ORLEANS CHARTER REVIEW COMMITTEE
Orleans Town Hall
School Road, Orleans, MA 02653

Orleans Board of Selectmen
Orleans Town Hall
School Road
Orleans, MA 02653

June 12, 2008

2007-8 Charter Review Committee Completion of Work and Final Recommendations

Dear Board of Selectmen:

The Charter Review Committee (CRC) has completed the work outlined in its Charge and as required under the Orleans Home Rule Charter Chapter 6-9-2. This letter and its attachments, plus previously presented reports and documentation form our Final Report and transmittal letter. After thirty-one (31) meetings; receipt, review, and deliberation of more than 300 suggestions, recommendations, and two (2) Public Hearings, the CRC prepared and submitted nineteen (19) Articles of Amendment to the May 12, 2008 Annual Town Meeting.

Of the recommended Articles, seventeen (17) passed by two-thirds or unanimous votes; one (Article 33) passed following an amendment to increase the proposed quorum reduction from 150 to 200; and one (Article 35, recommending a 3-Term Limit for the Board of Selectmen with 1 year “off”) narrowly failed by only 5% to meet the 2/3rd vote requirement.

Previously provided reports to the Board, spreadsheet analyses, minutes and agendas, and other work documents will be submitted to the Town on a compact disk (CD), along with a binder. Materials related to the preparation for the Annual Town Meeting leading to the Articles of Amendment, the Articles, a copy of the “Doings” are attached, and the Attorney General’s Letter, once received, and the ballot results of the Charter Amendment Articles will be appended following the May 2009 election.
The CD will also contain the current pre-2008 Town Meeting Orleans Home Rule Charter as reviewed and corrected by Town Clerk Cynthia May, Gail Meyers Lavin, and Patricia Fallender during the charter review. A process is now in place to ensure that this year’s and future Town Meeting “Doings” are inserted word for word, and an accurate updated Charter is available for ongoing use by the Town and its residents.

We strongly recommend that the CD be made available to each member of the next Charter Review Committee at its first meeting. It is also suggested that the practice of including one member of the previous CRC in the composition of the next Committee is extremely helpful and should be maintained.

The Committee voted tonight to disband, having first established and authorized an Ad Hoc sub-committee consisting of the Chair and Vice-Chair, Harry Mirick and Gail Meyers Lavin, to complete any remaining “housekeeping” items.

RECOMMENDATIONS FOR CONSIDERATION:

1) **OMNIBUS OPERATING BUDGET:**
   Develop a policy to incorporate budget highlight presentations by elected school committee members within the Omnibus Operating Budget at Town Meeting, and the opportunity to answer any questions:
   The CRC took suggestions and deliberated for several months on whether, and if so how, to split the Omnibus Operating Budget so that the School budgets would be voted separately from the rest of the Town Budget. Ultimately, it was voted not to recommend any change to this section of the Charter, but to encourage and develop processes to assist voters’ understanding of the Operating Budget through separate discussions.

2) **CAPITAL IMPROVEMENTS PLANNING PROCESS:**
   Continue to refine, update and maintain informational processes and assessments of all capital and infrastructure needs within the Town.

3) **FUND 2014 CHARTER REVIEW COMMITTEE SECRETARY/CLERK**

Thank you for giving us the opportunity to serve the Town in this extremely important review process.
Very truly yours,

Harry Mirick, Chair
Patricia Fallender
Martin Rich

Gail Meyers Lavin, Vice-Chair
James Hadley
Job Taylor III

Attachments:
Appendix A: May 8, 2008 – Cape Codder Guest Editorial by Harry Mirick, CRC Chair
Appendix B: May 12, 2008 – “Doings” of Articles of Amendment votes taken
ATTACHMENT A: GUEST EDITORIAL BY HARRY MIRICK, CRC CHAIR

April 11, 2008 Guest Editorial to The Cape Codder

Dear Editor:

On April 17th the Orleans Charter Review Committee will hold its last Public Hearing on the 19 proposed Charter amendments to be presented at the May 12, 2008 Town Meeting. The following may be of special interest to voters:

- Article 35 reduces the Quorum from 5% to 150 [about 3%] to encourage voters to arrive on time for Town Meetings, and to avoid the expense to the Town and the inconvenience to prompt voters who have experienced long waits or postponements in recent years.
- Article 37, by limiting the Selectmen to three terms, then one year off before running again, encourages “new blood,” new thinking, and fresh perspectives.
- Article 39 increases each Board of Selectman member’s Honorarium from $1000 to $2000 and an additional $500 for the Chairperson, the first adjustment in 21 years. Other Cape towns provide their Boards between $1,000 and $3,000.
- Article 41 changes the limits for Town Meeting approval of Inter-municipal Agreements to $50,000 or three years.
- Article 47 establishes the structure for a Water and Sewer Commission at such time as a Comprehensive Wastewater Management Plan is approved by the Town. The Board of Selectmen will appoint three Commissioners and two associate members, with one Commissioner each from the Board of Health and the Planning Board. The rates will continue to be set by the Board of Selectman, with consultation and recommendations from the Commissioners.
- Article 50 addresses several components of the Capital Improvements Plan to provide voters with improved information. One section reinforces the requirement for annual cost estimate updates of project figures to reflect changing economic conditions, and states that if a capital project is moved out more than one year, it must be highlighted in the Warrant.
Another section provides that a Capital Budget project with costs not exceeding 10% of the prior year Capital Improvements Plan estimate will not require a ¾ super-majority vote.

Orleans voters are invited to the Skaket Room, Orleans Town Hall at 7PM, on April 17th, 2008 to learn more about these and other proposed amendments, and, of course, encouraged to attend the Annual Town Meeting at 6:30PM, on May 12th at the Middle School gym.

Be an informed taxpayer! Learn about these important Home Rule Charter amendments before Town Meeting! The Charter Review Committee joins me in asking Orleans voters to join us on April 17th!

Harry Mirick, Chairman
Orleans Charter Review Committee
508-240-1306
ATTACHMENT B:

Excerpts from the May 12, 2008 “Doings,” including all Articles of Amendment as submitted to the Attorney General by the Town Clerk, and the initial and final paragraphs of the Town Meeting.

ANNUAL TOWN MEETING
“DOINGS”

May 12, 2008

The Annual and Special Town Meetings were held on Monday and Tuesday, May 12 & 13, 2007 in the Nauset Regional Middle School Gym. The Annual Town Meeting was opened at 6:33 p.m. by Moderator Duane Landreth when a quorum of 269 voters was announced by the Town Clerk, Cynthia May. There were 568 voters in attendance over both days. Tellers sworn in were: Ann Hodgkinson, Wally Swidrak, Paul O’Connor and John Hodgkinson....

...ARTICLE 33. 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:

2-1-3 - change "five percent" to "one hundred and fifty (150)" as follows (deleted text is shown as strike-out and new text is shown as bold underline):

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.

(2/3 vote required)

MOTION: To accept and adopt Article #33 as printed in the warrant. The amendment shall take effect on May 20, 2009.

MOTION to AMEND: To amend the main motion under Article #33 by changing the number "one hundred and fifty (150)" to read "two hundred (200)" so that Clause 2-1-3, entitled QUORUM, shall read:

2-1-3 The quorum necessary for the conduct of Town Meeting business shall be two-hundred (200) of the current registered voters of the Town.
ACTION: Amendment to the main motion voted, voice vote carries by the necessary majority.

ACTION: Main motion as amended voted, voice vote carries by the necessary 2/3 majority.

ARTICLE 34. 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:

2-7-5 – add the words "or amendments thereto" as follows (new text is shown as bold underline):

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.
(2/3 vote required)

MOTION: To accept and adopt Article #34 as printed in the warrant. The amendment shall take effect on May 20, 2009.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 35. AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-11, TERM LIMITS

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

3-1-1 – add a sentence as follows (new text is shown as bold underline):

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.

(2/3 vote required)
MOTION: To accept and adopt Article #35 as printed in the warrant, and, if necessary, authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth of Massachusetts for enactment of special legislation authorizing the adoption of this Charter amendment. The amendment shall take effect on July 1, 2009.

ACTION: Voted, standing vote YES = 160, NO = 100. Vote fails to attain necessary 2/3 majority.

ARTICLE 36. 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:

3-1-3 - delete the sentence "The Board shall normally hold one regularly scheduled meeting each week, in the evening and shall provide an opportunity for citizens to speak."

and insert in place thereof the following sentence:

3-1-3 – “The Board of Selectmen shall normally hold at least one regularly scheduled evening meeting a month, and as otherwise needed to conduct Town business, and shall provide an opportunity for citizens to speak.”

(2/3 vote required)

MOTION: To accept and adopt Article # 36 as printed in the warrant. The amendment shall take effect on May 20, 2009.

MOTION to AMEND: To amend Article #36, section 3-1-3 by deleting “one” and substituting “two” meetings so that section 3-1-3 will read: “The Board shall normally hold two regularly scheduled evening meetings a month, and as otherwise needed to conduct Town business, and shall provide an opportunity for citizens to speak”.

ACTION: Voted, voice vote to amend fails to attain necessary majority.

ACTION: Voted, voice vote on the main motion carries by the necessary 2/3 majority.

ARTICLE 37. AMEND HOME RULE CHARTER CHAPTER 3 BOARD OF SELECTMEN, CLAUSE 3-1-4 HONORARIA

To see if the Town will vote to adopt the following proposed Order of Amendment to the Orleans Home Rule Charter:
3-1-4 - change "one" to "two" and add sentence for Chairperson's additional honorarium, as follows (deleted text is shown as strike-out and new text is shown as **bold underline**):

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 amount not to exceed five hundred dollars annually as provided by vote of the Town.**

(2/3 vote required)

**MOTION:** To accept and adopt Article # 37 as printed in the warrant. The amendment shall take effect on May 20, 2009.

**ACTION:** Voted, voice vote carries by the necessary 2/3 majority.

**ARTICLE 38. 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:
Add the following new clause 3-3-4:

**3-3-4 The Board shall develop and annually update the Town's Emergency Plan, and publish appropriate emergency response guidance to its citizens.**

(2/3 vote required)

**MOTION:** To accept and adopt Article #38 as printed in the warrant. The amendment shall take effect on May 20, 2009.

**ACTION:** Voted, voice vote carries unanimously.

**ARTICLE 39. 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:

3-5-3 - change "$10,000" to "$50,000" and "two" to "three" as follows (deleted text is shown as strike-out and new text is shown as **bold underline**):

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.

(2/3 vote required)

**MOTION:** To accept and adopt Article # 39 as printed in the warrant. The amendment shall take effect on May 20, 2009.

**ACTION:** Voted, voice vote carries unanimously.

**ARTICLE 40. 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:

Add a new clause 3-8-4:

**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

Delete clause 6-9-1 which currently reads:

"Every five years, commencing with the year 2001, the Board of Selectmen shall appoint a General By-laws 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."

And re-title and re-number clause 6-9 and 6-9-2, as follows:

Section 9 Charter Review Committee

6-9-1 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."

(2/3 vote required)

**MOTION:** To accept and adopt Article #40 as printed in the warrant. The amendment shall take effect on May 20, 2009.
ACTION: Voted, voice vote carries unanimously.

ARTICLE 41. 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 (deleted text is shown as strike-out and new text is shown as bold underline):

3-9-1 — correct Town Accountant title and add Community Preservation Committee and the Board of Water and Sewer Commissioners, as follows:

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.

3-9-2 - change "an arts" to "a Cultural" as follows:

3-9-2 The Board shall also appoint the following boards multi-member bodies, 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 a Cultural Council."

(2/3 vote required)

MOTION: To accept and adopt Article #44 as printed in the warrant. The amendment shall take effect on May 20, 2009.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 42. 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:

4-4 1 - add the words "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."
as follows (deleted text is shown as strike-out and new text is shown as **bold underline**):

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.**

And further, if necessary, to authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth of Massachusetts for enactment of special legislation, or take any other action relative thereto. (Charter Review Committee)

**(2/3 vote required)**

**MOTION:** To accept and adopt Article #42 as printed in the warrant, and, if necessary, authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth of Massachusetts for enactment of special legislation authorizing the adoption of this Charter amendment. The amendment shall take effect on May 20, 2009.

**ACTION:** Voted, voice vote carries unanimously.

**ARTICLE 43. 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:

5-1-1 – add other elected officials as follows (new text is **bold underline**):

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; an Orleans School Committee; **an Old Kings Highway Historic District Committee; Town Constables; and a Representative to the Barnstable County Assembly of Delegates.**

5-7-3 - add "of Health" and "and Sewer" as follows (new text is **bold**
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.

Add the following new clauses:

§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.

§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.

§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)

MOTION: To accept and adopt Article #43 as printed in the warrant. The amendment shall take effect on May 20, 2009.

ACTION: Voted, voice vote carries unanimously.
ARTICLE 44. AMEND HOME RULE CHARTER CHAPTER 6 APPOINTED MULTI-MEMBER BODIES, NEW CLAUSE 6-1-11 ASSOCIATE MEMBERS, DELETE PORTION OF 6-3-1, NEW SECTION 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:

Add a new clause 6-1-11 and delete the second sentence of 6-3-1 as no longer needed: (deleted text is shown as strike-out and new text is shown as bold underline):

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.

6-3-1 delete the second sentence which currently reads as follows: "Regarding associate members, the Chairperson, at the Chairperson's discretion, may designate an such associate member to sit in case of absence, inability to act, or in the event of a vacancy on the board, until said vacancy is filled."

Add the following new clauses, 6-10 and 6-11:

§10. Historical Commission
6-10-1 A Historical Commission of seven members shall be appointed by the Board of Selectmen for three-year overlapping terms.

§11. Community Preservation Committee
6-11-1 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 Commissions one member by the Historical Commission; one member by the Housing Authority; and one member by the Open Space Committee.

(2/3 vote required)

MOTION: To accept and adopt Article #44 as printed in the warrant. The amendment shall take effect on May 20, 2009.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 45. 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:

Delete clause 8 in its entirety, which currently reads as follows:

"Section 8 Board of Water 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 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.

And insert in place thereof the following new clause 8, as follows:

§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, 2009 or after passage of a Comprehensive Wastewater Management Plan by Town Meeting, whichever shall occur later, 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 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 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. The Board of Selectmen shall
establish sewer rates and shall consult with and receive recommendations
from the Board of Water and Sewer Commissioners with respect to sewer
rates.

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.

(2/3 vote required)

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

ACTION: Voted, voice vote carries unanimously.

ARTICLE 46. AMEND HOME RULE CHARTER CHAPTER 7 CITIZEN
PARTICIPATION, ELECTIONS AND RECALL, ADD NEW SECTION 1 TITLE
AND CLAUSE 7-1-1 AND RE-NUMBER THE FOLLOWING CLAUSES 7-1-2, 7-
1-3, 7-1-4; 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:

Section 1 – delete current title and replace it with “Citizen Awareness and
Participation” (deleted text is shown as strike-out and new text is shown as bold
underline), so that it will read as follows:

§1. The July Meeting Citizen Awareness and Participation
Move the second portion of 7-1-1 to a new 7-1-2, and add a new phrase in 7-1-1 to replace it, and re-number 7-1-1 and 7-1-2 as 7-1-3 and 7-1-4, so that Section 1 will read as follows 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. **Town officials shall make every effort to encourage citizen interaction and information on current Town issues through the regular use of public service announcements and appropriate local media.**

7-1-2 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.

7-1-3 The purpose of the meeting shall be to provide non-resident taxpayers, voters and other interested persons an opportunity to discuss problems, policies, and progress.

7-1-4 The Board of Selectmen, the Town Administrator, and Chairpersons of multi-member bodies shall be available to make appropriate presentations and to answer questions.

7-8-2 - 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 the clause shall read: (deleted text is shown as strike-out and new text is shown as **bold underline**):

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. **printed forms which the Town Clerk shall keep available.** 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.

7-8-3 - 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." as follows: (deleted text is shown as strike-out and new text is shown as **bold underline**)

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 Town Clerk issues an opinion. 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.**

(2/3 vote required)

**MOTION:** To accept and adopt Article #46 as printed in the warrant. The amendment shall take effect on May 20, 2009.

**ACTION:** Voted, voice vote carries unanimously.

**ARTICLE 47. 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 (deleted text is shown as strike-out and new text is shown as **bold underline**).

Add a new clause 8-1-6 as follows:

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.

Revise the following clauses as follows (deleted text is shown as strike-out and new text is shown as **bold underline**):

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.

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.
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 the 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.

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 Orleans Comprehensive Plan. The Capital Improvements Plan shall be developed based on established Board of Selectmen policy regarding the types of projects to be included.

8-5-4 The Capital Improvements Plan shall be submitted to the Board of Selectmen on or before December January 15 of each year. The Board shall act thereon within thirty days and shall then submit any Plan revisions to the Finance Committee, which shall issue its recommendation as part of the annual Finance Committee Report.

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.

(2/3 vote required)

MOTION: To accept and adopt Article #47 as printed in the warrant. The amendment shall take effect on May 20, 2009.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 48. 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 (deleted text is shown as strike out and new text is shown as bold underline).

8-5-2 - change the word "included" to "excluded" and "inclusion" to "exclusion" and "Said plan" to The Capital Improvements Plan as follows:

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.

8-5-3 - change "Said plan" to "The Capital Improvements Plan"; delete "following the proposed capital budget"; add the last sentence, as follows:

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.

8-7-1 - delete "and budget"; change "three-fourth" to "three-fourths"; and add the last sentence, as follows:

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.”

(2/3 vote required)

MOTION: To accept and adopt Article #48 as printed in the warrant. The amendment shall take effect on May 20, 2009.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 49. AMEND HOME RULE CHARTER CHAPTER 9 PLANNING AND THE ENVIRONMENT NEW CLAUSE 9-1-5; 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:
In 9-1-2, 9-1-3 and 9-1-4, insert the word "Planning" before the word "Board" and in 9-1-4 add the words "Board of Water and Sewer Commissioners" as follows (new text is shown as **bold underline**):

9-1-2 The **Planning** Board shall exercise such powers and duties as are prescribed by general law, this Charter, and By-law.

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.

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**.

2. Add new clause 9-1-5 as follows:

9-1-5 The Planning Board shall appoint one member of the Board of Water and Sewer Commissioners, as provided in 6-8-2.

9-2-1 - delete the phrase "Within the limits of available resources," as follows (deleted text is shown as strike-out):

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.

9-2-5 – delete the first sentence as follows (deleted text is shown as strike-out):

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 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.

(2/3 vote required)

**MOTION:** To accept and adopt Article #49 as printed in the warrant. The amendment shall take effect on May 20, 2009.

**ACTION:** Voted, voice vote carries unanimously.
ARTICLE 50. 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:

10-4-1(c) - delete the definition of Town Agency and insert in place thereof the following definition:

10-4-1 (c) Appropriate local media. The phrase “appropriate local media” shall mean the Town’s website, public access television, any additional posters, signs, and electronic or other available media.”

10-4-1(h) – delete this definition which reads:

(h) He/his. The masculine noun and pronouns used in this charter shall be taken to mean both the masculine and feminine.”

(2/3 vote required)

MOTION: To accept and adopt Article #50 as printed in the warrant. The amendment shall take effect on May 20, 2009.

ACTION: Voted, voice vote carries unanimously.

ARTICLE 51. AMEND HOME RULE CHARTER FOR CAPITALIZATION, MULTI-MEMBER BODIES, GENDER, CLARIFICATION, AND CONSISTENCY

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

Part (A) makes various gender changes.

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 line 3; 4-7-1 line 3 and 6; 4-9-2 line 5;
4-9-6 last line; 4-9-7 line 2
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”
Part (B) amends various provisions to use the terms "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

Part (C) capitalizes 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

Part (D) changes or adds words 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"

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 6-4-2 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 9 **PLANNING AND THE ENVIRONMENT**, Section 9-2, change title 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.

(2/3 vote required)

**MOTION:** To accept and adopt Article # 51 as printed in the warrant.
ACTION:  Voted, voice vote carries unanimously.

...ARTICLE 60.  CLOSING ARTICLE

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

MOTION:  To adjourn Town Meeting.
ACTION:  Voted, voice vote carries unanimously.

The Annual Town Meeting was adjourned at 10:57 p.m.

A True Record, Attest:

Cynthia S. May, CMC, CMMC
Town Clerk