provisions (No change in meaning)

CHAPTER 8: FINANCIAL PROVISIONS

- 8.1.6 Spells out FinCom responsibilities (No change of prior intent)
- 8.7.1 Add sentence to allow previous year CIP project a two-thirds vote if does not exceed estimated cost by more than 25%.
Proposed Updates/Clarifications

- Modify sections relating to “local newspapers” to add “and in appropriate local media”
- Consolidate annual “Housekeeping” Articles into one Article, providing no appropriation
- Clarify which “board” in sections referencing both Board of Selectmen and other “board”
Proposed Updates/Clarifications

- Complete language consistency throughout Charter:
  - “Multi-member body” or bodies, except when title-specific
  - Town “Executive” to “Administrator”
  - “Official Town Plan” to “Comprehensive Plan”
- Capitalize all titles throughout
Pending

- BOARD OF SELECTMEN
  - 3.5.3 Expand limits on Inter-municipal Agreements
  - 3.6.1 Coordination/Liaison process
  - 3.9 Appointed Boards - List only Multi-member bodies with responsibilities & for regulatory enforcement; “All other
  - 3.10 boards” language to be streamlined
Pending

- TOWN ADMINISTRATOR
  - 4.4 Update Appointment titles;
    Streamline list of appointments
    language (no change of intent)

- BUDGETS and PLANNING PROCESSES
Orleans Charter Review Committee
Orleans Town Hall
School Road, Orleans, MA 02653

First Public Hearing

January 31, 2008

7 PM

Nauset Room

Orleans Town Hall
Orleans
Charter Review Committee
Members

Harry Mirick, Chair
Gail Meyers Lavin, Vice-Chair
Patricia Fallender
James Hadley
Martin Rich
Job Taylor III


• Until 1966, Towns and Cities were fully under State rule.

• In 1966, the adoption of The Home Rule Amendment (MGL Ch. 43B) and Home Rule Procedures (Articles XXXIX) provided that any town "shall have the power to adopt or revise a charter" so long as its provisions are consistent with state and federal law.

• In 1987, Orleans became the 39th town to create a Home Rule Charter.
Our Charge

• Review Charter for discrepancies, consistency, clarity
• Receive suggestions for amendments
• Deliberate, select which amendments to recommend for approval
• Conduct Public Hearings
• Review & re-consider amendments

Our Charge (continued)

• Draft recommended Articles for amendment
• Review with Town Counsel
• Discuss Report of recommended Articles and future actions with Board of Selectmen
• Present Articles to Town Meeting for approval
Reviews/Surveys Completed
(through today, our 25th meeting)

- Orleans Charter and all Amendments since 1987

- Analysis to ensure accuracy of current Charter to Town Meeting votes and subsequent Ballot votes.

- Comparison of our current CRC input for amendments to 2 previous CRC’s input and resulting decisions

Reviews/Surveys Completed
(continued)

- Cape Towns’ Operating Budget Articles – Omnibus or separate

- Massachusetts Town Meeting Quorum Analysis

- Orleans Town Meeting Quorum Analysis since 1987 (Annual & Special)

- Town Clerk residency requirement
Reviews/Surveys Done
(continued)

- Cape Boards of Selectmen’s Annual “Stipends” & Towns’ Operating Budgets
- Fire Chief statutes
- Available Individual Term Histories on Multi-member bodies
- Water and Sewer Commission options
- Old King’s Highway statute

Proposed Amendments

- TOWN MEETING
  - 2.1.3 Reduce Quorum from 5% to 150
  - 2.7.5 Exempt person making amendment from 5 minute limit
  - Place annual “housekeeping” in one article

- BOARD OF SELECTMEN
  - 3.1.1 Three Term limit – one year off
  - 3.1.3 Reduced meeting requirement
  - 3.1.4 Increased honorarium to up to $2,000
Proposed Amendments

- BOARD OF SELECTMEN (continued)
  - 3.1.5 (New) Additional $500 for Chair
  - 3.2.4 (New) Annually update Emergency Plan, present summary, and publish appropriate guidance for citizens

- TOWN ADMINISTRATOR
  - 4.3.1 Permit Town Clerk non-residency if otherwise qualified

Proposed Amendments

- 4.3.2 (I) General By-law review to be responsibility of Town Administrator & staff, under BoS

- CHAPTER 5 – ELECTED: ADD (new)
  - 5.9 Old King’s Highway Historic District Committee
  - 5.10 Town Constables
  - 5.11 Representative, Barnstable Assembly of Delegates
  - Three term limit, one year off
**Proposed Amendments**

- CHAPTER 6 – APPOINTED
  - 6.8 (New) Replace Water Commissioners with appropriate Water and Sewer Commissioners language throughout – (pending)
  
  – Add Community Preservation Committee (new)
  
  – Add Historical Commission (new)

---

**Proposed Amendments**

- CHAPTER 7: RECALL OF ELECTED OFFICERS
  - 7.8 Simplify/Clarify Recall provisions (No change in meaning)

- CHAPTER 8: FINANCIAL PROVISIONS
  - 8.1.6 Spells out FinCom responsibilities (No change of prior intent)
  
  – 8.7.1 Add sentence to allow previous year CIP project a two-thirds vote if does not exceed estimated cost by more than 25%.
Proposed Updates/Clarifications

- Modify sections relating to "local newspapers" to add "and in appropriate local media"

- Consolidate annual "Housekeeping" Articles into one Article, providing no appropriation

- Clarify which "board" in sections referencing both Board of Selectmen and other "board"

Proposed Updates/Clarifications

- Complete language consistency throughout Charter:
  - "Multi-member body" or bodies, except when title-specific
  - Town "Executive" to "Administrator"
  - "Official Town Plan" to "Comprehensive Plan"

- Capitalize all titles throughout
Pending

- BOARD OF SELECTMEN
  - 3.5.3 Expand limits on Inter-municipal Agreements
  - 3.6.1 Coordination/Liaison process
  - 3.9 Appointed Boards - List only Multi-member bodies with responsibilities & for regulatory enforcement; “All other
  - 3.10 boards” language to be streamlined

Pending

- TOWN ADMINISTRATOR
  - 4.4 Update Appointment titles; Streamline list of appointments language (no change of intent)

- BUDGETS and PLANNING PROCESSES
  - Priorities
OVERVIEW
ARTICLES FOR TOWN MEETING

Memo to BoS Combine “Housekeeping” in one article -Transport Bonds, Hold Harmless, Accept gifts [not a Charter amendment]

A) 2-1-3 Quorum-150

B) 2-7-5 Speaker not subject to 5-minute limit for amendments

C) 3-1-1 BoS term limits-3 terms, one year off

D) 3-1-3 BoS meet once per month, and as needed to conduct business

E) 3-1-4 BoS honorarium-$2,000 and $500 for BoS chair

F) 3-3-4 (new) Publish Emergency Plan

G) 3-5-3 IMA $50,000 and 3 years

H) 3-8-4 (new) General By-Law review [delete 6-9-1]

I) 3-9-1 Correct titles, (c-Director of Municipal Finance); Add i-W&SC 3 members+2 assoc.; j-Community Presv. Comm
3-9-2 (f) Cultural Council [from Arts]

J) 4-4-1 Town Clerk - enable non-residency; remove "town planner;"

K) Chapter 5: 5-1-1 add OKHHD, Constables and BCAD
New 5-9 OKHHD; 5-10 Constables; 5-11 BCAoD
5-7-3 revise-Health appointment one member W&SC

L) Chapter 6:
new 6-1-11 define MMB’s associate members
new 6-9 Historical Commission,
new 6-10 Community Preservation Committee ["old" 6-9 ]
new 6-11 Charter Review Committee and “old” 6-9-1 is deleted
"old" 6-9-2 becomes “new” 6-9-1
6-9-1 Delete GBL committee

M) new Water and Sewer Commission Section 6-8
6-8-1 Create W&SC-July 1 2009 (replaces sec 6-8)
6-8-2 W&SC: 3 members BOS + 2 associate BOS + 1 Health + 1 Planning
6-8-3 BoS sets rates; W&SC advises BoS on rates
6-8-4 W&SC Develop Annual operating and Capital plan
N) Chapter 7
   7-8-2 Clarify certification language on recall petitioners
   7-8-3 Recall Petition in recall election record (clarification)

O) Chapter 8
   8-1-6 (new) FinCom statement of responsibility
   8-2-5 Joint hearing chaired by BoS
   8-2-8 Submit to BoS + FinCom
   8-3-1 TA to BoS + FinCom
   8-5-1 OCP based on BoS policy
   8-5-4 CIP to BoS + FinCom by Jan 15
   8-6-1 Joint hearing chaired by FinCom

P) 8-5-2 exclude Regional Capital in Capital Plan
   8-5-3 add “CIP entry more than one year, noted + economic impact.”
   8-7-1 Project is in compliance if it appeared in prior year, and costs no
more than 10%. Merge 8-7-1 and 8-7-2

Q) Chapter 9:
   9.1.4 – Add Water and Sewer Commissioners
   9-1-5 Planning Board 1 member for W&SC
   9.2.1 Delete “Within the limits of available resources” in first sentence
   9-2-5 Delete “by August 1st” language

R) Chapter 10: Replace current “Town Agency” definition 10-4(c) with
   “Appropriate local media” definition; Delete 10-4(h) as no longer relevant

S) Grammatical, consistency and clarification wording: Capitalization, MMB’s,
   Gender, and “appropriate local media”
ARTICLE A: AMEND HOME RULE CHARTER CHAPTER 2 TOWN MEETING, CLAUSE 2-1-3, QUORUM

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 2 TOWN MEETING, clause 2-1-3, change “five percent” to “one hundred and fifty (150)”

So that 2-1-3 shall now read in its entirety:
2-1-3 The quorum necessary for the conduct of Town Meeting business shall be five percent one-hundred and fifty (150) of the current registered voters of the Town.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article would reduce the Town Meeting quorum from five percent (currently approximately 260-270) of the registered voters of the town to one hundred and fifty, in an effort to ensure that the Town will be able to conduct its business on the scheduled date.

ARTICLE B: AMEND HOME RULE CHARTER CHAPTER 2 TOWN MEETING, CLAUSE 2-7-5, SPEAKING ON AN AMENDMENT

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 2 TOWN MEETING, clause 2-7-5, by adding the words “or amendments thereto”

So that 2-7-5 shall now read in its entirety:
2-7-5 No person shall speak twice on the same question until all those wishing to speak thereon have done so, nor shall any person speak for more than five minutes at one time, except by permission of the Town Meeting, provided, however, that the restrictions shall apply neither to those persons required to be in attendance under provisions of 2-7-3, nor to those persons making the original motion or amendments thereto under the article. A motion to terminate debate requires a second, is not debatable and shall require a 4/5 majority to prevail.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article includes an exemption from speaking limits for those persons proposing an amendment.

02-24-08 Formatted Articles for ATM May 2008
ARTICLE C: AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-1-1, TERM LIMITS

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 3 BOARD OF SELECTMEN, clause 3-1-1, by adding a sentence

So that 3-1-1 shall now read in its entirety:
3-1-1 A Board of Selectmen of five members, hereinafter in this chapter to be known as "the Board," shall be elected at-large for three-year overlapping terms. A member can serve for a maximum of three consecutive terms, and then will be eligible to serve again after not serving for one year.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article incorporates a new clause to establish a limit of three successive terms, with one year off, thus creating an open seat for one year to encourage more candidates to seek this office.

ARTICLE D: AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-1-3, SCHEDULED MEETINGS

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 3 BOARD OF SELECTMEN, clause 3-1-3, delete the sentence "The Board shall normally hold one regularly scheduled meeting each week, in the evening."

So that 3-1-3 shall now read in its entirety:
3-1-3 The Board of Selectmen shall normally meet at least once a month, in the evening, and as otherwise needed to conduct Town business.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article removes the requirement to meet weekly, provides flexibility to the Board to meet as it determines necessary, and encourages more attention on policy direction, less on operational matters.

02-24-08 Formatted Articles for ATM May 2008
ARTICLE E: AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-1-4
HONORARIUM

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home
Rule Charter:"

"Under Chapter 3 BOARD OF SELECTMEN, clause 3-1-4, change “one” to “two” and add sentence for
Chairperson’s additional honorarium.

So that 3-1-4 shall now read in its entirety:
3-1-4 Members of the Board shall each receive an annual honorarium not to exceed one two thousand
dollars, and shall receive actual and necessary expenses incurred in the performance of their duties of office,
as provided by general law and vote of the Town. The Chairperson shall receive an additional five
hundred dollars annually as provided by general law and vote of the Town.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article increases the honorarium in recognition of the increased complexity and
accountability of the Board’s work since the creation of the Home Rule Charter in 1985. The $500
honourarium to the Chairperson acknowledges the additional work required by the position. The Chair is
normally rotated annually.

ARTICLE F: AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-3-4,
EMERGENCY PLAN

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home
Rule Charter:"

"Under Chapter 3 BOARD OF SELECTMEN, add a new clause 3-3-4

So that 3-3-4 shall now read in its entirety:
3-3-4 The Board shall develop and annually update the Town’s Emergency Plan, and publish
appropriate emergency response guidance to its citizens.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article ensures that the Town will keep its Emergency Plans current, and that Town
residents annually receive general information and guidance in case of emergency.
ARTICLE G: AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-5-3, INTER-MUNICIPAL AGREEMENTS

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

"Under Chapter 3 BOARD OF SELECTMEN, clause 3-5-3, change the current "$10,000" to "$50,000" and "two" to "three"

So that 3-5-3 shall now read in its entirety:
3-5-3 Any contract or formal agreement establishing such cooperation, which requires an appropriation of Town funds in excess of $10,000 $50,000 and/or entails a commitment by the Town in excess of two three years, shall require the approval of the Town Meeting.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article increases the dollar and time limits requiring Town Voter approval. New limits reflect economic growth and improved Town and inter-Town administrative accountability.

ARTICLE H: AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, ADD NEW CLAUSE 3-8-4, GENERAL BY-LAW REVIEW AND DELETE CLAUSE 6-9-1 BY-LAW REVIEW COMMITTEE

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:

"Under Chapter 3 BOARD OF SELECTMEN, add a new clause 3-8-4 regarding General By-law review

So that 3-8-4 shall now read in its entirety:
3-8-4 The Board shall review, based on Board policy, the General Bylaws of the Town and propose any revisions to Town Meeting.

AND

"Under Chapter 6, APPOINTED MULTI-MEMBER BODIES, delete the clause 6-9-1 as follows:

6-9-1 Every five years, commencing with the year 2001, the Board of Selectmen shall appoint a General Bylaws Review Committee of five members. The Board of Selectmen shall charge it to review the General Bylaws and to make a report concerning any proposed revisions deemed necessary.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article replaces clause 6-9-1, a five year review committee, and substitutes, in Chapter 3, under the Board of Selectmen's responsibility, an ongoing General By-law review as there is a Zoning By-law review.
ARTICLE I: AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSES 3-9-1 AND 3-9-2 TITLES AND APPOINTMENTS

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 3 BOARD OF SELECTMEN, clause 3-9-1, add correct title of Town Accountant/Director of Municipal Finance"; and appointments to the Community Preservation Committee and the Board of Water and Sewer Commissioners.

So that 3-9-1 shall now read in its entirety:
3-9-1 The Board shall have the power to appoint: (a) a Town Administrator as provided in Chapter 4; (b) a Town Counsel; (c) a Town Accountant/Director of Municipal Finance; (d) a Police Chief; (e) a Fire Chief; (f) three members of a Board of Registrars of Voters for overlapping three-year terms; (g) Election Officers; (h) five members and three associate members of a Zoning Board of Appeals for overlapping three-year terms; (i) four three members and two associate members of a Board of Water and Sewer Commissioners for overlapping terms; (j) three members of a Community Preservation Committee.

"Under Chapter 3 BOARD OF SELECTMEN, clause 3-9-1, change "an arts" to "a Cultural"

So that 3-9-2 shall now read in its entirety:
3-9-2 The Board shall appoint the following boards, as provided in Chapter Six: (a) a Board of Assessors; (b) a Planning Board; (c) a Conservation Commission; (d) a Council on Aging; (e) a Historical Commission; and (f) an arts Cultural Council.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article adds and/or corrects titles to reflect current titles and new multi-member bodies.

ARTICLE J: AMEND HOME RULE CHARTER CHAPTER 4 TOWN ADMINISTRATOR, CLAUSE 4-4-1 APPOINTMENTS

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 4 TOWN ADMINISTRATOR, clause 4-4-1, add "who need not be a resident" after "Town Clerk;" add "and Sewer" after "Water"; delete the last sentence and replace it with "The Town Administrator may also appoint other positions, subject to the availability of funds."

So that 4-4-1 shall now read in its entirety:
4-4-1 Subject to the approval of the Board of Selectmen, the Town Administrator shall appoint and, on the basis of merit and fitness alone, and except as otherwise is provided by general law, Charter, or personnel By-laws, may suspend or remove: a Town Clerk who need not be a Town resident; a Town Collector-Treasurer; a Surveyor of Highways; a full-time professional Assessor who shall not be a member of the Board of Assessors; and a Water and Sewer Superintendent. A Town Engineer and Town Planner may also be appointed by the Town Administrator, subject to the availability of funds. The Town Administrator may also appoint other positions, subject to the availability of funds.

02-24-08 Formatted Articles for ATM May 2008
Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article expands opportunity for non-Orleans residents to apply for Town Clerk, increasing the pool of candidates; updates a position title; replaces an obsolete sentence. Provision is made to prepare a Home Rule petition to the General Court seeking Special legislation, in addition to this article, should the Attorney General so require.

ARTICLE K: AMEND HOME RULE CHARTER CHAPTER 5 ELECTED TOWN BOARDS AND OFFICERS, CLAUSES 5-1-1 AND 5-7-3 AND NEW SECTIONS 5-9, 5-10 AND 5-11

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter."

"Under Chapter 5 ELECTED TOWN BOARDS AND OFFICERS, clause 5-1-1, include other elected officials not currently listed in the Charter

So that 5-1-1 shall now read in its entirety:
5-1-1 The officers and multi-member bodies to be elected by vote of the Town shall be: a Moderator, Nauset Regional School Committee member(s); a Board of Selectmen as provided in Chapter Three; a Housing Authority; a Board of Health; a Board of Library Trustees; and an Orleans School Committee; an Old Kings Highway Historic District Committee; Town Constables; and a Representative to the Barnstable County Assembly of Delegates.

"Under Chapter 5 ELECTED TOWN BOARDS AND OFFICERS, clause 5-7-3, add "of Health" and "and Sewer"

So that 5-7-3 shall now read in its entirety:
5-7-3 The Board of Health shall appoint one member of the Board of Water and Sewer Commissioners, as provided in Clause 6-8-2.

"Under Chapter 5 ELECTED TOWN BOARDS AND OFFICERS, add the following new sections

So that the new Section 5-9 shall now read in its entirety:
Section 9 Old Kings Highway Historic District Committee

5-9-1 The Committee shall consist of five unpaid members within the Town of Orleans, where at least three shall be residents of the District. At least one member on the Committee shall be an architect, who need not be a resident of the District. In the event no architect is available for service on the Committee, a building contractor with not less than five years' experience in the building trades may be appointed a member of the Committee in lieu of the architect.

5-9-2 The members of the Committee shall be elected according to the rules established in the Old Kings Highway Historic District Act of the Commonwealth of Massachusetts (Chapter 470 of the Acts of 1973, and as subsequently amended and recorded.)

5-9-3 The operating procedures of the Committee shall be as established in the Old Kings Highway District Act as noted in 5-9-2.

02-24-08 Formatted Articles for ATM May 2008
So that the new Section 5-10 shall now read in its entirety:
Section 10 Town Constables

5-10-1 There shall be two Town Constables. Constables shall be elected to terms of three years.

5-10-2 Duties include maintaining order at Town Meetings and elections; security for ballot boxes; posting Warrants at Town Post Offices.

So that the new Section 5-11 shall now read in its entirety:
Section 11 Representative to the Barnstable County Assembly of Delegates

5-11-1 A representative to the Barnstable County Assembly of Delegates shall be elected to a term of three years.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article adds to clause 5-1-1 the Old Kings Highway Historic District Committee, two Constables, and one Barnstable County Assembly of Delegates Orleans Representative and new separate sections 5-9, 5-10, and 5-11 to Chapter 5, to properly recognize these elected positions. Furthermore, clause 5-7-3 is revised to clarify that the Board of Health appoints a member of the new Board of Water and Sewer Commissioners.

ARTICLE L: AMEND HOME RULE CHARTER CHAPTER 6 APPOINTED MULTI-MEMBER BODIES, NEW CLAUSE 6-1-11 AND NEW SECTIONS 6-9 AND 6-10 AND RENUMBERED 6-11

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 6 APPOINTED MULTI-MEMBER BODIES, clause 6-1-11, add a new clause to the General Provisions of Chapter 6

So that the new 6-1-11 shall now read in its entirety:
6-1-11 When a multi-member body of the Town has associate members, the Chairperson, at the Chairperson's discretion, may designate any such associate member to sit in case of absence; inability to act; or in the event of a vacancy on the multi-member body until said vacancy is filled.

"Under Chapter 6 APPOINTED MULTI-MEMBER BODIES, add new Sections 6-9 and 6-10 as follows:

So that the new Section 6-9 shall now read in its entirety:
Section 9 Historical Commission

6-9-1 A Historical Commission of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

So that the new Section 6-10 shall now read in its entirety:
Section 10 Community Preservation Committee

02-24-08 Formatted Articles for ATM May 2008
6-10-1 A Community Preservation Committee of nine members serving three-year overlapping terms shall be appointed as follows: three members by the Board of Selectmen; one member by the Park Commissioners; one member by the Planning Board; one member by the Conservation Commission; one member by the Historical Commission; one member by the Housing Authority; and one member by the Open Space Committee.

"Under Chapter 6 APPOINTED MULTI-MEMBER BODIES, change number and title of Section 6-9 to 6-11 as follows:

So that a re-numbered Section 6-11 shall now read in its entirety:
Section 9 Charter Review Committee
6-9-2 6-11-1 Every seven years, commencing with the year 1999, the Board of Selectmen shall appoint a Charter Review Committee of seven members. The Board of Selectmen shall charge the Committee to review the provisions of the Charter and report any amendments deemed advisable.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: Clause 6-1-11 defines the general role of associate members and Chairpersons. Clauses 6-9, 6-10, and 6-11 define the respective structures of those multi-member bodies.

ARTICLE M: AMEND HOME RULE CHARTER CHAPTER 6 APPOINTED MULTI-MEMBER BODIES, BOARD OF WATER AND SEWER COMMISSIONERS

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 6 APPOINTED MULTI-MEMBER BODIES, replace existing clauses 6-8-1 through 6-8-4 with new clauses 6-8-1 through 6-8-4; and add "and Sewer" to the Section 8 title.

So that Chapter 6, Section 8, 6-8-1 through 6-8-4 shall now read in their entirety:

Section 8 Board of Water and Sewer Commissioners

6-8-1 The provisions of Chapter 418 of the Acts of 1953 shall be modified by this Section concerning all matters delineated herein. Effective July 1, 2001, the members of the Board of Selectmen will cease to be Water Commissioners; the Water Advisory Board shall be disestablished and its five (5) members shall be sworn in as members of the Board of Water Commissioners and continue to serve as such until expiration of a period of time equal to their remaining term as a member of the Water Advisory Board prior to its disestablishment. Thereafter appointments to the Board of Water Commissioners shall be made in accordance with Clause 6-8-2.

6-8-2 The Board of Selectmen shall appoint four members of the Board of Water Commissioners for three-year overlapping terms. The Board of Health shall appoint one member of that board for the same term.

6-8-3 The Board of Water Commissioners shall set policy ensuring the adequate production and high quality of potable water. The Board shall be responsible for all functions cited in Chapter 418 of the Acts of 1953, except for the following functions vested in the Board of Selectmen for which they shall consult with the Board.

02-24-08 Formatted Articles for ATM May 2008
of Water Commissioners: establish water rates; contract with a municipality; acquire or take water resources; rights-of-way or easements; issue bonds to defray development and construction costs. In discharging its duties and responsibilities, the Board of Water Commissioners shall coordinate with the Town Administrator and receive technical support from the Water Superintendent.

6-8-4. The Board shall develop annual operating and capital projections, and Capital Improvement Plan projections for the Water Commission/Department, and make recommendations to the Town Administrator in accordance with Chapter 8 of this Charter.

6-8-1 The provisions of Chapter 418 of the Acts of 1953 shall be modified by this Section concerning all matters delineated herein. Effective July 1, 2009 after passage of a Comprehensive Wastewater Management Plan by Town Meeting, the Board of Water Commissioners will be disestablished and a new Board of Water and Sewer Commissioners shall be established. Appointments to the Board of Water and Sewer Commissioners shall be made in accordance with clause 6-8-2.

6-8-2 The Board of Selectmen shall appoint three members and two associate members to the Board of Water and Sewer Commissioners for three-year overlapping terms. The Board of Health and the Planning Board shall each appoint one member to the Board of Water and Sewer Commissioners for three-year overlapping terms.

6-8-3 The Board of Water and Sewer Commissioners shall be responsible for all functions cited in Chapter 418 of the Acts of 1953, except for the following functions vested in the Board of Selectmen for which the Board of Selectmen shall consult with and receive recommendations from the Board of Water and Sewer Commissioners: establish water and sewer rates; contract with a municipality; acquire or take resources, right-of-way or easements; issue bonds to defray development and construction costs. In discharging its duties and responsibilities, the Board of Water and Sewer Commissioners shall coordinate with the Town Administrator and receive technical support from the Water/Sewer Superintendent(s). The Board of Water and Sewer Commissioners shall set policy ensuring: 1) the adequate production and the high quality of potable water; 2) development of a sewer works system consistent with the Comprehensive Wastewater Management Plan and oversight of that system when operational.

6-8-4 The Board of Water and Sewer Commissioners shall develop annual operating and capital budget projections and Capital Improvements Plan projections for the Water and Sewer Department. And make recommendations to the Town Administrator and Board of Selectmen in accordance with Chapter 8 of this Charter.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article establishes the new Board of Water and Sewer Commissioners, 6-8-1; organization, 6-8-2; responsibilities, 6-8-3; Annual Operating and Capital Plans, 6-8-4; effective July 2009, subject to approval of Town Meeting and May 2009 Ballot. Members of the new Board of Water and Sewer Commissioners will be appointed by the Board of Selectmen, the Board of Health and the Planning Board due to the complexity of waste water management and the effect such a system can have on the future development of the Town. The authority to establish water and sewer rates is retained by the Board of Selectmen.

02-24-08 Formatted Articles for ATM May 2008
ARTICLE N: AMEND HOME RULE CHARTER CHAPTER 7 CITIZEN PARTICIPATION, ELECTIONS AND RECALL, CLAUSES 7-8-2 AND 7-8-3

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 7 CITIZEN PARTICIPATION, ELECTIONS AND RECALL, add the phrase "Once the names that appear on the affidavit are certified by the Board of Registrars of Voters,\" and delete "printed forms which the Town Clerk shall keep available."

So that 7-8-2 shall now read in its entirety:

7-8-2 One hundred registered voters of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds for recall. Once the names that appear on the affidavit are certified by the Board of Registrars of Voters, the Town Clerk shall thereupon deliver to the voter first named on such affidavit a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued by the Town Clerk with the Town Clerk's signature and official seal attached thereto. They shall be dated and addressed to the Board of Selectmen, and shall contain the name of the person to whom they are issued, the number of petitions so issued, the name of the person whose recall is sought, the grounds for recall as stated in the affidavit, and shall demand the election of a successor to such office.

"Under Chapter 7 CITIZEN PARTICIPATION, ELECTIONS AND RECALL, delete "A copy of the petition shall be entered in the Town Meeting records." and add "A copy of the petition shall be maintained in the recall election records."

So that 7-8-3 shall now read in its entirety:

7-8-3 A copy of the petition shall be entered in the Town Meeting records. The recall petition shall bear the signatures and residential addresses of at least fifteen percent of the registered voters. The recall petition shall be returned to the Town Clerk within 20 working days after the filing of the affidavit. The petitions containing the signatures requesting a recall election need not all be submitted at the same time. A copy of the petition shall be maintained in the recall election records.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article clarifies certification language for recall petitioners, and retention of recall records.

ARTICLE O: AMEND HOME RULE CHARTER CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES NEW 8-1-6 FINANCE COMMITTEE RESPONSIBILITIES; OTHER PROCEDURAL AMENDMENTS

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 8 FINANCIAL PROVISIONS AND PROCEDURES, add a new clause 8-1-6

So that 8-1-6 shall now read in its entirety:

02-24-08 Formatted Articles for ATM May 2008
8-1-6 It is the responsibility of the Finance Committee to independently examine and analyze the Town's financial affairs, including proposed budgets, the Capital Improvements Plan, and all other proposals which would have a financial impact; and to inform the citizens of the Town of its findings and recommendations.

"Under Chapter 8 FINANCIAL PROVISIONS AND PROCEDURES, add the following phrases and changes to the Budget and Capital Improvements Plan procedures; and in 8-5-1, change "official Town plan" to "Orleans Comprehensive Plan"

So that 8-2-5 shall now read in its entirety:
8-2-5 The Board of Selectmen and Finance Committee shall conduct a joint public hearing, *chaired by the Board of Selectmen*, on or before September 20 of each year to solicit public priorities in upcoming fiscal years.

So that 8-2-8 shall now read in its entirety:
8-2-8 On or before January 15 of each year, the Town Administrator shall submit to the Board of Selectmen and the Finance Committee a comprehensive budget for all Town functions for the ensuing fiscal year and an accompanying budget message.

So that 8-3-1 shall now read in its entirety:
8-3-1 The Board of Selectmen shall within thirty days of the submission of the budget by the Town Administrator act thereon and submit any budget revisions to the Finance Committee at that time. The Board of Selectmen shall also transmit the budget request of the School Committee, with recommendations, to the Finance Committee.

So that 8-5-1 shall now read in its entirety:
8-5-1 The Town Administrator shall prepare a five-year Capital Improvements Plan, which shall be designed to deal with unmet long-range needs, and to implement the goals and objectives of the official Town plan. The Capital Improvements Plan shall be developed based on established Board of Selectmen policy regarding the types of projects to be included.

So that 8-5-4 shall now read in its entirety:
8-5-4 The Capital Improvements Plan shall be submitted to the Board of Selectmen December January 15 of each year. The Board shall act thereon within thirty days and shall then submit it any Plan revisions to the Finance Committee, which shall issue its recommendation as part of the annual Finance Committee Report.

So that 8-6-1 shall now read in its entirety:
8-6-1 The Board of Selectmen shall publish, in one or more newspapers of general circulation in the Town, the general summary of the Capital Improvements Plan and a notice stating: (a) the times and places where copies of the Capital Improvements Plan are available for inspection; and (b) the date, time, and place, not less than seven days following such publication, when the Board of Selectmen and the Finance Committee shall conduct a public hearing, *chaired by the Finance Committee*, on said Plan. The joint hearing shall be held no later than March 1 of each year.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article adds clause 8-1-6 which explains the role of the Finance Committee and its responsibilities to the citizens. The other changes clarify Finance Committee and Board of Selectmen

02-24-08 Formatted Articles for ATM May 2008
Joint Hearing responsibilities; the submittal of Budget and Capital Plans to the Board of Selectmen and Finance Committee; and the Capital Improvements Plan based on Board of Selectmen policy.

ARTICLE P: AMEND HOME RULE CHARTER CHAPTER 8 FINANCIAL PROVISIONS AND PROCEDURES, CAPITAL IMPROVEMENTS PLAN

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter."

"Under Chapter 8 FINANCIAL PROVISIONS AND PROCEDURES, clause 8-5-2, change the word "included" to "excluded" and "inclusion" to "exclusion" and "Said plan" to The Capital Improvements Plan"

So that 8-5-2 shall now read in its entirety:
8-5-2 Said plan The Capital Improvements Plan shall include all Town activities and departments. Proposed capital expenditures for the regional school and other regional entities shall be included excluded in said Plan provided that such inclusion exclusion shall be consistent with the regional or inter-municipal agreement establishing such entities.

"Under Chapter 8 FINANCIAL PROVISIONS AND PROCEDURES, clause 8-5-3, change "Said plan" to "The Capital Improvements Plan"; delete "following the proposed capital budget"; add the last sentence

So that 8-5-3 shall now read in its entirety:
8-5-3 Said-plan The Capital Improvements Plan shall include: (a) a clear summary of its contents; (b) a list of all capital improvements proposed to be undertaken during the next five fiscal years following the proposed capital budget, together with supporting data; (c) cost estimates, methods of financing, and recommended time schedules; and (d) the estimated annual cost of operating and maintaining the facilities or equipment to be constructed or acquired. The above information may be revised and shall be extended each year with regard to capital improvements pending or in the process of construction or acquisition. Any entry in said Plan previously approved at Town Meeting that is moved out more than one year shall be specifically noted and adjusted to reflect changing economic conditions.

"Under Chapter 8 FINANCIAL PROVISIONS AND PROCEDURES, clause 8-7-1-, delete "and budget"; change "three-fourth" to "three-fourths"; and add the last sentence

So that 8-7-1 shall now read in its entirety:
8-7-1 The Town Meeting shall act on the Capital Improvements Plan and-budget, provided that any article for capital improvements not in compliance with clause 8-5-1 shall require a three-fourths majority vote of the Town Meeting. An article for capital improvements shall be considered in compliance with clause 8-5-1 if it appeared in the Capital Improvements Plan in the prior year and does not exceed the Capital Improvements Plan estimated cost by more than ten percent.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article modifies CIP clauses to 1) reflect current practice to exclude Nauset Regional Capital projects from Orleans CIP since the Nauset Regional School Committee is responsible for the
Region's Capital plan; 2) require a note to highlight a capital project moved out more than one year, and that the cost estimate has been adjusted to reflect economic conditions; and 3) a project is considered in compliance, not requiring a ¾ vote at Town Meeting, if included in prior CIP and costs no more than ten percent of the estimated cost.

ARTICLE Q: AMEND HOME RULE CHARTER CHAPTER 9 PLANNING AND THE ENVIRONMENT NEW CLAUSE 9-1-5 AND MODIFY CLAUSES 9-1-4, 9-2-1 AND 9-2-5

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

Under Chapter 9 PLANNING AND THE ENVIRONMENT, clause 9-1-2, add “Planning”

So that 9-1-2 shall now read in its entirety:
9-1-2   The Planning Board shall exercise such powers and duties as are prescribed by general law, this Charter, and By-law.

Under Chapter 9 PLANNING AND THE ENVIRONMENT, clause 9-1-3, add “Planning”

So that 9-1-3 shall now read in its entirety:
9-1-3   The Planning Board may make recommendations to the Town Meeting, the Board of Selectmen, and the Town Administrator on all matters concerning the physical, economic, and environmental development of the Town.

"Under Chapter 9 PLANNING AND THE ENVIRONMENT, clause 9-1-4, add “Planning” and “Board of Water and Sewer Commissioners”

So that 9-1-4 shall now read in its entirety:
9-1-4   The Planning Board shall cooperate closely with the Conservation Commission, and the Board of Health, and the Board of Water and Sewer Commissioners.

"Under Chapter 9 PLANNING AND THE ENVIRONMENT, add new clause 9-1-5,

So that 9-1-5 shall now read in its entirety:
9-1-5 The Planning Board shall appoint one member of the Board of Water and Sewer Commissioners, as provided in 6-8-2.

"Under Chapter 9 PLANNING AND THE ENVIRONMENT, clause 9-2-1, delete phrase “Within the limits of available resources,”

So that 9-2-1 shall now read in its entirety:
9-2-1   Within the limits of available resources, the Planning Board shall be responsible for the development and periodic updating of the Orleans Comprehensive Plan.

"Under Chapter 9 PLANNING AND THE ENVIRONMENT, clause 9-2-5,

So that 9-2-5 shall now read in its entirety:
9-2-5   By the first day of August each year the Planning Board shall issue a status report of Plan actions accomplished in full or in part during the preceding fiscal year. By the fifteenth day of November, the Planning Board shall recommend implementation actions from the Plan as part of the development of the annual

02-24-08 Formatted Articles for ATM May 2008
Operating and Capital Budgets and a six year schedule of Plan implementations as part of the Capital Improvements Plan updating process. The Planning Board shall present a report to the Annual Town Meeting specifying those Plan actions being fulfilled during the current fiscal year and the scheduled actions approved by the Board of Selectmen for full or partial completion during the ensuing fiscal year.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article adds the Planning Board appointment of one member of the new Board of Water and Sewer Commissioners, reflects the Planning Board’s responsibility for the Orleans Comprehensive Plan review, and that the status report on the Orleans Comprehensive Plan is given at the Annual Town Meeting.

ARTICLE R: AMEND HOME RULE CHARTER CHAPTER 10 CHARTER OPERATION AND MAINTENANCE, DEFINITIONS

"To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:"

"Under Chapter 10 CHARTER OPERATION AND MAINTENANCE, clause 10-4-1(c), replace “Town Agency” with “Appropriate local media”; delete 10-4-1(h)

So that 10-4-1(c) shall now read in its entirety:
10-4-1 (c) Town Agency. The words "town agency" shall mean any board, commission, committee, department or office of the Town government. Appropriate local media. The phrase "appropriate local media" shall mean the Town's website and public access television, any additional posters, signs, and electronic or paper media.

AND

So that 10-4-1(h) shall now be deleted as follows:
(h) He/his. The masculine noun and pronouns used in this Charter shall be taken to mean both the masculine and feminine.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This article updates “Definitions” by replacing “Town Agency” with “Appropriate local media”, and eliminates “he/his” since Charter is now gender neutral. “Appropriate local media” recognizes new technology of Town website and public access TV and other electronic or paper media. “Town Agency” is no longer used as a title in the Charter.

02-24-08 Formatted Articles for ATM May 2008
ARTICLE S: AMEND HOME RULE CHARTER FOR CAPITALIZATION, MULTI-MEMBER BODIES, GENDER, CLARIFICATION, CONSISTENCY AND ‘APPROPRIATE LOCAL MEDIA’

“To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:”

Throughout the Charter, correct all sections and clauses to provide gender neutrality, clarify use of appropriate local media, ensure consistency of position and multi-member body names/titles, and capitalize all titles and proper nouns.

A) Gender Neutral Items: change all current gender specific language to provide for gender neutrality
Example: clause 1-3-5 line 2, add “or her”

1-3-5 Any person serving in the employment of the Town shall retain such position and shall continue to perform his or her duties...

Consequently, the other clauses changed as above:
1-3-5 line 5; 4-6-1 line3; 4-7-1 line 3 and 6; 4-9-2 line 5;
4-9-6 last line; 4-9-7 line2
Clause 3-9-3 line 3: delete “his” and add “Town Administrator’s” before the word “office”.
Clause 3-11-1 line 1: delete “of his”
Clause 7-7-1 line 2: delete both instances of “his” and add “said”
Clause 7-8-6 line 2: delete “to succeed himself” and add “for said office”

B) Clarify public advertising by adding “and in appropriate local media”; and in clauses 7-2-1 and 7-2-2, add “in a newspaper of local circulation and” for consistency

So that clause 2-4-1 shall read in its entirety:

2-4-1 The Board of Selectmen shall prepare the Warrant for all Town Meetings, and by public notice published in a newspaper of general circulation within the Town and in appropriate local media, shall advertise the date of the opening and closing of the Warrant for all Town Meetings.

So that clause 2-4-6 shall read in its entirety:

2-4-6 The Warrant for each Annual and Special Town Meeting shall be published in a newspaper of general circulation within the Town and in appropriate local media at least fourteen days prior to each such Town Meeting.

So that clause 2-4-7 shall read in its entirety:

2-4-7 All said Warrants shall also be posted in every post office in the Town and in appropriate local media on or before the day of their publication in the newspaper, and shall remain so posted until the date of the meeting.
So that clause 7-1-1 shall read in its entirety:

7-1-1  To promote a maximum level of active, interested and diverse citizen and voter representation and participation in Town affairs, the Board of Selectmen shall annually, in the month of July, call a public meeting in a public place. The meeting shall be advertised in at least two issues of a newspaper of local circulation and in appropriate local media.

So that clause 7-2-1 shall read in its entirety:

7-2-1  Prior to making appointments to multi-member bodies, the Board of Selectmen shall advertise all vacancies and impending appointments in a newspaper of local circulation and in appropriate local media. Said advertising shall enumerate the vacancies that are to be filled and include a description of the duties, and shall solicit the names of persons willing and able to serve. The advertisement shall also state the location, time and date of the meeting, to be held no sooner than seven days after the publication of the advertisement, at which the Board anticipates that the appointments will be made.

So that clause 7-2-2 shall read in its entirety:

7-2-2  Prior to making appointments to the Finance Committee and to the Cape Cod Regional Technical High School Committee, the Moderator shall cause a notice to be published in a newspaper of local circulation and in appropriate local media enumerating the vacancies that are to be filled and the location, time and date when the Moderator will be available to interview persons able and willing to serve.

So that clause 8-6-1 shall read in its entirety:

8-6-1  The Board of Selectmen shall publish, in one or more newspapers of general circulation in the Town, and in appropriate local media, the general summary of the Capital Improvements Plan and a notice stating: (a) the times and places where copies of the Capital Improvements Plan are available for inspection; and (b) the date, time, and place, not less than seven days following such publication, when the Board of Selectmen and the Finance Committee shall conduct a public hearing, chaired by the Finance Committee, on said Plan. The joint hearing shall be held no later than March 1 of each year.

C) Use "multi-member body" or "multi-member bodies" for consistent reference to boards, committees and commissions:
Example: Clause 2-3-2

The Town Meeting may, through the Board of Selectmen or a duly constituted special committee, investigate the affairs of any Town department, board, commission, committee multi-member body, office or function.

Example: Clause 3-9-3

The boards multi-member bodies enumerated in clause 3-9-2 shall be responsible.....

Consequently, the other clauses changed as above:
Page 3-Table of Contents; 3-6-2; 3-9-2; 3-10 Section title; 3-10-1 lines 2 & 4; 3-12-2; 4-4-2; 5-1-3 lines 2 & 4; 5-2-1; 7-1-3; 7-6-1; 7-7-1; 8-2-7; 8-2-10

02-24-08 Formatted Articles for ATM May 2008
D) Capitalize all proper nouns throughout the Charter
Titles include: Town, Charter, Open Town Meeting, Board of Selectmen, Town Administrator,
Constitution, By-laws, Committee, Moderator, Warrant, Annual Town Meeting, Special Town Meeting,
Town Clerk, Town Counsel, Town Accountant, Police Chief, Fire Chief, Board of Registrars of Voters,
Election Officers, Historical Commission, Council on Aging, Board of Assessors, Planning Board,
Conservation Commission, Zoning Board of Appeals, Board of Water and Sewer Commissioners,
Building Inspector, School Committee, Town Collector/Treasurer, Surveyor of Highways, Assessor,
Water and Sewer Superintendent, Town Engineer, Housing Authority, Board of Health, Board of
Library Trustees, Finance Committee. Capital Improvements Plan, Annual Town Report, Open
Meeting Law, Chairperson

E) Change or add words in the following clauses for clarification:

Under the Table of Contents on page 3, Chapter 10, add “AND”

So that the Table of Contents Chapter 10 title shall now read in its entirety:
CHAPTER 10 CHARTER OPERATION AND MAINTENANCE........................................41

Under Chapter 4 TOWN ADMINISTRATOR, clause 4-3-2(c), add “Board of”

So that 4-3-2(c) shall now read in its entirety:
Administer during the fiscal year the annual operating budget and capital outlay appropriations as voted
by the Town to assure all such funds are expended or committed in accordance with General Laws,
Charter, Bylaws, and the Town Meeting votes relating thereto. The Town Administrator, with the approval
of the Board of Selectmen and the Finance Committee, shall have the authority under extraordinary
circumstances to transfer funds within the budget as long as the total budget is not increased.

"Under Chapter 5 ELECTED TOWN BOARDS AND OFFICERS, clause 5-7-2, add "of Health"

So that 5-7-2 shall now read in its entirety:
5-7-2 The Board of Health shall cooperate closely with the Conservation Commission and the Planning
Board.

"Under Chapter 6 APPOINTED MULTI-MEMBER BODIES, clause 6-3-1, add "Zoning" and "of
Appeals"

So that 6-3-1 shall now read in its entirety:
6-3-1 A Zoning Board of Appeals of five members and three associate members shall be appointed by
the Board of Selectmen for three-year overlapping terms. Regarding associate members, the
Chairperson, at the Chairperson's discretion, may designate any such associate member to sit in case of
absence; inability to act; or in the event of a vacancy on the Zoning Board of Appeals until said vacancy
is filled.

"Under Chapter 6 APPOINTED MULTI-MEMBER BODIES, clause 6-4-2, add "Conservation"

So that 6-3-1 shall now read in its entirety:
6-4-2 The Conservation Commission shall cooperate closely with the Planning Board and the Board of Health.

"Under Chapter 8 FINANCIAL PROVISIONS AND PROCEDURES, clause 8-5-1, delete "official Town plan" and add "Orleans Comprehensive Plan"

So that the first sentence in 8-5-1 shall now read in its entirety:
The Town Administrator shall prepare a five-year Capital Improvements Plan, which shall be designed to deal with unmet long-range needs, and to implement the goals and objectives of the official Town plan Orleans Comprehensive Plan.

Under Chapter 9 PLANNING AND THE ENVIRONMENT, clause 9-1-2, add "Planning"

So that 9-1-3 shall now read in its entirety:
9-1-2 The Planning Board shall exercise such powers and duties as are prescribed by general law, this Charter, and By-law.

Under Chapter 9 PLANNING AND THE ENVIRONMENT, clause 9-1-3, add "Planning"

So that 9-1-3 shall now read in its entirety:
9-1-3 The Planning Board may make recommendations to the Town Meeting, the Board of Selectmen, and the Town Administrator on all matters concerning the physical, economic, and environmental development of the Town.

Under Chapter 9 PLANNING AND THE ENVIRONMENT, Section 9-2, change title to

So that the title for Section 9-2 shall now read in its entirety:
Section 2 Official Town Plan Orleans Comprehensive Plan

Under Chapter 9 PLANNING AND THE ENVIRONMENT, clause 9-2-3, add "Planning"

So that 9-2-3 shall now read in its entirety:
9-2-3 The Planning Board shall present such proposed, updated Plan at a public hearing and may revise it following such hearing. Such portions of the Plan as are considered ready shall be presented to the Town Meeting for adoption. The revisions may be amended on the floor of Town Meeting.

Or take any action relative thereto (Charter Review Committee)

(2/3 vote required)

SUMMARY: This "omnibus" article specifically addresses areas of language inconsistencies occurring in the Charter without changing any intent or meaning of the sections and clauses. The purpose of this article is to create throughout the whole document: gender neutrality; the consistent use of the term "multi-member body or bodies"; and the capitalization of all proper nouns and titles. Part B) adds the use of "appropriate local media", as defined in clause 10-4-1(c), for public notices, in addition to a newspaper of general or local circulation. Part E) adds words to clarify which "board" is referenced and replaces "Official Town Plan" with "Orleans Comprehensive Plan".

02-24-08 Formatted Articles for ATM May 2008